

# TOWARD A 21<sup>ST</sup> CENTURY CITY FOR ALL

PROGRESSIVE POLICIES FOR  
NEW YORK CITY IN 2013  
AND BEYOND

## A Mayoral Agenda for Justice and Safety in New York City

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Once the symbol of urban decay and blight, New York City is now known for leading the nation's cities in decreasing levels of reported crimes. The city's decline has been twice that of any other city and has lasted twice as long as in any other city (Zimring 2011). But New York City's notoriety does not end there: when the next mayor takes office in January 2014, the city will likely be just as widely recognized for its controversial stop, question, and frisk strategy (SQF or stop and frisk) and the antagonism that it has generated among many of its residents. In light of recent judicial decisions and legal opinion, the next mayor may well face an existing or approaching court order to reform the New York Police Department's (NYPD's) SQF strategy. Regardless of any court intervention, the SQF strategy, as New York City has carried it out during the past twelve years, is not politically sustainable. The resentment and distrust it has engendered has delegitimized the NYPD among far too many residents.

The next administration will face a significant challenge: how to maintain record low levels of crime and hugely reduced levels of incarceration, arguably achieved in significant part by policing procedures, while coping with the acute, and not yet fully understood, consequences of these policing strategies. The next mayor and his or her NYPD Commissioner will face a central question: how can New York City maintain or improve its current level of safety and security while diminishing and avoiding the friction, non-cooperation, and other collateral damage of the NYPD's current levels of stop and frisk practices?

A major obstacle to answering this question is that researchers and experts have not isolated or identified, with any confidence, the causes of New York City's crime drop. Research on the effectiveness of policing tactics is limited and the link between policing, especially particular policing strategies such as SQF, and crime rates is tenuous and not rigorously established in the literature. The reasons for this are multiple. First, many different factors affect crime rates, including the economy, demography, weather, policy, and policing. Second, policing tactics are never conducted in isolation. For instance, during the past twelve years, as the NYPD has substantially scaled up SQF, it has also used such other approaches as hot spots policing, CompStat (short for Computer Statistics), and problem-oriented policing to focus crime prevention efforts on areas where certain offenses are concentrated. Evaluations of each of these tactics have suggested disparate conclusions as to their impact on crime reduction. Policing research largely agrees on the effectiveness of hot spots policing and CompStat, which has

been part, but not nearly all of the NYPD story over the last decade (Cook 2009). Moreover, even less research has been conducted on policing than other areas of the criminal justice system, such as corrections, parole, and probation.

Without adequate evidence on precisely how and why crime fell in New York City and what role the police department's practices played in achieving that outcome, it is difficult to take a true evidence-based approach to the problem, weigh alternative strategies, and make sound policy decisions. But such a balanced and thoughtful assessment is all the more necessary given the dissonance between the department's strong reputation and the ways in which the massive numbers of stops and frisks and the rising rates of misdemeanor arrests have compromised its legitimacy in many neighborhoods.

The New York City "miracle" of crime falling to levels not achieved in other cities has been a marquee story throughout the mayoral administrations of Michael Bloomberg and his predecessor Rudolph Giuliani. But the policing activities that may well have contributed to this miracle have also created collateral damage, legal risks, and public outcry which in turn have put the NYPD's ability to sustain them at risk. For some, the possible causal relationship between SQF as currently practiced and crime prevention no longer matters. In a few months, the Vera Institute of Justice will conclude a large-scale ethnographic study of how SQF affects young people and their families who have experienced it. The findings from this study, the first of its kind in New York City, will provide data on the costs and consequences of SQF that might be helpful in shaping future policy directions.

This chapter reviews public safety and justice trends that occurred during the Bloomberg administration, most of which started in the early 1990s, and outlines a series of recommendations that might compose a proactive justice and safety agenda in a city without SQF as we know it today. These recommendations are to:

- Transparently study the rollback of SQF and the costs and benefits of lower levels of SQF and misdemeanor arrests;
- Move beyond a strict law enforcement approach to bolster trust and legitimacy of policing;
- Promote an agenda aimed at increasing the efficiency of the criminal court system and the speedy disposition of justice;
- Continue commitments to the Young Men's Initiative, New York City's network of alternatives to incarceration, and juvenile justice and probation reform;
- Achieve further reductions in the incarceration rate by reducing the historic increase of misdemeanor arrests while continuing New York City's lower level of felony arrests; and
- Reinvest resources from the NYPD overtime budget into primary crime prevention strategies and to bolster police and community relations.

## 1. Public Safety and Justice Trends 2001 - 2013

### Crime Decline

During the twelve-year tenure of Mayor Bloomberg and NYPD Commissioner Raymond Kelly, the most pronounced public safety trends were declining numbers of crimes reported, declining numbers of people

incarcerated, and falling censuses in the city's jail. The remarkable decline in reported crimes began during the last two years of Mayor David Dinkins' administration in the early 1990s.<sup>1</sup> At a crime peak in 1990, New York City counted 2,245 homicides, earning the city a reputation as the "murder capital" of the nation (Lueck 2007). By 2012, the NYPD reported that only 414 murders had taken place in the city; the lowest number on record since the count began in 1963 (Bellafonte 2013; New York City Police Department 2012b).

As the following chart illustrates, over the last 20 years, total crime has declined by 69 percent while violent crime declined by 68 percent. From 1990 to 1999, New York City saw violent crime fall by over 56 percent and property crime by 65 percent (Corman and Mocan 2005). During the Bloomberg administration, total crime fell by 27 percent while violent crime fell by 26 percent (New York State Division of Criminal Justice Services 2012a). These trends are truly remarkable. At the same time (and unlike other large cities), New York City has also seen its jail population decline by 15 percent (Austin and Jacobson 2013). While the national crime trend was also downward, New York City outdistanced other cities. Not only was this downturn larger than in most other American cities, it has lasted for a longer period.

