

**NEW** Plus insightful analysis and commentary.

**HULBERT ON MARKETS**  
MarketWatch  
WHAT'S WORKING NOW  
FREE 4-WEEK TRIAL ▶



**THE WALL STREET JOURNAL.**  
WSJ.com

MAY 20, 2010, 8:35 AM ET

## Challenges to Stop-and-Frisk Date Back to 1999 Diallo Shooting



Flickr user rollingrck

As [The Journal's Joel Stonington reports](#), The New York Civil Liberties Union [filed a class action lawsuit](#) against the NYPD on Wednesday, claiming that the department's database of people it has stopped and frisked, but cleared of criminal charges, violates constitutional privacy protections and New York state law.

The lawsuit is the latest legal challenge to parts of the NYPD's stop and frisk policy, which first came under intense scrutiny in 1999, in the aftermath of [the police shooting of Amadou Diallo](#), an unarmed Guinean immigrant, outside of his apartment in the Bronx.

Not long after the Diallo shooting, the [Center for Constitutional Rights](#) sued the NYPD and the city, saying that police were [racially profiling citizens](#) who were stopped and frisked without reasonable suspicion.

The city [settled with the CCR in 2003](#), in a deal that required, among other things, that the police keep a binding, written anti-racial profiling policy that complies with state and federal law.

Two years ago, the CCR filed [another lawsuit](#) claiming that the police department has engaged in racial profiling and unconstitutional police check activities. That suit [is still pending](#).

The NYPD's random police check policy has been in effect for years, and in 2006 the department spent \$12 million to create a centralized database of everyone it had stopped and frisked. The goal: to prevent future crimes by searching prior records during investigations.

Ray Kelly, the city's police commissioner, has said the database has been "invaluable" in solving crimes.

Donna Lieberman, the executive director of the NYCLU said the database was comprised "overwhelmingly of black and brown New Yorkers."

[As The Journal recently reported](#), of the close to 150,000 people stopped and frisked by police from January through March of this year, 9% were white, 33% were Hispanic and 52% percent were black.

The NYPD has said the numerical and racial breakdown of stops is proportionate to the demographics of criminal suspects.

Critics dispute that notion and [question the effectiveness](#) of the department's stop and frisk policies in general. The NYCLU has said that only 12.7% of stops this year resulted in arrests or summonses.

Although the City Council mandated in 2001 that the NYPD provide quarterly reports on stop and frisk data, the NYCLU sued the police in 2007 to obtain access to the entire database. A year later, a judge ruled in the NYCLU's favor and the police department has since released the raw data going back roughly a decade.

Since 2004, the police have stopped nearly 3 million people and arrested or issued summonses to 360,000.

Copyright 2008 Dow Jones & Company, Inc. All Rights Reserved

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our [Subscriber Agreement](#) and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit [www.djreprints.com](http://www.djreprints.com)