Are there alternatives to stop-and-frisk?

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NEW YORK — In a manila envelope on the table in front of Marlene Steele are hundreds of letters from businesses, churches and foundations politely rejecting her request for help to fund a gun buy-back program at a nearby public housing complex. “No one wants to help me,” she says. “Is it something I’m doing wrong?”

The question prompts tears and a quick exit to the bathroom. Resurfacing, Steele tells how, in two weeks, her son and only child would have turned 20. Last July, according to news reports, hours after leaving a barbecue at the Queensbridge Houses, her son, 19-year-old Mark Torres, died from a gunshot wound to the head.

She is now working to get guns off the street so that no other children should die.

Police say that getting gun violence is one of the main justifications for stop-and-frisk -- of the 500 homicides the city averages annually, 60 percent are committed with a firearm.

But critics of the stop-and-frisk say it illegally targets mostly black and Latino youth, an argument supported by the police department's own statistics: Of the nearly nearly 700,000 stops last year, 87 percent of those stopped by officers were black or Hispanic. And their opposition of the crime reduction strategy grows louder each day.

Yesterday, thousands of people marched silently down Fifth Avenue from Harlem to Mayor Michael Bloomberg's Upper East Side town house to call for an end to stop-and-frisk.

But what, exactly, could take its place? Gun buybacks like the one Steele is trying to raise money for are seen by some community residents as an alternative, though criminal justice experts say there is little evidence that they work to get illegal firearms off the street. Other alternatives include anti-gang initiatives and gun control programs that have proven successful in some big cities â€“ but for each of these, like gun buybacks, the obstacle is one of resources.

Bloomberg has said stop-and-frisk needs to be modified, not ended. Speakingat the Christian Cultural Center in Brooklyn yesterday, he said he understood why some people want the city to end the strategy.

"Innocent people who are stopped can be treated disrespectfully. That is not acceptable," he said. "If you've done nothing wrong, you deserve nothing but respect and courtesy from the police. Police Commissioner Kelly and I both believe we can do a better job in this area â€“ and he's instituted a number of reforms to do that."

In a letter to the City Council speaker last month, Kelly outlined a number of changes to the policing strategy, including requiring top-ranking officers in each precinct to audit reports of street stops by patrol officers.

A Search For Alternatives

Unimpressed by stop-and-frisk, however, Steele, who is the director of operations for Gifted Community Services, took the initiative late last year to pursue what she considered a more effective solution: gun buybacks. She was excited at first. But then the rejection letters started to pile up. Phone calls to local churches went unreturned.

At a standing room only forum of about 150 Harlem residents this May convened to debate the alternatives to stop-and-frisk, the loudest applause of the evening went to one passionate young man who wanted to know why gun buybacks â€“ with one-day takes rivaling those of a year of stop and frisk â€“ weren't "happening 24 hours a day, seven days a week, 365 days a year."

But experts say buyback events, or more accurately, amnesty programs for turning guns over to local police for a gift card, no questions asked, are ineffective.

"There isn't any evidence that [they] reduce street crime," says Jon Vernick, co-director of the Center for Gun Policy and Research at the Johns Hopkins Bloomberg School of Public Health.

Returned guns tend to be non-working or older weapons like revolvers, not the newer pistols used in street crime, participants tend not to be the young black and Latino males who're most affected by violence and, finally, they don't get that many guns off the street.

They are also extremely costly. It helps to explain why, at most, only up to four buybacks have been held each year in each borough since NYPD implemented the program in 2008. With a $184,000 price tag and a yield of 919 weapons, Queens' last buyback was three years ago.

Steele remains undeterred. For her, the buyback is a high-profile teaser to gather her target audience for a main course of community dialogue, on-site therapy and advising from formerly incarcerated men and women. "I want to show people how good life could be without a gun," she says.

At the Harlem forum in May, David Kennedy, director of the Center for Crime Prevention at John Jay College said an alternative might be “focused deterrence,” or, the opposite of what critics describe as stop-and-frisk’s dragnet approach.

Kennedy’s policing methods enlist community members to zero in on specific suspects in high crime neighborhoods—never more than a few people, he theorizes—and it has been proven successful in cities like Cincinnati, Boston and Chicago. New York City may be next.

This February, Gov. Andrew Cuomo announced an anti-gun initiative, which includes testing Kennedy’s approach for the first time in six sites around the state, three of which are in Brownsville, and parts of the Bronx and Manhattan.