## Decline in Felony Arrests and Rise in Misdemeanor Arrests

The NYPD made 99,677 felony arrests in 2002, but this number dropped by about 10 percent to 89,103 by 2011 (New York State Division of Criminal Justice Services 2012a; 2012 b; 2012c). This marked a continuation in a trend of falling felony arrests from previous years. For instance, as shown in the chart below, two decades ago there were about 150,000 felony arrests, and by 2012, felony arrests slowly and steadily declined to about 88,000, a decline of 41 percent (Austin and Jacobson 2013).

**Index Crimes Reported to Police by Region: 1992-2001**

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
<b>Index Crime</b>	<b>626,182</b>	<b>600,346</b>	<b>530,120</b>	<b>327,621</b>	<b>382,555</b>	<b>356,573</b>	<b>323,441</b>	<b>299,909</b>	<b>287,995</b>	<b>264,225</b>
<b>Violent Crime</b>	<b>159,578</b>	<b>153,543</b>	<b>136,522</b>	<b>114,023</b>	<b>98,660</b>	<b>92,866</b>	<b>85,915</b>	<b>78,971</b>	<b>75,739</b>	<b>68,737</b>
Murder						769	633	671	667	649
Forcible Rape						2,158	2,046	1,702	1,643	1,533
Robbery						44,718	39,378	36,108	32,601	28,206
Agg. Assault						45,221	43,858	40,490	40,828	38,349
<b>Property Crime</b>	<b>466,604</b>	<b>446,803</b>	<b>393,598</b>	<b>327,507</b>	<b>283,895</b>	<b>263,707</b>	<b>237,526</b>	<b>220,938</b>	<b>212,256</b>	<b>195,488</b>
Burglary						54,147	46,221	40,469	37,015	31,564
Larceny						157,648	147,211	140,771	139,353	133,928
MV Theft						51,912	44,094	39,698	35,888	29,996

*See notes & sources on following page*

<sup>1</sup> Some research has suggested that New York City's crime decline can in part be attributed to pressure placed on NYPD officers to re-classify crimes downward (Silverman and Eterno 2012).

### Index Crimes Reported to Police, NYC vs. Rest of State, 2002-2011

		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
New York State	<b>Index Crime</b>	<b>538,912</b>	<b>519,089</b>	<b>500,640</b>	<b>489,397</b>	<b>477,861</b>	<b>460,974</b>	<b>464,606</b>	<b>449,745</b>	<b>450,121</b>	<b>446,733</b>
	<b>Violent Crime</b>	<b>94,598</b>	<b>89,365</b>	<b>84,274</b>	<b>85,524</b>	<b>83,814</b>	<b>79,820</b>	<b>77,423</b>	<b>74,828</b>	<b>75,820</b>	<b>77,265</b>
	Murder	905	925	899	875	927	808	835	784	866	770
	Forcible Rape	3,774	3,770	3,561	3,615	3,165	2,925	2,786	2,571	2,765	2,755
	Robbery	36,946	35,778	33,350	35,004	34,380	31,035	31,737	28,068	28,402	28,317
	Agg. Assault	52,973	48,892	46,464	46,030	45,342	45,052	42,065	43,405	43,787	45,423
	<b>Property Crime</b>	<b>444,314</b>	<b>429,724</b>	<b>416,366</b>	<b>403,873</b>	<b>394,047</b>	<b>381,154</b>	<b>387,183</b>	<b>374,917</b>	<b>374,301</b>	<b>369,468</b>
	Burglary	76,494	75,418	69,928	67,800	68,487	64,828	65,502	62,672	64,658	64,884
	Larceny	319,502	309,168	305,659	300,537	293,472	288,354	296,589	290,464	289,244	285,961
	MV Theft	48,318	45,138	40,779	35,536	32,088	27,972	25,092	21,781	20,399	18,623
New York City	<b>Index Crime</b>	<b>250,631</b>	<b>236,215</b>	<b>226,876</b>	<b>217,132</b>	<b>205,522</b>	<b>199,941</b>	<b>198,419</b>	<b>188,357</b>	<b>188,104</b>	<b>191,666</b>
	<b>Violent Crime</b>	<b>63,840</b>	<b>59,448</b>	<b>55,688</b>	<b>54,623</b>	<b>52,086</b>	<b>50,453</b>	<b>48,430</b>	<b>46,357</b>	<b>48,489</b>	<b>51,209</b>
	Murder	587	597	570	539	596	496	523	471	536	515
	Forcible Rape	1,689	1,609	1,428	1,412	1,071	875	890	832	1,036	1,092
	Robbery	27,229	25,989	24,373	24,722	23,511	21,787	22,186	18,597	19,608	19,773
	Agg. Assault	34,335	31,253	29,317	27,950	26,908	27,295	24,831	26,457	27,309	29,829
	<b>Property Crime</b>	<b>186,791</b>	<b>176,767</b>	<b>171,188</b>	<b>162,509</b>	<b>153,436</b>	<b>149,488</b>	<b>149,989</b>	<b>142,000</b>	<b>139,615</b>	<b>140,457</b>
	Burglary	30,102	28,293	26,100	23,210	22,137	20,914	19,867	18,780	17,926	18,159
	Larceny	129,655	124,846	124,016	120,918	115,363	115,318	117,682	112,526	111,370	112,864
	MV Theft	27,034	23,628	21,072	18,381	15,936	13,256	12,440	10,694	10,319	9,434
Rest of New York State	<b>Index Crime</b>	<b>288,281</b>	<b>282,874</b>	<b>273,764</b>	<b>272,265</b>	<b>272,339</b>	<b>261,033</b>	<b>266,187</b>	<b>261,388</b>	<b>262,017</b>	<b>255,067</b>
	<b>Violent Crime</b>	<b>30,758</b>	<b>29,917</b>	<b>28,586</b>	<b>30,901</b>	<b>31,728</b>	<b>29,367</b>	<b>28,993</b>	<b>28,471</b>	<b>27,331</b>	<b>26,056</b>
	Murder	318	328	329	336	331	312	312	313	330	255
	Forcible Rape	2,085	2,161	2,133	2,203	2,094	2,050	1,896	1,739	1,729	1,663
	Robbery	9,717	9,789	8,977	10,282	10,869	9,248	9,551	9,471	8,794	8,544
	Agg. Assault	18,638	17,639	17,147	18,080	18,434	17,757	17,234	16,948	16,478	15,594
	<b>Property Crime</b>	<b>257,523</b>	<b>252,957</b>	<b>245,178</b>	<b>241,364</b>	<b>240,611</b>	<b>231,666</b>	<b>237,194</b>	<b>232,917</b>	<b>234,686</b>	<b>229,011</b>
	Burglary	46,392	47,125	43,828	44,590	46,350	43,914	45,635	43,892	46,732	46,725
	Larceny	189,847	184,322	181,643	179,619	178,109	173,036	178,907	177,938	177,874	173,097
	MV Theft	21,284	21,510	19,707	17,155	16,152	14,716	12,652	11,087	10,080	9,189

