

Stop-and-Frisk on Trial

PE-2 Police English
The New York Times Editorial

Judge Shira Scheindlin, of Federal District Court in Manhattan, got to the heart of the problem with the New York Police Department's stop-and-frisk program on Monday, after hearing testimony for two months in the civil rights case, *Floyd v. City of New York*.

The plaintiffs charge the department with illegally detaining hundreds of thousands of people on the streets each year not because of suspicious behavior but because of their race.

Judge Scheindlin noted that nearly 90 percent of the time the police found no criminal behavior and that officers almost never uncovered guns, even when they believed there was a "suspicious bulge" in the person's clothing.

(Evidence introduced at trial showed that guns were seized in only 0.15 percent of all stops and in one of every 69 stops in which officers claimed to have seen such a bulge.)

During closing arguments on Monday, the judge criticized the Police Department's "high error rate" and observed that "a lot of people are being frisked or searched on suspicion of having a gun and nobody has a gun."

Even though black and Hispanic people make up more than 85 percent of those stopped in most years, the city has denied that the stops are based on race.

Yet the trial has produced voluminous evidence to the contrary, including a troubling recording secretly made earlier this year by Officer Pedro Serrano of the 40th Precinct in the South Bronx.

In the recording, a superior officer is heard urging Officer Serrano to stop and, if necessary, frisk "the right people at the right time, the right location."

When asked by Officer Serrano for more specifics, the superior said: "I have no problem telling you this, male blacks 14 to 20, 21."

The city has long claimed that so many minorities are stopped because they commit more crime.

But when a lawyer for the city raised this explanation, the judge rightly called it "worrisome" and wondered if it might lead officers to single out people based on race instead of suspicion of criminal behavior, as the law requires.

The Bloomberg administration has lashed out at critics of the program, describing them as indifferent to street crime.

The truth is that stopping hundreds of thousands of law-abiding residents — who don't need to be deterred from violent behavior — does not reduce crime.

It is possible to protect public safety without running roughshod over people's constitutional rights.

The next mayor would do well
to understand that.