Shattered:

The Continuing, Damaging, and Disparate Legacy of Broken Windows Policing in New York City

NYCLU
NEW YORK CIVIL LIBERTIES UNION

Table of Contents

ABOUT THE NYCLU

The New York Civil Liberties Union (NYCLU) is one of the nation's foremost defenders of civil liberties and civil rights. Founded in 1951 as the New York affiliate of the American Civil Liberties Union, the NYCLU is a not-for-profit, nonpartisan organization with eight chapters and regional offices and more than 180,000 members across the state. The NYCLU's mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, including freedom of speech and religion, and the right to privacy, equality and due process of law for all New Yorkers. For more information, please visit www.nyclu.org.

Executive Summary

To better understand the impacts of aggressive policing on New Yorkers, in 2016 the New York Civil Liberties Union surveyed nearly 1,500 people in neighborhoods with historically high and low numbers of official stop-and-frisk reports. We refer to these neighborhoods as **heavily policed** communities and **lightly policed** communities.

What we uncovered should trouble anyone who thinks the days of stop-and-frisk abuses are behind us. The NYPD's adherence to the Broken Windows theory of crime continues to cause innocent black and brown New Yorkers to feel targeted and harassed while they go about their daily lives. And the disparate levels of enforcement across neighborhoods means that New Yorkers' experience of policing depends largely on their zip code.

Our groundbreaking survey revealed:

- More than two-thirds (67 percent) of respondents in heavily policed communities feared having a friend or family member killed by police (15 percent of respondents in lightly policed communities felt the same way).

- 85 percent of survey respondents in heavily policed communities said they actively changed things about their behavior, relationships, use of space, or schedule to avoid police surveillance.

- More than a third (41 percent) of respondents in heavily policed communities reported enduring extreme physical force from police, compared to just four percent in lightly policed communities.

- Almost half (48 percent) of respondents in heavily policed communities said the police wrongly accused them of committing a crime.

- Nearly one in five respondents in heavily policed communities (16 percent) reported at least one incident of sexual harassment by police (versus five percent for those in lightly policed neighborhoods).

- Nearly half (46 percent) of respondents in heavily policed neighborhoods reported that calling police for help would actually make a situation worse, where only 16 percent of those in lightly policed areas held that view.

- 44 percent of respondents in heavily policed communities and nearly a quarter (24 percent) living in lightly policed communities actually wanted fewer police in their neighborhood.

NYPD officers behave in radically different ways depending on what zip code they are working. In the face of these findings of inequity, fear, and abuse, the City must enact major reforms. The City must end Broken Windows policing, stop hiding police misconduct, require police to tell people their rights, and stop concealing high-power surveillance technologies from the public.

New Yorkers told us the way to move forward. The NYPD must listen.

New Yorkers told us the way to move forward.

THE NYPD MUST LISTEN.

The Two Faces of the NYPD

In 2013, New Yorkers were focused on ending the discriminatory NYPD practice known as stop-and-frisk. New York City Mayor Bill de Blasio swept into office promising to end abusive police practices and New York's "Tale of Two Cities." He pledged to create a New York where people of different backgrounds across all neighborhoods could thrive equally.

As part of his vision, de Blasio emphasized that he would be "the only candidate to end a stop-and-frisk era that targets minorities."[i] Stop-and-frisk, a police practice of stopping and questioning people in public and subjecting them to searches of their bodies in sometimes invasive ways, and often without cause, had become widespread under the Bloomberg administration and had become the subject of public anger.

Fast forward three years into de Blasio's first term. The mayor reported dramatic decreases in reported stop-and-frisks, without a resultant uptick in crime. In fact, the reported use of stop-and-frisk plummeted in Mayor Bloomberg's last year in office, even though it was a pillar of his public safety strategy. While unreported stops are still a problem, the decrease in *reported* stops indicated that this activity was deprioritized by the department. Since then, de Blasio has been able to push the numbers even lower, while reported crimes also continue to decrease.

Accordingly, the practice has lost some of its most outspoken defenders. In a police officer training video used last year, Police Commissioner James O'Neill called stop-and-frisk "a tool that was overused, and sometimes misused. And that led to widespread resentment and distrust of our department, especially in communities of color."[ii] Even the *New York Daily News*, which had editorialized that a 2013 court ruling limiting stop-and-frisk would "push the city back toward the ravages of lawlessness and bloodshed," had come to admit that "our fears were baseless," and "we were wrong."[iii]

Since the stop-and-frisk era, the most visible display of unequal and abusive policing has receded in many people's minds. Yet people of color in New York City, particularly in and around public housing, continue to experience disproportionate police contact, abuse, harassment, and discrimination. Indeed, people of color are more likely to be stopped by the police wherever they go in the city. The Broken Windows ethos that gave rise to excessive stop-and-frisk remains the backbone of the current Mayor and Police Commissioner's public safety philosophy. Broken Windows theory is still a tool for the NYPD to occupy communities, regularly intruding and complicating the daily lives of people of color in New York City.

When it comes to the way New Yorkers are policed, **THE TALE OF TWO CITIES LIVES ON.**

The theory of Broken Windows policing posits that if minor crimes are allowed to happen in a neighborhood without recourse, and signs of neglect like literal broken windows are visible, then it will lead to more disorder and eventually to serious crime. In practice in New York, the theory has been used as cover for discriminatory policing and harassment of communities of color. The result is the impression that NYPD officers are an occupying force in targeted neighborhoods, where every move is scrutinized and small infractions can have life-altering consequences.

When it comes to the way New Yorkers are policed, the tale of two cities lives on.

People of color report being surveilled, harassed, abused, and punished by police all over New York City. This is felt most intensely in particular neighborhoods, most of which are home to disproportionate numbers of black New Yorkers. The NYCLU and our partners hear consistently that stop-and-frisks are still happening, even if unreported. But police harassment of other kinds, and the impact of living in an occupied neighborhood, is either ignored or poorly understood by most of the rest of the city, including the mayor.

In 2016, to get a clearer idea of how aggressive policing impacts people in this "post" stop-and-frisk era, the NYCLU conducted an extensive surveying campaign of nearly 1,500 New Yorkers in neighborhoods with historically high and low numbers of official stop-and-frisk reports. We refer to these neighborhoods as heavily policed communities and lightly policed communities.

What we uncovered should trouble anyone who thinks the days of stop-and-frisk abuses are behind us. The NYPD's adherence to the Broken Windows theory of crime continues to cause innocent black and brown New Yorkers to feel targeted and harassed while they go about their daily lives. And the disparate levels of enforcement across neighborhoods means that New Yorkers' experience of policing depends heavily on their zip code.

Taken together, the survey's findings reveal two faces of the NYPD; the one in mostly white neighborhoods that doesn't intrude on people living their lives; and the one in neighborhoods with mostly people of color, that constantly watches and harasses the community.

Most New Yorkers living in heavily policed communities who took our survey said they felt targeted by police. A majority believed they were targeted because of their race, and even more believed they were singled out because of the community they live in.

Our survey takers in communities targeted by the NYPD endured more than twice as much police initiated contact, had six-times more physical contact with police, and reported seeing police surveillance tools twice as often in their daily lives. Nearly half (46 percent) of survey respondents in heavily policed neighborhoods reported that calling police for help would actually make a situation worse, where only 16 percent of those in lightly policed areas held that view. And respondents in heavily policed neighborhoods were less likely to go out in public and more likely to take measures specifically to avoid police, such a changing their route home.

