Nearly 2,000,000 Per Year
Punitive Interactions Between the NYPD and New Yorkers

A Short Report by The Police Reform Organizing Project (PROP)

August 2015
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Nearly 2,000,000 Per Year: Punitive Interactions Between the NYPD and New Yorkers

“To many of us from these communities, the past two weeks have amounted to a vacation from fear, surveillance, and punishment. Maybe this is what it feels like to not be prejudged and seen as suspicious law breakers. Maybe this is a small taste of what it feels like to be white.”

-Aurin Squire on the work slowdown by NYPD officers in late December/early January as a protest against Mayor Bill de Blasio. Summonses dropped by 90%, arrests by 66%, and, according to the NYPD, so did crime.

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. Here are our key findings:

• In carrying out its quota-driven ‘broken windows’ tactics, the NYPD engages in a very high number of punitive interactions with New Yorkers:
  o Nearly 2 million per year; exact number for 2014: 1,913,015
  o Nearly 5,700 per day; exact number for 2014: 5,694
  o Nearly 40,000 per week; exact number for 2014: 39,855
  o Over 159,000 per month; exact number for 2014: 159,419

Punitive Interactions Between the NYPD and New Yorkers in 2014

<table>
<thead>
<tr>
<th>Punitive Interaction Category</th>
<th>Daily # of interactions</th>
<th>Weekly # of interactions</th>
<th>Monthly # of interactions</th>
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<td>Total</td>
<td>5,694</td>
<td>39,855</td>
<td>159,419</td>
<td>1,913,015</td>
</tr>
</tbody>
</table>

2 NYPD, “December 2014 Moving Violations.”
3 New York State Division of Criminal Justice Statistics, “Adult Arrests 2014, New York City.”
5 Ibid, 12.
7 Ibid, 15.
*examples include cell phone, tinted windows, speeding, and not wearing a seatbelt.
**examples include open alcohol container, bike on the sidewalk, park after dark, and public urination.
***Transit Adjudication Bureau summonses. The Transit Adjudication Bureau is responsible for processing summonses issued to individuals charged with violating one or more of the rules governing conduct in the use of subway or bus facilities; examples include walking between subway cars, putting your backpack or foot on the subway seat, unlawful solicitation (the charge for when a person asks to be swiped into the subway), and farebeating.

- The high number of punitive interactions conducted by the NYPD expose the Department’s continuing practice of targeting New Yorkers of color. 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. 8 9

- According to NYPD statistics, 94.4% of juvenile arrests in 2014 involved African-American or Latino young people. 10

- According to NYPD statistics, 87.5% of stop and frisks in 2014 involved New Yorkers of color. 11

- In a report released last year that relied on a conservative financial analysis, PROP determined that the processing of a misdemeanor arrest cost NYC about $1750. So last year the NYPD’s misdemeanor practices cost the city approximately $454,881,000 ($1750. x 259,926) or nearly $1,250,000 per day. 12 It is important to note that less than 10% of the people arrested for misdemeanors are sentenced to time in jail. 13 About 90% of New Yorkers arrested for misdemeanors walk out of the courtroom for one of these reasons:
  - They were acquitted.
  - The court dismissed their cases.
  - The district attorney declined to prosecute – an outcome that occurs in about 9% of cases.
  - They were sentenced to probation or time served.
  - They received a fine.
  - They were conditionally discharged.

