ZERO TOLERANCE POLICING
AN EVALUATION OF THE NYPD’S USE OF STOP AND FRISK

A thesis presented by

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ABSTRACT

In New York City, racial disparities persist in enforcement, primarily because of the NYPD’s overreliance on stop and frisk. The racial disparities in the period examined (2008-2012) are consistent with the overall trend from 2003. This trend correlates with the implementation of Operation Impact as a NYPD crime reduction strategy. The policing priorities established at Compstat meetings set the tone for enforcement. As such, Compstat is viewed as a major driver of stop and frisk, especially in impact zones. There are also disparities in the allocation of resources between enforcement and community outreach. Community Policing has shown its effectiveness as a bridge between the community and the police. Community Policing could be incorporated into Compstat to offset the collateral damage of disproportionate policing.
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<td>CCR</td>
<td>The Center for Constitutional Rights</td>
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<td>CPOP</td>
<td>Community Patrol Officer Program</td>
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<td>Community Police Officers</td>
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<td>New York City Police Department</td>
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<td>OMP</td>
<td>Order Maintenance Policing strategy</td>
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Chapter 1

Introduction

The right to freedom of movement, also known as mobility rights, is a universal concept that maintains that citizens of a state (country) have a fundamental right, balanced against the rights and liberty of others, to freely work, travel and reside anywhere within that state. The Supreme Court recognized freedom of movement as a Constitutional right in 1823. The United Nations acknowledged the right to freedom of movement in its Universal Declaration of Human Rights in 1948. Safeguards in the Fourth Amendment of the U.S. Constitution prevent intrusions on individual rights against arbitrary state actions. The U.S. Courts and New York State Courts consider restrictions on movement to be a seizure, absent a legal exception. Without those exceptions, a violation of the Fourth Amendment’s unlawful search and seizure prohibitions occurs.

The Supreme Court has granted authority to the police to restrict movements under specific circumstances. In *Terry v. Ohio*, the Court held that a police officer with reasonable suspicion, could stop, question and possibly frisk a suspect on the street if he/she believes that the suspect has committed, is committing, or is about to commit a crime. In order to make the stop, a police officer must have “specific and articulable facts” to justify his reasonable suspicion; a hunch would not suffice. The Court’s requirement of “articulable suspicion” was meant to prevent arbitrary suspicion-less detention and questioning by the police. For the frisk to occur, the officer has to believe that the suspect may be armed. These stops, referred to as “Terry stops,” Stop Question and Frisk (SQF or stop and frisk), and a variety of other names, depending on the jurisdiction, are a tactic utilized by the police to temporarily detain and question suspects.

For the past few years the New York City Police Department (NYPD) has been criticized for its over reliance of SQF as a means of crime suppression/control. Critics have argued that the
stops are concentrated in areas that are predominantly occupied by people of color. Claims of racial profiling and impingement of freedom of movement by the police have been cause for controversy and mistrust between the police and the community. Stop and frisk is invasive and, when used arbitrarily, becomes a violation of the Fourth Amendment’s guarantee against unlawful search and seizure. Federal District Court Judge, Shira Scheindlin stated in the class action lawsuit, *Floyd v. City of New York*, that the “widespread practice of suspicion-less stops displays a deeply troubling apathy towards New Yorkers' most fundamental constitutional rights.”

In most urban environments, crime is usually concentrated in clusters or “hot spots.” These hotspot locations account for a disproportionate amount of crime and disorder. Residents of neighborhoods that contain these hot spots (e.g. a store with questionable activity or a residence where gang members congregate) suffer from localized concentrations of violence. Hotspot policing addresses crime clusters in very small places that generate a disproportionate amount of criminal events. Over the past two decades, the use of geographic information systems technology has increased as police departments have utilized crime mapping to locate these hot spots. Crime mapping is the foundation for a tool called Compstat. The ability to create a computer-generated map illustrating where and when crime is occurring citywide allows police to quickly identify trouble areas. Originating in 1994, Compstat became the foundation for crime analysis and personnel deployment strategies in New York City. This policing model implemented in New York City by former and now current NYPD Commissioner William Bratton, has been praised for improving accountability by ensuring Precinct Commanders were responding to the areas under their command where crimes were occurring. The Compstat model utilizes data to focus and clarify the principal mission of policing (McDonald et al., 2002).
Compstat could be seen as redistributive, moving policing resources from wealthier neighborhoods with less crime to the mostly poor, crime-ridden neighborhoods. However, the focus on numbers and statistical patterns meant that Precinct Commanders were more concerned with the shifting crime patterns than the concerns articulated by members of the community. The Compstat model quickly became the predominant method of policing in NYC, eclipsing the former model, Community Based Policing. By the year 2000, the Compstat or similar model was implemented by at least one-third of police departments with more than one hundred uniform personnel (Weisberg, 2011).

NYPD’s “Operation Impact”\textsuperscript{10} strategy utilizes the concept of hotspot policing combined with Compstat analysis to determine which areas to flood with police officers. The main tool of enforcement in these impact zones is stop and frisk. On the surface, this approach appears to be race neutral. However, several studies have established that racial disparities exist in the application of this type of law enforcement (Ridgeway 2007; Gelman and Fagan 2007). Operation Impact is substantially responsible for the large increase in SQF from 2003 to 2011.\textsuperscript{11} Black and Hispanic residents citywide, and specifically in these impact zones, are disproportionately stopped and frisked at rates significantly higher than that of the general population. This raises issues of disproportionate policing. Weisberg, Telep, and Lawton (2013) examined NYPD’s use of SQF and concluded that the number of stop and frisks generated is very much determined by police policies, priorities, and not specific instances of suspicion of criminality, as case law, criminal procedure law and NYPD written policy would dictate. Weisberg, et.al argued that this aggressive approach, however effective, would generate unintended consequences, especially if the negative interactions between the police and the community continue. In addition, their research found that these policy driven encounters lead to
lower perceptions of police legitimacy, which could lead to long-term increases in offending, negating the short-term crime reduction gains.

**Project Goal**

NYPD’s SQF policy reveals disproportionate policing enforcement that I believe is significantly affected by geographic crime mapping. Crime mapping serves as the basis for analysis of crime reduction effectiveness at Compstat meetings. This type of analysis appears racially neutral but has a disparate impact on low socio-economic neighborhoods that are inhabited predominately by people of color. For my research, I used mixed a methods approach. I analyzed the most recent data available from the NYPD’s SQF database to evaluate whether current trends reflect racial disparities in SQF. I also conducted interviews of current or former NYPD leadership to understand their perceptions and experiences with SQF and whether they believed that community based or collaborative policing could be integrated into Compstat. I examined the City of New York Executive Budget and The New York City Council’s Hearing on the Preliminary Budget and the Fiscal Preliminary Mayor’s Management Report for the years 2003 through 2013 to ascertain reported staffing allocation for the Police Department and its respective Bureaus. The review of these documents allowed for an analysis of the Community Affairs Bureau staffing levels for fiscal years (FY) 2003 through 2013.

In addition, an analysis of the research into the Court’s role as a reviewer of the legal standards that lead to arrests resulting from SQF will be part of this paper. This paper is not intended to question the legality of SQF. Case law and legislative statues have determined this issue. The analysis will highlight the excessiveness in the application of SQF.
Pilot study

Most police departments study the successes of other similar suited departments to implement best practices. As such, most mid-sized to large police departments have adopted Compstat. I conducted a pilot study prior to this study to ascertain the differences in the utilization of stop and frisk between urban police departments that utilized Compstat based enforcement. I examined Washington D.C. Metro and the St Louis Police Department. I examined the documentation utilized to record the Terry type stops and interviewed one Commander from each department to gain insight into their perceptions and experiences regarding the impact of Compstat on Terry type stops.

The interviews and review of the Terry type stop documentation revealed the differences in approaches between these agencies and the NYPD. The protocol worked well. I was surprised by the similarities in general crime suppression, i.e. hotspot policing. I was also able to get a clearer understanding of how Terry stops are used by each department. Although each department experienced crime reductions, the emphasis on Terry stops in the other departments was not as prevalent as it was in the NYPD. The conversational nature of the interview and the open-ended questions allowed for an explanation of why Terry stops are not the preeminent tactic of all departments.

The study also revealed St Louis’s innovative enforcement and community outreach strategy called “Weed and Seed.” It also reinforced the fact that, even with the use of Compstat and hotspot policing, crime could be reduced using a combination of tactics without the over reliance on Terry type stops. In fact, the insight gained from the pilot study reinforced my desire to analyze the NYPD’s use of stop and frisk and influenced the incorporation of a research question regarding the NYPD’s use of collaborative policing.
Conclusion

In New York City, racial disparities persist in enforcement, primarily because of the NYPD’s overreliance on stop and frisk. The racial disparities have remained consistent in the period examined (2008-2012) and are reflective of the overall trend from 2003. This trend correlates with the implementation of Operation Impact as a NYPD crime reduction strategy. The policing priorities established at Compstat set the tone for enforcement. As such, Compstat is viewed as a major driver of stop and frisk, especially in impact zones.

There are also disparities in the allocation of resources between enforcement and community outreach. Police officers were allocated for the creation of impact zones, while the Community Affairs Bureau staffing allocation remained fixed. In addition, budget documents reveal at least one instance where the Bureau was approximately 40% below their authorized staffing levels. These Community Affairs officers could have been used to offset the effect of the zero tolerance type policing enforced in the impact zones.
Chapter 2

Literature Review

The 1968 *Terry v. Ohio* ruling and its resultant impact has been a subject of many research inquiries. Scholars have used racial demographics and geographic analyses to examine the practical applications and the effectiveness of Terry stops. They have also examined the racial distribution, ethnicity, sex and age of those stopped to ascertain if individual bias factors into the stops. The effectiveness of the stops was measured against the amount of contraband recovered. One study examined the effectiveness of a new NYPD initiative called “Operation Impact.” The depth of research, qualitative and quantitative, has created advocates for and against New York City’s policy of Stop Question and Frisk (stop and frisk).

Support for SQF

Former New York City Mayor Michael Bloomberg and Ray Kelly, his Police Commissioner, were fierce advocates of the stop and frisk policy. The Mayor and Police Commissioner stepped up their advocacy of the tactic as they announced their disagreement and planned appeal of the Federal Court ruling in *Floyd v. City of New York*. Bloomberg is quoted as saying that the Court "ignored the real-world realities of crime" and "displayed disturbing disregard for the good intentions of our police officers." Ray Kelly also refuted accusations of racial profiling as “recklessly untrue” (Goldstein, 2012).