It is indisputable that New York has come a long way in terms of public safety—it is one of the safest cities in the world. So heavy police presence feels disconnected from any additional gain in terms of safety from serious crime. In 2016 the average number of major crimes[iv] was 19 per 1,000 residents for the five precincts[v] that encompass the heavily policed neighborhoods in our survey. In comparison, the average number for the 10 precincts[vi] that encompass the lightly policed neighborhoods was 15 per 1,000. In 2016, murder and rape were the most infrequent crimes in New York City, comprising only five percent of the major crimes in both the heavily and lightly policed communities.

The crime rates in both the heavily and lightly policed communities are comparable. But the difference in the amounts of abuse, harassment, surveillance, and criminalization reported in the two communities is stark.

Neighborhoods across New York have enjoyed the same plummeting rate of serious crime, but not all have seen a reduction in police presence.

In 2017 the NYPD launched a "neighborhood policing"[vii] program meant to increase trust and communication between residents of heavily policed communities and their local precinct. Under the initiative, the same officers work in the same neighborhoods on the same shifts, "increasing their familiarity with local residents and local problems," according to the NYPD, and some officers are rewarded for engaging in non-enforcement interactions in the community. While the intentions might be good, true neighborhood safety and dignity is not compatible with adherence to the Broken Windows philosophy. As long as police aggressively target minor offenses in only certain neighborhoods, the investment in neighborhood policing tactics is just window dressing.

Further, according to our survey, for people living in heavily policed communities, knowing a police officer by name, or having an officer know you by name or by sight, is more likely to create a sense of unease than of comfort.

No one should have to exchange their freedom for safety — no matter where they live, work, or go to school. True public safety requires a community empowered with the resources and self-determination to thrive, not a neighborhood burdened by constant police control and suspicion.

To end the Tale of Two Cities, the mayor, elected officials, and police officials will need to confront the two faces of the NYPD.

To end the Tale of Two Cities, the mayor, elected officials, and police officials will need to confront the two faces of the NYPD.

Navigating Neighborhood Networks:

A GROUND-BREAKING NYCLU SURVEY ON BEING POLICED

To hear directly from New Yorkers about how they experience policing in their everyday lives, we spent six weeks designing an innovative survey in consultation with people in impacted communities, academics, police officers, and community activists. This wide consultation ensured our survey questions were understandable, meaningful, and would elicit information across a broad range of perspectives. We used innovative surveying techniques including Respondent-Driven Sampling to reach deep into neighborhood networks, surveying populations that are traditionally hard to study, including homeless people and teenagers.

The survey was conducted by the NYCLU and researchers from the Public Science Project at the City University of New York between October 2016 and May 2017. Survey takers were New Yorkers between the ages of 14 and 40, the group most likely to be stopped by police.[viii] We identified the heavily impacted locations for our survey –Brownsville, East Harlem, and the South Bronx – by choosing neighborhoods with historically high rates of reported stop-and-frisks and criminal court summonses.[ix] For our comparison group, we identified neighborhoods from those same boroughs that have historically low rates of stop-and-frisk: Williamsburg, Park Slope, the Upper East and Upper West Sides, Greenwich Village, SoHo, the East Village, Riverdale and Spuyten Duyvil. We included more neighborhoods in lightly policed communities because of anticipated lower response rates.

The survey contained questions aimed at discovering how people living in a heavily policed community and a lightly policed community experience policing, the impact of policing on their day-to-day lives, and how policing might be improved. A full set of graphics showing the results of the survey is available at nyclu.org/shattered.

For the heavily impacted neighborhoods, we sought to create a survey experience that was also a service to the neighborhood. We administered the survey in person, in public places including libraries and community centers, and had lawyers and social workers on hand to offer advice to anyone who asked (not just survey takers). For the lightly policed communities, respondents took the survey online. We used sampling techniques to try to capture many of the same demographic characteristics in both heavily and lightly policed communities.[x]

WHAT MAKES OUR SURVEY SPECIAL

We designed our survey in consultation with impacted community members, including members of the NYCLU's Teen Activist Project, current and former police officers, policy experts from across the political spectrum, members of the Justice Committee and Communities United for Police Reform and community volunteers in Chelsea, Brownsville, and East Harlem, among others.[xi] We wanted our questions to be relevant, understandable, and meaningful, and we wanted offer people useful information about their rights in police encounters.

We made sure our survey was easily navigated using iPads, smartphones, or computers[xii], available in Spanish, and included visual components. We included informative icons designed by an illustrator to ensure that people would understand the different policing technologies and interactions we were describing.

In each location we kept our process and location the same for a minimum of five weekdays from 10am-7pm. In Brownsville, we offered the survey at the Brooklyn Public Library – Stone Avenue Branch from October 24-28, 2016; in the South Bronx, we offered the survey at the Morrisania Air Rights Houses in a residents' community room from November 1-4 and 7, 2016; and in East Harlem, we offered the survey in the meeting room of Community Board 11 from January 30-Febuary 3, 2017. Respondents took the survey on a NYCLU-provided iPad using a private WiFi network we set up. We could accommodate 10 survey takers at a time, in approximately 45-minute increments. Respondents could receive assistance to interpret or understand questions or the mechanics of the iPad from our staff and volunteers if needed.

The survey collected information from hundreds of questions that addressed the full depth and breadth of experiences with and attitudes towards policing in New York City. It is likely the **most comprehensive study of police interactions during the de Blasio era** in terms of the amount of information collected.

Reaching People Where They Live

We used a sampling method called Respondent-Driven Sampling in order to get a reliable sample in each heavily policed neighborhood, which were roughly one square mile each. We used Respondent-Driven Sampling in the heavily impacted neighborhoods because it is an effective strategy for collecting data from hard-to-reach-populations.[xiii]

First, we recruited roughly ten residents in each neighborhood who were given $30 each to complete our survey. When finished, they were given three unique ID tickets to distribute to people they knew who qualified for our study. The original residents were paid an additional $10 for each person they referred who completed the survey. Once the new participants completed the survey, they also received $30 and three referral tickets. This cycle continued for the entire duration of our neighborhood stay and advanced as many as seven waves from the original group of ten people.

In all, we collected and analyzed information from 1,490 New Yorkers.[xiv]

The Tale is Told:

IMPACTS OF HEAVY POLICING

Five years into Mayor de Blasio's tenure, despite the reduction of stop-and-frisk and the appointment of a new police commissioner, New Yorkers across heavily policed communities reported to the NYCLU that they are still surveilled, harassed, and disrespected by police. Far from feeling that neighborhood officers are invested in their well-being, these New Yorkers reported that daily activities are treated as crimes or suspicious behavior. They also told us that most of what they want in their neighborhoods, including high quality schools and help getting jobs, has nothing to do with putting more police in the streets, despite the NYPD's common refrain that people want more cops in their communities.

Fear, Distrust, and Changing Your Behavior to Avoid Police

Pervasive, ubiquitous policing takes a heavy toll on people. They are less likely to trust police or to call them when they need help. They are less likely to be comforted by an officer's presence and they often take steps to avoid police as much as possible. And though we discovered that people in both types of communities like to do the same things in their free time, police are much more likely to interfere with people's leisure activities in heavily policed communities.

