

New York Daily News Cover Story and Special Report / Aug 4, 2014

BEYOND BROKEN:

Quality of Life policy targets Blacks and Latinos
at rate 6 times higher than Whites

The image shows the front page of the New York Daily News. At the top, it says "DAILY NEWS" in large letters, with "NEW YORK'S HOMETOWN NEWSPAPER" underneath. To the right, there is a red "SPECIAL REPORT" badge. The main headline is "BEYOND BROKEN" in very large, bold, white letters on a black background. In the center of the word "BROKEN", there is a shield-shaped logo for the "POLICE DEPARTMENT CITY OF NEW YORK". Below the main headline, there are five small thumbnail images of other news stories. At the bottom of the page, there is a black box with white and red text that reads: "NEWS INVESTIGATES: Quality-of-life policy targets **BLACKS & HISPANICS** at rate **6 TIMES** higher than **WHITES**".

BEYOND BROKEN

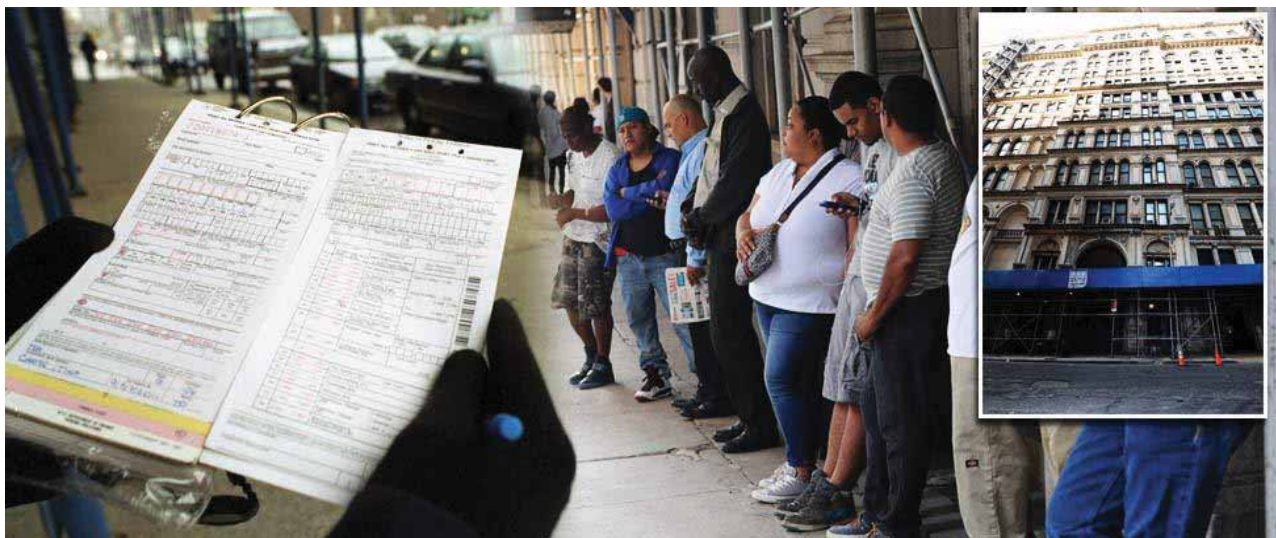
New York Daily News, August 4, 2013

<http://www.nydailynews.com/new-york/summons-broken-windows-racial-disparity-garner-article-1.1890567>

EXCLUSIVE: Daily News analysis finds racial disparities in summons for minor violations in 'broken windows' policing

Summons for petty infractions are an element of 'broken windows' policing — and roughly 81% of the 7.3 million people hit with violations between 2001 and 2013 were black and Hispanic. Charges that the NYPD's execution of the policy is racially biased have intensified again since Eric Garner was killed July 17 during an attempted arrest for selling loose cigarettes.

BY SARAH RYLEY , LAURA BULT , DAREH GREGORIAN NEW YORK DAILY NEWS Monday, August 4, 2014,



Every morning, hundreds of people line up at the city's dingy summons courts, clutching pink tickets for such petty infractions as walking through the park after dark, bicycling on the sidewalk, drinking on the street and even spitting.

They are the human faces of the most prevalent but under-scrutinized element of "broken windows" policing, a controversial crimefighting strategy implemented in the 1990s that focuses on aggressively enforcing quality-of-life offenses to deter more serious ones. And these faces are overwhelmingly black and Hispanic men, a Daily News analysis of first-ever released summons statistics has found.