Dennis C. Smith and Robert Purtell’s 2007 study seems to support these arguments. The study examined the crime fighting effectiveness of NYPD’s “Operation Impact” strategy. Operation Impact is based on the concept of hotspot policing combined with Compstat analysis to determine which areas to flood with police officers. Hotspot policing addresses crime clusters
in very small places that generate a disproportionate amount of criminal events. The NYPD created impact zones to address these hotspots. The resultant surge of officers into these impact zones was, according to the results of the time series analysis conducted in this study, responsible for a large part of the precipitous crime drop that NYC experienced.

Operation Impact also substantially contributed to the large increase in SQF, from 160,851 in 2003 to 685,724 in 2011.\textsuperscript{14} Twenty five percent of the more than 600,000 stops that year occurred in just eight of the seventy-six NYPD precincts. The increase in SQF is even more exceptional given the simultaneous decrease in NYPD uniformed Police Officers from a high of approximately 40,100 in 2001, to the current 2013 level of approximately 34,500 (NYC PBA 2013). A 2008 paper presented by Smith and Purtell found “declining returns to scale” of the effects of SQF on most crimes with the exception of robbery. Smith and Purtell did not address the spatial dependence of crime rates\textsuperscript{15} or the social impact of SQF on these impact zones.

**Criticism of NYPD SQF use**

Social Impact-The Center for Constitutional Rights (CCR) is a leading non-profit legal and educational organization. Its 2012 paper on stop and frisk established the importance of the psychological, emotional, and socioeconomic effects that police stops can have, noting a lasting effect on the psyche of those stopped. CCR also was able to explain the collateral damage of SQF on communities by examining the effects of police-community relations on race, age, sexual orientation, poverty and ethnicity. CCR paints a disturbing picture in their summation of the interviews: communities living in fear of the police, interviewees likening the police to a military occupation, individuals reluctant to call the police in an emergency for fear that they may not get the help they need or, more importantly, become the victims of aggressive police tactics.
A September 2013 Vera Institute of Justice paper also concluded that the NYPD use of stop and frisk had adverse effects on community police relationships. The Vera researchers utilized the SQF data to identify nine areas that had a spatial concentration of stops. Six of the nine highly patrolled areas were chosen for further analysis. Using semi-structured interviews and surveys, the researchers obtained the responses of 484 respondents between the ages of 13 and 25, as well as from 42 caregivers/guardians. Focus groups were also conducted with community leaders in the targeted areas. All 13-25 year olds in this research pool were stopped at least once, with most respondents reporting being stopped by the police multiple times. Some participants reported twenty or more stops. The researchers found that these individuals had an increasingly negative stance towards law enforcement because of these multiple stops. The unintended adverse consequences of the eroding trust create a clear unwillingness to report crimes and provide information to law enforcement.

The CCR and Vera Institute reports focused on the social impacts of aggressive police behavior on those who have been stopped. Although the researchers did not recruit only individuals who were stopped, every participant in the survey had been stopped at least once. As a consequence, the researchers were unable to study the attitudes of those not stopped and cannot speak to the views of the police are shared by all individuals within that age range. However, because of the concentration of police in the impact zones, it would be highly unlikely that there are many individuals of color between the ages of 13-25 who reside in these lower socioeconomic, high crime areas who have not been stopped.
The Court’s role

Traditionally the Court has served as the reviewer of policies that effect constitutional rights. An examination of the role of the Court in the era of stop and frisk is fundamental to understanding the shift in NYPD’s standards for SQF. Research highlights the Court’s role as reviewer of the legality of police actions (Ziedman 2012; Harris 1994). The Court’s role is to review the standards that led to the initial confrontation and the justification for the use of stop and frisk. Analyses of the *Terry* decision against the current NYPD policies raise the question: was it the intent of the Supreme Court to authorize 685,000 street stops in a single year, in a single city? By contrasting the policing policies in the *Terry* decision with the current practices, the research has found deviations from the system of checks and balances that, if corrected, would affect these potential constitutional violations. Harris’s 1994 study examined the Court’s role in expanding the legal definition of acceptable circumstances for the stop and subsequent frisk of pedestrians beyond the possibility of a weapon triggering the frisk, to location (e.g. being present high crime areas) and drug possession. Harris also showed how these cases created a substantial body of law that shaped the establishment of an automatic justification for a police officer to frisk: the individual’s presence in a high crime area and evasive behavior.

Josh Segal’s 2012 Harvard Law Review article on police stop and frisk chronicles the Court’s creation of the “reasonable suspicion” standard for police intrusion. The creation of the lower standard coincided with the “Police Professional Movement,” a movement by senior police administrators to professionalize their officers by transforming the image of the police officer to one of a professional. Administrators were able to get their officers to present the professional image in court, thereby winning greater approval and less oversight over stop and frisk practices.
The Court’s growing reliance on the judgment of the police professional is also apparent in the Court’s shift from analyzing the officer’s conduct through the eyes of a reasonable person to an analysis of the officer’s conduct based on the officer’s perceptions. In a reasonable person (or “reasonable man”) test, the determination of bad action or guilt of an accused person can be objectively tested by comparing the actions of a reasonable person in a similar circumstance. In most cases, people that possess greater than average skills or individuals that perform special duties are held to a higher standard. The professional police officer was initially held to this higher standard.

In *Brinegar v. United States*, the arresting officer was able to articulate specific and identifiable facts, e.g. knowledge of the suspect and the suspect’s activities, in addition to the traits and patterns of others in the bootlegging field.\(^\text{17}\) The defendant, Brinegar was convicted using the reasonable man test.\(^\text{18}\)

The Court extended this reasoning in *Terry* even though the officer in *Terry* had never arrested anyone for that type of crime, never observed the type of casing behavior or had prior knowledge of the suspects.\(^\text{19}\) The Court in *Terry* deferred to the officer by accepting the generalized assumptions of the officer’s professional expertise, not the specific knowledge as in *Brinegar*. In *United States v. Mendenhall*,\(^\text{20}\) the Court accepted the premise that through training and experience, police officers gained increased insight in and sensitivity to criminal activities and patterns that the average person may be unaware of. Under this premise, the seasoned professional police officer would be able to articulate his suspicions to justify the stop. The Court’s reduced skepticism and overreliance on the perspective of the police officer to justify the stop, well documented by Segal, fails to take into consideration the pressures for
performance, (e.g. quotas for arrests, summonses, stop and frisks), in addition to bias and animus, which may influence the officer’s rationale to initiate street stops.

NYPD’s use of Terry Stops (SQF) is authorized under NYS Criminal Procedure Law 140.50 and was reviewed by the Court of Appeals of New York in *People v Rivera*\(^{21}\) and *People v De Bour*.\(^{22}\) *Rivera* established the right of police officers to stop and question individuals that, based on the officer’s opinion, were engaging in “suspicious or unusual street action.” The officer was allowed to frisk these individuals for weapons if the officer believed that the suspect might be armed. *De Bour* is the leading New York State case on police-citizen street encounters. In *De Bour*, the Court established four levels of permissible contact for police when confronting individuals on the street. *De Bour* included the Supreme Court’s reasonable suspicion and probable cause authority and added two additional levels of police-citizen intrusions that were lower than that of the Supreme Court. *De Bour* allowed for “a common law right to inquiry” and “founded suspicion.” These lower levels of intrusion allowed lower levels of suspicion which in turn allowed New York Courts to use “high crime area or furtive movements” to support what could be perceived as arbitrary police behavior. These lower levels of intrusion allowed for stops with less suspicion. It also allowed the officer to find justification after the fact for the contraband discovered as the encounter transpired.

Segal’s assertions of the acceptance of the police professional are reaffirmed by another study published the same year (Zeidman, 2012). This study examined the role of the New York City Criminal Court (a first tier trial court) and the effective practices of that court regarding Terry stops. Zeidman concluded that the failure of the Court to provide critical oversight via suppression hearings and careful examination of every police stop effectively shielded the Police Officers from any external review of their behavior. This lack of skepticism encourages the
unabated and rampant increase in stop and frisk and violations of constitutional protections. Citing a New York Bar Association report that less than ½ of 1% of misdemeanor cases in NYC Criminal Courts go to trial, Ziedman posits that the Court has abdicated its oversight role because of its emphasis on clearing cases from the docket.

Courts face a difficult dilemma when attempting to create standards for police-citizen encounters. The Court has to balance the competing interest of liberty and being free of government interference with the duty of law enforcement to keep the streets safe. The Courts rely on the Fourth amendment’s requirement of “probable cause” as the standard required for a search. The Court created a separate standard of “reasonable suspicion” when they decided *Terry*, allowing for a “frisk” for the officer’s safety. New York then allowed for “high crime area or furtive movements” as justification for stop and frisk. The lessening of the standards for street stops have to be accompanied by increased oversight by the Court. However, Ziedman’s analysis of the Court’s interpretation of police justification intertwines and correlates with the increase in stop and frisk in NYC. The legal framework was established by the excessive willingness of the judiciary to accept, with minimal challenge, the officer’s account of the factors that lead to the stop and eventual arrest of an individual. Harris argued that this concept of location plus evasion is self-perpetuating in crime prone areas. People subjected to frequent stops begin to mistrust and avoid the police, thereby making themselves recurrent targets by virtue of location and evasion. The lack of a robust judicial review of the officer’s legal basis for a stop perpetuates this cycle.
Statistical analysis driven enforcement

Disproportionate Policing-

In New York, a police-community outreach mechanism exists through the Police Community Councils. However, under Compstat, Commanders "were now accountable to the NYPD's operational hierarchy for both their successes and their failures to produce declining crime rates. As a result, precinct commanders set the crime-fighting priorities for that precinct and developed overall plans of action, based on meeting NYPD priorities, rather than the standards set in cooperation with communities" (Fagan and Davies, 2010). This change in priorities reduced the effectiveness of the councils as the priorities shifted from community collaboration to enforcement.

Compstat driven enforcement creates pressure on the rank and file to increase activity in arrests, summonses and stop and frisk. Graham Rayman’s May 4, 2010 Village Voice article reported how officers were threatened to make their quotas of arrests and stop and frisks. Officers need a commander’s recommendation for advancement to other more prestigious non-patrol assignments. Lack of activity is a main reason for the denial of that recommendation. These same officers were told to not take certain robbery reports in order to manipulate crime statistics. Rayman’s article chronicled the secret recordings made by an officer as he was threatened to increase his enforcement activity. Lack of enforcement activity also affects requests for additional days off. The article also highlighted the NYPD’s turn away from any semblance of Community Policing to a strictly Compstat driven, numbers-based enforcement scheme.

A November 5, 2012 editorial in The Nation describes two anonymous interviews with police officers from different precincts. In these interviews, the officers describe the pressures placed on them by superiors to conduct, what they describe as, arbitrary and discriminatory
stops, in order to make quotas. “If you’re a certain ethnicity standing on the corner, lieutenants and sergeants, they have no problem searching you, violating your rights, and racially profiling,”

The officers even reference scenarios where officers provoke individuals to create behaviors that would justify an arrest (The Nation, 2012).

