

Group One: Research on Racial Justice

Specified Focus On The NYPD'S Stop

And Frisk Policy

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Introduction

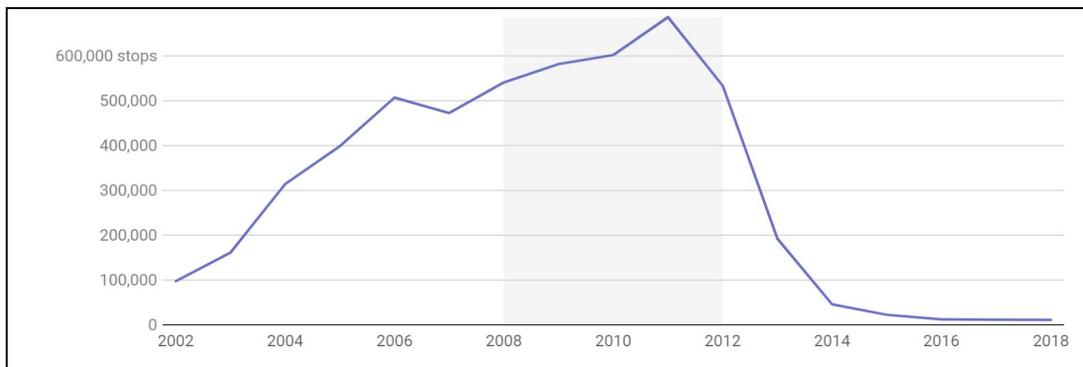
NYPD Policy Of Stop and Frisk.

Group One collectively chose the broader topic of Racial Justice, because it is a very important topic to be educated on. We also chose this topic, due to the recent attention put on racial tensions within America. As a group, we decided we wanted to narrow our topic to a subtopic more specific to the New York City community. The stop and frisk policy is an important policy for all individuals to be educated on, this is because it is rooted in racist policy.

From our research, group one has been able to effectively prove that the Stop and Frisk policy is not new, in its harmful effects (when it comes to NYPD policies). We have thoroughly investigated the history of the NYPD's policies, finding a history of bias against people of color ingrained in the system. More takeaways from our research include, the effects racial profiling has on individuals, New York City outsider's perspective on the NYPD, and statistics which prove bias exists within the NYPD.

Timeline

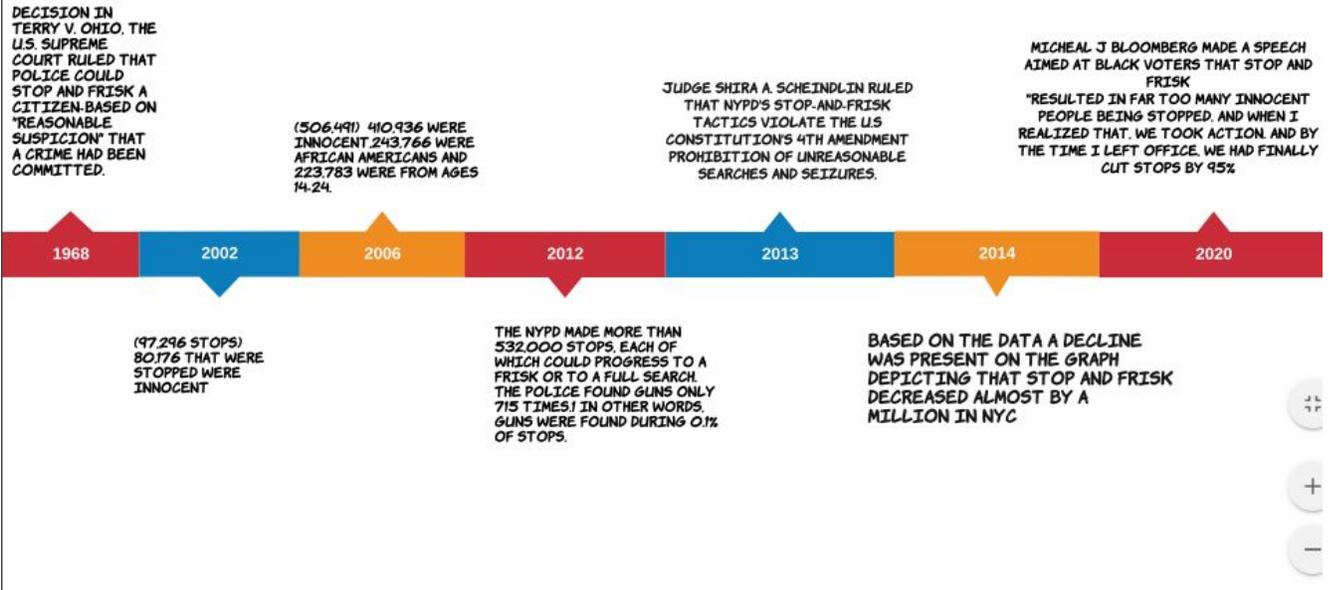
1. “In its **1968** decision in *Terry v. Ohio*, the U.S. Supreme Court ruled that police could stop and frisk a citizen-based on 'reasonable suspicion' that a crime had been committed.”
2. (1) **2002** (97,296 stops) 80,176 that were stopped were innocent (source: NYCLU)
3. (2) **2006** (506,491) 410,936 were innocent, 243,766 were African Americans and 223,783 were from ages 14-24. (NYCLU)
4. “In **2012**, the NYPD made more than 532,000 stops, each of which could progress to a frisk or to a full search. The police found guns only 715 times.¹ In other words, guns were found during 0.1% of stops.”
5. **2013**, Judge Shira A. Scheindlin ruled that NYPD’s stop-and-frisk tactics violate the U.S Constitution’s 4th Amendment prohibition of unreasonable searches and seizures.
6. **2014**, Based on the data a decline was present on the graph depicting that stop and frisk decreased almost by a million in NYC



