

## **End Stop-and-Frisk Completely**

Most New Yorkers are by now aware of the controversial stop-and-frisk policy of the New York Police Department. Over the years, it has become clear that the NYPD targets people of color in stop-and-frisk operations. According to a report issued last month 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 weapons.

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.

In 2011, New Yorkers were stopped by the police nearly 700,000 times. Many young black and Latino men, in particular, 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. So something else was at work.

This is the sort of activity that could be expected of the police of an occupying force. That's how the NYPD is viewed by many New Yorkers living in Harlem, Bedford Stuyvesant, the South Bronx, and other communities of color. 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.

### **Legal Battles**

Legal efforts are underway to end this bullying practice. Last year, the Bronx district attorney's office decided that it would no longer prosecute people stopped for trespassing unless the police could 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 both the residents of buildings whose landlords have enrolled them in the Clean Halls program and on behalf of 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 constitutional rights through Operation Clean Halls, and that the practice of baseless

stops and frisks “ha[d] risen to the level of deliberate indifference.” The judge has allowed these stops to continue pending an appeal by the city to her decision. This is standard procedure. Judge Scheindlin is no stranger to the NYPD’s practices. Last May, she 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.

### **Neighborhoods under Siege**

The police explain the racially disproportionate number of stops by saying they simply reflect evidence that black and Latino men commit a disproportionate number of crimes in New York City. But what it really reflects is the difference in policing between white neighborhoods and communities of color: police presence is qualitatively and quantitatively different in predominately white areas of the city.

This sort of policing leads to racially skewed results. 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” of criminal activity afoot or already committed was the minimum threshold needed to justify a police search. But how can the NYPD justify nearly 700,000 stops on this basis? It defies common sense. 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.

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