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URBAN JUSTICE CENTER

**CRIMINALIZING COMMUNITIES:
NYPD ABUSE OF VULNERABLE POPULATIONS**

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ABOUT THE POLICE REFORM ORGANIZING PROJECT



Through research and analysis, public education, policy advocacy, and coalition building, the Police Reform Organizing Project aims: to stop the current wasteful, ineffective, unjust, illegal, bullying, homophobic, transphobic, and racially biased practices of the NYPD; to create a strong, independent entity that monitors and assesses police priorities and policies and that effectively investigates and punishes abusive conduct; and, to establish and implement local problem solving measures that strengthen communities while reducing crime.

ABOUT THE URBAN JUSTICE CENTER



The Urban Justice Center is a unique organization which serves New York City's most vulnerable residents through a combination of direct legal services, systemic advocacy, community education and political organizing. The Urban Justice Center's unique structure involves nine discrete projects which work on various issues faced by politically marginalized communities in New York City. The Projects are: the Community Development Project, the Domestic Violence Project, the Homelessness Outreach and Prevention Project, the Human Rights Project, the Iraq Refugee Assistance Project, the Mental Health Project, the Peter Cicchino Youth Project, the Police Reform Organizing Project, Sex Workers Project, and the Street Vendor Project. The advocates in these projects assist their clients with one-on-one legal advice, support accessing government assistance, as well as filing class action lawsuits or participating in legislative/policy advocacy to bring about systemic change.

ABOUT THE WALTER LEITNER INTERNATIONAL HUMAN RIGHTS CLINIC



Leitner Center
for International Law and Justice

Through real-world human rights lawyering experiences, the Walter Leitner International Human Rights Clinic at the Leitner Center for International Law and Justice trains Fordham Law School students to be strategic, reflective, and creative social justice advocates. The Clinic works in partnership and solidarity with grassroots justice organizations on human rights projects focusing on access to justice and sexual health and rights. The Clinic employs a range of advocacy methods including legal and policy analysis, human rights trainings, public interest litigation, submissions before human rights bodies, and direct legal assistance.

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CRIMINALIZING COMMUNITIES:

NYPD ABUSE OF VULNERABLE POPULATIONS

A Policy Paper of the Police Reform Organizing Project

Executive Summary

The New York Police Department (NYPD) abuses and harasses a variety of vulnerable communities in New York City through unjust, racially biased, and ineffective policing practices. These actions target low-income African-Americans and Latinos, Muslims, sex workers, LGBTQ people, street vendors, people with mental illness, and homeless people, groups that generally have little political clout.¹ This policy paper chronicles NYPD abuse of these communities and its devastating effects. It calls for an end to the NYPD's aggressively enforced quota system, an end to the NYPD's stop and frisk program, and recommends other administrative and legislative reforms that will ensure that all New Yorkers can live free from police abuse.

Each year the NYPD conducts hundreds of thousands of stop and frisks of black and Latino New Yorkers, the overwhelming majority of whom are neither arrested nor given a summons,² revealing both the racially biased and suspicion-less nature of this program. Almost 90% of all NYPD stop and frisks involve black and Latino people, and in only 1.8% of those cases do NYPD officers recover a weapon.³

The arrests that do result from stop and frisk are often for marijuana possession; the majority of individuals arrested for this charge are black and Latino men under the age of 25.⁴ In conjunction with stop and frisk, NYPD officers patrol and conduct wide-ranging sweeps of public and private apartment buildings as a pretext to arrest for criminal trespassing anyone found without identification in building stairways or hallways. The vast majority of individuals the police stop and arrest for criminal trespassing during these sweeps are black and Latino, many of whom are residents of, or visitors to, the buildings.⁵

Through a warrantless surveillance program, the NYPD monitors daily life in Muslim communities in the tri-state area. Without evidence of criminal activity, the NYPD uses informants to infiltrate Muslim neighborhoods and scrutinize targeted individuals engaged in ordinary aspects of daily life. The NYPD undertakes this surveillance in a manner that is intrusive, over-broad in scope, and that infringes on civil liberties and privacy rights.⁶

Sex workers in New York City also regularly encounter police mistreatment. They report that NYPD officers threaten them with violence; physically, sexually, and

verbally abuse them; extort them for sex; harass them when they are not engaged in illegal activity; and confiscate their condoms to use as evidence of prostitution.⁷ Due to this abuse, sex workers do not trust the NYPD to address violations of their rights and often do not report crimes committed against them.⁸