The NYPD maintains that it only floods neighborhoods with police to drive down crime. The department says people want this type of policing where they live because it makes them feel safer. But our survey reveals the opposite is often true.

In fact, 71 percent of the respondents living in heavily policed communities told us that there was at least one time when they felt unsafe because of the presence of police during 2016. Even 46 percent of the New Yorkers we spoke to in lightly policed communities said the same thing. Respondents in heavily policed communities were more likely to feel unprotected (35 percent versus 29 percent) and not helped by the police (37 percent versus 12 percent). They were more likely to say that police create problems (50 percent versus 12 percent) and make things worse (47 percent versus 11 percent). They also more frequently said police are bad at solving crimes (43 percent versus 11 percent) and that police have a negative impact on their lives (44 percent versus six percent).

**PERSONAL PERSPECTIVES:
A police invasion,
Darren, Bushwick**
I have four older brothers and all of them have been in the criminal justice system. I served 20 years. When I was growing up in Bushwick it was hyper-policed. The police were like an outside entity invading my community.
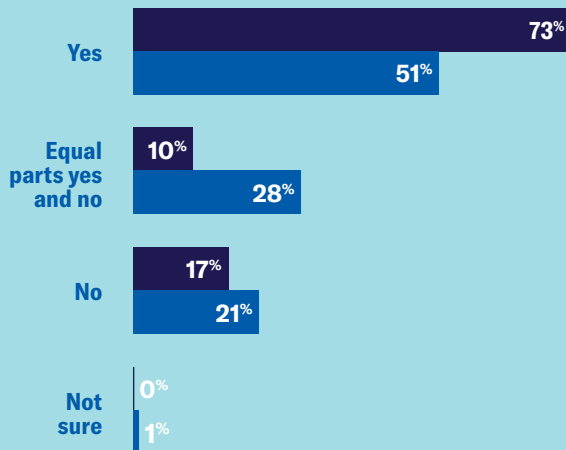
ASKING POLICE FOR HELP

Safety isn't just about police investigating crimes — it's also about being able to turn to someone in an emergency. Nearly a fifth of those living in heavily and lightly policed neighborhoods called the police at least once in 2016 (19 percent in heavily policed communities versus 18 percent in lightly policed communities.) When asked about people's most recent (or only) call to police in 2016, people in heavily policed neighborhoods were more likely to tell us that police showed up late and made situations worse and they also more often reported being unsatisfied with police responses.[xv]

The last time you asked police for help:

- ■ Lightly Policed Communities
- ■ Heavily Policed Communities

Were the police helpful?

Yes	73% / 51%
Equal parts yes and no	10% / 28%
No	17% / 21%
Not sure	0% / 1%

Were the police respectful?

Yes	81% / 59%
Equal parts yes and no	10% / 28%
No	10% / 12%
Not sure	0% / 1%
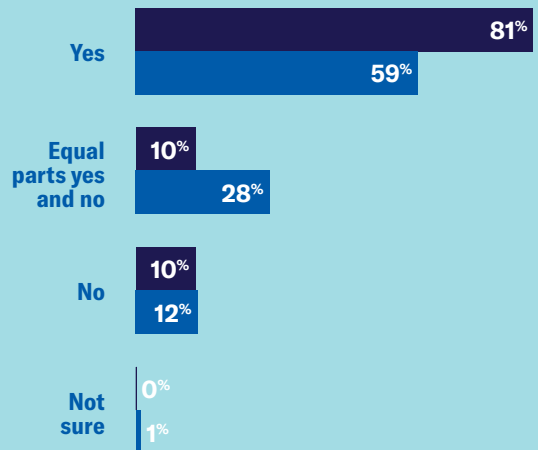
Did the situation improve because of police?

Yes	66% / 41%
Equal parts yes and no	15% / 24%
No	20% / 31%
Not sure	0% / 3%
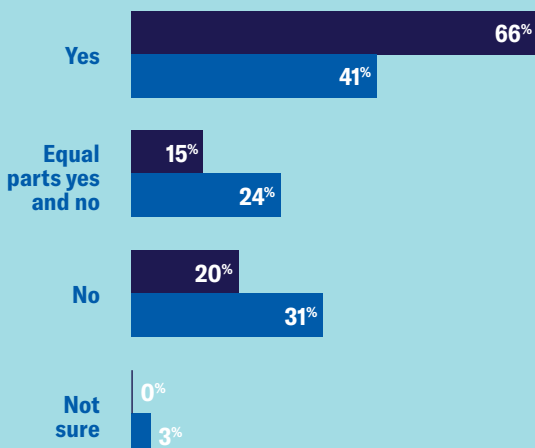
Were you satistfied with the police encounter?

Yes	73% / 43%
Equal parts yes and no	15% / 26%
No	12% / 26%
Not sure	0% / 4%
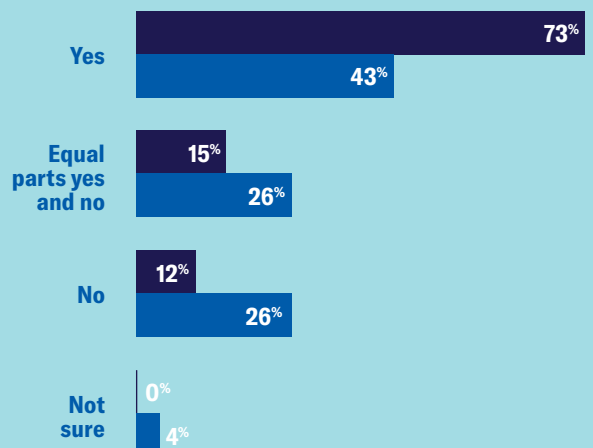
Likely because of their negative experiences with police, 61 percent of those living in heavily policed neighborhoods said they wished there was a place to get help other than from the police. Even 36 percent of those in lightly policed communities desired somewhere else to go.

PERSONAL PERSPECTIVES:
'Everybody 'Hates You,'
Felicia Whitely: former police
officer (11 years)
I think it takes a certain kind of person to be a police officer, I don't think just anybody can be a police officer. Everybody in New York hates you, you have on this blue uniform, you feel like a walking target. I don't take any of it personally. It's the culture of cops not to talk about cops. You just follow the rules. The higher-ups intimidate the people lowest on the totem pole. And unfortunately, a lot of things don't come to light because no one's talking.

For many in heavily policed communities, police not only fail to make people feel safe, but they represent a serious threat to their lives and the lives of their loved ones. More than two-thirds (67 percent) of respondents in heavily policed communities feared having a friend or family member killed by police (a surprising 15 percent of respondents in lightly policed communities felt the same way). Slightly fewer (64 percent versus 10 percent) feared that they themselves could be killed by police. And almost half (43 percent) of the respondents in heavily policed neighborhoods feared they could be sexually assaulted by police compared to six percent in lightly policed communities.

Large percentages of people in heavily policed communities reported that police at times made them feel scared (64 percent), unsafe (71 percent) and nervous (74 percent).

Unsurprisingly, negative feelings about police have a major impact on people's behavior. People in heavily policed communities told us they take various measures to avoid police or police surveillance.