7. **2020**, Micheal J Bloomberg made a speech aimed at black voters that stop and frisk "resulted in far too many innocent people being stopped. And when I realized that, we took action. And by the time I left office, we had finally cut stops by 95%."

Timeline for Stop And Frisk

Amira Ismail | July 10, 2020



Brief History on Stop and Frisk Summary 2-3 page on the issue

Stop and Frisk 1968-1990

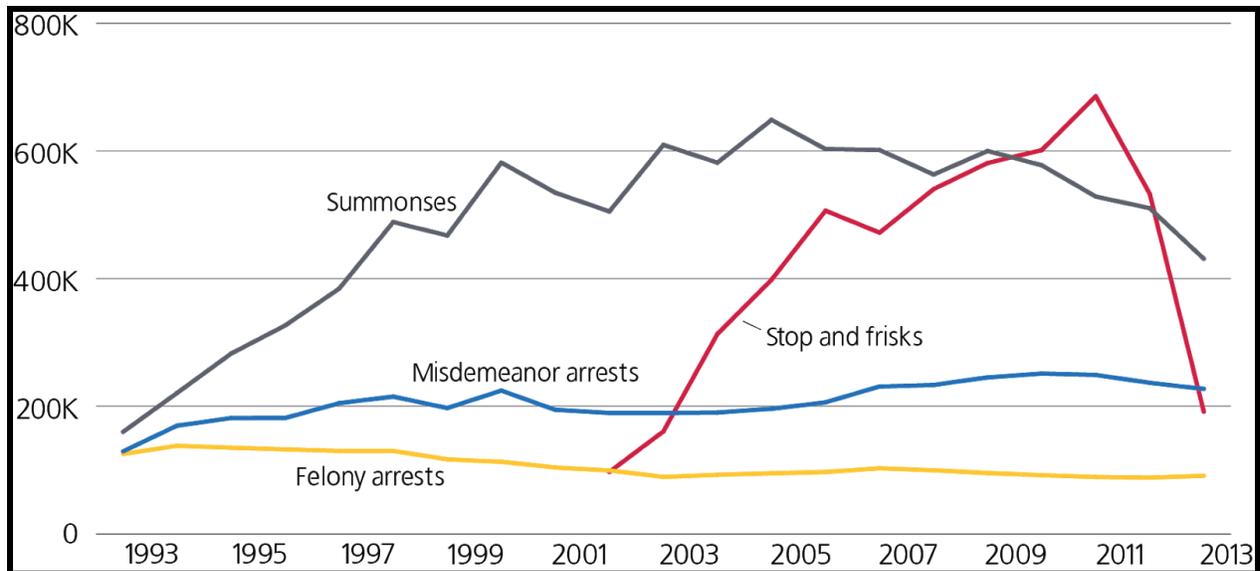
In 1968, the case Terry v. Ohio, the U.S. Supreme Court ordered that police were able to stop and frisk citizens according to a suspicion that a crime had been dispatched. This deviated from the probable cause to investigate the consequences of police stop and frisk methods. A research was conducted in 1972, comprising around 500 hours of the following police on patrol to witness their treatment of stop and frisk modes. Evidence reveals that assumed law enforcement exhibits have not been achieved from the more general police authorities to stop and frisk.