The number of summonses issued each year has soared since "broken windows" was implemented in the early 1990s — from 160,000 in 1993 to a peak of 648,638 in 2005, a review of a number of reports shows. Although that number has fallen in recent years — to 431,217 last year and down an additional 17% so far this year — writing out violations still remains the most frequent activity of the New York City Police Department, far surpassing felony and misdemeanor arrests combined.

Charges that the NYPD's execution of "broken windows" policing is racially biased have intensified again since Eric Garner, a black father of six children from Staten Island, was killed July 17 when a white police officer put him in a prohibited chokehold after he had objected to being arrested for allegedly selling loose cigarettes.

Several other officers piled on top of him as he repeatedly gasped, "I can't breathe." Garner's death was ruled a homicide by the city medical examiner's office Friday.

Roughly 81% of the 7.3 million people hit with violations between 2001 and 2013 were black and Hispanic, according to a New York Civil Liberties Union calculation of available race data on summons forms. Current Police Commissioner Bill Bratton first implemented the policy when he was head of the transit police in 1990, and expanded it citywide during his first tenure as police commissioner from 1994 to 1996. Raymond Kelly was the commissioner from 2002 to 2013.

"The death of Eric Garner at the hands of NYPD officers has put the issue of broken windows policing smack in the middle of the mainstream policy debate of New York City," said Robert Gangi, director of the Police Reform Organizing Project. "It has certainly reenergized the police reform movement."

A number of advocacy groups, including the NYCLU, plan to focus on the summonses following their landmark victory in reforming stop-and-frisk.

"The low level of offenses for which people are being arrested has outsized consequences that harm and undermine the ability of young people to thrive and become responsible citizens," said Donna Lieberman, executive director of the NYCLU. "Instead of giving people another chance, instead of focusing on wrongdoing that presents a danger to society, it feels like a crackdown. The crackdown targets communities of color. It doesn't target the Upper East Side and it doesn't target white people."

The NYCLU exclusively provided The News precinct-by-precinct stats on summonses from 2001 through 2013 that it obtained from the Office of Court Administration. The News analyzed these stats using U.S. Census Bureau and NYPD data on the population and racial makeup of precincts. The most common offenses were: consumption of alcohol (1.6 million), disorderly conduct (1 million), public urination (334,000), bicycling on the sidewalk (296,000) and operation of a motor vehicle in violation of the safety rules (213,000).

The News found the correlation between race and summonses was not strong for offenses like motor vehicle violations and unlawful possession of alcohol for a minor. But others — like spitting, disorderly conduct, loitering, open container and failure to have a dog license — were more likely to be doled out in predominately black and Hispanic precincts.

In some precincts, the rate of summonses was more than 1 in 10 residents last year, such as the 25th Precinct (East Harlem North), which is 90% black and Hispanic, where there were 18 summonses per 100 residents; the 40th Precinct (Mott Haven, Bronx), which is 98% black and Hispanic (16 per 100 residents); and the 41st Precinct (Hunts Point, Bronx), which is 98% black and Hispanic, (16 per 100 residents).

“My neighborhood is like it’s under martial law. We got all these rookie officers on each corner. These officers, they just run around and ask you for any excuse to ask you for your ID and write you a summons,” said Angel Garcia, 34, of East Harlem, waiting in line at summons court in lower Manhattan last month.

Garcia said a cop slapped him with a summons for loud music when he left his car door open to pay for gas.

“My thing is, how you gonna tell me it was loud music?” said Garcia. “It was a stock radio; it’s not like I have custom speakers or nothing. I’m taking it to trial.”

Garcia was one of 169 people The News interviewed at summons courts in Manhattan, the Bronx and Queens over four days in July. Nearly 88% of those interviewed were male, and 89% identified as a race other than white.

While some openly admitted guilt, many said they felt racially profiled.



Photo: CHASE GUTTMAN/NEW YORK DAILY NEWS
Angel Garcia says he was slapped with a summons for loud music when he left his car door open to pay for gas.

“The cops harass people of color, they harass them constantly,” said Felix Boyd, 48, of Bedford-Stuyvesant, Brooklyn, who’s black, and was waiting to appear on an open container ticket. “They got sidewalk cafes and people are sitting outside drinking,” he said. “I was sitting on my porch on my house. He came on to private property to write it.”

One court staffer, who asked not to be identified, said the racial disparity is “mind-blowing” at the summons court at 346 Broadway, which serves most of Manhattan and Brooklyn.