In fact, 85 percent of survey respondents in heavily policed communities said they actively changed some things about their behavior, relationships, use of space, or schedule to avoid police surveillance in 2016. They changed their appearance (22 percent) and their demeanor (36 percent). They rearranged their social experiences, such as choosing not to visit friends and/or family (22 percent) or changing how they use social media (28 percent). And residents also reported negotiating their environment by changing their route (49 percent), spending less time in public space (37 percent), and staying somewhere else (26 percent), all to avoid the NYPD.

By contrast, the majority of respondents in lightly policed communities said they had never avoided police in the past year (65 percent). We found, however, that people in lightly policed communities who identified as black and/or Latinx were more likely to report finding ways to avoid police (49 percent) than those who identified as white (28 percent). Once again, the statistics show that police are more likely to stop people of color anywhere in the city, rather than the common belief that cops "go where the crime is."

Police Interference in Everyday Activities

As striking as some of the differences between the two communities were, there were powerful similarities between the groups as well. When asked what they do for fun, people in all communities said they liked to do things like play basketball or soccer, go out to live events or movies, and go to the park. People often said they liked to do these things with their friends and family.

People in heavily policed communities reported astonishingly high rates of police interfering with their everyday activities, demonstrating that police are involved in people's lives in ways that have nothing to do with a threat to public safety. In heavily policed communities, 62 percent of respondents said the police interrupted one of their listed activities in the last year, and 45 percent reported having more than one activity interrupted. In lightly policed communities, by contrast, only 14 percent of people told us that at least one of their leisure activities were disrupted and only five percent said this happened more than once.

WHAT PEOPLE DO IN THEIR FREE TIME

We asked New Yorkers what they do for fun, and whether the police had ever interfered with that activity. What we found was that people in neighborhoods across the city enjoy the same types of activities—spending time with friends and family, playing sports and exercising, and walking around the neighborhood. But people's ability to engage in those activities freely is very different depending on where they live.

In the last year, have the police every bothered, interfered, stopped you or harassed you while you were participating in an activity you like to do in the neighborhood?

- ■ Lightly Policed Communities
- ■ Heavily Policed Communities

Yes
- 14%
- 62%

No
- 81%
- 32%

Not Sure
- 5%
- 6%
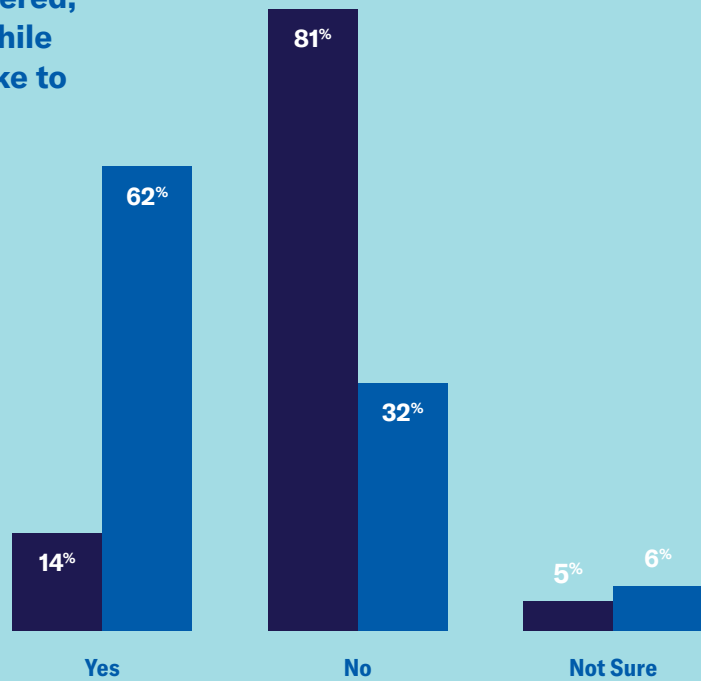
Constant Police Intrusion

Percentage of people in communities who reported some form of police-initiated contact

■ Lightly Policed Communities

■ Heavily Policed Communities

"Yes" for at least one type of contact

28%

73%

"No" for all types of contact

65%

16%

"No" for at least one type of contact and "not sure" for at least one type of contact

7%

11%

"Not Sure" for all types of contact

0%

1%

The NYPD has backed away from stop-and-frisk, which was proven to be abusive, discriminatory and often illegal. But our survey showed that policing in New York is still a "tale of two cities." Heavily policed community members reported much higher rates of police-initiated contact.

If you live in a lightly policed neighborhood, chances are a police officer will never stop you. They likely won't demand that you empty your pockets or ask you to put your hands against the wall while they search you in front of your friends, family or neighbors. But if you live in a heavily policed neighborhood, you are much more likely to have these experiences, sometimes over and over again, even when you've done nothing wrong. And citywide data shows that you're most likely to be stopped if you are a black or Latino man.[xvi]

Nearly three quarters (73 percent) of survey respondents in heavily policed communities said police had initiated contact with them at least once in 2016, compared to less than a third (28 percent) in lightly policed communities. Encounters with the police happened in the streets, but also inside or immediately outside their apartment buildings (30 percent versus six percent for people in lightly policed communities), on public transportation (12 percent versus seven percent), and in parks (18 percent versus six percent).

Police contact was also common in public schools for students in heavily policed communities. More than half (61 percent) told us they had contact with school safety officers or other police compared to 29 percent of public school students in lightly policed communities.

Almost everywhere they go in their neighborhood, people in heavily policed communities were more likely to deal with police.

All Eyes on You

New Yorkers reported to the NYCLU that living in a heavily policed neigh-borhood means always feeling like you're under suspicion. When you go outside, when you talk with your friends, when you go to the ATM, attend school, or even when you walk into your own apartment building — you feel like you are always being watched.

Just walking around in Brownsville or the South Bronx, you see police equipment everywhere, even when there aren't officers around. Innocent people who are just coming home from work must pass giant police watch towers that extend several dozen feet into the air where officers can track their movements and leave the impression on residents that they could be under surveillance at any time. NYPD floodlights bathe public spaces in blinding light, pouring into people's apartment windows, sometimes even overnight. These are the daily incursions into the private lives of thousands of New Yorkers who have done nothing wrong.

ALWAYS BEING WATCHED

Some New Yorkers experience a surveillance state every day. For others, NYPD surveillance equipment and tactics are barely noticeable.