- Of the 359,342 criminal court summonses that the NYPD issued last year, 116,929, the greatest proportion by far, were for open alcohol container. Relevant here is a quote from one judge who spoke out against these kinds of summonses. A 2012 New York Times article referenced Judge Noach Dear’s decision in dismissing an open alcohol container case. The judge stated that, "In his experience… the Department singled out blacks and Hispanics when

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8 Baruch College Zicklin School of Business, “New York City (NYC) Population Estimates By Age, Mutually Exclusive Race and Hispanic Origin, and Sex.”
9 NYCLU, “Testimony Before City Council Public Safety and Courts and Legal Services Committees On Summons Court Operations and Impact.”
10 “Crime and Enforcement Activity in New York City” p. 16
11 “Crime and Enforcement Activity in New York City” p. 15
12 Police Reform Organizing Project, “Over a Million Dollars a Day” December 2014, 2.
issuing public drinking summonses. 'As hard as I try, I cannot recall ever arraigning a white defendant for such a violation,' wrote Judge Dear.\textsuperscript{14}

- The number of tickets that the NYPD issued in 2014 for some moving traffic violations are strikingly high; for example, 74,345 for tinted windows (an average of 204 per day), 98,321 for not wearing a seatbelt (an average of 269 per day); and 152,617 for "disobeying traffic control device," which includes charges like failing to stop at a stop sign (an average of 418 per day).\textsuperscript{15}

- We are certain, based on our own observations and credible accounts from civilians and criminal justice professionals, that many of these punitive interactions are frivolous, biased or bogus — arrests and tickets for minor infractions like open alcohol container, park after dark, foot on a subway seat or jaywalking. We also presume that many of them — arrests for serious felonies like armed robbery or rape and tickets for speeding or running a red light — are necessary to protect public safety and improve New Yorkers’ quality of life.

Relevant Points About Punitive Interactions:

- The courts provide a key indicator of the excessive and intrusive nature of the high number of punitive interactions generated by the NYPD’s quota-driven ‘broken windows’ tactics. The NYPD reports that, in the last five fiscal years, New Yorkers have filed more than 15,000 lawsuits against the Department, a 44% increase in total number. In 2013 alone, New York City paid out $137.2 million in settlements and judgments against the NYPD and recently allocated an additional $4.5 million to hire 30 new lawyers and 10 new paralegals to defend against these charges.\textsuperscript{16}

- On Monday, July 6th, 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.”\textsuperscript{17}

- While neither the NYPD nor any other government agency tracks the race of New Yorkers who receive moving violations summonses, PROP’s Court Monitoring Project identified 46 traffic infractions during visits to criminal court arraignment parts in the summer of 2014. Most charges in these cases were for driving with a suspended license, and 41 out of 46 defendants, or 89%, were people of color.

\textsuperscript{15} Traffic Archive 2014: Collisions and Summonses, New York Police Department, 2014.
• 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.¹⁸

• Mayor Bill de Blasio and Police Commissioner Bill Bratton have embraced the kinds of policing tactics that are reflected in the high number of NYC’s punitive interactions. The NYPD’s brand of quota-driven ‘broken windows’ law enforcement entails mainly arresting and ticketing African-American and Latino individuals, sometimes on bogus charges, for engaging in minor infractions that have been virtually decriminalized in the city’s white neighborhoods. PROP regularly visits the arraignment parts of the city’s criminal courts with its Court Monitoring Project, wherein volunteers observe and record who the police arrest and on what charges. We have attended ten court sessions in the last two months in the Bronx, Brooklyn, and Manhattan, so our findings reflect an up-to-date picture of NYPD arrest practices. Of the 268 cases observed, 250 – or 93.3 percent – involved New Yorkers of color. Charges included park after dark, open alcohol container, jaywalking, marijuana possession, and “unlawful solicitation” (the charge a person receives for asking to be swiped into the subway).¹⁹

• Police had arrested, cuffed and confined all these defendants, keeping most of them locked up overnight. Some charges that the court officer or judge stated out loud in the courtroom included “man-spreading” on the subway; “the unauthorized selling of smoothies in Central Park”; “the unlicensed practice of massage”; and “the selling of bottled water on a public road.” Current police practices are not only aggressive, intrusive, and biased, but they sometimes border on the surreal.²⁰

