

Taking Names – For What?

Last Friday, Governor Paterson signed legislation ending the New York City Police Department's policy of storing the names and addresses of people police stop and question on the street but who ultimately have done nothing wrong. Last year, police officers stopped New Yorkers 581,000 times. These actions are not random. The Police Department's data shows that about 90 percent of "stop and frisk" operations, as they are known, occurred in the city's neighborhoods of color, mostly targeting black and Latino youth.

For instance, it has been reported that the police made 93 stops for every 100 residents in a neighborhood in Brownsville, Brooklyn. This is not just an abuse of police tactics; it is overkill, the sort of activity that could be expected of the police of an occupying force. And, in fact, that's how it is viewed by many in Harlem, Bedford Stuyvesant, the South Bronx, and other communities of color. Stop and frisk fosters an antagonistic relationship between the police – who are ostensibly there to protect residents – and the community, which sees itself under siege.

Racial Profiling

Some adherents of stop and frisk maintain that it is a reasonable strategy based on evidence that shows young black and Latino men commit a disproportionate number of crimes. But do they? The majority of those incarcerated in New York's state prisons are black and Latino drug users. This is true even though we know that drug usage by whites is greater than by blacks or Latinos. But arrests don't follow. The police presence is qualitatively different in predominately white areas of the city, a clear example of racial profiling.

But there is more to this situation than harassment of black and Latino residents. Many backers of the legislation to restrict stop and frisk objected not to the practice itself, but to the policy of indefinitely keeping the names and addresses of innocent people on file in a computer database. Just what use, they ask, will be made of this information?

The idea behind stop and frisk is for police to question people who they have a reasonable belief might have committed or are about to commit a crime. However, there is some evidence of pressure on street cops to make their quota of stop and frisks. A recent article in the Village Voice reported on pressure from above for officers to "make their numbers." Over the years, there have been millions of people stopped by the police and 9 in 10 were not even accused of any crime or violation. A gun was found in slightly more than 0.1 percent of those stops.

Both Mayor Bloomberg and Police Commissioner Kelly strongly opposed the legislation ending the storing of names of those stopped. The police contend that the data is a necessary tool in their fight to reduce crime. But there is little actual evidence to support this claim.

A Dangerous Activity

And the argument that stop and frisk is a necessity to combat crime smacks of South Africa's pass laws when blacks were arrested just for being on the street without identification, or the arresting

of Jews in Warsaw if they were found outside the ghetto after hours. What we are left with is a listing of New Yorkers who have done nothing illegal in the hands of a powerful law enforcement agency. This is not only unconstitutional; it's a dangerous activity in a democracy.

The city's track record when it comes to civil liberties has not been the best – witness the overreaction during the Republican national convention in 2004 when thousands were arrested, some just caught up in a police dragnet, and then questioned about their political affiliations by the police. A database of names of people stopped on the street is likely to lend itself to abuse.

The Legislature did not do away with stop and frisk. The police database will still include the reason for a stop as well as the person's race, age, and location of the stop; but no longer will it include names and addresses. The law applies only to New York City, not to other police forces in the state.

In signing the bill, Governor Paterson struck a balance between law enforcement and civil liberties. One of the bill's sponsors, State Senator Eric Adams of Brooklyn, who was a New York City police officer for 22 years, summed up his stand: "We do not allow the police in our country to hold the personal information of innocent people regardless of their ethnicity."

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