

Skewer 'Quota-Driven Approach'

Drop in Police Stops Isn't Quieting Debate on Policy

By MARK TOOR

The drop in police stop-and-frisk numbers between the first three months of 2012 and the year's second quarter is not the result of a change in policy, Mayor Bloomberg said last week.

But detractors of the way the NYPD has run the program, which has endured a storm of criticism that it is both ineffective and racially skewed, say that the policy does indeed need to be changed.

Targeting Known Felons

John Eterno, a retired NYPD Captain who now teaches at Molloy College, pointed to a year-old shooting task force in Hartford, Conn., which involves cops from the city and its suburbs, State Troopers, a Federal agent, prosecutors, correction officials and a Probation Officer.

The task force, which believes most of that city's violence is committed by a small number of people, identifies potential victims and shooters and puts them under surveillance. It also vigorously investigates non-fatal shootings, because perpetrators often move up to homicides.

"It is targeted, not throwing a wide net over entire communities," Mr. Eterno said of the task force. "Additionally, many agencies are working together to solve the gun and violence problems. NYPD's traditional, quota-driven, unilateral approach is outdated, ineffective and, at times, illegal."

Donna Lieberman, executive director of the New York Civil Liberties Union, raised another issue. "The stop-and-frisk data that was leaked to the press doesn't say anything about the number of innocent New Yorkers who were stopped during that period," she said. "If past is prologue, we can expect that NYPD officers subjected at least 1,000 innocent New Yorkers a day to humiliating and unjustified street stops. This is nothing to brag about. This reduction is a good start, but much more needs to be done to rebuild community trust and protect New Yorkers from illegal and racially-biased street stops."

A Significant Drop in Stops

The Police Department earlier this month confirmed reports that stops in



JOHN ETERNO: 'Shouldn't throw wide net.'



DONNA LIEBERMAN: 'More needs to be done.'

the second quarter totaled 133,934—34 percent fewer than the first quarter of the year and about 25 percent lower than the same quarter of 2011.

The department has come under intense fire over the past year from critics of the way it runs the stop-and-frisk program. Minority leaders and legislators say officers are driven by demands for quotas, not by the law, when they make stops. They point to

police statistics that say 87 percent of those stopped are young black and Latino men and only 12 percent of them are arrested or given a summons.

A Federal Judge recently certified a class-action suit charging that most of the stops are based on race. In fact, they are supposed to be based on the "reasonable suspicion" standard set forth 44 years ago by the U.S. Supreme Court. This standard states that a stop is legal if the officer has a reasonable suspicion that the person being stopped has committed, is committing or is about to commit a crime, or is armed and dangerous.

Most of the critics, including the NYCLU, recognize that when used properly, stop-and-frisk can be an effective tool against crime. But they say, in the words of Ms. Lieberman, that the program as it is currently run is "out of control."

Mayor Not Backing Off

Asked Aug. 6 about the use of stop-and-frisk, Mr. Bloomberg said, "We are not going to jeopardize the future of our city and the people that live here. Period. End of story. And we will take every appropriate legal measure that we can, and that we can possibly afford, to keep everybody safe. That is our primary job."

Mr. Bloomberg is a staunch defender of stop-and-frisk, saying that by discouraging young men from carrying firearms it has saved thousands of lives since he took office in 2001. But he spent a number of Sundays recently at churches in high-crime areas saying that the program needs to be "mended, not ended" and that people who are stopped have a right to be treated courteously.

"Cops are less willing to do stop-and-frisks," said Eli Silverman, a Professor Emeritus at John Jay College who has consulted for police departments around the world. "People are telling me the pressure is easing, there's a sense of ambiguity in the message from the top."

He and Mr. Eterno, his research partner, both expressed concern about Police Commissioner Raymond W. Kelly's recent statement that 30 to 40 percent of stop-and-frisks are performed by rookie cops assigned to Operation Impact.

Rookie Mistakes?

"That's where most of the errors are," Mr. Silverman said. He said the rookie cops are "just put out there"

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The Chief

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with minimal supervision and mentoring.

"With little or no experience, such use of rookies can hardly be called prudent," Mr. Eterno said. "This policy will ultimately lead to disaster just like Sean Bell and Amadou Diallo—it is only a matter of time."

"The NYPD is not saving lives but ruining lives: labeling minority youth and preventing future opportunities for them for doing the exact same activities as white youth, such as smoking marijuana," he continued. "Further, it alienates minority youth who, due to NYPD methods, 'see something and say nothing' thereby hurting NYPD's crime-fighting efforts.

"...One would hope that the bean-counting bureaucrats at NYPD would take some healthy constructive criticism from the chorus of dissent from their own officers, minority communities, academics, judicial authority, the FBI and much more. It is time to end the failed quota-driven, traditional, army-of-occupation model and begin a new era of targeted, effective, democratic policing based on partnerships with communities and other law-enforcement agencies."

The 12% 'Fallacy'

The Daily News and the New York



MAYOR BLOOMBERG: 'Will take every legal measure.'

Post both wrote editorials bemoaning the decline in the stop-and-frisk numbers. The New York Post linked the decline to a 12 rise in felonies between the first and second quarters. Mr. Silverman called that a "fallacy," saying that's nothing's been proven about a correlation between stop-and-frisks and crime. He noted that in past years



ELI SILVERMAN: Pressure from top easing.

when the city was performing far fewer stop-and-frisks, the crime numbers went down far more.

The NYPD subsequently said that the increase in felonies was just 3.9 percent compared to the second quarter of last year, a better barometer since crime is usually at its lowest level during the winter.