Philadelphia Police Department

Data Driven Efforts to Combat Gun Violence: A Discussion on Civil Liberty Protections

PAC

CONTENTS

March 27, 2020

Re: Operation Pinpoint and Group Violence Intervention

Dear Commissioner Outlaw and Managing Director Abernathy:

In late 2019 Mayor Kenney announced the implementation of Group Violence Intervention (GVI): a crime reduction strategy aimed at focusing on high-risk individuals in hot spot areas. Group Violence Intervention is a multiagency partnership and city officials have shared their expectations of PPD in that partnership: to identify high-risk individuals from the technological advancements of Operation Pinpoint.

Clearly, violence in the city is a serious problem and it must be responded to. However, because of growing community concerns regarding how Operation Pinpoint will alter policing and how GVI will reduce gun violence in a constitutional manner, the PAC undertook a project to discover equitable policies and practices for both Operation Pinpoint and GVI. The PAC began this process by speaking to stakeholders involved in the prior implementation of Philadelphia's Focused Deterrence. In the report we summarize the programs for the public, provide examples from across the nation and share our guidance and some recommendations for you to consider as you implement these initiatives.

The PAC hopes this report will be the beginning of a longer conversation between the PAC and the PPD regarding these initiatives and any initiatives which may affect the relationship between the police and the community. The PAC is available to expand further on any aspect of this report and offer a visual/interactive presentation to accompany the report.

Finally, we understand this report is being delivered during an unprecedented pandemic which comes alongside the opioid epidemic and the gun violence epidemic. Therefore, we recognize that the Police Department's resources are strained. However, because this report speaks to program implementation, we thought it would be beneficial to deliver it as soon as possible. Please let us know if you need additional time to respond or schedule a meeting.

The PAC looks forward to discussing this further.

Best,

Hans Menos
Executive Director
Police Advisory Commission

Executive Summary

Since the Philadelphia Roadmap to Safer Communities released in January 2019, city agencies and public interest organizations have intently collaborated with the focus on reducing gun violence. In November 2019, Mayor Kenney expounded on that plan and announced the revitalization of a focused deterrence model, known as Group Violence Intervention (GVI).

The Police Advisory Commission (PAC) supports this endeavor to protect Philadelphians by focusing on providing services to those most at risk of being involved with gun violence. Through our conversations with residents, advocates, and other law-enforcement agencies, we have learned that it is common for those most at risk of being a victim or perpetrator of gun violence to come from the same neighborhood, attend the same school, and even reside on the same city blocks.

This overlap makes it complicated to determine where services shall be focused. During the February 20, 2020 City Council Hearing on Gun Violence to examine the effect of gun violence on victims and resources available to them, Hans Menos, Executive Director of the PAC, shared his testimony on ways the Philadelphia Police Department (PPD) can augment their services to victims. One method mentioned was addressing the barrier to building trust between PPD and the community; many victims of gun violence are also the same individuals who are stopped, searched, and arrested by PPD. We must acknowledge that people who are victims could also simultaneously be involved in criminal activity or have close associations with those who do. Unfortunately, those who will be focused on in GVI, alleged violence perpetrators, are likely to become victims or co-victims of gun violence in the future.

Due to the delicate nature of these associations, we must ensure that all individuals focused on by GVI are equipped with necessary tools to be supported, including due process protections, specialized plan for services, and equitable evaluations of PPD's endeavor to support them.

To better address this and help support PPD in its participation in GVI, the PAC offers this report. The PAC understand this topic is delicate and complex, however the PAC welcomes this opportunity to engage in an active dialogue in an initiative that includes several stakeholders. Our goal is twofold. First, we hope to clarify to Philadelphia residents what is currently underway with Operation Pinpoint and distinguish it from GVI. Second, we wish to elaborate on the spectrum of protections offered to alleged violent perpetrators in other jurisdictions.

As PPD works to codify its guidelines and protocols in its partnership with GVI, we hope this report aids those discussions. Each recommendation offered is meant to highlight subject areas that the PAC believes should be addressed in the design and implementation of current and future violence reduction strategies. The recommendations themselves are simply the starting point to what the PAC foresees to be a very productive and fruitful dialogue with PPD.

Sincerely,

The Police Advisory Commission

Operation Pinpoint and Group Violence Intervention

On January 6, 2020 during Mayor Kenney's inauguration speech, he shared his commitment to reducing gun violence. The Mayor's second term plan, Group Violence Intervention (GVI), builds on research indicating that the majority of violence in the city is perpetrated by a small group of people.[1] The first methods the City plans to use to focus on these small groups of individuals is to revitalize Philadelphia's use of Focused Deterrence, now called Group Violence Intervention, and to expand the Philadelphia Police Department's (PPD) intelligence technology, referred to as Operation Pinpoint.[2] GVI plans to combine PPD's Operation Pinpoint with several city departments and community organizations. Overall, the goal of the program is to engage with focused individuals and offer incentives not to commit acts of violence, while also prosecuting those who continue to engage in violence.[3]

PPD leadership has shared in conversation with the Police Advisory Commission (PAC) that PPD anticipates its role within the GVI program to be that of a partner and not a program driver. To help guide that role, PAC developed this report with the help of national leading experts, including academic scholars and law-enforcement agencies, with the goal of offering recommendations on how PPD's technology can be used equitably by the GVI program. Included in the report is a historical background on "gang" databases and social networks, examples of how other cities and jurisdictions are using similar systems, and the struggles those places have encountered with civil liberty protections. The PAC hopes this report will inform Philadelphians on gang databases broadly, and guide the implementation process as the City seeks to revitalize Focused Deterrence, currently referred to as Group Violence Intervention.

Gang Databases

Gang Databases, lists made from collecting information about individuals alleged to be involved in "gang activity", are being used in major cities all over the United States as a way to target law enforcement resources in what are deemed as "high risk" areas.

In the 1980s and early 1990s the United States saw a rapid increase in gun violence among young men of color.[4] Many cities sought to curtail this violence by implementing far reaching gang ordinances. In 1992, Chicago passed a Gang Congregation Ordinance that empowered police officers to arrest groups of gang members for loitering on the streets if they did not follow an order to "disperse".[5] In Los Angeles, similar policies were implemented that prohibited "gang" members from associating with each other.[6]

In 1999, the United States Supreme Court held in City of *Chicago v. Morales* that the implementation of the Chicago Gang Congregation Ordinance was unconstitutional.[7] The *Morales* Court found that the gang-loitering ordinance was being used to arrest people for innocuous behavior.[8] The directives in the ordinance were too vague and the Court encouraged lawmakers to draft laws to restrict the discretion of police officers.[9] The *Morales* Court was critical of overly broad gang policing tactics that were being used in various cities at the time, and it caused cities to look at their policies and shift accordingly.[10] Even though the implementation was deemed unconstitutional, overall gang injunctions can be constitutional if implemented in accordance with existing laws.

As gang policing became more sophisticated and targeted, the practice of data collection through technology became more prevalent.[11] In an attempt to follow *Morales*, modern gang policing began focusing more on individuals included in "gang databases".[12] Soon, gang databases became common place in cities and are still being used today.[13]

Gang Databases are a common tool that law-enforcement agencies use to collect information about potential "gang" members. If used correctly, these tools allow law-enforcement agencies the ability to narrow their resources on alleged high-risk offenders. Specialized police gang units, which have been part of police departments like Chicago since the late 1960s, spend the bulk of their time gathering intelligence for monitoring gang graffiti, tracking gang violence, and individual gang members; if properly oriented, these units have great potential to reduce gang violence. [14]

Cities that use gang databases see them as an important law-enforcement resource, but critics of the practice raise concerns about the overreach of police surveillance.[15] Some see gang databases as one of the most controversial issues emerging in the broader discussion surrounding big data and intelligence led policing. [16] Overall, the predominant criticisms of gang databases include:

1. Gang membership not measured accurately.
2. People of color being overrepresented in gang lists which gives the perception of discrimination.
3. Lack of due process surrounding placement in databases and little recourse to challenge.
4. The stigma and scrutiny of being named in a database can far outlast actual affiliation with a gang. [17]

Even with these concerns, the intelligence that law enforcement agencies collect to prioritize resources is invaluable. Frequently, the intelligence from these gang databases are coupled with initiatives which offers these individuals social services and other tools to help with violence distancing. One common initiative is Focused Deterrence.

Focused Deterrence

Focused Deterrence strategies became more prevalent in the 1990s due to the continued rise in homicide trends in the 1980s and early 1990s despite the increase in enforcement strategies after the 1960s.[18] Theoretically, focused deterrence will prevent group violence by changing norms, thereby preventing violence. In theory, this relies heavily on community engagement and a law enforcement involvement which is focused on gun violence reduction. The overarching goal is to create a community and group norm where gun violence and crime are not acceptable and those involved see ending this behavior in favor of other more pro-social behaviors, as preferred options.

The focused deterrence approach is also based on the fact that crime is committed by a small subset of the population, in small social networks in small geographic areas, and thus it is possible to change norms by concentrating intervention, prevention and enforcement efforts to the segments of the population that are most in need.[19] This narrows the scope of gun-violence prevention and allows localities to distribute their resources more effectively and efficiently.[20]

Boston was one of the first cities to implement a Focused Deterrence effort in response to their rising youth gun violence rates in the late 1980s and early 1990s.[21] The Boston program helped to develop a framework for Focused Deterrence based on the assumption that assessing gang violence should be addressed by zeroing in on particular gangs.[22] A team of stakeholders from different segments of society came together to coordinate an intervention of the street gangs responsible for most of Boston's street violence at the time.[23] The program was significant because it relied on available data and resources and sought to visualize gun violence in the city.[24] Regardless of whether focused deterrence, gang crackdowns, comprehensive strategy, or civil gang injunctions are deployed to respond to gang violence, all strategies share a common problem: **they need data on gangs and gang members**. [25] Law-enforcement agencies frequently utilize a social network analysis to collect the necessary data.

