

“THAT’S HOW THEY GET YOU”: NEW YORKERS’ ENCOUNTERS WITH ‘BROKEN WINDOWS’ POLICING

Introduction

This document presents 117 vignettes from and about New Yorkers from across our city who have experienced and endured disrespect and abuse at the hands of NYPD officers. Interested and informed persons are familiar with the statistical evidence of the NYPD’s misguided and racially biased tactics. Here are samples of that illustrative data:

- ❖ Black and brown youth make up 94% of the City’s" juvenile arrest population," according to government statistics.
- ❖ 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.

Also, PROP developed the Court Monitoring Project to research up close the harmful effects of “broken windows” policing on individuals. PROP members who observed and recorded court proceedings in the arraignment parts of New York City’s criminal courts, found that out of the 850 total cases seen, 797, or about 94%, of the defendants were people of color. 756 people, or 89%, of the persons arrested or ticketed were able to walk out of the courtroom.

This report seeks to put flesh and blood on the bones of these numbers, to present the terrible human consequences of quota-driven ‘Broken Windows’ practices and to show the very real ways that this law enforcement approach hurts and severely compromises the lives and well-being of people and communities.

Here, all too often, is how quota-driven ‘Broken Windows’ policing operates. A Department representative, a precinct captain or lieutenant, pressures officers to meet numerical goals regarding arrests and summonses, then deploys the officers in particular neighborhoods. Everyone in those neighborhoods becomes a potential criminal even if their criminality is fabricated to meet the targeted monthly quotas, sometimes referred to by Department brass as “productivity goals”. The subsequent indiscriminate ticketing, false arrests, and illegal stops undermine officers’ relationships with communities and result in unfair, counterproductive policing. As the stories in this report attest, many community members do not feel that they can turn to the police as a source of protection. In fact, they often feel that they must take steps to protect themselves and their children from the police. They lose faith in a legal system that unjustly harasses and punishes them at its earliest stages with its most public arm.

Our concern is not with the proverbial “few bad apples”, a dubious response that Department defenders often put forward when police wrongdoing is exposed. It is an argument that belies a significant body of evidence including what the stories contained herein tell us about the day to day practices of the NYPD. Our concern is that these illegal and biased tactics employed by street cops reflect a system-wide attitude and culture. Our concern, too, is that these bad practices target mainly marginalized groups: black and brown young men, sex workers, LGBT persons, mentally ill persons, street vendors, and the homeless.

Here are the stories that PROP representatives have gathered during our court monitoring efforts and petition days, through interviews with public defenders and service providers as well as with defendants and other victimized persons, and from newspaper and magazine articles.

NEW YORKERS' STORIES

“That’s How They Get You”

In response to the issue of quotas that came up during a conversation about policing, a young New York man said excitedly: “I’m half-Puerto Rican, and that’s how they get you. Bike on the sidewalk, open alcohol container, things like that. I am scared of the police if I see one on the street. I’d rather spend a night with the Hell’s Angels on the Lower East Side than go into a police precinct to report anything.”

Really?

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 a 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.

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”.

In cleaning up after her dog, a middle-aged, African-American mother of two briefly put down her pet’s leash. A plainclothes officer noticed and wrote her a summons for having an unleashed dog. The woman forgot about the ticket and failed to show up on the designated court date which triggered the issuance of a warrant. Nearly three years later police showed up at her home and arrested her. The judge dismissed her case after a 10 second court appearance, but not before she spent **4 days** locked up in a Bronx court holding cell. “I felt like they abducted me from my house”, she said. “I would never even make up in my wildest dreams and think I would have to go through a system like that for something so insignificant as doggy poop.”

Police officers charged a young African-American man with trespass for standing with his cousin in the lobby of his cousin’s building in Brooklyn. The police then cuffed and arrested the man after running a check on him and finding that 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.

In some Brooklyn neighborhoods, local bodegas are often owned by Yemenis. They frequently do not have a license to sell cigarettes and are repeatedly the target of police raids. The person arrested is almost never the owner of the store. Whoever is behind the counter selling the cigarettes is taken into police custody. In one instance at a Bedford-Stuyvesant bodega, a police officer arrested a 70-year-old employee. The man was processed through the system and ordered to pay fines that he could not afford for a business that he did not own. This kind of police action is a very common occurrence in low-income Brooklyn neighborhoods.

A police officer arrested and gave a DAT¹ to a middle-aged Chinese woman for putting vegetables in her handbag as she was shopping in Whole Foods. She had only been living in the U.S. for four months, so she explained to the officer that she was following the custom in her home country. Obviously frail and disoriented in the courtroom, she reported having a kind of nervous breakdown after the incident, having spent two months in bed before appearing before the judge who then dismissed the case.

