Working Towards a More Safe and Fair City:

Abolishing Quotas and Involving Communities

a PROP short-report

September 2014

PROP
Police Reform Organizing Project
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The Police Reform Organizing Project is a city-wide coalition that seeks through research and analysis, policy advocacy, public education, and community organizing to establish a Police Department that serves and protects all New Yorkers, especially the vulnerable people amongst us, and that works to create a more safe, fair, and inclusive city for all its citizens.
Introduction

The senseless death of Eric Garner at the hands of NYPD officers -- and the video recording of the incident -- shocked many New Yorkers. It returned the problem of abusive policing to the mainstream policy-making and media arena and has led to increased pressure on de Blasio / Bratton to re-orient the city's approach to law enforcement away from "broken windows" policing to a more collaborative model. Perversely ironic, of course, that it took the death of by all accounts a good man to bring about this potentially constructive outcome.

The findings of PROP's ongoing court monitoring project document the harmful and biased impact of the aggressive and needless application of the NYPD's “broken windows” approach. In most of the cases PROP has observed, the accused, almost always a man or woman of color, was charged with a minor infraction like: begging, sleeping on a park bench or subway, walking between subway cars, jaywalking, or having an open alcohol container. Most people walked out of the courtroom with the charge dismissed or a minor sanction applied. The court had clearly decided that the person was not a risk to the community.

This kind of policing -- effectively criminalizing activities that are victimless, perceived by most people as harmless, and disproportionately charging one group of persons as offenders -- breeds cynicism, resentment, and resistance and can lead, in a worst case scenario, to senseless injury and death as in the tragic case of Eric Garner.

This paper proposes, and calls upon Mayor Bill de Blasio and Police Commissioner Bill Bratton to implement, practical alternatives to the NYPD's current harsh and biased methods.

Abolish and Replace the Quota System

The NYPD's invasive targeting of vulnerable communities in New York City is linked to its quota system. Promotion or job security in the Department largely depends on the number of arrests made and tickets issued. To meet their quota requirement, officers resort to ineffective and confrontational policing methods, which erode the NYPD's relationship with many communities.¹ The Department’s quota system, in effect, creates an incentive for harmful and counterproductive police practices.

The NYPD has continuously denied the existence of quotas and asserts that it relies only on a set of ‘productivity goals’.² These ‘productivity goals’ are a euphemism for a “quota system”. In 2010, the


2 Graham Rayman, Ray Kelly Puts NYPD Quota Demands in Writing: Rank and File Not Happy, VILLAGE VOICE,
New York State Legislature enacted the Quota Law, which outlawed the use of a quota system for summonses, tickets and stop-and-frisk encounters and prohibited the use of quotas for performance evaluations. Yet, the NYPD leadership proceeded with a numbers-focused evaluation process of officers. Later in 2010, the Village Voice publicised recordings of senior officers that offered credible testimony of the aggressive top-down pressure to increase enforcement activity and of the threat of adverse consequences for officers who fail to achieve high numbers of arrests or tickets. Through 2013, NYPD officials continued to reinforce an institutionalized quota system, absent a sufficient evaluation mechanism that could determine if such enforcement activities were even legally justified.

To meet this quota requirement many officers engage in indiscriminate ticketing, arrests, stops and other harassing techniques. One officer commented, "If I break up a fight between two boys and send them home, I don't get credit. If I help deliver a baby in an emergency, I get no credit. But I score points if I issue a seat belt summons or record two stops-and-frisks." The easiest people for officers to target to reach their quota requirement are from the most vulnerable communities in New York City: low-income African-American and Latinos, Muslims, sex workers, street vendors, people with mental illness, homeless people and LGBTQ (Lesbian, Gay, Bi-sexual, Transgender and Queer) individuals. Subsequently, these communities have come to fear and distrust the NYPD, ultimately undermining the Department’s ability to protect people in high-crime neighborhoods and creates a strained and difficult work environment for officers. As Patrick J. Lynch, the President of the NYC Patrolmen's Benevolent Association, has stated, "Quotas are the worst possible way to try to produce more effective policing. They risk turning officers into automatons and fuel predictable, pervasive distrust between cops and community."

