



NEW YORK CITY COMPTROLLER
SCOTT M. STRINGER

Strengthening Public Safety in New York City:

**A Blueprint for Transforming
Policing, Enhancing Safety,
and Investing in Communities**

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Bureau of Policy and Research



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THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

Dear New Yorkers,

New York and the nation have reached a critical juncture. As many reckon anew with our country’s history of systemic racism, police brutality, and mass incarceration, it is time to take a fresh, clear-eyed look at our foundational assumptions about the role of policing in maintaining public safety and enact wholesale reform. The change we need will require dramatic shifts in the City’s approach to keeping communities safe, the role of the NYPD, and how and where we invest public dollars. It will not be achieved by tinkering at the margins.



What is clear is that City government must be bolder in instituting new models of public safety – models that take a multi-agency, public health-focused approach and reinvest police dollars into community-centered solutions. Likewise, to reverse the recent rise in shootings in many of our neighborhoods, we need to advance both proven and under-resourced strategies to prevent gun violence and devote our police officers more fully to solving crimes and identifying perpetrators of harm, in part by relieving them of an array of tasks and responsibilities that have accumulated over the years but are not core to police work and would be more appropriately assigned elsewhere. This must happen alongside efforts to decriminalize poverty, as well as long-term investments in schools, mental health services, substance use treatment, public spaces, and employment opportunities to improve the material conditions that produce violence, which have deteriorated amid the global COVID-19 pandemic and the ensuing recession.

At the same time, we must also confront the NYPD’s legacy of discriminatory enforcement and the persistent lack of accountability for harms done, which have eroded trust in law enforcement and led many communities to question the very legitimacy of the agency. From local law enforcement’s abuse of the Exonerated 5 to Amadou Diallo to Sean Bell, Eric Garner, Akai Gurley, and Layleen Polanco, police violence in New York City is not new and has left the families of those lost waiting years for some measure of justice. Indeed, the overbearing and

militarized show of force brought to bear last summer by NYPD leadership in response to local protests over the police killings of George Floyd and Breonna Taylor — with the use of riot shields, pepper spray, and “kettling” of peaceful protesters exercising their First Amendment rights, and as recently as on Martin Luther King Jr. Day in Lower Manhattan — were only recent flashpoints in what has been a long and fraught history, in New York and across the country. The storming of the U.S. Capitol Building on January 6, with law enforcement officials among the rioters, has brought into stark relief not only the immediate, existential threat of white supremacy to public safety but also the racism that pervades our criminal legal system.

I hope the recommendations offered in this report advance and meaningfully contribute to ongoing conversations about the systemic changes we need — a dialogue that impacted communities have long been engaged in and one that our City must do more to lift up.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Stringer", written over a light blue horizontal line.

Scott Stringer

Executive Summary

This report, by New York City Comptroller Scott M. Stringer, is rooted in the view that we have conceived of public safety too narrowly for too long at an enormous cost to communities of color entangled in the criminal legal system, their families and neighbors, and the city as a whole. To change this paradigm and address the near-term spike in crime, we must pursue new and better ways to co-produce public safety in partnership with communities, ensure accountability, address chronic needs, and make the city safer for all. Identifying the interventions that will enable us to confront these challenges requires that we take a public health-first approach. Indeed, safety must be viewed both as freedom from violence and the ability to access all of what is necessary to thrive in our city – from stable housing and quality education, to health care and living-wage jobs.

In June of 2020, Comptroller Stringer detailed ways to immediately achieve recurring savings from the NYPD to invest in communities. Some but not all of these proposals were adopted by the City Council and Mayor de Blasio and reflected in the Fiscal Year 2021 Adopted Budget. With this report, developed in the months since the passage of the City budget, the Comptroller's Office seeks to build on that baseline proposal from June, presenting a more comprehensive plan that moves additional responsibilities away from the NYPD and identifies specific areas for community reinvestment.

To that end, this report recommends that the City embrace the following recommendations:

Part 1: Take a multi-agency, public health-focused approach to community safety, transitioning responsibilities away from NYPD and investing in alternative responses and services. Homelessness, substance use, mental health issues, disconnected youth – these social service, public health, and education challenges too often fall to the police by default. Moving forward, they must be handled by trained professionals in other agencies and community-based organizations with greater expertise and a broader array of resources. The City must invest in long-term supports – in housing, healthcare, education, addiction treatment, employment services, childcare, and neighborhoods – and no longer take a one-size-fits-all, gun-and-badge-centered approach to creating safety in communities.

The City can reduce negative interactions between police and communities in a number of ways: overhauling first-response for mental health, substance use, homelessness, welfare checks, and other emergency calls; continuing efforts to remove the NYPD from city schools

and investing in social work, mental health, and guidance counselors that are directly under the control of the Department of Education (DOE); overhauling our approach to protests and demonstrations and eliminating the Strategic Response Group's Disorder Control Unit; and removing armed officers from most traffic enforcement. As part of these efforts, the City should fundamentally redesign our 911 and first response system, which is the genesis of so many decisions about how resources are deployed and situations resolved. It is critical that the 911 system is committed to a public health response on a range of calls, including mental health, substance use, and homelessness.

Part 2: Address the near-term spike in crime with pro-active strategies and community partners. The COVID-19 pandemic has caused severe disruptions and dislocations — from work, school, sports, social life, and the public sphere — that have contributed to a notable spike in homicides and shootings in New York and cities across America.

The City should more effectively utilize tools at its disposal to prevent the lion's share of violence that is committed by a relatively small number of individuals. This can be achieved by improving detective work and clearance rates, which have plummeted; a coordinated, problem-solving approach by the NYPD, other city agencies, and community stakeholders to stop violence before it happens, and respond quickly when it does; and investing in community-based violence prevention strategies, including the Cure Violence model, to strengthen existing programming and dramatically expand the number of violence interrupters citywide.

In addition, the City should advance strategies to reduce the flow of guns into the five boroughs, provide comprehensive support services for at-risk youth, and invest in neighborhoods to address conditions that give rise to violence. This includes more targeted and comprehensive support for high-risk individuals and their families, leveraging the resources and expertise of the Department of Youth and Community Development, Department of Education, Department of Health and Mental Hygiene, the New York City Housing Authority, Housing Preservation and Development, and nonprofit organizations who best know their communities' needs.

Part 3: Improve discipline, transparency, and civilian oversight of the NYPD. The disciplinary process for NYPD officers is notoriously opaque, lengthy, toothless, and grants too much power and authority to the department itself. Given its extraordinary enforcement duties and responsibilities, the NYPD must be held directly accountable to the public they serve and submit to external review on matters of discipline. Moving forward, the authority of the Civilian Complaint Review Board (CCRB) should be expanded so that it no longer concedes disciplinary decisions to the police commissioner; a Critical Incident Review Board should be established to

provide a systematic, public, and structural review of all major incidents; certification and decertification of officers should be codified so that major offenders are barred from serving in law enforcement; and infractions by police officers like covering badges, obscuring license plates, and parking on sidewalks should no longer be tolerated.

Moreover, accountability cannot just occur at the “back end,” after an infraction takes place or misconduct is alleged. It must also occur at the front end, initiating public review of new rules and regulations, improving transparency and scrutiny of police activities, prescribing a “duty to intervene” among fellow officers, and reforming surveillance, technology, and data practices and programs.

Part 4: End the “War on Drugs,” decriminalize offenses that pose no risk to community safety, and reform parole. The most immediate way to avoid hostile interactions and prevent undue entanglements in the criminal-legal system is to prevent interactions from happening in the first place. This can be achieved by eliminating criminal penalties and enforcement for a number of offenses that pose no threat to community safety, granting amnesty for open arrest warrants for low-level offenses, and ending incarceration for unpaid court debt, among other strategies. Decarceration should also be advanced by dramatically improving re-entry services, creating more supportive housing, reforming parole, and ending incarceration for technical parole violations.

Part 5: Initiate operational and managerial reform of the NYPD. While public safety investments are made in other agencies and communities, we cannot ignore the changes needed within the police department itself. The City should dramatically reduce and put real guard rails on NYPD overtime expenditures, capping it by precinct and individual officer and no longer using overtime as a bonus for arrests. It should also pursue common-sense reforms to improve managerial promotion, training, and diversity, elevate the voices of community members and frontline officers, and reduce auto patrol and the NYPD fleet size.

Recommendations

1. Transfer homelessness, mental health, substance use, wellness checks, and other 911 calls and responsibilities to non-police crisis response teams.
2. Link response teams to an expanded public health and social service infrastructure.
3. Significantly expand the number of social workers and guidance counselors available to students and end the school-to-prison pipeline.
4. Fundamentally overhaul our approach to protests and demonstrations and disband the NYPD Strategic Response Group's Disorder Control Unit.
5. Remove uniformed officers from traffic stops and accident reporting, and curtail consent and pretextual stops.
6. Overhaul 911 and first-response.
7. Strengthen detective work and increase clearance rates at the NYPD.
8. Stem the flow of guns into New York City.
9. Invest in Community-Based Violence Prevention and the Crisis Management System.
10. Expand the City's community-led NeighborhoodStat program across the five boroughs.
11. Adopt a multi-agency, problem-solving approach to supporting New Yorkers at risk of involvement in the criminal legal system and discontinue the NYPD Youth Coordination Officer program.
12. Expand the authority of the CCRB.
13. Strengthen use of force training, mandate peer intervention by officers, and amend State law to restrict the use of force.
14. Establish licensing standards for law enforcement officers at the State level as well as a process for revoking certification.
15. Establish a Critical Incident Review Board to identify systemic weaknesses and make broad policy changes following major incidents involving the NYPD.
16. Institute a public review process for all rule changes, policies, and strategy.
17. Increase accountability for all claims against the NYPD at the agency and precinct-level.
18. Bring full transparency to the NYPD budget, procurement, discipline, and operations.
19. Conduct full and regular audits of the NYPD's data, technology, and surveillance programs and policies.
20. Decriminalize offenses that pose no risk to community safety, end the War on Drugs, and disband the NYPD Vice Squad.
21. End incarceration for technical parole violations, expunge criminal records five years after most offenses, and pass the Elder Parole and Fair and Timely Parole bills.
22. Grant amnesty to New Yorkers with open warrants for low-level offenses and missed court appearances.
23. Overhaul re-entry and in-custody services, expand supportive housing, and transfer more responsibilities to the Mayor's Office of Criminal Justice.
24. Overhaul managerial promotion, training, and diversity, introducing an NYPD Management Academy.
25. Put real guardrails on overtime and shifts, and stop incentivizing arrests.
26. Regularly survey community members and frontline police officers in each precinct and incorporate their feedback.
27. Significantly reduce auto patrol and the police fleet.
28. Eliminate any nexus between NYPD and Immigration Enforcement.

