

**NYPD**



**BROKEN WINDOWS AND  
QUALITY-OF-LIFE POLICING IN NEW YORK CITY**

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VIBRANT AND DENSE, New York City is inhabited by people from every continent and every country, speaking every language in every accent, representing every culture and every creed. It “orbits around eight million centers of the universe,” as New York’s poet laureate Billy Collins once wrote. Today that figure is closer to 8.4 million, and doesn’t include the additional millions who come each day, to work, or visit, or otherwise enjoy America’s greatest city. Mayor Bill de Blasio and I have pledged to make a safer, fairer city for residents and visitors alike, and this report describes one of the main tools for doing so: quality-of-life policing.

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PERHAPS EVEN MORE than Lady Liberty in the harbor, the subway pole is the symbol of this city. Every day, the city’s diverse millions—black and white, rich and poor, from Brooklyn or Bhutan, from Queens or Qatar—cram into the tight confines of the country’s busiest transit system. Five and a half million people ride the subways every day, coursing through the metaphorical heart of New York. What the subway pole denotes is that this city works. In very crowded circumstances, five and a half million people—six million on peak days—go to work together and school together, sometimes squeezed shoulder to shoulder, and they do it in peace. Amazingly, there are fewer than six crimes a day on average. Because America’s greatest city is her safest big city, as well.

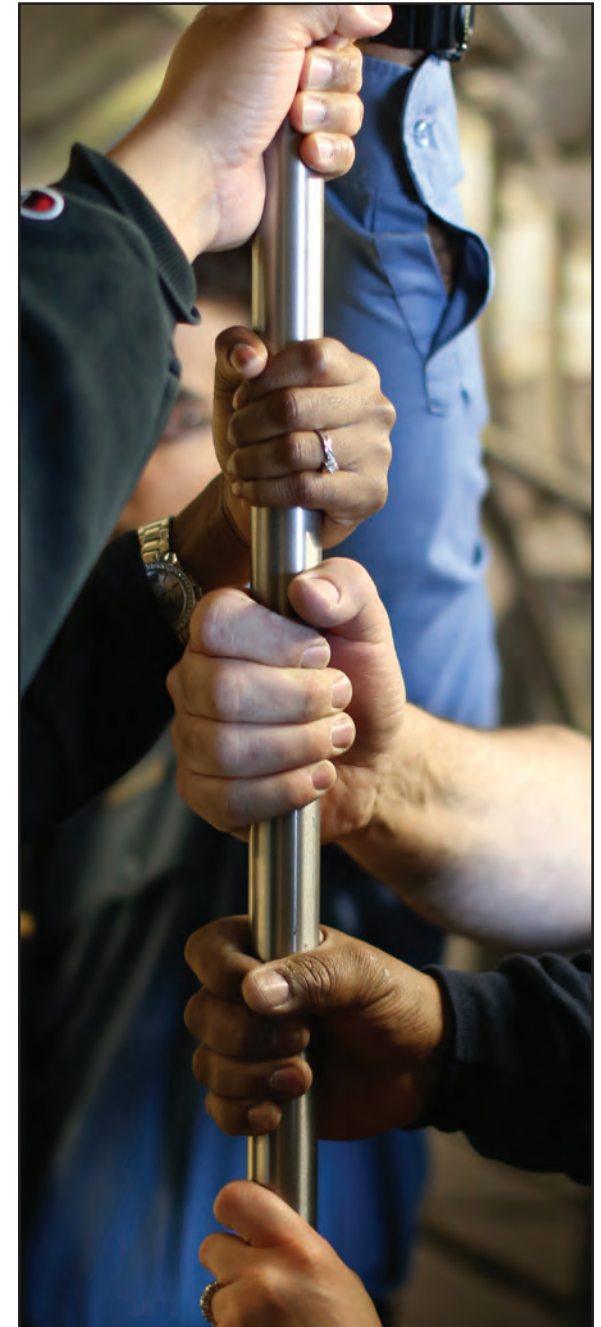
It wasn’t always so.

When I first came to this city in 1990, as Chief of the New York City Transit Police, the subways

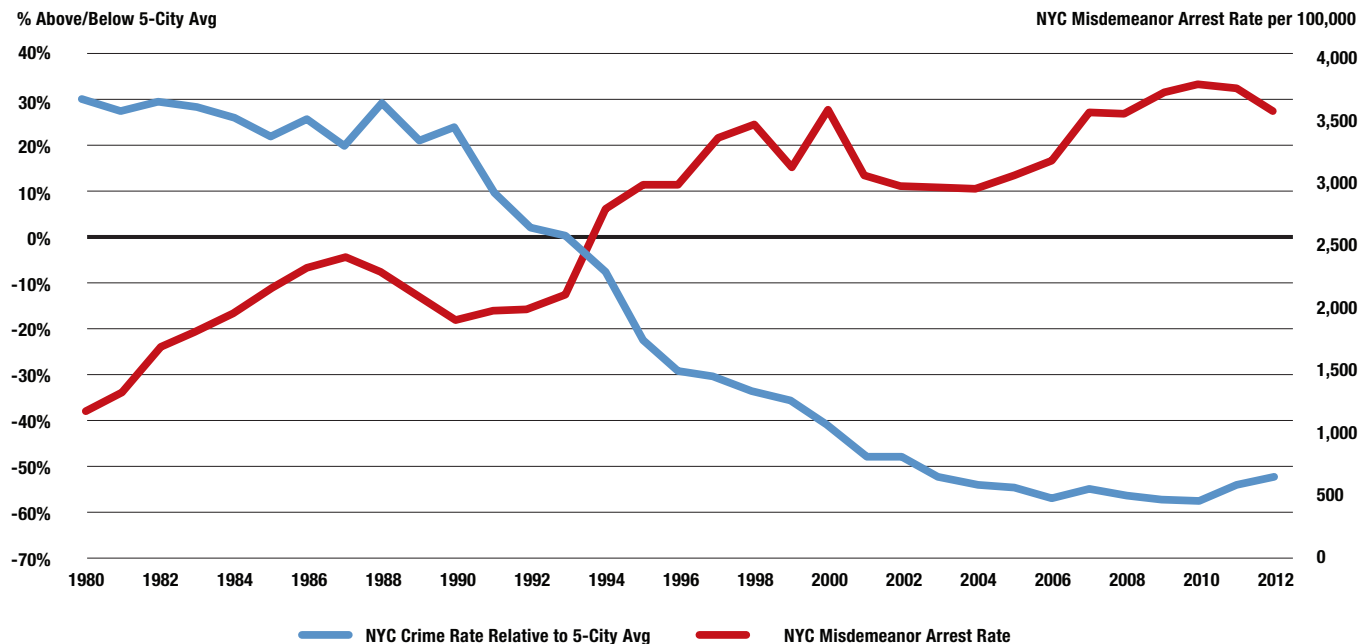
were a symbol of New York for a different reason. The underground graffiti, crime, and disorder were emblematic of an aboveground city that had become so parlous that it was driving America’s crime rate. That year was crime’s apogee and the city’s nadir. In 1990, the city accounted for 2.9 percent of the nation’s population and 9.6 percent of the nation’s homicides and this at a time when the whole nation was more violent. By 2013, those figures were 2.7 percent and 2.4 percent, respectively. The city, once the site of a tenth of the country’s murders, now literally has less than its share.

More than any other factor, what caused this amazing change was Broken Windows, or quality-of-life policing. The term Broken Windows comes from an eponymous 1982 article in the *Atlantic*, written by George Kelling and the late James Q. Wilson. In brief, Kelling and Wilson asserted that unaddressed disorder encourages more disorder. From that follows crime, then increasingly serious crime, and finally violence. This criminogenic progression existed irrespective of a neighborhood’s demographics. As Kelling and Wilson wrote, “Window-breaking does not necessarily occur on a large scale because some areas are inhabited by determined window breakers whereas others are populated by window-lovers; rather, one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing.”

Beginning in 1990, I applied these ideas to crime in the New York City transit system. We wouldn’t ignore the little things. Fare evasion and graffiti would no longer be considered too petty to address. In fact, we’d focus on them as vigorously



### NYC Crime Rate and Misdemeanor Arrests



In order to put New York City's crime decline in context, this chart displays New York City's crime rate—the blue line—as a percentage above or below the average of the state's five next largest cities (Albany, Buffalo, Rochester, Syracuse, and Yonkers)—the black zero line. Atop that sits New York City's misdemeanor arrest rate per 100,000 residents, in red.

Figure A

as on serious crimes like robberies, if not more so. Why? Because serious crime was more likely to occur in a lawless environment—and ubiquitous low-level disorder signaled lawlessness even more than serious crime, which was less common. We also quickly learned that the serious criminals committed petty crimes, too. When they weren't committing robberies or assaults, they were hopping turnstiles, unlawfully moving between cars, and generally diminishing the quality of life that

should have been enjoyed by other, fare-paying riders. A subway criminal arrested for a misdemeanor rather than a felony wouldn't be going to prison, but he wouldn't be victimizing anyone for a while, either.

Quality-of-life policing in the transit system worked. From 1990 through 1993, crime rates underground fell by 35.9 percent. In the city above, where quality-of-life enforcement was less

rigorous, it fell only 17.9 percent.

It's hard to overstate how counterintuitive this was in 1990. Observers, academics, and pundits had difficulty with the idea of concentrating on fare beating when felony violent crime was as predominant as it was. But we proved the conventional wisdom wrong, first in the transit system and then, starting in 1994, in New York City as a whole the first time I served as Police

Commissioner. With my leadership team—particularly Deputy Commissioner of Operations, the late Jack Maple, and Chief of Department, Louis Anemone—we established the crime accountability system known as CompStat.

Using crime mapping and organizational accountability practices, CompStat recreated, at the executive command level, the Broken Windows philosophy of sweating the small stuff before it became the big stuff. The advent of quality-of-life policing for the cops and management accountability for the commanders amounted to a public safety revolution that was about more than fighting crime—it was about preventing crime. A primary means of doing so was stopping low-level disorder and petty crime before they flourished and invited more serious crime.

The chart on the previous page (Figure A) shows New York City’s crime rate, in blue, as a percentage relative to the crime-rate average of New York State’s next five largest cities, which is the horizontal zero line. Atop that sits New York City’s misdemeanor arrest rate per 100,000 residents, in red.

After a mid-’80s peak and fall, the misdemeanor arrest rate gradually began to rise again in 1990. This was influenced by my adoption of quality-of-life policing in the transit system, as our small force started taking back the platforms and the trains. When Mayor David Dinkins initiated his “Safe Streets, Safe City” program and increased the NYPD’s headcount, the rate increased a bit more because there were more officers to make the arrests. But it wasn’t until 1994, when I assumed leadership of the NYPD and brought

quality-of-life policing to the city as a whole, that we saw New York City’s crime rate fall below the average of the state’s next five largest cities. And compared to the crime rate of those other cities, which were not using CompStat and Broken Windows, our crime rate just kept dropping, until New York City had nearly 60% less crime than its in-state peers.

The frequent argument that New York City’s crime decline was or is no greater than the regional or national decline is patently untrue.

More misdemeanor arrests ultimately led to fewer felony arrests because the NYPD was preventing crime more effectively. By applying summonses to violations and arrests to misdemeanor crimes, rather than looking the other way because these offenses are “too insignificant,” officers were correcting conditions early. Arresting someone for a misdemeanor frequently prevents him from graduating to committing felonies, for which severe sanctions like prison

**Misdemeanor arrestees  
don’t go to prison,  
and they rarely go to jail.**

may result. That’s why index-crime arrests are down 36% from 1994 (in 2014, there were 60,000 fewer felony arrests than there were twenty years ago). That’s why the city jail population on Rikers Island was nearly halved between 1993 and 2013. That’s why, from 1990 to 2012, New York City has sent 69% fewer people to state prisons (and it is the major factor in the state prison population declining 25% from 2000 to 2013). Misdemeanor arrestees don’t go to prison, and they rarely go to jail. (See page 24.)

NONE OF THIS means we can’t explore alternatives to misdemeanor arrest. We can and we are doing so. We can be more considered and more considerate. We can be more respectful and more respected—and we will be.

The fact is that quality-of-life policing is not about the blind pursuit of arrests; it’s about what it says it’s about: the quality of life in this city. Critics of Broken Windows regularly conflate it with “zero-tolerance tactics,” but I have never equated the two, nor does George Kelling, and neither did Jack Maple or James Q. Wilson. In their *Atlantic* article, while discussing order maintenance on public transportation, Kelling and Wilson noted that “the enforcement need involve nothing more than ejecting the offender (the offense, after all, is not one with which a booking officer or a judge wishes to be bothered).” What they were acknowledging was lawful police discretion, which the report that follows defines and discusses at length. (See page 11.)

In my view, Broken Windows should be synonymous with discretion, not zero tolerance. In

the first six months of my time with the Transit Department, cops issued 30 percent more summonses and made 80 percent more arrests, but they also more than quadrupled ejections from the system—a non-criminal-enforcement measure to control behavior.

**The fact is that a lot of quality-of-life policing stems from responding to 911 and 311 calls for service.**

Cops know that when someone's actions diminish other people's quality of life, arrests and summonses aren't the only answer. Broken Windows and CompStat were never and should never be about making them the only answer. At the same time, we also should never and must never retreat from enforcing the law. Discretion has limits. When we decline to offer a warning to recidivists—people caught doing the same thing again and again, with multiple arrests and open cases—that's not only lawful, it's sensible. "Catch sharks, not dolphins," Jack Maple used to say.

The fact is that many misdemeanor arrests, and a lot of quality-of-life policing, stem from responding to 911 and 311 calls for service. (See page 31.) We must never and will never stop coming when people call, especially since many of the calls come from the poorer communities in this city with no where else to turn. Our obligation is to ensure, when we arrive, that we are respectful; that we enforce the law equitably; and that we treat every citizen with the dignity that every citizen deserves.

We're doing this increasingly well. In 2014, complaints to the Citizen Complaint Review Board declined by 11.3 percent, and when comparing the first quarter of 2015 to the first quarter of 2014, such complaints are down 33 percent.

It is also our obligation to respond with the least intrusion possible—a warning before a summons, a summons before an arrest. This is the essence of officer discretion.

Since returning as Mayor de Blasio's Police Commissioner, I have made it a mission to reemphasize discretion for our cops. I want them to be problem solvers, not merely crime fighters. At every weekly CompStat session, Chief of Department James O'Neill and Deputy Commissioner of Operations Dermot Shea make it clear that results matter, not numbers. I have said the same to

thousands of cops at training sessions and roll calls, and via internal messages and videos.

We're not just telling our officers, however. The Department is actively exploring ways to divert people from the criminal justice system, or, once they're in it, to minimize their exposure to it.

In conjunction with the MTA, the Department of Homeless Services, and the Bowery Residents Council, we've begun an innovative program where officers and social workers conduct joint patrols in the subways. During the program's first months in 2014, the outreach teams placed 388 individuals in shelters, compared to 63 during the same period in 2013.

Mayor de Blasio has also initiated a \$130-million program to address behavioral health needs in the

**The Peace Dividend: In 2015, we expect to see nearly a million fewer enforcement contacts like arrests, summonses, and reasonable-suspicion stops when compared to their respective highs.**

city. It includes finding ways to keep people with mental health and substance abuse issues out of the criminal justice system. Some of that money will go to train thousands of officers. For people who are sick, we will offer healthcare, not handcuffs.

The new Municipal ID, IDNYC, which was developed by the Mayor and the City Council with the Department’s cooperation and assistance, will further decrease unnecessary arrests. Currently, a small but not insignificant number of people who commit summons-eligible violations cannot be issued a summons because they lack lawful identification. When that occurs, they must be arrested instead. Considering that combined sign-up appointments and enrollments for IDNYC are currently approaching half a million, we expect

that the new card will help minimize arrests that stem from a violator’s not possessing identification.

The exploration of alternatives to enforcement is already giving rise to what I call “the Peace Dividend.” In 2015, we expect to see nearly a million fewer enforcement contacts like arrests, summonses, and reasonable-suspicion stops when compared to their respective historic highs.

Figure B demonstrates that, from 2011 to 2014, the decrease exceeded 800,000. This is a process that began under my predecessor Ray Kelly, but it’s one we’re working on more explicitly now.

Most of the reduction stems from a 93.2% decline in reasonable suspicion stops, which are

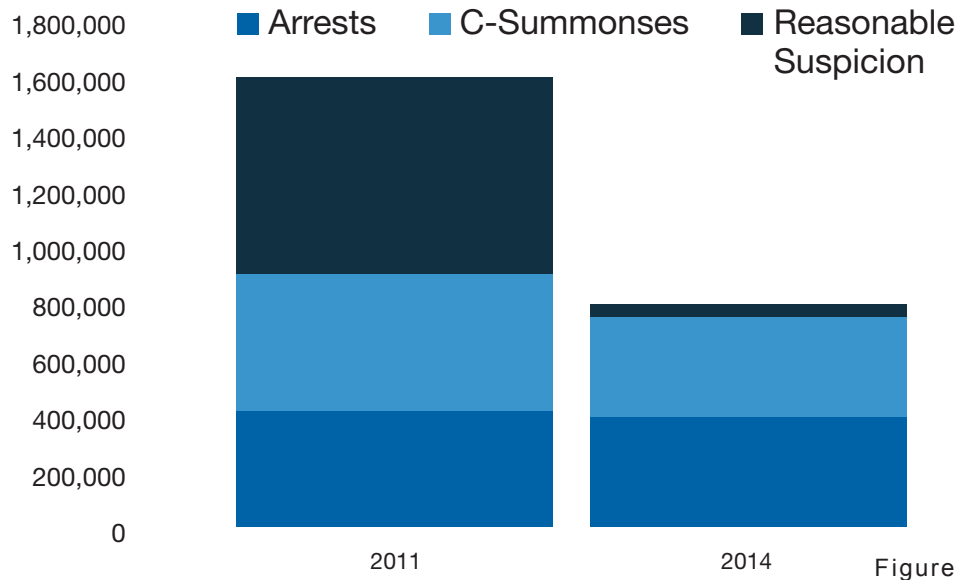
more commonly known as “stop, question, and frisk.” Reasonable suspicion stops are an integral part of policing. They are outlined by federal law, and nearly every state in the union has a variant. But in 2011, with nearly 700,000 stops, it became clear the tool was being overused. Whatever its efficacy, it was not worth the impact it had on the communities where it was employed.

