

## Mayor, Kelly Second Motion

# Cuomo Wants Pot Weeded Out of Stop-and-Frisks

By MARK TOOR

Policing and drug-policy experts praised Governor Cuomo last week for his proposal to decriminalize the display of small amounts of marijuana as a way of reining in the NYPD's stop-and-frisk policy, saying cops are likely to pay more attention to a law than a departmental order.

Mayor Bloomberg and Police Commissioner Raymond W. Kelly sought to portray Mr. Cuomo's bill as a mere complement to an operations order last September telling cops to halt a controversial practice in which people stopped are ordered to empty their pockets and, if they pull out a small amount of marijuana, arrested for publicly displaying it, which is a misdemeanor under current law. Possession of the same amount of pot that is not in public view is a violation for which people are ticketed but not arrested.

### Mayor: We Took Care of It

"The Governor's proposal today is consistent with the Commissioner's directive," Mr. Bloomberg said in a statement he released even before Mr. Cuomo announced the bill at a press conference June 4.

But the Drug Policy Alliance and other advocacy groups say that order has been not seriously cut the number of marijuana arrests. Alfredo Carasquillo of the DPA said those arrests, which topped 50,000 last year, had dropped only 14 percent since the order was issued. That total includes all marijuana-related arrests, not just those resulting from stop-and-frisks.

"A law would be much more effective than an order," he said in an interview. "You can defend yourself more easily [in court]. Policies and practices is a gray area, but a law would be there to prevent you from having your rights violated."

"Cops are more likely to pay attention to a law," said Eugene O'Donnell, a Professor at the John Jay College of Criminal Justice. He said a law would bring District Attorneys into the discussion. "They should be communicating with the leadership of the Police Department to be sure the law is followed," he said. "It would no longer be a police-policy question, it would be a question of law."



**GOVERNOR CUOMO: Plans gets a rush of approval.**

Mr. Cuomo's proposal "is a move in the right direction, and is politically astute," said Eli Silverman, a professor emeritus at John Jay and co-author of the book "The Crime Numbers Game: Management by Manipulation," which questions whether the department is effectively using Compstat.

### Rising Tide of Criticism

His comment takes note of the rising number of officials and community groups opposing the way the NYPD handles stop-and-frisks. Opponents say it is racist on its face because 87 percent of those stopped are young black and Latino men. Further, they argue that it is ineffective because only 12 percent of those stopped are arrested or given summonses, because violence is rising, and because officers are making stops because they're trying to meet quotas rather than selecting people who truly arouse suspicion. They say it drives a wedge between cops and minority communities, making it harder to fight serious crime.

Mr. Bloomberg has staunchly defended stop-and-frisk as it's currently managed, claiming it has saved 5,600 lives since he took office by discouraging young men from carrying guns. He has refused repeated requests from City Council Members to meet with community members and discuss problems

with the way the policy is carried out.

Mr. Kelly has also resisted changes in the way the program operated, asking Council Members who criticize it what they would do instead. But he was on the podium in Albany when Mr. Cuomo announced his bill.

"This law will make certain that the confusion in this situation will be eliminated," Mr. Kelly said in his own statement. "It also mandates that a violation will be charged... whether marijuana is in plain sight or not. So it makes the question of the arrest moot, and quite frankly makes the application of this law much clearer."

### PBA: 'Changes Make Sense'

Patrolmen's Benevolent Association president Patrick J. Lynch contributed a favorable statement to Mr. Cuomo's press release announcing the program. "The Governor's call for the changes in police response to contraband discovered pursuant to a properly-conducted stop, question and frisk make sense," he said. "...The NYC PBA is very supportive of clear and precise directions to its members regarding their police responsibilities in specific instances."

Mr. Silverman said that Mr. Bloomberg is "making the best of a bad situation" in praising Mr. Cuomo's initiative. But for even a law to be effective, the department would have to support it, he said. "A lot has to do with how the law is filtered through the department," he said. "When the department wants to change behavior they can, but the troops are very good at reading the unofficial policy message." In any case, he said, passage of the bill will not end the discussion on stop-and-frisk.

