

Broken Windows Is Not Broken

**The NYPD Response to the Inspector General's Report
on Quality-of-Life Enforcement**

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NYPD

New York City Police Department

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Executive Summary

The Office of the Inspector General for the NYPD (OIG) issued a report on June 22, 2016, titled, “An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010 to 2015.” The report draws two primary conclusions:

- Between 2010 and 2015, quality-of-life enforcement had little to no temporal relationship with the decline of felony crime rates across New York City.
- Quality-of-life enforcement is not evenly distributed across the city and over time.

The first of these conclusions has been widely interpreted to discredit the central principle of Broken Windows policing, which states that police attention to lesser crimes and the maintenance of public order will have a positive impact on more serious crimes. The second of these conclusions has been widely interpreted to demonstrate disparate impact of quality-of-life enforcement on minority populations. The OIG report does not actually assert either of these interpretations. In fact, it contains many disclaimers disavowing such interpretations. Nevertheless, the report now stands in the public sphere as a purported statistical demonstration that quality-of-life enforcement, and by extension Broken Windows, is ineffective in reducing serious crime and has a disparate racial impact.

In the NYPD’s view, the OIG report is without merit. Two eminent criminologists have roundly criticized the report’s research and statistical methodology, finding “faulty statistical reasoning” and a failure to draw “valid conclusions.” The report ignores previous scholarship about quality-of-life enforcement and has not been subjected to standard peer-review practices for research. Nor is it based on any fieldwork in the NYPD that might have improved the authors’ understanding of why and how quality-of-life enforcement is done. Although the report breaks down its aggregate data by precincts, these areas, which average well over 100,000 residents, are still too large a field in which to make accurate observations about quality-of-life enforcement, which usually takes place in areas measured by a few blocks.

The report’s comparison of gross numbers of enforcement actions to crime rates is simplistic. It betrays a complete ignorance of how this kind of policing is applied in communities, as well as of the wide range of police discretion that does not show up in arrest and summons statistics. This discretion includes officers dispersing groups, warning people to cease disorderly activity, establishing standards of behavior, and assisting with social-service interventions. In addition, the authors of the report appear to be oblivious to the fact that the NYPD has been reducing both misdemeanor arrests and summonses as a matter of policy for at least the past two-and-a-half years. Arrest and summons policies are being adjusted to a lower-crime environment, in what Police Commissioner Bratton has called “the peace dividend.” Further, by arbitrarily choosing a study period from 2010 to 2015, the OIG report excludes the previous 16 years, when rising misdemeanor arrests strongly correlated with the largest crime decline in New York City history. The window of time chosen by the report is highly unrepresentative of the longer period of crime decline because the large declines in crime had already been achieved long before 2010.

The OIG report's methodology, relying heavily on aggregate data about arrests and summonses, also fails to grasp how quality-of-life policing is used in very specific ways to target violent and felony-crime problems and crime-prone locations. Whether this kind of enforcement is used to break up rowdy groups, suppress a spike of violent crime in a neighborhood, or as a means to increase criminal intelligence by debriefing local criminals arrested for minor crimes, these police activities may have an impact on felony crime far in excess of what might be expected from the small number of actual arrests and summonses that support them. In these cases, quality-of-life enforcement is preventing crime in ways that cannot be measured by the gross number of arrests and summonses.

Like virtually every other study that purported to show a disparate impact in quality-of-enforcement, the OIG report ignores calls for service to the 311 and 911 systems. As the NYPD has demonstrated in its own report on Broken Windows policing "Broken Windows and Quality-of-Life Policing in New York City" (http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/qol.pdf), quality-of-life enforcement closely tracks calls for service in minority neighborhoods. The bulk of quality-of-life enforcement actions occur in places and in situations to which police have been called by members of the public. New Yorkers from minority groups have consistently supported quality-of-life enforcement in public opinion polls.

