

# **“THEY ARE PROFILING US”: THE NYPD TARGETS NYERS OF COLOR EVERYDAY**



July - December 2023

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“Like a boil that can never be cured so long as it is covered up but must be opened with all its pus-flowing ugliness to the natural medicines of air and light, injustice must likewise be exposed, with all the tension its exposing creates, to the light of human conscience and the air of national opinion before it can be cured.”

**DR. MARTIN LUTHER KING JR.**

# EXPLANATION OF TITLE

A frequent charge that police arrest NYers for is suspended license. On a recent court monitoring visit to the Bronx arraignment court, PROP volunteers observed 20 cases, 7 involving a suspended license charge. A PROP representative managed to speak with 3 of the defendants -- all of them said that they didn't know that their license was suspended & found out when the cops pulled them over. When I asked why the police stopped them, 1 said it was at a checkpoint &, in cases reminiscent of the NYPD's recent arrest of Harlem City Councilman Yusef Salaam, 2 said it was for "tinted windows." One of the "tinted windows" defendants said, in a voice somehow both angry & resigned: "They are profiling us".

## MAIN FINDINGS SUMMARIZED

As recounted on p. 6, from July through December 2023, PROP representatives observed 297 arraignment cases, 279, 94%, involving NYers of color. Our previous court monitoring report found that in Mayor Eric Adams' first year and a half in office: 1,161, out of 1,270 cases that PROP observed (91.4%) involved NYers of color. Adding these two sets of numbers together shows that in Mayor Eric Adams' first two full years in office 1,440 out of 1,567 total cases observed (nearly 92%) involved New Yorkers of color.

In addition, through the duration of our Court Monitoring Project from June 2014 through December 2023, PROP has observed more than 8,000 cases, 8,310 to be exact, and 7,460, 89.8%, involved NYers of color. All these figures represent a damning indictment of NYPD relentless and racist arrest practices.

## RELEVANT BACKGROUND

All demographic information is from the US Census Bureau 2020 report. “White” and “non-white” categories are based on the Bureau’s categorizations.

An arraignment is a court proceeding during which a person is informed of the charges against them. In NYC’s Arraignment Parts, defendants either come to court because they have received a Desk Appearance Ticket (DAT), a written notice that a police officer gives to a person arrested requiring them to appear in court at a later date for arraignment. Or they are arrested, locked up, and are then brought to court for their arraignment.

Freed defendants left the courtroom for various reasons; for example:

- The district attorney declined to prosecute.
- The judge dismissed the charges, ruled time served, or granted an Adjournment in Contemplation of Dismissal (ACD). An ACD means that the judge releases the defendant with the understanding that if he or she avoids trouble with the law for 3, 6, or 12 months, the charge(s) will be dismissed and the record sealed.
- The defendant rejected a plea offer and received a date to return to court

PROP representatives -- staff, volunteers, & interns, numbering about 100 people over the years -- are the people who collect all the data reported since our Court Monitoring Project began in 2014.

# INTRODUCTION

We at the Police Reform Organizing Project (PROP) believe that informing the public, the press, and our political leaders about the NYPD's everyday biased & abusive practices will have a positive outcome. We see an enhanced awareness of these daily injustices as leading to a shift in the political landscape, effectively putting pressure on the city's policymakers to enact the sweeping reforms necessary to put an end to these harmful & discriminatory tactics..



