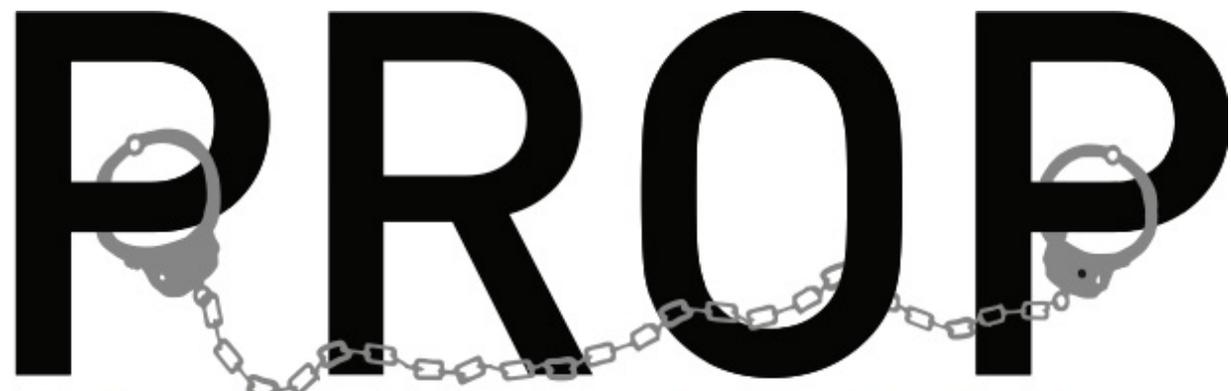


PROP



Police Reform Organizing Project

Nearly ***1,800,000*** Per Year
Punitive Interactions Between NYPD and New Yorkers

By The Police Reform Organizing Project
October 2016

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Prologue

The number of punitive interactions between the NYPD & New Yorkers for 2015¹ came to 1,783,414, a decline of 129,601, or 6.7%, from the total of 1,913,015 punitive interactions recorded for 2014. For the people who will put a positive spin on the drop in numbers, we point to the relevant statement by Malcolm X:

“If you stick a knife nine inches into my back & pull it out three inches, that is not progress.”

Here's a metaphor to illustrate our point: Suppose a gang of 7 or 8 men attack a person walking down the street, throw the person on the ground, & place their feet on the victim. Does it make much difference to the person attacked if one man lifts his foot? The victim is still held down, still in pain & distress, still unable to get up, still unable to move forward. So it is for the low-income communities of color who endure the heavily disproportionate brunt of the NYPD's punitive actions.

Punitive Interaction Statistics

In carrying out its quota driven ‘broken windows’ policing tactics, the NYPD engages in a very high number of punitive interactions with New Yorkers. PROP compiled the statistics in this report — all obtained from the NYPD and other government agencies — for the main purpose of concretely and substantively demonstrating the extensive and intrusive nature of the NYPD’s punitive interactions with New Yorkers on a daily, weekly, monthly, and yearly basis.

Punitive Actions Carried out by the NYPD in 2015:

Punitive Action	Daily # of Interactions	Weekly # of Interactions	Monthly # of Interactions	Yearly # of Interactions
Moving Violation Summons² (Ex: tinted windows, speeding, not wearing seatbelt)	2,748	19,289	83,587	1,003,043
Felony Arrests³	240	1,689	7,320	87,845
Criminal Summons⁴ (ex: open container, bike on sidewalk, public urination)	814	5,719	24,784	297,413
Misdemeanor Arrests⁵	621	4,357	18,897	226,549
Juvenile Arrests⁶	16	110	475	5,704
Stop and Frisks⁷	64	454	1,868	23,625
Transit Adjudication Bureau Summons⁸ (subway and bus facilities violations)	381	2,677	11,602	139,235
Total	4,886	35,000	148,000	1,783,414

Key Findings Documenting the Racial Bias, Waste and Ineffectiveness of NYPD Practices