Broken Windows is Not Broken

The NYPD Response to the Inspector General's Report on Quality-of-Life Enforcement

The authors of the recent report on quality-of-life policing issued by the Office of the Inspector General for the NYPD (OIG) maintain that their study has a narrow focus. Their purpose, they say, is to evaluate whether or not "quality-of-life enforcement," which they define narrowly as misdemeanor arrests and criminal summonses, has an impact on felony crime. Studying the period from 2010 to 2015 in New York City, the authors found "no empirical evidence" of a correlation between quality-of-life enforcement, as they define it, and declining crime. They expressly state, however, that their findings should not be interpreted as discrediting the broader concept of "Broken Windows" policing, which holds that police engagement with, and general enforcement of, lesser crimes and disorderly offenses, will control and regulate a neighborhood's environment in a way that reduces both the likelihood and occurrence of more serious crime. In multiple places in the report, the authors seek to decouple their specific findings about misdemeanor arrests and summonses from any imputation that general order maintenance in communities is either undesirable or ineffective as a law enforcement strategy.¹

¹ The OIG report contains numerous modifiers and disclaimers that seem to contradict its own conclusions in many places. On the one hand, it strives to support the conclusion that there is no positive correlation between what it defines as quality-of-life enforcement and decreasing felony crime, but, on the other hand, it acknowledges that this conclusion cannot be reasonably drawn. It is as if the report's authors wish to insulate themselves from possible criticisms by preemptively mentioning these criticisms in their report without allowing any of the criticisms to alter their conclusions. Taken together the disclaiming statements in the report form a virtual rebuttal to the report itself.

Some of the OIG report's disclaimers are listed below:

"There are a number of reasons to issue such [quality-of-life] summonses, most notably to address community concerns and police the offenses in question. Further, maintaining order is a goal in and of itself. Addressing disorder is a basic government function, and writing summonses may be a necessary tool toward that end." (Page 2)

"...It is not possible to know conclusively whether quality-of-life summonses and misdemeanor arrests impact violent crime." (Page 3)

"...The stagnant or declining felony crime rates observed in the six year time frame [of the OIG study] may be attributable to the NYPD's other disorder reduction strategies or other factors." (page 3 and 4)

The OIG Report's Impact and the NYPD Response

"This finding [that there is no correlation between quality-of-life policing and declining felony crime] should not be overgeneralized to preclude the use of summonses and misdemeanor arrests for the purposes of crime control and disorder reduction..." (Page 3, footnote)

"No data set reasonably captures the number of quality-of-life police interactions that do not result in a criminal summonses (C-summons) or a misdemeanor arrest." (Page 3, footnote)

"Though arguably a large portion of quality-of-life policing is in response to community concerns, 911 calls, or 311 complaints and is focused on block-level issues like trash, noise, and disruptive crowds, this report also does not speak to the question of why the NYPD responds to quality-of-life policing but rather how." (Page 3, footnote)

"This report does not challenge the validity of Broken Windows theory or question whether disorder reduction leads to crime reduction. Similarly, it does not examine long-term historical trends in quality-of-life policing or consider whether such tactics were responsible for the decline in crime observed in New York City following the peak rates in the mid-1990s." (Page 10, footnote)

Yet, the OIG report is somewhat disingenuous in making distinctions between quality-of-life enforcement and Broken Windows. Readers of the report are not going to make the same distinctions. Indeed, the opponents of the theory of "Broken Windows" seized immediately on the report's findings as evidence that the Broken Windows approach does not help to control more serious crime. Multiple media outlets have quoted the report as supporting this same thesis. As the authors must have known, the report is now being cited as a statistical discrediting of Broken Windows and as "scientific evidence" that police are misguided in seeking to control felony crimes by enforcing against lesser crimes. In essence, a department of the New York City government, i.e. the Department of Investigation and its subunit, the OIG, using questionable methodology, has challenged a strategy that has been employed successfully by the NYPD for more than 20 years, not only suggesting that it does not work but also that it is racially discriminatory. (See Appendix I for a summation of history of Broken Windows policing in New York City.)

Consequently, in responding to the NYPD-OIG report, the NYPD must dispute not only its particular assertions about what the report calls quality-of-life enforcement, but also its veiled attack on the Broken Windows concept while refuting categorically that it is racially discriminatory. While the department regards the OIG report as without merit, it welcomes the opportunity to once again counter the myths about Broken Windows and to explain its important role as part of a wider strategy to reduce and control felony crime in New York City.