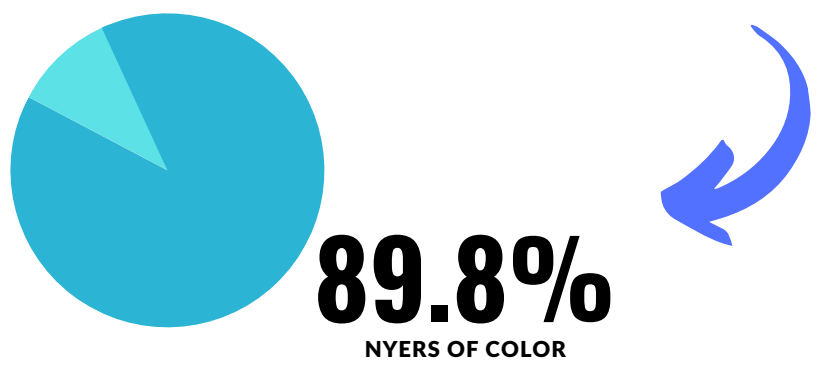
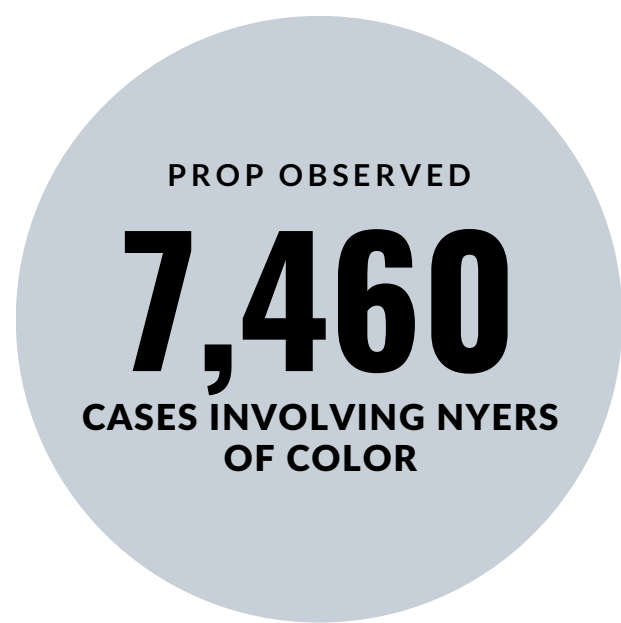
It is with this ultimate goal that we have prepared this document as a follow-up to our previous fifteen publications:

Broken Windows Policing: A True Tale of Two Cities (July 2014)	Everyday: NYC's Cops and Courts Inflict Harm and Hardship (October 2014)	90%: The Harm Continues (December 2015)
No Equal and Exact Justice (April 2016)	We Harm People Everyday (July 2016)	The Persistence of Racist Policing Practices (March 2017)
ThatsHowTheyGetYou (April 2018)	Injustice for Many (July 2018)	Biased and Abusive (April 2019)
Racist Policing Persists: 5 Years and Over 6,000 Cases Later (September 2019)	Targeting Black New Yorkers: The Stark Racism of NYPD Arrest Practices (December 2019)	What The Numbers Expose: The Harm Done By NYPD Arrest Tactics Especially to Black New Yorkers (November 2021)
Where's the Outrage (September 2022)	Racist and Relentless: How the NYPD Targets New Yorkers of Color (May 2023)	Everyday Harms: How NYPD Tactics Compromise the Daily Lives of New Yorkers of Color (2023)

This report serves as a painful reminder that some of Mayor Adams' new policies makes life more difficult for poor people and adds one more way our so-called justice system rather than administers justice inflicts pain and hardship. For example, his ordered round-up of all unhoused NYers out of our subway tunnels and, as reported in the NY Daily News, the increased number of NYPD stops of Black and Hispanic people. We call on the mayor to reconsider his positions on these issues & on leading progressives in government like Speaker of the City Council Adrienne Adams, Public Advocate Jumaane Williams, & Comptroller Brad Lander to show the way in enacting the fundamental reforms needed to fix our broken criminal legal system & to create a city that's fair, safe, & inclusive for all NYers.

# COURT MONITORING PROJECT OVERVIEW (2014-PRESENT)

Since the beginning of our Court Monitoring Project in June 2014, through the end of December 2023, PROP representatives have observed a total of 8,310 cases, 7,460 (89.7%), involving NYers of color. Gathered over time through PROP's field research, these numbers provide ongoing & undeniable evidence of the persistent racism of NYPD arrest practices.

