

## The Public Ought to Know: Queens councilmen support racial-profiling bill

By Corey Bearak

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Census figures paint a different view of our city and Queens than they did in previous decades. Many new groups, including immigrants, emerged. Yet since more crime tends to occur in certain communities, members of those areas sometimes get singled out by law enforcement, a practice called profiling.

Corey Bearak When race or ethnicity is the determining factor to question or arrest an individual, our society sends the wrong message. The practice should be illegal.

The City Council's Public Safety Committee, chaired by Councilman Peter Vallone Jr. (D-Astoria), considered Int. No. 142, to ban profiling. The legislation was prime-sponsored by Councilman Phil Reed (D-Manhattan), in February. Councilman Hiram Monserrate (D-Corona), a former police officer, also sponsors the bill with fellow Councilmen John Liu (D-Flushing), James Sanders Jr. (D-Laurelton) and Allan Jennings (D-Jamaica).

Other sponsors of this profiling legislation include democratic Manhattan Council members Margarita Lopez, Bill Perkins, Gail Brewer, Eva Moskowitz and Miguel Martinez, as well as the Bronx's Joel Rivera and Larry Seabrook and Brooklyn's Al Vann, Yvette Clarke and Letitia James.

Then-Bronx Borough President Fernando Ferrer had proposed the bill in 2001 after the prior mayor and his police commissioner failed to ban racial profiling documented in reports by State Attorney General Eliot Spitzer and the Civilian Complaint Review Board.

While the leadership changed at City Hall and One Police Plaza, tragic events this past January — namely, the fatal shooting of Timothy Stansbury, the unarmed 19-year-old gunned down by an NYPD officer on a Brooklyn rooftop — support statutory changes to address racial profiling and other inadequacies that put at risk officers and the public they pledge to protect.

No New Yorker should be singled out because of his or her ethnicity; these bad contacts only widen the divide of distrust between police and the communities they serve. If enacted, the legislation would put New York on the record as opposing this practice and work to bridge the gulf of mistrust between officers and citizens.

Spitzer's 2001 report confirmed that the NYPD applied "stop and frisk" tactics more aggressively and broadly to African-Americans and Latinos than to whites. Spitzer's report found that minorities were more likely to be approached where the stop did not result in an arrest. This fits the textbook definition of racial profiling and demonstrates the need to pass this legislation.

When city legislation was proposed almost three years ago, nine states had already passed measures addressing racial profiling, most of which require the data collection. Bills have also been introduced in the Congress and in the New York state legislature to address the issue.

Racial profiling runs counter to basic doctrines of free passage under state and federal law. An individual can exercise her or his constitutional right to refuse to respond to questions posed by a police officer, may remain silent and may even walk away without fearing an arrest or detention by the officer.

The attorney general's and the Civilian Complaint Review Board's reports found that the police stopped minorities at a higher rate than would be predicted by both demographics and crime rates; however, the NYPD provides no disclosure of the number and percent of arrests against the total number of stops.

A 1999 Federal Bureau of Justice Statistics national survey showed that people of color were more likely than whites to be stopped by police, stopped more than once in a year, handcuffed, have their persons and vehicles searched and be arrested and have force used against them.

The survey indicated that African-Americans and Latinos were roughly two to three times more likely than whites to report being handcuffed and having force used against them during a traffic stop. The survey also found that only 8 percent of the driver searches yielded contraband and 12.6 percent of the vehicles searched produced evidence.

I support effective, pro-active policing. The vast majority of decent men and women in the NYPD do their jobs every day with respect for the citizens of this city and their rights. But our policing policies must protect the civil rights of all New Yorkers. The actions of a few bad police officers lead to mistrust and even fear of the entire force.

This proposed local law, in addition to requiring collection of profiling data, affirmatively bans the practice and provides meaningful enforcement to redress any illegal profiling. At the Council hearing, the police commissioner issued a letter opposing the legislation as confusing and costly, but he implemented a policy that prohibits racial profiling. The NYPD's planned \$20 million investment in computers should ease collection of profiling data.

Int. No. 142's passage, coupled with the re-engineering of the CCRB as an independent police monitor, represents concrete institutional change. The Council should enact this legislation; it sends the right statement in our multiethnic and in other ways diverse society.

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