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Reforms Rein In Police Harassment; Now More Is Needed

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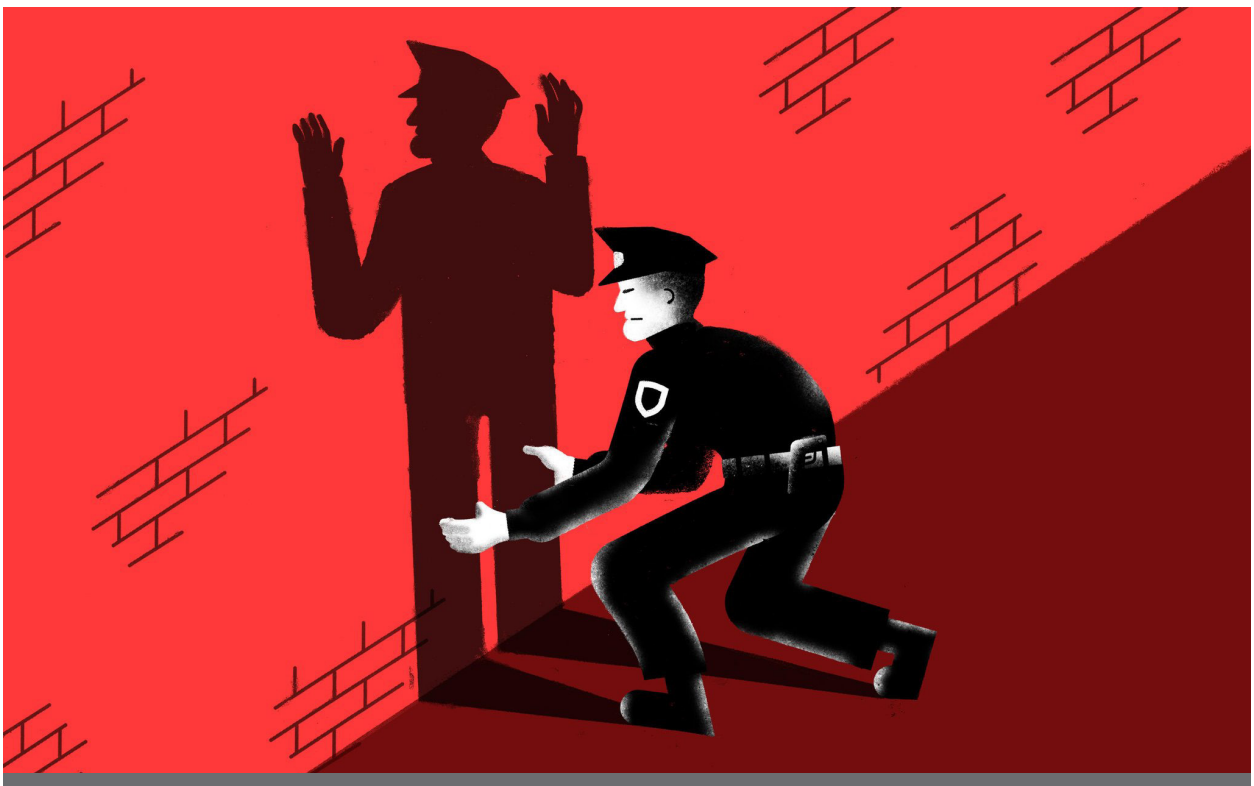

Yarek Waszul

New York City's police commissioner, James O'Neill, showed admirable candor in a recent training video when he admitted that the department had "overused and sometimes misused" its stop-and-frisk program in past years — particularly in minority neighborhoods. He has also embraced the reforms ordered by a federal judge who ruled five years ago that the program had violated constitutional guarantees against unreasonable search and seizure and discriminated against black and Latino citizens, who were disproportionately targeted for unjustified stops.

The latest report from the court-appointed monitor who oversees the reforms credits the Police Department with several initiatives, among them a body-cam pilot program involving about 1,350 officers; an evaluation system that no longer counts the number of stops as an index of an officer's performance; a program to educate the entire department on frisk policy; and an electronic system that makes it easier for officers and supervisors to fill out and check stop reports for accuracy.

The department is clearly headed in the right direction. But big challenges remain. The department needs to rid itself of longstanding, often unconscious, racial biases that drove the abuses in the old programs. Many officers who may have habitually stopped people without cause still need to be convinced that they can legally detain a person only when they have reasonable suspicion that the person is committing, has committed or is about to commit a crime. And the department needs to make sure officers document their stops in every instance.

The stop-and-frisk program exploded out of all proportion by 2011, when the police detained people on the streets nearly 700,000 times — about seven times the number of a decade earlier — putting minority communities in particular under intense pressure. An analysis of more than four million stops performed as part of the stop-and-frisk lawsuit known as Floyd v. City of New York found that ridiculously few stops resulted in arrests or summonses and that in nearly 90 percent, the people stopped had done nothing wrong. That crime continued to fall in New York even as stops were sharply cut back shows how unnecessary this episode was.

The federal court focused on the fact that officers were routinely justifying stops by rote, checking boxes on the police form that was used at the time. They often cited "furtive movements" — a term that could refer to any action — or falsely specified the subject had been stopped in a "high crime" area. The court dealt with that problem by requiring a new version of the form, which forces officers to record the basis for the stop in their own words.

In his latest report, the monitor, Peter Zimroth, notes that his team no longer hears officers saying they feel pressure to make stops. But he says that some officers are failing to file forms "in part because what appears to be an exaggerated fear of discipline and lawsuits" or because they think "it's not worth the trouble," thus making it impossible to track how the encounter started. Mr. Zimroth also raises questions about whether supervisors are fully embracing the role they have to play in identifying and documenting stops made by their officers.

He also points to a Police Department audit for the second quarter of this year showing that reasonable suspicion was articulated for only 71 percent of stops. The department insists that the problem has to do with the quality of the reports and not the legitimacy of the stops themselves — and will be corrected through training and supervision.

Lawyers for the plaintiffs, who want officers held more closely to account, have a different view. They suspect that some officers might not know what reasonable suspicion means or might still be stopping people without caring whether or not the stops are justified. They share a concern raised by the monitor that supervisors may be failing to reinforce the need for accountability with their subordinates.

Forthcoming monitor's reports will determine how well the department's training is working. Meanwhile, the department needs to make sure that officers and supervisors at all levels understand the law and that court-ordered reforms are crucial to keep the public confidence.