*Note: The new Penal Law charges of Strangulation 1st (PL 121.13) and 2nd (PL 121.12), which were enacted in November 2010, are classified as aggravated assaults for crime reporting purposes. Prior to enactment, a significant number of incidents now classified as Strangulation 2nd (PL 121.12) would have been classified within the UCR as simple assaults. The New York City Police Department estimates that 60% of the City's overall increase in aggravated assault in 2011 is due to this change in classification.*

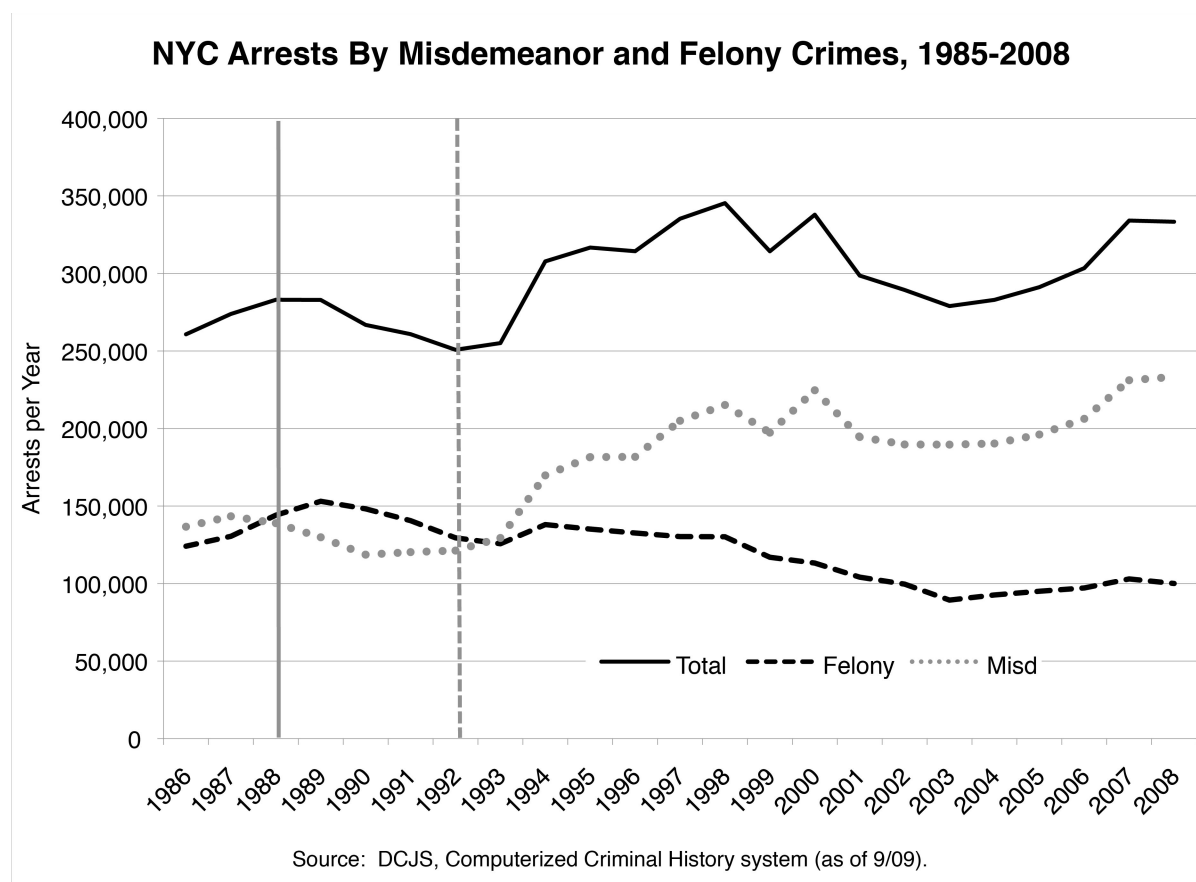
Sources: DCJS, Uniform Crime/Incident-Based Reporting systems.  
Includes all reports received as of 10/16/12.

FBI, Uniform Crime Reports as prepared by the National Archive of Criminal Justice Data

Declines in crime and the incarcerated population did not mean, however, that New York City residents faced lower levels of law enforcement action or arrests. Alongside these downward trends, a striking increase has taken place in misdemeanor arrests facilitated in part by increasing street stops. The Bloomberg administration extended a long-standing “zero tolerance” policing strategy focused on so-

called “quality of life” crimes by making more misdemeanor arrests for such offenses as loitering, vagrancy, and trespassing, among many others. As shown in the chart below, misdemeanor arrests numbered approximately 120,000 in 1990 and rose steadily to just below 240,000 in 2012, reflecting a doubling over that period (New York State Division of Criminal Justice Services 2012c).