- ❖ By all accounts and reckonings, **80-95%** of these punitive interactions take place not between the NYPD and the city's full population of 8.4 million people, but between the NYPD and African-Americans and Latinos living in the city between the ages of 15 and 59, roughly **2.6 million people**.^{9 10}
- ❖ According to NYPD statistics, **94.9% of juvenile arrests** in 2015 involved African-American or Latino young people.¹¹
- ❖ According to NYPD statistics, **88.8% of stop and frisks** in 2015 involved New Yorkers of color.¹²
- ❖ Of the **297,413 criminal court summonses** that the NYPD issued last year, the greatest proportion by far, **104,859**, represented **open alcohol container** charges. In reference to open container summonses, one judge stated that, "In his experience... the Department singled 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,' wrote Judge Dear"¹³
- ❖ Last year, the NYPD's misdemeanor practices cost the city approximately **\$396,460,750** or over **\$1,000,000 per day**.¹⁴ Less than **10%** of the people arrested for misdemeanors are sentenced to time in jail.¹⁵
- ❖ The number of tickets that the NYPD issued in 2015 for some moving traffic violations are strikingly high; for example, **68,026** for tinted windows (an average of **186** per day), **81,820** for not wearing a seatbelt (an average of **224** per day); and **165,389** for "disobeying traffic control device," which includes charges like failing to stop at a stop sign (an average of **453** per day).¹⁶
- ❖ According to the Preliminary Mayor's Management Report released last month, in fiscal year 2015 the city paid out **\$202.6 million** to settle claims brought against the NYPD. That is substantially more than the **\$154.1 million** paid in the previous fiscal year, and more than double the **\$86.5 million** paid out a decade earlier in 2005.¹⁷
- ❖ On July 6th, 2015, the *New York Daily News* published a front-page story about a class action lawsuit alleging that officers have issued **850,000** bogus summonses due to an NYPD quota system for evaluating officer performance. The article cites a text from a police sergeant that reads: "We missed seat belt number by 30 last week unacceptable. If need be you guys will go with me 2 traffic stat 2 explain why u missed." It also quotes a police captain upset about the lack of arrests among his leading overtime earners in the Bronx Task Force division: "This has to stop it is

ridiculous to have 50+ hours with only one arrest.”¹⁸

- ❖ In a series of articles covering the NYPD’s summons practices, *The New York Daily News* reported that **81%** of the people ticketed were African-American or Latino and that only **22%** of the cases resulted in a finding of guilt.¹⁹
- ❖ In a practice that, in effect, criminalizes poverty, the NYPD concentrated its resources on sanctioning fare evasion in 2015. Most people attempt to jump a turnstile not for the thrill of it, but because the round trip fare of \$5.50 is a financial burden for them. “Theft of services”, or fare evasion, was the largest category of NYPD arrests last year with **29,198** arrests, **92%** involving New Yorkers of color. In 2015 the NYPD also issued **123,921** summonses for fare evasion, bringing the total NYPD sanctions for fare evasion in 2015 to **153,119** or an average of about **420** per day.²⁰

Conclusion

These startling statistics represent more than an interesting compilation of numbers. They reflect interactions that take place almost entirely between the police and certain groups of people who live in our city, namely New Yorkers of color. These statistics represent in compelling and quantifiable terms the oppressive and harmful impact of quota-driven 'broken windows' policing on the lives and well-being of New York City's African-American and Latino citizens. It is time that our city's leaders, particularly Mayor de Blasio and Council Speaker Mark-Viverito, who have done virtually nothing to end these discriminatory practices, take off their blinders and recognize the institutional racism inherent in the NYPD's current practices. Until then, corrosive law enforcement policies will continue to exacerbate the racial, social, and economic inequities that plague our city.