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 the park after dusk. After the judge let him go on an ACD², 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 police officer arrested a 16-year-old Latino boy on two different occasions for trespass while the boy was standing in the hallway of the building he lives in.

A police officer arrested a young man, presenting no medical or psychiatric issues, on a charge of possession of a bottle of cognac in a paper bag. This young man had never been arrested before and was locked up for 49 hours.

Police officers approached two Latino men sitting on a stoop at night on the Lower East Side. The officers focused on the one of the men who was using an app on his iPhone. They asked him why he had pissed on the sidewalk and when he denied doing so, slapped the

¹ A DAT (Desk Appearance Ticket) means that the police cuff and detain the person, usually for several hours, then release the individual who has to show up at court to be arraigned at a later date.

² An 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 6 months (12 if for marijuana possession), the charge(s) will be dismissed and their record sealed.

phone out of his hand, grabbed him and forced him to stand up. The man's uncle is a police captain and he quickly brought out from his jacket pocket a card indicating his uncle's status. The officers abruptly changed their tone and manner and left the scene.

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 and took the case to trial.

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.

Police officers arrested a man who was driving his car with a broken taillight. They had pulled him over on that infraction, ran a check on him, and found that he had an outstanding warrant for an open alcohol container charge, resulting in his arrest.

NYPD officers denied an epileptic man his medication while detaining him in a holding cell, resulting in two seizures and hospitalizations before he was taken to Brooklyn central booking. The man was traveling in a friend's car on their way to pick up his prescribed anti-convulsant medicine when an unmarked NYPD sedan pulled over their car. Two officers said that they saw smoke coming out of the car's windows, and asked the men to get out of the car. The men complied. Two other officers arrived at the scene and searched the vehicle, not finding any contraband or illegal substances. One officer then searched the man and found scissors, money, and medication. The 23 year-old man explained to the officer that he had the scissors and money because he is a barber and that the medicine was prescribed for his epilepsy. The officers mocked the man and took him to the 75th precinct in East New York, Brooklyn. The officers put him in a holding cell and refused to provide him with his medication although he informed them that the medicine and the papers proving that he is an epileptic were in his backpack and jacket pocket. The man had a seizure and was taken to the emergency room where he was handcuffed to a bed. He did receive medication while in the hospital. The hospital discharged the man on the next day, and police took him back to the precinct where officers again denied him his medication. He had another seizure and was hospitalized again. When he woke up in the hospital, he noted that he had scars and cuts on his tongue apparently from his seizure in the cell. From

the hospital police took the man to central booking. At 3PM on the same day he learned that the Brooklyn District Attorney declined to prosecute the case and he was released.

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 policy, the officer cuffed and arrested the man who spent the night in jail before receiving an ACD from the arraignment part judge.

Two officers stopped an elderly man with a bicycle outside his home in Crown Heights, Brooklyn. He was a half block from the street corner where he was headed to ride the bike in the street. When he refused to show his ID, the officers called for backup. Several squad cars appeared and eventually 8 officers surrounded the old man. They were about to arrest him, but backed off when his wife came out, berating them and threatening to report their excessive show of force to the local City Councilperson. They did issue a bike on the sidewalk summons, which the hearing officer dismissed when the man showed up in summons court on the appointed date.

Police officers arrested the driver of a Dollar Van in Brooklyn — transporting people in the van is how he makes his living. They charged him with driving with a suspended license — suspended because he had failed to pay a traffic ticket from the previous year. The court set bail at \$500 which the man was not able to pay for 4 days, during which time he was locked up on Rikers Island. He succeeded in raising money to pay his bail and to settle the outstanding traffic fine. The system, however, failed to record the payment, effectively leaving in place the outstanding warrant for his arrest. So when cops stopped him again for picking up a fare at a bus stop and ran a check on him, they discovered the outstanding warrant which should have been, but wasn't, cleared. The man was then cuffed and arrested.

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.

A Bronx junior high school teacher, a middle-aged Latino man, explained his anger at and frustration with the police. Officers regularly harass 12 and 13-year black and brown students as they get off the bus and head for school. The officers push them around a bit

and ask for their identification but don't arrest them. However, the officers do arrest the parents for standing outside the school while waiting for their children's dismissal. If the mothers won't cross the street, the teacher explained in disbelief, the cops arrest them for standing in a no-standing zone.

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 in spite of 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.

Two plainclothes officers arrested a young man for putting a small, palm-size sticker on a scaffold. The man was held overnight in jail before appearing at arraignment when the judge dismissed the case.

Undercover drug officers gave two different people \$20 to inform them of drug dealers in their neighborhood. Both people pocketed the money and went home. The officers followed them home, knocked on their doors, and arrested them on petty larceny charges.

