



# **IMPROVING POLICE-COMMUNITY RELATIONS**

A Report from a Series of  
Town Hall Meetings in Brooklyn and Manhattan

A Joint Project of the Offices of  
Brooklyn Borough President Eric L. Adams  
and Manhattan Borough President Gale A. Brewer  
and Civil Rights Attorney Norman Siegel

## **2015**





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## 1. Statements of Purpose

### **Honorable Eric L. Adams, Borough President of Brooklyn**

For 22 years, I stood on street corners in a blue uniform and bulletproof vest, protecting children and families as a member of the New York City Police Department. For the last eight years, I have stood on those same street corners in a blue suit or blue jeans, connecting with Brooklynites as their elected representative on the issues that impact their daily lives. After 30 years of standing on street corners in public service, I've seen firsthand the wide gulf that exists between the police and the community they serve to protect. Failed policing strategies, such as the surveillance of Muslim New Yorkers and the abuse of stop, question, and frisk, both of which I have fought against in our courts and communities, have fostered mistrust on multiple levels. Alongside declining neighborhood conditions, this mistrust has become twisted and tangled in a complex web of real and unanswered concerns.

It is long past due for us to untangle this web and reconnect. As a victim of police brutality during my teenage years, and later as a man who decided to work from the inside of One Police Plaza to achieve reform, I know on a personal level what is at stake if we cannot restore the symbiotic relationship between the community and police: the safety and security of New Yorkers lie in the balance. We need to get this relationship right, police officers and residents alike.

This is more than a local narrative.

In the past year, the eyes and ears of the nation were focused on the deterioration of police-community relations and the tragic consequences of this very real problem. The massive mobilization of people from all walks of life to speak out against abusive policing calls attention to the larger imperative of addressing toxic pain that is rooted in generations of racial and socioeconomic inequity. The town halls and digital dialogues we hosted in Brooklyn with hundreds of New Yorkers were more than an opportunity for emotional release; they were a crucial exercise in understanding where community-police relations are and where they need to go.

Public safety is the foundation upon which our city is built. It makes it possible for us to be an international center of commerce, culture, and creativity, home to millions of people from near and far pursuing dreams big and small. It is my hope that this report, and all of the efforts and energies that went

into it, help to strengthen our foundation with a greater understanding of the challenges that lie ahead of us. Moreover, I look forward to a thoughtful consideration of the recommendations this process has borne as opportunities to make New York City a more safe, just, and equitable place to raise healthy children and families.

**Honorable Gale A. Brewer, Borough President of Manhattan**

Over the past year, as we have seen the New York Police Department grapple with improving police-community relations, I have heard from hundreds of my constituents calling for increased transparency and accountability in the department. I believe we have a duty to set a positive and constructive tone for improving community-police trust. I care deeply about repairing this strained relationship and look forward to working in partnership with New Yorkers, the department, the Mayor, and the City Council to accomplish this.

Since December 2014 my office has worked tirelessly with constituents, police officers, civic organizations, nonprofits, and youth groups to continue to address these challenges. I am proud to have sponsored a series of police-community dialogues in Manhattan, each attended by over 150 residents and police officers. We sat participants at small roundtables where they could look at each other face to face and have frank conversations. Participants were first asked to describe the current relationship between the community and police and then to envision the ideal relationship. The themes resounding echoed at these forums were the need to (1) promote open, honest communication to ensure mutual respect and trust; (2) cultivate robust and ongoing relationships with community stakeholders as authentic partners; (3) offer more professional development opportunities and enhanced de-escalation trainings for officers and (4) create transparent mechanisms and measurements for officers to hold each other accountable for misconduct and abuse. It was clear, though, that in order to achieve these goals, we need systemic reform that shifts the culture of the NYPD and the way policing is conducted in New York City.

I commend the Department for introducing its own initiatives in restoring community trust, including piloting body cameras in a few precincts and rolling out a neighborhood policing model. At our dialogues, we also asked community members to define what the success of these initiatives will look like for their communities. I deeply believe that our communities are and need to be an integral part of

any proposed solution for improving police-community relations. Residents' voices must be amplified in all conversations held at the agency and policy levels. The recommendations of the hundreds of community members we spoke with at our Manhattan dialogues are directly reflected in my office's recommendations for systemic reform in the NYPD.

In order to develop a comprehensive understanding of the current state of police-community relations across Manhattan, we sought to accomplish the following:

- Engage a range of neighborhoods: We held three police-community dialogues over five months in geographically distinct neighborhoods throughout the borough: Washington Heights, East Harlem, and the Lower East Side. According to 2014 Civilian Complaint Review Board (CCRB) data, of the 22 precincts in Manhattan, Precincts 25 and 23 (East Harlem) and Precincts 33 and 34 (Washington Heights) had comparatively high numbers of CCRB complaints, while Precincts 5, 7, and 9 (Lower East Side) had relatively lower numbers. Concentrating on these three neighborhoods helped us widen the lens to capture the reality of police-community relations and ideas for reform.
- Representative community engagement: To ensure widespread and representative community engagement, we identified community centers in each neighborhood to host our dialogues. This ensured a neutral space, where community members would feel comfortable voicing their concerns. We worked directly with community-based organizations, faith leaders, Community Boards, youth-serving organizations, and tenant leaders to help organize and advertise our dialogues. We recognized that no dialogue on police-community engagement can be complete without the involvement of the police officers who serve each community; thus, we worked directly with precincts to ensure that patrol officers, commanding officers, and borough commanding officers were present and ready to engage in meaningful conversation. Over 150 community members and police officers participated in each of our dialogues.

One concern our conversations with community members over the past year have made abundantly clear is the lasting impact of abusive policing on New Yorkers. There are intense, deep-seated feelings of fear and mistrust—and some serious harm for New Yorkers who have been criminalized by unjust policing policies—that we as a city must address. Yet it is also clear that community members are looking for a way forward and want to be a part of the solution in improving police-community trust. We know we cannot change the past, but we can collectively bend the arc of history toward justice in the future. A

justice based on policies and practices that protect and help victims without creating new victims in the process.

I look forward to working with the Mayor, the Commissioner, the City Council, and, most importantly, you, the public, in achieving these goals and working toward a safer, more just city.

**Norman Siegel, Civil Rights Attorney, Siegel Teitelbaum and Evans LLP**

The deaths of Eric Garner in Staten Island and Michael Brown in Ferguson, Missouri in the summer of 2014 and the resulting non-indictments of the police officers involved in their deaths brought on a national outcry and a round of intensifying mass protests throughout the autumn. The growing outcry in the streets and in the national and local media, and the strong, often conflicted feelings they had brought out on the questions of race and justice, caused me to realize that we were once more in that historic moment when our nation's racial history emerges from the shadows to confront our perceptions and our conscience.

In the hope of using that moment to learn all we could about the state of policing and race relations in our city, I reached out to Eric L. Adams, the Borough President of Brooklyn and Gale A. Brewer, Borough President of Manhattan in the hope that they would join me in setting up a public dialogue. I knew from years of working closely with them that we shared a commitment to civil rights, justice, and the best interests of the city's people. Our subject would be the state of the city's police-community relations, and I proposed a process where every day New Yorkers and rank and file police officers could come together across racial, religious, gender, and economic lines.

As I saw it then, we and the city needed to find out how people felt about the turmoil between the police and community, and what ought to be done about it. From those initial conversations with the Borough Presidents and their staffs, three broad themes and a series of topics emerged:

**1. The state of police-community relations.**

What is its history, how were police practices and community involvement meant to be balanced, how did they develop, and what is their present form?

How did the racial and economic disparities of society at large and the city in particular contribute to the tension and mistrust that now characterize the relationship of so many New York City communities with the police?

What do residents and the NYPD believe should be done to address and hopefully ameliorate problems that divide communities from the police who were meant to serve and protect them?

In particular, what is the source of the anger and lack of trust between the city's racial minorities and the NYPD that emerged during the street protests in 2014? What are the criticisms and grievances of each side and what can be done to address them?

## **2. Issues with the police.**

What new policies and practices could assist NYPD officers in doing their job to “serve and protect” while making it easier for them to become a genuine part of the community?

What did their training consist of, specifically? Does the community feel it was appropriate and adequate in preparing officers to serve them, and does it effectively protect them from crime?

Does the training and culture of the NYPD enable officers to avoid stereotyping individuals based on race, gender, sexual orientation, religious beliefs, and economic or class status?

If not, what changes need to be made in the training of new as well as veteran NYPD officers?

## **3. Views of the criminal justice system.**

How do New Yorkers feel about police policies and practices such as “Broken Windows” and “stop and frisk,” and what has been their experiences with them?

What is their view of the criminal justice system, and in particular the grand jury process; how, if at all, should it be reformed?

Is there a need for a permanent, independent special prosecutor to investigate and pursue complaints of police misconduct?

In addition to investigating the views of the community and police on these and other concerns, I wanted to make sure that in our effort to hear the city's residents and the police we would be, first: honest and transparent in our methods and goals; second, open to all constructive ideas, recommendations, points of view, and seek agreement around common themes and concerns; third, report what we learned fully, correctly, and factually; fourth, report frankly on positive and negative views of both the police and the community; and fifth, produce a summary of the realistic steps that each side believed could be taken to significantly repair and improve police-community relations.

I am hopeful that you will find in the following report that I, Borough Presidents Adams and Brewer, and the more than 900 New Yorkers who brought their ideas and concerns to our town hall meetings have accomplished what we set out to do.

Enjoy the report.

## 2. Executive Summary

In Black and Latino neighborhoods of New York, being treated differently and often unfairly because of one's racial identity is both a historical fact and contemporary reality. In recent years, various forms of racial discrimination in policing became systemic in the NYPD, and it took the Federal Courts to put a stop to some of it. The testimony of over a thousand New Yorkers at our town halls and digital dialogues in Brooklyn and Manhattan over the past six months revealed a legacy of individual and communal harm caused by racial hostility in the NYPD's policing of communities of color. As the testimony compiled in the report shows, that harm is deep and permanent. However, we also found that these negative encounters are accompanied by an openness to work with the Department to repair the relationship and to create a new, collaborative framework in which communities of color will be policed effectively, respectfully, and without bias.

The tenor of the testimony we heard points to the hyphen that divides "police-community" relations – it has never signified a relationship of equals. Law enforcement has historically understood "community policing" as a toolbox of techniques to be imposed and controlled by the police, and in which their authority was not to be shared or questioned. In practice, there has been little focus on the "community" side of the hyphen. One of the most important findings from the town halls – and a key signal to the Department – is that the residents of our city want genuine community-based policing. But unless the Department's latest reforms ensure that the "neighborhood policing" strategy is collaborative, the community and the NYPD are going to spend another generation as strangers divided by fear and hostility.

On the subject of how to collaborate, clear ideas emerged from the town halls:

1. "Neighborhood policing" as proposed by Commissioner William Bratton will not succeed in improving police-community relations in communities of color, nor keep crime rates low, unless it is developed and deployed in partnership with neighborhood residents. They expect to have a strong, respected, permanent role in designing how their community is policed.
2. There must be reform of the NYPD's policing policies and practices, including an end to racial profiling, stereotyping, harassment, and unlawful "stop and frisks." Trust and cooperation will be difficult to restore unless the department's *culture* of policing is reformed as well as its tactics.

3. The community is prepared to believe that most of the NYPD rank and file is much better than the profiling of recent years might suggest, and that while some wrongs were done due to genuine animus, most were committed under the aegis of a police culture that sanctioned the abuse of lawful authority. It remains to be seen if the community's hopes for fairness and professionalism will be fulfilled through policing reforms.

In addition to their clear understanding of how to make policing collaborative, community members strongly affirmed their support for systemic and institutional reforms:

#### *A. Criminal Justice*

1. Ensure that the language in the NYPD Patrol Guide and training material that guides officers on how to conform to the law while conducting a “stop and frisk” based on “reasonable suspicion” follows the standard established by the Supreme Court of the United States in *Terry v. Ohio* 392 U.S. (1968).
2. Establish a permanent Statewide Independent Special Prosecutor to investigate allegations of police misconduct.
3. Establish a program of Independent Evidence Gatherers. When individuals are killed or severely injured at the hands of police officers, all evidence at the scene should be gathered by investigators who are independent of the police. This will ensure that any evidence collected is handled appropriately, and maintained neutrally, so it can be used to guarantee fairness throughout the rest of the criminal justice process.
4. Abolish or reform the current grand jury system.
5. Reform the Civilian Complaint Review Board to increase the respect and trust in which it is held by the public and those whose complaints of police misconduct it investigates.

#### *B. Policing*

1. Implement a new NYPD Diversity Plan: “Experience Equals Education.” New York City’s peace officer forces such as School Safety Agents, Traffic Enforcement Agents, and Health and Hospital Corporation Officers are more diverse than the NYPD as a whole, yet they are not allowed to take the NYPD exam unless they have two years of college. We propose to allow

these and other peace officers to take the NYPD exam if they have served honorably for more than two years in their current positions.

2. Train NYPD Officers as Community Affairs Officers. All NYPD Officers should receive basic training in Community Affairs policing and be engaged in outreach to communities for citywide programs like “Pre-K for All” and “ID-NYC.”

3. Increase Police Academy training from six months to one year.

4. Create a Mayoral task force to review NYPD training material and procedures every three years.

5. Modify training to enhance skills in the de-escalation of conflict.

6. Offer incentives so that officers can live in the communities they police, or anywhere in New York City.

7. Recognize that policing is a high-stress occupation and allow officers to take sabbaticals.

8. Expand foot patrol operations in high crime areas, particularly New York City Housing Authority (NYCHA) developments.

9. Reform “Broken Windows” policing by decriminalizing many non-threatening behaviors.

10. Have officers wear body cameras once proper protocols are in place.

### *C. Community-Based Initiatives*

1. Open School Space for Community Purposes: Our schools are too often left empty after the school day ends, yet that is when space is needed for community sports, arts, and civic activities. NYPD should partner with the Department of Education (DOE) to expand school building hours to create safe spaces for community activities.

2. Open Precincts for Community Purposes: Our precincts are often places community members only experience when interacting with the criminal justice system. The NYPD should make a concerted effort to make precincts more welcoming to the community. It should be a place they want to go because they will be treated respectfully and be given information.

3. Community Ownership and Accountability: To improve the quality of “neighborhood policing” and make neighborhoods safer, communities should take a stronger leadership role.

a. Evolve beyond the “snitching mentality.” Become responsible for “saying something if you see something” suspicious or dangerous in the neighborhood; tell someone you trust, such as a local leader or member of the clergy.

b. Get involved: raise your voice at Police Precinct Council meetings and volunteer your time with local organizations;

c. Partner with NYPD: enroll your children in the NYPD Explorers Program, advocate for more Police Athletic League funding, and get involved in the annual “National Night Out” events at your local precinct.

4. Community Involvement: Establish and expand NYPD outreach programs with schools, religious institutions, community-based organizations, NYCHA developments, and other venues.

#### *D. Oversight*

1. Require an annual police-community relations status report published by the NYPD.

2. Hold an annual police-community relations town hall forum to occur during the same week annually in each of the five boroughs.

The testimony that informs the findings of this report, and from which many of these recommendations were drawn, is not comprehensive. It captures the voices of everyday New Yorkers and members of the NYPD in communities from Brooklyn to Manhattan at a time of historic turmoil over race, policing, and public safety. In this respect, the town halls reflect the racial and moral health of the city’s policing practices, but also that of the community. New Yorkers of every neighborhood, race, ethnic group, and class want effective policing and safe communities; they want fair, respectful, unbiased treatment by the police, as well as of the police by the community; and they want officers who are accountable not only to the police unions and One Police Plaza, but to the residents. We offer this report to all those who would join us in pursuing these goals, in fostering a renewal of trust, creating safe neighborhoods, and ensuring that we have a justice system, from the streets to the courts, in which everyone is truly equal under the law.

### 3. Acknowledgments

Our series of police-community town halls, held at seven locations in Brooklyn and Manhattan from January 18 - July 21, 2015, would not have been possible without the help of many individuals and institutions. They include the staffs of the three authors, and the staff and students at participating Brooklyn schools, as well as those individuals at each of the institutions or organizations that provided a venue, offered logistical support, or whose members participated in the dialogues. We extend our deepest thanks to all the participants, and hope they feel that the report justifies their contribution to improving police-community relations.

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## 4. Introduction

One hundred and fifty-seven years ago, on November 10, 1858, New York's history of police shootings possibly began when John Hollis, 28 and Irish, and a Manhattan resident of some minor criminal notoriety, resisted arrest, struck a police officer with his fist, ran, and was shot in the back at point-blank range and killed by that officer. Despite the rarity of police shootings in an era when few officers even carried guns, and amid outcries of police murder, a grand jury declined to indict the officer only six days later.<sup>1</sup>

Some circumstances of that long-ago incident – a sudden confrontation, an unarmed man in flight, witnesses who testified that the shooting was not in self-defense – are familiar to us from many of the fatal encounters of the past year across the country. Yet, it is important to note that in spite of the outcry over the killing of Eric Garner, and the NYPD's use of deadly force in the shootings of unarmed individuals such as Amadou Diallo, Sean Bell, and others, statistics compiled and released by the Department show trends that parallel those in its approach to street policing. While in recent decades, the NYPD has acted with increasing restraint in the use of firearms and deadly force, those it has shot at and those it has killed remain predominately Black and Latino.<sup>2</sup>

The year 2014 began with a focus on a new mayoralty and police commissioner, but that focus rapidly shifted after the death of Eric Garner into an intense debate about how our society should be policed. Since the early 1990's, New York had answered that question at the ballot box: we wanted a prosperous, safe, and orderly city, and we voted repeatedly in support of the policies and leaders that produced it. Reducing crime and minimizing fear in the streets became the top priority of the NYPD, widely supported by the city's political class. By the mid-2000's, however, voices were questioning how the gains in public safety were being achieved, and whether crime reduction, justice, or the broader interests of the city were being served by the tactics of the police. By 2008, the Center for Constitutional Rights had filed a federal lawsuit alleging that the police department was engaged in widespread racial profiling.<sup>3</sup>

Today, in the aftermath of the events of the past year, a consensus has gradually emerged among the public, the NYPD, and the city's political, religious, and civic communities, that those voices of warning were correct: police-community relations and the NYPD's approach to policing now need urgent repair, particularly in communities of color. Two events have fundamentally shaped that consensus. First was the 2013 ruling in *Floyd, et al*, by the District Court in the Southern District of New York that the

NYPD, in its highly successful efforts to reduce crime, had acted with racial bias in violating the constitutional rights as well as the dignity of millions of Black and Latino New Yorkers.<sup>4</sup> Second was the 2014 killing of Eric Garner, which forced New Yorkers of all races and persuasions to confront the fact that even when police officers commit homicide in plain sight and on videotape, the justice system may not hold them accountable. This result deeply shocked the nation's moral conscience and left Americans baffled about how the NYPD's mandate to serve and protect had somehow placed the police beyond the reach of the law.<sup>5</sup> As noted above, this issue has returned perennially to haunt that conscience since at least the mid-nineteenth century.

To help address these issues and bring the police and community into constructive dialogue, we conceived our town hall initiative. It took form in a series of meetings at the Borough Presidents' offices in December 2014 and early January 2015 just as protests over Eric Garner's death had reached their peak, and NYPD Officers Wenjian Liu and Rafael Ramos were targeted and murdered in Brooklyn solely for being officers in the NYPD. We foresaw that in order to help heal the city, our constituents would require a setting apart from the streets where every voice could be respected and constructive dialogue of policing practices might begin. Notwithstanding the decision in *Floyd* we recognized that even a federal court order would fail to ensure just policing or bring peace to the streets unless the NYPD and community came together around a belief in their shared self-interest. From the standpoint of our commitment to constitutional rights, we recognized that decades of unbridled law enforcement had come to threaten the liberties of a civil society as fully as crime and disorder, and must not be allowed to continue.

Fundamental to these shared interests is the phrase “equal justice under the law.” Emblazoned on every courthouse in the land, these three values – equality, justice, and the law – inform our everyday understanding of a citizen’s rights with respect to authority. For most citizens, the police are the face of the law, and “police-community relations” is not a concept but the setting where the just application of the law is worked out in face-to-face encounters. For those encounters to be perceived and accepted as fair, communities must know that their voices are heard, their rights are respected, and their concerns and needs shape the way the policing and justice systems serve and protect them. The police have their own expectations: a community that will partner with them that is equally committed to reducing and preventing crime, to keeping residents and officers safe and, when necessary, prepared to accept the lawful authority of the police. Shared by both groups is the need for wrongdoers, including law enforcement officers, to be held accountable, and for that accounting to be fair and just.

With these ideals in mind, we convened town halls in neighborhoods of Brooklyn and Manhattan affected by the excesses of zero-tolerance policing and other NYPD practices, and we invited residents and police officers to talk about their experiences, to listen to each other, and share ideas about creating a police-community partnership founded on: 1. mutual trust and respect; 2. equal accountability; 3. a commitment to "neighborhood policing" by officers who are trained to understand community mores, avoid stereotypes, and address community needs; and 4. residents who will work with them to build mutual trust and respect, reduce fear and hostility, and help maintain public safety.

These, in the fullest sense, are cultural and political goals. They signify that the public and the police are part of a single *polis*, and that the governance of the community is shared among equals accountable to each other. That accountability must not remain something we confront only every ten years or so when trust has been lost, the law violated, and we find we have once again become: "the closest of strangers"<sup>6</sup> We believe that the voices of the town halls articulate, as fully as the newly-proposed reforms of the NYPD, the proper basis for a new contract between the community and police. To succeed and endure, this contract must respect the identity and mores of the community. "Community policing" must be more than a slogan; it must begin with agreed-upon goals and proceed in agreed-upon ways. The following pages summarize what we learned about recent interactions between residents and the police in seven predominately-minority communities in Brooklyn and Manhattan. Their experiences, perceptions, and ideas are highlighted, and a series of recommendations are drawn from their testimony. We began in a fraught time with a hope that local police-community relations could be repaired. Since then the nation has endured an onslaught of highly publicized police killings, and the need has once more arisen for a mighty reckoning of our differences. The voices of the community and police in our town halls have given us hope that it might be so, and we offer them to all who would join us in working toward that goal.

## 5. A Brief History of Community Policing

The strategy known today as “community policing” is often traced to the ideas of Sir Robert Peel, a British Home Secretary during the first decades of the 19<sup>th</sup> century. He fathered a new type of public police force distinct from the Crown and military, drawn from and answerable to the needs of ordinary citizens and assigned to local patrol duties. Amidst the current controversy over inner city policing practices, it is interesting that the voices at the town halls echoed Peel’s Principles of nearly two hundred years ago: the police must not be outsiders but local residents themselves; the cooperation of the public diminishes proportionately to the use of physical force and compulsion by the police; the law must be applied with impartiality; and the test of police efficiency is the absence of crime and disorder, not police activity in dealing with them.<sup>1</sup>

In the United States, these and other precepts of local law enforcement slowly evolved into a model of modern community policing. The first major steps were taken during the Progressive Era (1890-1940) that also ushered in major reforms in financial and labor practices, housing laws, voting rights, and interpretation of the First Amendment. One key initiative was a national effort to remove political patronage from government hiring and programs, and to create a civil service system that professionalized public service employment. New York, like most big cities, had a police department in which hiring, promotion, and enforcement practices had historically been subject to political patronage. Rank and file officers and even police chiefs typically had little training in the law, and most learned policing on the job. What they often did have, as personified by the image of the old-time “cop on the beat,” was a close connection to the communities they policed. They were typically hired because of that connection, and there was a tacit understanding that officers were to keep order and mete out justice as they saw fit.

The reform-era effort to create uniform standards of training and conduct began a hundred year-long development toward the profile of today’s police officer: still an ordinary citizen but trained in professional police skills and values, including an understanding and respect for the laws he/she is empowered to enforce. The 1930’s and 1940’s saw increasing standardization in training, emphasis on top-down control, and adoption of “scientific” management practices.<sup>2</sup> The stable, socially conservative post-war era brought still more emphasis on professionalized policing, particularly in larger cities. With this came an effort by law enforcement officials to create a new role and image of the police officer as an efficient and impartial crime fighter. Although individual departments varied in their reforms, the traditional “cop on the beat” approach to community policing gradually fell from favor, informal contact

was discouraged, and cops in patrol cars, constantly on the move and rapidly reacting to incidents, became the new national norm.

The 1960's brought major challenges to these new tenets of modern policing as crime rates accelerated despite ever-more intensive enforcement, and cultural and political rebellion challenged all forms of authority. Local police, as the everyday face of that authority, often found they were exposed to disrespect, physical threats, and confrontations for which they were inadequately trained to respond. Driving that turmoil nationally was fierce resistance to the war in Vietnam, the struggle for labor rights by Chicanos, and the fight by African-Americans for civil rights and an end to Jim Crow-era racism and racial violence - problems that were not confined to the deep South, but endemic in cities to the north and west where most African-Americans lived in poverty and under White political and police control. These movements brought millions of protesters into the streets, provoking confrontations with local police departments as well as federal and state authorities. They also inspired militant and armed resistance in Black communities to abusive and racist treatment by White police officers.

These radical cultural disruptions, coupled with the national rise in crime, put police departments — and their settled strategies of policing — on the defensive well into the 1970's. They also provoked a searching analysis by law enforcement officials and academics into how local policing could be more effective against crime, reduce confrontation, and repair the perception that the police were deeply alienated from communities of color. The 1967 report of the President's National Advisory Commission on Civil Disorders (Kerner Commission Report)<sup>3</sup> reflected this search for new strategies, formally recommending that the police face up to the challenges of a rapidly changing society. While rejected by President Johnson, the report led to an outpouring of academic studies of American law enforcement: its history, organization and methods, measures of its effectiveness against crime, and patterns of racial and cultural bias in policing. These, in turn, launched a new series of innovations, tactical experiments, and reforms that continue to this day.

As a result, the 1970's saw a thorough re-imagining of urban crime-fighting strategies and a first, tentative return to more community-focused enforcement. A variety of approaches emerged, most of them relatively short-lived, including team policing, neighborhood policing, and community problem oriented policing (CPOP), several of which were tried in New York.<sup>4</sup> They were an effort to re-orient local policing toward the sources of crime and its prevention, and to foster closer police-community ties by having officers combine enforcement with a softer “social work” approach to local issues.<sup>5</sup> These initiatives harkened back to the notion of the “beat cop” of an earlier era, but with professional training

and close supervision of line officers at the precinct or district command level.<sup>6</sup> New Yorkers of a certain age harbor indelible images of the city's uniformed cops, usually in pairs, slowly and somewhat informally working the streets of their neighborhood.

The effort to more closely involve police officers with the neighborhoods they patrolled, but without the political and ethnic biases of "old time" policing also led to restrictions that today's New Yorkers would find surprising. For example, officers were discouraged and, in some jurisdictions like Philadelphia, even prohibited from living in the communities they policed — now seen as highly desirable by many who spoke at our town halls.<sup>7</sup> Other approaches to policing, like area control of disturbances, developed as a best-practice in the reform era, were refined after lessons learned during the mass protests of the 1960's. Area control tactics were on display in the recent protesting in Baltimore where line commanders sought to limit the area occupied by the rioters rather than to prevent them from looting — much to the dismay of owners whose property was stolen or destroyed.<sup>8</sup>

Examples like these highlight the erratic efforts by local police departments to achieve systemic reform. For community-based approaches to policing, the tension between evolving theories of law enforcement and local police strategies, and between top-down command directives and individual officer discretion continues to affect our everyday encounters with the police. Although "community policing" remains, at least in name, the national strategy of choice for local law enforcement, it has evolved into many forms. Various local departments across the country draw on the different ideas of past eras: mixing and matching "reform policing," intensive car patrolling and emphasis on enforcement, the use of specially trained units to fight drug and gun crime, the cost-benefit and management approaches of "scientific policing," including CompStat, and various community-outreach efforts.<sup>9</sup> The way these strategies are deployed, e.g. the NYPD's CompStat-driven "Broken Windows" strategy and "stop and frisk" tactics, have had life-changing consequences for those who are policed. These strategies and tactics also affect officers who are expected to exercise individual initiative, use their authority wisely, and remain sensitive to community perceptions of fair treatment, all while looking over their shoulder at zero-sum evaluations of their arrest statistics.

One valuable lesson from the first decades of community policing is the importance of addressing the public's fear of crime as fully as the experience of crime itself. Some of the early experimental programs in team and neighborhood policing reduced crime, while others did not. However, police officials found that cops on the beat did reduce residents' *fear* of victimization — and that change in perception improved police-community cooperation even if crime rates remained mostly unchanged.<sup>10</sup>

The link between perceptions of supportive policing and higher approval of the police was reflected by testimony at the town halls in Brooklyn, where older residents recalled a time when police officers regularly patrolled their neighborhoods, including NYCHA developments, and knew the streets, hallways, residents, and local leaders. Crime was hardly uncommon, but that older form of policing – a trusted officer with a sense of shared interest – has survived, at least in memory, and also in the appeals we heard from younger and older residents alike for policing that involves officers permanently and collaboratively in their community.

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Mayor David N. Dinkins' 1991 "Safe Streets, Safe Cities" program, devised by then Police Commissioner Lee Brown, confronted a troubled time of drug-fueled crime, homelessness, racial conflict, and economic distress.<sup>11</sup> As part of "Safe Streets," which began the current era in New York policing, Dinkins and Brown won passage of a city income tax surcharge to pay for hiring 6,000 additional police officers. In addition, they instituted a form of community policing that linked neighborhood outreach by patrol officers, schools for at-risk youth, (and Beacons) and schools-as-community-centers in the evenings and on weekends, with other innovative youth programs designed to give young people something to do and safe places to be. One such program, called "Youth Link", brought youth and police officers together for weekend retreats at an upstate camp. These initiatives were paired with an aggressive arrest program for gun offenses in an effort to reduce crime.<sup>12</sup> Under Mayor Koch in the 1980s, the city began similar collaborative crime-reduction and youth outreach programs between the Department and the Vera Institute of Justice. The Dinkins/Brown approach of combining aggressive crime control with neighborhood policing and youth programming drew on lessons learned from the failures and successes under Mayor Koch. Rates of most major crimes had continued their 30-year rise into the beginning of the Dinkins mayoralty,<sup>13</sup> but by its final year, with Raymond W. Kelly in his first tenure as Commissioner, crime rates in all major categories were falling at the fastest rate in the city's modern history, a trend that continued under Kelly's successor, William J. Bratton.<sup>14</sup>

In the years since Mayor Dinkins mayoralty, each successive mayor and police commissioner has placed their emphasis on a more CompStat driven and "Broken Windows"-style approach. Yet, as we write, another approach – a kind of back-to-the-future return to "Neighborhood Policing"- has just been announced by Mayor Bill de Blasio and Commissioner William J. Bratton.<sup>15</sup> Many of its community-centered components – collaborative policing, positive, pro-active engagement of officers with residents,

a focus on service and problem-solving, and coordination with social service agencies – are drawn from successful practices in other cities, including innovations developed by Bratton himself, and some even harken back to the ideas of Commissioner Lee Brown in the 1990's.

With the arrival of the Giuliani administration and Commissioner Bratton's first term beginning in 1994<sup>16</sup> the NYPD's approach to crime fighting underwent a wholesale transformation. In addition to a reorganized strategy against major felonies, Bratton and Giuliani turned away from problem-oriented policing to embrace "Broken Windows" theory, first articulated in the 1980's, and of which Bratton was one of the earliest architects.<sup>17</sup> To reduce crime and fear, the NYPD would attack signs of "disorder," for which the notion of "Broken Windows" was a metaphor, ramping up street-level enforcement of nuisance and quality-of-life offenses, and aggressively arresting turnstile jumpers, street-corner drug dealers, panhandlers, prostitutes, and those infamous "squeegee men" who had come to symbolize the city's palpable unease.<sup>18</sup> As predicted by "Broken Windows" theory, disorder of this kind invited more serious criminal activity, and in fact those apprehended for quality-of-life offenses in the first few years of the crackdown often had arrest records or outstanding warrants.

Bratton's approach broke new ground by wedding "Broken Windows" to a "zero-tolerance" approach to all forms of disorder, especially so-called quality-of-life violations, and by pioneering the use of CompStat, a law enforcement data system of crime statistics and incident mapping. When merged with timely intelligence, CompStat began to enable the NYPD to engage in micro-targeting, rapid deployments, saturation policing, and accurate measures of effectiveness. With these tools in place, officers were encouraged to wage a relentless crackdown on all forms of crime and disorder.<sup>19</sup> Within a few years the strategy had produced dramatic numbers of arrests, a precipitous drop in murder, theft, and assault rates, and a feeling that the city's streets were again under control. The softer, problem-solving ideas of neighborhood outreach and community-based policing, which Bratton himself had once advocated, were increasingly pushed to the sidelines.<sup>20</sup>

Bratton's approach to inner-city policing continued under his successors throughout the Giuliani years, and intensified under Mayor Michael R. Bloomberg and Commissioner Raymond J. Kelly from 2002-2013. Policing strategy and tactics were increasingly driven by CompStat's focus on crime reduction in every precinct through micro-targeting of crime hot spots, systematically planned street-level sweeps, quality-of-life arrests, and "stop and frisks" in targeted neighborhoods. As it came to be deployed, CompStat fueled a demand for production-quota arrests and summonses, and monthly evaluations of that production became a basic performance measure for every level of supervision and patrol.

So successful was the synthesis of policing tools developed under Brown, Bratton, and Kelly, and drawing on innovations in law enforcement from around the nation, that New York was being touted as “the safest big city in America.”<sup>21</sup> It was, at least, the city that had undergone the most dramatic transformation from palpable disorder and high crime to one in which a majority of citizens felt safe and, crime rates decreased every year to new record lows, with far less fear on the streets and in the subways.

But before long the emphasis on ever-more intensive policing and the push for continuing drops in crime and disorder led to unforeseen consequences for the NYPD’s street level enforcement efforts as well as the city’s residents. Zero-tolerance and CompStat-driven enforcement proved so effective that each year it became harder to achieve ever-larger numbers of arrests of genuine troublemakers and petty criminals. But the CompStat system – as well as the Mayor’s popularity and great publicity about continuing reductions in crime – thrived on increasing arrest numbers. Soon the Department was imposing target numbers for stops and arrests on every precinct, and then on every sector and enforcement unit, and these demands created, over the next decade, a kind of “sorcerer’s apprentice” effect. More and more arrests had to be made, more summonses issued, and to meet these demands rank and file officers and even supervisors lost the discretion to police their communities proportionately. To meet their targets, attention shifted to very low-level quality of life offenses such as riding a bicycle on the sidewalk, public urination, walking a dog off the leash, and public drinking of alcohol from an open container. These minor transgressions, which historically had not been much emphasized, became a principal way for precinct commanders and borough commands to maintain the high levels of arrests and summonses for which they were being held accountable under the CompStat system.

As Kelly’s tenure with Mayor Bloomberg stretched into a third four-year term, his determination to criminalize even minor offenses altered the NYPD’s culture of responsibility. Officers, whose discretion in applying the law had formerly been trusted by city residents, were now directed to summons them for every perceived form of “disorder.” Children were ticketed for riding bicycles “illegally,” and putting your feet on a subway seat got you a summons. Black and Latino neighborhoods ceased to be places where officers and residents shared common ground around the goals of policing. Instead, these neighborhoods were the places where summonses and arrests were to be harvested most aggressively. Inevitably, they were poorer neighborhoods, more racially segregated, and had higher incidences of crime. These factors made them the “right” neighborhoods for applying the harshest tactics; and those

tactics, documented so persuasively and disturbingly by the plaintiffs in *Floyd*, and other court complaints,<sup>22</sup> were intended to drive arrest rates to ever-higher levels and also to instill fear.<sup>23</sup>

Borough President Adams testified as a witness in *Floyd* that in 2010, Commissioner Kelly admitted he was focused on minorities "because he wanted to instill fear in them that every time they left their homes they could be targeted by police." "I was amazed," Adams testified. "I told him that was illegal."<sup>24</sup>

Although Kelly has denied making these remarks, that explicit targeting was confirmed by the testimony of a second witness, Officer Serrano, who recorded the following exchange with a Deputy Inspector who reprimanded him for not issuing the requisite number of summonses to "the right people." "And who are the right people?" Officer Serrano asked. "I don't have any trouble telling you this," replied the Inspector, "male blacks 14-20."<sup>25</sup> This practice continued because it was all too successful even among those whom it did not criminalize. As one resident told *The New York Times*, he had moved away because "Brownsville was too much like a prison."<sup>26</sup>

A related symptom of the Department's war on disorder during the tenure of Commissioner Kelly was its reaction to lawful protest and civil disobedience. Although not within the scope of community policing in the narrow sense, the NYPD's mass arrests of groups and individuals engaging in lawful protest (as well as innocent bystanders and reporters swept up by police) inevitably shaped perceptions among the public and media that the Department viewed First Amendment rights as inconvenient to its efforts to maintain order at all costs. The NYPD's prolonged detention and treatment of thousands of nonviolent protesters for "disorderly conduct" during the Republican National Convention in 2004, led a judge to hold the city in contempt for detaining protesters in excess of 24 hours without formally charging or releasing them.<sup>27</sup> The subsequent dropping of all charges against the vast majority of those detained (as also occurred after the marches against the Iraq War in 2002 and the arrest of Occupy Wall Street protesters in 2011), is eerily reminiscent of the way hundreds of thousands of Black and Latino youth were swept up repeatedly under "stop and frisk" for no unlawful behavior, were illegally searched, often threatened, and then released without charges but not without lingering animus.