- The crimes most influenced by the manner are burglary, petit larceny, vandalism, marihuana possession, and possession of other drugs, while the grave crimes of murder, rape, and robbery are not altered.

<https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=78657>

Crimes have declined precipitously in the 1990s and the basis for it is the notable way the NYPD exercised patrolling. This is a discussion that in both technique and material, it goes counter to current orders of "empirical research". The NYPD did not perform large-scale examinations to separate the outcomes of stop-and-frisk, nor did they regard any sort of report analyzing the most populous cities in the country. The evidence is solely based on people reviewing statistics and reporting fabrications. The simplistic translation is that the NYPD embraced order-maintenance patrolling, including stop-and-frisk, and crime went down. But the development in frisks and arrests didn't drop in crime; it came *following* the decrease in crime.

<https://amp.theatlantic.com/amp/article/359666/>



Men of color have carried the brunt of these policies. According to the website, men are four times more likely than women to be arrested for a misdemeanor in New York City since 1980. Commissioner William Bratton played a significant role in implementing "broken windows" policies when he directed the city's transit police in 1990 and during his initial tenure as police commissioner under Mayor Rudy Giuliani, from 1994 to 1996. Now Bratton and Mayor Bill de Blasio prevail dedicated to this form of order-maintenance policing, with Bratton touting its efficacy and explaining that its racial inequalities result from targeting cities and populations with more crucial violent crime relations.

More recent studies have found that high misdemeanor arrest volume, high summons volume, and other factors have had only a modest association or no association at all with the city's violent crime drop. "Stop and frisk" activity has also been proved to have no bearing on

precincts' robbery and burglary relationships. Hence, while order-maintenance controlling obliges a solid percentage of public funds, there is inadequate proof to support its effectiveness for the concern about its impact.

<https://www.sentencingproject.org/publications/black-lives-matter-eliminating-racial-inequity-in-the-criminal-justice-system/>

Stop and Frisk 2000-2020

<https://www.prisonpolicy.org/reports/stopandfrisk.html>

- Stop and frisk policies disproportionately affect black and brown people, data from 2011 (the year with the highest number of stops) “police made 685,724 stops—almost 2,000 stops every single day. Our analysis shows that the police used physical force in almost a quarter of stops—and that their use of force is also racially discriminatory.”

- “In 2011, the police stopped Black and Latino people 574,483 times and used physical force against them almost 130,000 times. “Physical force” includes pushing people to the ground, forcing them against a wall or a car, pointing guns at them, and using batons or pepper spray. The police reported using force in 23% of stops of Blacks and Latinos, but in only 16% of stops of Whites. And for what? The police found weapons—mostly knives—in about 1% of stops of Blacks and Latinos. They found weapons on Whites they stopped nearly twice as often.”

<https://www.nyclu.org/en/stop-and-frisk-data>

“In 2019, 13,459 stops were recorded. 8,867 were innocent (66 percent). 7,981 were Black (59 percent). 3,869 were Latinx (29 percent). 1,215 were white (9 percent).”

<https://www.brennancenter.org/sites/default/files/2020-02/Stop%20and%20Frisk's%20Effect%20on%20Public%20Safety.pdf>