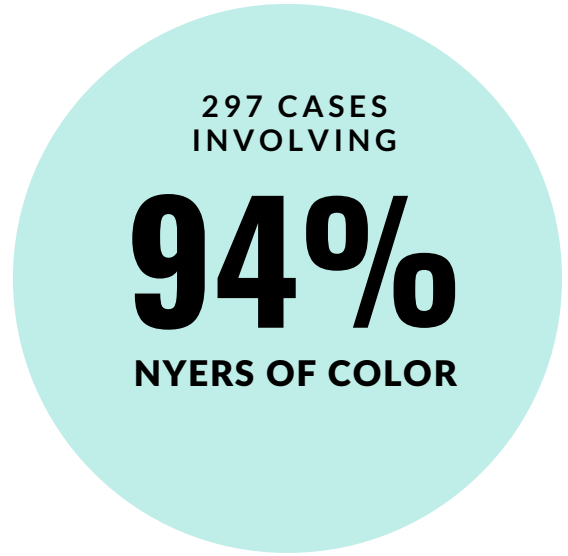




# JULY-DECEMBER, 2023

PROP OBSERVED

**297** CASES IN NYC  
CRIMINAL COURTS



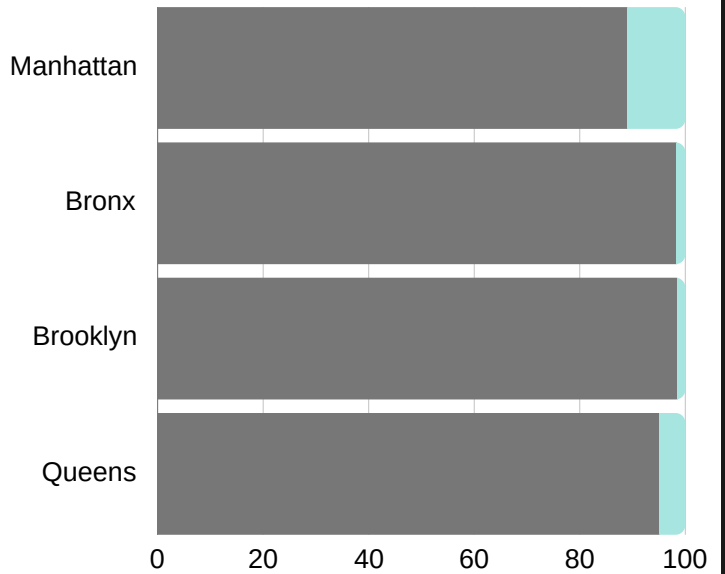
## 3 MOST COMMON CHARGES

Assault 3  
A misdemeanor

Petty Larceny

Driving with a  
suspended  
license

## % of New Yorkers of color PROP observed being arraigned





# TARGETING BLACK NEW YORKERS IN 2023

In preparing this report, we noted more than just the racial disparity in NYPD arrest rates between white NYers & NYers of color. We also show how the disparity becomes even more stark & troubling when comparing the arrests between white & Black NYers. We focus particularly on that sharp disparity to alert the public, press, & policymakers to the blatant racism of NYPD arrest practices.

## MANHATTAN

Percentage of White residents: 47%.  
Percentage of observed cases involving White people: 11%.

Population

**White  
47%**



Arrests

**White  
11%**

Percentage of Black residents: 13%.  
Percentage of observed cases involving Black people: 61%.

Population

**Black  
13%**



Arrests

**Black  
61%**

## BROOKLYN

Percentage of White residents: 35%.  
Percentage of observed cases involving White people: 1.5%.

Population

**White  
35%**



Arrests

**White  
1.5%**

Percentage of Black residents: 27%.  
Percentage of observed cases involving Black people: 68%.

Population

**Black  
27%**



Arrests

**Black  
68%**

# TARGETING BLACK NEW YORKERS IN 2023

## THE BRONX

Percentage of White residents: 9%.  
Percentage of observed cases involving White people: 1.6%.

Population

White  
**9%**



Arrests

White  
**1.6%**

Percentage of Black residents: 33%.  
Percentage of observed cases involving Black people: 50%.

Population

Black  
**33%**



Arrests

Black  
**50%**

## QUEENS

Percentage of White residents: 23%.  
Percentage of observed of cases involving White people: 4.8%.

Population

White  
**23%**



Arrests

White  
**4.8%**

Percentage of Black residents: 17%.  
Percentage of observed cases involving Black people: 44%.

Population

Black  
**17%**



Arrests

Black  
**44%**

## CITY-WIDE

Percentage of White residents: 30%.  
Percentage of observed of cases involving White people: 6%.

Population

White  
**30%**



Arrests

White  
**6%**

Percentage of Black residents: 23%.  
Percentage of observed cases involving Black people: 58%.

Population

Black  
**23%**

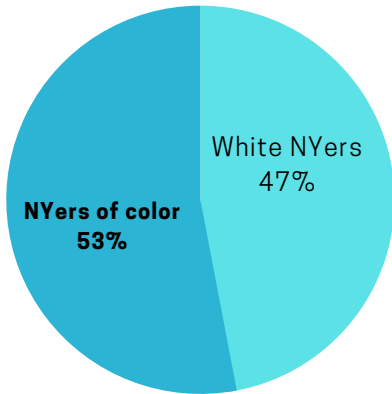


Arrests

Black  
**58%**

# MANHATTAN CRIMINAL COURT SUMMARY

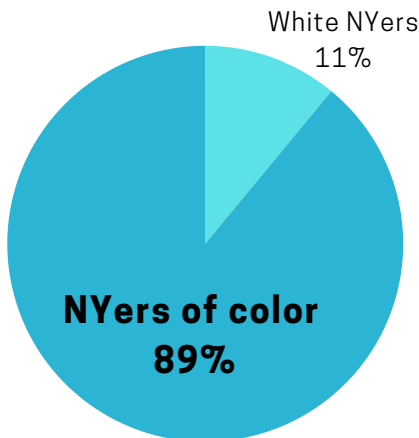
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DESPITE BEING ONLY

