

WHERE'S THE OUTRAGE:

The Persistence of Racist NYPD Arrests



January - July 2022

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“Like a boil that can never be cured so long as it is covered up but must be opened with all its pus-flowing ugliness to the natural medicines of air and light, injustice must likewise be exposed, with all the tension its exposing creates, to the light of human conscience and the air of national opinion before it can be cured.”

DR. MARTIN LUTHER KING JR.

NOTES ON OUR DATA

All demographic information is from the US Census Bureau 2020 report. “White” and non-white” categories are based on the Bureau’s categorizations.

An arraignment is a court proceeding during which a person is informed of the charges against him/her. In NYC’s Arraignment Parts, defendants either come to court because they have received a Desk Appearance Ticket (DAT), a written notice that a police officer gives to a person arrested requiring him/her to appear in court at a later date for arraignment. Or they are arrested, locked up, and are then brought to court for their arraignment.

Freed defendants left the courtroom for various reasons; for example:

- The district attorney declined to prosecute.
- The judge dismissed the charges, ruled time served, or granted an Adjournment in Contemplation of Dismissal (ACD: Adjournment in Contemplation of Dismissal means that the judge releases the defendant with the understanding that if he or she avoids trouble with the law for 3, 6, or 12 months, the charge(s) will be dismissed and the record sealed.)
- The defendant rejected a plea offer and received a date to return to court

PROP representatives -- staff, volunteers, & interns, numbering about 100 people over the years -- are the people who collect all the data reported since our Court Monitoring Project began in 2014.

INTRODUCTION

The New York Police Department's (NYPD's) quota-driven "broken windows" arrest practices regularly inflict hardship and harm on the most vulnerable New Yorkers, especially low income people of color, the homeless, and persons with mental illnesses. On a regular basis, New York's district attorneys aggressively prosecute cases against Black and brown people for engaging in mainly innocent or innocuous activities. On a regular basis, our city's courts devote their considerable resources to the administration of injustice, applying sanctions in hundreds, if not thousands, of cases where the charges involve, at worst, petty infractions and where the defendants are almost always people of color, some of whom live on the margins of society. We at the Police Reform Organizing Project (PROP) believe that increased awareness of these everyday injustices by the public, the press, and our political leaders will lead to a shift in the political landscape regarding policing and prosecution, putting pressure on the city's policy makers to enact the sweeping reforms necessary to address and put an end to these shameful practices.



It is with this ultimate goal that we have prepared this document as a follow up to our previous twelve publications: **Broken Windows Policing: A True Tale of Two Cities (July 2014)**; **Everyday: NYC's Cops and Courts Inflict Harm and Hardship (October 2014)**; **90%: The Harm Continues (December 2015)**; **No Equal and Exact Justice (April 2016)**; **We Harm People Everyday (July 2016)**; **The Persistence of Racist Policing Practices (March 2017)**; **#That'sHowTheyGetYou (April 2018)**; **Injustice for Many (July 2018)**; **Biased and Abusive (April 2019)** and **Racist Policing Persists: 5 years and over 6,000 cases later (September 2019)** **Targeting Black New Yorkers: the stark racism of NYPD arrest practices (December 2019)** **What The Numbers Expose: The Harm Done By NYPD Arrest Tactics Especially to Black New Yorkers (2021)**.

This report serves as painful reminder that some of Mayor Adams' new policies -- for example, his ordered round-up of all unhoused NYers out of our subway tunnels -- will make life more difficult for poor people & will add one more way our so-called justice system rather than administers justice inflicts pain & hardship. We call on the mayor to re-consider his positions on these issues & on leading progressives in government like Public Advocate Jumaane Williams & Comptroller Brad Lander to show the way in enacting the fundamental reforms needed to fix our broken criminal legal system & to create a city that's fair, safe, & inclusive for all NYers.

WHY 'WHERE'S THE OUTRAGE'

Where's the Outrage is PROP's 13th court monitoring report -- we published our first, *Broken Windows Policing: A True Tale of Two Cities*, in the summer of 2014. As we state on page 4, PROP volunteers & representatives, numbering over 100 people, have observed over 7,000 cases in the arraignment parts of NYC's criminal courts. Nearly 90% of the cases have involved NYPD arrests of NYers of color.