Part 1: Take a multi-agency, public health-focused approach to building safety while transitioning responsibilities away from NYPD

The NYPD budget has grown substantially under the de Blasio administration, increasing by over 20 percent from 2014 to 2019. It is time to set a new course, investing dollars in housing, health care, education, youth services, transportation, quality jobs, public spaces, and long-term supports that our communities need.

Moving forward, the City must take a closer look at the wide range of responsibilities that fall to the police – from mental health to substance use, homelessness to domestic disputes, school safety to traffic enforcement – with the aim of narrowing the scope of the NYPD’s work and evaluating which agencies or community-based organizations would be better suited to these jobs. Doing so would reduce negative police-community interactions and opportunities for unnecessary involvement in the criminal legal system, while freeing up funds for social workers, mental health professionals, peer counselors, school psychologists, and trusted community leaders to respond to the needs of individual communities and provide the right expertise and services for New Yorkers in need.

Recommendations:

1. Transfer homelessness, mental health, substance use, wellness checks, and other 911 calls and responsibilities to non-police crisis response teams.

Substance use, homelessness, wellness checks, traffic incidents, domestic disputes, suicidal subjects – these are public health, housing, and safety challenges, best managed by specialists who are well positioned to provide supports, services, and expertise to New Yorkers in need. Dispatching police officers and ensnaring vulnerable populations in the criminal legal system can no longer be the path forward.

Reconsidering and reengineering how we deploy our police officers in New York City is vital for a safer, healthier, more effective, more compassionate, and more fiscally prudent city. In the coming years, shifting responsibilities away from armed police officers to unarmed, more

appropriately trained professionals should be among our highest priorities. This effort should be pursued along a spectrum, guided by a deep historical analysis of 911 calls and field responses to better understand the nature, needs, and outcomes of all calls, and to determine which ones would be better served by a non-police response. It should also be informed by substantive, reoccurring conversations with New Yorkers to understand why victims of violence often do not call 911, who they turn to instead, and what the City can be doing to make them feel safer in their communities.

Departments around the country are already proving that, in many instances, there is little need for a police officer to be dispatched at all. In Tucson, Arizona, for instance, a variety of lower-level crimes can be reported through the department's Internet Reporting Tool.¹ The NYPD, in fact, has built out an expansive online hub for reporting and tracking property crimes, but has never launched it. It should do so as soon as possible.

More broadly and more fundamentally, for a large swath of calls and incidents, the City should no longer depend on the police, but instead deploy those with training and experience in crisis intervention, de-escalation, social work, counseling, mediation, peer support, and advocacy.

There has, in fact, been significant progress in developing alternative response and outreach models across the country. In recent months, cities like San Francisco and Oakland in California; Portland, Oregon; Denver, Colorado and many others have shifted funding away from the police and are beginning to divert mental health, homelessness, and substance use calls to non-law enforcement agencies. Even more ambitious, Albuquerque, New Mexico is launching a new cabinet-level department staffed by social workers, housing and homelessness specialists, and violence prevention experts.² It will serve as an alternative to police response for 911 calls related to "homelessness, addiction, mental health, and other issues that do not present an immediate threat to public safety."³

Much of this work is built on the CAHOOTS (Crisis Assistance Helping Out On The Streets) crisis-intervention model, which operates in Eugene and Springfield, Oregon and should be broadly adopted in the City of New York. CAHOOTS is a community-based model that deploys teams of medics and crisis workers as first responders to offer a broad range of services to individuals in crisis, including counseling; suicide prevention, assessment, and intervention; first aid and non-emergency medical care; resource referrals; and transportation to services.⁴

CAHOOTs began in 1989 with a narrow mandate of responding to "wellness checks" reported by concerned relatives and neighbors, as well as "suicidal subjects." Over the years, it has broadened its responsibilities and refined its contract with the police department, now

providing 24/7 response for calls regarding intoxicated and disoriented subjects, for people incapacitated in streets or alleys, for the elderly, disabled, and children in need, and for a broad variety of other emergencies.

Local 911 call takers and dispatchers are trained to triage calls and to send CAHOOTS teams for agreed upon incident types. CAHOOTS can also be accessed via a non-emergency number and is currently setting up a new, independent emergency hotline and dispatch radio. In 2019, the team responded to approximately 20 percent of all of Eugene and Springfield’s 911 calls on an annual budget of just \$2.3 million.⁵ Police backup and assistance was required on less than one percent of those responses.

In addition to training call takers and dispatchers, CAHOOTS team members must partake in 500 hours of class time and field training—far greater than is required of NYPD officers for Crisis Intervention Training. Only two-thirds of CAHOOTS trainees will advance, evidence of the rigor and selectivity of the program. Moving forward, CAHOOTS-style crisis response teams should be established within every New York City community district—not just the two recently announced by the de Blasio administration and not exclusively for mental health calls, as is currently being advanced. These teams should stand apart from the NYPD and be central to the City’s first-response system.

2. Link response teams to an expanded public health and social service infrastructure.

It is not enough to simply dispatch crisis counselors and social workers to respond to issues of substance use, mental health, or homelessness. Providing minimal services or dropping off clients at emergency rooms and allowing them to float through the revolving door of superficial, short-term care does little to address underlying problems and is extraordinarily expensive. Linking these individuals to a robust array of emergency and long-term health and social services—rather than emergency rooms and jails—is far more effective and affordable. These services should be funded with savings not just from the NYPD, but also from the Department of Correction (DOC), which now spends more than \$330,000 per year per person in DOC custody, far more than other large jurisdictions in the nation.

Indeed, as tragically witnessed with George Zapantis or Deborah Danner in New York City, or Daniel Prude in Rochester, sending police to calls that clearly involve individuals in mental or emotional distress can quickly and needlessly turn fatal. Prude had, in fact, been admitted to a hospital the day prior and quickly discharged.⁶ More extensive, long-term support services could have saved his life.

New York City has an extensive array of drop-in centers, respite care, safe havens, and other emergency and non-emergency services – though demand outstrips the supply and many sections of the city are lacking. These facilities, however, are not adequately woven into the City’s first response system. Enshrining these relationships and ensuring that crisis response teams are transporting clients directly to these facilities is essential to a robust community safety model. New York City should commit to increasing the amount it invests in such facilities, including 2,000 additional Safe Haven beds.

3. Significantly expand the number of social workers and guidance counselors available to students and end the school-to-prison pipeline.

The presence of law enforcement in schools undermines efforts to establish environments that are inclusive, trauma-informed, and supportive places for all students. Too often, tactics used by police in schools cause harm and are inappropriate for interactions with children and youth, with disparate impacts for students of color; additionally, their presence is commonly perceived by students as threatening or as a sign that school is a dangerous place to be.

The School Safety Division falls under the jurisdiction of the NYPD Community Affairs Bureau, and for the past 20 years, the NYPD has been entirely responsible for the recruitment, hiring, supervision, and training of School Safety Division personnel. In addition to “civilian” School Safety Agents, the School Safety Division includes 189 uniformed police officers, who are sworn-officers with the authority to carry firearms.

This is a significant barrier to improving school climate in New York City, and the first step towards addressing this requires the removal of all armed NYPD officers currently assigned to public schools. In their place, every school should be fully staffed with full-time mental health professionals, social workers, and counselors who have a portfolio of fewer than 250 students, according to national standards for school social work.

In New York City schools, safety agents or NYPD officers make or issue thousands of arrests and summonses each year, most commonly for incidents like possession of marijuana or fighting. Many of these incidents would be better addressed by school personnel who are more likely to be trained in how to respond to youth or adolescent behaviors, rather than referring them to law enforcement and perpetuating the damaging school-to-prison pipeline.

Interactions with the criminal legal system have been shown to dramatically increase the likelihood of a student dropping out of high school. Research shows that a single arrest doubles the likelihood that a student will not complete high school, and court appearances quadruple

that likelihood. For youth with no record of misbehavior in school, a court appearance is especially harmful.⁷

For starters, we need to re-think the primary function of safety agents, and to focus their efforts primarily on protecting school grounds and making sure that everyone has a legitimate reason to be in school buildings, rather than responding to student behavior or mental health crises.

Secondly, the DOE should invest in more meaningful alternatives to discipline, including restorative and transformative justice practices in each school. When incidents arise in schools, any professional interacting with children and youth must understand the nature of trauma in childhood development and be knowledgeable about how to intervene in ways that are supportive to children, rather than exacerbating an already traumatic experience. Safety agents, therefore, should participate in regular professional development in conflict resolution and de-escalation strategies.

In 2019, the City announced it would adopt some policies aimed at reducing suspensions in schools. The new policies included expanding social-emotional learning (SEL) content and curriculum in elementary schools and implementing restorative justice – an approach that helps a student understand and repair harm caused by their behavior – throughout all high schools.

Unfortunately, there is evidence that schools still lack the training and resources necessary to fully implement restorative justice. At a minimum, schools require a dedicated staff member, such as a school social worker, who can work with other school staff to build school culture around restorative practices. This work requires funding, support, and oversight, but can result in significant benefits, in both reducing involvement in the juvenile justice system, as well as improving graduation outcomes.⁸

Above all else, the need for adequate mental health supports and connection to reliable services is paramount. As of the 2019-20 school year there were just 1,533 social workers and 2,992 guidance counselors assigned to schools, which even combined does not approach the 5,000-plus School Safety Agents in the system.

