

Stop, Question and Frisk
Policing Practices
in
New York City
A Primer (Revised)

CENTER ON RACE, CRIME AND JUSTICE

John Jay College of Criminal Justice

JULY 2013

**JOHN
JAY** COLLEGE
OF
CRIMINAL
JUSTICE

**STOP, QUESTION, AND FRISK POLICING PRACTICES IN
NEW YORK CITY: A PRIMER (Revised)**

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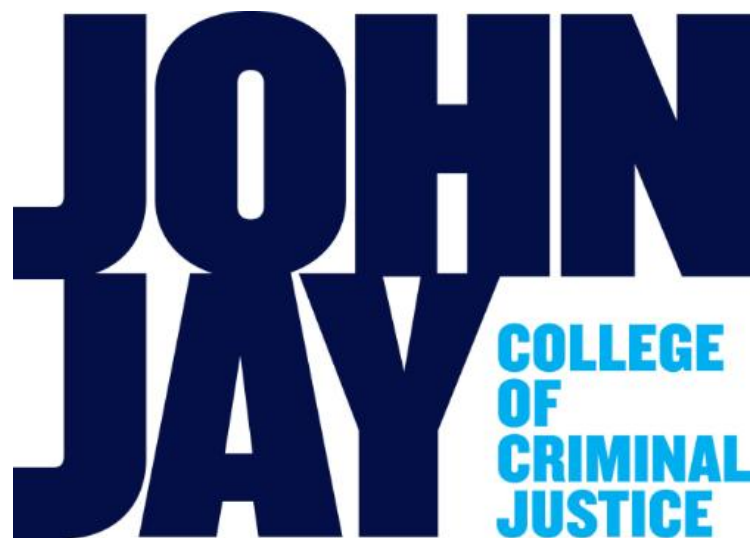
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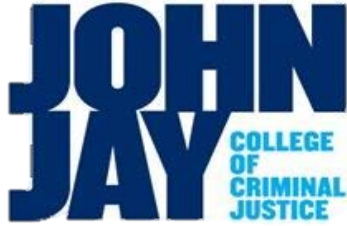
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June 2013

The authors and the Center on Race, Crime and Justice at John Jay College of Criminal Justice are grateful to the Open Society Foundations and Atlantic Philanthropies for funding this publication and to the New York Civil Liberties Union and the Center for Constitutional Rights for providing some of the data and analysis included herein.





June 15, 2013

Dear Colleagues:

In the three years since this Primer was first released, the public debate over stop, question and frisk policing practices in New York and elsewhere has grown considerably. Its supporters have become more strident in their claims, while its opponents have become more vocal and organized.

Fittingly, the event at which the first Primer was introduced was a panel hosted by the Bar Association of the City of New York titled: "The New York Police Department's Stop and Frisk Policies: Are They Effective? Fair? Appropriate?". The answers to those questions are still being sought and with a new sense of urgency as a mayoral election approaches and the possibility of and the possibilities for significant change loom in the not too distant future.

The legal issues that have surrounded stop and frisk since the 1990s are currently being litigated. Academics and others have employed various methods to confirm or refute claims of effectiveness. Civilians and police personnel have commented on the issue of whether the policies, as currently practiced, are appropriate. Little consensus has been reached.

What continues to be beyond debate is the importance of the issue. As other jurisdictions move toward or away from the adoption of similar policies, it is important for them to have factual information to help make those decisions. As residents decide whose vision of public safety maintenance they want to support, they need factual information to inform their choice. Three years later, it is still beyond debate that hundreds of thousands of New Yorkers and their visitors are stopped each year and an overwhelming majority of them are not charged with criminal activity. The explanations and ramifications of these facts are heavily debated. We hope that this revised Primer will continue to shed factual light on this challenging and important topic.

Sincerely

The Authors

About the Data Presented in this Publication

This Primer presents statistics about the police practice of stopping, questioning, and frisking pedestrians in New York City. The New York City Police Department (NYPD) collects and compiles these data. Unless otherwise specified, raw data used in the preparation of this Primer were obtained from the NYPD website.¹ Where possible, this document updates the *Stop, Question & Frisk Policing Practices in New York City: A Primer* released by the John Jay College of Criminal Justice, Center on Race, Crime and Justice in March of 2010. The previous document presented data through 2008, with highlights through 2009.

This document provides stop data and criminal activity data, as reported by the NYPD, through the end of 2012. Stop data for the full year 2012 and the first quarter of 2013 were released to the public after this document was in its near final form. In an effort to maintain the timeliness of the document, its release was delayed to incorporate the most recent data. Most of the figures and graphs contain information through year-end 2012. The final section of the document contains preliminary information about stops during the first quarter of 2013. It was not possible to update all figures through 2012 in time for this release. The authors note that, although not shown in all figures, according to the available data, between year-end 2011 and year-end 2012 there was a notable decrease in reported stops.

In contrast to several available sources, this document presents stop data beginning at year-end 2003 as opposed to 2002. The current police administration was appointed in 2002. Year-end 2003 represents the first full year of stop activity under this administration.

Most crime data reported here come from the NYPD's annual report of *Crime and Enforcement Activity in New York City*. The NYPD website lists links to the reports for year-end 2008-2012 only. For crime activity prior to 2008, the crime data have been reported from other identified sources.

While the NYPD uses the terms stop, question, and frisk when referring to its pedestrian stops, other cities use “stop and frisk” as shorthand for referring to the authority approved for police agencies by the United States Supreme Court's decision in *Terry v. Ohio*. The terms “stop, question, and frisk” and “stop and frisk” are used interchangeably in this document.

¹ NYPD Stop, Question and Frisk Report Database, 2003-2012
http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml; *Crime and Enforcement Activity in New York City*, 2008-2012
http://www.nyc.gov/html/nypd/html/analysis_and_planning/crime_and_enforcement_activity.shtml.

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I. Stop, Question, Frisk: What is it?

Every day in New York City, and in cities around the country, police officers stop, question, and sometimes frisk people as part of their routine patrol duties. Police stops occur in a variety of places—on city sidewalks, outside apartment buildings, and in the subway. People are stopped on their way to work, coming home from school, on their lunch break; they may be alone or accompanied by family or friends. From the perspective of New York City police officials, these stops are essential to maintaining public safety.² From the perspective of many citizens who are stopped by officers, the encounters are intrusive and unwarranted.³

The United States Supreme Court established a national legal basis for officers to stop, question, and frisk citizens in its 1968 decision in the case of *Terry v. Ohio*. In the *Terry* case, a veteran police officer observed three men engaging in conduct that he concluded might be indicative of “casing” a store for the purpose of committing a robbery. When he approached the men to ask them questions, the response from one of them was incoherent. Fearing that the men might be armed, the officer grabbed hold of one of them and “patted” him down. The pat-down revealed that the man was carrying a gun.

The *Terry* decision permits police officers to stop and detain a person based on a “reasonable suspicion” that s/he might be about to commit a crime or is in the process of committing a crime. As such it represents a modification of the Fourth Amendment protection against unreasonable searches and seizures originally granted to private individuals in the Bill of Rights. Prior to *Terry*, police officers were required to have a higher level of proof, “probable cause,” before interfering with the liberty of private persons. The broader discretion granted to police under *Terry* requires: 1) that the officer be able to articulate specific facts indicating a person’s possible involvement in a specific type of crime; 2) that in order to frisk the person, those specific facts must lend themselves to a reasonable belief that the suspect may be armed and dangerous; and 3) that the action of frisking be limited to a pat-down of the suspect’s outer clothing, for the purpose of discovering a weapon.

While *Terry*-stops, as these encounters have come to be called, may be conducted based on far less evidence than that legally required to justify an arrest, the *Terry* decision makes clear that they may not be conducted based on groundless hunches about specific individuals being involved in crime. In New York City, *Terry*-stops are governed by Criminal Procedure Law (CPL) § 140.50 that became effective September 1, 1971.⁴ The sections of the law related to stops by police officers, sections 1 and 3, are worded as follows:

1. In addition to the authority provided by this article for making an arrest without a warrant, a police officer may stop a person in a public place located within the geographical area of such officer’s employment when he reasonably suspects that such person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law, and may demand of him his

² Long, Colleen. “Police stop more than 1 million people on the street.” *Associated Press*. Oct. 8, 2009.

http://www.msnbc.msn.com/id/33230464/ns/us_news-crime_and_courts/

³ Herbert, Bob. “Jim Crow Policing.” *New York Times*, Feb. 1, 2010.

<http://www.nytimes.com/2010/02/02/opinion/02herbert.html>

⁴ The federal court opinion in *Ligon et al v. City of New York* 12 Civ. 2274 (SAS), filed January 8, 2013, traces the origins of CPL section 140.50 back to 1964.

name, address and an explanation of his conduct.⁵

3. When upon stopping a person under circumstances prescribed in subdivisions one and two, a police officer . . . [who] reasonably suspects that he is in danger of physical injury, . . . may search such person for a deadly weapon or any instrument, article or substance readily capable of causing serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons. If he finds such a weapon or instrument, or any other property possession of which he reasonably believes may constitute the commission of a crime, he may take it and keep it until the completion of the questioning, at which time he shall either return it, if lawfully possessed, or arrest such person.⁶

Exercise of the authority granted by CPL 140.50 was not without controversy. In 1976, the case of *People v. De Bour* (40 N.Y. 2d 210) attempted to clarify what is legally permissible by establishing four levels of street encounters initiated by the police with criteria for each.

- Level One permits a police officer to request information from an individual and merely requires that the request be supported by an objective, credible reason, not necessarily indicative of criminality;
- Level Two, the common-law right of inquiry, permits a somewhat greater intrusion and requires a founded suspicion that criminal activity is afoot;
- Level Three authorizes an officer to forcibly stop and detain an individual, and requires a reasonable suspicion that the particular individual was involved in a felony or misdemeanor;
- Level Four, arrest, requires probable cause to believe that the person to be arrested has committed a crime.⁷

Since the *Terry* decision and the enactment of applicable New York law, there have been contested decisions in which the United States Supreme Court is said to have expanded its original ruling, particularly with regard to its definition of “reasonable” suspicion and factors that may be considered in determining whether or not it existed during a particular stop.⁸ One case, *Minnesota v. Dickerson* (1993), allows drugs to be confiscated if detected during a pat-down for weapons but does not permit pat-downs for the purpose of recovering illegal drugs. The *Dickerson* decision confirms that the “reasonableness” of the suspicion leading to a stop is a matter for judicial determination.

⁵ A 5-4 Decision of the United States Supreme Court, *Hiibel v. Sixth Judicial District Court of Nevada* (2004), upheld the constitutionality of state statutes that require civilians to provide their names to officers during *Terry* stops.

⁶ Language in the New York City Police Department Patrol Guide 2006; and Field Training Unit Program Guide 2009 closely resembles the language in CPL 140.50.

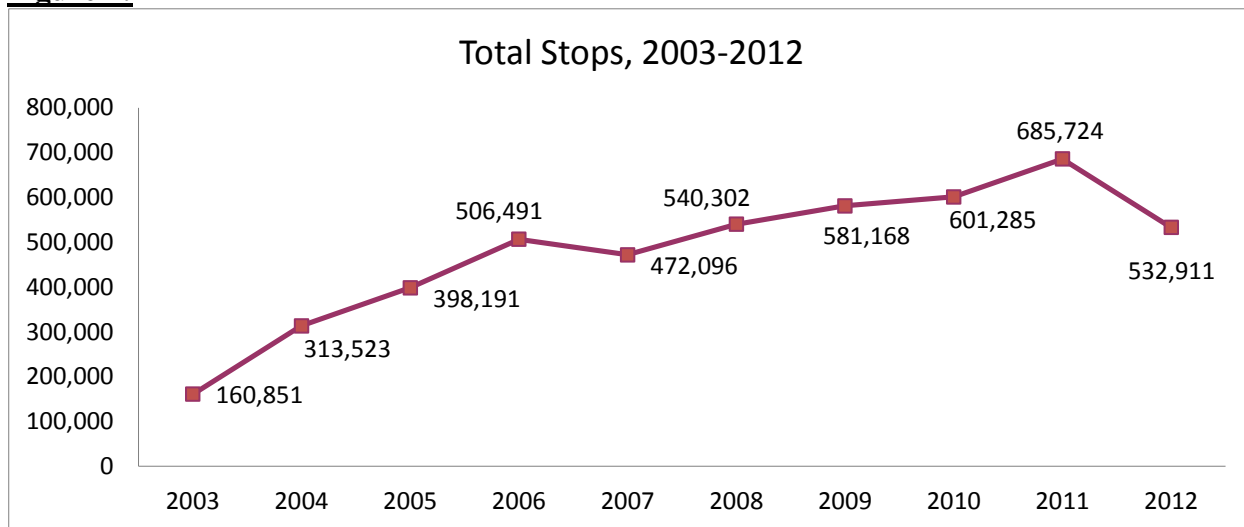
⁷ NYS Attorney General Report, 1999, pp. 25-29. (See list of resources for full citation).

⁸ See for example, *Adams v. Williams* (1972), *Alabama v. White* (1990), and *Illinois v. Wardlow* (2000).

II. How Often Police Stops Occur

Over the nine-year period 2003 to 2011, the annual number of stops documented by police officers in New York City more than quadrupled, from 160,851 to 685,724, before declining by 22 percent in 2012 (See Figure 1).

Figure 1:



Data Source: NYPD Stop, Question and Frisk Report Database, 2003-2012
(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

Documented stops are those that police officers record on a departmental form commonly known as the UF-250⁹ and are captured in official NYPD statistics. A police officer is required to prepare a UF-250 for each person stopped if one or more of the following conditions are met: the stop involves the use of force; a frisk or more extensive search of the person occurs; the stop results in an arrest; or the person refuses to identify him or herself.¹⁰

Since it appears that officers may not be required to complete a UF-250 when the above criteria do not apply (see contradictory information in Note 10); and, it is likely that some officers do not complete the form every time it is required, not all police stops are documented. According to one estimate, approximately 70% of all stops are captured on UF-250 forms.¹¹ A high-ranking member of the department has indicated that UF-250 forms may be completed for only 1 in 10 stops.¹² It is also the case that some individuals are stopped more than once over the course of a year. Complete official data needed to determine that number could not be accessed, but one

⁹ In the NYPD Patrol Guide and on the UF-250 form itself the official designation is form 344-151A, “Stop, Question, and Frisk Report Worksheet.”

¹⁰ Field Training Unit Program Guide 2009, p.3; see also NYS Attorney General Report, 1999, p.63. By contrast, page 16 of the Field Training Unit Program Guide 2009 reads, “. . . in ALL cases in which an officer detains someone based on reasonable suspicion of a felony or misdemeanor as defined by the Penal Law, a Stop, Question and Frisk Report Worksheet must be prepared. . .”.

¹¹ Gelman, Fagan, and Kiss, 2007, p.6. (See list of references and resources for full citation).

¹² Personal communication with lead author.

source reports that, in 2011, the documented stops for black males between the ages of 14 and 24 exceeded their number in the general population by nearly 10,000.¹³

On March 14th, 2007, Commissioner Raymond W. Kelly announced that the NYPD had engaged the RAND Corporation to analyze the data on its stop, question, and frisk practices for 2006.¹⁴ The report, released on November 20, 2007,¹⁵ concluded that, based on a population estimate of 8.5 million,¹⁶ one would expect the annual number of stops in New York City to be “roughly 250,000 to 330,000.”¹⁷ Police stops in New York City have exceeded the high end of the RAND estimate every year since 2005; and, by more than 355,000 stops in 2011 and 202,000 in 2012.

III. New York Compared to Other Cities

Philadelphia and Los Angeles are other major cities where data have shown substantial increases in pedestrian stops made by the police, though not nearly as dramatic as the increase in New York. In Philadelphia, a city with a resident population of approximately 1.5 million, police reported 250,000 stops in 2009, more than double the reported number in 2007.¹⁸ In Los Angeles, the number of pedestrian stops reported by the LAPD doubled over a six-year period, reaching 244,038 stops in 2008.¹⁹ The resident population of the City of Los Angeles is estimated as 3.85 million.²⁰

Philadelphia’s response to complaints about the increased number of stops that did not lead to the detection of crime has been to reach an agreement whereby the Philadelphia Police Department (PPD) consented to limit the number of stop, question, and frisk encounters with its public. The agreement followed a lawsuit filed by the American Civil Liberties Union of Pennsylvania (ACLU-PA) in November of 2010.²¹ The agreement, which was reached in June 2011, less than a year after the filing, stipulated that the PPD must conduct stop and frisks within constitutional requirements of reasonable suspicion and without impermissible considerations of race or ethnicity. Under the settlement, the PPD will collect data on stop, question, and frisks and train officers in the proper conduct of pedestrian stops. Additionally, the agreement established an independent monitoring system to review and analyze the stop, question, and frisk data.²² Some commentators have claimed that violent crime has increased in Philadelphia since the

¹³ Gardiner, Sean. “Report Finds Stop-And-Frisk focused on Black Youth.” *The Wall Street Journal*, May 9, 2012.

<http://blogs.wsj.com/metropolis/2012/05/09/report-finds-stop-and-frisk-focused-on-black-youth/?mod=e2tw>

¹⁴ NYPD Press Release 2007-006. http://www.nyc.gov/html/nypd/html/pr/pr_2007_006.shtml

¹⁵ CCR Press Release, November 21, 2007. <http://ccrjustice.org/newsroom/press-releases/ccr-calls-nypd-rand-report-distortion-facts:-nypd-still-engaging-racial-prof>

¹⁶ Though contested, current census estimates place the New York City population at roughly 8.2 million.

¹⁷ RAND Report, 2007. (See list of resources for full citation.)

¹⁸ ACLU, “ACLU-PA and Civil Rights Firm File Class Action Lawsuit against Philadelphia Police Department for Racial Profiling.” Press Release Nov. 4, 2010. <http://www.aclupa.org/pressroom/aclupaandcivilrightsfirmfi.htm>

¹⁹ Long, Colleen. “Police stop more than 1 million people on the street.” *Associated Press*, Oct. 8, 2009. http://www.msnbc.msn.com/id/33230464/ns/us_news-crime_and_courts/

²⁰ U.S Census, 2006 Estimate. <http://quickfacts.census.gov/qfd/states/06/0644000.html>

²¹ *Bailey et al v. City of Philadelphia et al*, United States District Court, Eastern District of Pennsylvania.

²² ACLU, “ACLU-PA Reaches Agreement with the City of Philadelphia in Stop-and-Frisk challenge.” Press Release, June 21, 2012. <http://www.aclu.org/criminal-law-reform/aclu-pa-reaches-agreement-city-philadelphia-stop-and-frisk-challenge>

agreement came into effect.²³ However, a report, published by the ACLU-PA, after the agreement, calls those claims into question.²⁴

A collaborative working with the LAPD has recently released a report: *A Call to Action: Los Angeles' Quest to Achieve Community Safety*²⁵ outlining methods other than stop-and-frisk for achieving reduced levels of violent crime, particularly gang violence, and increased public safety.

Not every major police department compiles and releases data on police stops of pedestrians. In 2009, the Chicago Police Department refused to release stop numbers to the Associated Press.²⁶ In March 2013, efforts by the City's treasurer to adopt a proactive stop and frisk policy were met with resistance.²⁷ In 2012, community opposition to stop and frisk in San Francisco led to the adoption of different policing strategies.²⁸ The Boston Police Department has stated that it does not keep stop and frisk records.²⁹ After first noting that it is not required to keep statistics on the race of pedestrians stopped by police officers,³⁰ the New Orleans Police Department began collecting the data in 2011 and came under racial profiling scrutiny in 2013.³¹

IV. Stops Compared to Criminal Activity

Figure 2a presents a visual comparison of the total stops to reports of serious crime in New York City for the five-year period 2008 to 2012. These crimes include murder and non-negligent manslaughter (identified as "homicide"), rape, robbery, firearm arrests, shooting incidents, felonious assaults, and misdemeanor assaults. Figure 2b presents the total number of each event.³² Crime information from the previous five years was not available from the NYPD website. Both figures illustrate the fact that the numbers for stops substantially exceeded the amount of crime accounted for during each year. Excluding misdemeanor assaults, the NYPD

²³ Smith, Dennis C. "Stop and Frisk Has Lowered Crime in Other Cities." *New York Times*, July 19, 2012.