Other police targets include LGBTQ individuals, particularly LGBTQ people of color and transgender people.⁹ LGBTQ people report that NYPD officers verbally and physically abuse them before and during arrest.¹⁰ Transgender New Yorkers report that police subject them to indignities such as rude name-calling and unnecessary strip searches.¹¹ Police also often profile transgender women as sex workers, confiscating their condoms and charging them with prostitution.¹²

The NYPD's bad practices also extend to street vendors, people with mental illness, and homeless people. Police engage in over-policing of both legal and illegal street vendors, often harassing them by issuing tickets of up to \$1,000 for minor violations,¹³ and frequently ticketing or arresting them for supposedly breaking arbitrarily enforced rules. Police officers are poorly trained to deal with people with mental illness. As a result, they often lack an understanding of how their own behavior can increase the distress of people in psychiatric crisis and of the likelihood that interactions will escalate and cause harm to emotionally troubled persons.¹⁴ Homeless people remain an easy target for NYPD officers who arrest them for "quality of life" violations like disorderly conduct or taking up two seats on the subway. These arrests only serve to further marginalize this vulnerable population.¹⁵

Targeted communities have come to fear and distrust the NYPD as a result of abusive and aggressive tactics that inflict daily emotional and social trauma. The Mayor's Office, the NYPD, the New York City Council, the Governor's office, and the New York State Legislature must enact administrative and legislative reforms that will ensure that the police work for the benefit and well being of all communities in New York City.

Finally, it is important to note that objectionable police practices, especially those marked by a stark racial bias, contribute directly to the political folly and moral shame of our time, namely the exponential increase in the use of imprisonment that has taken place in virtually every jurisdiction in the United States over the past 40 years. From a purely practical standpoint, a main reason that black and Latino people make up a grossly disproportionate percentage of the nation's prison population is that in places like New York City and other large urban centers, the police concentrate their harshest enforcement efforts on communities of color and arrest and bring to the courts large numbers of people who live in those communities. Imprisonment at its current levels represents a severe form of social control that has been applied to and has had a devastating social and economic impact on targeted, vulnerable groups. To reverse mass incarceration, a policy goal that should be viewed as a moral and civil rights imperative,

we must expose and correct the kind of abusive and biased police tactics discussed in this report.

Recommendations

To the Mayor's Office/New York Police Department (NYPD):

Re: All vulnerable populations that face NYPD abuse, including black and Latino communities, Muslim communities, sex workers, LGBTQ people, street vendors, people with mental illness, and homeless people

- Abolish the NYPD's aggressively enforced quota system for evaluating the job performance of police officers on the ground.
- Abolish the practice of discriminatory and suspicion-less stop and frisks.
- Engage in more collaborative problem-solving techniques that build positive relations with the community.
- Ensure that officers engage in policing which uses targeted strategies and focuses on selected individuals known to be engaged in criminal and disruptive activities instead of conducting widespread and unjustified sweeps of buildings and surrounding areas.
- Support legislation that would render lawful the possession, use, display, purchase, or transportation of one ounce or less of marijuana among individuals twenty-one years old and over.

Re: Sex workers

- Stop false arrests and unwarranted ticketing of sex workers based on profiling in cases where there is no probable cause.¹⁶
- Shift focus away from arresting sex workers, and instead concentrate on collaborating with community-based organizations to help sex workers gain access to needed services, such as safe housing and living-wage jobs.¹⁷
- Stop charging people with engaging in prostitution simply because they have condoms in their possession.

Re: the LGBTQ community

- Implement the NYPD's New Patrol Guide addressing police violations of the rights of transgender New Yorkers.
- Have the NYPD's LGBTQ Liaison Officers devise a method whereby they can receive complaints from LGBTQ community members and advocates and forward those complaints to the appropriate body.¹⁸
- Have the NYPD's LGBTQ Liaison Office develop a website that contains detailed information for the public about who the LGBTQ officers are for each borough, what roles they play, how to contact them, how to file complaints about police conduct, and other relevant information.¹⁹

Re: Street vendors

- Stop issuing criminal summonses to street vendors for activity that is not criminal in nature.

