



STOP AND FRISK
**THE
HUMAN
IMPACT**

THE STORIES | THE EFFECTS ON
BEHIND THE NUMBERS | **OUR COMMUNITIES**

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The Center for Constitutional Rights (CCR) is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a nonprofit legal and educational organization committed to the creative use of law as a positive force for social change.

STOP AND FRISK

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SUMMARY

THE NEW YORK CITY POLICE DEPARTMENT'S (NYPD's) aggressive stop-and-frisk practices are having a profound effect on individuals, groups and communities across the city. This report documents some of the human stories behind the staggering statistics and sheds new light on the breadth of impact this policy is having on individuals and groups, in neighborhoods, and citywide.

The Center for Constitutional Rights conducted a series of interviews with people who have been stopped and frisked by NYPD and heard testimonies from a wide range of people who are living under the weight of the unprecedented explosion of this practice. These interviews provide evidence of how deeply this practice impacts individuals and they document widespread civil and human rights abuses, including illegal profiling, improper arrests, inappropriate touching, sexual harassment, humiliation and violence at the hands of police officers. The effects of these abuses can be devastating and often leave behind lasting emotional, psychological, social, and economic harm.

The NYPD stop-and-frisk program affects thousands of people every day in New York City and it is widely acknowledged that an overwhelming majority of those people are Black or Latino. This report shows that many are also members of a range of other communities that are experiencing devastating impact from this program, including LGBTQ/GNC people, non-citizens, homeless people, religious minorities, low-income people, residents of certain neighborhoods and youth. Residents of some New York City neighborhoods describe a police presence so pervasive and hostile that they feel like they are living in a state of siege.

What these stories describe are widespread and systematic human and civil rights violations against thousands of New Yorkers on a daily basis. The NYPD and city and state governments must act immediately to put policies and legal protections in place to end these abuses.



INTRODUCTION

THE NEW YORK CITY POLICE DEPARTMENT (NYPD) is conducting stops and frisks in record numbers – roughly 685,000 in 2011 and on track to reach over 700,000 this year.¹ Black and Latino people are consistently and intentionally stopped at a hugely disproportionate rate: nearly 85 percent of all stops.² These alarming statistics speak volumes on their own – the overwhelming racial disparity and the low rate of lawful arrests³ or discovery of contraband⁴ that result from stops and frisks raise serious questions about the purpose or usefulness of this practice. However, the numbers alone do not tell the whole story.

The Center for Constitutional Rights (CCR) first challenged NYPD stop-and-frisk practices in 1999 with its landmark racial profiling case *Daniels, et al. v. City of New York, et al.*,⁵ which led to the disbanding of the infamous Street Crime Unit.⁶ A 2003 settlement agreement in that case required the NYPD to begin providing stop-and-frisk data to CCR on a quarterly basis. When subsequent analysis of this data revealed a continuing pattern of widespread racial profiling and unconstitutional stops and frisks, the Center filed another federal class action lawsuit, *Floyd, et al. v. City of New York, et al.*⁷ in 2008. Along with this ongoing litigation,⁷ CCR has engaged in extensive advocacy around this issue as part of an unprecedented movement of grassroots organizations, lawyers, researchers, and activists in a campaign to end discriminatory policing practices in New York. CCR is a member of Communities United for Police Reform (CPR),⁸ a coalition that strives to promote public safety and policing practices that are based on cooperation and respect instead of discriminatory targeting and harassment.

In order to gain a deeper understanding of the impact that NYPD policing policies are having on the lives of New Yorkers, CCR conducted 54 interviews⁹ with people who had been stopped by the NYPD. This report is a summary of those interviews; these are the stories behind the numbers.

The picture that emerges from these stories is as clear as it is disturbing. Each year, hundreds of thousands of New Yorkers are being illegally profiled and subjected to humiliating experiences at the hands of the NYPD. Often these encounters have serious repercussions that can change the course of people's lives. A wide range of communities in our society have learned to live in fear of police and a generation of children of color have grown up in an environment where being mistreated by police is an expected part of daily life. Entire New York City neighborhoods exist under conditions that residents compare to a military occupation – where simply going to the store or coming home from school is a dangerous activity.

The widespread use of stop and frisk in New York City is also part of a larger trend of ever-increasing criminalization and mass incarceration that has resulted in the United States having, by far, the highest incarceration rate in the world.¹⁰ In this way, the devastating effects of stop and frisk are also a harbinger of the larger costs of this national crisis.

Stop and Frisk

“Stop and frisk” is the police practice of temporarily detaining people on the street, questioning them, and possibly also frisking or searching them. Under the law, an officer may not stop a person without having a reasonable suspicion that the individual

Each year, hundreds of thousands of New Yorkers are being illegally profiled and subjected to humiliating experiences at the hands of the NYPD.



has engaged or is about to engage in criminal activity. Frisking someone is legally permitted only when the officer has a reason to suspect that the person is armed and/or dangerous.¹¹ A stop may result in an arrest or a summons being issued if evidence of criminal activity is discovered.

In New York City, police officers have a standardized form¹² on which they must record the circumstances that led them to stop someone. The form lists several possible reasons for the stop that officers check off, including “Fits Description,” “Furtive Movements,” “Suspicious Bulge/Object,” “Wearing Clothes/Disguises Commonly Used in Commission of Crime,” “Sights and Sounds of Criminal Activity,” and “Area Has High Incidence of Reported Offense of Type Under Investigation” (high-crime area).¹³ The data compiled from these forms was provided to CCR pursuant to the settlement agreement in *Daniels* and continues as part of the *Floyd* litigation.

The use of stops and frisks has grown at an astounding rate – a more than 600 percent increase over the past ten years. The number of stops in 2011 was the largest on record and 2012 is on track to be higher still, with over 203,500 stops in the first three months alone – an average of 2,200 stops per day. These numbers are all the more significant in light of evidence that an alarming number of these stops, frisks, and searches are illegal, in part because they are not based on the required level of suspicion of criminal activity.¹⁴ Despite the City’s attempts to justify the program as aimed at confiscating illegal weapons, a 2010 expert report by Professor Jeffrey Fagan that CCR submitted to the court in *Floyd* found that the weapons and contraband yield from stops and frisks hovered around only 1.14 percent – a rate no greater than would be found by chance at random check points.¹⁵



CHAPTER 1

LASTING EFFECTS: THE IMPACT OF STOP AND FRISK ON INDIVIDUALS

STOPS AND FRISKS HAVE A PROFOUND IMPACT on the individuals who are subjected to them. CCR heard testimonies from people who had experienced a range of inappropriate and abusive behaviors by police, including being forcibly stripped to their underclothes in public, inappropriate touching, physical violence and threats, extortion of sex, sexual harassment and other humiliating and degrading treatment. These experiences affect people in a multiplicity of ways. While nine out of ten stops do not result in any arrest or summons,¹⁶ everyone subject to a stop and frisk must cope with the emotional, psychological, social, and economic impact on their lives. Stops based on illegal profiling can lead to disproportionate rates of arrests and convictions which, in turn, carry a wide range of damaging collateral consequences.

Inappropriate Touching and Sexual Harassment

A number of people interviewed by CCR stated that during the course of being stopped by the NYPD they were inappropriately touched, sexually harassed, and/or sexually assaulted. Several interviewees described having their genitals touched or groped by the NYPD during searches¹⁸ and/or were told or forced by the NYPD to remove their clothes in public.¹⁹ Speaking out against inappropriate touching can lead to a charge of resisting arrest.²⁰ These experiences often leave people feeling disrespected and violated. As one individual described, “It made me feel violated, humiliated, harassed, shameful, and of course very scared.”²¹

Police Brutality

Stops and frisks are steeped in the ever-present threat of police violence. Several interviewees reported that stops often result in excessive force by police, describing instances when officers slapped them, threw them up against walls or onto the ground, beat them up, used a Taser on them, or otherwise hurt them physically. Many of the testimonies CCR heard illustrate that this force is often used indiscriminately, or in response to being asked the reason for a stop or an arrest.²² Often, experiences of brutality by police leave people feeling terrified and helpless:

My jeans were ripped. I had bruises on my face. My whole face was swollen. I was sent to the precinct for disorderly conduct. I got out two days later. The charges were dismissed. At central booking, they threw out the charge. No charge. I felt like I couldn't defend myself, didn't know what to do. No witnesses there to see what was going on. I just wish someone was there to witness it. I felt like no one would believe me. I couldn't tell anyone. I kept it in till now... I still am scared.²³

It's the difference between frisking somebody and going in [their] underwear or like putting gloves on outside, checking other people's private areas, and people's rectal area to see if they have drugs in them. It's just too much, outside – that's embarrassing.¹⁷

– Will E., a 20-year-old Black and Dominican man living in the Hamilton Heights neighborhood of Manhattan

The likelihood of physical force being used is higher for certain groups of people. CCR has previously documented that race is a factor in the use of force by the NYPD.²⁴ People interviewed by CCR report that transgender people,²⁵ especially transgender women, also live with a “higher risk of violent crimes”²⁶ by the NYPD.

