

City Minorities More Likely To Be Frisked Increase in Police Stops Fuels Intense Debate

By AL BAKER

Blacks and Latinos were nine times as likely as whites to be stopped by the police in New York City in 2009, but, once stopped, were no more likely to be arrested.

The more than 575,000 stops of people in the city, a record number of what are known in police parlance as “stop and frisks,” yielded 762 guns.

Of the reasons listed by the police for conducting the stops, one of those least commonly cited was the claim that the person fit the description of a suspect. The most common reason listed by the police was a category known as “furtive movements.”

Under Commissioner Raymond W. Kelly, the New York Police Department’s use of such street stops has more than quintupled, fueling not only an intense debate about the effectiveness and propriety of the tactic, but also litigation intended to force the department to reveal more information about the encounters.

The Center for Constitutional Rights, which got the data on stop and frisks after it first sued the city over the issue after the 1999 killing of Amadou Diallo, said its analysis of the 2009 data showed again what it argued was the racially driven use of the tactic against minorities and its relatively modest achievements in fighting crime.

The center, a nonprofit civil and human rights organization financed by donors and foundations, and other critics of the tactic like to note that a gun buyback program conducted by the police at several Bronx churches one day in January yielded 1,186 guns.

Police officials, for their part, vigorously praise the stop-and-frisk policy as a cornerstone of their efforts to suppress crime.

The stops led to 34,000 arrests and the seizing of more than
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6,000 weapons other than guns, according to the center’s analysis.

The police officials argue that the widespread use of the tactic has forced criminals to keep their guns at home and allowed the department to bank thousands of names in a database for detectives to mine in fighting future crimes.

Besides better reporting, the surge in the number of stops, they said, is also a byproduct of flooding high-crime areas with more officers, a strategy for a force with a shrinking headcount.

“These are not unconstitutional,” Paul J. Browne, the Police Department’s chief spokesman, said of the stops. “We are saving lives, and we are preventing crime.”

According to the analysis of the 2009 raw data by the Center for Constitutional Rights, nearly 490,000 blacks and Latinos were stopped by the police on the streets last year, compared with 53,000 whites.

But once stopped, the arrest rates were virtually the same.

Questions about the propriety and effectiveness of a police policy.

Whites were arrested in slightly more than 6 percent of the stops, blacks in slightly fewer than 6 percent. About 1.7 percent of whites who were stopped were found to have a weapon, while 1.1 percent of blacks were found with one.

Given that, some experts who have studied stop-and-frisk data over the last several years say that what prompts an officer’s suspicion for a stop, and the discretion used, are important.

In examining the stated reasons for the stops, as checked off by police officers on department forms, the center found that about 15 percent of the stops last year cited “fits a relevant description.” Officers can check off more than one reason, but in

nearly half the stops, the category called “furtive movements” was cited. Nearly 30 percent of stops cited a category called “casing a victim or location”; nearly 19 percent cited a catchall category of “other.”

“These stats suggest that racial disparities in who gets stopped has more to do with officer bias and discretion than with crime rates, which is what the Police Department argues,” said Darius Charney, a lawyer with the Center for Constitutional Rights.

Mr. Browne, the department spokesman, said stop-and-frisk data was “examined in great detail,” in 2007 by the RAND Corporation, “which found no racial profiling.” He said the stops mirrored crime — that while a large percentage of the stops involved blacks, an even larger percentage of violent crimes involved suspects described as black by their victims.

The work by the Center for Constitutional Rights is the latest in a series of examinations of the police tactic defined by a Supreme Court decision from decades ago, *Terry v. Ohio*, which permitted officers to detain someone briefly based on “reasonable suspicion,” a threshold lower than the probable cause necessary for a formal arrest.

The issue exploded in New York after Mr. Diallo’s killing, when those who protested the shooting contended there was a pattern of racial profiling in stop and frisks. A study in 1999 by Eliot Spitzer, then the state’s attorney general, found that blacks and Hispanics were disproportionately stopped in relation to their involvement in crime and their share of the city’s population.