Re: People with mental illness in psychiatric crisis

- Establish a program of Community Crisis Intervention Teams (CCITs), which would work with professionals from the mental health community to improve police interactions with the mentally ill.²⁰

Re: Homeless people

- Eliminate as the basis for making arrests “quality of life” offenses like disorderly conduct that unfairly target homeless people.²¹

Re: the Muslim community

- Immediately dismantle the surveillance program of Muslim communities.
- Ensure that there is no police surveillance without a warrant, no surveillance based on political and religious speech, and no infiltration of public spaces.²²
- Investigate past racial and religious profiling by the NYPD,²³ including a review of all the private information that the Department has gathered on targeted individuals in its surveillance program of Muslim communities.
- Reinstate the Handschu Agreement, which would ensure that investigations are based only on specific information about a future crime and not political or ideological speech, and that there is outside oversight of NYPD surveillance programs.²⁴

To the New York City Council:

Re: All vulnerable populations that encounter NYPD abuse

- Create a strong autonomous agency with subpoena power, that monitors and assesses police priorities and policies and that effectively investigates and punishes abusive conduct by individual officers.
- Pass the Community Safety Act, which seeks to end the practice of profiling based on racial or ethnic data and to protect individuals against unlawful searches.²⁵

Re: Street vendors

- Pass bills 434 and 435, which would cap the maximum fine that a street vendor can receive at \$250 and would ensure that fines only increase if a street vendor repeatedly commits the same violation.²⁶

Re: LGBTQ Community

- Assign to the appropriate Council committee the responsibility and resources for monitoring the implementation of the NYPD's new Patrol Guide that aims to eliminate police mistreatment of transgender people in the community.

To the Governor's Office/New York State Legislature:

Re: Black and Latino communities

- Enact legislation to create a private right of legal action for individuals who are stop-and-frisk, given a DAT or summons, or subjected to custodial arrest as the result of an NYPD quota requirement. The law would enable individuals to bring suits against the city provided they could establish (1) the punitive encounter was the result of a departmental quota requirement, and (2) they were not engaged in illegal or suspicious activity to warrant a stop-and-frisk/ticket/summons/arrest.
- Enact legislation that would achieve a practical outcome similar to the provisions of the marijuana referenda recently approved by voters in Colorado and Washington State. Such legislation would render lawful in New York State the possession, use, display, purchase, or transportation of one ounce or less of marijuana among individuals twenty-one years old and over.

Re: Sex workers and LGBTQ communities

- Pass the S1379/A2305 "No Condoms as Evidence of Prostitution" bill, which prohibits prosecutors from introducing the possession of condoms as evidence of prostitution.²⁷ Passage of this bill would allow sex workers to carry condoms without fear of arrest.

To the New York City Department of Consumer Affairs and the New York City Department of Health:

Re: Street vendors

- Approve and distribute more street vendor licenses to prevent arrests for unlicensed vending.²⁸

Black and Latino Communities

The NYPD conducts an aggressive stop and frisk program. From 2002 through 2011, the number of stop and frisks increased by over 600%, totaling more than 685,000 stops in 2011.²⁹ Stop and frisk is marked by a stark racial bias: black and Latino people account for nearly 85% of all stops and 89.2% of all frisks.³⁰ Not only does the NYPD implement the practice in a racially disparate manner, its focus on these groups is demonstrably unwarranted: the vast majority of black and Latino people stopped are not found with a weapon, or arrested, or given a summons,³¹ highlighting the suspicion-less nature of these stop and frisks.

The number of NYPD stops in 2011 of young black men, ages 14-34 (161,126) exceeded the city's entire population of young black men (158,406), meaning the NYPD stops some young black men multiple times.³² The NYPD justifies the racial disparities of stop and frisk by contending that it conducts more stops in higher crime areas, and that more black and Latino people live in these areas.³³ But even in mixed or predominately white areas, the NYPD stops black and Latino people at a much higher rate.³⁴ In 2011, black individuals made up 52.9% of the stops, Latino individuals 33.7%, and white individuals 9.3%.³⁵ As one young man of color who has been a victim of stop and frisk explained: "We all feel the same way – degraded, harassed, violated and criminalized because we're black or Latino."³⁶

In 2011, NYPD officers found weapons on only 1.8% of the black and Latino people they frisked, whereas they found weapons on 3.8% of white individuals. In 2011, 88.3% of the people subjected to this tactic were neither arrested nor given a summons.³⁷ The program is harshly prejudicial towards people of color who, in the overwhelming majority of cases, have engaged in no wrongdoing.

