

# Public Safety and Policing in New York City

## RECOMMENDATIONS TO THE NEW MAYOR

### Executive Summary

New York City needs a strong police force, effective at crime prevention and law enforcement. But it also needs a force knowledgeable of, and sensitive to, community needs, that is accountable to the public and focused on the responsibility to protect and serve. Not only can we have both, but each is necessary to achieve the other. The community must be able to trust the NYPD and other City agencies in order to both assist and support those agencies, and allow those who live in, work in and visit the City to feel truly safe.

It starts with the Mayor. The arrival of a new Mayor is an excellent opportunity to recalibrate the City's approach to public safety and policing. The Mayor must exercise authority over the NYPD, as he does over other agencies, and have those agencies work harmoniously with one another.

Mayor-elect Eric Adams has the knowledge, experience and perspective to reshape public safety and protection in this City. He has made many promising statements.



He also can build on the current administration's work, which includes transferring functions that had fallen to the police to handle to agencies better equipped to provide the services. In addition, the Mayor-elect can benefit from the Police Reform and Reinvention Collaborative Plan. Though the Plan did not reflect the collaborative process contemplated in then-Governor Cuomo's Executive Order, it contains a number of strategies that are oriented toward making the NYPD more responsive to its constituents. Progress in implementing these measures has been slow, and the new Mayor is well positioned to accelerate that change.

In this report, Citizens Union, presents recommendations as to what City government can do, both at City Hall and in the communities, to promote public safety and increase public protection. As discussed in more detail in the report, we urge Mayor-elect Adams to take the following steps:

- 1. Exercise strong authority over the NYPD**, no longer deferring to the Department as "first among equals," and establish a collaborative approach among City agencies in addressing public safety and protection.
- 2. Appoint a Deputy Mayor for Public Safety**, someone with a broad perspective extending beyond the NYPD, to have authority over, and coordinate among, City agencies engaged in public protection and public safety.
- 3. Continue the efforts to transition certain appropriate functions from the NYPD to other agencies**, accelerating the pace, tracking the progress and reporting to the public on results.
- 4. Adopt recommendations to promote police accountability** set forth in our March 2021 report, *Agenda for Police Reform*, including merging agencies that conduct police oversight and enhancing the authority of the merged agency to seek sanctions for and initiate investigations of police misconduct.
- 5. Establish broad-based local advisory councils**, with NYPD and other city agency participation, in each precinct or community board, to identify community concerns and problem-solve with government officials to bolster trust among them and enhance communities' capacity to impact government policy and actions.
- 6. Better connect police with, and improve public trust in, the communities they serve, by:**
  - A.** providing trainees more community interaction prior to completing training, including through neighborhood internships;
  - B.** increasing diversity of uniformed officers, and especially in NYPD leadership positions;



- C. reducing the number of potentially confrontational interactions between police and community members, and increasing training in, and use of, conflict resolution as opposed to encouraging aggressive and military style behavior;
  - D. maximizing community engagement, for example, through local advisory councils and other community engagement, and through strict adherence to lawful and racially unbiased police practices in law enforcement, for example, as it relates to gun violence and protests.
7. **Assure that additional data be collected and made available** with regard to community indicators and preferences.
  8. **Change the incentives** that drive evaluation and promotion of police personnel, away from arrests and clearance rates and more toward conflict resolution and community relationship-building; make those incentives public.



# Introduction

In March 2021, Citizens Union issued a report with recommendations to improve police governance and accountability<sup>1</sup>. In that report, we noted that the events of the past year have brought the role of the police into sharp focus. We decried the polarization taking place and stressed that public safety requires a police force that has the authority to enforce the law, but that policing must be carried out in ways that are consistent with constitutional principles and our democratic form of government.

While the March 2021 report addressed the police force, and accountability in particular, in this report we look at policing through the prism of improving public safety. This necessitates accepting that policing is an important, but hardly the sole, driver of whether those who live, work or visit the city or its communities feel safe. The current mayoral administration, including the NYPD, has been acknowledging this reality, but the progress has been slow and there is much more to be done. More fundamentally, the NYPD still appears to be seen as the custodian of public safety, a role it cannot and should not have to bear.

We congratulate Mayor-elect Adams on his election, and recognize his extensive knowledge and experience, from many perspectives, with regard to public safety and policing. We urge him to approach public safety as a broad problem that must be addressed through a number of agencies and a wide range of stakeholders. This requires a fundamental shift of emphasis, from over-reliance on the NYPD to a structured, multi-agency approach. Through comments he made during the mayoral campaign, we believe the incoming Mayor agrees with the importance of this approach.