A 21 year-old African-American man dressed in casual business clothing walked into his Harlem housing project, passed undercover detectives on the way inside his building and entered his apartment. He changed into a hoodie and jeans, and while exiting the building the detectives stopped him and asked him to present his ID. The young man asked the detectives if they knew that he was the same person who had passed them earlier. Surprised, they replied no.

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.

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

An African-American man riding his bike in the street swerved to avoid a car that actually hit him — he and his bike fell onto the sidewalk. An officer arrived on the scene and arrested him on the charges of bike on the sidewalk and resisting arrest because the man

initially pushed back when the officer put his hand on him from behind and the man did not know that it was a cop touching him. The officer cuffed and locked up the man — not bringing him to the hospital though the man complained about a severe pain in his leg. Held overnight in jail, the man refused to agree to a plea when he appeared in court because he had done nothing wrong. Upon his release by the judge — he has a later court date for his trial — the man went immediately to a hospital where doctors diagnosed and began treating his fractured leg. He's now looking for a lawyer to represent him in the criminal case and another attorney to bring his lawsuit against the city for wrongful arrest among other claims.

Street Vendors & Pedi-cab Drivers

Part of the NYPD's Peddlers Squad that the City's street vendors accuse of frequent and arbitrary harassment, officers arrested an Egyptian-American food vendor in Lower Manhattan, charging him with selling on a restricted street. They arrested him when he challenged their charge, stating that in fact, the applicable regulations permitted selling on that street. Determining that the vendor was correct, the judge dismissed the charges, not before he was cuffed, confined, and held overnight in jail.

Undercover cops have arrested a 21 year-old man on two separate occasions during his three years as a pedi-cab driver. Both times he had an outstanding warrant and was handcuffed and brought to the precinct. He said that he felt like “he was going on trial for murder.” The first time, he spent 30 hours locked up waiting for a lawyer who spoke his language. This charge was dismissed. On the second charge, he received an ACD after spending 20 hours in custody. Officers have also given him summonses for moving violations. An officer once issued him a summons and told him: "Sorry, but I have to give you a ticket because my supervisor is watching me."

A 27 year-old man has worked as a pedi-cab driver for three years. He has never been arrested but has been ticketed for moving violations including driving in the bike lane. Once, when he was taking a break, he was ticketed for “smoking and drinking coffee” which was the actual language used as the charge on the summons. Once, when given a ticket, the officer reassured him that “it’ll get dismissed.”

Police officers arrested a Chinese woman who has a license to sell flowers because she had two artificial flowers on her cart for decorative purposes.

In his one year of being a pedi-cab driver, a 23 year-old man was arrested once for entering the Hilton Hotel parking lot. He was cuffed, brought to the precinct, and locked up for 17

hours. The judge dismissed the case. He has been issued many summonses for moving violations and was once charged with disorderly conduct. Usually, he gets ACDs or community service. Regardless of the charge or verdict, the court always takes his fingerprints and picture so they remain in the system.

One pedi-cab driver's summonses are usually for safety and moving violations. A police officer once told him: "Sorry, I have to give you a ticket. I'm missing one."

In his three years of working as a pedi-cab driver, a 25 year-old man has been arrested only once. Two undercover officers stopped him, charged him with trespass, and arrested him. He received an ACD. He has also been issued about 20 summonses for moving and safety violations. These charges were dismissed or given ACDs. Sometimes he has received 'yellow tickets' which are fines with no court appearance needed.

A young pedi-cab driver had been arrested for parking in an area designated for meter parking even though there is no legal place for pedi-cab drivers to park. He had started recording the proceedings and was told to put the camera away because it could, the officer said, be used as a weapon. He has also been ticketed for minor reasons such as having an out-of-state license even though his pedi-cab license had been issued with his New Jersey license. This charge was dismissed.

Four police officers approached seven pedi-cab drivers who work in the City's Theater District and told the drivers that they each needed an arrest. Since there were more drivers than officers, the officers told the drivers to play a game to determine who would be arrested. The drivers were arrested for unauthorized parking and were locked up for 15 hours.

A 26 year-old man, who has been working as a pedi-cab driver for three years, has been arrested three times in two years, always in the Times Square area. The area is known by officers as one where pedi-cab drivers wait for people exiting Broadway shows. The officers claim that they need to inspect the pedi-cab bikes. For two of the arrests, he had an outstanding warrant; once he was arrested for having an out-of-state license. Each time he was arrested, he was cuffed and spent time in jail. He was given an ACD for each charge. He has also been issued about 20 summonses, mostly for moving or safety violations such as driving in a bike lane or with a burnt out headlight. Usually, these charges end up with an ACD or a dismissal. However, he has done community service twice for driving more than three people and for unauthorized parking.