• In a July 13 column published in the *Daily News*, Eric Garner’s 20-year-old son Eric Snipes wrote: “I don’t think things have gotten better because cops are still out there harassing people. I’ve been stopped by the cops. They just come over and ask me for my ID and pat me down. But if I was white, walking in a white neighborhood, they wouldn’t do that. They need to stop discriminating.”²¹

**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. They represent in compelling and quantifiable terms the oppressive and harmful impact of quota-driven ‘broken windows’ policing on the lives and well-being of our city’s African-American and Latino citizens. It is time that our city’s leaders, particularly Mayor de Blasio and Council Speaker Mark-Viverito, take off their blinders and recognize the institutional racism inherent in the NYPD’s current practices and direct the Department to abandon ‘broken windows’ tactics. Until then, corrosive law enforcement policies will continue to exacerbate the racial, social, and economic inequities that plague our city.

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²⁰ Ibid.

Appendix:

Sample Sanctions/Stories:

To convey a fuller picture of the impact of these numerous punitive interactions on New Yorkers, particularly persons of color, we present stories representing specific examples of the NYPD’s practices. Mostly culled from PROP’s most recent report, “That’s How They Get You”: New Yorkers’ Encounters with ‘Broken Windows’ Policing, PROP gathered these vignettes from newspaper and magazine articles, our court monitoring efforts and petition days, as well as through interviews with public defenders, service providers, defendants, and other victimized persons.

Park After Dark:

• Two young women, acting students at NYU’s Tisch School, told how officers ticket them for walking through Tompkins Square Park after dark. The women explained that it is safer for them than having to walk the extra blocks to circumvent the park. “Sorry,” the officers responded, “we have to meet our quotas.”

• On a monitoring visit to the arraignment part in Brooklyn’s criminal court, we observed that the police had arrested a young man of color on the charge of being in a park after dusk. After the judge let him go on an ACD (an adjournment in contemplation of dismissal, which means that the case will be dismissed in six months or a year if the defendant remains a law-abiding citizen until then), we asked the man why the police had arrested rather than ticketed him. “Because there was a warrant out for me”, he explained, for not showing up in court on a previous summons. We asked what the first summons was for. Also park after dark, he said, adding that the same officers had stopped him both times.

• A Latino girl and her friend were walking her dog in a Harlem park. Police officers approached them and spoke rudely. The officers gave each teenager a summons for ‘being in the park after dusk.’ The officers wrote on the tickets that it was 11 PM even though it was only 8 PM. The girl reported being terrified when she appeared in summons court and said that she still felt that way even after the judge threw the summonses out.

• An officer stopped a woman walking on her way to the subway in Brownsville, Brooklyn. She had gone through the well-lit side of a park because she thought it was safer. The officer charged her with being in the park after dusk. The woman pointed out that the park closes at 9 PM and that it was 8:49 PM at the time. The officer stalled her for 11 minutes before issuing her a summons. The officer also told the woman not to worry about the ticket because it would be dismissed.

Marijuana:

• A police officer arrested an African-American woman in her mid-60s for the first time in her life for smoking a joint on her stoop. When the case was brought to night court in Manhattan, an angry Legal Aid lawyer confronted the officer who explained that fifteen years ago his sergeant would’ve punched him out for making such an arrest but now it’s expected of him.

• The police arrested a young African-American woman and her three friends while they stood in the lobby of her building in Brooklyn. The officers charged them with marijuana possession
even though the young people had no drugs on them. They were held in jail overnight and though they had done nothing wrong, took their public defenders’ advice to accept a plea to a lesser charge. One prospective employer denied her a job because she now has a criminal record.

**Trespass:**

- Police officers arrested a young African-American man for trespass while he stood with his cousin in the lobby of his cousin’s building in Brooklyn. The police then cuffed and arrested him after checking his record and finding he had an outstanding warrant for smoking in an unauthorized space. The man explained that in the first case, the police had caught him smoking in the elevator of the apartment building where he lives at 2 o’clock in the morning.

