

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Mahari Bailey, et al.,	:	
Plaintiffs	:	C.A. No. 10-5952
	:	
v.	:	
	:	
City of Philadelphia, et al.,	:	
Defendants	:	

**PLAINTIFFS’ FIFTH REPORT TO COURT AND MONITOR
ON STOP AND FRISK PRACTICES**

I. Introduction

A. The Current State of Non-Compliance with the Consent Decree

This Fifth Report to the Court and Monitor presents compelling evidence that nearly four years after the entry of the Consent Decree the City has failed to adequately remedy the serious flaws that existed (and continue to exist) in the Police Department’s stop and frisk practices. The Consent Decree was intended to ensure that stops and frisks are conducted only where there is the requisite “reasonable suspicion” of criminal conduct and to ensure that any racial disparities in stops and frisks are not the result of racial bias. On the issue of whether stops and frisks are supported by reasonable suspicion, the data shows very high levels of impermissible stops. And, on the issue of whether impermissible racial factors are causing high numbers of racial minorities to be stopped and frisked, consideration of the “benchmarks” for assessing possible racial bias demonstrates that non-racial factors do not explain the racial disparities. As we discuss below, there is an urgent need for substantial improvements on both issues, and if that is not accomplished in the near future, we will seek court intervention.

B. Procedural History

On June 21, 2011, the Court approved a Settlement Agreement, Class Certification, and Consent Decree (“Agreement”) in this matter. On February 6, 2012, plaintiffs submitted their First Report which analyzed stop and frisk data for the first two quarters of 2011. The First Report focused on Fourth Amendment issues, and specifically whether there was sufficient cause for the stops and frisks reported by the Philadelphia Police Department (“PPD”). The audits showed that over 50% of stops and frisks were undertaken without reasonable suspicion.

Plaintiffs’ Second Report was submitted in July 2012, and included (1) a Fourth Amendment analysis of the Third Quarter 2011 stop and frisk data, (2) a racial analysis of the data for the First and Second Quarters, 2011, and (3) a racial analysis of arrests for possession of small amounts of marijuana for the period September 15-November 15, 2011. Plaintiffs reported continued high rates of stops and frisks without reasonable suspicion (over 40% in both categories). On the question of racial disparities, plaintiffs’ expert, Professor David Abrams, considered the benchmarks that had been agreed upon by the parties as metrics that should be used in this analysis. Professor Abrams also conducted a series of regression analyses and concluded that the racial disparities in stops and frisks (numbers by race compared to census data) were not fully explainable by non-racial factors. Further, the analysis of marijuana arrests showed even more pronounced disparities, with Blacks and Latinos constituting over 90% of all marijuana arrests.

Plaintiffs’ Third Report focused on stop and frisk practices for the first two quarters of 2012 and analyzed marijuana arrests for the period September 15-November

15, 2012. Plaintiffs again found a rate of non-compliance with Fourth Amendment standards of over 40%, and racial minorities constituting over 90% of arrests for small amounts of marijuana. In response, the City stated that the PPD was providing additional training, issuing revised auditing protocols, and instituting new accountability measures.

The Fourth Report, filed in December, 2013, analyzed stops and frisks in 2012 and 2013, on both Fourth and Fourteenth Amendment grounds. We found that pedestrian stops were made without reasonable suspicion in 43% of the cases reviewed, and frisks were conducted without reasonable suspicion in over 50% of the cases. There continued to be very low “hit-rates,” with only 3 guns recovered in over 1100 stops (0.27%). Overall, contraband of any kind was recovered in only 3% of the stops. We also noted the relatively low number of frisks reported, with only 20% of stops resulting in frisks, and numerous stops based on allegations of violent crime or weapon possession, where no frisk was conducted.

The stops and frisks continued to be racially disproportionate with statistically significant racial disparities that were not explained by non-racial factors (e.g., crime rates, demographics of police districts, age, and gender). The rate of stops without reasonable suspicion for Blacks was 6.5 percentage points higher than the rate for Whites, indicating that police were using a higher threshold of “reasonable suspicion” for stops of White suspects.

Thus, by the close of 2013, two and one-half years after the entry of the Consent Decree in this case, there continued to be very high rates of stops and frisks without reasonable suspicion and sufficient evidence to conclude that the racially disproportionate rates of stops and frisks was not explainable by non-racial factors.

Plaintiffs stated that the time for court intervention was drawing closer:

Plaintiffs did not expect that the transition from a stop and frisk practice that lacked any meaningful oversight to a system that accurately tabulates all stops and frisks and in which there is substantial compliance with the Constitution would be immediately successful. On the technology front, the initial design of the data base was flawed, but the City is moving to implement a new system. On the issue of whether stops and frisks are being conducted consistent with established legal standards, and in particular only where reasonable suspicion supports the stop or frisk, the results of our audits through the first two quarters of 2012 reflect persistent and unacceptably high rates of improper actions. Unless there is a dramatic change in practices, we will be compelled to seek judicial relief. Third Report, at 11.

Plaintiffs also stated that with the new electronic data system on-line in 2014 and new audit and accountability measures in place, we expected significant improvements in 2014 and, failing such progress, that we would seek sanctions from the Court. Fourth Report, at 9.¹

On the Fourth Amendment issue, the City's Response included an internal audit that showed a 35% rate of pedestrian stops without reasonable suspicion by patrol officers. The City asserted that the high rates of stops without reasonable suspicion were the result of "incomplete paperwork, improper narratives used by police officers, and an overall lack of credibility in the electronic data base." City Reply, at 1. Further, the City asserted that these problems would be rectified once the new electronic data base was implemented, training of officers was completed, and better auditing procedures were instituted.

On the Fourteenth Amendment issue, the City's expert, Dr. Ralph Taylor of Temple University, using certain benchmarks that differed from those agreed upon by the

¹ The electronic data base developed by the City in 2011-2012 proved to be deficient in several respects and a new data base was developed and implemented in 2014.

parties, found no statistically significant evidence of racial bias. To ensure that the experts were in accord on the proper benchmarks, the parties met and conferred with the Court Monitor, Dean Joanne Epps. Professor Abrams thereafter drafted a slightly revised set of benchmarks which is the basis of his analysis in this Fifth Report.

We turn now to our analysis of the first two quarters, 2014.

C. The Data Review Process

Plaintiffs have established a careful and comprehensive review process of the stop and frisk data provided by the Police Department. Each quarter, we are provided data from approximately 3200 randomly selected pedestrian and car stops, but for our review we consider only pedestrian stops. Counsel for plaintiffs and trained law students independently review each pedestrian stop and frisk under guidelines that incorporate the standards set forth in the Agreement and by the United States and Pennsylvania Supreme Courts.² We accept at face value the reasons stated by police officers for the stops and frisks, and make assessments based solely on whether these reasons comport with standards established by the Agreement and the Fourth Amendment. In close cases, we credit the stated basis for the stop and frisk.

Counsel for plaintiffs have discussed the appropriate Fourth Amendment standards with Inspectors in the PPD. Along the same lines, plaintiffs have provided the City a breakdown of the categories of stops and frisks that have most frequently resulted in improper police interventions. The City has made changes in the PPD audit process, including the assignment of Deputy Commissioner Nola Joyce to oversee the

² These reviews show a high level of agreement between counsel and the law students as to the propriety of stops and frisks. This Report is based on counsel's reviews.

implementation of the Agreement, the assignment of trained Inspectors to ensure more accurate reviews, and reviews by the PPD Office of Standards and Accountability.

II. Review of 75-48a Forms, First Two Quarters, 2014

A. Fourth Amendment Analysis

In this section, plaintiffs set forth their findings on the issue of whether stops and frisks for the first two quarters of 2014 were supported by the requisite reasonable suspicion. As in previous audits, in assessing whether reasonable suspicion existed for the stop or frisk, we fully credited the narrative information provided by the officer and in “close” cases credited the assertion of reasonable suspicion.³

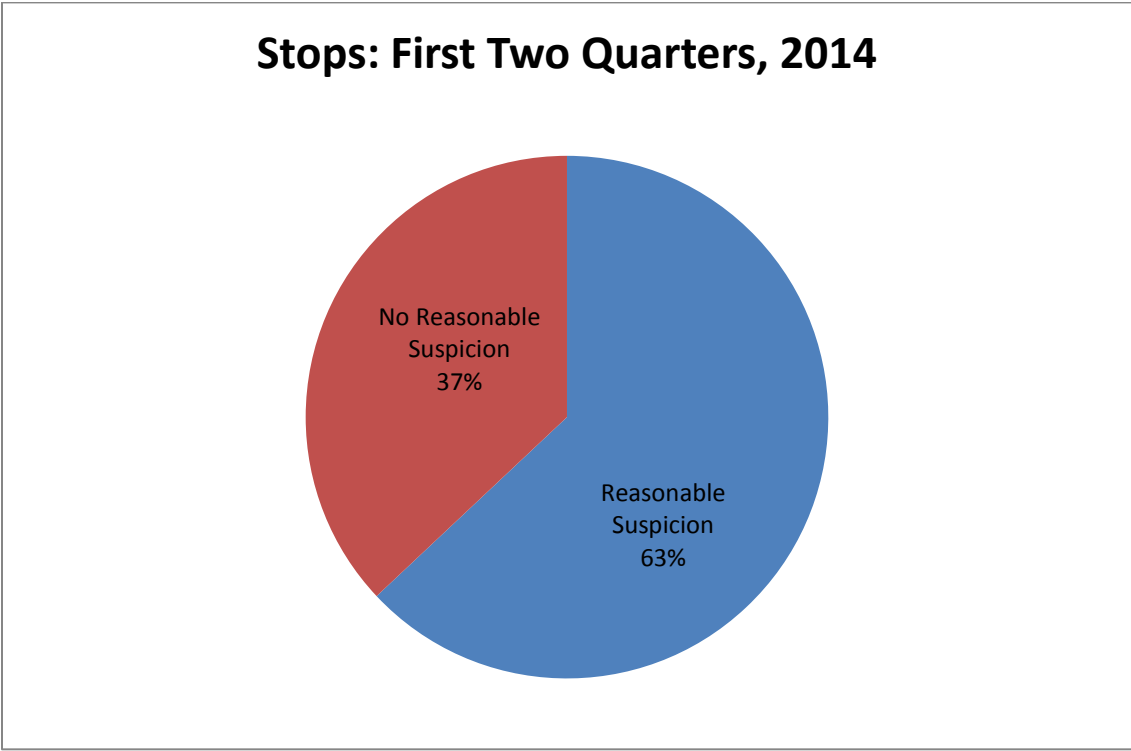
For the first two quarters of 2014, the PPD provided a random sample of 2974 pedestrian stops. We determined that 2519 of these stops were *actual* pedestrian stops (as opposed to arrests, car related stops, or contacts with civilians that did not constitute a *Terry* stop). We also excluded stops at the airport as those stops (few in number) could not be analyzed for racial disparities given the unknown racial demographics of airport travelers and visitors. Of these 2519 pedestrian stops, 63% were supported by reasonable suspicion and 37% were made without reasonable suspicion (and the same ratios were found even including the few airport stops excluded from our analysis). Frisks were reported in 589 stops, but 156 were searches and not frisks (often, searches incident to arrest), thus leaving 433 actual frisks. Of these, 47% were made with reasonable suspicion, 39% were made without reasonable suspicion, and 14% were preceded by a

³ With respect to frisks, we have created a third category for situations where the stop was impermissible, but the reasons for the frisk were otherwise proper. In these cases, we record the frisk as “the fruit of the poisonous tree.” Under this doctrine, the evidence that was seized would likely be suppressed in a criminal prosecution due to the improper stop.

stop without reasonable suspicion (“fruit of the poisonous tree” category). By race, 80% of the stops were of minorities (African-Americans and Latinos) and 89% of the frisks were of minorities.

