

ENTERED: _____

4-11-85

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

SIDNEY CLIETT, JR., et al., : CIVIL ACTION
Plaintiffs :
V. :
THE CITY OF PHILADELPHIA, et al. :
Defendants : NO. 85-1846

FILED APR 11 1985

CONSENT DECREE

WHEREAS, defendants, City of Philadelphia, et al. ("City"), contends that "Operation Cold Turkey" represents an all-out coordinated effort by the City of Philadelphia and the Police Department to significantly reduce street narcotics activity by maintaining a police presence at designated high drug traffic areas; and

WHEREAS, plaintiffs contend that defendants' operations and policies unlawfully provided that individuals be stopped, searched or arrested merely because of their presence in poor and minority neighborhoods designated as high-crime areas by defendants; and

WHEREAS, plaintiffs have sought preliminary injunctive relief restraining defendants from "Operation Cold Turkey" and have contended that any similar operation should also be restrained because of their allegations that the City of Philadelphia has violated and continues to violate constitutional rights guaranteed plaintiffs; and

WHEREAS, defendants City of Philadelphia, et al., denies the plaintiffs' contentions.

THEREFORE, plaintiffs and defendants City of Philadelphia, et al., by their counsel, hereby enter into the following consent decree for purposes of resolving the pending motion by plaintiffs for preliminary injunctive relief regarding defendants' "Operation Cold Turkey":

1. Defendants shall not stop, frisk, question, search, interrogate, detain, or arrest any person without meeting the requirements of the Constitution of the United States as interpreted by applicable court decisions.

2. Police officers are authorized to enforce the criminal laws and to make arrests based upon observed or perceived violations of the law, conduct investigations, and make inquiries, as consistent with constitutional requirements.

3. Defendants shall not take any of the actions itemized in Paragraph 1 based only on a person's presence in a high-crime location or designated area.

4. Defendants shall inform every police officer of the City of Philadelphia of the existence and content of this Decree within forty-eight (48) hours of its approval by the Court.

5. If approved by the Court, this Decree shall have the force and effect of an Order of the Court.

6. Discovery will no longer be expedited; the remainder of plaintiffs' claims will proceed on the scheduling basis set out in the Federal Rules of Civil Procedure.

7. This Order shall remain in full force and effect until further Order of the Court.

FOR PLAINTIFFS:

David Kairys
DAVID KAIRYS, ESQUIRE

Stefan Presser
STEFAN PRESSER, ESQUIRE

DATE: 4/10/85

FOR DEFENDANTS:

Barbara W. Mather
BARBARA W. MATHER
City Solicitor

Ralph J. Teti
RALPH J. TETI
Divisional Deputy City Solicitor

DATE: 4/10/85

APPROVED BY THE COURT:

Donald W. Van Artsdalen
DONALD W. VAN ARTSDALEN, D.J.

DATE: 4/10/85