- A police officer arrested a 16-year-old Latino boy on two different occasions for trespass while the boy was standing in the hallway of his own building.

- A man was in the yard of the public housing project in the Bronx where he grew up and where several of his family members lived. *The address of the building is tattooed prominently on his forearm.* After police searched him illegally and found no drugs or contraband on him, they arrested him for trespass despite the protests of family members. He was released after spending the night in jail, but the prosecution refused to immediately dismiss the case. Instead, the case was dismissed months later when he appeared on his scheduled court date with one of his relatives, who proved that he was not trespassing.

**“Aggressive” Begging:**

- Two police officers arrested a Latino veteran in the Times Square area on a charge of aggressive begging on eight separate occasions. In one instance, the veteran’s lawyer found an exculpatory video that shows his client behaving politely and not pressuring walkers-by. The man refused to plead guilty and took the case to trial.

- Police officers arrested a man in the Times Square area on the charges of “aggressive begging” and “disorderly conduct”. Witnesses testified that he was in fact polite and respectful. He managed to record an officer at the precinct saying, “I wouldn’t have arrested you except for pressure from a superior to get my numbers up”. The court dismissed the charges against the man.

- A police officer arrested a middle-aged, homeless Black man near the Port Authority in Manhattan on the charge of "unauthorized opening and closing of taxi doors". The officer accused the man of expecting tips from the passengers, and that therefore the man was begging. The lawyer on the case explained that officers assigned to areas like the Port Authority look for excuses to arrest homeless people to clear them from the vicinity. The man refused to plead guilty and end the case, because he didn’t believe he’d committed a crime. He returned to court four times for his bench trial, before a judge found him not guilty in a trial lasting less than an hour.

**Petit Larceny:**
• Police officers arrested an African-American woman in Brooklyn because her two small children had attempted to walk out of a grocery store with fish hidden under their clothes. The judge released the woman, who claimed not to know what her youngsters were doing, on her own recognizance. She left the courtroom clearly worried about losing custody of her children.

• In Brooklyn, the police arrested a hungry, homeless man for taking a container of orange juice from a Dunkin' Donuts store.

• We are increasingly observing shoplifting or “petit larceny” cases wherein the defendants claim that they are innocent. Sometimes the arrested person will plead guilty to the charge to quickly resolve the case. As one woman explained, she’d rather take the one half-day “why you shouldn’t shoplift class” and not “have to keep coming back to court” because she has a job and children to attend to. In another case in Brooklyn, a young black woman refused to accept a plea because, as she explained to us, “I didn’t do anything wrong.” Her account: She was in a CVS store checking out the nail polish selection. She looked at one bottle, returned it to the shelf, and was holding another bottle when the police detained her. Although the officers did not find any stolen property in her bag, they cuffed and arrested her anyway. She was locked up overnight before the arraignment judge released her on her own recognizance and set a date for a bench trial to resolve the charge against her.

• Police arrested an elderly, handicapped black woman who, aided by a cane, walked slowly up to the bench. The charge was petty larceny in the 5th degree—shoplifting. In tears she pled guilty to disorderly conduct and hobbled out of the court room. When asked about her offense, she said that she had taken bacon and eggs from the Harlem Pathmark. When asked why, she explained that she was hungry.

**Bike on the Sidewalk:**

• The police stopped a young African-American man who was riding his bicycle on a sidewalk in Brooklyn. The officer ran a background check on the man and found an outstanding warrant for an open alcohol container from six years earlier. As is the NYPD’s policy, the officer cuffed and arrested the man who spent the night in jail before receiving an ACD from the arraignment part judge.

**Public Urination:**

• The police spoke rudely to a group of black and brown teenagers who were hanging out on a Bronx corner near their high school. They broke up the group, issued summonses to some of the youth, and sent them home. Angry and flustered, one girl did not look at the summons and put it on top of her desk in her room. Several days later and to the girl’s surprise, her mother, who had come across the ticket, angrily asked her about why she had peed in public. In a creative mood, the officer had given the girl a ticket for public urination.