Surveillance seen daily

- **Lightly Policed Communities**
- **Heavily Policed Communities**

	Watchtowers	Helicopters	Floodlights	Foot Patrols	Surveillance Cameras	Command and Control Trucks	Officers in Militarized Gear
Lightly Policed Communities	6%	8%	8%	23%	22%	9%	4%
Heavily Policed Communities	44%	30%	54%	63%	53%	44%	20%
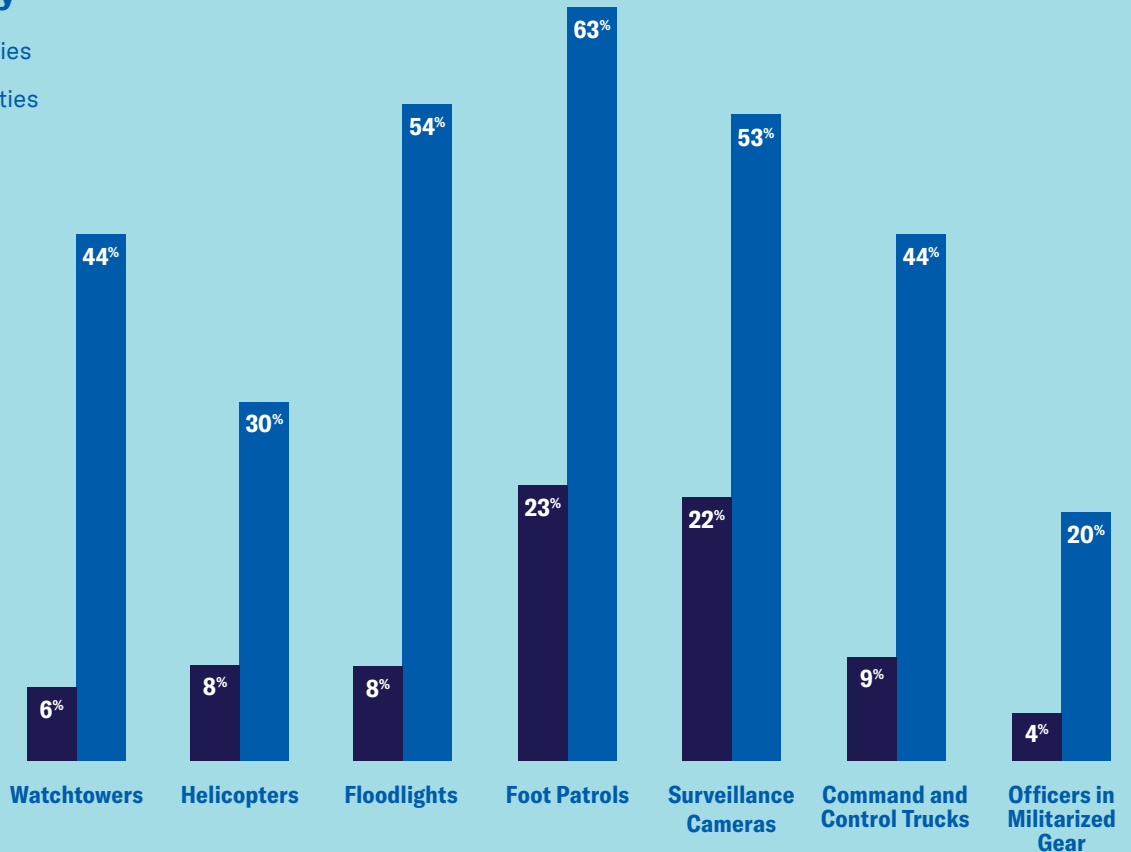
The NYPD floods heavily policed neighborhoods with high-tech, invasive, and sometimes mysterious surveillance equipment that often comes courtesy of the U.S. military. These technologies make mass surveillance significantly easier and can make communities feel more like a battlefield than a neighborhood. Our survey asked about people's experiences with various forms of surveillance employed by the NYPD including uniformed and plainclothes officers, foot patrols, command-center trucks (sometimes equipped with satellites and speakers), police with militarized equipment like riot gear and machine guns, surveillance cameras, watch-towers, flood lights and helicopters. Obviously, people could not tell us if they were subject to the NYPD's covert and digital surveillance, though it is quite likely that at least some of them are.

More than eight out of 10 (85 percent) survey respondents who lived in heavily policed neighborhoods felt surveilled by police at times. They felt they were being watched while doing simple activities outside, such as walking (59 percent), hanging out in the park (54 percent), going to the store (49 percent), using the subway (40 percent), or even standing at the ATM (30 percent). Nearly half felt watched in more private spaces like their own building (50 percent) or using technology (19 percent suspected the NYPD monitored their texting and 29 percent suspected their social media activity was under surveillance).

Revealingly, people in heavily policed communities told us they feel generally uncomfortable knowing an officer by name or an officer knowing them by name. This was in contrast to people in lightly policed communities who generally viewed that kind of familiarity as a good thing. We suspect this is because people in heavily policed communities are used to the negative consequences that come from being constantly watched by police.

When we asked people why they thought they were being targeted for surveillance, 63 percent of people in heavily policed communities felt it was because of the neighborhood they live in. By contrast, when we asked residents in lightly policed communities if they felt targeted by police, 89 percent of them said they did not feel targeted by police because of where they live.

POLICING POVERTY
Our survey also demonstrated the heavy toll Broken Windows policing takes on homeless people. Forty percent of people who told us they were homeless during 2016 reported being stopped-and-frisked or arrested. And 71 percent said police had searched their property.

Overall, 17 percent of survey takers living in heavily policed communities told us they experienced a level three encounter in 2016 and nearly half of those people (43 percent) said this happened to them more than once. By contrast, only one percent of those surveyed in the lightly policed communities reported being stopped-and-frisked even once.

Despite these disparities, NYPD data shows that the large majority of 14 to 40 year-olds in precincts associated with both heavily policed and lightly policed communities were innocent of any crime at the time they were stopped (69 percent in heavily policed communities and 78 percent in lightly policed communities.) And when arrests were made, they seldom resulted in a conviction.[xvii]

Even when stops don't result in a conviction or an arrest, they can still lead to harassment, invasion of privacy, verbal abuse, or physical assault by police. The more frequently stops happen, the greater the chances are

that a stop goes wrong and a person's rights are violated. Even when an arrest doesn't lead to a conviction, a person's life can still be turned upside down. It can impact their job prospects, housing situation, childcare, and a host of other aspects of daily life. For people in heavily policed communities, these consequences are often one stop away.

An Encounter that Can Shape Your Whole Life

People in heavily policed communities told us that police regularly impacted many aspects of their daily lives, from making them late to work or school to seizing or destroying their property to accusing them of things they didn't do.

Police interactions in heavily policed neighborhoods have concrete, negative impacts that people in lightly policed communities rarely have to contend with. Eighty percent of people in lightly policed communities said they had not experienced anything because of police. Only 24 percent of people in heavily policed communities said the same.

In other words, more than three-quarters of people in heavily policed neighborhoods told us that the police negatively impacted their lives. This impact is a tax on innocent New Yorkers just for living in certain neighborhoods, and the collective economic and psychological impact is something the city must address. The consequences of these interactions ranged from missing work (22 percent in heavily policed communities versus three percent in lightly policed communities) or school (19 percent versus 0.7 percent), to losing property (29 percent versus two percent) or having property damaged (23 percent versus three percent). More than 1 in 10 people (11 percent) in heavily policed neighborhoods said police interactions in the last year caused them to be unable to provide care for their children or their family, compared to two percent in lightly policed neighborhoods.

One of the most jarring statistics we uncovered was the large number of people in heavily policed communities who said police had wrongly accused them of committing a crime. Almost half (48 percent) of respondents in heavily policed communities said the police wrongly accused them of committing a crime in 2016 as compared to six percent in lightly policed neighborhoods. People in heavily policed areas commonly told us they were falsely

accused of trespassing (25 percent versus one percent in lightly policed communities), being in a gang (22 percent versus 0.4 percent) carrying drugs (17 percent versus one percent) or selling them (15 percent versus 0.4 percent), and carrying a gun (14 percent versus one percent).