## Context of Public Safety

While the NYPD is a highly regarded police force in many ways, it also has acted in ways which undermine public confidence. This has been a historic pattern. There has been a legion of complaints over the years that the NYPD systemically, and officers individually, treat persons of color with less respect and more harshly than whites. Furthermore, the department has in many instances impinged upon first amendment rights of protesters and other civilians. The past several months have seen ample

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<sup>1</sup> Citizens Union, Agenda for Police Reform: <https://citizensunion.org/wp-content/uploads/2021/03/citizens-union-agenda-for-police-reform-part-1-governance-and-accountability-mar-2021.pdf>. (“Agenda for Police Reform”).



demonstrations of both behaviors. The problems keep recurring and the public perceives little has been done to address them.

Public safety has often been defined in terms of protection, as in protecting the public from harm. It also has been defined more broadly, as keeping people safe, whether from crime, pollution, poverty or other similar harms.<sup>2</sup> In essence, the main function of government is to provide “safety” to its constituents. Thus, providing adequate education and housing, and assuring people have basic sustenance, are key to public safety. We recognize Mayor-elect Adams will have to address this scope of issues simply to govern. Certainly, the shortcomings of our educational system and the shortage of affordable housing directly impact criminal activity. Thus, in a sense, public safety pervades the Mayor’s agenda.

A narrower aspect of public safety, and the one we will focus on in this report, is maintaining public order. This is far more than crime prevention or law enforcement. Keeping order in schools, dealing with the mentally ill and homeless, directing traffic, issuing all sorts of citations, all have fallen to the police. There is no reason to believe that police are the most effective agency to address these matters.<sup>3</sup>

We should rely heavily on the NYPD for its core functions: crime prevention and law enforcement. The rise in gun violence in a number of the City’s neighborhoods during the pandemic has brought into focus the importance of basic policing and detective work. Yet even in this realm, the NYPD has been bringing in other actors, including violence interrupters, and trying new approaches, such as a five-day pullback from street policing in Brownsville, acknowledging that fresh approaches and outside thinking, and sharing responsibilities, can be useful in the Department’s core mission.<sup>4</sup>

In viewing how the police undertake public protection, it is worth focusing on who we expect the police to be and how they should serve. An excellent source is the Peel Principles of Policing.<sup>5</sup> Robert Peel founded the London Metropolitan Police Force in

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<sup>2</sup> See Barry Friedman, “What is Public Safety”, New York University, Law and Economic Research Paper Series, working Paper No. 21-05 (Feb. 2021) [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3808187](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3808187).

<sup>3</sup> See, e.g., Eric Westervelt, *Mental Health and Police Violence: How Crisis Intervention Teams are Failing*, NPR (Sept. 18, 2020): <https://www.npr.org/2020/09/18/913229469/mental-health-and-police-violence-how-crisis-intervention-teams-are-failing>.

<sup>4</sup> See Shaila Dewan, “*Re-fund the Police?*” *Why it Might Not Reduce Crime*, New York Times (Nov. 8, 2021): <https://www.nytimes.com/2021/11/08/us/police-crime.html?searchResultPosition=2>; Yoav Golen and Eileen Grench, *Five Days Without Cops: Could Brooklyn Policing Experiment be a ‘Model for the Future’?*, The City, Jan. 3, 2021): <https://www.thecity.nyc/2021/1/3/22211709/nypd-cops-brooklyn-brownsville-experiment-defund-police>.

<sup>5</sup> <https://www.sjpd.org/home/showpublisheddocument?id=284>.



1829 and his principles have been followed worldwide for generations. Among the principles are certain fundamental notions:

- The goal is preventing crime and disorder, not preventing crime by military force;
- To prevent crime and maintain public respect, the police must secure the public's "willing cooperation";
- The police can earn public support through impartial service, recognizing that "the police is the public and the public is the police" and employing force only as a last resort.

These principles, plus the concept that the police are there to protect and serve, suggest a different approach to policing than the paramilitary type of force that we see operating in many American jurisdictions. We believe the NYPD Plan, while not explicitly acknowledging these principles, reflects an understanding that these principles are a sound way to build the public trust essential to maintain the respect of the public. We also believe the vast majority of the NYPD force accepts the theory of these principles. They have a highly stressful and dangerous job, which would be enhanced by connecting better with the people they serve.

## **1. COLLABORATIVE APPROACH AMONG AGENCIES, UNDER MAYORAL AUTHORITY**

The Mayor must exercise authority over the NYPD, as he does over other agencies. This authority must be both actual and perceived. Bringing the power of the NYPD more in line with other agencies is essential. The NYPD has been perceived the "first among equals" among the agencies. Thus, the NYPD has received special treatment from mayoral administrations and has been able to flout requests and initiatives of other agencies. In addition, mayors often have deferred to the Police Commissioner on policy matters.

A recent example of deference was the Police Reform and Reinvention Collaborative Plan ("NYPD Plan")<sup>6</sup>. There was some outreach beyond the Department in preparing the NYPD Plan, but essentially the plan reflected

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<sup>6</sup> New York City Council Res. 1584-2021: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4890502&GUID=2CB9D744-6371-434F-8331-4A923FF529AB>; <https://www1.nyc.gov/site/nypd/about/about-nypd/reformcollaborative.page>.