Floyd, et al v. City of New York is a federal class action lawsuit filed against the NYPD and the City of New York that challenged the NYPD's practices of racial profiling and unconstitutional stop-and-frisks. The case reaffirmed the existence of a quota system and the truly damaging effects of such institutional

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4 Id.
5 Floyd, 2013 WL 4046209 at *32 n.259.
6 Id.


9 CRIMINALIZING COMMUNITIES supra note 2.
pressures. In the Floyd ruling the court stated,"It is difficult to see any difference between a performance goal and quota"11 The evidence before the court pointed to performance goals determining the appropriate enforcement activity numbers and an officer's failure to engage in sufficient proactive enforcement activities resulting in negative performance evaluation and reassignment to a different command.12 As the court stated, "imposing numerical performance goals for enforcement activities, without providing effective safeguards to ensure the activities are legally justified, could result in an officer taking enforcement action for the purpose of meeting a ‘performance goal’ rather than because a violation of the law has occurred.”13

The Mayor and Police Commissioner should no longer tolerate an institutionalized quota system that is still very much in effect in 2014 and has significant negative consequences for the safety of New York City and the fair treatment of its citizens. Police Commissioner Bratton should abolish the aggressively enforced quota system, and press for a paradigm shift. He should embrace an "inspirational reward system of leadership"14 and carry out a systematic overhaul of the current evaluation measures of NYPD officers.

To overhaul the numbers-based quota system, the City's new leaders must address the relationship between quotas and the motivation of officers.15 Aggressive quota-driven policing reflects a leadership style based on fear and intimidation. Police Commissioner Bratton should shift from a punitive system to a rewards-based system of leadership, moving supervision from central office personnel to front line superior officers.16 Officers on the street have to be motivated to focus on the quality of their policing, in ways that encourage them to utilize nuanced policing tactics.17 This approach entails teamwork between different levels within a precinct, across precincts as well as with other city agencies. For example, the new approach for assessing officers' performance should emphasize not only punitive interactions with New Yorkers like arrests and summonses, but also constructive contacts like meeting with local clergy and social service providers, intervening in minor disputes before they escalate into actual violence and physical harm, and instead of arresting and locking up homeless persons sleeping under an apartment building stairwell for trespass, bringing them to a neighborhood organization that can provide needed services. The new methods for evaluating officers should also include the qualitative judgements of precinct commanders who, if they are effective at their jobs, will know who the good officers are and which officers shirk their responsibilities or abuse their authority. The new systems should encourage

11 Floyd, 2013 WL 4046209 at *33 n. 274.
12 Id. at *33 n272.
13 Id. at *33 n.276
14 Telephone Interview with John A. Eterno, NYPD Captain (ret.), Professor, Associate Dean, and Graduate Program Director of the Department of Criminal Justice at Molloy College (Oct. 16, 2013)
15 Id.
16 Id.
17 Id.
officers to be not just law enforcement personnel, but peacekeepers in the communities they patrol.\textsuperscript{18} The test of whether officers meet their professional responsibilities would become more than a numbers game as their evaluation would reflect a far richer, multidimensional understanding of policing.\textsuperscript{19}

**Provide Community Involvement in Crime Prevention**

The NYPD's aggressive policing practices have distanced the NYPD from the communities that need security the most. The NYPD should adopt alternative policing methods to petty arrests, stops and ticketing that strengthen ties between the police and local communities. As such, the NYPD should pursue various police-community partnerships that address the needs of individual communities and that prioritize peer-to-peer social services intervention rather than law enforcement institutions in the community. "Operation Ceasefire," implemented in Boston during the mid-1990s, is one example of a program that strengthened police-community ties and that led to a reduction in violence.\textsuperscript{20} The effort involved cooperation between repeat offenders in gangs, community leaders, social service representatives and law enforcement officials. This framework effectively prohibited harsh policing tactics targeting the whole community that would lead to an adversarial relationship between the community and law enforcement. Instead, officials declared that their primary objective was to reduce the number of deaths due to gang violence and promised not to make arrests as long as gang members ceased violence and did not retaliate in response to previous violence by enemy gangs. Breaking this truce would lead to aggressive targeting of the individuals who retaliated. Social service representatives worked with community leaders and gang members to provide career assistance and job training. Working in tandem, these interventions led to a reduction in homicide rates.\textsuperscript{21}

The "High Point Initiative" is another example of a police-community partnership project that several cities including High Point, North Carolina where it piloted and Hempstead, New York, adopted to curtail drug-related crimes and mend adversarial relations between the police and the community.\textsuperscript{22} Through these programs, the police arrested violent drug dealers, while summoning non-violent drug dealers to a call-in, where they met with officers, social service providers, formerly incarcerated

\textsuperscript{18} Id.
\textsuperscript{19} Id.
\textsuperscript{20} Interview with David Kennedy, Professor of John Jay College in N.Y.C. (Oct. 16, 2013).
persons, community leaders, and family members. Officials offered the drug dealers a temporary suspension of cases against them once they ceased their criminal activity.