False allegations not only erode trust between the community and police officers who are supposed to protect them, but they signal to people in heavily policed communities that officers view them only as criminals.

These are just some of the ways police make life harder for people in heavily policed communities. They are examples of the types of experiences that make people fear or even hate the police. The NYPD is too often an obstacle for people in heavily policed areas to overcome, rather than a resource they can call on for help.

Harassment and Abuse

Our survey uncovered widespread reports of harassment, abuse and mistreatment at the hands of NYPD officers in heavily policed neighborhoods. People told us officers regularly curse at them. Many people said they were sexually harassed by police and others even said they sustained serious injuries as a result of physical violence inflicted by officers. Not surprisingly, this type of treatment was reported much less frequently by people in lightly policed neighborhoods.

More than half the people we surveyed in heavily policed communities (53 percent) said they experienced physical contact with the police in 2016. That's more than six times higher than respondents in lightly policed communities (eight percent). More than a third (41 percent) reported extreme physical force, compared to just four percent in lightly policed communities.

Experiences ranged from being hit, slapped, or punched (12 percent versus one percent), pushed against a car or wall (14 percent versus one percent), to an officer pointing a gun at (11 percent versus one percent) or choking them (six percent versus 0.4 percent). This extreme force occasionally led to injury (seven percent versus one percent) and some even needed to seek medical attention (five percent versus one percent).

WHEN A POLICE ENCOUNTER TURNS PHYSICAL

Nearly half of people we surveyed in heavily policed communities reported some physical contact with the police, while fewer than one in ten in less policed communities reported that experience.

■ Lightly Policed Communities

■ Heavily Policed Communities

Use of Physical Restraint/Force

8%

53%

Physical Violence

4%

41%

Retraint with Handcuffs

2%

33%

Threat of Gun

2%

20%

Physical Injury

1%

19%

PERSONAL PERSPECTIVES:
'Put Your Number in My Phone'
Khaidija, Harlem

This officer, he comes up to me, he's like: How are you? I was just like: Fine? I felt like I was obligated to speak! He said: I just saw you walking down the street and I thought you were really beautiful. I was like: You use your power as a cop to flirt with me? Are you serious right now? And he just like aggressively hands his phone to me and he's like: Put your number in my phone. It's not like any other person on the street where I can be like: Leave me alone. And just go about my day. This person has a gun and it's very visible and it can, like, kill me. So I put my number in and he calls it just to make sure it's my number. He says: I'm gonna see you tonight. I was walking away and he just grabbed my arm and he was like: What's your name? I didn't get your name.

Sexual Harassment

Our survey uncovered alarmingly high rates of reported sexual harassment and some instances of reported sexual abuse by police officers. These encounters are all the more concerning because of the incredible power police officers have over the civilians they interact with every day. Officers have enormous discretion to decide who to arrest and charge and what to accuse them of. Because of this power imbalance, sexual harassment by police officers is especially pernicious. People are more likely to feel like they have to endure the harassment because they don't want to risk angering a police officer who has the power to arrest or even physically hurt or kill them.

Nearly one in five survey respondents in heavily policed communities (16 percent) reported at least one incident of sexual harassment by police in 2016 (versus five percent for those in lightly policed neighborhoods). For example, 14 percent (versus five percent) reported experiencing sexual attention like receiving catcalls, getting asked for their number or getting asked for sexual favors. Five percent (versus 0.4 percent) said they were touched sexually by police and three percent (versus zero percent) claimed they were sexually assaulted.

LGBTQ NEW YORKERS AND POLICE

LGBTQ people in heavily policed communities were more than twice as likely as other people in their communities to report receiving sexual attention from police (24 percent versus 11 percent). They were also more likely than their neighbors to say they asked for help from police and did not receive it (62 percent versus 46 percent). And nearly one in five LGBTQ people in heavily policed communities said they relive negative experiences with police when they see them, compared to 9 percent of others in their communities.

Verbal Harassment

The NYPD under Mayor de Blasio regularly talks of its goal of building respect and collegiality between police and communities. Yet a large percentage of people in heavily policed neighborhoods told us they were verbally assaulted by police.

Sixty-one percent of survey respondents in heavily policed communities reported at least one negative verbal police encounter in 2016, compared to 15 percent in less policed communities. One in four people in heavily policed communities said they were shouted at by police, (25 percent versus five percent), cursed at (26 percent versus four percent) or threatened with arrest (33 percent versus three percent).

AND NOW FOR SOMETHING COMPLETELY DIFFERENT
People in all our surveyed communities reported about the same levels of positive interactions with police. Most people we talked to were shown respect, courtesy and care by the police at least once in 2016 (66 percent in heavily policed communities versus 73 percent in lightly policed communities). Nearly identical percentages in heavily and lightly policed neighborhoods reported instances when an officer showed them respect (38 percent versus 36 percent), gave directions when asked (36 percent versus 33 percent), carried on a nice conversation (25 percent versus 22 percent) and did something nice (12 percent versus 15 percent). This confirms what many people already know—individual officers are not always the root of the problem. To really improve, the whole system has to change.

What People Want

What can we do to meet the needs of different neighborhoods? When we asked people, their answers rarely had anything to do with policing.

We are often told by the Mayor and police officials that people in heavily policed communities want more police and more police activity, but our survey respondents want the city to invest in their communities in other ways.

When we asked what the five most important aspects of a safe and healthy community, people in both heavily policed and lightly policed neighborhoods picked similar things.

Good schools, for example, was the most endorsed option for New Yorkers in both heavily (65 percent) and lightly (61 percent) policed communities. Well-paying jobs were commonly chosen by both heavily policed (64 percent) and lightly policed (43 percent) communities.

When asked which of those items their neighborhoods needed more of, the heavily policed and lightly policed communities pointed to similar things: housing, jobs, schools, access to affordable/quality food and health care, clean streets/subways, youth centers and job training programs. But New Yorkers in heavily policed communities were much more likely to say their neighborhoods needed good schools (34 percent difference), well-paying jobs (28 percent difference) and know your rights programs (25 percent difference).

Though both communities wanted similar things, people in heavily policed neighborhoods were more than twice as likely to tell us that none of their top five priorities were adequately resourced (43 percent versus 19 percent).

And perhaps most revealing, neither community prioritized needing more police in their neighborhoods. There was not majority support for increases in any policing activity, surveillance, or in the number of officers. **In fact, 44 percent of those living in heavily policed communities and nearly a quarter (24 percent) living in lightly policed communities actually wanted fewer police in their neighborhood.**[xviii]

And perhaps most revealing, neither community prioritized needing more police in their neighborhoods.