NYPD views and saw reforms as the purview of the NYPD. We believe this was not a constructive approach. The Governor’s Executive Order<sup>7</sup> requiring the plan called for the convening of the head of the local police agency, and stakeholders in the community to develop such a plan...”, and other jurisdictions around the state convened committees comprised of representative of a number of agencies plus other stakeholders to make decisions about, and actually write, their plan. While the NYPD Plan has many good recommendations, and the NYPD has established a tracker for implementation of the Plan’s recommendations, the reforms did not go beyond the traditional approach of running decision-making on public safety through the NYPD.

Public safety and preserving order require extensive inter-agency coordination and decision-making. Indeed, major policing policy decisions may well have implications for other agencies. Mayor-elect Adams has stressed the importance of collaboration among agencies, and we believe it may be most essential in conceptualizing how to keep the City safe.

## **2. DEPUTY MAYOR FOR PUBLIC SAFETY**

To facilitate this oversight and coordination, we recommend Mayor-elect Adams appoint a Deputy Mayor for Public Safety, as we called for in our earlier report. This individual should be someone with a broad perspective, a perspective that extends beyond the NYPD. Operating on the Mayor’s behalf, the Deputy Mayor for Public Safety would be able to bring the NYPD and other relevant agencies together to address key public safety issues and should have decision-making authority, of course subject to the Mayor’s ultimate authority, when there are disagreements among agencies. The Police Commissioner as well as the heads of other criminal justice-related agencies should directly report to the Deputy Mayor for Public Safety. This Deputy Mayor also would be able to coordinate with other deputy mayors and agencies when broader public safety coordination is necessary, and to push for a resolution of the concerning issues. If the Criminal Justice Coordinator position is retained, that person also should report to this Deputy Mayor, as would the Office for Neighborhood Safety and the Prevention of Gun Violence,

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<sup>7</sup> Executive Order No. 203 (2020): [https://www.governor.ny.gov/sites/default/files/atoms/files/EO\\_203.pdf](https://www.governor.ny.gov/sites/default/files/atoms/files/EO_203.pdf).



which would be created under recent City Council legislation.<sup>8</sup> We hope that the new Police Commissioner Keechant Sewell – whom we congratulate on her appointment – would fully agree with this approach and work within its structure.

We see the Deputy Mayor as an extension of the Mayor. The public looks to the Mayor as the ultimate authority to keep our streets safe. He appoints the Police Commissioner and all other agency heads to execute his policies. This may be particularly true for this Mayor and this election, where voters turned to someone with policing experience among his other qualifications, and where public safety was a prime voter concern. Mayor-elect Adams has articulated a number of policies regarding policing that he plans to put into place. But there is too much to do without a trusted agent to execute his policies in this area. And the traditional clout exercised by the Police Commissioner has been difficult for mayors to manage. A high-ranking official with oversight over the relevant agencies can ensure, on a daily basis, that the Mayor's appointees are executing the designated policies and working together.

In addition to oversight and coordination, the Deputy Mayor should consider, at the least, the following subjects:

- Identifying areas where more data are necessary and analyzing that data; this would include surveys regarding public safety issues;
- Reviewing the effectiveness of the City's 911 system, including determining adequacy of training and where in the City's structure it should reside;
- Recommending, and examining the impact of, program alternatives to using police resources, such as transferring functions to other agencies;
- Identifying useful ideas from other jurisdictions; and
- Flagging issues with the NYPD and other agencies that interfere with ensuring public safety, and recommending ways of addressing those issues.

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<sup>8</sup> Intro. 66-2018 <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3331699&GUID=C999B768-CBC9-4250-B5BD-65E1FEC2A99B>.



### 3. **TRANSITIONING FUNCTIONS TO OTHER AGENCIES**

Municipalities and police departments nationwide have been moving away from the sole reliance on police to be solely responsible for public safety. Persons acting out in public, homeless individuals, traffic accidents, even vendors operating in front of stores, have been for the police to handle. Now, municipalities are trying approaches for these and other situations that involve agencies other than the police who may be more effective at solving the problem, reducing the possibility of violence and allowing the police to focus on more appropriate tasks.<sup>9</sup> The NYPD Plan takes a number of steps in this direction, including:

- Transition of homeless outreach to the Department of Homeless Services (Tracker ID 101);
- Transition of street vending enforcement to the Department of Consumer and Worker Protection (Tracker ID 102);
- Centering the Department of Transportation as the agency responsible for ensuring street safety by expanding its role in serious traffic crashes (Local Law 49 - 2021; Tracker ID 104);
- Involving other agencies, notably the Department of Health and Mental Hygiene, in responding to mental health crises, by increasing the use of mobile treatment teams and expanding the B-HEARD program – which uses social workers and EMTs as first responders to certain mental health emergencies – from East Harlem to Central Harlem, with further expansion planned, and increasing the use of mobile treatment teams (Tracker ID 97-99).