“You’ll see a disproportionately large percentage of young male blacks and young male Hispanics,” said another veteran court employee. “It seems that only a certain kind of people are being targeted with this.”

In the wake of Garner's death, Bratton has said he's looking at retraining the entire police force, but has steadfastly defended his emphasis on enforcing low-level quality-of-life crimes.

"Part of Commissioner Bratton's approach is to respond to community complaints and, where appropriate, enforce criminal violations that can affect the quality of life of all New Yorkers," said Deputy Chief Kim Royster.

Forty agencies can write up pink slips to individuals and businesses, but the vast majority come from the NYPD.

Last year, 20% of the 458,000 summons issued citywide were tossed because the tickets either had defects or were deemed factually insufficient. In another 5% of summonses, people pleaded guilty and sent a check by mail — an option open only to those charged with drinking in public (\$25 fine) or urinating in public (\$50 fine).

Everyone else has to show up at court — or a warrant will be issued for their arrest.

As of June, there were 1.1 million open warrants out for people who failed to show up to court over these low-level offenses, according to the state courts.

On any given weekday morning at 9 a.m., a long line snakes outside the six summons courts in each of the five boroughs.

Many have taken the day off work to spend hours waiting for their case to be heard.

Defendants first wait in line at security, then at a window where they are told to sign a form waiving their right to appear in front of a judge.

If they sign the form, they are ushered up to the courtroom to see a judicial hearing officer, typically a retired judge.

The defendants know the charge against them, but nothing else. The ticketing officer's version of events is submitted to the judicial hearing officer, but not to the defendant.

A court-appointed attorney is available, but won't know anything about the case when it's called.

Other defendants were given adjournments in contemplation of dismissals — meaning the case against them would be dismissed as long as they stay out of trouble for a certain period of time.

"There's no due process," said lawyer Susan Tipograph.

She said there's not much incentive for reform either, because the court is very profitable.

Summonses brought in \$8.7 million last year, the second-largest source of revenue for the city's criminal courts.

“Every time a case is called, you can almost hear the cash register ringing,” she said.

Almost nobody pleads innocent and demands a trial. Last year, there were only 1,185 summons trials citywide, with 723 of them in the Bronx.

This leaves the hundreds of thousands of people who have received conditional dismissals or guilty verdicts with records that may have consequences on things like their ability to get a favorable plea bargain in future cases, probation status and immigration status.

“Some of the people will experience the collateral consequences and they are not being sufficiently thoughtful at the time when they are before the judge. They just want to leave the courtroom and go home,” said the Police Reform Organizing Project’s Gangi.

Summonses are currently the subject of an ongoing class-action lawsuit against the city on behalf of people who said they were given bogus tickets so cops could make precinct quotas. The NYPD has denied having a quota system.

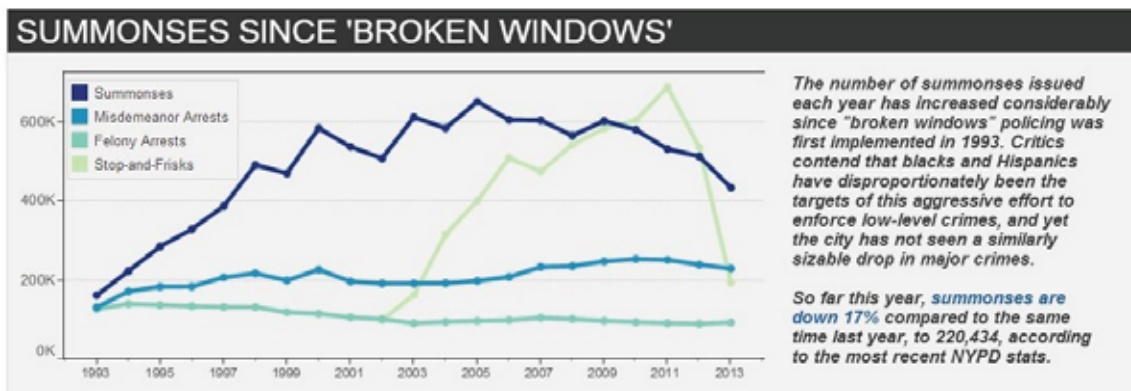
“These are tickets that never should have been issued in the first place,” said Joshua Fitch, who’s representing some of the plaintiffs in the case, which seeks to reform the way the police dole out summonses.