Appendix

Common Charges Demystified:

Park After Dark	Listed under the Rules and Regulations of the New York City Department of Parks 1-03. General Provisions sub (a) states: “Persons may enter and use the parks from 6 a.m. until 1 a.m, unless other open hours are posted at any park”. Entering a park after these standard times or the posted hours constitutes a misdemeanor that is punishable by a fine of \$1,000 or up to 90 days in prison. ²¹
Marijuana	Listed under Section 221 of the New York Penal Law, ranging from a violation (221.05) to a third class felony (221.55) There are varying levels of offenses for marijuana possession, sale, trafficking, cultivation, or for possessing or selling paraphernalia, hash, and concentrates. ²²
Trespass	Listed under Article 140.00 of the New York Penal Law. Under section 140.05, trespass is considered a violation, not a misdemeanor. A person is guilty of 140.05 if he or she knowingly enters or remains unlawfully in or upon premises. Section 140.10, criminal trespass in the third degree when he or she knowingly enters or remains unlawfully in a building or property like schools or housing projects. A trespass charge often accompanies the charge “theft of services”, which is the charge for entering the subway without swiping. ²³
Theft of Services	Listed under Article 165.15 of the New York Penal Law as a Class A misdemeanor. A person is guilty of theft of services when he or she attempts to obtain a service without paying. Services may include gas, steam, water, and television, eating at a restaurant, staying in a hotel, motel, or inn, or riding a railroad, subway, bus, air, or taxi service. ²⁴
Aggressive Begging	Listed under Section 10-136 of the New York Administrative Code with the official title “Prohibition against certain forms of aggressive solicitation” as a misdemeanor punishable by imprisonment for up to sixteen days or a <i>fine of up to one hundred dollars</i> , or by both. This section defines an “aggressive manner” of solicitation as approaching, speaking, or following a person before, during or after the act of solicitation in a way that makes this person fear bodily harm, damage to one’s property, or feel intimidated into giving money. Soliciting in an aggressive way can also mean that the person being solicited is made to suffer “unreasonable inconvenience, annoyance, or alarm”. ²⁵
Petit Larceny	Listed under section 155.25 of the New York State Penal Law as a misdemeanor punishable by a fine up to \$100 or imprisonment of up

	to twenty days, or by both. A person is guilty of petit larceny when he or she steals property. Property is defined as any money, personal property, real property, or anything of value. A person commits larceny when, “with intent to deprive another of property, he or she wrongfully takes, obtains, or withholds someone else’s property”. ²⁶
Bike on Sidewalk	Listed under Section 19-176 of the New York Administrative Code. A person who violates this subdivision can be charged with a violation and will be liable for a civil penalty of up to \$100. A person who violates this section in a manner that endangers any person or property will be guilty of a misdemeanor, punishable by a fine up to \$100 or imprisonment of up to twenty days or by both. ²⁷
Public Urination	Listed under either 153.09 of the New York City Board of Health’s Health Code and Rules, or 16-118 of the New York City Administrative Code. Article 153.09 of the Health Code concerning Littering and Disposal of Refuse prohibits “throwing or dropping of offensive matter into streets, public places, rivers and other places,” including “noxious liquid,” i.e. urine. The New York Administrative Code’s section on littering similarly declares that no swill, brine, offensive animal matter, noxious liquid, or other filthy matter of any kind should be on any street or public place. ²⁸
Jaywalking	Listed under Section 1152 of the New York State Vehicle and Traffic Law, no pedestrian can cross a roadway intersection diagonally unless authorized by official traffic-control devices and can only cross in accordance with official traffic-control crossing movements. ²⁹
Disorderly Conduct	Listed under Article 240.20 of the New York Penal Law. A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance, or alarm,
Open Alcohol Container	Listed in Section 10-125 sub (b) of the New York Administrative Code as a violation punishable by a fine of up to \$25 or imprisonment of up to five days, or by both. The law prohibits consumption of alcohol in public, including any street, sidewalk, parking area, shopping area, playground, park, or beach located within the city. The law prohibits not only the active consumption of an alcoholic beverage, but also the mere possession of an alcoholic beverage or open container with intent to consume. ³⁰
Loose Cigarettes	Listed under Section 1814 of the New York Tax Law, it is a misdemeanor to sell cigarettes without a proper tax stamp. ¹
Tinted Windows	Listed under Section 375 (12-a) of the New York State Vehicle and Traffic Law. Windshields or front side windows can carry no more than a 70% tint. ³¹
Disobeying Traffic-Control Devices	Listed under Section 1110(a) of the New York State Vehicle and Traffic Law. Every person must obey the instructions of any official traffic control device unless otherwise directed by a traffic or police

¹ New York Tax Law, Cigarette and tobacco products tax

officer.³²

MTA Violations and Arrests.³³

Under the New York City Transit Rules of Conduct, a violation may either be referred to the Transit Adjudication Bureau (TAB) for a \$100 fine, or to the Criminal Court for a \$25 fine or a prison sentence of up to 10 days. Here are some common MTA violations and arrests.