In addition, the Plan includes a number of measures to involve other entities in interactions with at-risk individuals, including the Community Solutions program and the Advance Peace Model being piloted, as well as a stated commitment to double the size of the Cure Violence workforce by the summer of 2022 (Tracker IDs 30-32). The City’s Crisis Management System (CMS) relies on nonprofit organizations to deploy “teams of credible messengers who mediate

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<sup>9</sup> For example, the CAHOOTS program in Eugene, Oregon has been replicated across the country as a model for how to use mental health and other professionals to respond to mental health and substance abuse emergencies. <https://www.eugene-or.gov/4508/CAHOOTS>.



conflicts on the street and connect high-risk individuals to services that can reduce the long-term risk of violence.”<sup>10</sup>

We urge Mayor-elect Adams to continue this shifting of responsibilities from the NYPD. In addition to having the responsibilities handled more appropriately, these shifts will reduce the number of instances in which police engage with people in situations which can escalate and lead to bad feelings, harassment, injury or worse.

We urge that useful programs be scaled up and that the Deputy Mayor for Public Safety monitor the transitions proposed. These programs, even taken collectively, involve resource commitments that are dwarfed by the NYPD’s \$6+ billion budget (not including fringe benefits). For example, the CMS, one of the larger programs being used, costs only \$36 million.<sup>11</sup> Citizens Union believes that more resources should be put into programs which are showing demonstrable improvements in reducing crime, meeting other public safety-related needs and improving community attitudes toward the police.<sup>12</sup> In addition where budget appropriations for particular programs are scattered among different agencies, consideration should be given to consolidating the budgeting under one agency.

## 4. ACCOUNTABILITY

Citizens Union’s March, 2021 report included recommendations addressing police accountability and governance. A number of these recommendations are reflected in the NYPD Plan. Below is a list of the report’s key recommendations regarding accountability, whether they were addressed in the Plan and whether they were implemented. For implementation, we drew upon the NYPD Reform Implementation Working Group and Initiatives Tracker.

- [Establish a Deputy Mayor for Public Safety](#) – not reflected in the NYPD Plan.

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<sup>10</sup> <https://www1.nyc.gov/site/peacenyc/interventions/crisis-management.page>.

<sup>11</sup> Id.

<sup>12</sup> See, e.g., Madeleine Muzakis, *NYC’s New Mental Health Response Teams Report Better Outcomes Than Police in Trial Period*, My Modern Met (August 4, 2021): <https://mymodernmet.com/nyc-b-heard-mental-health-response/>

- Make the appointment of a Police Commissioner subject to the advice and consent of the City Council – not reflected in the NYPD Plan.
- Merge the Office of Inspector General for the NYPD and the Commission to Combat Police Corruption into the Civilian Complaint Review Board – addressed in the NYPD Plan; according to the Tracker, “The City is exploring options for expanding CCRB’s authority. Initial phase expected to begin Fall 2021” (Tracker ID 13). We hope the result of this review will be a full merger of the three agencies.
- Allow the CCRB to appeal a lesser penalty imposed by the Police Commissioner to the Deputy Mayor for Public Safety, who would have final authority over the penalty – not reflected in the NYPD Plan.
- Expand the CCRB’s jurisdiction to include allegations of profiling or discrimination – not reflected in the NYPD Plan but the City Council recently passed legislation<sup>13</sup> expanding the CCRB’s jurisdiction to investigate allegations of racial profiling and bias-based policing.
- Allow the CCRB to initiate investigations without having to wait for an individual complaint – not reflected in the Plan, but the City Council recently passed legislation to provide the CCRB with such powers.<sup>14</sup>
- Provide the CCRB with prompt and full access to footage from body-worn cameras, police officers’ employment history and disciplinary records and all other documents and materials in the possession of the NYPD relevant to its investigations – partially addressed in NYPD Plan. According to the Tracker, “MOUs are in place to provide timely and necessary access to Body Worn camera footage and officer histories for CCRB cases,” and a “Clean Room” for access to footage “will go live as soon as permitted by COVID restrictions” (Tracker ID 9).
- Transfer disciplinary hearings involving police officers from the NYPD to the Office of Administrative Trials and hearings (OATH) – not reflected in the NYPD Plan.
- Repeal or waive qualified immunity in cases against the state, political subdivisions of the state, and state and local officials – addressed in

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<sup>13</sup> Local Law 47 – 2021.