A 21 year-old pedi-cab driver received 9 tickets in 1 month, one involving a fine of \$1000 because his information card displaying his rates was too small. Usually, however, he gets stopped for safety violations such as burnt head lights or because the sign advertising his rates isn't visible. These violations often get dismissed in court if they are fixed before the court date. He has also been arrested three times: once for entering the Hilton Hotel's parking property and two because of outstanding warrants for minor infractions.

Officers issued a summons to a Senegalese vendor who was selling cell phone cases. The charge was that his table of 5 feet, 1 inch exceeded the applicable standard by 1 inch.

Charges Dismissed

A police officer arrested and gave a Desk Appearance Ticket (DAT) to a middle-aged Chinese woman for putting vegetables in her handbag as she was shopping in Whole Foods. She had been living in the U.S. for only four months, so she explained to the officer that she was following the custom in her home country. Obviously frail and disoriented in the courtroom, she reported having a nervous breakdown after the incident and had spent two months in bed before appearing in front of the judge who dismissed the case.

The police arrested a Congolese man for sitting on a playground bench in Brooklyn without the accompaniment of a child. He was a refugee who did not speak English well and did not have identification on him. After being arrested, he spent 48 hours in jail waiting for an interpreter. The judge dismissed his case in the interest of justice.

A police officer arrested a Brooklyn man on charges of contempt for allegedly violating an order of protection after the officer assumed the woman that the man called was the protected party. In truth, the man was the protected party. Nonetheless, the District Attorney's Early Case Assessment Bureau accepted the charges, and the man was put through the system and spent the night in jail. The arraignment part judge dismissed the case after demanding that the District Attorney look at the true nature of the order of protection in court.

A 16-year-old Staten Island youth was stopped while walking down the street and detained. The police searched and physically restrained him. Charges were eventually dismissed.

A man was waiting for a bus in Brooklyn when he saw cops arresting two other people. An officer walked over and grabbed his arm, but released him when he realized that the man was just standing at the bus stop. He walked to a pay phone to file a 311 complaint, and the police arrested him for trying to make a complaint. Charges were dismissed.

A man was walking down a Brooklyn street when a van of cops rolled up, got out of the van, and began searching him. They found no weapons or drugs. The officers refused to explain why they were placing him under arrest. A charge of marijuana sale was dismissed, but not before the man spent 48 hours in custody.

A 53-year-old auto mechanic with a clean record was walking home in the Bronx when the police stopped him for no apparent reason. They searched him, found nothing, and then accused him of “throwing something away.” The police arrested and held him for 20 hours, causing him to miss his granddaughter’s birth. The charges were dismissed. The man’s lawyer stated that the stop and the arrest were a result of the NYPD’s “quota policy.”

A 16-year-old Staten Island youth was stopped while walking down the street and was detained. The police searched and physically restrained him. Charges were eventually dismissed.

The police searched and arrested an African-American young man for no apparent reason in the lobby of the Brooklyn building where he lives with his mother. Later that day — the arrest took place at 10 a.m. — they released him because the district attorney declined to prosecute, but not before he was roughed up and strip-searched inside of a police van.

The police stopped and frisked a man for no apparent reason in Brooklyn. The police pushed him against a wall, searched him, and took him to the precinct, where he was strip-searched in front of another detainee. The charges were dismissed.

The police stopped an African-American man while he was walking down a Brooklyn street. They accused him of smoking marijuana, which he denied, and arrested him. He was strip-searched, but no contraband was found.

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.

Over a four-month span, the police stopped, detained, and issued summonses on four separate occasions to an African-American man while he was walking down the street in the Bronx. All of the summonses were dismissed.

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 11PM even though it

was only 8 o'clock. 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.

Several young officers approached a middle-aged African-American woman who was walking on a street in Washington Heights. The officers yelled that she was talking too loudly on her cell phone. Taken by surprise, she stopped - she was one building away from her own apartment - and challenged the officers, saying that she was doing nothing wrong. Speaking more rudely to her in front of witnesses, the officers grabbed and shoved her, causing black and blue bruises to her arms. They cuffed her, forced her into a police car, and drove her to the local precinct where she was held several hours before being released. Back at her apartment, she found several summonses in her pocketbook, one for disorderly conduct and one for spitting. Her money, though, was missing and the local precinct has stonewalled her efforts to retrieve it. Several days before her court date, a notice arrived in the mail dismissing all the charges against her.