**53%**

OF MANHATTAN'S POPULATION



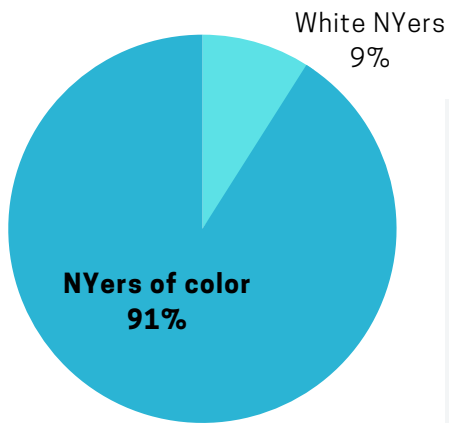
PEOPLE OF COLOR MADE UP

**89%**

OF THE CASES OBSERVED

# BRONX CRIMINAL COURT SUMMARY

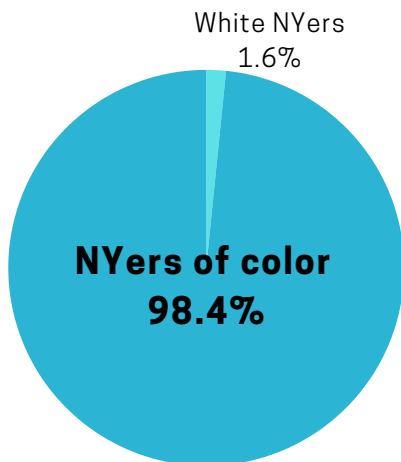
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WHILE PEOPLE OF COLOR MAKE UP

**91%**

OF THE BRONX POPULATION



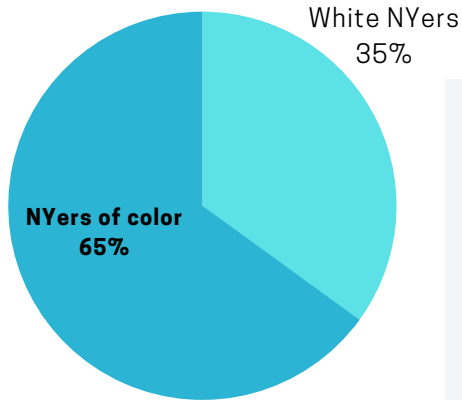
PEOPLE OF COLOR MADE UP

**98.4%**

OF CASES OBSERVED

# BROOKLYN CRIMINAL COURT SUMMARY

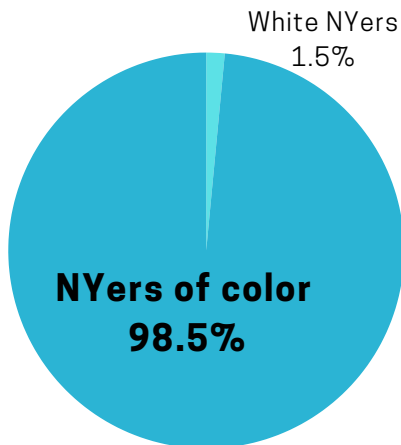
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DESPITE BEING

**65%**

OF BROOKLYN'S  
POPULATION



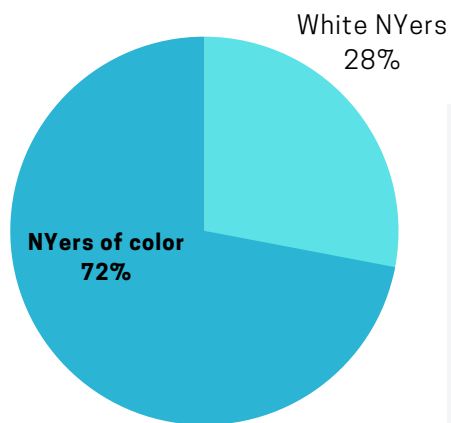
PEOPLE OF COLOR MADE UP

**98.5%**

OF CASES OBSERVED

# QUEENS CRIMINAL COURT SUMMARY

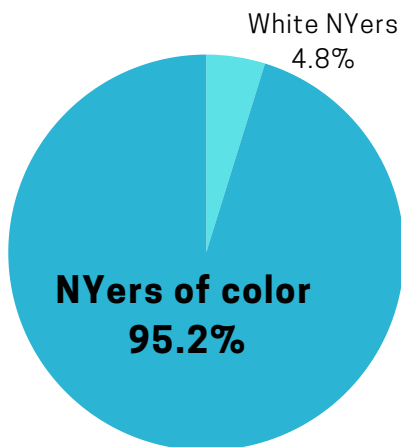
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DESPITE BEING