<sup>14</sup> Int. No. 2440-2021 (<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5205437&GUID=9C384197-992F-4D38-9581-F3A56E206546&Options=&Search=>).



the Plan. The City Council passed legislation<sup>15</sup> which creates, for New York City only, a right of action for excessive force and search and seizure for which qualified immunity is not a defense (Tracker ID 22).

- [Create a legal framework for policing, by establishing policies through publicly accessible law and regulation covering such areas as use of force, handling of demonstrations and the imposition of disciplinary sanctions](#) – partially addressed in the NYPD Plan. According to the Tracker, the NYPD is working on an updated Patrol Guide that is more user friendly, less complex for officers and transparent to the public (Tracker ID 133). The NYPD Plan pledges that policy changes identified as having a potential impact and that are not statutorily mandated will be subjected to public comment (Tracker ID 25). While a revised Patrol Guide and opportunity for public comment are welcome changes, it is preferable for use of force, demonstration and other major policies to be established through a statutory or regulatory framework.

Mayor-elect Adams has commented favorably on a number of these suggestions, including enhancing the CCRB (including agency consolidation) and not leaving the final say on discipline with the Police Commissioner. We urge Mr. Adams to implement the full set of recommendations in our Agenda for Police Reform. Adoption of these recommendations will create a policing function in New York City that is more responsive to the Mayor, and thus to the electorate, and will establish an oversight process that is stronger and more transparent, with an oversight agency that has the tools and information to perform its role effectively. Strong accountability is a key element of rebuilding trust between the NYPD and the communities it serves.

## **5. LOCAL ADVISORY COMMITTEES**

The City also would benefit from having local advisory committees focused on public safety. These committees should have representatives of key agencies, including the NYPD, plus stakeholders to provide the same multi-perspective basis as the citywide committee. The committees could be in each precinct or community board district (using community board boundaries could underscore that the committees should not be police-centric). The Mayor may appoint the

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<sup>15</sup> Local Law 48 – 2021.



chairs of these committees, or the committees can elect their own chairs. Appointments should be made by the Borough Presidents and City Council members, as well as the Mayor. Those who appoint to this committee should pro-actively recruit members to reflect the varied aspects of the involved community.

Multi-agency meetings with community members have been taking place, for example, through the NeighborhoodStat Program of the City's Office of Neighborhood Safety, which operates under the Mayor's Office of Criminal Justice. Community members in 15 housing developments meet with agency officials to identify indicators in the community that affect public safety, and work with these officials to address those issues.<sup>16</sup> In addition, community members in each of these developments voted on how to spend \$30,000 on projects to make communities safer.<sup>17</sup>

However, this initiative is limited to a small number of housing developments. Research by John Jay College of Criminal Justice found that this program showed promising results in reducing felonies and misdemeanors in participating housing developments.<sup>18</sup> This project should be scaled up and securely funded. With ongoing involvement from agency officials and revisions to make the effort more sustained and to provide effective follow-through on problem-solving, the NeighborhoodStat Program can be a springboard for, or expanded to become, a network of local advisory committees.

These committees would serve a number of functions. They would be able to approach public safety as a multi-faceted problem. Agency and community representatives would be able to discuss their challenges, hone in on particular issues and problem-solve. We envision the committees would make recommendations to the Mayor and Deputy Mayor, executive agencies and the City Council. Agency representatives at meetings, apprised of a problem, could work together and agree on a solution. The committees also would give communities a voice in public safety policy deliberations. The committees would need adequate resources – with one or more dedicated budget lines – and staffing, which can be provided by city agencies, such as an expanded Office of Neighborhood Safety.

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<sup>16</sup> <https://map.cityofnewyork.us/neighborhood-stat/>.

<sup>17</sup> <https://map.cityofnewyork.us/stories/2021-local-neighborhoodstat/>

<sup>18</sup> John Jay College of Criminal Justice – Research and Evaluation Center, MAP Evaluation Update (June 2020): <https://map.cityofnewyork.us/wp-content/uploads/2020/06/JJREC-MAP-Eval-Update-5-.pdf>.



We believe this approach not only would structure the public safety issues to be addressed in a more efficient way, but also would bolster trust within communities that to some extent their concerns are being reflected at the highest levels of government.

We recognize that precinct councils already exist at the precinct level, and have since the 1940's. However, these councils have a more limited role than we are proposing. They focus on the police, assist the precinct, help fundraise and run some programs.<sup>19</sup> The Councils are not designed to provide the multi-perspective view of communities that is required to identify and address public safety issues. With the creation of local advisory committees, it may well be time to consider whether precinct councils would still serve an important purpose.

## **6. IMPROVE POLICE/COMMUNITY RELATIONS**

Police-community relations have been a flashpoint for many years, and have been driving much of the discourse regarding the inadequacies of policing in New York City. In this century, the notorious “stop, question and frisk” practice implemented during the Bloomberg administration resulted in hundreds of thousands of stops annually (as many as 685,000 in 2011), overwhelmingly of black and brown people. This implementation of “stop, question and frisk” – which Citizens Union opposed -- was ruled discriminatory in *Floyd v. City of New York*<sup>20</sup> and a court monitor was appointed to monitor the NYPD's approach to stop-and-frisk and related issues.