An officer arrested a man in Brooklyn, charging him with possession of a gravity knife, a knife that can be opened with a flick of the wrist. But it was, in fact, an ordinary utility knife, a tool that the man, who had no criminal record, used in his work as an electrician. The prosecutor on the case called the officer into the district attorney's office so that the officer could demonstrate, in the presence of two public defenders, that the knife was, in fact, a gravity knife. In 15 minutes of trying, the officer could not open the knife and the prosecutor moved to dismiss the charges.

MTA Stories

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 African-American man for using his girlfriend's MetroCard.

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."

Suspecting her of fare-beating at a Harlem subway station, police officers threw a woman down, pressed her face to the ground, and kicked her in the ribs. She actually had just swiped herself through the turnstile and opened the gate to guide her baby in a stroller onto the station platform. Her older children, 7 and 14 years old, witnessed the beating. "I felt like I was raped in front of my children," she said, adding that she had moved to Newark to escape the NYPD. The charges against her were dismissed and, through a lawsuit, she is seeking damages against the city.

A police officer stopped a young African-American boy who forgot his MetroCard and arrested him for unlawful solicitation after he asked someone approaching the turnstile in the subway for a swipe so he could get to school on time.

Police officers arrested three young African-American men for break dancing in the subway. The youth were cuffed, confined, and held overnight in a central booking facility. When they appeared at arraignment, the judge dismissed the charges and ordered them released, saying that, "They didn't do anything wrong."

Police officers charged a Latino teenager with having a bag on the subway seat next to him. They arrested him — cuffed and confined him overnight — when they ran a check and found that he had an outstanding warrant for skateboarding in a Middle Village, Queens park after dark.

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 a DAT for both men, the judge expressed her skepticism about the charge because of the time of the arrests: "12:11AM, I can't believe there were many people on the subway".

Officers often harass two middle-aged African-American men when they sing on the subway. This day, police arrested them, charging them with begging. They spent 26 hours in jail before appearing at arraignment when, as often happens, the court dismissed the charges.

A middle-aged Latino man was walking with his friend in the Port Authority building in Midtown Manhattan. The friend wanted to go home while the man wanted to stop

somewhere to eat. The man lent his MetroCard to his friend and went looking for a restaurant. An officer stopped him, accused him of selling his MetroCard, and arrested him on that charge. The man was confined in a holding cell overnight in which, he reported, all his fellow detainees were either African-American or Latino. When he appeared in court the following morning, the judge dismissed the charge.

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.

At 2:30 in the morning at the Canal Street station in downtown Manhattan, police officers arrested three New Yorkers at the same time: a young white woman charged with foot on a subway seat — although there were no other passengers in the car; and two young African-American men, ages 18 and 19, charged with walking between subway cars. The police locked up the woman and one of the teenagers for about 5 hours in a holding cell in the subway and released them with a DAT. The police held the other teenager overnight because they found an outstanding warrant on his record. As the woman was leaving the lock-up, an officer told her not to worry because the court would dismiss the charge against her.

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.

Police officers stopped a young Latino man who was coming home from work and had just swiped himself onto the subway at a Brooklyn station. They asked him for his ID without explaining why. When he said that he didn't have one on him, they cuffed and brought him to the precinct to identify him. There, they found that he had an outstanding warrant for not appearing in court for a marijuana possession summons. The police then arrested him on a theft of services charge (or fare-beating) even though he had swiped onto the subway legally.

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.

Police arrested an African-American man for sleeping on the subway while on his way home from work at about 4AM. The incident occurred on a northbound F train at the 57th street station. The train car was mostly empty. The police claimed that the man was lying down asleep, which according to sections 1050.7 (10) and (5) of the Metropolitan Transit Authority's (MTA) Rules of Conduct is prohibited only "if it is hazardous or interfering with fellow passengers." A video of the arrest that surfaced on YouTube a few months later shows an empty train and a brutal altercation between the man and police officers as he resisted an arrest that seemed unnecessary. He is heard saying, "I'm coming from work, and they fuck with me because I'm sleeping." A spokesperson for the NYPD reported that the man was arrested and charged with resisting arrest, obstructing governmental administration and "violation of local law," meaning, apparently, the MTA Rules of Conduct.

A Brooklyn public defender working in night court on a Saturday night reported that not only did the police arrest four of her clients, all African-American men, on a fare-beating charge, but that the court sentenced three of them to jail time on Rikers Island. One man was sentenced to jail for 20 days.

Several officers stopped a young man who had jumped a turnstile as he tried to catch a train that had just pulled into the station. The man wore clothes and tattoos indicating his punk rock associations and the officers made rude comments about punk rockers as they forced him to the ground. He tried to explain that he had just bought a \$20 MetroCard and jumped the turnstile because it kept asking him to swipe again and he didn't want to miss his train. He offered to show them the new card and swipe it through, but the officers would not let him up and pressed his face onto the platform. They then cuffed and arrested him – he spent 36 hours locked up before seeing the arraignment judge who ordered him released.