The vast majority of the charges do not involve violence or threats to public safety, but rather reflect the defendants' own compromised & distressing life circumstances: poverty, homelessness, drug addiction, &/or mental illness. Some charges that we often see include: petty larceny, disorderly conduct, controlled substance in the 7th degree, & mischief. Supporting this point are our consistent findings that, on any given day, 85-100% of the defendants walk out of the courtroom & return to the community. Neither the judges nor prosecutors considered the defendants dangerous or predatory people.

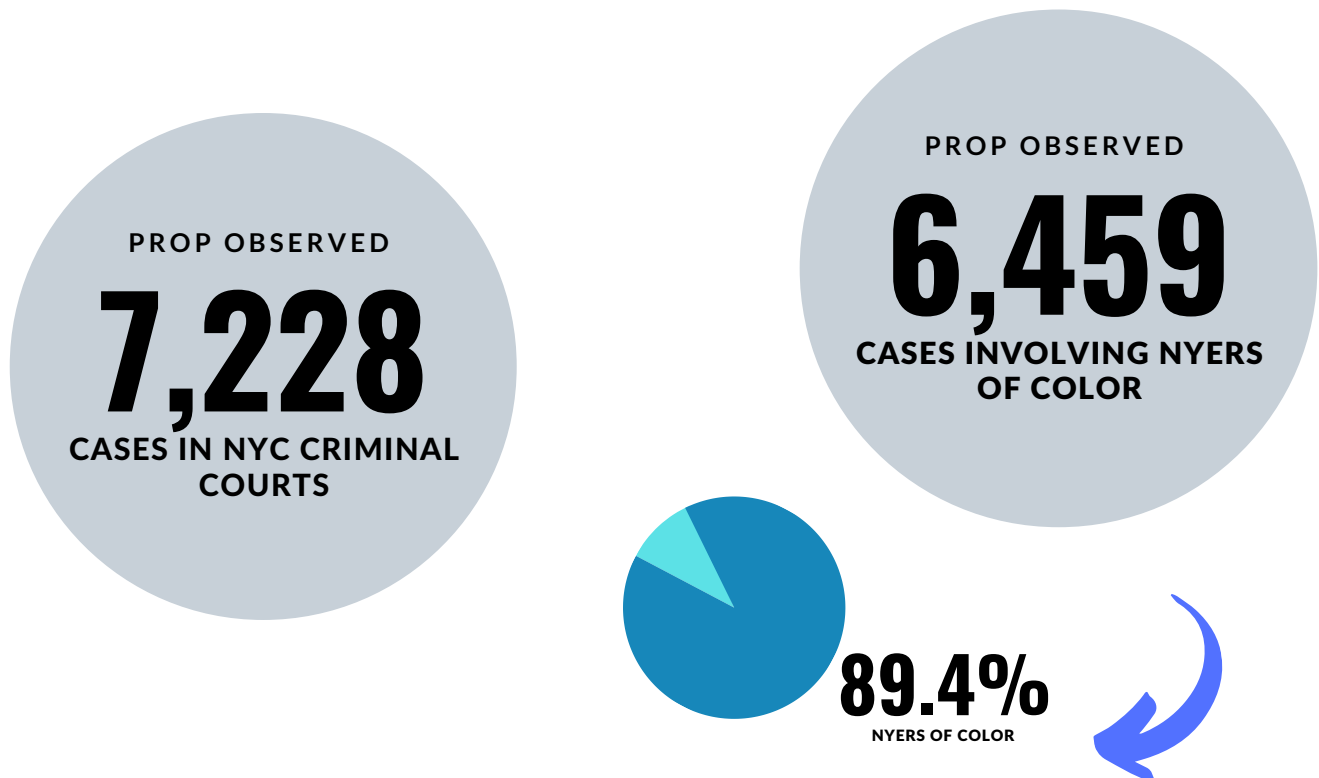
The skewed numbers & harsh human reality we regularly observe in our city's criminal courts are not an accident. They are a function of NYPD policy & practice going back many years entailing targeting & criminalizing large groups of marginalized NYers: African-Americans & Latinos & the unhoused, drug-addicted, & mentally ill.

