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STOPPED AND FRISKED IN '06: NYPD FINALLY PROVIDES STATS

But the department still hasn't fulfilled its reporting requirements, say several experts, and outside groups may take action. > *By Curtis Stephen*

As the New York City Council and criminal justice advocates examine the long-awaited and just-released report on the NYPD's stop-and-frisk statistics for 2006, both the department's infrequent reporting of the data and its handling of other legal requirements related to the policy remain the subject of scrutiny.

The report, which City Council received on Feb. 2, reveals that more than 500,000 New Yorkers were stopped by the NYPD on city streets last year alone. The last stop-and-frisk figures City Council received date back to 2003 despite the requirements of the Police Reporting Law of 2001, which says the NYPD must supply the council with data from its UF-250 forms – also known as the “Stop, Question and Frisk worksheets” – on a quarterly basis. The forms include the age, gender and race of individuals who are stopped, questioned and frisked. At a public hearing Jan. 24, Police Commissioner Raymond Kelly attributed the four-year delay to the technical overhaul of the NYPD database system.

The NYPD, which did not respond to requests from City Limits for comment, has yet to release figures that cover the final three months of 2003 and for the entire years of 2004 and 2005. “Clearly, four years is a long time to wait for this information,” Councilman Peter Vallone Jr. (D-Queens), chairman of council's public safety committee, told City Limits just hours before the new report was released. “We have a responsibility to conduct oversight, so the delay has definitely been frustrating from that standpoint.”

At least one other group had been eagerly awaiting the numbers, too. The Center for Constitutional Rights (CCR) also is supposed to receive stop-and-frisk data regularly as part of a lawsuit settlement against the NYPD. In 1999, CCR filed a class-action lawsuit titled *Daniels, et al. v. City of New York* against the department on behalf of 10 young black and Hispanic men who charged that they were stopped and frisked without reasonable suspicion and solely on the basis of their race. Separately that year, then-Attorney General Eliot Spitzer also sharply criticized the NYPD's stop-and-frisk practices for racial profiling. Since then, the NYPD issued a 2002 order outlawing racial profiling. And in a 2003 settlement, the 10 defendants received a total of \$167,500 in damages as the NYPD agreed to provide CCR with stop-and-frisk data on a quarterly basis.

The new data, which show that more than half of those stopped by the NYPD last year are black, has caused renewed concern over racial profiling -- a charge NYPD officials steadfastly deny. “They've been sending the numbers in to us sporadically. We thought the settlement was a good thing, especially because police departments in most cities don't have formally written anti-racial profiling policies on the books,” said Bill Goodman, legal director of the Center for Constitutional Rights. “But my sense is that this just isn't working out here.”

Another lawyer at CCR, Kamau Karl Franklin, added, “We aren't surprised by those numbers whatsoever. It validates a lot of the things we've been saying. And it supports us moving forward on a lawsuit that we presently have over illegal stop-and-frisks.”

According to figures from the Civilian Compliant Review Board, the number of reported stop, question, frisk and search incidents has been rising steadily in recent years. From 2001 to 2005, the total number of complaints the board received about frisk-or-searches more than doubled to 1,651, while the number of stop-and-question complaints rose more than five times, to 2,244. And the review board also has begun to track the number of racial profiling allegations it receives, which rose from 112 during the last six months of 2004 to 177 in 2005.

“In these cases, we try to figure out whether an officer conducted a proper stop or had probable cause to frisk or search someone,” said Andrew Case, a board spokesman. “We try to stay out of the political discussion and just determine whether the officer did something that was either proper or improper and just draw the line there.”

But that line may already have been crossed, given the figures from the NYPD's report, says Pace University Law Professor Randolph McLaughlin. “They're stopping half a million people, which is a dramatic increase from previous years,” McLaughlin said. “And when you look at the numbers, it isn't clear what their criteria [are] for stopping people. This form of aggressive policing is a potentially dangerous situation both for the officers and people who have been stopped.”

For its part, the Center for Constitutional Rights vows that it may have to take more aggressive means not only to ensure consistent reporting of the NYPD's stop-and-frisk figures, but to get compliance with other terms of the 2003 settlement, which remains under the supervision of Federal District Court Judge Shira Scheindlin through Dec. 31. Among the stipulations, the NYPD was mandated to conduct joint public workshops with the center on stop-and-frisk procedures, plus dozens of similar sessions at public high schools. But the center charges that the NYPD has failed to hold those workshops.

"We'll write another letter, but we may just have to take steps that could find us all back in court very soon," said Goodman. "Commissioner Kelly has been adamant that there's no racial profiling, but it's virtually impossible to say that it isn't happening."

- Curtis Stephen