*You shouldn't be held up in your apartment, if you have one. You shouldn't be afraid to come outside and go to the store to get a soda for fear that the police are going to stop you, and you're either going to get a expensive, a high-cost summons or you're going to get arrested.*²⁷

– Carl W., a 41-year-old African-American man who lives in the Bronx

Trauma and Humiliation

The experience of being stopped and frisked by police often has a lasting emotional impact. People interviewed by CCR described feeling a range of emotions during stops, including anger, fear, shame, and vulnerability. One man described feeling “disgusted, insulted, humiliated! And angry! Absolutely angry.”²⁸ Several interviewees said that being stopped and frisked makes you “feel degraded and humiliated.”²⁹ One went on to say:

When they stop you in the street, and then everybody's looking... it does degrade you. And then people get the wrong perception of you. That kind of colors people's thoughts towards you, might start thinking that you're into some illegal activity, when you're not. Just because the police [are] just stopping you for – just randomly. That's humiliating [on] its own.³⁰

A stop and frisk can leave people feeling unsafe, fearful of police, afraid to leave their homes, or re-living the experience whenever they see police. It is common for people to be stopped numerous times, compounding their anxiety and creating an atmosphere of fear:

I get nervous, I get paranoid 'cause you never know what's going to happen, and I don't feel safe, like especially in Queens, 'cause they just pull you from no matter what, any reason. And they won't tell you anything.³¹



Fear as a Way of Life

Many people explained how having been stopped by police had changed the way they conducted their daily lives. For example, people described changing their clothing style³³ and/or hairstyles,³⁴ changing their routes or avoiding walking on the street, or making a habit of carrying around documents such as ID, mail, and pay stubs to provide police officers if stopped. One person noted, for instance, that she carries ID with her even when she is just out walking the dog.³⁵ Several people expressed sadness, frustration or anger that they believed these adaptations were necessary.

Improper Arrests for Minor Drug Possession

Stops and frisks often lead to improper arrests for possession of small quantities of marijuana. Since 1977, New York State law has defined possession of less than 25 grams of marijuana that is not in public view as a violation punishable by a fine, and not as a crime. However, it has become common practice in New York City to arrest and charge someone with a misdemeanor when marijuana is found during a stop and frisk, even when it was only made visible by or at the direction of a police officer (for example, removed from a pocket during a search). These improper arrests continue despite an operations order by Police Commissioner Raymond Kelly directing police officers to put an end to the practice.³⁷ In June 2012, first Governor Andrew Cuomo and then Mayor Michael Bloomberg and Commissioner Kelly added their support to those calling for the decriminalization of small amounts of marijuana in public view in order to reduce the number of such arrests.

Because of the extraordinarily high numbers of young people of color who are stopped and frisked, these improper drug prosecutions are having a particular impact on this demographic,³⁸ even though drug use is more prevalent among White youth than Black or Latino youth.³⁹

Collateral Consequences of Arrests

One in ten stops and frisks lead to an arrest, including many improper arrests. While this is a small fraction of the number of people stopped, given the massive scale of the stop-and-frisk policy, it is still a large number, affecting tens of thousands of New Yorkers every year. Any arrest, in turn, can trigger a cascade of collateral consequences even if it does not lead to a conviction. Criminal convictions can result in becoming ineligible for public housing or student loans and losing public benefits; potential immigration-related consequences can include the loss of legal residence status, deportation, ineligibility to become a U.S. citizen or becoming inadmissible to the United States.⁴⁰ Other consequences of arrests are harder to measure, such as the impact of missing days of work or losing a job because of being unable to turn up for work, or what it means for a family if the breadwinner gets a criminal record.

Stops and frisks are often the first encounter that people have with law enforcement, and they can be a dangerous – and often unjustified – point of entry into ongoing involvement with the criminal legal system. Several interviewees explained that they pleaded guilty to baseless charges arising out of a stop and frisk just to get out of jail quickly or avoid the risk of conviction for a more serious charge. Several people also

When police come around, I make sure I keep my head down. I'm very cautious of where I go. Unfortunately, now I plan my destinations to a T. And at this point in my life, I take transportation, literal transportation, like bus and train. I don't really walk anymore.³²

– Natasha A., a 24-year-old Black woman living on the Lower East Side of Manhattan

White people use drugs [in] the same amount if not more than Black people, but it's Black communities that are targeted, stigmatized, and put in the media on the front page.³⁶

– Mark K., a 27-year-old man living in the South Bronx

expressed concern that even in the small percentage of stops that do lead to a legitimate arrest, the fact that these arrests are the result of illegal profiling means that people of color and other targeted groups are disproportionately those who end up with criminal records. These criminal records can then contribute to subsequent arrests and convictions, having a snowball effect in terms of foreclosing opportunity:

Once you start getting a record, it follows you for the rest of your life. A lot of people just end up pleading guilty to stuff because they want to get out of jail. But they don't realize this stuff follows you every time. Now, if you getting arrested, the police are harassing you and targeting you and arresting you like every couple weeks, every month or something for this. Then it follows you; you start to have a reputation for that. And then eventually you start getting [prison] time behind it.⁴¹

Sometimes, the threat of the consequences of criminal convictions is used to further torment people during stops:

I told him I wanted to be a lawyer. So the officer, the one that gave me the ticket, told me, "Ha. You would never be that. Trust me." He's like, "I'll give you a ticket where you won't ever be that." ... I felt really mad about the whole thing. I thought that it messed up my, like, chances to go into law school. I really thought that. Especially that I came so far, I'm getting my bachelor's this year. The whole time last year I thought, like, "Wow, I did all of this hard work for nothing."⁴²



Unemployment

Stop-and-frisk arrests often leave people languishing “in the system” as they are moved from the precinct to the courthouse where they wait to appear before a judge. In New York City it is not unusual for this process to take days, even if the charges are dropped or dismissed right away because the judge decides that there was no legitimate reason to make an arrest. Disappearing for several days can be enough to lose your job:

People actually lose their employment because they weren't able to come into work. And since jobs are so hard to get right about now, employers don't want to hear, 'Oh, you can't come in today because you [were] just arrested.' And when they're released they have to start from scratch all over again and figure out another way to be self-sufficient and to take care of themselves and their families.⁴³

Having a criminal record makes it more difficult to find a job, as well as making it likely that any future convictions will be increasingly serious:

They done mess your whole life up and this is what they do... They arrest you and build up all these little, petty things... and after a certain time, now okay, you have three of these, it's a felony. When you put a felony on somebody you're telling a person basically you're just a hard-core criminal. You can't get [a] job. If you want to work in a bank, well you can forget that.⁴⁴

Loss of Access to Housing, Shelter, and Public Benefits

Stops and frisks can lead to serious hardship when arrests and/or convictions result in the loss of basic necessities including shelter and public benefits. Many categories of criminal convictions will trigger ineligibility for public housing in New York City.⁴⁵ Unfortunately, this fact is not always understood when defendants are deciding whether or not to accept a plea agreement.⁴⁶ “Pleading out” is a routine way to quickly end the legal proceedings and get out of jail:

If you have violations or you have [been] convicted of crimes, you can't get into public housing. So that's one of the ways that it really crushes people that are homeless. It closes off that gate into New York City housing right away. Just by being arrested and coming out. And here's the thing about it: Nobody informs you of this. [They] never tell you, “You know what? If you plead guilty today, you're never going to be able to get New York City housing.”⁴⁷

For undomiciled⁴⁸ people, an arrest – even without any conviction – sometimes means losing your bed in a homeless shelter:

You have 48 hours to return to the shelter, then... [you] lose your place. They lock your room up, let somebody in your room, it's bad... If a person gets arrested, and they take more than 48 hours to sign that book, then they kick you out.⁴⁹

Impact on Family Members

Stops and frisks also have an impact that extends to family members of people who are stopped and/or arrested. One woman explained that she often steps in to challenge the police who regularly harass the men in her family because, “with the men, when they try to speak up for themselves, it makes it worse. The police go hard on them, and find something, some reason, to arrest them.”⁵¹ Children, parents, siblings, and other family members are subjected to seeing their family or community



My sister got kind of scared. She started crying. And then I felt kind of bad, seeing my sister cry, so I started crying too. I was 12. They told me that if I don't stop crying, they're going to put me in cuffs and take me in, too.⁵⁰
– Juan L., a 16-year-old Puerto Rican youth living in Brooklyn

members being routinely profiled, disrespected, assaulted, forced to remove clothing, and/or groped in public by police officers. Some families must live with the added repercussions of the arrest of a family member, a burden that can be particularly heavy for dependent children.