We ask: "Where's the Outrage" because, while our society does address its racial bias, the specific issues raised are more likely to focus on matters like: did Hollywood nominate enough Black actors for an Oscar or how many coaches of color patrol the sidelines of NFL football games? Even regarding racist policing, we pay most attention in response to shocking incidents of unjustified racial violence caught on video, rather than on the long-standing damage done daily which actually fosters an institutional culture in police departments that make inevitable tragedies like the killings of Eric Garner, Breonna Taylor, and George Floyd.

As long as our politicians & media representatives persist in presenting police departments as the benighted agents of justice & safety & fail to acknowledge & expose the daily racist toll of law enforcement practices, the fundamental reforms required will be out of reach. We urgently need the public outrage that harsh & harmful police practices have regrettably merited for us to achieve what we as Americans & NYers aspire to: a truly just, safe, & inclusive city & country.

COURT MONITORING PROJECT OVERVIEW (2014-PRESENT)

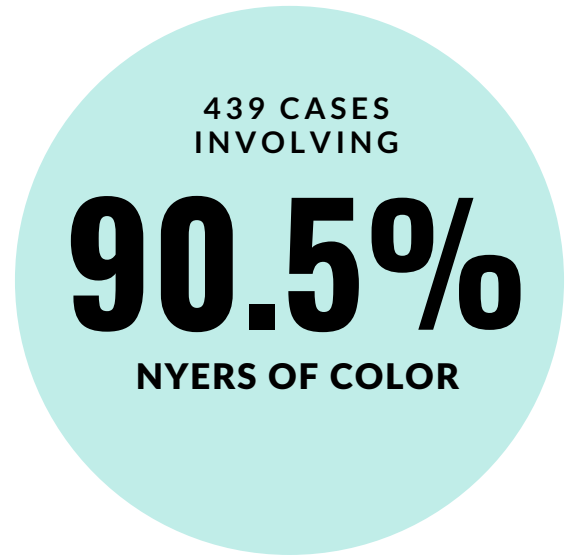
Since the beginning of our Court Monitoring Project in June, 2014, through the end of July 2022, PROP representatives have observed total of 7,228 cases, 6,459 (89.4%), involving NYers of color. Gathered over time through PROP's field research, these numbers provide ongoing & undeniable evidence of the persistent racism of NYPD arrest practices.



JANUARY - JULY 2022

PROP OBSERVED

485 CASES IN NYC
CRIMINAL COURTS



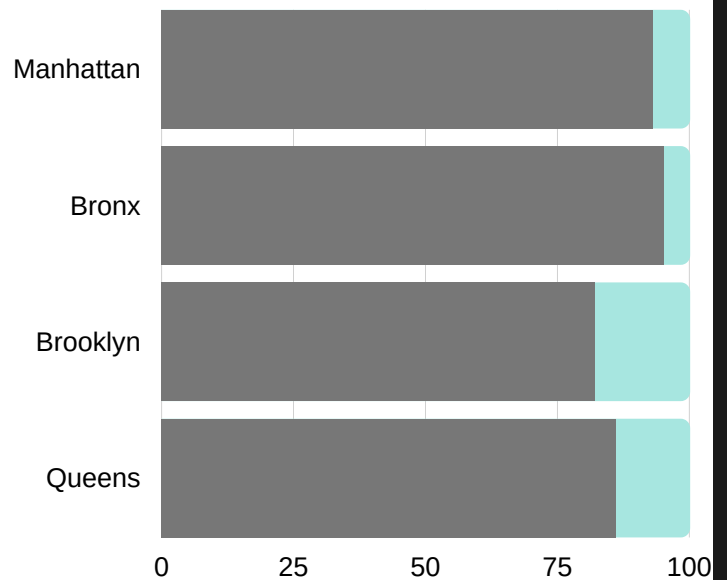
3 MOST COMMON CHARGES

Assault 3
Misdemeanor

Petty
Theft

Controlled
Substance
7th Degree

% of New Yorkers of color PROP observed being arraigned



TARGETING BLACK NEW YORKERS

In preparing this report, we noted more than just the racial disparity in NYPD arrest rates between White NYers & NYers of color. We also show how the disparity becomes even more stark & troubling when comparing the arrests between White & Black NYers. We focus particularly on that sharp disparity to alert the public, press, & policymakers to the blatant racism of NYPD arrest practices.