The NYPD had started to reduce those stops even before the court decision came down, and the stops are a small fraction of what they once were.<sup>21</sup> However, in no way has that fixed the relationship between the community and the police. Black and brown people, notably young people, continue to feel harassed in their own neighborhoods. Occasionally, as with a number of mental health confrontations and the Eric Garner case, tragic results follow.

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<sup>19</sup> See, e.g., Precinct Community Council Handbook, prepared when Ray Kelly was Commissioner: <https://www.ojp.gov/pdffiles1/Digitization/145633NCJRS.pdf>

<sup>20</sup> *Floyd et al. v. City of New York et al.*, 959 F.Supp. 2d 540 (SDNY 2013).

<sup>21</sup> The NYPD reported an average of 12,000 stops per year from 2016-2019, though the court monitor has asserted the NYPD is underreporting. See Michael R. Sisak, *Monitor: NYPD Officers Underreporting Use of Stop And Frisk*, 4 New York (Sept. 2, 2021): <https://www.nbcnewyork.com/news/local/monitor-nypd-officers-underreporting-use-of-stop-and-frisk/3252280/>.



The consequences of poor community relations are severe. A basic lack of trust develops in the community. People hesitate to initiate interactions with the police, which includes underreporting of crime.<sup>22</sup> A national poll found “fewer than one in five Black Americans (as compared with 56% of White Americans) feel very confident that the police in their area would treat them with courtesy and respect.”<sup>23</sup> As the police are the community’s major contact point with government, a general distrust of government ensues. People do not utilize available services, public apathy is widespread, voter participation drops, community members feel powerless, and these all feed on each other.<sup>24</sup>

There are concerns about involving police in too many confrontational interactions. On the other hand, a substantial portion of mostly black and brown communities want more police in their neighborhoods.<sup>25</sup> These are not inconsistent objectives. As the NYPD has recognized in its Plan, to its credit, a number of functions that have been handled by the police can be handled by other agencies, sometimes with police back-up, letting police officers focus on their primary objective.

The NYPD Plan sets forth other measures to reduce tensions with communities, including giving Precinct Councils an advisory role in selecting precinct commanders, and expanding the People’s Police Academies, Precinct Commander’s Advisory Councils and Youth Leadership Councils. But these essentially build on programs or activities the NYPD already has undertaken. Stronger approaches are needed to engage portions of the community.<sup>26</sup>

We believe the broad-based local advisory committees we recommend above would help bridge this divide. These should not be run or led by the NYPD. NYPD representatives should be “one among equals” in these committees. The committees would not dictate how the NYPD would operate or handle a

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<sup>22</sup> See Shima Boughman, “How Effective Are Police? The Problem of Clearance rates and Criminal Accountability,” Utah Law Faculty Scholarship (April, 2020) at 67-68:

<https://dc.law.utah.edu/cgi/viewcontent.cgi?article=1202&context=scholarship>.

<sup>23</sup> See Lydia Saad, *Black Americans Want Police to Retain Local Presence* (Aug. 5, 2020) (results of Gallup poll) <https://news.gallup.com/poll/316571/black-americans-police-retain-local-presence.aspx>.

<sup>24</sup> Betsy Pearl, “NeighborhoodStat: Strengthening Public Safety Through Community Empowerment,” (Oct., 2019): <https://www.americanprogress.org/article/neighborhoodstat-strengthening-public-safety-community-empowerment/>.

<sup>25</sup> See note 26, *supra*.

<sup>26</sup> We note that the NYPD’s Community Affairs Office is relatively small, with only a \$14 million budget for FY 2022 (<https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/03/056-NYPD.pdf>).



situation, but the Mayor/Deputy Mayor or designee would have final decision-making authority to exercise where appropriate.

These meetings, and other meetings and forums in which the NYPD seeks to engage more effectively with their constituents, should be held away from the precinct house. The use of the precinct space, when combined with the inherent power of the Department, makes for a highly unequal interaction. Using a church or other community center shows that the NYPD is willing to meet the community more on the community's terms. In addition, NYPD officials need to be in a "listening" mode, minimizing situations where they dominate the discussion, which may be a natural tendency given the Department's power and culture.

### **A. CONNECTING OFFICERS WITH THE COMMUNITY AS TRAINEES**

A basic concern is that police officers do not relate well to the community they serve. The NYPD has been working to diversify the Department, particularly from communities with high populations of people of color, so that it truly reflects the City's population, by recruiting within the City, promoting NYC residence of officers and engaging with community groups.<sup>27</sup> This is an important goal to be pursued, yet experience shows that does not, in itself, lead to reduced police violence or friction. Even though more than half of uniformed officers (though definitely not of police leadership) are persons of color, and even though there has been more training in conflict resolution,<sup>28</sup> substantial concerns about police conduct persist.