• The police approached an African-American man on the street, stopped, and spoke rudely to him. They then arrested him on a charge of public urination. The man had an outstanding warrant from years prior that he had not cleared up. The court issued an ACD when he explained that because of a kidney ailment he was physically unable to urinate.

**Jaywalking:**
A lawyer working in the Brooklyn arraignment part on a Saturday night reported handling five jaywalking cases. Each case involved a man of color. Each man was cuffed and arrested. Three of the men had outstanding warrants for minor incidents, two of the men had no criminal record.

Disorderly Conduct:

- A man was walking home from voting when the police stopped, searched, and detained him. He provided the officers with his identification, but they still issued two summonses, one for disorderly conduct and another for littering, which were later dismissed.

- A man was standing outside of his apartment building in the Bronx after his nephew’s funeral when the police detained him without explanation. After he provided his identification, the officers verbally abused him and issued him a summons for disorderly conduct.

- An African-American man was standing on a corner in the Bronx when the police searched and arrested him. He provided identification, but the officers still handcuffed him and held him at the local precinct. He was issued a summons for disorderly conduct.

- While sitting in his car outside of his mother’s apartment, a Latino man was approached by the police. The officers asked for his identification and he questioned their motives. The police responded by spraying him in the face with mace, ordering him out of his car, and handcuffing him. The man’s mother ran out of her building to tell the police that he had a right to be there. The officers released the man after issuing him a summons for disorderly conduct, which was dismissed.

MTA Violations and Arrests:

- On a monitoring visit to the arraignment part in Manhattan’s criminal court, a public defender motioned that she wanted to speak with us during a break in the proceedings. “My first 9 cases were all unlawful solicitation,” she said, her head shaking in dismay. Unlawful solicitation means a person asks someone to swipe them onto the subway and is considered a punishable infraction even if the individual asked is willing to do so. We asked her about the race of the people charged. “All black”, she replied.

- A police officer arrested a young Latino man for having his backpack on the seat next to him.

- A police officer arrested a young man of color for walking between the cars of a stopped subway train.

- A police officer issued a summons to a man for walking between the cars of a stopped subway train. The officer apologized: “I’m sorry, but it’s the 26th of the month and I have to make my quota.”

- On a recent visit to the arraignment part in Brooklyn’s criminal court, PROP volunteers observed that police officers had arrested two Latino men on the charge of ‘man spreading’ on the subway, presumably because they were taking up more than one seat and therefore inconveniencing other riders. Before issuing an ACD for both men, the judge expressed her
skepticism about the charge because of the time of the arrests: “12:11 AM, I can’t believe there were many people on the subway.”

• On a Saturday night in spring, a Legal Aid lawyer in the Manhattan arraignment part represented four defendants in a row who had been arrested for having a foot up on a subway seat. One case stood out for the attorney: a 22 year old African-American man, a college student with a part-time job, who had an appropriate ID and no criminal record, had to spend over 24 hours in jail. A police officer arrested him when the train was four stops away from his house.

• The leader of a subway dance group — they don’t perform in the cars but in more open spaces in large stations like Union Square and Times Square — reports that the police regularly harass his dancers, all of whom are black and brown. The officers sometimes arrest them, cuff and confine them, on charges like disorderly conduct and “making too much noise”. They are always held overnight and the judge invariably dismisses the charges when they appear in court. “A waste of time and money for everybody,” the group’s leader says.

• An African-American man and his nine-year-old daughter entered a Brooklyn subway station. He swiped her school-pass MetroCard and she swiped his. The police arrested the man, charging him with theft of services for using his child’s card.

• The police arrested a 16 year old black boy who was having an asthma attack on the subway. Frightened, the boy had gone through the metal gate to get help when the officers detained him on the charge of farebeating or “theft of services.” He had no criminal record till then. The court issued him an ACD. Tearing up as she spoke, the boy’s mother, worried about future negative encounters between her son and the NYPD, explained that she planned to send him to live with his father in Mississippi.