MANHATTAN

Percentage of White residents: 47%.
Percentage of observed cases involving White people: 7%.

Population

White
47%



Arrests

White
7%

Percentage of Black residents: 13%.
Percentage of observed cases involving Black people: 61%.

Population

Black
13%



Arrests

Black
61%

BROOKLYN

Percentage of White residents: 35%.
Percentage of observed cases involving White people: 18%.

Population

White
35%



Arrests

White
18%

Percentage of Black residents: 27%.
Percentage of observed cases involving Black people: 56%.

Population

Black
27%



Arrests

Black
56%

TARGETING BLACK NEW YORKERS

THE BRONX

Percentage of White residents: 9%.
Percentage of observed cases involving White people: 5%.

Population

White
9%



Arrests

White
5%

Percentage of Black residents: 33%.
Percentage of observed cases involving Black people: 47%.

Population

Black
33%



Arrests

Black
47%

QUEENS

Percentage of White residents: 23%.
Percentage of observed cases involving White people: 20%.

Population

White
23%



Arrests

White
20%

Percentage of Black residents: 17%.
Percentage of observed cases involving Black people: 48%.

Population

Black
17%



Arrests

Black
48%

CITY-WIDE

Percentage of White residents: 30%.
Percentage of observed cases involving White people: 14%.

Population

White
30%



Arrests

White
14%

Percentage of Black residents: 20%.
Percentage of observed cases involving Black people: 59%.

Population

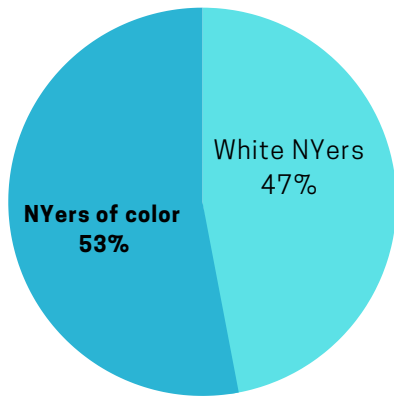
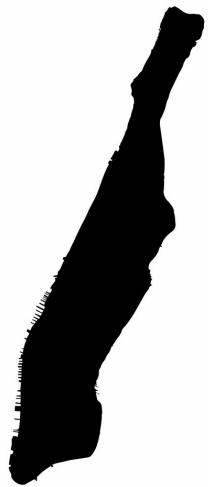
Black
20%