Because parolee and probationer arrests for felonies and misdemeanors have both decreased during the Bloomberg administration (parolee arrests by 16 percent and probationer arrests by 42 percent), parolee or probationer recidivism do not seem to be driving increasing misdemeanor arrest rates (New York State Division of Criminal Justice Services 2012c). A sizeable proportion of the growth in misdemeanor arrests can be attributed to the growth in low-level marijuana possession arrests. The NYPD made approximately 51,000 marijuana possession arrests in 2012 out of a total 236,857 misdemeanor arrests. Between 1996 and 2010, the NYPD made 536,320 low-level marijuana possession arrests, an enormous increase compared to the prior 15 years, during which only 33,770 of these arrests occurred (Levine 2011a). According to Harry Levine’s research, one in every seven New York City arrests in 2010 was for marijuana possession (Levine 2011a).



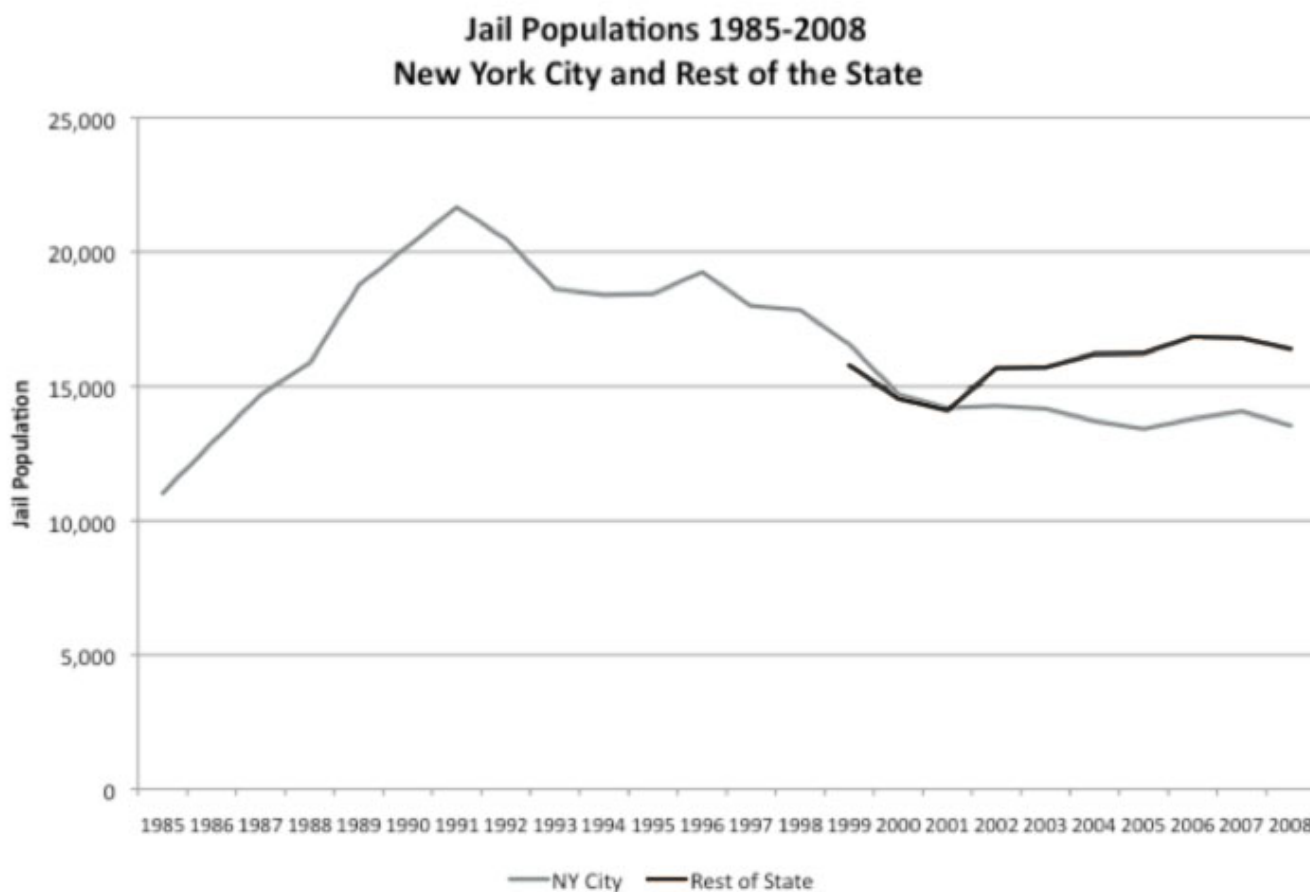
*After Austin and Jacobson 2013.*

Disaggregating arrest data by race reveals the sharply disparate impact of increasing misdemeanor arrests. The number of black and Hispanic residents who have been arrested for misdemeanor drug possession, especially marijuana, has increased steadily, even though studies have consistently shown that white youth use marijuana at higher rates than black or Latino youth. Nevertheless, blacks are arrested for marijuana possession at seven times the rate of whites, and Latinos are arrested at nearly four times the rate of whites (Levine 2011b). Since 2002, the number of Hispanic and black arrestees

has increased significantly, while arrests of whites and other ethnic groups have increased much less markedly.

## Reduction in Incarceration

During the past decade, the United States has largely continued its path toward world-record-high incarceration rates, though the national incarceration rate began declining slowly in 2007. In the 1990s, however, both the city and state of New York began to defy this trend. Beginning in 1991, New York City's jail population began to drop, and the state's prison population began to decrease in 2000. Incarceration rates and criminal justice supervision rates continued to decline during the Bloomberg administration (Austin and Jacobson 2013). As the following chart indicates, the New York City jail population peaked in 1991 with approximately 22,000 inmates. By 2012, the average daily jail population declined to slightly over 12,000, a reduction of 45 percent. This astounding reduction in a big city jail is unmatched anywhere else in the United States. Also, New York State's prison population, which peaked at about 72,000 in 2000, has declined over the last decade by 24 percent to just over 55,000 inmates in 2012 (Austin and Jacobson 2013). Like the reduction in the New York City jail population, this reduction in the number of state prisoners is also unmatched anywhere in the United States.