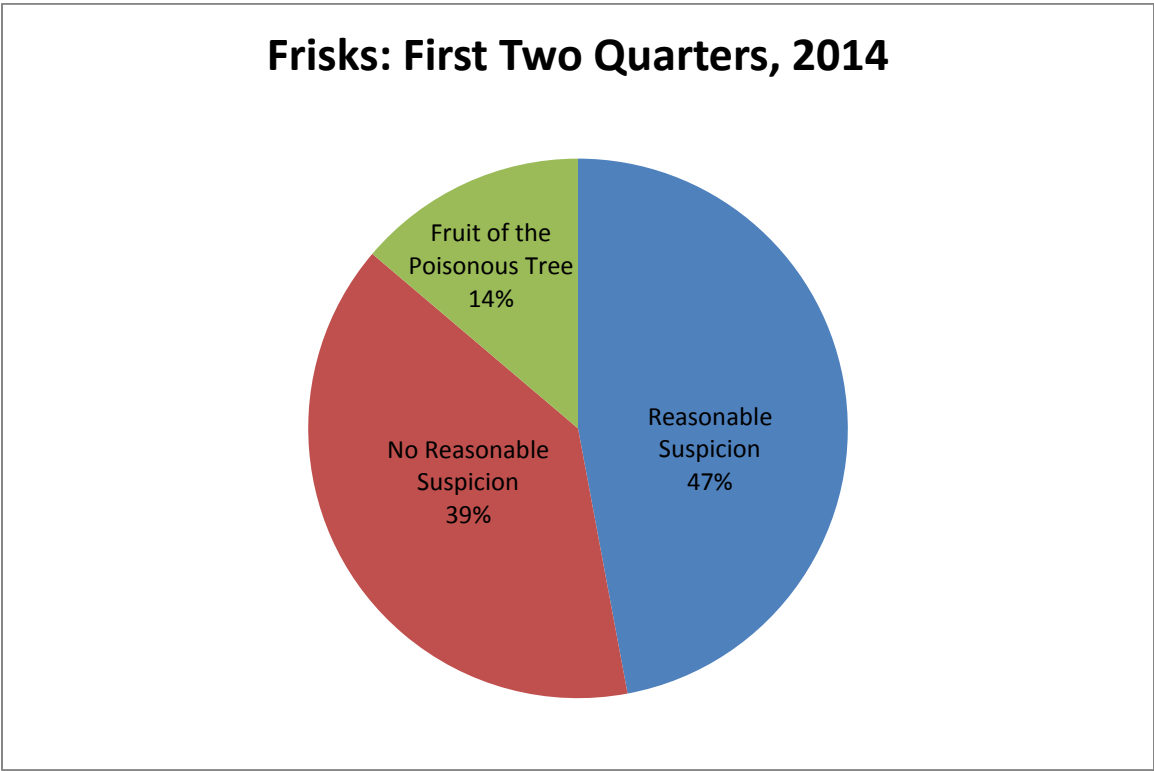
1. Stop Data

Actual Stops	2519	
Reasonable Suspicion	1578	63%
No Reasonable Suspicion	941	37%



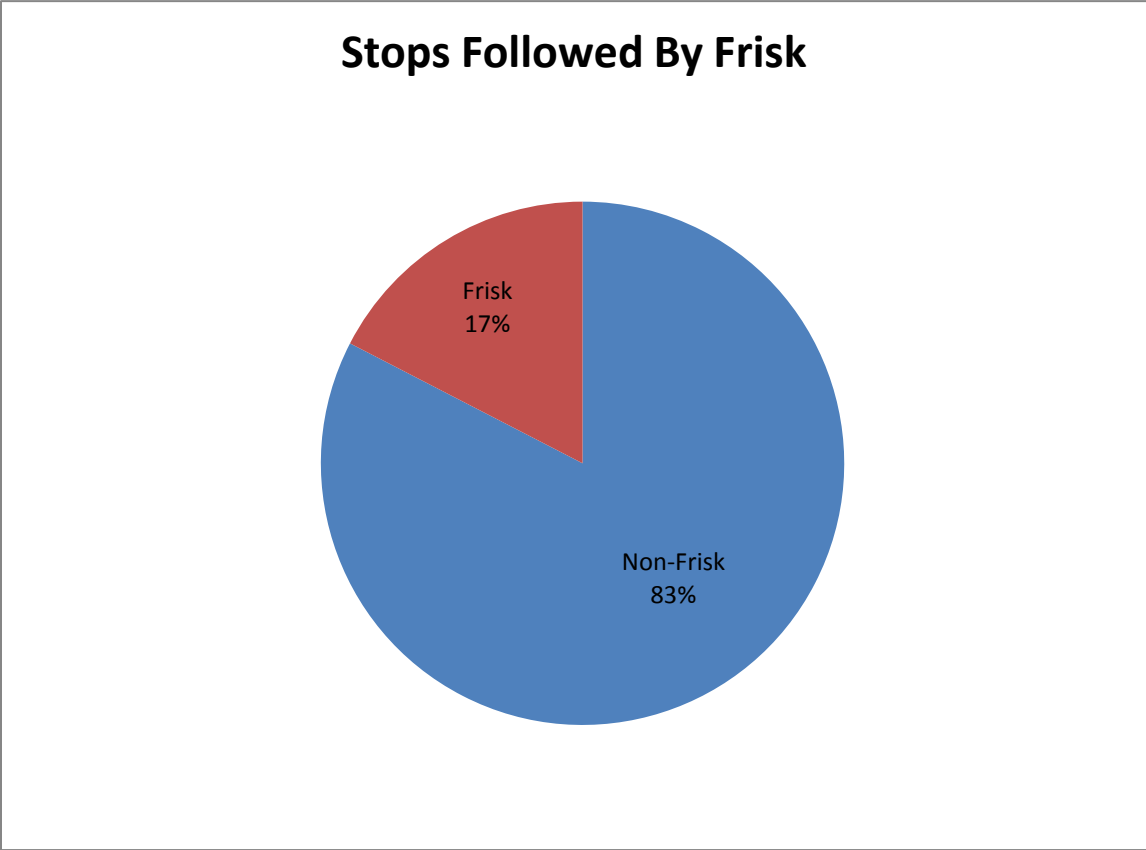
2. Frisk Data

Frisks	433	
Reasonable Suspicion	204	47%
No Reasonable Suspicion	168	39%
Fruit of the Poisonous Tree	61	14%



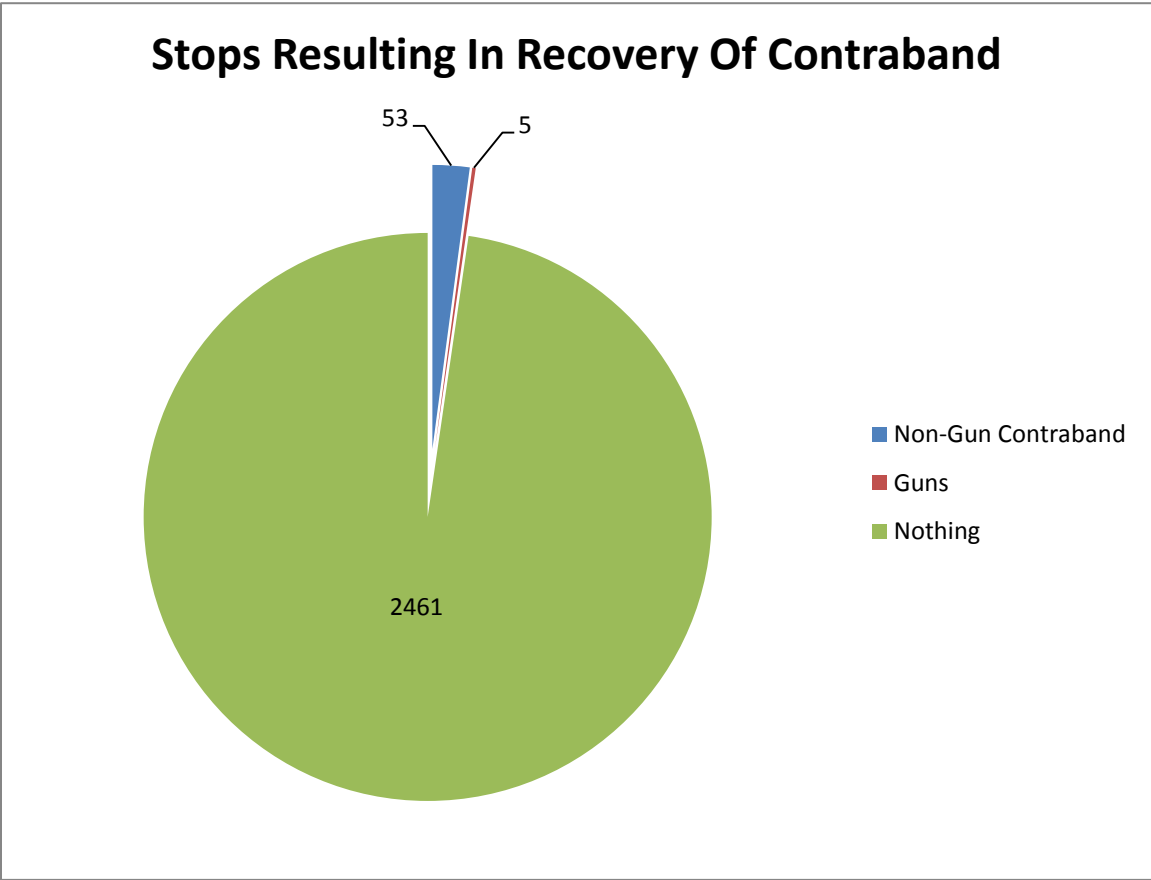
3. Stop/Frisk Ratio

As noted above, while officers documented frisks in 589 cases, in 156 of these cases, the officers conducted a search, and not a frisk. The 433 frisks represent 17% of the 2519 stops.