Social Network Analysis

The Department of Justice recently explained what goals can be accomplished with a social network analysis (SNA). It is based on the premise that the relationships between individuals can inform and even predict an individual's behavior. [26] SNA is used in several disciplines. Public health experts use SNA to identify individuals likely to be infected with diseases and quickly combat the spread of infections. [27] Scientists also use SNA to help combat climate change and identify farmers who may need assistance in developing plans on climate change adaption. [28] Gun violence, another public health epidemic, can also be combated by law-enforcement agencies use of social networks.

One study of a SNA in Boston found that being directly connected to a gunshot victim increased one's own probability of being a victim by 25 percent.[29] The statistics differ by jurisdiction: in Chicago a study found that each social tie closer to a gunshot victim increased one's probability of being shot by 57 percent.[30] These findings, however, did not address the relevancy of individuals' presence in certain geographical areas that are known for higher rates of gun violence. This could also be a contributing factor to a person's likelihood of being a victim of gun violence in comparison to an individual who does not live in or frequent that same geographical area.

For SNA to work effectively, a data set must be created. Law-enforcement agencies collect these data from several resources: stop data, arrests, prison calls, confidential informants, social media, etc. For the SNA to be reliable, these data must be frequently verified, purged, and audited for compliance with federal and state standards for intelligence.

If used correctly, these tools have the potential to target gang violence in a way that is less intrusive to communities. Philadelphia has attempted to use SNA and gang databases previously in its 2013 Focused Deterrence program.

Focused Deterrence in Philadelphia

Pursuant to a 2013 collaboration between the Philadelphia Police Department, the District Attorney's Office, the Mayor's Office, Adult Probation and Parole Department, Juvenile Probation, and other related city agencies to combat "gang-related" shooting, Philadelphia adopted the Focused Deterrence model, at the time used by several other jurisdictions. Evaluator of the Philadelphia Focused Deterrence strategy, Professor Caterina Roman of Temple University, describes 5 main components of the program:

1. Planning and targeting of the intervention, which includes convening the interagency partner members. The targeted list of groups and group members are determined by the members of the interagency partners.
2. Call in notification meetings, where specific groups and offenders were explicitly given the message to cease engaging in violence and were expected to pass the message onto their networks.
3. Post call in meeting follow-up and enforcement activity subsequent to homicides or shootings.
4. Offering social services to the targeted group members.
5. Engaging the moral voice of the community, where respected individuals and organizations from the community have direct contact with group members to set clear norms and expectations against violence and show that they are supportive of the intervention and its goals. [31]

The Focused Deterrence program in Philadelphia held their first meeting to targeted individuals in April 2013 at a session called a "call-in". At these first meetings there were 16 active gangs that became the focus of the initiative. [32] During the first two years of Focused Deterrence there were four call-in meetings and 16 enforcements.[33]

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The goal of Focused Deterrence was to identify individuals who were likely to be involved in gun violence, either as a victim or an offender, and warn these individuals of law enforcement's increased surveillance of their lives: whom they associated with, where they lived, what jobs they acquired, their social media presence, and most importantly, their compliance with PPD's command to avoid trouble and accept social-service intervention. When Focused Deterrence identified an individual who had allegedly committed a crime, the collaborating organizations made it their mission to put pressure on not only the identified offender, but also all their known group associates. If a known Focused Deterrence individual was alleged to have committed a crime, law enforcement would increase their surveillance and encounters with that individual's alleged associates, even if those individuals had never been arrested.

The Focused Deterrence program also used non-law-enforcement levers including working directly with public utilities to terminate service for non-payment or illegal electric and gas connections, and facilitating a review of public-housing eligibility, in some instances, child support cases were reopened and the fathers were jailed without the knowledge or consent of the child's mother. [34]

However, before any of these sanctions began, law enforcement first attempted to persuade individuals to enroll in social services. The following notes of testimony are from a 2015 sentencing hearing in which a PPD Lieutenant described his strategy to enroll an individual in social services.

COMMONWEALTH v.   69

[1]   the defendant and the number of times that
[2]   he's spoken with him.
[3]   - - -
[4]   (Lieutenant enters the courtroom.)
[5]   - - -
[6]   THE COURT: Lieutenant stay outside
[7]   for a second, please.
[8]   No duplicate testimony as to suspected
[9]   gang affiliations and things like that?
[10]   MS. PEDICINO: No.
[11]   THE COURT: This is different
[12]   information?
[13]   MS. PEDICINO: Correct. I'm not going
[14]   to cumulatively go through all of that.
[15]   THE COURT: You understand that,
[16]   counsel?
[17]   MR. MONTROY: I'm sorry, Your Honor?
[18]   THE COURT: Did you hear what the
[19]   offer of proof is?
[20]   MR. MONTROY: I did, Your Honor. He's
[21]   just going to talk about conversations with
[22]   this young man that he had.
[23]   THE COURT: Right. I'll allow it.
[24]   THE COURT CRIER: State for this Court
[25]   your full name. Spell your first and last

[1]   name, your badge number, and your
[2]   assignment, please.
[3]   THE WITNESS: Lieutenant
[4]
[5]   Currently assigned to the South
[6]   Gang Task Force.
[7]   - - -
[8]   LIEUTENANT   , after having been
[9]   first duly sworn, was examined and
[10]   testified as follows:
[11]   - - -
[12]   THE COURT: Good morning, Lieutenant.
[13]   THE WITNESS: Good morning, sir.
[14]   MS. PEDICINO: May I?
[15]   THE COURT: You may proceed.
[16]   DIRECT EXAMINATION
[17] BY MS. PEDICINO:
[18] Q.   Good morning, Lieutenant
[19] A.   Good morning.
[20] Q.   Lieutenant   , do you know the defendant
[21]   ?
[22] A.   Yes, ma'am.
[23] Q.   How long have you known
[24] A.   The program started two years ago. The last
[25] 18 months to a year.

[1] Q.   And how often would you see the defendant?
[2] A.   A couple of times a week, Your Honor. If I
[3] wanted to see him every day I could, but a couple of
[4] times a week.
[5] Q.   And why do you say that? Where would he be,
[6] if you wanted to see him?
[7] A.   1500 block of Etting Street, 1500 block of
[8] Marston, 2700 block of Tasker, every day.
[9] Q.   And would you have conversations with him,
[10] when you saw him?
[11] A.   Yes, ma'am.
[12] Q.   When you would see him, was he alone or with
[13] other people?
[14] A.   He would be alone or with other people, but I
[15] would mostly, Your Honor, engage him in conversation
[16] when he was by himself.
[17] Q.   And what would your conversations with him be,
[18] Lieutenant?
[19] A.   My conversations would be -- I found out the
[20] defendant, Your Honor, has never been arrested
[21] before. This program is designed to help people
[22] exactly like him. And I would talk to him about
[23] joining the social service aspect of the focus
[24] deterrent program, talk to him about staying out of
[25] trouble. I would talk to him about -- his name

[1]   was very like -- a negative name on the
[2] street. Very popular. A lot of people knew it.
[3]   I did everything in my power to tell him to
[4] get out of this neighborhood. You got relatives in
[5] any other part of the city to move. He's never been
[6] arrested before and I told him, if you don't change
[7] your ways, you're going to wind up in a courtroom,
[8] and it's exactly where we are at right now, Your
[9] Honor.
[10] Q.   To your knowledge, did he ever take advantage
[11] of those opportunities? Did he every make a phone
[12] call? Did he ever reach out to social services?
[13] A.   He took the number down. He would always put
[14] the number in his phone or write the number down.
[15]   I talked to the social services coordinator.
[16] Any of these guys I talked to, Your Honor, I would
[17] always call the social service coordinator just to
[18] make sure my message was getting through and make
[19] sure they called; he never called.
[20]   MS. PEDICINO: I have nothing further,
[21]   Your Honor.
[22]   THE COURT: Any cross-examination?
[23]   MR. MONTROY: Yes, Your Honor.
[24]   CROSS-EXAMINATION
[25] BY MR. MONTROY:

At the sentencing hearing, a Lieutenant of the South Gang Task Force shared his efforts to frequently offer resources to an individual: he sincerely believed that his approach was the best method possible to reach an at risk youth in South Philadelphia. Even though the Lieutenant had several conversations with the defendant mentioned in the notes of testimony, PPD's policy did not require the Lieutenant to memorialize those interactions, nor could it be easily determined which officers attempted the same strategy on the same individual.

This example could be an indication that the overall goal and strategy of Focused Deterrence was not communicated nor examined frequently to ensure all intervention goals aligned with stakeholders; some stakeholders believed the program was solely for individuals involved in group gun violence whereas others believed the program was a catchall for all individuals who lived in the targeted Focused Deterrence areas.

Even with this miscommunication, Focused Deterrence was successful in South Philadelphia: there was a 35% reduction in the rate of criminal shootings post implementation of the program. [35] Additionally, data from the District Attorney's Office and Adult Probation and Parole suggested that the general deterrent of Focused Deterrence reached the larger community beyond the targeted members. [36] An evaluation also found that arrest rates overall were not excessive. Professor Roman states that "the data appears to indicate that police were not overly aggressive in making arrests as part of the Focused Deterrence strategy: arrest numbers and rates were in line with those after shootings that took place outside of the targeted Focused Deterrence intervention area". [37]

Arrests are one of several types of interactions that law-enforcement has with individuals. Other categories of these interactions include mere encounters, stops based on reasonable suspicion, and detention and searches based on probable cause. Due to lack of available data collection, it is not possible to determine how Focused Deterrence impacted individuals in all non-arrest interactions. [38] For expanded evaluations of Focused Deterrence efforts, Professor Roman emphasizes the need for a systematic tracking of information including law enforcement activities and the products of those activities for each individual gang member. [39]

In evaluating the design and implementation of the strategy, one area that was not addressed was whether due process rights or any related rights were violated because of the added surveillance on individuals-resulting in additional criminal justice contacts, which may not have been warranted if these individuals were unfairly on the group list of targeted offenders. [40] Even though the strategy had good intentions, the implementation of it did not always align with the mission.