Sexual harassment is also a problem.³⁸ Women of color report that male officers often subject them to rude and disrespectful treatment during stop and frisks, including inappropriate sexual contact.³⁹ Police frequently charge those who seek to protect themselves from inappropriate touching during a stop and frisk or who question why they are being stopped, with resisting arrest.⁴⁰

A similar law enforcement tactic in spirit and design to stop and frisk is the NYPD's arrest of individuals on criminal trespassing charges in public housing and private apartment buildings enrolled in "Operation Clean Halls." Police officers conduct floor-by-floor sweeps of these buildings and can, and often do, stop and frisk or arrest tenants and their guests for trespassing. As a result, even innocent tasks such as throwing out the garbage or walking through apartment building hallways or stairwells without identification can lead to arrest on charges of trespassing. Friends and visitors of apartment dwellers are also in danger of being arrested for trespass. ⁴¹ An attorney with the New York Civil Liberties Union explained, "In certain ... buildings there is simply no such thing as having a friend come by for an unannounced visit. If you stop by, hoping to catch a friend or a relative, there is a very good chance that you will be arrested."⁴²

Unlawful stops and criminal trespass arrests of residents and guests at patrolled buildings have become so widely seen as unwarranted that as of July 2012 the Bronx District Attorney's office has refused to prosecute these cases unless arresting officers submit to D.A. interviews to provide justification for the arrests.⁴³

Stop and frisk and unfounded criminal trespass charges leave those targeted feeling vulnerable and violated. The experience of being stopped and frisked repeatedly can have a lasting emotional impact on individuals.⁴⁴ The intrusive nature of policing practices involving criminal trespass in apartment buildings causes many residents of these buildings to not feel safe in their own homes.⁴⁵ Even stop and frisk and trespassing arrests that do not lead to convictions can have a damaging collateral effect as they may cause individuals to miss work, lose their jobs, or be subjected to the lifelong economic consequences of having a criminal record.⁴⁶ As a result of these measures, communities and individuals disproportionately targeted lose trust in, and refuse to cooperate with, the police.⁴⁷ One young man of color, a plaintiff in a class action lawsuit against the NYPD, stated: "To know that there are cops around, you're supposed to feel safe. But now when you're walking to your house, you're not looking behind your back to see if somebody is going to rob or steal from you, you're looking for a cop. How do you live like that?"⁴⁸

Another discriminatory NYPD practice involves its excessively biased marijuana possession arrests. In 2011, the NYPD made 50,684 arrests for low-level marijuana offenses, the second highest in city history.⁴⁹ According to New York law, possessing less than 25 mg of marijuana is not a crime unless it is being "burned or in public view." If officers catch individuals with marijuana in their pockets, they can issue tickets but cannot arrest them. However, as explained by Jennifer Carnig of the New York Civil Liberties Union, "The cops get around the law by ordering, tricking or forcing people into exposing their pot and then arresting them for having marijuana in open sight."⁵⁰ In 2011, NYPD Commissioner Ray Kelly issued a directive to end this practice.⁵¹ Since the policy was introduced, marijuana arrests have declined almost 25%.⁵² However, the numbers are still alarmingly high.

The majority of people arrested for marijuana possession are young men of color.⁵³ Despite government surveys showing a higher rate of marijuana use among white people, 86% of the NYPD's marijuana possession arrests involve black and Latino individuals.⁵⁴ These low-level arrests have damaging consequences as they can lead to a loss of child custody, denial of access to public housing and student financial aid, and can also result in a permanent criminal record and even deportation.

Recommendations

To the Mayor's office/NYPD:

- Abolish the NYPD's aggressively enforced quota system for evaluating the job performance of police officers on the ground.
- Abolish the practice of discriminatory and suspicion-less stop and frisks.
- Engage in more collaborative problem-solving techniques that build positive relations with the community.
- Ensure that officers engage in policing which uses targeted strategies and focuses on selected individuals known to be engaged in criminal and disruptive activities instead of conducting widespread and unjustified sweeps of buildings and surrounding streets.
- Support legislation that would render lawful the possession, use, display, purchase, or transportation of one ounce or less of marijuana among individuals twenty-one years old and over.

To the New York City Council:

- Create a strong autonomous agency, with subpoena power, that monitors and assesses police priorities and policies and that effectively investigates and punishes abusive conduct by individual officers.
- Pass the Community Safety Act, which seeks to end the practice of profiling based on racial or ethnic data and to protect individuals against unlawful searches.⁵⁵

To the Governor's Office/New York State Legislature:

- Enact legislation that would achieve a practical outcome similar to the provisions of the marijuana referenda recently approved by voters in Colorado and Washington State. Such legislation would render lawful in New York State the possession, use, display, purchase, or transportation of one ounce or less of marijuana among individuals twenty-one years old and over.
- Enact legislation to create a private right of legal action for individuals who are stop-and-frisk'd, given a DAT or summons, or subjected to custodial arrest as the result of a NYPD quota requirement. The law would enable individuals to bring a suit against the city provided they could establish (1) the punitive encounter was the result of a departmental quota requirement, and (2) they were not engaged in illegal or suspicious activity to warrant stop-and-frisk/ticket/summons/arrest.