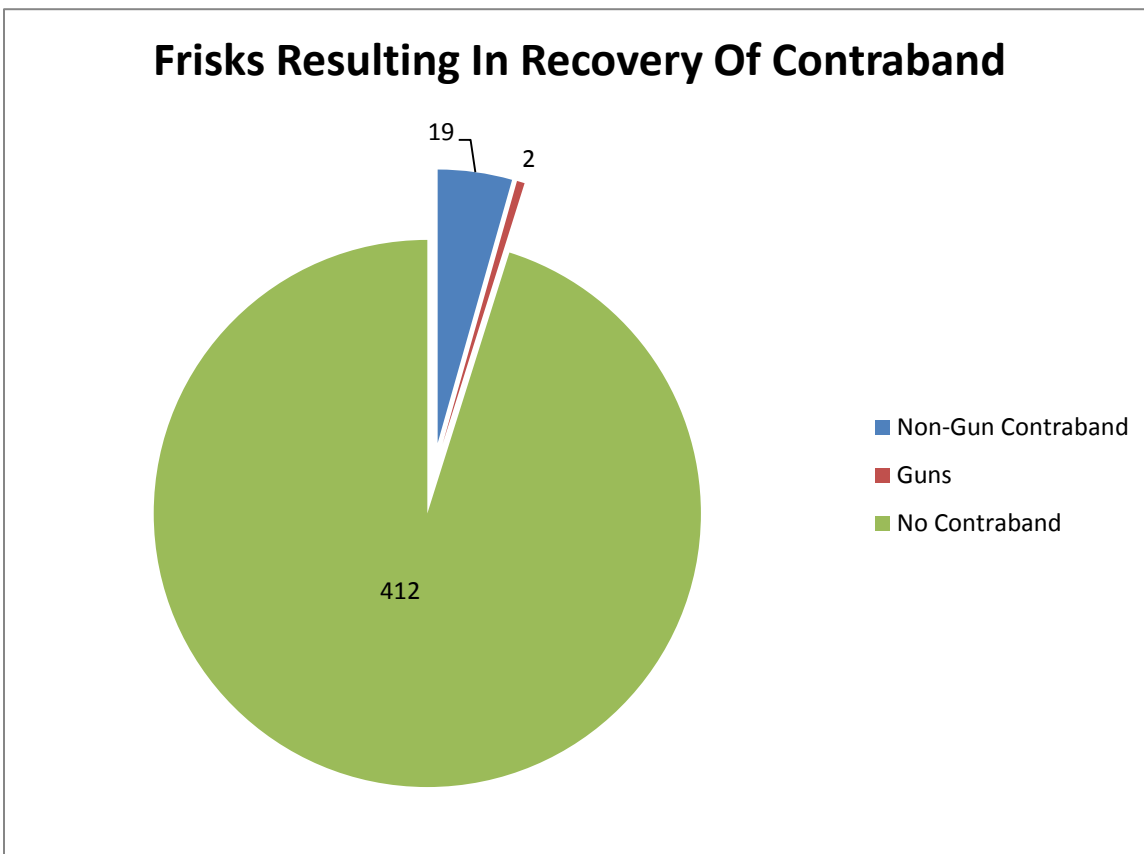
4. Contraband Recovered by Stops

Non-Gun Contraband	53
Guns	5
No contraband	2461
Total Stops	2519



5. Contraband Recovered by Frisks

Non-Gun Contraband	19
Guns	2
No contraband	412
Total Frisks	433



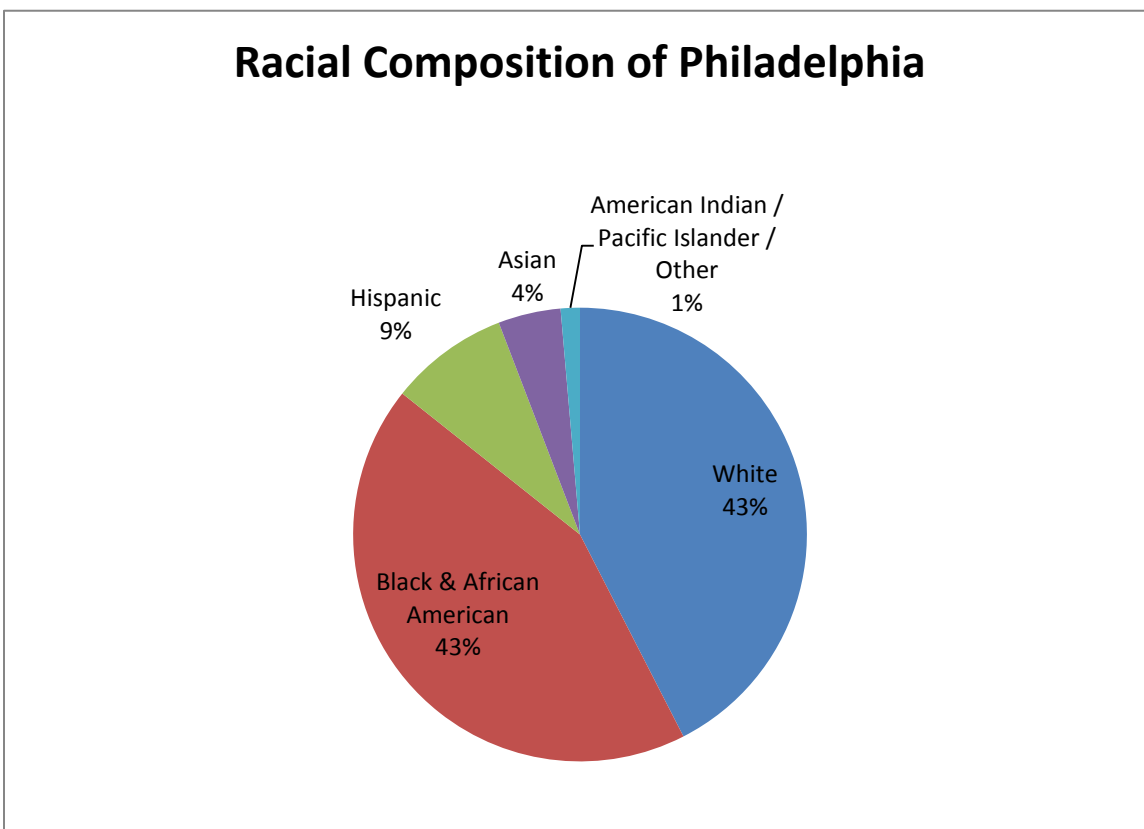
6. Contraband Recovered By Frisks, With and Without Reasonable Suspicion

Reasonable Suspicion	11 (out of 204 frisks with RS)
No Reasonable Suspicion	5 (out of 168 frisks without RS)
Fruit of the Poisonous Tree	5 (out of 61 frisks as FPT)

7. Racial Composition of Philadelphia (2010 Census)

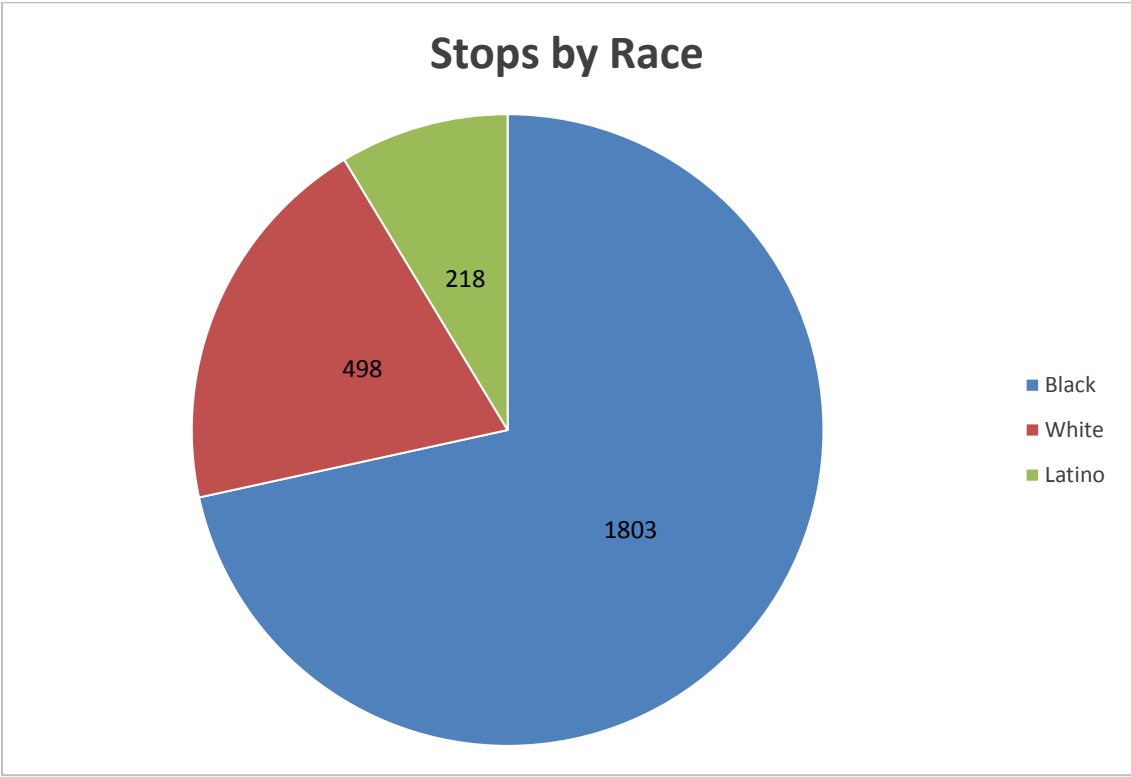
1,517,550 total

White	644,395	42.46%
Black & African American	655,824	43.22%
Hispanic	128,928	8.50%
Asian	67,654	4.46%
American Indian / Pacific Islander / Other	20,749	1.37%