CHAPTER 2

TARGETING VULNERABLE POPULATIONS: THE IMPACT OF STOP AND FRISK ON COMMUNITIES

STOPS AND FRISKS IMPACT CERTAIN GROUPS of people disproportionately. The most striking example is people of color, especially Black and Latino young men. These practices also single out other communities of people for unfair treatment including: lesbian, gay, bisexual, transgender, queer, and/or gender non-conforming (LGBTQ/GNC) communities, immigrants, homeless people, some religious minorities, low-income people, residents of certain neighborhoods or public housing, youth, and people with disabilities.⁵²

Race

CCR's analysis of stop-and-frisk data clearly indicates that race is the primary factor in determining who gets stopped by the NYPD. Most stops occur in Black and Latino neighborhoods and Black and Latino people are significantly more likely to be stopped than White people, even in areas where populations are racially mixed or mostly White.⁵⁵ Blacks and Latinos are treated more harshly than Whites, being more likely to be arrested instead of given a summons when compared to White people accused of the same crimes, and are also more likely to have force used against them by police.⁵⁶ These dramatic disparities were reflected in the interviews conducted for this report, where the role of race in stops and frisks was acknowledged by virtually everyone. One typical interviewee said:

[Stops and frisks] belittle people's self-esteem and character, make them feel less of a citizen and less of a person with rights. I feel that stop and frisk is another tactic to be used against people of color to make them feel like this is what they should expect to happen to them in their lifetime and that this is a normal way of life when it's not, and it's unconstitutional.⁵⁷

Many people interviewed for this report noted the message that is being sent by the fact that whenever they see stops and frisks on the street, "it's always brown or African-American people"⁵⁸ and that they "don't see the same thing happening to White people."⁵⁹

Lesbian, Gay, Bisexual, Transgender, Queer and/or Gender Non-conforming (LGBTQ/GNC) Communities

LGBTQ/GNC communities are heavily impacted by stops and frisks. Several people interviewed for this report described stops where police treated them in a cruel or degrading manner because of their actual or perceived sexual orientation, or gender identity, or expression, or because they were gender non-conforming.

You're a person of color; you automatically fit the description, as they like to say. And it's just wrong.⁵³

– Patrick B., a 21-year-old Black man living in Brooklyn

If you're a Black male and you're not walking around with a suit and tie on, you're always suspected of committing a crime.⁵⁴

– Brent C., 52-year-old African-American man who lives in the Bushwick neighborhood of Brooklyn

*So much harassment,
just for being a
transwoman in Jackson
Heights. I don't think it's
illegal for me to walk in
a dress, but obviously,
they're always going
to think I'm a sex
worker...because I'm a
transwoman, and so I'm
soliciting.*⁶⁰

*– April R., a 33-year-
old transgender Latina
living in Jackson Heights,
Queens*

*In my younger days I
used to dress like a boy
and I used to hang out
with guys. And they
stopped us one time...
and they told me to go
home and change.
I was, like, about 14
years old. I felt like I
couldn't be myself, you
know. I like guys and
girls but I like dressing
like a boy, too.*⁶¹

*– Maribel S., an 18-year-
old woman living in the
Washington Heights
neighborhood of
Manhattan*

It is a common occurrence for people to be subjected to stops and frisks *because* of their sexuality or gender expression. Transgender women in particular are “a huge target for NYPD discrimination.”⁶² This observation is echoed by other studies that confirm transwomen are routinely profiled for offenses such as “loitering for the purposes of prostitution,” and other sexual offenses, as well as other crimes.⁶³ This discrimination “doesn’t stop on the street,” when transgender women are placed with men while in NYPD custody.⁶⁴ Transgender women described being routinely presumed to be sex workers, simply based on their gender or gender expression:

*I'm paranoid, scared... 'cause if I'm walking on the street, I better rush to a public place and run away from them 'cause I know I can get arrested for just walking on the street. 'Cause if I'm walking with my friend, they just assume that I'm a prostitute, that I'm a sex worker, or just because I'm a Hispanic transgender woman, because of my gender, I can just get arrested.*⁶⁵

Interviewees described being inappropriately touched by police or searched by the NYPD in order to “determine their gender.”⁶⁶ These “searches” can be aggressive and are often experienced as sexual assaults. Police officers accuse people of having “fake” IDs when the gender marked on them does not match the officers’ perception of that person’s gender, and police officers routinely refuse to respect people’s preferred gender pronouns:

*He did not respect me, because to take my ID that I worked so hard to get – those IDs are very hard to get – and to say, “No, the real one,” and just disregard my identity so fast and so fluently was just, it was just hurtful. Just very hurtful. And to blatantly call somebody a liar to their face is just something, it's just ridiculous.*⁶⁷

CCR heard testimony that NYPD officers also target young women who present as “masculine” for stops and frisks;⁶⁸ and that transgender people and gay men who are perceived to be sex workers are singled out for extortion of sex under threat of arrest,⁶⁹ physical assault, and threats of assault by police.⁷⁰

Condoms as Evidence of Prostitution

In New York, possession of condoms can be used by police and prosecutors as evidence of intent to engage in prostitution-related offenses, compromising an urgent public health need. Consistent use of condoms is well known to reduce the spread of HIV and other sexually transmitted



diseases⁷¹ but a recent New York City Department of Health and Mental Hygiene study reported that sex workers and the street-based population are less likely to carry condoms because they could be used against them in court.⁷²

Discouraging anyone from carrying condoms poses a dangerous public health risk that is exacerbated by NYPD targeting people for stops and frisks who are perceived to be engaging in sex work. Activists have advocated for state legislation that would prohibit the use of condoms as evidence as of prostitution to address this problem.

Youth

Stops and frisks have become a fact of life for young people in many neighborhoods in New York City. Many of the people who gave testimonies to CCR described how youth are hit particularly hard by stop-and-frisk practices and expressed the view that NYPD unfairly targets young people, especially those of color. CCR's analysis of stop-and-frisk data confirms that people aged 25 and under comprised 55 percent of all stops in 2011.⁷⁴

One young woman describes being stopped by the NYPD with her sisters and cousins, ages 8 through 16, while they were going up the stairs in their public housing unit:

[They] told us to stand up take off our shoes, socks, hoodies, and told everybody to take their top shirt off and leave only their undershirt or one shirt on. They told us to unbutton our pants and roll the waistband down. Three of us were in pajamas. They made us stand and wait with backs turned until a female officer came. She turned us around by our necks and frisked us. They were looking for weed. They found nothing, but took us to the precinct anyway, where our mother had to come get us.⁷⁵

CCR also documented disturbing reports of children being stopped by police on their way to and from school. This practice “makes kids feel like criminals,”⁷⁶ and is part of the broader phenomenon of criminalizing the school environment and creating what critics have described as a “school to prison pipeline,” a process that channels low-income children and children of color from the school system into the juvenile and criminal legal systems:⁷⁷

There's a junior high school [where] almost all the kids are either of Arabic descent or Latino. There [were] days when you'd see all these little kids lined up, with their legs spread, holding [onto] the wall, and the cops are going through their pockets and stuff. It's just like a terrible, disgusting, horrible thing to see.⁷⁸

The young ones [are] getting stopped all the time. It's become a way of life to them.⁷³

– Laverne I., a 43-year-old African-American woman living in the Bronx



I live in the Bronx, and the Bronx is like one of the...poorest counties in the nation, so I feel like that itself is a target.⁷⁹

– Corey F., a 19-year-old living in the Bronx

Low-income People

Numerous people interviewed by CCR believe that people perceived to be low-income and/or working-class are more likely to be “targeted and harassed by NYPD”⁸⁰ wherever they may be in the city. Several suggested that this is in part because these communities are thought of as less able to fight criminal charges, pay tickets, or take action against the NYPD for improper arrests:

If you have a status in society, I think they kind of, like, let you off the hook. But if they think that you’re, like, lower class or poor, working poor, forget about it. It’s a wrap. They know that you’re not going to have [any] resources to, like, fight anything.⁸¹

Several people interviewed said that they suspect the address listed on an ID is a factor in determining how the police treat people during stops.⁸² In some cases, fear of being stopped by police has led people to adapt their clothing styles in order to avoid being perceived by police as a low-income person.⁸³

Immigrants, Ethnic and Religious Minorities

Many people described how stops and frisks appear to target visible immigrant communities and ethnic or religious minorities. Stops and frisks are particularly frightening for non-U.S. citizens because any arrests, including arrests that do not lead to a conviction and/or improper arrests, can make it more difficult to adjust their immigration status or to become a citizen of the United States.⁸⁵ Interviewees also described an increase in stops and frisks of Muslim, Arab, and South Asian people since September 11, 2001.⁸⁶ This perception is supported by recent reports of NYPD spying on Muslim New Yorkers.⁸⁷