There is evidence of racial disparities driven by numbers-based enforcement, especially in the application of SQF (RAND Corporation 2007; Geller and Fagan 2010). Greg Ridgeway’s 2007 RAND Corporation study utilized NYPD provided data on stops in 2005 and 2006. The author examined two approaches, external\textsuperscript{24} and internal benchmarks\textsuperscript{25}, in his attempt to determine if the utilization of both external and internal benchmarks were viable. Ridgeway determined that a race neutral perspective utilizing external benchmarks was viable. Ridgeway concluded that the use of external benchmarks is not an effective method of determining whether there is bias in the use of SQF. As Ridgeway pointed out, for these benchmarks to be valid, the suspects, regardless of race, would have to be presumed to have equal exposure to law enforcement. Residents that reside in impact zones have a disproportionate exposure to police. External benchmarks could detect or hide this bias. To offset the disparities found in external benchmarks, Ridgeway used internal benchmarks to compare the rate of non-White SQF’s for specific officers versus the rate of non-White stops for other officers patrolling the same area. The analysis revealed that approximately 5% of the most active SQF officers were determined to have stop patterns that indicate racial bias and should be further investigated. This study focused on the racial distribution of stops, finding that closer examination is warranted on a micro level to ascertain, if possible, the true intent of the officers doing the stop. The true reason for the disparity in the stop patterns of individual officers may never be determined, as legal and administrative liability prevents admission of an officer’s true reason (if other than initially
reported) for stops. Retired officers may be more forthcoming as legal and administrative penalties may not apply. However, that approach also has its limitations. There is an unspoken rule in law enforcement that what has happened in the past stays in the past. Therefore, it would be difficult to find someone who does not have some other agenda who may be willing to discuss his or her enforcement bias.

Amanda Geller and Jeffrey Fagan (2010) examined the rise in marijuana arrests that stemmed from what the authors called NYC’s Order Maintenance Policing strategy (OMP). This policy designed to combat low-level offenses, utilizes stop and frisk as the tool of enforcement. Using secondary data, the authors analyzed 2.2 million SQF stops to identify racial disparities in marijuana enforcement. Even after controlling for social structure and local crime conditions, significant disparities existed. The authors found the racial imbalance so persuasive that they suggest that the marijuana enforcement in high crime areas is just a pretext for a search for weapons. At the same time, they were unable to find a significant relationship between marijuana enforcement and the probability of recovering a firearm. The researchers discovered that the majority of marijuana arrests in NYC came from SQF. By examining the stated justification for stops, the researchers concluded that marijuana stops are more likely in areas where the justification of “high crime area” is reported. This justification for SQF, according to the authors, creates a skew that places a racial tax on non-White New Yorkers, an unjustified burden that has no corresponding public safety benefits. The Monitoring the Future Survey\textsuperscript{26}, and other substance abuse surveys targeting youth were utilized by the researchers to compare racial characteristics of users against NYC arrestees. Controlling for normal patterns of disorder, the marijuana arrest of non-Whites exceeded expected enforcement.
Geller and Fagan confirmed the racial disparities in enforcement by highlighting the effects of the increase in stops by the NYPD. Ziedman and Harris showed the lack of oversight by the Court as these detainees were processed. The allowance of the ever-growing justifications for SQF by New York’s Court, coupled with a place based numbers driven Compstat enforcement mechanism, allowed for the mass arrest scenarios by the NYPD of predominately Black and Hispanic males.

These kinds of scenarios are reflective of the larger systematic and disproportionate burdens placed on communities of color by law enforcement. Disproportionate policing deepens the social disorganization typically found in areas of lower social economic concentration. It compromises the stability and structure of the neighborhood. This in turn destabilizes the neighborhood by disrupting families, creating lower economic output, and higher levels of unemployment. The costs of long-term incarceration are borne by the community (Cooker 2013). Aggressive enforcement causes the removal of large numbers of individuals, mainly males, from their communities. This type of enforcement disrupts the social structure and collective efficacy of the community, thereby mitigating community based social control and, ironically, increasing incarceration (Cooker 2013; Mears, 2007). In New York City, the NYPD impact zones were concentrated in these socially disorganized neighborhoods.

Zero tolerance enforcement is the norm in NYC impact zones. Todd Clear (1996) argued that the mass imprisonment caused by aggressive or unabated zero tolerance laws could lay the foundation for another generation of criminals. Juvenile delinquency increases by virtue of the destabilizing effect of incarceration on the young. Clear provided three reasons to support his claim. First, the removal of adult family members has an economic and emotional effect on children, causing an increase in behavioral problems. Secondly, the “coercive mobility”
caused by incarceration lessens the informal social control and the collective monitoring of juveniles. Lastly, the removal of older adult offenders creates opportunities for younger replacements to fill the supply void caused by the elder’s incarceration. Fewer males in a community shift the burdens to the single mothers who valiantly attempt to raise children without adequate financial support. As these convicted felons return home, they and the community are subjected to an additional layer of enforcement in the form of parole surveillance. Finding a job as a parolee becomes difficult as local employers avoid neighborhoods that have a concentration of convicted felons. This decrease in legitimate employment opportunities coupled with lower levels of social control create an incubator for a continuous cycle of delinquency from juvenile to manhood.

Rosenfield and Foronago (2011) performed an analysis of the impact of police stops on crime rates. They examined the stop rates for the years 2003 through 2010. They found that rate of stops tripled from 193 stops per 10,000 people to 713 stops per 10,000 people; with an average yearly increase of 14.6%. What the researchers found that was more alarming was that the stops of Blacks and Hispanics rose at an even higher rate annually (20.7% and a 15.2% respectively). This increased occurred while the average stops rate for Whites only rose 9.1% for the same period. In 2010 according to Rosenfeld and Foronago, the NYPD stopped three out of every ten Black New Yorkers. This tightening of the net on people of color, especially Blacks, fosters the distrust between the police and community as found by the CCR (2012). It increases the likelihood of arrest and imprisonment, raising the specter of mass incarceration and neighborhood destabilization (Clear, 1996; Cooker, 2013; Mears, 2007).
School Impact Zones

In January 2004, New York City Mayor Michael Bloomberg, along with Police Commissioner Raymond Kelly and Schools Chancellor Joel Klein, announced the creation of the New York City Impact Schools Initiative. The impact school initiative was modeled after the NYPD’s larger crime fighting program “Operation Impact” and was designed to dramatically increase police and security presence at selected middle and high schools utilizing the dual approach of zero tolerance and crime prevention. The Department of Education argued that the initiative would create a safer school environment, “…because without safe schools, proper learning could not take place” (New York City Department of Education, 2004). The initiative’s goal, based on the broken windows theory (Kelling and Wilson, 1982) was to address minor disciplinary matters in the hope that the police could prevent the escalation into more serious criminal activity. The initiative targeted select schools with above average suspension rates, safety related transfers and below average attendance rates (Office of the Mayor of the City of New York, 2004). In 2004, during the program’s first year of implementation, ten high schools and two middle schools were selected. New York City impact schools received additional school safety agents and the number of NYPD police officers assigned to the school doubled. Five off-site student suspension centers were opened throughout the city in collaboration with local community-based organizations to contain, treat, and educate students under suspension (New York City Department of Education, 2004). As part of this initiative, the NYPD created the school sergeant position with a team of NYPD school officers in each precinct. Their assignment was to respond to all school incidents as well as scour the streets in search of truants. The Impact Schools Initiative mandated closer coordination among the school, courts, and probation department in regards to troubled students. It is important to note at this time, that a majority of these schools were geographically located in the larger NYPD impact zones or contains students
who resided in the NYPD impact zones. This initiative coupled with the larger NYPD Operation Impact created an increased police presence in the overall lives of these students (New York City Department of Education, 2004).

Zero tolerance policies and automatic suspensions for relatively minor offenses coupled with increased police presence in schools have caused the criminalization of things considered in the past to be childhood behavioral issues. The United States Department of Education reports that more than 70% of students arrested at school during the 2009-10 school year were Black or Latino. New York City’s Department of Education reported that more than 50% of the 69,643 students suspended during the 2011-12 school year were Black, though Blacks make up just 28% of enrollment. Impact zone schools saw an increase in arrests for infractions that would normally be handled through the school’s discipline and counseling system. Special needs students, who constitute 12% of those enrolled in city schools, represented more than 30% of suspensions. The New York Civil Liberties Union performed an analysis of July 1, 2011 – June 30, 2012 New York’s School Safety Agent arrests and summonses data for middle school, high school and special education students. The analysis found that Blacks accounted for 31% and Latinos accounted for 40% of those arrested or summoned by the NYPD School Safety agents, while Whites accounted for only 13% of those disciplined (NYCLU, 2012). These numbers suggest that there are racial disparities in School discipline. Neither the New York Civil Liberties Union analysis nor the actual NYPD school safety data report describes the facts of the incidents. However, the fact that accounts of arrests for writing on desks and what could be called horseplay are numerous, highlights the argument that police personnel are being ever increasingly involved in infractions that could be better handled by educators
Metal detectors and increased surveillance via security cameras coupled with the increased police presence affect the children in these lower socioeconomic areas the most. Studies have shown that lower socioeconomic status is a consistent risk factor for suspension (Brantlinger, 1991; Wu et al., 1992). Of greater significance is the relationship of race to greater discipline when issues of social economic status remain constant, meaning that race becomes a significant factor when controlling for economic status. A student’s social relationship with school has been shown to predict academic performance and school behavior. It is estimated that 9% of 6-12 year olds in New York City have at least one of these conditions: Attention Deficit Hyperactivity Disorder, Oppositional Defiant Disorder/Conduct Disorder, Anxiety, Depression or Bipolar Disorder (New York City Department of Education, 2004). If these conditions are not addressed, the students become or remain underachievers; these are students who are at the greatest risk to be delinquent.

The criminalizing of school violations leads to missed school days and lost educational opportunities. The students’ relationships with teachers and peers are disrupted. According to the NAACP, for children in grades seven through twelve nationally, 35% of Black children have been suspended or expelled at some point in their school careers compared to 20% of Hispanics and 15% of Whites. Punitive school policies that vigorously suspend and expel students of color, coupled with increased police enforcement within the schools create a pipeline to arrest or delinquency. These policies take children out of the schools and often provide no additional support during the period of suspension. The five off-site student suspension centers created as part of the school impact initiative did little to mitigate the effects of arrest or suspensions. The zero tolerance policies overwhelmingly isolate the most educationally vulnerable: the lower socioeconomic student of color. They facilitate chronic underachievement. Chronic
underachievement is a stronger predictor of delinquency than class membership, race, ethnicity, or peer influence. At-risk kids who do well in school avoid delinquent behavior. Nearly one-third of all high school students leave the public school system before graduating. Sherman Dorn (2006) believes that the dropout problem is a function of inequality of educational opportunities, rather than the failure of individual students. The failure rate is higher, according to Dorn, because the system fails to provide the minority groups with the services and support they need.