When the Focused Deterrence program ended in 2016 due to lack of funding, the PPD continued to gather information relating to focused individuals and their associates. This information was stored in "gang booklets" that are unique to each district. Command level PPD personnel showed the PAC a 2018 gang booklet which contained pictures, dates of births, and other identifying information regarding the focused individuals; however, the booklet was devoid of information relating to why the individuals had been added to the "gang" list.

PPD has since updated its antiquated system of gang booklets and instead now places its intelligence information in a unified electronic system called Operation Pinpoint.

Operation Pinpoint

In their efforts to reduce violent crime in Philadelphia, PPD recognized that there was no singlular remedy for our city's gun-violence epidemic. PPD formed the Violent Crime Response Strategy to attack gun-violence with a multifaceted approach. One aspect of that program is Operation Pinpoint, which "is a multifaceted crime fighting and information sharing strategy designed to identify, collect, analyze, and disseminate information that officers, and commanders need to target the worst violent offenders and areas."[41]

To determine who within these targeted areas are the violent offenders and their associates, PPD created their version of a SNA, entitled the "Known Associate Network Analysis". The Network is like a spider web, with a targeted individual centered in the web and several links coming from an icon illustrating the several alleged associates the individual has. This is illustrated next.

Known Associate Network Analysis for:

Active Warrants Must Be Verified Prior to Execution

Legend
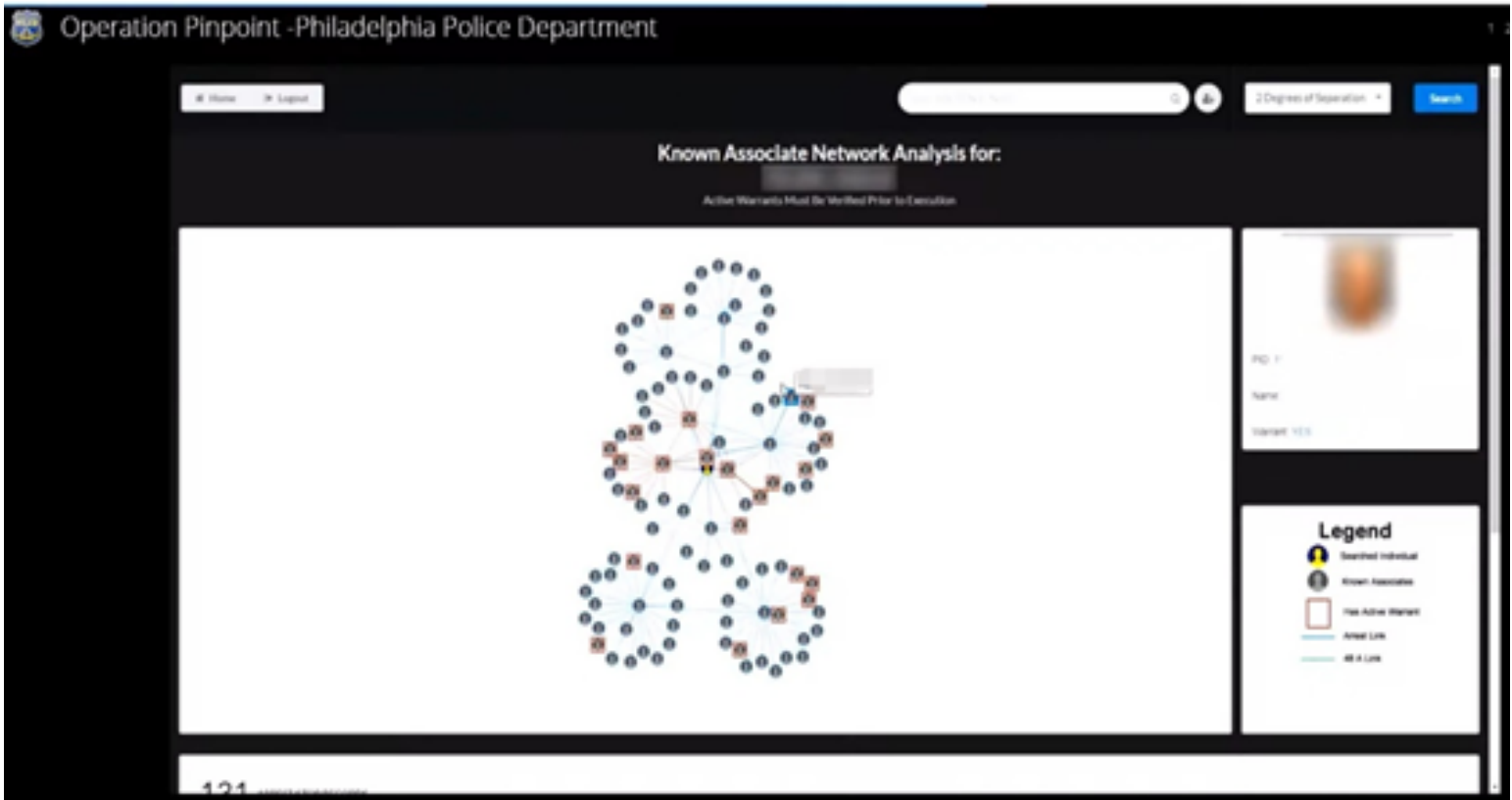
Operation Pinpoint functions by mapping out relationships of individuals and linking them together. The network illustrated is very large.[42] The yellow centered icon is the individual the PPD is focused on, with the other facial icons representing individuals who have been linked to the targeted individual. PPD can determine associates by 1st and 2nd degrees. A 1st degree association is an association in which there is a direct link between the focused individual and another person. A 2nd degree association is an association in which the known associates of the first known associates are shown on the network. For example, Person A is the individual of focus and has a direct link to Person B. Person A does not know Person C, but Person B has a direct link to Person C. In a 2nd degree association network, Person C will be shown in Person A's network, even if they have never met before.

The legend box located on the bottom right of the illustration describes ways in which individuals will be linked to another. Currently this can occur via three ways.

An individual's information is entered into the system through interactions with the police. This primarily happens through pedestrian or vehicle stops. According to PPD Directive 12.8, Officers are required to complete a vehicle or pedestrian investigation report (75-48A) on all vehicle stops and will record all pertinent vehicle and driver information, and if any passengers are in the vehicle their information will be recorded on the 75-48A as well. It is important to note that all passengers in a vehicle during a stop are recorded on the same 75-48A as the driver.

The data collected from these pedestrian and vehicle stops is uploaded into the PPD Intelligence Bureau and is merged into the SNA. If a vehicle is stopped for any reason, all passengers will now be linked to one another in the network, even if the passengers do not know one another. A 75-48A should be completed even if the driver is released with a warning and a traffic citation is not given.

Similarly, if an Officer does a pedestrian investigation on the street, they are required to complete a 75-48A listing all the individuals stopped during an interaction. The information will also be merged with the SNA and all individuals stopped during the pedestrian investigation will be considered a known associate of one another, even if they had just met shortly before the Officer stopped them.

75-48As are completed for adult and youth interactions. If a youth is stopped for an alleged crime, the 75-48A data remains in the PPD database. PPD directive 5.5 section 10 outlines the requirements for destroying youth photographic and fingerprint records of youth who are not adjudicated delinquent. However, the directive does not extend the same destruction protocol to 75-48A data. Youth stopped together will remain known associates of one another. Currently, PPD policy is to destroy all 75-48A information that is older than two years. However, there has been no public audit that confirms compliance with that protocol.

