STOP AND FRISK
AND THE URGENT NEED FOR
MEANINGFUL REFORMS

A Report by:

Office of
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OVERVIEW

In May 2012, the NYPD announced a series of reforms to the practice of stop, question, and frisk. These reforms were promised to lead to significant changes in the administration, oversight, and application of the tactic. However, as an analysis of the 2012 Stop Question and Frisk database by the Office of the Public Advocate demonstrates, these reforms have led to little substantive change as measured by efficacy or changes in disparate racial impact.

Despite a reduction in the overall number, stop-and-frisk continues to be significantly overused, especially compared with earlier years in the Bloomberg Administration. But just as concerning, New Yorkers have yet to see meaningful reforms of the way the NYPD *conducts* stop-and-frisks. Consistently large numbers of innocent people – overwhelmingly people of color – remain subject to unwarranted stops that yield little value as measured by weapons recovered. And according to recently reviewed data, stops of African-American and Latino New Yorkers are consistently less likely to yield weapons and contraband than those of white New Yorkers, indicating a systematic difference in how the tactic is being applied.

The Public Advocate's analysis of 2012 data finds:

- **The likelihood a stop of an African American New Yorker yielded a weapon was <u>half</u> that of white New Yorkers stopped.** The NYPD uncovered a weapon in one out every 49 stops of white New Yorkers. By contrast, it took the Department 71 stops of Latinos and 93 stops of African Americans to find a weapon.

- **The likelihood a stop of an African American New Yorker yielded contraband was <u>one-third less</u> than that of white New Yorkers stopped.** The NYPD uncovered contraband in one out every 43 stops of white New Yorkers. By contrast, it took the Department 57 stops of Latinos and 61 stops of African Americans to find contraband.

- **Despite the overall reduction in stops, the proportion involving black and Latino New Yorkers has remained unchanged.** They continue to constitute 84 percent of all stops, despite comprising only 54 percent of the general population. And the innocence rates remain at the same level as 2011 – at nearly 89 percent.

These disparities—in productivity and frequency of stops—demonstrate a pattern of racial profiling in the current stop-and-frisk policy. They make clear the need to aggressively prevent racial profiling.

Real reform can be achieved by creating an independent Inspector General of the NYPD and by passing legislation banning racial profiling in law enforcement activity. Contrary to Mayor Bloomberg's misinformation and fear-mongering, these two pieces of legislation would improve public safety in New York City. Effective policing depends on trust and collaboration between the police and the communities they serve. These two bills would help mend the divisions that currently exist, and would help keep both community members and police officers safe.

1. Inspector General for the NYPD

We need real accountability for stop and frisk. An Inspector General – one with budget independence and subpoena power – would bring necessary oversight to the NYPD to ensure policing tactics are consistent with the

law and effective. In contrast to existing police oversight bodies in the City, the proposed Inspector General would have the power to review the policies and operations of the police department and would report to the Mayor.[1] All major New York City agencies have an Inspector General, as well as every other major law enforcement agency – including the FBI and CIA.

2. Ending Racial Profiling

New York City does not have sufficient protections against racial profiling and bias-based policing. Stop and frisk numbers demonstrate that an overwhelming proportion of law enforcement activity affects innocent people in communities of color across the City. Instead of tackling this problem and addressing racial profiling, the status quo has instead argued that African Americans are "understopped." Clearly, we need real action and a meaningful ban on racial profiling. The proposed legislation in the City Council would expand protections against bias-based policing and give people a meaningful opportunity for police accountability.[2] This bill would in no way limit the ability for a police officer to use identifying characteristics – such as race – to stop an individual suspected of a crime. Rather, it would ban using race as a *sole basis* for stopping and frisking an individual. This reform would empower the police to focus on real criminals committing real crimes – not innocent people based on the color of their skin.