Every public school should be fully staffed with full-time mental health professionals, including social workers and school psychologists, to achieve the national-standard ratios of 1:250. In hiring 850 additional guidance counselors and 2,300 social workers at an initial cost of \$283 million per year, we can ensure schools are equipped with professionals who are dedicated and trained to guide behavioral interventions, respond to crisis events in a trauma-informed way,

and work one-on-one with students as needed. Meanwhile, school safety agents and teachers alike should be trained in restorative and transformative justice and peacemaking practices, which have shown to substantially reduce suspensions in a number of schools.⁹

4. Fundamentally overhaul our approach to protests and demonstrations and disband the NYPD Strategic Response Group's Disorder Control Unit.

From England to Vancouver, Boise to Madison, many cities and countries have overhauled their approach to protests, demonstrations, and marches. Taking a science and research-based approach, they have found that heavy-handed policing can actually incite protesters, “producing the very violence that they pretend to stop.”¹⁰ This has clearly borne out in New York City, including during the summer of 2020, as aggressive tactics by the heavily armed NYPD Strategic Response Group escalated tensions and fundamentally undermined New Yorkers’ First Amendment rights.

Instead, the City should adopt the “Madison Method,” safeguarding the fundamental rights of people to gather, protest, and speak out. Tactical units, riot police, and heavily armed officers should be expressly forbidden and a mostly civilian force in distinct uniforms should be tasked with managing traffic and engaging with those present both in the lead-up and during the demonstration in order to facilitate a peaceful protest. Avoiding anonymity and promoting accountability will be essential. Obscurity or depersonalization of officers—including the covering of names and badge numbers—encourages negative crowd interactions and leads to unaccountable actions.¹¹

Unfortunately, the NYPD has moved in the exact opposite direction in recent years. Its Strategic Response Group was formed in 2015 as a 350-officer unit with a “single-fold [focus]... on counter-terror work.”¹² Instead, this special operations unit equipped with ballistic helmets, assault rifles, and riot shields has ballooned to 800 officers and is now broadly tasked with “crime reduction” and “crowd and protest control,” including a number of Black Lives Matter protests.¹³ This deployment and mission creep is entirely inappropriate and has led to violence.¹⁴

Moving forward, the SRG Disorder Control Unit should be disbanded so that militarized officers are no longer engaged in policing protests, marches, demonstrations, or parades. Meanwhile, in cases of emergencies, the NYPD can return to its proven four-level mobilization protocols, which successfully mobilized over 1,000 officers to Ground Zero on September 11th.

5. Remove uniformed officers from traffic stops and accident reporting, and curtail consent and pretextual stops.

Deploying armed officers to handle broken taillights, failure to wear a seatbelt, or other minor moving violations is misguided. Too often, pretextual stops serve as fishing expeditions to criminalize people of color. Too often, they become hostile and even deadly.

To avoid these confrontations and shift away from armed officers, Berkeley, CA is transferring responsibility for traffic enforcement to a new city agency, the BerkDOT. For issues like a broken taillight, they will issue “fix-it” tickets, allowing offenders to mail the department proof of the repaired light in order to avoid any fine. Berkeley will also increase the number of speed and red-light cameras in high-injury streets throughout the city.¹⁵

The City of New York should take a similar approach, significantly expanding the number of traffic enforcement cameras throughout the five boroughs while ensuring that their distribution is fair and equitable. Speeding, running red lights, blocking bus lanes, and blocking bicycle lanes can be more effectively, fairly, and safely monitored by automated cameras, rather than officers. As part of this build out, the City should institute “day fines,” with traffic penalties scaled to income, rather than a flat penalty.

Meanwhile, the NYPD Collision Investigation Squad (CIS) should be transferred to the DOT and their mandate expanded to take on a more concerted role in street safety. Beyond assessing responsibility and criminality around major accidents, the CIS should review safety conditions in the immediate area and recommend changes to nearby streets and intersections, not unlike the National Transportation Safety Board’s aircraft accident investigations and reports. These CIS reviews should help inform a huge investment by the DOT to re-engineer city streets, prioritizing community uses, pedestrians, sustainable transit, and safety.

And finally, New York State should expressly restrict pre-textual traffic stops and other semi-legal searches and seizures by the police. Following the lead of Washington and New Jersey, the New York State Legislature must place real legal guard rails on these practices.

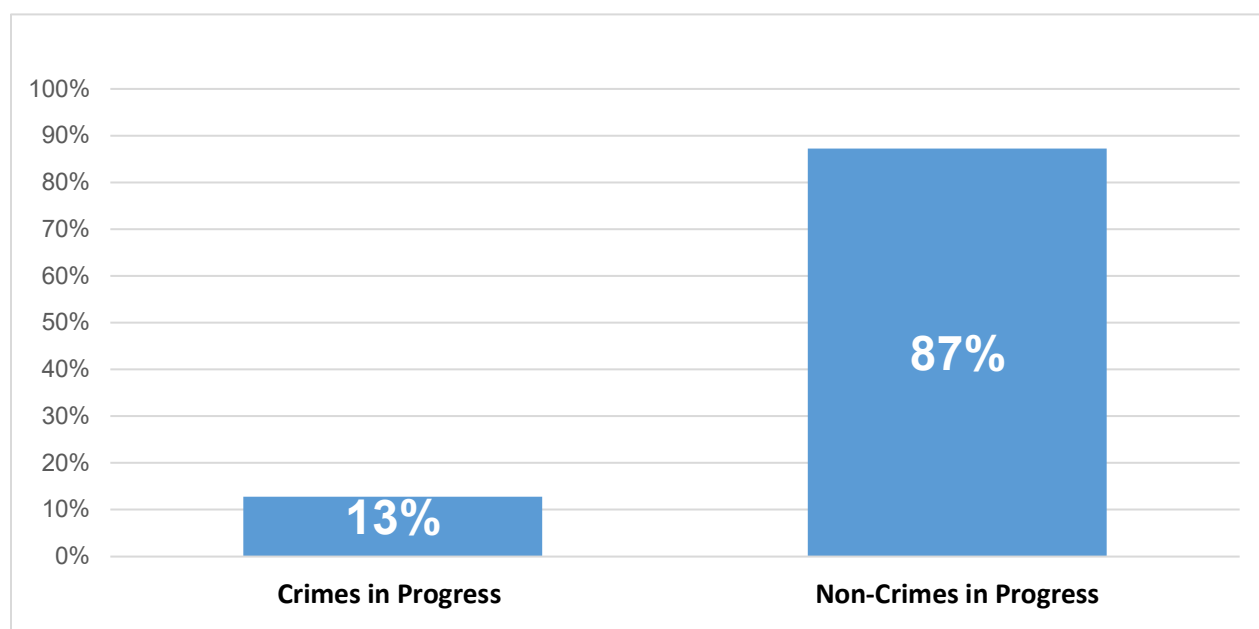
6. Overhaul 911 and first-response.

It is not possible for the City to overhaul its first-response system without rethinking 911. Ultimately, 911 is the front door to the criminal legal system and what information is received during these calls, how the incident is classified, who is dispatched, and what is communicated to first-responders is all vitally important.¹⁶ Given the wide range of calls—from medical to fire, mental health crises to homicides—it is critical that the 911 system and call takers be shifted to an independent agency apart from the NYPD, with a commitment to assigning the appropriate

response for the appropriate situations. All FDNY and EMS calls would continue to be sent to agency dispatchers immediately, as is currently the case, while a greater share of mental health, substance use, and homelessness calls would be directed to emergency response teams outside of the NYPD.

In New York City, just 13 percent of 911 calls to the NYPD from 2017 to 2019 were for verifiable “crimes in progress.”¹⁷ Nearly 50 percent, meanwhile, were for house and car alarms, disorderly people or groups, disputes, vehicle accidents, and other low-level or ambiguous incidents.

911 calls for NYPD, 2017-2019



While these incident types tell just one part of the story, it is clearly evident that police are too often dispatched in instances where “enforcement of the law” is not the paramount issue. As part of a broad overhaul of the City’s 911 infrastructure, the City should:

I. Shift the 911 call system and call takers to an independent office

In New York City, the NYPD is the gatekeeper for any and every emergency call. When dialing 911, it is an NYPD employee who answers the phone and determines whether the incident falls under the jurisdiction of police, fire, or EMS. And it is the NYPD who is largely responsible for hiring, training, and managing these call takers and setting policy.

This is not the case in cities like Washington D.C., where management of the Public Safety Communications Center was changed from a joint operation of the Police, Fire, and EMS to an

independent government agency, the Office of Unified Communications (OUC). These reforms allowed for more direct oversight by the Mayor and a more holistic, intergovernmental response to emergency service and first-response. It also reduced the number of sworn police officers working in emergency communications and provided a more professional career ladder for call dispatchers.¹⁸

Moving forward, the City’s 911 call system and call takers should be shifted to an independent office that reports directly to a Deputy Mayor. Transitioning 911 away from the police will mark an important step in overhauling first response in New York and introducing a more robust and comprehensive community safety model.

II. Improve training and work conditions for 911 call takers and utilize digital tools

To effectively overhaul first response, the City must work in lock-step with call takers and dispatchers. These essential—but often under-valued—workers will have to be extensively retrained in how to classify calls, how to assess risk, how to follow new protocols and draw out necessary information, when to dispatch non-officers, and how to keep officers on standby if circumstances escalate.

