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Bar Association, Prestigious Academics & NY Times Join NYCLU Lawsuit Against NYPD

January 10, 2008 -- *The New York Times*, the New York City Bar Association and a group of 21 academics from across the country plan to file briefs in support of the New York Civil Liberties Union's lawsuit challenging the NYPD's refusal to disclose an electronic database detailing police stops of hundreds of thousands of New Yorkers, most of whom were black and Latino.

Each has filed a motion asking the court for permission to submit amicus briefs supporting the NYCLU's argument that the stop-and-frisk database is subject to disclosure under the state Freedom of Information Law (FOIL). The NYCLU requested the information to allow for an independent analysis of the department's stop-and-frisk practices, which have been the subject of enormous controversy since the 1999 shooting death of Amadou Diallo. The controversy was rekindled last February when the department, under pressure from the NYCLU, released printed reports revealing that the vast majority of people stopped by police in New York City are people of color.

"We appreciate the support of the journalism, legal and academic communities in our effort to force the NYPD to release the stop-and-frisk database to the public in an electronic format that allows for meaningful analysis," said Donna Lieberman, executive director of the NYCLU. "New Yorkers have a right to know if police are stopping people on racially biased grounds. Independent analysis will lead to fairer, more effective police practices."

In July 2007, the NYCLU served the NYPD with a formal legal request to produce the electronic database under FOIL. The department rejected the request at the end of August and denied the NYCLU's administrative appeal on Oct. 15. The NYCLU filed its lawsuit on Nov. 13.

According to the printed reports released in February, in 2006 the NYPD completed stop-and-frisk maneuvers on 508,540 individuals. Of that number, 458,104 people – about 90 percent of all people stopped – were engaged in no unlawful activity whatsoever, as they were neither given a summons nor arrested. Nearly 86 percent of all persons stopped were black or Hispanic.

Statistics recently made available appear to show the same trend in 2007. For the seven quarters data is available -- between January 1, 2006 and September 30, 2007 -- police officers reported 867,617 stops. Though blacks represent far less of the New York City population than do whites, police stopped 453,042 blacks as compared to only 94,530 whites during the period.

The NYPD shared the electronic database with the Rand Corporation, which the Police Foundation hired to study the NYPD's stop-and-frisk activity. The Rand study, released Nov. 20, does nothing to ease concerns about possible racial profiling of New Yorkers, and amplifies the need for an independent analysis of police tactics.

The bar association's proposed brief, written by Peter T. Barbur, the chair of the bar association's Committee on Civil Rights, acknowledges that the Rand study raises many concerns that cannot be addressed without access to the electronic data. It argues that the NYPD's stop-and-frisk practices require transparency and clarity because they directly impact the civil rights of New Yorkers. The bar association's brief, which was also co-authored by Duane L. Loft, was filed by the law firm of Cravath, Swaine & Moore LLP.

The group of 21 academics includes distinguished sociologists, economists, criminologists, statisticians and legal scholars representing a wide range of schools, such as Harvard University, Columbia University, New York University and the University of Nebraska at Omaha.

The academics' proposed brief, written by Andrew G. Celli and Elora Mukherjee of the law firm of Emery Celli Brinkerhoff & Abady LLP, focuses on the value the electronic database has to the research community. Celli was the head of the attorney general's Civil Rights Bureau (under Eliot Spitzer) when it issued the last major study of the NYPD's stop-and-frisk practices in 1999.

"The ability of trained social science professionals to access and work with datasets of this sort is essential to the creation of knowledge in the fields of policing and social science generally, and the development of new, more effective and fairer techniques for combating crime," the brief states.

In its proposed brief, *The New York Times* argues that the NYPD cannot share the database with the Rand Corporation but withhold it from the public.

"Press organizations serve the citizens of New York by functioning as a watchdog on government, and they cannot play that constitutionally protected role when vital information about the functions of government is kept secret," the newspaper says in its brief, written by David E. McCraw.

The documents are available below as PDFs.

- [The NYCLU's lawsuit](#)
- [The bar association's brief](#)
- [The academics' brief](#)
- [The New York Times' brief](#)

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