Aggressive zero tolerance policies do nothing to stop that trend. Most of the impact school students are the subject of a form of “double jeopardy.” These kids are already subjected to the increased police scrutiny and stops as a consequence of living in an impact zone. They also have to live with the zero tolerance policies and increased police presence at school.

The NYPD has been consistent in regards to allocating personnel and resources to zero tolerance enforcement. However, they have been inconsistent in their allocation of resources to community policing/ collaborative measures. This legalistic style policing posture has been prevalent in the NYPD since the early 1990s and reflects a sea change from service oriented style of policing attempted in the 1980s.

**Effect of Police management/ Political Culture**

The management approaches of police departments can be categorized into three styles the watchman, the legalistic, and the service-oriented (Wilson, 1968). While other variations of these styles exist, they typically are a subset of these three management types. The watchman style is characterized as a department that teaches through apprenticeship and word of mouth, relying less on written instructions. This style of policing emphasizes decentralization and informality. Police officers in this mode are generalists that can handle almost all scenarios
presented. Specialized units handle fewer functions, as there is less specialization in these departments. Deference to formal hierarchy is minimal in the watchman type departments.

The legalistic approach requires increased centralization and greater deference to authority. Decision-making comes from the very top with little or no input from the rank and file. “Formal, hierarchical authority [is] strengthened at the expense of informal, clique authority” Wilson (1968, p. 184).

There is also an increase in the division of labor as work units are divided to deal with specific, specialized tasks. This centralized management style institutionalizes the top priorities of the administration. An “organizational rationality” is formed in an attempt to achieve organizational goals (Cooker 2013). The priorities of the rank and file reflect the goals of the administration. This approach became prevalent in the NYPD in the 1970s because of the police corruption uncovered during the Knapp Commission.28 The legalistic approach was implemented as an anti-corruption measure.

The third style of policing is the service orientation. The service style departments rest between the legalistic and watchman style. The service style gauges its effectiveness by the level of community satisfaction it achieves. Service style departments are less formal and hierarchical than legalistic style departments but are more formal, with greater command structures than watchman style departments. The service style police department emphasizes community satisfaction as an organizational goal. These departments enforce the laws as well; however, the use of informal nonarrest sanctions is more prevalent (Wilson, 1968,).

Wilson (1968) argued that police work is constrained or influenced by political culture. The Mayor and the Police Commissioner of New York City were fierce advocates of stop and frisk, creating the political culture that supported a dramatic increase in enforcement activity.
The dramatic increase in stop and frisk also coincides with the NYPD’s transition to a legalistic style. The centralized control over even relatively minor decisions created “the stifling of innovation,” as one high ranking Chief stated. The legalistic approach favored by the past commissioner created a top down, results oriented numbers driven approach.  

**Community/collaborative policing**

Community Policing is a crime fighting strategy that emphasizes police-community partnerships. As such, Community Policing is perceived as being more responsive to community needs than Compstat only based enforcement or standard police patrols (Willis 2011). Standard police patrols are essentially reactive. In order for Community Policing to work, the police must make a conscious effort to create an environment wherein community members, businesses, and organizations can actively participate with the police in the design and implementation of solutions. Through this two-way communication process, police agencies acquire more information regarding community needs and tailor responses to problems in a proactive manner. A Community Policing strategy would enable a police department to engage with a neighborhood and persuade its residents that, in addition to the concern for the well-being of its residents, the police department has the ability to be responsive and effective when addressing community concerns. Full implementation of Community Policing requires a reorienting of the patrol function, changing it from the command and control model of police management, to a collaborative management model. This change would create conceptual and fiscal challenges for most departments. Reorganizing and re-deploying an entire patrol force in the form of neighborhood teams may not be financially feasible. In addition, a reorganizing may not be operationally desirable in the context of the centralized communications and dispatch system employed by most emergency response agencies (e.g. 911), especially in a city like New York.
that has a massive dispatch system. Without additional funds, the allocation of manpower to Community Policing reduces the number of officers needed to respond to calls for service. However, the officers allocated for Community Policing are an investment that, if utilized effectively, would reduce the calls for service by assessing and addressing the root causes.

On July 10th 1984, the NYPD issued Operations Order #71 establishing a pilot Community Patrol Officer Program (CPOP). The purpose of the operations order was to enumerate the goals of the pilot project and to emphasize the department’s focus on service oriented policing. To that end, the department entered the community-policing era. The NYPD model, developed with assistance of the Vera Institute, required increased police citizen contact with ordinary citizens to identify and assist in solving their crime and order maintenance problems. The NYPD chose not to initially reorient its entire patrol force. The Police Department selected one of its then 75 police precincts to create a model patrol officer program that would allow the residents of troubled areas within the piloted precinct greater access to the resources of the police department. The NYPD wanted the CPOP officers to be personally known by and accessible to the people in the community. Flyers were distributed within the targeted zones, space and telephone lines were allocated, creating direct lines to the Community Police Officers (CPOs). This new approach required the selection of highly trained and motivated officers. The officers initially chosen for the pilot program were all handpicked from a pool of volunteers. The NYPD trained and empowered nine of these officers from the 72nd police precinct (the pilot precinct), to become the community relations experts, tactical problem analyzers, and strategy developers. Nine geographical areas, or beats, were selected and the newly trained CPOs were assigned to foot patrols within those areas. Additional training from the local community board, the NYC Neighborhood Stabilization Program, several private social service providers, the Boys
and Girl Scouts, the Victim Service Agency, and a handful of other agencies was provided to the CPOs prior to beat assignment. The CPOs were directed to seek out organized community groups, or in the absence of these groups to work with interested citizens, to create tenant, block, and other community based associations (Vera Institute, 1984). The CPOs were also required to maintain “beat books” chronicling crime, conditions, community contacts, and activities performed (e.g. meetings, referrals, enforcement activities).

A progress report issued by the Vera Institute five months after implementation reported that interviews and feedback showed that citizens within the CPOP beats believed that significant improvements had been made in quality of life and an overall neighborhood improvement was sensed. Vera reported that the local teenagers also reported a positive impact by virtue of the camaraderie they built with the CPOs. The CPOs were effective gatherers of criminal intelligence, with one officer making a murder arrest based on community information. The effect that Community Policing had on overall crime in that precinct, however, was inconclusive. Although a reported crime can be measured, it is impossible to gauge how many crimes were prevented because of the CPOs. The program was slowly expanded from January to December 1985 to include 31 of the city’s then 75 precincts (Vera Institute, 1986).

It was not until the election of David Dinkins as NYC Mayor and his appointment of Dr. Lee P. Brown as Police Commissioner in January 1990 did the pilot program expand to all 76 of NYPD’s precincts. Mayor Dinkins and Commissioner Brown were staunch advocates of Community Policing and had the resolve to implement the model concept on a greater scale. The incorporation of Community Policing citywide mandated each precinct commander to have a CPOP unit and allowed them to allocate up to twenty officers, depending on the size of the
precinct, to create CPOP beats. CPOs became the poster children of the NYPD’s new service oriented style policing. Billboards throughout the city trumpeted that the “Beat cop was back.”

In 1989 in New York City, 712,419 crimes were reported, including 1,905 murders, 93,377 robberies, and 3,254 rapes. In February 1991, Mayor David Dinkins was able to secure legislation that increased police personnel in NYC by approximately 5,000 officers. In addition, the legislation, entitled “Safe Streets Safe City,” allowed for more youth outreach and social support as part of the community-policing platform. The number of reported crimes in the city fell by 6.7% in the first four months of 1992. These changes were accomplished in spite of the increased resistance to organizational change from the police unions. On September 1, 1992, Commissioner Brown, citing personal reasons, left the Police Department. Rudolph Giuliani defeated Mayor Dinkins in November of that year. The implementation of Community Policing in NYC was discontinued in favor of a new policing concept called Compstat.

Skogan (2006) conducted a comprehensive twelve-year study of the implementation of Community Policing in Chicago and determined that the success of Community Policing was racially specific. Whites, according to Skogan, had no need for the program. African Americans benefited enormously, while Hispanics marginally benefitted largely because of divisions within that subgroup. Diverse constituents required diverse solutions, but Skogan made clear that Community Policing was not putting the community in charge. The decision-making and agenda setting remained in the hands of the police, with some input from the community. Skogan further clarified that Community Policing was not the “Problem Oriented Policing” (POP) promoted by Herman Goldstein. Goldstein (1979) concluded that policing at the time as largely reactive and often ineffective. The problem-oriented approach called for a change in how police agencies approached crime. Goldstein suggested that police effectiveness could be improved through
shifting attention away from just responding to each individual crime to an approach that would provide preventive solutions to substantive problems that arose in the community. Goldstein’s conclusions were widely accepted by criminal justice professionals.

Sidebottom and Tilley (2011) examined the effectiveness of POP and acknowledged the potential effectiveness of POP as a crime-fighting tool. They cite several studies detailing the challenges involved in converting theory into best practices, which makes full implementation of Community Policing or POP highly unlikely (Scott, 2000; Bullock et al., 2006; Knutsson and Clarke, 2006; Boba and Crank, 2008; Knutsson, 2009; Tilley, 2010). This is consistent with Skogan’s conclusions.

Skogan asserted Community Policing is primarily a “means for the police to recapture their legitimacy” by building public support, especially among people of color. Skogan discovered, as did the Vera Institute in New York, that Community Policing serves as a point of access to an array of community services. “Police do not like to think of themselves as ground-level public service coordinators, but they happen to be pretty good at it” (Sklansky, 2008). This conclusion, that an increase in the collaborative model would increase police legitimacy, is well documented in Skogan’s research. This increased focus on collaboration would be helpful in the lower income areas of NYC, especially in the Operation Impact precincts that are subjected to zero tolerance policing and aggressive stop and frisk practices. These communities have a negative perception of the police, as shown by CCR (2012), and, as Skogan suggests, seem ripe for the increased access to services that collaborative policing brings.