What differentiates reasonable-suspicion stops from summons and misdemeanor enforcement is the legal standard that pertains. Reasonable suspicion is a lower standard than probable cause. It allows a brief stop, and, if weapons possession or a violent crime is reasonably suspected, a brief frisk or pat down (not a search). Probable cause, on the other hand, is explicitly referenced in the United States Constitution and is a narrower, higher standard sufficient and necessary for making arrests or issuing summonses in lieu of arrest. Whereas reasonable suspicion relies strongly on an officer’s articulable but subjective observation, probable cause is a more fact-based standard.

The Peace Dividend—the diminished need to use enforcement tools for every problem—is in keeping with one of the most salient observations that Kelling and Wilson made about Broken Windows: “The essence of the police role in maintaining order is to reinforce the informal control mechanisms of the community itself.”

In other words, quality-of-life policing is about helping neighborhoods achieve an equilibrium that is fair for all residents. I wholeheartedly reject the idea that some neighborhoods are more accepting of disorder than others. The quality-of-life expectations of someone living in Riverdale are

### Peace Dividend



no different than those of someone living in Red Hook.

BUT WE KNOW that not all neighborhoods enjoy the same quality of life. So with regard to Broken Windows, we go where we are called and where disorder and crime occur. The NYPD’s policing is responsive, not capricious.

Our responsiveness, however, gives rise to another misconception about Broken Windows, one as misleading as improperly equating it with zero tolerance. Some critics allege that we “target” communities. We do not. Nor, in general, do we “target” individuals—we address behavior. We use the law to control behavior, taking the law as a proxy for the behavioral standards that legislatures have agreed upon and judges have upheld.

Our policing is also based on conduct, not demographics. In New York City there are intractable racial disparities in who commits—and, more importantly, *who suffers from*—crime and disorder. Blacks and Hispanics represent half of our city’s population, but represent 96.9 percent of those who are shot, and 97.6 percent of those who commit shootings. For overall violent crime, 91.2 percent of suspects are black or Hispanic. For overall major crime, excluding burglaries and grand larceny auto, for which identified suspects are rare, 88.6 percent of suspects and 72.3 percent of victims are black or Hispanic.

These disparities appear in victim-driven misdemeanors, as well. These are misdemeanor crimes for which victims can identify a suspect, such as misdemeanor assault, petty larceny, misdemean-

or sex crimes, forcible touching, the violation of orders of protection, or vandalism. In Figure C, the graph on the right shows the breakdown of 156,000 arrestees in misdemeanor crimes for which victims identified their victimizer.

What’s interesting is that we see the same breakdown for so-called “proactive” misdemeanor arrests. These are misdemeanor arrests for which officers observed the offense and took action without a complainant. They are shown in the chart on the left, below, which breaks down 100,000 arrestees in victim-driven misdemeanor crimes. Proactive arrests include those involving offenses such as theft of service, making graffiti, criminal trespass, possessing or using dangerous drugs or dangerous weapons, gambling, intoxicated/impaired driving, public lewdness, and prostitution and related offenses, as well as misdemeanors described in the Administrative Code,

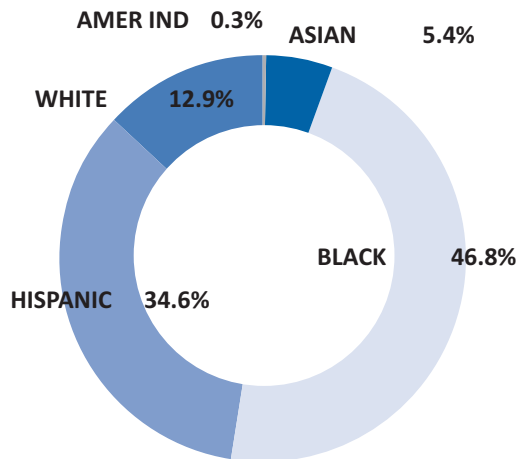
the Health Code Laws, the Vehicle and Traffic Laws, and other state laws.

With regard to race, arrests for proactive offenses break down along percentages that are nearly identical to the breakdown of arrests for victim-driven offenses.

Among the myriad of factors the NYPD uses when we deploy officers and allocate resources—911 calls, 311 calls, complaint reports, domestic-incident reports, traffic patterns and accident rates, the presence of infrastructure or cultural monuments deemed high-value in a counterterrorism sense, residential headcounts—not one is based on income or on race.

We focus police resources in neighborhoods and communities where the “informal control mechanisms” spoken of by Kelling and Wilson have

### Proactive Arrests



### Victim Driven Arrests

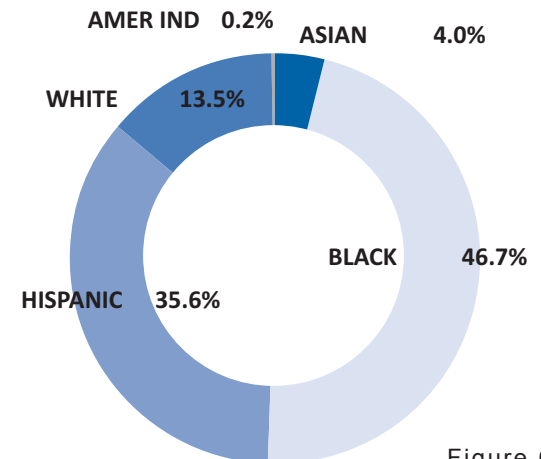


Figure C



been weakened and need to be bolstered. Even in neighborhoods where they are stronger, they cannot always maintain themselves. Anyone who has been in a subway car when disorder unexpectedly erupts knows this. Under certain circumstances, situations that can be informally controlled by citizens can become uncontrollable by anyone but police.

THE VAST MAJORITY of citizens obey the law, whether from goodness or in acquiescence to the social contract. But others do not. Their actions run a gamut, from petty violations to serious crime. There are those who live their days preying on others. Some are violent, some are thieves, some use bytes rather than bullets. Some are bullies, some are desperate, some are driven purely by greed. Some clothe their misdeeds in poisoned political or religious agendas. For reasons of sociology, psychology, or biology—or some combination thereof—these men, and, less frequently, women, will never disappear. Police prevent the crime and disorder these people cause. They must do so vigorously, but they must do so fairly and respectfully. In striving for security, the community's dignity is not secondary to its wellbeing. Because policing isn't just about crime, it's about people—the crime fighting is one facet of the real mission, which is serving the public.

Police and community have more in common that unites us than divides us. The challenge is to identify and secure that common ground and expand it. As evidenced by the frequency

and point-of-origin of calls for service, the public wants and requests quality-of-life policing. (See the map on page 31.) Polls confirm this. In August, 2014, in the wake of Eric Garner's death during a quality-of-life arrest, Quinnipiac University surveyed city residents for their views on Broken Windows and their feelings about the police. As might be expected during such a critical moment for the city and the police, the Department's approval fell. Nine out of ten African-American respondents believed there was "no excuse" for how police had acted in arresting Mr. Garner. But their anger and dissatisfaction did not extend to quality-of-life policing. Even at that strained

## Public safety is a shared responsibility.

moment, the poll showed that African-Americans supported Broken Windows by 56 to 37 percent, whites by 61 to 33 percent, and Hispanics by 64 to 34 percent. People do not want to live in a disorderly city.

Our challenge is how to respond to disorder in a way that our actions do no harm. Instead, those actions should always provide opportunities to build positive relationships with the public we serve—because safety without public approval is not public safety.

The policing of any community, of any city, is not solely incumbent on the police. Public safety is a

shared responsibility. It is something from which we all benefit—in economic terms, it is a public good. In our democracy, it is government's first obligation. But it is not entirely the government's burden, because democracy is about shared responsibility. We all have a fundamental right to live free from fear, free from crime, and free from disorder—but while we share that right, we also share the duty to secure it.

OVER THE PAST twenty-five years, the police and the community have largely achieved the "safety" part of the "public safety" construct. The challenge of the last era was a homicide every four hours, one hundred shootings a week, and a pervasive sense of disorder and fear that prevented people from enjoying their public spaces. This crime-based challenge was later exacerbated by a parallel but separate challenge: the need to counter terrorism. But we faced both challenges, the community and the police, all of us, together.

The challenge of this new era is ensuring that all New Yorkers feel that their city is not only safer, but fairer. We can achieve this, too, the police and the community, together.



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**Note on Data:** All figures are preliminary and subject to further review and revision.

**Note on Maps:** Maps do not identify every location of arrest or summons issuance, nor do they identify every location of a 911 or 311 call for service. Maps utilize densities to illustrate areas with the highest listed activity.

## INTRODUCTION

This report takes a close look at the NYPD’s enforcement of lesser crimes through misdemeanor arrests, criminal-court summonses, and notices of violation. What it shows is that, contrary to general opinion, enforcement actions of all kinds have been declining in New York City, in what Police Commissioner Bratton has called the “Peace Dividend.” The report also explains, in detail, what types of arrests are made and what types of summonses are issued—in what numbers and for what offenses.

The majority of misdemeanor arrests fall into three categories: 1) crimes against persons and property; 2) traffic-related crimes; and 3) theft of service. These categories have been increasing in recent years, as arrests for drug offenses, trespassing, and other crimes have declined. Fewer than one out of ten misdemeanor arrestees is sentenced to jail time.

The majority of criminal-court summonses, known as C-summonses, are for three violations: 1) consumption of alcohol in public; 2) disorderly conduct; and 3) urinating in public. In most instances, C-summonses can be settled by appearing in court and, if convicted, paying a fine. For summonses issued for consumption of alcohol or urinating, that fine can be paid by mail in which case no appearance is necessary.

Misdemeanor arrests are effected and C-summonses are issued in every part of the city. But the locations where they are concentrated correlate closely with the locations of both major and minor crimes in New York City. They correlate

closely with the origin points for calls for service via 9-1-1 and 3-1-1, as well, particularly calls about disputes and disorderly groups. While officers always respond to these calls, officers often correct conditions without using enforcement action.

The historic increase in misdemeanor arrests paralleled a decrease in major crime and felony arrests. More recently, that increase has been reversed and misdemeanor arrests are falling. Quality-of-life policing and Broken Windows assert that misdemeanor arrests help forestall

**Fewer than one out of ten misdemeanor arrestees is sentenced to jail time.**

felony crime. During the era of quality-of-life policing, from 1994 to today, we have seen major crime plummet and felony arrests fall. Furthermore, because misdemeanor arrests rarely result in jail time, both the jail population on Riker’s Island and the prison population in New York State penitentiaries have fallen dramatically during that time.

### Authority to Arrest

An offense, as defined in the New York State Penal Law, is *conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of New York State or by any law, local law, or ordinance of a political subdivision of New York*

*State, or by any order, rule, or regulation of any governmental instrumentality authorized by law to adopt the same.*<sup>1</sup>

The authority of a New York City police officer to intervene in suspected crimes or to arrest for an alleged offense is outlined in the New York State Criminal Procedure Law (CPL).<sup>2</sup> According to the CPL, a police officer may forcibly stop a person if he reasonably suspects that person has committed, is committing, or is about to commit any felony or Penal Law misdemeanor. A police officer may arrest a person for a crime if he has reasonable cause to believe that that the person has committed a crime, also known as *probable cause*. A police officer may arrest a person for an offense below the level of a crime if he has reasonable cause to believe the offense was committed in his presence.

The Penal Law classifies offenses under four types: felonies, misdemeanors, violations, and traffic infractions. Felonies and misdemeanors are classified as *crimes*.<sup>3</sup> Violations and traffic infractions are classified as *petty offenses*.<sup>4</sup> In New York City each of these offense categories is treated differently by the New York City Police Department. As the level of offense rises, so does the intrusion into an offender’s freedoms. The police response to each alleged offense is outlined below:

<sup>1</sup> NYS Penal Law Section 10.00(1)

<sup>2</sup> NYS CPL Article 140

<sup>3</sup> NYS Penal Law Section 10.00(6)

<sup>4</sup> NYC CPL section 1.20(39)

**Crimes**

- A person found to have allegedly committed a felony offense generally will be arrested, fingerprinted, and brought to court for arraignment.
- A person found to have allegedly committed a Penal Law misdemeanor offense generally will be arrested, fingerprinted, and either brought to court for arraignment or released from the police station with a summons to appear at Criminal Court, also known as a Desk Appearance Ticket, or DAT.
- A person found to have allegedly committed a non-Penal Law misdemeanor offense generally will be issued a summons returnable to the Summons Part of the local Criminal Court.
  - ♦ One notable exception to this procedure is the New York State Vehicle and Traffic Law misdemeanor offense of driving with a suspended license. A person found to be driving with a suspended license generally will be arrested and issued a DAT.

**Petty Offenses**

- A person found to have allegedly committed a violation offense generally will be issued a summons returnable to the Summons Part of the local Criminal Court.
  - ♦ If the person has a warrant, or cannot be properly identified, he may be arrested and brought to court for arraignment.
- If the violation offense also carries a civil penalty, the person may be served a civil notice of violation (NOV) to appear at an administrative tribunal or the Environmental Control Board.

- ♦ This is often the case with violations committed in the transit system. While all violations outlined in the Transit Authority Rules of Conduct can be criminally prosecuted, they can also be adjudicated civilly through the Transit Adjudication Bureau (TAB).
  - ♦ New York City police officers assigned to the Transit Bureau will almost always issue the civil TAB notice to properly identified violators of the transit rules, unless the subject has a warrant or is classified a transit recidivist (defined later).
- An individual found to have allegedly committed a traffic infraction generally will receive a traffic summons returnable to the New York State Traffic Violations Bureau.

**Civil Penalties**

As a practical matter, New York City police officers cannot enforce rules and local laws that provide for civil penalties only. In New York State, a police officer's authority to arrest does not extend beyond crimes and petty offenses. While an unwritten social contract may allow a police officer to intervene and mediate civil matters, the laws of the state stop short of granting officers arrest authority in civil law. Therefore, unlike the cases of criminal or traffic summonses, if people refuse to identify themselves when stopped for civil violations, officers are neither able to compel that identification nor to arrest these individuals because there is no criminal penalty associated with civil transgressions.

**Discretion**

"Officer discretion" is a phrase used to describe the latitude granted to police officers to resolve conditions involving crimes and petty offenses with a continuum of options from warning, to summons, to arrest. According to the Criminal Procedure Law, officers "may arrest" individuals for petty offenses committed in the officer's presence, and they "may arrest" people who have committed crimes regardless of whether they observed the crime so long as the officer has probable cause. The only exception to an officer's discretion to arrest is in the area of domestic violence, where the Criminal Procedure Law mandates that an officer must arrest for certain crimes committed against a member of the perpetrator's family or household.<sup>5</sup>

Outside domestic-violence incidents, officers generally have the option to warn and admonish people who have committed offenses. In New York City, officers often warn and admonish in petty offense cases. As a practical matter and by Department policy, however, all offenses that involve victims generally have much higher thresholds for the exercise of officer discretion. When a victim or complainant is involved, and probable cause exists, officers usually will make an arrest.

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<sup>5</sup> The Family Court Act's definition of family includes persons who: 1) are currently or formally legally married 2) related by marriage 3) related by blood 4) have a child in common or 5) are currently or have been in an intimate relationship

## MISDEMEANOR ARRESTS IN NEW YORK CITY

From 1994 to 2010 misdemeanor arrests in New York City increased by more than 100,000. (See Figure 1.) Since 2010, misdemeanor arrests have steadily decreased, driven largely by a decline in arrests for low-level marijuana offenses.

### Arrests for Crimes Against Persons and Property

The rise in misdemeanor arrests was driven, in part, by misdemeanor “victim crimes,” defined as crimes against persons or property. These types of crime increased by nearly 32,000 incidents from 1994 to 2010, including misdemeanor assaults and petit larcenies (the theft of property with a

value of \$1,000 or less). (See Figure 2.) These misdemeanor crimes were driven by a growing residential and tourist population;<sup>6</sup> the theft of small, portable, valuable electronics; and increased reporting of domestic-violence crimes, as well as expansion of the definition of a family offense.<sup>7</sup>

**Misdemeanor Arrests in New York City**

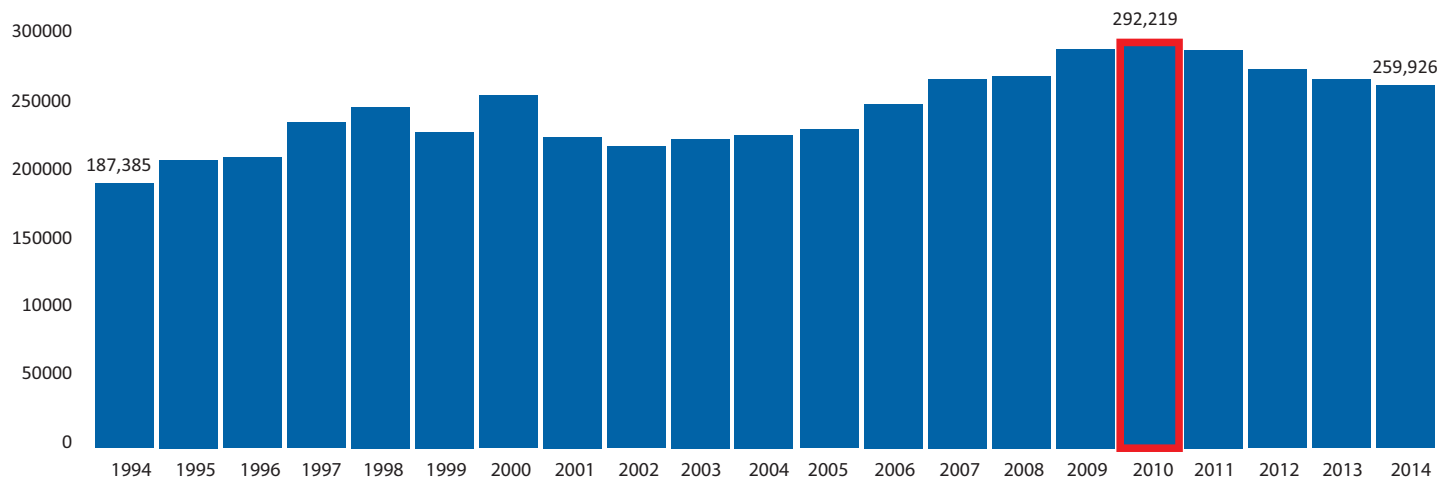


Figure 1

<sup>6</sup> During this time, the population of the city increased by more than one million people. Tourism also increased dramatically from about 28 million visitors per year in 1995 to more than 56 million visitors in 2014.

