

La Nueva Mayoría

By David R. Jones



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End Stop-and-Frisk Now

Over the years, it has become clear that the New York Police Department targets people of color in stop-and-frisk operations. According to a report recently issued by the Center for Constitutional Rights analyzing data from January 2010 to June 2012, blacks and Latinos constituted 84 percent of all stops. Only 6 percent of stops were followed by an arrest, only 0.12 percent by seizure of weapon.

In 2011, New Yorkers were stopped by the police nearly 700,000 times. Many young black and Latino men were stopped multiple times. These 700,000 encounters can't all have been supported by the legally required "reasonable suspicion that criminal activity was afoot." Arrests rarely followed.

The police contend that stopping and frisking thousands of black and brown New Yorkers is a necessary crime fighting tool and that it has contributed to the decrease in crime statistics. But the massive number of stops and the relatively small number of resulting arrests or summonses mean that tens of thousands of innocent people of color are being stopped for no good reason. And crime has decreased across the country, not just in places with stop-and-frisk policies.

The NYPD needs to end this practice now. Repeat stop-and-frisk encounters foster an antagonistic relationship between the police – who are ostensibly there to protect residents – and the community, which sees itself under siege.

The Bronx district attorney's office no longer prosecutes people stopped for trespassing unless the police can show that the arrests were warranted. Many of these arrests were made in public housing developments or under the NYPD's Clean Halls program. Some people were arrested in buildings where they actually live.

In March 2012, the New York Civil Liberties Union, the Bronx Defenders, and LatinoJustice PRLDEF filed a lawsuit in U.S. District Court for the Southern District of New York (*Ligon v. City of New York*) on behalf of the residents of buildings whose landlords have enrolled them in the Clean Halls program and people who were stopped and arrested on trespassing charges through the program.

In January 2013, U.S. District Court Judge Shira Scheindlin ruled that the practice of performing trespass stops outside private buildings without reasonable suspicion of a crime being committed is illegal. She found that for years the NYPD knew or should have known that its officers routinely violated people's constitutional rights. The judge has allowed these stops to continue pending an appeal by the city to her decision. This is standard procedure. Last May, Judge Scheindlin certified a class of plaintiffs in *Floyd, et.al. v. City of New York*, a lawsuit brought by the Center for Constitutional Rights to outlaw stop-and-frisk completely.

The police explain the racially disproportionate number of stops by saying that black and Latino men commit a disproportionate number of crimes in the city. But what it really reflects is the difference in policing between white neighborhoods and communities of color. The majority of those incarcerated in New York's state prisons are black and Latino drug users. This is true even though we know that drug usage by whites is greater than by blacks or Latinos. But arrests that reflect this reality don't follow.

The constitutionality of street stops was upheld in a 1968 U.S. Supreme Court case, *Terry v. Ohio*, where the court ruled that "reasonable suspicion" was the minimum threshold needed to justify a police search. But how can the NYPD justify nearly 700,000 stops on this basis? Apparently, a large percentage of the city's population is composed of suspicious characters, the overwhelming number of them people of color.

We cannot allow unconstitutional police conduct that divides us along racial lines, sows distrust, has the potential to result in an explosion of violence, and, in fact, does little to fight crime in communities of color. This policy must end now.

David R. Jones, Esq., is president and CEO of the Community Service Society (CSS), the leading voice on behalf of low-income New Yorkers for 170 years. For over 10 years he served as a member of the board of directors of the Puerto Rican Legal Defense and Education Fund. The views expressed in this column are solely those of the writer.