**Police Athletic League**

NYC and some other municipalities have Police Athletic Leagues (PAL). In NYC, PAL is a private non-profit organization that serves as the official youth agency of the NYPD. It does
not, however, receive any direct funding from the NYPD. The goal of PAL is to prevent crime by providing opportunities for athletics, recreation, and educational opportunities. PAL provides services for 55,000 children in NYC. In addition to its other programs, the New York City PAL maintains Teen Impact Centers to provide gang prevention education, life skills coaching, and one on one counseling sessions for kids between the age of 14 and 19. This program provides positive alternatives to the same demographic targeted by SQF. PAL operates this program during the school year from 6 pm – 9 pm, three days a week in schools, faith based institutions, and other neighborhood based locations\(^\text{32}\) (PALayNYC, 2013) PAL’s 2012 budget of $2 million per year is less than the $28.7 million requested by the Department of Corrections for an additional 456 inmate beds. PAL has provided jobs as well as counseling, and is an effective, though underfunded, tool.

Community based policing models require citizens and community members from outside of the police department to play a significant and continuous role in defining police priorities. This may cause diffusion of centralized management, as each community focuses on their priorities. This “bottom up” approach is a hallmark of Community Policing. However, there are additional ways to incorporate these philosophies. The inclusion of non-profit community outreach agencies and programs, like PAL, into the process has provided an alternative for children residing in Harlem, East New York, Brownsville, Jamaica, and other areas with high juvenile delinquency rates.

**Gaps in Literature**

Existing literature has done a good job in examining the rise in the NYPD’s use of stop and frisk. The effects of stop and frisk on residents of NYC, specifically residents of color have been effectively chronicled (CCR 2012; Geller and Fagan 2010). Research has clearly showed
that racial disparities in stops exists (Ridgeway 2007; Gelman and Fagan 2007). The racial disparities studies were the realities of that time, but an analysis of current data is needed to see if the trend still exists. Additionally, the role of Compstat as an accountability measure is widely documented. In fact, many police departments adopted this model. The literature on community based policing suggests it can effectively to increase the police-community partnership when implemented. The importance of Community Affairs and their use during the surge of Operation Impact had not been explored until 2010. Willis, et al. (2010) was the first study to examine the co-implementation of the Compstat and Community Policing style of crime fighting. Willis addressed the conceptual framework of implementation of this concept in police departments in general, I however am addressing the implementation in the NYPD specifically. In addition, I have updated the study to include 2010-2012 data.
Chapter 3
Methodology

A review of the literature was useful in reaffirming how the police department established the locations of impact zones. Previous studies have established there is a racial bias in stop and frisk. This study aims to answer the following questions using a mixed methods approach:

1. Are the racial disparities in SQF still present?
2. The perceptions and experiences of commanders in regards to the impact of compstat as a driver in the increase in SQF.
3. What is the allocation of police resources assigned to community based and collaborative approaches to crime fighting?
4. The perceptions of Commanders regarding incorporating measures of community based/ collaborative policing into Compstat

The first part of my study involves an updated analysis of stop and frisk in NYC using secondary data. The purpose is to determine if the racial disparities found in previous studies still exist. Greg Ridgeway’s 2007 Rand Corporation study was able to determine racial disparities existed by comparing the rate of stops for specific officers in an area against other officers patrolling the same area. Ridgeway’s study examined 2006 and 2007 data. My approach updates Ridgeway’s analysis by focusing on the years 2008 through 2012. I cannot replicate Ridgeway’s study entirely, as that study required internal access to ascertain the race of the officer conducting the stop. That information is not publically available. However, what is publically
available is all reported stop data for 2003 through 2012. I will utilize a five year span 2008 through 2012. I obtained the stop and frisk information by utilizing datasets provided by the Stop, Question and Frisk Report Database, a court mandated, publicly available database that contains all documented NYPD “terry type” street stops. These records became publically available from December 2003 following a settlement reached in Daniels et al. v. City of New York between the City of New York and the Center for Constitutional Rights. The database contains the total actual number of stops recorded by the NYPD, providing me with population data.

I examined the number of stops of different racial groups focusing on Blacks, Whites, Black-Hispanics and White-Hispanic. Black-Hispanic and White-Hispanic was recoded into a new category Hispanic (see Table 3.1). The other races listed in the database account for approximately 4% of stops. I analyzed this racial data against citywide population statistics to determine whether police stopped these different groups at rates greater than expected given their population distribution. I also compared the race of those stopped in the five precincts with the lowest stop amounts and the five precincts with the highest stop amounts. I utilized this data to determine if racial disparities continued across these areas. I anticipate differences in the racial makeup of those stopped in the five highest and lowest as the racial and ethnic makeup varies across the precincts. I then compared this data against the race of those stopped citywide to see if the trend in stops continued. The racial distribution of individual (pedestrians) stopped during stop question and frisk should be somewhat reflective of the criminal element in the respective areas, which in most cases is reflective of the demographics of that community. This means that in some areas the majority stopped should be Black or Hispanic while in other areas Asian or White suspects should be prevalent.
## Table 3.1. Stop and frisk database variables

<table>
<thead>
<tr>
<th>Measure</th>
<th>Variable</th>
<th>Measurement level</th>
<th>Value/ Label</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>Suspect’s Race</td>
<td>Nominal</td>
<td>A – Asian/Pacific Islander&lt;br&gt; B - Black&lt;br&gt; I – American Indian/Alaskan Native&lt;br&gt; P - Black-Hispanic&lt;br&gt; Q - White-Hispanic&lt;br&gt; W - White&lt;br&gt; X - Unknown&lt;br&gt; Z - Other</td>
</tr>
<tr>
<td>Was suspect frisked</td>
<td>Frisked</td>
<td>Nominal</td>
<td>Y - Yes&lt;br&gt; N - No</td>
</tr>
<tr>
<td>Was suspect searched</td>
<td>Searched</td>
<td>Nominal</td>
<td>Y - Yes&lt;br&gt; N - No</td>
</tr>
<tr>
<td>Was an arrest made?</td>
<td>Arstmade</td>
<td>Nominal</td>
<td>Y - Yes&lt;br&gt; N - No</td>
</tr>
<tr>
<td>Use of force by officers</td>
<td>pf_hands, pf_wall, pf_grnd, pf_drwep, pf_ptwep, pf_baton, pf_hcuff, pf_pepsp, pf_other</td>
<td>Nominal</td>
<td>Officer-Hands&lt;br&gt; Suspect against wall&lt;br&gt; Suspect on ground&lt;br&gt; Weapon drawn&lt;br&gt; Weapon pointed&lt;br&gt; Baton&lt;br&gt; Handcuffs&lt;br&gt; Pepper spray&lt;br&gt; Physical force used by officer-other</td>
</tr>
<tr>
<td>Perion of Stop (MMM)</td>
<td>perstop</td>
<td>Scale</td>
<td>0-10 minutes&lt;br&gt; 11-20 minutes&lt;br&gt; 21-30 minutes&lt;br&gt; Over 30 minutes</td>
</tr>
<tr>
<td>Precinct of stop</td>
<td>PCT</td>
<td>Nominal</td>
<td>Precinct of stop (from 1 to 123)</td>
</tr>
</tbody>
</table>

Source: Stop and frisk database 2008-2012

I also analyzed the use of force by officers against different races. This query allows me to add to the body of research by determining if race is a significant factor in the use of force. The length of stop (i.e. period of stop) was analyzed by race to see if race impacted on the time the individual stopped was detained. I performed t tests on the grouping “White” and “Non-
White” to determine if race was significant in the use of force as well as the period of stop. This process is similar to the analysis conducted by Ridgeway and RAND except with the addition of period of stop.

Understanding the role of the policy mandating the use of computer based crime mapping to determine enforcement and impact zone placement may assist in the determination of the cause of the racial bias. The second part of the study involved interviewing three police executives each with a minimum of five years as a Captain or above. I chose Captain and above because Captain is the minimum required rank for a precinct commander. Each commander interviewed had extensive Compstat experience. The purpose of the interviews was to obtain their views of the role of Compstat as a factor in the increased use of stop and frisk. In addition, these executives were asked if they believed that collaborative policing measures could be incorporated into the Compstat analysis. A list of the interview questions can be found in the Appendix.

For the final part of the study, I examined publicly available documents, including the Mayor’s Executive Budget and/or the New York City Council’s review of the budget to determine if there were any changes in the headcount for uniform police personnel assigned to Community Affairs. The police department, like many organizations, reallocates personnel to address its priorities. This review of the allocation of officers would assist in the determination of police priorities. I examined the manpower allocations from years 2003 to 2012, which coincides with the implementation of Operation Impact, to see if there was any change in the allocation of officers assigned to Community Affairs as the police department created and then increased the allocation of officer assigned to impact units.
This research is not all-inclusive and does not purport to explain all of the reasons that racial disparities exist in stop and frisk. The inability to obtain the race of the officer making the stop may have given more insight into the reasons for the racial disparities in the stops. However, the race of the officer may have little effect on these racial disparities, given the concentration of officers in impact zones as well as the focus of stop and frisk as the primary enforcement tool. In addition, access to the population data allowed for a very comprehensive analysis of stop data, creating a distinct picture of stop patterns.

This project was reviewed and approved by Northeastern University’s Institutional Review Board. Participants were informed of the research goals prior to each interview. In order to protect the confidentiality of the respondents, unsigned consent forms were utilized. Time was allotted to answer any questions from participants to ensure they fully understand the purpose of the study prior to asking any interview questions. Notes were taken during the interviews to capture sum and substance of the interview. I will retain interview notes until thesis defense, after which they will be destroyed. No identifying information will be included in the transcripts. The recorded consents will be kept for three years. My data is stored on hard drives and secured backups that are password protected and locked in a secured home office. All other required records will be maintained in that secured environment for a period of three years.
Chapter 4

Results

Stop Statistics

A review of the 2008 through 2012 data revealed more than 2.9 million stops of that amount. 55.8% of the individuals stopped citywide were Black and 34% of those stopped were Hispanic (Table 4.1). The 2010 decennial Census reveal that New York City’s population is 58.3% White, 17.6% Hispanic, 15.9% Black and 7.3% Asian. Therefore 89.8% of the stops were performed on Black and Hispanics although they only represent 33.5% of the city’s population.