ARREST LINK

When two or more individuals are arrested for an alleged criminal act, their case will share the same District Control (DC) number. Since these individuals will share the same DC number, they will be linked as associates of one another in PPD's SNA. It is important to note that these alleged co-defendants will share this link regardless of the outcome of the original case. For example, if two individuals are arrested for an alleged burglary as co-defendants, the individuals will maintain their link regardless of the disposition of the case. In the SNA illustration, PPD also has the ability to see which associates have active warrants as well; those individuals are highlighted with red boxes. PPD does not have a procedure in their directives alerting people that they are being labeled as associates of other people. There is also no procedure to purge information if an individual's charge is expunged.
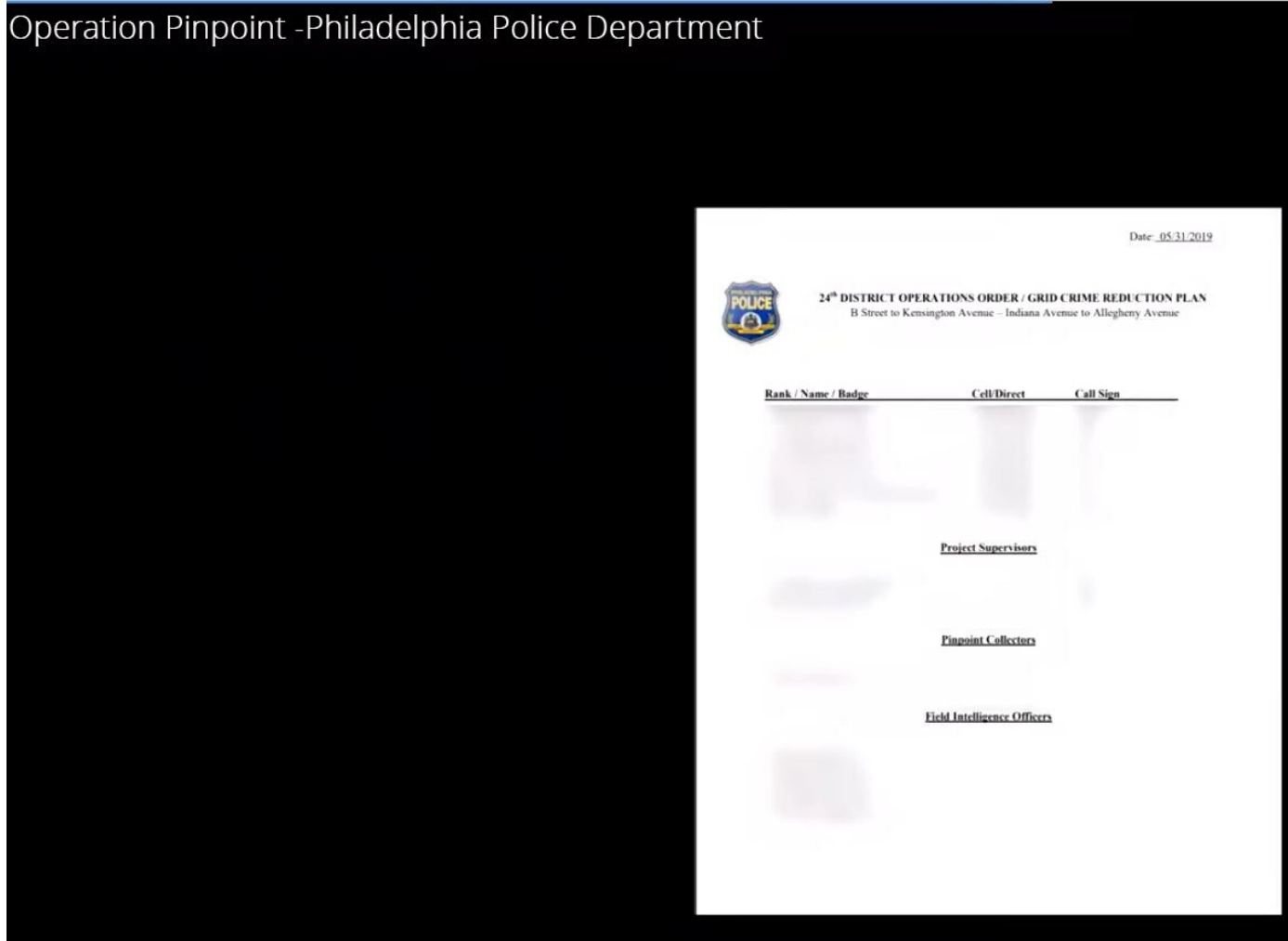
DVIC Analyst Link

During the PAC's tour of the Delaware Valley Intelligence Center (DVIC), PAC staff learned that once SNAs are created, analysts have the ability to add links to individual networks based off of classified information such as confidential informants and other information not contained in routine PPD documentation.

Only trained analysts can develop these networks; district level officers and command do not have the ability to create social networks, but they can help DVIC analysts by providing intelligence information. Analyst meet with command-level officers in every district to create pinpoint grid plans.

Pinpoint Grid Plans

One portion of Operation Pinpoint includes grid-level operational plans. These plans, for certain hot spots, contain lists of relevant information for a given geographical areas that typically spans over a few city blocks. This information includes which "gangs" are in the area, who are the prolific offenders, and nuisance businesses. An example cover sheet of a 24th District plan is seen below.

Operation Pinpoint -Philadelphia Police Department

In the current situation update for this district, the report shares that there are no recognized gangs in this particular grid; however, small groups of 1-3 actors are in the area. This report does not state the source grade for the individual who gave the information, nor the reliability grade for the information itself as required by Directive 5.26.

This report also lists 6 targeted individuals for this grid but does not explain why these particular individuals are targeted over others.
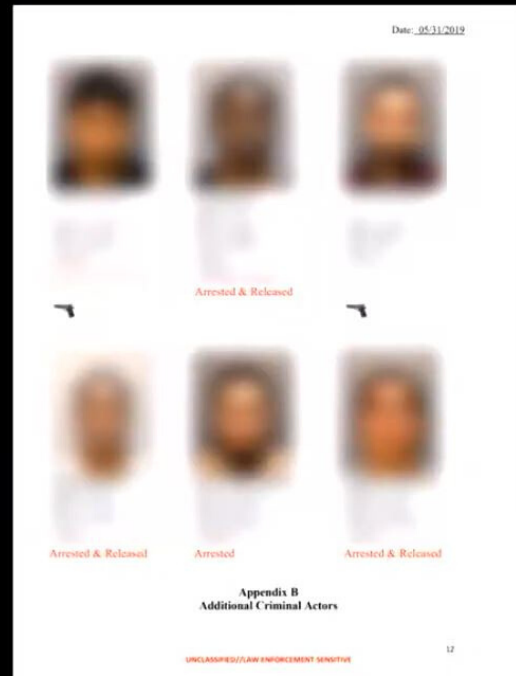
As illustrated above, this plan lists actors to focus on. Pinpoint highlights which individuals have been arrested and which have been released. The firearm icon denotes individuals who have been arrested previously for violations of the uniform firearms act (VUFA).

Not only does Pinpoint have the capacity to focus on individuals, a user of the program can select geographical regions to gather information.
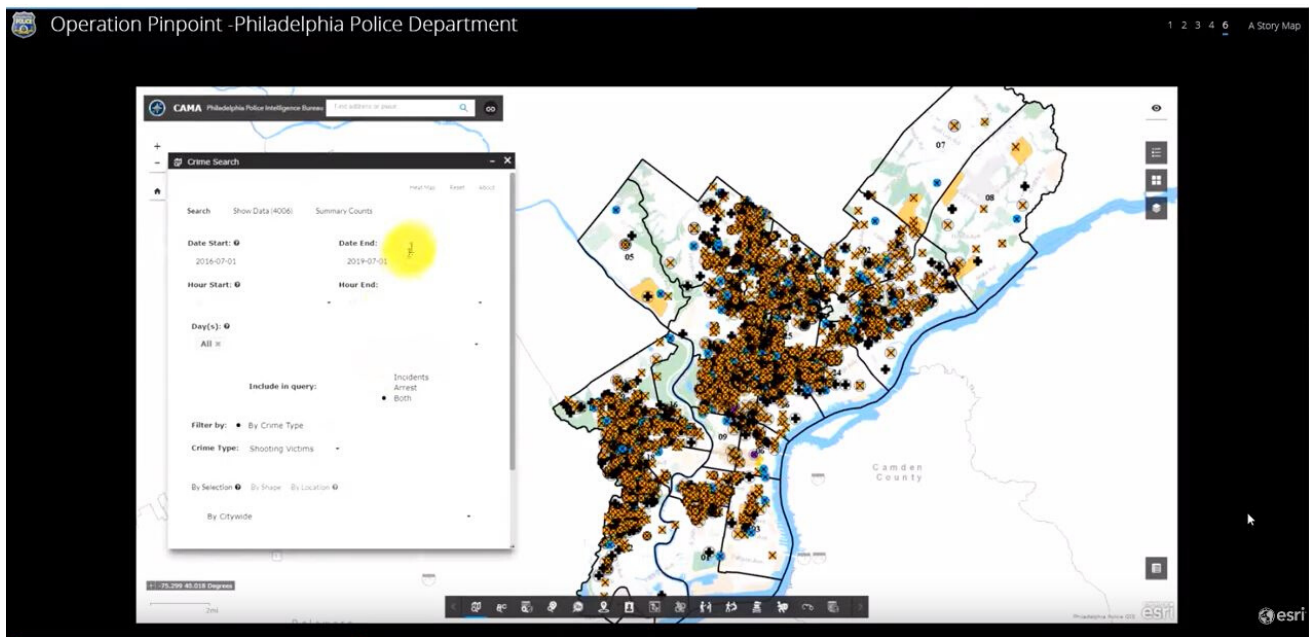
The illustration above depicts a mapping of shooting victims over a three-year span in Philadelphia.
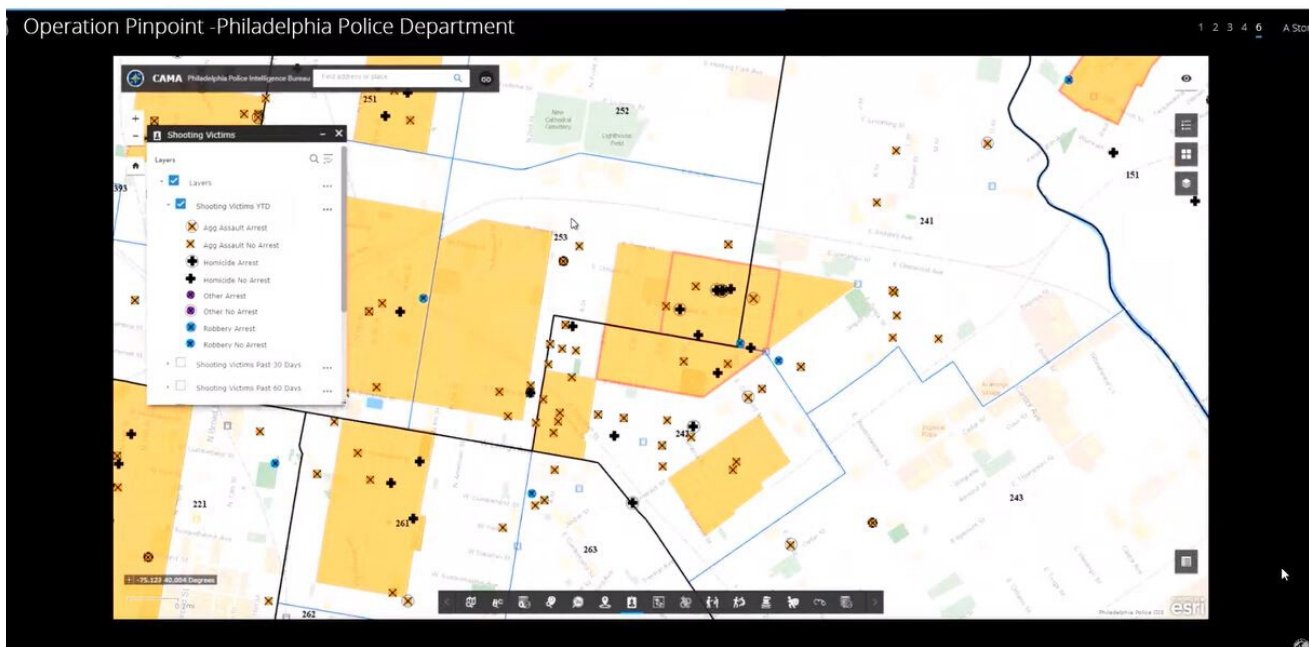
A PPD intelligence personnel demonstrates, in a YouTube video, how Pinpoint can zoom in on area grids to determine exactly where the shootings occur.[43] PPD will use this information to allocate resources in hopes of solving shootings and preventing future crimes.