<sup>7</sup> In 2008 New York State expanded the definition of a family to include persons with intimate relationships. This in turn increased the number of offenses for which an arrest must be made.

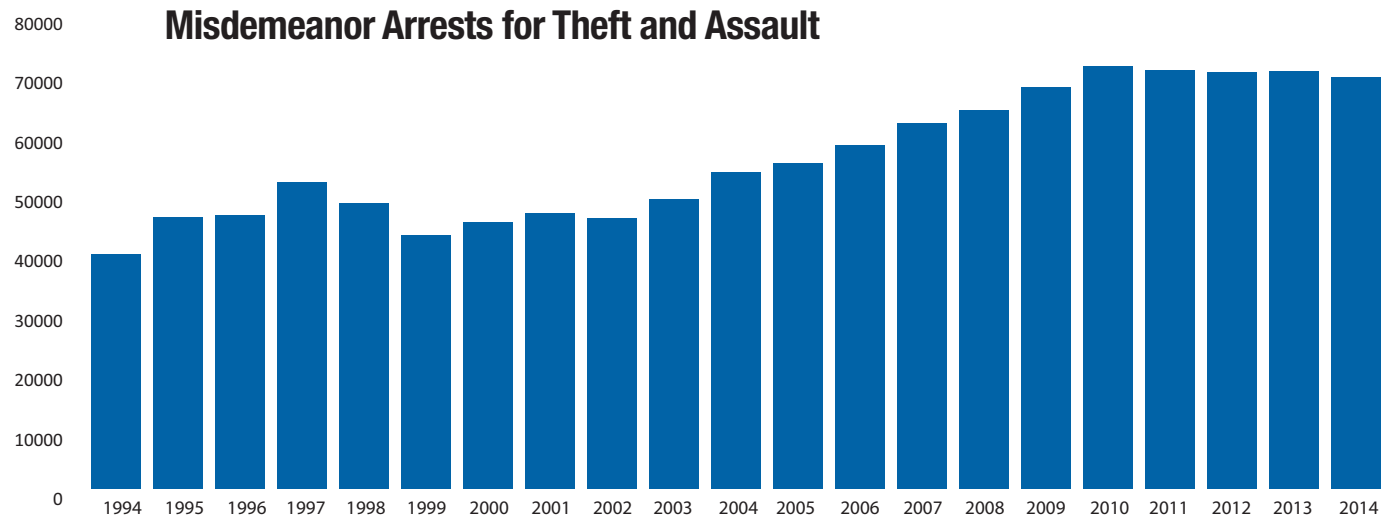


Figure 2

### Traffic Arrests

From 1994 to 2014, arrests for traffic offenses also grew. While arrests for Driving While Intoxicated increased over these years, the traffic-arrest increase was primarily attributable to arrests for driving with suspended or revoked licenses. In 1993, the New York State legislature raised the offense of driving with a suspended license from a traffic infraction to a misdemeanor. Over the next 20 years the number of arrests grew from slightly more than 5,000 in 1994 to more than

25,000 in 2014. During that time, New York State introduced several new penalties that allowed for the state to suspend a person’s license. A person’s license to drive can now be suspended for failure to pay child support or vehicle insurance, as a condition of parole or probation, or as a penalty for a drug conviction.

Also during this time, the officer’s ability to identify drivers with suspended licenses in the field

expanded, driven by advances in technology, and training on the use of state databases to identify variations of names, aliases, and transposed dates of birth.<sup>8</sup>

While still elevated by historical standards, arrests for driving with a suspended license have decreased by 25 percent in the first quarter of 2015, compared to the first quarter of 2014.

<sup>8</sup> Out-of-state motorists and persons with no license who had their driving privileges suspended in New York must be identified through name and date-of-birth checks. A misspelling of the name or failure to use a middle initial could lead to a negative finding in the computer system. Transposed names and dates of births (on the original summons) have also been found to produce false negatives when conducting a license check.

**Outcome of 94,753 Recorded Theft of Service Enforcement in Transit - 2014**



Figure 3

**Transit Arrests**

Transit misdemeanor arrests have steadily increased as ridership has increased<sup>9</sup> and as MetroCards replaced tokens. In addition to jumping a turnstile to evade the fare, people began altering or stealing MetroCards, using stolen credit cards to purchase MetroCards, using student or discount MetroCards illegally, and selling illegal “swipes” to other riders. The full implementation of the MetroCard system in 2003 coincided precisely with the rise in transit misdemeanor arrests.

In 2014 an average of 5.6 million riders entered the subway each weekday. That figure is great-

er than the entire populations of Chicago, San Diego, and Dallas combined. Of 1.7 billion yearly subway entries, approximately 95,000 persons were stopped for evading the fare (0.005% of all entries).<sup>10</sup> Of those, approximately 67,600 or 71% were issued a civil notice to appear before the Transit Adjudication Bureau (TAB). While fare evasion is a Penal Law misdemeanor<sup>11</sup> it is also a violation of transit rules. In these situations, transit officers will generally use their discretion and default to the use of TAB notices—the civil penalty. The underlying crime, however, is what allows the officer arrest discretion in the first place.

But there are situations in which the Department mandates an arrest for fare evasion: when the subject has an arrest warrant, cannot be properly identified, is classified as a transit recidivist (the definition of which is found on the next page), or is found to have committed another crime. For example, in 2014, there were more than 130 weapons-possession arrests that also included theft of service charges. In 2014, approximately 26,000 subjects fell into one of these categories and were arrested for theft of service. (See Figure 3.) In the first quarter of 2015, arrests for theft of service have decreased by 20 percent compared to the first quarter of 2014.

**Of 1.7 billion yearly subway entries, approximately 95,000 persons were stopped for evading the fare (0.005% of all entries).**

<sup>9</sup> Daily weekday ridership increased by nearly 400,000 riders from 2007-2013. Average weekend ridership increased by nearly 680,000 riders for that time period.



**Transit Recidivist**

In an effort to identify persons likely to commit crimes in the transit system or persons who routinely violate transit rules and disregard notices to appear at the Transit Adjudication Bureau, the

New York City Police Department established the transit recidivist database. A person stopped for a violation of transit rules who is identified as a transit recidivist is ineligible for a civil notice and must be arrested for the offense. The original database included people with arrests dating back

into the 1980s. In 2012, the Department updated the database to include only the most recent and more serious crimes to identify recidivists. The table below lists the criteria for being included in the transit recidivist database.

**2012 Transit Recidivist Database Update**

Any prior 'seven major' crime,<sup>12</sup> sex crime, or weapons arrest within NYC in the last four years

Any prior felony or misdemeanor arrest in Transit in the last two years

Three or more violation arrests in Transit in the last five years

Three or more unanswered TAB summonses

On parole or probation

Figure 4

<sup>10</sup> This does not include the number who were stopped and simply ejected for the fare evasion.

<sup>11</sup> NYS Penal Law 165.16, Theft of Service.

<sup>12</sup> Seven Major Crimes: Murder, Rape, Robbery, Felony Assault, Burglary, Grand Larceny, Grand Larceny Auto.

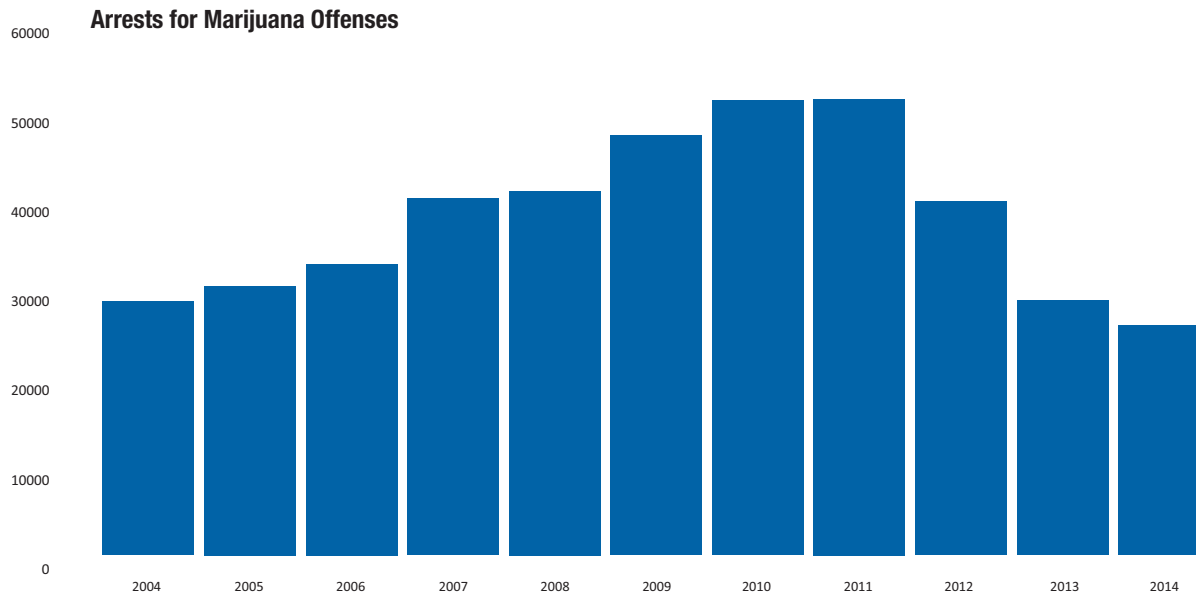


Figure 5

## Misdemeanor Drug Arrests

Changing arrest policies regarding the possession and use of drugs, particularly marijuana, also contributed to changes in the number of misdemeanor arrests over the past two decades. They did so first by helping to drive the numbers up, and then, more recently, by accounting for a significant share of the overall decrease.

### *Marijuana Arrests*

Marijuana arrests peaked in 2000 with more than 51,000 arrests, then decreased until 2004, and then rose again to 51,000 in 2010 and 2011. (See Figure 5.)

In September 2011, the Department issued a memorandum that clarified Department policy with respect to New York State law. The memo reiterated that people found in possession of small amounts of marijuana, which came into public view as a result of police interaction, were to be issued a C-summons rather than arrested. Marijuana arrests subsequently declined from 2011 to 2014 by more than 25,000, or nearly 50 percent. When comparing 2010 to 2014, this decline represented the bulk of the decrease in the misdemeanor-arrest total.

In November 2014, the Department issued another order affecting arrests for marijuana possession. In this order, officers were directed to use discretion when apprehending someone possessing small amounts of marijuana in public. Although officers have the authority to arrest such individuals for the fingerprintable misdemeanor offense of Criminal Possession of Marijuana,<sup>13</sup>

### Misd. Narcotics Arrest in New York City

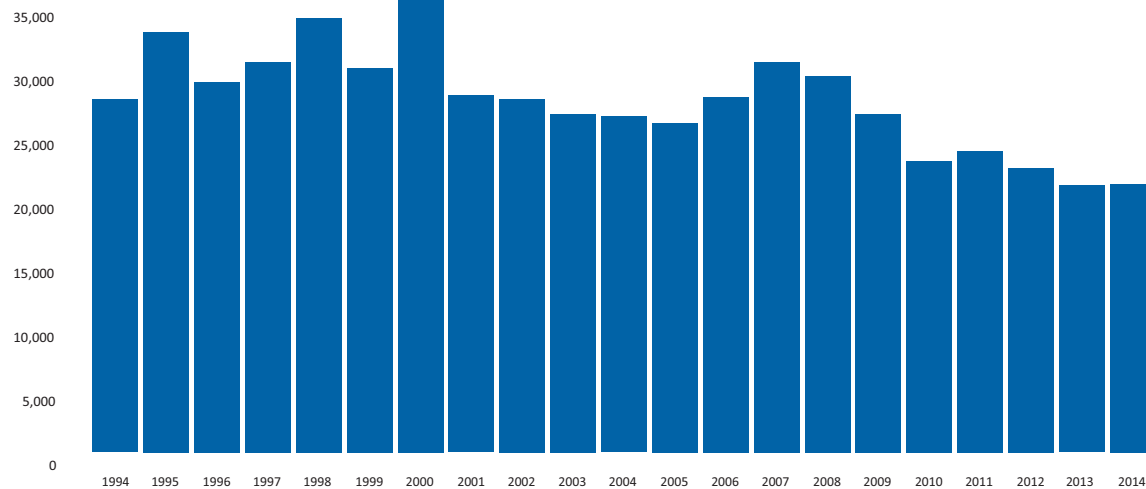


Figure 6

### Misd. Narcotics Arrests in New York City by Age

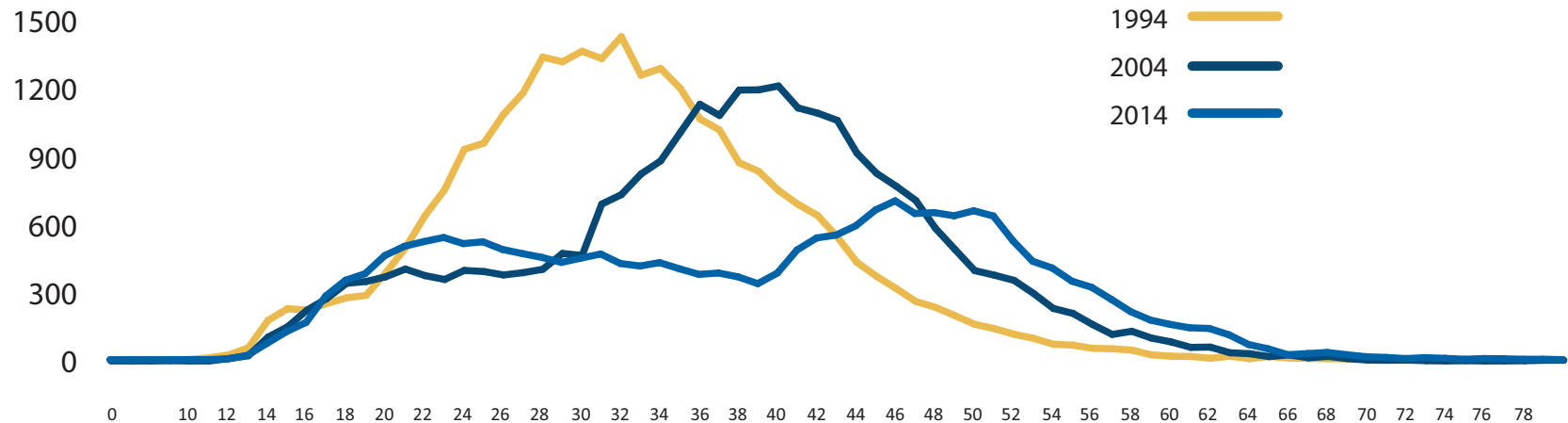


Figure 7

#### Misdemeanor Narcotics Arrests

they were directed instead to issue a C-summons for the lesser-included violation offense of Unlawful Possession of Marijuana.<sup>14</sup> The Department’s preference to arrest persons observed to be smoking marijuana in public remained in place. Marijuana arrests once again declined. In the first quarter of 2015 marijuana arrests were down nearly 60% compared to the first quarter of 2014.

Misdemeanor narcotics arrests have also declined over the years. Unlike the steep decline in marijuana arrests, which resulted from policy changes, narcotics arrests have trended down since 2000. (See Figure 6.) This has continued into 2015. In the first quarter of 2015, drug arrests declined by 15 percent compared to the first quarter of 2014. Overall, the trend is likely because of the decrease in open-air drug markets, diminished demand for

crack-cocaine, and the aging of the street-level drug-user population. As shown in the chart, as the number of narcotics arrests decreased, the age of the offenders rose. (See Figure 7.)