As we demand more from call takers and dispatchers, we must do more to support them. Despite their crucial role, these are low-pay, long-hours, high-stress jobs that often have high turnover and are understaffed. In fact, starting salary is as low as \$39,000 for a “police communications technician,” and the position is often classified and treated as “clerical.”¹⁹ Moving forward, wages should be increased, daily and weekly hours should be capped, and benefits, including regular vacations, should be mandated—with an additional \$28 million for the personnel budget.²⁰

Meanwhile, less emphasis should be placed on the length of the call-time and more on accuracy. When call takers misclassify an incident or misstate the risk, it can lead to a misallocation of resources and set the stage for a bad encounter. In the killing of Tamir Rice, for instance, information that Tamir was “probably a juvenile” and that the weapon was “probably fake,” was not passed along to the responding officer. Some 40 percent of 911 calls are downgraded once police arrive at the scene.²¹

To mitigate these problems, New York City should follow the lead of Tucson, Houston, Seattle, and Washington D.C. and adopt “criteria-based dispatching,” a computer-aided sequence of questions that guide the dispatch process and help assess severity and risk. This triage model is

often used in medical and firefighting dispatching centers and has been credited with curbing over-response.

Moreover, call-takers and dispatchers should be empowered to de-escalate certain low-level calls and should be supplemented with specialty staffing who can provide support services over the phone. In Houston, for instance, a handful of mental health clinicians sit with dispatchers to help them determine the appropriate first response. As part of this Crisis Call Diversion (CCD) program, many nonemergency mental health-related calls are relayed to phone counselors for support. A similar approach is taken in Washington D.C., where emergency room triage nurses sit alongside 911 dispatchers and can set up medical appointments and arrange rides for non-emergency services.²²

In Tucson, meanwhile, non-sworn personnel file reports for low-level incidents over the phone and help to mediate ongoing neighborhood concerns.²³ Call-takers and dispatchers in neighboring Tempe, Arizona, meanwhile, are trained to de-escalate many non-criminal, quality-of-life issues.

These same services and tactics should be broadly adopted in New York City.

III. The City should leverage 911 data to guide the future of community safety

911 data offers an extraordinary resource for understanding the nature of police work, how patrol officers engage with the public, and how those interactions can be improved. Systematically reviewing and analyzing 911 calls and field responses can help the City to better assess risk, reclassify incident types, and dispatch first responders best suited for the circumstances.

Led by the Mayor's Office of Analytics and NYPD IT, the City should integrate its dispatch, records management, case management, and arrest data so that it can get a holistic picture of where calls originate, how they are coded, and how they are handled in the field. This should guide the development of non-police responses to 911 calls and how those alternative responders should be resourced around the city. It should also identify which types of calls are most likely to end up with police use-of-force, arrests for quality-of-life offenses, resisting of arrests, and other harmful outcomes in order to alter protocol and dispatch to better avoid these confrontations.

As part of this endeavor, detailed call-by-call data should be made available to the public, as is already the case with EMS 911 calls.²⁴ This will help researchers and the public better

understand police work and allow them to develop tools for the City. Moreover, community members in each precinct should have easy access to local 911 call data so that they can play a more active role in guiding the future of police response and alternative responses to neighborhood issues.

Part 2: Proactive strategies to reduce violence

Violence and the cycle of retribution it sparks are rarely random or anonymous. Instead, violence tends to occur in patterns, hotspots, and among a small collection of people. With the right information and focus, cycles of violence can be disrupted and prevented from happening again.

In 2020, for instance, one-third of homicides occurred in just eight of the city's 77 precincts.²⁵ There were 85 blocks with three or more shooting incidents over the past year and 10 blocks with five or more incidents. And approximately 100 people were connected to three or more incidents involving gunfire as offenders, witnesses, or victims.²⁶

As the city experiences a spike in shootings and homicides, we must rely on proven, effective, and targeted tools to address these clusters. Tracking disputes, focusing on high-risk perpetrators and victims, reducing the availability of guns, and investing in at-risk youth and neglected spaces are time-tested strategies to reduce violence and, despite the extraordinary disruptions of the pandemic, are as relevant and powerful as ever. Moreover, these targeted interventions can no longer be the exclusive domain of the police, but instead involve a multi-agency and community-led approach to identifying and addressing high-risk individuals and high-risk areas.

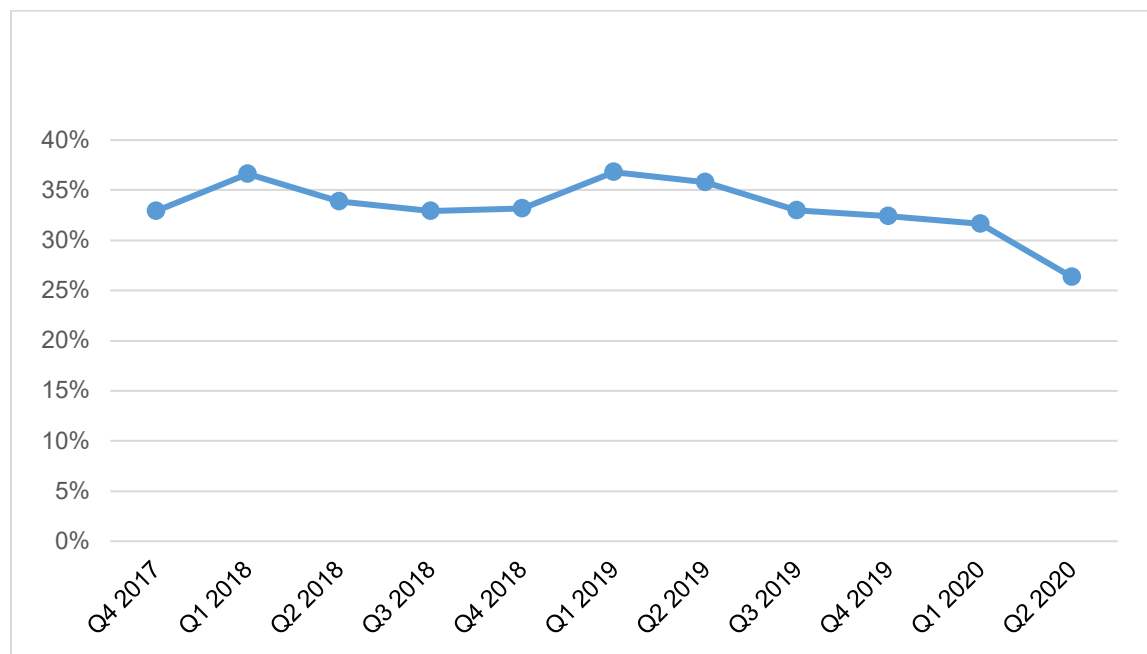
More broadly, subsidized jobs programs, certified apprenticeship and pre-apprenticeships, paid internships, free tuition at CUNY community colleges, universal CUNY ASAP, expanding Career and Technical Education, Early-College, and College Now in our public schools, effective workforce development and bridge programs, and behavioral health supports are the right path forward for supporting New York City youth.²⁷ These targeted and universal investments will expand opportunity, keep communities safe, and help all New Yorkers thrive.

7. Strengthen detective work and increase clearance rates at the NYPD.

If there is one core responsibility of the police department, it is to solve violent crimes. Failure to do so undermines the legitimacy of the police department.²⁸ The police must be accountable to the communities they serve, providing some closure to victims and their families and an opportunity for justice and healing.

In New York City, clearance rates for major crimes plummeted to 26 percent in the second quarter of 2020 and had been falling steadily even prior to the pandemic.²⁹ Only 57 percent of aggravated assaults, 51 percent of murders, 48 percent of robberies, and 43 percent of forcible rapes were cleared in the second quarter of 2020. Clearance rates for each of these major violent crimes has been trending down for the last two years.

NYPD Clearance Rate – All Major Crimes



Even more troubling, these solve-rates vary widely by race and geography within the five boroughs. Between 2013 and 2017, 84 percent of all homicides involving white victims were solved, but just 63 percent of those among black victims. Meanwhile, the city's BIPOC-majority precincts consistently have the lowest nondomestic homicide clearance rates, with the worst performance in Southeast Brooklyn.³⁰

Moving forward, the NYPD should address these disparities, assigning the most successful detectives to BIPOC neighborhoods and improving collaboration between borough-wide detectives, precinct detectives, and frontline officers. The NYPD's wide array of specialized detective units should be scaled back and detectives reassigned to precincts and borough-wide homicide squads in Brooklyn and the Bronx. Meanwhile, frontline officers should receive improved training in crime-scene investigations, procedures, and forensics and the City and State should improve witness protection programs to better protect those who come forward to testify in cases.

Importantly, detectives and frontline officers must work more closely together, especially in the all-critical 24-hour period after a crime has been committed. The NYPD should take inspiration from Tucson’s “Yellow Line” program, no longer pushing people away from crime scenes, but instead using the opportunity to share information with community members and to conduct an extensive, systematic canvas of those crowding around and of locals in the immediate area.

And finally, the NYPD should forge a more collaborative relationship between precinct detectives and borough-wide squads. For crimes like robbery, where perpetrators often work across precinct boundaries and are responsible for several incidents, precinct detectives should have ready access to borough-level resources and personnel to help identify patterns and link cases. And with crimes like murder, which often cluster in hotspots, borough-wide squads should work more closely with precinct detectives and NCOs to gather local intelligence. Ultimately, it is important that commands and incentives are in place to encourage collaboration, not rivalries and territorial attitudes.

8. Stem the flow of guns into New York City.

The City must adopt a more proactive approach to gun violence, placing greater emphasis on the inflow of guns from out-of-state. For too long, gun trafficking rings have managed to purchase firearms in states with weaker gun laws and transport them into the five boroughs. In fact, nearly 90 percent of guns recovered in the city were purchased out-of-state.³¹ Focusing more resources on these trafficking operations and getting guns out of New York City will pay dividends in mitigating violence and keeping individual disputes in check.

Moving forward, the Attorney General, District Attorneys, and the NYPD should more aggressively mine its underutilized crime gun trace data to determine where guns are flowing from and where they’re being distributed within the city. Coordinate intelligence between precincts, borough-wide squads, the Firearms Investigations Unit, and the real-time crime center is imperative.

The City should also work with the federal government to strengthen gun regulations and stop interstate trafficking. The FBI should be empowered to maintain records of all gun purchases, the Bureau of Alcohol, Tobacco, Firearms and Explosives should be permitted to share more expansive gun trace data with cities and states, and background checks should be universally mandated on all private sale and gun show purchases across the country.