This data collection is not without limitations: all law enforcement agencies must adhere to certain standards in data collection, storage, and dissemination.

Intelligence Standards

Pennsylvania enacted the Criminal History Record Information Act (CHRIA) to provide protections for individuals' personal information; it imposes requirements for placing intelligence information in an automated system. Those requirements include the agency having reasonable suspicion of criminal activity and restricting its access to select employees of the agency. For the intelligence to be shared, an authorized intelligence officer must determine that the information is reliable.[44]

CHRIA also establishes retention schedules for intelligence information. Specifically, the information shall be purged under the following conditions:
   (i) "The data is no longer relevant or necessary to the goals and objectives of the criminal justice agency."
   (ii) "The data has become obsolete, making it unreliable for present purposes and the utility of updating the data would be worthless."
   (iii) "The data cannot be utilized for strategic or tactical intelligence studies."

Additionally, "criminal justice agencies maintaining intelligence information must enter, as a permanent part of an individual's file, a listing of all persons and agencies to whom they have disseminated that particular information, the date of the dissemination and the purpose for which the information was disseminated".[45]

The Pennsylvania Office of Attorney General is tasked by CHRIA with conducting annual audits of the central repository and of a representative sample of all repositories.[46] "The audit shall contain a report of deficiencies and recommendations for the correction of such deficiencies. Upon the completion of every audit, the audited agency shall carry out the recommendations within a reasonable period of time unless the audit report is appealed to the Attorney general and the appeal is upheld".[47] As of the writing of this report, Attorney General staff in the Intelligence/Compliance Unit confirmed that there is no audit available specifically for the Philadelphia Police Department.

Using these state baselines, the Philadelphia Police Department developed Directive 5.26: Collection and Dissemination of Protected Information Policy. These directives outline protocols for collecting and storing information.

According to the Directive, intelligence will be evaluated and graded by the individual creating the record to determine the level of source reliability and intelligence validity. All sources of information will be evaluated and assigned a letter grade from A (completely reliable) to E (reliability unknown). The information from the source will also be evaluated to determine its level of validity and graded from 1 to 4. 1 refers to information that is known to be true/confirmed, and 4 references information that cannot be judged. The most reliable source and vetted information will have the longest review date of 48 months. The least credible source with unconfirmed information will be reviewed within one year or less. [48]

As of this writing, there is no public audit executed by PPD to determine whether the intelligence being stored is in compliance with its own directives, as well as CHRIA requirements. Additionally, there is no public information concerning what other criminal justice agencies PPD shares this intelligence with, such as ICE, FBI, etc.

WHY THIS MATTERS

Social networks are important for Police to prevent urban violence. Leading expert Andrew Papachristos has previously stated that one's risk for becoming involved in violence, as either a perpetrator or a victim, depends heavily on one's social network.[49] However, social networks cannot be the only tool used to prevent violence, and law-enforcement use of social networks should not be abused. Overenforcement might lead to more arrests and more time in jail and prison, but it will not necessarily result in less violence. Recklessly aggressive policing and prosecution may actually increase violence.[50]

Individual protections are important because many of the people placed in "gang" lists and databases are under-supported and predominately African American. Thomas Abt highlights that overpolicing of African American and Latino communities leads to community rejection of the legitimacy of law enforcement. A government's authority will not be respected if it cannot safeguard its citizens, especially so for those who live in neighborhoods where crime and violence are prevalent. Legitimacy therefore depends on effectively using the law to keep people safe from harm.[51]

Legal cynicism is defined as a deep-seated belief in the incompetence, illegitimacy, and unresponsiveness of the criminal justice system; when people see law enforcement as unwilling or unable to help them, they withdraw from it, refusing to report crime, testify in court, or serve as impartial jurors. [52] After examining survey data, it was shown that legal cynicism was more closely correlated with violence than poverty, inequality, or unemployment.[53] Thomas Abt has quoted in *Bleeding Out* that in neighborhoods where cynicism runs high, "if somebody beats up your cousin, you don't call the police; you reach out to friends and family to handle your business".[54]

Papachristos analyzed a study of more than one hundred active gun offenders in Chicago and found decidedly more negative views of the police among the offenders than among the public at large. [55] It is not only misconduct and misbehavior that diminishes legitimacy and drive cynicism; it is also the failure to effectively control crime and most importantly, to protect people from violence. [56]

It is necessary for Philadelphia to engage in violence-reduction measures, but for the community to view it and PPD as legitimate, they must find the tactics employed to be credible. In addition to the goal of reducing gun violence, Focused Deterrence also wanted to increase PPD legitimacy. With some protections added to the strategy, that goal could be obtained. Endeavoring to create a network that limits the individuals targeted, while also supplying civil liberty protections, may assist in efforts to legitimatize police programs. Different cities have had varying results when it comes to the use of gang databases and SNA. Some have had more success than others. Others have done away with the practice altogether.

If Philadelphia wishes to continue using its very own SNA program, Operation Pinpoint, to target violence, then it is worth considering what the outcomes of SNA programs in other cities have been. We hope reviewing how other jurisdictions tackle this issue will help shape how PPD engages the community in violence-reduction programs.

OTHER JURISDICTIONS

To determine which safeguards are necessary for individual protections, the PAC reviewed protections offered by other jurisdictions. These range from the Boston Police Department which was recently sued for its maintenance of its gang database, to the Portland Police Bureau, which after attempting several different suggestions, recently elected to discontinue their "gang" intelligence unit.

Boston Police

Chicago Police

California CalGang

Portland Police

LOCAL
In-depth news coverage of the Greater Boston Area.

Boston Police Gang Database Made up Mostly of Young Black, Latino Men

A summary provided by the department recently shows that 66% of those on its database are black, 24% are Latino and 2% are white

By Philip Marcelo • Published at 1:34 pm on July 30, 2019

Last year the American Civil Liberties Union (ACLU) of Massachusetts sued the Boston Police Department (BPD) for access to its gang database. In particular, the ACLU wanted to know the demographic makeup of the individuals included in the database including race, age, zip code, nationality, and gender.

Boston's gang database is maintained by the Boston Regional Intelligence Center (BRIC). An ACLU racial breakdown of Boston's gang database showed the demographic makeup was 66.47% Black, 23% White non-Hispanic, 7% unknown, .40% Asian, 9.71% Black Hispanic, and 14.11 % White Hispanic.[57] These figures confirmed what the ACLU suspected: **the gang database disproportionately includes people of color.**

GANG ASSESSMENT DATABASE

Maintained by the
Boston Regional Intelligence Center

| LAST | | FIRST | 1996 DOB (mm/dd/yyyy) | DEPORTED PERSON STATUS |

ALIASES   **NICKNAMES**

GANG AFFILIATIONS & VERIFICATIONS
PRIMARY   INACTIVE   Associate (6 points)

ADDRESSES

FBI #   IDENTIFIED BY

The image above illustrates what the gang database looks like at the BRIC. The gang assessment database lists the points for all individuals, member being 10 points and associates having 6-9 points. The ACLU published this sample showing the limited verification process that is documented. In the full view of the report, this individual collected 6 points, the points makeup came from wearing a hat known to be gang related (4 points) and was seen with 3 other individuals known to be gang related (2 points).[58] Even though the BPD keeps track of all observations that meet the points criteria for gang behavior, BPD does not notify the individuals of their status nor verify that the information is accurate.

BPD's use of intelligence to place individuals in their database is alarming. Not only is the criteria and scorecard arbitrary, but it erodes civil liberties. Although this practice is concerning, BPD does offer protocols that PPD doesn't; it lists the reasons why someone was placed in a database. The reports and gang booklets that PPD shares however does not detail precisely why someone is targeted-their faces and names are merely displayed among others.

CHICAGO'S GANG DATABASE CAN HAVE 'DEVASTATING' CONSEQUENCES, BUT THERE'S NO WAY TO BE REMOVED FROM IT.

Social media posts, tattoos, or the unvetted word of an officer can lead to inclusion on the list, which is overwhelmingly composed of people of color.

Concerned about similar violations of civil liberties, the Chicago Office of Inspector General (OIG) recently audited the Chicago Police Department's gang database.

In response to growing community concerns that the Chicago Police Department's gang database was overly inclusive of people of color, the Office of the Inspector General released a 160-page audit of the program in April 2019. OIG personnel affiliated with this report shared with the PAC that it took a team of 4 members working for over a year to conduct the audit. The audit highlighted that Chicago's use of a SNA used only arrest data, not pedestrian data as PPD currently uses. The reason for this is that many association data can quickly become stale.

When OIG asked why CPD needed this information, they shared that it was helpful in several areas:
1. Officer safety, because gang membership indicates that someone is prone to violence or has a history of resisting arrest
2. Safety of the individual if they become incarcerated, to ensure they are not housed with rival gang members
3. Investigative, to help department members identify associations between people
4. Preventing retaliations through the deployment of police resources
5. Strengthening criminal charges when gang membership is an element of the crime.[59]

The OIG found that CPD shares this information with over 500 agencies.[60] These agencies include the Cook County Sheriff's Office, Homeland Security/ICE, US Citizenship and Immigration, FBI Gang Intelligence Center, and US Customs and Border Protection-Chicago. During the OIG audit, it was determined that 35.5% of queries conducted in the gang database came from an external Chicago police agency.[61]

After its review, the OIG provided 30 recommendations to the Chicago Police and in response the department largely agreed with many of the recommendations.