Muslim Communities

A Pulitzer-Prize winning Associated Press investigation revealed that the NYPD conducts an extensive surveillance program of Muslim communities in the tri-state area, monitoring all aspects of daily life in these neighborhoods. The NYPD targets these communities solely based on their religious affiliation, not because of any evidence of criminal activity. Speaking certain languages and attending regular religious services is sufficient to instigate NYPD surveillance. According to Hina Shamsi, the director of the American Civil Liberties Union (ACLU) National Security Project, “The NYPD has been engaging in secret surveillance of innocent people based on the crudest religious profiling . . . the NYPD has imposed a badge of stigma and suspicion on all Muslims by engaging in surveillance of all Muslim civilians.”⁵⁶ The NYPD has acknowledged in court testimony that six years of spying on Muslim communities has not produced any evidence leading to accusations of criminal activity.⁵⁷

This surveillance program violates civil liberties, including rights to privacy, freedom of assembly, and freedom of speech.⁵⁸ The NYPD uses undercover officers, known as “rakers,” to infiltrate certain neighborhoods as part of a “human mapping program” that connects community members to each other.⁵⁹ The police primarily target American black Muslims and immigrants from several countries in the Muslim world.⁶⁰ The police also target U.S. citizens who have ancestral ties to these identified countries. The NYPD then places these targeted individuals under surveillance and scrutinizes where they eat, pray, work, buy groceries, get haircuts, rent apartments, and learn English, among other activities.⁶¹

The NYPD also relies on informants known as “mosque crawlers” to monitor sermons in mosques⁶² and infiltrates and monitors Muslim students associations at colleges and universities in the tri-state area.⁶³ According to Glenn Katon, the legal director of Muslim Advocates, an advocacy group that provides legal and policy expertise on issues of civil liberties, this surveillance deters people from involvement with their religious community: “People say to the Imam that they don’t feel comfortable coming to the mosque anymore. They have seen a decline in people coming to pray. You never know when there’s going to be an infiltrated NYPD officer coming to your mosque or your student association.”⁶⁴

The NYPD’s extensive surveillance program has had a detrimental impact on Muslim communities in the tri-state area, instilling fear and creating mistrust in these communities and making them much less likely to cooperate and support policing efforts.⁶⁵

Recommendations

To the Mayor's Office/NYPD:

- Immediately dismantle the surveillance program of Muslim communities.
- Ensure that there is no police surveillance without a warrant, surveillance based on political and religious speech, and infiltration of public spaces.⁶⁶
- Investigate past racial and religious profiling by the NYPD,⁶⁷ including a review of all the private information the police have gathered on targeted individuals through its surveillance program of Muslim communities.
- Reinstate the Handschu Agreement, which would ensure that investigations are based only on specific information about a future crime and not political or ideological speech, and that there is outside oversight of NYPD surveillance programs.⁶⁸

To the New York City Council:

- Pass the Community Safety Act, which seeks to end the practice of profiling based on racial or ethnic data and to protect individuals against unlawful searches.⁶⁹

Sex Workers

The NYPD harasses, abuses, and arrests sex workers on a daily basis. The visibility of street-based sex workers makes them particularly vulnerable to police harassment.⁷⁰ Sex workers report suffering physical and sexual violence, threats of violence, harassment, and verbal abuse by the NYPD.⁷¹ Another problem is their lack of access to justice when they are the victims of crime.⁷² The NYPD also profiles and harasses sex workers when they engage in legal everyday activities unrelated to their work.⁷³ Sex workers who are arrested and end up with criminal records face obstacles in obtaining employment, subsidized housing or even custody of their children. In an especially egregious form of police misconduct, officers take advantage of sex workers' fear of arrest and its ramifications by extorting them for sexual services.⁷⁴

It is not illegal to carry condoms in New York, yet police confiscate sex workers' condoms as evidence of prostitution.⁷⁵ In 2010, the New York City Health Department conducted a sex worker survey that revealed that police had confiscated condoms from 57% of the respondents,⁷⁶ a practice that discourages sex workers from carrying condoms and practicing safe sex.⁷⁷ Given the risk of HIV/AIDS and other sexually transmitted diseases, the NYPD's practice of confiscating condoms as evidence of prostitution creates serious public health concerns.⁷⁸