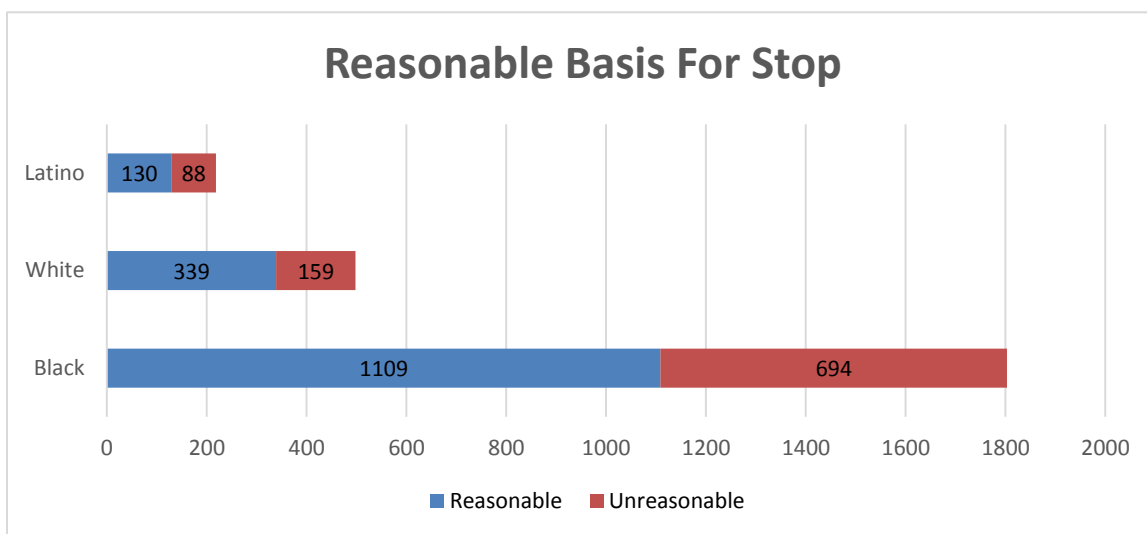
8. Stops by Race

Black	1803	71.58%	80.23%	minorities
White	498	19.77%		
Latino	218	8.65%		
<hr/>				
Total	2519			



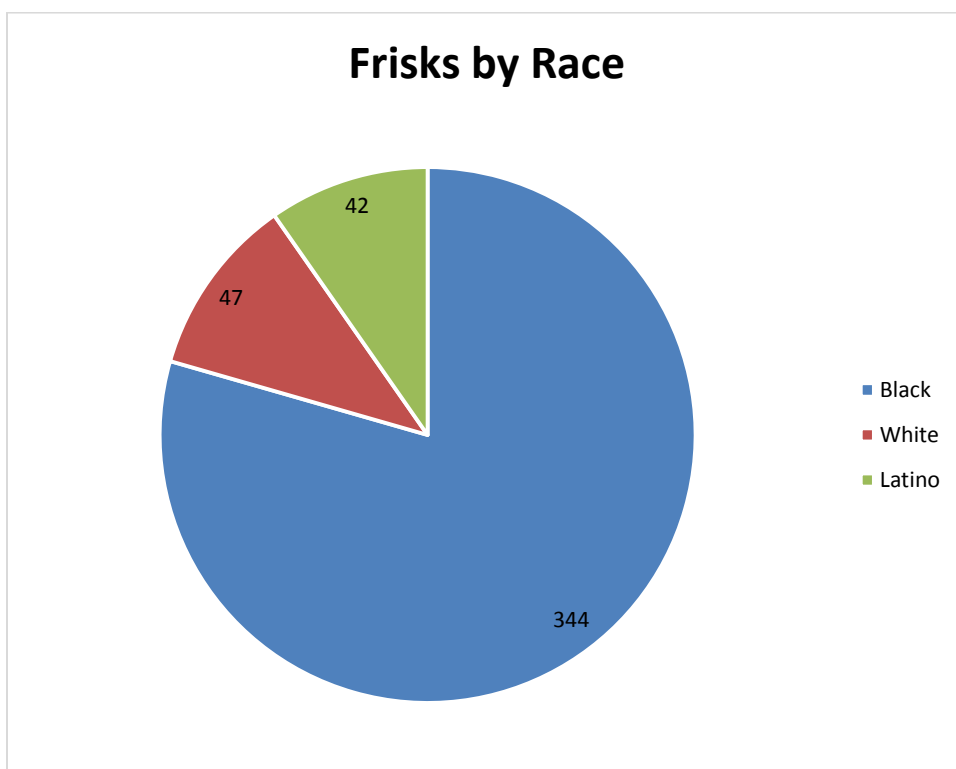
9. Stops by Race and Reasonable Suspicion

	Reasonable	Unreasonable	Reasonable %
Black	1109	694	61.51%
White	339	159	68.07%
Latino	130	88	59.63%
Total	1578	941	2519
	62.64%	37.36%	



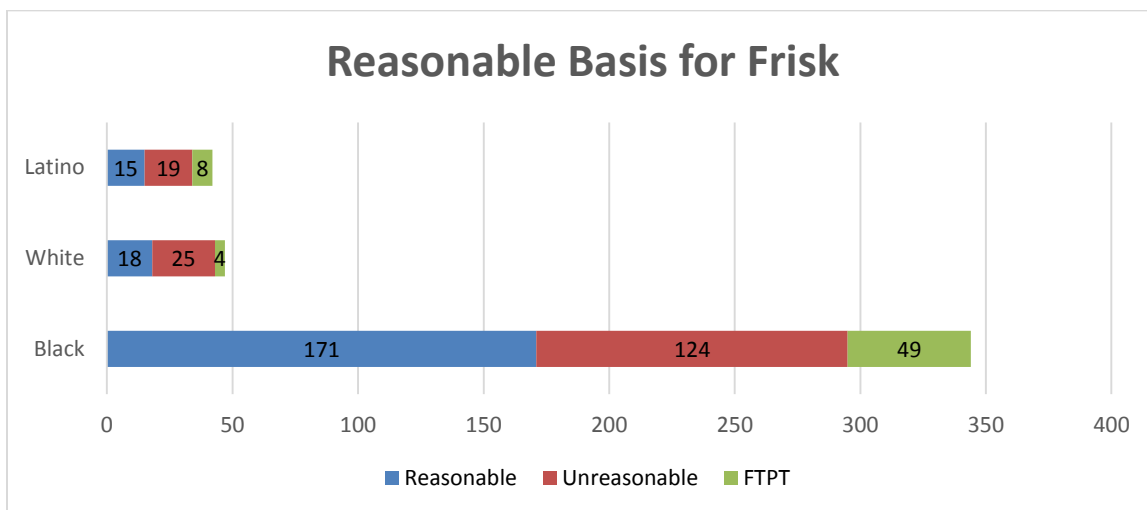
10. Frisks By Race

Black	344	79.45%	89.15% minorities
White	47	10.85%	
Latino	42	9.70%	
<hr/> Total	433		



11. Frisks by Race and Reasonable Suspicion

	Reasonable	Unreasonable	FTPT	Reasonable %
Black	171	124	49	49.71%
White	18	25	4	38.30%
Latino	15	19	8	35.71%
Total	204	168	61	433
	47.11%	38.80%	14.09%	



B. Commentary on Fourth Amendment Issues

There are a number of significant findings from the data review.

1. We have determined that 37% of all stops were made without the requisite reasonable suspicion. Significantly, the PPD audits show similar rates of stops without reasonable suspicion: the audits for the first two quarters of 2014 by the PPD show patrol officer stops without reasonable suspicion at 39% and 29%, respectively. The data show only very modest improvement from the previous data reviews (where impermissible stops were at 40-50%) and, in light of the over 200,000 pedestrian stops for 2014, tens of thousands of persons in Philadelphia continue to be stopped each year without reasonable suspicion. Thus, close to four years from the entry of the Settlement Agreement in this case, the City has clearly failed to achieve substantial compliance with the provisions requiring reasonable suspicion for stops of pedestrians.

2. We have also found that 39% of all frisks were made without reasonable suspicion and an additional 14% were made in cases where the stop itself was not supported by reasonable suspicion (“fruit of the poisonous tree”). The PPD audits for this period show much lower rates of frisks without reasonable suspicion (5% and 3%, respectively, for the first two quarters of 2014).

Given the large discrepancies in this data analysis, to demonstrate the validity of our findings, we attach a spread-sheet of the relevant data for frisks for these two quarters. *See* Exhibit A. The spread-sheet includes the D.C. number, the reasons for the stop and the frisk, and our findings on the legality of the frisks (y=with reasonable suspicion; n=without reasonable suspicion; x=a search and not a frisk; f=fruit of the poisonous tree). This data and analysis shows that the City has not achieved substantial

compliance with the provisions of the Settlement Agreement that require reasonable suspicion that a suspect be armed and dangerous as a basis for a frisk.

3. As with the data for 2011-2013, the number of reported frisks is quite low, with only 17% of stops recording a frisk (and an additional 6% resulting in a search). To be clear, we do not suggest that the police should conduct frisks where there are no legal grounds for such action. But we do strongly believe that officers have not been reporting all frisks. For example, in stops based on suspicion of gun possession or a violent crime, the police frequently report no frisk of the suspect. Of the 211 stops in which guns or gun-related activity are referenced as a basis for the stop, there were no frisks recorded on 80 stops, or 38% of the total. It is simply not plausible to suggest that frisks are not being conducted in these situations.

4. The very low “hit-rate” of stops and frisks is further cause for serious concern. Contraband of any kind was recovered in only 58 stops (2.5 % of all stops) and 5 guns were seized (0.2 % of all stops), but 3 of these seizures were the result of searches, not frisks. Arrests occurred in 7.5% of all stops, excluding arrests made on probable cause even before a stop or frisk was conducted. These hit-rates continue to be far below what one would expect if stops and frisks were being conducted with reasonable suspicion. We recognize that some legitimate stops are not likely to disclose contraband or lead to an arrest and given the high rate of stops and frisks without reasonable suspicion, it is not surprising that contraband is infrequently recovered in those incidents.

The best metric for determining whether these police interventions are justified is one that determines the hit-rate for frisks, and whether weapons (or other contraband) are seized. Police officers must have reasonable suspicion that the suspect is armed and

dangerous before a frisk can be conducted. Thus, we would expect that seizure of weapons or other contraband would be made in a significant number of these cases if the officers are accurately reporting facts that establish reasonable suspicion. Yet, the rate of recovery is vanishingly small. Overall, of 433 frisks, only 2 firearms were seized and contraband other than weapons was seized in only 19 other frisks. Thus, in over 95% of all frisks, no evidence was seized. And the real number is likely even higher given the fact that police reported no frisks in 80 stops involving violent crimes or reports of weapons. And even more telling, if we limit our analysis to cases in where police reported that the suspect was armed or involved in a violent crime, a weapon was seized in a frisk in only 2 cases.

Moreover, the data raise serious questions regarding the justifications for many frisks. Most frisk reports assert that the suspect has a “bulge” in a pocket, refuses to take his hands out of his pockets, does not cooperate with police, or that the stop was based on a report of a gun or violent crime. “Bulges” inevitably turn out to be cell phones and the other triggering factors are very weak indicators of criminal activity. Thus, in 78 cases in which police conducted a frisk based on a “bulge,” a weapon was detected in only 1 case. The fact that so few frisks lead to the recovery of a weapon raises serious questions as to whether the police are accurately reporting what they observe and whether the reasons generally provided for frisks are appropriate proxies for weapon possession.