A major reason for this intransigence is that when new officers arrive at the precinct, they are told by more experienced colleagues to ignore what they heard in the Academy, that the streets are rough and the traditional approaches are what work. This is a powerful factor influencing performance. It is no wonder

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<sup>27</sup> Recommendations were included in the NYPD Plan (see, e.g. Tracker IDs 43-46 and 124-127).

<sup>28</sup> See <https://nypeace.org/police-training-partnership/>.



that studies have shown that diversity training has not been effective at developing better racial attitudes.<sup>29</sup>

In the NYPD Plan, the NYPD seeks to “facilitate the immersion of new officers in the neighborhoods they serve through undergoing an intensive course, including field training, to better understand the neighborhood” (Tracker ID 40).

We believe that the NYPD should approach “immersion” similar to what has been done in New Haven. Through New Haven’s community-engaged training requirement, trainees must complete a number of hours of community service and undertake a community project. This approach will provide engagement with community members in collegial settings and provide insight into community members’ lives and perspectives. Hopefully, it will better “humanize” community people for the trainees involved. A review of the pilot project by the Police Foundation found that “recruits who participated in the project predominantly reported positive experiences and demonstrated substantial community orientation and overwhelming support for community policing.”<sup>30</sup> This should be a natural fit for many police recruits, who often do community activities (such as coaching) where they live. We stress that this immersion should be done before the trainee has any of the tools or power of a police officer.

We also hope the NYPD is successful in recruiting more individuals directly from neighborhoods with populations that are predominantly people of color, so they can bring their special understanding and perspective to the force, and hopefully have opportunities for promotions to positions of leadership.

## **B. COURSES AT LOCAL COMMUNITY COLLEGES**

An additional suggestion to bridge the gap between police officers and the community is to require recruits to take courses in local

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<sup>29</sup> Martin Kaste, *NYPD Study: Implicit Bias Training Changes Minds, Not Necessarily Behavior*, NPR (Sept. 10, 2020) <https://www.npr.org/2020/09/10/909380525/nypd-study-implicit-bias-training-changes-minds-not-necessarily-behavior>.

<sup>30</sup> Police Foundation, *Ideas in American Policing*, “Outside the Academy: Learning Community Policing Through Community Engagement,” Number 20, July, 2017, at 8 [https://www.policefoundation.org/wp-content/uploads/2017/08/IAP\\_Outside-the-Academy-Learning-Community-Policing-through-Community-Engagement.pdf](https://www.policefoundation.org/wp-content/uploads/2017/08/IAP_Outside-the-Academy-Learning-Community-Policing-through-Community-Engagement.pdf).



community colleges on subjects that are offered in these colleges and appropriate to the curriculum currently taken by recruits at the Academy. This again would have trainees sit shoulder-to-shoulder with community residents as equals.

### **C. FOLLOWING LAWFUL AND RACIALLY UNBIASED PROCEDURES**

Finally, the community must have confidence that the police will be acting in a lawful manner. The stop, question and frisk approach implemented during most of the Bloomberg administration, plus evidence of at the least inappropriate procedures during demonstrations in the aftermath of the George Floyd murder, are among the examples of police behavior that undermine trust. The NYPD Plan acknowledges concerns regarding prior police behavior with regard to biased policing and excessive use of force, and includes a number of measures designed to change practices. (See Tracker IDs 63-77). However, there needs to be buy-in throughout the force for any such changes to have a meaningful impact, and a basic understanding that the police can address violent crime while adhering to this new approach.

## **7. NEED FOR COMMUNITY-BASED DATA**

Over the past several years the NYPD has posted an increased amount of data, focusing on crimes. The NYPD Plan includes efforts to survey communities (Tracker ID 34-35) and requires commanding officers to “report customer-service and neighborhood-focused metrics to strengthen and improve bonds of their residents and Officers.”<sup>31</sup> The NYPD is to “engage community representatives in reviewing customer survey and other data relevant to individual neighborhoods and will use that input to inform new metrics that can be collected and assessed agency wide.”<sup>32</sup>

We are encouraged by these efforts. However, it is not clear what types of data will be collected and whether the data will be publicly available. An

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<sup>31</sup> City Council Res. 1584 & Appendix, *supra* note 1, at 19 (<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4890502&GUID=2CB9D744-6371-434F-8331-4A923FF529AB&Options=ID|Text|&Search=police>).

<sup>32</sup> *Id.*



intensive effort is needed to collect data on community needs. One useful example of community data-gathering is NeighborhoodStat.<sup>33</sup> Community members collect and analyze a range of data, including crime but also social indicators, city services indicators and information on the physical environment.<sup>34</sup> This, of course, is a small percentage of the data that needs to be collected community-by-community on a citywide basis.

