Stop-and-frisk lawsuit gets class status

by Cristian Salazar and Carla Murphy
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A federal judge granted class-action status to a lawsuit alleging the New York Police Department unlawfully targeted blacks and Hispanics with its stop-and-frisk crime reduction program.

U.S. District Judge Shira A. Scheindlin wrote in the decision filed today that the city had demonstrated “a deeply troubling apathy towards New Yorkers’ most fundamental constitutional rights.”

The city’s Law Department said it disagreed with the judge’s decision and was reviewing its legal options.

Police released data Friday showing an increase in the number of stops on city streets between January and March of this year. The data showed there were 203,500 street stops, compared to183,326 in 2011.

Scheindlin wrote that over 2.8 million stops were made between 2004 and 2009.

At a forum held to discuss alternatives to stop-and-frisk moderated by Manhattan Borough President Scott Stringer in Harlem later in the evening, the ethnically mixed crowd broke into applause when news of the judge’s decision was announced.

The group of about 150 people had gathered at a Touro College lecture hall to listen to a panel of experts. Many were activists, some wearing “STOP STOP-AND-FRISK” buttons.

Myrtho Gardiner, a member of the Association for Black Social Workers, said he was glad to hear about the judge’s decision.

“My concern is that the courts take too long,” said the 31-year-old, who claimed he had been

stopped and frisked by police in Harlem. “The practice needs to end now.”

Sharita Pair, 21 and Samantha Waddell, 18, both with YouthBuild USA, didn’t want to see stop-and-frisk end completely.

“I see guys just walking around with guns,” Pair said. “But it should be cut down.”

Police Commissioner Raymond Kelly has strongly defended the practice and, during a City Council hearing last month, pugnaciously argued that the policy had successfully reduced violence among young men of color.

The lawsuit that was granted class-action status earlier today was filed by four black men who allege their Fourth and Fourteenth Amendment rights were violated. They also claim they represent a disproportionate number of blacks and Latinos stopped by officers under the NYPD's strategy. In addition, they have called for an injunction against the policy, the court papers said.

Scheindlin wrote that, if the NYPD is "engaging in a widespread practice of unlawful stops," then an injunction would be a "vindication of the Constitution and an exercise of the courts' most important function: protecting individual rights in the face of the government's malfeasance."

Richard Aborn, executive director of the Citizens Crime Commission of New York City, said the case demonstrates the need for independent and transparent oversight of the NYPD. "It is the only large department in the United States without independent oversight," he said.

The NYPD's stop-and-frisk policy was previously litigated in a case resolved in 2003, with the city agreeing in a settlement to procedures aimed at reducing racial disparities in the numbers of people stopped by officers. The police department adopted a racial profiling policy, revamped how it documents stops and made other changes.

The current lawsuit was brought in 2008 after the settlement expired, according to the court papers.