Arrests

Black
59%

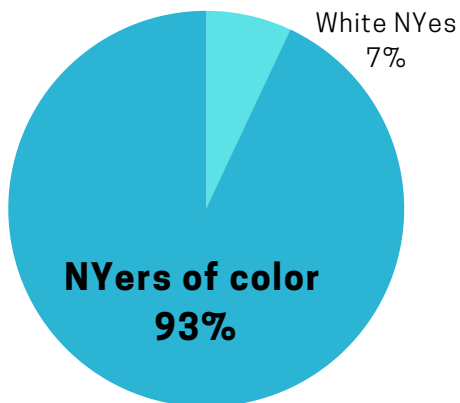
MANHATTAN CRIMINAL COURT SUMMARY



DESPITE BEING ONLY

53%

OF MANHATTAN'S
POPULATION

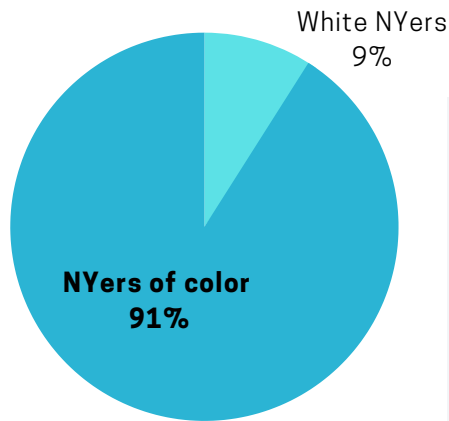


PEOPLE OF COLOR MADE UP

93%

OF THE CASES OBSERVED

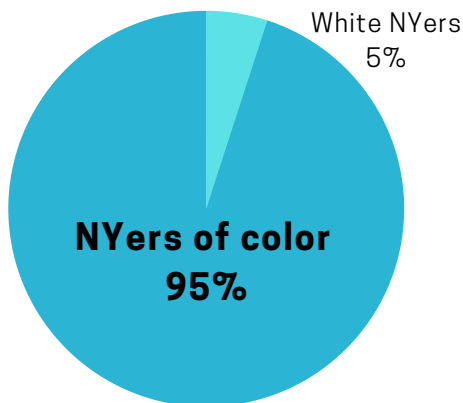
BRONX CRIMINAL COURT SUMMARY



WHILE PEOPLE OF
COLOR MAKE UP

91%

OF THE BRONX
POPULATION

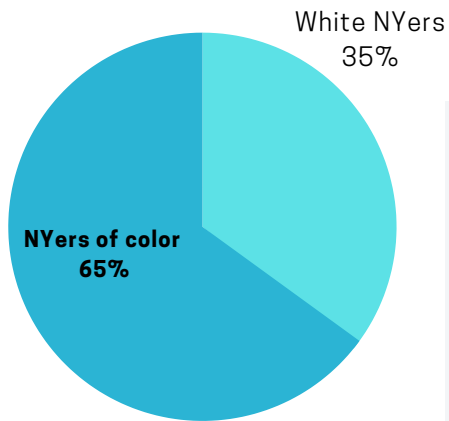


PEOPLE OF COLOR MADE UP

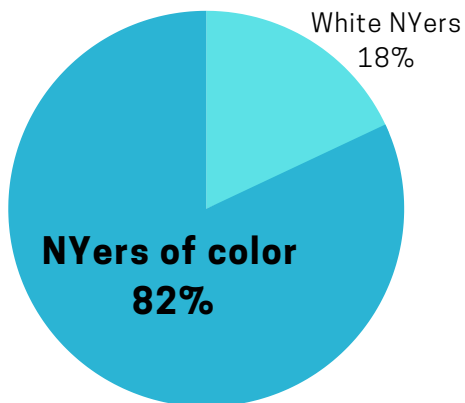
95%

OF CASES OBSERVED

BROOKLYN CRIMINAL COURT SUMMARY

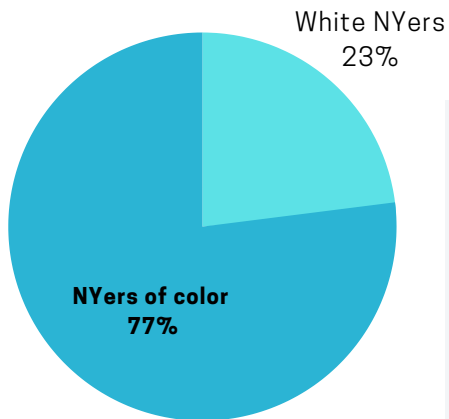


DESPITE BEING
65%
OF BROOKLYN'S
POPULATION



PEOPLE OF COLOR MADE UP
82%
OF CASES OBSERVED

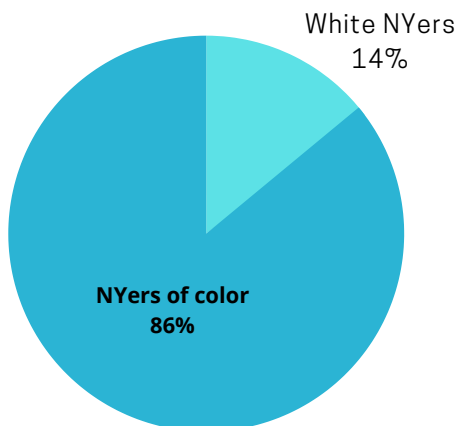
QUEENS CRIMINAL COURT SUMMARY



DESPITE BEING

72%

OF QUEENS' POPULATION



PEOPLE OF COLOR MADE UP

79%

OF OBSERVED CASES



CRIMINAL JUSTICE OFFICIAL SPEAKS OUT

In 2013, Noach Dear, a former New York State Criminal Court Judge, heard the case of Julio Figueroa, who had been charged with illegally drinking a cup of beer on a city sidewalk near his home in Greenwood Heights, Brooklyn. Mr. Figueroa was subsequently arrested on the basis of an outstanding warrant that later proved to be erroneous. He spent 22 hours in jail before coming before Judge Dear, who promptly dismissed the case. Additionally, Judge Dear issued a ruling that the “Sniff Test” (named after the process by which police determine if liquid in a container is, in fact, alcohol) is not enough to prove the alleged offender is actually committing a crime. He called for questionable beverages to be properly tested by certified technicians. A month after this ruling, Judge Dear was relieved from his duties at the Brooklyn Criminal Court, and reinstated as a Civil Court Judge.

In a New York Times interview, Judge Dear cited stark racial bias in NYPD practices as the basis for his “Sniff Test” challenge. He explained that, “the department singles out blacks and Hispanics when issuing public drinking summonses. As hard as I try, I cannot recall ever arraigning a white defendant for such a violation.” In fact, after having his staff review a month’s worth of summonses on all charges, Judge Dear discovered that 85% were issued to black or Latino persons, 4% to white people, and 11% to those falling into a variety of other racial categories. Many believe that his speaking out about the racial disparities in arrests for open alcohol container violations led to his dismissal from the criminal court system.

