

NYPD to track race of people they stop

New law aims to reduce disparities in policing

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NEW YORK – New York City this week mandated that police officers track the race of people they stop for questioning, a move that could help curtail racial disparities in policing and spark similar changes for departments nationwide.

In a rare step, the City Council prevailed over the mayor's objection to pass the How Many Stops Act, a measure that requires officers to report the details of low-level investigative encounters between police and the public. New Yorkers will soon have a clearer picture of what police do in their daily work.

Existing data on racial profiling doesn't capture the disparities in police stops, according to the law's backers.

"Black and Latino New Yorkers continue to be disproportionately subjected to unconstitutional stops that are underreported," Council Speaker Adrienne Adams, the first Black person to lead the body, said Tuesday. "Civilian complaints of misconduct are at their highest levels in a decade. These stops can no longer happen in the shadows."

The law goes into effect immediately. Police are mandated to release the first numbers in the fall.

Experts and advocates said the data could expose and help diminish racial disparities.

"Data is really the only way that you can even start a conversation about reforms in so many situations," said Lauren Bonds, executive director of the National Police Accountability Project. "So making sure that there's a mechanism for that data to be available is just kind of a prerequisite for any meaningful reform."

Research from Philadelphia indicates that when police departments are required to collect more information about stops, racial disparities decrease, she said.

"If the data shows patterns, correct them," said David Rudovsky, a civil



The New York Police Department will now have to report racial data on low-level stops. PETER GERBER/AFP VIA GETTY IMAGES FILE

rights lawyer and senior fellow at the University of Pennsylvania School of Law.

What does the new law do?

Previously, New York City officers had to log stops only if they had probable cause to make an arrest or reasonable suspicion that a person had committed or would commit a crime.

The new law applies to investigative stops when officers ask a person about a known crime or a criminal activity they believe is taking place. Officers must now document whom they stopped and why, as well as the outcome of the stop.

Policing experts said that while many of the country's more than 18,000 law enforcement agencies collect data on certain kinds of stops, these lower-level stops are not always tracked. Advocates believe they inequitably target people of color, but until now, the evidence has been anecdotal.

These lower-level stops are "where you see tremendous disparity, tremendous bias interjected that a lot of times does not get accounted for," said Chris Burbank, a law enforcement strategy consultant for the Center for Policing Equity.

"There's no documentation whatsoever," he said. "So historically, these have been widely abused."

The Vera Institute tracks how city and county police departments release data. Of the 94 jurisdictions in Vera's index, 54 collect no data at all about the people they stop. Departments that do collect information tend to have very little to show, reflecting the lack of transparency in police data nationally, said Daniela Gilbert, director of Vera's Redefining Public Safety Initiative.

"The legislation improves police transparency, which is important for public safety because of trust-building, and also, it'll help identify appropriate use of police resources," Gilbert said.

These types of investigative stops are not particularly fruitful in terms of crime-solving, said Delores Jones-Brown, professor emerita at John Jay College of Criminal Justice.

Predictive stops – when officers try to discern which residents committed or are likely to commit a crime – overwhelmingly fail to accurately find criminal suspects, she said. The real impact of these stops is that they often hinder people, often Black and Latino youth, from going about their daily lives. Evidence suggests that witnessing these

stops also makes it difficult for people to trust the police.

New York City's new law, she said, "may be the beginning of forcing the department to be more creative and more imaginative (about) how it will engage with members of the community who need police protection most but don't want to be subjected to burdensome policing."

Tracking could hinder police work, critics say

Critics of the new law raised concerns about its impact on police work. Mayor Eric Adams, a former New York City police sergeant, said in a statement that under the new law, "police officers are forced to fill out additional paperwork rather than focus on helping New Yorkers and strengthening community bonds."

The new law does not include tracking casual conversations between police officers and members of the public. However, Jillian Snider, a lecturer at John Jay College of Criminal Justice and former NYPD officer, said police may be less likely to engage in general conversation with people if they have to document other conversations, which could hurt the investigatory process.

Another concern: The data might be inaccurate. The USA TODAY Network found that in 57 cities and towns, police marked the majority of men with Hispanic surnames as white on traffic tickets.

Snider said accurate data collection is not simple or straightforward. "I assume most people are not going to be forthcoming with that information, so you're going to have a lot of cops doing a lot of guessing on what people's demographics and ethnicity are," she said.

In response, advocates of the new law say gathering demographic information should not be cumbersome. The data collection will likely be done with a mobile device and will involve answering about five or six questions in a few seconds, said New York City Public Advocate Jumaane Williams, who introduced the law.

Nonetheless, Snider thinks the vote on Tuesday could be a harbinger.