AN ANALYSIS OF STOP & FRISK DATA

The following data analysis was produced by the Office of the Public Advocate based on raw data provided by the NYPD in their Stop, Question and Frisk Database.[3]

Summary of Stop and Frisk Encounters, 2011-2012

	2011[4]	2012[5]
Stops	**685,724**	**532,911**
Black	350,743	284,229
Latino	233,740	165,140
White	61,805	50,366
Hit Rate	11.70%	11.21%
Innocence Rate	88.30%	88.79%
Guns Found	768	729

[1] Intro 0881-2012. See: http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1138391&GUID=46EF84F3-F4D4-4B84-BCB2-042A5AC7E674&Options=ID%7CText%7C&Search=police+inspector+general

[2] Intro 0800-2012. See: http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1078151&GUID=D1949816-2C35-46C8-B8A9-897A3EFFAFFD

[3] NYPD Stop, Question and Frisk Database. Available at
http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml

[4] 2011 statistics and figures are derived from the New York City Police Department's 2011 Stop, Question, and Frisk database, accessed at: http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml, and the New York Civil Liberties Union "Stop and Frisk 2011: NYCLU Briefing," accessed at: http://www.nyclu.org/files/publications/NYCLU_2011_Stop-and-Frisk_Report.pdf

[5] 2012 statistics and figures are derived from the New York City Police Department's 2012 Stop, Question, and Frisk database, accessed at: http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml

"Innocence rates"

One of the most important indicators for measuring the efficacy of stop and frisk is the overall number of innocent people stopped, compared to those who were arrested or issued a summons. These figures have remained unacceptably high under the Bloomberg administration, with close to 90% of stops resulting in neither arrests nor summons. The innocence rate between 2011 and 2012 remains essentially unchanged:

- In 2011, 88.3% of people were innocent

- In 2012, 88.8% of people were innocent

Differences in the use in stop and frisk by race

Though differences in the rate of contraband and weapons recovery are small, stops of white New Yorkers are more likely to result in weapons or contraband recovery.
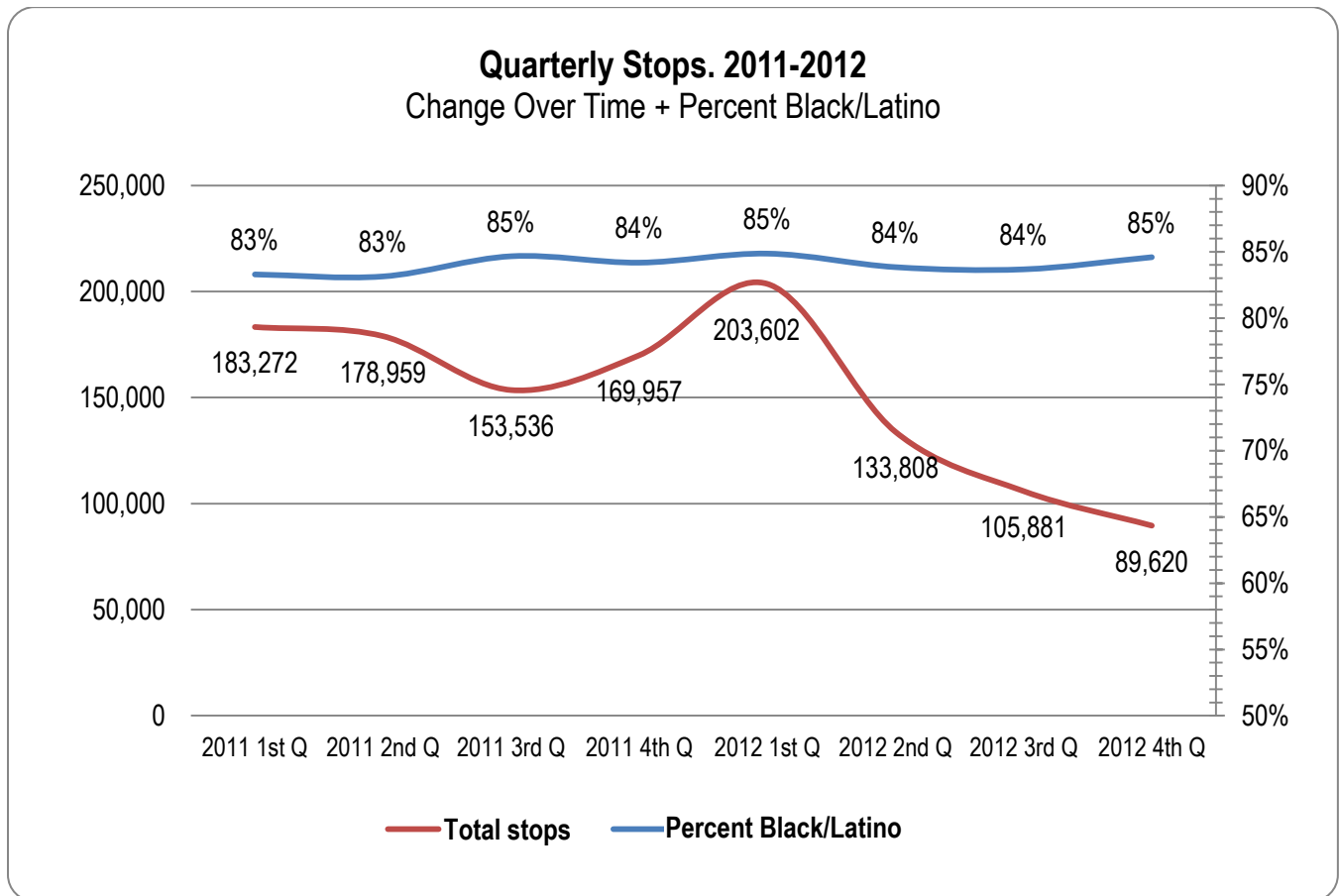
When measured by how many stops it took to recover contraband, African American and Latino New Yorkers are stopped at a rate 40% more frequently than white New Yorkers:

