

Lawsuit Over NYPD's 'Stop And Frisk' Program Heads To Court *— from NPR*

A major lawsuit challenging the New York Police Department's use of warrantless stops in high-crime neighborhoods goes to federal court Monday.

Critics say the NYPD's practice — known as stop and frisk — is an unconstitutional invasion of privacy. But defenders say it is legal and has helped make New York City safer than it's been in 50 years.

The case, *Floyd, et al. v. City of New York, et al.*, is a class-action suit, so the stories of the plaintiffs are all different. But they do have some basic things in common.

"I remember squad cars pulling up. They just pulled up aggressively, and the cops came out with their guns drawn," says Nicholas Peart, one of the plaintiffs. "I think it left me embarrassed, humiliated and upset — all three things rolled up into one."

"[They] threw me up against the wall, took everything out of my pockets, threw it on the floor, dumped my bag on the floor, my books and everything," says David Ourlicht, another plaintiff. "I had the guns to the back of my head. Like, I didn't want to look up or move because there were so many guns drawn. It's scary."

Peart and Ourlicht say they've been stopped and frisked multiple times by the NYPD — without doing anything wrong. The NYPD makes hundreds of thousands of warrantless stops every year. The department says the tactic is one reason the city is safer than it has been since the 1960s.

"Last year, we had the lowest number of murders that we've had in 50 years, lowest number of shootings. Something is going right here," Police Commissioner Ray Kelly testified last week before the city council.

In a statement, the city law department says police must be able to stop people who act suspiciously in order to prevent crime. But critics say that suspicion is often based on skin color and little else.

Darius Charney is a lawyer at the Center for Constitutional Rights, which brought the class-action suit against the NYPD. He points out that the overwhelming majority of those who get stopped are young black and Latino men from some of the city's roughest neighborhoods.

"The racial composition of these neighborhoods is the most significant predictor of the stop activity. And to us, that's a pretty damning piece of evidence and

Stop And Frisk By The Numbers

The New York Civil Liberties Union recently reported that the NYPD was set to make its 5-millionth stop and frisk. About 4.4 million of the encounters did not result in an arrest, according to the group's data analysis, and more than 86 percent of people stopped were black or Latino. Yearly stop-and-frisk data are available from the NYPD [here](#), and also [here](#) from the NYCLU, which breaks down the data by race. NYPD historical statistics show dramatic [dips in crime](#) since 2001 as stop-and-frisk encounters

really, we think, shows that this whole practice is about race and it's about occupying these communities of color," Charney says.

Heather Mac Donald, a fellow at the Manhattan Institute, admits that the city's stop-and-frisk policy may not be perfect. But she points out that crime — especially violent crime — happens disproportionately in minority neighborhoods.

"The police don't make deployments based on population or race. They make deployments based on crime," Mac Donald says. "Getting

stopped can be humiliating, infuriating, scary, but it is a lesser evil than the crime rates that the city was saddled with in the early 1990s that were disproportionately taking black and Hispanic lives."

No one disagrees that New York is much safer than it used to be. But critics of stop and frisk say crime is down in other big cities, too — and none of their police departments rely on the practice as heavily as the NYPD. Those critics argue that stop and frisk is counterproductive because it creates distrust with the very people the NYPD says it's trying to protect.

"Every time I go outside, I have the thought in the back of my mind like, is this time the time that when they stop me they're going to shoot me? We're talking about the police force," Ourlicht says.

The hearing that begins Monday is expected to take a month or more. When it's over, a federal judge will decide if the NYPD can continue to stop and frisk as usual, or if the department will be forced to make changes its critics have sought for years.