A case of double jeopardy: police arrested an African-American man in the subway while on his way home from a lower Manhattan criminal court. On the previous night, other officers had arrested him near his home in uptown Manhattan on a minor trespass charge. He was heading to the precinct uptown to pick up his belongings, which the first set of arresting officers had confiscated. He did not have money on him to pay the fare. He walked through the subway door as there was no one at the booth he could ask to be allowed to ride on the train. The police stopped him and ran a check, finding an outstanding warrant.

In a video of the incident, the man standing with his hands cuffed behind his back expresses his frustration at having just left the courthouse where the warrant should have been cleared. "I'm just trying to go home," he says.

The police arrested an African-American man for using his unlimited MetroCard to swipe both his wife and himself onto a subway in Manhattan.

A middle-aged African-American man on the Lower East Side reported in beleaguered tones that police stop and hassle him often. During the most recent encounter an officer gave him a summons for sleeping on a virtually empty subway car at one o'clock in the morning. The official charge was "occupying two seats".

A NYPD transit officer arrested a CUNY college student after noticing that the clip to the youth's pocket knife was visible on his pants pocket. The police detained the student for over 7 hours and issued a DAT charging him with "criminal possession of a weapon in the 4th degree."

Criminalizing Citizens/Collateral Consequences

Police officers arrested a construction worker on a weapons charge because he had a painting knife, covered in paint, sticking out of his pocket. He now has a criminal record.

A young African-American woman, a student at LaGuardia College, had three punitive interactions with NYPD officers in a year's time: the first was a summons for swiping her school MetroCard on Memorial Day; next was another summons, this time for having her foot on a subway seat; in the third encounter, the officer charged her with being in a park after dusk and cuffed and arrested her because she hadn't shown up in court for her two summonses. Her failure to appear had resulted in her becoming one of the more than one million fugitives from justice who live in NYC, an unfortunate status achieved by not keeping a court date to clear up a ticket for a minor infraction. "I'm a criminal now," she said in a bewildered tone, "even though my friends call me such a good girl."

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.

Police officers arrested two African-American young men on the charge of open alcohol container. One young man had a previous summons warrant for spitting, the other did not have a warrant. Both young men were Haitian immigrants and received ACD's, but the judge had to grant one man an immediate sealing of his case because he was in the process of applying for U.S. citizenship.

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.

An African-American man was walking home with a bag of dog food in Brooklyn when three plainclothes officers grabbed him, accused him of swallowing drugs, and tackled him. After a strip search in the precinct and a series of forced and invasive medical tests over two days at Interfaith Hospital, no contraband was found. The hospital billed him \$9,500 for its services.

An African-American man, a 36-year-old transit worker who had never been arrested, was talking with a friend about buying an iPod in the lobby of a Brooklyn building when police came in, ordered everyone against the wall, and searched them. The man didn't have any contraband, though someone else in the lobby did. The police arrested him anyway, and though the charges were dismissed and the case was sealed, he was suspended by the Transit Authority and lost five months' pay and benefits.

An officer stopped a young man, arrested him, and charged him with armed robbery. Members of the man's local church attested that he did not match the description given of the alleged robber. His family hired a private attorney, and charges were eventually dismissed. However, the legal expenses were approximately \$8,000, and endangered the family's finances to the extent that they were temporarily without utilities after falling behind in their bill payments.

"Because They Can"

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 9PM and that it was 8:49PM at the time. The officer stalled her for 11 minutes before issuing her the summons. The officer also told the woman not to worry about the ticket because it would be dismissed.

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”.

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.

Two police officers stopped and questioned an African-American fourteen-year-old girl while she was on her way to school — she was only one block away. When she protested, the officers arrested her and charged her with truancy. She understood, as many people in her community who are treated similarly do, that her real offense was “insisting on her rights.”

An African-American woman was walking out of her mother’s apartment building in Brooklyn when she was stopped, handcuffed, and detained by several police officers. The police did not explain their actions. When they learned that she did not have any identification on her, they took her to the precinct. They held her for three hours and issued her a summons for trespassing, which was eventually dismissed.

A 50 year-old man was caught up in a “lucky bag” sting. He picked up a handbag left on a bench in Sara Roosevelt Park in Manhattan. The handbag contained a wallet with \$3.00 and when the man brought it to an officer, the officer arrested him on the charge of possession of stolen property.

Police repeatedly stop and search a Harlem woman who is drug free now, but who has a known history of addiction. An officer explained to her that they have to make their arrest quota and they figure it’s likely that she has relapsed and has drugs in her possession.