Ratio of contraband recovery compared to stops, by race		Total number of stops, by race	Total stops resulting in contraband recovery
Black	1 : 61	284,229	4,639
Latino	1 : 57	165,140	2,877
White	1 : 43	50,366	1,172

Similarly, it took nearly two times the amount of stops of black New Yorkers to find a weapon when compared to stops of white New Yorkers:

Ratio of weapon recovery compared to stops, by race		Total number of stops, by race	Total stops resulting in weapon recovery
Black	1 : 93	284,229	3,066
Latino	1 : 71	165,140	2,315
White	1 : 49	50,366	1,036

Finally, despite significant fluctuations in the total number of stops per quarter, the proportion of all stops by race remained essentially consistent at about 84% throughout 2011 and 2012:

Quarterly Stops. 2011-2012
Change Over Time + Percent Black/Latino

	2011 1st Q	2011 2nd Q	2011 3rd Q	2011 4th Q	2012 1st Q	2012 2nd Q	2012 3rd Q	2012 4th Q
Total stops	183,272	178,959	153,536	169,957	203,602	133,808	105,881	89,620
Percent Black/Latino	83%	83%	85%	84%	85%	84%	84%	85%

— Total stops   — Percent Black/Latino

Weapon and Gun Recovery

Commissioner Kelly has argued that stop and frisk is an essential tool for getting weapons off the street. However, despite implementing reforms in 2012, the rate of gun recovery remains essentially the same from 2011 to 2012. The overall percent of stops resulting in the recovery of a gun remained essentially constant between 2011 and 2012, at 0.1% of total stops.
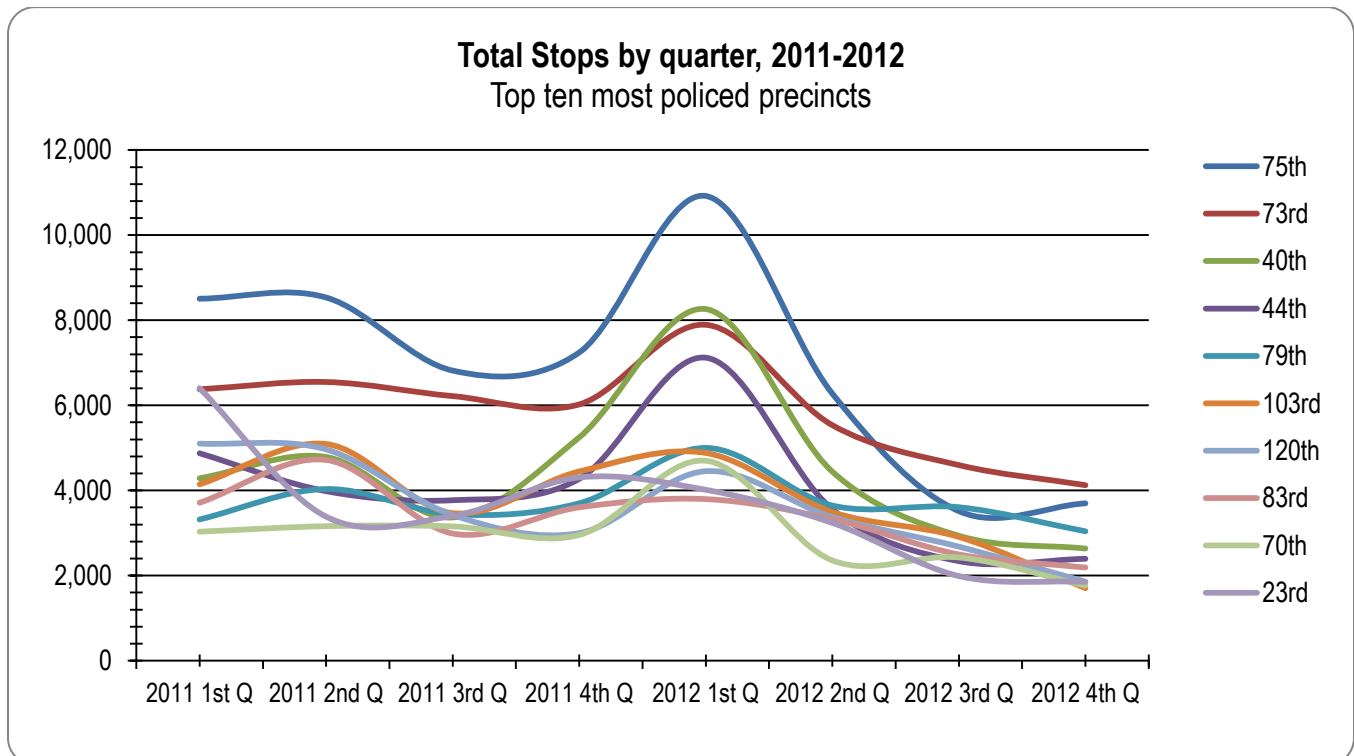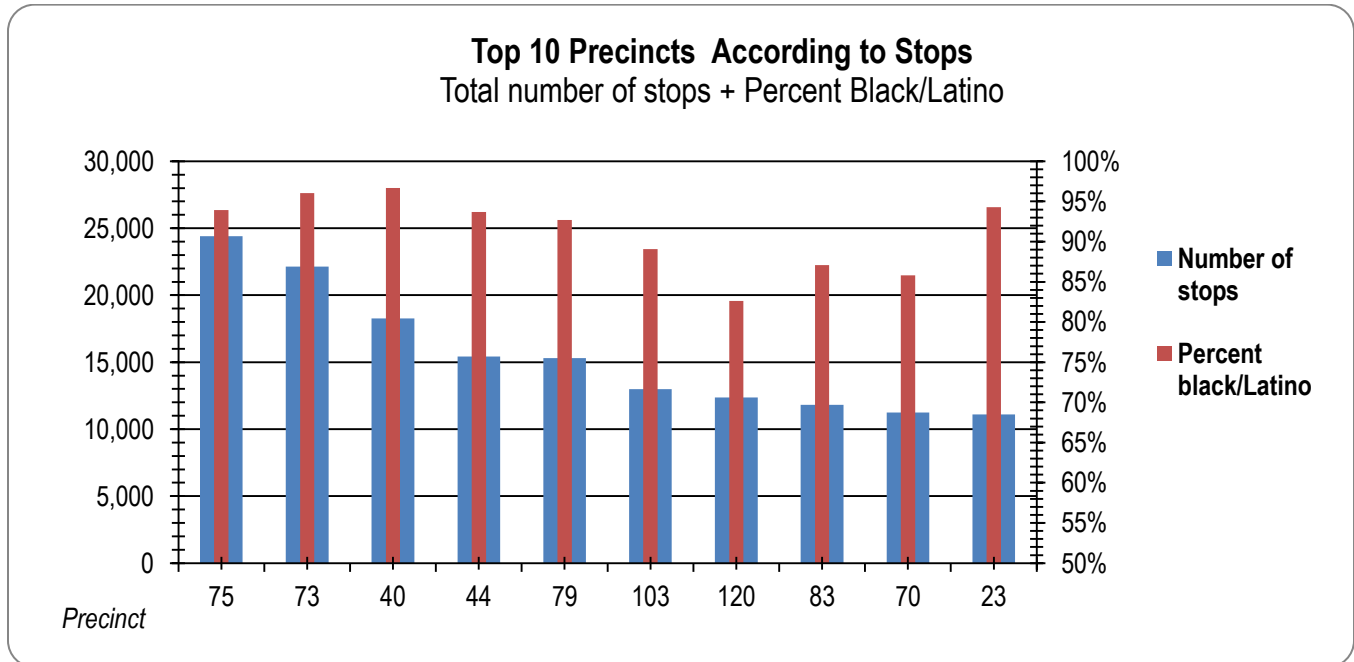
Another measure of the efficacy of stop and frisk is to consider the frequency with which a gun is found, vis-a-vis the overall total of stops for the year. In 2012, there were 729 guns found, and 532,911 stops conducted. This means the police conducted 731 stops for every single gun recovered. This is a slightly better recovery rate when compared to 2011, when there were 892 stops per gun recovered:

- 2011: 892 stops per gun
- 2012: 731 stops per gun

While these changes represent modest progress, they fall far short of the reforms necessary to prevent innocent New Yorkers from being repeatedly ensnared in the application of stop-and-frisk.
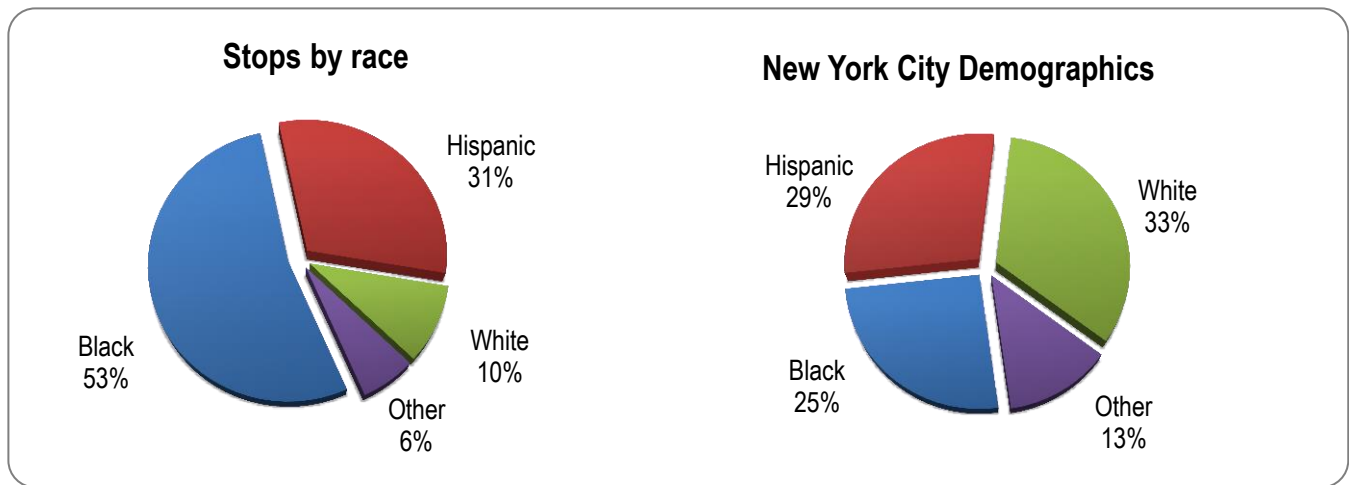
Top 10 most heavily policed precincts