Payment of Fare and Access to Authority Facilities

Listed under Section 1050.4. No Person is Allowed to enter a transit facility without payment of the appropriate fares

Disorderly Conduct

Listed under Section 1050.7. No person shall, in any facility: litter, dump garbage, liquids or other matter; smoke or carry an open flame or lighted match, cigar, or cigarette; sleep or doze where such activity may be hazardous to other people or interfere with the operation of the transit system or the comfort of its passengers; conduct himself in any manner which may cause annoyance, alarm or inconvenience to a reasonable person; occupy more than one seat when to do so would interfere with the operation of the transit system or the comfort of other passengers; place his or her foot on a seat; commit any act which may cause harm to oneself or any other person

Restricted Areas and Activities

Listed under Section 1050.9. No person can attempt to enter into any area not open to the public including operator's cabs, conductor's cabs, and other private areas. No person can enter or leave a subway car except through the entrances and exits provided for that purpose.

Relevant Charts

1. New York City Police Department Moving Violations: December 2015:



Moving Violations

Citywide
December

Offense Description	MTD 2015	YTD 2015
Backing Unsafely	86	1369
Brake Lights (Defect.or Improper)	929	13927
Bus Lane, Driving in	75	2892
Cell Phone	4859	84630
Commercial Veh on Pkwy	142	1618
Defective Brakes	8	165
Disobey Steady Red Signal	4129	55199
Disobey Traffic Control Device	11817	165389
Equipment (Other)	748	11171
Fail to Keep Right	19	311
Fail to Signal	1760	24376
Following Too Closely	84	1345
Headlights (Defect. or Improper)	1165	13370
Improper Lights	141	1973
Improper Passing	271	4152
Improper Turn	4887	76049
Improper/Missing Plates	188	3329
Not Giving R of W to Pedes.	2847	39853
Not Giving R of W to Veh.	330	3696
One Way Street	228	4835
Pavement Markings	1130	14410
Safety Belt	4243	81820
School Bus, Passing Stopped	132	3298
Speeding	8951	134438
Spillback	214	2791
Tinted Windows	4756	68026
Truck Routes	286	4252
U-Turn	260	4311
Uninspected	249	3521
Uninsured	2371	31309
Unlicensed Operator	3935	52968
Unregistered	786	10357
Unsafe Lane Change	436	6408
Other Movers	4651	75485
<i>TOTAL Movers</i>	<i>67113</i>	<i>1003043</i>

* All figures are preliminary and subject to change.

2. Transit Adjudication Bureau: 2015 Summonses:

RUN SORT: TRANSIT ADJUDICATION BUREAU REPORT PAGE: 1
 RUN DATE: 06/02/16 PRODUCTION CONTROL REPORT REPORT ID: CNTVCS02
 RUN TIME: 15:11:14.0 SUMMONSES FROM 2015, BY YEAR AND VIOLATION-CODE SYSTEM: TAB