*Reprinted with permission from Austin and Jacobson 2013.*

In a report examining the declines in New York City's incarceration, Austin and Jacobson summarize the characteristics of these marked declines:



- The number of people sentenced to prison began to decline in New York City in 1992 while prison convictions were increasing elsewhere in the state.
- Prison disposition rates (cases in which defendants were sent to prison) in New York City declined from about 22 percent in 1994 to 15 percent in 2008. The prison disposition rate dropped because courts used “conditional discharge,” diversion and alternative sentencing programs more frequently. Prison disposition rates in non-New York City counties were increasing during the same time period.
- The probation population in New York City declined by 43 percent in the decade after 1998, from 77,000 to 44,000. This spurred a statewide decrease in the number of residents on probation.
- The state parole population declined by 22 percent to 42,000 between 1997 and 2008, similarly driven by declines in the number of New York City’s parolees (Austin and Jacobson 2013).

Austin and Jacobson also explore factors behind these declines, moving beyond the falling crime rates observed in many cities as the major factor explaining declining incarceration rates. Their research highlights how policing can have a meaningful role in reducing incarceration. Citing a 72 percent reduction in the number of felonies reported by New York City to the FBI between 1988 and 2008 (719,887 to 198,419), they write:

*The primary driver of the drop in the correctional population in New York was the significant decrease in felony arrests in New York City. Jurisdictions outside of New York City did not experience a similar shift in arrests. NYPD’s shifting resources toward misdemeanor arrests as part of the “broken windows” policing model contributed to the decrease in the felony arrests. A drop in the number of felonies committed generally also contributed to the correctional population decrease. Fewer felony arrests led fewer people to enter prison, probation, or parole rolls. A policy simply increasing misdemeanor arrests while keeping felony arrest and indictments constant would not reduce correctional populations. Other factors, such as New York’s various diversion programs, also contributed to the correctional population decline (Austin and Jacobson 2013, 7).*

During Bloomberg’s tenure, juvenile arrests and the average daily population in juvenile detention facilities also dropped simultaneously. The mayor’s office has associated these trends in juvenile justice with its own and the state’s juvenile reform efforts, which started in 2006. Since then, juvenile major crimes have fallen by 27 percent while the average daily population in detention fell by 29 percent.

Continuing these trends in reduced incarceration should be a key criminal justice goal for the next administration.

## Justice Delayed

A four-part investigative series by the *New York Times* in April 2013, titled “Justice Denied: Inside the Bronx’s Dysfunctional Court System,” brought belated and harsh light to an issue that plagues all of the city’s courts. The speedy disposition of felony and misdemeanor cases should be an overarching goal of any just court system. Yet, over the last two decades, New York City courts have exhibited just the opposite, as cases take longer and longer to dispose. According to data from the New York City Department of Corrections, the average length of stay for someone detained for a felony charge was 74.3 days in 1995 and the number had barely shifted to 76.2 days in 2002. By 2012, however, people

with a felony charge were jailed for 95.2 days awaiting disposition, a 25 percent increase in 10 years (NYC Department of Corrections, e-mail to author October, 12, 2012).<sup>2</sup> In 2011, 8,063 felony cases had been pending for over six months, more than doubling the year 2000 figure of 3,968. This has occurred even as Supreme Court filings have decreased by 22 percent in the same time period. Across New York City, more than half (55 percent) of felony cases were pending for more than six months in 2012 (Criminal Justice Indicator Report 2013).

The slowing disposition of justice has tremendous personal, social, and fiscal costs. As an issue of justice and fairness, we should not incarcerate individuals for longer than needed and families should not have to wait six months or more for their cases to be resolved. The time taken to resolve cases is also a significant factor in the reputation and legitimacy of the court system and trust that residents have in that system. Finally, the unnecessary resource drain imposes enormous fiscal costs. With speedier resolution of cases, the city could save substantial amounts of money by significantly reducing the jailed pretrial population. For example, if we could lower the average processing time for detained felony cases from the current 95.2 days to the 76.2 days prevailing at the beginning of the Bloomberg administration in 2002 (when there were twice as many detained felony cases as there are today), we could reduce the jail population by approximately 1,900 beds, or 15 percent of the entire jail system, saving the city budget \$141 million, at a conservative estimate.<sup>3</sup>

## 2. Policy Proposals: Reducing Collateral Damage of Recent Policing Strategies

### Reducing the High Rate of Misdemeanor Arrests

As already discussed, the NYPD is conducting massive numbers of low-level arrests. The next administration would be prudent to reassess this strategy. The centerpiece of the NYPD's enforcement strategy over the past 20 years has increasingly been high-volume arrests of low-level offenders and substituting short-term pre-trial detention and remands to jail for imprisonment. Intricately connected with the NYPD's SQF strategy, this has created mistrust and open hostility between the police and many residents of black and Latino communities, the majority of the city's population.

Low level marijuana possession arrests, composing 22 percent of misdemeanor arrests in 2012, overwhelmingly affect people with no prior arrests or convictions, young people, and African Americans and Latinos, who make up 87 percent of such arrests (Levine 2011a). These marijuana possession arrests became dubious enough in purpose and legality to compel Mayor Bloomberg to address the issue in his 2013 State of the City speech:

*We know that there's more we can do to keep New Yorkers, particularly young men, from ending up with a criminal record. Commissioner Kelly and I support Governor Cuomo's proposal to make possession of small amounts of marijuana a violation, rather than a misdemeanor and we'll*

<sup>2</sup> 2012 Figure reflects average through September 2012.