<http://www.nytimes.com/roomfordebate/2012/07/17/does-stop-and-frisk-reduce-crime/stop-and-frisk-has-lowered-crime-in-other-cities>

Goode, Erica. "Philadelphia Defends Policy on Frisking with Limits." *New York Times*, Jul 11, 2012.

<http://www.nytimes.com/2012/07/12/us/stop-and-frisk-controls-praised-in-philadelphia.html?pagewanted=all>.

²⁴ *Bailey v. City of Phil.* C.A. No. 10-5952 (E.D. Pa). 'Plaintiff's First Report to Court and Master On Stop and Frisk Practices.' www.aclupa.org/downloads/BaileyReport.pdf

²⁵ Retrievable at <http://www.advancementprojectca.org>

²⁶ Long, Colleen. "Police stop more than 1 million people on the street." *Associated Press*, Oct. 8, 2009.

http://www.huffingtonpost.com/2009/10/08/stop-and-frisk-police-stop_314509.html

²⁷ Stone, Randolph. "Collateral Consequences of Stop and Frisk." *Chicago Tribune*, March 6, 2013.

http://articles.chicagotribune.com/2013-03-06/opinion/ct-perspec-0306-stop-20130306_1_stop-and-frisk-policy-furtive-movements-arrests

²⁸ Rhymes, Edward. "Stop-And-Frisk Promoting Racial Profiling Instead of Stopping Violent Crime." *Mint Press News*, July 31, 2012. <http://www.mintpressnews.com/stop-and-frisk-promoting-racial-profiling-instead-of-stopping-violent-crime/>

²⁹ *Ibid*, Long, 2009.

³⁰ *Ibid*.

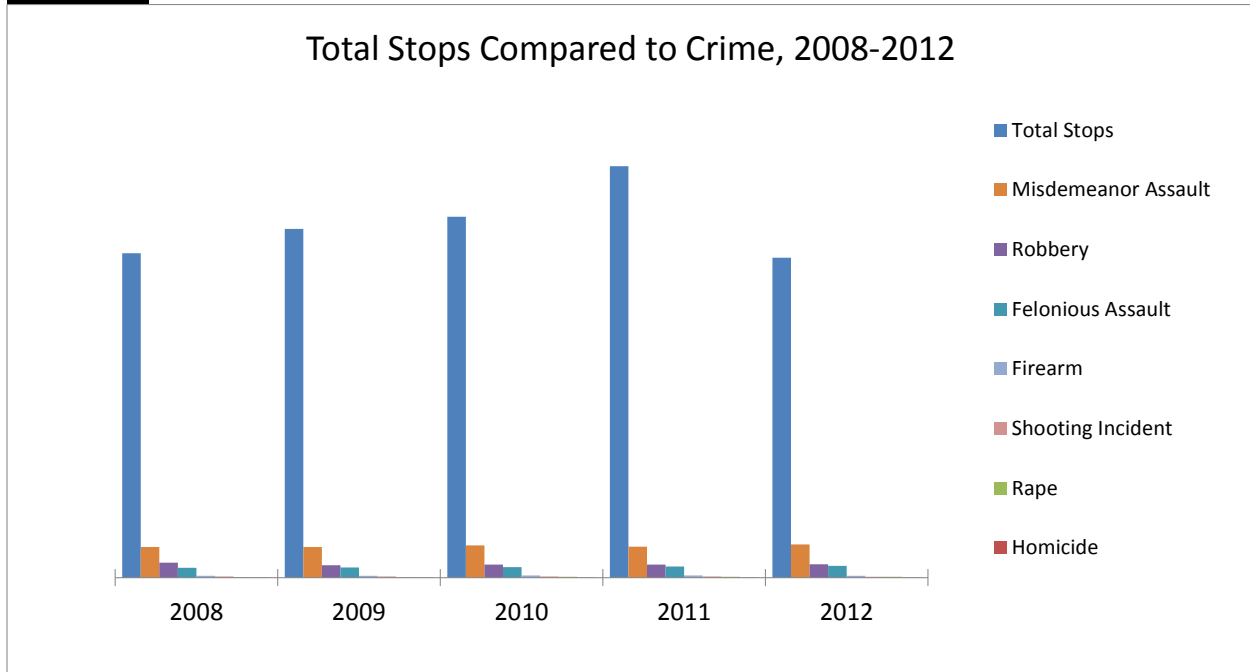
³¹ Maldonado, Charles. "NOPD's 'stop-and-frisk' policies." *Gambit*, April 2, 2013.

<http://www.bestofneworleans.com/gambit/stop-and-profile/Content?oid=2173901>

³² See notation regarding the source of the data and how measured.

reported just over 51,000 violent crimes to the FBI's *Uniform Crime Reports (UCR)* for 2011.³³ The UCR reports rape, robbery, aggravated assault, murder and non-negligent manslaughter as violent crimes. According to the available data, stops exceeded the amount of violent crime in the city by more than 1,100 percent. For specific offenses like homicide and shooting incidents, stops exceeded their number by more than 100,000 percent.

Figure 2a:



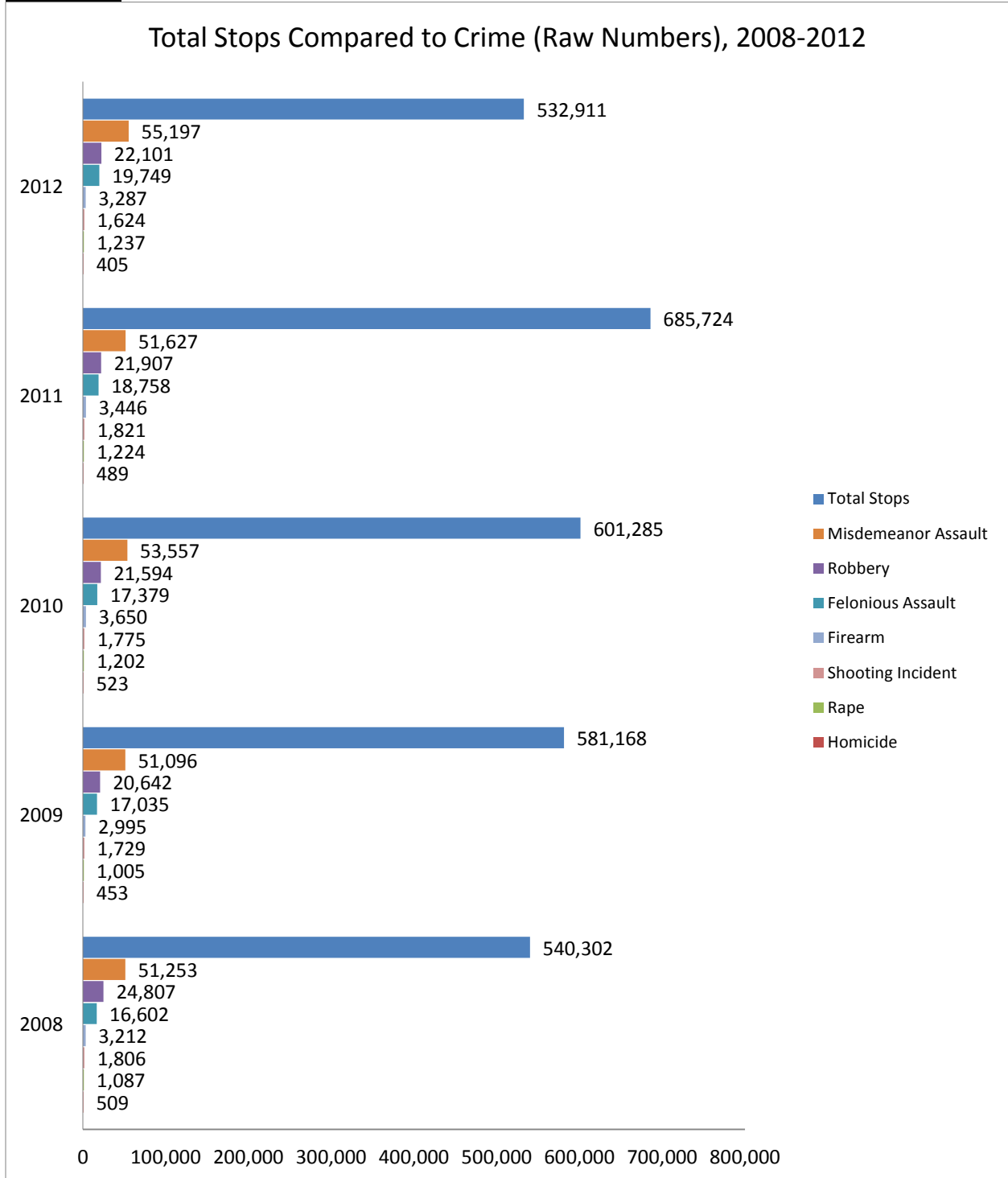
Data Sources: NYPD Stop, Question and Frisk Report Database, 2008-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml); NYPD annual *Crime and Enforcement Activity in New York City* reports, 2008-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/crime_and_enforcement_activity.shtml). Note: The numbers in this figure are based on annual total victims per crime as reported in NYPD *Crime and Enforcement Activity in New York City* reports, with the exception of Firearm, which is the reported total annual firearm arrests.

Figure 2b presents the number of offenses documented by the NYPD for all crime and enforcement activity for the select offenses during the years 2008-2012. An analysis of arrests made as part of stop and frisk incidents only for the year 2012 found that nearly 30 percent of those arrests was for marijuana possession and trespass, 12.6 percent was for criminal possession of a weapon, 8.6 percent was for criminal possession of drugs other than marijuana, 7.8 percent was for assault, 5.5 percent was for robbery and 3.4 percent was for petit larceny,³⁴ meaning that more than half of all stops (53.9 percent) resulted in arrests for offenses that fall outside the offense categories designated as violent crimes by the *UCR*.

³³ See *Crime in the United States, 2011*. United States Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.

³⁴ See *NYPD Stop-and-Frisk Activity in 2012 (2013): Briefer*, New York Civil Liberties Union, NY, NY. Available at www.nyclu.org/publications for the raw number of arrests for the seven offenses for which there were more than 1,000 arrests. See also Levine, Harry G. and Deborah Peterson Small. 2008. (See list of resources for full citation) or visit <http://Marijuana-Arrests.com>.

Figure 2b:



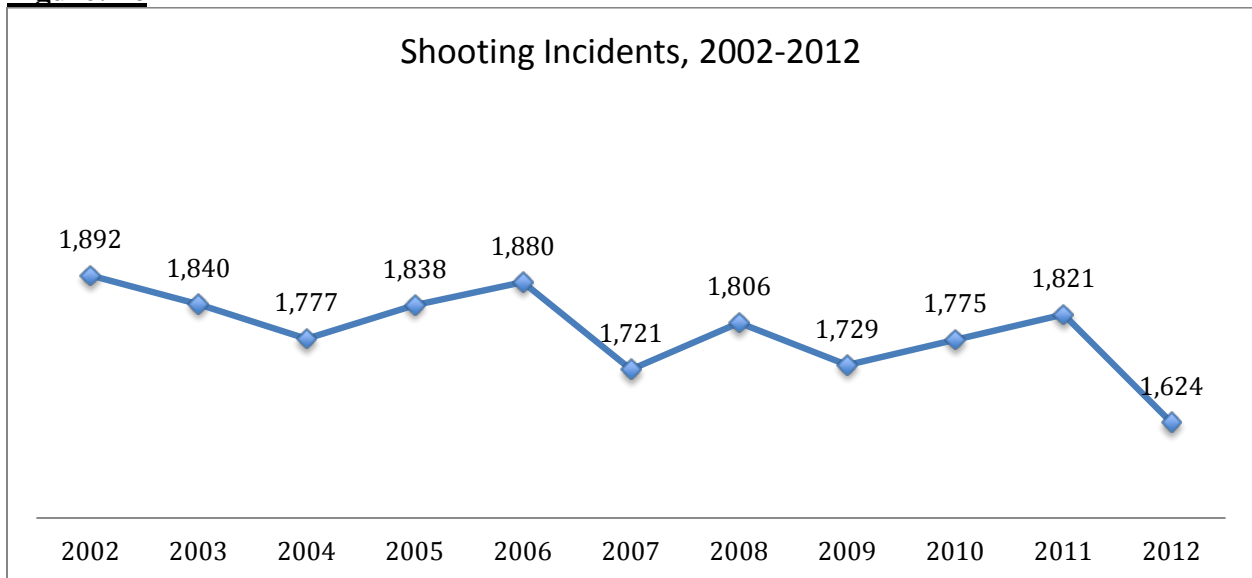
Data Sources: NYPD Stop, Question and Frisk Report Database, 2008-2012

(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml); NYPD annual *Crime and Enforcement Activity in New York City* reports, 2008-2012

(http://www.nyc.gov/html/nypd/html/analysis_and_planning/crime_and_enforcement_activity.shtml). Note: The numbers in this figure are based on annual total victims per crime as reported in NYPD *Crime and Enforcement Activity in New York City* reports, with the exception of Firearm, which is the reported total annual firearm arrests.

Shootings, homicides and robberies are often discussed as a means of assessing the impact of stop, question, and frisk on the City’s crime. Figure 2c plots the number of recorded shootings from 2002 to 2012. The number of recorded shootings in 2002, when stops numbered just over 97,000, is nearly equal to the number in 2006 when stops numbered over 500,000 (1,892 compared to 1,880). With the exception of 2007, the number of stops substantially and consistently increased between 2002 and 2011, while the number of shootings fluctuated between nearly 1,900 and 1,721. In 2012, when the number of stops decreased to less than those in the previous four years, shootings decreased most significantly. There were nearly 200 fewer shootings (197) compared to the previous year, when there were nearly 153,000 more stops (1,821 compared to 1,624).

Figure: 2c



Data Sources: Weiss, M. “Stop-and-Frisks Have Done Little to Reduce Shootings, NYPD Data Show.” *DNAinfo New York*, June 5, 2012. (<http://www.dnainfo.com/new-york/20120605/new-york-city/stop-and-frisks-have-done-little-reduce-shootings-nypd-data-shows>); NYPD annual *Crime and Enforcement Activity in New York City* reports, 2008-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/crime_and_enforcement_activity.shtml).

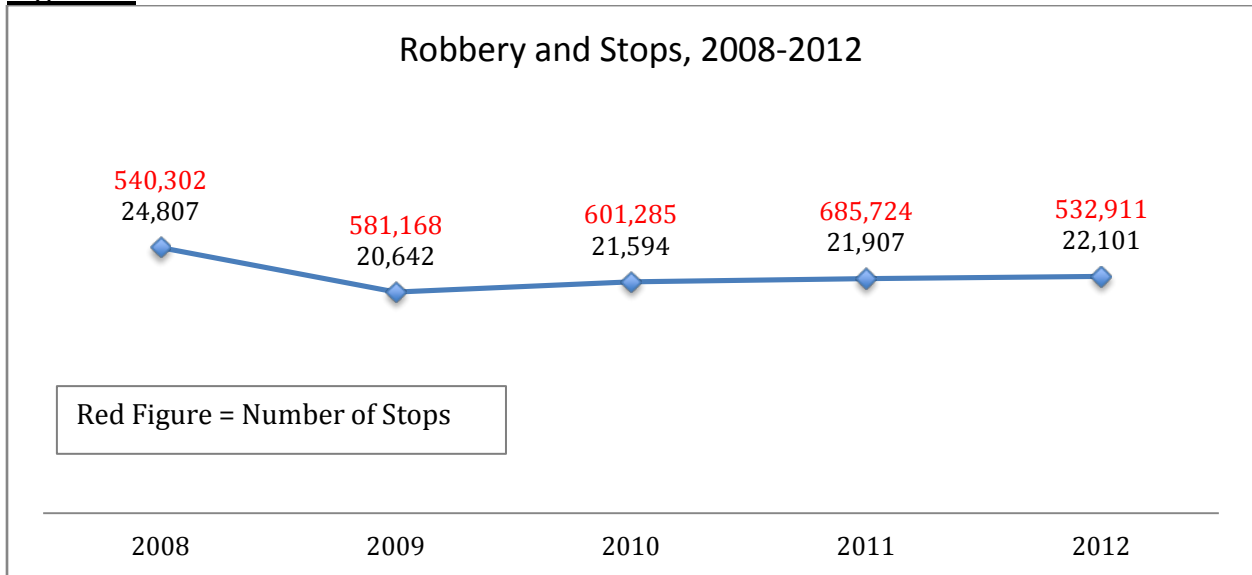
Figure 2d presents the number of homicides recorded for the years 2008 through 2012. Though the homicide numbers are low, they fluctuate from year to year while the number of stops grew consistently, reaching a total increase of more than 145,000 (145,422). In 2012, when stops decreased by more than 22 percent, homicides decreased by 17 percent.

Figure: 2d



Data Sources: NYPD Stop, Question and Frisk Report Database, 2008-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml); NYPD annual *Crime and Enforcement Activity in New York City* reports, 2008-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/crime_and_enforcement_activity.shtml). Note: chart based on annual total homicide (murders and non-negligent manslaughter) victims as reported in NYPD *Crime and Enforcement Activity in New York City* reports.

Figure 2e



Data Sources: NYPD Stop, Question and Frisk Report Database, 2008-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml); NYPD annual *Crime and Enforcement Activity in New York City* reports, 2008-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/crime_and_enforcement_activity.shtml). Note: chart based on annual total robbery victims as reported in NYPD *Crime and Enforcement Activity in New York City* reports.

Figure 2e presents the number of robberies compared to the number of stops from 2008 to 2012. According to NYPD statistics, there was a substantial decline (by 4,165) in robberies between 2008 and 2009, when the number of stops increased by nearly 41,000. In 2010 and 2011, when stops continued to grow, the number of robberies increased. The increase in robberies between

2011 and 2012, when stops decreased by more than 150,000, is less than two-thirds the increase in robberies between 2010 and 2011, when stops increased by nearly 85,000. These fluctuations were small and subject to varying interpretations. Their inconsistency suggests that attempts to associate stop activity with crime activity are highly speculative.

V. Where Stops Occur

The work of policing in New York City is divided among 76 precincts, covering five boroughs. Of the more than four million documented stops that occurred between 2003 and 2012, 10 precincts (23rd, 40th, 44th, 73rd, 75th, 77th, 79th, 103rd, 115th, 120th) stand out as having the greatest number of stops cumulatively (See Figure 3a). The neighborhoods covered by these precincts include: Upper East Side/East Harlem, Manhattan (23rd), Mott Haven/Melrose, Bronx (40th), Morris Heights, Bronx (44th), Ocean Hill-Brownsville, Brooklyn (73rd), East New York, Brooklyn (75th), Crown Heights, Brooklyn (77th), Bedford-Stuyvesant, Brooklyn (79th), Jamaica, Queens (103rd), Jackson Heights, Queens (115th), Saint George, Staten Island (120th).³⁵ Four of the ten precincts with the highest numbers of stops were all located in Brooklyn (73rd, 75th, 77th and 79th). Together, these 10 precincts represent 29.4% of all the stops documented between 2003 and 2012. (See Appendix A for a race/ethnic breakdown of the precincts).

Looking within each year from 2003, the precincts in Figure 3a are consistently on the top ten list of most police stops (with the exception of the 44th precinct, Morris Heights, which joined the top ten for the first time in 2012 and the 32nd precinct, Harlem, which dropped out in the same year). The 23rd and 79th precincts made the list eight of these ten years, the 120th and 103rd precincts made the list nine of the ten years, and the 40th, 73rd and 75th precincts made the list every year between 2003-2012. Furthermore, the 73rd precinct had the second most stops eight of the years and the 75th precinct had the most stops nine of the years. The residents and visitors in these precincts have received a heavy and consistent amount of stops for nearly a decade. Sources confirm that the amount of stops experienced by a precinct cannot be adequately explained by the amount of reported crime when compared to some other precincts experiencing fewer stops.³⁶

³⁵ Precinct designations were determined using Infoshare.org. Note: New York City is challenging Census Bureau's population estimate of slightly less than 8.2 million for the city.

