The Case Against the NYPD’s Quota-Driven ‘Broken Windows’ Policing

What Is It? — Derived from a 1982 magazine article by two social scientists, ‘Broken Windows’ is a theory holding that preventing and punishing minor infractions like riding a bike on the sidewalk, public spitting or drinking, and begging helps create an atmosphere of order and lawfulness in a community, thereby curbing serious crimes like murder, assault, rape, and robbery. The article’s main point was that not fixing one broken window will lead to a neighborhood beset by many, many broken windows. “The unchecked panhandler,” the two academics wrote, “is, in effect, the first broken window.”

As applied by high-level NYPD officials, quotas refer to the aggressive pressure placed on street cops to engage in a certain number of punitive interactions — arrests, summonses (tickets), and stops — with New Yorkers over a specified period of time, usually a week or month. Officers who don’t make their numbers as a way of demonstrating their “productivity” face Department sanctions such as loss of vacation time, transfer to an undesired post, or denial of promotion opportunities.

Problems

Starkly Racially Biased - In its daily practices, the NYPD’s quota-driven ‘broken windows’ policing targets low-income people of color, arresting, ticketing, and/or stopping them, sometimes for no good reason, and charging them, sometimes falsely, with low-level infractions that many people view as innocuous. PROP representatives visit the city’s criminal courts’ arraignment parts where recently arrested people appear before a judge. Every time that we go, 85 to 95% of the arrestees are people of color — sometimes it has been 100%. (Broken Windows: A True Tale of Two Cities, August 2014; Everyday: NYC’s Cops Inflict Harm and Hardship, October 2014).

As the government’s own statistics show, the daily racial bias of the system is undeniable:

- From 2008-2011, the police issued an average of 8 bike on the sidewalk summonses per year in Park Slope, Brooklyn. During the same period for these kinds of tickets, the annual average was 2,050 in Bedford-Stuyvesant, Brooklyn. (Marijuana Arrest Research Project, April 2014).

- In 2014, the NYPD made 221,851 misdemeanor arrests, 86% involving people of color. In 2013, city misdemeanor arrests totaled 227,378, 91% involving people of color. (New York City Arrest Statistics by Race-Ethnicity: January-December 2013 v. 2014, NYS Department of Criminal Justice Services, 2014)

- 95% of the people jailed on Rikers Island are black or brown, confined because of two main reasons: NYPD officers arrested and locked them up, and they were too poor to make bail.
In 2011, the height of the NYPD's use of stop and frisk, black and Latino males between the ages of 14 and 24 accounted for 41.6% of stops even though they are only 4.7% of the city's population. The number of stops of young black men in 2011 exceeded their entire population in the city — 168,126 compared to 158,406. (Stop, Question and Frisk 2012 Report, NYPD)

Here’s the glaring inequity: the activities that cops arrest or ticket black and brown people for — like bike on a sidewalk, open alcohol container, and untaxed cigarettes -- have been virtually decriminalized in prosperous white communities.

**Collateral Consequences** - Compounding the harm done by ‘broken windows’ policing are the collateral consequences of these petty arrests and summonses — loss of time at work or one’s job, denial of access to scholarships or public housing, loss of child custody, and even deportation in some cases. More than any current government practice, ‘broken windows’ policing causes and reflects the social, racial, and economic inequities that afflict our city. ‘Broken windows’ policing and its consequences represent A Tale of Two Cities writ large.

**Ineffective** - ‘Broken windows’ remains a theory that’s never been proven. Not by research and not in practice. While crime declined in NYC after the introduction of ‘broken windows’ policing in the mid-1990’s, crime also dropped in many other cities in the US and in the world that did not adopt the practice. Jack Maple, a legendary and tough-minded law enforcement official, who was responsible for establishing comstat for the NYPD, was publicly cynical about the theory, writing derisively: “Murderers and rapists don’t head for another town when they see graffiti disappearing from the subway” and “Panhandling doesn’t turn a neighborhood into Murder Central”.

