Friday January 9, 2015

Dear Distinguished Task Force Committee Members:

We submit this written comment to President Obama's Task Force on 21st Century Policing to be included in the first listening session on Building Trust and Legitimacy. We write as members and on behalf of two community-university research partnerships in New York City (NYC): The Morris Justice Project (MJP) and Researchers for Fair Policing (RFP). The massive mobilization of street protestors throughout NYC after the Staten Island grand jury's decision not to indict Officer Daniel Pantaleo was no surprise to us. For the past four years our research has consistently documented the erosion of legitimacy and trust between communities of color and the New York Police Department (NYPD). Based on our community-based research, this commentary argues that while rebuilding trust and legitimacy are crucial steps in promoting community safety, *what we need to create lasting and effective change is structural overhaul of the criminal justice system and a reframing of what we mean by "community safety."*

We will begin with a brief description of our studies and present in more depth our primary findings. We will then describe four key considerations that have emerged from these participatory research projects in NYC. They are briefly as follows:

- *Investing in community development is an important strategy for police reform.*
- *The everyday experience of policing impacts the whole community.*
- *Repairing trust between individuals, communities, and police requires addressing systemic racism in policing practices and policies.*
- *Communities of color must be included in a democratic process of influence and oversight on how they are policed.*

Overview of the Research

The Public Science Project (www.publicscienceproject.org) at The Graduate Center of the City University of New York is a collective of professors, students, lawyers, artists, and organizers who have conducted participatory community-based research on educational inequity, community change, and criminal justice for nearly 20 years. We are well known for our work doing community-based participatory research on policing *with* (rather then on or for) the communities most affected by this issue. Our proposed recommendations are based on our most recent and comprehensive studies in two of New York's most heavily policed neighborhoods.

***The Morris Justice Project* (MJP)** documented the experiences with and attitudes toward policing in a 42-block neighborhood just east of Yankee Stadium in the South Bronx. Conducted collaboratively with neighborhood residents, the study, which began in 2011, features a participatory survey constructed entirely by the MJP collective that systematically sampled 1,030 members of the community. Other methods of the study included interviews, focus groups, and on-the-street research activities designed to qualitatively enrich our understanding of the survey findings[i ii iii].

***Researchers for Fair Policing* (RFP),** a collaboration with youth from Make the Road New York, began the following year in 2012 also with the purpose of understanding experiences with and attitudes of

police but this time with a specific focus on youth. We collectively designed a survey that was systematically distributed in NYC schools as well as online. 1,084 surveys were collected from youth ages 14-25. Other methods included focus groups and a research archive that included writing, art, documentary shorts and video interviews/testimonials.

Both of these intergenerational studies, relied on rigorously conducted quantitative and qualitative methodologies, were deeply collaborative, were motivated by a desire to understand New Yorkers' everyday experiences of being policed and to envision what "fair policing" might look like in our neighborhoods. Our research documents the human impact of NYPD's long history of Broken Windows policing, offers new relevant findings about police-community relations, and identifies key considerations for rethinking police reform.

Key Findings

- **Communities of color report experiencing persistent and aggressive policing.**

"The officer said, 'You ain't got no rights, you're a nig*er.' He took my arm and put it behind my back, pressed me up against the wall, took my hand over my head, searched my bag, everything. He zipped my bag open. He just shuffled through the contents, he took some stuff out. It was upsetting. I'm not a criminal. I'm not a bad person...It made me feel less than human like I was less than a person, like I was still three-fourths of a person."

For nearly two decades the NYPD has been practicing a style of policing that focuses on minor offenses and misdemeanors arrests. Often referred to as "order-maintenance" or "zero tolerance" or "Broken Windows" policing, it relies on the frequent use of surveillance practices such as "stop and frisks", asking for ID, or preventing people to publically assemble (asking them to "move along").[iv] By removing what is understood as "disorder", the NYPD argues these techniques maintain order and prevent incidents of serious crime. In fact, there is little scientific evidence demonstrating that these practices prevent serious crime.[v] Many researchers, lawyers and some commissioners of large police forces have convincingly enumerated the flaws in this logic.[vi] [vii] [viii]

In 2011, the year the MJP study began, the NYPD recorded almost 700,000 police stops citywide (nearly all – 88% - had done nothing wrong) and 4,882 stops were recorded in just the 42-block radius we studied. In our neighborhood, 80% of the stops involved frisks, and nearly 15% involved searches. These stops amounted to very little considering the disruption and sense of violation they caused. In total, 59% of the stops involved physical force and of those stops involving physical force, nearly all of them (91%) were innocent - in other words resulted in neither an arrested nor a summons. In fact, according to the NYPD's own numbers only .12% (8) of guns, .82% (40) of knives or cutting instruments, and 1.5% (75) of contraband were recovered from the almost 5,000 stops. The NYPD had a better "success" rate with half the stops in a comparably sized though much whiter and wealthier Manhattan neighborhood close to New York University.