A second promising option is the precariously funded Operation SNUG (“guns spelled backwards”) anti-gang and guns program.

Currently based in 10 sites throughout the state, including three in New York City, it replicates the successful Chicago model featured in the documentary “The Interrupters,’ and employs ex-convicts to work the scenes of violence and dissuade escalations.

“SNUG gets to the root of the problem, the person’s motivation for wanting to shoot in the first place,” says state senator Malcolm Smith, a Democrat from Queens.

He also sees another advantage to the program. “Unlike stops, which can leave anger, the SNUG approach to gun violence requires that communities join forces with the police department,” he says.

A Modified Stop-and-Frisk

Some critics says that ending stop-and-frisk altogether is not only a bad idea but impossible.

“Police officers need stop-and-frisk,” says retired NYPD Detective Carlton “Chucky” Berkeley, who regularly counsels youth and adults on how to have safe encounters with police officers. “When you stop someone, you don’t know what they’re carrying. If they have a bulge, for the safety of the officer, you have to frisk.”

In 1968, the U.S. Supreme Court agreed. Officer safety â€“ not seizing weapons â€“ was the often cited rationale behind the court's landmark Terry v. Ohio decision, which lowered the standard for performing a street stop from probable cause to reasonable suspicion.

The case gave officers legal leeway to briefly detain anyone reasonably suspected of having committed, being in the process of or about to commit a crime â€“ and pat them down if they also reasonably suspected the person carried a weapon.

New York state’s stop-and-frisk law predated the Terry decision by about four years and, from the beginning, it was controversial.

In one of many government-commissioned reports examining the roots of social unrest, civil rights activist and Harlemite Bayard Rustin describes the tactic as a permit to harass “the poor and minorities like Negroes and Puerto Ricans.” Retired NYPD Detective Ray Figueroa says, in practice “we didn’t stop-and-frisk without first having a lot of probable cause. And I mean, a lot â€“ like actually seeing the weapon.”

Other than anecdotal evidence, between 1964 and 1997, it is impossible to know how often the practice occurred, the rationale behind those stops or whether, as Rustin claimed, it was tailored to target minorities. It took the shooting death of unarmed 23-year-old immigrant, Amadou Diallo by four police officers in 1999 and the ensuing citywide outcry to launch the first state and federal investigations into stop-and-frisk. That year also saw the first public release of the NYPD’s stop-and-frisk data, which had been collected since at least 1986.

But even by 2002, the year that mandatory reporting of stop data to the city council took effect, the policy had not been deployed to the extent that it is today. Stops have increased 600 percent, after the crime rate had already fallen to historic lows.

Criminologists, retired police officers and recent whistleblowers like officers Adrian Schoolcraft and
Adil Polanco
allege the exponential uptick in stops can be traced to COMPSTAT, the computerized system that police have used to track and target crime.

Beginning in 1994, critics charge that the NYPD's widely-replicated crime metrics system fostered a department-wide reliance on quotas to measure performance.

"Officers are being ordered to do things that many find ethically dubious," says John Jay criminologist Eugene O'Donnell, also a former police officer and prosecutor. "If I frisk you for no good reason, then I'm filling out paperwork that may not be accurate, I have to go to court and swear to things that are not accurate."

Whether the NYPD boosted stops to meet set performance targets is central to the upcoming federal trial, Floyd v. City of New York . Amid growing public scrutiny, Mayor Bloomberg conceded at a Brownsville church last Sunday that stop-and-frisk encounters should emphasize professionalism. But critics want reforms to go further.

"Every school and corporation in America goes through an accreditation process, but we don't require that of our police departments," says John Eterno, a former NYPD captain and stop-and-frisk trainer, who is now chair of criminal justice at Molloy College. "It's time to question why not, and demand that oversight of the NYPD and transparency be a part of stop-and-frisk reform."

They mayor and police have argued that there is sufficient oversight of the NYPD.

John Jay criminologist Eugene O'Donnell, also a former police officer and prosecutor, laments the way that the city has abandoned social policies other than criminal justice since the Giuliani era, and maintains that stop-and-frisk abuses are rising, in part, because "the police have been pressed into action to cover a gaping hole in our gun policy."

“It is unethical,” he says, “to promise that we can pave the way to a great city with police, jails and courts. You cannot rely on the criminal justice system to make everything better.”

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