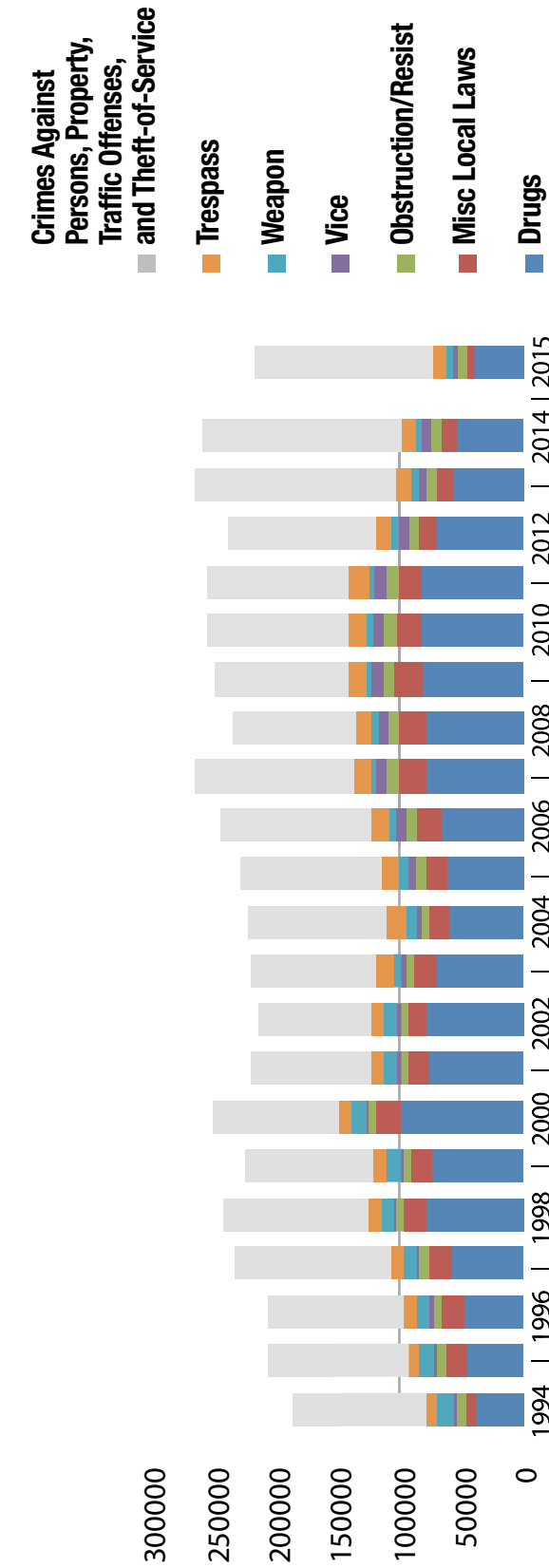
In 2015, the NYPD published a report titled "Broken Windows and Quality-of-Life Policing in New York City" (http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/qol.pdf) which sought to dispel many of the myths that have gathered around the concept of Broken Windows, including that this enforcement strategy unfairly impacts people of color, that it adversely affects young people's lives with arrest records, that it fills the jails with low-level offenders, and, most egregiously false, that the police department is purposely increasing quality-of-life policing as a replacement for reasonable-suspicion stops. These stops, also called stop, question, and frisks or Terry stops, have fallen by more than 97 percent since 2011.

The authors of the OIG report clearly have read the NYPD report, which they cite several times, but they largely ignore most of the information in the report, including:

- Quality-of-life enforcement in minority communities closely reflects and tracks quality-of-life complaints from these communities to the 311 and 911 systems. The NYPD is not targeting neighborhoods or minority groups but is responding to reports of misbehavior from these very same neighborhoods.