Our surveys confirmed this level of police contact and gave us insight into how frequent, violent, and disrespectful these encounters are for many residents living in "high crime" neighborhoods (See table below. Short explanations for the numbers are provided in the table). Not only do aggressive policing strategies like these erode individual freedoms, they eat away at residents' ability to connect with each other, to socialize, and build community.

Morris Justice Survey*	*Percentages reflect youth and adult experiences in the year prior to the time participants took the survey in 2011 or 2012. **Percentages reflect youth experiences from 2010 to 2013 or 2014	Researchers for Fair Policing Survey**
The following two rows provide data about **witnessing police activity** and provide an indication how common police activity is in the respondents' communities.		
91%	% who witnessed someone getting stopped by police in the neighborhood	88%
66%	% who witnessed family or friends stopped by police in the neighborhood	71%
The following four rows provide data about **personal experiences of police surveillance** and provide an indication of both the variation and regularity of this level of police scrutiny.		
69%	% stopped by police at least once	52%
82%	If stopped, % stopped by police more than once	76%
50%	% asked to show identification in or just outside their apartment	27%
60%	% asked to move by police	58%
The following four rows provide data about the proportion of **people stopped by police within marginalized categories** and provide evidence that this is not only a young black male issue.		
47%	% women who were stopped by police	39%
69%	% identified as LGBTQ who were stopped by police	52%
70%	% undocumented who were stopped by police	43%
74%	% recently homeless who were stopped by police	73%
The following three rows provide data about the **types of negative contact** with police and provide evidence for strained police-community relationships among some residents.		
37%	% who were spoken to disrespectfully by police	31%
24%	% who experienced extreme physical force by police	20%
8%	% who experienced inappropriate sexual harassment/violence	9%
The final five rows provide data for the **desire to help police as well as seek police for help** and provide evidence for weak community-police relationships among some residents		
32%	% who said they *did not* call police for help in fear they would make the problem worse	--
44%	% who said if something happened they would *unlikely* call the police for help	--
20%	% who said they *could have* helped police solve a crime/find a suspect but chose not to	--
40%	% who said if a situation arises in the future they would *unlikely* help solve a crime/find a suspect.	--
33%	% who say they *would not call* police if they saw a crime	--

- ***Communities of color express mistrust, fear, and anger towards the NYPD.***

"I wouldn't call them for any issues I had. I'd be afraid they'd raid my apartment before they even came to solve an issue. I'd be afraid they'd run through my building and tear it up. They have before. So the police, honestly, make me feel afraid."

In NYC, aggressive policing is disproportionately practiced in communities of color and commonly understood within these communities as discriminatory and abusive.[ix] [x] The police are in the hallways of their apartment buildings, in schools, subway stations, and streets. One participant observed, *"They target blacks and they target Latinos. Sometimes I see 30-40 police around this neighborhood, and they're just harassing everybody they could find."* People report fearing involvement with the criminal justice system every time they set foot outside their apartment door, whether its to go to work, spend times with loved ones, or run an errand to a store or bank. One youth participant stated, *"It makes me feel like I shouldn't even come outside anymore if I'm just gonna get harassed by a policeman that's supposed to be protecting me."*

There is awareness that policing is not uniform and equitable across the City, and residents ask reasonable questions like, "Why is it considered disorder when people drink alcohol on a South Bronx stoop but not when they drink alcohol on a blanket in Central Park?" Our surveys captured some of these negative sentiments towards the NYPD (See the tables below. Short explanations for the numbers are provided in the table)

Morris Justice Survey		Researchers for Fair Policing Survey
The following six rows provide data on attitudes about **abuse of power and authority** and help provide evidence for lack of legitimacy by many residents.		
66% (8.4% believe police use power wisely)	% who believe police abuse power	65%
--	% who feel the police discriminate	66%
45% (17% believe police work in their best interest)	% who feel police do not work in their best interest	--
54% (14% believe the police are fair)	% who feel police are unfair	50%
63%	% who feel targeted by police	84%
60%	% who feel that when people get stopped they usually did noting wrong	59%