I think the main reason that they stop [and] frisk me, [is] ‘cause I’m Muslim, and they don’t like Muslims.... Ever since that 9/11.⁸⁴

– Kareem S., a 51-year-old Black man living in the Bronx

Homeless People

People who use the public shelter system are also singled out for baseless stops and frisks by police. Interviewees described NYPD officers waiting outside of shelters and stopping people that they see coming out.⁸⁹ The practice of police entering shelters to search people inside was described as “routine.”⁹⁰ Such stops are often experienced as harassment “because we’re poor, we don’t have any money, no job.”⁹¹

Intersections

New York is a diverse city and many of its residents live at the intersection of several communities and may be perceived and/or identify in multiple ways. People who are members of multiple groups that are each targeted by NYPD for profiling and illegal stops and frisks can experience compounded prejudice and layers of harm. This reality is exacerbated by an environment permeated with police violence and a criminal legal system weighted against many of these same communities. In this way, stops and frisks deliver the greatest harm to people who already live with layers of discrimination and oppression. For example:



They harass the Hispanic transgender community in Queens, because they know that most of them, 60 percent of the community, are mostly immigrants, they came from different countries, South America, Mexico. And some of them, they came illegally; they don't have a legal status. So it's an easy target to go after them. They just go for Hispanic, transgender women, because they know they don't speak English. And they don't have education. They don't know the law in the United States.⁹²

Citywide Impact

The repercussions of stops and frisks are not limited to the people who are actually subjected to them or even to those who witness them in their neighborhoods. These policies and practices affect the entire city. This chapter has documented many communities that are adversely affected by stops and frisks, but the ripple effects directly or indirectly impact all city residents.

NYPD's aggressive use of stop and frisk does significant damage to police-community relations in ways that may actually reduce public safety. Several people interviewed by CCR said they would never call the police if they needed help, based on experiences where the police had either failed to act or turned against them.⁹³ For some, this holds true even in life-threatening emergencies, making it possible that "present policies are actually killing people."⁹⁴ Many people expressed concern that stops and frisks are a waste of public resources and lead to communities not wanting to cooperate with police, thereby allowing, as one interviewee said, "real crime to continue because the community and the police aren't working together because the community doesn't trust the police."⁹⁵ As one resident of Harlem described:

The sheer number of stops is actually ostracizing a huge number of people who live in these communities that are impacted by crime. It doesn't make sense that you're spending so many man hours, so much energy and resources, to stop so many innocent people and end up with very little output. The number of guns that they found from the stops is extremely small. So it just doesn't seem effective.⁹⁶

They see you come out of the shelter, [and] they want to stop and frisk you, run your name.⁸⁸

– Oscar C., an undomiciled 36-year-old Hispanic man



CHAPTER 3

LIVING UNDER SIEGE: THE IMPACT OF STOP AND FRISK ON NEIGHBORHOODS

THE SCALE AND SCOPE OF STOP-AND-FRISK practices in communities of color have left many residents feeling that they are living under siege. CCR heard testimonies that compare New York City neighborhoods to “occupied territory,”⁹⁷ or a region under hostile military occupation, with community residents at odds with the police department.

These policing practices have created a growing gulf between the NYPD and the communities they police, where people are treated as “a permanent under-caste,”⁹⁸ and are unable to go about their daily lives without repeated harassment by police. Community members do not feel protected by the NYPD and many feel that important issues are not being addressed, in part, because the City is pouring excessive resources into stops and frisks.

Expectation of Harassment

Interviewees described an environment so saturated with a hostile police presence that being stopped and harassed by police had become integrated into the fabric of daily life experience. One explained that “it’s so frequent, we don’t even talk about it or complain about it. It’s to be expected.”⁹⁹ Another said, “We expect them to jump out of a car. We expect them to just come out the staircase and scare the hell out of you. We expect it.”¹⁰⁰ Several people described the environment as incompatible with a free society:

I feel like we’re not in a free country when you can’t walk down the street. You got to be questioned about where you’re going and what you’re doing.¹⁰¹

Communities under Siege

New Yorkers interviewed for this report explained that the police presence in their neighborhoods is so extreme that it pervades every aspect of daily life, leaving people feeling like they are living under siege. They described the risk involved in simply being in the hallways, stairwells, or elevators of their apartment buildings, in front of their buildings, or anywhere outside including: walking on the street, on the subway, in a park, at the corner store, or while driving. Some people have incorporated the risk of police encounters into their daily lives by always carrying ID or pieces of mail to verify that they live in a building, pay stubs to prove that they have legitimate sources of income and where they work, or receipts from libraries after they have dropped off books:

It makes you anxious about just being, walking around and doing your daily thing while having a bunch of police always there, always present and stopping people that look like me. They say if you’re a young Black male, you’re more likely to be stopped. So, it’s always this fear that “okay, this cop might stop me,” for no reason, while I’m just sitting there in my neighborhood.¹⁰²

– Joey M., a 25-year-old Black man living in Central Harlem

There have been periods of time in my life living in Jackson Heights where, for example, walking my dog at night, I have always felt the need to carry my ID because if I didn't carry my ID in my own neighborhood, I would basically be putting myself [at risk] of being picked up and accused of doing sex work.¹⁰³

Several people indicated that they avoided driving¹⁰⁴ or walking on the street whenever possible, taking public transportation¹⁰⁵ in order to avoid being stopped while walking. Interviewees shared that young people are forced to stay indoors because, as one interviewee said, “cops [are] outside on the block all day and the kids can't play or anything.”¹⁰⁶ Several people reported feeling unable to fully engage with their communities:

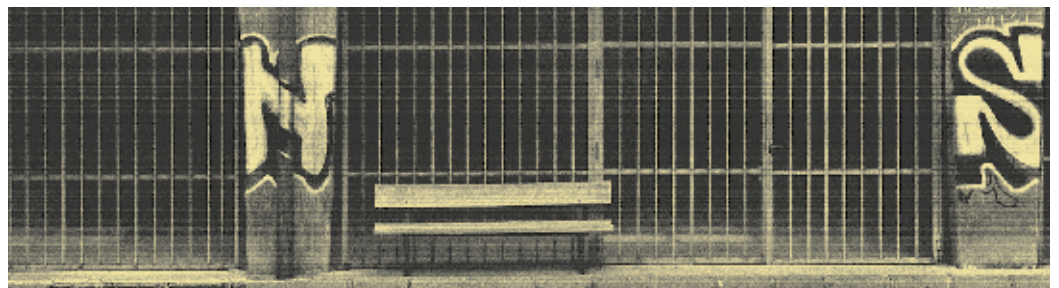
There's this constant fear that, like, police are going to intimidate and harass you. So stuff that you do in your community, like participate in it, like sitting on your porch or going to the store or like having fun in your community – you don't really get to do that because you have police presence in the street all the time.¹⁰⁷

“Trespassing” at Home

Many interviewees shared that they were harassed in or just outside their apartment buildings, telling CCR they are repeatedly asked for proof that they live in their buildings or are accused of trespassing:

I'll go into the building with the key and they're still stopping me, asking me what I'm doing in the building... In the summertime, it's nice outside. Why can't I hang out in front of my building? [The NYPD] give you a ticket for trespassing 'cause you're sitting on the bench that's in front of your building. I can't sit on the bench in front of my building? Why's the bench there?¹⁰⁸

This feeling of being trapped inside your apartment is especially difficult for young people who feel that there is nowhere they can go where they will be free of police harassment:



If I'm in a group of people, you can't be in front of the building you live in. If you show the police officers your ID that says you live [there], they tell you to go in the house or walk somewhere else; you can't be here on the block. They want to kick you off the block. They want to kick you out the building. We can't be outside?... So what can we do? We want to go out. We don't want to be in the house 'cause there's probably nothing to do in the house. Police don't care about that. We don't have jobs, we're still young.¹⁰⁹

Residents are told “there's no sitting in front of the building,” and they may even be required to produce a lease to avoid arrest.¹¹⁰ As documented in the 2010 Fagan report, “Public housing sites have received special attention from the police...heightening surveillance of persons coming and going from [New York City Housing Authority] NYCHA¹¹¹ sites, leading to frequent stops and arrests for trespass.”¹¹² Many public housing residents interviewed for this report described being consistently harassed when coming or going from their homes:

I can't even walk through the complex, they're always stopping you, asking you for ID. “Do you live here?” Every single day. Do I have to go through this every single day? How many times you going to ask, do I live here? People don't even come outside anymore, because they're more fearful against the police than the folks in the neighborhood... It's to the point where people don't want to come visit me. My brothers, when they come in, they get stopped. If you're a Black man or a Latino man, you're getting stopped. ...you can't even walk through the streets freely.¹¹³