<table>
<thead>
<tr>
<th>Table 4.1 An analysis of the race of individuals stopped-Citywide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
</tr>
<tr>
<td>BLACK</td>
</tr>
<tr>
<td>BLACK-HISPANIC</td>
</tr>
<tr>
<td>WHITE-HISPANIC</td>
</tr>
<tr>
<td>WHITE</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Source: SQF Database 2008-2012

The five precincts with the highest recorded stops and the five precincts with the lowest recorded stops were identified for the years 2008 through 2012 (Table 4.2). The stop and frisk data revealed that the top five of the 76 precincts accounted for 15.5% of stops. While the bottom five precincts accounted for only 1.6% of stops (Table 4.3).
Table 4.2 The five precincts with the highest recorded stops and the five precincts with the lowest recorded stops for the years 2008 through 2012

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-most stops</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>2</td>
<td>73</td>
<td>73</td>
<td>73</td>
<td>73</td>
<td>73</td>
</tr>
<tr>
<td>3</td>
<td>79</td>
<td>120</td>
<td>120</td>
<td>115</td>
<td>40</td>
</tr>
<tr>
<td>4</td>
<td>120</td>
<td>79</td>
<td>23</td>
<td>40</td>
<td>44</td>
</tr>
<tr>
<td>5</td>
<td>23</td>
<td>40</td>
<td>40</td>
<td>90</td>
<td>79</td>
</tr>
<tr>
<td>1-fewest stops</td>
<td>50</td>
<td>6</td>
<td>1</td>
<td>50</td>
<td>94</td>
</tr>
<tr>
<td>2</td>
<td>63</td>
<td>50</td>
<td>123</td>
<td>17</td>
<td>123</td>
</tr>
<tr>
<td>3</td>
<td>78</td>
<td>17</td>
<td>94</td>
<td>123</td>
<td>50</td>
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<tr>
<td>4</td>
<td>17</td>
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<td>17</td>
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<td>17</td>
</tr>
<tr>
<td>5</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>22</td>
</tr>
</tbody>
</table>

Source: SQF Database 2008-2012

The top five precincts are majority Black and Hispanic and the lowest five precincts are predominately White. Of note is that the 22nd Precinct exists exclusively within the boundary of Central Park. While the park has no residents, the residents of the areas immediately surrounding the park are majority White and affluent.

Table 4.3 Number of stops and percent of total stops by 5 top/bottom precincts with the most and fewest stops.

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
<td>n</td>
</tr>
<tr>
<td>5 MOST</td>
<td>83187</td>
<td>15.4</td>
<td>110948</td>
<td>20.3</td>
<td>99549</td>
</tr>
<tr>
<td></td>
<td>95540</td>
<td>17.9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 FEWEST</td>
<td>9367</td>
<td>1.7</td>
<td>7775</td>
<td>1.4</td>
<td>9805</td>
</tr>
<tr>
<td></td>
<td>10209</td>
<td>1.5</td>
<td>7787</td>
<td>1.5</td>
<td></td>
</tr>
</tbody>
</table>

Source: SQF Database 2008-2012

A comparison of the racial breakdown of individuals stopped in the five highest against the five lowest stop precincts revealed that, while the rates of Whites stopped in the precinct with the fewest stops increased to better reflect the demographics of the community, the rate of Blacks and Hispanics stopped was still significantly above norm. In fact, all years showed race being a significance factor for being stopped (Table 4.4).
Table 4.4. Race of individuals stopped by five top/bottom precincts

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLACK</td>
<td>56.8%</td>
<td>47.0%</td>
<td>50.5%</td>
<td>40.5%</td>
<td>57.7%</td>
</tr>
<tr>
<td>BLACK-HISPANIC</td>
<td>4.9%</td>
<td>7.9%</td>
<td>4.3%</td>
<td>7.9%</td>
<td>5.5%</td>
</tr>
<tr>
<td>WHITE-HISPANIC</td>
<td>22.5%</td>
<td>26.5%</td>
<td>16.1%</td>
<td>30.4%</td>
<td>22.3%</td>
</tr>
<tr>
<td>WHITE</td>
<td>5.8%</td>
<td>18.5%</td>
<td>4.1%</td>
<td>21.2%</td>
<td>4.1%</td>
</tr>
</tbody>
</table>

Source: SQF Database 2008-2012

ALL YEARS AND PRECINTS SHOW SIGNIFICANT DIFFERENCES AT .001

Use of force is always a concern regardless of the race of the suspect stopped. This number should be reflective of the type of crime stopped for or the demeanor of the suspect (e.g. hostile, aggressive) more so than the race of the person stopped. However, race was found to be a significant factor in the use of force (Table 4.5). Of those arrested force was used on Blacks and Hispanics in a consistently greater amount than on Whites. However, the rate of force used on non-arrested Whites does show a steady increase. Some of this may be because of the increase in demonstrations like the 2010 Ground Zero Mosque protests and the Occupy Wall Street demonstration in the fall of 2011. The use of pepper spray during those demonstrations and the frisking of demonstrators may have factored into the increase in the use of force with White non-arrested individuals.

Table 4.5. Arrest by use of force and race of individuals citywide

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLACK</td>
<td>66.8%</td>
<td>47.0%</td>
<td>55.9%</td>
<td>57.1%</td>
<td>67.7%</td>
</tr>
<tr>
<td>BLACK-HISPANIC</td>
<td>4.9%</td>
<td>7.9%</td>
<td>7.2%</td>
<td>6.4%</td>
<td>5.9%</td>
</tr>
<tr>
<td>WHITE-HISPANIC</td>
<td>22.5%</td>
<td>26.5%</td>
<td>26.8%</td>
<td>26.6%</td>
<td>22.3%</td>
</tr>
<tr>
<td>WHITE</td>
<td>5.8%</td>
<td>18.5%</td>
<td>10.1%</td>
<td>9.8%</td>
<td>4.1%</td>
</tr>
</tbody>
</table>

Source: SQF Database 2008-2012

ALL YEARS AND PRECINTS SHOW SIGNIFICANT DIFFERENCES AT .001
A comparison of the length of stop by race shows that Blacks and Hispanics are detained consistently for longer periods. The percentage of Blacks detained is consistent with the percentage stopped (Table 4.6).

Table 4.6. Length of stop by race

<table>
<thead>
<tr>
<th></th>
<th>0-10 minutes</th>
<th>11-20 minutes</th>
<th>21-30 minutes</th>
<th>Over 30 minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>55.2%</td>
<td>6.5%</td>
<td>27.0%</td>
<td>11.3%</td>
</tr>
<tr>
<td>2009</td>
<td>57.4%</td>
<td>6.5%</td>
<td>26.4%</td>
<td>9.7%</td>
</tr>
<tr>
<td>2010</td>
<td>56.6%</td>
<td>6.8%</td>
<td>26.9%</td>
<td>9.6%</td>
</tr>
<tr>
<td>2011</td>
<td>55.4%</td>
<td>7.6%</td>
<td>27.3%</td>
<td>9.5%</td>
</tr>
<tr>
<td>2012</td>
<td>57.4%</td>
<td>7.1%</td>
<td>27.5%</td>
<td>9.8%</td>
</tr>
</tbody>
</table>

Source: SQF Database 2008-2012

ALL YEARS AND PRECINTS SHOW SIGNIFICANT DIFFERENCES AT .001

Resource allocation

The NYPD constantly reallocates officers to reflect the shift in priorities. The 1984 Community Policing pilot and subsequent implementation in 1990, the creation of a Counterterrorism Bureau and an Intelligence Division after the September 11th attacks, and the deployment of over one thousand officers to impact zones starting in 2003 are examples of changing priorities. These redeployments happened without the hiring of additional uniformed staff and with staffing levels actually decreasing modestly (Figure 4.1).
Figure 4.1 shows the average uniform headcount by year

**TOTAL CITY, TRANSIT AND HOUSING POLICE FORCE**

Source: The City of New York Executive Budget Fiscal Year 2015

ALL YEARS AND PRECINTS SHOW SIGNIFICANT DIFFERENCES AT .001

**Personnel Allocation**

An examination of the City of New York’s Executive Budget and The New York City Council’s Hearing on the Preliminary Budget and the Fiscal Preliminary Mayor’s Management Report for the years of 2003 through 2013 provided the data on staffing allocation for the Police department and its respective Bureaus. The approved staffing allocation for the Community Affairs Bureau remained fixed at 182 Police uniformed members for the years 2003 through 2013. However, a May 2013 hearing on the FY 2013 Executive Budget revealed that the NYPD only staffed the Community Affairs Bureau with 110 of its authorized 182 Police Officers (Table 4.7).
Table 4.7 Shows the operating budget for fiscal year 2014 reflecting the amount of staff budgeted for the Community Affairs Bureau

<table>
<thead>
<tr>
<th>Finance Division Briefing Paper</th>
<th>Police Department</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Community Affairs</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2012</td>
</tr>
<tr>
<td>Positions</td>
<td></td>
</tr>
<tr>
<td>Full-Time Positions - Uniform</td>
<td>110</td>
</tr>
<tr>
<td>Full-Time Positions - Civilian</td>
<td>12</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>122</td>
</tr>
</tbody>
</table>

Source: Hearing on the fiscal year 2014 executive budget for the Police department May 23, 2013

In addition, two officers from each precinct are assigned as Community Affairs Officers to handle the concerns within their respective precincts. These two officers are the precinct’s liaisons with the community. This staffing scheme remained unchanged even as the amount of officers assigned to precincts like the 73rd and 75th police precincts almost doubled. The 73rd precinct uniform headcount rose to 483 police officers with the influx of more than 150 impact officers assigned specifically to enforcement duties. This increase in impact enforcement officers was not followed by a corresponding increase in the number of precinct Community Affairs Officers or the Community Affairs Bureau. In fact, as figure 4.7 revealed, the Community Affairs Bureau was understaffed by approximately 40%. This resource allocation is not reflective of a service oriented style of policing. The lack of Community Affairs Officers reduces the opportunity to offset the negative impact of aggressive policing in these areas with community-police dialogue.
Establishment of Impact zones

Smith and Purtell’s (2007) examination of Operation Impact reiterated the fact that the NYPD utilizes their crime data’s geospatial location to analyze crime patterns. An analysis of these patterns reveals concentrated areas or clusters of reported crimes. These “hotspots” are the basis for impact zones. These areas coincidently, tend to also be in most of the lower socioeconomic areas of the city, areas with large racial concentrations. The maps on the next page show a graphical analysis of the city’s crime (Figure 4.2). The adjoining map created by the New York Times shows racial concentrations across New York City (Figure 4.3).
Figure 4.3 NYC Crime density map

Figure 4.4 NYC Racial Concentration map

Population map of NYC showing racial concentrations

Source: The New York Times

Source: Pediacities NYC Neighborhoods

Source: Pediacities NYC Neighborhoods

Population map of NYC showing racial concentrations

Source: NY Times

January 23, 2011
The darker more crime-laden areas of the city also have higher levels of homogeneity. However, the racial concentration of a precinct, and not its crime rate, is a more important predictor of the type of enforcement activities (e.g. stop rate). New York City’s crime rate for 2013 was 13.62 crimes per 1000 residents. However, in the 75th precinct in Brooklyn, the rate was 21.07 per 1000 residents of that community. The 41st precinct in the Bronx had a crime rate of 32.78 per 1000 and the 25th precinct in Harlem had 23.02 crimes per 1000 people. These precincts also have very high stop rates, with the 75th precinct maintaining the number one position among the seventy-six precincts during the years that I examined. Manhattan’s Midtown South Precinct (14th precinct or MTS) has a crime rate of 118.3 per 1000 residents, the highest per capita rate in the city. MTS reported 2863 felonies compared to the 75th precinct’s 3902 felonies. The crime rates in both of these areas are clearly above the average for New York City. However, the MTS stop rate is in the bottom ten while as previously stated, the 75th precinct is number one. The primary difference lies in the demographics of each area. MTS residents are affluent and 81% White or Asian, while the 75th precinct is a lower income community that is 88% Black or Hispanic. Although both precincts have higher than normal crime rates, the enforcement philosophy is applied differently, with evidence of disparities statistically present.

