

BOB HERBERT

Big Brother in Blue

The speaker of the New York City Council and the head of the Council's Public Safety Committee are calling on Police Commissioner Ray Kelly to get rid of his huge, noxious database of completely innocent New Yorkers who are stopped, questioned and often frisked by the police.

The stops themselves are an outrage and a continuing affront to black and Hispanic New Yorkers, who are the ones most frequently singled-out by the police for this public humiliation. But Speaker Christine Quinn and Council Member Peter Vallone Jr., the committee's chairman, are focusing on the computerized files that the Police Department is keeping on people who are stopped but found to have done nothing at all wrong.

This is not a small problem. The cops are making more than a half-million of these stops every year. A vast majority of the people targeted — close to 90 percent — are completely innocent. They are not arrested. They are not given a summons. After enduring a mortifying public encounter with the police — which frequently requires the targets to sprawl face down on the sidewalk or spread themselves against a wall or over the hood of a car to be searched — they are sent on their way.

What they've left behind, however, if they've shown their identification to the cops or answered any questions, is a permanent record of the encounter, which is promptly entered into the department's staggeringly huge computerized files. Why the Police Department should be keeping files on innocent people is a question with no legitimate answer. This is Big Brother in Blue, with Commissioner Kelly collecting more information than J. Edgar Hoover could ever have imagined compiling.

Ms. Quinn and Mr. Vallone believe it should stop. In a letter this week to Commissioner Kelly, they said that his

intent to keep a permanent record of all the information gathered during the stops "raises significant privacy right concerns and suggests that these innocent people are more likely to be targeted in future criminal investigations."

They bluntly urged the commissioner "to end this policy."

In an interview on Friday, Ms. Quinn told me: "They should stop keeping the database on people who are not charged, who are not summonsed, and people who may be charged and then go through the judicial system and are found not guilty."

She said the idea that a permanent database would be kept on people who

Council leaders object to N.Y.P.D. database on the innocent.

"basically just got asked some questions" by the police is "extraordinary."

Ms. Quinn does not oppose the tactic of stopping and frisking people, but said, "I have concerns that we have become overly aggressive in our use of it." She said additional guidelines or regulations are needed. "I wouldn't eliminate it from the Police Department toolbox," she said, "but I would like to find a way to better monitor it and limit its use."

It should be drastically limited. More than 575,000 stops were made last year, a record. But in 504,594 of those stops, the individuals had done absolutely nothing wrong. They had not violated any law but nevertheless were put through the anxiety and humiliation of a public encounter with the police.

From 2004 through 2009, according to Police Department statistics, an astounding 2,798,461 stops were made. In 2,467,150 of those encounters — 88.2 per-

cent — the people were completely innocent of any wrongdoing.

Groups like the Center for Constitutional Rights and the New York Civil Liberties Union are fighting this wholesale mistreatment of innocent New Yorkers by the police. Blacks and Hispanics, and especially those who are young and those who are poor, are disproportionately singled-out for this peculiar form of police harassment. Mayor Michael Bloomberg, Commissioner Kelly and other top leaders in this town would never tolerate this kind of systematic abuse of middle-class or wealthy, white New Yorkers.

The overwhelming majority of the stops yield no law-enforcement benefit whatsoever. An analysis of the stops in the first three quarters of 2009 showed that contraband, which usually means drugs, was found on just 1.6 percent of the blacks who were stopped, 1.5 percent of the Hispanics, and 2.2 percent of the whites (who are stopped far less often than the other groups).

The weapons yield was even lower. Weapons were found on just 1.1 percent of the blacks stopped, 1.4 percent of the Hispanics, and 1.7 percent of the whites.

The reasons given by the cops for deciding which unfortunate New Yorkers will be stopped are beyond bogus. A "furtive movement" is the most popular. Walking down the street in broad daylight qualifies. And then there is always the bulge in the pocket. A cell phone, maybe. Or an iPod.

The truth — and many police officers will tell you this privately — is that the stops are often made first and the justification is dreamed up later. □