**In the first quarter of 2015 marijuana arrests were down nearly 60% compared to the first quarter of 2014.**

<sup>13</sup> New York State Penal Law Section 221.10

<sup>14</sup> New York State Penal Law Section 221.05

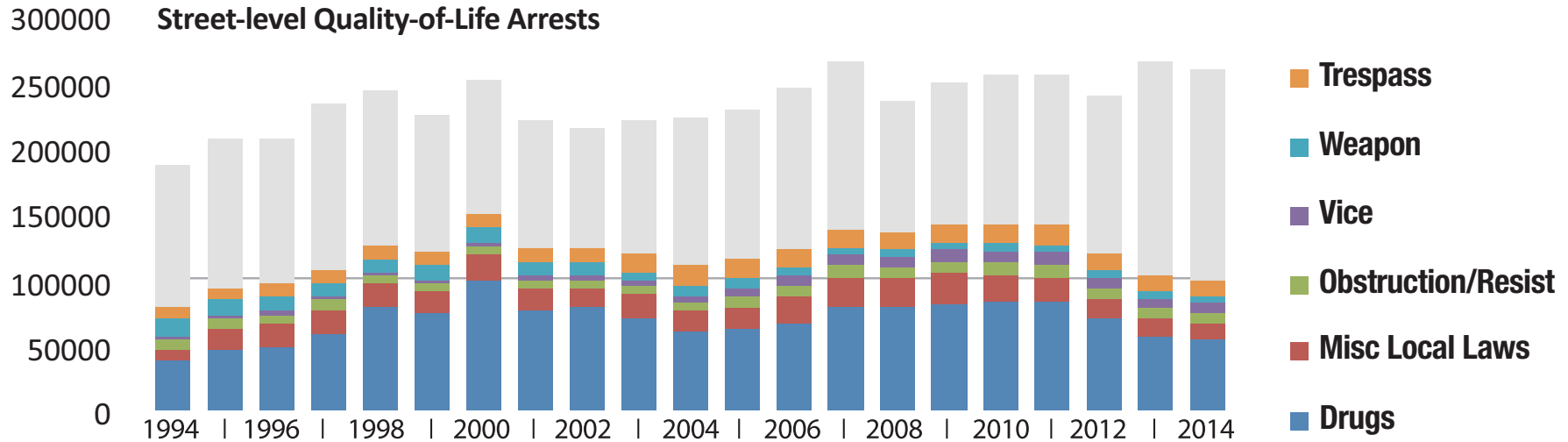


Figure 8

### Criminal Trespass Arrests

A significant element of quality-of-life policing in the 1990s entailed confronting unauthorized people found in New York City Housing Authority buildings and in some private buildings.<sup>15</sup> As the Department’s narcotics units clamped down on the open-air drug markets, many dealers sought refuge in building stairwells and hallways. Other criminals used the buildings as a place to commit robberies. The Department increased its presence in the buildings through what is known as vertical patrols, or top-to-bottom walkthroughs of the structures. As a result, criminal trespass arrests increased. By 2009, officers were making more than

20,000 arrests per year for criminal trespass.

From 2009 to 2014, that number significantly decreased to about 13,000 per year, in the context of about 400,000 yearly vertical patrols. This decrease resulted from the increased practice of warning and ejecting trespassers in lieu of arresting them. The downward trend has continued into 2015. In the first quarter of 2015, arrests for criminal trespass declined by 23 percent compared to the first quarter of 2014.

Vertical patrols, or verticals, are to a Housing development what random sector patrol and walking a beat are to a neighborhood in a precinct.

**Vertical patrols, or verticals, are to a Housing development what random sector patrol and walking a beat are to a neighborhood in a precinct.**

They are used to secure the building, to ensure that any criminal activity or hazardous situation is identified, and to add a sense of safety in environments that sometimes experience levels of crime disproportionate to their share of the city's population. Vertical patrols are not solely enforcement oriented. Of the hundreds of thousands of verticals conducted throughout the city in 2014, approximately 95 percent ended with no enforcement action. During 95 percent of all verticals, no person was stopped, summonsed, or arrested.

### Street Level Quality-of-Life Arrests

While misdemeanor arrests have decreased from their 2010 peak, they are still higher than in the mid-1990s. When arrests for victim crimes, traffic arrests, and transit arrests are excluded, however, quality-of-life arrests—which are historically driven by drug arrests—have decreased to a level not seen since 1996. (See Figure 8.) This contributes to the “Peace Dividend” spoken of by Police Commissioner Bratton. It is indicative of new policies, the increased application of officer discretion, and communities that, in the words of Broken Windows, have increasingly established their own informal control mechanisms.

### Misdemeanor Arrests in 2014

In 2014, the largest number of misdemeanor arrests was for theft and assault offenses, which are crimes involving victims. Misdemeanor arrests in 2014 (259,926 arrests) were down 2 percent from 2013, and have declined more than 11 percent since 2010. Again, this decline was largely driven by the reduction in marijuana arrests.

The following graph compares misdemeanor arrests in 2014 to those in 2010. (See Figure 9.) Crimes against persons and property, traffic offenses, and theft of service all increased while other categories shrank. Arrests listed in Other Laws, which include many of the traditional quality-of-life crimes, make up less than 4 percent of all misdemeanor arrests. In 2014, police officers serving in an enforcement capacity averaged approximately one arrest per month.

#### *Percentage Changes in Misdemeanor Arrests*

As the number of quality-of-life arrests has decreased, the share of total misdemeanor arrests represented by crimes against persons and property has increased. In 2010, arrests for crimes

against persons and property accounted for 31 percent of all misdemeanor arrests. In 2014, they accounted for 36 percent. In the first quarter of 2015, the share has risen further to 39 percent. In that same period, marijuana arrests declined in number and as a percentage. In 2010 they were 15 percent of all misdemeanor arrests; for the first quarter of 2015, they were 5 percent.

#### *Prior Arrest History of Misdemeanor Arrestees*

In 2014, there were 259,926 misdemeanor arrests involving 198,626 unique individuals. Nearly 36,000 arrests involved subjects who had been arrested more than once during 2014. Sixty-four percent of all persons arrested for misdemeanor crimes in 2014 had at least one prior New York City arrest at some point in their lifetimes. In 2014, more than half of all misdemeanor arrestees had multiple prior New York City arrests, and nearly half had a prior felony New York City arrest.

**In 2014, more than half of all misdemeanor arrestees had multiple prior New York City arrests, and nearly half had a prior felony New York City arrest.**

<sup>15</sup> Under the Trespass Affidavit Program private landlords could sign an agreement that would allow NYPD officers to patrol inside private buildings.

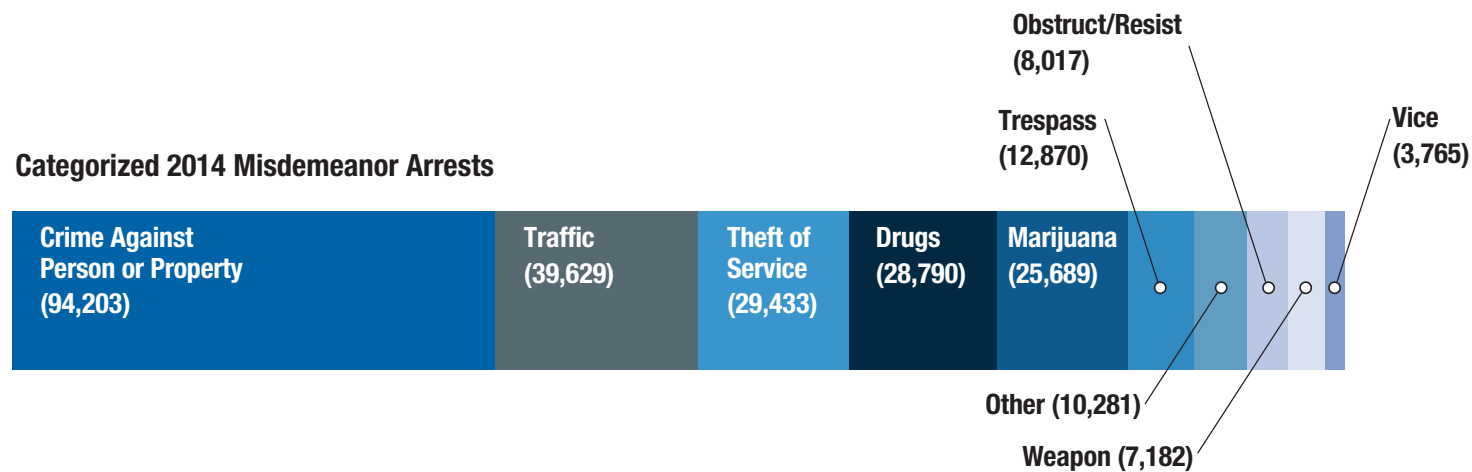
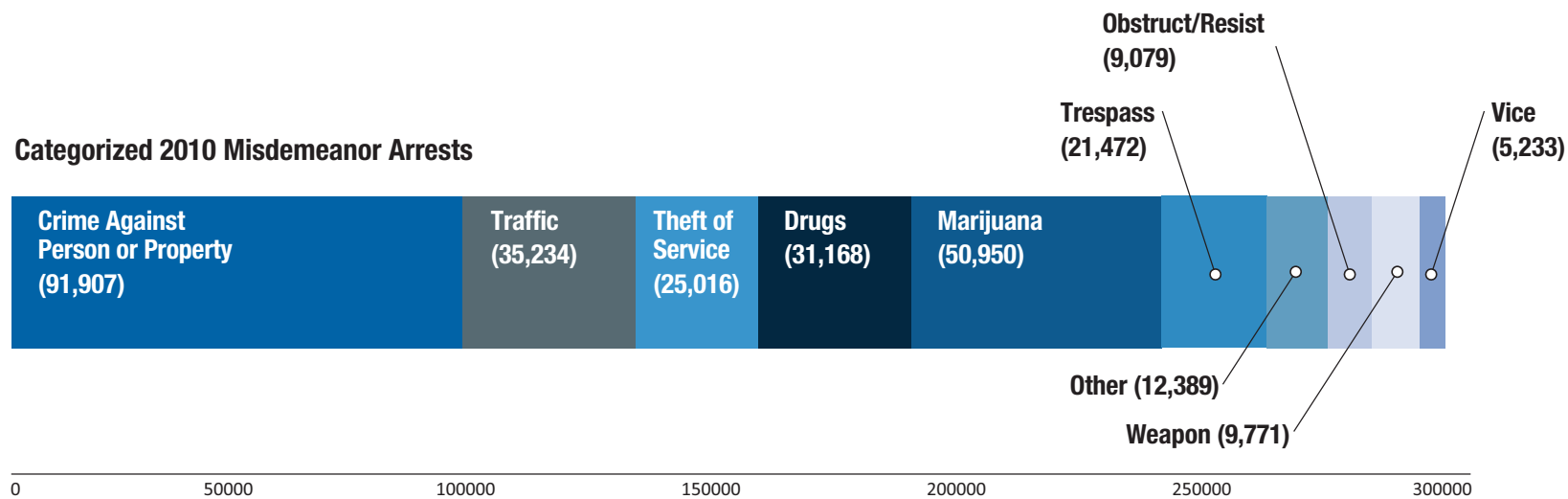


Figure 9

**Charting Misdemeanor Arrests**

As shown by the maps below, misdemeanor arrests in New York City occurred predominantly in the South Bronx, Brooklyn North, and Manhattan North—the areas with the city’s highest concentrations of both minor and violent crime—as well as Manhattan South, the borough with the city’s highest non-residential population and the largest, densest concentration of shops, restaurants, bars, and entertainment. (See Figure 11, below right.) The arrests in Manhattan South are

predominantly theft arrests. When misdemeanor arrests are compared to 911 calls for minor crimes in progress (including vandalism, trespass, and harassment) (see Figure 10, below left), the geographic correspondence is readily apparent. Misdemeanor arrests occur where complainants make 911 calls.

This pattern is repeated when any type of 911-call map is compared to the corresponding type of misdemeanor-arrest map—from calls related to assaults versus assault arrests, to drug-use com-

plaints versus arrests for drug use. (See Figure 23 and Figure 24 on pages 34 and 35.) Police officers are deployed where the crime is and where the complaints originated.

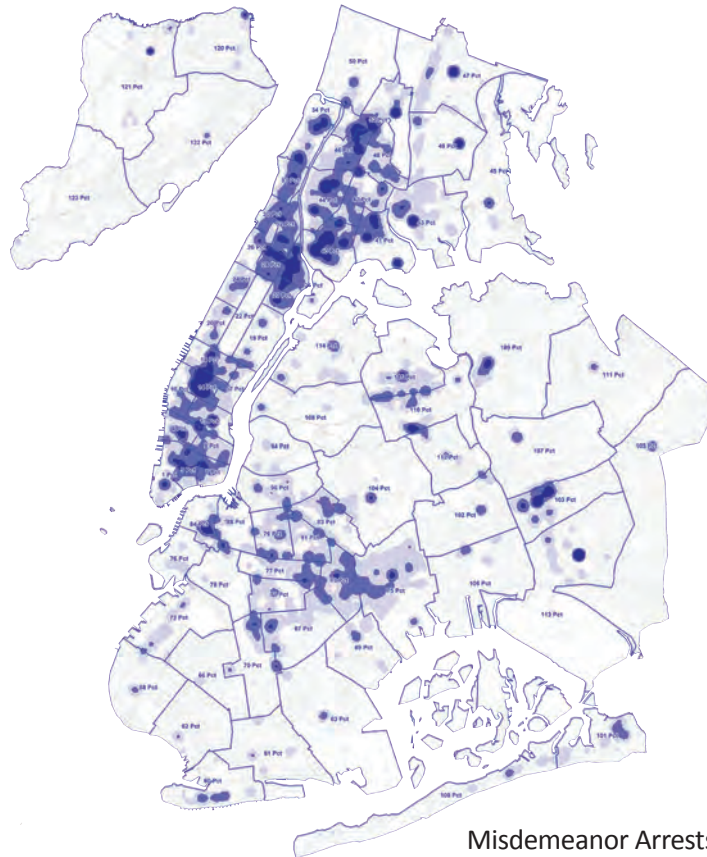


Figure 10

Misdemeanor Arrests  
2014

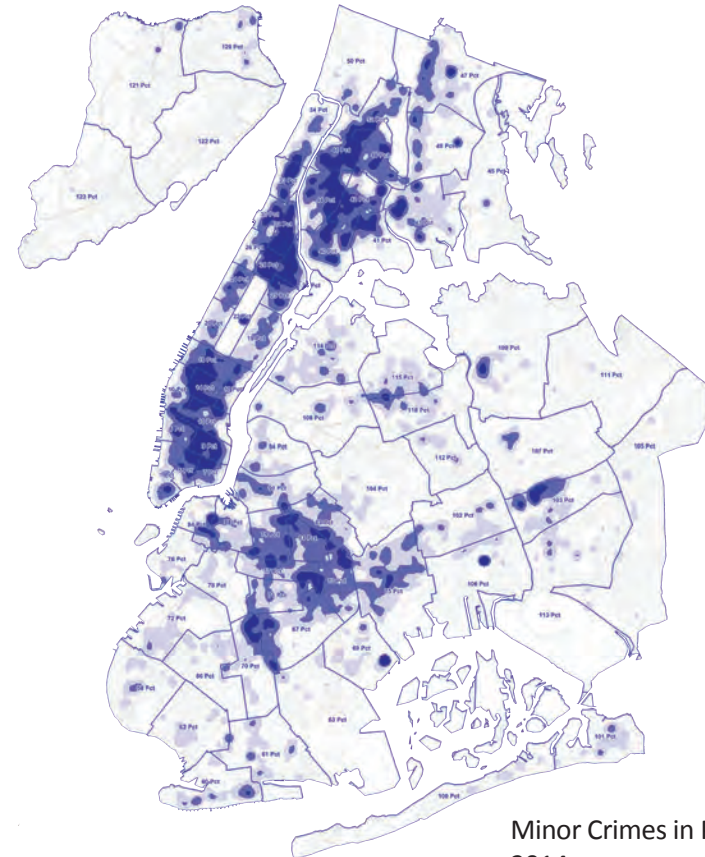


Figure 11

Minor Crimes in Progress- 911  
2014

## Post-Arrest Processing and Outcomes

Misdemeanor arrests can be processed in a variety of ways. The two most common are Desk Appearance Tickets and arraignments.

### *Desk Appearance Tickets*

A Desk Appearance Ticket (DAT) is a summons issued at the precinct, generally after the arrestee has been properly identified and fingerprinted. DATs can only be issued to arrestees who have committed certain crimes.<sup>16</sup> Issuing a DAT allows an officer to release an arrestee from the precinct rather than transporting him to Central Booking.

During the past decade, NYPD officers have increasingly issued DATs rather than sending individuals “through the system.” In 2000, only 9 percent of misdemeanor arrests resulted in DATs; in 2014, the figure was 41 percent. (See Figure 12.)