2015	1050-4A	NONPAYMENT OF FARE	:	123,921
2015	1050-4B	MISUSE OF FARE MEDIA	:	1
2015	1050-4C	UNAUTHOR SALE FARE M	:	728
2015	1050-4D	USE OF UNAUTH FARE M	:	9
2015	1050-5A	GRAFFITI; DEFACEMENT	:	14
2015	1050-5B	POSTING NOTICES	:	4
2015	1050-5C	NONTRANSIT USE OF FC	:	27
2015	1050-6A	VANDALISM; OBSTRUCT	:	141
2015	1050-6B	SELLING; SOLICIT \$\$\$:	882
2015	1050-6C1*	ACT IN PROHIBIT AREA	:	3
2015	1050-6C2	NONCOMPLIANCE NOTICE	:	1
2015	1050-6C2*	INTEFERE W/ MOVEMENT	:	168
2015	1050-6C3*	ACT NEAR CONMSTRUCT	:	1
2015	1050-6C4	EXCESSIVE NOISE	:	24
2015	1050-6C6	SOUND PROD DEVICE	:	6
2015	1050-6D	OBSTRUCT WHEELCHAIR	:	50
2015	1050-6D1	DISOBEY ORDER	:	16
2015	1050-6D2	DISREGUARD NOTICE	:	709
2015	1050-6D3	FAIL TO PROVIDE ID	:	38
2015	1050-6E*	OBSTRUCT WHEEL FACIL	:	1
2015	1050-6F*	LIQUID IN OPEN CONTA	:	16
2015	1050-6G	IMPERSONATE TA EMPLO	:	1
2015	1050-7A	LITTERING, URINATING	:	619
2015	1050-7B	SMOKING	:	1,321
2015	1050-7C	SLEEPING W/HAZARDOUS	:	4
2015	1050-7D	GAMBLING	:	3
2015	1050-7E	UNNECESSARY NOISE	:	96
2015	1050-7F	THROWING OBJECTS	:	3
2015	1050-7G	DRINKING ALCOHOL	:	77
2015	1050-7H	IMPAIR ALCOHOL/DRUGS	:	8
2015	1050-7I	BREACH OF PEACE	:	26
2015	1050-7J	OBSTRUCTION SEATING	:	3,066
2015	1050-7K	COMMIT HARMFUL ACTS	:	525
2015	1050-8A	CARRYING WEAPONS	:	9
2015	1050-8B	CARRYING EXPLOSIVES	:	1
2015	1050-9A	ENT RESTRICTED AREAS	:	30
2015	1050-9B	UNAUTHORIZED PARKING	:	7
2015	1050-9C	UNAUTH PHOTO/FILMING	:	7
2015	1050-9D	RIDING OUTSIDE VECH	:	4,699
2015	1050-9E	BODY/ITEM OUT VECH	:	2
2015	1050-9F	UNAUTH ENTRANCE;EXIT	:	40
2015	1050-9G2	CARRY OBSTRUC OBJECT	:	1
2015	1050-9H	UNAUTHORIZED ANIMALS	:	180
2015	9999-99	BLANK OR UNKNOWN VIOLATION CODE	:	1,750

 TOTAL NUMBER ISSUED FOR YEAR 2015 : 139,235
 RUN SORT: TRANSIT ADJUDICATION BUREAU
 RUN DATE: 06/02/16 PRODUCTION CONTROL REPORT
 RUN TIME: 15:11:15.3 SUMMONSES FROM 2015, BY YEAR AND VIOLATION-CODE