5. Reduction in the number of stops and frisks (and particularly those conducted without reasonable suspicion) does not create a risk to public safety. For example, New York City has reported a huge reduction in the number of stops *and* a decrease in violent crime, and in particular homicides. New York City reported 700,000 stops per year in

2011, but was on target for approximately 50,000 stops in 2014. *See Washington Post*, December 3, 2014. By contrast, in a City with a population one-fifth that of New York City, Philadelphia police made over 200,000 pedestrian stops in 2014. In 2009, a year before this case was filed, there were 253,000 pedestrian stops.

6. Analyzing improper stops and frisks by category, the results were quite similar to those for 2013. As we have reported to the City, there continue to be significant numbers of stops for conduct which the Agreement and case law make clear are not justifiable grounds for stops or frisks. These include:

- loitering (or persons hanging out; congregating)⁴
- investigation of passenger in stopped car
- person involved in a disturbance
- single person “obstructing” the sidewalk
- anonymous information (e.g., man with gun; man with drugs)
- person on steps of or near “abandoned” property
- person involved in verbal dispute (non-domestic)⁵
- high crime area/roll call complaints
- panhandling
- suspicion of narcotics activity

As for frisks, problematic grounds include:

- frisk for officer protection

⁴ The PPD has instructed officers that “loitering” is not a valid basis for a stop. And while the number of such stops has decreased, the PPD has recognized that officers are using other vague narratives (e.g., blocking buildings) to justify stops. PPD, September 6, 2013 Audit.

⁵ We credit reports of “domestic” disputes.

- frisk based on narcotics investigation
- frisk because suspect stopped in high crime or high drug area

Moreover, as discussed above, given the extraordinarily low rate of recovery of weapons or any contraband in frisk cases, there is good reason to believe that none of the factors cited as establishing reasonable suspicion are good indicators of a person in possession of a weapon.

7. We provide a more detailed analysis of racial disproportionality in the next section, but as the stop and frisk data presented above shows, there is evidence of disproportionate stops and frisks of minorities not explainable by factors other than race. For example, in examining the differences by race of stops with and without reasonable suspicion, White suspects are being stopped less frequently than minorities where no reasonable suspicion is stated, indicating that a higher factual threshold is being applied for stops of White suspects.

8. Although the reasons for the continued high rates of impermissible stops and frisks are likely the result of several factors, we believe that the primary cause at this point is the lack of accountability of officers and their immediate supervisors. There is substantial agreement between the parties that the rate of stops without reasonable suspicion continues to exceed 30% and plaintiffs' analysis shows that the rate of frisks without reasonable suspicion is even higher. The City reports that the PPD has retrained all officers and has provided specific instructions to officers as to the proper grounds for stops and frisks. In these circumstances, the failure of the PPD to hold officers accountable is unacceptable. We have requested notice of any new accountability measures, but there has been no response by the City on this front. Without strong

accountability measures, the high level of violations of constitutional rights will likely continue.

III. Racial Analysis of Stop and Frisk Practices, January-June, 2014

A. Introduction

This section sets forth a statistical analysis of the “Stop and Frisk” practices of the PPD for the first half of 2014, conducted by plaintiffs’ expert, Professor David Abrams. The benchmarks to be used in the analysis were described in detail in a Memorandum dated November 9, 2011 and updated in 2014. *See* Exhibit B.

In creating benchmarks to measure compliance of the PPD with the terms of the Agreement, we considered several criteria. First, the benchmarks are designed to be straightforward in terms of computation and interpretation. Second, they are designed to measure characteristics at the core of the Agreement, namely compliance with the Fourteenth Amendment. Third, they consider other potential explanations for patterns in the data beyond suspect race. The benchmarks are based on a combination of those discussed and used in *NAACP v. City of Philadelphia*, academic literature on the topic, and those used recently in other jurisdictions, as described in Plaintiffs’ Second Report.

In *Floyd v. City of New York*, 959 F.Supp. 2d 540 (S.D.N.Y. 2013), the court engaged in an intensive analysis of competing benchmarks submitted by the plaintiffs and the City in the New York City class action stop and frisk litigation. The court credited the approach of plaintiffs’ expert, Professor Jeffrey Fagan (Columbia Law School) who examined data on all stops in New York City from 2004 through 2009. Professor Fagan used a regression technique similar to that detailed in the benchmarks that have been adopted by the parties in *Bailey*. Professor Fagan considered the impact of the racial composition of a district on the likelihood of being stopped, arrested, or issued a citation. Additional outcomes included gun and other weapon seizures, and contraband seizures.

Professor Fagan controlled for various district characteristics, including age composition, racial composition, crime complaints, police patrol strength, socioeconomic status, population, foreign born population, business district status, and time controls. The benchmarks in this case, as reflected in this Report, use many of the benchmarks credited by the *Floyd* court.

B. Summary of the Racial Aspects of the Stop and Frisk Data

We examined data from Q1 and Q2 2014 pedestrian stops. The sample dataset includes 2,523 total pedestrian stops.⁶ The median age of a detainee is 29 and 84% of detainees are male. Figure 1. Blacks account for 72% of those stopped, Whites comprise 20%, and 9% are Latinos. Compared to 2012, Black stop share has increased by 3 percentage points, while the White stop share has decreased by 3 percentage points.

Minorities account for an even higher share of individuals frisked, of which 79% are Black, 10% Latino and 11% White. The number of stops varies substantially by district, with the 25th, encompassing Hunting Park and other parts of North Philadelphia, accounting for the most, with 9%. *See* Figure 2. As in 2011 and 2012, the fewest stops are in the 5th police district which includes Roxborough, accounting for less than 1% of all stops.

Table 1 reports stop, frisk, and arrest rates for pedestrian stops broken down by race. Approximately 19% of stops of Black and Latino suspects lead to a frisk, considerably higher than the 10% rate for Whites.

⁶ As in past reports, we are proceeding on a district-level analysis, rather than at the “sector” (“PSA”) level, due to the fact that not all of the control variables were made available at the PSA level. District level analysis should not materially impact the statistical analysis. We will move to PSA-level analysis as soon as all of the data is available at this level of aggregation.

Blacks and Latinos are also searched at a higher rate than Whites, 6.0% and 6.9%, respectively versus 4.1%, although the search rate of minorities dropped relative to 2012. It is possible that the increase in the frisk rate and decline in the search rate is due to anomalies in police reporting. We have attempted to identify cases in which police record a “frisk,” but which under the circumstances was clearly a search (e.g., incident to arrest), but that process is not perfect and is evolving with the implementation of the new electronic database.

The 2014 arrest rates were 6.0% for Blacks, 8.8% for Latinos, and 4.9% for Whites. However, as discussed in previous reports, plaintiffs and the City agree that arrest rates are not a good measure of the legality of stops and frisks since the decision to arrest is highly discretionary (e.g., where a person may be acting in a disorderly fashion, has an open liquor container, or is stopped on suspicion of curfew or truancy violations). Further, to determine whether the arrest rates are related to improper racial considerations, a more precise analysis of the reasons for the stops by race would be necessary.

C. Benchmark Applications

1. Stops, Census and Regression Analysis

The question of whether race is impermissibly used as a factor in the decision to stop and frisk cannot be answered by a simple comparison of stop and frisk rates to census data. Non-racial factors may explain the disparities. However, the stop rate/census comparison is the first step in this process. As set forth in Table 1, the stop rate by race in comparison to the census is as follows:

Black stops=72%; Black census=43.4%

White stops=20%; White census=41%

Latino stops=9%; Latino census=12.3%

The next step is a cross-district comparison of stop rates by Black/Minority population share. A racial disparity in stops should be expected based on differences in population composition. It is possible to examine variation in the share of Black and Latino stops by district, as reported in Tables 2A and 2B, respectively. Each row in the tables represents a district (column 1) and the tables are sorted by the Black or minority share of the population in the district, as reflected in column 2. The third column reports the share of stops that are of Black/minority pedestrians and the fourth is the ratio of Black/minority stops to Black/minority population share. Note that in *all* districts, Blacks and minorities account for a higher share of stops than they do in the population; in some districts, they are stopped at a rate over 5 times their share of the population. Thus, in the 7th Police District, where the population is 5% Black, 25% of the stops were of Blacks and in the 9th District where the population is 11% Black, 69% of the stops were of Blacks. By contrast, in the 22d Police District, where Blacks make up 89% of the population, the ratio of stops by race was close to a 1:1 ratio.

The last three columns report characteristics based on the census population of the district, not just minorities. The fifth column provides a measure of total stops to police officers (not including higher ranked officers) to measure how stop rates per officer vary across district by Black/minority population share. There is substantial variation across districts in the ratio of stops to officers. The correlation between average stops per officer

and minority stop share is over 0.5, which means that districts where police officers make more stops also tend to stop a higher share of minorities. Of course, this is only a correlation and a more precise analysis is provided by the regression analysis set forth below.

The final two columns in Tables 2A and 2B report total stops per capita and the violent crime rate in the district (violent crimes per 1,000 residents). The correlation between stops per capita and the minority share of stops is also approximately 0.5 indicating that minorities constitute a higher fraction of those stopped in districts with a high stop rate. Again, regression analysis is necessary to determine whether the violent crime rates in these districts explains the extent of the differences.

To address non-racial influences, we next move to a multivariate regression analysis. This approach is more robust than a comparison of averages because it examines the relationship among multiple variables simultaneously. To determine the impact of suspect race on the likelihood of a stop or frisk, we controlled for factors that include the demographic makeup and crime rate of the neighborhood.

First, we add data collected from the U.S. Census as well as Uniform Crime Report data on reported crimes, by district. We begin by examining differences in overall stop rates by race in Table 3. This table (and tables 4, 7, 8 and 10) share the same format: each column in the table reports results from a separate regression that identifies the relationship between the variables listed in the first column and the dependent variable. For example, regression 2 can be written as:

$$(1) \quad StopRate = \alpha + \beta_1 Black + \beta_2 Hispanic + \beta_3 Age + \epsilon$$

Stop Rate is the number of stops in the sample examined per 10,000 residents in a district

and *Black* is coded 0 if the detainee is White and 1 if the detainee is Black. Similarly, *Hispanic* is coded 1 if the detainee is Latino and zero otherwise. Age is the detainee's age in years. By including 3 variables in the equation, this regression can better isolate the impact of race and Latino identity on the likelihood of being stopped, even if age is an important factor in stop rate. The coefficient on *Black* found in column 2 is 11.31, which means that in the sample about 11.3 more Black individuals were stopped than White individuals for every 10,000 residents of a district. The standard errors are reported in parentheses below the coefficient and the double stars on the standard error indicates that this result is statistically significant at better than the 1% level. This means that there is less than a 1% chance that the difference in stop rates between Blacks and Whites is zero.