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Morris Justice Survey		Researchers for Fair Policing Survey
The following six rows provide data on attitudes about **diminished trust and respect** and help provide evidence for a weakened sense of legitimacy by many residents.		
46% (25% have a lot of respect for police)	% who feel little respect for police	--
48% (14% believe police are honest)	% who feel police are dishonest	55%
42% (20% believe police prevent problems)	% who feel police create problems	50%
52% (15% believe police are trustworthy)	% who feel police are untrustworthy	50%
--	% who feel police are poor role models	48%
--	% who feel dissatisfied with police's job	57%

Unfavorable attitudes like these were commonly reported in our studies, revealing tenuous community-police relationships. This type of policing renders whole neighborhoods suspect by criminalizing everyday activities.[xi] As one person told us in the survey, *"[e]veryone is not doing crime. We live here, we socialize here, and we shouldn't have to be forced to stay in the house if we are from here."* Or, *"Don't judge me. You should live here cause if you don't you're already looking at me like the enemy."* Across our research, youth and adults describe the heavy toll aggressive policing has taken both on individuals and communities.[xii] Participants in our studies repeatedly expressed a deep frustration with police and a strong desire for change. As one youth participant suggested, *"You're here to protect and serve, not protect and beat me down and if I could change one thing as far as the police go, it would be to teach them to be more tolerant of people...learn some sensitivity learn to treat people as people … regardless whether you're innocent or not. That's something that really, really needs to be implemented."* There is a palpable desire for police reform - often with explicit calls to address structural racism, increase community involvement in police oversight, and promote alternative forms of community safety.

Key Considerations

Overall, our extensive research points to four key considerations that we believe the Task Force must take seriously as the hearings unfold.

1. **Investing in community development is an important strategy for police reform**. Public safety is not solely about policing and the criminal justice system. Public safety involves vibrant schools, living-wage

jobs, affordable housing, and overall socio-economic investment in low income and communities of color. Increased police surveillance and control does little to address the deeper roots of community safety. Our research demonstrates that people's experiences of aggressive policing in gentrifying (and still disinvested) NYC is connected with other experiences of racialized dispossession. At the same time that people of color are being policed on an everyday basis, rents are going up, families are being displaced from their neighborhoods, there are increases in school discipline and suspension rates, and stagnating low graduation rates, and few living-wage jobs. Aggressive policing contributes heavily to an overall feeling of dispossession, in other words that people no longer feel like they have rights to or ownership over their own communities. With this in mind, our research suggests that the "disorder" that Broken Windows policing seeks to contain are deep structural issues that would be best addressed within and by communities, using an assets-based approach to strengthening communities and building capacity.

2. **The everyday experience of policing impacts the whole community.** Policing is not only focused on young men of color, but experienced collectively as a community under siege. Our research demonstrates the intense police presence in the everyday spaces of people's lives, most importantly the home, school and neighborhood public spaces. Our research also shows the impact of policing upon family members, mothers who worry about their sons, little brothers & sisters watching their big brother handcuffed, grandmothers answering the door to the police, etc. The overpolicing of communities severs the fabric of community relationships and creates a hostile environment in neighborhood public and private spaces. At the same time, not only are young men of color targeted by the police, but also our research demonstrates the discriminatory policing of many other members of our communities, including LGBTQ (or trans-identified and gender nonconforming, gay, bisexual), young people, women, undocumented community members, homeless people, and Muslims.

3. **Repairing trust between individuals, communities, and police requires addressing systemic racism in policing practices and policies.** Our research demonstrates that communities of color desire nondiscriminatory, institutionally unbiased, and constitutionally sound policing on both an individual and structural level. It's not a matter of a "few bad apples" in the police force, or a few racist cops. Communities of color experience unfair policing as a public betrayal that is part of the ongoing and historical legacy of discrimination and structural marginality.