REPORT PAGE: 2
 REPORT ID: CNTVCS02
 SYSTEM: TAB

End Notes

- ¹ Police Reform Organizing Project. *Nearly 2,000,000 Per Year Punitive Interactions Between the NYPD and New Yorkers*. New York City, 2015.
- ² NYPD. Moving Violations. 2015. New York City.
- ³ New York State Division of Criminal Justice Statistics. Adult Arrests. 2015. New York City.
- ⁴ NYPD. Criminal Court Summonses. 2007-2015. New York City.
- ⁵ We calculated this figure by adding the estimated number of NYPD arrests for non-finger printable misdemeanors to the number of NYPD misdemeanor arrests reported by the NYS Division of Criminal Justice Services, which does not include arrests for non-finger printable offenses in its reports.
- ⁶ New York State Division of Criminal Justice Statistics. New York City Juvenile Justice Profile. 2016. New York City.
- ⁷ NYPD. The Stop, Question and Frisk Data. 2015. New York City.
- ⁸ Received from the Transit Adjudication Bureau.
- ⁹ Baruch College Zicklin School of Business. New York City (NYC) Population Estimates By Age, Mutually Exclusive Race and Hispanic Origin, and Sex. New York City.
- ¹⁰ NYCLU. "Testimony Before City Council Public Safety & Courts and Legal Services Committees On Summons Court Operations and Impact | New York Civil Liberties Union (NYCLU) - American Civil Liberties Union of New York State." *New York Civil Liberties Union*. Web. <<http://www.nyclu.org/content/testimony-city-council-public-safety-courts-and-legal-services-committees-summons-court-oper>>.
- ¹¹ Bratton, William J. *Crime and Enforcement Activity in New York City*. 2015. 16.
- ¹² Bratton, William J. *Crime and Enforcement Activity in New York City*. 2015. 15.
- ¹³ Goldstein, Joseph. "Sniff Test Does Not Prove Public Drinking, a Judge Rules." *The New York Times*. The New York Times, 14 June 2012. Web. <http://www.nytimes.com/2012/06/15/nyregion/sniff-test-doesnt-prove-public-drinking-judge-says.html?_r=0>.
- ¹⁴ Police Reform Organizing Project. *Over 1 Millions Dollars a Day*. New York City, 2014.
- ¹⁵ Bratton, William J. *Broken Windows and Quality-of-Life Policing in New York City*. New York City: NYPD, 2015.
- ¹⁶ NYPD. Collisions and Summonses. 2015. New York City.
- ¹⁷ Peters, Mark G., and Philip Eure K. *Using Data from Lawsuits and Legal Claims Involving NYPD to Improve Policing*. Rep. New York City: New York City Department of Investigation, 2015.
- ¹⁸ Brown, Stephen Rex. "EXCLUSIVE: NYPD Accused of Destroying Summons Quota Evidence." *NY Daily News*, 06 July 2015. Web. <<http://www.nydailynews.com/new-york/exclusive-nypd-accused-destroying-summons-info-article-1.2282345>>.
- ¹⁹ Ryley, Sarah. "EXCLUSIVE: NYC Looks to Decriminalize Minor Offenses." *NY Daily News*, 20 Apr. 2015. <<http://www.nydailynews.com/new-york/nyc-crime/city-council-decriminalize-host-offenses-article-1.2190943>>.
- ²⁰ Data Received from New York State Department of Criminal Justice Services
- ²¹ New York City Department of Parks and Recreation. *General Provisions*. New York City.
- ²² "Offenses Involving Marihuana." *New York State Law*. <http://ypdcrime.com/penal.law/article221.htm?zoom_highlight=marijuana%2Boffense>
- ²³ "Burglary and Related Offenses." *New York State Law*. <<http://ypdcrime.com/penal.law/%20article140.htm>>.
- ²⁴ "Offenses Relating to Theft." *New York State Law*. <http://ypdcrime.com/penal.law/article165.htm?zoom_highlight=theft>.
- ²⁵ "File #: Int 0769-2015." *The New York City Council*. N.p., 28 Apr. 2015. <<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2271077&GUID=8122DA36-91B6-469D-BC99-A1AF16FA2B82>>.
- ²⁶ "Larceny." *New York State Law*. <http://ypdcrime.com/penal.law/article155.htm?zoom_highlight=larceny>.
- ²⁷ *Summary Listing of Bicycle Laws, Rules & Regulations*. Publication. New York City: Department of Transportation.
- ²⁸ New York City Department of Health. *Littering and Disposal of Refuse*. New York City Health Code. New York City.
- ²⁹ "Pedestrian's Rights and Duties." *New York State Law*. <<http://ypdcrime.com/vt/article27.htm>>.

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- ³⁰ "2006 New York Code: Consumption Of Alcohol On Streets Prohibited." *Justia Law*.
http://law.justia.com/codes/new-york/2006/new-york-city-administrative-code-new/adc010-125_10-125.html.
- ³¹ "Equipment of Motor Vehicles and Motorcycles." *New York State Law*.
<<http://ypdcrime.com/vt/article9.htm#t375>>.
- ³² *Ibid.*
- ³³ "Rules of Conduct and Fines." *Mta.info*. Transit Adjudication Bureau.
<<http://web.mta.info/nyct/rules/TransitAdjudicationBureau/rules.htm>>.