The NYPD could also adopt a community-based policing strategy that reduces police intervention, while stressing community self-policing. "NOLA For Life" in New Orleans is a noteworthy example of this approach. The goals for NOLA for Life include ending community violence, promoting employment, rebuilding neighbourhoods, and reforming the police. It seeks to achieve these goals through a variety of methods, including mentoring programs, improving job and housing opportunities for former inmates, increasing teenage awareness regarding the consequences of criminal behaviour, and emphasising community conflict-resolution and trauma-counselling. Community outreach and dialogue are the keys to the program's success. Furthermore, the government services are tailored to the specific needs of the community and, as such, are linked with local initiatives that target those needs, thus potentially yielding greater success in assisting these communities.

When re-building the NYPD's relationships with certain various communities, Police Commissioner Bratton should consider the potential impact of new policies on young people in particular. Research indicates that negative encounters with the police during an individual's developmental years can undermine his / her confidence in the justice system. Here is a PROP related example of this point. PROP director Robert Gangi and a few PROP interns visited a group of young teenagers in the hope of gathering information on the teenagers' encounters with the police. PROP representatives sat around the table and none of the youth wanted to speak until one boy asked, “Are you sure you are not the police?.” They were all wary of talking because Gangi is an older white man and was dressed “proper”, looking to them like a government official or law enforcement officer.

It is imperative that the NYPD's new policies foster interactions with family members, relevant community bodies, and social service groups. Educational, employment and personal development

23 Id.
24 Id.

26 Id.
27 One of the outreach methods of the initiative is for ex-criminals to be utilized for the prevention of violence and revenge killings.


30 Id.
opportunities will help mitigate the potential negative impact of police contact. Thus, each local
precinct should have relationships with neighbourhood organizations that it can call on and make
referrals to when dealing with young people.

Police Commissioner Bratton should also see to it that each precinct assigns officers to specific areas
and expands the duties of the Borough Liaison Unit, whose officers are “chosen for their knowledge of
local conditions, contacts within community organizations, and an ability to communicate with
community members and police in the field.” This unit has failed to reach its full potential under the
current quota system. Yet, under a new approach, it can fulfil its mission of “detecting community unrest
and implementing early intervention strategies as well as acting as first responders when a crisis does
occur.” The community partnership program should maintain and update its website to promote
positive relationships between patrol officers and the community, and ultimately serve as an active
platform for NYPD and local neighbourhood involvement. These recommendations apply to other
NYPD Liaison Units, from the LGBTQ group to New Immigrant Outreach. The Police Commissioner
should assign authority to these units and make their efforts public. The NYPD cannot highlight the
activities of these units solely for public relations purposes, but should have them serve as vital platforms
for developing NYPD-community relations. Such an approach would reinforce the new reality at the
NYPD that officers' relationships with the community will be a significant factor in the Department’s
evaluation of the their performance on the street.

**Conclusion**

Mayor de Blasio took office with a historic mandate to reform the NYPD. Given the structural
deficiencies in the Department and the injustices perpetuated by NYPD practices in recent years,
changes are essential. Implementing the substantive NYPD reforms recommended in this report --
replacing the current quota system with constructive performance incentives and establishing
collaborative, community policing programs -- could be a cornerstone of a progressive police agenda.
Furthermore, the political benefits of such reforms cannot be underestimated. Such a step would not
only help establish a more fair and effective NYPD and, in some cases save government funds, but
would also represent major movement towards both ending the division in our city between law
enforcement and communities and creating a more livable and inclusive environment for all New
Yorkers.

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31 Id.
32 See Community Affairs Special Outreach Programs and Services, N.Y.C. POLICE DEPT,
http://www.nyc.gov/html/nypd/html/community_affairs/special_outreach_programs.shtml (last visited Nov. 15,
2013)
33 Id.