- The majority of misdemeanor arrests are made for assault, theft, transit fare evasion, and traffic offenses. Arrests for the remaining offenses, including misdemeanor drug offenses and offenses traditionally viewed as quality-of-life offenses, have decreased to a level not seen since the mid-1990s. Arrests for minor disorderly behavior, including most quality-of-life offenses, are less than 5 percent of the misdemeanor arrests in the city each year. See the graphic, opposite.
- Only 7 percent of misdemeanor arrestees were sentenced to jail in 2015, and only a small number were subject to bail. Most misdemeanor arrestees are free on the next day, or sooner, pending their court appearances.
- Under most circumstances, criminal summonses issued in lieu of arrest do not result in any kind of criminal record. In the cases that do result in criminal records, the records are usually sealed. The most common summons, for open container of alcohol, can be settled by mail by paying a fine of \$25, far less than the cost of the average parking ticket.
- Calls for service, community meetings, and public opinion polls all demonstrate strong support for quality-of-life policing in minority communities. Minority communities want this enforcement, and indeed demand it, with a steady stream of calls for service to 311 and 911. The police department has no reason to ignore these callers, and, in fact, has a duty to respond to them.
- In the era of quality-of-life policing in New York City, which covers the past 21 years, both city jail and state prison populations have fallen from their previous highs, by 49 percent and 27 percent, respectively. Quality-of-life policing is not “filling” the jails, as some argue, but rather is part of a strategy that is reducing the overall jail and prison population.
- Far from increasing quality-of-life enforcement to replace reasonable suspicion stops, the NYPD has scaled back on both misdemeanor arrests and criminal summonses. At the end of 2015, annual arrests by the NYPD had fallen by 80,000 from their high in 2012, and are down a further 6.7 percent YTD through August 2016. Annual summonses had fallen by more than 300,000 from their high in 2005 and are down a further nine percent YTD through August 2016.

Misdemeanor Arrests 1994-2015



While misdemeanor arrests have decreased from their 2010 peak, they are still higher than in the mid-1990s. When arrests for victim crimes, traffic arrests, and transit arrests are excluded, however, quality-of-life arrests—which are historically driven by drug arrests—have decreased to a level not seen since 1996.

Weakness and Errors of the OIG Report

Failing to acknowledge most of the facts in the NYPD's quality-of-life report, the authors of the OIG report build their case almost entirely on misdemeanor arrest and summons statistics. Finding that both categories of enforcement declined between 2010 and 2015—a period of relatively stable or declining index crime in most crime categories—the authors conclude that there is no empirical evidence that quality-of-life enforcement helps control felony crime because a decline in quality-of-life enforcement did not cause “a commensurate increase in felony crime.” (See page 3 of the OIG report) This is overly simplistic thinking and betrays a complete misunderstanding of why and how Broken Windows policing is done. Beyond that, there are other problems in both the analysis in the OIG report and its conceptual framework, which are enumerated below:

- **Leading Criminologists Question the OIG Report's Methodology** — Two leading criminologists, Richard Rosenfeld and David Weisburd, find fault with the statistical analysis in the OIG report and maintain that it draws conclusions that are not supported by its own data. Rosenfeld writes that the methods used in the report are “questionable” and cites “faulty statistical reasoning.” Weisburd writes that the report's work “is not strong enough to make valid causal conclusions regarding the relationship between the practices of the police and crime outcomes.” Their findings are summarized below, and their full reviews of the report are attached as Appendices II and III.²

Two leading criminologists, Richard Rosenfeld and David Weisburd, find fault with the statistical analysis in the OIG report and maintain that it draws conclusions that are not supported by its own data.

² The NYPD requested two distinguished criminologists to review the OIG report, and both raised serious questions about the report's methodology.

Richard Rosenfeld, a professor of Criminology and Criminal Justice at the University of Missouri–St. Louis, finds “that the statistical methods used in the Report are inadequate for establishing whether or not QOL enforcement is linked to reductions in felony crimes in New York City.” He chides the authors of the report for claiming that their study is the first of its kind, citing other previous studies, each of which “employs research methods that are far more rigorous than those used in the Report.” He finds fault with the report's failure to take account of calls for service respecting quality-of-life issues, stating that “it is quite possible, for example, that controlling for misdemeanor complaints would greatly reduce or eliminate the relationship between QOL enforcement and the proportion of a community that is black or Hispanic.” As

noted above, the NYPD was able to demonstrate that exact proposition in its own quality-of-life report. Rosenfeld writes that “even the very rudimentary methods used in the Report are questionable” and that the report is guilty “of faulty statistical reasoning.”

Rosenfeld also suggests that the OIG researchers should have used “smaller more homogenous spatial units” than precincts, which usually have populations in excess of 100,000 people, to make its comparisons and that, in doing so, they might have observed a stronger relationship between quality-of-life enforcement and felony crime. He further observes that “the bubble graphs shown in the Report are basically uninterpretable.”