³⁶ Fagan, Jeffery 2010. Expert Report, *Floyd v. City of New York*, 08 Civ. 01034 (SAS), pp. 25, 32-34, 39.

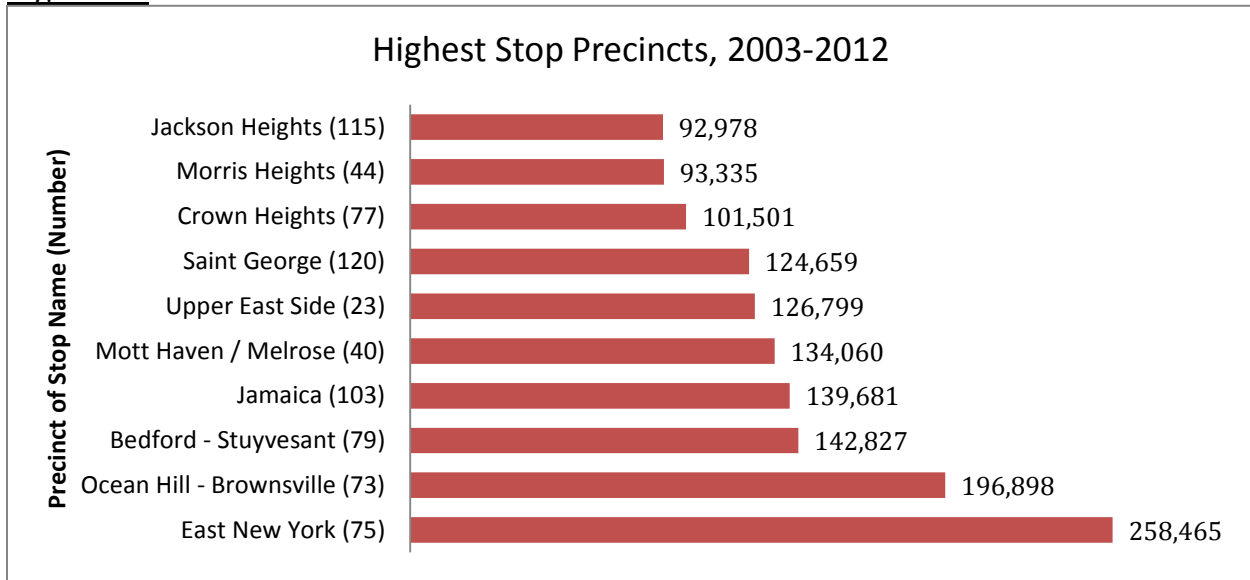
<http://www.ccrjustice.org/floyd>.

Fagan, Jeffery 2012. Second Supplemental Report, *Floyd v. City of New York*, 08 Civ. 01034 (SAS), pp. 13-17, 19.

<http://www.ccrjustice.org/floyd>.

Chang, Alisa. "Map: NYPD Finds Most Guns Outside Stop-and-Frisk Hot Spots." WNYC News. July 16, 2012, <http://www.wnyc.org/articles/wnyc-news/2012/jul/16/wnyc-map-police-find-guns-where-they-stop-and-frisk-less/>.

Figure 3a:

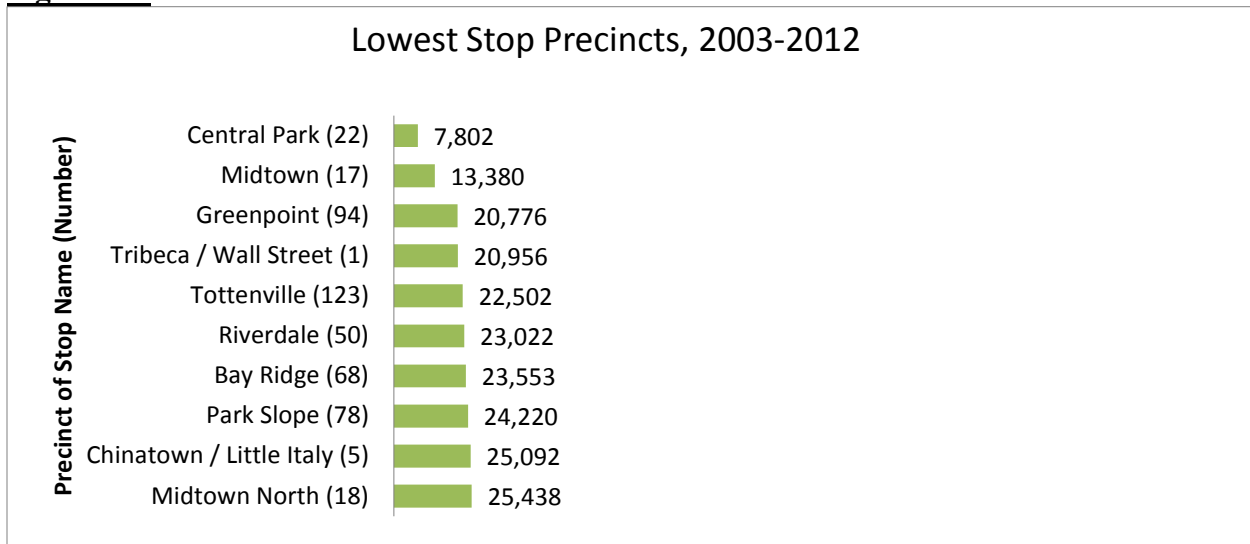


Data Sources: NYPD Stop, Question and Frisk Report Database, 2003-2012

(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml); ([Infoshare.org](http://www.infoshare.org)).

Conversely, the lowest number of stops occurred in the following 10 precincts: Central Park, Manhattan (22nd), Midtown, Manhattan (17th), Tribeca/Wall Street, Manhattan (1st), Greenpoint, Brooklyn (94th), Tottenville, Staten Island (123rd), Park Slope, Brooklyn (78th), Bay Ridge, Brooklyn (68th), Riverdale, Bronx (50th), Chinatown/Little Italy, Manhattan (5th) and Midtown North, Manhattan (18th) (See Figure 3b). Five of the ten precincts with the lowest numbers of stops were all located in Manhattan (1st, 5th, 17th, 18th, 22nd). Together, these 10 precincts represent 4.3% of all the stops documented between 2003 and 2012 (See Appendix B for a race/ethnic breakdown of the precincts and Appendix C for their reported Index Crimes in 2012).

Figure 3b:



Data Sources: NYPD Stop, Question and Frisk Report Database, 2003-2012

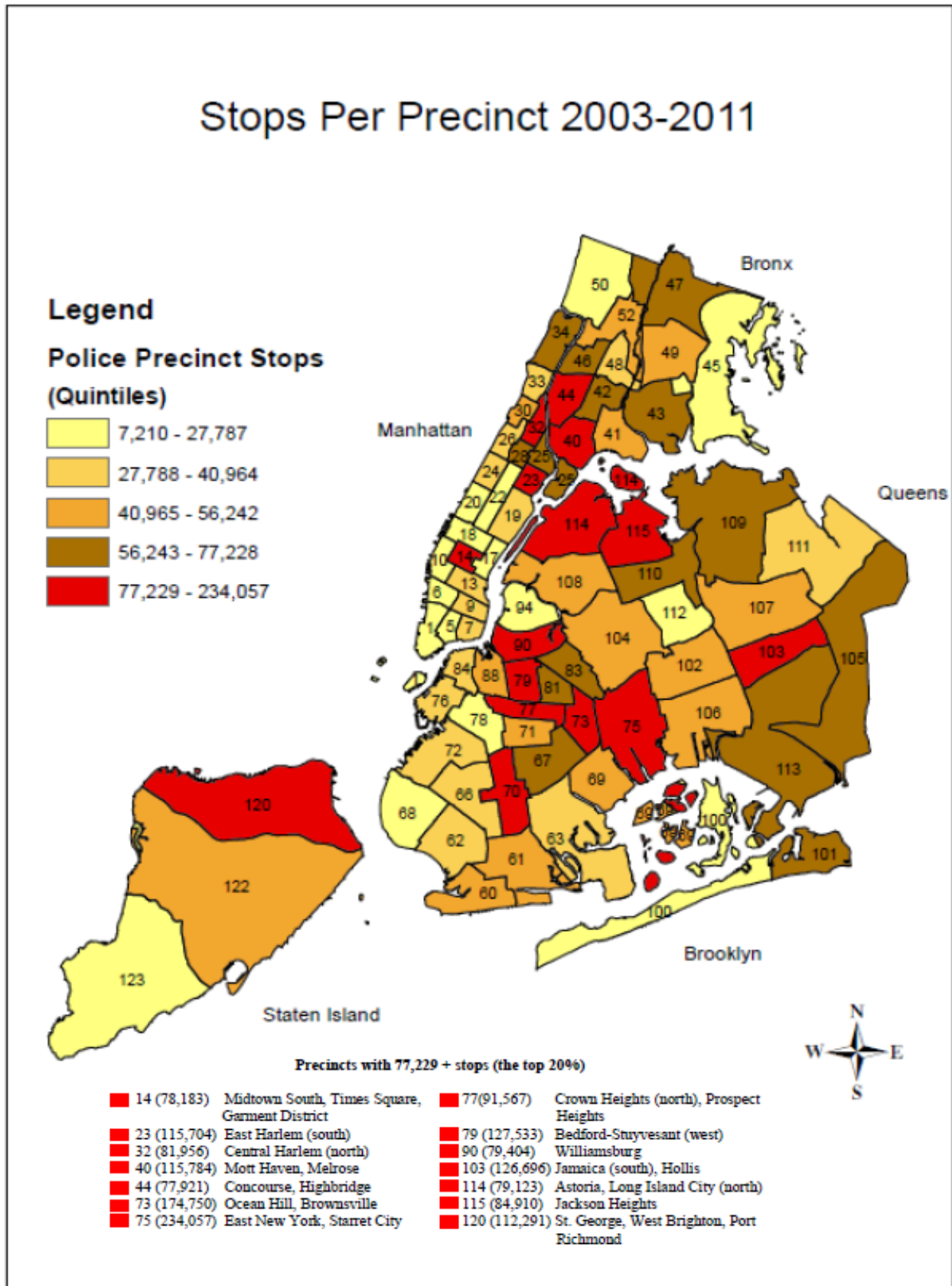
(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml); ([Infoshare.org](http://www.infoshare.org)).

Differences in the number of stops among precincts cannot be explained simply by differences in population size. For example, the resident population of the 68th precinct (Bay Ridge) and the 103rd precinct (Jamaica) are similar, 125,064 and 120,670 respectively. But the number of stops in each precinct over the ten-year period, 2003 to 2012, differs by more than 116,000 (23,553 versus 139,681, respectively). For 2012 alone, the difference exceeds 10,000 (2557 versus 12,986).

The precinct map on the following page shows where New York City police stops are more or less concentrated (See Figure 4).³⁷

³⁷ Map data for stops by precinct for 2012 was not compiled at time of publication.

Figure 4:



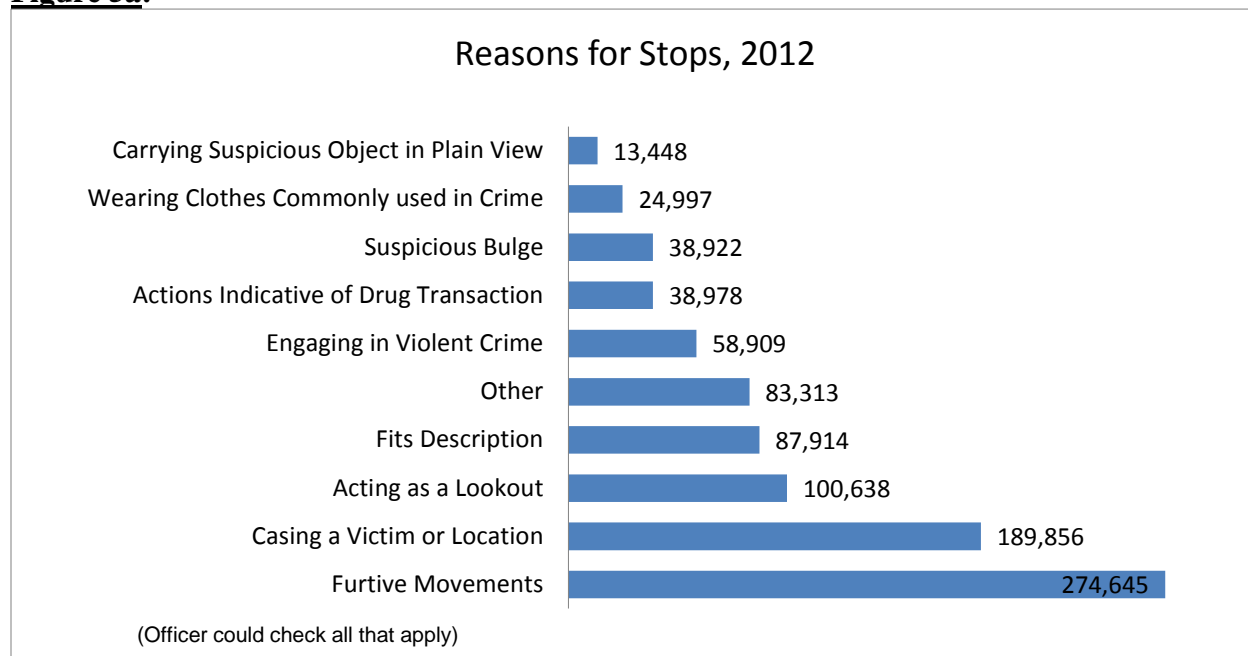
VI. Reasons for Stops

The UF-250 provides 10 possible choices on the front of the form that police officers can mark as the “circumstances” that led to the stop (see replica of Form UF-250 at pp. 16-17).³⁸ On the form, officers must check at least one reason for stopping someone but can check more than one.

As shown in Figure 5a, the least frequently cited reason for initiating a stop in 2012 was that the person was carrying a crime object in “plain view.” The same was true for 2011 (not shown). The most frequently cited reason for making a stop was that the person was engaged in “furtive movements.” Among the 532,911 stops that officers documented in 2012, “furtive movements” was at least one of the reasons checked on the UF-250 in over half (51.5% or 274,645) of the stops. In 2011 when officers made 685,724 documented stops, 351,739 included “furtive movements” among the reasons for the stop (51.3%). This represents a decrease in “furtive movement” stops by more than 77,000.

Although suspect descriptions have been used as a benchmark to explain racial disparities in stops, “fits description” was reported as one of the reasons for initiating a stop in roughly 16% of all stops in 2012 and just over 15% of all stops in 2011 (87,912 compared to 108,918). Consequently roughly 85% of all stops occurred at the discretion of police officers who were not responding to a suspect description that had been provided to them.

Figure 5a:



Data Source: NYPD Stop, Question and Frisk Report Database, 2012

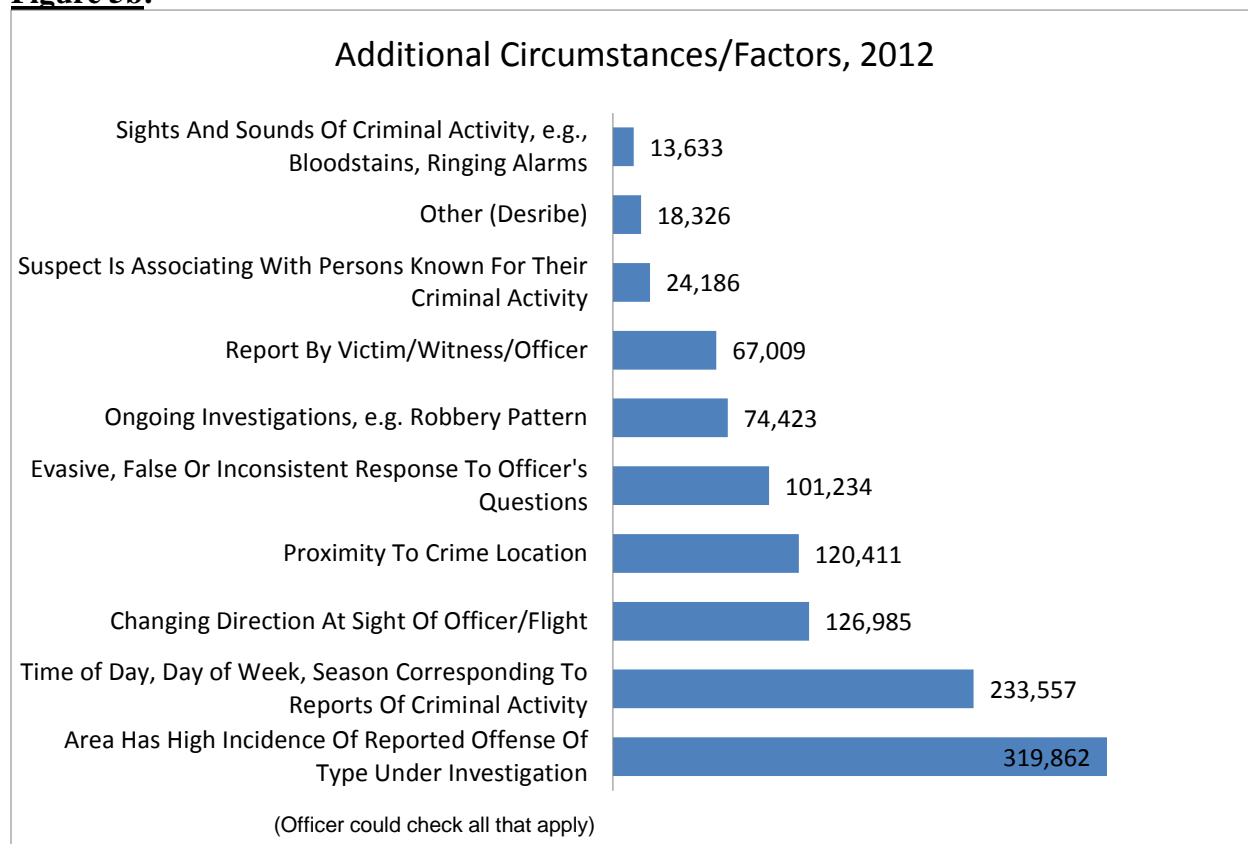
(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

On the back of the UF-250 form, officers can also identify an additional 10 circumstances/factors that led to the stop (see Figure 5b). In 2012, the single most cited additional reason for a stop was “area has high incidence of reported offense of type under investigation” (60% of all stops or

³⁸ Form last revised May 2011.

319,862). In 2011, these numbers were 59% or 407,523. Also, for 2012, in 43% of the stops (233,557), officers recorded at least one of the reasons as: “time of day, day of week, season corresponding to reports of criminal activity.” In 2011 these numbers were 42% of the stops or 287,543. It is noted that these 553,419 reasons for 2012 and 695,066 reasons for 2011 involve factors that do not describe an individual “suspect’s” behavior. Coupled with “proximity to crime location” (120,411 identified reasons in 2012 and 146,215 reasons in 2011) a pedestrian may have very little personal control over being seen as a criminal suspect.

Figure 5b:



Data Source: NYPD Stop, Question and Frisk Report Database, 2012
http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml.

FRONT

(COMPLETE ALL CAPTIONS)



**STOP, QUESTION AND FRISK
REPORT WORKSHEET**
PD 344-151A (Rev. 05-11)

Pct. Serial No.

Date Pct. Of Occ.

Time Of Stop Period Of Observation Prior To Stop Radio Run/Sprint No.

Address/Intersection Or Cross Streets Of Stop

<input type="checkbox"/> Inside	<input type="checkbox"/> Transit	Type Of Location (Describe:)
<input type="checkbox"/> Outside	<input type="checkbox"/> Housing	
Specify Which Felony/P.L. Misdemeanor Suspected		Duration Of Stop

What Were Circumstances Which Led To Stop?