An African-American man tossed a soda can into a garbage bin on the street. Unknown to him, the can fell out of the bin onto the ground. An officer followed him into his building lobby and confronted him about the soda can. The man apologized and offered to go back outside to pick up the incriminating can. The officer, though, detained the man, cuffing and arresting him and charging him with littering.

Police officers arrested a man with a known history of addiction and charged him with criminal possession of a controlled substance in the 7th degree. He actually had in his possession a needle along with a card from an approved needle exchange program stating that he had permission to carry the item. Despite the bogus nature of the arrest, the judge set bail at \$1,000 which the man could not afford. He spent 5 days locked up on Rikers Island — the time it took a determined Legal Aid lawyer to convince the district attorney on the case to drop the charges.

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.

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.

An African-American man was driving in the Bronx when the NYPD pulled him over without an explanation. The police searched his car, verbally abused him and gave him a summons for making unreasonable noise in an automobile.

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.

An African-American man was standing on a corner in midtown when police officers stopped and handcuffed him. They took him to the precinct and held him in a cell without any explanation.

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 outside his apartment building talking to his brother when officers stopped and searched him without explanation. The man offered his identification but the police told him to open his front door to prove he lived there. He refused to enter the building saying he had a right to stand outside. The police told him:

“You don’t own the street. You don’t own the sidewalk. You don’t own the building. You have no right to stand here.” The officers then issued him multiple summonses.

An African-American man was walking on Rosedale Avenue in the Bronx, when officers stopped, detained, pushed him up against a wall, and issued him a summons without any explanation. The summons was eventually dismissed.

Several officers approached a group of African-American people on a street in Harlem and asked if any of them knew a man that they, the cops, were looking for. A man in the group explained that the person they sought was not anywhere nearby. When the officers seemed dissatisfied with that response and spoke rudely, the man said that he had heard enough and that he was leaving. One of the officers said, “Where do you think you’re going?” and the group of officers attacked the man, knocking him down and beating him so badly that he had to be hospitalized for treatment of his injuries. The officers arrested the man for resisting arrest and obstructing government administration, charges which the court dismissed. The man filed an eventually successful lawsuit against the city.

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.

A man was walking in Coney Island in when four plainclothes officers jumped and searched him. He told them they couldn’t just search him for no reason. After that, they arrested him and strip-searched him at the precinct. The police also took his car to the precinct, where they searched it and caused damage to the vehicle. The man was held in the precinct for a day and then, inexplicably, released without charges.

A Staten Island man, 32, was stopped, searched, and detained twice in the same year for no apparent reason, the second time resulting in a false arrest. His lawyer reported that racial profiling led to the stops.

One evening a young man walked with four friends out of church in East New York, Brooklyn where he works with the youth ministry. After entering their car, two undercover police cars cut them off. Officers jumped out, guns drawn. “They screamed to put our hands up,” he recalls. “I asked, politely, for their name and badge numbers. They said, “Oh, you’re a wise guy?” The officers searched the car without permission and without showing a

warrant. And they departed without explanation, or apology. “This has become daily life,” the man said. “Policing used to be part of us. Now policing is something that happens to us.”

Police officers repeatedly stopped and searched a young Harlem man without apparent justification. He finally taped an encounter in which he questioned the reason for the stop. In response, one officer cursed at him, twisted his arm behind his back, and said: “Dude, I’m gonna break your fucking arm, then I’m gonna punch you in the fucking face”.

A 21 year-old Bronx man stated: “The cops do it to me all the time. They stop and frisk me. They tell me I look suspicious because I have my hands in my jacket”.

A van drove up on the sidewalk and a man jumped out, frightening an African-American boy. “I’m a cop!” the man yelled, “get down on the sidewalk!” The youth complied but feared he was being robbed and asked to see a badge. The officer responded by putting his shoe on the boy’s face and pressing it into the pavement.

A 19 year-old African-American man, who lives in Williamsburg, Brooklyn with his uncle, was walking with a bike he had just bought for his girlfriend when two plain-clothes officers stopped him, asking him if the bike was his. They squeezed his pockets, saying they were looking for drugs. When the young man offered to pull out the contents of his pockets, they told him not to and asked where he lived. He told them. A cop then asked why he was not walking down a certain street to get home. He explained that he did not want to take the footbridge. An officer asked why, and he replied that he did not feel safe on the footbridge, that his bike could get stolen. “I said look, I’m not a thief, I’m a dog walker,” he said. “People give me the keys to their house because they trust me to go into their house and not steal their stuff. I told him that straight up and they said, ‘I don’t believe a word you’re saying.’” One of the officers then said that if they received another stolen bike report, that they knew who he was and would come after him. About his experience, he said, “I felt endangered. I’ve been mugged before and it felt like that.”