First, the OIG found that the system lacked sufficient controls for maintaining and sharing the data. To remedy this problem, OIG made 6 recommendations. A few of those include:

- Evaluating with stakeholders on whether collecting, maintaining, sharing, and using gang information best serves violence reduction efforts in the city. (recommendation 1)
- Ensue policing resources are focused on violent actors instead of all individuals in the database. (recommendation 2)
- Consider other mechanisms for preserving officer safety based on more reliable data, such as flagging individuals with a documented history of violence or weapons possession. (recommendation 3)

Chicago Police partially agreed with 1 and agreed to draft a directive and release it for public comment before implementation. CPD agreed with recommendations 2 and 3 in full and shortly released a Q&A statement to the public.[62]

Second, the OIG found that the database lacked procedural fairness protections. The database lacked processes to notify, appeal, review, and purge information relating to gang designations. If an individual is somehow alerted of their gang designation, Chicago did not have a procedure where an individual can contest or appeal their designation, which undermines the department's ability to maintain accurate and up-to-date information.

To remedy this problem, OIG made 17 recommendations to establish procedural safeguards. A few of those recommendations include:

- Establish formal, clear, public purposes and goals for the collection of gang information, and tailor training, access, policies, and technology to align with these purposes and goals. (recommendation 9)
- Establish formal written agreements with external agencies regarding data quality, input and output controls, and appropriate use. (recommendation 10)
- Regularly conduct formal audits of external agency access and use based on clearly defined metrics. (recommendation 12)
- Codify formal processes for supervisory and/or expert level review of gang designations for accuracy. (recommendation 15)
- Formally require the inclusion and assessment of specified types of evidence required to support proposed gang designations. (recommendation 16)
- Formally update and publicly report clearly defined criteria for gang and gang activity.(recommendation 17)
- Conduct regular, formal reviews of gang designations to evaluate continued accuracy of the designation. (recommendation 18)
- Formally require that every individual who receives a gang designation from the department is notified. (recommendation 20)
- Establish a formal appeal process. (recommendation 23)

Notably, the Chicago Police Department agreed to all recommendations listed above and drafted a directive outlining the procedural safeguards.[63]

Third, OIG found quality concerns in the data. When an officer believes an individual is a member of a gang, the officer may complete a gang arrest card. However, CPD did not require evidence to support the designation as a gang member. Because of the lack of evidence that supported officers' suspicions, the department is unable to confirm that gang designations are accurate and up-to-date.

Lastly, OIG found concerns regarding the legitimacy of the database and the level of community involvement. Most importantly, OIG recommended for CPD to regularly report on CPD's collection, storage, and use of gang data to increase transparency. (recommendation 27). In response, the department agreed to publicly report aggregate data within the database but did not disclose what level of specificity it will report.

Even though the Chicago OIG released this report in April 2019, other jurisdictions have had more recent community concerns and investigations. The PAC also reviewed the Los Angeles Police Department, which in January 2020 uncovered a fabrication scandal relating to its gang intelligence database.

The New York Times

Los Angeles Officers Suspended After Boy Is Wrongly Labeled a Gang Member

A mother's concerns unleashed an investigation into whether an elite police unit was falsifying records.

Following notification a mother received informing her that her son was an identified gang member, a January 2020 internal inquiry found that over 20 officers falsified records in the LAPD gang database.[64] Commissioner Dale Bonner of the LAPD noted that there was a lack of safeguards that allowed the allegedly fake labeling to happen without detection.[65] To prevent future abuse, the department now requires a gang lieutenant to review footage from body-worn cameras to make sure it matches the field-interview cards when adding a person to the database. If not for California's requirements that individuals are notified when added to the list, the mother would not have known. The following illustration outlines that notification procedure.

This illustration from the California State Auditor depicts the notice requirements necessary to place youth in the CalGang database.[66]

Even though California attempted to offer more individual protections, problems remain; few people have been successful in removing themselves from the database and information is frequently contested as falsified. During the first year, only 16 removal requests were received, with only one being granted.[67] In the same report it was found that law-enforcement agencies were sharing the information with employment- and military-related screenings.

Most recently, a new law, Assembly Bill 90, required the California Department of Justice to assume management of the database. In their recent audit, the DOJ shared that over 18,000 individuals were purged from the database under retention-period policies and as of October 2018, over 88,000 records were stored in CalGang.[68] The database continues to be plagued with problems including one individual who was placed in the database for merely being a passenger in a car; it took the man a two-year court battle to successfully be removed from the database.[69]

One jurisdiction, however, has decided that no amount of regulation can prevent civil liberty violations and elected to do away with their database. The next section will address the Portland Police Bureau.

The Portland Police Bureau's (PPB) Gang Enforcement Team has a mission to reduce criminal activity related to street gang violence.[70] The team collects and analyzes associations of individuals who may be involved in street violence. This work differs from responding to a specific crime; the team proactively uses information about people, their activities, and their associations. From this process the team developed two methods, first, the gang designation/affiliation list, and second, the most active list.[71]

Portland's gang designation list started in the 1990s when police started designating some people as criminal gang affiliates which would be noted in their police records; the original purpose was to alert other officers to the potential dangers of an individual.[72]

This procedure changed when a federal judge ruled in 1994 that this practice was unconstitutional; after the civil suit the City agreed that it would provide due process protections to people designated as gang affiliates, and the city was ordered by the Federal District Court to provide due process to gang affiliate designees if the city intended to maintain a list.[73] The safeguard procedures that were then put in place were notifications, an appeal process with Police managers and a hearing officer, and a purge process after four years.

PPB created a police directive outlining the policies and procedures for the list.[74] In summary, if an officer wants to designate someone as an affiliate, they must submit that request to their supervisor. If the supervisor agrees with the request, PPB will send a notice to the subject's last known address; the notification will include a list of supporting documentation for why the designation was approved. The subject would have 30 days from the mailing of the notice to request a hearing which is a two-stage process. Additionally, the directive called for an expiration of the designation four years after the source information was based.

However, even with these procedural safeguards, due to community concerns, the Bureau rescinded its policy in October 2017; **the entire gang designation policy was discontinued**.[75] Some complaints with the system were that young African American men were facing more police scrutiny. According to the Portland's City Auditor report on the gang database, the Bureau was also unable to provide information on how effective the database was.[76]

In response to the lack of clear directives on the policies, the City Auditor stated:

> When police agencies establish policies that guide their information collection and sharing, they can assure the public that the information collection is achieving goals and protecting civil liberties. The Police Bureau, however, did not have a policy regarding the most active list. The gang enforcement team collected information and produced lists for more than two years without a policy that authorized or guided the work. [77]

With these concerns, the Auditor made three recommendations.
1. The Bureau should adopt official policies and procedures for collecting information regarding relationships.
2. Ensure the policy include a purpose, description on the type of information gathered, how police will document reasonable suspicion, safeguards to control access, safeguards to ensure the record is complete and accurate, a record retention policy, and a requirement to regularly evaluate the program.
3. The Bureau should review its current practices for creating lists against legal requirements.

During the course of making these recommendations, the Bureau elected to discontinue the list.

Pinpoint's Progress

At a January 2020 meeting for the quarterly update on the Roadmap to Safer Communities, PPD shared that Philadelphia's year-to-date homicide rate has increased 82%. However, PPD shared that the homicide increase in Pinpoint grids is 16.7%, significantly lower than in the City overall. Additionally, the overall shooting victims in the Pinpoint grids decreased by 7.8% from prior years. To assist with the expansion of the technology, City Controller Rebeca Rhynhart recently reported that for budget year FY20 the City allocated $97,000 for PPD's upgrades to Operation Pinpoint.[78] On March 5, 2020, Mayor Kenney announced his plan to expand Operation Pinpoint by $5.7 million.[79]

Closing Summary

Several law-enforcement agencies have attempted to combat urban gun violence, and many of these programs started with the origination of a target list. Such lists are inherently suspicious; there is little transparency regarding the criteria for who will be added, low levels of community buy-in, and arbitrary standards for how individuals can be removed.

The PAC acknowledges that not every program can anticipate areas of concern or weaknesses that remain in the blind spots of the policy makers-however, this report shows how other jurisdictions are tackling similar problems. These issues range from lack of access to footage from body-worn cameras, overreliance of police mere encounters, and perceived lack of due process. After hearing the concerns of several local community organizations regarding PPD's role in Group Violence Intervention, it has become plaint that a common community sentiment is that the program must be equitable.

With the goal of increasing community trust of the PPD, the PAC offers the following recommendations that will address transparency, civil liberties, and oversight protections. Our hope is that PPD will review these recommendations and use them as a starting point in drafting their own directives that will address the concerns raised in other jurisdictions regarding the ability to equitably maintain these databases in an effort to curb urban violence.

The PAC looks forward to having ongoing discussions with PPD in best ways to implement this initiative without burdening PPD officers with paperwork and additional responsibilities which may prevent them from patrol duties. To best brainstorm ways to implement this strategy, the PAC welcomes a dialogue with PPD command as well as patrol officers who will have the most interactions with GVI identified individuals; their experiences, suggestions, and critiques are invaluable.

1. PPD should develop due process protections for individuals who are placed in gang booklets, databases, or are focused on by Group Violence Intervention or Operation Pinpoint. **From our comparison section, the Chicago Police Department, California CalGang, and the Portland Police Bureau all offered due process protections for individuals identified for focused intervention.**

1a. PPD should formally send every adult and youth notice when they are being placed on any list of focus. The notice should be sent to the last known address of the individual and a copy of the notice should be attached to the person's individual profile to confirm notice was given. If plausible, reasons for the designation should be given with the notice. If PPD engages with individuals of focus by arrest, stop, or mere encounter, the officer should inform the individual that they have been placed on the list.