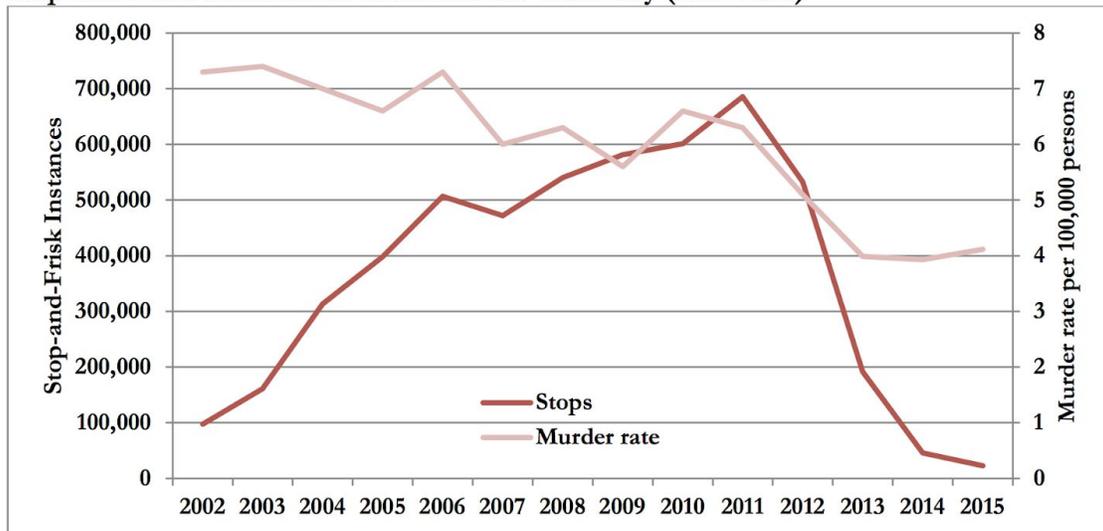
Concerning elements of the stop and frisk program began to develop in the early 2000s, “Concerns about the program first arose under Mayor Rudy Giuliani, during William J. Bratton’s first tenure as police commissioner”. Stop and frisks began to rapidly increase in 2006, when there were 500,000 stops citywide. By 2011 the number peaked at 685,000. It then began to fall, first to 533,000 stops in 2012.

Stop-and-frisk became a central issue in the 2013 city mayoral race because of a concern that the program unconstitutionally targeted communities of color. The program’s supporters disputed this, insisting that stop-and-frisk was essential for fighting crime in such a huge city.

In August 2013, federal district court judge [Shira Scheindlin found](#) that stop-and-frisk was unconstitutional.³ The stop-and-frisk era formally drew to a close in January 2014, when newly-elected Mayor Bill de Blasio settled the litigation and ended the program.

Given this large-scale effort, one might expect crime generally, and murder specifically, to increase as stops tapered off between 2012 and 2014. Instead, as shown below, the murder rate fell while the number of stops declined. In fact, the biggest fall occurred precisely when the number of stops also fell by a large amount — in 2013.

Stop-and-Frisk and Murder Rates in New York City (2002-2015)



Source: NYCLU Stop-and-Frisk data & FBI Uniform Crime Reports.

Statistically, no relationship between stop-and-frisk and crime seems apparent. New York remains safer than it was 5, 10, or 25 years ago. As [analysis by the Brennan Center](#) has shown, a part of this was the introduction of CompStat, which allowed police to consult data when making decisions about where and how to respond to crime.

<https://guides.lib.jjay.cuny.edu/nypd/StopandFrisk> (Ask for login).

“The ruling was met with opposition from NYPD Commissioner Ray Kelly and the city’s mayor, Michael Bloomberg. The city has announced it will appeal the decision and Mayor Bloomberg hopes to halt the court’s opinion at least until the end of his term”

Key Figures!

Former NYPD Commissioner Ray Kelly

Former NYPD commissioners worked during the Bloomberg administration; the two were both advocates for the practice of stop and frisk. Kelly partnered with Bloomberg and together they increased racial profiling through stop and frisk claiming it had a direct correlation in the reduction of crime in New York City

Mayor: Former Mayor Bloomberg

Former mayor bloomberg was one of the main perpetrators of Stop and Frisk. While Mayor Giuliani introduced the policy, it was under Bloomberg's administration that it expanded causing stop and frisk interactions to reach an all time high during his mayorship in 2011. In 2015 he stated that during his administration they “put all the cops in minority neighborhoods.” With all the cops in minority neighborhoods, Stop and Frisk resulted in mass incarceration of Black and Brown New Yorkers.

Amadou Diallo

Amadou Diallo was murdered by members of the NYPD Street Crime Unit (STU) in his own apartment building. His murder led to public outrage and inspired eventual lawsuit against the city called Daniels, et al. v. the City of New York. The lawsuit resulted in an agreement that stated the NYPD would have to send a description to the CCR (the center for constitutional right) on a quarterly basis. This lawsuit clearly did not result in the end of Stop and Frisk; it did lead to the CCR taking on a new case ten years later: Floyd, et al. v. The City of New York.