9. Invest in Community-Based Violence Prevention and the Crisis Management System.

If there is one clear lesson that has been drawn from the precipitous drop in assaults, shootings, and murders over the last three decades, it is that crime is best understood not with a citywide lens, but at a granular level, concentrated among a small number of people within a handful of blocks and social networks.³² More often than not, violent crimes are spurred by disputes and retaliation that quickly escalate and cascade, if not immediately defused.

Police tactics offer one avenue for tamping down such disputes, but more and more, they are proving to be a blunt and limited instrument. Instead, cities like Richmond, California and neighborhoods throughout New York City, are providing an alternative model, emphasizing carrots over sticks and highly-individualized supports for high-risk offenders.

Cure Violence, for example, employs “violence interrupters” and outreach workers to identify high-risk youth and young adults in precincts with the highest rates of gun violence. The Mayor’s Office of Criminal Justice’s Crisis Management System helps to support Cure Violence groups in 17 New York City neighborhoods, working to defuse and mediate disputes in order to avoid the cycle of retaliation. These programs have been most successful when they connect individuals to wrap-around services like job training, employment opportunities, and mental health services to help improve the likelihood of long-term violence reduction. Programs like Save our Streets, for instance, have successfully achieved 211 days since the last shooting in Crown Heights and 224 days in Bedford Stuyvesant, as of the end of January.³³ In Harlem, the work of Street Corner Resources to engage and provide wraparound services to youth at high risk of involvement in gun violence led to a three-year period with no shooting victims.

In Richmond, meanwhile, Operation Peacekeeper employs credible messengers to identify and work with at-risk youth, providing them with an 18-month fellowship, including individually tailored mentorship, 24-hour case management, cognitive behavioral therapy, internship opportunities, social service navigation, substance use treatment, excursions, and a conditional stipend.³⁴ The results of these interventions have been nothing short of astounding, with gun-related homicides and assault down 43 percent.

Moving forward, the City should double down on these successful programs, devoting an additional \$28 million to increase the number of Cure Violence programs, the ratio of violence-interrupters-to-at-risk-youth in communities throughout the five boroughs, and to expand the number of Anti-Gun Violence Employment Program and Therapeutic Mental Health Services slots. Moreover, we should take inspiration from the recent Brownsville Safety Alliance pilot on Mother Gaston Boulevard, where violence interrupters, local nonprofits, and city agencies blanketed a two-block hotspot with services and successfully staunched violence.³⁵

10. Expand the City’s community-led NeighborhoodStat program across the five boroughs

In recent years, a number of authoritative studies have found that the most effective method for addressing hotspots of “quality-of-life” offenses is not through “Broken Windows” policing, but actually fixing broken windows, along with cleaning vacant lots, improving street lighting, mandating working doors and windows on vacant buildings, and investing in parks and playgrounds where crime tend to cluster.³⁶

The Mayor’s Office of Criminal Justice has begun implementing this problem-solving approach to address the root causes of crime and violence in 15 public housing developments across the city. Its NeighborhoodStat program begins with a community-led strategic planning process to identify key priorities for strengthening the quality of life within these housing developments. Residents meet directly with city agencies and stakeholder groups to discuss neighborhood-level data, pinpoint solutions, and realign city services and resources to better meet community needs. Priorities include investing in vibrant communal spaces, improving security features such as exterior lighting and secure locks, expanding youth development programs, and strengthening connections to neighborhood-based public benefits and supportive services.³⁷

While small in scale, the NeighborhoodStat program contributed to a 9 percent drop in violent crime at these 15 developments between 2014 and 2018—nearly double the drop in the remainder of public housing—and improved quality-of-life.³⁸ Moving forward, this model should be dramatically scaled up, with community groups in every precinct working with 311, 911, and agency data and local intelligence to analyze and identify hotspots and recurring issues in their neighborhoods and develop inter-agency responses.

11. Adopt a multi-agency, problem-solving approach to supporting New Yorkers at risk of criminal legal system involvement and discontinue the NYPD Youth Coordination Officer program.

At CompStat meetings, NYPD management reviews crime data with an extraordinary level of precision regarding who is committing violence and who is “at risk” of becoming a victim. Not only can these disputes be mitigated and these individuals better supported through a variety of non-police interventions and services, as discussed in Part 1, but the review, planning, and response process should be a multi-agency effort, with the aim of targeting individuals with supports, not arrests and incarceration.

This inter-agency, problem-solving approach must focus on near-term, mid-term, and long-term interventions, addressing both structural, community investments as well as crime-reduction in the here and now. For instance, the range of interventions should be broadened considerably for at-risk young people and their families and should include employment services, behavioral

health services, educational supports, housing assistance, childcare, transportation, and even opportunities to relocate to other parts of the city. Such an approach would involve frontline and backend support from the Department of Youth, the New York City Housing Authority, Department of Education, Department of Health and Mental Hygiene, and others. To help pay for these multi-agency services, the planned “NYPD Youth Initiative” and additional 300 Youth Coordination Officers should be cancelled and this funding should instead be devoted to housing and social services for at-risk youth.

This approach, of course, should not be exclusive to youth violence, but also to substance use, mental health, homelessness, and so many other activities that must be confronted with a multi-agency public health approach, not criminalization.

More broadly, for a number of individual crimes, the solution is often much more common-sense and systematic. When iPhone thefts spiked within the subway system, for instance, many top brass at the NYPD pushed for the offense to be upgraded to grand larceny in order to “deter criminals”—even though more severe penalties have consistently been shown to have little deterrent effect.³⁹ Instead, the New York State Attorney General worked with Apple to prevent stolen phones from being reset and resold using a feature called Activation Lock. iPhone thefts plunged thereafter.

Moving forward, this problem-solving and collaborative framework must be baked into the City’s strategies for reducing violence and ensuring public safety. New York should look to Tucson’s CompStat360 for inspiration, where the police department engages community members, governmental partners, and other stakeholders to identify priorities and has established a high-level Problem-Solving Team to develop strategy, establish metrics, and track progress on thorny and recurring issues. A similar approach should be adopted in New York City.⁴⁰

Part 3: Improving discipline, transparency, and civilian oversight of NYPD

To repair and build trust between law enforcement and communities, there must be recognition of wrongdoing. Every time a police officer is not disciplined for misconduct, or the City defends violence against peaceful protestors, or racial and ethnic inequities in enforcement are disputed, or the NYPD makes very public its intention to evade accountability, new harms are created and trust is eroded. Too many families have lost loved ones to police violence to then suffer years of inaction, as officers who commit violence remain on the force.

The disciplinary process for law enforcement officers is notoriously opaque, lengthy, and concedes too much power and authority to the NYPD itself. This must change. There cannot be two different justice systems in this city – one for those who enforce the law, and one for everyone else. At the end of the day, New Yorkers need to see that officers who engage in misconduct or who break the law will face consequences for those actions. Moreover, discipline must be timely, transparent, and fair—so that officers are disciplined impartially and uniformly, not according to their rank or connections.

Moreover, accountability cannot just occur at the back end, after an infraction takes place or misconduct is identified. It must also occur at the front end, with public review of new rules and regulations, improved transparency and scrutiny of police activities, and the overhaul of officer training and police culture. Ultimately, one ounce of prevention is worth a pound of cure.

Recommendations:

12. Expand the Authority of the CCRB.

Independent oversight of policing is essential and cannot operate in name only. Given their extraordinary enforcement duties and responsibilities, the NYPD must be held directly accountable to the public they serve and submit to external review on matters of discipline. Final determinations should come from the CCRB, not the police themselves. Among the reforms that need to be instituted are the following:

- a. Police commissioner review of CCRB investigations and decisions should be eliminated. The authority to investigate and adjudicate without final disciplinary power is hollow. In less serious cases, where the CCRB independently recommends discipline, those

determinations should be final. In more serious cases, which are elevated to the Deputy Commissioner of Trials, not only should the Police Commissioner not have the ability to overturn disciplinary decisions, but the Office of Trials should be *removed* from police department jurisdiction. Having Police Commissioner-appointed judges make disciplinary recommendations which can then be overturned by the Police Commissioner is a far cry from independent, civilian oversight. Instead, the NYPD Office of Trials should be placed within the Office of Administrative Trials and Hearings' Trial Division, so that the police are disciplined in the same manner as other municipal employees.

- b. To enable and undergird this disciplinary and prosecutorial authority, the CCRB's Administrative Prosecution Unit should be codified into law. Since 2012, an MOU with the NYPD has granted the CCRB the right to prosecute all cases where the Board recommended the subject officer receive "charges and specifications." This prosecutorial unit and trial process should be encoded into law.
- c. The jurisdiction of the CCRB should be expanded beyond Force, Abuse of Authority, Discourtesy, and Offensive Language. Moving forward, sexual misconduct, false arrests, and allegations of biased policing and racial profiling should be investigated and prosecuted by the CCRB. So too should those cases currently referred to the Department's Internal Affairs Bureau, including failure to provide aid and failure to comply with body-worn camera guidance.
- d. The CCRB should receive immediate access to police officers and evidence in order to carry out their investigations. This includes immediate, direct, and unfettered access to body camera footage and databases. Meanwhile, there must be swift and significant consequences for officers who skip interviews with CCRB investigators.
- e. The City must work to dramatically improve the reporting of incidents to the CCRB, especially among young people. A recent study found that "83 percent of the complaints of alleged police misconduct involving young people ages 10 to 18 were reported to the CCRB by an adult, indicating that youth rarely reported police misconduct to the NYPD's Internal Affairs Bureau (IAB) or the CCRB themselves."⁴¹ To address this gap, avenues for reporting complaints should be established inside schools and other public-facing government institutions.
- f. While it is important that the CCRB and NYPD be judicious and fair in its disciplinary decisions, it is also *critical* that it is not too permissive. From January 2014 to May 2020,

just **one** CCRB investigation ended in the police commissioner terminating an officer. Moving forward, these penalties need to be recalibrated so that there are real consequences for misconduct and so that repeat and severe offenders do not remain on the NYPD payroll.⁴² In connection to this effort, the NYPD's proposed Disciplinary Matrix must be amended so that the "presumptive penalty" for serious offenses is unequivocally termination.⁴³

- g. The CCRB should have full access to the "performance monitoring" history of any officer currently under investigation. If an officer has been flagged by the NYPD due to complaints, lawsuits, or below-standard performance evaluations, it is important that this information is available to the CCRB and informs disciplinary decisions.⁴⁴
- h. Finally, the CCRB should publish the outcomes and findings from all of its investigations in full and it should evaluate the effectiveness of disciplinary measures and internal proceedings that fall outside of their investigatory jurisdiction. As part of this process, the NYPD's new Disciplinary Matrix and Early Intervention System should be jointly audited and analyzed by the CCRB and OIG-NYPD every year to ensure that it is being fully implemented.