At first blush, 11.3 extra stops per 10,000 residents, out of more than 200,000 annual stops in Philadelphia, may not seem significant. The 2010 Census counted 1,526,006 residents of Philadelphia, so this would translate to a difference of 1,724 stops city-wide in the first two quarters of 2014. But these numbers are from the randomly selected sample of all stops. In order to determine the total difference we must adjust for the share of overall stops included in the sample. The total number of pedestrian stops in the first half of 2014 was approximately 107,000 and, therefore, the expected disparity in annual stops citywide is approximately 73,600 or 34% of the total annual stops.

There may be reasons other than race that minorities are stopped at higher rates. For example, if minorities tend to be younger on average, since more crime is committed by younger individuals, one might expect a higher stop rate for minorities. We controlled for this factor (as in equation 1 above) and others relevant to this issue. Column 2 in Table 3 controls for detainee age and adds Latino identity. Column 3 controls for the

district racial composition as well as the share of the male population under 24 years of age. Even after adding these controls, the coefficient on Detainee Black (8.482) is still similar to what it was with no controls. The 4th column includes a control for whether flash information led to the stop, which does not have a statistically significant influence on the stop rate. Column 5 adds the district racial composition as well as employment rate to the regression. Since poor economic conditions are associated with higher crime, higher stop rates could be explained by low employment rates, but here the impact is not statistically significant.

The final four columns add different controls for district crime rates. The crime rates are based on crimes reported to the police (not arrests) in 2013. It is preferable to use lagged crime because current crime levels could be influenced by policing policies. In each case, districts with higher crime rates have more stops, but controlling for crime rates does not affect the influence of detainee race on stop rate.

Another potential explanation for higher stop rates of minorities is that they commit crimes at higher rates. Addressing this concern raises several challenges. First, we do not have accurate data as to crime rates by race. There is *arrest* data, but even if arrest data was an accurate measure of crime rates by race, an issue we discuss below, we would need this breakdown on a district by district (or sector by sector) basis to engage in the proper statistical analysis, and this information was not available.

Second, there is a methodological problem: arrest rates are not independent of stop rates; that is, they are not an unbiased measure of crime. Higher stop rates of one group will almost certainly lead to higher arrest rates. Thus, as we explained in Plaintiffs' Third and Fourth Reports to the Court, patterns of police enforcement have far more to

say about the racial breakdown of persons arrested for drugs than actual drug use or possession by race. This is not to say that arrest rates are solely a function of enforcement, but that the measure is almost certainly a function of stop rates.

Third, there is a legal problem with using crime rates by race to explain disparities in stop rates: as a matter of Equal Protection doctrine, race is an impermissible factor to use when making stops, absent a racial description of a suspect. Thus, even if race-specific crime rates were available, it may not make sense to use them as controls in the regressions. *See, Floyd v. City of New York, supra*. Even in high crime areas, the commission of crimes is by relatively few persons and therefore it is problematic to justify higher rates of stops in these communities based on a kind of group-actuarial basis.

Table 4 is analogous to Table 3, but it reports the results of a regression of the rate of pedestrian frisks (rather than stops) on detainee race and various controls. In each regression, the coefficient on Detainee Black is statistically significantly different from zero and ranges from about 0.075 – 0.095. This regression shows that the frisk rate for Black detainees is 7.5– 9.5 percentage points higher than for Whites. Since the pedestrian frisk rate for Whites is 9.7%, this translates to an increased likelihood of 75% to almost 100% that Black detainees are frisked, relative to Whites. Including the control variables, such as age, district demographic variables, or crime rates, makes the result even more robust.

2. Reasonable Suspicion for Stops and Frisks: Racial Analysis

As the Plaintiffs' previous Reports and Section II of this Report demonstrate, a substantial number of the pedestrian stops do not meet the reasonable suspicion standard.

For the first six months of 2014, 37% of the stops were made without reasonable suspicion (see Table 5). While an improvement of 6 percentage points from 2013, this rate of stops without reasonable suspicion is unacceptably high. Further, while we found that the share of frisks without reasonable suspicion declined from 55% in 2012 to 52% in 2014 (see Table 6), that rate is also far too high.

To inform the Fourteenth Amendment analysis we considered whether the number of stops lacking reasonable suspicion varied by race or Latino identity. Table 5 shows significant variation by race in the share of stops lacking reasonable suspicion, which ranged from 32% for Whites to 39% for Blacks to 41% for Latinos. There is a 29% higher unfounded stop rate for Latinos and 21% higher for Blacks relative to Whites. The impact of detainee race on unfounded stop rates is explored in more detail below, by using regression analysis. There is also variation by race in unfounded frisk rates, *see* Table 6, with 50% of frisks of Blacks, 64% of Latinos and 60% of Whites lacking reasonable suspicion. However, regression analysis reveals that these differences are not statistically significant, largely due to the small sample size.

On the issue of race and reasonable suspicion for pedestrian stops, each column in Table 7 reports the results from a separate regression. In each regression the variable of interest is Detainee Black and various control variables are added in the different columns. In most of the columns the coefficient on Detainee Black is between $-.05$ and $-.08$ indicating that reasonable suspicion was found in 5 to 8 percentage points fewer cases when the detainee was black, and these differences are statistically significant. Thus, while the overall rate of unfounded stops is high for Whites at 32%, the unfounded rate is higher for Blacks, even when controlling for an array of potentially relevant

characteristics. This means that the disparity in unfounded stops cannot be explained by differences in district demographics, crime rates, economic conditions, or other control variables, and thus strongly suggests that race is the underlying reason for the disparities.

Table 8 is similar to Table 7 and describes regressions about the rate of reasonable suspicion, but now for a frisk rather than a stop. The coefficient on Detainee Black ranges from about .06 to .09, but none of these coefficients are statistically significant. Overall there is little evidence that there are significant disparities in the rates of unfounded frisks, although this is largely due to the less precise estimates due to the smaller sample size. This holds true when examining Latino identity as well, where the results are statistically indistinguishable from Whites in this and the other regression analyses.

3. Hit-Rate Analysis

An important measure of the propriety of stops and particularly of frisks is the rate at which they lead to the discovery of contraband, and particularly weapons, since frisks are permitted only where the officer reasonably believes that the suspect is armed and dangerous. Moreover, seizures of weapons are often cited as justification for a robust stop and frisk program. The rates of discovery of contraband from frisks are reported in Table 9. Contraband is categorized as firearms, other weapons, drugs, or other. "Other" is not included in the table as it is a less significant event, consisting either of small amounts of cash or unspecified materials.

Table 9 reports an overall detection rate for firearms that is extremely low, with fewer than 1 in 200 pedestrian *frisks* yielding a firearm. There were a few other weapons discovered as well, but they raise the overall rate of detection of weapons to only 0.92%.

Table 9 reports results of a basic hit-rate analysis by race and Latino identity (with no control variables). None of the frisks of Whites in the sample yielded firearms and only 1 of the 47 frisks yielded other weapons. By comparison 0.58% of frisks of Blacks yielded firearms (a total of 2) and 0.29% yielded other weapons (1 other weapon).

Table 10 is a more sophisticated approach to the firearms hit-rate analysis. The regressions report the rate of discovery of a firearm in pedestrian frisks. None of the coefficients on Detainee Black or Detainee Hispanic are statistically significant, but this is likely due to the fact that firearms are very rarely discovered.

Drugs were detected in about 1 in 60 frisks. By racial category, drugs were discovered in 1.75% of frisks of Black pedestrians, 2.13% of Whites, and in no frisks of Latinos. Thus, there does not appear to be any evidence from frisk results to suggest that minorities possess drugs more frequently than Whites; indeed, the data points in the opposite direction. Further, although suspicion of drug activity may be grounds for a stop, a frisk may not be undertaken in a search for drugs and many of the “stops” for narcotics-related conduct that are recorded by police are actually arrests based on probable cause (e.g., observed drug transactions).

4. Marijuana Arrests

In previous Reports to the Court, plaintiffs have analyzed arrest data to determine whether there were racial disparities in cases involving small amounts of marijuana. The data from 2011, 2012 and 2013 were strikingly similar, showing that for these arrests, Blacks and Latinos accounted for over 90% of those charged. As we have previously asserted, these rates are not explainable by patterns of use or possession of marijuana as all reliable data shows that Blacks and Whites use and possess marijuana at

approximately the same rate.

Philadelphia City Council recently found that “minorities are disproportionately impacted by the enforcement of marijuana laws, with African Americans 5.19 times more likely to be arrested for [possession of marijuana] in Philadelphia than Caucasians despite evidence showing nearly identical use across both communities.”¹ City Council enacted an Ordinance which provides that possession of under 30 grams of marijuana is to be treated as a Civil Code Violation punishable by a small fine and, in most circumstances, the offender is not subject to arrest and prosecution. Mayor Nutter signed the Ordinance, effective as of October 20, 2014. In light of this significant development, we have agreed with the City to postpone further review of the data on police enforcement of this Ordinance pending implementation of new protocols. The City will provide data on marijuana arrests and Civil Code Violations for the period February-April, 2015 and we will analyze the data in Plaintiffs’ Sixth Report.

5. Commentary

We have examined the relationship of race to stop and frisk practices from multiple perspectives, following standard statistical theories. It is significant that on the key benchmarks that provide the most reliable measures of racial bias—regression analysis, comparisons of stops without reasonable suspicion by race, and hit rate analysis—there is strong evidence that the large difference in stop and frisk rates by race in Philadelphia are not explained by non-racial factors. To the contrary, the data show statistically significant racial disparities that are not fully explainable by non-racial factors.

¹ Philadelphia Code, Chapter 10-2100.