Also, the recent officer work stoppage in the city represented an "emperor has no clothes" moment for the ‘broken windows’ theory. For 3 weeks or more cops stopped arresting and ticketing people for minor infractions — effectively abandoning the practice — and crime went into a steep decline. No matter how Commissioner Bill Bratton spins the issue, the work slowdown revealed that ‘broken windows’ as a crime fighting tactic is a hyped urban myth, widely held, but baseless in reality.

**Counterproductive** - Quota-driven, ‘broken windows’ policing criminalizes activities that are victimless and seen by most people as harmless, and charges one group of people as offenders. It breeds cynicism, resentment, and resistance. ‘Broken windows’ also makes the cops’ job more difficult and dangerous. Here’s Patrick Lynch, the head of the Patrolman’s Benevolent Association, on the subject: “Quotas are the worst possible way to try to produce effective policing. They risk turning officers into automatons and fuel pervasive, predictable distrust between cops and the community”.

**Wasteful** - The NYPD expends a significant portion of its personnel and financial resources in pursuit of ‘broken windows’. Over 70% of the Department’s arrests, for example, are for misdemeanors or lower-level infractions. The majority of the NYPD’s beat cops devote their time and energy to it instead of focusing on preventing or solving serious felonies. PROP has calculated the actual cost of misdemeanor arrests, just one aspect of ‘broken windows’ policing in the city, as coming to over a million dollars per day, adding up to more than 410 million dollars per year.
Sweeping Reforms Needed

Abandon ‘Broken Windows’ Policing

The NYPD invasive targeting of vulnerable communities under its ‘broken windows’ law enforcement approach inflicts harm and hardship on low-income communities of color and erodes officers’ relationship with many New Yorkers. Mayor de Blasio should direct the NYPD to follow the example of the 3 week officer work slowdown and to abandon ‘broken windows’ policing. In its place the city should institute a community-oriented public safety model that limits police intervention and stresses neighborhood self-policing. Modeled after “NOLA For Life” in New Orleans, the goals for this program should include ending community violence, promoting employment, rebuilding neighborhoods, and reforming the police. It should employ various methods such as mentoring programs, improving job and housing opportunities, and providing community conflict resolution services. It should also add new government services to the effort and tailor them to specific community needs.

Abolish the Quota System

Here’s one officer’s complaint regarding quotas: "If I break up a fight between 2 boys and send them home, I get no credit. If I help deliver a baby in an emergency, I get no credit. But I score points if I issue a seat belt summons or make two stop-and-frisks". The easiest people for officers to target — the low hanging fruit, in other words — are individuals from the city’s most marginalized groups: African-Americans and Latinos, Muslims, sex workers, street vendors, mentally ill people, the homeless, and LGBT persons. The very people, in other words, that officers should protect and support, rather than harass and bully. Mayor de Blasio should direct the NYPD to abolish the quota system. The city should replace it with constructive performance incentives like rewarding cops for meeting with local clergy, intervening in minor disputes before they escalate into violence, and instead of arresting and locking up homeless persons sleeping under an apartment building stairwell for trespass, bringing them to a neighborhood group that can provide them with supportive services. The new approach for evaluating officers should also include the assessments of precinct commanders who, if they are effective at their jobs, will know which officers are doing quality work and who are shirking their responsibilities or abusing their authority.

Retrench the NYPD/Focus It on Fighting Real Crime

The city now assigns officers to responsibilities that they have little skill to handle, that are areas where law enforcement should have no place, that results in criminalizing people for no good reason, and that diverts cops from what should be their primary function, fighting and solving serious crimes. The de Blasio administration should relieve the NYPD of these duties and assign them to agencies more equipped to address them. For example, the city should transfer the regulation of street vendors and pedicab drivers from the Police Department to the Department of Consumer Affairs or the Health Department. Similarly, school safety would be managed more fairly and effectively by the Department of Education rather than by police personnel. Mental health professionals should be the first responders to people in psychiatric distress. And the Department of Finance should monitor the sale of untaxed goods like loose cigarettes.

Led by Mayor de Blasio, the City has the authority and ability to make these sweeping changes, and it could start tomorrow. These reforms would be the cornerstone of a progressive public safety/quality of life agenda. They would represent major movement towards both ending the divisions in our city between law enforcement and communities and creating a more livable and inclusive environment for all New Yorkers.