13. Strengthen use of force training, mandate peer intervention by officers, and amend State law to restrict the use of force.

New York City should strengthen its Use of Force policies, setting stricter legal limits, mandating a duty to intervene among fellow officers, improving scenario-based and de-escalation training, and establishing a more immediate and automatic review and disciplinary process.

In Las Vegas, the development and reimagining of its use-of-force policies was guided by input from the ACLU, NAACP, and other academic experts. Officers are trained in de-escalation tactics, emphasizing empathy and verbal commands to defuse the situation.⁴⁵ Fellow officers, meanwhile, have a duty to intervene when another officer uses unreasonable force and are held accountable if they fail to do so. In fact, officers are generally trained as teams—rather than individuals—with an emphasis on preventative measures. In the case of a foot pursuit, for instance, the officer who gave chase is expressly forbidden from making first physical contact, deferring to a coordinated backup instead.⁴⁶

The New Orleans Police Department places a similar focus on prevention and peer intervention. Its "Ethical Policing Is Courageous" program "educates, empowers, and supports" officers to play a meaningful role in "policing" one another, teaching them how to intervene to stop a wrongful action in the moment and to recognize broader signs of distress and depression in

fellow officers.⁴⁷ Knowing when to intervene and, just as importantly, how to intervene can help to save countless lives—as was evidenced in the death of George Floyd, when a fellow officer briefly engaged before quickly and silently retreating.

This emphasis on collective accountability is evident in Camden as well, where any use-of-force (no matter the degree) must be documented, reported, and the body camera footage must be immediately reviewed by both the commander and supervisor. After an officer uses force on three separate occasions—even if they are all “by the book”—they are required to attend retraining with a coach and a commander.

The Camden County Police Department has also redesigned many of its tactics with the express intention of preventing use-of-force. For instance, in response to the murder of Tamir Rice, officers are forbidden from driving directly up to an offender. This provides more distance and time to react and minimizes adrenaline and provocation.

Not only should these policies and protocols be adopted by the NYPD, they should also be fortified by legislation. California, for instance, only allows officers to use deadly force against “imminent threats of death or serious bodily injury,” and states that an “imminent threat” exists when “a person has the present ability, opportunity, and apparent intent to cause such harm.” Definitions like this are intended to prohibit officers from acting on unfounded or speculative fears and give meaningful guidance to departments in setting policy and to judges in adjudicating infractions.⁴⁸

14. Establish licensing standards for law enforcement officers at the State level as well as a process for revoking certification, to prevent officers with records of misconduct from being hired or continuing in law enforcement.

Like lawyers, accountants, nurses, and architects, police officers should be treated as professionals. And, as professionals, those who cannot and do not uphold the basic responsibilities befitting of their station should no longer be able to practice. To this end, New York State should create and codify a statewide board with authority to certify all police officers, and to revoke an officer’s certification for misconduct. This revocation would prevent the officer from ever being hired in another jurisdiction.

While the New York State Department of Criminal Justice does have the ability to review an officer’s status if they are terminated or resign under investigation, this power is not codified into law and is far too narrow. Moving forward, the legislature should follow the lead of some 44 other American states and enshrine a Peace Officer Standards and Training Board with broad powers to review police misconduct and debar them where appropriate.

15. Establish a Critical Incident Review Board to identify systemic weaknesses and make broad policy changes following every major incident involving the NYPD.

Holding individual officers accountable for their misconduct is absolutely essential. It is, however, not enough. Every police shooting, wrongful conviction, reckless police pursuit, and “near miss” situation is not just a transgression made by a single officer, but the result of more systemic issues with policies, resources, dispatching, recruitment, training, supervision, or other organizational weaknesses and compounding factors. As such, each one of these critical incidents must be systematically and publicly reviewed and produce explicit and concrete reforms.

In Tucson, Arizona, the “Sentinel Event Review Board” gathers members of the public, subject matter experts, and high-ranking members of the police department to review each “critical incident,” interview relevant actors, and determine organizational failings. They are generally conducted immediately after and apart from investigations into individual misconduct and are oriented toward systemic reform. The process is roughly modeled after the forensic airline crash investigations conducted by the FAA.⁴⁹

New York City should adopt a similar review process. Rather than investigating critical incidents on an ad hoc and internal basis, as is currently the case, reviews must be done uniformly, systematically, and publicly. Putting major incidents under a microscope and allowing members of the community—both supporters and critics—to come to the table will reveal broader issues, provide a pathway to reform, and begin a process of reconciliation.

16. Institute a public review process for all rule changes, policies, and strategy.

For many federal, state, and city agencies, new rules, policies, and regulations are subject to public review and input prior to adoption. This promotes accountability at the front-end and ensures that agency guidelines reflect the will of the public that they serve. This process should be adopted by the NYPD as well.

Moving forward, the NYPD should be required to follow New York City’s Administrative Procedure Act, where rulemaking “takes an absolute minimum of 60 days, includes publishing a draft rule, a public notice-and-comment period, at least one public hearing, a review and revision period, and then the publishing of a clear, final publicly available rule.”⁵⁰

This would not be an entirely novel process for the NYPD. In the past, they have set up a public comment period for their body camera guidelines and the CCRB conducted public hearings for the new NYPD Disciplinary Matrix. Moving forward, this process should be done more uniformly, officially codified, include public hearings conducted by the CCRB, and coupled with

judicial review to ensure that the process was fully implemented before a new rule is adopted.⁵¹

More broadly and importantly, communities must have a voice in policy development and goal-setting for police and public safety. Stop and frisk, Broken Windows, and Operation Impact were never afforded any public review, and the results were disastrous for the department. Moving forward, communities must have a seat at the table when determining what community safety and harm reduction looks like in their neighborhoods.

17. Increase accountability for all claims against the NYPD at the agency and precinct-level.

Core to the NYPD values and mission is to “maintain a higher standard of integrity than is generally expected of others because so much is expected of us.”⁵² While this is a worthy goal, it is too rarely upheld. For the NYPD to truly live up to this standard, the consequences of any blatant disregard for protocols must be felt from top-to-bottom within the organization.

To this end, the NYPD should be held directly responsible for claims filed against officers—rather than all settlements being paid from the general city budget. In recognition of the sheer volume of interactions between the police and constituents, this could be capped at \$200 million, where the NYPD would be responsible for paying every dollar over \$200 million in total settlements and 50 percent of every dollar up to \$200 million.

There is, in fact, a clear and encouraging precedent for this approach. Several years ago, Health + Hospitals was held responsible for all medical malpractice liabilities up to a maximum amount set by the Office of Management and Budget. With this incentive in place, claims have quickly fallen at H+H.⁵³

At the NYPD, this strategy should be localized at the precinct level. The number of claims filed and settled will be closely tracked within each jurisdiction and if they rise above a certain threshold, a portion should be pulled out of the precinct’s operating budget—including maintenance, repair, car fleet, and other costs. This will hold precinct captains accountable and incentivize more assertive management of patrolling officers.

Moreover, any officer convicted of a felony related to their job duties should be stripped of their pension. Having direct and unequivocal financial consequences for such actions is critical for true accountability.

18. Bring full transparency to the NYPD budget, procurement, discipline, and operations.

Transparency and accountability go hand in hand. If we do not know what the police are doing, how they're doing it, their outcomes, and their expenditures, it is nearly impossible to judge the quality or ethics of their work.

For too long, the police have been sheltered from this scrutiny. But as police-community relationships fray, peaceful demonstrations are met with heavily armed officers, police violence has become ever more present, and crime rates grow, it is far past time for police to dramatically improve transparency.

In the coming years, it should be the stated goal of the NYPD to become the most transparent police department in the country. Procurement and budget data should be fully available—including all resources and funding drawn from the Department of Homeland Security, Police Foundation, and other sources. Call-by-call 911 data should be automatically updated on the Open Data website, as is already the case with EMS calls. Immediate, direct, and unfettered access to body camera footage should be available to the CCRB and a public database should be created featuring all complaints of misconduct against police officers and the outcomes of disciplinary proceedings.

Meanwhile, the City should develop a scorecard for every precinct in the city and post it on their website. This should not only include local crime statistics, but also the average tenure of officers and commanders, the clearance rates for major crimes, the number of disciplinary actions against officers, the number of misdemeanor arrests, quarterly survey results of community satisfaction within the local precinct, and other metrics. In order to hold local officers accountable, track their performance, and push them to improve, it is important that community members have immediate access to this important information.

This, of course, is just the tip of the iceberg. A comprehensive and independent audit should be conducted of the NYPD's various databases and determinations should be made regarding how and whether they can be made public. Moreover, as discussed above, these databases should be strategically shared and integrated with other city agencies to bolster the non-police response and problem solving of issues across our city and our communities.

19. Conduct full and regular audits of the NYPD's data, technology, and surveillance programs and policies.

In July, the City Council passed the Public Oversight of Surveillance Technology Act. The new law will require the NYPD to publicly disclose information on its surveillance technology tools. This effort at transparency is a start, but much more must be done in the years ahead.