Sadly, Judge Dear passed away in 2020. In the 8 years that PROP has conducted its Court Monitoring Project, he remains the only public servant among judges or district attorneys that we know of who has spoken out about & sought to expose the harsh racism practiced daily by our criminal legal system. We at PROP miss his courageous voice & pay tribute to his memory.

CONCLUSION

The findings of this report reflect an up-to-date-picture of NYPD arrest practices and document the continuing harmful and biased impact of the aggressive and needless application of quota driven “broken windows” policing.

As referenced earlier, in preparing this report, we noted the especially sharp disproportion between the number of arrests of white & black NYers. To bring an emphatic attention to this stark disparity, for the second time we included a special section in this, our 13th court monitoring report, on "The Targeting of Black NYers" by NYPD arrest practices (see the specifics on page 4 & 5). City-wide, the percentages breakdown this way: white people make up 30% of NY's population and 14% of the cases that PROP observed. Black NYers make up 20% of NY's residents & 59% of the cases that PROP observed. Also, as reported on pages 4 & 5, this report found that of 485 cases observed this year, 439 (90.5%) involved NYers of color. Moreover, of 7,228 cases we have observed since the Court Monitoring Project began in 2014, 6,459 (89.4%) involved NYers of color.

Despite the innocuous nature of most of the charges, and the non-existent safety threat represented by most defendants, police had arrested all these individuals – cuffed and confined them, leaving most of them to sit in jail overnight. This type of policing – criminalizing activities that are victimless and considered harmless, and then disproportionately charging a single group as offenders – breeds cynicism, resentment, and resistance. It tears at the social fabric of our city and subverts any claim that we can make of being an inclusive and progressive metropolis. It is long past time that our city's leaders, from Mayor Adams on down, take aggressive steps to end quota-driven “broken windows” policing and establish a just and safe city for all New Yorkers.

FOR MORE INFORMATION

Other PROP reports and media coverage

propnyc.org/prop-reports/

propnyc.org/prop-in-the-news/

Keep up with PROP

Twitter: @propnyc, @gangifromprop, @lukemessina

Instagram: @propnyc

Facebook: Police Reform Organizing Project.

CONTACT TO GET INVOLVED

Robert Gangi, PROP Director

Email: rpagangi@gmail.com

Special thanks

Robert Gangi

Luke Messina

Michaela Bapis

Sophia Davis

Evan Karl

Bénédicte Mbangala

Liberation Summer Camp

(American Friends Service Committee)