(MUST CHECK AT LEAST ONE BOX)

- Carrying Objects In Plain View
- Used In Commission Of Crime e.g., Slim Jim/Pry Bar, etc.
- Fits Description.
- Actions Indicative Of "Casing" Victim Or Location.
- Actions Indicative of Acting As A Lookout.
- Suspicious Bulge/Object (Describe)
- Other Reasonable Suspicion Of Criminal Activity (Specify)
- Actions Indicative Of Engaging In Drug Transaction.
- Furtive Movements.
- Actions Indicative Of Engaging In Violent Crimes.
- Wearing Clothes/Disguises Commonly Used In Commission Of Crime.

Name Of Person Stopped Nickname/Street Name Date Of Birth

Address Apt. No. Tel. No.

Identification: Verbal Photo I.D. Refused
 Other (Specify)

Sex: Male Female Race: White Black White Hispanic Black Hispanic Asian/Pacific Islander American Indian/Alaskan Native

Age Height Weight Hair Eyes Build

Other (Scars, Tattoos, Etc.)

Did Officer Explain Reason For Stop Yes No If No, Explain:

Were Other Persons Stopped/ Questioned/Frisked? Yes No If Yes, List Pct. Serial Nos.

If Physical Force Was Used, Indicate Type:
 Handcuffing Suspect Hands On Suspect Baton
 Suspect Against Wall/Car Suspect On Ground Pepper Spray
 Drawing Firearm Pointing Firearm At Suspect Other

Reason For Force Used: (Check One Box Only) Suspect Reaching For Suspected Weapon
 Defense Of Self Overcome Resistance Other (Specify)
 Defense Of Other Suspect Flight

Was Suspect Arrested? Yes No Offense Arrest No.

Was Summons Issued? Yes No Offense Summons No.

Officer In Uniform? Yes No If No, How Identified? Shield I.D. Card Verbal

- Was Person Frisked?** Yes No **IF YES, MUST CHECK AT LEAST ONE BOX**
- Inappropriate Attire - Possibly Concealing Weapon Furtive Movements Refusal To Comply With Officer's Direction(s)
 - Verbal Threats Of Violence By Suspect Actions Indicative Of Leading To Reasonable Fear For Safety
 - Knowledge Of Suspects Prior Criminal Engaging In Violent Violent Crime Suspected
 - Violent Behavior/Use Of Force/Use Of Weapon Crimes Suspicious Bulge/Object (Describe)
 - Other Reasonable Suspicion of Weapons (Specify)

Was Person Searched? Yes No **IF YES, MUST CHECK AT LEAST ONE BOX** Hard Object Admission Of Weapons Possession

Outline Of Weapon Other Reasonable Suspicion of Weapons (Specify)

Was Weapon Found? Yes No **If Yes, Describe:** Pistol/Revolver Rifle/Shotgun Assault Weapon Knife/Cutting Instrument

Machine Gun Other (Describe)

Was Other Contraband Found? Yes No **If Yes, Describe Contraband And Location** _____

Demeanor Of Person After Being Stopped _____

Remarks Made By Person Stopped _____

Additional Circumstances/Factors: (Check All That Apply)

- Report From Victim/Witness
 - Area Has High Incidence Of Reported Offense Of Type Under Investigation
 - Time Of Day, Day Of Week, Season Corresponding To Reports Of Criminal Activity
 - Suspect Is Associating With Persons Known For Their Criminal Activity
 - Proximity To Crime Location
 - Other (Describe)
- Evasive, False Or Inconsistent Response To Officer's Questions
 - Changing Direction At Sight Of Officer/Flight
 - Ongoing Investigations, e.g., Robbery Pattern
 - Sights And Sounds Of Criminal Activity, e.g., Bloodstains, Ringing Alarms

Pct. Serial No. _____ Additional Reports Prepared: Complaint Rpt. No. _____ Juvenile Rpt. No. _____ Aided Rpt. No. _____ Other Rpt. (Specify) _____

REPORTED BY: Rank, Name (Last, First, M.I.)

Print _____ Tax# _____
Signature _____ Command _____

REVIEWED BY: Rank, Name (Last, First, M.I.)

Print _____ Tax# _____
Signature _____ Command _____

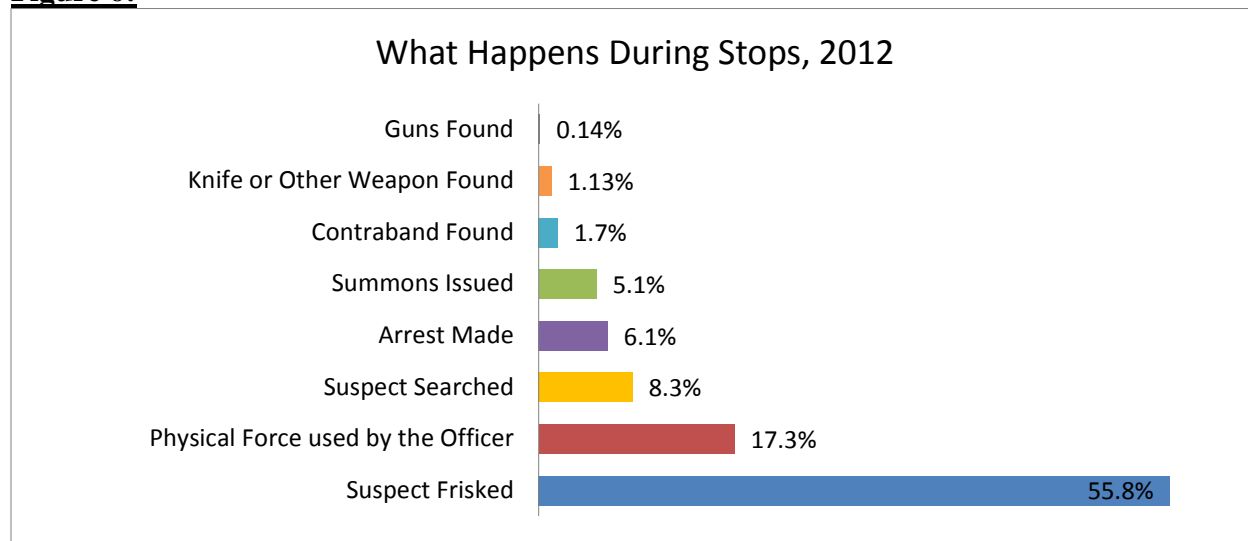
BACK

VII. What Happens During Stops and Stop Outcomes

Many people stopped by police officers in New York City are questioned and then permitted to move on, but many are also “frisked,” and a portion of those stopped experience the use of force beyond the frisk itself. While the number of documented stops declined by 22% from year-end 2011 to year-end 2012, what happened during stops for each year was quite similar.

During roughly half of all stops in 2011 (not shown) and 2012, officers reported frisking the suspect (55.7% and 55.8% respectively). Officers are legally authorized to pat down the outer clothing of a suspect in order to determine if the person is carrying a weapon. In both years, a very small percentage of total stops resulted in the discovery of a weapon of any kind (gun, knife or other). In 2011, when stops were approaching 700,000 the percent of stops that recovered a weapon was 1.0 or 7,849. In 2012, when the number of stops fell closer to 500,000, the percentage of stops that resulted in the discovery of a weapon was 1.13 (6,027). For both years, a slightly higher percentage of stops (1.7%) resulted in the discovery of some other kind of contraband, excluding weapons (See Figure 6). Contraband is any item that is against the law to possess, including illegal drugs. For both years, guns were the least likely item to be discovered during stops (0.14% in 2012 and 0.12% in 2011, when stops were at their highest).

Figure 6:



Data Source: NYPD Stop, Question and Frisk Report Database, 2012

(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

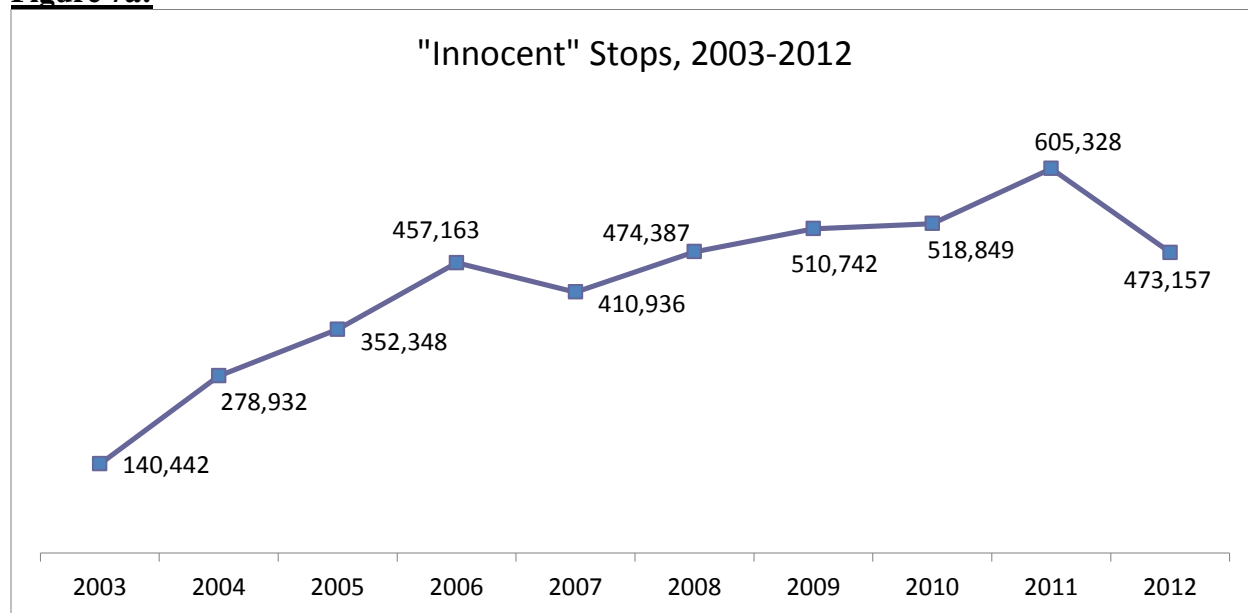
In a little less than a quarter of stops in 2011 (21.6%), officers used some form of force beyond the pat down. During 2012 the percentage of stops involving force beyond the frisk fell to 17.3 (See Figure 6). According to information captured in completed UF-250 forms, the categories of force include: putting suspects on the ground or against a wall; drawing a weapon and/or pointing a weapon at the person stopped; and using manual force, a baton, handcuffs, or pepper spray during the stop. In both years, searches, which require a greater amount of evidence than do frisks, were relatively low at 8.3% in 2012 and 8.5% in 2011.

Out of 532,911 total stops in 2012, 6.1% resulted in an arrest being made and 5.1% resulted in a summons being issued. Of the 685,724 stops in 2011, 6% resulted in an arrest, and 5.9% resulted

in the issuance of a summons. Thus, for 2012, 11.2% of stop and frisk activity concluded with an arrest or summons. In 2011, the figure was 11.7%.³⁹ The low percentage of stops that resulted in an arrest or summons during 2011 is similar to outcomes in the previous eight years (2003-2010), when the proportion of stops that resulted in an arrest or a summons ranged from a high of 13.7% (2010) to a low of 9.7% (2006).

The New York Civil Liberties Union (NYCLU) refers to stops that do not result in an arrest or summons as “innocent stops”.⁴⁰ From 2003-2012, nearly nine out of ten individuals stopped in New York City have been innocent. Figure 7 shows the growing number of so-called innocent stops. When compared with the total number of stops annually (see Figure 7b), it is clear that the overwhelming majority of stops engage individuals for whom suspicion of criminality was not confirmed. Data about the percentage of stop and frisk arrests and summonses that are subsequently dismissed for legal insufficiency could not be accessed, but between 6.7% and 30% of UF-250 forms are completed in ways that call the legality of stops into question.⁴¹

Figure 7a:



Data Source: NYPD Stop, Question and Frisk Report Database, 2003-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

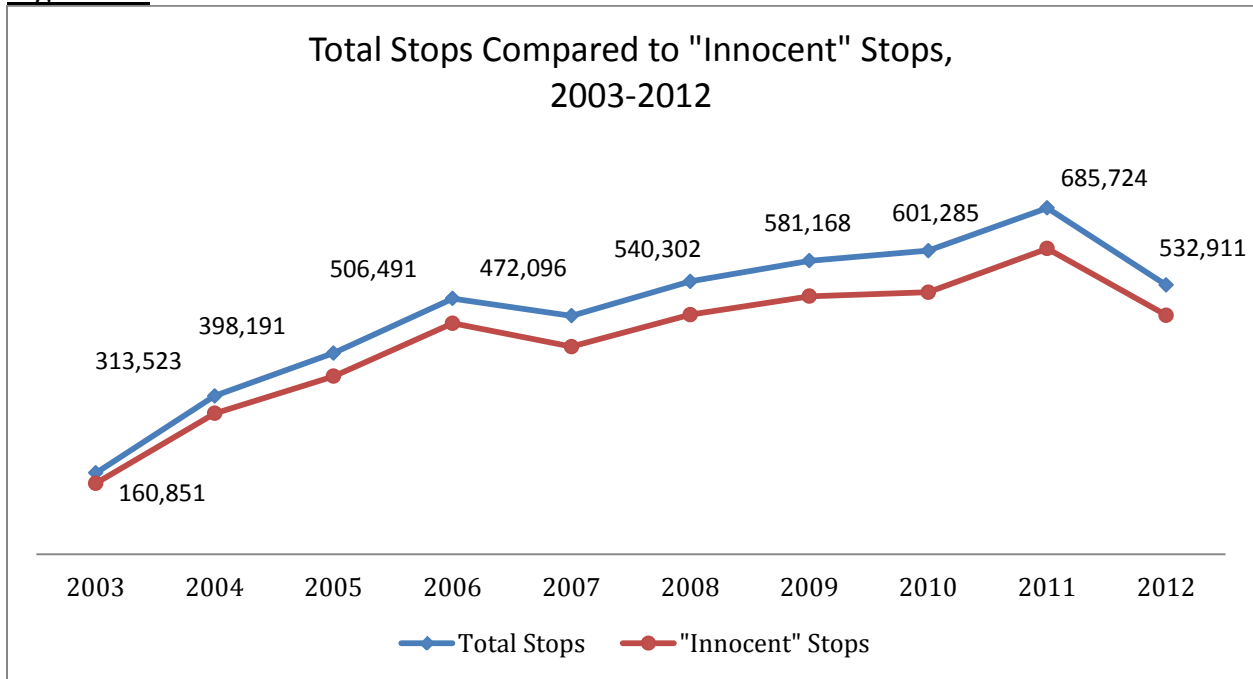
³⁹ These percentages do not directly derive from adding up arrests and summons because in some cases an arrest and summons were both recorded in the same stop.

⁴⁰ NYCLU Press Release. <http://www.nyclu.org/issues/racial-justice/stop-and-frisk-practices>

⁴¹ Two percent of UF-250 forms list “furtive movement” as the sole reason for the stop. See also testimony of Dr. Jeffrey Fagan at *Floyd et al. v. City of New York*. Fagan, Jeffery 2010. Expert Report, *Floyd v. City of New York*, 08 Civ. 01034 (SAS). <http://www.ccrjustice.org/floyd>.

Fagan, Jeffery 2012. Second Supplemental Report, *Floyd v. City of New York*, 08 Civ. 01034 (SAS). <http://www.ccrjustice.org/floyd>.

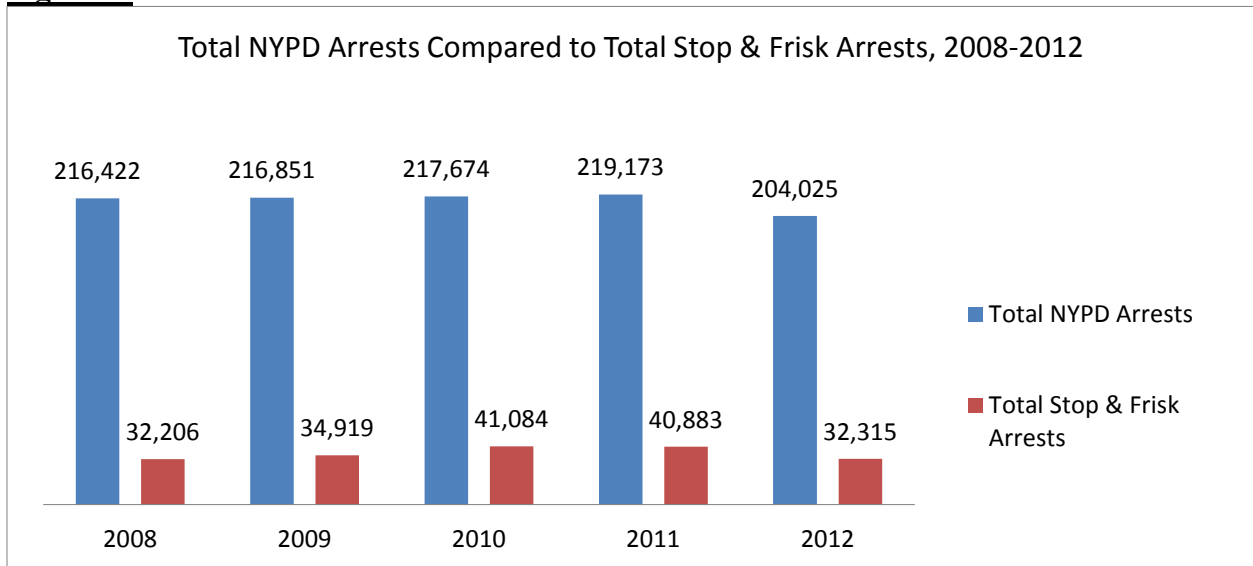
Figure 7b:



Data Source: NYPD Stop, Question and Frisk Report Database, 2003-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

Since 2008, the NYPD made 1,074,145 total arrests. Of those arrests, 16.9% (181,407) were from documented stop and frisk encounters. Thus, over the last five years, more than 80% of the total arrests made by NYPD officers were the results of activities other than stop and frisk. (See Figure 8).

Figure 8:



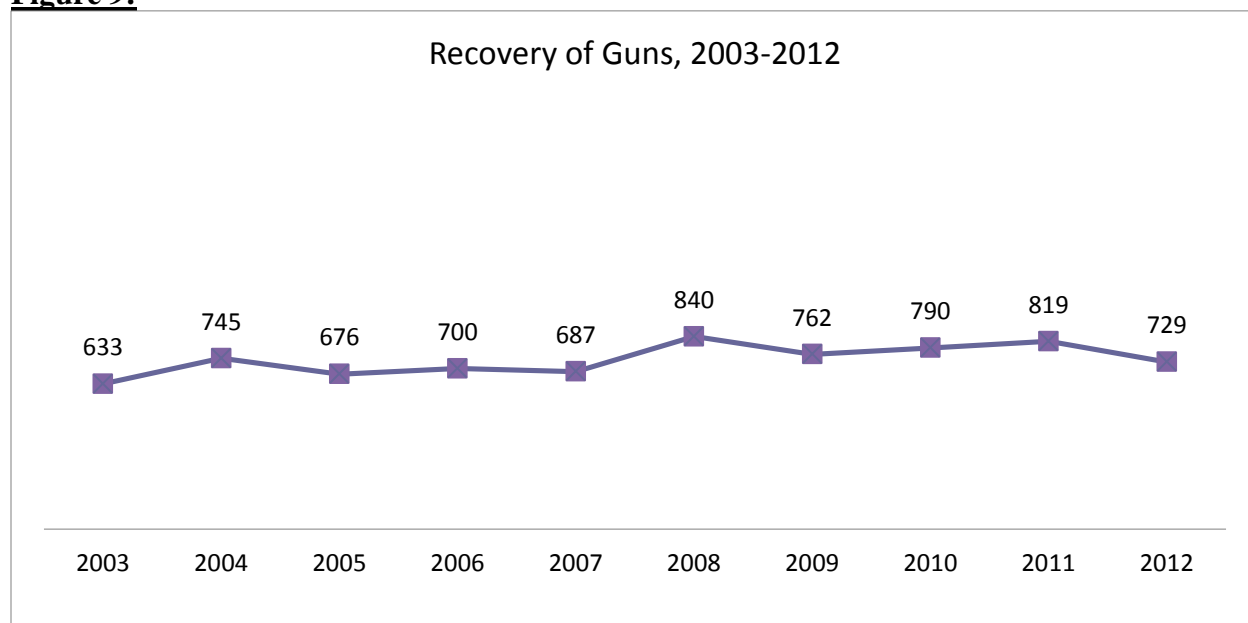
Data Sources: NYPD Stop, Question and Frisk Report Database, 2003-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml); NYPD annual *Crime and Enforcement Activity in New York City* reports, 2008-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/crime_and_enforcement_activity.shtml).