Professor Rosenfeld's full review of the OIG study is attached as Appendix II.

David Weisburd, Professor at George Mason University, Director of the Center for Evidence-Based Crime Policy, and a winner of the prestigious Stockholm Prize in Criminology, finds that “The work conducted here is not strong enough to make valid causal conclusions regarding the relationship between the practices of the police and crime outcomes.” He also suggests that what he calls “confounding factors” may have played a role in keeping crime down, even as quality-of-life enforcement decreased during the study period from 2010 to 2015. In sum, he argues that a “decrease in deterrence” from reduced quality-of-life enforcement could have been offset by “other factors working against crime.” Among these factors might be “other types of police activities” that have “made up” for the decreases in quality-of-life enforcement. The NYPD would assert that among these other factors was most certainly a series of investigations of gangs and crews leading to multiple arrests and steep drops in both shootings and murder, as well as the strategic use of quality-of-life enforcement to control rowdy groups who are drinking, smoking marijuana, and carousing on the streets.

Like Rosenfeld, Weisburd suggests that “the macro geography” of the precinct may be too large to register the impact of local quality-of-life enforcement and calls for additional studies that take “a much more micro-geographic focus.” He likewise suggests a narrowing of the time frame when trying to gauge the impact of police actions. The actions and their effects “cannot be disentangled with a time series like that presented (in the OIG report) because the relationships may be simultaneous or at least very close in time.” He asserts that in a study he and colleagues conducted on other targeted police actions at a micro geographic level, they found that such effects and influences “are likely occurring within a single week.”

He concludes that the OIG report provides “very weak evidence for reaching causal conclusions regarding the impacts of quality of life enforcement and crime.”

Professor Weisburd's full review of the OIG study is attached as Appendix III.

- **The OIG Study Ignores Previous Studies of Quality-of-Life Policing** — The NYPD-OIG report ignores several prior studies that have evaluated the effect of quality-of-life enforcement on felony crime in New York City, including studies by Harcourt and Ludwig in 2006; Messner, Galea, Tardiff, et al. in 2007; and Rosenfeld, Fornango, and Rengifo in 2007. The report has not been subjected to standard peer-review practices for research except by the criminologists referred to above. The OIG report also failed to present the credentials of the analysts who conducted the study or to demonstrate whether they were qualified to do so.
- **The OIG Study Conducted No Field Work** — The authors of the OIG report did no fieldwork to actually witness quality-of-life enforcement to ascertain how and why it is done in the streets, and had very little other contact with the NYPD in preparing the study. At the NYPD's request, the authors did speak with two NYPD precinct commanders about how and why they deploy resources to respond to quality-of-life concerns, but none of their observations appears in the final report.
- **NYPD Precincts Are Too Large To Be a Basis for Accurate Comparisons** — NYPD precincts, which the OIG report uses to make comparisons between quality-of-life enforcement and crime, are usually too large in population to provide the framework for meaningful comparisons. Most NYPD precincts have populations over 100,000, and some have populations in excess of 200,000. Targeted use of quality-of-life enforcement to reduce crime, in contrast, usually takes place in one- or two-square-block areas. Criminologists Richard Rosenfeld and David Weisburd both take up this issue in their reviews of the OIG report, to be found in Appendices II and III. In their analysis within precincts, the authors of the OIG report failed to correct for population fluctuations within business districts, where census tract (or bedroom) populations are often a fraction of daytime and evening populations, when commuters, club and restaurant goers, and tourists are factored in. The authors appear perplexed by the high level of summonses and arrests in active and crowded business districts, despite low levels of violent crime. The likely explanation is that they are miscounting the daytime and evening populations by relying on census tract data.
- **The Report's Comparison of Gross Numbers of Enforcement Actions With Crime Declines is Simplistic** — No one ever asserted that an increase in the gross number of misdemeanor arrests and summonses by itself would cause declines in more serious crime. Likewise, no one ever asserted that a decline in the gross number of misdemeanor arrests and summonses would cause a felony crime spike. There is no strict mathematical relationship between these two factors. The Broken Windows Theory does not assert that 20 more misdemeanor arrests, for instance, will result in one or two fewer felony crimes. Rather, the concept holds that a general atmosphere of order and a general sense of police presence, resulting from the enforcement of lesser crimes, will reduce the opportunity for more serious crime with generally positive results.