David Floyd and David Ourlicht

David Floyd and David Ourlicht sued the city for using stop and frisk tactics against them without probable cause for suspicion. The Floyd, et al. v. The City of New York ended with the city of new york being found guilty in violating the fourth amendment. The NYPD was ordered to pass a few reforms such as the use of body cameras and the introduction of a

joint remedial process to try and aid relationships between the communities harmed by Stop and Frisk and the police.

ccrjustice.org

Judge Shira A. Scheindlin

Federal Judge Shira A. Scheindlin declared Stop and Frisk unconstitutional. Judge Scheindlin ruled the tactic violating the 4th amendment which prohibits unreasonable searches. Evidence came forward to the judge that between 2004 and 2012, the New York Police Department made 4.4 million stops using Stop and Frisk and more than 80 percent of those stopped were people that were Black or Latino.

List of Positions

Public Advocate:

The Public Advocate's job is to ensure that all New Yorkers rights are protected and entitled to city services that they may need. Also oversight the city agencies. The public advocate supplies a voice for New Yorkers so that people can be more represented in their officials. These issues they are voicing are from activism to officials. Their jobs are making proposals to help with citizens' complaints and they work with the city planning. We vote for our public advocate and the public advocate is next in line to be the mayor if something were to happen to the Mayor. Public Advocates are elected for a four year term by the voters of the city and can be elected to two straight terms.

Source:<http://archive.advocate.nyc.gov/stop-frisk>

Comptroller:

The Comptroller is the City's Chief Financial Office and oversees 800 employees. Their role is to do financial audits for city agencies ,is in charge of the city's budget and allows New Yorkers to file a claim against the City of New York .The Comptroller is the Trustee of the City's pension funds. The Comptroller is elected by the voters for a four-year term. The Comptroller can be elected for two consecutive terms.

Mayor:

The Mayor is in charge of the city or town's daily operations. Mayors typically hold significant weight in business and infrastructural decision making, within the city or town. While the mayor holds ceremonial responsibilities, they also hold veto-ing power within the city council. The mayor plays a role in the NYPD's stop and frisk policy, for he has the ability to put an end to NYPD policies, or continue them.

City Council:

Every four years members are elected, they are elected to oversee laws and monitor the actions of the Mayor. Much of the city council's responsibility lies in the approving of the city budget. The City Council plays a role in stop and frisks, because they contribute to the allocation of money from the city's budget, to the NYPD- which determines their funding for initiatives such as stop and frisk.

District Attorney: The District Attorney is responsible for the prosecution of criminal offenders. The District Attorney decides who is to be charged; presents cases to the grand jury, that decides whether to charge a person with crime, and

then is responsible for prosecuting those charged with crimes. There is a district attorney for each of the five counties that make up New York City (Kings County/Brooklyn, New York County/Manhattan, Queens, The Bronx, and Richmond County/Staten Island), and they are elected by the voters of their county for a four year term.

Borough President: Each borough elects a President for a four year term. The borough presidents advise the mayor; seek support for their borough in the city budget, and act as advocates for their boroughs with the city, state, and even federal government. While they were once very powerful, today the Borough Presidents' powers are to appoint one member to the New York City Planning Commission, which makes decisions about how land can be used; two members to the New York City Panel for Educational Policy, that oversees the public schools, and they appoint the members of the Community Boards in their boroughs. The borough presidents can be elected to two consecutive terms.

Community Board: New York City is divided into 59 community districts, each with a community board. There are 12 in Manhattan, 12 in the Bronx, 18 in Brooklyn, 14 in Queens and 3 in Staten Island. They are made up of up to 50 unpaid members, who are appointed by the borough presidents. They serve two year terms. They can serve four straight terms, but then must leave the Board for two years before they can be appointed again. Half of those appointed by the borough president are recommended by the City Councilmembers whose districts include parts of the community district. The main job of the Boards is to make recommendations on land use and zoning in their district. They also make recommendations to the Mayor and City Council on the city budget. There is a District Manager, who is hired by the Board, whose job it is to manage the Board's office and work with city agencies to make sure that their communities get services.

Advocacy Groups: Advocacy groups often focus on specific issues which allows them to get more done in that field. Grassroots groups worked to raise awareness about stop and frisk which allowed for Groups like the Center for Constitutional Rights to be able to bring the case against stop and frisk to court. Ultimately this is what resulted in the court declaring Stop and Frisk unconstitutional. Advocacy groups can often work as the liaison between the people's needs and local government.