WHAT MAKES A HEALTHY COMMUNITY

■ Lightly Policed Communities

Good Schools	61%
Clean Street and Subways	45%
Well-paying Jobs	43%
Street Lights	32%
Access to Affordable, Quality Food	31%
Public Parks	30%
Affordable, Quality Housing	30%
Good Public Transporation	28%
Local Businesses	26%
Affordable, Quality Health Care Services	26%
Surveillance Cameras	21%
More Police Officers	21%
Frequent Police Presence	19%
Safe Spaces & Services for LGBTQ Residents	11%
Mental Health Services	10%
Strong Churches/Relgious Organizations	9%
Job Training Programs	9%
Community Centers	8%
Youth Centers	5%
Services for Seniors	5%
Services for Immigrant Residents	4%
People Filming Cops and Posting the Videos Online	4%
Knowing Police Officers By Name	4%
Grassroots Community Organizations	4%
After School Programs	4%
Affordable, Quality Legal Services	4%
Services for Formerly Incarcerated People	3%
Know your Rights Programs	3%
Other	1%

We gave people a list of things that might contribute to a safe and healthy community. Then we asked them to select which five things are the most important parts of that type of neighborhood. People in both heavily policed and lightly policed communities pointed to similar things.

■ Heavily Policed Communities

Good Schools	65%
Well-paying Jobs	64%
Youth Centers	37%
Affordable, Quality Housing	32%
Job Training Programs	30%
After School Programs	25%
Clean Streets and Subways	24%
Affordable, Quality Health Care Services	23%
Public Parks	17%
Surveillance Cameras	16%
Strong Churches/Religius Organizations	15%
Access to Affordable, Quality Food	15%
Street Lights	14%
Community Centers	13%
People Filming Cops and Posting the Videos Online	12%
More Police Officers	12%
Know your Rights Programs	11%
Services for Formerly Incarcerated People	10%
Mental Health Services	10%
Good Public Transportation	10%
Affordable, Quality Legal Services	9%
Frequent Police Presence	7%
Safe Spaces & Services for LGBTQ Residents	6%
Local Businesses	5%
Kinowing Police Officers by Name	5%
Services for Seniors	4%
Services for Immigrant Residents	4%
Other	2%
Grassroots COmmunity Organizations	2%

The Way
Forward

The NYPD has acknowledged that it is viewed unfavorably by broad swaths of the people who live in heavily policed communities. But the City's attempts to heal that rift are not responsive to what people actually want. The department must take steps to end the inequities in the way different communities are policed, and it must seriously tackle harassment and abuse by officers. The following recommendations would go a long way toward achieving this goal and to ending the tale of two cities.

End Broken Windows

It is well past time for the Mayor to abandon the failed philosophy of Broken Windows policing. Cracking down on minor misbehavior is not critical to driving down crime, as the NYPD's own data makes clear. A report published by the city's Department of Investigation in 2016 found there is no "clear, direct link" between low-level summonses and misdemeanor arrests and a reduction in felony crime.[xix] New York City has never been safer, but many residents can't enjoy the peace because of the police themselves.

The DOI report also confirmed what most New Yorkers already know: there is a racial disparity in "the distribution of quality-of-life enforcement activity" which was "concentrated" in areas with "high proportions of black and Hispanic residents, New York City Housing Authority (NYCHA) residents and males aged 15-20." That finding is consistent with what we discovered through our survey: communities of color endure many more police encounters and suffer the consequences of those encounters much more frequently than people who live in whiter, wealthier communities. But there is no reason to believe that people in some areas of the city are more likely to ride a bicycle on the sidewalk, drink alcohol in public, smoke marijuana or jaywalk. And harassing people while they visit family or friends, play sports, or walk through a park doesn't prevent any crime.

Stop Hiding Police Misconduct

One of the things we heard over and over again from people we talked to was that the NYPD should do a better job of holding officers accountable for misconduct. A large proportion of respondents in both communities believed that discipline was generally too lenient on officers, especially when officers kill someone (43 percent in heavily policed communities

HOW PEOPLE WANT TO CHANGE THE NYPD

By large margins New Yorkers we surveyed who thought the NYPD should be reformed believed police needed better discipline, should inform people of their rights in police encounters and should evaluate officers in ways that do not encourage more stops, frisks and arrests.

The 5 most important police reforms:

The NYPD should develop stronger discipline and penalties for repeat offender POLICE OFFICERS found of misconduct or violating rights.

77%
72%

The NYPD should have to inform people of their rights during a police encounter (e.g. the right to not consent to a search.

67%
61%

The NYPD should evaluate officer performance using measures of activity other than stops, arrests, etc.

52%
46%

The NYPD should develop stronger discipline and penalties for repeat offernder PRECINTS found of misconduct or violating rights.

49%
42%

The NYPD should document and report on all stops and encounters with people that might not get categorized as a stop, but the person doesn't.

46%
44%

There should be real community oversight of police activities.

44%
43%

**There should be real community decision-making in police activites.**

41%
51%

The City should reduce funding to precincts that are repeatedly found to have multiple police officers who repeatedly break protocols (like stop-and-frisk, search, use of force), engage in misconduct or violate rights of community members.

34%
45%

The NYPD should be taken out of public (and private) housing.

15%
28%

The NYPD should be taken out of schools.

14%
23%

Other

4%
3%
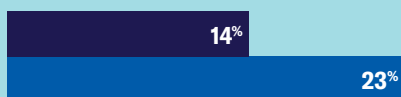
■ Lightly Policed Communities   ■ Heavily Policed Communities

KEEPING THE CONVERSATION GOING

We used what we learned from our survey to help us design and launch Listening NYC, a campaign created in 2017 to inspire conversations about policing practices among New Yorkers of all viewpoints, and to drive action for the policing New Yorkers want. Through a series of public pop-up events in parks, on city streets and at other venues across the city, Listening NYC, which continues today, creates interactive environments that enable deeper listening, encourages open dialogue, and amplifies ongoing conversations about policing. Listening NYC is anchored by a traveling, rapidly-assembled set called "The Listening Room," in which New Yorkers across the five boroughs can share their stories and views about police interactions and policies, and listen to the experiences of others. Decks of "Conversation Cards" prompt discussions, audio stations share recorded stories of affected New Yorkers and police, and participants fill out post-cards with their views and top concerns that are sent to Mayor de Blasio. Beginning in fall 2018, the Listening Room will head up to Albany to support our work in the state legislature.

versus 44 percent in lightly policed communities). When we asked respondents what they would reform about the NYPD, "stronger penalties" was the most endorsed item.

One of the biggest roadblocks to police accountability is section 50-a of the New York State Civil Rights Law, which limits the release of certain police records. The law says that records used to evaluate an officer's performance toward continued employment or promotion are confidential, but this is increasingly used as a tool by the police establishment to thwart police accountability and transparency statewide. The Mayor and his attorneys have taken this to new heights, shielding bad officers from transparency even more zealously than previous administrations. They have even used this law to block public access to police body camera footage—turning a tool meant for accountability into a new surveillance device controlled solely by the police. State lawmakers in Albany need to get rid of this unnecessary law that has been misused to protect police who commit misconduct.

Require Police to Tell People Their Rights

Among our survey respondents, the second-most popular police reform was requiring police to inform people of their rights during an encounter. Our survey confirmed that most people are unaware or only partially aware of their rights. For example, most people don't know when they have the right to walk away from a police encounter or the right to refuse a search. We also learned that the police seldom voluntarily inform people of their rights during stops or consensual searches. Making sure people know their rights during a police encounter will make the city a more just place, will reduce unnecessary and abusive encounters, and it ultimately will keep New Yorkers and police officers safer.

Starting in 2018, police officers will be required to inform people when they have the right to refuse a police search. When police conduct a search without probable cause, officers will also have to get objective proof that the person gave their permission. The implementation of this law will be an important step to improving police-community relations.