The local advisory committees we propose could be instrumental in determining what information would be useful and collecting this information, which should be shared among the committees and posted online. The more information available on community needs and concerns, as well as what is happening within communities, the better policy-making will be informed. This information should be widely shared among agencies, and made publicly available unless particular data involve personal information or similarly sensitive material. We are pleased that Mayor-elect Adams has said data-based governance would be foundational to his administration.<sup>35</sup>

We also believe the NYPD budget submission should provide greater detail regarding manpower and expenditures than the eight units of appropriation listed in the personnel budget.<sup>36</sup> The budget should provide more detail on a program basis and, to the extent feasible, on a borough and precinct level.<sup>37</sup>

## 8. CHANGING THE INCENTIVES

Over the years, there have been many reports, including by current and former police officers, that the incentives within the Department drive officers toward increasing arrests, which led to excessive police stops and to arrests for minor offenses which may not have been worth making, taking into account the long-term harm done to those arrested and their families. Such incentives also can lead to false arrests and convictions, with the brunt of the problem falling on lower income individuals less able to defend against false charges.<sup>38</sup> The

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<sup>33</sup> <https://map.cityofnewyork.us/neighborhood-stat/>.

<sup>34</sup> See Pearl, *supra* note 27.

<sup>35</sup> Samar Khurshid, *Eric Adams Vows to Overhaul How City Government Works; Experts Point to Several Essentials to Following Through*, Gotham Gazette, Oct. 31, 2021: <https://www.gothamgazette.com/city/10870-eric-adams-promises-overhaul-how-city-government-works-experts>.

<sup>36</sup> <https://www1.nyc.gov/assets/omb/downloads/pdf/erc6-21.pdf>.

<sup>37</sup> We note the Budget Function Analysis prepared by the Office of Management and Budget provides somewhat more detail within the NYPD, including personnel counts, for 18 different categories. The report of the City Council's Finance Division is significantly more comprehensive, but still does not give a clear understanding of how the City allocates funds among programs and functions.

<sup>38</sup> Roger Koppl and Meghan Sacks, "The criminal Justice System Creates Incentives for False Convictions," *Criminal Justice Ethics*, Vol. 32, No. 2, at 138 et seq. (2013): <https://jrandslaw.com/media/105491/Crime-Labs-Paid-for-Convictions-Article-2013.pdf>. See also Boughman, note 26 *supra*.



de Blasio Administration, including the NYPD, has responded to these criticisms. Misdemeanor arrests were reduced by over half from 2013 to 2019, a trend that coincided with lowering crime rates.<sup>39</sup>

We are not aware of the current means of evaluating police officers, or how policies are being carried out in precinct houses. The NYPD Plan discusses incorporating accountability measures into the decision-making process for promotion (Tracker ID 128).<sup>40</sup> We urge that there be a full review of incentives to de-emphasize the arrest and clearance rates and bolster the use of non-confrontational problem solving, including measuring how police interactions are perceived in the community.<sup>41</sup> We also urge that such revised incentives be made public. The NYPD Plan cited the Neighborhood Strategy Meeting, recently launched by the NYPD, where best practices will be shared across commands. There will be an effort to ensure accountability based of performance metrics such as “customer wait times, response times, how officers handle various public interactions, and other indicators to demonstrate how officers handle various public interactions,” as well as other indicators demonstrating improvement in police-community relations.<sup>42</sup> These types of metrics may provide sound bases for evaluating individual officers’ performance.

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Improving police/community relations, changing the incentives, and the measures the NYPD Plan proposes to address current and past effects of racially-biased policing (See Tracker ID 63-74) are aspects of the larger issue of changing police culture. This fundamental issue has befuddled many, both inside and outside police departments, who have tried to accomplish such change. We do not attempt to delve further into police culture, though the recommendations above are designed to help effect such a change over time. Trying to create more empathy and understanding for the constituents the police are charged with protecting and serving hopefully will change their approach to their work on a daily basis, generating greater police/constituent cooperation. This is a trust that must be earned over time.

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<sup>39</sup> [https://criminaljustice.cityofnewyork.us/individual\\_charts/misdemeanor-arrests/](https://criminaljustice.cityofnewyork.us/individual_charts/misdemeanor-arrests/).

<sup>40</sup> See also City Council Res. 1584, supra note 1, at 26.

<sup>41</sup> See, e.g., Thaddeus L. Johnson and Natasha N. Johnson, *Commentary: Departmental Incentive Structures are the Linchpin to Real Police Reform*, Arizona State University Crime and Justice News (Mar. 9, 2021): <https://crimeandjusticenews.asu.edu/commentary-departmental-incentive-structures-are-linchpin-real-police-reform>

<sup>42</sup> City Council Res. 1584, supra note 1, at 19.