Interviews with NYPD Commanders

Based on interviews with commanders, it seems that Compstat is the driving factor in disparities. The constant push to improve the prior year’s reported crime numbers has led to the greater escalation of stop and frisk and a higher rate of increase in stops among Black males (Rosenfield and Foronago, 2011).
It is impossible to calculate what the optimal number of pedestrians that the police need to stop in order to reduce crime. The decrease in crime has stabilized (Figure 4.5), while the stop and frisk rate has increased steadily from 2003 until 2012. According to one commander interviewed, since the beginning of 2013, stop and frisk is no longer mentioned at Compstat meetings. All Commanders mentioned the political climate, the change in administration, as well as new local laws creating personal liability issues for the officers conducting frisks, as reasons for the pivot away from stop and frisk by the police administration. In 2013, the stop rate fell dramatically. Crime rates also fell in 2013 and continued to decline into 2014. As of May 2014, crime is down in NYC 8.59% compared to the same time last year (Appendix A).

**Figure 4.5 Arrest vs Crime graph 1993-2013**

*In 2001, Index Crime data excludes World Trade Center victims.*

**Preliminary estimates based on data from NYPD.**

Source: The City of New York Executive Budget Fiscal Year 2015
All of the commanders interviewed agreed that Compstat is the driver of all enforcement type actives in the NYPD. Compstat meeting are held every Thursday morning at Police Headquarters. Usually one of the seven NYPD patrol boroughs is called in a rotation determined by the police department’s executive team. The Deputy Commissioner of Operations and the Chief of Department chair the meetings. The two or three Precinct Commanders with the highest crime increase, or conversely the Precinct Commanders with the lowest decrease, are called individually to the podium to discuss his or her crime issues. The senior management of the NYPD then peppers the Commander with questions. The open forum type questioning of Commander’s performance encourages increase enforcement activity to prevent the embarrassment of seeming ineffective. Only a few key members of the top brass know what specific items will be addressed when a precinct or unit is called to the podium. The lack of an open agenda leads to a mad flurry of preparation and analysis of every type by the commander of a unit slated for Compstat appearance. The fear of the “gotcha” question, as one commander put it, wastes resources and creates unnecessary fear. The public grilling in front of their peers also forces other commanders to take a defensive posture by addressing all of the conditions that commanders at the podium are being faulted for. This fear causes commanders to push for enforcement activity, as an increase in activity or subsequent decrease in crime can mitigate attention from your unit.

Compstat is also a place where best practices are highlighted. A commander’s success is also praised causing others to replicate their actions to achieve favorability. This practice has its drawbacks, as other Commanders may knowingly replicate a practice that top brass praise that they know is an ineffective use of resources. Operation Total Impact was mentioned as an example of the latter.
Operation Total Impact was the brainchild of a high-ranking Chief. Total Impact was designed to increase enforcement in impact zones. It was a command initiative meaning, that impact precincts were told that on certain days, usually once or twice a month, they would be hosting Transit bureau impact (officers assigned to patrol the trains) and housing bureau impact (officers assigned to low income public housing). These officers were then teamed up with the precinct based impact officers and were directed to do sweeps in areas within the precinct boundaries. Because the source of the initiative was a high ranking Chief, officers were pushed to stop, summons, and or arrest as many violators as possible. There was an increase in “zero tolerance policing.” According to the commanders I interviewed, this Total Impact operation was a doubling down on policies that showed to have minimal or no effect on the crime in the area. In addition, commanders commented that since resources were combined and then allocated back to transit and housing bureau enforcement, there was no net gain of enforcement personnel, effectively giving them the same number of personnel they started out with. However, the initiative was carried out in spite of the Commander’s privately expressed resistance to the operation.

Commanders were queried regarding the viability of incorporating community based policing into Compstat. The Commanders agreed that because of the paramilitary structure of the Police Department, an acceptance of police-community collaboration by the police brass would allow for implementation of this concept by them and their peers. Therefore, incorporation of measures of community collaboration into Compstat could work as commanders adjust their crime strategies to obtain approval from their bosses.
Chapter 5
Recommendations

Community Policing became a visible policing concept in the 1980’s. A Police Foundation survey found that 85% of police departments had implemented Community Policing or were about to do so (Skogan, 2006). As the Community Policing concept started to take root, Compstat rose to prominence and changed the philosophy of policing. The Compstat strategy was implemented in the majority of large police departments. Compstat’s strength is that it allows for the focus on serious crimes. However, the use of stop and frisk as the dominant tool of enforcement was unique to New York. The use of stop and frisk is a practice whose unpopularity and overuse has created a shift in policy. The dramatic 2013 stop and frisk decline is a reflection of the reaction to the damage caused by stop and frisk and the numbers-driven push for stops. The overuse of stop and frisk in NYC has caused collateral damage in lower socioeconomic communities.

These communities need services in addition to an increased police presence. A pull back on stop and frisk has already occurred. The shift to a more balanced collaborative approach would be useful in restoring the legitimacy of the police in areas most affected by stop and frisk. This approach would allow for more police community collaboration without the hostility caused by aggressive policing. Sidebottom and Tilley’s (2011) argument that full implementation of Community Policing is logistically challenging does not mean that increased community collaboration is not possible. In fact, Skogan (2006) showed the positive impact of community collaboration on the African American community in Chicago. NYPD commanders interviewed have agreed that measures of Community Policing could be incorporated into Compstat. The integration of Compstat and Community Policing would create a model that is more responsive
to community needs (Willis, 2011). Community Policing allows the police to address neighborhood quality of life issues and increases the legitimacy of the police (Skogan, 2006).

Compstat is a management philosophy and organizational strategy that concentrates on crime reduction. This philosophy is implemented by providing the authority and accountability for crime control to Police Commanders. Compstat is performance driven and numerically focused. Community concerns are an afterthought as Compstat can be viewed through the teleological perspective of “the end justifying the means.” This perspective reflects the notion that a community that has lower crime is safer and thus a more content community. This philosophy does not take into account the collateral damage caused by aggressive policing.

Community Policing is described as a philosophy and organizational strategy that takes into account community concerns. Community policing drives the decision making to the lowest levels of the organization, creating a more localized response to community concerns. This process is deontological in nature as the process seeks to focus more on the good intention of the police-community relationship and less on the outcome. The incorporation of the two philosophies would allow for the best of both worlds by creating an “additive effect by compensating for the limitations of the other” (Willis, 2011)

Newly elected Mayor de Blasio has vowed to allow federal monitoring, in addition to a change in policing style. The dramatic decrease in stops without a corresponding increase in crime confirms that the aggressive tactics are not the panacea that other administrations advocated. The average 6.6% arrest rate of people stopped shows that the blanket saturation of neighborhoods does not yield the most effective results. Numbers-driven policing loses its effectiveness over time. The fact that the stop rates have dropped dramatically without a corresponding increase in crime indicates that the NYPD overused stop and frisk.
Collaborative policing means that the NYPD would utilize the liaisons formed with other agencies to fight crime, to solve disorder issues. Problem solving means that the simple approach of arresting individuals may not suffice to solve long-term community problems. The individual offender may not be the cause of the disorder but rather a manifestation of a larger problem. Approaches like crime prevention through environmental design, community association formation (to increase social controls), and the enforcement of civil laws could be just as effective and less damaging to the stability of the community. The solicitation of input and the incorporation of community provided measures that are viable increases community participation.

Compstat meetings excel in the analysis of major crime. In addition to these analyses, the top brass could also query commanders on their knowledge of community concerns. The commander would have to report on major community issues, report on how he identified these problems, and what measures he was taking to address them. Addressing these issues at Compstat meetings and following up on the progress of these community concerns would display the department’s commitment to incorporating community concerns into their crime strategies. Feedback of community satisfaction could be gauged by well-designed surveys or focus groups that measure community satisfaction regarding the police’s attention to major quality of life issues.

In addition to being accountable to the top brass for crime, the precinct commander must be more transparent in presenting the crime analysis at community meetings. Presenting statistics may sound good, but without a certain level of expertise, most people cannot relate those statistics back to the reasons for particular type of enforcement in certain areas. Explaining the need for certain operations to the community would increase understanding on how and why the police deploy their resources.
Increasing the allotment of precinct based Community Affairs officers in impact zones could offset the negative effects of stop and frisk by increasing community police dialogue. The creation of a Community Policing team, similar to the school team created to address school violence, would allow for a decentralization of the decision making process. This would allow the precinct and Community Affairs team to be more responsive to community concerns.

Making the Compstat agenda available to Commanders prior to presenting, reduces time spent by these Commanders performing analyses in a preparation for scenarios that may not even be addressed. This additional time could be used for the design and implementation of creative strategies that address community concerns.

**Conclusion**

The elected officials of the City of New York, herald New York City as the “safest big city in America”. Credit for the transformation from crime ridden to safe city belongs to the NYPD. Its ability to change strategies to adapt to current conditions has reduced deaths and reported crimes in all areas of the city. As previously stated, the management approaches of police administrators affect the enforcement priorities of the police officers (Wilson, 1968). These priorities are controlled by the administration but also affected by the stakeholders who may form a strong enough coalition to cause a change in what may be perceived as a heavy-handed approach. The NYC Police Union President released this in August 2013.

“We believe that there is no correct number of stop, question and frisks and that the obsession with statistical measurement has fueled the controversy to no one’s benefit. We have counseled our members to protect themselves against potential lawsuits when making a stop and it is clear that, as professional police officers, they saw that they were being set up to take the fall for a bad, quota driven policy and took action to safeguard themselves. They are doing what any reasonable human being would do when facing the risks and stresses of potential legal actions.” (PBA President Pat Lynch, 2013)
As of this writing, the release of 2013 Stop and frisk data revealed a precipitous drop in stop and frisk from 532,911 in 2012 to 191,851 in 2013. The push back from the numbers driven approach has been dramatic. This drop correlates with the increased pressure exerted on the NYPD by the Federal Courts and the communities most affected by stop and frisk. While this data is not part of my overall analysis, a drop of this magnitude is noteworthy especially since there has been no redeployment of personnel or indication of any pivot in policing priorities.