Because of their negative experiences with the NYPD, sex workers are unlikely to file police reports when they are the victims of a crime, and in cases when they do, police often refuse to take their complaints seriously. As a result, crimes against sex workers

usually go unpunished.⁷⁹ “Sex workers do not trust police, they do not see them as a resource, and if they need assistance, they do not even think to tell the police,” explains Sienna Baskin, the co-director of the Sex Workers Project at the Urban Justice Center.⁸⁰

Recommendations

To the Mayor’s Office/NYPD:

- Stop false arrests and unwarranted ticketing of sex workers based on profiling in cases where there is no probable cause.⁸¹
- Shift focus away from arresting sex workers, and instead concentrate on collaborating with community-based organizations to help sex workers gain access to needed services, such as safe housing and living-wage jobs.⁸²
- Abolish the practice of discriminatory and suspicion-less stop and frisks.
- Stop charging people with engaging in prostitution simply because they have condoms in their possession.

To the New York State Legislature:

- Pass the S1379/A2305 “No Condoms as Evidence of Prostitution” bill, which prohibits prosecutors from introducing the possession of condoms as evidence of prostitution.⁸³ Passage of this bill would allow sex workers to carry condoms without fear of arrest.

LGBTQ People

LGBTQ people of color and transgender people are particularly vulnerable to police misconduct and report frequent negative interactions with the NYPD.⁸⁴ They state that police are often physically, verbally, and sexually abusive, conduct unnecessary strip searches of transgender people, and use degrading language during interactions with transgender individuals.⁸⁵ Transgender people also report that NYPD officers accuse them of possessing fraudulent identification if the gender noted on their IDs does not conform to the officer’s perceived notion of their gender.⁸⁶ In December 2011 at a Police Reform Organizing Project (PROP) public forum, a transgender woman and activist referred to her encounters with the NYPD: “We want to look like women, feel like women, to be women, but to the police it’s a crime.”⁸⁷

NYPD officers also often profile LGBTQ youth of color and transgender women as sex workers. A survey by Make the Road NY found that 80% of transgender women reported police harassment or false arrests based on unfounded police suspicions that they were engaging in prostitution.⁸⁸ Acting on this assumption, police confiscate condoms from LGBTQ individuals as evidence of intent to engage in prostitution.⁸⁹ As a result, many transgender women report they are reluctant to carry condoms.⁹⁰

Police harassment of the LGBTQ community sows seeds of mistrust between the police and LGBTQ individuals, making many LGBTQ people reluctant to seek out police intervention or to report crimes when they occur.⁹¹

On June 12, 2012, the NYPD announced its new Patrol Guide, which aims to correct ongoing police mistreatment of LGBTQ individuals,⁹² specifically abuses committed against transgender and gender non-conforming people.⁹³ If the NYPD remains dedicated to implementing the Patrol Guide's policy changes and if officers on the street adhere to the relevant provisions, the Patrol Guide would be a significant step toward stemming the NYPD's abuses against the transgender community, and is likely to foster a more cooperative relationship between the NYPD and transgender New Yorkers.

Recommendations

To the Mayor's Office/NYPD:

- Implement the NYPD New Patrol Guide addressing police violations of the rights of transgender New Yorkers.
- Have the NYPD's LGBTQ Liaison Officers devise a method whereby they can receive complaints from LGBTQ community members and advocates and forward those complaints to the appropriate body.⁹⁴
- Have the NYPD's LGBTQ Liaison Office develop a website that contains detailed information for the public about who the LGBTQ liaison officers are for each borough, what roles they play, how to contact them, how to file complaints about police conduct, and other relevant information.⁹⁵
- Abolish the practice of discriminatory and suspicion-less stop and frisks.

To the New York City Council:

- Pass the Community Safety Act, which seeks to end the practice of profiling based on racial or ethnic data and to protect individuals against unlawful searches.⁹⁶
- Assign to the appropriate Council committee the responsibility and resources for monitoring the implementation of the NYPD's new Patrol Guide that aims to eliminate police mistreatment of transgender people in the community.

To the Governor/New York State Legislature:

- Pass the S1379/A2305 "No Condoms as Evidence of Prostitution" bill, which prohibits prosecutors from introducing the possession of condoms as evidence of prostitution.⁹⁷ Passage of this bill would allow sex workers to carry condoms without fear of arrest.