1b. To protect youth further, notice should be given prior to placing any youth in any database or list. PPD should provide youth with the opportunity to contest the designation prior to the youth designation as a gang member, associate, or affiliate.

1c. Establish a formal appeal process where civilian and law enforcement personnel will be able to sit as a panel and hear the appeal.

1d. When establishing an appeal process, hold community meetings to determine effective ways in which community members can submit an appeal.

1e. For individuals focused on in group violence intervention efforts, provide detailed instructions for what the program means and how individuals can be connected to services if interested.

1f. Current district gang booklets should be destroyed due to the possibility of the booklets containing stale information and misuse of information.

2. PPD should create strict guidelines for creating social network analysis. Since PPD stores information relating to several types of interactions with the public, it is essential for privacy protections that this technology will only be used to combat serious crime.

2a. To protect civilian civil liberties, PPD should create social network analysis only for individuals targeted in the group violence intervention program, and the victims of gun violence in order to assist in preventing retaliation incidents. To assist with this, technological measures should be put in place to prevent networks from being made if the individual is not listed as a target.

2b. PPD should explore, research, and publish the necessity for creating networks with 2nd and more degree associations. PPD should issue a formal report detailing the success rate for solving crime and preventing violent crime with the use of the different levels of associations.

2c. PPD should conduct the report quarterly and share its findings with PAC.

3. Deploy body-worn cameras (BWCs) to all districts where Group Violence Intervention and Operation Pinpoint grids will be active. The January 2020 LAPD scandal surrounding their gang database would not have been discovered if LAPD officers were not required to activate BWCs in all pedestrian encounters.

3a.To increase transparency with the community, all officers working in GVI areas and Pinpoint grids should be trained and equipped for BWCs.

3b. The current BWC directive, which does not mention mere encounters, should be revised to require activation whenever an officer is engaging with an individual who is of focus in a group violence reduction effort. When officers are attempting to have mere encounters with individuals of focus, they should activate their BWCs.

3c. BWC footage from successful mere encounters should be used in training programs to assist officers in effective ways of communication.

3e. Develop a BWC audit program for PPD mere encounters, stops, and arrests of individuals who are of focus to locate positive encounters to use for training purposes, as well as areas that may need addressing.

4. Conduct audits and make results public. The Chicago Police Department currently releases statistics relating to its "gang" identified individuals. The statistics include race, age, gender, community, and reason given for the designation.

4a. PPD should conduct quarterly audits of all individuals on their focused lists for compliance with local, state, and federal intelligence gathering standards.

4b. Release a report outlining how many individuals were added to the list, how many individuals were removed, the current focus list number, and the demographics of the individuals.

4c. The category/reason for placing individuals on the list should also be included in the audit. To increase transparency with the community, PPD should share that x number of individuals were added due to illegal gun arrest, or x number of individuals were added due to involvement in prior shooting.

4d. Request that the Pennsylvania State Attorney General audit PPD intelligence gathering and information collection procedures and publish the report for public viewing.

4e. The PAC understands that the PPD does not have the sole authority over any list which might be created. With this in mind, the PAC recommends that the PPD advocate for regular and stringent review of persons included on the list in order to determine if they should be removed. Special attention should be paid to those who were added to a list based on less reliable intelligence.

5. Release quarterly reports of **PPD's partnership with the Department of Behavior Health and Intellectual Disability Services and other City Social Services partnerships for GVI individuals.**

5a. After a review of notes of testimony from former focused deterrence efforts, it was shown that previously, law-enforcement was attempting to offer services to focused individuals. PPD should utilize social media, community meetings and in person meetings to update the community on the partnership with DBHIDS, and other city social service providers. The PPD should also advocate that individuals with social service training lead the endeavor to locate social services for GVI individuals.

5b. The PPD should request quarterly reports from their social service partners. These reports should outline how many individuals they were able to offer services to, the percentage of GVI participants who are actively receiving social services through the GVI program, and ways to improve access to the services.

5c. PPD should develop directives on how law enforcement personnel should collaborate with social workers in an attempt to offer services. Social workers should have the **priority responsibility** of contacting individuals with the hope of partnering them with services; this is discussed further in Recommendation 6.

5d. The PPD should advocate that their social service partners maintain an active presence and adhere to stringent protocols which are designed to uphold the initiatives' legitimacy. For example: the PPD should advocate that a time frame to respond to referrals is established and adhered to so persons who receive referrals trust that they are a priority. The PAC is available to assist in the design and implementation of these protocols.

Recommendation 6

6. Create a directive on how to develop specialized plan of services for focused individuals. Even though we trust PPD to develop methods to prevent crime, enforce laws, and keep our communities safe, they cannot also be the sole force the community looks to for our social service needs. This recommendation will limit prior Focused Deterrence methods of frequently stopping and encountering individuals.

6a. If PPD wishes to conduct an effort to confront and intervene in the life of an at-risk individual, a specialized plan should be written up prior with the collaboration of a DBHIDS social worker. Currently, command-level PPD personnel travel to the community, knock on doors, and speak with the families of at-risk people. Social workers should be present before and during the meeting.

6b. PPD and other GVI partners should collect data on this procedure and evaluate it for effectiveness.

Recommendation 7

7. Create formal process for review of group violence intervention and gang designations. Several other jurisdictions have this protection including Boston, Chicago, and California.

7a. Require specified types of evidence to support a group violence designation; mere observation in a targeted area where urban violence occurs should not be sufficient for designation.

7b. Make public the clear criteria for what is group violence.

8. Create documentation relating to mere encounters if the purpose is to engage with focused individuals. LAPD requires officers to complete field interview cards if they are speaking with an individual who they believe to be involved in urban violence or gang activity. This measure will limit unwanted frequent contact by police.

8a. PPD should create a separate form to document mere encounters. The document should explain the reason for the mere encounter and a summary of the conversation. LAPD and Chicago both require some level of documentation for all encounters. The PAC understands that this may lead to additional civil liberty concerns. Safeguards should be implemented to ensure these documents are not also used to create more documentations on individuals movements.

8b. PPD should provide copies of these documents, upon request, to individuals who were encountered by PPD personnel.

8c. An audit should be conducted on these mere encounters for effectiveness and necessity in curbing urban violence.

8d. Training should be conducted to ensure individuals are not stopped simply due to their unwillingness to engage in a mere encounter.

9. To increase transparency with the community, when PPD updates or creates directives relating to urban violence, PPD should hold public meetings to receive feedback and responses from the community. As seen in Chicago, in response to the OIG report the Chicago police released a draft directive and asked for responses from the community prior to implementation.

9a. Many other law-enforcement agencies, including in Chicago, release draft directives to the public and have city wide meetings to discuss the proposals. PPD should release these proposals to criminal-justice stakeholders and community led organizations.

9b. PowerPoint or live demonstrations of the proposed procedures should accompany community meetings.

10.   Group Violence Intervention requires help from the community, and community members need to know that they can trust the officers assigned to those districts. The PAC recommends PPD conducts a thorough review of personnel assigned to the piloted districts and highlight exceptional officers while also promising the community to take measures to improve problematic personnel.

10a. After PPD explains GVI to West Philadelphia residents, PPD should partner with an independent academic agency or research institution to conduct a survey of the residents to determine community attitudes regarding policing, knowledge of GVI, and suggestions from the community on how best to intervene with high-risk individuals. The independent academic agency or research institution should have full autonomy to lead the survey design, implementation, and data analysis.

10b. PPD should establish an Internal Affairs hub in West Philadelphia to swiftly handle complaints against police (CAPs) in the area.

10c. GVI stakeholders should frequently engage with PPD personnel in GVI areas to ensure their understanding of the program aligns with established standard operating procedures and norms. PPD command should address GVI in daily roll-calls and make patrol officers aware of social service agents who are available to assist with GVI identified individuals.

10d. A PPD personnel should be assigned with the sole responsibility of reviewing 75-48A data, and other PPD documentation for GVI and Pinpoint identified individuals for compliance with model fidelity. This personnel should be familiar with evidence-based practices and be able to work with independent researchers to share PPD data in a timely manner.

11. Performance measures should be prepared and released to the public. The founder of the national model of Group Violence Intervention, David Kennedy, stresses the importance of tracking group member-involved (GMI) homicides. This measurement is important because researchers can compare GMI killings against baseline killing to determine if the GVI strategy is working. [80]

11a. PPD should release monthly figures on the exact number of shootings and homicides which are related to group violence, and the clearance rate for those incidents.

11b. PPD should release monthly figures regarding homicides and shootings. In particular, of all shootings and homicides that occur, what percentage is group related. These figures should enable the public to determine which homicides are being targeted by GVI and which could not be targeted by GVI. It may also allow for comparisons related to GVI and Pinpoint areas vs. areas that are not selected for intervention.

11c. PPD should also release figures which can help the public understand the differences in pedestrian stops, car stops, and arrests in areas of intervention vs non-intervention areas. Performance measure data can be displayed on a dashboard where the public can have quick up-to-date figures on comparisons.

11d. This measurement should include the percentage of victims and alleged perpetrators who are GVI identified.

11e. Independent evaluators and research institutions should be allowed access to performance measures related to GVI and Operation Pinpoint on a regular weekly basis.

11f. Performance measures should be collected on all law enforcement levers including mere encounters, pedestrian and car stops, arrests, conversations with probation and parole officers, etc. This data should be shared with independent evaluators and research institutions.