- a. The City should follow the lead of Oakland, CA and establish a Privacy Advisory Commission to advise on best practices to protect New Yorkers' privacy rights "in connection with the City's purchase and use of surveillance equipment and other technology that collects or stores our data." The Commission would advise on City Council legislation, provide technical assistance, hold public hearings, submit annual reports on surveillance and data practices, and advise on new technologies that are being considered for purchase.⁵⁴
- b. The procurement process must be reformed. Any data and technological tools that depend on algorithmic processes should be independently audited *before* purchase to make sure the back-end code and technology is satisfactory and does not have biases baked-in. Additionally, non-disclosure agreements which preclude the NYPD from sharing what technologies they use and how they use them should be expressly forbidden.
- c. The City should conduct a public review process to reform and overhaul the NYPD's Public Security Privacy Guidelines. These guidelines were developed internally and provide broad latitude to frontline officers to peruse databases and technologies like ShotSpotter, Automated License Plate Readers, and the Domain Awareness System—a vast network of cameras, software, sensors, and databases that was first developed to detect and prevent terrorist attacks, but is now used for day-to-day activities and investigations.⁵⁵ Moving forward, the NYPD should work with the City's Chief Privacy Officer and the broader public to adopt more nuanced and restrictive privacy guidelines. These will establish *which NYPD employees* can access *which databases* for *what purposes* under *what circumstances*. Usage of these systems must be closely tracked to ensure compliance.
- d. The New York City OIG-NYPD should follow the lead of Los Angeles, Chicago, Portland, and the State of California and conduct an independent audit of the NYPD Gang Database. Vague definitions of "gangs" and "crews" and overly broad criteria for inclusion should be reviewed and overhauled. Moreover, all New Yorkers should have the right to know whether they are in the database and be able to swiftly petition for removal.⁵⁶
- e. Finally, the NYPD must thoroughly reform and scale back its DNA operations in order to come into compliance with State law. While New York State statutes clearly establish that only those convicted of crimes can be *permanently* included in the New York State DNA Databank, the NYPD has rapidly expanded these parameters, sending discarded

water bottles, cigarettes, and food from interrogation rooms or a suspect's residence to (OCME) for analysis.⁵⁷ As a result, the number of samples in the OCME database has expanded from approximately 9,000 to 34,000 over the last five years.⁵⁸

Even more troublingly, the NYPD has begun to circumvent OCME altogether, taking DNA samples procured from interrogations, processing them with Rapid DNA machines in precinct houses, and sending them to private DNA databases rather than the OCME.⁵⁹ While the New York State DNA Subcommittee on Forensic Science has challenged these practices and demanded that any agency seeking to use Rapid DNA machines obtain formal approval, the NYPD has thus far refused.

Moving forward, the City must bring its DNA practices into compliance with State law and, consistent with these laws, create an automatic expungement process for anyone in the database who has not been convicted of a crime – especially the large number of children who are currently indexed.⁶⁰ Moreover, all patrol officers should be required to submit their DNA to the OCME database. Because they are handling crime scene evidence, officers are liable to contaminate DNA samples and algorithmic matching if their DNA is not readily available and isolated in the analysis. This can lead to incorrect matches and wrongful convictions.

In the months ahead, the City's Chief Policy Officer should work with the NYPD to begin implementing these technology, surveillance, privacy, and procurement reforms and work with the City Council to establish the Privacy Advisory Commission that can more permanently assume these oversight duties.

Part 4: Decriminalization of offenses that pose no risk to community safety and reforming parole

Since the 19th century, police officers in America have been tasked with regulating the behavior of communities of color and those in poverty. Inevitably, this paternalistic and disciplinary approach has led to fraught relations with low-income communities, communities of color, and all others pushed to the margins of our society.

The most immediate and effective way to alleviate these tensions, reduce hostile interactions, and prevent undue involvement in the criminal-legal web is to decriminalize a number of offenses that pose no public safety risk and reduce the penalties and enforcement of many others.

In 2016, the City Council passed the Criminal Justice Reform Act. The legislation had an immediate impact, resulting in the NYPD issuing far fewer criminal court summonses. The State and City should continue to identify and decriminalize offenses that do not pose a safety threat to the broader community and, moreover, should overhaul reentry services in order to reduce recidivism for those who are arrested and prosecuted.

These reforms will not only reduce reliance on arrests and incarceration, but also limit the extraordinary amount of discretion and power that many officers wield. While NYPD officials often note that “they don’t write the laws, they just enforce them,” this is misleading when it comes to many crimes and infractions.

When encountering a minor offense, officers have the freedom to make an arrest, look the other way, offer a warning, or a number of other options. Having this discretion provides individual officers with a significant amount of control over the day-to-day lives of those they patrol. Moving forward, this degree of power should be deliberately reined in.

Recommendations:

20. Decriminalize offenses that pose no risk to community safety, end the War on Drugs, and disband the NYPD Vice Squad.

While the New York City jail population reached historic lows last year, thousands of individuals remain in the custody of the Department of Correction—a legacy, in part, of the failed model of “Broken Windows” policing that accelerated mass incarceration. Throughout the month of December 2020, there were more than 3,500 people held pretrial, despite historic reforms to the bail system that went into effect at the beginning of 2020. Detaining people pretrial or those who have been convicted for offenses that do not undermine community safety serves little value, only saddling them with criminal records, tearing them away from their families, and severely limiting their life prospects. Moreover, at an annual cost of \$337,524 per person in custody, it is a catastrophic expenditure of city tax dollars that could be much more effectively invested in support services and less punitive alternatives.⁶¹

According to the most recent data released by the DOC, 63 individuals were awaiting trial for drug misdemeanors, 111 for larceny misdemeanors, 221 for a range of “other” non-violent misdemeanors, and 4 for loitering/prostitution, while 89 were serving “City Sentences” of less than one year.⁶² Detaining these New Yorkers for minor, mostly victimless crimes, especially when those serving a City Sentence will return to their communities in under one year, is entirely unacceptable and counterproductive.

To further reduce the jail population and, equally important, dramatically reduce confrontations between police and communities of color, the State and City should work to decriminalize a wide range of offenses—from drug possession and low-level dealing to fare evasion and jaywalking and others that the police have recently used as pretext to criminalize and arrest protesters.⁶³ The State must also pass legislation to legalize adult-use marijuana this year, investing the resulting tax revenue, as the Comptroller’s Office has previously outlined, in communities most harmed by the racial inequities in enforcement.

Importantly, the City does not, in many cases, need to wait for legislative action, but can unilaterally deprioritize a number of offenses—just as District Attorneys choose not to prosecute several infractions and the NYPD chooses not to enforce dozens of outdated laws that are relics of previous eras. Specifically, as states around the country move to decriminalize marijuana and drug possession and opiate overdoses continue to soar, it is clear that the City must end its own War on Drugs and invest in addiction, support, harm reduction, and public health services.

As part of this effort, the Narcotics Division must be thoroughly reformed so that it is exclusively focused on larger organized crime and not incentivizing low-level arrests from partnering precinct officers. Meanwhile, the Vice units that the Narcotics Division oversees and the larger Vice Squad should be entirely disbanded.⁶⁴ Lumping enforcement of the State penal code related to sex work and human trafficking with internet crimes against children was never appropriate and, under the Vice Squad, has been entirely counterproductive, disproportionately harming lower-income communities of color. Trafficking and internet crimes against children are systemic issues better suited for the Attorney General and District Attorney offices, as well as public health entities, not the police, while criminal penalties for sex work should be eliminated altogether.

And finally, New York City must recognize that mental health and substance use are medical matters, not criminal offenses. As of 2020, 46 percent of individuals in DOC custody were known to have a mental health diagnosis.⁶⁵ Jail is a place where these challenges are exacerbated, not remediated. As discussed above, the City should develop alternatives to first-response and alternatives-to-arrest, dispatching crisis counselors and social workers who can connect these individuals to appropriate care, including drop-in centers, safe havens, and other long-term care facilities. Safe injection facilities, proven to reduce public injecting and save lives, remain another public health and harm reduction intervention critical to ending the War on Drugs.

21. End incarceration for technical parole violations, expunge criminal records five years after most offenses, and pass the Elder Parole and Fair and Timely Parole bills.

In New York City and the United States, parole is too often a revolving door back into prison and a means of surveillance. Daily reporting requirements, random drug testing, curfews, electronic monitoring, and the payment of fines and fees; these endless obligations, appointments, and rules make it difficult for many of those on parole to keep a job, maintain stable housing, participate in drug or mental health treatment, or fulfill financial obligations, such as child support.

These myriad requirements are often applied to low-risk offenders and managed by supervising officers with high caseloads. A check-in is missed or a fee goes unpaid and suddenly someone who never should have been in prison in the first place is back behind bars. In 2017, nearly 25 percent of state prison admissions were associated with technical violations of supervision.⁶⁶

In New York, the law requires those in violation of state parole who have not committed any new offenses to be incarcerated in local correctional facilities. They may not leave city jails until their parole hearing concludes, a process overseen by the State. As a result of these strictures,

even as the Rikers population dropped precipitously, the number of those in violation of parole increased by 12 percent from 2015 to 2019.⁶⁷

Moving forward, the State should end arrest and incarceration for any technical violations of parole or probation and pass outstanding legislation that forbids incarceration solely on the basis of unpaid criminal legal system-related fees.⁶⁸

And in addition to making parole less onerous, it should also be more readily available. Studies have consistently shown, for instance, that older individuals have a far lower probability of reoffending and that “death by incarceration” is a highly-punitive and extremely expensive approach.⁶⁹ To this end, the State should pass the Elder Parole Bill, “permitting the Board of Parole to evaluate all people in custody over the age of 55 who have served at least 15 years in prison for possible parole release.”⁷⁰

The State should also pass the Fair and Timely Parole Bill, releasing individuals who have demonstrated consistently good behavior and have been shown to have a low risk of reoffending based on their holistic Compass assessment. Parole Board decisions should be depoliticized, with a “presumption of release... unless there is a clearly articulated current public safety reason to keep them in prison.”⁷¹

Equally powerful, the State should expunge records a set number of years after sentencing for the vast majority of offenses. Even with some progress on issues like “ban the box” and voting rights, those with a criminal record are unduly restricted in employment, social services, transportation, education, and housing. These barriers to access should be broadly repealed and criminal records should sunset after five years, allowing people to exit the endless cycle of prison and recidivism.⁷²