VIII. Increased Stops, Modest Returns

One rationale offered for the liberal use of stop, question, and frisk procedures is that they work to substantially reduce the number of weapons being carried on the streets of New York. In 1994 when William Bratton was Police Commissioner, the New York City Police Department issued Police Strategy No. 1, “Getting Guns off the Streets of New York,” which established the Department’s plan to eradicate gun violence by stepping up efforts to find and seize illegal firearms.⁴² Strategy No. 1 is closely linked with Police Strategy No. 5, “Reclaiming the Public Spaces of New York,” which presents the Department’s plan to combat “low-level street disorder” to “undercut the ground on which more serious crimes seem possible and even permissible.”⁴³

While the total number of annual stops climbed to nearly 700,000 in just a few years (up from 160,851 in 2003), the number of stops in which, at least, one illegal gun was discovered remained substantially modest in comparison.⁴⁴ As Figure 9 shows, the number of guns recovered over the ten-year period 2003 to 2012 ranges from a low of 633 (2003) to a high of 840 (2008), averaging 738 (see note following Figure 9).

Figure 9:



Data Sources: NYPD Stop, Question and Frisk Report Database, 2003-2012

(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml). Note: The number of “guns recovered” was derived by adding whether at least one pistol, rifle, assault weapon and/or machine gun was found during the stop. UF-250 forms do not record the quantity of items found, e.g. 3 pistols and 1 machine gun recovered from a single stop would be recorded as “a” pistol and “a” machine gun recovered. In this chart, the maximum items a single stop could derive is four as there are four categories of weapons that can be checked by the reporting officer.

While stops have increased each year, except in 2007, a clear pattern of gun recovery has not emerged. The greatest number of guns was recovered in 2008 (840 guns from 540,302 stops, twenty-one more guns than in 2011 when the number of stops was at 685,724). Though stops

⁴² NYS Attorney General Report, 1999, pp.58. (See list of resources for full citation).

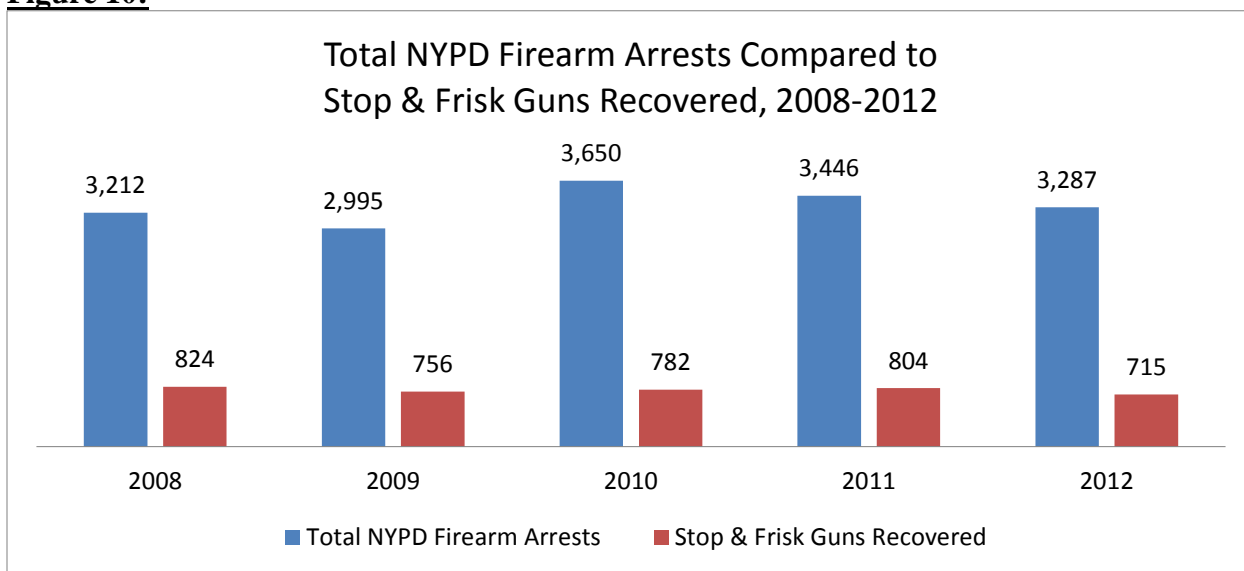
⁴³ NYS Attorney General Report, 1999, pp. 53. (See list of resources for full citation).

⁴⁴ See note that follows Figure 9 for explanation of how “guns recovered” was calculated from the available data.

decreased by 22% in 2012, the number of guns recovered was closest to the number of guns recovered in 2004 when the documented stops were 313,523 (729 vs. 745). The gun recovery numbers are not consistent with greater productivity due to increased stops nor do they show the steady decline that would be consistent with claims that individuals are leaving their guns at home.

Figure 10 compares the total firearms arrests for each year from 2008 to 2012 to the number of firearms recovered from stop and frisk for those same years. Three quarters or more of firearm arrests each year do not stem from a stop and frisk encounter.

Figure 10:

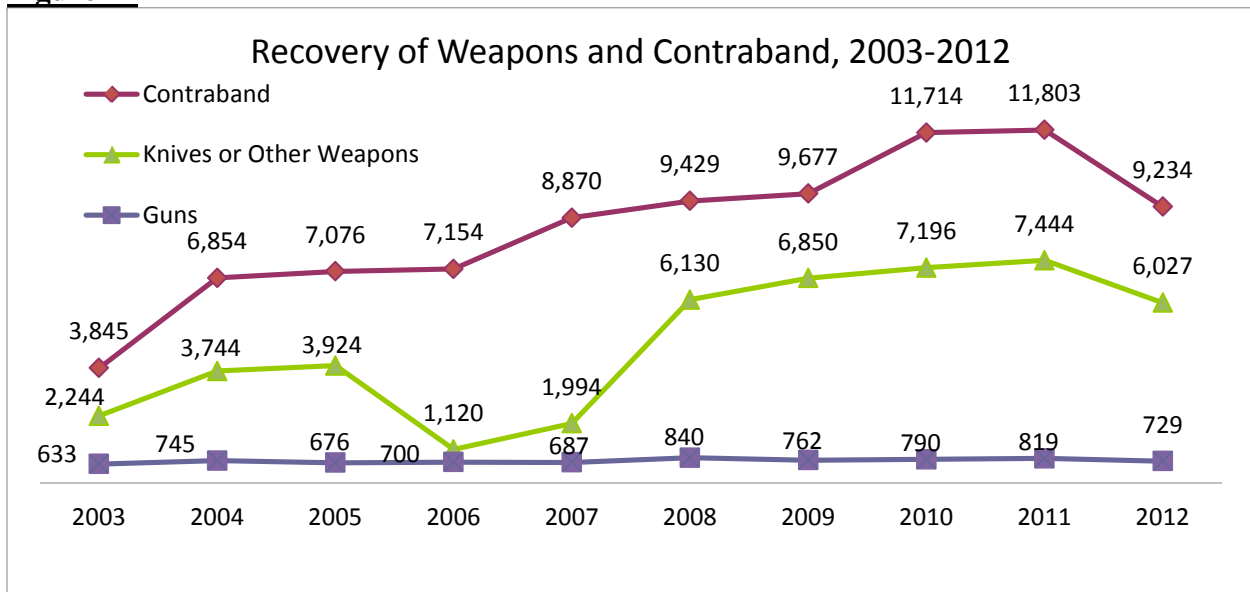


Data Sources: NYPD Stop, Question and Frisk Report Database, 2003-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml); NYPD annual *Crime and Enforcement Activity in New York City* reports, 2008-2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/crime_and_enforcement_activity.shtml). Note: The “stop and frisk guns recovered” represents the amount of stops that led to one or more guns recovered.

Figure 11 shows that officers are more likely to recover contraband other than weapons during stops. Although the UF-250 provides a space for officers to specify the type of non-weapon contraband found, this portion of the form is not always filled in; and, the information that is available could not be analyzed by the authors in a timely manner. Some studies, conducted by others on this topic, suggest that such contraband is primarily drugs, and specifically marijuana.⁴⁵

⁴⁵ Golub et al., 2007; Harcourt and Ludwig, 2007; Levine and Small, 2008. (See list of references and resources for full citations).

Figure 11

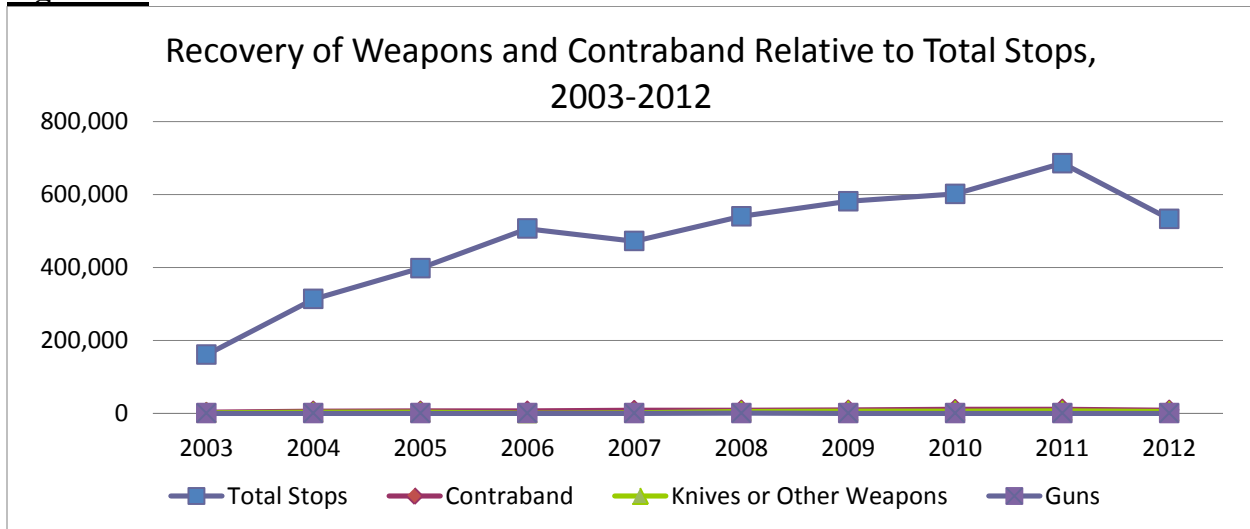


Data Source: NYPD Stop, Question and Frisk Report Database, 2003-2012

(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml). Note: The number of “knives and other weapons” recovered in a stop was derived by adding whether either a “knife” and/or “other weapon” was found on a suspect. UF-250 forms do not record the quantity of items found, e.g. 3 knives and 2 other weapons recovered in a single stop would be recorded as “a” knife recovered and “an” other weapon. In this instance the maximum a single stop could derive is two items as there are two categories of weapons that can be checked by the reporting officer.

From 2003-2011, the number of stops have more than quadrupled, however the recovery of guns has, with small fluctuations from year to year, remained relatively the same. This means that the yield of guns per stop has declined considerably as the number of stops have increased (see Figure 12). Figure 12 also reveals that the yield of contraband, knives (or other weapons) and guns is very low in comparison to the annual number of stops.

Figure 12:

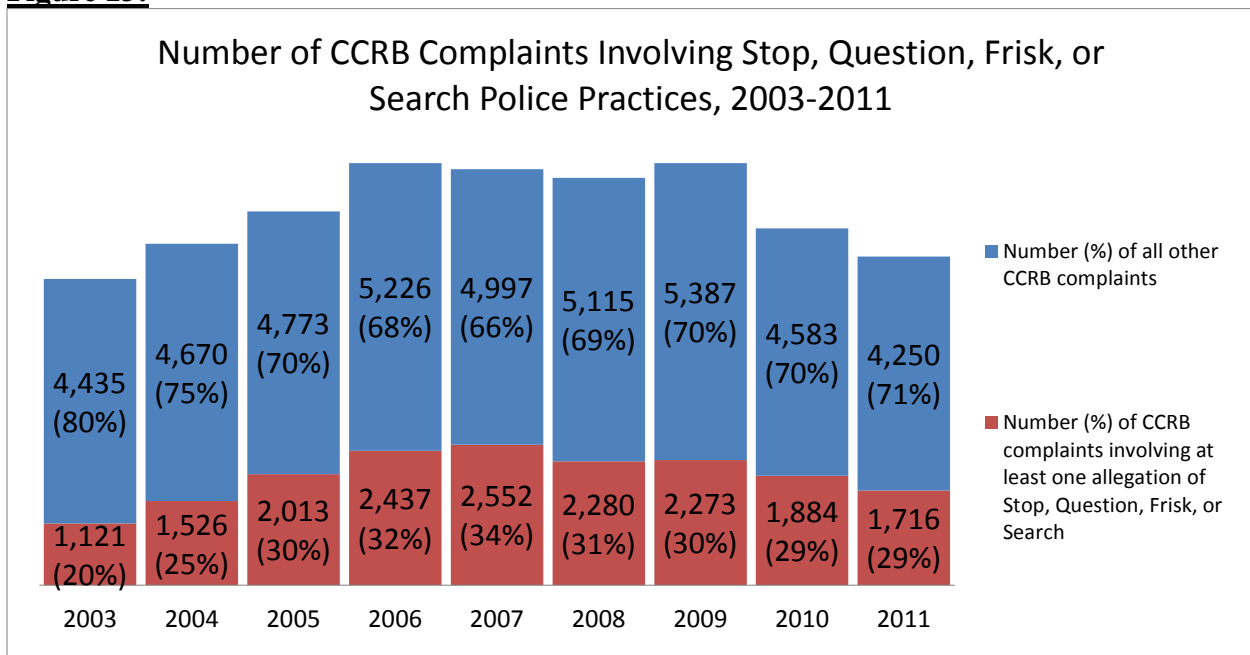


Data Source: NYPD Stop, Question and Frisk Report Database, 2003-2012

(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

As the number of stops has increased and the yield from stops has remained low, complaints to the Civilian Complaint Review Board (CCRB) involving stop incidents have been substantial. As Figure 13 shows, between a quarter and a third of all complaints to the CCRB in the years 2004-2011 involved at least one allegation concerning a police stop.

Figure 13:



Data Source: CCRB Annual Reports: 2003-2007 (http://www.nyc.gov/html/ccrb/pdf/ccrbann2007_A.pdf); 2006-2010 (<http://www.nyc.gov/html/ccrb/pdf/ccrbann2010.pdf>); 2011 (<http://www.nyc.gov/html/ccrb/pdf/ccrbann2011.pdf>).

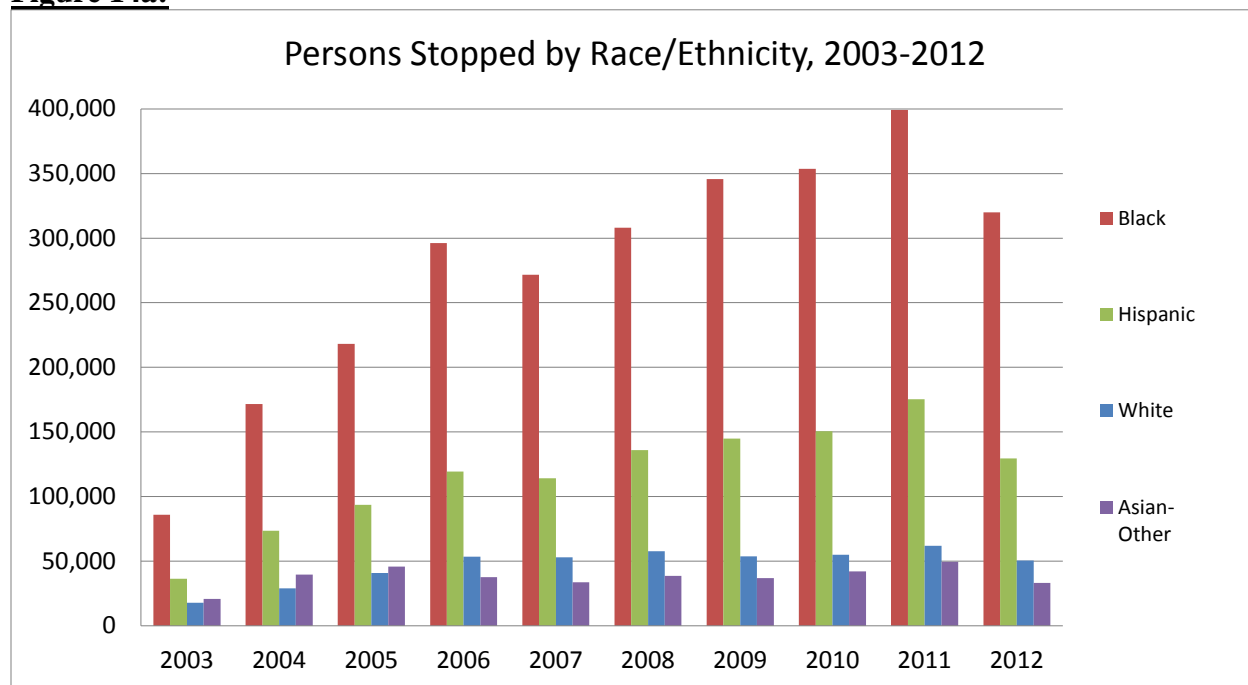
IX. Who Gets Stopped

Form UF-250 includes six possible categories for describing the “race” of the person stopped: White, Black, White Hispanic, Black Hispanic, Asian/Pacific Islander, or American Indian/Alaskan Native. Because skin color is a more immediately apparent personal characteristic than ethnicity, or even language until words are exchanged, the authors of this Primer grouped Black Hispanics with Blacks for the purpose of statistical analysis. Black Hispanics represented 11.2% (35,772) of all total stops in this combined “Black” category for 2012.

As Figure 14a shows, for each year 2003 through 2012, Blacks and Hispanics make up a substantial majority of persons stopped. In 2011, when stops were at their highest, Blacks (399,181) and Hispanics (175,302) combined were stopped 9 times more than Whites (61,805) and 11 times more than Asian/Others (49,426).⁴⁶ For 2012, Blacks made up 320,001 of those stopped. Stops involving (non-Black) Hispanics totaled 129,368. Stops of Whites numbered 50,366. Asian/other stops totaled 33,176.

⁴⁶ Calculated by adding the number of Hispanics and Blacks stopped (399,181+175,302) divided by the number of Whites stopped, 61,805.

Figure 14a:



Data Source: NYPD Stop, Question and Frisk Report Database, 2003-2012
(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

Police in other cities also stop more Blacks than Whites. A report issued by the ACLU of Southern California in 2008 shows that Blacks were nearly three times more likely to be stopped than Whites.⁴⁷ A 2010 article in the *Toronto Star* reports that Blacks are three times more likely than are Whites to be stopped by the Toronto police.⁴⁸ Among young males between the ages of 15 and 24, Blacks are stopped 2.5 times more than Whites.⁴⁹ On the international front, Black people in England and Wales are nearly 30 times more likely to be stopped and searched than are white people, even in predominantly white areas. The exact figure is that Blacks were 29.7 times more likely to be stopped than Whites in 2011. This was up from a 2010 figure of 26.6.⁵⁰

Figure 14b shows the number of innocent stops across racial categories for 2012. Rounding, the number of innocent stops involving Blacks was 2.5 times that of innocent Hispanics; close to 6.5 times that of innocent Whites, and more than 9.5 times that of innocent Asian-Others. The number of innocent Blacks stopped was nearly 300,000, compared to roughly 114,000 (non-black) Hispanics, less than 45,000 Whites and just under 30,000 Asian/Others.