Military-style Occupation

Several people interviewed by CCR described NYPD policing tactics as militaristic. One Harlem resident said that, in his neighborhood, the NYPD is seen as an “occupying army whose primary objective was to make the streets of New York safe for business and commerce.” He went on to say that police “have borrowed from military tactics, because when they patrol the streets, they don't patrol in a community-friendly way. They do it like [they're] on a search-and-destroy mission.”¹¹⁵ One man likened being in his neighborhood to being in an “outside prison”:

As a whole our community is fed up with the militarized form of policing that we experience. We don't feel like we live in a neighborhood that's protected by the police. We feel that we live in an occupied zone patrolled by law enforcement. It's a very containing feeling. It almost feels like you're in an outside prison.¹¹⁶

In my community, and a lot of communities in Brooklyn, it's kind of like an occupation. Constantly, around the clock, I see a lot of police. [You could be] coming home late at night or from a party or something and you have to deal with police, or just to be coming from work simply minding your business on your way home and you get stopped by police multiple times because of the color of your skin or the way that you dress.¹¹⁴

– Manny W., a 23-year-old Filipino- and African-American man living in Bedford-Stuyvesant, Brooklyn

Some interviewees¹¹⁷ compared the police presence to an actual war or conflict zone: “You would think you [were] in a war zone virtually. Everywhere you look you see flashing lights.”¹¹⁸

Life in a “High-crime Area”

Many people interviewed for this report were told that being in a “high-crime” neighborhood was the reason they were stopped. Despite a Supreme Court ruling declaring it unconstitutional to stop and frisk a person simply for being in a so-called high-crime neighborhood,¹²⁰ the Fagan report analyzing all stops from 2004-2009 documents that in more than half of them, NYPD officers cited “high-crime area” as a factor in justifying stops, even in precincts with *lower* than average crime rates.¹²¹

Feeling Unprotected by Police

Many residents of these neighborhoods under siege do not feel that the police are there to protect them, but rather that they need protection *from* the NYPD:

We don’t feel protected by the police... I think the main job of the police is protecting the community, and what they’re doing is just bullying us.¹²⁴

Some described that this had not always been the case, “But everything changed now. The average person in the neighborhood look[s] at a policeman as being the enemy. They don’t look at them for protection.”¹²⁵ Many people feel that the role of the police in their communities is to enforce social control and not to address genuine community needs:

People from communities of color don’t see NYPD as being there for them or being there to provide safety or security for them. If anything, they see NYPD in their communities as a form of keeping control in those communities. And NYPD sees our communities as dangerous. And they go about trying to patrol communities, our communities, that way instead of addressing the real problems and the real issues that we’re dealing with.¹²⁶

A number of people interviewed by CCR shared that they thought the police were not being responsive to 911 calls or other emergencies because they were focusing instead on stopping and frisking people:



*“Watch yourself; you shouldn’t be in these type of neighborhoods. This is what happen[s].” But they forget that these are the neighborhoods that we live in, so it’s not like we could just move out of these neighborhoods and go somewhere else.*¹¹⁹

– Charles B., a 44-year-old man living in the Bedford-Stuyvesant neighborhood of Brooklyn

My community does not like the police. [They're] there when they want to make those stops and frisks, but they're not there when those gunshots come off. And they're not there when they're called upon for actual help, rather than be there just to harass somebody for being outside.¹²⁷

Above the Law

Many people expressed frustration and anger at the lack of effective recourse for police misconduct during stops and frisks: “You can’t do anything against them because these people, they’re armed. We’re not armed.”¹²⁸ Police were described as untouchable¹²⁹ and operating within “their blue wall of silence.”¹³⁰ Existing accountability mechanisms were widely criticized:

I feel like an officer can literally gun down an innocent youngster in my neighborhood and not receive any accountability for it whatsoever.... I do believe that if I walked into a police precinct and made a complaint against Officer B to Officer C that some way it’s going to wind up getting back to Officer B and that officer is going to wind up at my doorstep by the end of that evening to either beat me, harass me, or do whatever... They need an independent auditor and a special appointed attorney general to handle cases specifically dealing with encounters with the police.... I think that the [Civilian Complaint Review Board] CCRB needs a re-vamp. Members of the CCRB need to be appointed publicly – appointed by the people.¹³¹

Several interviewees likened the NYPD to a criminal gang:

In my complex I feel like we’re under torment, like we’re under like this big gang that’s bullying all of us. To me, NYPD is the biggest gang in New York. They’re worse than any gang, ‘cause they could get away with stuff. When they’re killing people and they don’t get [any] kind of disciplinary action.¹³²

Communities Taking Action

New Yorkers are taking action against discriminatory policing practices, working together to develop methods for ensuring community safety without the need for calling police; conducting “know your rights” trainings and other public education campaigns; and offering support to victims of police abuse. Several people interviewed for this report are active in community organizations that are working to document police misconduct, including “Copwatch” programs that act as community foot or vehicle patrols, monitoring police stops, searches, and arrests through the use of videotape and other documentation:¹³³

Right now it doesn’t feel like police are there to protect people. It really feels like they’re there to arrest people.¹²²

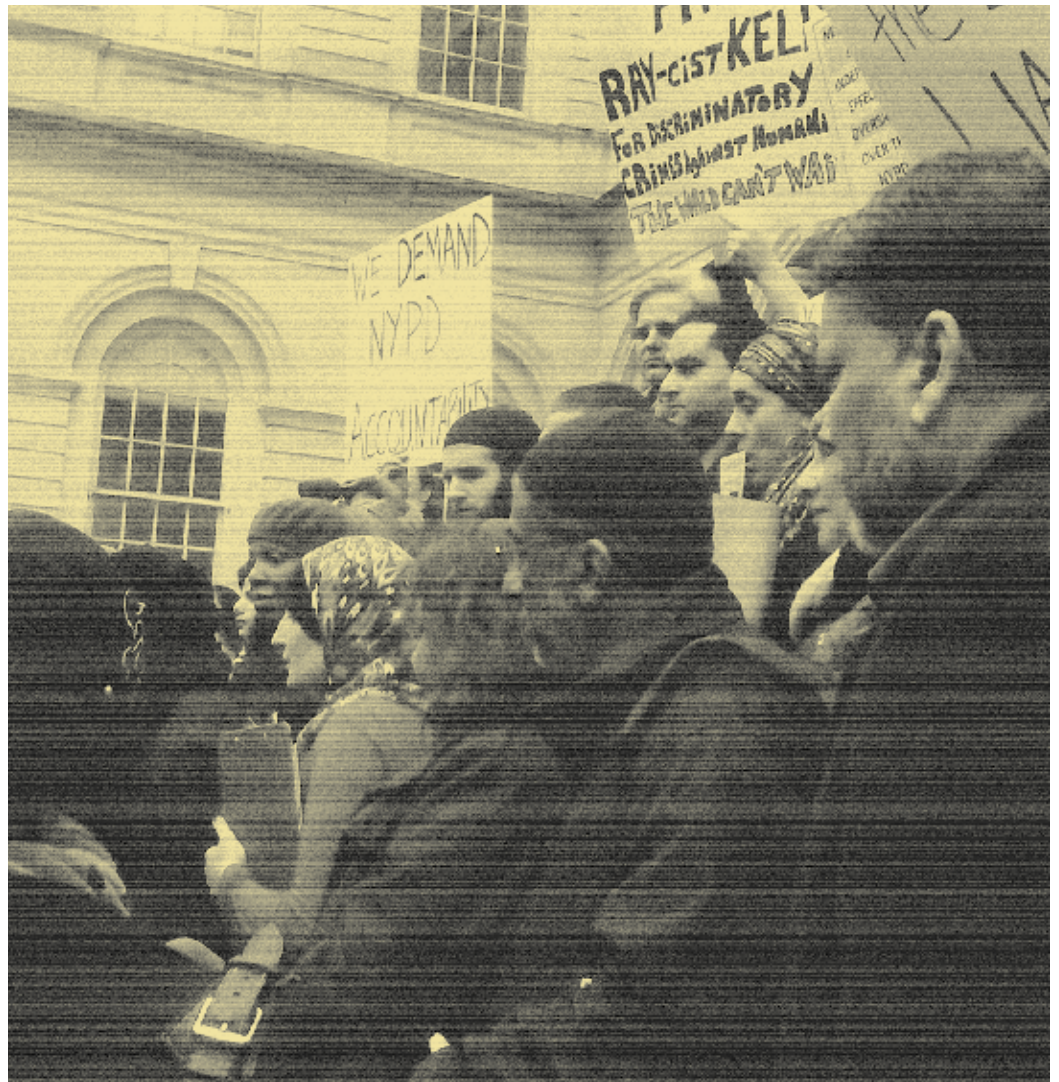
– Joey M., a 25-year-old Black man living in Harlem, Manhattan

I felt much...safer, before this search and frisk started.¹²³

– Angel V., a 37-year-old Latino man living in West Harlem, Manhattan

We've prevented people from getting tickets and things like that. And who knows where those things could've gone? Who knows where these things can escalate to? And we have been able to stop it before, before it starts.¹³⁴

Numerous interviewees stated that they want the NYPD to be more accountable to the communities it serves and many people also highlighted the benefits and importance of community-based organizing against police misconduct.