22. Grant amnesty to New Yorkers with open warrants for low-level offenses and missed court appearances.

In 2015, then-Commissioner Bill Bratton floated the idea of granting amnesty for open warrants for low-level offenses. This included 1.2 million New Yorkers who run the risk of being arrested because they failed to pay a traffic ticket or court fee, appear in court for minor offenses, or committed a technical violation of their parole (for example, breaking curfew).⁷³

These bench warrants would consume a considerable share of police and court resources if local law enforcement actively sought to make each arrest. But more often, warrants pile up and hang over the heads of New Yorkers charged with minor offenses. Many may not have understood the consequences of missing one court date – or that they were required to appear

in court at all.⁷⁴ Following the lead of the police commissioner and of cities like Atlanta, Georgia and Tucson, Arizona, District Attorneys in Brooklyn, Bronx, Queens, and Manhattan made a coordinated effort to scrap a sizeable share of these open warrants in 2017, but only cleared about half of the 1.2 million that had been recommended.⁷⁵

Having an open warrant severely degrades the lives of thousands of New Yorkers, who live in fear of any engagement with the police and are discouraged from enrolling in eligible services, programs, and benefits, entering government buildings, going to the hospital, or even inhabiting their regular places and spaces with friends and family, for fear that they will be picked up by the police. New York City residents, particularly young men of color, should not have to live like refugees in their own city.⁷⁶ Moving forward, District Attorneys should make a more ambitious effort to clear old warrants for low-level offenses, as well as any that have accumulated since 2017.

23. Overhaul re-entry and in-custody services, expand supportive housing, and transfer more responsibilities to the Mayor's Office of Criminal Justice.

In order to decrease the prison population and minimize engagement with police officers and the rest of the criminal legal system, it is important that individuals who are incarcerated are afforded not only safer conditions while in custody but also better access to education and job training and comprehensive re-entry services, under the auspices of the Mayor's Office of Criminal Justice and in collaboration with community partners.

First, the City must improve re-entry services. Individuals in custody should be signed up for Medicaid, Cash Assistance, SSI, SNAP, and any other benefits program for which they are eligible before exiting jail or prison. A case worker should be assigned to every person to help them arrange housing, employment, therapeutic, and other necessary services. Upon exiting, they need a "warm hand-off" to these providers so that continuity of care is firmly established. And, perhaps most importantly, the City must increase the number of Justice-Involved Supportive Housing units and no longer release individuals into shelters. Having stable housing available and ending the prison-to-shelter pipeline is critical for helping New Yorkers in need.

Second, workforce development and educational training should be strongly emphasized. Bridge programs, which combine job training with literacy, numeracy, and/or language instruction, should be readily available, as should "stackable credentials" which allow individuals in custody to complete a discrete portion of their Associates degree while in jail or prison. The City should also expand its transitional employment program, doing everything possible to provide a living wage job upon exit.

And finally, the Mayor's Office of Criminal Justice should assume responsibility for all workforce development and discharge planning in New York City jails. MOCJ has a proven record of evidence-based programming and a commitment to reducing the jail population and recidivism. They are a more appropriate agency than the DOC to oversee these important programs.

Part 5: Operational and managerial reform of the NYPD

Effective organizations begin and end with effective personnel. Overhauling the management selection process, ensuring officers are deployed intelligently and are not overstrained, and elevating the voices of community members and frontline officers—these are key goals for the NYPD and must guide the agency moving forward.

Recommendations:

24. Overhaul managerial promotion, training, and diversity, introducing an NYPD Management Academy.

NYPD management does not reflect the diversity of our city nor its police department. In fact, while 58 percent of frontline officers are people of color, three-quarters of those with a rank of Deputy Inspector or higher are white – and an embarrassing 90 percent are men.⁷⁷ Moreover, less senior NYPD, less compensated NYPD, and NYPD employees of color are all more likely to live within the five boroughs than their higher-ranked counterparts.

To address this gaping disparity, it is time for the NYPD to overhaul its promotion structure. Following the UK model, a robust training program and certification process should be established for all NYPD management. No captain should be able to advance to deputy inspector without going through a school and exam process of very high standards. As in the UK, NYPD personnel would have to be nominated for the Management Academy and their applications would be reviewed by a mix of police and community members for acceptance. The curriculum would include subjects on personnel management, community engagement, crime control, and civil rights. And importantly, all those who graduate from the Management Academy must be residents of New York City.

25. Put real guardrails on overtime and shifts, and stop incentivizing arrests.

Police overtime is more than just a budget matter. Beyond the \$723 million that the NYPD averaged in overtime between 2017 and 2019, these long hours significantly degrade the quality of police-community interactions and outcomes.⁷⁸ Bringing real accountability to shift-lengths and overtime must be a top priority for the NYPD.

Police officer fatigue is a serious matter that cannot be taken lightly. A study by the Phoenix Police Department, for instance, found that the number of complaints made against officers working 13-hour shifts was significantly higher than those working 10 hours per day. These findings were corroborated by an audit of the Sheriff's Office in King County, Washington, which found that for every additional hour of overtime per week, an officer was 2.7 percent more likely to be involved in a use-of-force incident and 3.1 percent more likely to be involved in an ethics violation.⁷⁹

To prevent these unacceptable violations, improve community relations, and manage costs, the NYPD must be more systematic about managing overtime. Every precinct should be budgeted a set hours of overtime per month, with the Commissioner allotted 20 percent of the total overtime budget for discretionary distribution. The amount of overtime dispersed should be closely tracked at weekly Compstat meetings, with Deputy Inspectors held accountable for adhering to their precinct budget. Moreover, the number of daily and weekly hours that individual officers can work should be closely tracked and capped.

Additionally, the NYPD should no longer provide overtime as a bonus for making arrests—as is common practice in the Vice and Narcotics Units. This is both bad practice from a budgetary standpoint and, more egregiously, incentivizes excessive and even false arrests.⁸⁰

And finally, overhauling the NYPD's approach to marches, parades, demonstrations, and protests—major sources of police overtime—will go a long way to helping the department achieve these goals. As discussed above, adopting the Madison Method and primarily assigning Community Affairs personnel to events (with sworn officers available only as backup) will help to relieve tensions and reduce budgets.

26. Regularly survey community members and frontline police officers in each precinct and incorporate their feedback.

The Mayor, the Commissioner, the Police Benevolent Association, reformers – at times, it appears everyone speaks on behalf of frontline police officers except for the officers themselves. What is their job satisfaction, how is their mental health, do they have critiques of the priorities, tactics, dispatching, technologies, trainings, disciplinary decisions, and metrics used in their precinct and agency-wide? Systematically gathering this information from on-the-ground officers has the potential to upend received wisdom and improve policing.

Moving forward, the NYPD should survey officers on a regular basis and incorporate these findings into CompStat—as has been recommended by the National Police Foundation and Vera Institute of Justice.⁸¹ Understanding the officer experience will help management understand

the effectiveness of their policies, their impact on patrol officers, and whether their priorities match up with those of frontline staff.

Even more importantly, feedback from communities must be incorporated into CompStat, including their satisfaction with local officers and their perception of the most pressing issues in the precinct. The NYPD briefly experimented with sentiment surveys provided by a startup tech company, but has since ended that relationship.⁸² Instead, it should work with DOHMH—which regularly conducts community-health surveys—to more systematically and scientifically poll community members. Quarterly DOHMH surveys should be used to not only determine satisfaction with the NYPD, but with other public-facing city agencies.

27. Significantly reduce auto patrol and the police fleet.

The police car and radio were introduced in 1950s Los Angeles in order to expand the range and increase the responsiveness of the police department. And yet, in many ways, it has achieved the opposite ends, removing police from direct contact with the communities they serve and reducing engagement, trust, and information flows.

Worse yet, motorized patrol has been shown to be highly inefficient and ineffective.⁸³ While upwards of 30 percent of the average American police officer's time is spent in a car, numerous studies have found that "routine preventive patrol in marked police cars has little value in preventing crime or making citizens feel safe."⁸⁴ At a time when we have come to understand that crime occurs in hotspots, not across neighborhoods, driving around the precinct, scanning for crime, and waiting to be dispatched has less and less value.

Moving forward, to save on car purchasing, maintenance, insurance, and gas and to more effectively utilize officers' time, the police fleet of 9,800 cars should be reduced by 20 percent and vehicle miles traveled by 40 percent.⁸⁵ Effective community safety does not occur from a moving car or through a car window. It demands real engagement, service delivery, and trust building.

28. Eliminate any nexus between NYPD and Immigration Enforcement.

In New York, Sanctuary City laws forbid local law enforcement from detaining individuals on behalf of Immigration and Customs Enforcement (ICE), providing information on immigration status, or cooperating with ICE more generally. And yet, while these restrictions are among the strongest in the nation on paper, there are still a number of formal and informal, publicized and unpublicized ways that ICE and local law enforcement interact. These nexus points should be eliminated.

First, administrative warrants that originate from ICE should be disregarded. While cities like Washington D.C. have developed clear cut policies that police officers should ignore anything from ICE in their warrant database, the NYPD continues to bring people into the precinct to check if there are any additional non-ICE warrants. This policy should be changed immediately.

Second, the NYPD should officially denounce and actively curtail any ICE officers impersonating local law enforcement or falsely making calls on behalf of precincts.⁸⁶ As part of this effort, the NYPD-OIG should conduct an annual investigation of all ICE pick-ups in New York City and make sure that NYPD were not working with ICE in any way behind the scenes.

Third, the City and State should end the prison-to-deportation pipeline. Decriminalizing various offenses and rolling back numerous police responsibilities (as detailed above) will help to keep residents out of handcuffs, courts, and jails, reduce the fingerprinting that can wind itself into ICE databases, and protect undocumented New Yorkers.

Finally, on the federal level, a moratorium should be placed on all deportations and ICE should be dismantled. This will be the broadest and most powerful way to limit ICE's negative impact on our communities.

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