The 75th precinct in East New York and the 73rd precinct in Brownsville remained the two most heavily policed precincts for two consecutive years. In 2012, the top ten most heavily policed precincts accounted for 30% of total stops citywide. In each of these neighborhoods, the overwhelming majority of stops are of black and Hispanic New Yorkers. In the top five most heavily policed precincts, over 90% of stops were of black and Hispanic people.

Top 10 Precincts According to Stops
Total number of stops + Percent Black/Latino

Total Stops by quarter, 2011-2012
Top ten most policed precincts

Stop and Frisk – Disproportionate Racial Impact

One of the stated reforms from May 2012 includes more comprehensive training regarding racial profiling, including a republishing of the NYPD's Departmental order that prohibits racial profiling. However, the disproportionate distribution of stops based on race remains consistent. Whereas in 2011, black and Hispanic New Yorkers comprised 83.7% of the total stops, in 2012 this number hardly changed to 84.3%.

Despite the fact that white New Yorkers comprise 33%% of the population, they shouldered only 9% of the stop and frisk burden. Black New Yorkers, on the other hand, comprise 25% of the citywide total, yet 53% of stops. Hispanics comprise 28.6% of the City's population and were stopped 31%.[6]

Minorities are routinely stopped in proportionately much higher numbers than represented in census demographics. For instance, in the top ten and lowest ten precincts (as measured by number of stops in 2012), black and Hispanics are stopped much more frequently when measured against population representation:

Top 10 precincts by number of stops	Total # of stops	% Black/Hispanic (census)[7]	% Stops Black/Hispanic	Neighborhood[8]
75	24408	88.3%	94.0%	East New York, Starret City
73	22148	96.3%	96.0%	Brownsville, Ocean Hill
40	18276	96.8%	96.7%	Mott Haven, Melrose
44	15414	95.4%	93.7%	Concourse, Highbridge
79	15294	78.8%	92.7%	Bedford-Stuyvesant (west)
103	12986	71.1%	89.1%	Jamaica (south), Hollis
120	12368	50.4%	82.6%	St. George, West Brighton, Port Richmond
83	11811	85.5%	87.1%	Bushwick
70	11248	51.1%	85.8%	Flatbush, Ditmas Park
23	11095	75.6%	94.3%	East Harlem (south)

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[6] Demographic data sourced from the United States Census Bureau: http://quickfacts.census.gov/qfd/states/36/3651000.html

[7] New York Civil Liberties Union, "Stop-and-Frisk 2011."

[8] Ibid.

Lowest 10 precincts by number of stops	Total # of stops	% Black/Hispanic (census)	% Stops Black/Hispanic	Neighborhood
18	2978	21.3%	78.4%	Midtown, Theater District
112	2799	16.0%	55.6%	Forest Hills, Rego Park
5	2782	15.6%	64.5%	Chinatown, Little Italy
68	2557	15.8%	31.6%	Bay Ridge, Dyker Heights
10	2406	24.6%	76.4%	Chelsea
94	2092	19.2%	54.9%	Greenpoint
123	1940	9.4%	14.7%	Tottenville, Bay Terrace
50	1832	54.6%	85.0%	Riverdale, Fieldston, Kingsbridge
17	1331	7.8%	64.7%	Kipps Bay, Murray Hill, Turtle Bay
22	592	88.0%	74.8%	Central Park

Concentration of stops, by precinct

Stops per Precinct
- 0 - 2,799
- 2,800 - 4,676
- 4,677 - 6,849
- 6,850 - 9,934
- 9,935 - 12,986
- 12,987 - 18,276
- 18,277 - 24,408