In 2013, the Department changed its internal identification standards concerning DATs to be

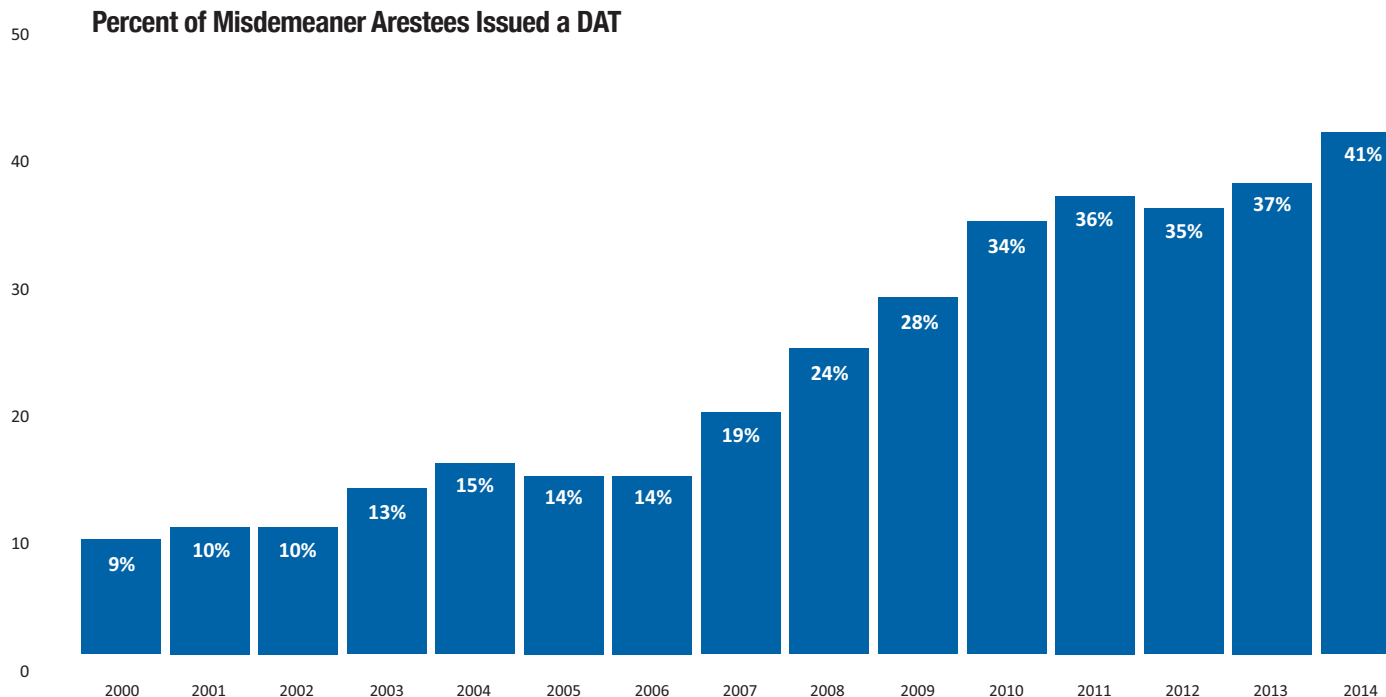


Figure 12



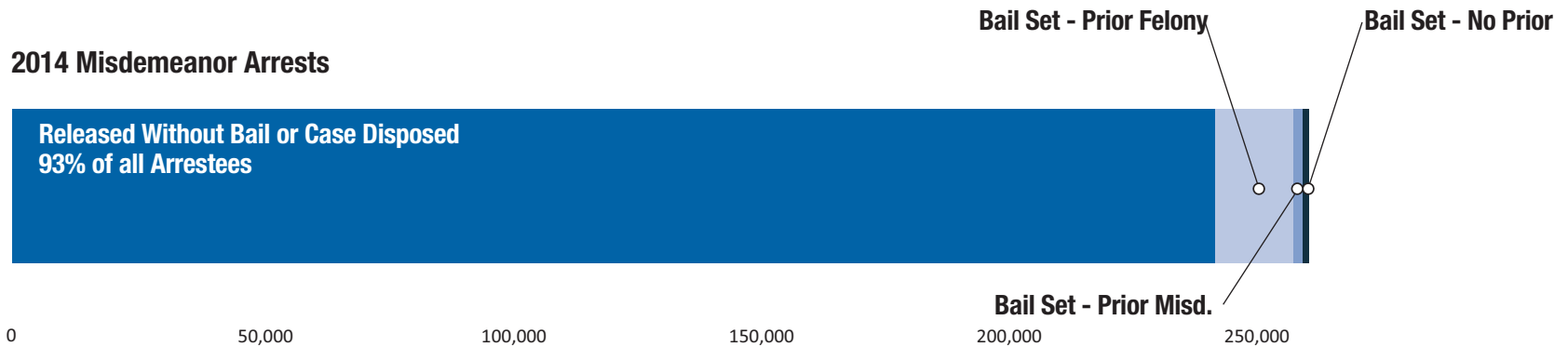


Figure 13

During the past decade, NYPD officers have increasingly issued DATs rather than sending individuals “through the system.”

issued for marijuana arrests. As a result, 80 percent of persons arrested for smoking or possessing small amounts of marijuana in 2014 were released from the precinct with a DAT rather than brought before a judge for arraignment. This change, coupled with the decrease of marijuana arrests, has resulted in fewer and fewer arrestees being sent to Central Booking or being held in jail for marijuana crimes.

**Arraignment Arrests**

Of the persons who do not receive a DAT, the majority are processed through Central Booking and released from custody at arraignment, either by disposing of the case through a plea or through a release without bail pending the next court date. (See Figure 13.) In 2014, only 0.6 percent of misdemeanor arrestees were remanded to jail pending their next court date. Another 7 percent were required to pay bail in order to be released.

**Bail**

Of the 7 percent of misdemeanor arrestees required to pay bail, the overwhelming majority had prior New York City arrests—and most had prior felony arrests. First-time misdemeanor arrestees required to post bail represent 0.5% of misdemeanor arrestees. The chart on the next page lists the top five arrest offenses in which first-time offenders were required to pay bail. These top five offenses account for 74% of all persons without prior New York City arrests who were required to pay bail (1,257 arrestees). (See Figure 14.)

<sup>16</sup> The parameters for the issuance of a DAT are outlined in Department procedure and disqualify some minor crimes while allowing certain felonies. The authority to issue a DAT resides in the NYS Criminal Procedure Law.

**2014 BAIL SET - NO NYC PRIOR - TOP FIVE Offenses**

OFFENSE DESCRIPTION	Arrestees
Assault	517
DWI	146
Sex Crimes	82
Violate Order Of Protection	76
Forcible Touching	71

These represent 74% of all persons without prior arrest who were required to post bail.

Figure 14

**Misdemeanor Arrests Dispositions: NYC 2013**

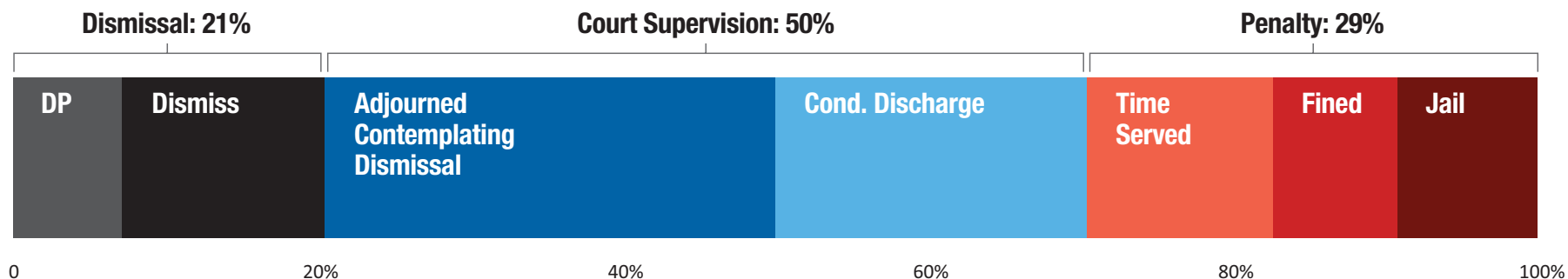


Figure 15

### **Misdemeanor Arrest Outcomes**

As illustrated in the graph opposite, there are a variety of possible outcomes to a misdemeanor arrest. (See Figure 15.) Once a person is arrested and arraigned for a misdemeanor offense he or she has a small likelihood of going to jail.

The “DP” category represents cases in which the District Attorney declined to prosecute the case. This could occur for many reasons, one of which is the failure of the victim or complainant to provide information to the District Attorney’s office. This reason was identified as a cause of the relatively high Decline Prosecution rate in the Bronx, which is higher than any other borough because of the Bronx District Attorney’s policy of declining victim cases if the victim does not appear at the Assis-

tant District Attorney’s office within 24 hours.

An adjournment in contemplation of dismissal (ACD) is a case in which the defendant does not enter a plea, and the case is scheduled to be dismissed if the defendant does not violate fixed conditions set by the court before the adjournment date. By law, all first time marijuana offenders receive an ACD, or, at the court’s discretion, an outright dismissal.<sup>17</sup>

When a defendant pleads guilty to, or is found guilty of, a misdemeanor, he or she might receive a conditional discharge, time served, a monetary fine, or jail time. A conditional discharge releases the defendant from the custody of the state under certain conditions set by the judge. For misdemeanor arrests, the period of a conditional

discharge can last no longer than one year.<sup>18</sup> In 2013, only 9 percent of persons charged with misdemeanors were sentenced to any jail time. Even though the large majority of misdemeanor arrestees are released without being fined or incarcerated, dispositions such as ACDs and conditional discharges serve a vital purpose in crime reduction, by providing a deterrent that dissuades repeat offenders from committing additional crimes before their ACD or conditional discharge is fully adjudicated. In some respects, the process is the punishment. While efficiencies can be realized in that process, it ensures that those who violate the law experience consequences for doing so.

**Once a person is arrested and arraigned for a misdemeanor offense he or she has a small likelihood of going to jail.**

<sup>17</sup> NYS Criminal Procedure Law 170.56

<sup>18</sup> NYS Penal Law 65.05

## CRIMINAL COURT SUMMONSES

Criminal Court Summonses (C-summonses) are usually issued for violation-level offenses and some misdemeanors. Except in the case of a misdemeanor, a C-summons can only be issued when an officer personally observes the offense. As with arrests, the legal standard for issuing a C-summons is probable cause. C-summonses are issued “in lieu of arrest” whenever possible, even

though an arrest could be made for any C-summons offense.

Officers generally issue C-summonses during routine patrol or in response to a citizen’s complaint. As crime and general disorder have decreased over the past decade, so has the use of C-summonses to address quality-of-life situations. Today, officers write nearly a quarter of a million fewer C-summonses than they did in 2005. (See Figure 16.)

### C -Summonses Issued in 2014

There were 359,432 C-summonses issued in 2014, a reduction of 15.4 percent from the same period in 2013 and down 35 percent (more than 185,000 summonses) from 2009. The most common violation cited was the consumption of alcohol in public, followed by disorderly conduct and public urination. (See Figure 17.) These three offenses account for more than half of all C-summonses is-

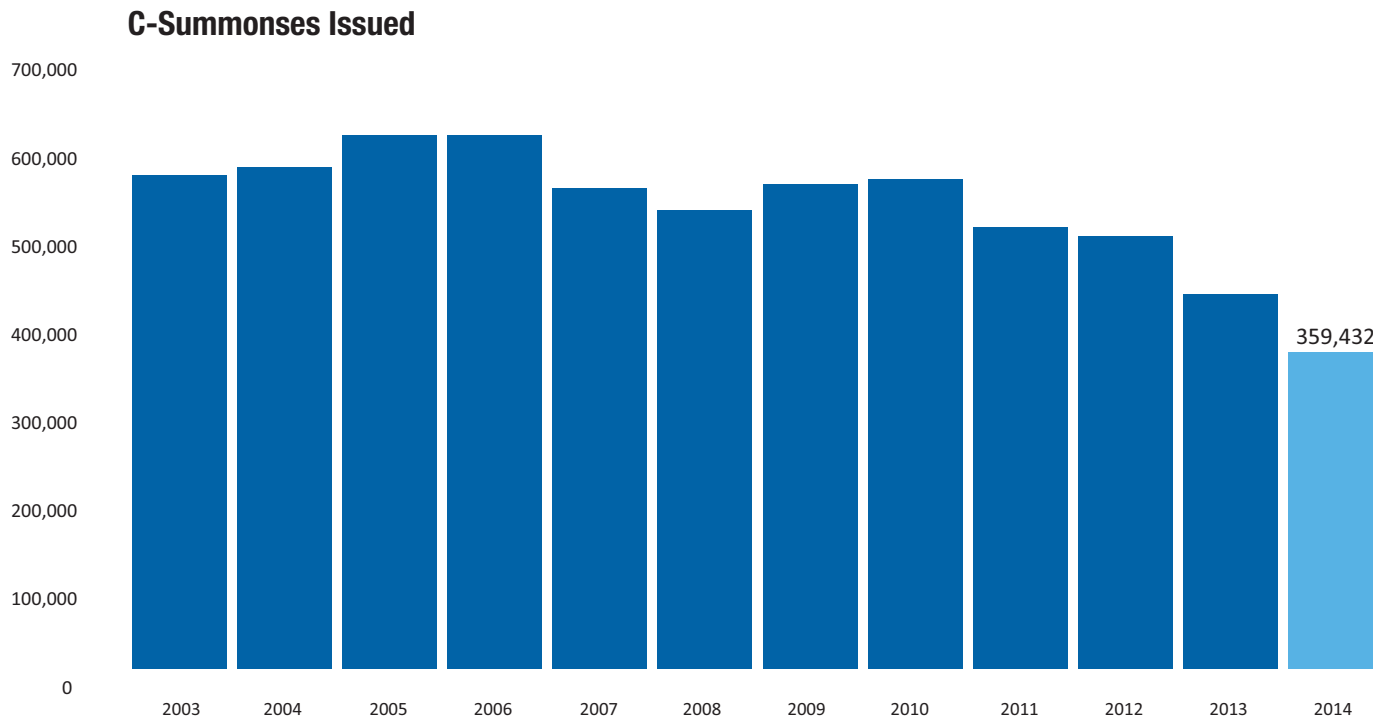


Figure 16

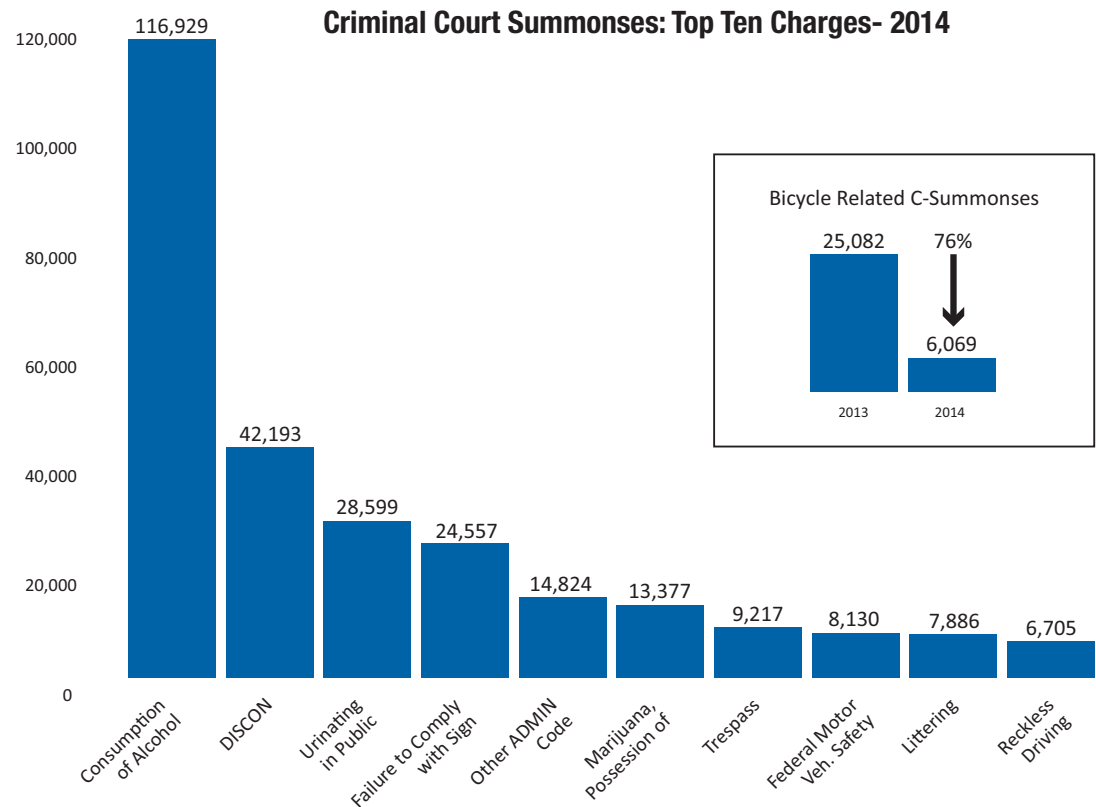


Figure 17

sued and are important tools in the management of disorderly groups on the streets. In 2014, there were more than 120,000 calls placed to 911 for disorderly groups, a disorderly person, or noise and more than 46,000 calls to 311 for disorderly youth, drinking, urinating, and noise in parks and on the street.

One percent of C-summonses were issued for riding a bicycle on the sidewalk.<sup>19</sup> C-summonses are also issued for specific traffic violations such as reckless driving and disregarding motor vehicle safety regulations. Five of the top 15 C-summonses issued in the first half of 2014 were for traffic offenses. In fact, 20 percent of all C-summonses

issued are directly related to vehicle and business violations.

On average, a police officer serving in an enforcement capacity issues approximately two C-summonses per month.

### Adjudication of C-Summonses

Historically, C-summonses had to be answered in person at the Summons Part of the local Criminal Court and usually resulted in a monetary fine. People who failed to appear on the specified court date had a warrant issued for their arrest.

Today, in New York City, C-summonses issued for the consumption of alcohol in public and for public urination, which comprise more than 40 percent of all C-summonses issued (nearly 146,000 summonses in 2014), can both be settled by payment of a fine by mail. This means nearly 40 percent of people receiving a C-summons no longer have to appear at a local court to pay their fines. A person issued a summons for urinating in public can mail the summons in and pay a \$50 fine. A person issued a summons for consuming alcohol in public can mail the summons in and pay a \$25 fine. For reference, the fine for double parking in New York City is \$115.

<sup>19</sup> In 2014 the Department began issuing violators of riding a bike on a sidewalk moving violations rather than criminal court summonses.

## Consumption of Alcohol in Public

Enforcement of public drinking laws stems from a quality-of-life concern that is often raised at community meetings and reported through calls to the police. The Department receives tens of thousands of calls each year regarding disorderly individuals or groups who are drinking or who appear intoxicated. Often they are gathering on corners, in parks, or in playgrounds, and frequently they are reported to be acting in a

disorderly manner. The atmosphere of disorder can precipitate violent crime as intoxicated people become embroiled in arguments and altercations. Engaging these individuals or groups prior to an outbreak of violence is a cornerstone of effective street-level violence reduction.

## Disorderly Conduct

Disorderly conduct C-summonses are issued in accordance with seven Penal Law subsections. Among these are fighting, obstructing vehicle and/or pedestrian traffic, refusing a lawful order, and unreasonable noise. Taken together, summonses for the disorderly conduct subsections accounted for nearly 12 percent of all C-summonses issued in 2014. The issuance of these summonses is sometimes discretionary in that, upon observing the offense and in the absence of victims or complainants, the officer can choose to rectify the condition without issuing a C-summons or making an arrest. Officers regularly use discretion when confronting disorderly individuals; “move along” is heard far more frequently than “you’re getting a ticket.” In 2014, police officers issued 42,000 summonses for disorderly conduct; this is 62,000 fewer than were issued in 2007.<sup>20</sup> (See Figure 18.) The much smaller number of arrests for disorderly conduct has also been cut by 36 percent since 2007, from 3,316 disorderly conduct arrests in 2007 to 2,108 in 2014.