The most harmful effect of the Department's blizzard of summonses and arrests, and its targeting of Black and Latino youth in nearly 90 percent of illegal stop and searches, was its intensive focus on arrests for possession of small amounts of marijuana. Although Federal studies have shown that young Blacks and Latinos use marijuana no more frequently than White youths,<sup>28</sup> Commissioner Kelly directed

enforcement not at the White communities on Manhattan's east and west sides, in Queens Village, or Bay Ridge and Bensonhurst, but Black and Latino neighborhoods. By 2012, under Kelly, the NYPD had made over 400,000 arrests for low levels of marijuana possession, of which nearly 350,000 were Black and Latino men. To put the unprecedented intensity of this program in perspective, the NYPD made more arrests in four years (2007-2011) for small amounts of marijuana possession than during the previous 24 years.<sup>29</sup>

These drug arrests criminalized hundreds of thousands of young people of color, with devastating effects on their capacity to keep or obtain a job, pursue professional careers, work in law enforcement or security, or attend school. Most disturbing about many of these arrests, as well as the apparent motivation behind them, is that they were false arrests based on illegal stops, frisks, and searches. Because possession of a quarter ounce of the drug had been decriminalized by New York State law in 1977 unless it was displayed, officers typically used a ruse.<sup>30</sup> They ordered those they stopped to empty their pockets or other clothing, and if a marijuana cigarette was "displayed" they arrested the person for violating the drug laws. These tactics became so frequent and blatant, and public objections so intense by 2011, that Kelly ordered a halt to the practice. However, in a reflection of the "sorcerer's apprentice effect" created by his drive for arrests under any circumstances, and the targeting created by reliance on CompStat, his order to desist was followed not by a decline but an increase in the number of improper arrests for possession.<sup>31</sup>

It is deeply disturbing to think that Kelly, the supervisors and the rank-and-file officers of the Department continued manufacturing drug arrests in this way without regard for the serious permanent harm they were causing to young Black and Latino people – harm that was wildly disproportionate to the “crime” they were being falsely accused of through illegal tactics like forcing the “display of marijuana.” While such arrests may have looked good on CompStat evaluations, they have been demonstrated to have had no appreciable effect on lowering city crime rates.<sup>32</sup> Despite this, the Department continued to double down on its campaign until finally brought to heel by the Federal courts in 2013, but not before millions of mostly Black and Latino New Yorkers had been profiled and stopped, and a great number of them criminalized.

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This decades-long emphasis on zero-tolerance policing and a production-quota approach to stops, summonses, and arrests for any behavior deemed disorderly has been widely-documented. It has also

had a demoralizing effect on both the police rank-and-file and the communities of color most impacted by its actions, as well as criminal justice and social service agencies.<sup>33</sup> One symptom of the consequences for individuals under the strategies developed by Bratton and others in the 1980's and 1990's, and Commissioner Kelly from 2002-2013 during the Bloomberg administration, was that "stop and frisks" and summonses for low-level offenses grew out of proportion to those of more serious offenses. During the same period, complaints to the Civilian Complaint Review Board about police misconduct rose steadily after doubling in the first years of the Giuliani administration.<sup>34</sup> Yet, by the third term of the Bloomberg administration (2009-2012), amid continuing declines in crime, the NYPD's zero-tolerance approach was still intensifying. In 2008-09, the police stopped 575,000 people, 90 percent of whom were Black and Latino, with all but a small percentage innocent of any wrong-doing. The number had grown to 685,724 reported stops by 2011; Blacks and Latinos again accounted for nearly 90 percent of those stopped.<sup>35</sup> General complaints of "over-policing" became widespread, and officers were getting out of their patrol cars to issue summonses to people drinking a beer on the steps of their own home. Such tactics, magnified thousands of times across neighborhoods of color already inflamed about "over-policing," did almost nothing to reduce crime and caused many in the community to look upon the officers with disdain.

The impact of the unrelenting "stop and frisk" and minor offense crackdown on hundreds of thousands of Black and Latino youths will be lasting. The overwhelming majority were innocent, or were criminalized for offenses not rationally related to crime reduction, those who were targeted could see that the torrent of petty summonsing was irrational- that, in effect, the authority of the NYPD was not to be taken seriously. That perception may be reflected in part by the fact that so few summonsed individuals showed up in court. That failure to appear in court causes an arrest warrant to be issued, thereby, criminalizing what typically had been no more serious than a ticket for being in a park after hours. Easy to ignore and almost unenforceable because of their unprecedented volume, such warrants can surface later to cause life-altering harm to opportunities for military service, education, or employment. Now numbering about a million, these warrants are yet another cascading legacy of the harm done by racial animus and CompStat-driven zero-tolerance policing. In a positive response, and signifying a more rational and community-oriented approach to criminal justice, Brooklyn District Attorney Kenneth Thompson has initiated a series of "Begin Again" events in neighborhood settings like churches, where individuals can clear up their warrants by dismissal or the payment of a small fine.<sup>36</sup>

The principal outcome of the NYPD's summons abuse, aside from inflicting a permanent stigma of arrest on the lives of young people of color, was creating that legacy of fear which Kelly described and fomenting hostility and a loss of trust in the fairness and impartiality of the police. When trust is lost, officers and those they stop readily adopt an "us against them" defensive posture. For some individuals who spoke at the town halls, prolonged unjust treatment has permanently de-legitimized the authority of the police, as well as respect for the law. As the nation learned during the 1960's and 1970's, when a critical mass of Blacks and Whites rejected the moral and legal authority of government, the cultural consequences of that alienation can produce lasting effects.

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Once the racial and legal implications of the Department's actions had been exposed by the media and the courts, it became clear that serious injustices had been done. Even in high-crime areas the vast majority of residents are not criminal, and the Department had plainly swept up large numbers of innocent people for no apparent reason other than they resembled those in the same community who were, or were presumed to be, criminal. Since the NYPD directed "stop and frisk" tactics primarily at Black and Latino neighborhoods, the stereotyping of those residents as suspicious resulted in the innocent being treated as if they were guilty. This was compounded by the *absence* of another presumption, that of innocence. The presumption of innocence is a bedrock protection of our laws against unreasonable searches and seizures, and during this time, it was largely replaced in New York City by a highly subjective and unconstitutional application of the "reasonable suspicion" standard for police searches and frisks of individuals as established by the Supreme Court of the United States in the seminal case *Terry v. Ohio*.<sup>37</sup>

As part of its Zero-tolerance strategy, the NYPD's "stop and frisk" tactics encouraged officers to characterize various forms of behavior or manners of appearance as meeting the "reasonable suspicion" standard under which an officer's reasonable suspicion must be based on articulable, specific facts that "criminal activity may be afoot" and that the person stopped is involved or knows something about it. In scores of thousands of stops, officers cited an individual's "furtive movement" as reasonable suspicion that a crime had occurred, would occur, or was in progress. In virtually every one of these cases, "furtive movement" was self-defining; although it did not describe any articulable fact or behavior associated with crime, officers were trained to employ it – in contradiction to the ruling of the Supreme Court in *Terry*.

Perhaps, most striking about these practices is that although NYPD's own CompStat statistics revealed them to be virtually worthless in uncovering serious criminal activity, and "furtive movement" failed to describe any articulable behavior associated with crime, NYPD persisted in using it as a rationale to "stop and frisk" hundreds of thousands of innocent people in plain violation of the *Terry v. Ohio* standard. The Department's own figures showed that of 685,724 stops in 2011, only nine percent were White and three percent were Asian; all others were Black or Latino.<sup>38</sup> Civil rights advocates repeatedly tried to persuade Mayor Bloomberg and Commissioner Kelly to apply the Court's *Terry v. Ohio* standards<sup>39</sup> until eventually, in 2013, the Federal District Court for the Southern District of New York declared NYPD's pattern and practice of "stop and frisk" unconstitutional.<sup>40</sup> After a lengthy review by the United States Court of Appeals for the Second Circuit, the city dropped its appeal in 2014, accepted a federal monitor of NYPD for three years, and announced fundamental reforms of police practices.<sup>41</sup>

Residents at our town halls who observed or were subjected to this type of policing repeatedly expressed bafflement about why patrol officers were pushed to produce ever-more summonses and misdemeanor arrests – many of which were for possession of lawful amounts of marijuana and were later dismissed. The Department's leadership knew as well as the community that there was no clear correlation between lower rates for serious crimes and the exponential growth in issuing summonses for minor infractions. Put another way, in light of the immense amount of police resources – in patrol work, supervision, administration, data analysis, and so forth – required to "stop and frisk" millions of innocent individuals, we cannot help but marvel at why the NYPD continued to systematically employ a tactic that succeeded so rarely to find serious criminal activity while expending enormous sums of money and failing to respect bedrock legal protections. An important question raised by this history is if and how a department that overwhelmingly targeted innocent people of color for decades can in practice be reformed.

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Marking a sharp ideological break with his predecessor, NYPD Commissioner Bratton stood with Mayor de Blasio in January 2014 to proclaim, "We will not break the law to enforce the law," as they announced that the city would not appeal the decision in *Floyd*. "That's my solemn promise to every New Yorker, regardless of where they were born, where they live or what they look like."<sup>42</sup>

Commissioner Bratton, Chief of Department James O'Neill, and others now at the top of the Department have been frank in their appraisal of the excesses of the Kelly era, and explicit and detailed in their

commitment to reform.<sup>43</sup> While recognizing and lauding the remarkable reductions in crime achieved by the Department over the past twenty years, they have also been bold in undertaking a fundamental redesign of the NYPD's policing practices. These reforms, partly compelled by the orders of the federal court in its *Floyd* rulings, also reflect the view of the Commissioner and his lieutenants that the Department's mission and the role of its officers need to be reimagined. Bratton has emphasized that his plan for change "is not a program. It will be how the NYPD intends to, over the coming years, police the city."<sup>44</sup>

A top-to-bottom redesign of policing strategy and retraining for a department as large and complex as the NYPD is without precedent in American policing. Even for Commissioner Bratton, whose history includes major departmental overhauls in Boston, New York, and Los Angeles, the task is daunting. The proposed institutional reforms alone are nearly unprecedented: new training protocols, patrol deployments and staffing, and major resource re-allocations; large-scale training of officers and supervisors in the new policing practices, as well as in more nuanced skills and assignments; adjustments in the use of CompStat and the evaluation of effective policing.<sup>45</sup> At the same time, Bratton has committed the Department to increased forms and levels of electronic monitoring and surveillance, and more staffing for anti-terrorism efforts.<sup>46</sup> Along with these initiatives, and most importantly for the everyday life of the city, he has renewed the Department's commitment to further reductions in crime and disorder.

As this report goes to press, the details and scope of NYPD reform and reorganization (as well as the scope and constitutionality of the NYPD's counterterrorism and surveillance programs) remain largely unknown to New Yorkers and even to the NYPD rank and file. Despite statistics showing a dramatic drop in "stop and frisk" incidents, we detected little change in the temperature on the streets of Brooklyn's most "over-policed" communities. We suspect that this apparent continuing disparity between the CompStat view of policing and that of residents points to the department's hardest task: establishing trust and altering long-held perceptions and attitudes on both sides. Many officers will have a history with the community, and that history – about whose abusive and oppressive nature we now know so much – is vividly remembered by both. Just as fear of crime has been shown to play as important a role as crime rates in shaping public perceptions,<sup>47</sup> fear of the police is likely to inhibit favorable public perceptions for years to come. Although officers are now required by court order to police Black and Latino communities without racial animus, it is far from certain that such an order will

compel those officers whose prejudices are personal to alter what they feel and believe, or result in improved treatment of the residents.

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Bratton's reform of NYPD community policing practices, rolled out in pilot projects during the spring of 2015 and formally announced in June, has been publicly identified as "neighborhood policing."<sup>48</sup> Bratton acknowledges that the name, at least, has been around a long time. As noted above, it has been given to various iterations of community policing since the 1970s. "Neighborhood policing," in fact, formed part of Bratton's own approach as police commissioner of Boston during an earlier effort at departmental reform. He has also said that "neighborhood policing" will not be just another program like "stop and frisk," but the basis of a fundamental redesign of NYPD policing practices.<sup>49</sup>

In light of the poor state of police relations, especially with the city's communities of color, we must wait to gauge the effectiveness of Bratton's plans. However, it is not too soon to wonder whether: 1. the patrol practices of "neighborhood policing" will substantially change how residents in communities of color are treated by the police, or how they perceive that treatment 2. the zero-sum approach to CompStat will continue to drive police tactics; 3. a change in policy can reform the attitudes and behavior of a large percentage of the police rank-and-file whose members are schooled in the practices of Zero-tolerance and a decade of race-based "stop and frisk." Recent graduating classes from the Academy have included a higher percentage of Black and Latino officers, but having a department whose members more closely resemble the city they police may or may not reduce perceptions of racial bias in policing. Residents in the town halls cautioned that Black and Latino officers were just as aggressive in carrying out "stop and frisks," a fact suggesting that insular cultures like police forces reluctantly accept change; long-held habits conditioned not merely by race and class prejudice but fealty to the prevailing culture and one's fellow officers, even more so.

Some have speculated that some progress has already been made in repairing harm done to the Department's reputation by Zero-tolerance policing. However, as the testimony at our community forums also made clear, disapproval of the NYPD remains highest in Black and Latino neighborhoods. These are areas with the highest incidence of violent crime, and, as a focus of "Broken Windows" policing, where the largest number of "stops and frisks" have been occurring. As evidence of a change in department strategy under his tenure, Bratton testified before the City Council Public Safety Committee in June of 2015 that so-called reasonable suspicion stops "have declined 93 percent from

their historic high in 2011"...and an additional 53 percent from 2014 to date, while arrests for marijuana possession declined by comparable amounts.<sup>50</sup>

These reductions in the intensive, "Broken Windows" enforcement of the Bloomberg-Kelly years are an encouraging sign of self-reform by the NYPD. Whether crime rates will continue to stay low and fears of disorder abate remains to be seen. Long-term improvement in police relations with racial minorities, however, will require more than tactical change. The capacity of the NYPD to overcome the anger, mistrust, and lament that we found among Black and Latino New Yorkers will likely prove to be as important to maintaining "safe streets/safe cities" as reductions in crime itself. Bratton has repeatedly signaled his awareness of the work to be done. He has publicly acknowledged the special challenges to maintaining high standards and effectiveness in enforcement, and has signaled his sensitivity to how policing is deeply enmeshed with historical issues of racial bias and inequality. Speaking at a Black church in Queens in the aftermath of the Garner killing, and with anger at a fever pitch, Bratton spoke with passion – and not for the first time – about the nation's fraught and often terrible racial history.<sup>51</sup>

Among the lessons of the community policing era is that the promise of police-community partnerships has often led to disappointment among those who are policed. Initial promises of cooperation have tended to succumb to pressure for ever-greater crime reduction or result in excesses like those that occurred under "stop and frisk." New York is one example, and the record of the Boston Police Department in the years after Bratton's policies were adopted offers another. Like New York, Boston's "Broken-Windows" initiative devolved into a zero-tolerance, "stop and frisk" program directed overwhelmingly at African-American youth, and it employed a reasonable suspicion standard even more elastic than "furtive movement." In Boston, an officer needed only the justification "investigate person." From 2007-2010, well after Bratton had moved on to head the Los Angeles Police Department, 63 percent of 204,000 officially recorded stops were of African-Americans in a city where they comprised only 24 percent of the population – an arc of race-based enforcement that parallels that of the NYPD over the same years.<sup>52</sup> This is the same pattern of "stop and frisk" abuse we saw in New York City. Clearly, the impact of the NYPD's new "neighborhood policing" initiative on communities of color will require close monitoring, and we must be cautious in our hopes for it.

Bratton's tenure as the Los Angeles Police Commissioner (2002-2009) offers perspectives on an evolving philosophy of big-city policing that has occupied him for his almost half a century career. This is really the key piece between the blanket, zero-tolerance enforcement practices of his first time around

as NYPD Commissioner, and his large and complex plans for the reform of many of the consequences of those practices in New York.

The LAPD was also in need of deep and difficult reforms when he took over there. The LAPD, and Los Angeles itself, had still not fully recovered from the scars left by the rioting that followed the Rodney King incident or the damage to the Department caused by a 1999 corruption scandal. The reputation of the Department was without question at a low ebb – a condition he knew a great deal about from his reforms of the Boston and New York departments. His effect on the LAPD, as well as its successes in improving public safety and community outreach, was galvanizing. Although “stops and frisks” rose to stratospheric heights as they had after his departures from Boston and New York, Bratton was successful in training his department to do them lawfully. Although his faith in “Broken Windows” policing remained unwavering, the results, at least in the opinion of those he policed the most, were radically better than in New York. Even though under Bratton the quantity of stops increased dramatically, according to a 2009 Harvard Kennedy School report,<sup>53</sup> the quality of those stops also increased; a larger percentage of them resulted in arrests, and those arrests resulted in a larger proportion of felony convictions. In a city that had gone up in flames within recent memory and with South Los Angeles continuing to be plagued by gang warfare to a greater degree than any other large American city, at the end of Bratton’s stay more than two-thirds of the African-Americans in Los Angeles approved of the LAPD, and even higher percentages were found among other ethnicities.

In Los Angeles, The Community Safety Partnership, started in 2011, two years after his departure, has been significantly improving police-community relations in Watts. The Partnership assigns 10 officers and 1 sergeant to each housing complex, most for a span of 5 years. The program features mutual accountability, participation, and effective communication – several of the most commented upon and lamentably lacking practices that came to define the NYPD during the Bloomberg-Kelly years. Looking back over his long career, we can foresee a pattern to Bratton’s current stewardship that resembles those of his past endeavors: strong, deep reforms; major capacity-building; rebuilding community ties and departmental morale, and keeping crime low.

As Bratton well knows,<sup>54</sup> many residents of the New York City communities most affected by NYPD’s discriminatory enforcement policies and often abusive policing are angry and skeptical about the police; in this they are not unlike many in Baltimore, Watts, or Dorchester. Although the courts, the public, and the mainstream media only recently confronted the source of those perceptions, our forums and town

halls reveal that in the street, in the homes of young people criminalized for the most trivial pursuits, or in the churches and community centers of neighborhoods long-afflicted by race-based policing, the wounds of discrimination will not soon be forgotten. It is also true, however, that we found a reservoir of good will toward the police; in Black communities, this was often expressed as puzzlement at the hostile treatment residents receive from the NYPD, as well as a frequently-cited desire for a better, more tolerant, and constructive relationship.

In these communities a lasting repair of trust in the police will not be easy as Bratton himself has predicted. Indeed, that may have to await another generation of New Yorkers – and then, only if the law enforcement philosophy and conduct of the NYPD is actually reformed. At a minimum, to begin such reform, all New Yorkers must realize that the NYPD and communities have a shared interest in making New York City a just and safe city.

## 6. A Timeline of Crisis

Our town hall meetings, which we began planning in December 2014, and continued until mid-July 2015, spanned a winter and spring of highly-publicized and public police killings of unarmed men of color, as well as the emergence of local and national protest movements. These events magnified on a national scale our sense of urgency about reform of police practices and the criminal justice system in New York. They have subsequently compelled a federal, state, and local effort by the Justice Department, state attorneys general, local prosecutors, governors and mayors, as well as the police and their communities, to explore and mend the racial and cultural rifts and to seek reform of the policies at its root.

The timeline below highlights the key events of that year and the timing of our town halls, as well as the progress of the lawsuit that finally confirmed that racial animus had infected the NYPD's "stop and frisk" program. It documents the policy transition initiated by a new Mayor and Police Commissioner, the appointment and work of the NYPD's federal monitor, and the increasingly outspoken views of the President and other national figures. Those who wish to explore these issues further can refer to the endnotes, bibliography, and appendices.

### **2008**

January 31: The Center for Constitutional Rights (CCR) files a complaint in the United States District Court for the Southern District of New York that the NYPD's "stop and frisk" practices violate the "reasonable suspicion" standard established by the Supreme Court in *Terry v. Ohio*, and that the Department is engaged in large-scale, constitutionally prohibited racial profiling.

### **2013**

March 18: The CCR "stop and frisk" case, *Floyd*, goes to trial before Judge Shira Scheindlin in the Southern District of New York.

August 12: Federal District Court Judge Scheindlin "finds by a preponderance of evidence...a years-long policy and practice of unconstitutional and racially discriminatory 'stop and frisks,' appoints an independent monitor to implement reforms, and orders a process through which communities impacted by these practices can be involved in reforming them.

## **2013 (cont'd)**

August 16: NYC appeals Judge Scheindlin's decision to the United States Court of Appeals for the Second Circuit.

November 5: Bill de Blasio is elected Mayor of New York.

November 22: The Court of Appeals denies the city's motion to vacate.

December 5: Mayor de Blasio names William C. Bratton Police Commissioner; Bratton promises that the NYPD "will not break the law to enforce the law."

## **2014**

July 17: 43-year-old Eric Garner, an African-American resident of Staten Island, NY, dies at the hands of the NYPD while being arrested for the illegal sale of "loosies", single cigarettes, on a street corner; a bystander, Ramsey Orta, records video of the incident on his cell phone.

July 20: NYPD Officer Daniel Pantaleo, accused of using a chokehold on Eric Garner, and Officer Justin Damico, who was present, are removed from patrol duty.

July 29: First major NYC protest over Eric Garner's death occurs when a flash mob, including Broadway performers, converges on Times Square.

August 1: The Office of the NYC Medical Examiner rules Garner's death a homicide due to strangulation and chest compression, exacerbated by underlying health conditions.

August 6: NYC files a motion with the Court of Appeals to withdraw its appeal of Judge Scheindlin's decision finding the NYPD guilty of racial profiling in the "stop and frisk" cases *Floyd*, and requiring the appointment of a federal monitor over the NYPD.

August 9: In Ferguson, Missouri, 18-year-old Michael Brown, an African-American, is shot to death by White police officer Darren Wilson during a street confrontation; police leave Brown's body lying in the sun uncovered for many hours, stirring anger from his family and bystanders.

## 2014 (cont'd)

August 10: Protests begin in Ferguson; "hands up, don't shoot" is heard for the first time.

August 11-13: Ferguson protests turn violent, and local police adopt military weapons and tactics, including an armored personnel carrier, body armor, deployment of sniper and assault rifles, and use of rubber bullets.

August 14: When the tactics of the local police in Ferguson incite greater protest and violence, officers of the Missouri State Patrol are brought in; one is Captain Ron Johnson, an African-American, who appeals for calm and succeeds in briefly lowering tensions.

August 14: Ferguson protests spread nationally with a "National Moment of Silence for Victims of Police Brutality" held in 90 cities; in NYC, demonstrators march to Times Square.

August 19: In NYC, Richmond County (Staten Island) District Attorney Daniel M. Donovan rules that it is "appropriate to present evidence regarding the circumstances of Eric Garner's death to a grand jury."

August 20: St. Louis County Prosecuting Attorney Robert P. McCulloch convenes a grand jury of nine Whites and three Blacks to consider evidence in the killing of Michael Brown.

August 21-23: In NYC, negotiations continue between Mayor de Blasio, Rev. Al Sharpton, and other activists over a proposed march on Staten Island to protest the Garner and Brown killings; organizers promise that the rally and march will avoid the violence that erupted in Ferguson.

August 23: Thousands converge on Staten Island for the first large march to protest the deaths of Garner and Brown. When the day ends with no violence or arrests, Sharpton is quoted as saying: "We are not here to cause riots; we are here because violence was caused" (and) "we are not against the police."<sup>1</sup>

September 29: District Attorney Donovan begins presenting evidence in the Garner killing to the grand jury.

October 7: The family of Eric Garner files a wrongful death suit against NYC.

## 2014 (cont'd)

October 31: The United States Court of Appeals dismisses the city's appeal, effectively ending the "stop and frisk" case and leaving Judge Scheindlin's ruling in place.

November 11: Family of Michael Brown travels to Geneva, Switzerland, to testify before the United Nations Committee Against Torture to "let them know what's going on in Ferguson."<sup>2</sup>

November 20: NYPD Officer Peter Liang, on patrol in a notoriously dangerous Brooklyn housing project, enters a darkened stairwell with his gun drawn and accidentally discharges his weapon; the ricocheting bullet kills 28-year-old Akai Gurley whom he had not seen but happened to be descending the stairs. Yet another police killing of an unarmed Black man shocks and frightens the city. At a hurried press conference Commissioner Bratton described Gurley as "totally innocent."<sup>3</sup>

November 21: 200 protestors march to the 75<sup>th</sup> Precinct station to protest the killing of Akai Gurley.

November 22: In Cleveland, 12-year-old Tamir Rice, horsing around in a park with a realistic-looking toy pistol, is shot and killed in broad daylight by rookie Police Officer Timothy Loehmann, responding with his partner Frank Garmback to a report of person with a gun. Although Officer Loehmann alleges that he ordered Rice multiple times to raise his hands, and that Rice reached into his waistband, videotape reveals that Loehmann stepped out of the patrol car while it was still moving, opened fire within two seconds of arriving at the scene, and that Rice never reached into his waistband. Loehmann and Garmback were also found to have failed to provide medical attention to the victim, possibly contributing to his death. Shortly after the incident it is revealed by a local newspaper that Officer Loehmann had been dismissed from another local Ohio police force for what his supervisor described as "a pattern of a lack of maturity, indiscretion and not following instructions," explaining his dismissal by saying: "I do not believe time, nor training, will be able to change or correct these deficiencies."<sup>4</sup>

November 24: In Missouri, prosecutor Robert P. McCollough announces that a grand jury in St. Louis County has declined to indict Officer Darren Wilson in the Michael Brown killing, finding that he had probable cause to act in self-defense.

## **2014 (cont'd)**

November 24: Announcements of the St. Louis County grand jury decision are broadcast on television and the internet before Missouri officials notify the Brown family.

November 24: At word of the decision, Brown's family calls for peaceful protest, for police body cameras, and working for constructive change. Violent protests erupt in front of the Ferguson Police Department; rock and bottle-throwing, burning of police cars, and looting and burning of stores continues for two nights, destroying dozens of establishments; police report hundreds of gunshots; protests also erupt in St Louis, blocking traffic on Interstate 44.

November 24-25: In New York, thousands of protesters react to the non-indictment of Officer Wilson in Missouri by blocking bridges and traffic, and marching to Times Square.

November 25: In Cleveland, "Black Lives Matter" protests erupt over Tamir Rice's death and the Michael Brown grand jury decision, as the Rice family appeals for calm.

November 30: In Missouri, Officer Darren Wilson, who fired the shots that killed Michael Brown, reportedly resigns from the Ferguson Police Department.

December 3: Richmond County (Staten Island) District Attorney Daniel M. Donovan, Jr. announces that the grand jury has elected not to indict NYPD Officer Daniel Pantaleo or other officers in Eric Garner's death; angry protests erupt in Staten Island and Manhattan.

December 4: Protests over the Garner decision, coming shortly after that in the Brown case, intensify across NYC; hundreds are arrested. In Washington, D.C., U.S. Attorney General Eric Holder announces a federal investigation into "potential civil rights violations"<sup>5</sup> in Garner's death. President Obama and Mayor de Blasio speak by telephone and agree to work together to improve police-community relations.

December 5: In New York, Kings County (Brooklyn) District Attorney Kenneth P. Thompson announces that he will convene a grand jury to look into the November 20, 2014 shooting of Akai Gurley by NYPD Officer Peter Liang. He adds that he does not support "the appointment of an

independent prosecutor to handle the case,” (and) that he had been elected by Brooklyn’s residents to “represent their interests.”<sup>6</sup>

December 5: In Cleveland, Tamir Rice’s family files a wrongful death claim in United States District Court against Officers Loehmann and Garmback, and the City of Cleveland; Ohio Governor John Kasich announces a task force to examine the state of police-community relations.

December 5-6: In NYC, Garner protests continue with thousands participating in marches and rallies. They block bridges, streets, and highways, and stage a "die in" inside Grand Central Terminal. Long lines of marchers walk for miles into the night along the avenues of Manhattan chanting “Don’t Shoot, Hands Up,” “Black Lives Matter,” and “No Justice, No Peace,” and no violence occurs.

December 7: Members of the NYC Council leave their chambers to block traffic on Broadway and stage a "die in" to protest the grand jury decisions in the Brown and Garner cases.

December 11: The New York Justice League calls for a special prosecutor in the Garner case; national protests spread to medical schools, campuses, and NBA games.

December 13: "Black Lives Matter" and "Hands Up" protests continue in Washington, D.C. and in NYC with a march to One Police Plaza.

*December 17: First meeting with Borough President Adams and Norman Siegel to plan the Brooklyn Town Halls.*

December 20: NYPD Officers Wenjian Liu and Rafael Ramos are murdered by Ismaaiyl Abdullah Brinsley, a career criminal from Baltimore, ostensibly in revenge for the deaths of Eric Garner and Michael Brown; NYC protests over the Brown and Garner cases are suspended.

December 27: At the funeral of Officer Rafael Ramos, NYPD rank-and-file officers turn their backs on Mayor de Blasio to protest his perceived lack of support; PBA President Pat Lynch accuses the Mayor of "having blood on his hands" for allowing the recent street protests.<sup>7</sup>

## 2015

January 3: President Obama speaks out about the causes and impact of police killings of unarmed Black men. Using the term “racial discrimination,” he describes it as “embedded deeply in society.”<sup>8</sup>

January 4: Funeral of Officer Wenjian Liu; the NYPD rank-and-file again turn their backs on Mayor de Blasio.

*January 18: First town hall on improving police-community relations is held at Brooklyn Borough Hall for the residents of Downtown Brooklyn, and the adjacent neighborhoods of Cobble Hill, Brooklyn Heights, Fort Greene, Clinton Hill, and DUMBO.*

January 19: Throughout NYC, Dr. Martin Luther King, Jr. Day marchers protest the police killings and honor MLK’s legacy of change through non-violent resistance.

*January 20: First of the Brooklyn Borough President’s Digital Dialogues take place, including students from Brooklyn Amity School, Brooklyn Academy of Science and Environment, Bishop Kearney High School, and Sunset Park High School.*

*January 26: First Manhattan police-community dialogue is held in Washington Heights amid blizzard conditions; 130 residents and police officers join in roundtable discussions on how to improve policing and community relations in a largely Latino neighborhood.*

*February 8: Second Brooklyn police-community Town Hall is held at Union Temple for the residents of Prospect Heights and the adjacent neighborhoods of Crown Heights and Park Slope.*

February 10: NYPD Officer Peter Liang is indicted for manslaughter and two counts of official misconduct, among other charges, in the November shooting death of Akai Gurley. His prosecution divides the Chinese community, many of whom feel Liang is being singled out for his race while White police officers who killed unarmed civilians are not being charged.

*February 12: Second of the Brooklyn Borough President’s Digital Dialogues is held, including students from Brooklyn Tech, Magen David Yeshiva, Eagle Academy, and El Puente Academy for Peace and Justice.*

## 2015 (cont'd)

February 22: In Cleveland, Tamir Rice's family holds a vigil and protest on the three-month anniversary of his death.

March 6: In Madison, Wisconsin, an unarmed 19-year-old biracial man, Tony Robinson, Jr., is shot seven times and killed by veteran Police Officer Matthew Kenny after an altercation. Officer Kenny had been called to the scene after a series of 911 calls reporting that Robinson, who was purportedly high on drugs and psychotropic mushrooms, was assaulting people in the street.

March 7: In New York, in solidarity with the 50<sup>th</sup> anniversary observances of the first Selma, Alabama civil rights march on "Bloody Sunday" in 1965, Borough Presidents Adams (Brooklyn) and Brewer (Manhattan) join civil rights attorney Norman Siegel to declare that "Selma is Everywhere." Hundreds join them in crossing the Brooklyn Bridge from "Brooklyn to Selma" to honor the Bloody Sunday marchers, rally at Borough Hall to affirm their commitment to peaceful change and racial justice as well as watch President Obama's address to the nation at the site of the Edmund Pettus Bridge.

March 7-11: Following the shooting of Tony Robinson, Jr., several thousand Madison residents stage peaceful protest marches and rallies. Officer Kenny is put on leave; the Madison police chief apologizes to the community for the shooting; and Brad Schimel, Wisconsin Attorney General, describes the incident as a "tragedy for Tony Robinson, Jr.'s family and for the police officer involved."<sup>9</sup> The Wisconsin State Division of Criminal Investigation begins an inquiry.

*March 11: Third of the Brooklyn Borough President's Digital Dialogues is held, including students from Mott Hall Bridges Academy and The Upper Academy (MS 582).*

March 13: Kelly Weill, a reporter with *Capital New York*, reports that NYPD personnel revised and attempted to delete content on Wikipedia that detailed the Department's role in the police killings of Eric Garner, Sean Bell, and Amadou Diallo, among other incidents.

March 19: New York State Supreme Court Justice William E. Garnett denies a motion to release the Garner grand jury transcript. He rules that "disclosure for distribution to the public" is "not a legally cognizable reason for disclosure" or a "compelling and particularized need...."<sup>10</sup>

## 2015 (cont'd)

April 4: Walter Scott, a middle-aged Black man, is shot and killed in North Charleston, South Carolina, in broad daylight by Police Officer Michael Slager. Scott was running away from his car after a traffic stop for a defective brake light. Officer Slager radios in to report that Mr. Scott had “taken my Taser” and later told investigators that he shot Scott because Scott had taken his Taser and he had felt “threatened.” However, cellphone video of the incident, recorded by a bystander, Feiden Santana, shows clearly that Scott was running away and was as much as 20 feet from Officer Slager when he was shot three times in the back. The video also appears to show Officer Slager retrieving a "dark object" from the vicinity of the car where an alleged altercation had occurred, and placing it beside Scott’s body.

April 7: Feiden Santana’s video footage of the Walter Scott shooting is released to the public, shocking the nation and resulting in widespread outrage and calls for justice.

April 7: The North Charleston police chief says he is “sickened” by the video of the shooting.

April 8: Officer Slager is fired from his job by the North Charleston city manager. A small, peaceful protest for justice is held at the North Charleston City Hall.

April 12: In Baltimore, 25-year-old Freddie C. Gray, Jr., an African-American, is arrested by the police, ostensibly for possession of an illegal knife. Video at the time of his arrest appears to show him crying out in pain and slumped over as he is placed inside a police van for transport to the police station; when he arrives there, according to a police official, he “could not talk and could not breathe”<sup>11</sup> and he is taken to a trauma center. His injuries include three cracked vertebrae and a crushed voice box.

*April 13: Third Brooklyn police-community Town Hall is held at New Lots Library for the residents of East New York, and the adjacent neighborhoods of Brownsville, Canarsie and Cypress Hills.*

April 14: In NYC, protests against police killings are renewed after the video of the shooting of Walter Scott in North Charleston, linking his death to those of Brown and Garner in 2014.

April 18: In Baltimore, hundreds gather in protest outside Baltimore police headquarters as word spreads that Freddie Gray had been severely injured while in police custody; attention focuses on his ride in the police van and the “rough ride” technique allegedly used by the Baltimore police while transporting handcuffed prisoners.

## 2015 (cont'd)

April 19-21: Following two spinal surgeries and six days in a coma, Freddie Gray dies from a severe spinal cord injury without ever regaining consciousness; after the announcement of his death, peaceful protests and demands for accountability increase, continuing for several days in Baltimore.

*April 23: Fourth Brooklyn police-community Town Hall is held at Woodhull Medical Center for the residents of Bedford-Stuyvesant, and the adjacent neighborhoods of Bushwick and Williamsburg.*

*April 23: Fourth of the Brooklyn Borough President's Digital Dialogues is held, including students from St. Francis College, Brooklyn College, and Boricua College.*

April 23: *The Baltimore Sun* reports on other individuals injured by “rough rides” in Baltimore Police Department vans; victims are handcuffed but not strapped into the van, and are then thrown around violently for as long as 30 minutes while being driven to the police station. According to the report, at least two earlier victims have been left paralyzed, and multi-million dollar settlements have been paid by the City of Baltimore.

April 25: The Baltimore protests grow larger and turn violent, with rock and bottle throwing; fires are set in the streets; many are arrested, and more than a dozen police officers are injured.