<sup>3</sup> Fully loaded NYC DOC costs (salary with fringe, pension, etc.) less debt service are \$1.845 billion per year (Bloomberg 2012, p. 87). Given a projected average daily population of 12,385 (Bloomberg 2012, p. 88), the average cost per prisoner is \$149,000. We are assuming (conservatively) that the marginal savings for 1,900 beds is half of the average, or \$74,500. At 1,900 beds the annual savings would be \$141 million.



*work to help him pass it this year. But we won't wait for that to happen. Right now, those arrested for possessing small amounts of marijuana are often held in custody overnight. We're changing that. Effective next month, anyone presenting an ID and clearing a warrant check will be released directly from the precinct with a desk appearance ticket to return to court. It's consistent with the law, it's the right thing to do and it will allow us to target police resources where they're needed most.*

As a result, starting in March 2013, those stopped for marijuana possession will get a desk appearance ticket rather than being detained until arraignment. While this reform may lower misdemeanor arrests in the coming year, it does not help us to better assess the overall strategy.

Little in the research suggests that high numbers of low-level arrests as experienced in New York City are a factor in reducing serious crime. In fact, as already stated, experts have little consensus about what drove the larger crime reductions that make up New York City's remarkable record. Some studies say that "broken windows"-style misdemeanor arrests played no role in reducing significant crime, while others claim it has a deterrent impact on certain types of crime, though a more limited than proponents claim (Bloomberg 2013).

The next mayor will thus confront this legacy without knowing the impact of high levels of misdemeanor arrests on the reduction of serious crime. Clearly, more research should be invested both to understand the causal relationships between arrest strategies and public safety outcomes and to decrease its negative repercussions, such as the resentment and distrust felt most deeply by young members of New York City's black and Latino communities. An early agenda item of the NYPD must be to carefully document and evaluate the relationship between changing patterns of low-level arrests and crime reduction. This would be aided and made more compelling, if supported by an external research team partnering with the NYPD to examine these complex issues.

## Reconsidering Current Levels of Stop, Question, and Frisk

Next to publicity on New York City's continuing crime decline, stop and frisk has taken center stage in discussions of New York City's public safety agenda. Experts and large segments of the public have questioned the motivations and implementation of the highly controversial strategy. During the final years of the Bloomberg administration, it has been the topic of numerous legal challenges and class action lawsuits. Critics claim the policy is ineffective and unconstitutional while supporters claim the policy has significant crime deterrence effects. In his 2013 State of the City address, Mayor Bloomberg defended SQF as an effective deterrent to crime and a factor in reducing incarceration:

*Attacking illegal guns here in New York City has helped us drive crime down to record lows. And we haven't done it by locking more people up, just the opposite. While the incarceration rate across America has increased by six percent over the past decade here in New York City, we've reduced it by 32 percent. We've done it through pro-active, targeted policing that prevents crime and that includes stopping and questioning people who are acting suspiciously or who fit the description of a suspect. I understand that innocent people don't like to be stopped. But innocent people don't like to be shot and killed, either. Stops take hundreds of guns off the street each year. Today, we are collecting fewer guns, but that is not an excuse to stop it – it is a reason to*

*continue it. Because the possibility of a stop is what scares would-be bad guys into not carrying guns. And if we never find a gun again in a stop, wouldn't that be wonderful? Commissioner Kelly has adopted training and accountability policies to ensure that police officers conduct stops legally, appropriately, and respectfully but make no mistake: We have a responsibility to conduct them and as long as I am mayor, we will not shirk from it... We know stops save lives. Is there anyone here who would sacrifice his or her life, and the lives of their family and friends, to end stops? I don't think so. We can't let politics trump public safety and for the next 320 days at least, we won't.*

The NYPD conducted four million street stops of New York City residents between 2002 and 2012. In 2002, 97,296 stops occurred, and a decade later 533,042 stops were conducted. Thus, in this ten-year span, stops and frisks increased by 448 percent (New York Police Department 2013). This generated significant public concern. First, the pure magnitude and rapid increase in the number of stops heightened public concern, especially given the few arrests made following SQFs. Second, the policy has been harshly criticized for overstepping constitutional boundaries, using a vague definition of suspicion, and reflecting a strategy of racial profiling. Only 10 percent of the people stopped were white, despite their making up 44 percent of the city's population. (Approximately 54 percent of stops were of black residents – 25 percent of the population – and 32 percent of Latino residents – 28 percent of the population). The NYPD disputes this criticism by saying that they do not racially profile but instead employ SQF in the highest crime neighborhoods, which are overwhelmingly communities of color.

Evidence also suggests that black and Latino residents are more likely than a white resident to be frisked after a stop and to have physical force used during the incident (Center for Constitutional Rights 2009). The impact of stop and frisk is also disproportionately felt by young people, ages 14 to 24, in particular neighborhoods. Critics suggest this pattern of stops generates resentment, anger, and distrust widely across black and Latino communities. The Community Service Society's 2013 Unheard Third Survey found that reducing crime, drugs, and guns is the second-highest priority for low-income New Yorkers. They also found that low-income New Yorkers were evenly split in their views on SQF. Equal proportions support discontinuing and continuing the practice. When race is accounted for, 58 percent of low-income black respondents want to discontinue SQF, as opposed to 41 percent of low-income whites and 44 percent of low-income Hispanics. Sixty-five percent of low-income New Yorkers in neighborhoods where "a lot" of people are stopped think the next mayor should discontinue the policy (Community Service Society 2013). Research suggests that these feelings may jeopardize the NYPD's reputation and ability to do its job effectively in many communities by decreasing the public's cooperation in crime prevention. (The Vera Institute of Justice study mentioned earlier will shed light on whether the tactic decreased the public's cooperation with law enforcement.)