School safety officers — though not cops, they are NYPD personnel — stopped a student entering his school building in Brooklyn. He was wearing broken glasses held together with a safety pin. Though he had worn the glasses in this condition for weeks, on this morning the school safety officers decided that the pin represented a danger and confiscated his glasses. When the student reached for his glasses, the officers restrained him, forced him to the floor, cuffed and arrested him and gave him a summons. School staff observed this sequence of events. The officers released the boy, very upset and confused by this time, to the school principal who asked him to write down what had happened. Several NYPD officers pushed open the principal's door while the boy was writing and cuffed and

arrested him again, dragging him to and holding him in a separate room without his parents or teachers present. Eventually, after several discussions with NYPD officials, the charges were dropped and the boy released.

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."

When an African-American woman asked a police sergeant why she was stopped, he said to her, "Because I can," a statement that doesn't appear in the NYPD's official patrol handbook.

An Officer's Point of View

A Latino man who lives in Staten Island's 120th precinct where the Eric Garner incident took place complained angrily about police harassment in the neighborhood when he signed the PROP petition. He told this story: when his younger brother was a cop, he saved from death an addict in the throes of an overdose. Several white officers said sarcastically, "Good job, saving that low-life — now the scumbag can walk the streets and probably rape some woman." The younger brother decided to leave the police force and become a firefighter.

A Worst Case Outcome

Correction officers discovered the lifeless body of inmate Jerome Murdough in a Rikers Island jail cell in the facility's mental observation unit. Police officers had arrested him for sleeping on the rooftop of a NYC public housing project in Harlem and charged him with trespass. Over the years, Murdough, a 56 year-old former Marine, had been detained a number of times for minor infractions. Due to this accumulated record, the judge did not release him on his own recognizance and set a \$2,500 bail, which Murdough could not afford to pay. Murdough was transferred to a jail on Rikers Island. He suffered from bipolar disorder and was on anti-psychotic and anti-seizure medication that caused him to have sensitivity to heat. The extreme heat condition of his cell, which reached 101 degrees, was the direct cause of his death.

Conclusion

Our report presents these troubling accounts not merely because they describe specific incidents, but because they reflect objectionable, widespread attitudes and practices within the NYPD. The Department's prevailing law enforcement strategy, quota-driven 'broken windows' policing, helps create a toxic culture, insular and hostile that fosters harsh, aggressive actions by police officers without any sense that sanctions or blowback will result and in effect, offering incentives rather than consequences for bad behavior. It is important to note that under the quota system, an officer will receive credit from the Department even if the judge or prosecutor dismisses the charges that result from the officer's tickets or arrests.

Part of the report's instructive value is how through telling so many New Yorkers' stories it illustrates not only the ill effects of 'broken windows' policing but also the various dubious tactics that the NYPD employs in applying the practice.

The Ill Effects:

- Loss of jobs and employment opportunities
- Deportation
- Emotional trauma
- Distrust of and antagonism toward the police and criminal justice system
- Financial hardship
- Physical harm
- Loss of parental custody
- Buildup of a criminal record
- Waste of everybody's time
- Misgivings and guilt of police officers

The Practices:

- Frivolous and/or bogus arrests and summonses driven by the quota system
- Targeting low-income people of color in their communities and on the subways

- Cavalier treatment of the homeless and hungry
- Petty sanctions of the Peddlers Squad
- Sting operations ensnaring innocent people
- Physical brutality
- Arresting people for petty violations, that are not even crimes under the law and that would ordinarily draw a summons at worst, if the persons have an outstanding warrant no matter how long ago the warrant and how minor the charge.
- Adding to the charge and/or the sanction if the person questions the officer's actions or insists on his or her rights
- Flaking — planting evidence on people to make the charge stick
- Inappropriate actions/abuse of authority by school police personnel
- Charging a person carrying an ordinary knife with possession of a gravity knife which can be opened with a flick of the wrist & which is sometimes used as a weapon.

It is past time that the City abandon its wasteful, ineffective and biased application of 'Broken Windows' policing that targets marginalized groups and focuses on low-level infractions which many people see as innocuous or annoying at worst. City officials should also abolish the quota system or so-called "productivity goals" as the primary way of measuring the performance of cops on the ground, an approach that sometimes leads officers to make false arrests or to issue bogus summonses. The City should concentrate its resources on supporting proven problem-solving programs and services that address social and economic problems and inequities. These programs can cut crime while stabilizing rather than disrupting neighborhoods as well as encourage adherence to social norms while creating positive rather than antagonistic relationships with local residents. Such an approach would provide New Yorkers of every race and income level with the chance to fully experience a safe, livable and inclusive city.