In 2001, the city enacted a law requiring the police to provide quarterly reports about the raw data to the City Council and settled a lawsuit, also brought by the constitutional rights group, requiring that plaintiffs be given more valuable raw data.

Reporting by the police has recently become more regular. On April 30, Mr. Browne said that in 2010 there were 149,299 stops



through March 31, about 13 percent fewer than in the first quarter of 2009. So far, he said, the stops yielded 186 guns.

As the numbers come out, analysts and academics pore over them to gauge effectiveness.

In March, researchers from the Center on Race, Crime and Justice at John Jay College of Criminal Justice said that more data and “increased public discussion of this controversial policing practice” were essential.

“If the public does not have access to the data, in a format that allows the experts to identify important trends, then it harms the public discourse,” said Donna Lieberman, the executive director of the New York Civil Liberties Union, which successfully sued to get the raw data. “And that is precisely the situation that we are in.”

Particularly vexing to Jeffrey A. Fagan, a professor of law at Columbia University who studied the issue for Mr. Spitzer, is that few can say what happens once the “11 or 12 percent” of street stops that lead to an arrest or summons get to court.

“Are these cases that stand up?” he said. “Do they result in convictions?”

Professor Fagan said it was im-

‘We are saving lives, and we are preventing crime,’ a department spokesman says.

possible to tell what dent in crime the tactic had made. Christopher T. Dunn of the civil liberties group said there was no proof it had. Crime has gone down steadily since 1991, but, he said, “stop and frisk exploded in 2004.”

But Heather Mac Donald, a research fellow at the Manhattan Institute who has spoken to police officials about the tactic, said there was no question it had an effect on crime. She said that great disparities existed in who committed crime in New York and that the police fought crime

where it was highest, in mostly minority neighborhoods.

“Where are they supposed to go?” she asked.

Ms. Mac Donald echoed Mr. Browne, who said the police were confident the tactic was stopping crime before it occurred.

Mr. Browne took issue with the constitutional rights group’s conclusions about the numbers of arrests or gun seizures the street stops yield, saying, “762 guns can do a lot of damage.” He said taking guns from people in the street was different from accepting their surrender from “moms and grandmothers.”

And he laid out the logic of the stops: More police are sent to higher crime areas, where criminals and victims live; more suspicious activity is associated with that crime, so there are more opportunities for officers to observe suspicious behavior as a result.

John A. Eterno, a former city police captain who worked to computerize the department’s stop-and-frisk data before he retired in 2004, said the tactic could be effective in pushing down crime. But Dr. Eterno, now an associate dean of criminal justice at Molloy College, said retired commanders had spoken of the pressures to reflect their use of stop and frisk in CompStat, the department’s computerized crime-tracking system.

“My take is that this has become more like a ‘throw a wide net and see what you can find’ kind of thing,” he said. “I don’t see it as targeted enforcement, especially when you see numbers that we are talking about.”

The Center for Constitutional Rights also studied poststop outcomes.

It found that officers frisked more people in 2009 than a year earlier but that the rate of frisks for blacks and Latinos was much higher than it was for whites. It found that the police used force in 24 percent of stops — drawing a weapon, say, or throwing people to the ground. The police used force in 19 percent of the stops involving whites but in 27 percent of stops against Latinos and in 25

percent of those involving blacks.

Mr. Charney of the Center for Constitutional Rights said the disparities in the use of force, compared with the numbers of arrests and summonses and of weapons and contraband seized, was something that “the police have not really explained to the public.”

Profiling or Policing?

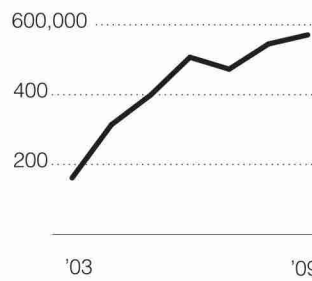
Civil liberties groups say the New York Police Department's stop-and-frisk policy amounts to profiling because the proportion of blacks and Hispanics stopped is higher than their share of the city's population. Police say it closely resembles the racial profile of those arrested.

New York City populations by race



Sources: New York Police Department; United States census

Stop-and-frisk actions by year



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