Figure 1

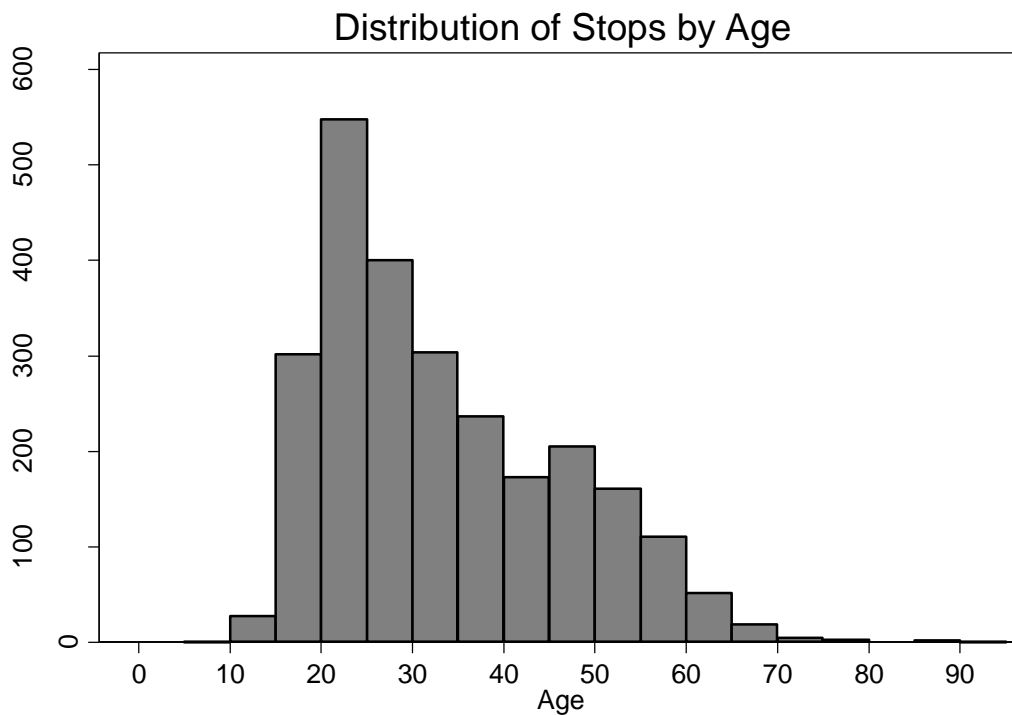


Figure 2

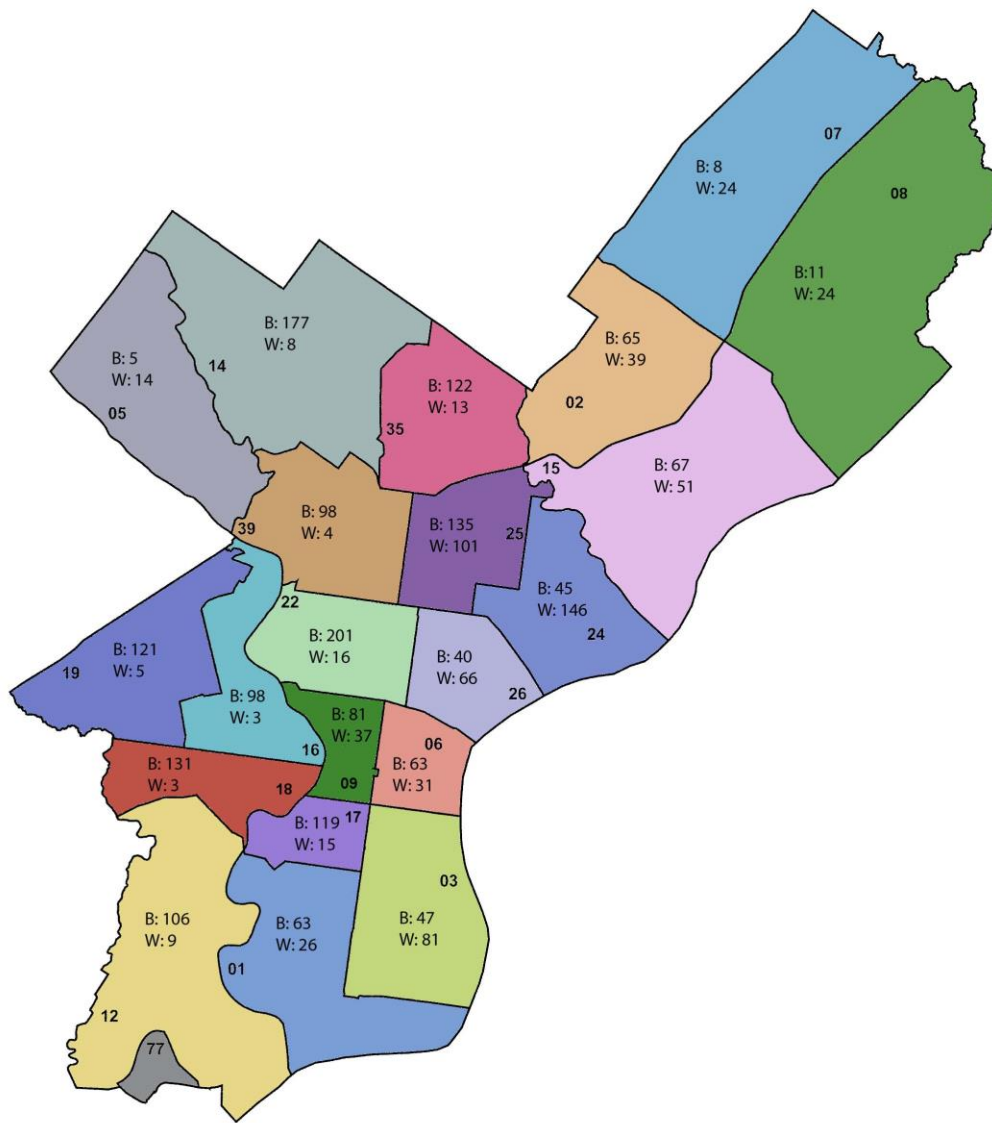


Table 1

STOPS, FRISKS, SEARCHES AND ARRESTS BY RACE, PEDESTRIAN STOPS							
	Number of Stops	Stop Share	Number of Frisks	Frisk Share	Stops with Frisks	Stops with Searches	Stops with Arrests
Black	1,803	71.5%	342	79.4%	19.4%	6.0%	6.0%
Latino	222	8.8%	42	9.7%	19.4%	6.9%	8.8%
White	498	19.7%	47	10.9%	9.7%	4.1%	4.9%

Table 2A

District Level Analysis - Black Stops						
District	Black Population Share	Black Stop Share	Black Stop Share/Black Population Share	Total Stops/Officer	Total Stops per capita	Violent Crimes per 1,000 population
22	89%	93%	1.0	81	0.29	23
19	85%	96%	1.1	60	0.12	11
12	84%	92%	1.1	53	0.13	16
16	80%	97%	1.2	70	0.26	17
39	79%	96%	1.2	60	0.14	15
14	77%	96%	1.2	91	0.15	10
35	73%	90%	1.2	68	0.11	13
18	64%	98%	1.5	76	0.15	12
17	60%	89%	1.5	90	0.26	13
25	34%	57%	1.7	103	0.29	21
1	34%	71%	2.1	80	0.20	8
2	26%	63%	2.4	64	0.08	7
26	25%	38%	1.5	76	0.20	15
24	23%	24%	1.0	102	0.24	18
15	22%	57%	2.6	58	0.08	11
6	21%	67%	3.3	80	0.27	14
8	12%	31%	2.7	35	0.03	3
9	11%	69%	6.2	95	0.24	8
3	10%	37%	3.5	61	0.13	9
5	5%	26%	5.1	20	0.04	3
7	5%	25%	5.5	29	0.03	3

District Level Analysis - Minority Stops						
District	Minority Population Share	Minority Stop Share	Minority Stop Share/Minority Population Share	Total Stops/Officer	Total Stops per capita	Violent Crimes per 1,000 population
22	91%	93%	1.0	82	0.30	23
12	89%	91%	1.0	53	0.14	16
19	86%	97%	1.1	60	0.12	11
16	85%	98%	1.2	70	0.26	17
35	85%	93%	1.1	69	0.12	13
39	81%	97%	1.2	60	0.14	15
14	79%	96%	1.2	91	0.15	10
18	73%	98%	1.3	76	0.15	12
17	69%	90%	1.3	91	0.27	13
25	51%	87%	1.7	105	0.29	21
1	46%	69%	1.5	82	0.20	8
2	44%	71%	1.6	66	0.08	7
26	38%	64%	1.7	78	0.20	15
24	36%	53%	1.5	102	0.24	18
6	35%	71%	2.0	81	0.27	14
3	31%	41%	1.3	66	0.14	9
15	29%	67%	2.3	58	0.08	11
9	23%	72%	3.1	97	0.24	8
8	19%	32%	1.7	37	0.03	3
7	19%	30%	1.6	30	0.03	3
5	9%	24%	2.7	22	0.05	3

Table 2B * Minority is defined as Black or Latino (or both)

Table 3
Pedestrian Stops

VARIABLES	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Detainee Black	9.924 (2.801)**	11.31 (2.744)**	8.482 (3.312)*	11.20 (2.713)**	8.689 (3.278)*	7.429 (3.159)*	7.931 (3.131)*	7.390 (3.174)*
Detainee Hispanic	9.239 (8.696)	12.76 (8.444)	-1.080 (12.63)	12.90 (8.346)	0.387 (12.54)	-4.435 (12.08)	-2.295 (11.96)	-4.626 (12.15)
Detainee Age		0.568 (0.257)*	0.352 (0.288)	0.557 (0.254)*	0.304 (0.287)	0.0189 (0.302)	0.101 (0.288)	0.0161 (0.305)
District Asian share			24.19 (35.29)		34.82 (35.79)	26.49 (34.13)	30.88 (34.02)	26.03 (34.27)
District Black share			13.83 (7.966)		13.53 (7.880)	8.567 (7.805)	3.378 (8.840)	9.787 (7.692)
District Hispanic share			25.85 (15.33)		20.47 (15.68)	13.46 (15.20)	4.378 (16.66)	15.52 (15.09)
Male population under 24			-24.78 (20.84)		-66.83 (37.68)	-39.89 (37.78)	-48.87 (36.72)	-39.38 (38.06)
Flash Information				-14.60 (10.59)				
Employment Rate					-55.36 (41.54)	-48.22 (39.49)	-32.38 (40.84)	-51.58 (39.52)
Overall Crime Rate						0.0139 (0.00636)*		
Violent Crime Rate							0.0830 (0.0386)*	
Property Crime Rate								0.0159 (0.00747)*
Constant	3.288 (2.487)	-16.59 (9.297)	-7.484 (11.54)	-14.07 (9.369)	31.34 (31.28)	25.86 (29.75)	19.55 (30.19)	27.31 (29.79)
Observations	42	42	42	42	42	42	42	42
R-squared	0.263	0.347	0.408	0.379	0.439	0.511	0.510	0.508