4. **Communities of color must be included in a democratic process of influence and oversight on how they are policed.** A process needs to be developed in tandem with new and existing structures to support community involvement in policing. Some of these structures already exist and need to be reformed to facilitate careful, meaningful citizen engagement in how their communities are policed. A first step includes revitalizing the broken Civilian Complaint Review Board (CCRB)[xiii]. A second step involves facilitating structured conversations that evoke higher levels of thinking on policing. It is not enough to simply hold town halls for community feedback sessions. There are a wealth of examples documenting successful and just community safety models. The involvement of key community members at the policy table, informed of these examples, must be a priority for the task force.

Conclusion

Poor communities of color have a long history of being underfunded, under-resourced, and seen as "problems." *They (We) are not the problem.* Poverty and crime are not written in their (our) DNA. The problem

lies in our political, legal, and public institutions. There are too many police in our schools, hallways, streets, and subway stations. People do not deserve to be suspected as potential criminals because of where they live or how they look. We believe it is important that police recognize and acknowledge how damaging their aggressive presence can be to the fabric of the communities they target. Summons and arrests for minor things, harassment, abuse, or murder at the hands of police should not go unrecognized as a form of community disorder. Discriminatory and abusive policing must end. False choices about safety must also end: it is not EITHER heavy police surveillance OR unsafe neighborhoods. We know better alternatives exist. We deserve safe communities AND a style of policing that allows everyone of us to go about our day with dignity and respect.

While people take to the streets in protest, the NYPD has also begun protesting. Turning their backs on the Mayor is one form but a more substantial form is the major reduction in police arrest and ticket activity over the last three weeks. This should be taken seriously as an unprecedented natural experiment on the effectiveness of Broken Windows policing. Thus far, the lack of increased crime provides further evidence that the human costs of this style of policing far outweigh its unsubstantiated benefits. Policing and the criminal justice system are in desperate need of reform throughout the country. The fabric of our democracy in the 21st century is at stake.

Sincerely,

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and the many other members of the Morris Justice Project (www.morrisjusticeproject.org) and Researchers for Fair Policing (www.publicscienceproject.org)

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[i] Stoudt, B. G., Torre, M. E., Bartley, P., Bracy, F., Caldwell, H., Downs, A., Greene, C., Haldipur, J., Hassan, P., Manoff, E., Sheppard, N. & Yates, J. (In Press). "This is OUR home": The Morris Justice Project, participatory action research and our pursuit of public policy change. C. Durose & L. Richardson (Eds.) *Re-Thinking Public Policy Making: Why Co-Production Matters*. Bristol, United Kingdom: Policy Press.
[ii] Stoudt, B. G. & Torre, M. E. (2014). The Morris Justice Project. In P. Brindle's (ed.) *SAGE Cases in Methodology.*
[iii] Stoudt, B. G. & Torre, M. E. (2013). *The Morris Justice Project: A Summary of Our Findings*. Public Science Project, New York, New York.
[iv] Wilson, J.Q. & Kelling, G.L. (1982). Broken windows: The police and neighborhood safety, *The Atlantic Monthly,* 29-38.
[v] Harcourt, B. E. (2009). *Illusion of Order: The False Promise of Broken Windows Policing*. Harvard University Press.
[vi] Stoudt, B. G., Fine, M., & Fox, M. (2011–2012). Growing up policed in the age of aggressive policing policies. *New York Law School Law Review*, *56*, 1331.

[vii] Fabricant, C. M. (2011). War crimes and misdemeanors: Understanding "zero-tolerance policing as a form of collective punishment and human rights violation," *Drexel Law Review*, 3, 373-414.

[viii] Fagan, J. (2002) "Policing guns and youth violence," The Future of Children 12, 2: 133-151.

[ix] Jones-Brown, D., Stoudt, B., Johnston, B. & Moran, K. (July 2013). *Stop, Question and Frisk Policing Practices in New York City: A Primer (2nd Edition)*. John Jay College Center on Race, Crime and Justice, New York, New York.

[x] Chauhan, P., Fera, A.G., Welsh, M.B., Balazon, E., & Misshula,E. with an Introduction by Jeremy Travis. (2014, October). Trends in misdemeanor arrest rates in New York. Report Presented to the Citizens Crime Commission. New York: New York.

[xi] Harcourt, B. E. (2009). *Illusion of Order: The False Promise of Broken Windows Policing*. Harvard University Press.

[xii] Center for Constitutional Rights (2012). Stop and Frisk: The human impact. Retrieved from http://stopandfrisk.org/the-human-impact-report.pdf

[xiii] http://www.nyc.gov/html/ccrb/html/home/home.shtml