April 27-28: After the funeral of Freddie Gray, Jr., rioting breaks out again in Baltimore; crowds set fire to police cars and begin looting and burning stores; a state of emergency is declared, a curfew is set, schools are closed, the Baltimore Orioles game is cancelled, and the National Guard is called up.

April 29: Following the death of Freddie Gray, Jr., protests spread to many U.S. cities; up to 500 protesters converge on the White House and there is no violence; in NYC, hundreds of protesters gather in Union Square and are arrested when they “die in” on 14th Street, snarling traffic.

May: The Final Report of the President's Task Force on 21st Century Policing is released. Based on extensive hearings, and compiled by hundreds of contributors and organizations associated with the criminal justice community, it summarizes the challenges facing the nation as it seeks to improve policing practices, police-community relations, and implements criminal justice reforms. The Report recommends hundreds of action items at the federal, state, and local level.

## 2015 (cont'd)

May: In the aftermath of the Baltimore riots, U.S. Attorney General Loretta Lynch announces a \$20M federal program to help law enforcement.

May 1: In Baltimore, the city medical examiner rules Freddie Gray, Jr.'s death a homicide; the Baltimore City State's Attorney Marilyn Mosby announces she is charging the six Baltimore police officers involved in his arrest and van ride with homicide.

May 2: NYPD Officer Brian Moore is shot and killed by Demetrius Blackwell, who opens fire without warning during a street stop. Eulogized by Commissioner Bratton as "an exceptional young officer" with more than 150 arrests, Moore is mourned by his police family and thousands of supporters.

May 12: In Madison, Wisconsin, the Dane County District Attorney Ismael Ozanne, the first Black DA in the state's history, announces that no charges would be brought against Officer Kenny in the shooting death of Tony Robinson, Jr. "I conclude that this tragic and unfortunate death was the result of a lawful use of deadly police force." He adds: "My decision will not bring Tony Robinson, Jr. back," (or) "end the racial disparities... in...our justice system."<sup>12</sup>

May 18: President Obama bans the transfer of some military equipment to police departments.

June 3: In Cleveland, Municipal Court Judge Ronald Adrine, after receiving a petition from concerned citizens, announces that Tamir Rice's killer, Officer Loehmann, should be charged with involuntary manslaughter and that there was probable cause to charge his partner, Officer Frank Garmback, with negligent homicide.

June 8: In South Carolina, a grand jury indicts North Charleston Officer Slager for murder in the shooting of Walter Scott; he is held without bail.

*June 8: Manhattan convenes its second police-community dialogue in East Harlem; 230 residents and police officers turn out, overflowing the hall and requiring an outdoor seating area to be added.*

June 22: NYC Mayor de Blasio, City Council Speaker Mark-Viverito, and Commissioner Bratton announce the addition of 1,300 police officers to the ranks of the NYPD.

## 2015 (cont'd)

June 29: In New York, Commissioner Bratton testifies before the City Council to oppose legislative proposals establishing new oversight of NYPD operations and new reporting requirements. He emphasizes the challenges the Department faces, citing the recent three murders of NYPD officers and attacks on others with hammers, knives, and guns; he also cites a 25 percent drop in complaints to the Civilian Complaint Review Board (CCRB) as a sign that officers are using increased restraint (despite continuing risks to their safety).

June 29: Borough Presidents Adams and Brewer testify, along with other public officials, before the City Council Public Safety Committee on the Committee's proposed oversight provisions and requirements for the NYPD.

July 8: New York Governor Andrew Cuomo, after failing to get the State legislature to approve a special prosecutor to investigate police killings, uses his executive powers to name State Attorney General Eric Schneiderman to a one-year term as state special prosecutor; Schneiderman will have authority over all county district attorneys in cases where unarmed civilians have been killed by police in their jurisdiction.

July 9: Peter Zimroth, the Federal monitor appointed by the Federal Court to ensure NYPD compliance with the terms of the settlement in *Floyd*, issues his first report of "significant preliminary findings and observations."<sup>13</sup>

July 9: Missouri Governor Jay Nixon, in response to evidence that the Ferguson and other local police departments were profiling Black motorists and ticketing them excessively in order to raise revenue, signs a bill capping minor traffic violations at \$300 including court fees and limits such police department revenue to 12.5 percent of total annual fines.

July 13: After months of negotiation, NYC Comptroller Scott Stringer agrees to a \$5.9 million settlement with the Garner family over Eric Garner's death. Stringer tells *The New York Times* "Mr. Garner's death is a touchstone in our city's history and in the history of the entire nation."<sup>14</sup>

July 13: In Hempstead, Texas, 28-year-old Sandra Bland, a Black teacher, is found dead in her cell after being arrested on July 10th for a minor traffic violation. Her death is ruled "self-inflicted."

## 2015 (cont'd)

July 17: On the first anniversary of Garner's death; Mayor de Blasio attends a memorial service with the Garner family on Staten Island; in Manhattan, "Still Can't Breathe" protests over Garner's death lead to some arrests.

July 18: Garner protesters rally peacefully at Brooklyn Federal District Court to call for a federal probe into his death.

July 19: In Cincinnati, Ohio, 43-year-old Samuel Dubose, an unarmed, non-resisting, Black male, is shot to death by White campus Police Officer Ray Tensing while sitting in his car during a traffic stop.

*July 21: Third Manhattan police-community dialogue is held on the Lower East Side for 170 police officers and community residents.*

July 23: In Cleveland, supporters join the family of Tamir Rice by gathering at the Justice Center to present a petition with 60,000 signatures requesting that prosecutors take action against the police officers responsible for the death of their son; the investigation has been stalled since charges were first proposed June 3rd.

July 29: In Cincinnati, Officer Tensing is indicted in the killing of Samuel Dubose.

July 30: NYPD Inspector General Philip Eure issues a report calling for a one-year delay in the roll-out of police body cameras and further study before the issuance of guidelines for their use.

August 8: In Arlington, Texas, 19-year-old Christian Taylor, an unarmed, non-resisting, Black male, is shot and killed inside a car dealership at night by White Officer Brad Miller.

August 11: Officer Miller is fired "for exercising poor judgment" in the shooting of Christian Taylor.

August 11: California becomes the first state to ban the use of grand juries to indict police officers in cases involving the use of deadly force.

## 7. The Town Halls

“We as a nation have had the opportunity to learn a great deal about ourselves in the last ten years...We have seen cities go up in smoke as our citizens rioted... We have heard shocking reports of the thousands of Americans who are forced to live impoverished lives...in a nation that has immense resources. And we have heard thousands of complaints of police brutality in cities in the East to cities in the West. In fact, we have witnessed this brutality in person, in photographs or on television screens...We have experienced this violence and we have experienced much more that tells us that our country is in trouble, that we are faced with complex “social problems”...The awareness that problems exist between the police and public has inspired hundreds of studies and innumerable publications which attempt to analyze the situation...or initiate programs to solve the problems”...of police-community relations.<sup>1</sup>

These words, written for a study of police-community relations nearly 45 years ago, offer a sobering perspective of a year-long epic of police killings of unarmed Black males of all ages that took place in many communities across the United States from 2014-2015.

Each of these fatal encounters, following one after the other in an atmosphere of escalating violence and outrage, shocked the conscience of millions of citizens and frightened a great many more. They brought angry protest into the streets and drove the 24-hour news cycle for weeks at a time. Explanations for this turmoil overlook how deeply a sense of personal and cultural alienation, cumulative resentment of policing practices, in addition to long-term economic despair among Blacks and other racial minorities have negatively impacted police-community relations nationwide.

Just as in the racially-charged era of the 1960s and 1970s, competing demands for justice and law & order have once again re-emerged from the long shadow of our fraught racial history. The events of the past year have also exposed lingering mistrust and alienation between Black and White Americans who, in contrast to recent assertions of our nation as a "post-racial society," remain deeply segregated by color, culture, class, access to opportunity and housing, and by their unequal treatment at the hands of the police.<sup>2</sup>

These issues are familiar to New Yorkers, and the soul-searching that accompanies each generational spasm of racial protest is symptomatic of a chronic failure to: (1) address the nation’s unredeemed history of racial injustice; (2) recognize how it prejudices the way people of color and their communities are policed; and (3) understand why officers and residents in those communities and the city at large

have been unable to unite around a shared understanding of how they can and should cooperate, and how the police should serve and protect them.

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In the Winter of 2014-2-15, we undertook the town halls to hear from community voices on how to improve police-community relations. These voices only hinted at the experience of the millions of New Yorkers who live each day amid poverty, crime, and the overbearing scrutiny of the police. Efforts to address the crisis in police-community relations had to be based on a frank and constructive dialogue between the NYPD, its various oversight bodies, and the people of the city. There can only be genuine “community policing” when the community is allowed to shape the way it is policed. This requires that the NYPD, from its leadership to the rank-and-file, listen openly to the community’s needs, ideas, and is committed to working cooperatively. From Washington Heights to Brownsville, concerned residents seek to pursue the historically elusive goal of policing that both serves and protects the community, and also the lives of the police. The responsibility to achieve true “community policing” must be a shared one, as expressed by the nearly one-thousand participants in the town halls.

In December 2014, just as our planning for the town halls began and street protests intensified over the non-indictment of police officers in the killings of Garner and Brown, two New York City police officers, eating lunch in their patrol car, were executed by a career criminal from Baltimore, Ismaaiyl Abdullah Brinsley, motivated by a desire to avenge the deaths of Garner and Brown.<sup>3</sup>

The murder of the officers not only shocked the city, but also largely silenced the waves of protest that had filled the streets. However, it created an angry backlash from the city’s police unions, the NYPD rank-and-file and their supporters, including the tabloid press. Union leaders blamed Mayor Bill de Blasio for the murders. PBA President, Patrick Lynch infamously asserted that the Mayor had “blood on his hands” because of his support for nonviolent civil disobedience after the failure to indict in the Garner case. Police union officials encouraged their members to turn their backs on the Mayor during the two officers’ funerals; and former Police Commissioner Bernard Kerik accused those protesting Eric Garner’s murder, as well as their political supporters, of waging a “war on cops.”<sup>4</sup>

This poisonous atmosphere of grief, rage, blame, and unresolved grievance intensified when the police rank-and-file began an unofficial, but widely-documented, month-long slow-down in enforcement.<sup>5</sup> Their job action, ostensibly a response to the so-called “war on cops,” drew less than enthusiastic

support from the public, the media, and the Police Commissioner despite the widespread empathy generated by the murder of Officers Liu and Ramos.

While civilian protests over the non-indictments in the Garner and Brown cases, and police protests following the murders of Officers Wenjian Liu and Rafael Ramos occupied the headlines, our first Brooklyn town hall, while demonstrating a strong reservoir of good will and appreciation toward the police, mirrored the national debate over police practices. Specifically, speakers cited the NYPD programs known as “Broken Windows” policing and “stop and frisk” as having granted individual officers too much discretion in the way they speak and act toward those they stop, question, frisk, and arrest. Many speakers at each of the subsequent town halls complained that the police acted as though they were free to be hostile, abusive, and even violent toward residents without accountability.

These perceptions intensified during the Spring of 2015 with police killings in other cities of three more unarmed males of color – one biracial, and two African-Americans – and particularly with the outbreak of mass protests and riots in Baltimore with the death in April of Freddie Gray while in police custody. Just as the worst of the Baltimore unrest was winding down, the nation’s nine-month crucible of racially charged killings, protest, and lament seemed to climax with the shooting death of yet another NYPD officer, 25-year-old Brian Moore, on May 2nd in Brooklyn, leaving the city emotionally chastened.<sup>6</sup>

These episodes have forced New Yorkers to once again focus on: (1) why lethal force is so readily directed at people of color, and sometimes at the police who are asked to “serve and protect” our neighborhoods; (2) why communities of color and the poor remain so deeply alienated from the police upon whom they depend for help and safety; and (3) the perennial challenge of how to improve “community policing” practices that protect and serve the needs of the citizens as fully as they do the needs of the police.

Nearly one-thousand individuals participated in our town halls in Brooklyn and Manhattan, in addition to approximately 150 high school students in digital dialogues sponsored by Brooklyn Borough President Adams. Their testimony reveals how deeply the city’s people have been affected by these challenges; how much they want to repair the harm done by racial animus and the legacies of segregation; to know each other better; to correct mistaken or misapplied police practices; and to work with police officers who understand the racial, ethnic, cultural, and religious nature of the communities they police. Perhaps, the most fundamental recognition of our town halls is that we will only

permanently improve relations between the police and residents of the inner city through a deliberate effort to create mutual respect, trust, accountability, and commitment to each other's well-being. Along with these perceptions, the town halls revealed a widespread belief that the polarization between the police and the community can be overcome, and that there is surviving good will on both sides.

### **How the town halls were organized**

Although the Brooklyn and Manhattan borough presidents chose different formats for their town halls, they agreed that the sessions would be:

1. Located, to the greatest extent possible, in neutral, ADA-accessible spaces such as community centers, libraries, and other public buildings.
2. Widely advertised, and open to the general public, including students, spokespersons for community-based and religious organizations, civic groups, CBOs, representatives of local institutions, business owners and operators, local elected officials, police and other public safety officers, criminal justice professionals, and the press.
3. Focused on residents' experiences, and their views on "Broken Windows" policing and "stop and frisk," how to improve police-community relations, NYPD training and working conditions, and how to reform of the criminal justice system.
4. Conducted in an atmosphere of listening and speaking respectfully. This respect is especially important when we have to ask and answer hard questions about personal relationships, which is what the community wants.
5. Recorded and archived on audio, video, and print media.
6. Summarized in a published and widely disseminated report of findings and recommendations to be shared with the communities that participated.

### **Brooklyn**

Brooklyn chose for its format an open-mic, community speak-out moderated by Borough President Adams and Norman Siegel; they were usually joined by one or more local elected officials. Significant outreach was done through the Borough President's Office of Faith-Based and Clergy Initiatives, and all

members of the community were invited to participate. Attendance averaged 100, and included local clergy, community board and police precinct council members, retired police officers, representatives of community-based organizations, NYCHA residents, and a diverse cross-section of local residents.

The town halls began with brief statements about their purpose and format by Borough President Adams and Norman Siegel, and an invitation for all points of view to be expressed. A strong emphasis was placed on having individuals recount their interactions with the NYPD in the community, and on their constructive ideas for improving policing practices, training, and working conditions, on police-community relations, and criminal justice reform.

Each speaker was allotted approximately three minutes on a related subject or issue of their choice. In addition, audiences were polled several times during each town hall to gauge their overall agreement or disagreement on specific topics such as "broken windows" or "stop and frisk," on grand jury reform, and issues raised by individual speakers. The proceedings were video and audio recorded, and attendees were asked to fill out a form with their written questions, concerns, and contact information for follow-up; in addition, a staff member recorded a written summary of each speaker's remarks highlighting their experiences, primary concerns, and recommendations. These materials were archived and used in the preparation of the report, and lists of the specific recommendations developed at each session are included in this report.

### **The Brooklyn Town Halls: a testimony of harm, and how to heal it**

New York City neighborhoods and the NYPD are places where feelings, attitudes, and memories run deep. No one who looked into the eyes of the speakers in Brooklyn, or listened month after month to their testimony could misunderstand what was being said, or the anguish and hope of their voices when they spoke of the harm done by NYPD practices, and how it might be overcome.

We began with a commitment for all participants to listen and speak with respect. That respect is especially important when we have to ask and answer hard questions about personal relationships—which are what we hear the community wants with its police officers. To achieve such a thing on a citywide scale, an immense amount of work lies ahead. Some of it will be about righting real and perceived wrongs, but for the community to work closely with a revamped department and more neighborhood-centric officers, the people of Brooklyn's most-policed communities have a lot of their own work to do.

Since the concept of “community policing” emerged in the 1970s it has not been the civilian community, but law enforcement professionals in front line policing, academia, and criminal justice “think tanks” who have created and re-created it, designed its experiments, broadened its scope, and combined it, as in New York under the leadership of Commissioners Kelly and Bratton, with “Broken Windows” policing and CompStat.<sup>7</sup> There is little about community policing that law enforcement has not thought of or tried out somewhere with greater or lesser success, and that history is embodied in Commissioner Bratton’s latest iteration.

Thus when Brooklyn residents seek to have a voice in how they are policed, most of what they recommend- training, residency, mental health support, beat patrolling, more Community Affairs officers, crisis response teams, criminal justice diversion programs, youth sports and mentoring programs, classroom visits, a Citizen’s Police Academy, and police-resident socialization – is already deployed. On this score, the police have very little to learn from the community. What the town hall testimony revealed, however, is that the NYPD has a great deal to learn- if the department genuinely wants to- about how to make “neighborhood policing” more than another idea decreed from One Police Plaza and tried out on the residents of the city.

We found that most participants knew very little about the programs that are already in place. Some, like the Precinct Councils, are overlooked as a place for vital change, and others have been kept too small to leave a large imprint on people’s lives. Partly these limitations are due to generational change, and otherwise to the famously insular and compartmentalized nature of the NYPD. But just as important is that the department, except for its understaffed Community Affairs units and the often-moribund Precinct Councils, does far too little collaborative policing, particularly at the precinct level. But the community’s lack of knowledge about available programs, and thus its limited capacity to collaborate and improve its own prospects, can’t be laid at the door of the NYPD alone. If the communities of Brooklyn want the NYPD to act differently under “neighborhood policing” than they did under so-called community policing they will need to become much more organized, trained, outspoken, and determined to confront the issues in their own community as fully as those in the NYPD.

Speakers who advocated for particular initiatives- mental health Crisis Intervention Teams (CIT) to work with the police, Community Justice Courts to divert youths from jail, and Community-Youth Interaction Councils, for example- emphasized how desperately these types of programs need to be expanded. A registered nurse in East New York observed that officers should know where to refer people for mental health services, and should utilize the expertise of local nursing practitioners. Yet

while residents with professional skills repeatedly recommended these or other proven strategies – even the NYPD’s own – in order to save the lives of the mentally and emotionally disturbed and protect officers, they wondered if the department will be more willing than in the past to integrate its operations with civilians or non-law enforcement professionals. Several speakers noted that their community had high incidences of alcoholism and mental illness, and want officers who have more “mental health awareness” and much better training “to correctly assess (non-threatening) situations before acting.” At present, the NYPD lags behind other big city departments in using programs like CIT to limit its violent interactions with those who are disturbed.<sup>8</sup> Except for the “Ride Along” program and Citizen’s Police Academy that afford residents a chance to experience the world from the police point of view, the department has not embraced the community as a full partner in keeping the peace and working collaboratively on these complex problems, even when they involve life and death issues for residents and officers alike.

Speakers at every town hall lamented a lack of this type of collaboration, as well as what was imposed in its place. “Street policing procedures should be worked out with the community,” several said, and many of their suggestions were highly practical and based on experiences much deeper than that of most of the officers they encounter. “Officers should be rotated more often,” said a woman in East New York, “so they don’t always see a neighborhood at one time of the day or night- this sort of thing shapes expectations.” And another in Crown Heights wanted the department to work closely with the community on “pro-active, but constructive engagement with youth who commit quality of life offenses to stem more serious ones later.” And another at the same town hall wanted a program that would focus on youth who are the *victims* of gun violence. We got a clear sense that they are no longer willing to settle for “window dressing” but want a coordinated, systemic effort.

The alienation and mistrust we heard everywhere is due in part to how little time or effort most officers have been investing in knowing or caring about the people they are sworn to serve. Although some of O’Neill’s proposed reforms are meant to address this problem, the anguish of the community over its estrangement from the police is acute: “I’ve lived seven years in the neighborhood,” said a pastor. “I still don’t know the cops, and they don’t know anyone, or how to talk to people, or listen to them, or walk the streets. We are praying for them. They need to change their hearts.”

Many spoke to this. “Our community is a training ground for new cops,” said a man in East New York. “It’s where they learn to make quotas.” And: “Every few months the cops are replaced by rookies who don’t understand the neighborhood, can’t read the street.” Another said, “The police lack humanity, they

need cultural training.” “We need ‘stop and talk,’ not ‘stop and frisk,’” asserted a worker at Woodhull hospital who was concerned about the perceptions of his young son. “Why can’t they talk to us, get to know us?” Several spoke of the need to re-establish foot patrols, especially in NYCHA developments. “Occasional verticals are not enough. We need regular, comprehensive patrolling (by knowledgeable officers). When they knew the neighborhood, things were better.” And others had seen enough. “I’ve been coming to these meetings for years. But once you step outside, nothing changes.”

The big changes that the department has proposed will take time, and as mentioned above most participants in the town halls- including rank and file officers- were still unaware of the announced NYPD reforms or even the neighborhood policing pilot program set in motion by Bratton and O’Neill. Thus the hundreds of suggestions about how to improve policing were born of the community’s own experience. The testimony shows it has thought seriously about what needs to be done, and it understands its own problems all too well. As one Brooklyn speaker noted, “We know we have race issues. But the police wouldn’t be in our community if we didn’t have a safety problem.” And a second said, “We need to address our intra-community issues more than police issues. Our politicians don’t get involved with the community.” And a third: “We don’t see elected officials until a kid is down on the pavement.”

The police, too, believe that much that has gone wrong with community relations is not their fault. That so much of what is documented in this report aligns closely with the department’s stated goals is encouraging; over half the Brooklyn town hall participants, and a higher percentage of the Manhattan ones, spoke out because they want to help reform police conduct, improve collaboration, prevent further harm, and save lives. But that this motivated and often well-informed group- the very ones that the department should most want to work with- was unaware that most of their ideas had already been tried (or were about to be revived) speaks as much to the social isolation of the community as that of the police. If the department wants to create a new era for the NYPD by dramatically expanding “neighborhood policing” it will, in a sense, have to open itself to the community more fully than ever before- what several residents described as getting officers to “come out from behind the badge”- as a way of building trust between them. The authors of the report are aware that some of this, too, has been tried before. But for a department that has always sought recruits who by disposition and training prefer exercising unquestioned authority, finding enough personnel who can meld the qualities of the policeman, social worker, small town familiar, and trusted friend will be a major challenge. Without

them, the department's latest foray into "neighborhood policing" will likely fail like all the others to take the hyphen out of police-community relations.

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As the outcome of *Floyd* established, the NYPD's treatment of residents was not only often illegal. For many of those who testified, its illegality was a foregone conclusion. More telling was the memory of encounters with officers who were rude, insulting, and demeaning in their attitude; if their behavior was questioned, they quickly became menacing, too. Culturally licensed conduct like this may raise doubts about the wisdom of Chief O'Neill's announced plan to "push decision making and problem solving down to the ground level." We are aware that some feel that far too much control migrated to the top of the department during Commissioner Kelly's tenure, that a lot of smart, discretionary policing skills were de-emphasized, and control over the actions of the rank and file deteriorated.<sup>9</sup> But how wise would it be to grant more discretion to officers who know that they have a cultural if not policy license to abuse the people they have been assigned to "neighborhood police"? Or reassigning hundreds of officers who prefer a desk over patrol duty? As one officer reported, "when you put desk guys in the field they take out their resentment by issuing lots of summonses." Another officer mentioned that many of the police now on desk duty are there because they were unsuited to working the streets. Given such issues, granting a revamped patrol force more freedom to do as it sees fit is unlikely to produce the kind of change in police-community relations the department is seeking, and it reflects the magnitude of the challenge that Bratton and O'Neill have set for themselves.

That challenge was addressed in remarks by Susan Rahr, an advocate of "Guardian Policing," in her testimony to the President's Task Force on 21<sup>st</sup> Century Policing. She noted that "organizations can make great rules and policies...but behavior is more likely to conform to culture than to rules" if those rules conflict with the culture of policing.<sup>10</sup> One resident observed that the issue was cultural leadership: "Problems in the NYPD derive from a lack of courage in high positions- they won't hold officers accountable." Corroboration for this view came from a civilian who has worked in several precincts: "Training is lax. I've never seen so many accidents or such poor service to the community. The cops are very hostile." And an off-duty officer at the Bushwick-Bedford Stuyvesant forum was outspoken about the conduct of some officers: "The NYPD lacks transparency and integrity. Cops should give up their shield if they can't live up to their oath." And another retired officer told us, "The department doesn't have a training problem. It has an accountability problem."

Participants offered many suggestions for overcoming the influence of departmental culture. Most widely mentioned was training- not just for officers, but community members, too, and done collaboratively. Many who addressed this issue envisioned training that was shared. As one said, “racial stereotyping can only end with the training of the police in cultural nuances.” For the community, raising their voices on this issue was really about how to save lives. Here we sensed how a year of highly public police killings of unarmed Black men had brought a generation’s anguish to the surface. A resident of the “Pink Houses”- a crime-plagued NYCHA development where in November, 2014 Officer Peter Liang accidentally shot Akai Gurley in a darkened stairwell<sup>11</sup>- told us she had lost three sons to gun violence. And her story stood out among all the talk of police-community reform because it was so clear and heartfelt: we do not want to lose any more of our children.

The pervasive violence and alienation from the police afflicting these communities was reflected in recommendations about training that focused on preventive strategies controlled by the community. In this regard, several speakers alluded to “the conversation” that parents of Black children must have with them about how to deal with the inevitable stop by the police.<sup>12</sup> One person at the first town hall thought that the basic step in reducing cop-on-Black violence was “training people to deal with the police.” One parent spoke up to say “there is no instruction for kids in how to deal with (the) police when stopped,” and another was at her wit’s end because her young son “doesn’t understand why he’s being stopped when coming home from school, and must show identification.” Others emphasized the need for more neighborhood programs for youth to reduce (a turn to) violence, and “focusing on parents to teach children proper behavior.” “Elders in the community,” argued a pastor, “don’t speak to the young ones enough. Our young people lack self-esteem to deal with situations.” Another participant called for parent-child programs. “Parents are afraid (of their own kids),” she told us. “If we plan to save them, we need to bridge that gap.”

Residents see themselves caught between violent forces. “When the police feel unsafe, we’re not safe either,” said a man in East New York. “We feel the cops are out there to kill us,” added another. “We don’t feel safe,” a woman testified, “when we see White officers patrolling.” Another echoed her: “all these killings- we keep telling the police what we want, nothing changes.” And other residents, perhaps reflecting on the Garner and Brown cases or the reluctance to indict officers, told us they believe that “grand juries encourage cops to kill,” and that “unless there was reform the killings would continue.” Not everyone agreed. A speaker in East New York felt that the key was in the neighborhood: “Cops need to see themselves as part of the community – if so, they wouldn’t be so quick to pull a gun on their

neighbors.” And a mother from Bushwick saw the issue in a related way: “We need more foot patrols so parents can let their children stay outside after school.”

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Given the deep racial and class polarization of our society at large, and the nation's historical ambivalence about actual racial equality, it is wise to not be sanguine about the success of reforms that require such deep change. But many Brooklyn residents spoke of their openness to working with the police, albeit on an equal footing; for each one who scoffed at the promises of change there was a second who, despite knowing as much as the first about the burdens of being Black or Brown on New York's streets, had hewed from the bitterness of recent years a stone of hope.

Indeed, we found that although residents were outspoken about the injustice they endured as well as its historical antecedents, they shared with a majority of voices in the Manhattan town halls a conciliatory and constructive outlook, and like the new leadership of the department they are open to "change." But in imagining what has to be changed, we must be wary of adding one stereotype to another: those parents whose children have felt the glare of a racist officer, the lash of his words, or his anger at being driven by quotas from one unreasonable arrest to another must not be thought of, as so many New Yorkers think of those unlike them, as simply Black and Brown. Their experiences are individual, just like the harm done to them and the myriad stories they have to tell; and as the chants of protest were meant to remind us, their lives matter just as much as if the parents lamenting the criminalization and stolen hopes of their children lived not at the city's perceptual margins but around Central Park.

In striking contrast to the hostility and disaffection fostered by the NYPD's zero-tolerance regime, the department has continued to offer, albeit at a much lower level of commitment, a wide range of programs meant to foster respect and cooperation in all communities regardless of race or ethnicity. These efforts, touching thousands of individuals positively each year, include the dedicated and sensitive work of Community Affairs and Youth officers who embody the skills and disposition required to make “neighborhood policing” effective. There are programs of school classroom visits; various long-running youth programs sponsored by the Police Athletic League, the Summer Youth Police Academy, Law Enforcement Explorers, and Police Cadet Corps; neighborhood events associated with the annual National Night Out Against Crime; and, at the local level, neighborhood-watch efforts under the Civilian Observation Patrol program, opportunities for residents to attend in the Citizens Police Academy, the

“Ride Along” program, and that old stand-by of police-neighborhood cooperation, the Precinct Councils.<sup>13</sup>

A number of town hall participants cited their positive involvement in NYPD youth programs, their experience at the Citizens Police Academy, and participation in the Precinct Council. They reported that these experiences improved their personal relationship with the police, left them with a positive impression of individual officers they met and worked with, as well as a deepened understanding of the challenges that officers face in their work, their personal lives, careers, and in relating to the communities they police. Similar reactions to working more closely and positively with the community were mentioned by Community Affairs officers who participated in the Manhattan forums; these and other positive experiences between the police and community, and their implication for future efforts, are addressed in the recommendations portion of the report.

The NYPD programs that cultivate positive, trusting relationships and shared goals point not only to the profound difference in scale between their impact and that of the department's millions of “stops and frisks.” They also caused us to wonder how CompStat's data sets and detailed mapping led to so little positive, pro-active interaction with community organizations, leaders, and individual citizens who were already known to the NYPD from their participation in police-sponsored programs. Across the city residents want more access to programs that build friendlier relations between the police, children and youth. Speakers mentioned the need to establish early on in children's lives a two-way street of trust and understanding with officers, and to give young people “a way to talk to the police.” Several people wanted more classroom visits, and one felt that “dialogue between officers and students should be mandatory” in order to teach young people that “the police are not the enemy;” a resident originally from Nassau County spoke of the school “Adopt-a-Cop” programs that she remembered from her childhood; and a pastor felt that the clergy should be much more involved in outreach to youth.

At several town halls this thread led to discussion about the importance of a permanent, neutral setting for dialogue. In Manhattan, one participant referred to the importance such spaces in the sense of “Place Matters” – that an awareness of collective identity and purpose are strengthened when we create spaces that we can claim as our own. Many commented on the loss of community centers, along with activities in which police could meet kids. Now, said one speaker, “kids have to learn what the streets teach.” “We should not be investing in more cops,” argued one man, “we're already over-policed. What we need is education and infrastructure.” A woman agreed: “Right now, today, we need a safe place for children to

play. The hardest thing in the world is to be a child in New York. We need safe havens and dialogue with kids before they hit the street.”

A participant in Brooklyn’s first town hall recommended creating “Citizen Academies for youth,” and another proposed internships “where young people can learn what the police do.” “We need to build trust with our young Black men,” said a woman in Crown Heights, “and encourage them to join the NYPD.” Another thought that the hip-hop community could be mobilized to help improve police-community relations. “We need a place for our young people to speak as well,” offered a woman from Brownsville, “a Teenage Forum. The focus should be on them, they’re the ones being stopped and frisked.” One theme we heard running through all of these proposals is that only by empowering itself and managing its own resources can the community hope to hold the NYPD accountable or ensure that policing will be reformed.

On a parallel timeline to the more traditional Town Halls, Borough President Adams convened Digital Dialogues with schools across Brooklyn to engage young people in conversations about their interactions with the NYPD in their communities. Over the course of four months, Borough President Adams used Google Hangout to convene two digital dialogues with students from high schools across the borough, one dialogue from middle schools in the borough and a fourth dialogue with colleges located in Brooklyn. In collaboration with the Crown Heights Community Mediation Center and the New York Peace Institute, Borough President Adams created a teacher’s guide called “Voices of Our Youth: Police-Community Relations” to continue this conversation in classrooms across Brooklyn.

Each dialogue was facilitated by either Crown Heights Community Mediation Center or the New York Peace Institute, which led students in guided discussion about their experiences with the NYPD in their communities. Similarly to the traditional Town Halls, color-coded cards were used to gauge the temperature of students on a variety of issues including residency requirements and whether they believed that NYPD officers should be respectful of community members at all times.

A total of 13 schools participated in the dialogues representing all corners of Brooklyn. From Sunset Park to Marine Park students in public, charter, parochial and private schools, young people engaged in often difficult conversations that they would not have otherwise had without the unifying force of technology.

The schools that participated in the digital dialogues were:

Sunset Park High School  
Brooklyn Amity School  
Bishop Kearny High School  
Brooklyn Academy of Science and Environment  
Brooklyn Tech  
El Puente Academy for Peace and Justice  
Magen David Yeshiva High School  
Eagle Academy  
Mott Hall Bridges Academy  
The Upper Academy (MS 582)  
Brooklyn College  
St. Francis College  
Boricua College

The responses of students echoed the voices that were heard at the more traditional town halls, but they also provided a unique youth perspective on NYPD and community relations. Like the Town Halls, participants provided personal stories of their interactions with the NYPD as well as shared anecdotes of interactions of their family members, friends and/or neighbors.

Much like participants in the traditional town halls, young people were interested in seeing police officers living in the communities they served and officers that were respectful to community members. However, the conversations in the Digital Dialogues also focused on the need for officers to differentiate between “good” and “bad” students and the need for officers to be able to interact with young people in a more professional manner.

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The NYPD’s suite of community outreach and youth involvement initiatives matches up closely with the kinds of proposals we heard from the community. One principal challenge is building enough capacity to meet the scale of the requests for collaboration, and developing a positive working relationship with so many diverse communities where ties are now frayed. But at least, in exchanging its emphasis on zero-tolerance for one of maximum collaboration and shared responsibility, the department has a rare opportunity: at a time when crime is low it can commit significant resources to build a durable base of

partnerships with individuals and organizations, improve policing, and develop a cadre of officers who support these shared goals.

The community's input also focused heavily on the importance of department training and on support for officers that might improve the way communities are policed. Among the most common complaints echoing the decision in *Floyd*, is that officers "need better training in rights and responsibilities under the law," and one resident, reviving an idea from the Civil Rights era, recommended that it was citizens who needed to be trained in the law- perhaps to become, in effect, street-level constitutional lawyers in their own right. Others felt that if training was to be reformed it should be designed "to break down the siege and herd mentality embedded in police culture." In its stead would be an emphasis on training officers to engage in "a fair, ongoing conversation about accountability;" "teaching cops to be fair, honest, and respectful;" and discouraging "behavior that creates conflict and mistrust." One speaker suggested that training should include mandatory interactions with children like those from the communities that officers will police. In general, we heard a call for more "soft policing" skills, more holistic training in de-escalation and cultural sensitivity, and that the Academy should use community members and retired community affairs officers to train recruits in handling the racial and ethnic diversity and cultural nuances they will likely confront. One resident recommended that the community be shown the NYPD training videos because "they're learning brutality in class"; and another thought that videos on engagement and de-escalation should be shared because "it will teach us how we're going to be treated."

Many speakers addressed a perceived need for police officers to receive better psychological testing and evaluation. They felt that because officers are under such stress their performance standards should be changed to include annual re-evaluations of their mental and emotional fitness, and that they should receive regular therapy. Many agreed that if officers "had issues with the community" they should be sent for retraining. One important idea to cope with stress that emerged from the Brooklyn town halls is to give officers sabbaticals; "if teachers can have them, why not cops?" Polling of the audiences revealed almost unanimous agreement that psychological issues needed to be addressed, and that sabbaticals should be provided.

Participants also supported the idea of a residency requirement to ensure that officers are members of the community they police. Several ideas were proposed to induce officers to live where they work. A Brooklyn resident recommended a rewards system for officers who act respectfully toward the community, creating an incentive to improve behavior- for example, a mortgage deduction for living in

the city. Other speakers endorsed subsidized housing, and one resident suggested that local home owners could be paid a subsidy to rent apartments to officers who would serve in their neighborhood; that way a permanent housing stock be created which would remain “police housing” and, as officers moved on in their assignments, it would be made available to others (much like permanent military housing).

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Not all of those who spoke were easily forgiving of the past or concerned about better working conditions for the police. Some who spoke out expressed a belief that the NYPD profiled Black and Brown youth to deliberately cripple their future. “Broken Windows keeps Blacks from being productive citizens,” said one speaker. “We’re talking about systematic racism and slavery.” And another in Crown Heights also saw “Broken Windows” as “inherently racist,” and that “the way neighborhoods were chosen was racist- the focus on high crime neighborhoods was self-fulfilling.” That view has taken on new life over the past year, as the angry chants directed at the police last winter revealed, and it doesn’t seem likely to go away soon. A Bedford-Stuyvesant resident described race-based enforcement that focused on the smallest infractions, like Black pizza parlor employees being ticketed for loitering when they sat in chairs outside their workplace on a hot day. Still others saw racial animus in a starker light: “Police violence is focused on the Black community. It’s about the Black man.”