### Disorderly Conduct Summonses

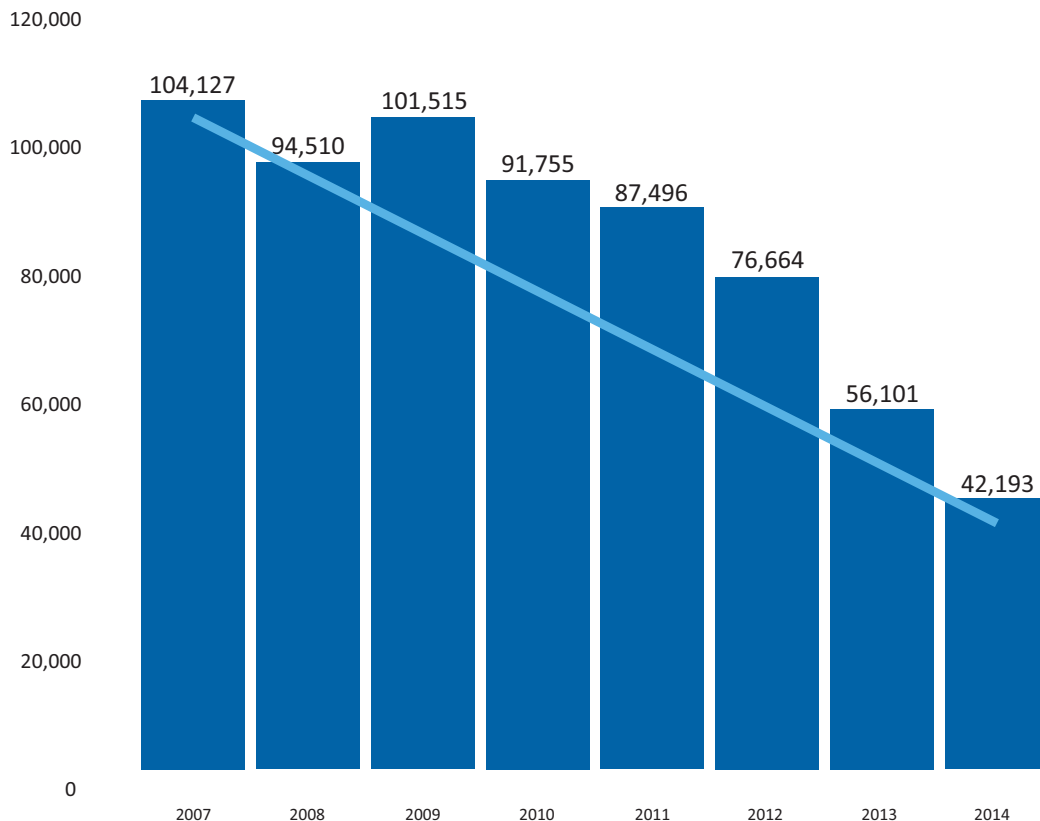
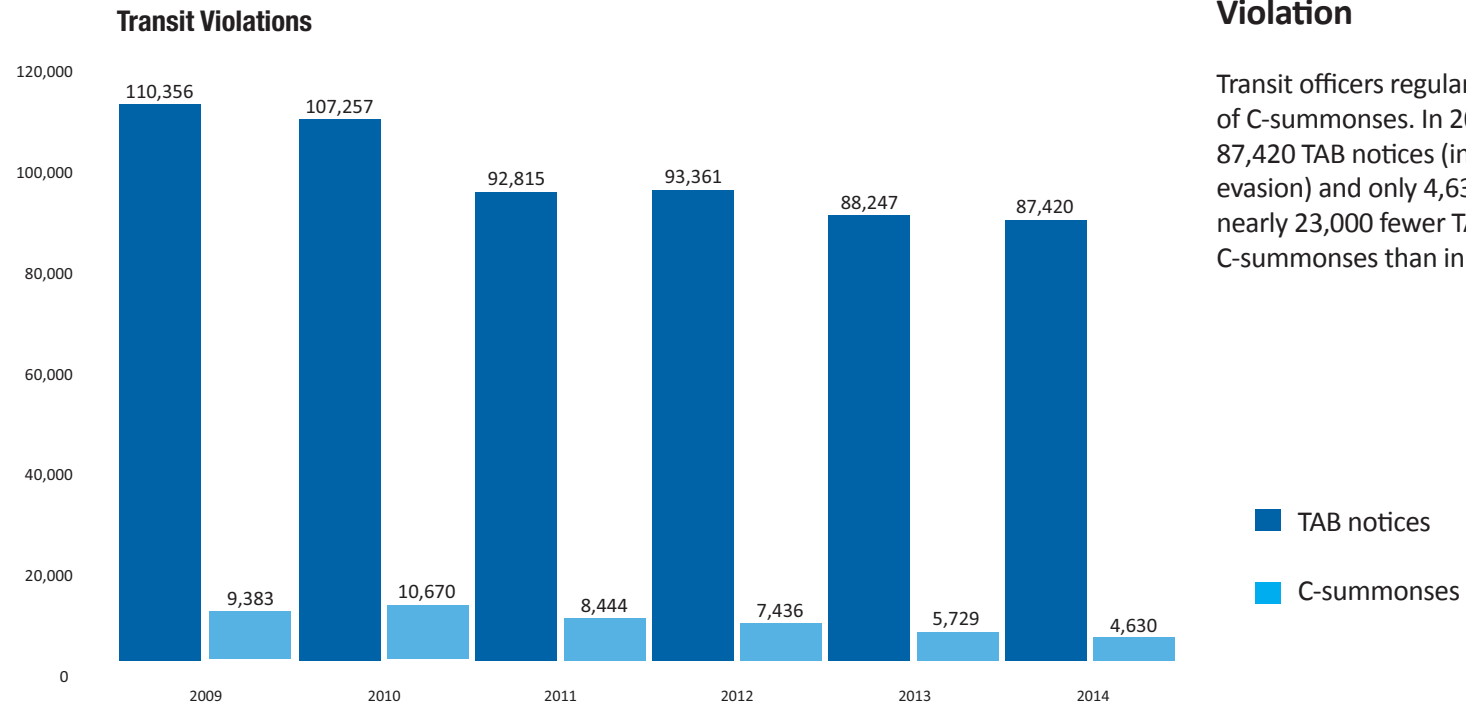


Figure 18

**Officers regularly use discretion when confronting disorderly individuals; “move along” is heard far more frequently than “you’re getting a ticket.”**

<sup>20</sup> Reliable reporting of the issuance of individual types of summons began in 2007.



**Transit Adjudication Bureau Notice of Violation**

Transit officers regularly issue TAB notices in lieu of C-summonses. In 2014, transit officers issued 87,420 TAB notices (including 67,587 for fare evasion) and only 4,630 C-summonses. That is nearly 23,000 fewer TAB notices and 4,700 fewer C-summonses than in 2009. (See Figure 19.)

Figure 19

## Charting C-Summons Activity

The map below compares C-summons issuance to criminal shootings and robberies. While C-summonses are written in every part of the city, this density map illustrates the areas with the highest concentration of summons, which equate to ap-

proximately 40 percent of the total. The locations of concentrated summons activity coincide highly with the locations of violent crime. Note that even small pockets of crime in Queens (along Roosevelt Avenue and in Jamaica) correspond with sum-

mons activity. One noticeable divergence from this pattern is found on White Plains Road in the Bronx where there was not a high volume of summons activity. This location, perhaps not coincidentally, saw a dramatic increase in violence in 2014.

### Robberies and Shootings with C-Summons Issuance (Citywide - 2014)

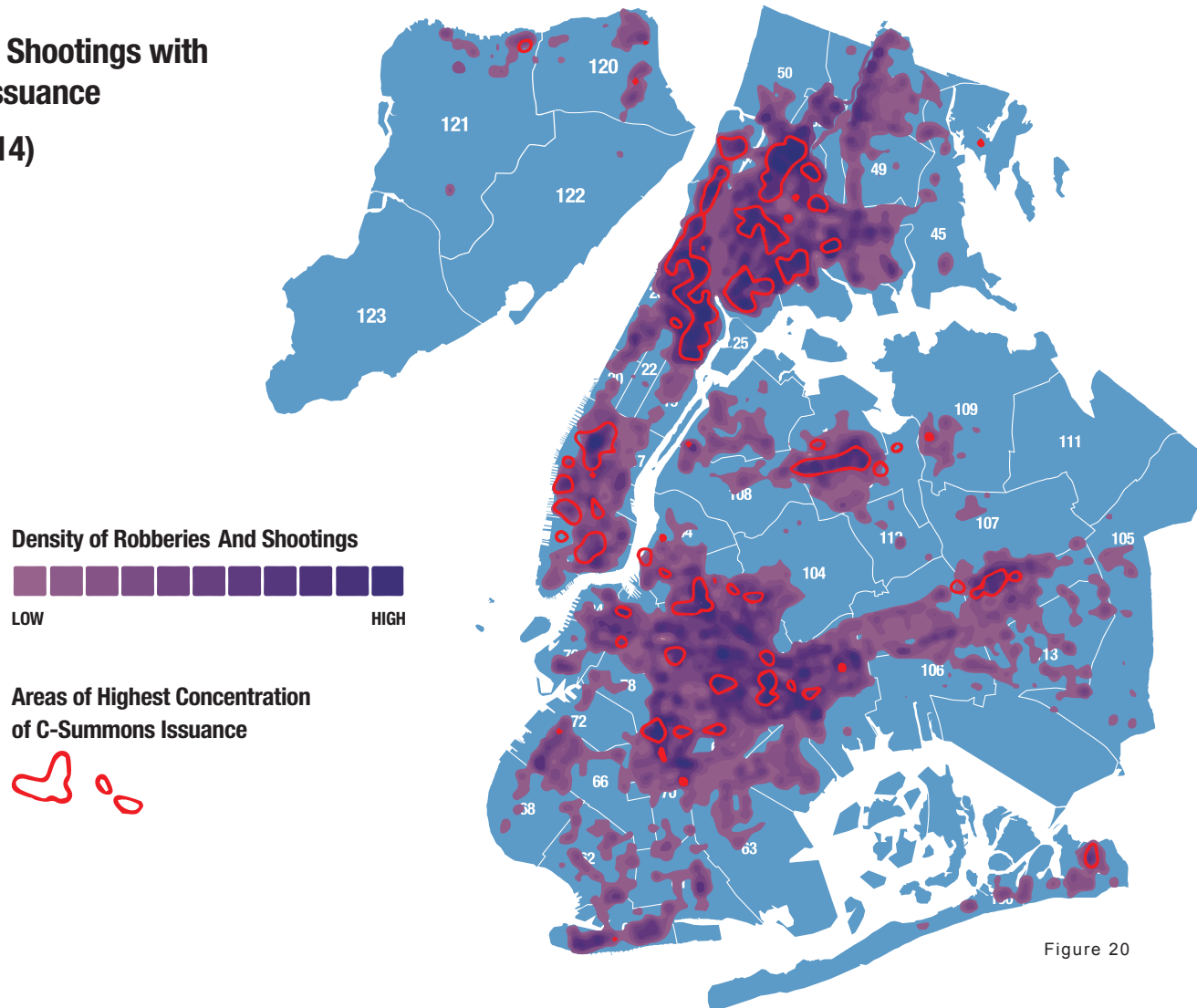


Figure 20



### 311 and 911 Calls for Disorderly Persons, Noise, and Drinking (Citywide - 2014)

Highest Incidence of Selected 311 and 911 Calls



Lower Incidence of Selected 311 and 911 Calls



Areas of Highest Concentration of C-Summons Issuance

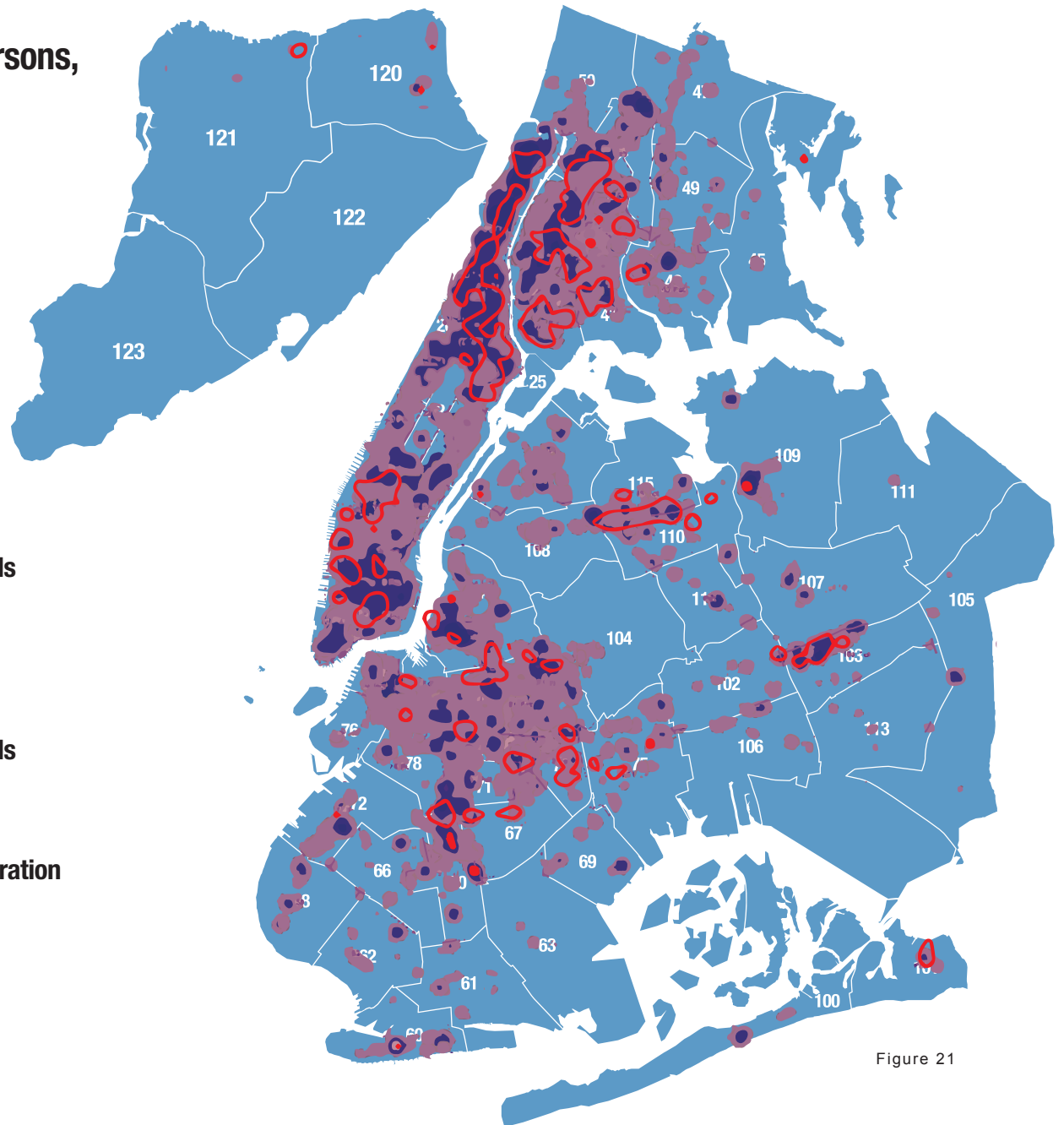
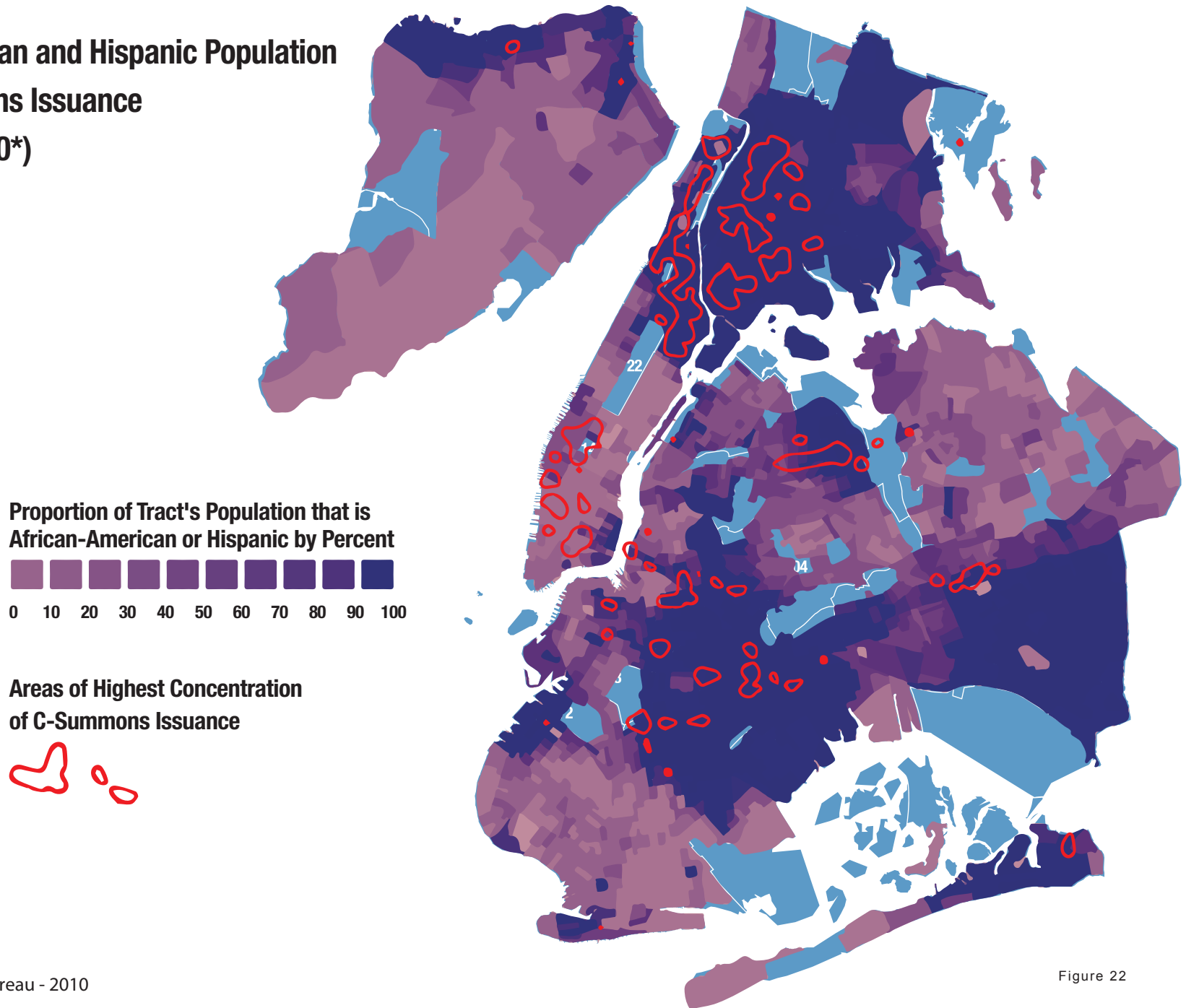


Figure 21

## African-American and Hispanic Population with C-Summons Issuance (Citywide - 2010\*)



\* SOURCE: US Census Bureau - 2010

Figure 22

## RACIAL IMPACT, OFFICER DISCRETION, CIVILIAN COMPLAINTS, AND PRISON POPULATIONS

When looking at misdemeanor arrests and summonses together, as the combined application of the enforcement aspects of Broken Windows policing, the data are interesting.

