

**OVER
\$410
MILLION A YEAR**

**THE
HUMAN AND
ECONOMIC
COST**

**of BROKEN-
WINDOWS
POLICING
in NYC**

PROP
Police Reform Organizing Project

November
2014

Over \$410 Million A Year:

The Human and Economic Cost of Broken Windows Policing

Mainly through analyzing NYPD arrest numbers¹ and NYC court disposition statistics², PROP has reached these findings illustrating the costs and injustices associated with and driven by everyday NYPD practices.

- For the first 8 months of 2014, at great expense in city dollars, de Blasio / Bratton's NYPD has continued the same focus as the Bloomberg / Kelly administration on arrests for misdemeanors and other low-level infractions – over **70%** of the NYPD's adult arrests are for misdemeanors. From January through August, 2013, the NYPD made **155,831** misdemeanor arrests – nearly **20,000 per month**. During 2014's same 8-month period, the NYPD made **156,572** misdemeanor arrests, also nearly **20,000 per month**.
- A stark racial bias marks the NYPD's petty arrest practices. In 2013, **87%** of the individuals charged with misdemeanors were people of color; in 2014, the figure has been **86.3%**.
- For some arrest categories, the racial bias is even more disproportionate; for example, the percentage of misdemeanor marijuana arrests³ involving people of color in 2013: **90.8%**; in 2014: **90.9%**; the percentage of misdemeanor trespass arrests involving people of color in 2013: **91.1%**; in 2014: **90%**; the percentage of theft of service misdemeanor arrests – “theft of service” usually applies to fare-beating infractions – involving

¹ NYS Division of Criminal Justice Services, *NEW YORK CITY MISDEMEANOR ARRESTS BY TOP CHARGE AND RACE-ETHNICITY: JANUARY-AUGUST 2013 v 2014*, Computerized Criminal History system, 22 March 2014.

<http://www.criminaljustice.ny.gov/crimnet/ojsa/dispos/nyc.pdf>

² NYS Division of Criminal Justice Services, *New York City Adult Arrests Disposed*, Computerized Criminal History system, 23 September 2014.

³On November 10th, city leaders announced a change in NYPD practices, effective November 19th, regarding the possession of small amounts of marijuana. Officers are supposed to issue summonses for the infraction instead of arresting people. Through its Court Monitoring Project, PROP will be able to assess the on the ground effect of this announced reform with an eye toward two particular questions/concerns: whether officers actually adhere to the new NYPD directive and, if they do, will they still persist in the daily “broken windows” arrest and ticketing practices that, in effect, target low-income people of color.

people of color in 2013: **92.3%**; in 2014: **90.5%**.

- At the conservative estimate of **\$1,750 per arrest**⁴, NYC will spend over **\$410 million** in 2014 on arresting people, mostly low-income individuals of color, for misdemeanors and other minor infractions. Here is the specific calculation behind that figure: $\$1750 \times 234,858$ (the projected annualized number of misdemeanor arrests for 2014) = \$411,001,500.
- During the 5-year period – 2009 to 2013 – NYC averaged 229,035 misdemeanor arrest dispositions per year. Of that number, an annual average of **10.02%** of the persons charged, or 22,949 people, did time, meaning in most cases that they received a jail sentence of several months, weeks, or days.
- For the 5-year period from 2009 to 2013, an annual average of **90%** of the people arrested for misdemeanors walked out of the courtroom for any of these reasons:
 - They were acquitted.
 - The court dismissed their cases.
 - The district attorney declined to prosecute – an outcome that occurred in an annual average of 8.7% of the cases.
 - They were sentenced to probation or time served.
 - They received a fine.
 - They were conditionally discharged.

⁴ In March 2011, the Drug Policy Alliance published “\$75 Million A Year”, which was prepared by Harry G. Levine and Loren Siegel of the Marijuana Arrest Research Project. Levine is a professor of sociology at Queens College and Siegel is an attorney and consultant who was for many years the director of public education for the American Civil Liberties Union. Here is what Levine and Siegel wrote in that report to explain how they came up with the estimated cost of \$1500 per each marijuana possession arrest: “The premier study of the cost of arrests and prosecutions is a 180-page report, *The Comparative Costs And Benefits Of Programs To Reduce Crime*. It was prepared in 2001 by Aos, Phipps, Barnoski, and Lieb for the Washington State Institute for Public Policy. The study calculated average police and court costs per arrest for a number of crime categories in all jurisdictions in the state of Washington. For a misdemeanor arrest, police costs were \$764 and court costs were \$336, for a total of \$1,100 – in 1995 dollars. This would be over \$1,500 in 2010 dollars in Washington State. Since the cost of living is higher in New York City, it seems reasonable to conclude that the police and court costs for a single misdemeanor arrest in New York City is by now at least \$1,500 to over \$2,000. This covers all police time including overtime pay for arresting officers and supervisors, all pre-arraignment jail costs, and all court expenses”. Given that this analysis applied to arrest costs 4 years ago, we at PROP concluded that a midway figure of \$1,750 per arrest would represent a fair, even conservative estimate for 2014. Another factor reassuring us that \$1,750 per misdemeanor arrest is a reasonable estimate is that the total annual cost to the city of the NYPD’s misdemeanor arrests then comes to \$411,001,500 ($234,858 \times \$1,750$). As high as it is, this figure is still less than 10% of the \$4,687,000,000 annual budget of the NYPD.

PROP's Principal Points

As a result of these findings, PROP has reached the following conclusions:

- Even the conservative estimate of **\$411,001,500 per year** demonstrates that the NYPD expends – wastes is perhaps a more fitting term – considerable resources on a failed, counterproductive misdemeanor arrest strategy.
- “Failed” and “counterproductive” are accurate and appropriate assessments because in **90%** of the cases, the accused person returns to the community almost immediately, so if improved public safety was intended, it was not achieved. Also, the arrests, frequently frivolous and clearly a function of bias, often deepen the arrested person’s distrust of and antagonism toward law enforcement and the courts, thereby undermining the authorities’ ability to maintain the social order of things and to respond effectively to committed crimes.
- Despite Mr. de Blasio’s campaign promises, the de Blasio/Bratton administration continues the biased arrest practices of the Bloomberg/Kelly tenure.
- Petty charges against people of color continue to stand out in the picture presented by NYC’s misdemeanor arrest and disposition numbers.
- The NYPD’s current commitment to broken windows policing conflicts in spirit and substance with Mayor de Blasio’s clearly sincere pledges to address NYC’s racial, social, and economic inequities. **“Broken windows” policing is the “Tale of Two Cities” writ large** – our mayor cannot make progress in resolving those problems without moving the NYPD away from the current aggressive and punitive approach to collaborative, community-oriented policing.