One middle-aged man talked about it a little differently: “The police are there to enforce social policy, not laws. They have an overseer mentality.” Another stood to say, “I try to live as a humble man, but cops have stopped me many times while driving home from church. What was the basis for stopping me?” And another said “Cops are trained to treat everyone as criminal.” And a woman added: “They act like bullies, judging and profiling.” A young man told of how he had been stopped and frisked many times, and added: “Wearing hoodies, pants down low, I was like an advertisement (to be stopped). But I changed the way I dressed and acted- I ‘manned up.’ But the cops didn’t- they treated me the same way.” One speaker saw the community’s role as a defensive one: “Everyone should be armed with a video camera or phone. We have to police the police.” Another recommended citizen observation posts to detect and report on the presence of the police.

Some of the complaints were directed at local conditions like those in the 75th precinct where, a generation ago, the corruption scandal investigated by the Mollen Commission took root.<sup>14</sup> Some who spoke felt that not much had changed. “The community has been trying to work with the 75th precinct,” a person testified, “but the cops treat the community badly.” And another remarked, “Trying to find a

good cop in the 7-5 is like looking for gold under Linden Boulevard.” And a resident of nearby Bushwick said he had “encountered many incidents of young people being beaten by police.” He had “seen home invasions without warrants, harassment of families if people object, the targeting of businesses with summonses, and illegal seizures of property.” A Crown Heights resident wanted to see “an end of threats and retaliation by cops when you make a complaint to the CCRB.” And an official at Woodhull Hospital reported: “I’ve seen them intrude into the hospital with drawn guns. Patients and staff are treated disrespectfully. It seems they’re not accountable to anyone- is it a problem with training? Leadership?”

Such perceptions were strengthened whenever officers displayed a personal antipathy toward norms of behavior in dress, decoration, taste in music, permissible speech, and patterns of socialization, and when officers used racially disparaging language. Participants in town halls reported this kind of personalized antagonism from officers because of how they were dressed, wore their hair, or otherwise signaled their cultural, racial, or personal identity- choices that officers made clear they disapproved of. Officers sometimes justified their stops of young individuals by claiming "gang signs" were on display. But while gang turfs and allegiances are a proven threat to public safety, and an important focus of enforcement, our town hall respondents expressed a very different interpretation of why they were stopped: unable to decode the cultural and personal preferences on display, officers felt free to interpret them as an implicit threat to public order (or their own notion of proper order), and therefore a license to disrespect people for who or what they were. A woman from Bedford Stuyvesant complained, “Just because of the way people dress doesn’t mean they’re criminals. I come out of my own house, cops stop me. I have a right to ask them: why are you stopping us?” And another resident pointed out that “the police need to know the faces of the community, and not just arrest the wrong person because of how they’re dressed.” Some of these encounters both reflect and reinforce cultural stereotypes; among them is the notion that people, including the police, *should* be disrespected because they are ‘ignorant.’” A Jamaican woman reported that a cop stopped to question her. One thing he wanted to know: “Is there TV in Jamaica?”

Ingrained hostility toward the police after twenty years of zero-tolerance policing was entirely predictable. Many studies have shown that tactics which indiscriminately target and criminalize minor infractions of rules and ordinances leave residents feeling that the police have created a climate of fear as harmful, and as resented, as that of crime itself. At our town halls Black parents as well as White bystanders described how benign behavior, like a 14-year-old walking alone to school for his Regents

exams, resulted in his being picked up for “truancy”; after he was brought to school by the police, neither the principal nor parents were informed. A mother who had recently moved her family to Park Slope from another state reported that her Black child had already been stopped numerous times without cause, and she was astonished at the aggression of the police. A White woman, also from Park Slope, reported that Black teens walking home together from class on a nice day attracted had attention from the police in a squad car who told them “to get out of (their own) neighborhood.” And another parent said that her 14-year-old son was often stopped and harassed while coming home from the library. Such disparities in treatment are not merely reprehensible; they create long-term harm to children and families, and thus to society. When the police single out individuals for harassment because, although they have done nothing wrong, they are the color of the "right" people to be singled out, then both trust and its analogue, cooperation, are damaged. Children and parents do not just "move on" from such incidents the way a patrol car moves on to its next stop; nor do communities readily forget when such treatment is endemic.

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The testimony we heard confirmed that the NYPD directed these tactics not only at minority youth. Many middle-aged and older, law-abiding adults were also caught up in the intense over-policing for quality of life violations and a pervasive atmosphere of police hostility- even, as some described it in our town halls, an attitude of predation.<sup>15</sup> As many residents at the town halls reported, walking to school or work, sitting at a bus stop, or driving home from church were all circumstances that regularly attracted the unwelcome attention of the police; stops, frisks, questioning, and searches of belongings routinely followed, rarely if ever with a basis in reasonable suspicion. Moreover, during such encounters officers often employed offensive language or a disparaging manner. An elderly pastor in Brooklyn reported that while driving with his wife he was stopped and asked where he had gotten such a nice car. “Are you a pimp?” the officer wanted to know. Such reports illuminate the highly personal nature of so-called "community policing," the risks to those who are policed when it goes astray, and inevitably to the police themselves.

To date there are hopeful signs that in addressing these issues the department intends to go even beyond the mandate of the federal monitor and Judge Scheindlin's prescriptions to embrace the spirit of her ruling: yes, it was unlawful to systematically violate the civil rights of Black and Brown New Yorkers for decades; but the deeper violation was moral. Not only does it harken back to the darkest crimes of our national past;<sup>16</sup> it endangers everything we have done as a people to repudiate and remedy that past.

These thoughts were much in the air during the spring as the litany of police killings continued to unfold, and a White supremacist claimed nine more Black lives at Mother Emmanuel Church in Charleston, South Carolina.<sup>17</sup> Viewing the harm from the NYPD's "stop and frisk" policy and the killing of Eric Garner as part and parcel of the same tragic history led several speakers to ask that the department offer some form of apology. When polled, most participants agreed with the premise of an apology. But no one proposed the form it should take, or how it might be conveyed to the millions who were affected. But whether or not such an apology is forthcoming, the people of Brooklyn and Manhattan have made clear that they want a police force that truly serves and protects them. To that end, at least, it would be good for the department to offer its hand. But there will come no new day in New York neighborhood policing unless the community is prepared to trust and accept it.

### **Manhattan: building respect and finding big, beautiful ideas**

At each of the Manhattan dialogues we convened roundtable conversations, where every table had at least one rank-and-file officer working within that community, a community member, a young person, a New York City Housing Authority (NYCHA) resident, and a resident facilitator, chosen because of his or her solid experience serving on Community Boards, in community-based organizations, in faith communities, or as a tenant leader. Each table also had a note-taker.

Participants were asked to introduce themselves and share what they hoped to get out of this dialogue, creating a comfortable, conversational space. Police officers then each shared why they decided to pursue policing as a profession. Community members and officers then reflected on the current state of police-community relations in that neighborhood and the ideal relationship they all wished to work toward. Participants were asked to brainstorm concrete policy reforms to help actualize their vision for a strong working relationship between community members and police officers.

Finally, everyone at the table shared their thoughts on the NYPD's many new initiatives aimed at reform, including piloting officer-worn body cameras, crisis intervention training for officers, the new neighborhood policing initiative, and the appointment of a special prosecutor in fatal police encounters. Each table identified someone to report out the highlights of their roundtable conversations. As ideas were shared, community members voiced their opinions and engaged in larger conversations, expressing support or opposition for each other's ideas.

The Manhattan dialogues differed from those in Brooklyn in several key respects:

1. Format: participants sat together in small discussion groups. Each group was facilitated by a community member, and participants had structured conversations to talk about the current state of police-community relations and ideas for systemic reform (facilitator guides included in appendix).
2. Police Participation: one or two rank and file officers joined each group, and high-ranking supervisors spoke briefly about their support for improving relations with the community, and lent their imprimatur to the participation of their officers in open dialogue
3. Demographics: sites were Washington Heights, East Harlem, and the Lower East Side/Chinatown where a majority or substantial minority of the participating residents was Latino; each of the dialogues also included a sizeable percentage of White and Black participants, and, in the Lower East Side session, Asians.

As in Brooklyn, the participating communities include long-time New Yorkers, many of whom have roots going back several generations. They have seen their neighborhoods through eras of rise, prime, and decline and revival, and through recent demographic shifts bringing large numbers of other races and ethnicities into what had been in recent decades predominately Dominican, Puerto Rican, and Asian communities. In particular, each went through periods of high crime and drug use, gang activity, property abandonment, deteriorated housing and poor schools- all the urban ills that poorer and working class neighborhoods face- into increasing prosperity. These are neighborhoods that know how they want and need to be policed, and they know good policing when they see it.

When, at the Lower East Side dialogue, the Manhattan South commander report that “the NYPD commitment to this event was total,” and Chief Morris told his participating rank and file that “officers should know who’s at the table with them,” (just as) “commanders should know their officers,” it is fair to say that the community had not heard such open talk about working together for a long time and that they were glad to have a seat at the table once again.

At the start of each Manhattan dialogue, Borough President Brewer and her staff urged the participants to speak frankly and respectfully about issues dividing the police and community. They were urged to use their collective experience and ideas to improve public and police safety, strengthen neighborhood capacity and targeted services, and establish close ties between community-based programs and

Community Affairs officers. For example, participants were charged with how best to reach young people or troubled families in order to reduce involvement with the criminal justice system; what police-community collaborations work best to keep those in their teens and twenties-historically the demographic most likely to go astray-from taking up with drugs or getting involved with gangs; what happens when people return to the community from prison; and how do we create real “neighborhood policing” in which the police and community know each other well, and share responsibility and accountability?

Goals like these gave the dialogues a strong sense of direction, an emphasis on practical, street-wise knowledge and solutions, and a way to come together around shared concerns. As a result, the tenor of what people said to each other was strikingly different than in the Brooklyn speak outs, while content skewed strongly toward a role for community-based organizations as a middle ground between residents and the police. However, as graphs of the respective concerns of Brooklyn and Manhattan New Yorkers show,<sup>18</sup> the harm created in predominately Latino communities by “Broken Windows,” intensive summoning and arrest, and the use of illegal “stop and frisk” parallels that of Brooklyn. It is significant that despite the differences in format and stated goals, and while openly welcoming the participation and commitment of the police, Manhattan raised its voice around many of the same issues with the recent era in policing. The primary difference, as noted above, was in structuring a response. These outcomes suggest that town halls in minority communities throughout the city would uncover similar issues, broaden constructive dialogue, and enable New Yorkers of all races to recognize shared problems, learn from each other, shape the way they are policed, and support systemic change.

At the opening dialogue in Washington Heights in early January, the dialogue focused on strategies for successful interactions, and lessons learned from the past. Chief O’Neill welcomed 135 participants gathered at round tables, and reiterated the support of the department to reform of its patrol and community policing practices. Local Council Member Ydanis Rodriguez, who grew up in the neighborhood, made his own appeal for help identifying kids with low language skills who would soon be “graduating to the streets.” And he asked: “how do we reach the older kids once they’re on the street? What should we be investing in?” One response was that “city agencies that work together on related problems should ‘cross market’ their work to the community”- an idea analogous to the “one stop” centers that provide help to those needing public assistance or opening a small business. A long-time community resident recalled that in years past officers, pastors, and social workers worked together to identify and engage such youths; “they worked with a family for a year. The results were good, and this

should be revived.” And another older resident pointed out that “officers should work with everybody- landlords, families and neighbors- when helping kids stay out of trouble.”

There was a lot of interest in how neighborhood policing could help kids go straight. Several respondents recalled their youth, and things that had worked in the past. One suggested a cultural festival to which police would be invited, share meals with residents, and had a fond memory of participating in a “dance off.” Another thought that police-neighborhood sports competitions should be revived- an idea that we heard from younger residents at all the Manhattan forums: “We used to have an annual basketball game with cops and kids on the same team,” he said. One officer suggested that the police “could stage physical fitness demos to show kids what it takes to be NYPD.” Others thought a little larger, recommending that NYPD put more dollars into kid sports, “use the schools and recreation centers as neutral spaces,” and several agreed that “more NYPD investment in programs, especially at a younger age, will yield positive results.” “Many youth aren’t aware of the programs that are out there,” said another man, (so) “the cops and the CBOs<sup>19</sup> should use social media to reach out.”

Using schools as centers for general contact between the police and children was controversial. One parent was adamant that “We should keep the cops out of our schools,” while another thought that “officers should be invited into the primary schools to talk about what the police do,” and “kids should be invited to join the Explorers Program.” An officer suggested that “there should be NYPD workshops at schools to do outreach to parents” and “to keep them informed about NYPD initiatives” (for young people). Other speakers turned the school conversation to more immediate issues. “School job fairs should be organized with the NYPD and other city agencies,” said one, and an officer thought that “high school kids could participate with officers in mock job interviews for NYPD jobs as a way to get positive feedback.” Other contributors saw the precinct station as a potential center for positive interaction. “We should invite kids and families into the precincts to talk through community issues,” said one. Someone else thought officers should get out of the precinct and “go regularly to youth, senior, and community centers.” Another recommended developing “peer talks where youths who had positive experiences with the police and NYPD programs can share them and act as mentors.” And when one person suggested “talk-backs like the workshops held to improve understanding between the NYPD and the trans-gender community,” another thought that the problems called for more: “Outside experts need to lead on-going dialogue and outreach between the NYPD and the community.” (These ideas sounded to us a little like the recommendations for therapeutic intervention we heard in Brooklyn). But a long-

time resident looked at it more directly: “The cops need to talk with (us)- the community has the answers.”

When the subject was the training and fitness of officers to do neighborhood policing, many spoke up. Above all, there was a strong desire for more Community Affairs officers. In response, one CA officer recommended that “they be required to have several years of patrol experience” before working in community affairs, and he estimated that up to ten other officers in his precinct would be interested in becoming CA officers “if they could be freed from patrol duty.” (This viewpoint aligns with the then-as-yet-to-be released Bratton-O’Neill plan for increasing the number of CA officers per precinct, and balancing the demands of patrol and “neighborhood policing.”) Residents had their own ideas of what would work best. One advocated “a twenty day training period in each precinct to orient officers on how to handle the community they’ll be dealing with.” Another recommended “identifying the interests of recent academy graduates, linking them up with communities, and assigning them to do the police work they desire”- a suggestion that goes to the heart of the challenge of trying to alter not only police procedures but the culture of policing itself. And several speakers spoke to increasing the age limit for admission to the Academy; there was a belief that this might improve the temperament and overall maturity of officers, attract those with broader life experience, more seasoned professionals, second-career adults, and older auxiliary officers who are used to patrolling the streets without a gun.

The dialogue in East Harlem, long a bastion of the Puerto Rican community and with a history of grassroots organizing and militancy since the Sixties, saw a return to many of the same themes as in predominately Dominican Washington Heights, but with a strong emphasis on the important role of community-based organizations. One participant advocated for the creation of “community investment boards” (CIBs)<sup>20</sup> that would “involve all community organizations to confront issues with policing.” He claimed that the existing Community Boards “don’t deal with parents (or) interactions with the police, (and) “CIBs would provide a more targeted way to deal with police-community relations.” A youth officer, who had grown up in the community, responded that the NYPD’s Community-Youth Interaction Councils “were working well in some precincts,” and another speaker mentioned that New York Civil Liberties Union had initiatives that were “improving cop-community relations at the individual officer level.” Others returned to the idea of a dedicated space for interactions. Many felt it should be a neutral space, or as was mentioned above, a kind of “Place Matters” setting that the police and community took personal ownership of together- so-called “cooperation sites” where “positive interactions, dialogue, exchanging ideas” could occur. In regard to paying for it, it was suggested that the community use the

new participatory budgeting process. Others thought that existing community-based organizations should receive more city funding to work on “organizing improvements in police-community relations.”

There was much discussion about the role of the individual officer. A man complained that “youth of color are commodities,” “they’re being exploited,” and “we’re portraying them as criminals.” And a woman added that “cultural and racial perceptions (by the police) often lead to interventions that escalate and polarize situations needlessly.” One speaker complained that their community “should not be occupied as if by a paramilitary force,” and another mentioned that where gangs are a problem, “when officers speak to crews they should do so with dignity and integrity.” Others disagreed, saying “it was almost impossible to get ‘gang bangers’ into dialogue,” and that police “should focus on outreach to teens and mothers.” The strongest expression of racial animus we heard in Manhattan came from a man who asserted that residents should be given “CPR” training because “the police won’t perform CPR on Black and Hispanic people.” But in strong contrast to the frequent testimonies about racist and abusive behavior by officers in Brooklyn, such comments were rare. Whether this is due to racial disparities in the NYPD’s treatment of Black and Brown communities respectively, or if it reflects police issues or leadership at the precinct level, or simply mirrors differences in the audiences that attended the town halls in each borough, we cannot say. But in general we heard little in the voices of Manhattan like the anguish of those in Brooklyn, and little of the anger and sometimes despair that the Black communities in East New York, Brownsville, and other neighborhoods expressed so powerfully. One exception came from a man who spoke out in East Harlem against the apparent habit of the police to shoot to kill rather than to wound. Many at the dialogue seemed surprised to learn from an officer that the practice of “shooting to (body) mass” (rather than at the extremities) was codified in national norms.

When the subject turned to training, there was wide agreement with Brooklyn residents about the urgent need to reform it. Participants in East Harlem and the Lower East Side both emphasized that those changes required community members as well as the police to prepare officers to work in communities of color or distinct ethnicity. “De-escalation training” came up repeatedly, along with “teaching kids how cops will react in certain situations,” and why “changing kids’ attitudes will lead to less police encounters.” These views reflect a perception across minority communities citywide that during the “stop and frisk” era the NYPD has been excessively aggressive and provocative in their interactions with people of color. One Lower East Side participant who worked with youth remarked, “It’s very hard under present circumstances to get our kids to trust the police.” She added, “Kids know they will be treated unfairly. The question is: can we create a system that they’ll trust?” A teacher told officers that

“we need to get cops to talk to and get to know (our) kids. Knowing a kid’s name makes all the difference in winning their trust.”

There were laments that “things were better in the old days when officers knew (us) better,” and that “it was best if cops come from the community they police.” Several agreed that in “those days” the residents “knew each other better, there was more unity”- a reflection of powerful generational and demographic change- and this perception led to a remark that East Harlem “needed a more unified voice” to do outreach to the NYPD; “it is our responsibility to take back our community self-awareness.” A man added that “we need to renew the idea of the police as ‘of’ our community, not just in it,” and a Lower East Sider observed that “the cops are serving as ‘the other adult’ in the community.” Another said: “we need to do better than ‘police-community relations’- we need to welcome the police into membership in our community.”

A Community Affairs officer related that “the Academy shapes recruits’ ideas about what officers are, and what they should do. We need more community-based training.” Another pointed out that for neighborhood policing, “policies need to adapt to changing circumstances.” And an officer on the Lower East Side remarked that most important issue was diversity training, and various ideas were proposed for co-training, such as joint “sensitivity training” with residents, including, said an officer, “the need to remind people why we do this work.” A woman officer on the Lower East Side pointed out that “officers are sensitive to negative stereotyping” and “troubled that people don’t understand where cops are coming from.” When a participant objected to the idea that the public was stereotyping the police, a man spoke up to say “We are all responsible for undoing stereotypes, and for calling them out.” Another officer, who believed that the police “should have compassion, a shoulder, for troubled individuals,” emphasized that “part of our job is protecting people who have trouble protecting themselves.”

The theme of building mutual respect often emerged, with a participant suggesting- as we also heard in Brooklyn- that officers should “mentor youth in the law” and “on how to approach the police,” because the police “need to be good role models.” (And we would add, competent lawyers as well, or at least properly trained to know the laws that they, too, are required to obey). Others suggested cop-on-kid mentoring, and on the Lower East Side the emphasis was on making sure officers have community service training- an idea that had arisen in Brooklyn, too, around the idea of offering paid sabbaticals that included work in a community-based organization. Several speakers in East Harlem and the Lower East Side forums emphasized that community-based organizations should be at the center of these interactions. But an officer emphasized that the key to neighborhood policing was “resident-police

activities with youth in order to build bridges. The payoff,” he said, “was later,” but a successful relationship required officers “who can separate themselves from the badge.” And a resident echoed this: “police should be willing to meet the community without the badge,” he said, and there was general agreement with the idea of “a stronger police presence but closer relationship.” As one resident said, “we all need to get out of our uniforms.”

There were many suggestions from the residents about what they could do individually. One woman said that people should invite officers into their kitchens for “some table talk,” another described it as “dynamic conversations in our homes,” and, in an echo of the structured dialogues around diversity issues recommended in the Washington Heights forum, one resident thought the way to move past the alienation of police and communities was to foster “skilled conversations” and “intimate dialogues that delve into and uncover histories in order to move past them.” Others wanted more direct, “casual interactions,” and still others were for “de-emphasizing the number of police, but inviting officers to participate in positive community activities.” On the Lower East Side, a resident thought that just having officers “spend more down time in the neighborhood” would help. Another suggested returning to an older idea of the annual precinct dinner in which the community could thank officers for their service.

Several officers expressed reservations about working too closely. One said there was fear that “close relationships with residents would result in interference with an officers’ judgment,” perhaps at a critical moment, and another pointed out the challenge of “bridging the gap between “hello policing” and “reforming the way we handle perps”- a difficult task that we believe will require extensive training and experiment, and will pose one of the biggest challenges to getting the rank and file on board with “neighborhood policing.” But one officer in East Harlem pointed out that for community affairs “you should work in the community a long time. You get to know who you can trust, who’s really a problem, who’s not.” On the Lower East Side an officer remarked that “the NYPD needs less careerism and more long-term focus.”

In terms of specific policing practices, East Harlem and Lower East Side residents and CBO members echoed the call in Brooklyn for new ways for the police to cope with those who are mentally and emotionally disturbed. There was agreement on the need for more facilities, but also that better street treatment depended on reforms in training. Crisis Intervention Teams<sup>21</sup> were suggested to ensure that “disturbed individuals can be taken to assessment centers, not hospitals or jail.” And speakers at all the Manhattan forums, like those in Brooklyn, wanted law enforcement to “decriminalize quality of life offenses.” If necessary, “individuals should be diverted to public health centers or community based

organizations, as in other parts of the country.” A Lower East Side participant said that “this approach should be built into community-police relations in order to catch problems earlier,” and another wanted “a 2-3 year pilot program to assess improved outcomes.”

Both officers and residents offered suggestions for raising the positive profile of the police, and there was general agreement that much more could and should be done. In addition to “reminding people why officers do this work,” as noted above, a representative of a CBO suggested that a “neutral” source, like an elected official or the Community Board, could be a “trusted partner” for hosting a paper or electronic site that reported on police work with the community. Another participant suggested a newsletter to be published jointly with youth, and that “each precinct have a ‘call desk’ that would provide better communication about police services.” And as in Brooklyn, participants at all three Manhattan forums remarked on the unfriendly atmosphere of the precinct houses; residents agreed that many people were “reluctant, even afraid,” to enter them, limiting their usefulness as sites for neighborhood policing efforts to engage the community.

Finally, recommendations to improve policing and criminal justice match up closely with those offered by the residents of Brooklyn. These include: “reducing statistics-based policing in favor of more quality policing,” and “changing the focus of NYPD line officers, supervisors, and managers” in order to do so. A social worker on the Lower East Side advocated for new protocols for officers to deal with parolees. “They are not criminals,” he said, “and the police shouldn’t see them that way. They did their time, and officers need to see them as just trying to get on with their lives.” In response, another speaker suggested a database at the local precinct that would identify parolees so that neighborhood policing officers would know them if they were ever stopped. Another social worker said that police needed a similar approach to understanding what resources are available for dealing with truants (other than arrest). And several participants who work in community centers want the police to help develop an alert system to notify them about dangerous situations unfolding in the neighborhood. They don’t want to dismiss children to go home until the streets are safe. It was suggested that the alert could be an app for teachers and administrators that is linked to the city’s notification system. Other key recommendations offered by participants on the Lower East Side had also been strongly supported in Brooklyn. These include “yes” to a special prosecutor, as well as “expanding his/her authority to include all parts of the criminal justice system, not just cases of police killings;” other speakers said that the prosecutor should not be the State Attorney General, or suggested “trying it for a year, and if it works then extend and expand its powers.”

Among the voices calling for a sympathetic and effective neighborhood police force, one we heard at our last town hall spoke to the city's recent struggle to overcome racial and cultural animus in police practices, and about the subtle bonds of trust that let us live among neighbors and strangers alike. "The law," a man rose to say, "should not be applied in Black and White. The gray areas are where more personal and positive interactions can occur."

## **Manhattan**

### **Findings:**

- While our dialogues made clear that police officers and community members have a shared interest in keeping communities safe, they also revealed an inherent tension because officers mostly did not live in the communities they police (even though at least 50% of NYPD officers do live in New York City).
- It was alarming to discover that even in communities where the relationship between officers and community members was seen as collaborative, young people largely described feeling intense fear and discomfort around police officers, saying they were hesitant to call the police even in emergencies.
- While community members were hopeful about some of the reforms the NYPD recently initiated, they expressed concerns about the lack of information, transparency, and community engagement during the planning stages of these programs. It was disconcerting to discover that many of the rank-and-file officers participating in our dialogues were not familiar with the NYPD's new programs. If the department is seriously looking to bring about deep-seated change, it needs to clearly communicate both the procedures and goals of any new initiatives to the officers patrolling neighborhood streets.

### **Recommendations:**

From the dozens of ideas presented at our dialogues, we discerned four key themes where work is needed to help recognize community members as equal partners in establishing public safety: eligibility, increased accountability, training, and transparency in the department.

## Eligibility:

### **Increase eligibility age to take the Police Officer Entrance Examination to 45**

Currently, New Yorkers over the age of 35 are ineligible to take the Police Officer Entrance Examination. At our dialogues, we heard from many teachers, youth workers, and community organizers who had years of experience working with marginalized groups and were interested in a career transition into law enforcement—only they were older than 35 and thus ineligible to take the Police Officer Entrance Examination. The department should value the life experiences of those who are older than 35 and increase the age limit to 45.

### **Create a career ladder for auxiliary police officers into Department**

- Auxiliary Police assist the Department in non-enforcement and non-hazardous duties by patrolling neighborhoods, subway stations, and large-scale events. Because auxiliary officers regularly engage with communities in a positive way, the Department should create an opportunity ladder for these officers to join the department as uniform officers.

## Accountability:

### **Assign a Special Prosecutor for cases of fatal police encounters**

- In all three dialogues participants cited the need for independent investigation in cases of fatal police-civilian encounters. An independent special prosecutor should be given power to investigate all police-related deaths, regardless of circumstance.

### **Utilize early intervention systems to monitor officers' performance and behavior**

- Data should be collected to monitor officers' performance and the quality of their everyday interactions with New Yorkers so that early interventions can be administered as soon as patterns of aggressiveness, the use of force, or prejudice are identified. Problematic encounters should be treated as teaching opportunities with an emphasis on changing officer behavior.

### **Create an accountability-driven culture in the NYPD**

- While many City agencies are tasked with providing NYPD oversight, the department itself needs to greatly improve self-monitoring of its officers and practices. If the Department is

serious about rebuilding police-community trust it must create a culture where neither the abuse of power nor the violation of department policy is tolerated.

- Using recent events as an example, while the Department banned the use of chokeholds in 1994, CCRB data show that thousands of complaints have been filed over the past 20 years against officers for using chokeholds. If the department had enforced its chokehold policy and held officers accountable in the Eric Garner case, there would not have been the community backlash we saw in late 2014. The NYPD must become an accountability-driven agency, where officers and superiors all operate with integrity and commitment to holding themselves, each other, and the agency as a whole accountable.

### **Create meaningful community engagement and oversight mechanisms**

- While the department's new Neighborhood Policing initiative emphasizes community engagement and the value of relationships, participants at our roundtables emphasized that non-confrontational everyday interactions with police officers were essential to changing the culture of policing. Community members also noted that community engagement is a two-way street: while officers should be respectful and friendly to community members, community members should also welcome officers into their communities. As such, community engagement should be a required component of the job, and quantitative parameters should be set requiring officers to attend a number of community meetings and neighborhood events each month. Some ideas for officer-community engagement included:
  - Officers visiting schools and teaching civics classes
  - Utilizing the precinct as a community space with access to computers and Wi-Fi for young people
  - Hosting Open Houses at precincts (in similar manner to the recent Open Houses sponsored by the Fire Department of New York/FDNY)
  - Ensuring that officers on front desk are apprised of all events that precinct is sponsoring (i.e. a block party or basketball game)
  - Connecting constituents calling precincts to Community Affairs officers in a user-friendly manner
  - Organizing regular sports events with the community
  - Hosting block parties

- Attending Community Board meetings
- Doing specialized outreach about the Citizen’s Police Academy Program in youth communities and creating a mechanism for participants to share their knowledge.

- **A simple hello goes a long way**

## Training

### **Require officers to engage in ongoing anti-racism training**

- The Department should provide ongoing anti-racism training for the entire department that is interactive and applicable to officers’ daily duties.

### **Make de-escalation the norm as a matter of practice in NYPD encounters**

- While NYPD training data was unavailable, according to a recent Police Executive Research Forum survey of 281 police agencies, the average young officer receives 58 hours of firearms training, 49 hours of defensive tactical training, and only eight hours of de-escalation training. The NYPD should re-train officers on utilizing de-escalation tactics and de-emphasize the injurious and fatal use of force. Officers should also receive training in mental health, youth development, and community engagement.<sup>22</sup>

## Transparency

### **Require the NYPD to issue quarterly public reports detailing officers’ use of force by precinct and area of deployment**

- The NYPD should make available accurate data on officers’ use of force, where officers with the highest number of substantiated CCRB complaints are deployed, and which officers have pending police brutality lawsuits against them. This data should be openly shared with the community at Community Precinct Council meetings.

### **Require the NYPD to issue quarterly public reports detailing officers’ use of force as they related to quality-of-life crimes**

- The NYPD should make available accurate data on officers’ use of force as they related to quality-of-life crimes. We heard countless stories of low-level incidents resulting in the use of physical force.

## 8. Last Reflections

Eric Garner left home in July of last year for another day at his regular spot on Bay Street in Tompkinsville, maybe to do a little business selling bootleg cigarettes, but otherwise just to keep an eye on his turf. Within a few hours he was dead, and that death would have likely gone, in Stapleton's legacy of shortened lives, without much notice – except for the videotape. Its remarkable footage became a banner to which first just one or two, and then hundreds and thousands, began to flock. When a couple of weeks later the image of Eric Garner was coupled with that of Michael Brown the protests over police violence got angrier, and, in some cases, vivid with racial hate speech directed at the rank and file of the NYPD. As one Community Affairs officer told us after enduring that abuse, “I spent ten years being depressed about how terrible people are to one another. Now I'm depressed about how terrible they are to me.”<sup>1</sup>

The virulent animus he describes and the volatility of the “flash-mob protests” were intensified by mass media and social media alike. As the images poured in from Ferguson, Missouri, or the streets of New York City and other cities, it was hard to avoid the impression that policing and those it most aggressively policed were very much alike across America. People saw in far-away communities the faces of their neighbors and children; saw rage and anguish like their own; heard the cadence of their own chants for justice; and anyone, of any race or any soul, could sense that the stories of those shot dead were very close to home.

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That suddenly-opened window into the nation's collective pain and often hidden injustice hurt our hearts, and not just over the issues of “community policing.” We saw the still-unredeemed promise of equal treatment under the law which, a half-century ago, Blacks and Whites together rose up to reaffirm as the central tenet of our national ideals. The gap between those hopes and ideals and the reality of racial bias is littered with lost lives, but it is also a space where hope arises. The first of such hopes is an end to racial hostility. After that comes the dream of equal justice and its dignity under the law, and then an end to the lesser education, employment, income, housing, and health care that always segregate the poor, but particularly millions of people of color, from mainstream American life.

During our lifetime, thousands of studies, reports, veritable libraries of books, and vast public and private resources have been marshalled to address every aspect of racial inequality. Those years have also seen our country become the most diverse of nations. Yet, the remarkable capacity of our society to

embrace people of every origin and belief has left unresolved the legacy and ever-present fact of racial tension between White Americans and those who live in communities of color. Although that tension, and the economic and social inequality of the “two Americas” is undisputed, nowhere is it expressed more clearly than in the different way White people and people of color are policed. It was this disparity that the shocking video made indelible: the treatment of people of color by the police is not, as in some other aspects of American life, separate but equal. To watch the way the police surrounded and killed Mr. Garner in broad daylight on a main street, although he was not wanted on a warrant or for questioning, had no weapon, and posed no threat, was to see the very image of police violence against people of color. Indeed, it became a metaphor for how policing continues to embody our history of unequal justice, and it raised a disturbing question: what kind of social license permits this sort of justice? Surely this is not what we mean when we agree that the police are authorized to use lethal force, or that their actions must be justified by a reasonable fear for their safety.

The protests and rioting that soon followed confronted us with other images. These too had their marvel, and they led many ordinary people as well as law enforcement professionals to ask: how did the Ferguson, Missouri police let a few hundred protestors in a small town flare things into an international incident? And why were those same police deploying military-grade weapons, including an armored personnel carrier, and allowing individual officers to point loaded assault and sniper rifles at the unarmed protestors who taunted them?

The appearance of that weaponry provoked other questions. How had a small, local police force become militarized? Who trained them to deploy battlefield weapons, or to aim automatic rifles at people they had no justification to shoot? It was a moment that illuminated the increasingly shadowy line between our police and military institutions, and the traditional separation of their moral and legal authority: on one hand, a duty to serve and protect, to act as peacekeepers, and bring justice to lawbreakers; on the other, a mandate to defend the nation from foreign enemies and to defeat them by any means necessary. For residents of a small town engaged in both lawful and unlawful protest over a perceived unjust killing by the police, and further inflamed by decades of racial profiling at the hands of those police, it was not hard to notice that issues different than racism seemed to be in play, including how civil disobedience was being treated like a threat to be suppressed by overwhelming force. Although cooler heads and wiser police leadership defused the situation, even the President was forced to explain how and why our government has granted local police the tools – and by implication, the discretion – to become

destroyers of life on a military scale, as opposed to peers hired to serve and protect us, even from ourselves, and at all times to use violence sparingly and only as a last resort.<sup>2</sup>

A different set of images, showing residents taking to the streets in lawful and organized protest in Ferguson, Cleveland, Madison, Baltimore, New York, and other cities in the aftermath of police killings, evoked for some of us the effort made long ago by Dr. Martin Luther King, Jr. and the leaders of the civil rights movement to take their struggle for racial equality out of the Deep South. They hoped for a united Black and White America marching in the streets of every town and city. Murder ended that and many other dreams, and left race as our great, unresolved divider. However, those images coming in from everywhere revealed that communities had in fact united around a common crisis, and were once more in the streets demanding justice as Dr. King had sought to do a half-century ago.

Regardless of race it became very hard, as the police shootings of unarmed Blacks followed each other during 2014, to deny that a pattern of White authority putting Black lives at risk had emerged. Once, in a very different, long ago America, that sort of thing could be done with impunity. Here were images not only of wrongful acts but of communities once again insisting that there must be an end to racial bias in policing. The cry in the streets this time was “Black Lives Matter.”

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Each of the principal authors of this report has a history of joining in lawful protests, from the Civil Rights Era to today. Moreover, each of us has dedicated a lifetime of professional service to creating a more just society. In New York City, this has often meant working in concert with, and sometimes in opposition to, the actions of the police and the criminal justice system. It has also taught us to respect the challenges faced by the NYPD and the tremendous commitment of its personnel to keeping the city safe for all New Yorkers. Since at least the mayoralty of Ed Koch, mayors and police commissioners have been outspoken in their abhorrence of those who commit crimes involving racial, ethnic, religious, or gender bias, and they have insisted that the city must be governed (and guided) by the better angels of its nature.

Those who would be the mayor or police commissioner of New York City agree to govern a city of immense and complex diversity where people of all persuasions continue to seek shelter, are unabashed about expressing themselves openly, and who often stay here to work for justice as they see it. Conflicts of ideals and temperaments here are inevitable, and our shared sense of New York as a city of open arms has always come with a large asterisk: like it or not, you will have to rub elbows with others who you

might have been free to avoid, hate, or loathe elsewhere. As a result, most of us learn to accept that our own lives cannot – and should not – be lived safely at the expense of others, for as we saw last winter, this threatens everyone – including the lives of residents and police officers alike.