Advocacy Groups:

- 1.) LGBT advocacy groups have said that the NYPD is targeting those that are people of color.
- 2.) Community Service Society- Attempts to address and combat the racial discrimination embedded within the NYPD's stop and frisk policy.
- 3.) Center for Constitutional rights is a non-profit made up of activists and lawyers who have advocated for those who face racial profiling
- 4.) Bronx Defender's - A site for victims' voices to be heard who were innocent and an opponent of stop and frisk. Majority people who reported were black or brown. (2011-2019) No 2020 recent posts
- 5.) Amnesty International- has gotten communities to get involved in creating positive change. They worked on advocates for a stop-and- frisk reform in New York City. They helped influence Mayor De Blaise on dropping the appeal on the Floyd stop-and-frisk lawsuit.

Interviews:(Brooke)

Do you think this policy is still being carried out?Interviews:

Professor

Institution: Wagner College

Teaches: Political Science

What do you know about Stop and Frisk?

Answer: Stop and Frisk was a crime suppression policy pursued by the NYPD throughout the administration of Michael Bloomberg.

Where did this policy start?

Answer: Stop and frisk was a continuation of the crime suppression tactics adopted by Mayor Giuliani, who pursued what was called a “broken windows” policy. Broken windows were the idea that even the most insignificant crimes should lead to arrest and punishment. Giuliani’s policies meant that people living in the city’s poor neighbors became the targets of law enforcement activity. This led to an increase in distrust of the police by people living in these communities, a view that has continued to this day.

Answer:The federal courts declared that stop and frisk was unconstitutional. While the NYPD has reduced the use of stop and frisk it has not eliminated stop and frisk. The courts said stop and frisk was unconstitutional because it constituted unreasonable search and seizure because the police often had no basis for engaging in stop and frisk. It seemed that NYPD stopped and frisked a disproportionate number of black and Latino residents, without having a basis for the search of these individuals.

Do you think stop and frisk was a good policy?

Answer: No because the overwhelming majority of the people who were stopped were not engaged in any sort of criminal activity it seemed the only reason they were stopped was because of their race and ethnicity, which reflects a bias of NYPD officers, regardless of their race or ethnicity.

Interviews:(Sara)

Peer

Area : Brooklyn, NY

Experienced: Stop and Frisk → Yes

Person of Color → Yes, 20 years

- **Do you know what stop and frisk is?**

“ I kind of have an idea about what stop and frisk is mostly living in the NYC area. A police officer stopping you, asking you questions and frisking you. I never learned about it in highschool.” Basically breaking down the phrase stopping and frisking someone so it shows he never read about it.

Their experience: He was in the area of Sheepshead Bay with two other of his friends depositing a check and also withdrawing money and it was around 5pm in the month of November so it gets dark sooner. He went in to make the transaction and one of the friends stayed back outside because of a phone call. After making the transaction they left and was about to take the train back home. Previously there was a police car idling a block down but he didn't quite notice it until they were heading toward the train and he gave his friend not making a phone call 2 twenties because he owed him something.

The police turned on their sirens and on their loud speaker told them to wait. My friend was formal with them asking what the problem was and they asked why he went to the bank and made a transaction. He explained his side about depositing and withdrawing and money transactions with his friend.

The police officer went back to his car and spoke to the other officer sitting inside. They waited about three minutes and were called over. They asked for IDs and they were compliant. It was not until his third friend was not following what the officer was saying and was walking away. The officer warned him but, he still didn't not comply so they used force. It was not till after the fact they checked him that he had contraband on him.

Instead of just taking him they took all three but called in for another police car to separate them with two being together and the one caught by himself. They met up in the 61st Precinct which was not too far away and upon arrival, they were separated and questioned individually. To make sure that he was telling the truth they contacted the bank and sent someone over to check his story. Apparently his friend that was caught was caught up in drug dealing that he and the other friend knew that he did but, was not aware of the dealing. Same questions were asked by another officer and after an hour or two they were asked to leave.

Interviews: Peer (Izzy)

Area : Philadelphia, PA

Experienced: Stop and Frisk → No

Person of Color → Yes, 21 and 20

Being from Philly, what is your understanding of the Nypd in general? How does it compare to your understanding of the philly pd?