Lieberman of the NYCLU said more needs to be done.

“We’re mindful that the Police Department is a massive ocean liner difficult to turn around, and that change does not happen overnight,” she said. “But Commissioner Bratton’s relentless advocacy of broken windows has been an ongoing source of concern.”

With Rocco Parascandola, Tina Moore and Laura Dimon

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'QUALITY' OF STRIFE

TOP CHARGES CITYWIDE*

Nearly 7.3 million summonses were handed out between 2001 and 2013, far surpassing felony and misdemeanor arrests combined, which totaled 4 million in the same period.

CONSUMPTION OF ALCOHOL ON STREETS	1,551,453
DISORDERLY CONDUCT	1,015,874
PUBLIC URINATION	334,003
BICYCLING ON SIDEWALK	295,849
OPERATION OF MOTOR VEHICLE IN VIOLATION OF SAFETY RULES	213,417
TRESPASSING	208,907
FAILURE TO OBEY SIGN IN PARK	157,223
UNLAWFULLY IN PARKS AFTER HOURS	140,461
RECKLESS DRIVING	131,978
UNLAWFUL POSSESSION OF MARIJUANA	121,707
PERMITTING UNLICENSED OPERATION OF VEHICLE	120,589
UNREASONABLE NOISE	79,243
UNLICENSED GENERAL VENDOR	78,548
TAXI ACCEPTING HAILS WITHOUT LICENSE	74,771
LITTERING	66,804
LOITERING	64,780
OPERATE WITH SUSPENDED OR REVOKED LICENSE	52,893
FAILURE TO PRODUCE TAX STAMP	46,200
UNLAWFUL POSSESSION OF ALCOHOL BY PERSON UNDER 21	44,773

WHERE WARRANTS WERE ISSUED

There are 1.1 million open warrants for people who did not answer summonses dating to 1999. This is the location of the courts where they were issued. Most Brooklyn cases are heard in Manhattan.



Source: State Unified Court System

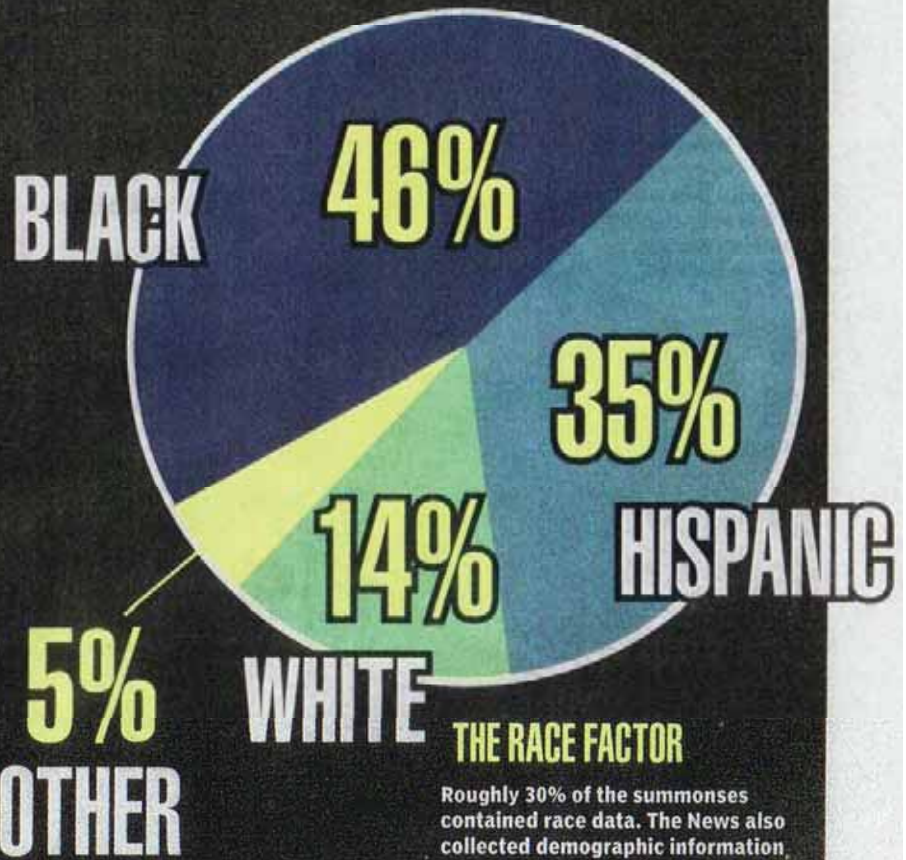
FOR AN INTERACTIVE VIEW OF THE STATISTICS: NYDN.US/SUMMONS

* Data does not include cases that went to the Midtown and Red Hook community courts.