The necessary yet often uncomfortable embrace of others as our rightful equals has produced some clarifying moments in difficult times: Mayor Rudy Giuliani's declaration on the day after 9/11 that there would be no vigilante retribution in *his* city; the outspoken defense by Mayor Michael Bloomberg of the proposed Muslim cultural center near Ground Zero in 2010; and, most recently, New York City marking the anniversary of the Stonewall riots in 1969 with an official acceptance of gay rights as fundamentally human and American.<sup>3</sup>

Hate and discrimination have continued to have their day, of course, as random attacks on gays and lesbians, Muslims, Jews, turbaned Sikhs, and immigrants of any kind, but mostly those of color, still regularly recur. Each such act is a wound to the city's psyche: to our trust, the neighbors with whom we share it, and the hopes we bring each day. In the aftermath, each of us is responsible for healing these wounds. So it was that we resolved, because of our love of New York City, our belief in its future, and in our role as elected and civic leaders, to insist that the work of repairing police-community relations must acknowledge two compelling narratives: the NYPD's unquestioned success in reducing crime to record lows and making even the city's most dangerous neighborhoods much safer than they were when the current era of policing began two decades ago; and the harm the NYPD's campaign has inflicted on our city's poorest and most racially segregated neighborhoods of color through a strategy of harassment, intimidation, and unjust criminalization colored by racial animus.

This harm was wrong, but it also concealed a perplexing irony. While keeping crime low and accumulating its strong record on behalf of victims of every sort of hostility, the NYPD was revealed to have been systematically engaged in its own campaign of biased acts. Not only has this revelation put the Department and its rank-and-file under a cloud; but it also led to the appointment of a federal monitor, and ended the illusion that New Yorkers could enjoy "the safest big city in America" without noticing that it had been achieved at the expense of the civil and moral rights of millions of innocent people of color.

Most of those who went into the streets in the Fall of 2014 after the killing of Eric Garner must be understood in this light: in disrupting the peace and status quo they were insisting that something basic in our social contract had been violated. After all, we believe that in New York City each of us should be

able to live without being persecuted because of who or what we are. We are proud of the NYPD when it upholds that belief, just as we are of the City when we are treated fairly by neighbors and strangers alike. Yet, for many ordinary New Yorkers, this is where the death of Eric Garner came into focus: he had been singled out for who he was. He had been assaulted, killed, and his death, although separated in circumstance from other police killings of unarmed Black men across the nation, could no longer be understood – or accepted – as an isolated act.

For those who suffer, and those who care deeply, it is easy to despair over the inability of our country to escape not only a historical legacy of colonization and enslavement, but, for much of the 20<sup>th</sup> Century, the segregation, criminalization, and racial prejudice that Whites imposed on people of color. That volatile and shameful legacy shapes all of us, but particularly the lives of those who remain afflicted by prejudice. For them, and for those whose conscience and historical memory are sufficiently alive, the darkest crimes of the past are rekindled when those in authority discriminate against, racially profile, and disproportionately kill Black Americans and other people of color.

No matter where we live or what social privileges we enjoy, there is no moral shelter when that shadow of our national past is reawakened. The mostly young and otherwise idealistic, angry, or outspoken voices heard in the streets during 2014-15 were not only protesting against the wrong they saw in Eric Garner's death or the racial hostility that has apparently pervaded the actions of the NYPD. They were once again insisting on an end to these kinds of injustices being perpetrated in their own name or that of our city and nation. We stand with them to insist on policing that does not require or invite the homicide of unarmed persons for allegedly selling a few illegal cigarettes. We want those who act out of racial or other biases and those who empower them to be held accountable. Like the generation that marched in racial solidarity for civil rights much of a lifetime ago, most New Yorkers who took to the streets in 2014 and those who spoke at our town halls are calling on everyone of good moral conscience- and particularly the police – to once more stand together on the right side of our racial and cultural history.

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It will not be easy, and we could not help but wonder, in listening to the voices of the past year, if the NYPD grasps the breadth of the fear, mistrust, and resentment sown by its policies. That earned animus is bad for the police. It nurtures its own stereotypes, and we found that it had become all too easy for some residents to say that the behavior of officers was not just due to profiling – a technique that many, having lived with crime, could at least understand. It seemed too virulent to be just profiling.

The Department's announced reforms, which appear to be sophisticated and well-intentioned, will put officers on the front line of mending past harms and creating a new era in policing. If trained and motivated to be true "neighborhood police" officers, they should be able to forge strong local ties a little at a time. As Bratton's and O'Neill's initiative unfolds from pilot projects into precincts citywide,<sup>4</sup> much of what the community says it wants in policing raises a decades-old question: can the "neighborhood police" be both law enforcement officers and social workers? Addressing this is critical, because we heard in the town halls that our communities want more than just "policing." They want officers who belong to them, or, as the long-ago Newark experiment revealed, who are perceived as sharing the same goals and attitudes as the community.<sup>5</sup> Thus the success of the "neighborhood policing" plan will depend not only on how well officers read the street, but how well-informed they are about local resources that can help them steer people (and themselves) out of trouble: mental health referrals, legal assistance, family mediation, counseling and mentoring, child-support services, delinquency, after school programs, and internships – the vital fabric of services upon which so many New Yorkers rely.

As everyone who works with trouble soon understands, success in reaching troubled individuals or families is not only about referrals. Officers will need to learn where the local levers are: which leaders can be relied on, who solves problems, and where you go to get an honest opinion about anything. What's the history of those summer basketball leagues? Who funds them and runs them, and can they handle police participation? What are the politics behind the various service agencies? What are the cultural boundaries around the community gardens? Why are certain murals valued for their art or their memories, and who's invested in them? Who can take in a wayward kid? Who might hire someone just out of prison? Or how about a way to persuade a reluctant vendor to relocate?

For a neighborhood cop, a lot will boil down to those eternal New York questions: how good are your instincts, and how do you know who to call? And just on the subject of getting to know people, residents will often be wary about talking to the police; as we heard, a lot of them have histories with the criminal justice system, and in some neighborhoods it's not healthy to get noticed as someone who talks with the police; for residents and officers alike, lives can depend on learning this sort of discretion.

All of which is to say, that the life of the city is felt and lived at a very fine scale. As any long-term resident can attest, learning to read the tea leaves of each of the neighborhoods that make up a precinct or political boundary like Washington Heights or Bedford-Stuyvesant takes years. Arguably, the key to authentic "neighborhood policing" is cultural and racial literacy. Regrettably, acquiring that literacy as

well as trust with those who are policed has, for a long time, not been high up in the priorities of the NYPD. For residents and officers alike, the way the police are viewed may be among the hardest things to change. As noted above, people don't just "move on" from the harm that has been done to them or from their acquired understanding about how the world is organized toward them, or why. Nor can the emotional and psychological memory of animus be recast like the terms of a policy paper, any more than the lives of victims can be changed out for new ones when different names rise to the masthead.

Those who have been subjected to historical patterns of persecution also "remember" culturally – as the Irish do the famine, the Jews do the pogroms of the Pale, Chinese Americans do a century of exclusion, and those of Japanese descent do the bitter years of internment. We have plenty of these sort of memories in New York City. Nor do minorities easily overlook the culpability of the broader society that abetted or acquiesced in such wrongs. Yet, aside from their anger, distaste, or simple bewilderment at the behavior of the police, Blacks and Latinos in the town halls directed no resentment at Whites in general for the racially-infused abuse they have suffered. Nor did anyone speak of the decades-long silence of most New Yorkers while the NYPD meted out racially tainted street-style injustices by the millions against their neighbors, co-workers, school mates, and fellow subway riders. Being a person of color, earning less than a living wage, residing in a high-crime neighborhood, being criminalized for every little thing, or having empathy with a kid who chose the street over a broken family and terrible education – all that and much more had remained somebody else's New York City to worry about, so long as the crime rate kept falling.

This largely hidden anguish returns us to the historic importance of the Eric Garner protests, the town halls that emerged from them, and what we've learned. They mark the willingness of a new generation of New Yorkers to put aside their racial differences and cultural uniforms when blatant wrongs are done to others as human as they. The diverse faces of the protesters showed that the ideal of a post-racial society is not about ignoring or surrendering our differences. Even if rights and respect are afforded to us un-racially, we will not be able to live together or achieve justice unless we're honest about our estrangements and the need to look beneath them. For most of the Whites, Blacks, Latinos, and Asians who took to the streets, and those who came to the town halls, Eric Garner had been an utter stranger. But that is exactly why, as strangers to each other, we and so many others stood up for what his life meant. It meant the same as our own, and if we are finally to get this society and those who police it beyond the color of our skins, we believe there is no better place to start.

## 9. Recommendations and Next Steps

*TH represents a recommendation that came directly from participants in our town halls.*

### **I. Criminal Justice**

A. Ensure that language in the NYPD Patrol Guide and training material intended to provide guidance to officers on how to conform to the law while conducting a “stop and frisk” based on “reasonable suspicion” follows the standards established by the Supreme Court of the United States in *Terry v. Ohio* 392 U.S. 1 (1968).\***TH**

B. Establish a permanent Statewide Independent Special Prosecutor to investigate allegations of police misconduct in order to avoid possible conflicts of interest by District Attorneys who, due to the nature of their everyday work with the police, are subject to an inherent risk of such conflict or the perception of it.**TH** The recently-enacted Executive Order by Governor Andrew Cuomo establishing the Special Prosecutor is inadequate because:

1. It applies only to officers who kill an unarmed individual
2. It is temporary, to expire at the end of one year
3. The New York State Attorney General is a law enforcement officer and elected official, and is therefore not fully independent
4. The unit created by the Attorney General to carry out the duties of the Independent Special Prosecutor throughout the state is inadequately staffed by only five people

\* “In order to perform a legal stop, what the Supreme Court has called a ‘forcible stop,’ in which the person is not free to leave, an officer must have a reasonable suspicion, based on articulable, specific facts, that ‘criminal activity may be afoot’ and that the person stopped is involved or knows something about it. A frisk usually takes place after an officer has stopped someone. The officer pats down a person by running his or her hands over the subject’s body and external clothing. Because this pat-down is more personal and humiliating than just stopping and questioning an individual, the court has ruled that cops must meet a different and higher standard before conducting a frisk. A police officer may legally frisk someone only if the officer has reasonable suspicion to believe that the person is ‘armed and dangerous’ and, as a result, poses a threat to the officer, or people nearby, during the course of questioning at close range. The Supreme Court has ruled that such reasonable suspicion must be based on more than a hunch or feeling that someone is ‘armed and dangerous.’ To be legal, an officer’s suspicion must be based on specific, articulable facts, such as seeing something clearly indicating the presence of a gun. For example: a tell-tale bulge beneath clothing. Reasonable suspicion that criminal activity ‘may be afoot’ is enough to stop and question an individual, but it is not enough to frisk them. The singular justification for a frisk is to protect the police officer and others nearby, when the police officer is questioning someone at close range.”<sup>1</sup>

C. Establish a program of Independent Evidence Gatherers. When individuals are killed or severely injured at the hands of police officers, all evidence at the scene must be gathered by investigators who are independent of the police. That evidence must shape future inquiry in a neutral way, whether or not an indictment results; and, in the case of an indictment, ensure that the evidence can be used to help guarantee a fair trial.

D. Abolish or reform the current grand jury system.**TH**

1. The option to abolish: the grand jury is a group of citizens convened to screen criminal cases and decide whether there exists sufficient evidence to accuse someone and bring them to trial. The grand jury process is not about establishing guilt or innocence, as at trial. Grand jury proceedings have ceased to be fair and impartial, and have become an instrument of the prosecutor, marked by unfair procedures conducted in secret. Consequently we still do not know, for example, what happened in the grand jury proceedings in the Eric Garner case, and we recommend that in all cases concerning allegations of police misconduct, the grand jury process should not be employed.

Reportedly, about half of the states in America no longer use grand juries for criminal indictments even though authorized by state law to do so. Recently, California passed legislation prohibiting the use of grand juries to indict police officers in cases where deadly force was used.

2. Two options for reform:

a. instead of the non-adversarial, secret grand jury process to determine if there is enough evidence for an indictment, there should be a preliminary hearing in open court, with a judge presiding and lawyers present for the prosecution and defense as in a normal adversarial process.

b. following the suggestion of Chief Judge Jonathan Lippman of the New York State Court of Appeals, the grand jury process should be presided over by a judge who can question witnesses, explain to the grand jurors their role, and instruct them on the standard for an indictment prior to their vote.

E. Reform the Civilian Complaint Review Board to increase the respect and trust in which it is held by the public and whose complaints of police misconduct it investigates by enabling it to:

1. Have enough budget for staff and resources to fulfill their mission;
2. Track systemic patterns of misconduct by individual officers and precincts;
3. Hold precinct commanders accountable for clear and sustained patterns of misconduct by officers under their command;
4. Add at least one proven victim of police misconduct to the Board;
5. Publish at least two annual reports on its investigations and results, and on systemic issues of problematic police policy and practice;
6. Hold an annual town hall meeting in each borough to report to the public on its mandate and current investigations.**TH**

## **II. Police**

### **A. NYPD Diversity**

1. Implement a new NYPD Diversity Plan: “Experience Equals Education.” New York City’s peace officer forces such as School Safety Agents, Traffic Enforcement Agents, and Health and Hospital Corporation Officers are more diverse than the NYPD as a whole, yet they are not allowed to take the NYPD exam unless they have two years of college. We propose to allow these and other peace officers to take the NYPD exam if they have served honorably for more than two years in their current positions.

### **B. Community Policing**

1. All NYPD officers should receive basic training in Community Affairs policing and engage in outreach to communities for New York City programs like “Pre-K for All” and “ID-NYC.”
2. Substantially increase the number of community affairs and youth officers in each precinct, and return some experienced patrol officers to walking or bicycling regular beats.**TH**

3. Assign officers to all forms of “Neighborhood Policing” based on their experience with the community but also their desire to fulfill a service role in addition to standard law enforcement; ensure that all such officers have served at least 3 years on patrol duty.**TH**
4. Work to ensure, to the greatest extent possible, that a significant proportion of neighborhood policing officers share the racial or ethnic background and the primary language of the community they police.**TH**
5. Due to the challenges of learning a community and its residents “from the ground up,” and the long time required to establish a trusted presence, neighborhood policing officers should be assigned to their communities for at least five years.**TH**
6. Neighborhood policing officers should be hired, trained, and evaluated on different criteria than officers doing traditional enforcement and conditions assignments; criteria should include their ability to establish close working relationships with: neighborhood social service providers, mental health professionals, counselors, and the facilities and programs they operate; police support groups; school officials and school safety officers; elected, official, and “unofficial” community leaders; heads of religious and civic groups, school support organizations, community-based organizations, business improvement districts, and merchant associations; owner, tenant, and block association leaders; student and other youth leaders; heads and organizers of local sports, cultural, and arts organizations; and ordinary residents. A key criterion for evaluating officer performance should be their ability to integrate their contacts and knowledge of the community into networks through which neighborhood issues can be identified and remediated, and trust can be established between the operations and goals of the NYPD and the needs and perceptions of the community. For example, establishment of diversion programs for youthful offenders; identifying kids, families, and others needing intervention; showing a sincere interest in the lives of children and families; teaching how and why the police enforce the law; publicizing neighborhood policing values; inviting greater involvement with NYPD programs such as the Explorers and the Police Athletic League; promoting events and activities that strengthen ties between the police and community by valuing community traditions, beliefs, and mores; and listening and speaking respectfully at all times.**TH**

7. As described in the 2015 report of the President’s Task Force, officers who are committed to the values of “neighborhood policing” should be recognized as “guardians of human and constitutional rights.”

### C. Training and Working Conditions

1. Police Academy Training should be increased from six months to one year.**TH**

2. A mayoral task force should review NYPD training material and procedures every three years.

3. Training should be modified to enhance skills in the de-escalation of conflict; anger management; behaving in a respectful and friendly way; acting with sensitivity and respect toward the race and culture of those who are policed; prohibiting stereotyping, use of abusive or offensive language toward the public, and bullying and harassment.**TH**

4. Officers who cannot meet this minimum standard should be sent for retraining, and if their improper behavior continues, they should be assigned work away from the public or dismissed from the department.**TH**

5. Have patrol officers rotate weekly out of their cars to foot patrol so that they meet the residents and merchants of the community and get “a feel for the street.”**TH**

6. Establish a five-person mayoral committee to evaluate the feasibility of psychological evaluations.**TH**

7. Increase psychological screening for applicants to the Academy and, due to stress, especially in high crime areas, re-evaluation for officers every three years.

8. Because officers experience high stress on the job in addition to the general stresses of work and family, provide them sabbaticals, similar to those offered to teachers, at 50 percent pay for six months or 66 percent if an officer chooses to use their sabbatical to work in a community-based organization providing services to residents.**TH**

9. Officers should live within the city or in the communities they police:

Option a. Create a New York City residency requirement for all future NYPD officers. This would help foster greater racial diversity in the department, and provide more effective neighborhood policing.**TH**

Option b. Create incentives for officers to attract them to live in the community they police, including: public housing, reduced or subsidized rents, preferential low-interest mortgages, rent and mortgage tax deductions, low-cost loans for schooling, training, and skill building, or other benefits to support community residency with a minimum five-year commitment.**TH**

10. Revamp precinct houses to be more welcoming; improve them with high-speed internet and Wi-Fi access, new computers and phone/fax systems, new cooking and break room facilities, and planning and meeting rooms; hire specialized outreach and public information staff to change the culture of the houses into places where residents can come to learn about and participate in social and NYPD services and programs, particularly for families, children, and youth.**TH**

11. Increase recruitment to all NYPD outreach programs to broaden the racial and ethnic identity of the participants, particularly the Explorers Program.**TH**

12. In conjunction with community affairs and youth officers, as well as precinct councils, develop more NYPD-sponsored community events and programs such as sports teams, annual cultural and food fairs, tournaments, competitions with other precincts, visits by popular entertainers, tours of the precinct, and other outreach efforts.**TH**

13. Expand foot patrol operations in high crime areas of each precinct, particularly NYCHA developments, and develop a cadre of officers who know residents, tenant leaders, problem individuals, and children and families who reside there; make hall and grounds patrols and verticals a daily practice in every building.**TH**

14. Reform “Broken Windows” policing by decriminalizing many non-threatening behaviors such as bike riding on the sidewalk, jaywalking, taking an extra seat on the train, drinking (moderately) from an open container, and other activities that traditionally were not summonsed or prosecuted.**TH**

15. Put body cameras on officers, developing clear guidelines for their use, before full deployment. TH Clear guidelines include, but are not limited to:

- a. When and how officers will be permitted to use them;
- b. Who and what will be recorded, with what justification, and how that justification will be documented;
- c. How the recordings will be downloaded and archived;
- d. How long and in what format and media the recordings will be preserved;
- e. Where and under what circumstances and conditions the archived material will be kept;
- f. Who will have access to the material, and what restrictions will be placed on right of access.

### **III. Community Responsibility**

#### **A. Open School Space for Community Purposes**

1. Our schools are too often left empty after school hours when community sports, arts, and civic activity space is needed the most. NYPD should partner with the Department of Education to expand school building hours to create safe spaces for community activities.

#### **B. Community Ownership and Accountability**

1. To improve the quality of “neighborhood policing” and make neighborhoods safer, the community should take more of a leadership role:
  - a. Evolve beyond the “snitching mentality.” Become responsible for “saying something if you see something” suspicious or dangerous in the neighborhood; tell someone you trust, such as a local leader or member of the clergy.
  - b. Get involved: raise your voice at Police Precinct Council meetings and volunteer your time with local organizations.
  - c. Partner with NYPD: enroll your children in the NYPD Explorers Program, advocate for more Police Athletic League funding, and get involved in the annual “National Night Out” events at your local precinct.

#### **IV. Oversight and Implementation**

A. Create an “Improve Police-Community Relations Coalition” made up of community-based and civil rights organizations, clergy, and concerned New Yorkers to monitor the progress of the city and NYPD in implementing the recommendations of this report.

B. Require the annual publication of a police-community relations status report prepared by the NYPD, to be provided to the Mayor, Comptroller, Public Advocate, City Council, the NYPD Inspector General, the Federal Monitor, the CCRB, and other appropriate agencies.

C. Create a seven-member oversight panel consisting of a City Council Member, a Borough President or designate, a civil rights lawyer, a community member, a union representative of NYPD members, a current NYPD Community Affairs officer, and a journalist of a local print news organization.

1. The Panel shall meet within two weeks of the publication of the annual NYPD Police-Community Relations Report to conduct an open public review of the findings, schedule a public hearing to publicize and discuss them, answer questions, issue a statement of agreement or objection to the report’s conclusions, and ensure that the report is widely distributed.

2. The Panel shall convene an annual Police-Community Relations Town Hall Forum, co-sponsored by the borough presidents, to occur during the same week annually in each borough.

3. The Panel shall publish a summary report of the community’s input at that forum to be presented to the Mayor, Police Commissioner, City Council Members; other elected officials, and made available to the public.

## 10. Conclusion

As borough presidents and civic leaders, we believe that our series of town halls is a template for how the NYPD and our city's diverse communities can begin a constructive, fact-based, and personal dialogue about how we want policing to be done, and how residents can have a significant role in the design, practice, and shared responsibility of true neighborhood policing.

The problems of police-community relations continue to challenge New York City and other cities across the country. Among the most serious challenges are the tension and anger created in communities of color due to harsh policing practices and perceptions of racial hostility; for the police there is a fear of physical harm and a perceived lack of support. Both groups believe they are being stereotyped. The consequences of this divide have been profound for officers and residents alike, as well as for the communities where they work and reside. As events of the past year have shown, those consequences, often violent and tragic, are common to every state and city. Unless we are able to alter the way we are policed, and the way we perceive and treat the police, we can expect these problems and their consequences to worsen.

As this report shows, approximately one thousand residents and police officers met in communities in Brooklyn and Manhattan to testify about the state of policing and police-community relations and to propose ways to repair and improve it. Among the most important outcomes of our six-month process is a realization that in New York City, most residents and members of the NYPD appear open to creating effective systemic change. From their testimony, several key themes emerge:

1. Residents want a strong police presence, but one in which they collaborate and share responsibility for public safety with the NYPD based on strong personal and professional relationships.
2. In order to properly serve and protect the community, officers must respect both residents and the law, and they must be accountable to the law, the rules of the Department, and the community.
3. New Yorkers recognize that the NYPD has been highly effective at reducing crime and making the City safer. However, that success was colored by a pattern of well-documented racial animus, profiling, unreasonable criminalization, and abusive conduct. These practices violated the rights of millions of people and harmed many for life. This must never reoccur.

We are at the close of an era when the NYPD pioneered and developed policing tools that have been adopted throughout the world, earning a reputation for excellence that made the Department the envy of many others. In applying those tools, it succeeded in lowering crime rates to levels unseen for most of a century, and in doing so, it reaped approval ratings unattained for several generations. A reader of this report, or a person of color who became a target of the NYPD's practices and whose testimony animates these pages, knows that those successes, rightfully lauded and admired, were not achieved without causing harm to the community.

That harm can be defined as a deep mistrust of the police; the adoption of habits of policing that will be very difficult to change; or as an almost ungraspable scale of racial bias and victimization. We cannot overlook that the city's celebrated freedom from fear was bought at the expense of a generation of young people, mainly Black, Brown, and innocent, who were systematically targeted and criminalized largely beneath the notice of most New Yorkers, the cost was great.

We cannot yet know the long-term consequences of that harm or the sustainability of our safer, less fearful streets. What we do know, is that the NYPD, under the leadership of Commissioner Bratton, has pledged to undertake the largest suite of reforms in the Department's history. There is a growing awareness among the rank-and-file that the norms of the past several decades will not define the NYPD's actions in the years ahead, and that individual officers will be required to adapt to more community-centric policing.

We believe that those reforms will succeed only if the community is an equal partner in how it is policed. The key to a new era in police-community relations has three parts. First, will be the NYPD's success in making our neighborhoods safe with unbiased policing and accepting the community as its partner. Second, it is the responsibility of those who were not mistreated in recent years to take the findings of this report to heart; we can never again overlook the fortunes of others whose stories and hopes are chronicled here, or imagine that we can be protected if we allow harm to come to those who are not like us. Third, none of us can leave to others the task of addressing these issues or healing the city. In this respect, our report is not an end but a beginning, and we call upon all New Yorkers to take its lessons to heart and to act upon them.

It is our hope that those who attended the town halls during a year of racial crisis, who took a chance on each other to share their feelings and ideas, and who spoke frankly about our differences, will continue

repairing the City's life. New York City, above all cities, needs to move beyond a destructive preoccupation with race and color, but not only in "neighborhood policing." The authors believe that a majority of New Yorkers of all races, in uniform and out, share our hope for this and for an era of positive interactions with the police and one another where surprising and welcome things become possible, and our lives and the life of the city not only endure but become something shared and respected equally by all.

## 11. Endnotes

### Notes to the Introduction

1. See Blumenthal, Ralph, “Police Killing of Unarmed Man Agitated New York...In the 1850s.” *The New York Times*, April 24, 2015, available at <http://www.nytimes.com/2015/04/25/nyregion/an-officers-killing-of-an-unarmed-man-convulsed-new-york-in-1858.html>.

2. See, e.g., NYPD. New York City Police Department Firearms Discharge Report 2013. New York City Police Department, William J. Bratton, Commissioner, 2014, pp. 49-50, 57, available at [http://www.nyc.gov/html/nypd/downloads/pdf/analysis\\_and\\_planning/nypd\\_annual\\_firearms\\_discharge\\_report\\_2013.pdf](http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/nypd_annual_firearms_discharge_report_2013.pdf).

See also New York Civil Liberties Union, “NYCLU Analysis of NYPD Reports Reveals Troubling Patterns in Police Shootings, Lack of Diversity in NYPD Leadership.” May 5, 2008, available at <http://www.nyclu.org/node/1756>.

See also Baker, Al, “11 Years of Police Gunfire, in Painstaking Detail.” *The New York Times*, May 8, 2008, available at <http://www.nytimes.com/2008/05/08/nyregion/08nypd.html>.

3. See *Floyd v. City of New York*, 959 F. Supp. 2d 540 (S.D.N.Y.2013).. For background on the case and a history of filings, motions, and rulings, see also Center for Constitutional Rights, “Floyd, et al v. City of New York et al,” available at <https://ccrjustice.org/home/what-we-do/our-cases/floyd-et-al-v-city-new-york-et-al>.

4. See *Floyd*, 959 F. Supp. 2d at 667.

5. See, e.g., Burke, Kerry et al, “NYPD cop in Eric Garner chokehold death not indicted.” *New York Daily News*, December 3, 2014, available at <http://www.nydailynews.com/new-york/nypd-eric-garner-chokehold-death-not-indicted-article-1.2031841> (quoting Eric Garner’s wife “I’m very disappointed.”) (quoting Eric Garner’s son “It’s not fair how he could get away with murder.”).

See also Goldenberg, Sally. “De Blasio: Garner Video ‘Looked Like a Chokehold To Me’.” *Politico*, July 21, 2014 Available at <http://www.capitalnewyork.com/article/city-hall/2014/07/8549318/de-blasio-garner-video-looked-chokehold-me>.

6. See Sleeper, Jim. *The Closest of Strangers: Liberalism and the Politics of Race*. New York: Norton, 1991.

### Notes to A Brief History of Community Policing

1. See Wikipedia – Peelian Principles, [https://en.wikipedia.org/wiki/Peelian\\_Principles](https://en.wikipedia.org/wiki/Peelian_Principles) (last visited Sept. 16, 2015).

2. See, e.g., Samuel, Walker. *A Critical History of Police Reform: The Emergence of Professionalism*. Lexington: Lexington Books, 1977. See also Jordan, K.E. “Ideology and the Coming of Professionalism: American Urban Police in the 1920s and 1930s.” Dissertation, Rutgers University, 1972; Monkkonen, Eric H. *Police in Urban America, 1860-1920*. Cambridge: Cambridge University Press, 1981.

3. See Report of “The National Advisory Commission on Civil Disorders.” February 29, 1967, Chp. 11, available at [http://staff.washington.edu/qtaylor/documents\\_us/Kerner%20Report.htm](http://staff.washington.edu/qtaylor/documents_us/Kerner%20Report.htm).
4. See generally Bloom, Aaron and Dan Currie. “A Short History of the Vera Institute of Justice on Policing.” July 2001, available at [http://www.vera.org/sites/default/files/resources/downloads/hist\\_summ\\_policing.pdf](http://www.vera.org/sites/default/files/resources/downloads/hist_summ_policing.pdf); CPOP: Center For Problem-Oriented Policing <http://www.popcenter.org/about> (describing the history of various policing tactics).
5. See generally Johnson, Deborah and Robert J. Gregory. “Police-community Relations in the United States: A Review of Recent Literature and Projects.” *Journal of Criminal Law and Criminology*, 62:1 (1971).
6. See, e.g., “Police: Community Policing – Origins and Evolution of Community Policing” available at <http://law.jrank.org/pages/1649/Police-Community-Policing-Origins-evolution-community-policing.html>.
7. See, e.g., Kelling, George L. and Mark H. Moore, “The Evolving Strategy of Policing” p.34 available at [http://www.sagepub.com/sites/default/files/upm-binaries/50819\\_ch\\_1.pdf](http://www.sagepub.com/sites/default/files/upm-binaries/50819_ch_1.pdf).
8. See, e.g., Graham, David A. “The Baltimore Riot Didn’t Have to Happen.” *The Atlantic*, April 30, 2015. <http://www.theatlantic.com/politics/archive/2015/04/the-baltimore-riots-that-didnt-happen/391931/>.
9. Police: Community Policing, *supra* note 6.
10. See, e.g., Pate, Anthony, The Police Foundation, “The Newark Foot Patrol Experiment.” 5 (1981), available at <http://www.policefoundation.org/wp-content/uploads/2015/07/144273499-The-Newark-Foot-Patrol-Experiment.pdf>. See also Williams, Hubert and Anthony M. Pate. “Returning to First Principles: Reducing the Fear of Crime in Newark.” *Crime and Delinquency*, 33 (1987).
11. See Greene, Judith A. “Zero-tolerance: A Case Study of Police Policies and Practices in New York City.” *Crime & Delinquency*, 45:2 (1999), available at <http://crab.rutgers.edu/~goertzel/ZeroNYC.htm>.
12. See Langan, Patrick A. “The Remarkable Drop in Crime in New York City.” Bureau of Justice Statistics, U. S. Department of Justice, 2004, pp. 2-7, available at [http://www3.istat.it/istat/eventi/2003/perunasocieta/relazioni/Langan\\_rel.pdf](http://www3.istat.it/istat/eventi/2003/perunasocieta/relazioni/Langan_rel.pdf).
13. *supra*, note 12
14. See generally Langan, *supra*, note 12.
15. See Bratton, William. J. “The NYPD Plan of Action and the Neighborhood Policing Plan: A Realistic Framework for Connecting Police and Communities.” New York City Police Department, 2015 Report of the New York Police Department, May, 2015, available at <http://www.nyc.gov/html/nypd/html/home/POA/pdf/Plan-of-Action.pdf>.
16. See [http://www.nyc.gov/html/nypd/html/administration/headquarters\\_co.shtml](http://www.nyc.gov/html/nypd/html/administration/headquarters_co.shtml) (Bratton had served previously as head of the New York City Transit Police from 1990-1992 when it was a separate agency

from the NYPD. During his brief tenure before leaving to become Commissioner of the Boston Police Department, he dramatically improved the agency, introduced “Broken Windows” policing practices into its operations, and garnered it state and national accreditation.);

[https://en.wikipedia.org/wiki/New\\_York\\_City\\_Transit\\_Police](https://en.wikipedia.org/wiki/New_York_City_Transit_Police) (Mayor Rudy Giuliani integrated the Transit Police agency into the NYPD in 1994; it is now known as the Transit Bureau.).

17. Nagy, Andrea R. and Joel Podolny. “William Bratton and the NYPD: Crime Control through Middle Management Reform.” Yale Case 07-015 REV., Yale School of Management, February, 2008.

18. *See, e.g.*, Goldstein, Herman. “Improving Policing: A Problem-Oriented Approach.” *Crime and Delinquency*, (1979). *See also* Marshall, Jayne. “Zero-tolerance Policing.” South Australia Office of Crime Statistics and Research, March 1999. pp. 3-6, available at [http://www.ocsar.sa.gov.au/docs/information\\_bulletins/IB9.pdf](http://www.ocsar.sa.gov.au/docs/information_bulletins/IB9.pdf).

19. *See* Greene, *supra* note 11, at 1-2. *See also* Moore, Mark H. and Anthony A Braga. "Measuring and Improving Police Performance: The Lessons of CompStat and its Progeny." *Policing: An International Journal of Police Strategies & Management*, 26:3 (2003); Bratton, William J. *Turnaround: How America's Top Cop Reversed the Crime Epidemic*. New York: Random House, 1998.

20. *See* Greene, *supra* note 11, at 3-4.

21. *See* Giuliani, Rudolph W. "How New York is Becoming the Safest Big City in America." *USA Today*, January 1997, available at <https://www.questia.com/magazine/1G1-19029231/how-new-york-is-becoming-the-safest-big-city-in-america>.

22. *See* Second Supplemental Report of Jeffrey Fagan, Ph.D., *Floyd v. City of New York*, 959 F. Supp. 2d 540 (S.D.N.Y, 2013) (No. 08 Civ. 1034), available at <https://www.ccrjustice.org/sites/default/files/assets/files/FaganSecondSupplementalReport.pdf>.

NYPD figures showed that in 2010 422,982 people were taken into custody; 383,869 of those were for low-level offenses. *See* Weiss, Murray. “Minor Crime Arrests Skyrocketed During Stop-and-Frisk Era, Stats Show.” *DNAInfo*, September 5, 2013, available at <http://www.dnainfo.com/new-york/20130905/civic-center/minor-crime-arrests-skyrocketed-during-stop-and-frisk-era-stats-show>. In 2011, nearly nine out of 10 people "stopped and frisked" were African-American or Hispanic. Of the 685,724 stops made by police that year, 53% of those questioned were Black, 34% were Latino, 9% were white, and 3% were Asian. The citywide population in 2011 was 23.4% black, 29.4% Hispanic, 12.9% Asian and 34.3% non-Hispanic white. *See* Sanchez, Ray, et al, “New York Drops Appeal of Controversial Stop-and-Frisk Ruling” *CNN*, January 30, 2014, available at <http://www.cnn.com/2014/01/30/us/new-york-drops-stop-frisk-appeal/>. *See also* Baker, Al. “New York Minorities More Likely to be Frisked.” *New York Times*, May 12, 2010, available at <http://www.nytimes.com/2010/05/13/nyregion/13frisk.html>.

23. *See, e.g.*, Goldstein, Joseph. “Judge Rejects New York’s Stop-and-Frisk Policy.” *The New York Times*, August 12, 2013, available at <http://www.nytimes.com/2013/08/13/nyregion/stop-and-frisk-practice-violated-rights-judge-rules.html>.

24. "NYPD Boss Said Stop-and-Frisk Designed to 'Instill Fear' in Minorities - Senator's Testimony." *Reuters*, April 02, 2013, available at <http://rt.com/usa/nypd-stop-frisk-targeted-minorities-190/>.
25. "Second NYPD Officer Testifies on Stop-and-Frisk Quotas, Racial Targeting." *Reuters*, March 22, 2013, available at <http://rt.com/usa/second-nypd-officer-quotas-691/>; See also Baker, *supra* note 22.
26. Yee, Vivian. "Where Stop and Frisk Is Business As Usual, Skepticism Prevails." *The New York Times*, August 12, 2013, available at <http://www.nytimes.com/2013/08/13/nyregion/where-stop-and-frisk-tactic-is-business-as-usual-skepticism-prevails.html>. (Quoting Gregory Campbell, 41: "They've been talking about the stop-and-frisk thing for five, six, seven years and nothing's changed... They just say it, say it, say it, but the cops come out here and keep doing it. It's going to take a lot more than just talk.").
27. See Weiser, Benjamin. "Judge Rules That Mass Arrests At a 2004 Protest Were Illegal." *New York Times*, October 1, 2012, available at <http://www.nytimes.com/2012/10/02/nyregion/protesters-arrests-during-2004-gop-convention-are-ruled-illegal.html>. See also Press Release, NYCLU, "Victory in Unlawful Mass Arrest During 2004 RNC (is) the Largest Protest Settlement in History." (January 15, 2014), available at <http://www.nyclu.org/news/victory-unlawful-mass-arrest-during-2004-rnc-largest-protest-settlement-history>.
28. See Levine, Harry G. and Deborah Peterson Small. "Marijuana Arrest Crusade: Racial Bias and Police Policy in New York City, 1997-2007." New York Civil Liberties Union April 2008, p. 13, available at [http://www.nyclu.org/files/MARIJUANA-ARREST-CRUSADE\\_Final.pdf](http://www.nyclu.org/files/MARIJUANA-ARREST-CRUSADE_Final.pdf). See also American Civil Liberties Union, "The War On Marijuana In Black and White" June 2013, p. 21, available at <https://www.aclu.org/files/assets/aclu-thewaronmarijuana-rel2.pdf>.
29. See Press Release, Drug Policy Alliance, "New Data Released: NYPD Made More Marijuana Possession Arrests in 2011 than in 2010." (February 1, 2012), available at <http://www.drugpolicy.org/news/2012/02/new-data-released-nypd-made-more-marijuana-possession-arrests-2011-2010-illegal-searches>.
30. See *id.* ("Research by Queens College professor Harry Levine, and investigative reports in WNYC, the Associated Press, New York Times, Daily News, and many other news outlets show that the vast majority of those arrested did not possess marijuana in public view; rather, these arrests are largely the result of illegal searches and false charges. Every year, NYPD is stopping and frisking more than a half million mostly young Black and Latino men and falsely charging them with marijuana possession in public view.").
31. See Brennan, Alice and Ryan Devereaux. "New York Police Officers Defy Order to Cut Marijuana Arrests." *The Guardian*, March 30, 2012, available at <http://www.theguardian.com/world/2012/mar/30/nypd-stop-and-frisk-marijuana>. ("In all, about 50,000 people were arrested in 2011 for marijuana possession; some 30,000 of these came after police stops. In August there were 2,486 arrests after police stops. In October- after the Kelly order- the NYPD arrested 2,661 people on the same charge.").