Lastly, critics argue that the stop and frisk strategy fails to find criminals or disrupt crimes in progress. Nearly nine in ten stops result in simply letting the resident go, with no arrest, gun confiscation, or ticket. Put another way, 90 percent of these stops find that the person stopped did nothing wrong. Critics cite as evidence that even as the NYPD significantly reduced its record number of stops in the latter part of 2012, the murder rate continued to fall to historic levels (Grynbaum and Barbaro 2013). (Defenders of the policy argue that the low numbers of arrests resulting from SQF are evidence of the SQF's successful deterrent effect.)

Research on the effectiveness of policing practices is scarce in part because the NYPD and most other police departments have limited internal institutional capacity to engage in research. The most studied police practices are community policing, problem solving policing, traditional policing, and hot spots policing. The challenge to good analysis is that these practices look different in each city and any given implementation uses tactics that might be part of more than one strategy. The strongest evidence favors hot spots policing, a strategy based on the idea that crime is concentrated in a few locations. Evaluations have shown that police action focused on specific crime clusters can prevent crime and disorder while not displacing crime (Braga 2001). The National Research Council's Committee to Review Research on Police Policy and Practices noted that "studies that focused police resources on crime hot spots provided the strongest collective evidence of police effectiveness that is now available" (Skogan and Frydly 2004, 250). The NYPD has pursued hot spots policing in connection with the CompStat system. The NYPD often argues that stops and frisks are part that strategy.<sup>4</sup> Franklin Zimring claims that hot spots policing, augmented by additional officers, was the major factor in New York City's crime decline (Zimring 2011).

Criminologists and the NYPD thus have an opportunity to sort this matter out by closely observing what happens to larger crime patterns as stop and frisk and misdemeanor arrests decline. We do not fully understand the consequences of the NYPD's rapid and significant scaling up of stops and frisks during Bloomberg's tenure, particularly in terms of whether this approach generated a level of public hostility leading to decreased NYPD legitimacy that may be associated with increases of non-cooperation, disorder and lawlessness. Existing research shows that residents are less likely to comply with police requests when officers are disrespectful to members of the community (Weisburd and Eck 2004). We also know that strong law enforcement and crime drops can take place without necessarily generating community hostility or uproar. A 1993 Vera Institute of Justice study explored how two precincts in the Bronx achieved crime declines comparable to citywide drops while simultaneously reducing complaints made against them (Davis and Mateu-Gelabert 1999).<sup>5</sup>

Crime prevention requires community commitment, and the effectiveness of the police can be enhanced through cooperation. Looking forward, the next administration should assess this relationship (Cook 2009). With or without judicial oversight, the next mayor should consider the public safety ramifications of the anger and distrust generated by stops and frisks. To do so, the incoming administration should conduct a study during its first six months to evaluate the efficacy of current levels of stop and frisk and its rollback. This investigation must rigorously address the benefits, costs, and trade-offs of different levels of stop and frisk. The NYPD must better understand the differences between "polite" and aggressive stops. The study should also assess the impact of decreased usage of street stops on a broader set of public safety metrics such as public confidence and perceptions of justice and safety. Because high levels of SQF have been part of the NYPD's general operating procedures for two decades, the next mayor will likely need to reform police training, and culture to eliminate overly aggressive approaches to street stops and to institutionalize the uniform use of reasonable suspicion in

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<sup>4</sup> See *New York Times* 2013 coverage of *Floyd, et al. v. The City of New York, et al.*

<sup>5</sup> This was during a period when complaints filed against the police rose across the city. The researchers attributed this outcome to the management of the precinct commanders and their departmental policies. They improved supervision and stepped up their trainings.

stops. These efforts should be part of an overall strategy to increase the transparency of New York City's crime and policing data and open the doors to collaboration and cooperation on NYPD research.

These steps will have the positive side effect of reviving New York City's problem-solving approach to policing. It will thus be able to evaluate the strengths and weaknesses of alternative strategies rather than simply continuing strategies started under Giuliani and continued over the last twelve years. The NYPD's approach has been overwhelmingly and disproportionately in the realm of strict law enforcement to the detriment of supplementary and alternative tactics like mobilizing the community, enlisting the community to maintain informal social control, and using mediation. Additional studies and transparency would increase the public's willingness to recognize the NYPD's successes and improve the quality of its community relations. A broader view of public safety must consider public support of and confidence in the police, trust, and sense of safety and security alongside crime and arrest patterns.

### 3. Looking Forward: Proactive Justice and Safety Reforms

Certainly, in taking the preceding steps – reducing the levels of SQF and misdemeanor arrests, overcoming pervasive distrust of the NYPD, and attaining a better understanding of how police practices relate to serious crime patterns – the next mayor will have made great progress in coping with the lingering effects of past trends. But he or she will also have significant opportunities to move beyond a reactive or recurring agenda in continuing record-low crime levels.

#### The Speedy Disposition of Justice

The incoming mayor should, with the governor, implement a high-profile initiative to make the courts in New York City speedier and more efficient. This should be a high priority despite the lack of public attention the costly problem receives. If the city's incarceration rates were as high as in prior decades and courts moved as slowly as today, there would be tremendous jail overcrowding and far more public outrage. As described earlier, this has significant negative effects for justice, fairness, and the city budget. Tens of thousands of New Yorkers are languishing in jails for months because of court case delays. Everyone in the system - judges, prosecutors, and public defenders/legal aid – contributes to delays. Although prosecutorial, defense and judicial practices are outside of the mayor's direct purview, the mayor's leadership and advocacy on this issue is essential and could be pivotal. Other cities provide good examples for how to achieve speedier justice.

#### Additional Savings

Another forward-looking aspect of a new justice and safety agenda is to consider reducing the size of the police force or at least reducing the overtime budget and reinvesting any savings in primary crime prevention efforts. Throughout Mayor Bloomberg's tenure, the police department's budget has grown while the size of the force has decreased. By FY 2011, the NYPD budget was \$4.8 billion, the uniformed police force was 33,777, and overtime pay had grown to \$550 million, about \$45 million more than in FY09 (New York City Police Department 2002; 2011; 2012a). Looking back two more years to FY07, the NYPD budget was \$3.8 billion and overtime was only \$426 million. Going back to FY1998, the police department's overtime totaled \$146 million, or about a quarter of what it is today. The next mayor would

be wise to investigate the uses of this overtime budget, which is nine times the entire city-funded portion of the Probation Department's budget, and find ways to reduce it or at least cap its growth.