CONCLUSION

THE EXPERIENCES OF PEOPLE directly affected by stops and frisks demonstrate the multidimensional character of the impact that this practice is having on the lives of New Yorkers. These personal experiences shared with CCR paint a disturbing picture of a police department out of control and provide a window into the hardship, violence, trauma, and social and economic harms that these practices are wreaking on our communities, our families, and our neighbors.

NYPD stop-and-frisk practices are harming a broad range of vulnerable communities and further disadvantaging marginalized populations based on their race, gender or gender expression, sexuality, age, housing status, income, immigration status, and/or physical disability. People interviewed by CCR described an array of police misconduct, including: unnecessary use of force, forced strip-searches in public, sexual harassment or sexual assaults, degrading treatment, and improper arrests. The ramifications of stops and frisks include long-lasting emotional and psychological impact as well as collateral costs, such as the loss of jobs, public benefits, and access to shelter or public housing.

For many New Yorkers, unlawful, unjustified and discriminatory stops and frisks have become an everyday occurrence and they are having a profound impact on the lives of the people who experience them, the communities they live in, and the general public. These stops have become so pervasive that many people have learned to adjust their daily routines to protect themselves from regular police harassment. In some neighborhoods, the NYPD is often seen more like an occupying army than a public service and the constant presence of a hostile police force inhibits people's ability to engage with their communities and go about their lives. People interviewed by CCR questioned the utility of stop-and-frisk practices that are so damaging to police-community relations and consume valuable public resources. They also highlighted the insufficiency and ineffectiveness of existing accountability mechanisms.

The NYPD's stop-and-frisk practices are illegal. Racial profiling and searches based on illegal profiling violate the equal protection clause of the Fourteenth Amendment, the Civil Rights Act of 1964, and the Fourth Amendment's prohibition against unreasonable searches. These policing practices are also human rights abuses. They violate well-established international legal protections against discrimination;¹³⁵ from threats of bodily harm;¹³⁶ and from arbitrary arrest or detention¹³⁷ and cruel, inhuman and degrading treatment or punishment.¹³⁸ They also infringe on the right to privacy,¹³⁹ freedom of movement,¹⁴⁰ association,¹⁴¹ expression,¹⁴² equal protection of the law,¹⁴³ and the right to participate fully in cultural, religious, and public life.¹⁴⁴ NYPD stop-and-frisk practices represent a failure of governmental obligations to respect the inherent human dignity of all people¹⁴⁵ and to take steps to protect vulnerable populations.¹⁴⁶ These practices also violate numerous social and economic rights, including the right to employment and housing.¹⁴⁷

The NYPD stop-and-frisk program affects everyone in New York City, making us all less safe and harming many of the most vulnerable and already disadvantaged populations in our city. These discriminatory and harmful abuses must end and the NYPD must be made accountable to all of the people that it serves.

The ramifications of stops and frisks include long-lasting emotional and psychological impact as well as collateral costs, such as the loss of jobs, welfare benefits, and access to shelter or public housing.

RECOMMENDATIONS

THE STORIES RECOUNTED IN THIS REPORT make it clear that the NYPD must end the illegal practice of stopping and frisking people based on profiling instead of legitimate suspicion of criminal activity. A policing strategy that relies on the widespread use of stops and frisks will inevitably run afoul of the law, the U.S. Constitution, and international human rights – taking an unacceptable toll on the lives of hundreds of thousands of New Yorkers each year. Implementation of the following recommendations would address the severe flaws in the stop-and-frisk policy, move towards curtailing the abusive aspects of this practice, and establish much-needed accountability and transparency mechanisms to punish and end police misconduct and abuse.

To the New York City Police Department

- End the use of profiling-based stops and frisks.
- End NYPD “vertical patrols” of public housing complexes.
- End improper arrests and criminal prosecutions for possession of small amounts of marijuana.
- Draft, implement, and enforce policy, training, supervision, and discipline to prevent and punish sexual harassment and other abuse of the public by law enforcement officers.
- Implement the United Nations Code of Conduct for Law Enforcement Agents.¹⁴⁸

To the New York City Council

Pass legislation¹⁴⁹ that would:

- Protect New Yorkers against unlawful searches by requiring law enforcement officers to provide notice and obtain proof of consent to search individuals.
- Expand protections against discriminatory profiling.
- Require the NYPD to identify themselves to the public.
- Establish an independent inspector general office to oversee the NYPD.
- Improve police misconduct reporting practices.

To the New York State Legislature

Pass legislation that would decrease the opportunities for stop and frisk abuses, including:

- Prohibiting possession of a condom or other contraceptive device from being used in court as evidence of prostitution-related offenses.
- Standardizing penalties for private and public possession of 25 grams or less of marijuana, making them a violation punishable by a fine.

State and Local Implementation of Human Rights Standards

State and local governments and public agencies must ensure that their laws, policies, and practices do not violate international human rights standards.¹⁵⁰ These standards are articulated in human rights treaties and other international law.¹⁵¹ Accordingly, the NYPD, the New York City Council, and the New York State Legislature must each take

A policing strategy that relies on the widespread use of stops and frisks will inevitably run afoul of the law, the U.S. Constitution, and international human rights.



steps to ensure that the NYPD stop-and-frisk practices reflect the following human rights obligations:

- Protect all people from discrimination based on actual or perceived race, class, gender, gender identity and expression, sexuality, ethnicity, language, religion, political or other opinion, national or social origin, age, housing status, income, or disability.¹⁵²
- Ensure that all people are free from arbitrary arrest and detention, and from cruel, inhuman and degrading treatment or punishment.¹⁵³
- Ensure that all people enjoy equal protection of the law and the right to freedom of movement, association, expression, and privacy and the right to participate effectively in cultural, religious, social, economic and public life, and that the dignity of all people is respected.¹⁵⁴

NOTES

1. Center for Constitutional Rights (CCR), “First-quarter Stop-and-Frisk Data Sets Yet Another Shameful Record,” May 4, 2012, <http://ccrjustice.org/newsroom/press-releases/first-quarter-stop-and-frisk-data-sets-yet-another-shameful-record>. The NYPD reported a record 685,724 stops in 2011 and over 203,500 between January and March of 2012.
2. “2011 Stop and Frisk Statistics,” http://ccrjustice.org/files/CCR_Stop_Frisk_Factsheet-2011.pdf. CCR. In 2011, 84 percent of stops were of Blacks or Latinos, who, in 2010, made up about 23 percent and 29 percent of New York City’s population respectively. For more information see <http://ccrjustice.org/racial-disparity-nypd-stops-and-frisks>.
3. Ibid. In 2011, 88 percent of stops did not result in an arrest or a summons being given.
4. Ibid. In 2011, contraband was found in only 2 percent of stops.
5. CCR, “*Daniels, et al. v. the City of New York*,” <http://ccrjustice.org/ourcases/past-cases/daniels,-et-al.-v.-city-new-york>.
6. NYPD’s Street Crime Unit (SCU) was an elite commando unit of more than 300 police officers who patrolled the streets at night in unmarked cars and in plain clothes. In February 1999, a team of four SCU officers killed unarmed African immigrant Amadou Diallo by firing 41 bullets at him as he was standing in the vestibule of his Bronx apartment building.
7. CCR, “*Floyd et al v City of New York et al*,” <http://ccrjustice.org/ourcases/current-cases/floyd-et-al>.
8. Communities United for Police Reform (CPR), <http://changethenypd.org/>.
9. Between August 2011 and January 2012, CCR conducted 52 interviews in-person and two interviews over the telephone. Interviewees were identified by community-based and grassroots organizations, activists, and direct service providers. Some interviewees suggested other individuals for CCR to interview, creating a snowball interview sampling method. Additional interviewees were randomly selected. Interviewees were asked questions based on a standard 26-question questionnaire, which was at times adapted in length to accommodate shorter length interviews. Those interviewed represented a diverse group of individuals representative of a broad range of experiences of people stopped by the NYPD. Individuals were asked to provide their preferred gender pronoun and describe their race or ethnicity for the report, and those preferences have been reflected herein.
10. Francis Pakes, *Comparative Criminal Justice*, 2nd Ed., (Portland: Willan Publishing, 2010), 128. The United States incarcerates 756 per 100,000 people. The next highest rates are Russia and China, respectively. For a general discussion of the crisis of criminalization of people of color in the U.S. see Michelle Alexander’s *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, (New York: New Press, 2010).
11. *Terry v. Ohio*, 392 U.S. 1 (1968).
12. The UF-250 Stop, Question and Frisk Report Worksheet, PD344-151A.
13. Jeffrey Fagan, PhD, *Floyd v. City of New York*, 08 Civ. 1034 (SAS) (SDNY), October 2010, 118. A copy of the form that was in use from November 2002 to May 2011.
14. Ibid., The full text is available at http://ccrjustice.org/files/Expert_Report_JeffreyFagan.pdf. See also the May 16, 2012 class certification decision in *Floyd* at <http://ccrjustice.org/floyd>.
15. Ibid., 63-65.
16. CCR, “2011 Stop and Frisk Statistics,” http://ccrjustice.org/files/CCR_Stop_Frisk_Factsheet-2011.pdf. “In 2011, 88 percent of all stops did not result in an arrest or a summons being given.” See also Fagan report, *Floyd v. City of New York*, 66. The rate of arrests and summonses that resulted from stops and frisks from 2004 to 2009 was 11%.
17. CCR interview with Will E. (pseudonym), New York, New York, December 8, 2011.
18. CCR interview with Ricky S. (pseudonym), New York, New York, December 8, 2011.
19. CCR interview with Michael P. (pseudonym), New York, New York, January 24, 2012.
20. CCR interview with Juan L. (pseudonym), New York, New York, January 19, 2012.
21. CCR interview with April R. (pseudonym), New York, New York, December 8, 2011.
22. See for example: CCR interview with Keenan H. (pseudonym), New York, New York, December 7, 2011.
23. Ibid.
24. Ibid. Fagan, *Floyd v. City of New York*, 3-4, 66. “Force was 14 percent more likely to be used in stops of Blacks compared to White suspects, and 9.3 percent more likely for Hispanics.” See also CCR, “Racial Disparity in NYPD Stops and Frisks,” <http://ccrjustice.org/racial-disparity-nypd-stops-and-frisks>. See also CCR, “Stop-and-Frisk: Fagan Report Summary,” <http://ccrjustice.org/files/Fagan%20Report%20Summary%20Final.pdf>.