The article also cites Scott Levy, an attorney at the Bronx Defenders, the legal and advocacy organization that led the survey, addressing the same issue: "This is clearly an illegal practice. And the fact that it hasn't stopped since Commissioner Kelly issued his memo, suggests there is a deep disconnect between what happens on the street and what the top brass in the NYPD are saying happens."

32. American Civil Liberties Union, *supra* note 28, at 95-96.

33. *See* Appendix F “Testimony from Town Halls.”

34. Greene, *supra* note 11, at 5. *See also* United States Commission on Civil Rights, “Police Practices and Civil Rights in New York City.” August 2000, *available at* <http://www.usccr.gov/pubs/nypolice/ch1.htm>. (“Statistics show that the number of civilian complaints against the police rose by 56 percent in 1994 and 1995, the 2 years following employment of the new policing strategies. According to a review by Mark Green, [then] Public Advocate for the City of New York, of 283 cases of police misconduct substantiated by the Civilian Complaint Review Board, the NYPD has dismissed a majority of these complaints without further investigation. In the cases where officers were disciplined, the punishment included loss of vacation days, temporary suspension, and, in one case, dismissal from the department.”).

The CCRB Status Report for January-December 1998 showed that although allegations of offensive language declined 39.1% from a comparable period in 1994, allegations of abuse of authority increased 30.5%.” (These were the first four years of the Giuliani crackdown). *See* Green, Mark, Office of the New York City Public Advocate, “Investigation of the New York City Police Department’s Response to Civilian Complaints of Police Misconduct – Interim Report.” September 15, 1999, p. iii.

*See also* Human Rights Watch. “Shielded from Justice: Police Brutality and Accountability in the United States: New York.” June 1998, *available at* <https://www.hrw.org/legacy/reports98/police/uspo99.htm>; Pray, Rusty. “ACLU Warns of a ‘Dark Side’ of NY Police Plan.” *The Philadelphia Inquirer*, December 16, 1997, *available at* [http://articles.philly.com/1997-12-16/news/25556302\\_1\\_crime-rate-bratton-police-commissioner-richard-neal](http://articles.philly.com/1997-12-16/news/25556302_1_crime-rate-bratton-police-commissioner-richard-neal). (Quoting then-NYCLU Director Norman Siegel saying that: “The attitude seems to be that violating civil liberties is an acceptable trade-off for effective law enforcement.”).

35. “Stop and Frisk During the Bloomberg Administration, 2002-2013.” New York Civil Liberties Union, August 2014. [http://www.nyclu.org/files/publications/stopandfrisk\\_briefer\\_2002-2013\\_final.pdf](http://www.nyclu.org/files/publications/stopandfrisk_briefer_2002-2013_final.pdf)

“NYPD Stop and Frisk Data 2002-2015.” New York Civil Liberties Union, 2015. <http://www.nyclu.org/content/stop-and-frisk-data>

An analysis of NYPD “stop and frisk” data showed that in 2013 the program “had a gun recovery rate of only .02 percent and still overwhelmingly targeted young Black and Latino men.” According to the reports cited above, “As stops skyrocketed from 2002 until 2011, the number of guns recovered, shooting victims and murders changed modestly, moving up and down. When stops plummeted in 2012 and 2013, shootings and murders declined substantially, with murders falling in 2013 to the lowest level ever recorded.” *See* Press Release, NYCLU, “New NYCLU Reports Reveal Historic Failure and Bias of Bloomberg Administration’s Signature Public Safety Program.” (August 20, 2014), *available at* <http://www.nyclu.org/news/new-nyclu-reports-reveal-historic-failure-and-bias-of-bloomberg-administrations-signature-publ>.

36. *See* Meminger, Dean. “‘Begin Again’ Legal Program to Help Low-Level Offenders Avoid Time.” *NY1.com*, June 18, 2015, *available at* <http://www.ny1.com/nyc/all-boroughs/news/2015/06/18/legal-program--begin-again--helping-low-level-offenders-avoid-time.html>. *See also* Greaves, David Mark. “D.A. Ken Thompson Speaks on How His Office Protects the Vulnerable.” *Our Time Press*, July 17, 2015, *available at* <http://ourtimepress.com/?p=16775>. (Quoting District Attorney Thompson: “the fact

that there are over 1.2 million outstanding warrants in the city is outrageous.” After visiting the Summons Court, Thompson said “the Summons Court is broken....If you sit in Arraignment Court, you can see young men of color coming out [of] the pens, hour after hour, and at the end of the day, I believe a lot of those young guys can contribute....we cannot criminalize an entire generation of people.”).

37. See Letter from Norman Siegel & Ira Glasser to Michael Bloomberg, Mayor, and Raymond Kelly, Police Commissioner, August 6, 2012. (Appendix D, item 1). See also Siegel, Norman and Ira Glasser. “It’s Time to Fix the Frisk” *New York Daily News*, August 19, 2012 (Appendix E).

38. See Sanchez, Ray, Haley Dranzin and Steve Kastenbaum. “New York drops appeal of controversial stop-and-frisk ruling.” *CNN*, January 1, 2014, available at <http://www.cnn.com/2014/01/30/us/new-york-drops-stop-frisk-appeal>. (“Police department figures showed that nearly nine out of 10 people “stopped and frisked” in 2011 were African-American or Hispanic.”)

39. See Appendix D for extensive correspondence in 2012 between Siegel, Glasser, and Commissioner Kelly on the proper application of the *Terry* standard.

40. See *Floyd v. City of New York*, 959 F. Supp.2d 540 (2013). For a timeline of the filings, motions, and rulings in the case, see <https://ccrjustice.org/home/what-we-do/our-cases/floyd-et-al-v-city-new-york-et-al>.

41. “2011 NYPD Stop and Frisk Statistics.” Center for Constitutional Rights, 2011. <https://ccrjustice.org/sites/default/files/assets/files/CCR-Stop-and-Frisk-Fact-Sheet-2011.pdf>

42. See Lee, Trymaine. “De Blasio Flexes Progressive Muscle in Stop-and-Frisk Case.” *MSNBC.com*, January 30, 2014, available at <http://www.msnbc.com/melissa-harris-perry/de-blasio-strikes-deal-landmark-case#49988>.

43. See, Bratton, *supra* note 15. (“We have an opportunity to achieve what has, until now, been an elusive goal: we can establish a truly realistic and workable community-policing plan across the neighborhoods of a large city....The proposed plan is structured to solve the central problem in implementing the community policing ideal: it keeps our cops engaged with police work while allowing them to embed in our communities as part of a team that works together to improve safety and quality of life for everyone.”).

44. Goodman, David J. “Neighborhood Policing to Expand Across New York, Bratton Says.” *New York Times*, June 14, 2015, available at [http://www.nytimes.com/2015/06/24/nyregion/neighborhood-policing-to-expand-across-new-york-bratton-says.html?\\_r=0](http://www.nytimes.com/2015/06/24/nyregion/neighborhood-policing-to-expand-across-new-york-bratton-says.html?_r=0).

45. See Bratton, *supra*, note 15.

46. See Max, Ben, “Bratton Assures Manhattan Business Community NYPD Staying Vigilant, Improving.” *Gotham Gazette*, March 3, 2015, available at <http://www.gothamgazette.com/index.php/government/5606-bratton-assures-manhattan-business-community-nypd-staying-vigilant-improving>.

47. See Williams, Hubert and Anthony M. Pate. “Returning to First Principles: Reducing the Fear of Crime in Newark.” *Crime and Delinquency*, 33 (1987).

48. See Bratton, *supra* note 15.

49. See, Goodman, *supra* note 44.

50. Garland, Michael. “Bill Bratton: City Council is Trying to Handcuff the NYPD.” *New York Post*, June 29, 2015, available at <http://nypost.com/2015/06/29/bill-bratton-city-council-is-trying-to-handcuff-the-nypd>.

51. See Fuller, Jaime. “NYPD Commissioner Says Police Had Role in ‘Worst Parts of Black History’.” *New York Magazine*, February 24, 2015, available at <http://nymag.com/daily/intelligencer/2015/02/bratton-police-part-of-worst-of-Black-history.html>. At a church in Queens during Black History Month Bratton is quoted as saying, “Many of the worst parts of Black history would have been impossible without police, too.” And, “Slavery, our country’s original sin, sat on a foundation codified by laws enforced by police, by slave-catchers.” He later said, “In our city, there are intractable racial disparities in who commits and who is victimized by crime.” Fuller writes: “(these) remarks were the latest official response to widespread public anger and desire for change left behind after the death of Eric Garner at the hands of a police officer in Staten Island, and the later murder of two New York police officers.”

52. See American Civil Liberties Union Foundation Massachusetts, “Black, Brown and Targeted. A Report on Boston Police Department Street Encounters from 2007-2010, p. 1” October 2014 available at <https://aclum.org/our-work/aclum-issues/racial-justice/ending-racist-stop-and-frisk/>.

53. See Stone, Christopher et al, Harvard Kennedy School, “Policing Los Angeles Under a Consent Decree: The Dynamics of Change at the LAPD,” p. 22 (2009), available at <https://www.hks.harvard.edu/programs/criminaljustice/research-publications/measuring-the-performance-of-criminal-justice-systems/policing-los-angeles-under-a-consent-decree>. See also Buntin, John, “Did Bill Bratton Succeed in Changing LAPD’s Culture?” *Governing*, August 31, 2009, available at <http://www.governing.com/topics/public-justice-safety/Did-Bill-Bratton-Succeed.html>; Fermino, Jennifer. “Bill Bratton expanded stop and frisk when he ran Los Angeles Police Department: study.” *New York Daily News*, November 24, 2013, available at <http://www.nydailynews.com/new-york/bratton-article-1.1527258>; Hayden, Tom, “Dismantling the Myth of Bill Bratton’s LAPD.” *The Nation*, December 6, 2013, available at <http://www.thenation.com/article/dismantling-myth-bill-brattons-lapd/>; Medina, Jennifer, “Watts, 50 Years On, Stands in Contrast to Today’s Conflicts.” *The New York Times*, August 10, 2015, available at: <http://www.nytimes.com/2015/08/11/us/50-years-after-watts-riots-a-recovery-is-in-progress.html>; Rice, Connie. “Hail to the Police Chief: William J. Bratton’s Record Bodes Well for New York.” *The New York Times*, December 10, 2013, available at <http://www.nytimes.com/2013/12/11/opinion/william-j-brattons-record-bodes-well-for-new-york.html> (“There is still work to do in Los Angeles, but Mr. Bratton did what he’d promised: He saw that the L.A.P.D. complied with the consent decree, had restored the basic compact that officers would respect, protect and serve even poor minorities, and had reduced crime. New York can expect a similar approach, but it faces a different set of challenges. The N.Y. P.D. is much larger than the L.A.P.D. and more decentralized. Reforming the Police Department after more than a decade during which post 9/11 concerns about public safety gave it carte blanche presents a tough challenge.”); Rubin, Joel, “LAPD Gains New Approval from the Public.” *Los Angeles Times*, June 22, 2009, available at <http://articles.latimes.com/2009/jun/22/local/me-poll22>.

54. Goff, Keli. “Exclusive: NYPD’s Bratton Vows to Win Back the Black Community’s Trust.” *The Root*, April 2, 2014. <http://www.theroot.com/articles/culture/2014/04/bill-bratton-talks-stop-and-frisk-with-the-root.html>

Goff quotes Bratton at a meeting with community leaders saying "...in the very short period of time...that I've been police commissioner the (stop and frisk) numbers have declined dramatically, and I think a lot of the tension has dissipated- a lot of the anger and frustration has dissipated- and I'm hoping to be in a position to move on."

Jorgensen, Jillian. "Bratton Touts Drop in Crime But Acknowledges Growing Anger at NYPD." *The Observer*, December 9, 2014.

<http://observer.com/2014/12/bratton-touts-drop-in-crime-but-acknowledges-growing-anger-at-nypd/>

Jorgensen quotes Bratton: "Fear is down- ah, but there's the rub, as Shakespeare would say. Fear of crime is down. But not fear, anger, at the police and government- particularly in the city's minority neighborhoods. In the parts of the city that need us most, we need to regain that community trust."

#### Notes to The Town Halls

1. Johnson, Deborah and Robert J. Gregory. "Police-Community Relations in the United States: A Review of Recent Literature and Projects." *The Journal of Criminal Law, Criminology and Police Science*, 62:1 (1971).

2. *See generally* Dawson, Michael C. and Lawrence D. Bobo. "One year later and the myth of a post-racial society." *Du Bois Review: Social Science Research on Race* 6:2 (2009). <http://nrs.harvard.edu/urn-3:HUL.InstRepos:10347165>. *See also* Obama, Barack, "America is not a post-racial society, Remarks to White House Press Corps, July 19, 2013. Accessed August 30, 2015, available at <http://www.theguardian.com/commentisfree/2013/jul/19/america-not-post-racial-society-barack-obama>. ("And let me just leave you with a final thought: that as difficult and challenging as this whole episode has been for a lot of people, I don't want us to lose sight that things are getting better. Each successive generation seems to be making progress in changing attitudes when it comes to race....It doesn't mean that we're in a post-racial society. It doesn't mean that racism is eliminated. But you know, when I talk to Malia and Sasha and I listen to their friends and I see them interact, they're better than we are. They're better than we were on these issues. And that's true in every community that I've visited all across the country.").

3. *See* Tomlinson, Lucas and The Associated Press, "Authorities say cop killer wanted retaliation for Michael Brown, Eric Garner deaths." *FoxNews.com*, December 21, 2014, available at: <http://www.foxnews.com/us/2014/12/21/2-nypd-cops-shot-in-car-critically-injured/> (citing Brinsley's posts on his Instagram account: "They take 1 of ours, let's take 2 of theirs.").

4. A phrase popularized by Fox News in their coverage of criticism and violence directed at the police, particularly during the protests of 2014-15. In an interview with Megan Kelly, Bernard Kerik, a former New York City Police Commissioner, stated that the protesters were engaged in a "war on police that's based on a lie." *See* "Bernard Kerik speaks out on response to NYPD murders." *FoxNews.com* (December 23, 2014), available at <http://www.foxnews.com/transcript/2014/12/23/Bernard-Kerik-speaks-out-on-response-to-NYPD-murders/>.

5. *See* Gonen, Yoav, "NYPD 'slowdown' costing the city \$10M a week in revenue." *New York Post*, January 9, 2015, available at <http://nypost.com/2015/01/09/nypd-slowdown-costing-the-city-10m-a-week-in-revenue/>. *See also* Badger, Emily, "The NYPD slowdown can only turn out badly for the police." *Washington Post*, January 7, 2015, available at: <http://www.washingtonpost.com/news/wonkblog/wp/2015/01/07/the-nypd-slowdown-can-only-turn-out-badly-for-the-police/>; Goodman, J. David and Al Baker, "For Second Week, Arrests Plunge in New

York City.” *New York Times*, January 5, 2015, available at:

<http://www.nytimes.com/2015/01/06/nyregion/decrease-in-new-york-police-arrests-continues-for-a-second-week.html>.

6. Goodman, David J. and Al Baker. “Brian Moore, New York Police Officer Shot in the Head, Dies.” *New York Times*, May 4, 2015, available at <http://www.nytimes.com/2015/05/05/nyregion/brian-moore-new-york-police-officer-shot-in-the-head-has-died.html>.

7. Peak, Ken and Ronald W. Glensor. *Community Policing and Problem Solving: Strategies and Practices*. 5<sup>th</sup> ed. Upper Saddle River, New Jersey: Prentice Hall, 2008. See also Jrank.org, “Police: Community Policing - Origins and Evolution of Community Policing.” Last accessed, August 12, 2015, available at: <http://law.jrank.org/pages/1649/Police-Community-Policing-Origins-evolution-community-policing.html>; Bertus, Ferreira, “The Use and Effectiveness of Community Policing in a Democracy.” *National Institute of Justice*. Washington, D.C. (1996).

8. See King, David Howard. “Push To Reform NYPD Crisis Response May Lead to State-Wide Program.” *Gotham Gazette*, April 7, 2014 (King cites CIT (or, “CRT”) teams already in place other large cities such as Los Angeles, Philadelphia, and San Francisco, and the hope of advocates that the de Blasio administration will implement similar programs here.), available at <http://www.gothamgazette.com/index.php/government/4951-nypd-crisis-response-teams-program-bratton>.

9. Rosen, Daniel Edward, “Is Ray Kelly’s NYPD Spinning Out of Control?” *Observer*, November 11, 2011. Last accessed, August 30, 2015, available at <http://observer.com/2011/11/is-ray-kellys-nypd-spinning-out-of-control/>. See also Rayman, Graham. “Ray Kelly’s Gulag.” *Village Voice*, November 16, 2011 (for a darker view of the former Commissioner’s penchant for hands-on control). Last accessed, August 30, 2015, available at <http://www.villagevoice.com/news/ray-kellys-gulag-6433523>.

10. President’s Task Force on 21st Century Policing, “Final Report of the President’s Task Force on 21st Century Policing.” Washington, DC: Office of Community Oriented Policing Services, May 2015, available at [http://www.cops.usdoj.gov/pdf/taskforce/TaskForce\\_FinalReport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf).

11. NYPD officer Peter Liang, entering a darkened stairwell with his gun drawn in a notoriously dangerous Brooklyn housing project, accidentally fired his weapon; the ricocheting bullet killed 28-year-old Akai Gurley whom he had not seen and who happened to be descending the stairs. See Clifford, Stephanie, “Brooklyn Grand Jury to Examine Akai Gurley Shooting Death.” *New York Times*, December 5, 2014, available at <http://www.nytimes.com/2014/12/06/nyregion/brooklyn-grand-jury-to-examine-akai-gurley-shooting-death.html>.

12. Durkin, Erin, “Bill de Blasio details talk with biracial son about interacting with police: You ‘train them to be very careful when they have...an encounter with a police officer’.” *New York Daily News*, December 8, 2014. Last accessed, August 30, 2015, available at <http://www.nydailynews.com/news/politics/de-blasio-details-talk-son-dealing-cops-article-1.2036870>.

13. For an introduction to these programs, go to: NYPD Community Affairs Community Participation Programs:

[http://www.nyc.gov/html/nypd/html/community\\_affairs/community\\_participation\\_programs.shtml](http://www.nyc.gov/html/nypd/html/community_affairs/community_participation_programs.shtml)

[http://www.nyc.gov/html/nypd/html/community\\_affairs/youth\\_programs\\_summer\\_academy.shtml](http://www.nyc.gov/html/nypd/html/community_affairs/youth_programs_summer_academy.shtml)

14. See “Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department (Mollen Commission)”, available at [http://www.nyc.gov/html/ccpc/assets/downloads/pdf/final\\_report.pdf](http://www.nyc.gov/html/ccpc/assets/downloads/pdf/final_report.pdf). See also Raab, Selwyn, “New York’s Police Allow Corruption, Mollen Panel Says.” *The New York Times*, December 29, 1993. Accessed August 30, 2015, available at: <http://www.nytimes.com/1993/12/29/nyregion/new-york-s-police-allow-corruption-mollen-panel-says.html>.
15. As one resident of East New York put it, “They patrol us like they were game wardens.”
16. See “Police: History – Early Policing in Colonial America”, available at <http://law.jrank.org/pages/1640/Police-History-Early-policing-in-colonial-America.html>; see also Original People.org (containing a series of videos on the subject), available at <http://originalpeople.org/slave-patrols-police/>.
17. Horowitz, Jason, Nick Corasaniti and Ashley Southall. “Nine Killed in Shooting at Black Church in Charleston.” *The New York Times*, June 17, 2015, available at <http://www.nytimes.com/2015/06/18/us/church-attacked-in-charleston-south-carolina.html? r=0>.
18. See Appendix G.
19. “CBOs” refers to “Community Based Organizations” like the New York City Community Boards or (typically) small, non-profit organizations that provide services to the community in which they are based- for example, counseling, tutoring, housing assistance, and referrals for assistance.
20. Community Investment Boards (CIBs) are also known as Community Development Boards or Community Development Banks, often utilizing funds provided under the Federal Community Reinvestment Act (CRA). For information on the CRA, see [http://www.federalreserve.gov/communitydev/cra\\_about.htm](http://www.federalreserve.gov/communitydev/cra_about.htm).
21. For information on Crisis Intervention Teams (CITs), see <http://www.citinternational.org/>.
22. Williams, Timothy, “Long Taught to Use Force, Police Officers Warily Learn to De-escalate.” *The New York Times*, June 27, 2015 available at <http://www.nytimes.com/2015/06/28/us/long-taught-to-use-force-police-warily-learn-to-de-escalate.html>.

#### Notes to Last Reflections

1. Remarks spoken by an NYPD officer participating in the second Manhattan town hall, June 8, 2015.
2. Somander, Tanya, “Why President Obama Is Taking Steps to Demilitarize Local Police Forces.” White House blog, May 18, 2015 (Tanya Somander is the Deputy Director of Digital Content for the Office of Digital Strategy). Last accessed: August 27, 2015, available at <https://www.whitehouse.gov/blog/2015/05/18/why-president-obama-taking-steps-demilitarize-local-police-forces>.
3. For Rudy Giuliani’s remarks “counseling against anti-Arab vigilantism” see Slate, Kausfiles Special: “Bush is No Giuliani; He Shouldn’t Even Try.” September 13, 2001. Accessed August 30, 2015, available at

[http://www.slate.com/articles/news\\_and\\_politics/kausfiles\\_special/2001/09/bush\\_is\\_no\\_giuliani\\_he\\_shouldnt\\_even\\_try.html](http://www.slate.com/articles/news_and_politics/kausfiles_special/2001/09/bush_is_no_giuliani_he_shouldnt_even_try.html).

For Michael Bloomberg's defense of the Muslim cultural center, see Elliott, Justin. "Michael Bloomberg delivers stirring defense of mosque." *Salon*, August 3, 2010, available at [http://www.salon.com/2010/08/03/mayor\\_bloomberg\\_on\\_mosque/](http://www.salon.com/2010/08/03/mayor_bloomberg_on_mosque/).

And see Barbaro, Michael. "Mayor's Stance On Muslim Center Has Deep Roots." *New York Times*, August 12, 2010. Accessed August 30, 2015, available at [http://www.nytimes.com/2010/08/13/nyregion/13bloomberg.html?\\_r=0](http://www.nytimes.com/2010/08/13/nyregion/13bloomberg.html?_r=0).

For the designation of the Stonewall Inn as an official New York City landmark and "the birthplace of a global movement" see The Associated Press, "New York City Makes Stonewall Inn a Landmark." *The New York Times*, June 23, 2015, available at <http://www.nytimes.com/2015/06/24/nyregion/new-york-city-makes-stonewall-inn-a-landmark.html>.

4. Bratton, *supra* note 15, A Brief History of Community Policing.

5. Bloom, *supra* note 4, A Brief History of Community Policing.

#### Notes to Recommendations and Next Steps

1. Siegel, *supra*, note 37, "It's Time to Fix the Frisk", A Brief History of Community Policing. See also *Terry v. Ohio*, 392 U.S.1 (1968).

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### 13. Appendix

**A.** Editorials and news articles on police-community relations by Eric L. Adams, Brooklyn Borough President.

**B.** “Voices of Our Youth: Police-Community Relations.” A Teachers Guide. Office of the Brooklyn Borough President, Crown Heights Community Mediation Center, and the New York Peace Institute. Brooklyn, 2015.

**C.** “Engaging the Community in Policing Policy: Improving Police Community Relations.” Facilitator Guide. Office of the Manhattan Borough President. Manhattan, 2015.

**D.** Siegel, Norman and Ira Glasser, et al. “Copies of correspondence with Mayor Michael R. Bloomberg and Police Commissioner Raymond W. Kelly on “Stop and Frisk” practices,” 2012.

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**F.** Testimony from the Town Halls: Sample data sets

**G.** “Improving Police-Community Relations:” Graph comparing the categorized testimony from seven police-community town halls in Brooklyn and Manhattan.

**H.** Adams, Eric L., Gale A. Brewer and Norman Siegel. “Correspondence with Police Commissioner William J. Bratton and Patrick Lynch, President, Patrolman’s Benevolent Association. July 13, 2015.

## Appendix A

Editorials and news articles on police-community relations by Eric L. Adams, Brooklyn Borough President.

1. Adams, Eric L. "Locking up New York's future: Secure the gains of broken-windows policing without ruining people's lives." *Daily News*, April 30, 2015.

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A 1

# Locking up New York's future: Secure the gains of broken-windows policing without ruining people's lives

BY [ERIC ADAMS](#)

NEW YORK DAILY NEWS Thursday, April 30, 2015

As a former police platoon commander, one of the first duties I would perform at the start of my workday was to see who was in the precinct holding cells and if they were safe, ensuring no one had been abused or attempted to hang or harm themselves.

While performing this role on one of my midnight tours of duty, I was struck by the sight of an unusual inmate: an elderly woman clasping a Bible and singing a church hymn as she rocked back and forth.

When I asked the arresting officer what crime she had committed, he stated: "A warrant popped on her." Further investigation revealed that she was stopped for a traffic infraction. When her name was run, it was found that she had an unpaid summons for a quality-of-life offense, causing a warrant to be out for her arrest.

Even after experiencing an encounter like this, I continue to be an ardent supporter of "broken-windows" policing. After patrolling our streets for 22 years as an NYPD officer, witnessing the transformation of New York City from an incubator of crime to the safest big city in America, I know firsthand that we cannot tolerate quality of life disturbances. No resident believes someone urinating on the corner, playing obnoxiously loud music or dropping a piece of trash is a good thing; that is not the city any of us want to return.

Still, we can all agree that the punishment must fit the offense. It is a matter of justice, for folks like that elderly woman, as well as a matter of public safety. Most New Yorkers would be surprised to learn that hundreds of thousands of us have outstanding warrants. Many young people get a summons and forget or neglect to pay it, the same way that many adults forget to pay a bill on time.

Others, for a variety of reasons, cannot afford to pay their summons. Whatever the reason, that unpaid summons for bicycling on a sidewalk or drinking an open container of alcohol in public should not result in an arrest and a permanent criminal record.

According to the Daily News' own analysis, roughly 700,000 of the 1 million-plus summonses from January 2011 to June 2014 were these types of offenses. Of those offenses, approximately 140,000 resulted in outstanding warrants.

Being subjected to this process can be violent and psychologically scarring with long-term repercussions. Some lose their housing, their families and their jobs, unable to get back on their feet post-release. For a person whose underlying infraction is an error in payment of a fine, this is beyond unjust; it is a dangerous fast track that may lead to more damaging and violent behavior.

In policing, the primary goal is to correct a negative condition that undermines public safety and quality of life. The question that must be examined is how we correct the condition without criminalizing normally law-abiding citizens with unnecessary warrants and destroying their futures.

A young person who is arrested for failing to pay a summons at the age of 18 should not become unemployable at 21 due to an arrest based on a summons warrant. While a summons will not permanently stay on your record, an arrest on a warrant will.

The proposal being considered by the New York City Council that would turn some common criminal court summonses into civil matters, so that offenders are still ticketed — but not in the criminal system — is a great start to moving us toward a solution.

The challenge before us is to maintain the crucial thread of accountability and at the same time ensure our communities do not slide backward to the lawless days of old. The main area of focus is to eliminate the possibility of warrants for these transgressions that can lead to a damaging stay in jail and a destructive criminal record. In the weeks ahead, we must have a robust citywide conversation on summons reform that leads to concrete results.

You don't fix broken windows, like New York's Finest have done literally and figuratively in the last few decades, to let them be rebroken.

To that end, think of these summons-able offenses as a crack in one of our windows. A warrant will not repair that crack; it will kick the problem down the road and lead to a bigger break.

We must find a more effective way to fix that fissure. We can no longer afford to have this city's streets littered with shattered glass and shattered lives.

*Adams is Brooklyn borough president.*

A 2

# Former NYPD Captain: To Heal, Turn Toward One Another, Not Away

BY ERIC ADAMS

FOR THE NEW YORK DAILY NEWS. Wednesday, December 31, 2014

## **Officers' disrespectful act at Sunday's funeral only heightened our pain and further divided our city**

One of the first things every cadet is taught at the New York City Police Academy is to respect the chain of command and have proper decorum while wearing the uniform. Throughout my 22-year career as a police officer and captain, this lesson was never lost on me. When I disagreed with police policy, as I often did and still do, I spoke my mind – as a private citizen – not wearing dress blues.

In the aftermath of the horrific assassinations of Police Officers Rafael Ramos and Wenjian Liu, one of the first things I called for was a pause to the protests that had arisen in the wake of Grand Jury decisions in Ferguson and Staten Island. I urged those justifiably advocating for police reform to allow family members, including the NYPD family, to honor their fallen without distraction.

Never did I think that message would have to also be directed to those that had sworn an oath to protect all New Yorkers, follow the chain of command, and display professionalism while in police blues.

In what has become a common collective action by some members of the NYPD, officers turned their back on Mayor de Blasio as he spoke during the solemn funeral for Officer Ramos this past weekend. Historically, funerals have been neutral zones for protests as we come together to honor the fallen. This act was a display of misplaced anger that only served to detract from honoring the extraordinary life of Officer Ramos and the ultimate sacrifice he made to protect and serve the people of New York City. It served no purpose but to heighten our pain and further divide our city.

At a time when constructive dialogue is needed to heal our city, these officers' not only turned their backs on the Mayor, but also the people of New York. Their actions played seamlessly into the hands of those who are happy to divide us at the very moment when we need to be united most. The officers that took part in such an incendiary action at a most inappropriate time must

remember who they receive their orders from and who they report to: the duly elected Mayor of New York City and his appointed Commissioner of the New York Police Department.

The recently graduated Police Academy cadets, all of whom sat respectfully, while Mayor de Blasio was heckled by a few audience members during his keynote address to the graduating class, recognize this, as do most members of the NYPD.

These 800 new NYPD officers showed that their training taught them the discipline needed to police in 21st century America, a discipline that recognizes that policing must be impartial enforcement, not a venue for protesting. Their discipline and wherewithal is why the future of New York City policing is so bright. Perhaps it is time for those protesting officers to go back to the Academy for a refresher course.

True leaders, like these cadets, recognize that now is the time for putting aside differences and coming together as one. True leaders understand that calls for needed police reforms and supporting New York's law enforcement community are not mutually exclusive.

Mayor de Blasio has shown true leadership in rejecting this false dichotomy, which is why he has reached out to the NYPD Union leadership this past week to help heal our suffering city. We must hope that this breaking of bread can lead us beyond the divisive commentary to common ground.

Finding this common ground is especially important as we approach Officer Liu's funeral this coming Sunday. All 8 million New Yorkers, as well as a mournful nation, will once again grieve alongside a family who has lost a husband and a son. We will honor a man who exemplifies the highest ideal of what the New York City Police Department represents and a man who gave his life serving the people of this city. But as we come together again in honor of Officer Liu's life and in support of his family, we must not reprise actions that push us apart.

Our pain is too raw to bear additional salt in an open wound. We must help heal this wound by moving forward as One City, united in our efforts to ensure the rights of our citizens from overzealous policing and supporting the brave men and women who everyday stand ready to protect us.

Only when we stop turning our backs during times of difficulties and face one another will we move towards a safe and compassionate city for all.

*Eric L. Adams is the Borough President of Brooklyn, New York.*

# Bridging the painful divide between police and community

Both sides must see that the other has merit

BY [ERIC ADAMS](#)

NEW YORK DAILY NEWS Sunday, December 28, 2014

The events of the past few months, culminating in the horrific assassination of two city police officers this past weekend, pose a direct challenge to all New Yorkers. If not properly addressed, the raw emotions that have been generated can easily tear apart the city's frayed social fabric.

Our city is too precious to let it descend into discord and animosity, as it has in previous generations. We only survive and prosper if we engage with one another in a calm and civil conversation.

We've been trapped for far too long in a seemingly binary struggle between people who purportedly support police and those who speak for the community.

It's a nonsensical divide. This is not Sophie's Choice.

There is merit on both sides of the debate over police tactics, but if we vilify the "other side" — either the police or the communities they protect — everyone gets hurt.

I patrolled New York City streets as a police officer for 22 years and saw how important public safety is to all of our communities, especially those that are crime-ridden. Public safety is the foundation of our society, ensuring the basic human right to work and raise a family without the paralyzing fear of out-of-control crime.

Those who suggest that black and Latino communities are or should be inherently distrustful of police have it wrong. Many in these communities, all too familiar with the ravages of violence, have a special desire for the presence of the NYPD.

By the same token, it is irresponsible to dismiss all community concerns as trivial, as childish chafing in response to necessary policing.

There have been and remain a range of legitimate grievances about the sensitivity of law enforcement in black and Latino neighborhoods. Complaints about stop-and-frisk, belittled for far too long, were among them.

We must hear these complaints clearly and, where appropriate, adjust our policing approach accordingly.

It is time for us to unite around our defining values as New Yorkers — the ability to meet our challenges head-on and the fortitude to push ahead knowing that harmoniously working and living together will lead us to better days.

Our communities need to see that police are essential for our ability to survive and thrive, and we must encourage a deep respect for the tough job that they do. But respect needs to flow both ways, so we must ensure that the police respect the dignity of the people being protected so that they welcome their presence as community protectors.

Leaders of all stripes, whether elected officials, clergy or community activists, need to help both sides develop a common empathy for how the other sees things.

This means bringing community and police leadership together to develop mutual empathy, so that if we need to change some police procedures — and I believe we do — we do so without scraping raw wounds on either side.

I have deep respect for the NYPD. But I am not afraid to say that the sense of anguish that protesters have manifested over the past few months about injustices in the criminal justice system has a great deal of validity.

Nor do I hesitate to add that some of the voices raised on behalf of these passionate grievances have created a climate of vitriol that has unfairly castigated all men and women in uniform, the vast majority of whom are tremendous public servants.

We should mourn Officers Wenjian Liu and Rafael Ramos. We should also mourn Eric Garner and Akai Gurley. Every life our city has tragically lost should be mourned, not have its value debated.

What we need now is not stridency but a soft-spoken and respectful diplomacy. Every New Yorker wants to live in peace and tranquility. This is something of which we have sadly lost sight.

We must reaffirm this so that we can close the gap that now exists between the police and too many of our communities.

*Adams is Brooklyn borough president.*

# We Must Stop Police Abuse of Black Men

By **ERIC L. ADAMS** December 4, 2014



Credit Wesley Allsbrook

I CAN recall it as if it were yesterday: looking into the toilet and seeing blood instead of urine. That was the aftermath of my first police encounter.

As a 15-year-old, living in South Jamaica, Queens, I was arrested on a criminal trespass charge after unlawfully entering and remaining in the home of an acquaintance. Officers took me to the 103rd Precinct — the same precinct where an unarmed Sean Bell was later shot and killed by the police — and brought me into a room in the basement. They kicked me in the groin repeatedly. Out of every part of my body, that's what they targeted. Then I spent the night in Spofford juvenile detention center.

For seven days after that, I stared into the toilet bowl in my house at the blood I was urinating. I kept telling myself that if it didn't clear up by the next day, I would share this shame and embarrassment with my mother, although I could never bring myself to start that conversation.

When clear urine returned, I thought I was leaving that moment behind me. I never told anyone this, not even my mother, until I was an adult.

As I attempted to put that shame and attack on my manhood away, new horror stories kept compelling me to relive those memories: the nightmare experiences of Randolph Evans, Patrick Dorismond, Abner Louima and countless other young men have reminded me of my own secret. Think of all the secrets that young men of color are hiding. How many are concealing some dark truth of the abuse they endured, and what is that darkness doing to them?

In order to finally bring this darkness into the light of day, our nation must address the foundation of this crisis. That starts with acknowledging that the training taught in police academies across the country is not being applied in communities of color. After six months in the police academy, that instruction is effectively wiped out by six days of being taught by veteran cops on the streets.

I learned this myself firsthand. I didn't want any more children to go through what I endured, so I sought to make change from the inside by joining the police department.