## Continued Juvenile Justice Reform

In other aspects of criminal justice policy, the next mayor will inherit a series of policy innovations that reflect a problem-solving orientation, an evidence base, and real potential for contributing to public safety. While these strategies are in their early stages, the next mayor should continue them while evaluating their impact. The first strategy to preserve and monitor closely is the Close to Home Initiative. Mayor Bloomberg merged the functions of the Department of Juvenile Justice with the city's Administration for Children Services in 2010. Governor Cuomo approved legislation in March 2012 to allow New York City to take steps to keep children in care closer to their homes, within less secure facilities, as opposed to sending them to more secure facilities upstate.

The logic of this reform assumes that if the city keeps children and youth closer to home and within the New York City public school system, then they will maintain better links with family and social networks and improve their educational outcomes and lower recidivism, thereby increasing overall public safety. In the state of New York, 89 percent of boys and 81 percent of girls released from state juvenile corrections institutions in the early 1990s had been arrested as adults by age 28, and 71 percent of the boys were re-incarcerated in an adult jail or prison (Coleman et al. 2009). The city issued its final Close to Home plan in June 2012 and now keeps all but the most seriously delinquent youth close to home and their families (New York City Administration for Children's Services 2012). Now in its infancy, the initiative relies on alternative and community-based programs. These changes may ultimately decrease recidivism and improve educational outcomes and family and community connections for young people (Lipsey et al. 2010). It is too early to assess the final impact and some initial data on the number of kids absconding from group homes and re-arrests are cause for concern and greater focus, but these promising changes deserve more time.

## Commitment to Young Men's Initiatives and Probation Improvements

The next administration should also preserve the Young Men's Initiative. In 2011, Mayor Bloomberg announced a Young Men's Initiative (YMI), broadly intended to improve the well-being of young black and Latino men while addressing racial disparities in health, education, employment, and the criminal justice system. In addition to improving the health, academic achievement and employment of black and Latino young men, the initiative seeks to:

*...improve outcomes for black and Latino males in the justice system by reforming how we serve juveniles in New York State, how we serve youth at Rikers Island, and [by] removing barriers to the very things – employment, education, civic engagement – that will help people with criminal records turn the page in their lives (City of New York 2011).*

The initiative was planned with community involvement and now receives \$43 million in annual spending. YMI is comprised of 16 juvenile and criminal justice strategies, including additional release services for young men at Rikers Island, boutique mentoring, workforce development, community-based programs, and advocacy on "banning the box" and cleaning up RAP sheets. These are intended to "ensure



interventions produce young people prepared for second chances” (City of New York 2012). The city has also invested \$18 million to create Neighborhood Opportunity Networks (NeONs) within the Department of Probation, which sets up satellite community offices to better connect ex-offenders to local services, thereby intending to reduce recidivism. Five locations are being established in Brownsville, Harlem, South Jamaica, the South Bronx, and Staten Island. Like Close to Home, this initiative will take time to produce measurable results but closer connections between probation officers and the communities in which they work makes a great deal of sense.

Given the juxtaposition of the city’s YMI investments and the NYPD’s significant increases in stops and frisks, the Bloomberg administration has been criticized as hypocritical and contradictory. Critics question the YMI’s potential impact as being limited by high levels of street stops, which put many young black and Latino men in contact with the justice system (Ofer 2012; Buery 2012; Thrasher 2011). In addition to the promising outcomes of YMI, continued support of this initiative may help moderate the controversial, heightened, and aggressive law enforcement tactics characteristic of the last twelve years. Despite any growing pains experienced by these programs in their early stages, these initiatives move the field of criminal justice in the direction of putting legitimacy, fairness, transparency, and proportionality, first as a standard to which all public safety and justice initiatives and agencies should strive.

## Further Reductions in Incarceration Rates

The next administration should seek to continue the decline in the number of New York City residents in the jail and prison populations or other formal types of criminal justice supervision. The much-heralded story of New York City’s crime decline is all the more extraordinary because it coincided with a reduction in mass incarceration. New York State was one of the first to reduce its correctional population, despite national patterns of increased sentence lengths and time served in prison spurred by federal policies and investments. These statewide declines were driven by declines in the New York City correctional population (Austin and Jacobson 2013).

The next administration should maintain this remarkable trend, which has resulted in New York City’s jail population being almost cut in half over the last two decades. The mayor and his or her police commissioner have a huge influence on the number (and to a lesser extent) the type of jail admissions, which are driven primarily by policing strategies that can result in greater or lesser numbers of felony and misdemeanor arrests. In order for the long-term decline in the city’s jail population to continue, the mayor should keep felony arrests low while also assessing the value of decreasing the rising number of misdemeanor arrests and stops and frisks. It is simply not clear that the current levels of misdemeanor arrests are required to keep New York City crime rates at record-low levels.

Lastly, the mayor should develop new strategies to reduce recidivism and make sure that people who have been involved with the system have access to education, jobs, and other resources. The next mayor would do well to expand the already significant commitment to the city’s unique and robust network of alternatives to incarceration and evidence-based strategies that orient the criminal justice system as much toward re-entry, employment, and mental health as to arrest, conviction, and incarceration.



## Funder Acknowledgments

We are deeply grateful for financial support from the Brooklyn Community Foundation, the Charles S. Revson Foundation, the J. M. Kaplan Fund, the New York Foundation, the Open Society Foundations, the Robert Sterling Clark Foundation, and the Scherman Foundation. The opinions expressed in this work are solely those of the authors and do not represent those of the funders, The Graduate Center, or the City University of New York.

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