25. As used in this report, the term *transgender* describes a person whose gender identity or expression differs from societal expectations and/or from the sex they were assigned at birth.
26. CCR interview with Maria P. (pseudonym), New York, New York, December 8, 2011.
27. CCR interview with Carl W. (pseudonym), New York, New York, December 27, 2011.
28. CCR interview with Miles K. (pseudonym), New York, New York, December 29, 2011.
29. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
30. Ibid.
31. CCR interview with Maya S. (pseudonym), New York, New York, December 8, 2011.
32. CCR interview with Natasha A. (pseudonym), New York, New York, January 23, 2012.
33. CCR interview with Maribel S. (pseudonym), New York, New York, August 31, 2011.
34. CCR interview with Angel V. (pseudonym), New York, New York, November 18, 2011. “It got to the point where I have agreed to myself not to get any ethnic hairdos for a while, while I’m in that kind of neighborhood, because I have been harassed by the police while wearing hair like in dreadlocks or cornrows.”
35. CCR interview with Maria P. (pseudonym), New York, New York, December 8, 2011.
36. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
37. Ailsa Chang, WNYC, “Police Commissioner Calls on NYPD to Stop Improper Marijuana Arrests,” September 23, 2011, <http://www.wnyc.org/articles/wnyc-news/2011/sep/23/police-commissioner-calls-nypd-stop-improper-marijuana-arrests/>.
38. NYTimes.com, “Cuomo Seeks Cut in Frisk Arrests,” June 3, 2012. “From 2002 to 2011, New York City recorded 400,000 low-level marijuana arrests.... That represented more arrests than under Mr. Bloomberg’s three predecessors put together – a period of 24 years. Most of those arrested have been young black and Hispanic men, and most had no prior criminal convictions.”
39. Li-Tzy Wu, George E. Woody, Chongming Yang, Jeng-Jong Pan, Dan G. Blazer, *Racial/Ethnic Variations in Substance-Related Disorders Among Adolescents in the United States*, Archives of General Psychiatry, November 2011, doi:10.1001/archgenpsychiatry.2011.120.
40. More information on the immigration consequences of arrests and convictions is available through the Immigrant Defense Project, <http://immigrantdefenseproject.org/>.
41. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
42. CCR interview with Theresa C. (pseudonym), New York, New York, October 12, 2011.
43. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
44. CCR interview with Keith I. (pseudonym), New York, New York, November 16, 2011.
45. For a useful explanation see Columbia Law School’s Collateral Consequences Calculator, <http://calculator.law.columbia.edu/>.
46. CCR interview with Michael P. (pseudonym), New York, New York, January 24, 2012.
47. Ibid.
48. The term “undomiciled” is used here to describe someone unable to secure stable housing without special assistance. Individuals may identify as undomiciled due to the pejorative connotations associated with the term ‘homeless.’
49. CCR interview with Oscar C. (pseudonym), New York, New York, December 5, 2011.
50. CCR interview with Juan L. (pseudonym), New York, New York, January 19, 2012.
51. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
52. CCR interview with Paulene J. (pseudonym), New York, New York, January 5, 2012. Paulene told CCR that her hearing impaired grandson was tackled by NYPD and handcuffed when he had been riding a bike because he had been unable to hear them when they yelled at him to stop.
53. CCR interview with Patrick B. (pseudonym), New York, New York, January 31, 2012.
54. CCR interview with Brent C. (pseudonym), New York, New York, November 10, 2011.
55. Fagan report, *Floyd v. City of New York*, 4, 25-29, 32-47.
56. Ibid., 4, 63, 66.
57. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
58. CCR interview with Natasha A. (pseudonym), New York, New York, January 23, 2012.

59. CCR interview with Brent C. (pseudonym), New York, New York, November 10, 2011.
60. CCR interview with April R. (pseudonym), New York, New York, December 8, 2011.
61. CCR interview with Maribel S. (pseudonym), New York, New York, August 31, 2011.
62. CCR interview with April R. (pseudonym), New York, New York, December 8, 2011.
63. Amnesty International (AI), *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.*, September 2005, 17-19. "AI has heard reports of widespread profiling of transgender women as sex workers." Available at <http://www.amnesty.org/en/library/asset/AMR51/122/2005/en/2200113d-d4bd-11dd-8a23-d58a49c0d652/amr511222005en.pdf>. See also Joey Mogul, Andrea Ritchie, and Kay Whitlock, *Queer (In) Justice: The Criminalization of LGBT People in the United States*, (Boston: Beacon Press, 2011).
64. CCR interview with Maya S. (pseudonym), New York, New York, December 8, 2011.
65. CCR interview with April R. (pseudonym), New York, New York, December 8, 2011.
66. CCR interview with Maria P. (pseudonym), New York, New York, December 8, 2011.
67. CCR interview with Natasha A. (pseudonym), New York, New York, January 23, 2012.
68. CCR interview with Maribel S. (pseudonym), New York, New York, August 31, 2011.
69. CCR interview with Roland L. (pseudonym), New York, New York, January 31, 2012.
70. Amnesty International, *Stonewalled*, 3. "Transgender people, particularly low-income transgender people of color, experience some of the most egregious cases of police brutality reported to AI."
71. See for example: PROS Network and Leigh Tomppert, *Sex Workers Project*, "Public Health Crisis: The Impact of Using Condoms as Evidence of Prostitution in New York City," April 2012, 8. Available at <http://www.sexworkersproject.org/downloads/2012/20120417-public-health-crisis.pdf>. "According to the United States Centers for Disease Control and Prevention (CDC), consistent condom use is highly effective in preventing the transmission of HIV, the virus that causes AIDS, and reducing the risk of sexually transmitted diseases (STDs)."
72. New York City, Department of Health and Mental Hygiene, "A Report to the New York City Commission of Health," December 8, 2010, (redacted version), 6. A redacted version of this study is attached as Appendix E to PROS Network "Public Health Crisis," above.
73. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
74. UF-250 stop-and-frisk data from 2011, (unpublished).
75. CCR interview with Brianna E. (pseudonym), New York, New York, August 31, 2011.
76. CCR interview with Corey F. (pseudonym), New York, New York, December 8, 2011.
77. See ACLU Racial Justice Project, "School to Prison Pipeline," <http://www.aclu.org/racial-justice/school-prison-pipeline>.
78. CCR interview with Ben F. (pseudonym), New York, New York, January 18, 2012.
79. CCR interview with Corey F. (pseudonym), New York, New York, December 8, 2011.
80. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
81. CCR interview with Peter J. (pseudonym), New York, New York, November 16, 2011.
82. CCR interview with Carl W. (pseudonym), New York, New York, December 27, 2011.
83. CCR interview with Angel V. (pseudonym), New York, New York, November 18, 2011.
84. CCR interview with Kareem S. (pseudonym), New York, New York, January 24, 2012.
85. CCR interview with Maria P. (pseudonym), New York, New York, December 8, 2011.
86. CCR interview with Peter J. (pseudonym), New York, New York, November 16, 2011.
87. Matt Apuzzo and Adam Goldman, Associated Press, "With CIA Help, NYPD Moves Covertly in Muslim Areas," August 23, 2011, <http://www.ap.org/Content/AP-In-The-News/2011/With-CIA-help-NYPD-moves-covertly-in-Muslim-areas>.
88. CCR interview with Oscar C. (pseudonym), New York, New York, December 5, 2011.
89. Ibid.
90. CCR interview with Michael P. (pseudonym), New York, New York, January 24, 2012.
91. CCR interview with Oscar C. (pseudonym), New York, New York, December 5, 2011.
92. CCR interview with April R. (pseudonym), New York, New York, December 8, 2011.
93. CCR interview with Natasha A. (pseudonym), New York, New York, January 23, 2012.