Hours after coming out of the police academy, I was told something as a new rookie officer: You'd rather be tried by 12 jurors than carried by six pallbearers. In my impressionable first days, I saw officers leave the precinct every day touching the lockers of their fallen brothers. They started their shift on the defensive, thinking about protecting themselves, as opposed to the communities they served, regardless of the complexion of those communities. One of my white fellow officers once told me that if he saw a white individual with a gun, he took extra care for himself and the individual. When he saw a black individual with a gun, he took care only for himself.

These are the lessons to which I was exposed, and the reality of what policing communities of color has been, not just in New York City but across America. There is a legacy of inequity that did not just appear overnight, but was carved into the culture of law enforcement over decades.

There is reluctance on the part of police leadership, which has long believed in the nightstick and quick-trigger-finger justice, to effectively deal with officers who have documented and substantiated records of abuse. These individuals need to be removed from the force. That is an essential component of the larger response we must have to address this history of abuse.

We cannot continue to approach policing in an antiquated fashion, and that certainly includes technology. Technology has been used as a crime-fighting tactic, but not as a tool to determine what happens during a police action. New York City has taken the right step in putting body cameras on police officers, but what about cameras on guns themselves? While I was a state senator, I introduced a proposal to allow such devices, which would not interfere with the function of the weapon; this proposal deserves to be revisited. In fact, we can go further, with

cameras on police vehicles as well. Not only will technology shine a light on the darkness of these police encounters, it will be significant in advancing community trust that accountability does in fact apply.

Equally important, especially in the wake of what has taken place after the deaths of Michael Brown and Eric Garner, is reform to our grand jury system. Grand juries were established in England in the 12th and 13th centuries, a vestige of a time when people needed to be protected from unfair prosecution from the king and others. There was a necessary element of secrecy — one that need not apply in cases involving police misconduct.

Open, preliminary hearings in court can and should determine if a case should be stepped up to a trial. Additionally, the handling of police shootings should be wholly separated from local grand juries. These bodies cannot handle cases involving local police officers on whom they rely every day.

Special grand juries should be convened for police-related incidents, and independent agencies must gather evidence even before they convene, at the time of police encounters where a death has occurred; the evidence gathered at that moment is the evidence that will shape whether there is an indictment, as well as whether there will be a fair trial based on the facts.

All of these ideas need to be moved forward under the leadership of our president, our governors, the mayors of our major cities and our law enforcement leadership. If we fail to take advantage of this moment that history has laid on our doorstep, we are doomed to more abuse, more division and more chaos.

When my son was 15, he was stopped by the police in a movie theater for no apparent reason. He showed his ID and explained that his father was a retired police captain and a state senator. The response was “So what?” It doesn’t and shouldn’t matter who he is. He shouldn’t have had that experience at all. And until that changes, for all men of color, real reform will never come.

[Eric L. Adams](#) is the Brooklyn borough president, a retired New York Police Department captain and the co-founder of 100 Blacks in Law Enforcement Who Care.

# **After deaths of Clifford Glover, Michael Brown, Eric Garner at hands of police, we must be committed to change at all levels of our society**

**We set a better example, in every aspect, for the children who will be shaped by our activism**

BY [ERIC ADAMS](#)

On April 28, 1973, Clifford Glover, a 10-year-old boy, was killed by Thomas Shea, an undercover police officer, in South Jamaica, Queens.

The shooting sparked several days of riots in the neighborhood, riots that were inflamed when Shea was acquitted of murder. I was one of the young residents of that neighborhood, a 13-year-old boy witnessing what I perceived to be injustice in my community and the explosion of anger that resulted.

Over 40 years later, these emotions have been reignited, with the Staten Island grand jury decision not to move forward and to end all further local criminal inquiry into the death of Eric Garner. It is difficult for many of us to accept this decision considering both hearing the video of a man on the ground yelling, “I can’t breathe,” and the medical examiner ruling that the chokehold was the cause of Mr. Garner’s death.

I share in the disbelief that many people are feeling about this result. The question is what we, as concerned citizens seeking justice in our society, will do.

I believe we ought to protest the perceived injustice of our criminal justice system, a system that was questioned by no less than the President of this nation amid last week’s events in Ferguson. I also believe that we must respect the family of Mr. Garner, who have requested that these protests be non-violent, in the spirit of how he lived his life.

We must turn pain into purpose, particularly because this anger we feel is larger than this situation in Staten Island. This is about Michael Brown, this is about Akai Gurley, this is about Clifford Glover and all of the innocent people who we have senselessly lost.

It is easy for grand juries to deal with average joes who rob a liquor store. The challenge is far greater when it comes to addressing police officers who may potentially be guilty of misconduct.



We need to be committed to change at all levels of our society, willing to wrestle with these long-unanswered questions and heal the wounds that generations of apathy have allowed to fester.

So, what do we do next? We organize, to ensure in every possible way that all lives matter. We let the anger of this moment fuel the action we must take, action that includes advancing police-community relations as well as tackling issues of equity that have long contributed to social unrest. We set a better example, in every aspect, for the children who will be shaped by our activism.

## Appendix B

“Voices of Our Youth: Police-Community Relations.” A Teachers Guide. Office of the Brooklyn Borough President, Crown Heights Community Mediation Center, and the New York Peace Institute. Brooklyn, 2015.

# VOICES OF OUR YOUTH: POLICE-COMMUNITY RELATIONS

Teacher Guide

A collaboration of the Brooklyn Borough President's Office, Crown Heights Community Mediation Center and the New York Peace Institute



Eric L. Adams  
Brooklyn Borough President



## Message to School Administrators and Teachers

In response to recent public safety tension following widespread protests of policing practices and the assassinations of two NYPD officers, Brooklyn Borough President Eric Adams has initiated a series of discussions around police-community relations. These dialogues will inform a report of recommendations with the goal of advancing public safety citywide, as well as police and criminal justice reforms. The first part of this initiative is a series of digital dialogues with students selected from high schools throughout Brooklyn, in which students are responding to specific questions about the role of police, the current state of police-community relations, and suggestions for change.

This Teacher Guide was developed as a supplement to the Digital Chat session and provides a menu of activities to support student and staff reactions to the event. Some of the exercises could be a springboard for planning next action steps that the school community may want to take toward improving community-police relations.

The centerpiece of this guide is an instructional section on Talking Circles, which is a way of supporting student voices in a safe, respectful and inclusive process. We encourage teachers and staff to designate some time during the school day to continue this important dialogue with your students.

# TALKING CIRCLES

A Talking Circle is a process in which individuals can discuss issues of concern, address on-going differences and make decisions about how to work together. It creates a space that lifts barriers between people, and opens the opportunity for **connection and collaboration**. The process is rooted in many indigenous cultures and traditions, and is a form that allows a group of people to slow down, practice deep listening and think collectively.

The Circle Keeper shouldn't worry about controlling the discussion, but rather should allow students to speak openly and honestly about their feelings and concerns. Trust that they have the ability to find their own answers.

A good Circle Keeper **never...**

- Takes anything that's said personally
- Takes sides
- Passes judgment
- Dominates the conversation
- Blames or shames any participant
- Feels like he/she has to come up with the solution

## SET UP

Sitting in a circle sets a different tone from sitting in rows, such as in a classroom, or around a table or desk. Generally in those formations, there is a person in charge, one who has the most authority to make decisions for the group. It's important that the set up of the Talking Circle process be carefully constructed to support the goals of building community and encouraging honest and open dialogue. Though the Circle Keeper is facilitating the process, he/she is an equal participant in the dialogue and should be seated in the circle as one of the participants. The circle format is important because no one person is at the head, everyone is equal, and everyone can see and hear each other.

### Physical Arrangement:

Seat the participants in a circle so that everyone can see every face without having to lean forward. It's best to have no physical barriers between the participants. Do not place tables or desks in the center of the circle.

### Size and Timing:

Generally a circle consists of between 6-15 individuals and can take about 45-60 minutes, depending on the number of participants.

### Privacy

Talking Circles should take place in a quiet location that is separate from other people and activities separate from other people and activities.

### The Center of the Circle

The center of the circle is an important element. It is traditional for participants to speak to the center of the circle, the idea being that everyone's voice is added and that wisdom from the group is larger than any one idea. Creating the center of the circle can be used as a way to ceremoniously mark the beginning of the process. Some groups arrange in the circle center a colorful cloth with an LED candle, some stones in a bowl of water, a bell, or other small objects.

## The Talking Piece

Central to this process is the use of the talking piece - an object passed from one participant to another around the circle, signaling that it is the holder's turn to speak and the others' turn to listen. As each participant holds the talking piece, he/she can choose to speak or pass the talking piece on without speaking. The Circle Keeper should emphasize the importance of the talking piece, reminding participants about its purpose and modeling how it is used by always giving full attention to the holder/speaker.

## CORE GUIDELINES

Standards of behavior are critical to the success of the Talking Circle process. One of the steps of the Talking Circle is for the Circle Keeper to introduce, model and reinforce some version of these guidelines (depending on the age of the group):

1. **Speak from the heart:** Participants should be speaking truthfully, based on their own experiences and opinions, rather than what they think others may want to hear. Can also be phrased "Speak your truth."
2. **Listen from the heart:** Participants should try to set aside their judgments about one another and listen with an open mind to what is being expressed.
3. **No need to rehearse:** Participants should not be thinking about what they're going to say when it's their turn to speak, but rather trust that they will know when the talking piece is in their hand. If you're rehearsing, it's hard to be effectively listening.
4. **Say just enough:** Participants should respect the talking piece and be mindful that everyone may want a chance to speak, so take care not to dominate the floor and take up too much time.

These core guidelines can be modified to meet the age and style of the group. Another version:

1. **One Mic:** Whoever has the talking piece has the floor; everyone else is invited to listen. Everyone will have a turn.
2. **Respect:** No name-calling or making fun of one another. Respect the sacredness of the circle.
3. **Confidentiality:** Whatever happens in the circle stays in the circle.

## STEPS OF THE CIRCLE PROCESS

### 1. Opening

**Purpose:** To create a safe and special space in which everyone comes together to share thoughts, opinions and feelings in a different way. The opening sets a positive tone and is a transition into the circle process.

**Examples:** Poems, quotes, exercises, guided meditation

**Language:** "We have come together today to learn more about one another and to be together in a circle to make our group stronger, closer and safer."

### 2. Guidelines/Values

**Purpose:** To provide participants the opportunity to learn and remember the shared and important standards for behavior in the circle.

**Examples:** Introduce the talking piece. One mic, respect one another, confidentiality

**Language:** "Here are some core circle guidelines...what other ones you would like to add so that you feel you can speak honestly and respectfully?"

### 3. Check In

- Purpose:** To give participants a chance to say how they are feeling at the moment, physically, mentally and emotionally.
- Examples:** Hi/Lo, Name one word describing how you're feeling, What are you carrying into the room that you would like to dump before we get into our activity today,
- Language:** "I am going to pass the talking piece around so that we can all hear how everyone is doing today..."

### 4. Discussion Rounds

- Purpose:** This is the crux of talking circles. Discussion rounds allow participants to speak from a personal perspective, which in turn builds understanding and empathy among participants. Participants should be encouraged to share and tell stories during this part of the circle.
- Examples:** Prompting questions (see attached Suggested Circle Plan)
- Language:** It is important for the circle keeper to answer this question first and be genuine. Do not make up a story, but speak from the heart like you are asking the participants to do.

### 5. Check Out

- Purpose:** To invite participants to share how they are feeling right now at the end of the circle. This allows the circle keeper to read the room and allows participants to express how they feel as they go into the next part of their day.
- Examples:** Share one word about how you are feeling right now, Share something you liked about today's circle, Say three words that describe today's circle
- Language:** Do not set this question or prompt up with any expectations. Students may say things like "awesome or good" or "boring or bad." All of these responses are okay!

### 6. Closing

- Purpose:** Similar to the opening, it allows participants to transition into the next part of the day. It allows them to celebrate and acknowledge the work they've done in this circle.
- Examples:** Poems, quotes, guided meditation, small group activity
- Language:** Express gratitude and thank participants for the work they have done, especially if it was a particularly challenging or tough circle.

# SUGGESTED CIRCLE PLAN

## Police-Community Relations

Following is a step-by-step Circle Plan that was prepared for you to use as a follow-up to the Digital Chat session organized by the Brooklyn Borough President's office on January 20, 2015. A blank Circle Plan form is included in this guide for you to use for future Talking Circles or instead of this prepared one.

### What is a circle?

- *The school understands that the issue of community-police relations is one that impacts everyone at our school and wanted to give everyone a chance to have an open and honest conversation about it. This is your time and space.*
- *To talk about it, we are going to use a process called a talking circle. Circles like this are deeply rooted in the traditional practices of the indigenous people of North America, as well as from other parts of the world.*
- *During this time, or circle, we will use different style of communication than we normally do and it may feel weird or awkward in the beginning. My hope is that it will give everyone a chance to say what is important to them.*

### Opening Ceremony

*We will start with an activity.*

#### String exercise

Have a ball of string or twine. The teacher will start and answer a question (see suggestions below). The teacher will then hold on to a piece of the string and toss the ball to a student. The student should then answer the same question and then hold onto a piece of a string and pass the ball to another student, and so on. The ball should not be passed to the person next to the student tossing it.

The end result should look something like a web. After everyone has gone the ball can come back to the teacher. The teacher says: *This web that we made is a reminder that we are all connected as a community. Let this community support us in the coming conversation.*

#### Example questions:

What is something that not many people in this room know about you?

Who is your hero? (This could be a parent, celebrity, fictional character, or another influential person in one's life)

What is your dream job?

What thought or message would you put in a fortune cookie?

**Segue:** *The purpose of today's conversation is to talk about police community relations as we each see them. We may be sharing things that are personal to us, or we may disagree on how we each see things, and it's really important to set guidelines that allow us to feel safe and share openly.*

### **Guidelines/Values**

*We will set some guidelines for the group and how we will interact with each other. For today, we can use these guidelines. If there is anything else you would like add either today or in the future we can do that.*

Have these written up somewhere with space underneath to write more if people want to add.

- One mic.
  - Introduce talking piece. *Whoever is holding the talking piece (TP) has the floor. Everyone else is invited to listen. Everyone will have a turn. You may also pass with the talking piece if you are not ready to speak. There will be times where we won't use the talking piece as well, but for now let's practice.*
  - Pass TP for consensus.
- Everyone is respected. No name-calling or making fun of each other.
  - Pass TP for consensus.
- Confidentiality. What happens in circle stays in circle.
  - *Exception. If anyone is in danger that's something I can't keep secret. If I am going to tell someone else, will talk about it with you first.*
  - Pass TP for consensus.

*Do these work for everyone? Is there anything else anyone would like to add?*

- Pass TP around. Add to piece of paper with guidelines on it.
- *These will be our guidelines for now. If anyone else wants to add or take away anything we can do so. We can also create a larger list and hang them up somewhere in the room.*

### **Check-In**

*Let's get a general sense of the feeling in the room.*

You can ask one or all of these questions.

- How are you feeling about having this conversation today?
- In 2 words, how would you describe police-community relations in your neighborhood?
- Have you ever had an interaction with a police officer?
- Is anyone in your family or anyone you know a police officer?

## Discussion Round

Use these questions as a guide for your discussion. Do not get stuck on a specific question. Allow the students to gravitate toward the topics they find most important. The talking piece can be passed around a few times for each question to get responses to what other students say.

**1. If students participated in the Digital Chats or watched them, here are some reflecting questions:**

- a) Were there any points raised in the chats that you felt strongly about (positively or negatively)? Share your opinion about the discussion you heard.
- b) There's been a strong reaction in communities and the press to how police responded to Eric Garner in Staten Island and other police incidents. Why do you think this is happening in New York City?

**2. Following are the questions that were asked in the Digital Chat:**

- a) In your opinion what are the responsibilities of a police force?
- b) If you were a police officer, what would be some challenges of the job?
- c) What would be some of the best parts?
- d) Can you share a story about a time you've interacted with an officer? This could be good, bad, or neutral.
- e) Has your view of the police changed over time? If so, what key events influenced this change (could be personal or in the news)? How has your view changed and why?
- f) How do you feel about police-community relations in your own neighborhood? How do you think police-community relations in your neighborhood compare to other neighborhoods? Why do you think things are the way they are?
- g) If you walked through your neighborhood and the police were doing their job exactly as you wish, what would your neighborhood look like and how would it be different from the way it is now?
- h) What do you think individual officers could do to improve your relationship with them?
- i) What are of 3 things you can personally do to improve police-community relations? It doesn't matter if it's a big action or a small action. Even a smile.
- j) Are there any laws or policies that should be changed?
- k) What kind of training do you think police officers should have?
- l) How can we assess if police officers are doing a good job?
- m) How should police officers be rewarded or punished?

## Check Out

*It is time to wrap up. I want to end by checking in about how everyone is doing after the conversation we just had.*

- Share three words about how you felt about how you are feeling about today's conversation.

## **Closing Ceremony**

*Thank you all for participating and being open, honest, and respectful you're your thoughts and opinions. Conversations like these make a big difference in moving our society forward in a better way. Circles always end with a closing ceremony. And to wrap things up today I am going to read a quote.*

"Our lives begin to end the day we become silent about things that matter."

- Martin Luther King Jr.

Feel free to choose any quote, song, poem, or activity that works for you!

***Thank students again.***

# TALKING CIRCLE WORKSHEET

## Facilitator Guide

### Pre-Circle Planning

**What are the goals of the circle?** (Ex: build trust, discuss recent events, celebrate achievements, address classroom issue, does anything from last circle need follow up etc.)

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**Circle introduction:** (Does this circle need special introduction? If so, what is it and how will you convey that to participants? What **Talking Piece** will you use?)

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**Opening Ceremony:** (How will you open the circle? Ex: poem, quote, music, activity, etc?)

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**Guidelines/Values:** (Are guidelines already established and agreed upon? If no, do any additional guidelines need to be introduced? Are there any additional questions that would be helpful to ask in this section?)

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**Check-In:** (What check in question will you ask?)

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**Discussion Rounds:** (What topics do you want to discuss? What questions will you ask? Are you starting with lower risk questions and building to higher risk? How do the questions relate back to the goals for the circle? What challenges do you expect to come up and how will you handle them?)

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**Check-Out:** (What question do you want to use to bring closure or wrap up the circle? How will you handle unfinished topics that are still present in the room?)

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**Closing Ceremony:** (How will you close the circle? Ex: quote, meditation, story, activity, etc.)

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**Materials:** (What materials will I need? Ex: Talking piece, center piece, readings, markers, paper plates for values, etc.)

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# ACTIVITY: THE SIX-WORD STORY

**Have students watch the 8-minute video:**

“What’s the State of Police-Community Relations in 2015?”

<https://www.youtube.com/watch?v=DEIDdvFIKlg>

In the wake of police-involved shootings in Ferguson and Cleveland, the death of Eric Garner in New York, and the subsequent protests that followed those events, NewsHour Weekend examines the state of relations between the police and communities of color in 2015 in interviews with L. Joy Williams, President Brooklyn NAACP, and Julian Harper, retired police lieutenant and member of “100 Blacks in Law Enforcement Who Care.”

After watching the video, discuss the following questions with the class:

1. How do you feel about the opinions expressed by Ms. Williams and Mr. Harper?
2. Do you agree with their opinions? If not, how do you differ?
3. Do you think they are knowledgeable about police-community relations, and explain why or why not?

Now, you are going to take a few minutes to do something creative. <sup>1</sup> Have you ever heard of something called the “Six-Word Memoir” or “Six-Word Story?”

If not, don’t worry. It’s a fun way to simply and concisely express yourself.

The writer Ernest Hemingway was once challenged to write a story in six words. He came up with:

“For sale: baby shoes, never worn.”

Later, Smith Magazine challenged its readers to submit a six-word memoir. They got thousands of submissions. Here are some examples:

- I like big butts, can’t lie. [submitted by a teenager]
- Cursed with cancer. Blessed with friends. [submitted by a grandmother with cancer]
- I still make coffee for two. [submitted by an elderly widower, Zak Nelson]
- She said she was negative. Damn. [by Ryan McRae]
- Joined Army. Came out. Got booted. [by Johan Baumeister]
- Mom died, Dad screwed us over. [by Lesley Kysely]
- Fourteen years old, story still untold [by David Gidwani]
- I like girls. Girls like boys. [Andrea Dela Cruz]

So, your challenge is to write a 6 word story about how you feel about the police, or an experience you’ve had with the police, or how you feel after watching the young man’s story about his experience with the police. You can choose anything you want. Here’s two to get you started.

- Walked outside. Did nothing. Cop Harassed. [by Mariame]
- Cops said my bruises would fade. [by Mariame]

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<sup>1</sup> Mariame Kaba, Project NIA (2013) – [www.project-nia.org](http://www.project-nia.org)

# LIST OF ADDITIONAL ACTIVITIES

## **Creative Outlets:**

Create one of the following that describes your feelings or an event that happened around the topic of police-community relations.

- Poem
- Song
- Work of art
- Comic strip
- Dance/performance
- A short video meant to showcase one idea you have for how to make things better.

## **Writing Activities:**

- The NYPD's motto is CPR which stands for Courtesy, Professionalism, Respect. The unofficial motto of officers around the country is to "protect and serve." If you could design a new motto for the NYPD, what would it be and why?
- If you could build a short lesson plan (20-60 minutes) for either officers or policy makers, what would you teach them and how?
- If you could write a one-page job description for the NYPD, what would it look like?

## **Action Steps:**

- Ask three other people their thoughts on community relations and how they would improve them. If they say something you disagree with, just listen first. Then repeat back what they said to you to make sure you heard them correctly. With an open mind, ask questions about why they feel the way they do. "Why" is one of the most important questions to ask when trying to figure out how to improve a situation. Together, try to figure out one or two ways that you agree upon about how to make things better. Tell others and continue the conversation.
- Think of three things you can *personally* do to improve police-community relations. **Do them.** It doesn't matter if it's a big action or a small action. It could be as simple as a smile.
- Find out who your local, state, or national representatives are and write to them about the changes you want to see.

## Appendix C

“Engaging the Community in Policing Policy: Improving Police Community Relations.” Facilitator Guide. Office of the Manhattan Borough President. Manhattan, 2015.



# Engaging the Community in Policing Policy: Improving Police Community Relations

Facilitator Guide



**Message to: community-based organizations, youth groups, and teachers**

Since December 2014, as New York City has grappled with addressing its history of biased policing, my office has worked directly with people, NYCHA residents and civic organizations to come up with solutions and recommendations for reform.

Since February, my office organized 3 town-halls, where hundreds of community members and police officers sat down together, evaluated the state of police-community relations, and proposed ideas for change. It became increasingly clear that community members and police officers who walk the beat are and need to be an integral part of any proposed policy conversations both at the agency and at the legislative level. Our dialogues served as a model for how this can happen while affirming community members' feelings of marginalization, maintaining respect, and moving towards a shared vision for the future.

We encourage youth groups, community-based organizations, teachers and others around the city to facilitate similar conversations in their own communities to help build a systematized community-police feedback loop. Our facilitator guide is included to help kick start the conversation.



Dear Facilitators:

Again, thank you for agreeing to facilitate tonight's roundtable discussions on how to improve police-community relations. Your critical role in this public dialogue is to encourage discussants to share their experiences and perceptions—all very different and some quite painful—and respectfully help them translate these experiences into actionable recommendations.

We have chosen to begin these discussions in smaller groups and then report out to the larger audience to maximize individual input, demographic diversity, and constructive yet passionate exchanges. We expect upwards of 100 attendees, and your table will have roughly 10 to 12 participants representing the voices and concerns of young people, religious leaders, police officers, protestors, community residents, nonprofit professionals, and other stakeholders committed to the healing power of communication and justice. Bear in mind, however, that emotions on all sides are still raw, and mutual distrust has so far impeded even the most honest attempts to achieve a common agenda of reforms that target the real issues, grievances, and policies working to undermine daily police-community interactions.

You will play a vital role in helping to guide this discussion to produce specific recommendations on how to improve both intra- and inter-police-community relations; reform a beleaguered criminal justice system; achieve a modern, well-trained police force and workplace; and institute community-based crime reduction interventions that get us beyond the wedge that policies like "broken windows" policing and stop-and-frisk laws have placed within the narrative.

You will have 30 minutes to discuss these issues in a small group setting, after which we will convene as a larger audience and report out three to five specific recommendations that emerged from conversations at each table. You can decide whether to report out the recommendations yourself or assign this role to a suitable participant. We will allocate about one hour for the larger audience report-out, which will be moderated by prominent civil rights attorney Norman Siegel. He will ask follow-up questions, highlight patterns, and make connections to similar forums he has recently conducted citywide. We will document the recommendations that come out of this dialogue and continue to work with you to advance those that make the most sense.

Borough President Gale Brewer is committed to ensuring that these multi-stakeholder dialogues involve both the NYPD and a substantive representation of young people working together around the same table to brainstorm solutions. Borough President Brewer's office will be convening several of these dialogues throughout Manhattan, and we look forward to kicking this first one off in Northern Manhattan.

Regards,  
Aldrin Bonilla



Dear Facilitator:

Your small group should have approximately 10 people, with a matching colored dot on their nametags, indicating their group. Please proceed as follows:

5 minutes:

- Introduce yourself (name, org/office, what brings you here)
- Thank everyone for being there. Emphasize that the Manhattan Borough President's Office is honored to have the opportunity to bring together such a diverse group of stakeholders for this important conversation—and that we genuinely believe that the answers to addressing police-community relations are in this room and will come from participants. Emphasize that you are here to listen and that collectively your group will come up with solutions to restore the trust between the police and our communities.

Tonight you will be focusing your group's conversation to discuss:

- Strengths and opportunities regarding improving police-community relations/what history, experience, networks, progress can be built on
- Tensions, weaknesses in relationship and threats to progress
- Reforms and recommendations
- One big, bold, beautiful idea to improve police-community relations

5 minutes:

- Invite participants to introduce themselves (name, what brought them out tonight, one thing they're hoping to leave with)

30 minutes: **TIMKEEPER MUST BE ON POINT**

Tensions, weaknesses in relationship and threats to progress:

- Police officers share out: (5 mins.)
  - What brought you into policing? What is the most rewarding part of your job?
  - Police officers: (5 mins.)
    - What is the hardest part of your job that you wish people knew about?
    - What role do you see the NYPD playing in improving community/police relations?
  - Community share: (10 mins.)
    - Why do you wish the police knew about you/how you feel around them?
    - What role do community members play in keeping their neighborhoods safe?
    - How do we go from the current reality to the ideal?
- Reforms and recommendations: (10 mins.)
  - What practices/ policies of the NYPD need to be reformed?
  - What resources/trainings need to be developed that will improve this relationship?

5 minutes:

- Identify one big, bold, beautiful idea to improve relations between the police and the community.



Tell everyone that since last year, with the death of Eric Garner, police reform is something that has been front and center in New York City. Consequently, the Mayor and the NYPD have launched a few initiatives that they believe will help improve police/community relations. We are now going to hear about one such initiative and talk about what we think the positives of this initiative will be and what concerns we have.

**Read your assigned initiative and then facilitate the conversation with the questions below.**

**Neighborhood Policing:**

The heart of the “neighborhood policing” proposal is having the same two officers patrol the same beat day after day, ideally establishing contacts and trust with the community. Meanwhile, officers will take a third of their shifts off from responding to radio calls to attend community meetings and to network with local leaders and residents.

It also moves authority from 1 Police Plaza to the borough commands, with the intent of creating a more localized strategy to combating crime. All the new measures will involve extensive new training programs for new recruits and veteran officers alike.

The Mayor says the result will be both the prevention of crimes—the targeting of particularly problematic areas—and residents facilitating and aiding police work.

- This will result in more interactions with police officers—a big concern of community members since very little trust currently exists.

**Special Prosecutor:**

Activists and community leaders have long argued that district attorneys are too closely tied to police departments and so cannot be impartial when pursuing convictions against police officers. On July 7, 2015, Governor Andrew Cuomo announced that he was appointing State Attorney General Eric Schneiderman as an independent prosecutor for a one-year term to investigate cases where an unarmed civilian has been killed by the police.

- This is only for a year period at this time and only covers cases with unarmed civilians.

**Bail Fund:**

Thousands of detainees accused of low-level or nonviolent offenses will soon be freed without having to post bail under a plan to reduce the number of inmates in the city’s jail system.

On July 8, 2015, the de Blasio administration announced a \$17.8 million fund that, starting next year, allows judges to substitute bail for jail time for an estimated 3,000 low-risk defendants. This modern supervision system would include daily check-ins, text message notices, and connecting the defendants with drug counseling and behavior treatment.

- According to data from the New York City Criminal Justice Agency, only 4 percent of people charged with felonies and 7 percent of those charged with non-felonies fail to



appear in court within 30 days of their scheduled court dates, so will bail fund actually help?

### **Decriminalizing Quality-of-Life Crimes:**

The City Council is working on a proposal that would make some of the most common criminal court summonses civil charges instead. Violators would get a ticket to one of the city's administrative courts, such as the Environmental Control Board, instead of criminal court. Cops could no longer make arrests for those offenses, and missed court dates would turn into default monetary judgments instead of warrants. Some pieces under consideration include: public urination, open container laws, and riding bicycles on the sidewalks

- Move away from "broken windows" policing.

### **CIT Training:**

Although the traditional model for crisis intervention training (CIT) for dealing with the mentally ill was first introduced over three decades ago, until recently, the NYPD was the only police force among the United States' largest cities without a specialized response program for officers responding to the mentally ill. Starting this month, 5,500 NYPD officers in Harlem and other areas will undergo pilot training in crisis intervention.

### **Lead a 15-minute discussion about your specific program:**

- What questions do you have?
- What are your initial thoughts?
- Do you have concerns?
- Do you think this initiative will help improve police/community relations?
- What would success look like?



## Guide to Recommendations Dialogue

What role do police and community play in keeping the community safe?

- 1.
- 2.
- 3.

Resources/Trainings/Workplace: What practices/policies of the NYPD need to be reformed?  
What trainings need to be developed?

- 1.
- 2.
- 3.
- 4.

What does success look like for your new initiative?

- 1.
- 2.
- 3.

**One BIG, bold, beautiful idea:**

## Appendix D

Siegel, Norman and Ira Glasser. "Correspondence with Mayor Michael R. Bloomberg and Police Commissioner Raymond J. Kelly on "Stop and Frisk" practices," 2012.

1. To Mayor Bloomberg and Commissioner Kelly from Siegel and Glasser, et al, August 6, 2012
2. From Commissioner Kelly to Siegel and Glasser, August 27, 2012
3. To Commissioner Kelly from Siegel and Glasser, September 10, 2012
4. From Commissioner Kelly to Siegel and Glasser, October 11, 2012
5. To Commissioner Kelly from Siegel and Glasser, November 5, 2012

August 6, 2012

Mayor Michael Bloomberg  
City Hall  
New York, New York 10007

Police Commissioner Raymond Kelly  
New York Police Department  
1 Police Plaza  
New York, New York 10038

Dear Mayor Bloomberg and Police Commissioner Kelly:

We write with reference to the NYPD's stop-and-frisk practices, and in particular about the accuracy and adequacy of the NYPD's training program for its police officers, and especially about the constitutional legal standards that govern when frisks are permissible, and when they are not. We know you share our view that such training is important, and we want to emphasize that despite the apparent short-term drop in the number of stops and frisks, hundreds of thousands of them still take place, and it is crucial that the officers doing them receive proper training.

We have reason to suspect that your training programs may be contributing to a large number of unconstitutional frisks, which if true we are sure you would want to correct, for at least three reasons:

1. Police should never violate the law in the course of trying to enforce it;
2. The mounting resentment among people who are stopped and frisked can only be intensified by illegal police practices; and
3. Constitutional policing is effective policing; as U.S. Attorney-General Eric Holder said recently in New Orleans, announcing a consent decree there with respect to that city's police practices, "Effective policing and constitutional policing go hand in hand."

First, as we are sure you know, the Supreme Court of the United States clearly set the legal standard for when a frisk is permissible, originally in 1968, in the cases of *Terry v. Ohio* and *Sibron v. New York*, and re-affirmed this legal standard in numerous subsequent cases. As a predicate to stating the basis for our concern about the NYPD training program, it would perhaps be useful to summarize and quote from the rulings in those cases:

1. In *Terry*, the Court ruled that a frisk is constitutional if and only if the police officer who has legally Stopped a suspect for questioning "has reason to believe that he is dealing with an armed and dangerous individual." Reasonable suspicion of any other crime is enough to stop and question an individual, but it is not enough to frisk him. For that, reasonable suspicion that the person is armed and dangerous is required. The singular legal justification for a frisk is to protect the police officer and others in the immediate vicinity, when the police officer is questioning someone at close range, if and only if the officer has good reason to believe the person is "armed and dangerous."

2. The Court also ruled in *Terry* that an officer's reasonable suspicion that the person being questioned is armed and dangerous cannot be based on an unarticulated hunch, or on vague impressions, but must rest on

specific articulated facts, such as a tell-tale bulge, for example. Unless there are such articulated facts that lead to a reasonable suspicion that the person is armed and dangerous, a frisk is unconstitutional.

"Anything less," the Court ruled, "would invite intrusions upon constitutionally guaranteed rights based on nothing more substantial than inarticulate hunches, a result this Court has consistently refused to sanction.... And simple 'good faith on the part of the arresting officer is not enough.' ...If subjective good faith alone were the test, the protections of the Fourth Amendment would evaporate, and the people would be secure ...only in the discretion of the police."

3. This legal standard has never changed. In *Minnesota v. Dickerson*, decided in 1993, the Supreme Court unmistakably said that a pat-down search, or frisk, is constitutional only to determine whether a person being questioned "at close range is armed and presently dangerous." The only constitutional purpose of the frisk is to determine whether the person is in fact carrying a weapon. It is not, the Court ruled, "to discover evidence of crime, but to allow the officer to pursue his investigation without fear of violence" from a concealed weapon that might be used to harm the officer. "If the protective search goes beyond what is necessary to determine if the suspect is armed," ruled the Court, "it is no longer valid.... These principles were settled 25 years ago when, on the same day, the Court announced its decisions in *Terry* and *Sibron*."

With this background, we wish to call to your attention what we find insufficient about the way NYPD officers are being trained to comply with these constitutional standards, and to suggest changes that would improve such training and better insure both effective and constitutional use of the power to frisk.

A. Our first concern arises from a recent session held by the NYPD for the press precisely to demonstrate the care with which police officers are trained to carry out stop-and-frisk practices. A New York Daily News video was made of that session (See, <http://www.nydailynews.com/blogs/dailypolitics/2012/06/nypd-on-stop-and-frisk-this-is-how-we-do-it>) and it shows Inspector Kerry Sweet, an attorney, incorrectly stating the constitutional standard for frisks. On that video, Inspector Sweet states that "as the law stands now in New York State, if we reasonably suspect that someone is, is about to or did engage in a crime, we can forcibly stop that individual, the law allows us to seize him, it's an exception to the probable cause standard of the 14th Amendment, you can conduct an investigation, if necessary, we can frisk and then as I said it's either going to scale up, you have probable cause and you are going to arrest, as you saw earlier or it's going to scale down, at which point we disengage, I'm sorry sir, this is why you were stopped and we move on." (Emphasis added.)

This statement by Inspector Sweet is at a minimum very misleading, without doubt an insufficient description of the law and at worst legally incorrect. "If necessary, we can frisk" does not define what would be necessary, and flies directly in the face of the Supreme Court's rulings requiring articulable facts to support a suspicion that the person being questioned is "armed and dangerous." No police officer hearing what Inspector Sweet said could possibly know what is required before he is permitted to frisk. Indeed, no reasonable person listening to what Inspector Sweet said could possibly infer the correct legal standard. For example, Lindsey Meeks, who narrated the Daily News video, states in her narrative that "Stop and Frisk is a controversial policy where officers have a right to stop anyone on the street and pat them down if there is reasonable suspicion of a crime." She apparently reached this incorrect conclusion after listening to Inspector Sweet.

B. The NYPD Patrol Guide also has language that insufficiently and incorrectly describes the Supreme Court standards for constitutionally permissible frisks.

Procedure No. 212-11 states: "2. Frisk, if you reasonably suspect you or others are in danger of physical injury." This is not the *Terry* standard because a physical injury could occur in the absence of a person who

is "armed and dangerous". One need not possess a weapon to cause "physical injury." Confrontations on the street between police officers and citizens are fraught with tension, possible misunderstandings and resentments. It does not help to have officers trained with language that departs from the standard contained in Supreme Court cases. The current language of the Patrol Guide dilutes the Terry standard. It encourages and can easily lead to impermissible frisks. It should be changed to mirror the "armed and dangerous" language of Terry, and should include language that says explicitly that the only permissible reason for a frisk is if there is a specific reason to suspect a concealed weapon. And an example should be given. The example should be something like, "For example, the observation of a bulge indicating a gun". Or any similar example that the Department finds useful.