Open Alcohol Container:

• A police officer arrested an undocumented Mexican immigrant on an open alcohol container charge. There was a warrant out on him for failure to appear for a summons, which was also for an open alcohol container. The young man was deported.

Loose Cigarettes:

• A lawyer working in the arraignment part in Brooklyn reports that the same police officers have arrested and locked up her client, a middle-aged African-American man, on five separate occasions on the charge of selling loose cigarettes. Unusually, he has persisted in rejecting an ACD or a plea. He has denied the charges, insisting on his innocence and stating that the officers are "flaking" him — planting evidence and lying about it. He plans to take all five open cases to trial.

Moving Violations:

Tinted Windows:
• An African-American man was stopped for his window tints being too dark. His lawyer asked him if they were specialty tints or stock tints. He replied that they were stock tints. The man said, “I think I was just too dark.”

Seatbelt:

• An African-American woman driving in Jamaica, Queens was pulled over because her car had a broken tail light. When she showed the officer a note explaining that she was on her way to have the light fixed, he said that then he would give her a summons for driving without a seatbelt, When she said, “but I have my seatbelt on,” he responded, “Stop complaining or I’ll make it worse for you.”

Driving While Intoxicated (DWI):

• A Latino man was cleaning his car outside his sister’s house on Cabrini Boulevard, Manhattan, when cops approached him, accused him of drug possession, and searched him and the car. They found no drugs but charged him with a DWI, even though he wasn’t driving. Eighteen court appearances and nearly two years later, the charges were dismissed.

Common Charges Demystified: Drawing from official New York State laws and regulations, PROP has compiled this list of common charges with simplified definitions:

Park After Dark: The Rules and Regulations of the New York City Department of Parks 1-03, General Provisions sub (a) states that “Persons may enter and use the parks from 6 a.m. until 1:00 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 $1000 or up to 90 days in prison.

Marijuana: Section 221 of the New York Penal Law describes Marihuana related offenses, which range 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.

Trespass: Trespass and related offenses are 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, is a class B misdemeanor. A person is guilty of 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.

Theft of Services: Theft of services is listed under Article 165.15 of the New York Penal Law. A person is guilty of theft of services when he or she attempts to obtain a service without paying.

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23 Ibid.
Services could include gas, steam, water, television, eating at a restaurant, staying in a hotel, motel, or inn, or riding a railroad, subway, bus, air, or taxi service. Theft of services is a class A misdemeanor.  

Aggressive Begging: Aggressive begging is listed under Section 10-136 of the New York Administrative Code with the official title “Prohibition against certain forms of aggressive solicitation.” 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 to 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.” Any violation of the numerous provisions of this section constitutes a misdemeanor punishable by imprisonment for up to sixteen days or a fine of up to one hundred dollars, or by both.  

Petit Larceny: Under section 155.25 of the New York State Penal Law 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.” Petit larceny is a class A misdemeanor that is frequently associated with shoplifting cases.  

Bike on Sidewalk: Section 19-176 of the New York Administrative Code details the instances in which bicycle operation on sidewalks is prohibited. 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.  

Public Urination: Public urination is often charged under either 153.09 of the New York City Board of Health’s Health Code and Rules or 16-118 of the New York Administrative Code. Article 153.09 of the Health Code concerning Littering and Disposal of Refuse, prohibits “throwing or dropping 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.  

Jaywalking: According to 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.  