Xae (20): My understanding is that the NYPD is funded more than the Philly police, and the way they use force and unauthorized vehicles in response to protestors is entirely unauthorized.

Are you familiar with the stop and frisk policy? What is your opinion on the push to reform the policy or get rid of it?

Isaiah(21): In my opinion completely getting rid of the stop and frisk policy would be the more “American” approach- because the stop and frisk policy goes against the so-called American values of rights to privacy. In addition, it also gives officers space and opportunity to be prejudiced or racist.

(Interviewed by Amira Ismail)

Interviewee:

7th-8th grade English and History Teacher in a NYC Private school

Responses

Q: Do you know what stop and frisk is?

A: “Yes, I know what stop and frisk is.”

Q: What’s your opinion on stop and frisk?

A: I feel that stop and frisk leads to unfair and racially unjust practices. Since records show that large numbers of civilians that are stopped and frisked are overwhelmingly African-American or Latino, there is a clear racial bias in terms of who police officers stop and frisk. Also, the stop and frisk program did not result in finding people guilty of the crimes they were stopped for, which means that the program was not successful in its goals. As such, I feel that the program is unjust and racist.

Q: Do you think stop and frisk is overused in new york?

A: "I think stop and frisk is overused in New York."

Q: Do you know anyone who has been stopped and frisked? If so, were they a person of color?

A: "I know people secondhand who have been stopped and frisked and every story I have heard is of a person of color."

Lila: Interview; an investigator at the Civilian Review Complaint Board (CCRB)

Q: What is the role of the civilian review complaint board?

A: we are a city agency that investigates allegations of police misconduct. We are independent from the Nypd with the intention of being more partial than if officers were reviewing themselves. There are not many civilian oversight agencies for police departments, this is generally a phenomenon that you see in major cities, we particularly investigate incidents after the fact as oppose to some other agencies where investigators go out and more proactively search for cases of misconduct if they are aware there is going to be a large police presence.

Q: How long has the CCRB existed?

A: I believe it's existed as an organization independent from the NYPD since the nineties however before that

Q: Can you run me through the process a case will go through?

A: I am given a case and I do legal analysis, write up a report and send the conclusion to the review board. The review board consists of people who were appointed by the police commissioner, the mayor and the city council who then vote based on the recommendation of the investigator. If the board decides misconduct has occurred they send a disciplinary recommendation to the NYPD who then can decide based off of that recommendation what punishment will be given. If they choose to deviate from the recommendation, it is mandated that they write a written explanation of why they chose to do so.

Q: How often do you find the NYPD follows through with the suggested punishment?

A : A good amount of cases do show a match of what the board recommended however what will say is there is a low number of flat out terminations. Punishment will generally consist of training or a loss of vacation days. Also the outcome of your ccrb case does go on your record, and while this is not what we set out to do, this can eventually affect an officer's chance of being promoted .

Q: How have cases fluctuated over the past two years you have worked at CCRB?

A: It's not controversial to say that we are understaffed; with around one hundred investigators we do find ourselves sort of overwhelmed with cases. Numbers go up and down

based on legislation and trust of the police. We've been pretty swamped over the past few weeks from protests or people simply being more informed; this is what we want, it's part of our mission to have people be more emboldened to make their case.

Q: Who do you find is filing the majority of complaints?

A: Mostly people of color I would say. It's pretty diverse age wise.

Q: Do people have to seek out help from the CCRB after they have a negative interaction with the cops?

A: I would say they do have to seek it out. We definitely do outreach however it's not as though officers will arrest you and tell you you have the opportunity to file a complaint about me through the CCRB, however, they are required to take your complaint if you go to an officer and request to make a complaint about a different police officer. They will either interview you there or direct you to the CCRB.

Q: What happens if there is really no evidence to prove whether misconduct did occur?

A: If we can find no evidence then we say an allegation is unsubstantiated meaning we cannot prove whether it happened or not.

Conclusion

Ultimately, this project proved what we already knew; Stop and Frisk is a racist policy used to over police our cities' communities of color. Although named unconstitutional stops are still made in our city and the damage created by the policy still lives on. It is important to ask ourselves: will a system with racist policies ingrained in its practices ever truly serve all of the people of New York?

To speak out against racism in the NYPD, join a protest. Additionally if you ever experience police misconduct, file a complaint with the Civilian Review Complaint Board.

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