94. CCR interview with Angel V. (pseudonym), New York, New York, November 18, 2011.
95. CCR interview with Manny W. (pseudonym), New York, New York, October 13, 2011.
96. CCR interview with Joey M. (pseudonym), New York, New York, September 30, 2011.
97. CCR interview with Kym P. (pseudonym), New York, New York, October 27, 2011.
98. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
99. CCR interview with Brian W. (pseudonym), New York, New York, November 16, 2011.
100. CCR interview with Thomas P. (pseudonym), New York, New York, January 18, 2012.
101. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
102. CCR interview with Joey M. (pseudonym), New York, New York, September 30, 2011.
103. CCR interview with Maria P. (pseudonym), New York, New York, December 8, 2011.
104. Ibid.
105. CCR interview with Natasha A. (pseudonym), New York, New York, January 23, 2012.
106. CCR interview with Brianna E. (pseudonym), New York, New York, August 31, 2011.
107. CCR interview with Manny W. (pseudonym), New York, New York, October 13, 2011.
108. CCR interview with Anthony T. (pseudonym), New York, New York, December 12, 2011.
109. CCR interview with Will E. (pseudonym), New York, New York, December 8, 2011.
110. CCR interview with Brian W. (pseudonym), New York, New York, November 16, 2011.
111. NYCHA is the New York City Housing Authority, which manages New York City's public housing.
112. Fagan report, *Floyd v. City of New York*, 10. See also the NAACP-LDF and Legal Aid Society challenge to this practice in *Davis v. City of New York*, 10 Civ. 669 (SAS) (SDNY). Bronx Defenders, the New York Civil Liberties Union (NYCLU), Latino Justice, and attorney Chris Fabricant filed a federal lawsuit in March 2011 challenging the "clean halls" program where landlords allow NYPD officers to enter into private apartment buildings and engage in stops of residents. NYCLU, "Class Action Lawsuit Challenges NYPD Patrols of Private Apartment Buildings," March 28, 2012. Available at <http://www.nyclu.org/news/class-action-lawsuit-challenges-nypd-patrols-of-private-apartment-buildings>.
113. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
114. CCR interview with Manny W. (pseudonym), New York, New York, October 13, 2011.
115. CCR interview with Samuel T. (pseudonym), New York, New York, December 27, 2011.
116. CCR interview with Jon T. (pseudonym), New York, New York, November 11, 2011.
117. CCR interview with Miles K. (pseudonym), New York, New York, December 29, 2011.
118. CCR interview with Duke S. (pseudonym), New York, New York, November 15, 2011.
119. CCR interview with Charles B. (pseudonym), New York, New York, December 27, 2011.
120. *Illinois v. Wardlow*, 528 U.S. 119 (2000). The Court rejects a *per se* rule that mere presence in a high-crime area creates reasonable suspicion.
121. Fagan report, *Floyd v. City of New York*, 53-4.
122. CCR interview with Joey M. (pseudonym), New York, New York, September 30, 2011.
123. CCR interview with Angel V. (pseudonym), New York, New York, November 18, 2011.
124. CCR interview with Angel V. (pseudonym), New York, New York, November 18, 2011. See also CCR interview with Carl W. (pseudonym). "I feel like the police are there to get me, not to protect me from being robbed. They're there to say that I'm about to rob somebody and try and arrest me for it, over and over again."
125. CCR interview with Roy F. (pseudonym), New York, New York, January 18, 2012.
126. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
127. CCR interview with Curtis J. (pseudonym), New York, New York, January 31, 2012.
128. CCR interview with Hector S. (pseudonym), New York, New York, November 16, 2011.
129. CCR interview with Curtis J. (pseudonym), New York, New York, January 31, 2012.
130. CCR interview with Carl W. (pseudonym), New York, New York, December 27, 2011.
131. CCR interview with Jon T. (pseudonym), New York, New York, November 11, 2011.
132. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.

133. CCR, “Amicus Brief in *Glik v. Cunniffe, et al.*,” <http://ccrjustice.org/ourcases/current-cases/glik>. CCR submitted an amicus brief in *Glik v. Cunniffe* before the First Circuit Court of Appeals on behalf of Berkeley Copwatch, Communities United against Police Brutality, Justice Committee, Milwaukee Police Accountability Coalition, Nodutdol for Korean Community Development, and Portland Copwatch. The brief argues that concerned individuals and Copwatch groups have a First Amendment right to record public police activity. In September 2011, the judge ruled for Glik in the case, saying his First Amendment rights had been violated.
134. CCR interview with Anthony T. (pseudonym), New York, New York, December 12, 2011.
135. Discrimination based on actual or perceived race, class, gender, gender identity and expression, sexuality, ethnicity, language, religion, political or other opinion, national origin, age, housing status, income, or disability is in violation of numerous human rights instruments and agreements including the Universal Declaration of Human Rights (UDHR), Article 2; the International Covenant on Civil and Political Rights (ICCPR), Articles 2 and 3; the International Convention on the Elimination of Racial Discrimination (CERD), Articles 2 and 5; and the American Declaration on the Rights and Duties of Man (American Declaration), Article 2.
136. CERD, Article 5.
137. UDHR, Article 9; ICCPR, Article 9.
138. UDHR, Article 5; Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Article 16; ICCPR, Article 7; United Nations General Assembly Resolution 34/169 of December 17, 1979; “Code of Conduct for Law Enforcement Agents,” Article 5, <http://www2.ohchr.org/english/law/codeofconduct.htm>.
139. UDHR, Article 12; ICCPR, Article 17.
140. UDHR, Article 13.
141. UDHR, Article 20; ICCPR, Article 22; American Declaration, Article 22.
142. UDHR, Article 19; ICCPR, Article 19.
143. UDHR, Article 7; ICCPR, Article 26.
144. UDHR, Articles 18 and 27; ICCPR, Articles 25 and 27; American Declaration, Articles 3 and 13.
145. UDHR, Article 23; ICCPR, Article 10; UN “Code of Conduct for Law Enforcement Agents,” Article 2.
146. CERD, Article 2; ICCPR, Article 24.
147. ICERD, Article 5. See also the International Covenant on Economic, Social and Cultural Rights (ICESCR) which, though unsigned by the United States, provides a useful and legally relevant outline of international standards for social and economic rights.
148. UN, “Code of Conduct for Law Enforcement Agents.”
149. For example, CCR supports the Community Safety Act, which would help to address these issues.
150. Harold Koh, Legal Advisor, United States Department of State, “Memorandum for State Governors,” January 20, 2010, <http://www.state.gov/documents/organization/137292.pdf>. “U.S. treaty obligations may apply to all levels of government throughout the territory of the United States.”
151. Applicable international legal obligations are expressed in numerous treaties, declarations, and resolutions including: the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of Racial Discrimination (CERD), the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the American Declaration on the Rights and Duties of Man (American Declaration).
152. UDHR, Article 2; ICCPR, Articles 2 and 3; CERD, Articles 2 and 5; American Declaration, Article 2.
153. UDHR, Articles 5 and 9; CAT, Article 16; ICCPR, Articles 7 and 9; UN, “Code of Conduct for Law Enforcement Agents,” Article 5.
154. UDHR, Articles 7, 12, 13, 18, 19, 20, 23, and 27; ICCPR, Articles 10, 17, 19, 22, 25, 26 and 27; ICERD, Article 5; American Declaration, Articles 3, 13, and 22; UN, “Code of Conduct for Law Enforcement Agents,” Article 2.

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