TROUBLING STATISTICS

PRECINCTS AND TOTAL SUMMONSES ISSUED

Top 10 precincts*	% Population Black and Hispanic	Total summonses 2001-2013
40 - Mott Haven, Melrose, Bronx	98%	248,092
75 - East New York, Starrett City, Brooklyn	91%	241,360
73 - Brownsville, Ocean Hill, Brooklyn	98%	190,182
44 - Concourse, Highbridge, Bronx	97%	187,194
79 - Bedford-Stuyvesant (West), Brooklyn	81%	178,373
115 - Jackson Heights, Queens	71%	151,958
52 - Bedford Park, Fordham, Norwood, Bronx	86%	147,026
46 - University Heights, Morris Hts., Fordham, Bx.	97%	145,007
77 - Crown Heights (North), Prospect Hts., B'klyn	79%	144,755
43 - Soundview, Parkchester, Bronx	91%	143,296
Bottom 10		
100 - Rockaway, Broad Channel, Queens	40%	41,725
112 - Forest Hills, Rego Park, Queens	17%	40,620
66 - Borough Park, Kensington, Brooklyn	16%	38,551
63 - Mill Basin, Flatlands, Brooklyn	52%	38,518
84 - Brooklyn Heights, DUMBO, Boerum Hill, B'klyn	28%	34,205
68 - Bay Ridge, Dyker Heights, Brooklyn	17%	33,896
69 - Canarsie, Brooklyn	91%	33,891
62 - Bensonhurst, Brooklyn	14%	32,186
111 - Bayside, Douglaston, Little Neck, Queens	12%	29,705
123 - Tottenville, Bay Terrace, S.I.	10%	25,606



THE RACE FACTOR

Roughly 30% of the summonses contained race data. The News also collected demographic information from 169 people waiting in line at three summons courts, and found a nearly identical racial breakdown.



NYPD GET-TOUGH TACTIC UNDER FIRE

My neighborhood is like it's under martial law. These



Angel Garcia talks in court about his frustration.

officers ask you for any excuse to see your ID and write you a summons.



Arrest of Eric Garner, which turned deadly after police chokehold, was spurred by his alleged sale of bootleg cigs.

For further information about criminal court summonses in New York City see:

Criminal Court Summonses (web page)

<http://marijuana-arrests.com/summonsNYPD.html>

Criminal Court Summonses in NY City (data presented at CUNY Law School Event in April 2014)

<http://marijuana-arrests.com/docs/Criminal-Court-Summonses-in-NYC--CUNY-Law-School-April-24-2014.pdf>

The warped world of summons court and other articles.

<http://marijuana-arrests.com/docs/The-Warped-World-of-Summons-Court-and-other-articles.pdf>

Broken Windows Policing: A True Tale of Two Cities

(July 2014 report from PROP (Police Reform Organizing Project).

<http://www.policereformorganizingproject.org/wp-content/uploads/2012/09/Broken-Windows-Policing-A-True-Tale-of-Two-Cities.pdf>

RECENT ARTICLES ABOUT BROKEN WINDOWS

Is 'Broken Windows' Broken? Yes

It subjects minority and poor New Yorkers to harassment for no good reason.

By Steve Zeidman New York Daily News, , August 3, 2014,

<http://www.nydailynews.com/opinion/broken-windows-broken-yes-article-1.1889011>

Paying In Blood For Over-Policing

Broken windows is the new stop and frisk

By Alex S. Vitale New York Daily News Saturday, July 19, 2014M

<http://www.nydailynews.com/opinion/paying-blood-over-policing-article-1.1872536>

There's Little Evidence That "Broken Windows" Policing Works

by Delores Jones-Brown, NY Times, July 28, 2013

<http://www.nytimes.com/roomfordebate/2014/07/27/is-broken-windows-a-broken-policy-for-police/theres-little-evidence-that-broken-windows-policing-works>

The Neoconservative Roots of the Broken Windows Theory

by Alex S. Vitale, Gotham Gazette, Aug 1, 2014

<http://www.gothamgazette.com/index.php/opinion/5199-neoconservative-roots-broken-windows-policing-theory-nypd-bratton-vitale>