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28 Ibid.
29 Ibid.
Disorderly Conduct: Disorderly conduct is prohibited 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, he or she engages in violent or threatening behavior, makes unreasonable noise, makes an obscene gesture, uses abusive or offensive language, obstructs vehicular or pedestrian traffic, or congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse. Disorderly conduct is a violation, not a crime.35

MTA Violations and Arrests:

Under the New York City Transit Rules of Conduct, a violation may either be referred to the Transit Adjudication Bureau (TAB) for a $100 dollar fine, or to Criminal Court for a fine of $25 dollars or a prison sentence of up to 10 days.36 Here are some common MTA violations and arrests:

- **Section 1050.4: Payment of fare and access to authority facilities**37
  - No person is allowed to enter a transit facility without payment of the appropriate fare.

- **Section 1050.7: Disorderly Conduct**38
  - 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 or herself 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 including:
      - riding a bicycle or straddling a bicycle while it is in motion
      - wear roller skates or in-line skates
      - ride or stand on a skateboard

- **Section 1050.9: Restricted areas and activities**39
  - 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.

Open Alcohol Container: Section 10-125 sub (b) of the New York Administrative Code prohibits consumption of alcohol in public. This includes any, street, sidewalk, parking area, shopping area, playground, park or beach located within the city. The law prohibits not only is the active consumption of an alcoholic beverage, but also the mere possession of an alcoholic beverage or open container.

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37 Ibid.
38 Ibid.
39 Ibid.
with the intent to consume. A violation of this section is punishable by a fine of up to $25 or imprisonment of up to five days, or by both.\textsuperscript{40}

\textbf{Loose Cigarettes:} Under section 1814 of the New York Tax Law, it is a misdemeanor to sell cigarettes without a proper tax stamp.\textsuperscript{41}

\textbf{Tinted Windows:} Section 375 (12-a) of the New York State Vehicle and Traffic Law does not allow windshield or front side windows that are dark. It specifies that these windows can carry no more than 70\% tint.\textsuperscript{42}

\textbf{Disobeying Traffic-Control Device:} Section 1110(a) of the New York State Vehicle and Traffic Law states that every person must obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer.\textsuperscript{43}

\textsuperscript{40} New York Administrative Code, Consumption of alcohol on streets prohibited, http://codes.lp.findlaw.com/nycode/ADC/10/1/10-125.  
### Moving Violations

**Citywide**  
**December**

<table>
<thead>
<tr>
<th>Offense Description</th>
<th>MTD 2014</th>
<th>YTD 2014</th>
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<tbody>
<tr>
<td>Backing Unsafely</td>
<td>101</td>
<td>2022</td>
</tr>
<tr>
<td>Brake Lights (Defect. or Improper)</td>
<td>835</td>
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<tr>
<td>Bus Lane, Driving in</td>
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<tr>
<td>Cell Phone</td>
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<tr>
<td>Commercial Veh on Pkwy</td>
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<td>1430</td>
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<tr>
<td>Defective Brakes</td>
<td>18</td>
<td>327</td>
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<tr>
<td>Disobey Steady Red Signal</td>
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<td>53445</td>
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<tr>
<td>Disobey Traffic Control Device</td>
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<td>Equipment (Other)</td>
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<td>9272</td>
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<tr>
<td>Fail to Keep Right</td>
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<td>347</td>
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<tr>
<td>Fail to Signal</td>
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<tr>
<td>Following Too Closely</td>
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<tr>
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<td>Improper Lights</td>
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<td>Improper Passing</td>
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<td>4632</td>
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<tr>
<td>Improper Turn</td>
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<td>73234</td>
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<tr>
<td>Improper/Missing Plates</td>
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<tr>
<td>Not Giving R of W to Pedes.</td>
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<td>Not Giving R of W to Veh.</td>
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<td>One Way Street</td>
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<tr>
<td>Pavement Markings</td>
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<tr>
<td>Safety Belt</td>
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<tr>
<td>School Bus, Passing Stopped</td>
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<tr>
<td>Speeding</td>
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<td>Spillback</td>
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<td>Tinted Windows</td>
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<td>U-Turn</td>
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<td>Unsafe Lane Change</td>
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<td>Other Movers</td>
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*All figures are preliminary and subject to change.*