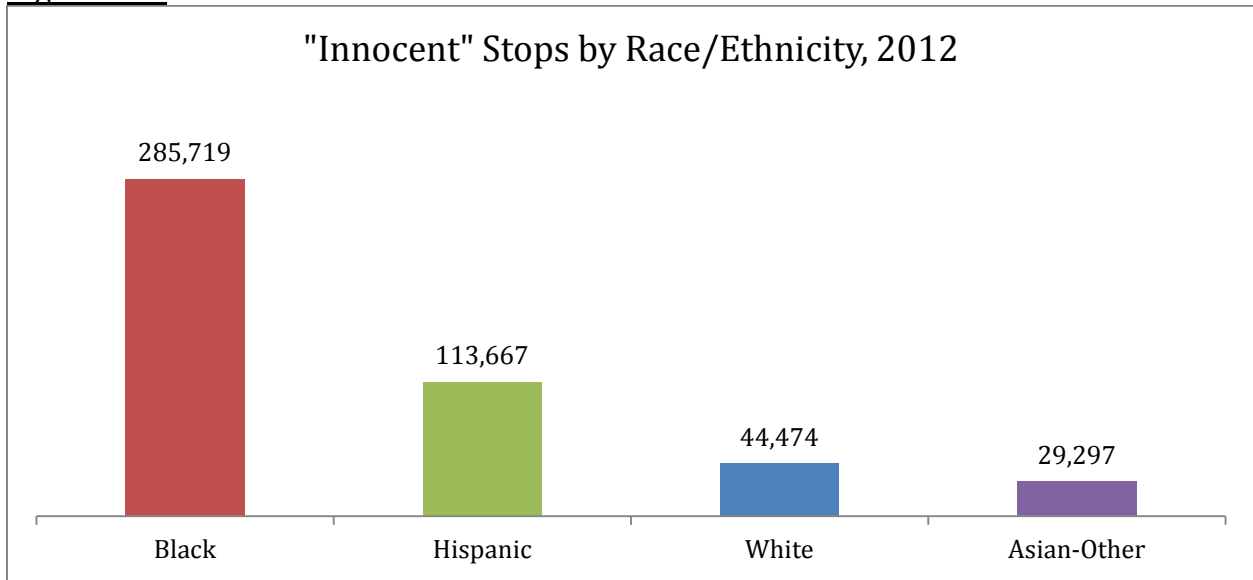
⁴⁷ Long, Colleen. "Police stop more than 1 million people on the street." *Associated Press*. Oct. 8, 2009. http://www.msnbc.msn.com/id/33230464/ns/us_news-crime_and_courts/

⁴⁸ Rankin, Jim. "Race Matters: Blacks documented by police at high rate." *Toronto Star*. Feb. 6, 2010. <http://www.thestar.com/specialsections/raceandcrime/article/761343--race-matters-Blacks-documented-by-police-at-high-rate>

⁴⁹ Ibid.

⁵⁰ Townsend, M. "Stop and Search 'racial profiling' by police on the increase claims study," *The Guardian*. January 14, 2012.

Figure 14b:



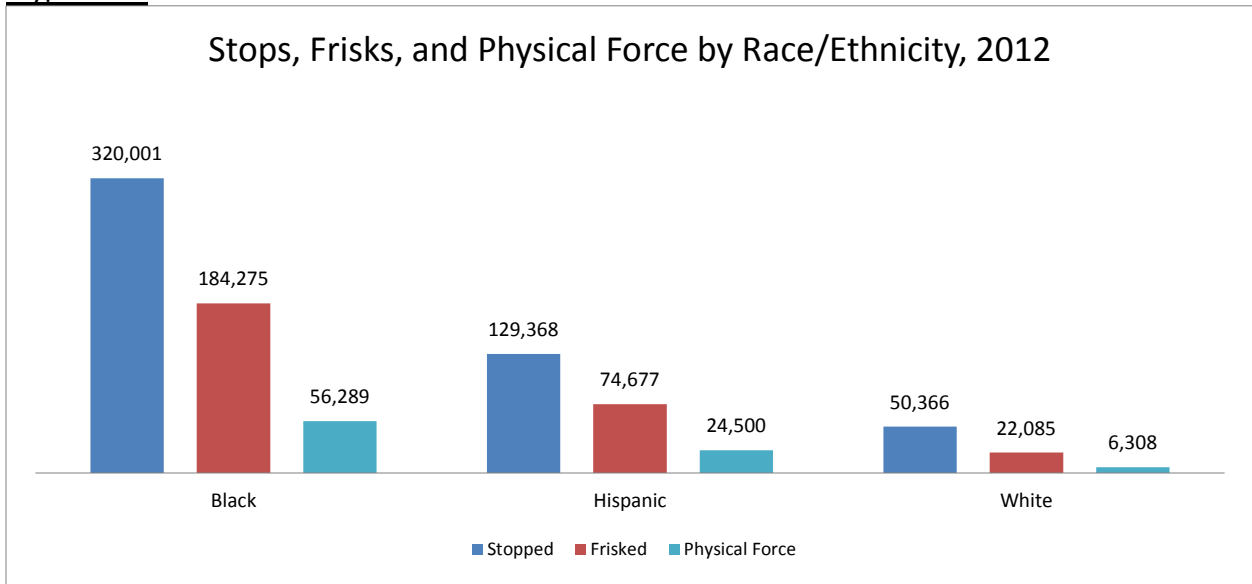
Data Source: NYPD Stop, Question and Frisk Report Database, 2012
(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

Though not shown in a figure, the vast majority of stops are of males. From 2003-2011, the percentage of male stops across race was 90% for Whites, 93% for Blacks, 93% for Hispanics and 92% for Asians/Others. This trend continued through 2012, where the percentage of male stops across race was 89% for Whites, 92% for Blacks, and 92% for Hispanics. Notably, the percentage of male stops for Asian/Others in 2012 was 78%. This low percentage of male stops is in part due to the large number of stops in this racial/ethnic category where the sex of the suspect was marked as not known (4,901). Over the nine-year period, 2003 to 2011, Black men and boys represented 59% (2,266,470) of the stops where the suspect was male. Another 25% of male stops involved Hispanics as suspects (962,530). This was also true for 2012, where Black men and boys represented 60% (296,366) of the stops where the suspect was male. Hispanic men and boys accounted for 24.5% of male stops in 2012.

X. What Occurs During Stops and Outcomes for Persons from Different Racial/Ethnic Groups

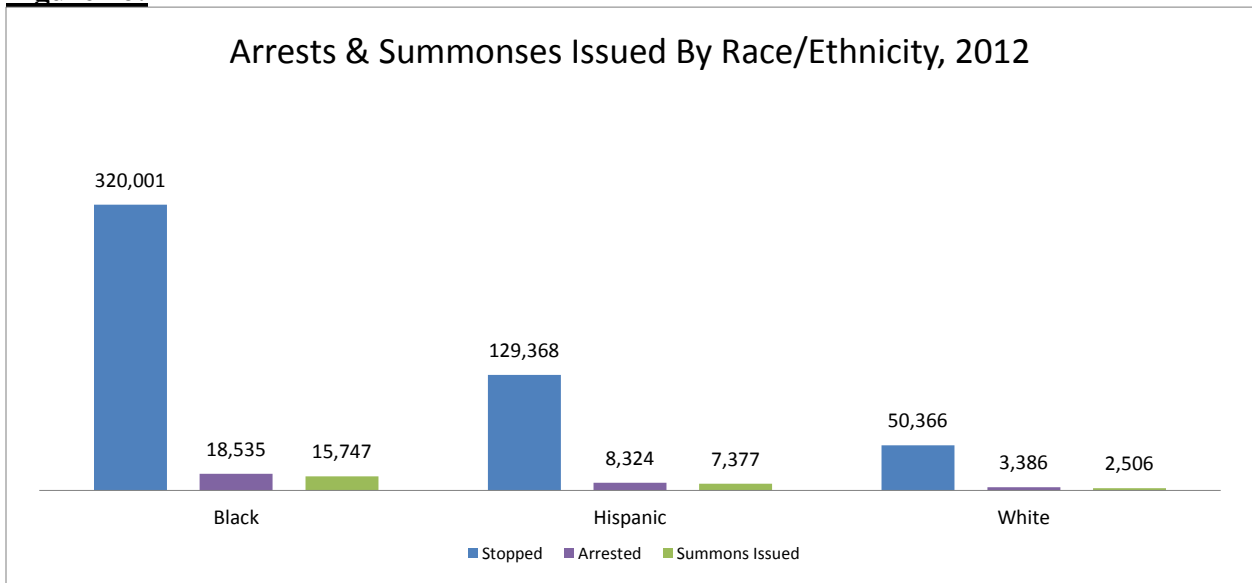
As shown in Figure 15, the raw number of Blacks and Hispanics stopped by police, frisked, and subject to force substantially exceeds the number of Whites and Asians/Other who have similar experiences. Similarly in Figure 16, the raw numbers of arrests and summonses that occur during stops involving Blacks and Hispanics are also substantially greater than in stops involving Whites and Asian/Others (not shown).

Figure 15:



Data Source: NYPD Stop, Question and Frisk Report Database, 2012
(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

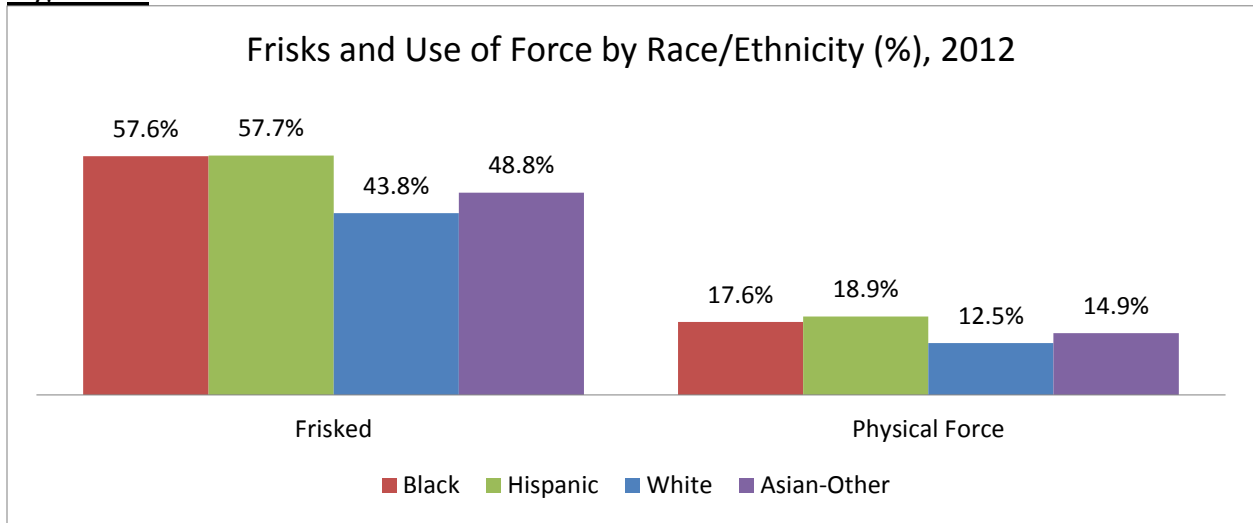
Figure 16:



Data Source: NYPD Stop, Question and Frisk Report Database, 2012
(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

A look *proportionally* at what occurs during stops for members of each group (Figure 17) shows that the percentage of stops involving Blacks and Hispanics that led to frisks and the use of physical force are almost identical. Members of both groups are more likely than Whites and Asians/Other to be frisked (58% and 57% compared to 44% and 49%) and be subjected to physical force (17% and 19% compared to 12.5% and 15%) during the stops.

Figure 17:

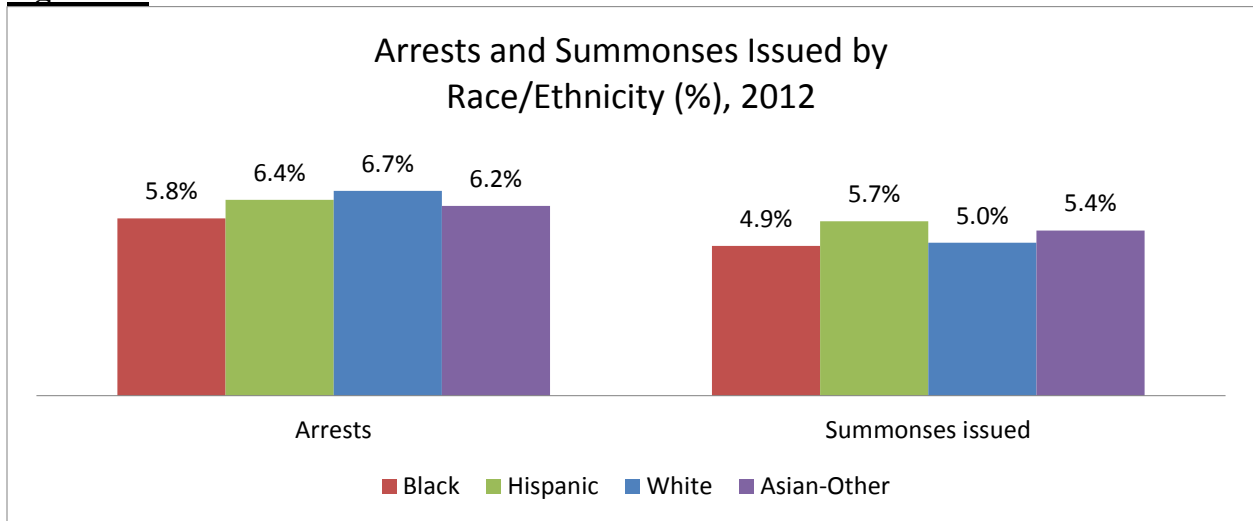


Data Source: NYPD Stop, Question and Frisk Report Database, 2012

(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

Figure 18 shows that the proportional percentage of stops involving Whites that led to arrests are slightly higher (6.7%) as compared to Blacks, Hispanics and Asians/Other (5.8%, 6.4%, and 6.2% respectively). Whites and Hispanics are slightly more likely to be issued a summons (both similar at 5.0% and 5.7% respectively) as compared to Blacks and Asians/Other (4.9% and 5.4% respectively).

Figure 18:



Data Source: NYPD Stop, Question and Frisk Report Database, 2012

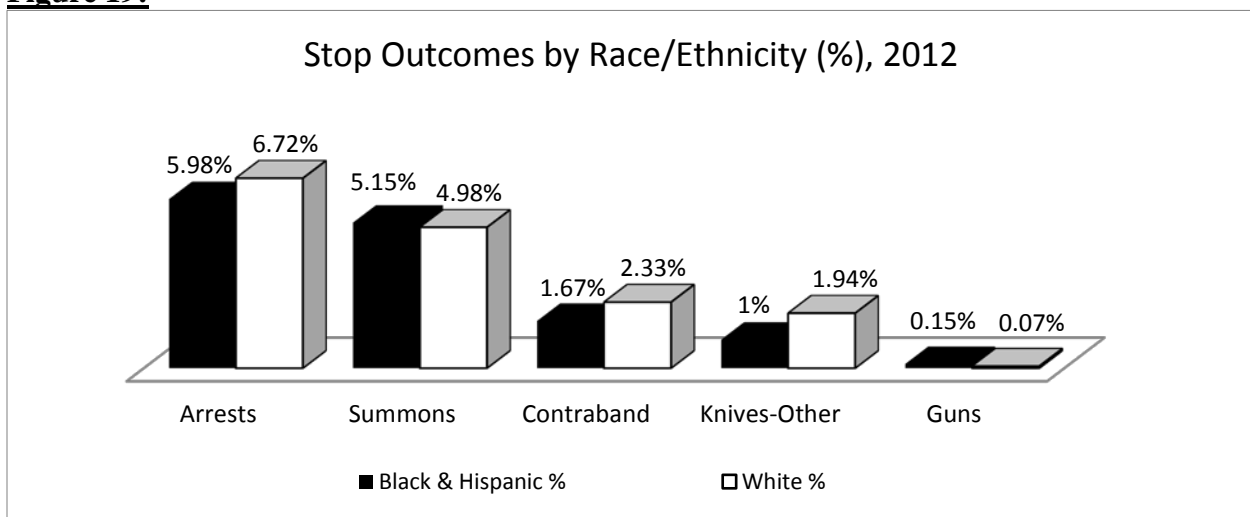
(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

To address the issue of whether the large raw number racial/ethnic disparity in stop, question and frisk practices may be warranted based on differences in criminal behavior, Figure 19 combines Blacks and Hispanics and compares outcomes from their stops with the outcomes of stops involving Whites. *Proportionally*, the outcomes for Whites, who comprise the smallest number of persons stopped of the three, are strikingly similar to those for Blacks and Hispanics

(combined), the highest number of persons stopped. As Figure 19 shows, 6.72% of all Whites stopped in 2012 were arrested as compared to 5.98% of Blacks and Hispanics. It should be noted that the proportion of Whites arrested was consistently slightly larger than the proportion of Blacks and Hispanics arrested in every year from 2003-2012 with the exceptions of 2008 and 2010. By contrast, stops of Blacks and Hispanics (combined) have consistently resulted in a slightly higher proportion of summonses (5.15% versus 4.98% in 2012; down from 6.55% versus 5.79% in 2008, for examples), with the exceptions of 2003 and 2011.

In terms of recovering weapons and other contraband in 2012, stops of Whites yielded a greater share, proportionally, of contraband--other than weapons (2.33% versus 1.67%). The difference in the recovery of knives and weapons--other than guns is slightly greater among Whites as well (1.94% compared to 1.0%). In terms of recovering guns, the situation is reversed: proportionally, stops of Blacks and Hispanics were slightly more likely than stops of Whites to result in the recovery of a gun (0.15% versus 0.07%), but this difference is extremely small (0.08 percentage points).

Figure 19:

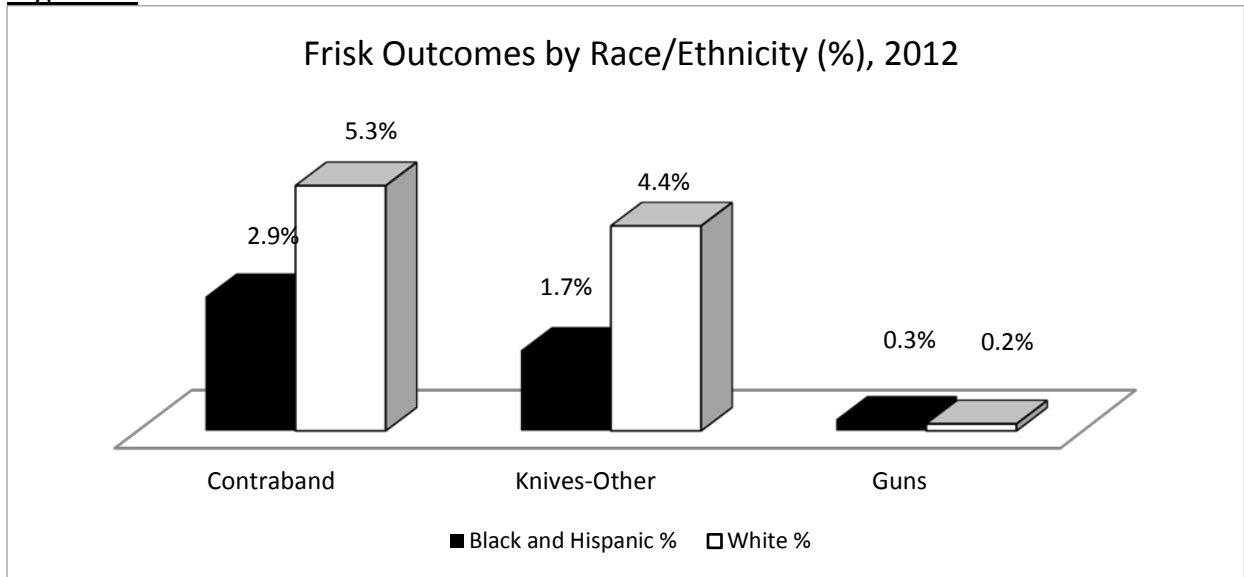


Data Source: NYPD Stop, Question and Frisk Report Database, 2012

(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

When calculations are made that take into account the larger number of Blacks and Hispanics (combined) who were not only stopped but also frisked in 2012, as compared to the fewer number of Whites frisked, there is an increase in the differences between the groups for the recovery of weapons and other contraband. As shown in Figure 20, the percentage of Black and Hispanic frisks that recovered contraband in 2012 was 2.9 as compared with 5.3 for Whites. The percentage of frisks that recovered knives and weapons--other than guns for Blacks and Hispanics was 1.7 as compared to 4.4 among Whites frisked. The gun recovery percentage, which is extremely low for both groups, was slightly greater among Blacks and Hispanics frisked compared with Whites (0.30% versus 0.20%).