Street Vendors

New York City's street vendors, who are disproportionately immigrants and people of color, face abusive policing on a daily basis.⁹⁸ Experience suggests that the NYPD should view street vendors as potential allies in fighting crime. It was a street vendor, for instance, who alerted the police to the Times Square bomber in 2010.⁹⁹ Yet, rather than viewing street vendors in a positive light, police officers often have a mindset that “vendors are a problem...that they're a nuisance, that they're an issue, that they're negatively affecting people's quality of life.”¹⁰⁰

According to the Street Vendors Project at the Urban Justice Center, the NYPD targets both legal and illegal street vendors with over-policing and excessive fines. Many street vendors are, in effect, forced to operate illegally because New York City approves very few licenses for vending.¹⁰¹ Police arrest approximately 7,000 vendors and write approximately 40,000 tickets to vendors in New York City each year for unlicensed vending.¹⁰² They issue automatic \$1,000 fines if food vendors do not have both a food vendor license and a permit for their food cart or vehicle—a double licensing policy that serves to “economically kill vendors.”¹⁰³ In addition, explains Sean Basinski, director of the Street Vendors Project, licensed vendors are victims of New York City's continuing “Quality of Life” crackdown, in which police issue vendors \$1,000 tickets for minor violations such as vending too close to a crosswalk.¹⁰⁴ Recently, police officers have begun giving street vendors criminal summonses instead of less serious civil summonses.¹⁰⁵ Officers also often target individual street vendors disproportionately: for instance, they have been known to issue as many as seven tickets in one day to a single street vendor.¹⁰⁶

Street vendors often have no other source of income besides their vending, so these excessive fines impede their ability to earn a living. Both civil and criminal charges force vendors to appear in court and lose their income for the day, even if their case is dismissed.¹⁰⁷

Recommendations

To the Mayor's Office/NYPD:

- Stop issuing criminal summonses to street vendors for activity that is not criminal in nature.
- Abolish the NYPD's aggressively enforced quota system for evaluating the job performance of police officers on the ground.

To the New York City Council:

- Pass bills 434 and 435, which would cap the maximum fine that a street vendor can receive at \$250 and would ensure that fines only increase if a street vendor repeatedly commits the same violation.¹⁰⁸

To the New York City Department of Consumer Affairs and the New York City Department of Health:

- Approve and distribute more street vendor licenses to prevent arrests for unlicensed vending.¹⁰⁹

To the Governor's Office/New York State Legislature:

- Enact legislation to create a private right of legal action for individuals who are stop-and-frisk, given a DAT or summons, or subjected to custodial arrest as the result of a NYPD quota requirement. The law would enable individuals to bring a suit against the city provided they could establish (1) the punitive encounter was the result of a departmental quota requirement, and (2) they were not engaged in illegal or suspicious activity to warrant stop-and-frisk/ticket/summons/arrest.

People with Mental Illness

According to many knowledgeable professionals in the mental health field, people with mental illness, specifically those in psychiatric crisis, are particularly vulnerable to police abuse. The NYPD does not sufficiently train police officers to appropriately interact with persons in psychiatric distress. As a result, police officers often lack an understanding of how their own behavior can, in effect, help escalate an already precarious interaction with individuals who may be incapable of cooperating with police demands.¹¹⁰

The danger people in psychiatric distress face at the hands of police was illustrated in the summer of 2012, when a woman named Shereese Francis, who suffered from schizophrenia, was suffocated to death as she struggled with NYPD officers who held her down on a bed to handcuff her.¹¹¹ That same summer, NYPD officers in Times Square chased a man suffering from mental illness for seven blocks before shooting and killing him.¹¹² Both these incidents triggered public debate and concern and led to questions about the NYPD's failure to peacefully resolve encounters with people with mental illness.¹¹³

These problems highlight the need for an alternative model of policing for people with mental illness. Aimed at improving police interactions with people in psychiatric crisis, Community Crisis Intervention Teams are in place in other cities across the nation including Chicago, Memphis, Los Angeles, and Miami and in cities in New York State like Rochester, Troy, Binghamton, White Plains and Yonkers. CCITs in New York would bring together NYPD officers with advanced training on mental illness, mental health professionals, and peer advocates to ensure that the NYPD is prepared for interactions with the mentally ill.¹¹⁴ CCITs, for instance, would be trained to bring people in psychiatric crisis to the nearest mental health facility.¹¹⁵ Additionally, 911 operators

would receive training to determine when to dispatch a CCIT, rather than an ordinary police patrol unit.¹¹⁶ Among CCITs nationwide, police officer trainings are on average 40 hours long and have been found to leave trainees feeling more confident, knowledgeable, and prepared to deal with persons in psychiatric crisis, while also making them feel less socially distanced from people with mental illness.¹¹⁷