Standard errors in parentheses, ** p<0.01, * p<0.05

Table 4
Pedestrian Frisks

VARIABLES	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Detainee Black	0.0933 (0.0185)**	0.0902 (0.0184)**	0.0799 (0.0206)**	0.0854 (0.0179)**	0.0777 (0.0206)**	0.0779 (0.0207)**	0.0777 (0.0207)**	0.0780 (0.0207)**
Detainee Hispanic	0.0961 (0.0271)**	0.0893 (0.0270)**	0.0365 (0.0282)	0.0755 (0.0262)**	0.0365 (0.0282)	0.0370 (0.0283)	0.0362 (0.0282)	0.0372 (0.0283)
Detainee Age		-0.00345 (0.000579)**	-0.00336 (0.000578)**	-0.00295 (0.000564)**	-0.00328 (0.000579)**	-0.00325 (0.000582)**	-0.00329 (0.000581)**	-0.00325 (0.000582)**
District Asian share			0.374 (0.272)		0.0926 (0.298)	0.110 (0.301)	0.0793 (0.300)	0.116 (0.301)
District Black share			0.101 (0.0618)		0.0915 (0.0619)	0.0951 (0.0627)	0.0828 (0.0666)	0.0948 (0.0623)
District Hispanic share			0.275 (0.0810)**		0.314 (0.0826)**	0.318 (0.0833)**	0.302 (0.0891)**	0.317 (0.0829)**
Male population under			0.173 (0.144)		0.728 (0.278)**	0.682 (0.303)*	0.764 (0.296)**	0.666 (0.304)*
Flash Information				0.264 (0.0217)**				
Employment Rate					0.724 (0.310)*	0.686 (0.325)*	0.785 (0.354)*	0.682 (0.321)*
Overall Crime Rate						-0.000167 (0.000443)		
Violent Crime Rate							0.000977 (0.00278)	
Property Crime Rate								-0.000261 (0.000516)
Constant	0.0982 (0.0165)**	0.215 (0.0255)**	0.0505 (0.0492)	0.168 (0.0251)**	-0.425 (0.209)*	-0.389 (0.230)	-0.468 (0.242)	-0.380 (0.228)
Observations	2,461	2,456	2,456	2,456	2,456	2,456	2,456	2,456
R-squared	0.011	0.025	0.042	0.081	0.044	0.044	0.044	0.044

Standard errors in parentheses, ** p<0.01, * p<0.05

Table 5

REASONABLE SUSPICION FOR PEDESTRIAN STOP BY RACE								
	All		Black		Latino		White	
	#	%	#	%	#	%	#	%
	Yes	1,579	62.6%	1109	61.5%	131	59.0%	339
No	944	37.4%	694	38.5%	91	41.0%	159	31.9%

Table 6

REASONABLE SUSPICION FOR PEDESTRIAN FRISK BY RACE								
	All		Black		Latino		White	
	#	%	#	%	#	%	#	%
	Yes	205	47.6%	171	50.0%	15	35.7%	19
No	226	52.4%	171	50.0%	27	64.3%	28	59.6%

Table 7

Reasonable Suspicion for Pedestrian Stop								
VARIABLES	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Detainee Black	-0.0558 (0.0234)*	-0.0524 (0.0234)*	-0.0716 (0.0263)**	-0.0522 (0.0234)*	-0.0747 (0.0263)**	-0.0746 (0.0264)**	-0.0747 (0.0263)**	-0.0745 (0.0264)**
Detainee Hispanic	-0.0571 (0.0343)	-0.0501 (0.0343)	-0.0170 (0.0361)	-0.0493 (0.0343)	-0.0169 (0.0361)	-0.0166 (0.0361)	-0.0172 (0.0361)	-0.0164 (0.0361)
Detainee Age		0.00293 (0.000736)**	0.00282 (0.000739)**	0.00290 (0.000738)**	0.00294 (0.000740)**	0.00295 (0.000743)**	0.00292 (0.000742)**	0.00296 (0.000743)**
District Asian share			0.345 (0.348)		-0.0487 (0.379)	-0.0389 (0.383)	-0.0608 (0.382)	-0.0343 (0.383)
District Black share			0.119 (0.0791)		0.105 (0.0792)	0.107 (0.0801)	0.0971 (0.0851)	0.107 (0.0796)
District Hispanic share			-0.0227 (0.103)		0.0320 (0.105)	0.0343 (0.106)	0.0208 (0.114)	0.0339 (0.106)
Male pop. under 24			-0.329 (0.183)		0.458 (0.354)	0.432 (0.386)	0.491 (0.376)	0.420 (0.386)
Flash Information				-0.0159 (0.0283)				
Employment Rate					1.023 (0.394)**	1.001 (0.413)*	1.080 (0.449)*	0.997 (0.408)*
Overall Crime Rate						-9.71e-06 (5.64e-05)		
Violent Crime Rate							9.29e-05 (0.000354)	
Property Crime Rate								-1.64e-05 (6.58e-05)
Constant	0.672 (0.0209)**	0.573 (0.0324)**	0.640 (0.0625)**	0.576 (0.0328)**	-0.0325 (0.266)	-0.0115 (0.293)	-0.0728 (0.307)	-0.00417 (0.289)
Observations	2,519	2,514	2,514	2,514	2,514	2,514	2,514	2,514
R-squared	0.002	0.009	0.014	0.009	0.016	0.016	0.016	0.016

Standard errors in parentheses, ** p<0.01, * p<0.05

Table 8**Reasonable Suspicion for Pedestrian Frisk**

VARIABLES	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Detainee Black	0.0861 (0.0698)	0.0810 (0.0705)	0.0670 (0.0756)	0.0755 (0.0706)	0.0626 (0.0757)	0.0633 (0.0767)	0.0716 (0.0764)	0.0615 (0.0767)
Detainee Hispanic	-0.0734 (0.0846)	-0.0762 (0.0849)	-0.00997 (0.0870)	-0.0850 (0.0851)	-0.00906 (0.0869)	-0.00898 (0.0871)	-0.00584 (0.0870)	-0.00914 (0.0870)
Detainee Age		-0.00109 (0.00209)	-0.00118 (0.00209)	-0.00100 (0.00209)	-0.00116 (0.00208)	-0.00116 (0.00209)	-0.00107 (0.00209)	-0.00117 (0.00209)
District Asian share			0.793 (0.870)		0.101 (1.036)	0.0869 (1.063)	-0.0654 (1.054)	0.123 (1.064)
District Black share			-0.0311 (0.192)		-0.0646 (0.194)	-0.0655 (0.195)	-0.128 (0.207)	-0.0643 (0.195)
District Hispanic share			-0.375 (0.244)		-0.323 (0.248)	-0.321 (0.249)	-0.374 (0.255)	-0.327 (0.252)
Male population under 24			0.218 (0.512)		1.273 (1.001)	1.305 (1.128)	1.700 (1.114)	1.225 (1.125)
Flash Information				0.0685 (0.0519)				
Employment Rate					1.305 (1.063)	1.344 (1.248)	2.184 (1.466)	1.252 (1.208)
Overall Crime Rate						1.11e-05 (0.000183)		
Violent Crime Rate							0.000985 (0.00113)	
Property Crime Rate								-1.99e-05 (0.000213)
Constant	0.417 (0.0662)**	0.453 (0.0963)**	0.413 (0.178)*	0.435 (0.0973)**	-0.444 (0.721)	-0.476 (0.899)	-1.039 (0.993)	-0.397 (0.876)
Observations	431	431	431	431	431	431	431	431
R-squared	0.011	0.012	0.035	0.016	0.038	0.038	0.040	0.038

Standard errors in parentheses, ** p<0.01, * p<0.05

Table 9

DISCOVERY OF CONTRABAND BY RACE, PEDESTRIAN FRISKS				
	All	Black	Latino	White
Firearms	0.46%	0.58%	0.00%	0.00%
Other Weapons	0.46%	0.29%	0.00%	2.13%
Drugs	1.62%	1.75%	0.00%	2.13%
Any	5.10%	5.84%	0.00%	4.26%

Table 10

Firearm Recovered

VARIABLES	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Detainee Black	0.00490 (0.00954)	0.00394 (0.00964)	0.00437 (0.0104)	0.00451 (0.00966)	0.00411 (0.0105)	0.00373 (0.0106)	0.00345 (0.0106)	0.00380 (0.0106)
Detainee Hispanic	-0.00219 (0.0116)	-0.00272 (0.0116)	-0.000969 (0.0120)	-0.00182 (0.0116)	-0.000915 (0.0120)	-0.000959 (0.0120)	-0.00115 (0.0120)	-0.000937 (0.0120)
Detainee Age		-0.000201 (0.000285)	-0.000191 (0.000288)	-0.000210 (0.000286)	-0.000190 (0.000288)	-0.000193 (0.000289)	-0.000197 (0.000289)	-0.000192 (0.000289)
District Asian share			0.133 (0.120)		0.0921 (0.143)	0.0998 (0.147)	0.104 (0.146)	0.0983 (0.147)
District Black share			-0.00516 (0.0266)		-0.00713 (0.0268)	-0.00664 (0.0270)	-0.00245 (0.0287)	-0.00704 (0.0269)
District Hispanic share			-0.0122 (0.0337)		-0.00915 (0.0342)	-0.0100 (0.0345)	-0.00536 (0.0352)	-0.0103 (0.0348)
Male pop. under 24			0.0453 (0.0707)		0.107 (0.138)	0.0901 (0.156)	0.0755 (0.154)	0.0937 (0.155)
Flash Information				-0.00701 (0.00710)				
Employment Rate					0.0765 (0.147)	0.0550 (0.172)	0.0113 (0.203)	0.0615 (0.167)
Overall Crime Rate						-6.01e-05 (0.000253)		
Violent Crime Rate							-0.000730 (0.00156)	
Property Crime Rate								-5.60e-05 (0.000295)
Constant	0.00103 (0.00906)	0.00777 (0.0132)	-0.0130 (0.0246)	0.00968 (0.0133)	-0.0633 (0.0996)	-0.0456 (0.124)	-0.0192 (0.137)	-0.0502 (0.121)
Observations	431	431	431	431	431	431	431	431
R-squared	0.001	0.002	0.008	0.005	0.009	0.009	0.009	0.009

Standard errors in parentheses, ** p<0.01, * p<0.05

Respectfully submitted,

/s/ David Rudovsky, Esquire

/s/ Paul Messing, Esquire

Kairys Rudovsky Messing & Feinberg, LLP
718 Arch Street, Suite 501S
Philadelphia, PA 19106
(215) 925-4400

/s/ Mary Catherine Roper, Esquire

ACLU of Pennsylvania
PO Box 40008
Philadelphia, PA 19106

/s/ Seth Kreimer, Esquire

University of Pennsylvania Law School
3900 Chestnut Street
Philadelphia, PA 19104

Counsel for Plaintiffs⁷

⁷ Counsel express their appreciation to a number of volunteer lawyers and law students who have donated hundreds of hours of time in this project. Special thanks to Jon Dilks who organized and structured the data collection and student reviews.