Figure 20



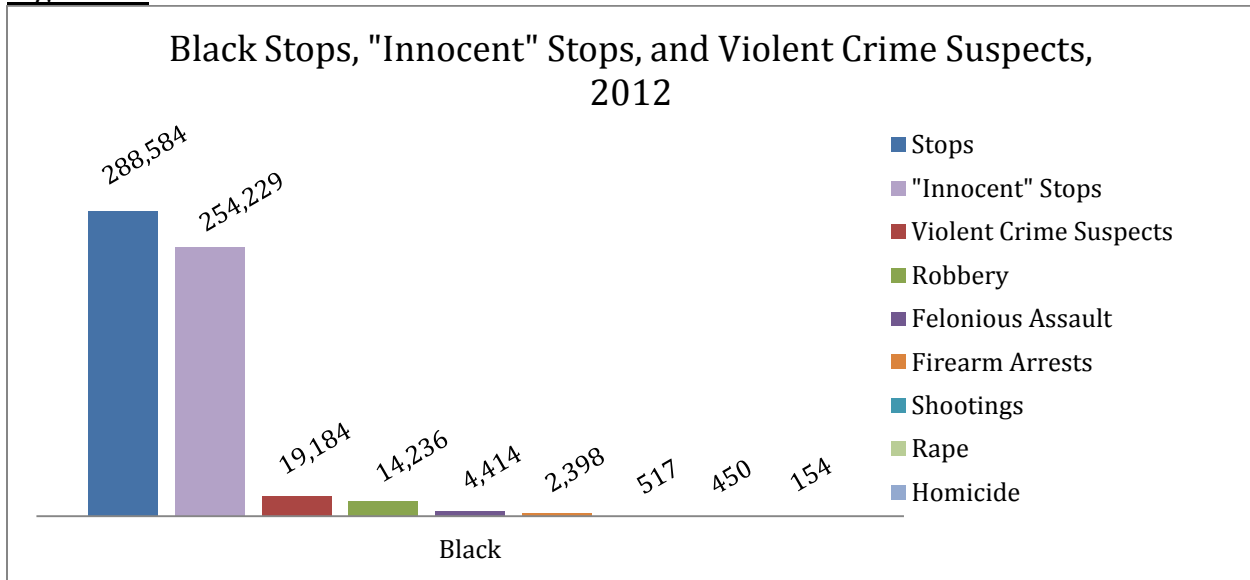
Data Source: NYPD Stop, Question and Frisk Report Database, 2012
(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml).

Examining data from 2011, when documented stops had reached their height, another way to look at the weapons recovered during frisks is that for every 1,000 Black individuals frisked, 2.4 guns were found; the equivalent return for Whites was 1.6 guns, and for Hispanics, 1.2 guns. Frisks were somewhat more efficient in recovering other types of weapons and contraband, especially among Whites. For every 1,000 White individuals frisked in 2011, officers recovered 36.3 knives or other nonfirearms. The equivalent return for Hispanics and Blacks was 17.9 and 14.8, respectively. Similarly, for every 1000 White individuals frisked in 2011, contraband was found on 45.1 of them as compared to 25.2 for Blacks and 24.5 for Hispanics.

In total raw numbers, out of 399,181 stops of Black individuals in 2011, 596 guns were recovered; out of 175,302 stops of Hispanic individuals, 124 guns were recovered; and out of 61,805 stops of White individuals, 48 guns were recovered. As already mentioned, these returns are small in the context of the vast number of individuals stopped by police in 2011. For Blacks they represent .14% of stops resulting in a gun recovery. For Hispanics they represent .07% of stops resulting in a gun recovery and .08% for Whites.

Recent discussions have attempted to justify Black disproportionality in stops by using the percentage of crime suspects that are identified as Black. Noting that the NYPD has a written policy against racial profiling (see Appendix D), Figure 21 shows the numerical disparity in the total number of Blacks stopped, compared to the number of “innocent stops” for Blacks and their reported numbers as suspects in crime for 2012.

Figure 21:



Data Sources: NYPD Stop, Question and Frisk Report Database, 2003-2012

(http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml); NYPD annual *Crime and Enforcement Activity in New York City* report, 2012 (http://www.nyc.gov/html/nypd/html/analysis_and_planning/crime_and_enforcement_activity.shtml).

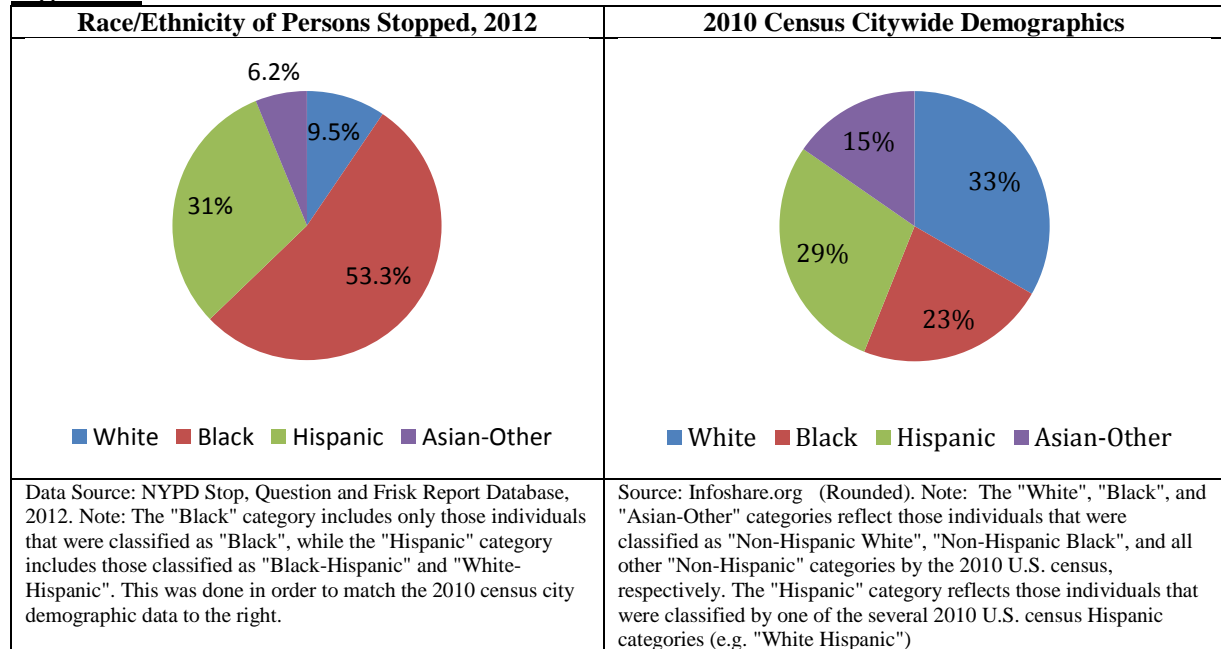
Note: For this figure, Black Stops are as reported in the 2012 *Crime and Enforcement Activity in New York City*. This number does not include Black Hispanics. The "Innocent" stops figure was calculated using this Black stop number. Crime suspect numbers are as listed in the "suspects" category of the report for each offense, with the exception of illegal firearm possession, which is reported as firearm "arrests" across racial/ethnic categories.

Using the reported NYPD data for 2012, 88% of Blacks stopped were innocent, that is their stops did not result in an arrest or summons. The number of Blacks stopped and the number of innocent Blacks stopped substantially exceeds all figures related to Black suspects or arrests for serious violent crimes. The use of percentages instead of raw numbers in the *Crime and Enforcement Activity in New York City* report is misleading. For "Violent Crime Suspects" Blacks are identified as 66% of suspects (which equates to 19,184) and 54.8% (which equates to 288,584) of stops. This represents a difference of 269,400 between alleged Black "suspect" activity and the number of Blacks experiencing documented stops. In other words, Blacks were stopped more than 15 times greater than their number among violent crime suspects.

This disparity gets larger as the number of Black suspects or arrestees diminish across offense categories. For example, the difference between the number of Blacks arrested for possessing firearms (2,398) and the number of Blacks stopped is 286,186, nearly 120 times greater than their firearm arrest number. As shootings suspects (517) compared to their number of stops, the difference for Blacks begins to approach 300,000 (288,067) or almost 560 times the recorded number of Black shooting suspects. Finally, while the *Crime and Enforcement Activity in New York City* report for 2012 lists Blacks representing 53.7% of homicide suspects, that percentage equates to 154 Black suspects compared to 288,584 Black stops or nearly 1875 times more stops than suspects.

If stops were distributed neutrally across race/ethnicity,⁵¹ one could expect that the percentage of stops involving members of each race/ethnicity would resemble the percentage of the overall New York City population each group represents. Figure 21 makes this comparison between the race/ethnicity of police stop percentages in 2012 and the 2010 NYC demographics. While Whites make up 33% and Asians/Other 15% of the total NYC population, they were only 9.5% and 6.2% of the total police stops in 2012. Conversely, Blacks are 23% of the NYC population but represent the majority (53.3%) of all the 2012 police stops. The stops made of Hispanics in 2012 (31%) were much closer, though still higher, than their demographic proportion (29%).

Figure 22:



⁵¹ Though crime is not distributed randomly across the City, research has confirmed that areas with similar crime rates but different residential populations are not experiencing the same level of stops and that Blacks and Hispanics who appear in locations where the residents are not predominantly Black and Hispanic are experiencing substantial stop activity, see. Gelman, Fagan, and Kiss, 2007, p.6. (See list of references and resources for full citation) and Gardiner, Sean, "NYPD Stops Affect Young Minority Men." *Wall Street Journal*, May 9, 2012. <http://online.wsj.com/article/SB10001424052702304070304577394464041545288.html>

XI. Some Highlights from Stops during the 1st Quarter of 2013

At the time this publication was being prepared, data on stops had been issued by the NYPD for the first quarter of 2013:⁵²

- **Decline in the number of stops:** Police made 99,788 stops in January, February, and March of 2013 which represents a 51% decrease from the number of police stops in 2012 over the same months.
- **A continuation of the low return rates for stops:** For the first three months of 2013, 6.2% of stops resulted in an arrest and 3.5% of stops resulted in the issuance of a summons.
- **“Furtive Movements” continues to be the leading reasons for stopping people:** Furtive movements were listed as a reason in 50% of stops for the first three months of 2013. Sixty percent of stops were justified on the basis of the additional circumstance of high-crime area⁵³ in the first three months of 2013. “Fits description” was listed as a reason in 6.3% of stops.
- **Continued focus on stopping Blacks and Hispanics:** In the first three months of 2013 approximately 86% of stops were of Blacks and Latinos.

XII. Legal Challenges

Though *Terry v. Ohio* authorized police use of stop, question and frisk practices, there are two major federal constitutional questions that have resulted in litigation around the use of *Terry*-stops, which in New York City are also currently being called, “reasonable suspicion”-stops. The first is related to the Fourth Amendment’s requirement for “reasonable” searches and seizures and *Terry*’s requirement of “reasonable” suspicion before conducting a stop. The case law is clear that suspicion alone is not legally sufficient to support a stop. Because the NYPD data indicates that nearly 90% of the time officers are inaccurate when they suspect a person of potential criminality, the “reasonableness” of their suspicions is called into question. Police action based on mere suspicion or hunches are not covered by *Terry* and are prohibited by the federal constitution. Police stops for the purpose of merely exploring whether someone might be thinking about engaging in crime are also prohibited and have been termed “suspicion-less” stops in current litigation against the NYPD.

The second major legal question involves the Fourteenth Amendment’s guarantee of “equal protection” of the law. The amendment was enacted to insure that regardless of racial identity,⁵⁴ individuals would not be treated differently by government agencies. While the police have an

⁵² NYPD *New York City Police Department Stop Question & Frisk Activity*, Jan 1 – March 31, 2013. http://www.nyclu.org/files/2013_1st_Qtr.pdf

⁵³ Actual wording: “area has high incidence of reported offense of type under investigation”.

⁵⁴ Discriminatory treatment by government agencies on the basis of factors other than race are also covered by the amendment.

obligation to protect the public, precedent legal cases have determined that legitimate governmental goals must be achieved by the “least intrusive means” (that is, by means that interfere as little as possible with the rights of the people); and, that anytime racial discrimination is alleged in relation to governmental action, such action must be examined carefully (given “strict scrutiny”) so as not to unnecessarily and improperly restrict the rights of individuals in one or more racial groups compared to others.

Litigation over the NYPD’s use of stop, question and frisk practices pre-date 1999. Major cases include:

Daniels, et al. v. The City of New York, a class action lawsuit brought by the Center for Constitutional Rights (CCR) in 1999, which resulted in the requirement that the NYPD make stop and frisk data available to the New York City Council on a quarterly basis and the requirement that the NYPD establish a written policy prohibiting racial profiling (see Appendix D).⁵⁵ The suit made 4th and 14th Amendment claims as discussed above.

In the Matter of New York Civil Liberties Union v. New York City Police Department, the New York Civil Liberties Union (NYCLU) filed suit under the Freedom of Information Law (FOIL), and was granted the right to access the NYPD’s full electronic databases concerning stop and frisk, with identifying information removed.⁵⁶

Ligon, et al. v. The City of New York, a class action lawsuit brought by NYCLU, decided in February 2013.⁵⁷ The case was decided in favor of the plaintiffs who were complaining about stops being made by police outside private residential buildings enrolled in the City’s Trespass Affidavit Program. The judge’s decision noted that the NYPD acted with “deliberate indifference” to the complaints made against their stop and frisk practices and that their training materials for stop and frisk were constitutionally inaccurate. The case is awaiting a final hearing and decision on the remedies to be imposed. The judge’s full 157 page opinion can be accessed on-line.

Floyd, et al. v. The City of New York, a class action lawsuit filed by CCR in 2008 went to trial in March of 2013.⁵⁸ The trial ended on May 20, 2013. The case is pending a decision. The suit raised the 4th and 14th Amendment claims discussed previously by individuals who were stopped as pedestrians on New York City streets.

Davis, et al. v. The City of New York, a class action lawsuit brought by the Legal Aid Society and NAACP Legal Defense Fund on behalf of individuals stopped and cited for trespass in public housing developments, is awaiting trial in October 2013.⁵⁹

⁵⁵ Visit www.ccrjustice.org for details of the case.

⁵⁶ Visit www.nyclu.org for details of the case.

⁵⁷ Visit www.nyclu.org for details of the case.

⁵⁸ Visit www.ccrjustice.org for details of the case.

⁵⁹ Visit www.naacpldf.org for details of the case.

XIII. Unanswered Questions/Future Research

Available data on police stops in New York City describe a great deal about their volume, nature, and results. Yet, the statistics presented in this publication raise as many questions as they answer. Answers to the questions below and many others require additional data, qualitative research, and increased public discussion of this controversial policing practice.

- How many New Yorkers are stopped more than once, and how many times, without being arrested or issued a summons?
- How does being stopped by a police officer affect a person's perceptions of law enforcement, especially among youth? Is the legitimacy of the justice system affected in the eyes of the public and among those stopped?
- What are the community's views of these policing practices?
- What are the best practices in conducting stops?
- Can officers be trained to be more selective and effective in stopping people – to dramatically decrease the number of people stopped and increase the “return” rate? Are there changes to the UF-250 form that would support such a shift in practice?
- What is the causal relationship, if any, between public safety and police use of stop and frisk practices?
- What are the effects, especially in higher-crime neighborhoods, when precinct commanders emphasize different approaches to public safety?
- What are the police costs involved in implementing the NYPD's policy on stop, question, and frisk, including patrol time, overtime, case processing time?
- How does knowing the basic facts about police stops in New York City affect public opinion about this practice?
- How do current practices compare with the NYPD's stated prohibition against racial profiling? (See Appendix D.)
- When, on average, 10% of stops result in an arrest or summons, is the value of the one arrest or summons worth the cost of stopping nine people who have committed no crime? Who gets to decide? Can the decision be made through a process that involves collaborations between police officials and diverse constituents from the affected communities?
- When the stop results in a summons or arrest, what happens next? How frequently do these stops result in pre-arraignment detention? What are the court outcomes for the cases that are filed following these stops? What are the criminal justice system costs involved in processing these cases, including detention, prosecution, public defender, and courtroom costs?

- Are stops being used in some precincts in ways that have reduced crime without creating unacceptable racial disparities? Might such neighborhoods or precincts serve as models for others?

Conclusion

The data presented in this Primer show that after stopping people in New York City in increasing numbers for nine years, the number of police stops were decreased by more than 22% and overall, crime did not increase. In fact, the decrease in stops in 2012 accompanied the City's reporting of the lowest number of homicides in recent history. There were nearly 153,000 fewer stops in 2012 compared with 2011, in contrast to the quadrupling of stops that occurred since 2003. The trend of decreased stops has continued into the first quarter of 2013. It is duly noted that these data only reflect stops that officers record on a departmental form; an unknown number of stops take place without documentation.

The data on documented stops show that the yield from these hundreds of thousands of encounters between police officers and pedestrians is small in comparison. For example, on average, for every 100 people officers stopped in 2011, when stops were at their highest, they found contraband of some kind (including guns, knives, other weapons, or illegal drugs) on approximately three people. Prior to 2012, as the annual number of stops increased sharply, the annual rate of return declined.

The data continue to show that stops tend to be concentrated in a handful of police precincts and that the vast majority of people stopped are Black or Hispanic. The reasons officers list for stopping people vary, but "carrying a suspicious object in plain view" and "*engaging* in a violent crime" are less commonly documented reasons compared to "furtive movements" or "high crime area"⁶⁰--reasons that are highly ambiguous, undefined and susceptible to personal biases.

Suspect descriptions have little or no direct relationship to stops, with "fits description" being checked off as a reason for making a stop in only 15% of stops in 2011 and 16% of stops in 2012. In 2012, persons who are Black were 15 times likelier to be stopped than they numbered among violent crime suspects. The data also show that, during stops, Blacks and Hispanics are more likely than Whites and Asians/Other to be subjected to frisks and to physical force beyond the pat-down itself. Finally, even though Blacks and Hispanics combined are stopped in far greater numbers than Whites, the arrest and summons outcomes, proportionately are roughly the same. When differential rates of frisking are taken into account, Whites are more likely to be found in possession of contraband and a weapon that is not a firearm. The proportional difference in recovery of a firearm is extremely small.

The many statistics in this Primer are beyond debate, though the interpretation of them have been the source of both plentiful and heated pronouncements and discussions. Numbers alone cannot capture how individuals feel when stopped by police, especially when they are not engaged in criminal conduct. The numbers also cannot capture the consequences of those feelings, particularly among innocent people who are stopped multiple times. Research is needed to determine the individual and social costs as well as the public benefits of stop, question, and frisk

⁶⁰ See Note 52 and UF-250 form.

policing practices in New York City, beyond speculation, intuition and isolated accounts. Ongoing litigation is poised to resolve questions about whether these police practices are legally justified or whether they infringe upon certain liberties enshrined in U.S. law. But, the police, lawyers, politicians, academics and media should not decide these issues alone, without a robust public debate and discussion that include the diverse voices of the many people of the City of New York, especially those most directly affected by the practice. Collaborative efforts seem essential to shaping stop, question and frisk policies into police practices that are both demonstratively more effective and recognizably more equitable.