First, the correlation of race to enforcement is not as clear as some quality-of-life critics believe.

Second, enforcement closely parallels the calls of residents in the neighborhoods and communities where it occurs.

Third, if civilian complaints are a proxy for citizen dissatisfaction, the significant reduction in complaints suggests that there is positive public sentiment about the less obtrusive way in which the NYPD has been practicing Broken Windows.

Finally, when discretionary admonitions and corrective actions are insufficient, the use of enforcement has not contributed to increased incarceration in New York

### Race and Ethnicity

The map of shootings and robberies illustrates what is known within the NYPD as the “crime cloud.” These incidence patterns recur for maps of violent crime, maps of complaints, maps of calls for service to 911 and 311, (see map 21) and maps of arrests and summons enforcement. The Department focuses significant resources in these geographic areas. As a result, more arrests are made and more summonses are issued in these neighborhoods than in areas of the city with lower crime.

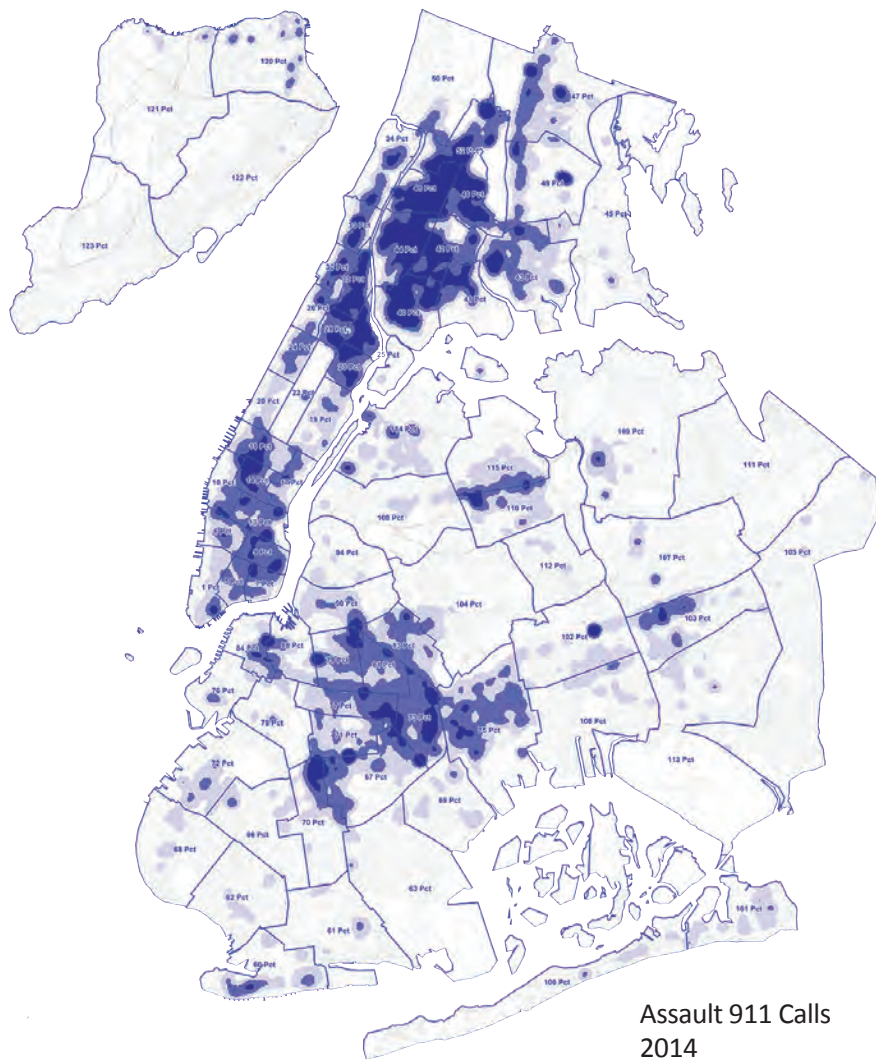
These patterns (with the exception of the clusters in lower Manhattan and some other business districts) are found in the most impoverished areas of the city. While it is generally true that the majority of people who live in these areas are black or Hispanic, there are also many middle class areas in the city, including southeastern Queens and northeastern Bronx, where the population is primarily black and Hispanic and where crimes—and the resulting arrests and summonses—are not occurring at a high rate. (See Figure 22.)

## Response to Calls and Complaints

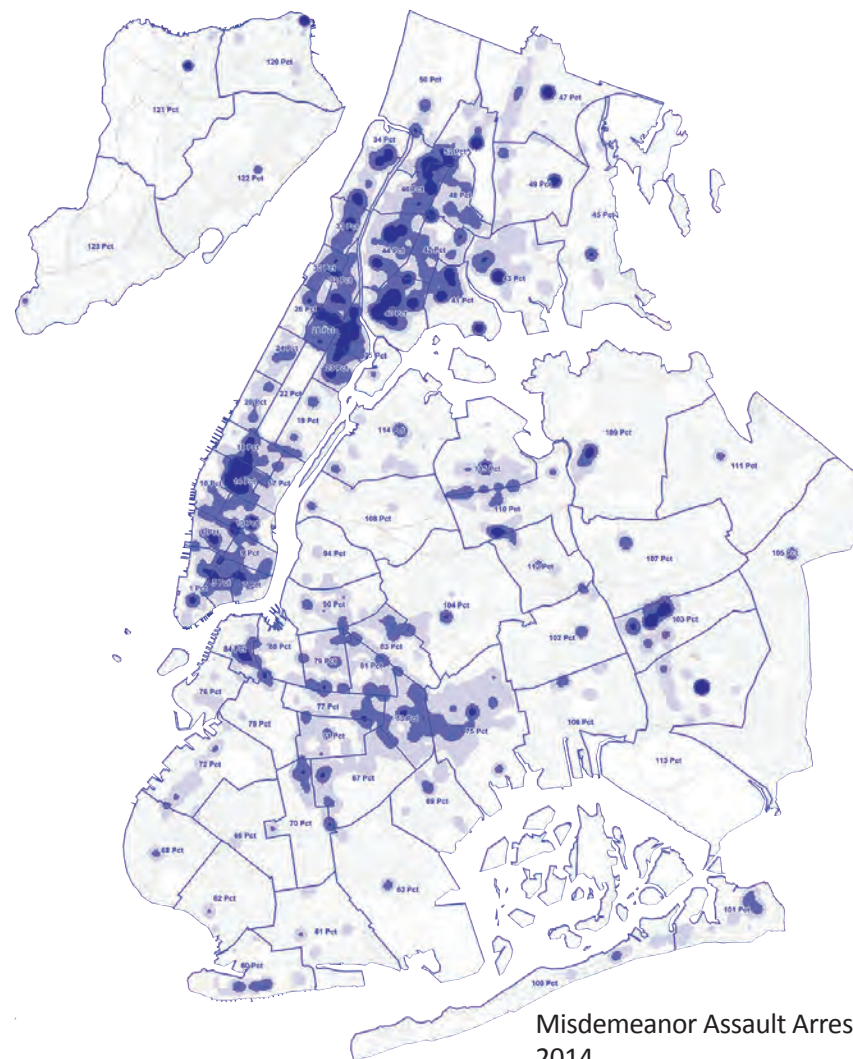
The police respond to a vast array of complaints, which range in severity from blocked driveways to murder, and the police response does not end

with the officer's arrival on scene. The data that officers gather contribute to the Department's effort to identify, analyze, and respond to crime patterns. The NYPD's analysis is aided by the

geographical mapping of crime and complaints. Officers respond to the identified areas—sometimes called "hot spots"—to address complaints. Police deployment is concentrated in areas where



Assault 911 Calls  
2014



Misdemeanor Assault Arrests  
2014

Figure 23

citizens complain about conditions that can be corrected or prevented. This correspondence is best depicted by maps of the locations of crimes and complaints compared with maps of the loca-

tions of citywide enforcement, as illustrated below. (See Figure 23 and Figure 24.) It should be noted that there is not a one-to-one relationship between

calls and arrests; not every call results in enforcement, and some calls may result in several arrests.

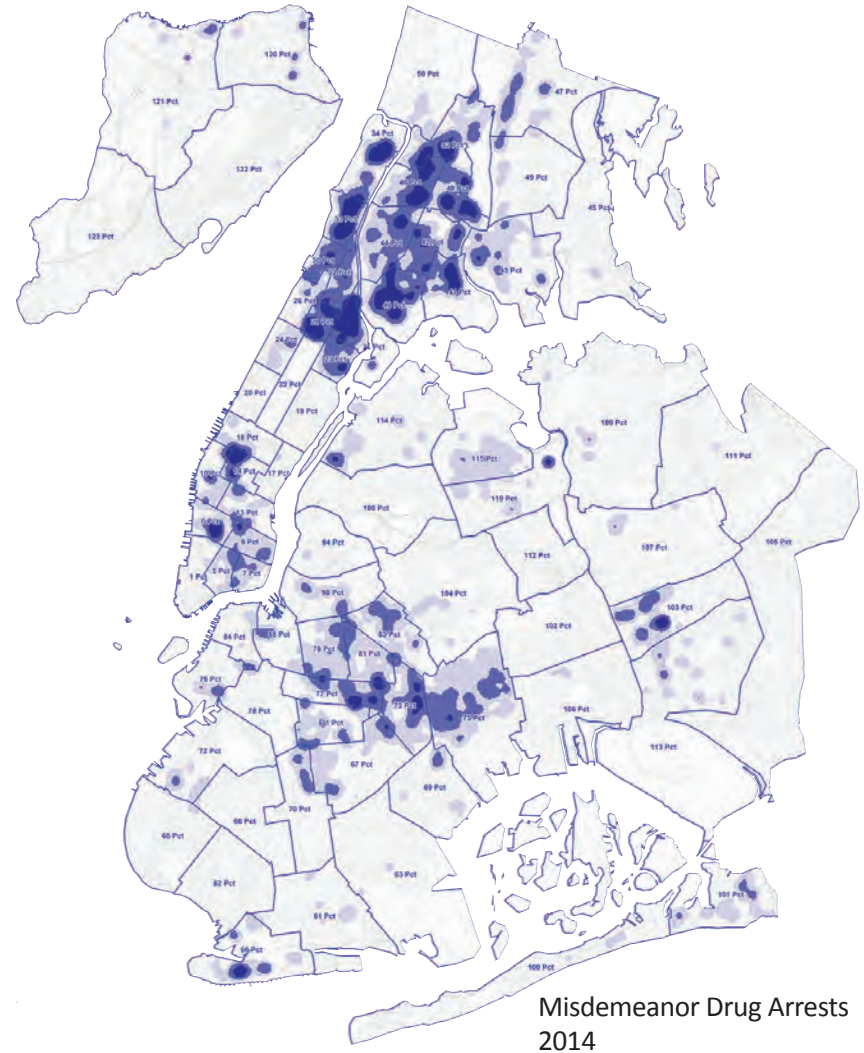
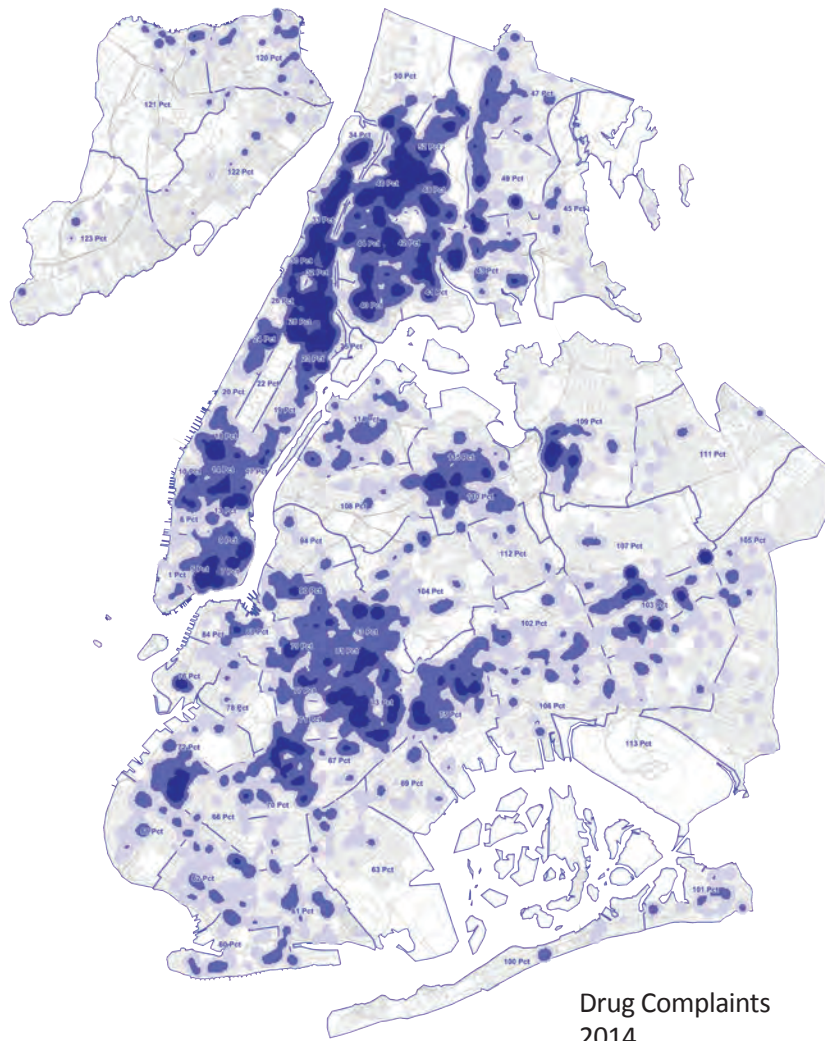


Figure 24

## Discretion and Dispute Resolution

Police officers respond to millions of 911 calls annually, including hundreds of thousands quality-of-life crimes in progress, disputes, disorderly groups, and noise complaints. Each year the number of 911 and 311 calls steadily rises. As the number of requests for police assistance increases, so does the number of occasions in which responding officers correct conditions without taking enforcement action. There were more than

190,000 confirmed calls for disputes, trespassing, and disorderly persons in 2014,<sup>21</sup> the vast majority of which were handled without enforcement action. (See Figure 25.)

### 2014 Confirmed Calls for Service for Disputes, Trespassing, and Disorderly Persons



Figure 25

<sup>21</sup> Confirmed calls for service do not include calls that were finalized with 90X, 90Y, or 90Z.

## Civilian Complaints

If a citizen is unhappy with police services or feels that he or she was mistreated by a police officer from the NYPD, that person has the option of reporting the incident to the Civilian Complaint Review Board (CCRB). If the case falls within its jurisdiction, the CCRB will investigate the incident. The jurisdiction of the CCRB resides in four main categories:

- Use of Force
- Abuse of Authority
- Discourtesies
- Offensive Language

Civilian complaints have decreased significantly over the past several years; they are down 37 percent from 2009 to 2014. (See Figure 26.) These complaints account for only a small fraction of all police encounters. Of the millions of police en-

counters in New York City in 2014,<sup>22</sup> 4,762 resulted in civilian complaints. The decline has continued into the new year. In the first quarter of 2015, civilian complaints are down 33 percent compared to the first quarter of 2014.