American police history is filled with stories of reform and adaption to new challenges. Changes in public perceptions and demands require departments to become change agents. NYPD’s use of stop and frisk has been challenged and needs to be seriously evaluated to establish a level of utilization that is effective yet acceptable to the populace. The Compstat innovation needs to be integrated with Community Policing to create a new policing model that satisfies the citizens that they serve.
Endnotes

1 Corfield v. Coryell, 6 Fed. Case. 546 (1823)

2 Article 13 section 1 U.N. Declaration of Human Rights

3 Ratified in 1791


5 People v Cantor (36 NY2d 106)

6 Terry v. Ohio, 392 U.S. 1 at 30

7 Stop, Question and Frisk in New York Neighborhoods The New York Times, 12 July 2010

8 Sherman, Gartin, and Buerger ,1989

9 Compstat- A NYPD performance management reform that utilized computerized crime mapping for statistical analysis. Compstat is used to create a place-based focus on crime reduction. This place based focus identifies crime patterns.

10 Operation Impact started in 2003, placed new police academy graduates in impact zones. Impact zones were determined with the aid of computerized crime mapping.

11 The full implementation of the impact zone policy coincided with an increase of SQF.

12 As of this writing, the years 2003 to 2012 were available.

13 Operation Impact started in 2003 placed new police academy graduates in impact zones.

14 The full implementation of the impact zone policy coincided with an increase of SQF.

15 The relationship between crime rates in adjacent or proximate geographic areas.

16 Brinegar v. United States, 338 U.S. 160 (1949)

17 Brinegar was convicted in a federal district court on charges of transporting liquor into Oklahoma, a state that prohibited liquor, from Missouri. Brinegar was previously arrested for illegally transporting liquor (bootlegging). Bootlegging was a common occurrence as truckers routinely illegally transported liquor from non-prohibition states to prohibition states.

18 Reasonable man test: A phrase frequently used in civil and Criminal Law proceedings to describe a hypothetical person in society who exercises average care, skill, and judgment in conduct. This person serves as a comparative standard for determining liability.
19 John Q. Barrett, Appendix B: *State of Ohio v. Richard D. Chilton* and *State of Ohio v. John W.*

The Suppression Hearing and Trial Transcripts, 72 ST. JOHN'S L. REV. 1387, 1420, 1456


21 *People v Rivera* 201 N.E.2d 32 (N.Y. 1964)

22 *People v De Bour* 40 NY2d 210 (1976)

23 The Village Voice, a local New York City weekly paper.

24 External benchmarks for example would examine if the racial distribution of stops reflect the racial composition of crime suspects, of the residential population or the race of the arrestees.

25 Internal benchmarks in this case would compare a specific officer’s stop rate to that of other officers patrolling the same area.

26 The Future survey is an annual survey of substance abuse of eighth graders and high school seniors.

27 The idea of coercive mobility suggests that high levels of incarceration can cause social disorganization in the community.

28 The Knapp Commission was established in 1972 by then-New York City Mayor John Lindsay to investigate corrupt activities of police officers, detectives, and supervisors working in the NYPD.

29 Typically, the officers in the radio car drive from call to call in an attempt to address immediate or emergency concerns. The awareness of conditions with their areas is usually limited to the problem individuals and problem areas that frequently require calls for service. The patrol officers under this patrol scheme are evaluated using quantitative productivity measures. Summonses, arrests, and stop and frisk are tracked for each individual officer. In addition, individual enforcement activity is taken into consideration by superiors when an officer looks to apply for promotion bearing assignments; thereby reaffirming the numbers based philosophy.

30 Crime and Management: An Interview with New York City Police Commissioner Lee P. Brown.
According to Skogan, “cleaved apart” during the 1990s, economics, language, and culture separated Spanish-speaking immigrants from better-off, more well-established English-speakers.

For all field operations, PAL annually spends $2 Million and $1 million for the Juvenile Justice related programs Compared to the $9.5 million dollars requested by the NYC Department of Corrections for fy2013 and $19.2 million in fy2014 to support the reopening of a jail to provide space for 456 prisoners

A patrol borough consists of about 10 – 12 precincts with the exception of patrol borough Staten Island that has 4 precincts.
References


Ridgeway, G. (2007). Analysis of racial disparities in the New York Police Department's stop, question, and frisk practices. 1776 Main Street, P.O. Box 2138, Santa Monica, CA 90407-2138: Rand Corporation.


Appendix A: May 4th, 2014 citywide crime statistics reflecting a year to date decrease in overall crime rate

<table>
<thead>
<tr>
<th>Crime Complaints</th>
<th>28 Day</th>
<th>Year to Date*</th>
<th>2 Year</th>
<th>5 Year</th>
<th>1 Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014</td>
<td>2013 % Chg</td>
<td>2014</td>
<td>2013 % Chg</td>
<td>2009 % Chg</td>
</tr>
<tr>
<td>Murder</td>
<td>1</td>
<td>-90.0</td>
<td>15</td>
<td>-26.3</td>
<td>90</td>
</tr>
<tr>
<td>Rape</td>
<td>22</td>
<td>-33.3</td>
<td>100</td>
<td>-6.5</td>
<td>420</td>
</tr>
<tr>
<td>Robbery</td>
<td>265</td>
<td>-20.9</td>
<td>1,067</td>
<td>-18.4</td>
<td>5,169</td>
</tr>
<tr>
<td>Fel. Assault</td>
<td>318</td>
<td>-5.8</td>
<td>1,459</td>
<td>-3.6</td>
<td>6,303</td>
</tr>
<tr>
<td>Burglary</td>
<td>293</td>
<td>-7.6</td>
<td>1,105</td>
<td>-8.1</td>
<td>5,278</td>
</tr>
<tr>
<td>Gr. Larceny</td>
<td>795</td>
<td>-7.1</td>
<td>3,119</td>
<td>-5.8</td>
<td>13,534</td>
</tr>
</tbody>
</table>

|                  | 2014   | 2013 % Chg   | 2014   | 2013 % Chg | 2009 % Chg |
| TRANSIT          | 43     | -19.4        | 152    | -7.3      | 745     | -6.5   |
| HOUSING          | 84     | -23.6        | 365    | 2.0       | 1,602   | 2.9    |
| PETIT LARCENY    | 1,512  | -8.7         | 6,142  | -2.4      | 25,741  | -0.6   |
| MISD ASSAULT     | 907    | -5.2         | 3,427  | 1.0       | 14,146  | 1.8    |
| MISD SEX CRIMES  | 67     | -42.6        | 229    | 5.0       | 844     | -1.7   |
| SHOOTING VIC.    | 22     | -46.7        | 95     | 2.9       | 350     | -22.4  |
| SHOOTING INC.    | 19     | -46.2        | 83     | 2.7       | 303     | -21.1  |

The above CompStat figures are posted on Monday, one week after the closing date.

Crime statistics reflect New York State Penal Law definitions and differ from the crime categories to the F.B.I. Uniform Crime Reporting System. All degrees of rape are included in the rape category. All figures are subject to further analysis and revision.

Prepared by
NYPD Compstat Unit
Appendix B

Interview questions:

1. What is your view of the impact of compstat on the police department’s utilization of Stop and frisk?

2. Is that a good thing or a bad thing? Why?

3. What is your view of the Compstat process as a whole

4. Is Community input important? Why?

5. Do you believe that measures of community based/collaborative policing can be incorporated into Compstat?
Appendix C: IRB approval and unsigned consent form

Northeastern

Notification of IRB Action

Date: January 8, 2014  IRB #: CPS13-12-16
Principal Investigator(s): Neenah Estrella-Luna
Shamik Walton
Department: Doctor of Law and Policy
College of Professional Studies
Address: 20 Belvidere
Northeastern University
Title of Project: Evaluation of the New York City Police Department's
Use of Stop Question & Frisk
Participating Sites: N/A
Informed Consent: One (1) unsigned consent

As per 45 CFR 46.117(d)(2) signed consent is being waived as the research presents no more than
minimal risk of harm to subjects and involves no procedures for which written consent is normally
required.

DHIS Review Category: Expedited #6, #7
Monitoring Interval: 12 months
Approval Expiration Date: JANUARY 7, 2015
Investigator's Responsibilities:
1. Informed consent form bearing the IRB approval stamp must be used when recruiting participants
   into the study.
2. The Investigator must notify IRB immediately of unexpected adverse reactions, or new
   information that may alter our perception of the benefit-risk ratio.
3. Study procedures and files are subject to audit at any time.
4. Any modifications of the protocol or the informed consent as the study progresses must be
   reviewed and approved by this Committee prior to being instituted.
5. Continuing Review Approval for the proposal should be requested at least one month prior to the
   expiration date above.
6. This approval applies to the protection of human subjects only. It does not apply to any other
   university approvals that may be necessary.

C. Randall Colvin, Ph.D., Chair
Northeastern University Institutional Review Board

Nan C. Regina, Director
Human Subject Research Protection

Northeastern University FWA #4650
UNSIGNED CONSENT DOCUMENT

Northeastern University, Department of: College of Professional Studies, Doctor of Law & Policy

Name of Investigator(s): Neenah Estrella-Luna, PhD - Principal Investigator, Shamik Walton - Student Researcher

Title of Project: Evaluation of the New York City Police Department’s Use of Stop Question & Frisk

Request to Participate in Research

We would like to invite you to take part in a research project. The purpose of this research is to analyze the use and alternatives to Stop Question and Frisk in New York City.

You must be at least 18 years old to be in this research project.

The study will take place at a mutually agreed upon location and will take about 15-20 minutes. If you decide to take part in this study, I will ask you to answer a series of questions about NYPD’s use of Stop and Frisk. The only foreseeable risk is the loss of confidentiality, however there are stringent protocols in place to protect your identity.

There are no direct benefits to you for participating in the study. However, your answers may help us to learn more about NYPD’s use of Stop and Frisk.

Your part in this study will be handled in a confidential manner. Only the researchers will know that you participated in this study. Any reports or publications based on this research will use only group data and will not identify you or any individual as being of this project.

The decision to participate in this research project is up to you. You do not have to participate and you can refuse to answer any question. Even if you begin the study, you may withdraw at any time.

You will not be paid for your participation in this study.

If you have any questions about this study, please feel free to email Shamik Walton walton.s@husky.neu.edu, the person mainly responsible for the research. You can also contact Neenah Estrella-Luna, PhD at n.estrellaluna@neu.edu, the Principal Investigator.

If you have any questions about your rights in this research, you may contact Nan C. Regina, Director, Human Subject Research Protection, 950 Renaissance Park, Northeastern University, Boston, MA 02115. Tel: 617.373.4588, Email: n.regina@neu.edu. You may call anonymously if you wish. You may keep this form for yourself. Thank you.

APPROVED
NU IRB
VALID 1/1/14 THROUGH 1/31/16

Northeastern University - Human Subject Research Protection
Rev. 9/3/2013