CITY OF PHILADELPHIA

June 11, 2020

Hans Menos
Executive Director
Police Advisory Commission
1515 Arch Street, 11th Floor
Philadelphia, PA 19107

RE: **Operation Pinpoint and Group Violence Intervention Report**

Dear Director Menos:

First, I would like to thank you for both the report and the presentation that you made to my executive team regarding your evaluation of the Department's Operation Pinpoint and its Group Violence Intervention (GVI) plan. Under my leadership, the pillars of the Philadelphia Police Department are organizational excellence, crime prevention and reduction, and community engagement and inclusion.   Operation Pinpoint and GVI, as part of the Mayor's *Roadmap to Safer Communities*, touches upon all three pillars; therefore, I found your report timely, comprehensive and insightful.
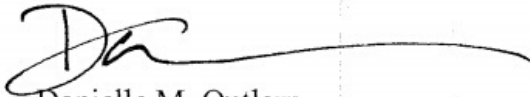
As such, I believe it would be a disservice to unilaterally respond to each of your recommendations without further dialog and collaboration. The mission of the Department is to be a model of excellence in policing. While our current initiatives satisfy both federal and state mandates regarding protected information, I believe laws set minimum standards. To achieve excellence, we must find ways to raise this bar, while still meeting our crime reduction and prevention goals. With your help and other stakeholders, I believe this can be accomplished. Therefore, I would like to accept your offer to use this report as a starting point for productive and fruitful dialog with the goal of achieving excellence. By modifying or implementing new policy in this area, we can ensure transparency is fully integrated into our crime fighting strategies, but also ensure the long-term sustainability of these programs.

Towards this end, before moving forward, I would like your approval to share your report with the Philadelphia Office of the ACLU and the Quatrone Center for the Fair Administration of Justice. I would like to include these organizations into the dialog and review of your recommendations. The ACLU has a unique perspective on this subject matter and would ultimately be the advocate challenging our policies and procedures. The Quatrone Center for the Fair Administration of Justice has yet another valuable perspective grounded in procedural justice. As you know, I have included these organizations, along with the PAC, in our current collaborative review of the Department's

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Facial Recognition policy with the goal of achieving excellence. By including these organizations in this review, I am certain that we would be on the right path towards creating an exceptional policy, but also in creating a model of collaboration for other police departments to follow.

Again, thank you for the hard work and effort you have put into this report. Please let me know if you approve of me sharing your report as mentioned. If so, through Staff Inspector Healy, we can immediately coordinate and begin the dialog.

Sincerely,

Danielle M. Outlaw
Commissioner

RESOURCES

1.Equity and Opportunity for All: Priorities for Mayor Kenney's Second Term. https://www.phila.gov/media/20200106104156/CITY-OF-PHILADELPHIA-MAYOR-SECOND-TERM-REPORT.pdf. Accessed January 7, 2020.

2. Ibid.

3.Mayor Announces Expanded Initiatives to Combat Gun Violence. https://www.phila.gov/2019-11-06-mayor-announces-expanded-initiatives-to-combat-gun-violence/. Accessed November 7, 2019.

4. Bartley, Alan, Williams, and Geoffrey. 2015. The Role of Gun Supply in 1980s and 19902 Urban Violence. December 31.

5. Papachristos, Andrew V., and Michael Sierra-Arevalo. 2018. Policing the Connected World: Using Social Network Analysis in Police-Community Partnerships. Washington, DC.

6. Ibid.

7. Keegan, Stephan. 2018. "Conspiracy: Contemporary Gang Policing and Prosecutions." Cardozo Law Review 991-1043.

8. Ibid.

9. Ibid.

10. Ibid.

11. Bailey, Kimberly. 2014. "Watching Me: The War on Crime, Privacy and the State." UC Davis Law Review. Accessed January 12, 2020. https://lawreveiw.law.ucdavis.edu/issues/47/5/Articles/47-5_Bailey.pdf..

12. (Keegan 2018).

13. (Bailey 2014).

14. Densley, James., Pyrooz, David. The Matrix Context: Taking Stock of Police Gang Databases in London and Beyond (2019).

15. Teigen, Anne. 2019. "The NCSL Blog." NCSL. December 20. Accessed January 12, 2020. https://www.ncsl.org/blog/2018/12/20/the-controversy-over-gang-databases.aspx.

16. (Densley 2019).

17. (Densley 2019).

18. Sierra-Arevalo, Michael., Papachristos, Andrew. Social Networks and Gang Violence Reduction. Annual Review of Law and Social Science, Vol.13, pp. 373-393. (2017).

19. (Papachristos and Sierra-Arevalo 2018).

20. (Sierra-Arrevalo and Papachristos 2017).

21. (Papachristos and Sierra-Arevalo 2018).

22. (Sierra-Arrevalo and Papachristos 2017).

23. (Papachristos and Sierra-Arevalo 2018).

24. Ibid.

25. (Densley 2019).

26.(Papachristos and Sierra-Arevalo 2018).

27. Firestone, Simon., Ward, Michael. The Importance of Location in Contact Networks: Describing Early Epidemic Spread Using Spatial Social Network Analysis. 2011

28. Abid, Muhammad, Ngaruiya, Grace. The Role of Social Networks in Agricultural Adaptation to Climate Change: Implications for Sustainable Agriculture in Pakistan. 2017

29. (Papachristos and Sierra-Arevalo 2018).

30. (Papachristos and Sierra-Arevalo 2018)

31. Roman, Caterina G., Forney, Megan., Hyatt, Jordan., Klein, Hannah., Link, Nathan. Law Enforcement Activities of Philadelphia's Group Violence Intervention: An Examination of Arrest, Case Processing, and Probation Levers. 2019.

32. Roman, C.G., Link, N.W., Hyatt, J.M. et al. Assessing the gang-level and community-level effects of the Philadelphia Focused Deterrence strategy. 2018.

33. Ibid.

34. Roman, Caterina G., Forney, Megan., Hyatt, Jordan., Klein, Hannah., Link, Nathan. Law Enforcement Activities of Philadelphia's Group Violence Intervention: An Examination of Arrest, Case Processing, and Probation Levers. 2019.

35. (Roman 2018)

36. (Roman 2019)

37. (Roman 2019)

38. (Roman 2019)

39. (Roman 2018)

40. (Roman 2019)

41. Philadelphia Police Department Operation Pinpoint.
https://www.arcgis.com/apps/Cascade/index.html?
appid=4ffada01ee5d4f32b22a9beadbae3887

42. See https://www.youtube.com/watch?v=3MAANExTvsw

43. Ibid.

44. 18 Pa.C.S.A. § 9106

45. Ibid.

46. 18 Pa.C.S.A. § 9141

47. Ibid.

48. http://www.phillypolice.com/assets/directives/D5.26-
CollectionAndDisseminationOfProtectedInformation.pdf

49. Abt, Thomas. Bleeding Out: The Devastating Consequences of Urban Violence-and a
Bold New Plan for Peace in The Streets. 2019. Pages 35-36

50. Abt 2019.

51. Abt 2019.

52. Matthew Desmond, Andrew V. Papachristos, and David Kirk, "*Police Violence and Citizen
Crime Reporting in the Black Community*," American Sociological Review 81, no.5 (2016).

53. Abt 2019.

54. Ibid.

55. Ibid.

56. Ibid.

57. Shannon Dooling. Here's What We Know About Boston Police's Gang Database. July 26, 2019. https://www.wbur.org/news/2019/07/26/boston-police-gang-database-immigration

58. https://www.documentcloud.org/documents/6219676-Gang-Assessment-Database-document.html

59. City of Chicago Office of Inspector General: Review of the Chicago Police Department's Gang Database. April 2019. https://igchicago.org/wp-content/uploads/2019/04/OIG-CPD-Gang-Database-Review.pdf

60. Ibid.

61. Ibid.

62. https://home.chicagopolice.org/wp-content/uploads/2019/04/Gang-DB-FAQ-Doc-DRAFT-11Apr2019-003.pdf. Accessed October 2019

63. https://home.chicagopolice.org/wp-content/uploads/2019/04/Criminal-Enterprise-Databse-DRAFT-11-APR-19-version-2.pdf. Accessed October 2019

64. https://www.nytimes.com/2020/01/08/us/lapd-gang-database.html. Accessed January 2020

65. Ibid.

66. California State Auditor Report 2015-130. The CalGang Criminal Intelligence System: As the Result of Its Weak Oversight Structure, it Contains Questionable Information that May Violate Individuals' Privacy Rights. https://www.auditor.ca.gov/pdfs/reports/2015-130.pdf. Accessed October 2019

67. Ibid.

68. https://oag.ca.gov/sites/all/files/agweb/pdfs/calgang/ag-annual-report-calgang-2018.pdf. Accessed October 2019

69. https://www.latimes.com/california/story/2020-02-03/california-attorney-general-xavier-becerra-changes-course-on-revamping-the-states-gang-database. Accessed February 2020

70. https://www.portlandoregon.gov/auditservices/article/677598. Accessed October 2019

71. Ibid.

72. https://www.portlandoregon.gov/auditservices/article/677594. Accessed November 2019

73. See *Ysasaga v. City of Portland*, No. 93-1175 ST (D. Or. Apr. 26, 1994).

74. http://media.oregonlive.com/portland_impact/other/manual_online_2009.pdf. Accessed November 2019

75. https://www.oregonlive.com/portland/2017/09/portland_police_to_halt_purge.html. Accessed November 2019

76. https://www.opb.org/news/article/gang-enforcement-police-portland-audit-african-american-stops/. Accessed November 2019

77. https://www.portlandoregon.gov/auditservices/article/677594. Accessed November 2019

78. https://controller.phila.gov/philadelphia-audits/data-release-fy20-violence-reduction-spending/. Accessed February 2020

79. https://www.phila.gov/media/20200306122723/5-4-7-ENGLISH.pdf. Accessed March 2020

80. Kennedy, David. National Network for Safer Communities. 2016. Group Violence Intervention: An Implementation Guide. Washington, DC: Office of Community Oriented Policing Services.