Mr. Bloomberg admitted June 5 that stop-and-frisks have not substantially reduced the number of shootings, which are up to 6 percent so far this year. "It's worrisome," he said. "And Ray Kelly is working on it." But he said stop-and-frisks are still a valuable tool. "This is not a panacea for everything," he said. "But what is clear is that the number of murders have come down dramatically, and this is one of the techniques that Ray uses."

The number of people shot in the city has hovered between 1,700 and 1,900 a year even as the annual number of stop-and-frisk encounters has increased from 97,000 to 685,724. Last year 1,821 people were shot.

### Praised by 'Frisk' Critic

In announcing his bill, Mr. Cuomo said it "will save thousands of New Yorkers, who are disproportionately black and Hispanic youth, from un-

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# The Chief

Civil Service LEADER

THE CIVIL EMPLOYEES' WEEKLY



**MAYOR BLOOMBERG: Going with the flow.**



**ELI SILVERMAN: 'Move in right direction.'**

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necessary misdemeanor charges.”

Democratic Assemblyman Hakeem Jeffries and Republican State Sen. Mark Grisanti had introduced a similar bill last fall that would make display of small amounts of marijuana a violation. Mr. Cuomo made no mention of that bill, but Mr. Jeffries was quoted in the Governor’s press release: “Governor Andrew Cuomo is advancing legislation to standardize penalties associated with marijuana possession, in order to end existing practices which needlessly scar thousands of lives and waste millions of dollars in law-enforcement resources, while detracting from the prosecution of serious crime.”

Mr. Cuomo’s bill followed what has

become the model for policy-making in Albany: no hearings, no public input, no word until the day before the announcement. But Mr. Carrasquillo said there were behind-the-scenes efforts to negotiate some kind of resolution to the stop-and-frisk issue.

Assembly Speaker Sheldon Silver attended Mr. Cuomo’s press conference, indicating that his chamber will support the bill. “It became clear that marijuana possession was being used, regrettably, to permanently scar and taint the records of thousands of young citizens, predominantly people of color, who otherwise had no record of prior criminal conviction,” he said in a statement.

### Skelos Not on Board

The third of the Three Men in a Room who are said to run Albany, State Senate Majority Leader Dean Skelos, did not attend. He said June 6 that Republicans would not support the bill in its current form. “Being able to just walk around with 10 joints in each ear, and it only be a violation, I think that’s wrong,” he told reporters.

But Mr. Skelos said he was sympathetic to the pot problem involving stop-and-frisk. “I think we can work on that,” he said. “That is wrong. It should be a violation. You’re following the policeman’s order.” A spokesman for Mr. Cuomo said the Governor would talk to Mr. Skelos about possible changes in the bill. Many GOP Senators are endorsed by the Conservative Party, which came out against the bill after Mr. Cuomo announced it.

Three officials expected to vie for Mr. Bloomberg’s job next year all declared support. All three have criticized the way the NYPD handles stop-and-frisk.

“The Governor’s action today is an important step forward, and will avoid further devastation of young New Yorkers’ futures,” City Council Speaker Christine Quinn said, noting that even a low-level marijuana arrest can mean inability to secure student loans, eviction by the Housing Authority and difficulty in finding a job. “That said,” she continued, “the NYPD, Mayor, and City Council have more work to do to reform stop-and-frisk policies. I strongly believe that broad-based reforms are needed in training, monitoring, supervision, transparency and accountability.”

“Hopefully, this legislation will begin to stem the devastation that stop-and-frisk as currently practiced has inflicted on too many of our neighborhoods,” said Manhattan Borough President Scott Stringer.

### ‘Repair the Divide’

“We cannot continue to drive crime down without repairing the divide between police and communities,” said



**EUGENE O'DONNELL: Expects change by cops.**



**HAKEEM JEFFRIES: Will have dual benefit.**

Public Advocate Bill de Blasio. “...Thankfully Governor Cuomo has stepped in.”

Jumaane Williams, one of the City Council’s most vocal opponents of the way the stop-and-frisk policy is carried out, said Mr. Cuomo’s bill was a good start to dealing with the problem, but more needed to be done.

“We must address the bases on which UF-250s [reports on stops filled out by police officers] are purportedly being filed, such as the flimsy ‘furtive-movement’ rationale that was listed for 51.3 percent of stop, question and frisks last year,” he said. “We must also continue advancing a conversation about the alternative policing strategies...”