C. The NYPD Training Material also contains language that needs to be sharpened or corrected. The Lesson Plan, entitled "Policing Legally: Street Encounters," misstates or dilutes constitutional standards as set forth by the U.S. Supreme Court in its rulings described above.

1. On page 8, Part IV.B.3 states again that the officer may search for a deadly weapon or a dangerous instrument "If the officer reasonably suspects that he is in danger of physical injury." Here again, this is not quite what Terry says. This language is, again, at least inartful, and productive of a lack of clarity for the officer. There may be many reasons why an officer feels in danger of physical injury. That is not the legal standard permitting him to frisk. He can frisk only if he has a basis for reasonably suspecting that the individual he has stopped is armed and dangerous, and that suspicion must be based on articulable facts (e.g., a tell-tale bulge in the person's clothing, or some similar fact), and not just on a hunch or a feeling. The training material should clearly and explicitly state that.

2. On page 10, part IV.B.8 d states: "Reasonably suspect that subject has, is or is about to commit a VIOLENT crime-officer may frisk." Not correct. This standard--a reasonable suspicion that the person has, is or is about to commit a violent crime, or indeed any crime, may allow the officer to stop someone and question them, but that alone does not permit a constitutional frisk. This language must be corrected. It is misleading and incorrect to conflate the legal standard for a permissible stop with the legal standard for a permissible frisk. They are two distinct standards. This seems to be a major problem with the NYPD's stop and frisk material/activity.

3. On page 12, part V.B.2 states: "Frisk, if you reasonably suspect you or others are in danger of physical injury." Again, this is not correct, for the reasons explained in the examples above.

Taken together, the video, patrol guide, and training material raise the alarming possibility that the NYPD is applying the wrong legal standard when it frisks hundreds of thousands of New Yorkers each year. Certainly, the statistics concerning those frisks suggest they are being carried out too frequently in ways that depart from legal standards. Last year, as you know, 380,000 frisks were reported by NYPD police officers. Guns were found in no more than one-quarter of one per cent of those frisks, and concealed weapons of all kinds in less than 2% of the frisks. If in fact, police officers were applying the correct legal standard--that is, if they had facts to support a reasonable suspicion that the person they frisked was "armed and dangerous," they could not possibly have been wrong nearly 100% of the time. The job that individual officers are asked to do is hard enough, and the consequences of illegal frisks serious enough in fomenting deep resentments within the communities of those who are frisked, to make absolutely sure that officers are being properly and clearly trained.

We write with the hope of being constructive. If you believe our characterizations of what the law requires are inaccurate, please do tell us in what respects you believe them to be inaccurate. The expanded use of stop-and-frisk in recent years has become divisive and controversial. It does not have to be that way. We

believe that as currently conducted, it interferes both with citizens' rights and with effective law enforcement. It is worth noting again what Attorney-General Holder recently said: "Effective policing and constitutional policing go hand in hand.,

As a police tool, the power to stop, question and frisk has its place, but only if it is done in a constitutional manner. We submit that this has not happened to date. We look forward to your response.

Sincerely,

Norman Siegel  
Civil Rights Attorney

Ira Glasser  
Former Executive Director  
American Civil Liberties Union 1978-2001

George Napper  
former Chief of Police and Commission  
of Public Safety Atlanta, Georgia

Troy Duster  
Past President, American Sociological Association  
Senior Fellow, Warren Institute on Law and Social  
Policy, University of California, Berkeley

Eric Adams  
New York State Senator

Saralee Evans  
Acting Justice, New York Supreme Court, Retired

Emily Jane Goodman  
Justice, New York Supreme Court, Retired

Herbert Teitelbaum  
Attorney, Siegel Teitelbaum & Evans, LLP

Elena Goldberg Valazquez  
President, Puerto Rican Bar Association

Bruce Western  
Professor of Sociology, Director of the Malcolm  
Weiner Center for Social Policy at the Harvard  
Kennedy School of Government

THE POLICE COMMISSIONER  
CITY OF NEW YORK

August 27, 2012

Mr. Norman Siegel, Esq.  
260 Madison Avenue, 22nd Floor  
New York, New York 10016

Dear Mr. Siegel:

I am writing in response to your correspondence regarding Police Department stop, question and frisk procedures.

I agree that the legal authority to stop, question and, if legal circumstances warrant, frisk an individual whom a police officer reasonably suspects has committed, is committing or is about to commit a crime is an invaluable police tool which has played a critical role in keeping New Yorkers safe. I have no doubt that it has been a major contributing factor in the City's historic reduction in crime over the last decade and in helping to keep firearms off the street. I understand, however, that there continues to be an ongoing public concern regarding when and how Police Department personnel utilize this necessary tool. This is precisely why the Department remains vigilant in its oversight. Such oversight resulted in the creation of a new course that provides officers with additional instruction on when and how to conduct a lawful stop and under what circumstances it is permissible to frisk, five training videos about street encounters that outline the methods a police officer should use when conducting a stop, role playing exercises that recreate street encounter scenarios, republication of Department directives that specifically prohibit racial profiling and inclusion of those directives in ongoing training sessions, and tasking Executive Officers of each relevant command with the routine auditing of worksheets officers are required to complete after conducting a stop to ensure such stop and associated frisk, if any, was conducted properly.

Specifically, you highlight a video that appeared on the local news, portions of the NYPD Patrol Guide and NYPD training material for the purpose of illustrating how the Department's training practices deviate from the law as it relates to when an individual may be frisked. While I agree that the legal standard that dictates when a frisk is to be conducted is higher than the legal standard for a stop, I respectfully disagree with the premise that the standard, as taught, deviates from the current state of the law.

While I cannot speak to your criticism of a local reporter's misinterpretation of the law and our practices as they relate to stop, question and frisk, the quotation you attribute to one of our representatives during a press conference, when taken in context, accurately portrays that when an individual is stopped, it does not necessarily mean that that individual is subject to a frisk, rather, additional factors, if present, may escalate the encounter to include a frisk. Likewise, I believe the portions of the Department's Patrol Guide and training material you highlight as misstating or diluting the constitutional standards actually comport with those standards as interpreted by Federal and State court rulings. I also want to assure you that both the relevant Patrol Guide sections and lesson plans were reviewed and approved by the Department's Legal Bureau prior to publication.

I believe the steps outlined above, together with our ongoing efforts to improve this essential tool will continue to drive crime to new historic lows in New York City. One such ongoing effort is a quantitative

mechanism to identify officers who receive a baseline number of stop-related civilian complaints in comparison to officers in similar assignments. This mechanism will not interfere with on-going CCRB investigations, but will rather assist Executive Officers during their routine audit of officers' stop, question and frisk worksheets and will support the goal of improving the manner and efficiency of each officer's interactions with the public during a street encounter.

I thank you for your constructive input and I assure you that the NYPD will continue to work diligently in identifying additional measures that might be taken that would increase public confidence in our efforts. As always, I appreciate your continued support of the New York City Police Department.

Sincerely,  
  
Raymond W. Kelly  
Police Commissioner

September 10, 2012

Raymond Kelly  
The Police Commissioner  
1 Police Plaza  
New York, NY 10038

Dear Commissioner Kelly:

Thank you for your letter of August 27th, responding to ours of August 6th, to you and Mayor Bloomberg. We appreciate your reply and your characterization of our letter as "constructive input." In the spirit of continuing such constructive input, we'd like to clarify several points in response to your letter, and make one proposal, which we also intend as, and believe to be, constructive, and hope you agree.

First, although we do not question the authority of the police to stop, question and frisk people under appropriate legal circumstances, we never suggested and do not "agree" that the use of stop, question and frisk as a mass tactic "has played a critical role in keeping New Yorkers safe," or "has been a major contributing factor" in reducing crime or keeping firearms off the street.

We understand that you believe that, but we have seen no credible evidence, beyond assertions, that persuades us. We say this not to open a debate with you on that point, but to clarify our position, since your letter seems to characterize us as agreeing with your belief.

More importantly, not only do we not wish here to debate that point with you, we believe it is irrelevant for the purposes of following up on our initial letter. Our concern in writing you was the legality of the tactic as it has been and is being carried out, and the proper training of police officers to assure that in conducting frisks they do so in compliance with the law. We're sure you agree that a police tactic that violated the law would not be acceptable or permissible regardless of whether it could be said to have reduced crime.

So we hope that's enough said on this point: even if it were to be conceded that the tactic reduced crime, it would not be permissible if it were illegal, and our concern in writing you was strictly on the question of the correct legal standards for conducting a frisk in the absence of probable cause, whether those standards were being taught properly to police officers and whether in conducting frisks--many hundreds of thousands a year-- police were and are acting in compliance with those standards. So in pursuing our constructive discussion, let's stick to these questions, and leave assertions about crime reduction out of it.

Second, and with respect to the appropriate legal standards, we are pleased that you agree that the legal standard that permits a frisk is higher (and different) from the legal standard that permits a stop, what the Supreme Court has called a "forcible stop," that is, a stop where the person stopped is not free to leave. You go on to say that your training material and the Department's Patrol Guide do in fact comport with this higher legal standard "as interpreted by Federal and State court rulings." Here we wish to emphasize one point we believe we made in our initial letter: the governing legal standard for frisks is determined by Supreme Court rulings in the cases we cited in our letter. To the extent that State court rulings fall short of those Supreme Court standards, they do not govern, and are not applicable. In fact, in one of the two Supreme Court rulings--a New York case-- that first established the legal standard for

frisks, the Supreme Court made that very point clear. State court rulings may establish a higher standard, more protective of rights, than what the Supreme Court has established, but not a lower or less protective one. We are sure the Department's Legal Bureau can confirm this as a matter of law.

Third, since your letter does not say specifically which State court rulings you have in mind, nor does it say that your training protocols and materials conform to the applicable Supreme Court rulings that we cited in our letter, we are left uncertain as to what exactly is being taught; indeed, your letter doesn't even defend, clarify, concede or comment upon the specific NYPD training provisions we cited in our letter. Therefore the concern we expressed in our initial letter remains unresolved. And because your letter nowhere says what specific legal standard is being taught in your training programs, and the extent to which the specific legal standard you are using may differ from what we said the standard is in our letter, you can see why we remain less than wholly satisfied that our concerns have been addressed.

Which brings us to our proposal: you assert that your written training materials, Patrol Guide, the new training course and the 5 NYPD training videos comply with applicable legal standards, but without being more specific about what those standards actually are, we're sure you can understand why such assertions, without more transparency ' leave our concerns unresolved. Accordingly, and in the spirit of resolving our concerns and continuing what you have called our "constructive input," we would like either to be provided with a copy of these materials or to come in and be afforded an opportunity to review them with you and/or the appropriate people in your Legal Bureau. Such a meeting could result in resolving our concerns or in our providing additional suggestions that might further improve public confidence in the Department's efforts.

We appreciate your responsiveness, and hope you will find our proposal mutually useful, as well as constructive.

Thank you.

Sincerely,

Norman Siegel      Ira Glasser

cc: Mayor Michael Bloomberg

THE POLICE COMMISSIONER  
CITY OF NEW YORK

October 11, 2012

Mr. Norman Siegel, Esq.  
260 Madison Avenue, 22<sup>nd</sup> Floor  
New York, New York 10016

Dear Mr. Siegel,

I am writing in response to your September 10, 2012 correspondence regarding Police Department stop, question and frisk procedures.

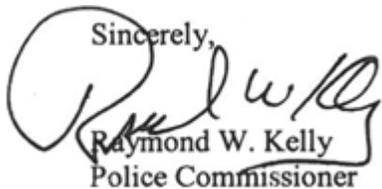
I again thank you for your interest in this very important issue that affects the lives and safety of New York City's residents, as well as millions of tourists and visitors each year. Although I am disappointed that you remain unconvinced with respect to the effectiveness of this vital tool, I remain confident that the Department is properly implementing the appropriate legal standards relative to stop and frisk.

While I agree that a tactic that violates the law would not be permissible regardless of its effectiveness in reducing crime, it is well settled and clearly permissible for a uniformed member of the service who reasonably suspects a person has committed, is committing or is about to commit a felony or a Penal Law misdemeanor, to (1) stop the person and request identification and an explanation of his conduct; (2) frisk, if the officer reasonably suspects that he or others are in danger of physical injury; and (3) search, if the frisk reveals an object which may be a weapon. We can further agree that absent an escalation, a request for information will not result in a frisk, nor will a frisk result in a search. This standard comports with not only the U.S. Supreme Court rulings you have cited, but also all ensuing federal and state decisions addressing the issues you raise here.

I hope that this letter will serve to alleviate all remaining concerns you may have relative to this issue.

I would also like to further assure you that even with the Department's lawful execution of this effective crime-fighting instrument, the NYPD will continue to work diligently in identifying additional measures that might be taken that would increase your, your colleagues and the public's confidence in our efforts. One example of such a measure is the training program you reference in your letter, which is now credited for re-training thousands of officers to date.

As always, I appreciate your continued support of the New York City Police Department.

Sincerely,  
  
Raymond W. Kelly  
Police Commissioner

260 Madison Avenue, 22nd floor  
New York, New York 10016

Police Commissioner Raymond Kelly  
New York City Police Department  
1 Police Plaza  
New York, New York 10038

November 5, 2012

Dear Police Commissioner Kelly:

We once again appreciate your willingness to engage in a dialogue with us about this important issue. However, we were disappointed in the substance of your reply of October 11, 2012, in several respects:

1. First and foremost, we were disappointed that you chose not to reply to our request, in our Sept. 10 letter, to have an opportunity to review the training videos and other materials, and discuss them with you. It seems to us indefensible, in light of all the problems that have arisen with the standards used by and the practices of many NYPD officers who have engaged in stops and frisks, and with the insufficiencies and inaccuracies of prior training materials, for you to claim, on the one hand, that current training materials conform strictly to legal standards long established by the Supreme Court, and on the other hand to refuse to disclose those materials in any way to outside scrutiny, even outside scrutiny you agree is constructive and even under circumstances that do not involve general public disclosure.

We renew our September 10 request, and hope you will give us the courtesy of a reply, even if it is negative, and, if it is negative, an explanation of why.

2. If you are saying, as you appear to be saying, that the legal standard for police officers to stop an individual, request identification and an explanation of his or her conduct is the reasonable suspicion by the officer that the individual "has committed, is committing or is about to commit a felony or a Penal Law misdemeanor," how do you explain the large number of documented stops where there appears to be no such reasonable suspicion?

Second, how do you assure prospectively that stops are based on such reasonable suspicion? What articulable facts must an officer find to support such reasonable suspicion, and to what extent is the officer required to record and specifically document such articulable facts? And how do the NYPD training materials reflect such requirements? Without such specificity, how are police officers to know what "reasonable suspicion" means legally, and what articulable facts they need to find before they may legally stop a person, request identification and require an explanation? Stating a standard in a letter, without more, provides little assurance that the standard is being properly implemented in practice, and as you know there is much evidence to suggest it is not.

3. You say that the standard now being used to authorize a frisk is "if the officer reasonably suspects that he or others are in danger of physical injury" (emphasis added). But that is not the correct legal standard. An angry individual, after being stopped, may endanger an officer by punching him, or attempting to punch him, and the officer is certainly entitled to restrain such an individual from doing so, but that doesn't mean he can frisk him.

The legal standard that permits a frisk requires a reasonable suspicion that the individual has a concealed weapon that can endanger the officer or bystanders, and that reasonable suspicion must be supported by articulable facts--such as a tell-tale bulge in clothing that can be seen--or other such facts. That is what the Supreme Court has said, on a number of occasions, is the legal standard. By teaching officers that their reasonable suspicion and fear of being punched ("physical injury") is a sufficient reason to frisk, you broaden the standard beyond what is legally required. This is exactly why we wanted to review the training materials with you, and have an opportunity to discuss how they might be improved to permit legal frisks while reducing and, we would hope, eliminating the number of frisks that exceed legal standards.

We are concerned that large numbers of inappropriate and illegal frisks are still taking place, and that NYPD training materials may still be encouraging them.

4. You say that if a frisk reveals an object which may be a weapon, a police officer is permitted to search. While that is true--in the sense that if a pat-down frisk results in something that feels like a weapon the officer may conduct a fuller search to see what the object is--the implication in your formulation is that a frisk is not itself a search. And you speak of circumstances where "a frisk [may] result in a search." That is clearly an incorrect formulation; because the Supreme Court has specifically and explicitly ruled that a frisk is itself a search subject to the Fourth Amendment, albeit a more limited one. We are concerned that by using language that implies that a frisk is not itself a search; you minimize the seriousness of a frisk. And if that kind of language is in the NYPD training materials, it is sending an incorrect legal message to police officers.

5. We are pleased that you say that "absent an escalation, a request for information will not result in a frisk" but we are concerned about what you mean by "an escalation" and what police officers think "an escalation" means that would legally permit a frisk. An escalation can mean rising tempers, argument about why an individual has been stopped, yelling, etc. But the legal requirement permitting a frisk remains the reasonable suspicion, based on articulable facts, that the individual is concealing a weapon. An "escalation" without such reasonable suspicion is not a legally sufficient reason to frisk, and we remain concerned at the loose way in which the Supreme Court standards are broadened by such insufficiently defined terms as "escalation."

6. Finally, when you say that your standards comport " with not only the U.S. Supreme Court rulings (we] have cited, but also with all ensuing federal and state decisions addressing the issues" you again invite the reasonable suspicion on our part that the NYPD has broadened and diluted the legal standard beyond Supreme Court rulings. The incontestable legal fact is that any lower federal court or state court decisions and any statutes that state a legal standard lower or more permissive than Supreme Court rulings are trumped by those Supreme Court rulings and cannot amend them. Any reference to other federal and state decisions that appear to be co-extensive in their authority with Supreme Court rulings is not legally correct.

We appreciate your continuing willingness to engage in a dialogue with us in an attempt to conform police practices to the law's limits. But for the reasons above, our concerns continue, and we hope it will be possible to discuss them with specific reference to particular training materials.

Sincerely,

  
Norman Siegel

  
Ira Glasser by NY

## Appendix E

Siegel, Norman and Ira Glasser. “Fix the Frisks: The NYPD is encouraging its cops to conduct improper pat-downs by giving flawed training.” Op-Ed, *Daily News*, August 19, 2012.

# It’s time to fix the frisk

**NYPD is training its officers in improper measures that cause widespread resentment among city residents**

BY [NORMAN SIEGEL](#) , [IRA GLASSER](#)

NEW YORK DAILY NEWS, Sunday, August 19, 2012, 4:00 AM

The NYPD’s hugely expanded tactic of stopping, questioning and frisking people, nearly entirely in African-American and Latino communities, has caused deep and divisive resentments, and more than a little justifiable anger.

It doesn’t have to be that way.

Police Commissioner Ray Kelly should focus on ensuring that officers follow all the legal standards that govern how police are permitted to interact with the public – starting with when cops are authorized to frisk someone, and when they are not.

A frisk is the most personally intrusive part of a stop-and-frisk encounter and the one most likely to generate anger. In 2011, the Police Department conducted 380,000 frisks. There is good reason to believe that many, perhaps most, of these frisks were illegal.

There is also good reason to believe that the NYPD has, in its training program, given potentially thousands of officers incorrect or imprecise information, leading them to think they have far more discretion to frisk people than the law in fact allows.

That’s because the department’s training materials misstate the legal standards governing when frisks are permitted and when they are not.

Consider these facts concerning stops and frisks:

Last year, the NYPD reported that officers stopped people for questioning almost 700,000 times, up from about 150,000 in 1998 and 313,000 in 2004. How has this happened?

In order to perform a legal stop, what the U.S. Supreme Court has called a “forcible stop,” in which the person is not free to leave, an officer must have a reasonable suspicion, based on articulable, specific facts, that “criminal activity may be afoot” and that the person stopped is involved or knows something about it.

A frisk usually takes place after an officer has stopped someone. As we have all seen on TV, the officer pats down a person by running his or her hands over the subject's body and external clothing.

Because this pat-down is more personal and humiliating than just stopping and questioning an individual, the court has ruled that cops must meet a different and higher standard before conducting a frisk.

A police officer may legally frisk someone only if the officer has reasonable suspicion to believe that the person is "armed and dangerous" and, as a result, poses a threat to the officer, or people nearby, during the course of questioning at close range.

The Supreme Court has ruled that such reasonable suspicion must be based on more than a hunch or a feeling that someone is "armed and dangerous." To be legal, an officer's suspicion must be based on specific, articulable facts, such as seeing something clearly indicating the presence of a gun. For example: a tell-tale bulge beneath clothing.

Reasonable suspicion that "criminal activity may be afoot" is enough to stop and question an individual, but it is not enough to frisk the person. The singular justification for a frisk is to protect the police officer and others nearby, when the police officer is questioning someone at close range.

The exceedingly low number of guns and other weapons found during frisks suggests that police did not really have fact-based reasonable suspicion that they were frisking "armed and dangerous" people, which is what the law requires.

While conducting those 380,000 frisks last year, police found 780 guns and 7,252 weapons of all kinds. For guns, that's a hit rate of less than one-quarter of one per cent – and for all weapons, less than 2%.

If the police actually had fact-based reasons to believe people were armed and dangerous, how could the officers be wrong nearly 100% of the time? The likelihood is they are frisking illegally – that is, without legally sufficient reason.

The cause of this may lie in part in the way they are being trained. Recently, we discovered a video that shows an NYPD lawyer explaining how police are trained to frisk. That police lawyer explicitly misstates the law.

After making a stop, he says, "if necessary, we can frisk." He does not define what would be necessary. He says nothing about "armed and dangerous" or about the facts that would justify reasonable suspicion of "armed and dangerous."

He just says "if necessary." His language is, at a minimum, very misleading. Without doubt, he presents an insufficient description of the law and, at worst, a legally incorrect one.

The NYPD Patrol Guide and written NYPD training materials include similar misstatements, or confusingly imprecise statements, of the law. The materials instruct officers to "frisk, if you reasonably suspect you or others are in danger of physical injury" or to frisk if they "reasonably suspect that subject has, is or is about to commit a VIOLENT crime."

This is not what the Supreme Court rulings require. It is at best imprecise and certainly far less than what is legally required, which is a fact-based reasonable suspicion that the person being questioned at close range is at that moment “armed and dangerous.”

How are cops supposed to apply the law if they are not taught the correct legal standards? Is it any wonder so many hundreds of thousands of legally dubious frisks take place, and have taken place, over and over again, for years?

As a tool, stop-question-and-frisk may have its place in particular cases. But as a high-volume mass tactic, with startlingly meager results in terms of arrests and guns found, serious questions are raised about whether cops are themselves obeying the law. In any case, we do not oppose all uses of stop, question and, in appropriate cases, frisk, but it must be done legally. This won’t happen if police are improperly or imprecisely trained to encourage more discretion than the law allows.

Accordingly, we, together with several others, including the former police chief and commissioner of public safety of Atlanta, a retired NYPD captain, two retired New York Supreme Court Justices and the president of the Puerto Rican Bar Association, have written to Mayor Bloomberg and Commissioner Kelly, requesting that they change the Patrol Guide and training materials to conform to what the law requires.

Through a spokesperson, they have “declined to comment.” That is simply unacceptable. They need to be held accountable. The violation of the constitutional rights of too many New Yorkers must stop now. And there will be no end to the anger and the resentment if it does not.

*Siegel and Glasser are, respectively, former executive directors of the New York and American Civil Liberties Union.*

## Appendix F

Testimony from the Town Halls: Sample data sets

1a & 1b. Data tables of the testimony and subject matter of Brooklyn Town Hall #3, April 13, 2015

### Improving Police-Community Relations Brooklyn Town Hall # 3

#### Community

KEY: **CP** = Community Policing; **BW/SF** = Broken Windows/Stop & Frisk; **TR/WC** = Training/Working Conditions; **CJ** = Criminal Justice; **CS** = Cultural/Societal

Comment	Recommendation/Observation	Speaker	Issue
1	No instruction for kids in how to deal w police when stopped	1	<b>CP/SF</b>
2	My son doesn't understand why he's stopped/must show id	1	<b>CP/SF/T</b>
3	Need dialogue in schools w police; should be mandatory	1	<b>CP</b>
4	Let children know police not the enemy	2	<b>CP</b>
5	Need a 'police are your friend' campaign	2	<b>CP</b>
6	Don't feel safe when see white officers patrolling	3	<b>SF/BW</b>
7	Just being able to talk is therapeutic; it can uplift people	4	<b>CP/T</b>
8	No one stands up for us, no matter who we vote for white or black	7	<b>CS</b>
9	We need to have the community watch NYPD, set up obs. posts	8	<b>CP</b>
10	Community checkpoints would create jobs	8	<b>CP/CS</b>
11	Youth need to go home at the end of the day	9	<b>CP/CS</b>
12	Community has a "disconnect" with the police	10	<b>CP</b>
13	Need to end us/them mentality	14	<b>CP/CS</b>
14	Everyone in community should be armed with video cam/phone; we must begin to police the police	15	<b>CP</b>
15	Wearing hoodies, pants low down, invitation to get stopped	16	<b>SF/CS</b>
16	Elders in the community don't speak to the young ones enough	17	<b>CS</b>
17	"It's not what they call you, but what you respond to."	18	<b>CP/CS</b>
18	"Our young people lack self-esteem to deal with situations"	18	<b>CS</b>
19	Police and citizens should both be trained in the law	20	<b>T/CJ</b>
20	Cop asked me: is there TV in Jamaica? Stereotyping is not just racial	20	<b>CS</b>
21	We need more job training centers. "A hungry man is an angry man"	24	<b>T/CS</b>
22	"All these killings- we keep telling police what we want, nothing changes"	25	<b>CP/CJ</b>
23	"Our families are crying out for change"	25	<b>CP/CJ</b>
24	We need a place for our young people to speak as well; Teenage Forum; focus should be on them, they're being stopped & frisked	27	<b>CP</b>
25	Programs on how to conduct yourself when dealing with police	27	<b>CP/CS</b>
26	Need parent-children programs; parents are afraid; if we plan to save them we need to bridge that gap	27	<b>CP/CS</b>

	Polling		
1	Residency requirement	U	
2	Community "moral liaisons"	U	
3	Cops are needed in community	M	
4	Grand Jury: at least preliminary hearing should not be secret	M	
5	Cameras in Court?	Y	
6	Psychological testing for police? Every 2-5 years? Randomly?	Y-U-U	

**Improving Police-Community Relations  
Brooklyn Town Hall # 3**

**Police & Criminal Justice**

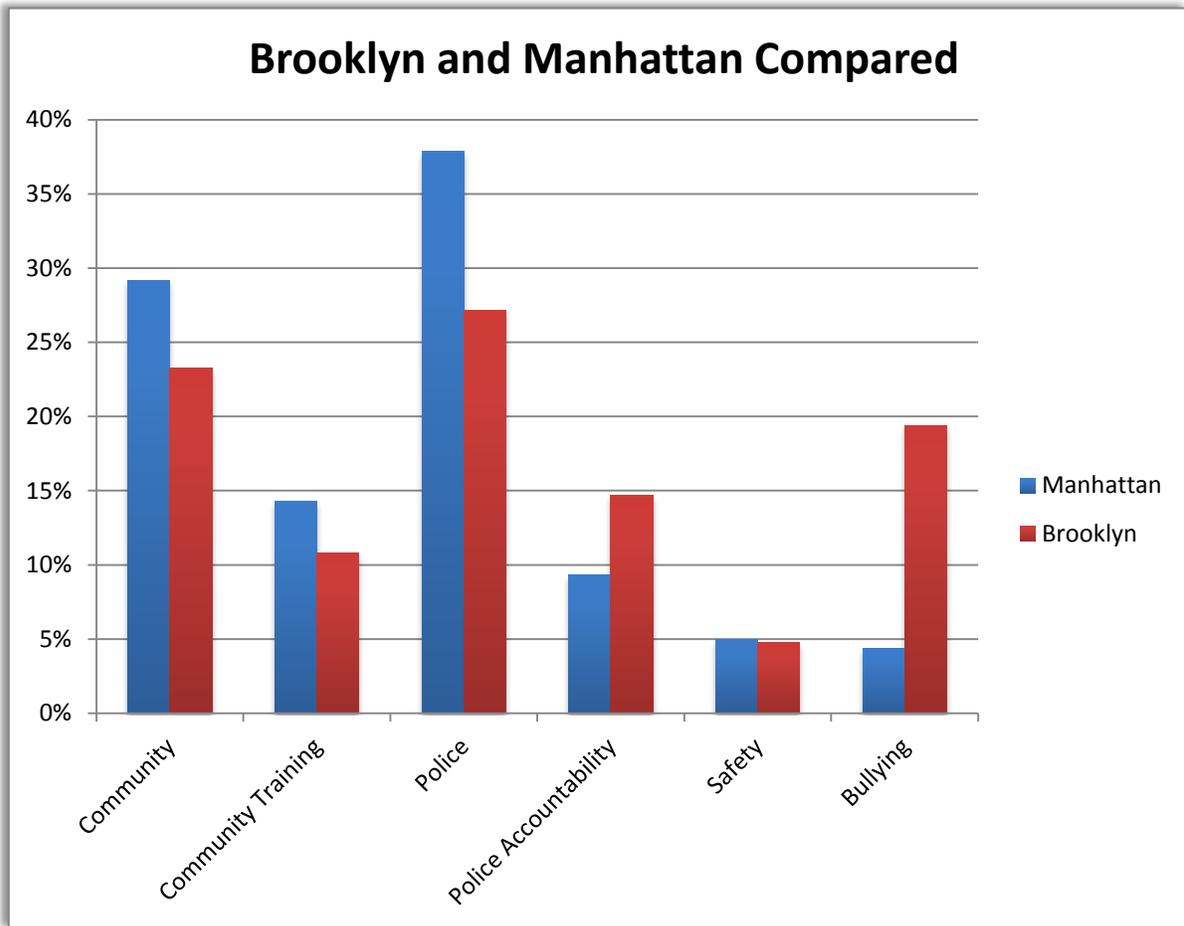
KEY: **CP** = Community Policing; **BW/SF** = Broken Windows/Stop & Frisk; **TR/WC** =  
Training/Working Conditions;  
**CJ** = Criminal Justice **CS** = Cultural/Societal

Comment	Recommendation/Observation	Speaker	Issue
1	When police feel unsafe, we're not safe either	2	<b>CP/T</b>
2	Don't feel safe when see white officers patrolling	3	<b>T/SF</b>
3	Officers have an 'overseer' mentality	3	<b>T/SF</b>
4	Need to integrate officers into the community	3	<b>WC</b>
5	Police should be subject to same prosecution for shooting our children as we are	3	<b>CJ</b>
6	Opposed to the plan for 1K more officers; Brownsville/ENY over policed now	4	<b>BW/CJ</b>
7	Should be investing in education and infrastructure in community	4	<b>CS</b>
8	BW by DeBlasio admin keeps blacks/Latinos from being productive citizens	4	<b>BW/CJ</b>
9	Community needs an apology (for history of abuse/corruption by police)	5	<b>CJ</b>
10	We're talking about systematic racism and slavery	6	<b>CJ</b>
11	Patrol us like they were game wardens	6	<b>BW/SF</b>
12	Police enforce (social) policy, not laws	6	<b>CS</b>
13	Real issue is housing, jobs; police respect people who own property	6	<b>CS</b>
14	Coming to meetings for decades; step outside, nothing changes	7	<b>CS</b>
15	Need to control the economics of our own community	7	<b>CS</b>
16	Need to weed out bad officers	9	<b>CJ/T</b>
17	Speaker was passed over for Citizens Police Academy despite passing background check, w/o explanation	10	<b>CJ</b>
18	Community trying to work with 75 <sup>th</sup> Pct but cops treat community badly	10	<b>CP/T</b>
19	Speaker was falsely incarcerated for 2 years before charges were dismissed	11	<b>CJ</b>
20	Stopped driving numerous times; they say, "you look like a pimp"	11	<b>BW/SF/ T</b>
21	Trying to find good cop in 75 <sup>th</sup> pct "like looking for gold under Linden Blvd"	11	<b>T</b>
22	Community is a training ground for new cops; where they learn to make quotas	11	<b>BW/SF/ T</b>
23	Desk cops put on patrol act out by issuing lots of summonses	12	<b>T/SF</b>
24	Police training needs to change	13	<b>CP/T</b>
25	Cops need to see themselves as part of community- if so, wouldn't be so quick to pull a gun on their neighbors, those they know	13	<b>CP/T</b>
26	7 years in community, still don't know cops, they are constantly changing. they don't know anyone, or how to talk to people, or listen to them, or walk the streets	13	<b>CP/BW T/CJ</b>
27	We are angry, frustrated; Their hearts have to change	13	<b>T</b>
28	Governor Cuomo promised to work on police brutality; then didn't show up twice for scheduled meetings w families of victims of brutality	14	<b>CJ</b>
29	We need a special prosecutor for cops	14	<b>CJ</b>

Comment	Recommendation/Observation	Speaker	Issue
30	There should be video of how cops are trained- they're learning brutality in class	15	<b>T</b>
31	I've been treated better by white cops than black & latino ones	16	<b>SF/CJ</b>
32	I changed the way I dressed and acted ("manned up") but cops treated me the same ("didn't man-up")	16	<b>SF/CJ</b>
33	'Try to live as a humble man, but cops have stopped me many times driving home from church.' What was the basis for stopping me?'	17	<b>SF/CJ</b>
34	Police lack humanity, and need cultural training	17	<b>T/CS</b>
35	Stopped many times; if you speak to officers w respect, no problem	18	<b>CS</b>
36	You treat people the way you see them- a visitor seeing condition of East NY asked: "was there a war here?"	19	<b>CS</b>
37	Stereotyping can only end with the training of the police in cultural nuances	20	<b>T/CS</b>
38	Police should have programs in primary/intermediate schools; we need an "adopt-a-cop" school program	22	<b>CP</b>
39	Why do cops shoot to kill? They should be trained to shoot low	23	<b>T</b>
40	Every court should be televised, people should be able to see everything	23	<b>CJ</b>
41	Grand juries encourage cops to kill	25	<b>CJ/T</b>
42	"We feel the cops are out there to kill us"	25	<b>T/CS</b>
43	"Cops are trained to treat everyone as a criminal"	25	<b>T/CP</b>
44	Police should rotate so they don't always see a neighborhood only at one time of the day or night, it shapes expectations	26	<b>CP</b>
45	Police should have mandatory interactions with children from the community as part of their training	26	<b>T/CP</b>
46	People not warm to police; they act like bullies, judging & profiling	27	<b>CP/T</b>

## Appendix G

“Improving Police-Community Relations:” Graph comparing the categorized testimony from seven police-community town halls in Brooklyn and Manhattan.



## Appendix H

Adams, Eric L, Gale A Brewer and Norman Siegel. "Correspondence with Police Commissioner William J. Bratton and Patrick Lynch, President, Patrolman's Benevolent Association. July 13, 2015.



**SIEGEL TEITELBAUM  
& EVANS, LLP**  
260 Madison Avenue - 22<sup>nd</sup> Floor  
New York, NY 10016

July 13, 2015

William J. Bratton  
Commissioner, Police Department of the City of New York  
1 Police Plaza  
New York, NY 10007

Patrick Lynch  
President, Patrolmen's Benevolent Association  
125 Broad Street 11<sup>th</sup> floor  
New York, NY 10004-2400

Dear Commissioner Bratton and President Lynch:

Since January, 2015 we have been conducting a series of town halls on the subject of improving police-community relations. To date we have held four sessions in neighborhoods across Brooklyn, including Brooklyn Heights/Cobble Hill, Crown Heights, Bushwick/Bedford Stuyvesant, and Brownsville/East New York, and two in the Manhattan communities of Washington Heights and East Harlem; forums in Sunset Park, Brooklyn and the Lower East Side of Manhattan are scheduled for this month.

We have obtained more than five hundred individual public comments, ideas, and recommendations from residents of these communities on the subjects of police-community relations, Broken Windows policing, "Stop and Frisk," and Criminal Justice Reform. At present we are preparing a report, based on the testimony of residents and police officers, that includes a history of "community policing" and its application in New York City, a wide range of academic studies, and summaries of our findings and recommendations for improvement in police-community relations.

In this highly collaborative effort we have had strong support from Chief O'Neill, Manhattan borough command, and participating rank and file officers whose experiences, views, and recommendations form an important part of the report. In light of the commitment you share, respectively, for the welfare of the city's officers and the mission of the department, and your recent testimony and published plans for "neighborhood policing," we invite you to contribute your views. If you would like to participate we would appreciate hearing from you, or your representatives, by Monday, July 20, in order to schedule a meeting to discuss the community's testimony, the tone and objectives of the report, and what form your participation might take.

Sincerely

**Eric L. Adams**  
BROOKLYN BOROUGH  
PRESIDENT

**Gale A. Brewer**  
MANHATTAN BOROUGH  
PRESIDENT

**Norman Siegel**  
CIVIL RIGHTS ATTORNEY