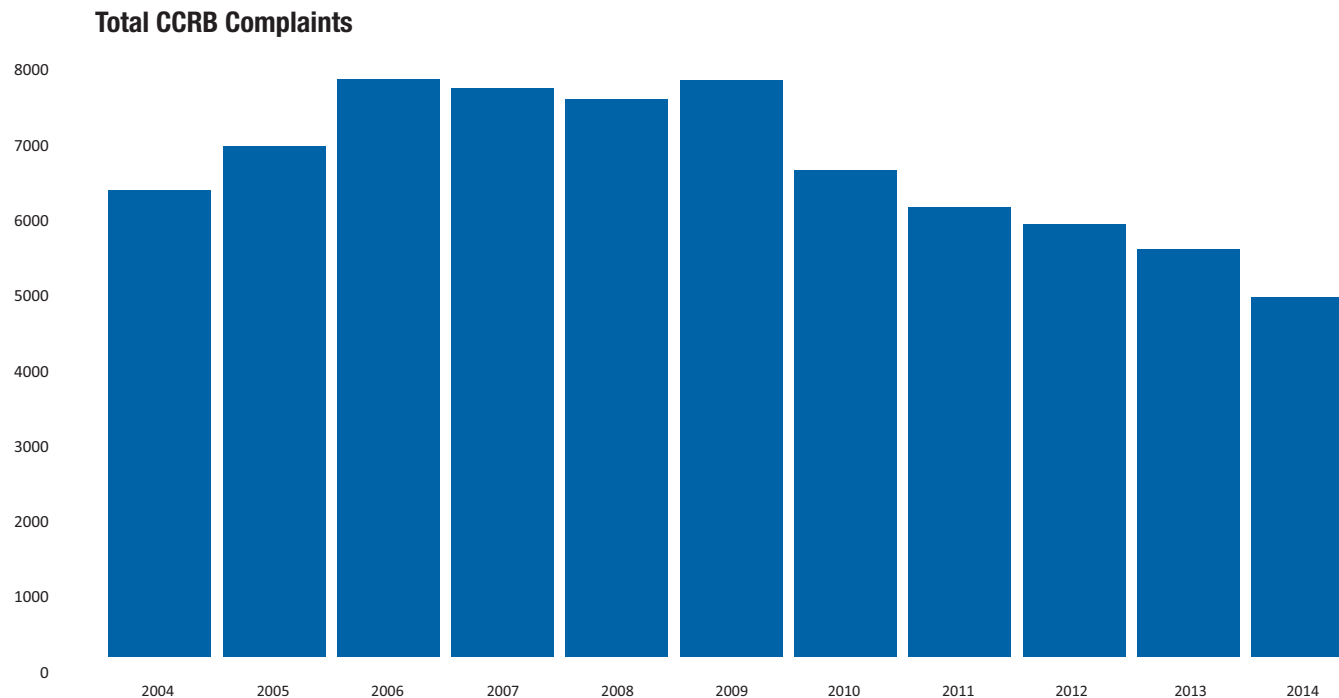
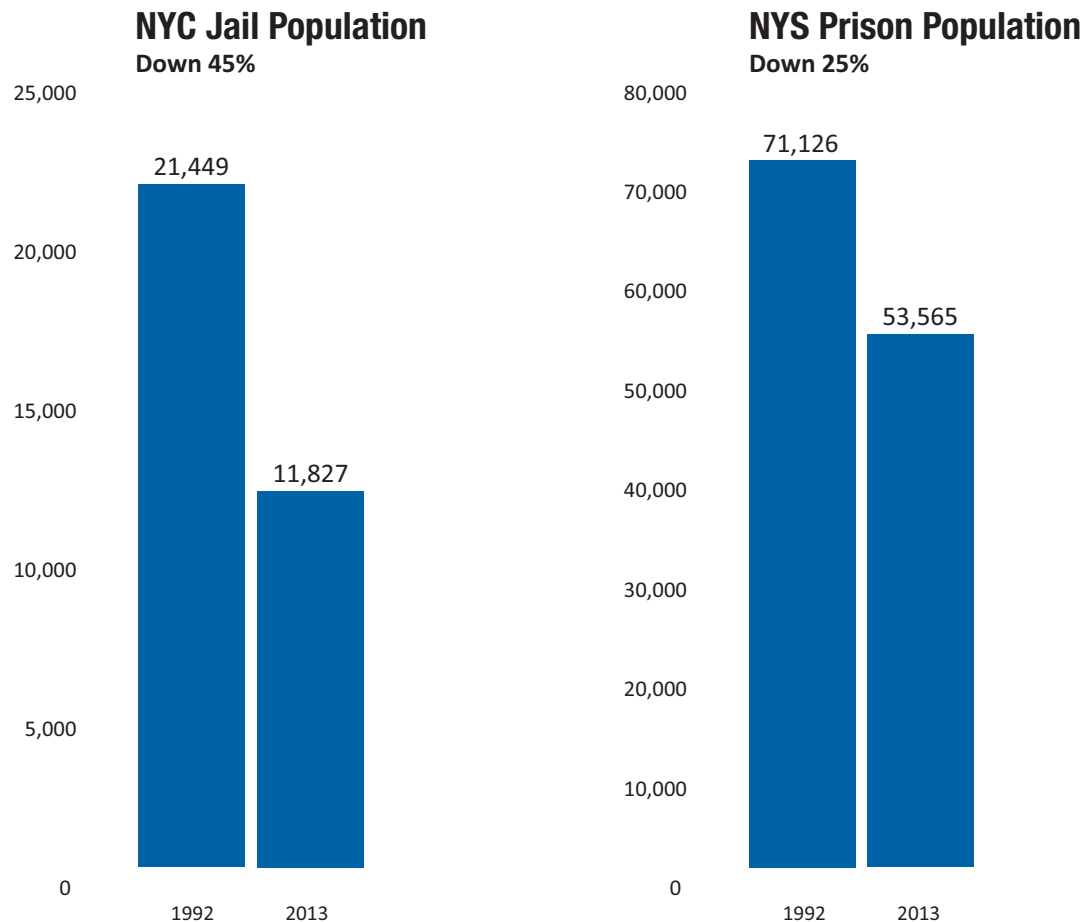


Figure 26

<sup>22</sup> This includes, 4.8 million radio calls, approximately 388,000 arrests, 360,000 criminal court summonses, 872,000 moving violations, and 87,000 Transit Adjudication Bureau notices.



### Prison and Jail Populations

A large part of the NYPD’s success in reducing crime and disorder is not the result of arrests or summonses, but rather of officer engagement and crime management. While crime-rate reductions have been well documented, the concurrent reduction of people entering the prison system is less frequently noted. Because there are fewer felony crimes committed each year, fewer persons are arrested, tried in court, and sent to prison.

The New York State prison population has declined 25 percent from its high point in 2000. This decline is a result of a 69 percent decrease in the number of court commitments from New York City to the state prison system. Similarly, the New York City jail population, made up of people awaiting trial and persons sentenced to imprisonment of a year or less, is down 45 percent from its height in 1992. (See Figure 27.) It has been cut nearly in half in a time period that corresponds exactly to the Department’s focus on quality-of-life policing.

Figure 27



## POLICING IN NEW YORK CITY IN 2015

Crime is down. Homicides have fallen to the lowest level since 1957. Robberies have reached their lowest point since accurate statistics became available in 1970. Shootings remain historically low, and fewer people are sustaining fatal injuries in these incidents. As crime and disorder decrease, arrests and summons issuance should follow, and so they have.

The past several years have seen a reduction in many enforcement actions:

- Reported stops<sup>23</sup> are down 93 percent from 2011 to 2014
- C-summons issuance is down 33 percent from 2010 to 2014
- Drug arrests have decreased 32 percent from 2010 to 2014
- Trespass arrests have decreased 45 percent from 2009 to 2014

In 2015 those trends have continued. Comparing the first quarter of 2015 to first quarter 2014:

- Reported stops are down 50 percent
- C-summons issuance is down 30 percent
- Misdemeanor arrests are down 22 percent
  - ♦ Marijuana arrests are down 60 percent
  - ♦ Narcotics arrests are down 15 percent
  - ♦ Trespass arrests are down 23 percent
  - ♦ Resisting and obstructing governmental administration arrests are down 35 percent

As the historic types of street crimes recede and new conditions emerge, the Department's focus shifts toward other crimes:

- A focus on domestic violence and the passage of new laws related to domestic violence has increased complaints and arrests for crimes against persons
- The theft of valuable portable technology has increased complaints and arrests for crimes against property
- A focus on traffic injuries and traffic-related fatalities has increased arrests for traffic-related crimes
- Increased transit ridership of more than 400,000 additional riders per day and a focus on emerging dangerous subway conditions has increased enforcement activity in the transit system

In the nation's largest and densest city, where millions of people occupy only a few hundred square miles of space, there will always be minor disputes and quality-of-life concerns. It is the job of the New York City Police Department to manage these issues constitutionally and efficiently, and the Department continuously strives to do so.

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<sup>23</sup> Reasonable suspicion stops, also known as stop and frisk or UF250

## GLOSSARY OF TERMS

**Adjournment in Contemplation of Dismissal:** The judge adjourns the case (typically six months to one year) and if the defendant has stayed out of legal trouble during that time the charges will be dismissed. If the defendant has been rearrested during that time the judge can impose a sentence on the original charge.

**Bail:** The arrestee is released from custody but surrenders money or property as a surety that he/she will return at an appointed time.

**Released on Own Recognizance:** The arrestee is released from custody and promises in writing to return at an appointed time. No bail is required.

**Broken Windows:** A criminological philosophy that holds that maintaining and monitoring urban environments to prevent low-level disorder and small crimes such as vandalism, public drinking, and fare-evasion helps to create an atmosphere of order and lawfulness, thereby preventing more serious crimes from occurring.

**Civilian Complaint Review Board (CCRB):** An independent city agency, with subpoena power. CCRB handles complaints about the following four kinds of alleged police misconduct: Unnecessary Force, Abuse of Authority, Discourtesy, and Offensive Language.

**Conditional Discharge:** A sentence passed by a court whereby the defendant is not punished, provided they comply with certain conditions. If

the conditions are not met within the time frame, the judge can resentence the defendant.

**Crime:** An offense characterized by the penal law as a misdemeanor or felony. This does not include violations, but does include some traffic infractions.

**Crimes against Person or Property:** Misdemeanor offenses for assault, criminal mischief, harassment, offenses related to theft, sex crimes, and violations of orders of protection.

**Criminal Court Summons or C-Summons:** A ticket issued in lieu of an arrest to a person alleged to have committed a violation of the law (as opposed to a misdemeanor or felony), requiring a defendant to appear before Criminal Court at a specified date and time. Summonses are issued “in lieu of arrest,” meaning that any officer issuing a summons has the discretion to effect an arrest for the offense instead.

**Decline to prosecute (DP):** A District Attorney’s decision not to prosecute a case. In such instances, an arrested person will not face any further judicial action in regard to the particular charge and will immediately be released from custody if no other charges are pending.

**Desk Appearance Ticket (DAT):** A summons issued during arrest processing for certain crimes if the arrestee meets certain criteria. A DAT allows for the release of an arrestee rather than requiring them to be processed at a central booking

facility, but requires the arrestee to appear for arraignment at a specified date and time.

**Discretion:** In policing terms, the ability to choose between enforcement options such as arrest or summons or admonition. Provided for by the Criminal Procedure Law, which states that officers “may arrest” for all offenses other than family offenses (for which they “shall arrest”).

**Drugs:** Misdemeanor offenses for drug possession (except criminal possession of marijuana 5th) and loitering for drug purposes.

**ECB:** The Environmental Control Board is a type of court that is an administrative tribunal but not a part of the state court system. City agencies with enforcement powers can issue a type of ticket called a Notice of Violation to persons alleged to have violated rules under the jurisdiction of the ECB.

**Ejection:** The term for removing a person from the Transit system after the person has committed an offense.

**Felony:** An offense for which a sentence to a term of imprisonment in excess of one year may be imposed. The category includes Class A, Class B, Class C, Class D, and Class E variants.

**Hot Spots:** Geographical areas with high rates of crime.

**Illegal “Swipes”:** A criminal tactic in which a per-

petrator uses an unlimited Metrocard to “swipe” other passengers into the Transit system while charging them. Perpetrators sometimes attract “customers” by charging less than the standard fare, and sometimes disable Metrocard machines.

**Jail:** A local detention facility used to confine defendants who are awaiting trial or who have been convicted of minor offenses and sentenced for short durations (typically up to one year).

**Marijuana:** Misdemeanor offenses for the criminal possession of marijuana 5th.

**Misdemeanor:** In the New York State Penal Law, “misdemeanor” means an offense, other than a traffic infraction, for which a sentence to a term of imprisonment in excess of fifteen days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed. The category includes Class A, Class B, and unclassified variants, each with different penalty thresholds.

**Misdemeanor Recidivist:** A person who has repeatedly violated the New York State Penal Law by having committed multiple prior misdemeanor infractions.

**Obstruction/Resisting:** Misdemeanor offenses for resisting arrest and the obstruction of governmental administration.

**Offense:** Conduct for which a sentence to a term of imprisonment or to a fine is provided by any

law of this state or by any law, local law, or ordinance of a political subdivision of this state, or by any order, rule, or regulation of any governmental instrumentality authorized by law to adopt the same. Offenses are generally categorized as violations, misdemeanors, and felonies (in ascending order of severity).

**Open-Air Drug Market:** A geographical area or open public space where numerous drug transactions occur.

**Other Offense (as labeled in charts):** Misdemeanor offenses that include Administrative Code offenses, Miscellaneous Penal Code offenses, and other State Laws not outlined in other categories.

**Prison:** A state detention facility used to confine defendants who have been convicted of a crime and sentenced to confinement for more than one year.

**Street Level Quality of Life Arrest:** Generally, a proactive arrest based on officer observation of low level offenses. This includes criminal trespass, misdemeanor possession of a weapon, misdemeanor vice crimes, misdemeanor obstruction of governmental administration, resisting arrest, misdemeanor drug possession, and misdemeanor or violations of miscellaneous local laws.

**Theft of Service (TOS):** Theft of Service (NY PL 165.15) is a Penal Law offense in which a person obtains valuable services by deception, threat or

other unlawful means without compensating the provider for these services. This includes entering the NYC Transit system without proper payment.

**Traffic:** Misdemeanor offenses that include driving with a suspended license, intoxicated/impaired driving, and other vehicle and traffic laws.

**Transit Adjudication Bureau (TAB):** TAB is the agency responsible for adjudicating summonses issued to individuals who have been alleged to have violated one or more of the rules governing conduct of the use of Transit facilities.

**Transit offenses:** Misdemeanor offenses for the theft of service.

**Vertical Patrol:** The patrol of multiple-dwelling buildings by police officers to prevent and detect illegal activity occurring in lobbies, stairwells, basements, and other common areas.

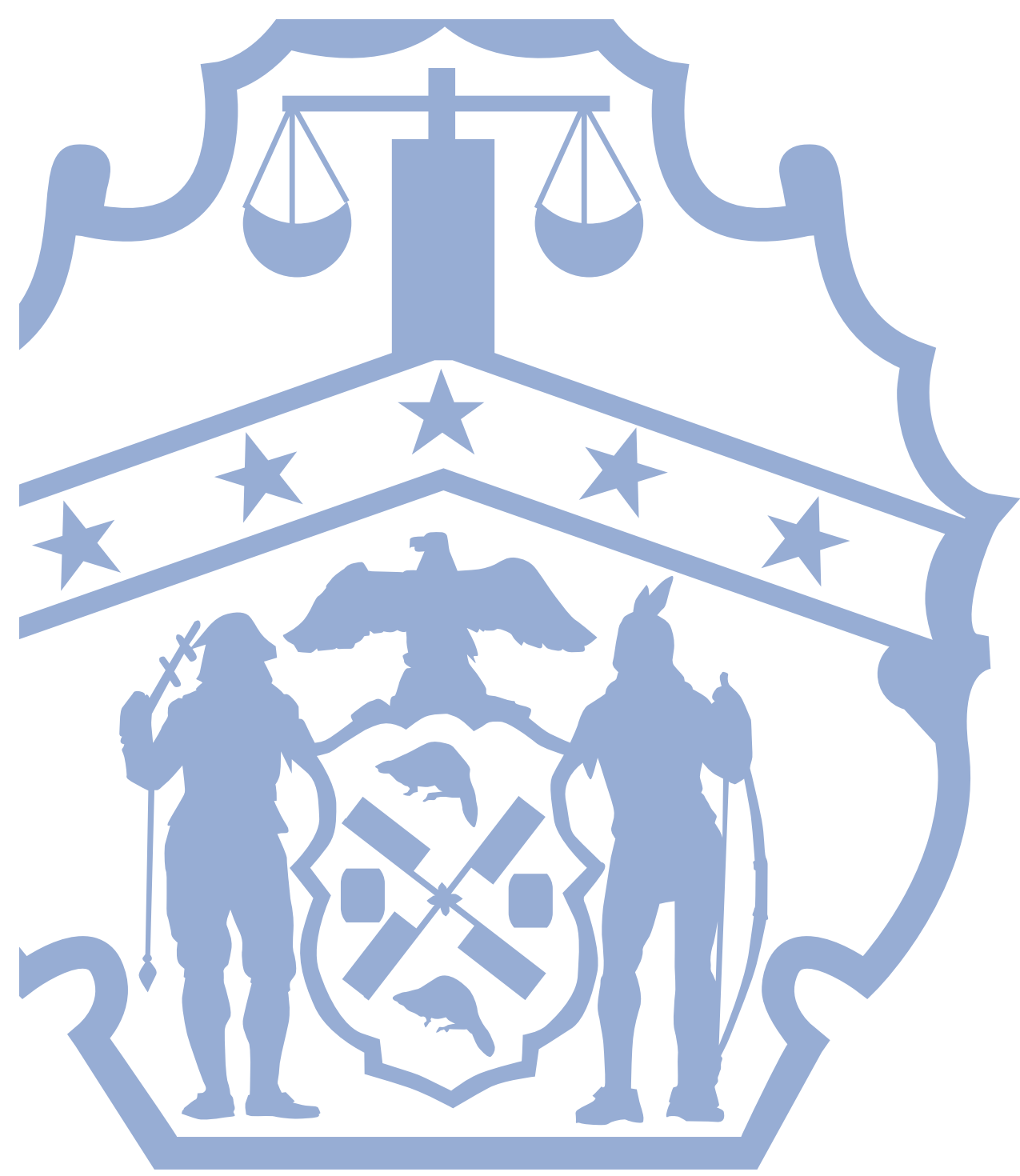
**Vice:** Misdemeanor offenses for gambling, prostitution, and violations of Alcohol Beverage Control laws.

**Violation:** An offense, other than a traffic infraction, for which a sentence to a term of imprisonment in excess of fifteen days cannot be imposed.

**Weapon:** Misdemeanor offenses for the possession of dangerous weapons.







**NYPD**