

STATEMENT TO CITY COUNCIL ON BILL NO. 140001

I am Paul Messing speaking on behalf of the ACLU. Together with my partner, David Rudovsky, and the ACLU, we filed a civil rights action in 2011 challenging the manner in which the Philadelphia Police Department was conducting stop-and-frisks. We entered into a Settlement Agreement with the City that was designed to ensure that the stop-and-frisk laws would be properly used, and that any racial disparity in the process would be eliminated. The federal district court issued a Consent Decree, and we have been working with the City and the Police Department to develop ways to ensure compliance with the terms of the Decree.

In connection with our monitoring of the Consent Decree, we have submitted periodic reports to the Court. Copies of Plaintiffs' Third Report has been made available to this Committee. The findings are disturbing. While there has been a modest reduction in the number of pedestrian stops, nearly half of the stops continue to be made without any legal cause. Further, and importantly, very few stops (about 5%) lead to any criminal charges. Rarely does a stop lead to the discovery of a gun. Thus, a program that was created for the purpose of removing guns and violent criminals from our streets has had a negligible impact. For the great majority of citizens who are subjected to these groundless stops, many complain that they are also subjected to verbal abuse, unlawful detentions and, in some cases, unjustified force. These unnecessary encounters have had a terrible impact on police-community relations.

In analyzing the data, we noted that in the few instances where the police seized contraband of any kind, it often involved a small amount of marijuana. So we separately looked at arrests on possession of marijuana charges. The results are found in the Third Report, at pages 12-15. Marijuana use is slightly higher among Whites than African Americans. Yet well over 90% of those arrested are Black and Latino; less than 6% are White. The same racial disparity is

found when the data is analyzed by police district. In predominantly Black districts, virtually all possession of marijuana arrests are of Blacks. In the predominantly White districts, most possession of marijuana arrests are of Blacks.

The ACLU strongly believes that Bill No. 140001 will lead to a significant reduction in unnecessary and pointless arrests. The Bill also promises to reduce the wasteful use of police and court resources. We also agree that the Pennsylvania legislature should take additional steps to decriminalize and regulate medical and recreational marijuana use. Bill No. 140001 is clearly a step in the right direction.