**72%**

OF QUEENS'S  
POPULATION



PEOPLE OF COLOR MADE UP

**95.2%**

OF CASES OBSERVED



# CRIMINAL JUSTICE OFFICIAL SPEAKS OUT

In 2013, Noach Dear, a former New York State Criminal Court Judge, heard the case of Julio Figueroa, who had been charged with illegally drinking a cup of beer on a city sidewalk near his home in Greenwood Heights, Brooklyn. Mr. Figueroa was subsequently arrested on the basis of an outstanding warrant that later proved to be erroneous. He spent 22 hours in jail before coming before Judge Dear, who promptly dismissed the case. Additionally, Judge Dear issued a ruling that the “Sniff Test” (named after the process by which police determine if liquid in a container is, in fact, alcohol) is not enough to prove the alleged offender is actually committing a crime. He called for questionable beverages to be properly tested by certified technicians. A month after this ruling, Judge Dear was relieved from his duties at the Brooklyn Criminal Court, and reinstated as a Civil Court Judge.

In a New York Times interview, Judge Dear cited stark racial bias in NYPD practices as the basis for his “Sniff Test” challenge. He explained that, “the department singles out Blacks and Hispanics when issuing public drinking summonses. As hard as I try, I cannot recall ever arraiging a white defendant for such a violation.” In fact, after having his staff review a month’s worth of summonses on all charges, Judge Dear discovered that 85% were issued to Black or Latino persons, 4% to white people, and 11% to those falling into a variety of other racial categories. Many believe that his speaking out about the racial disparities in arrests for open alcohol container violations led to his dismissal from the criminal court system.

**Sadly, Judge Dear passed away in 2020. In the 8 years that PROP has conducted its Court Monitoring Project, he remains the only public servant among judges or district attorneys that we know of who has spoken out about & sought to expose the harsh racism practiced daily by our criminal legal system. We at PROP miss his courageous voice & pay tribute to his memory.**



# CONCLUSION

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The findings of this report reflect an up-to-date picture of NYPD arrest practices and document the continuing harmful and biased impact of the aggressive and needless application of quota-driven “broken windows” policing.

As referenced earlier, in preparing this report, we noted the especially sharp disproportion between the number of arrests of white & Black NYers. To bring emphatic attention to this stark disparity, for the fourth time, we included a special section in this, our 16th court monitoring report (see the specifics on pages 7 & 8). City-wide, the percentages breakdown this way: white people make up 30% of NY's population and 6% of the cases that PROP observed. Black NYers make up 23% of NY's residents & 58% of the cases that PROP observed.

Also, as reported on page 6, this report found that of 297 cases observed from July to December of 2023, 279 (94%) involved NYers of color. In addition, the four court monitoring reports that PROP has released covering Mayor Adams' first two years in office found that of the 1,567 cases observed, 1,440, nearly 92%, involved people of color. Finally, of the 8,310 cases we have observed since the Court Monitoring Project began in 2014, 7,460 (89.8%) involved NYers of color.

Despite the innocuous nature of most of the charges and the non-existent safety threat represented by most defendants, police had arrested all these individuals – cuffed and confined them - leaving most of them to sit in jail overnight. This type of policing – criminalizing activities that are victimless and considered harmless, and then disproportionately charging a single group as offenders – breeds cynicism, resentment, and resistance. It tears at the social fabric of our city and subverts any claim that we can make of being an inclusive and progressive metropolis. It is long past time that our city's leaders, from Mayor Adams on down, take aggressive steps to end quota-driven “broken windows” policing and establish a just and safe city for all New Yorkers.

# FOR MORE INFORMATION

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Other PROP reports and media coverage

[propnyc.org/prop-reports/](http://propnyc.org/prop-reports/)

[propnyc.org/prop-in-the-news/](http://propnyc.org/prop-in-the-news/)

Keep up with PROP

Twitter: @propnyc, @gangifromprop

Instagram: @propnyc

Facebook: Police Reform Organizing Project.

## CONTACT TO GET INVOLVED

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## Special thanks

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