However, the administration has resisted adopting another common-sense reform. Intro 182-D, known as the Right to Know Act, would have required officers to identify themselves when stopping someone, provide an explanation for the stop, and offer a business card with contact information for the Civilian Complaint Review Board at the end of any encounter that didn't result in an arrest or summons. Unfortunately, the city did not adopt the full version of this bill, and the law will not apply to low-level interactions or at traffic stops. That means that hundreds of thousands of the most common police encounters, which are also the hardest to track, were exempted from this common-sense requirement that uniformed police identify themselves to the people with whom they interact.

The NYCLU continues to support efforts to pass the original version of the bill.

Uncovering Police Surveillance

People in heavily policed communities encounter various forms of police surveillance technology much more frequently than people in lightly policed neighbor-hoods. But the truth is there is likely much more NYPD surveillance taking place in these neighborhoods than people in either community realize. That's because the NYPD's use of invasive, often military-grade technology is usually hidden from the public. For example, the NYCLU discovered that the NYPD was secretly using Stingrays, a machine that masquerades as a cell phone tower to receive information from individuals' phones, often without a warrant. A bill introduced in the city council could change that.

The Public Oversight of Surveillance Technology (POST) Act requires the NYPD to issue an impact and use policy for each piece of surveillance technology it uses. The policy would have to include important information about each surveillance tool, including its description, capabilities, guidelines for use, security measures designed to protect any data it collects, and whether other entities or government agencies have access to information it gathers. The NYPD would also need to evaluate and explain the possible impacts of the technology on New Yorkers' privacy.

Upon publication of a draft surveillance impact and use policy, the public would have 45 days to submit comments. The NYPD Commissioner would then consider the comments and provide a final version of the surveillance impact and use policy to the City Council, the mayor and the public. The bill would also empower the NYPD Inspector General to make sure the NYPD follows the policies and guidelines in place.

The POST Act would give the public and the city council a chance to have meaningful oversight over powerful technology that is likely used disproportionately in heavily policed communities.

Listen to New Yorkers

So much of what people read and hear about the NYPD comes from news reports about a new NYPD initiative or new monthly crime statistics. But the NYPD, the media, and police reform organizations should never lose sight of what people in communities are saying. Our survey project allowed us to talk with people about their day-to-day experience of policing in New York City and to ask them what they think should be improved. Any successful efforts at police reform must keep the experiences and desires of the people impacted most by policing firmly in mind. We cannot settle for top-down, cosmetic changes like the NYPD's neighborhood policing initiative. We must go deeper to eliminate systemic bias, and we must let New Yorkers' lived experiences guide us to a more equal, safer city for everyone.

End Notes

i   https://cityroom.blogs.nytimes.com/2013/08/19/the-ad-campaign-de-blasio-speaks-against-stop-and-frisk/

ii   http://thechiefleader.com/news/open_articles/stop-and-frisk-monitor-says-cops-concerned-about-being-supported/article_ 4a02513c-c306-11e7-8bb3-bb4425bcbb36.html

iii   http://www.nydailynews.com/opinion/wrong-ending-stop-frisk-not-stopping-crime-article-1.2740157

iv   Major crimes are murder, rape, robbery, felonious assault, burglary, grand larceny, and grand larceny auto.

v   The 73rd (Brownsville), the 23rd, 25th and 32nd (all in East Harlem) and the 40th (South Bronx).

vi   The 20th and 24th (both Upper West Side), 19th (Upper East Side), 5th and 6th (West Village and Soho), 7th and 9th (East Village), 50th (Riverdale), 78th (Park Slope) and 94th (Williamsburg and Greenpoint).

vii   https://www1.nyc.gov/site/nypd/bureaus/patrol/neighborhood-coordination-officers.page

viii   We chose to focus our sample on youth in their teens as well as younger adults in their 20s and 30s. We did this because 82% of all the recorded "level 3" stops from 2003-2009 and 83% from 2010-2015 were of New Yorkers between the ages of 14 and 40.

ix   We plotted NYPD stop coordinates from 2003-2015 onto a NYC map using QGIS and overlayed precincts and public housing. Using these maps, we focused on high volume precincts in Brooklyn, Bronx and Manhattan and then chose clusters of blocks within and sometimes across precincts that contained the greatest number of stops.

x   We used online panel sampling to distribute the survey to residents living in less impacted neighborhoods. We contracted with Qualtrics, a digital survey platform, to ensure the quality of both the sampling procedure and the data received. Qualtrics partners with online survey recruitment firms that cultivate pools of people by zip code across the country. This strategy gave us reasonable confidence that we were getting people participating in good faith who lived within our desired zip codes and were within the qualifying age parameter. Additionally, we employed quotas for age, gender and race to increase the likelihood that this sample would resemble the demographic breakdown of our highly impacted sample. For further sampling details go to qualtrics.com.

xi   The final survey was responsive to grassroots, legal, policy and academic concerns. It was inspired by the themes that emerged from a comprehensive review of empirical research addressing contemporary policing, five community-based surveys developed with NYC residents between 2008 and 2015 (see publicscienceproject.org), and in-depth consultations with a number of groups during the fall of 2016. The final survey went through more than twenty drafts, with edits from multiple experts including from people who volunteered to pilot the survey and partake in an in-depth discussion of its broad themes, specific items, usability, and comprehensibility.

xii   The final survey was organized into Qualtrics, an online survey platform. All surveys were taken on iPads, smart phones or computers. This mode of distribution allowed us to avoid lengthy data entry and take advantage of complicated logic/questions (including thematic coding items) that would be otherwise difficult using traditional hardcopy methods.

xiii   For more information about respondent driven sampling see: Heckathorn, Douglas D. (1997). Respondent-driven sampling: A new approach to the study of hidden populations. Social Problems, 44 (2), 174-199 and Kwan-Lamar Blount-Hill and Jeffrey A. Butts (2015). Respondent-Driven Sampling: Evaluating the Effects of the Cure Violence Model with Neighborhood Surveys. New York, NY: Research & Evaluation Center, John Jay College of Criminal Justice.

xiv   All data were organized and analyzed using SPSS. We systematically cleaned the data and removed incomplete, untrustworthy, or poor-quality surveys (see Osborne, J. W., & Overbay, A. (2008). Best practices in data cleaning. Best practices in quantitative methods, 205-213). New or revised variables were created through syntax. Each survey section/item were examined using exploratory data analysis strategies, relying heavily on simple frequencies and crosstabulations (see Tukey, J. W. (1977). Exploratory data analysis (Vol. 2)). Where appropriate, multiple survey items were aggregated in order to create thematically relevant variables (e.g., physical contact). The open-ended items were iteratively examined using thematic coding and content analysis.

xv   In some cases, total percentages do not add up to 100 percent. This is due to rounding error.

xvi   https://www.nyclu.org/stop-and-frisk-data

xvii   https://www.cbsnews.com/news/stop-and-frisk-ags-report-says-only-3-percent-of-nypd-arrests-using-tactic-end-in-conviction/

xviii   See Appendix A, chart TK.

xix   https://www.politico.com/states/new-york/city-hall/story/2016/06/report-no-clear-direct-link-between-quality-of-life-summons-busts-and-felony-crime-103148