Recommendation

To the Mayor's Office/NYPD:

- Establish a program of Community Crisis Intervention Teams (CCITs), which would work with professionals from the mental health community to improve police interactions with the mentally ill.¹¹⁸

Homeless People

According to one homeless New Yorker, “The police hunt us persistently with specious charges.”¹¹⁹ In what is sometimes called the “criminalization of homelessness,” NYPD officers target homeless people, who are disproportionately people of color, to meet quotas and remove “undesirables” from the community for the purposes of fostering “urban renewal.”¹²⁰

NYPD officers often arrest homeless people for minor “quality of life” violations.¹²¹ For example, NYPD officers arrest homeless people on “disorderly conduct” charges for panhandling, public urination, and carrying an open alcohol container.¹²² Often officers will arrest homeless people on disorderly conduct charges who are sleeping in public spaces, despite the fact that many homeless people chose to do so because of the dangerous nature of many of the city’s homeless shelters.¹²³ In 2010, the NYPD issued 81,036 summonses for disorderly conduct,¹²⁴ the majority of which were issued to homeless people.¹²⁵

NYPD officers have also often used illegal loitering charges as a means to harass homeless people. As early as 1983, federal and state courts declared unconstitutional certain New York anti-loitering laws, including statutes that banned loitering to panhandle or while in train and bus stations.¹²⁶ Yet from 1983 to 2012, the NYPD arrested 22,000 people for loitering, most of whom were homeless.¹²⁷ In 2010, a federal judge held New York City in contempt of court for its continued enforcement of unconstitutional loitering statutes.¹²⁸ In February 2012, a settlement was finally reached in a 2005 class-action suit challenging the NYPD’s arrests under these loitering laws; the city agreed to end this practice, pay \$15 million in damages, and work to vacate all loitering convictions obtained under this unconstitutional law.¹²⁹

Homeless people live in a precarious state, and what little possessions they have are put at risk by an arrest.¹³⁰ If they are living in a shelter at the time of their arrest, they lose their shelter beds.¹³¹ If they are among the 20% of homeless people in New York

who have some form of employment, they might lose their jobs due to the lost time.¹³² Police harassment makes it much more difficult for homeless people to escape the downward cycle of homelessness, social marginalization and incarceration.

Recommendations

To the Mayor's Office/ NYPD:

- Eliminate as the basis for making arrests, “quality of life” offenses like disorderly conduct that unfairly target homeless people.¹³³
- Abolish the practice of discriminatory and suspicion-less stop and frisks.
- Abolish the NYPD’s aggressively enforced quota system for evaluating the job performance of police officers on the ground.

To the Governor's Office/New York State Legislature:

- Enact legislation to create a private right of legal action for individuals who are stop-and-frisk, given a DAT or summons, or subjected to custodial arrest as the result of a NYPD quota requirement. The law would enable individuals to bring a suit against the city provided they could establish (1) the punitive encounter was the result of a departmental quota requirement, and (2) they were not engaged in illegal or suspicious activity to warrant stop-and-frisk/ticket/summons/arrest.

Conclusion

Unjust NYPD practices do terrible harm to individuals and communities, and create a climate of fear, mistrust and animosity between the NYPD and the people they are supposed to serve and protect. The recommendations in this report provide direction to all relevant levels of New York City and State government that aim to address and correct these abuses. The ultimate goal for PROP and this report is to re-direct NYPD practices away from indiscriminate, harsh, and punitive interactions with the city’s politically vulnerable communities and toward a collaborative, problem-solving approach that strengthens communities while reducing crime and creates a more livable and inclusive city for all New Yorkers.

Finally, it is important to note that objectionable police practices, especially those marked by a stark racial bias, contribute directly to the political folly and moral shame of our time, namely the exponential increase in the use of imprisonment that has taken place in virtually every jurisdiction in the United States over the past 40 years. From a purely practical standpoint, a main reason that black and Latino people make up a grossly disproportionate percentage of the nation’s prison population is that in New York City and other large urban centers, the police concentrate their harshest enforcement efforts on

communities of color. Imprisonment at its current levels represents a severe form of social control that has been applied and has had a devastating economic and social impact on these targeted, vulnerable groups. To reverse mass incarceration, a policy goal that should be viewed as a moral and civil rights imperative, we must expose and correct the kind of abusive police tactics discussed in this report.

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