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Related Resources

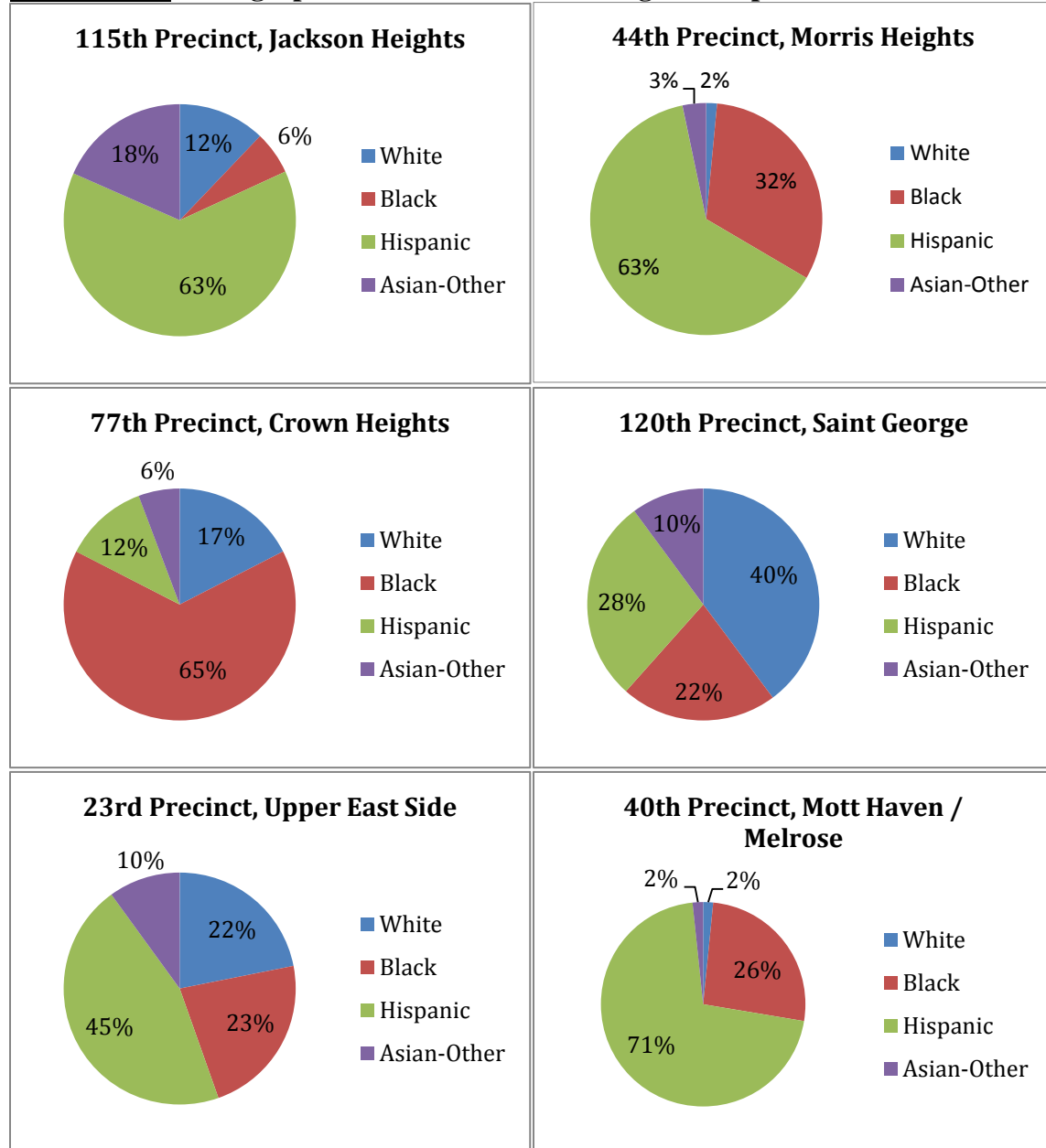
Consortium for Police Leadership in Equity (CPLE) - is a research consortium that promotes police transparency and accountability by facilitating innovative research collaborations between law enforcement agencies and world-class social scientists. The Consortium seeks to improve issues of equity—particularly racial and gender equity—in policing both within law enforcement agencies and between agencies and the communities they serve. To learn more about CPLE visit www.policingequity.org.

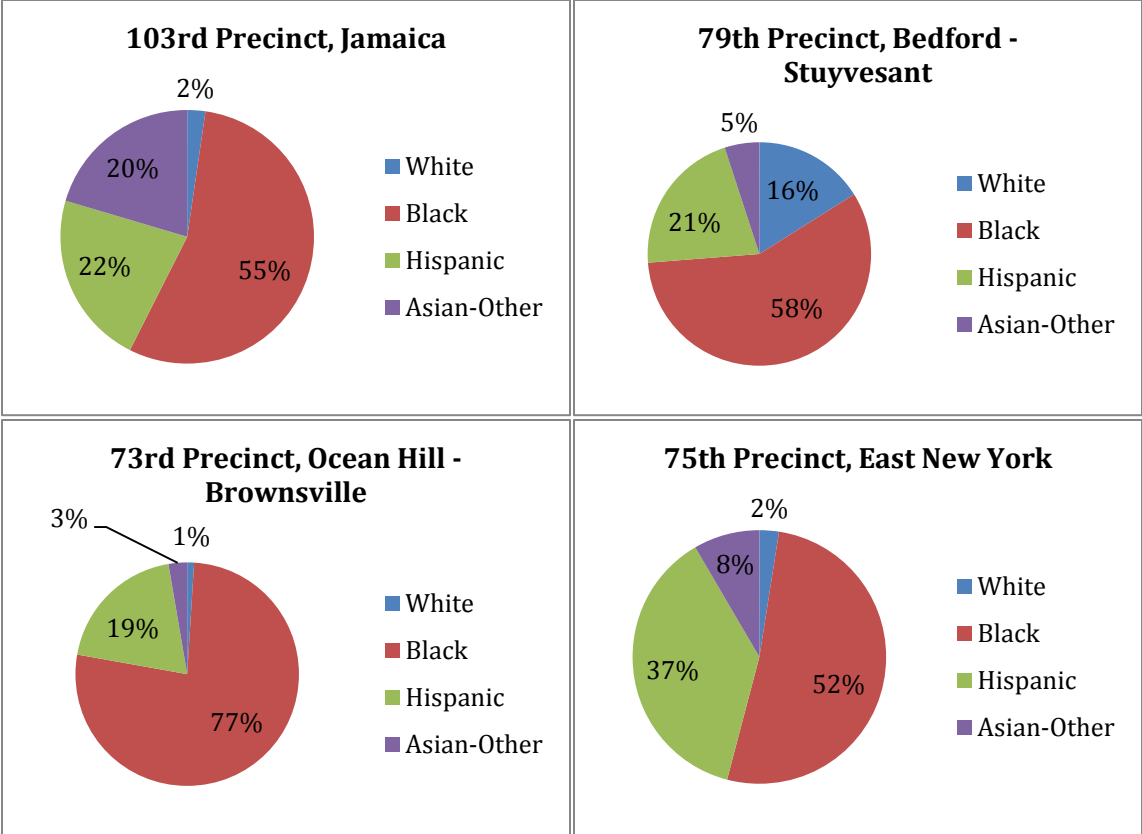
Marijuana Arrest Research Project - is a research initiative studying race, public policy, and the growing number of arrests for marijuana possession and other victimless crimes in large U.S. cities, especially New York City. Their publications rely on public data, and on the first-hand knowledge of current and former police officers, public defenders, judges, assistant district attorneys, and others who work daily in the criminal justice system. For more information visit their website at: <http://marijuana-arrests.com/index.html>

Public Science Project (PSP) – is based at the CUNY Graduate Center and collaborates with academics, community organizations, schools, prisons, and public institutions to design, conduct, and support research and practice aimed at interrupting injustice. They have or are currently conducting projects related to stop and frisk including Polling for Justice, the Morris Justice Project and the Researcher for Fair Policing Project. For more information visit their website at: www.publicscienceproject.org.

Communities United for Police Reform (CPR) - is an campaign to end discriminatory policing practices in New York, bringing together a movement of community members, lawyers, researchers and activists to work for change. The partners in this campaign come from all 5 boroughs, from all walks of life and represent many of those unfairly targeted the most by the NYPD. This campaign is fighting for reforms that will promote community safety while ensuring that the NYPD protects and serves all New Yorkers. For general information visit their website at: www.changethenypd.org.

Appendix A: Demographic Breakdown for Ten Highest Stop Precincts

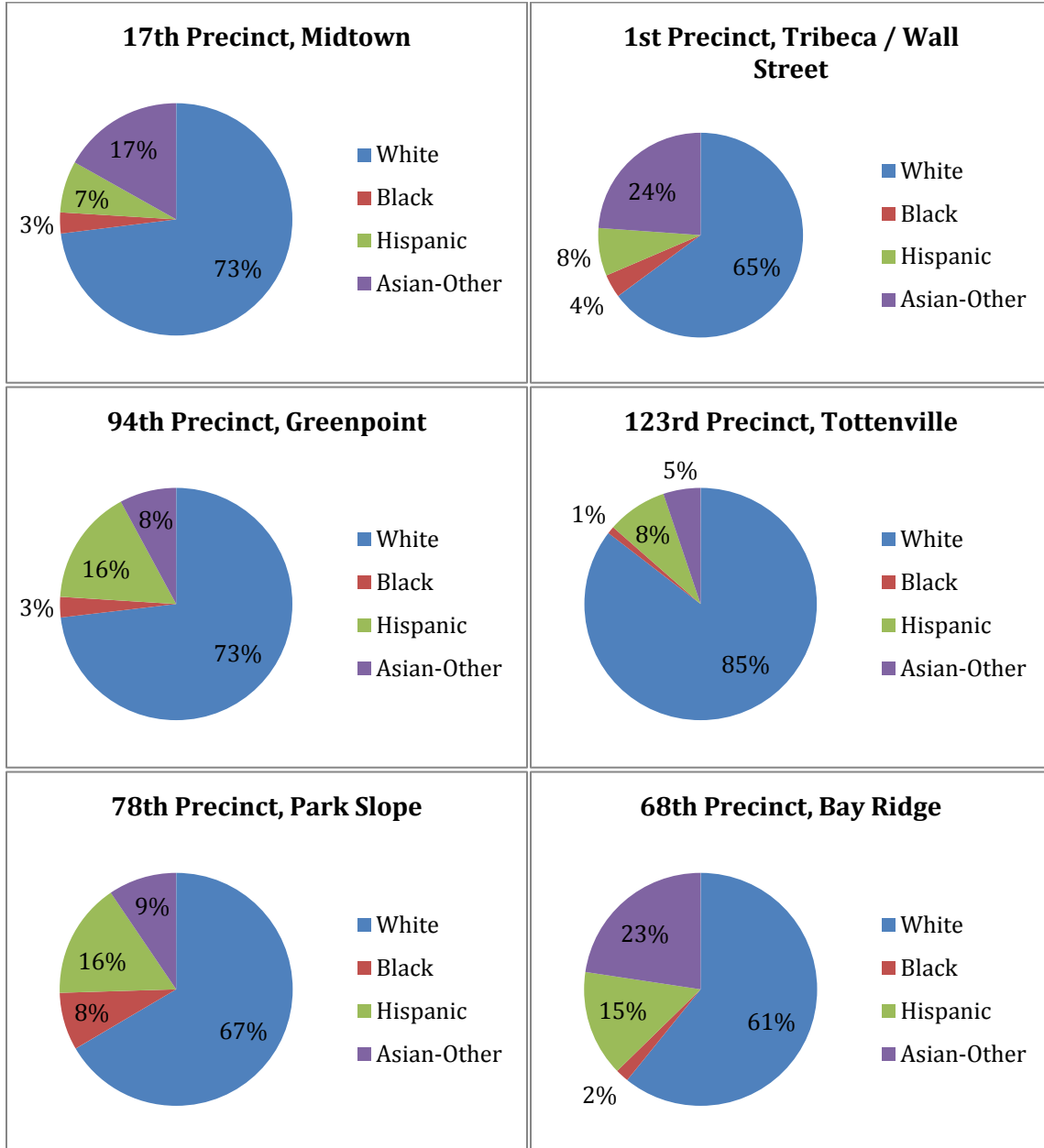


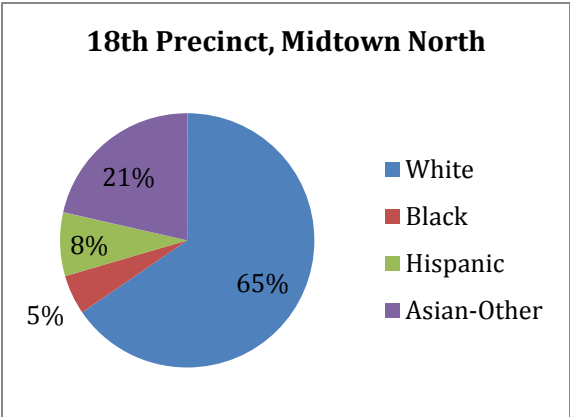
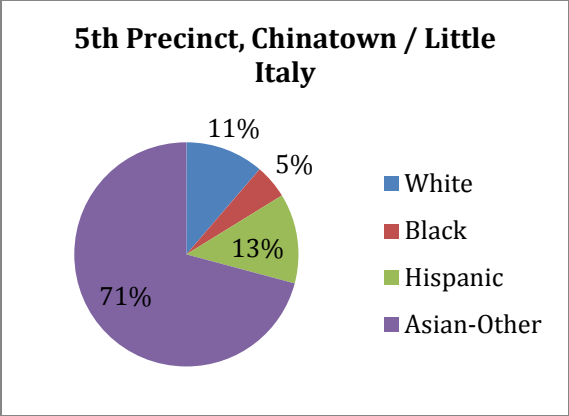
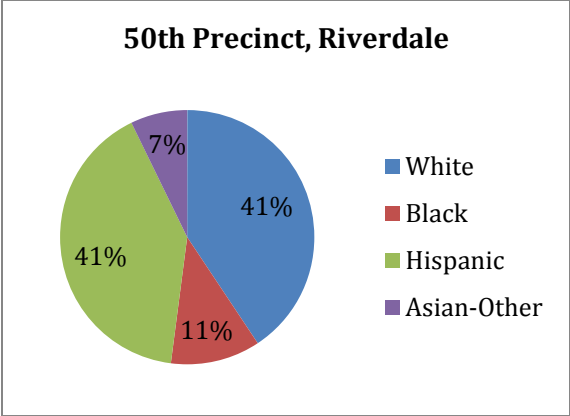


Data Source: U.S. Census 2010 (<http://www.infoshare.org>)

Appendix B: Demographic Breakdown for Ten Lowest Stop Precincts

Note: No Census Data is available for the 22nd precinct, Central Park, because it is largely non-residential.





Data Source: U.S. Census 2010 (<http://www.Infoshare.org>)

Appendix C: Index Crimes for Highest and Lowest Stop Precincts, 2012

Index Crimes for Highest Stop Precincts, 2012

Precinct	Stops 2003-12	Stops 2012	Hom.	Rape	Rob.	Fel. Ass.	Burg.	Gr. Lar.	G.L. Auto
East New York (75)	258,465	24,408	18	75	847	908	657	988	281
Ocean Hill - Brownsville (73)	196,898	22,148	15	35	578	663	316	489	155
Bedford - Stuyvesant (79)	142,827	15,294	11	18	476	515	325	469	99
Jamaica (103)	139,681	12,986	10	34	439	376	309	494	175
Mott Haven / Melrose (40)	134,060	18,276	12	26	480	392	159	479	78
Upper East Side (23)	126,799	11,095	2	29	270	262	103	320	26
Saint George (120)	124,659	12,368	7	39	290	474	401	492	165
Crown Heights (77)	101,501	9,934	10	20	358	338	309	411	115
Morris Heights (44)	93,335	15,414	8	33	451	668	291	598	151
Jackson Heights (115)	92,978	8,068	5	40	338	329	336	548	171
		Index Crimes Totals	80	274	3,680	4,017	2,549	4,300	1,135

Index Crimes for Lowest Stop Precincts, 2012

Precinct	Stops 2003-12	Stops 2012	Hom.	Rape	Rob.	Fel. Ass.	Burg.	Gr. Lar.	G.L. Auto
Midtown North (18)	25,438	2,978	4	14	123	127	171	1,826	44
Chinatown / Little Italy (5)	25,092	2,782	3	12	121	156	137	549	21
Park Slope (78)	24,220	3,281	1	3	175	86	178	546	53
Bay Ridge (68)	23,553	2,557	1	16	111	109	202	396	113
Riverdale (50)	23,022	1,832	6	10	146	131	178	420	100
Tottenville (123)	22,502	1,940	1	5	29	60	88	182	31
Tribeca / Wall Street (1)	20,956	3,053	1	10	81	110	187	985	42
Greenpoint (94)	20,776	2,092	-	12	134	88	211	417	90
Midtown (17)	13,380	1,331	2	10	47	80	135	724	24
Central Park (22)	7,802	592	-	1	15	7	2	76	-
		Index Crimes Totals	19	93	982	954	1,489	6,121	518

Data Source: NYPD Compstat Precinct Crime Statistics, 2012.

http://www.nyc.gov/html/nypd/html/crime_prevention/crime_statistics.shtml

Appendix D: NYPD Policy Regarding Racial Profiling (effective 3/13/02)

NYC-036894



OPERATIONS ORDER

SUBJECT: DEPARTMENT POLICY REGARDING RACIAL PROFILING	
DATE ISSUED:	NUMBER:
03-13-02	11

1. The New York City Police Department is committed both to the impartial enforcement of law and the protection of Constitutional rights. Therefore, to emphasize these commitments and to ensure all members of the service engage only in constitutionally sound policing practices, the Department prohibits the use of racial profiling in law enforcement actions. Racial profiling is defined as the use of race, color ethnicity or national origin as the determinative factor for initiating police action.

2. All police-initiated enforcement actions, including, but not limited to arrest, stop and question, and motor vehicle stop, will be based on the standards required by the Fourth Amendment of the U.S. Constitution or other applicable law. Officers must be able to articulate the factors which led them to take enforcement actions, in particular those factors leading to reasonable suspicion for a stop and questions, or probable cause for an arrest. Officers are also reminded that the use of characteristics such as religion, age, gender, gender identity, sexual orientation as the determinative factors for taking police action is prohibited.

3. While performing their duties, members are reminded that this policy in no way precludes them from taking into account the reported race, color, ethnicity, national origin, religion, age, gender, gender identity, or sexual orientation of a specific suspect in the same way the member would use pedigree information, e.g., height, weight, age, etc., about specific suspects.

4. Commanding Officers will establish a self-inspection protocol within their command to ensure that the contents of this order are complied with. The Quality Assurance Division will include compliance with this directive in all of its command inspections. Performance in this area will also be included in Compstat review.

5. Commanding Officers will ensure that the contents of this order are brought to the attention of members of their commands.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION
All Commands

This Primer has been created by the Center on Race, Crime and Justice at John Jay College, City University of New York. The Center's primary mission is to engage in activities that promote equity in justice.

The Center is a multifaceted and multidisciplinary entity for exploring critical issues at the intersection of race/ethnicity, crime, and justice. Through a visiting scholars program, community partnerships, and collaborative efforts within the College and across City University, the Center sponsors activities and conducts funded research aimed at addressing the complex questions that plague our understanding of crime and justice in a diverse society.

Many thanks to all who worked to bring this project to fruition again.

**Center on Race, Crime and Justice
John Jay College of Criminal Justice
City University of New York**