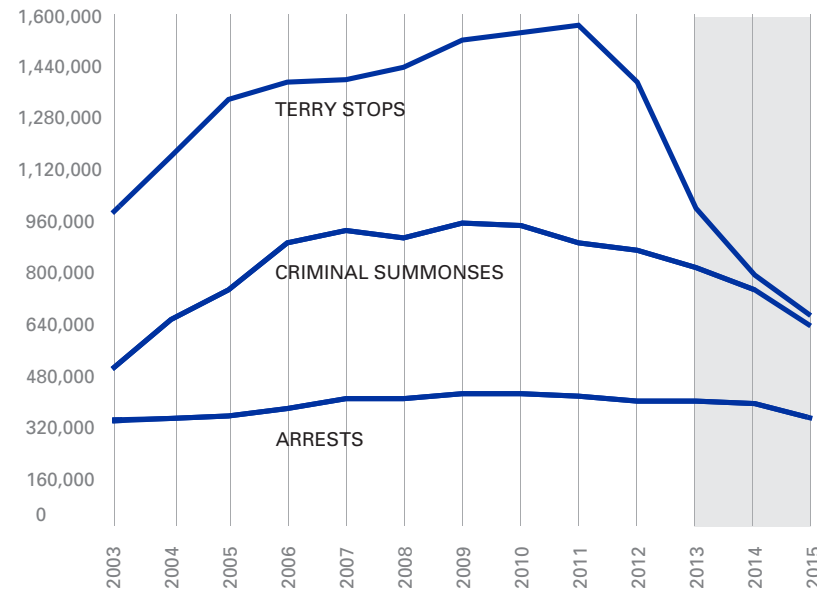
- **Misdemeanor Arrests and Summonses are Incomplete Indices of Quality-of-Life Policing** — Misdemeanor arrests and summonses should not be used as simple surrogates for quality-of-life policing, which has many other dimensions. Police officers can effectively respond to reports or concerns regarding quality-of-life conditions without arrests or summonses simply by dispersing groups, warning people to cease disorderly activity, establishing standards of behavior, and assisting with social service interventions. Many of the actions that police take to maintain order have not been taken into account by the OIG report. The work of NYPD's Civil Enforcement Unit, for instance, is a type of quality-of-life policing that is not captured in misdemeanor arrest and summonses statistics. Civil enforcement uses the civil law, and specifically nuisance abatement law, to remedy problems at locations where illegal activity is taking place. Sometimes that means closing the locations and sometimes it means using the threat of closure to compel property owners to stipulate that they will take steps to cure disorderly and illegal conditions. The Civil Enforcement Unit engages in hundreds of actions each year that are not memorialized in misdemeanor arrest and summonses statistics.

Misdemeanor arrests and summonses should not be used as simple surrogates for quality-of-life policing, which has many other dimensions.

- **The NYPD Has Been Reducing Misdemeanor Arrests and Summonses Intentionally During the OIG Study Period as a Matter of Policy** — In the past two and a half years, the NYPD has been encouraging its officers to use discretion in street encounters and employ less punitive interventions when possible. The OIG report makes only glancing reference to the important use of officer discretion, citing only changes in policy respecting marijuana arrests. Yet, the NYPD's emphasis on the appropriate use of arrest powers in the broader context of officer discretion is having significant impact. The department has determined that it can continue to maintain a low level of crime with fewer enforcement actions. By the end of 2015, arrests were down nearly 14 percent and criminal summonses were down 30 percent from two years prior. The declines have continued in 2016, with drops of 6.7 percent in arrests and nine percent in summonses through August 2016. But while encouraging discretion, however, the NYPD was also mandating continued intervention. As a result, the net number of arrests and summonses, which the NYPD has been reducing as a matter of policy, is substantially lower than the net amount of overall quality-of-life engagement, which the NYPD has established

as a matter of practice. The department is still expecting and demanding a high level of engagement, interaction, and intervention on the part of its police officers when responding to public disorder problems. So the fact that quality-of-life enforcement is down while crime remains stable or declines comes as no surprise to the NYPD. These are outcomes which the department predicted and which it worked actively to achieve.

Peace Dividend 2003-2015 Data for categories are stacked.



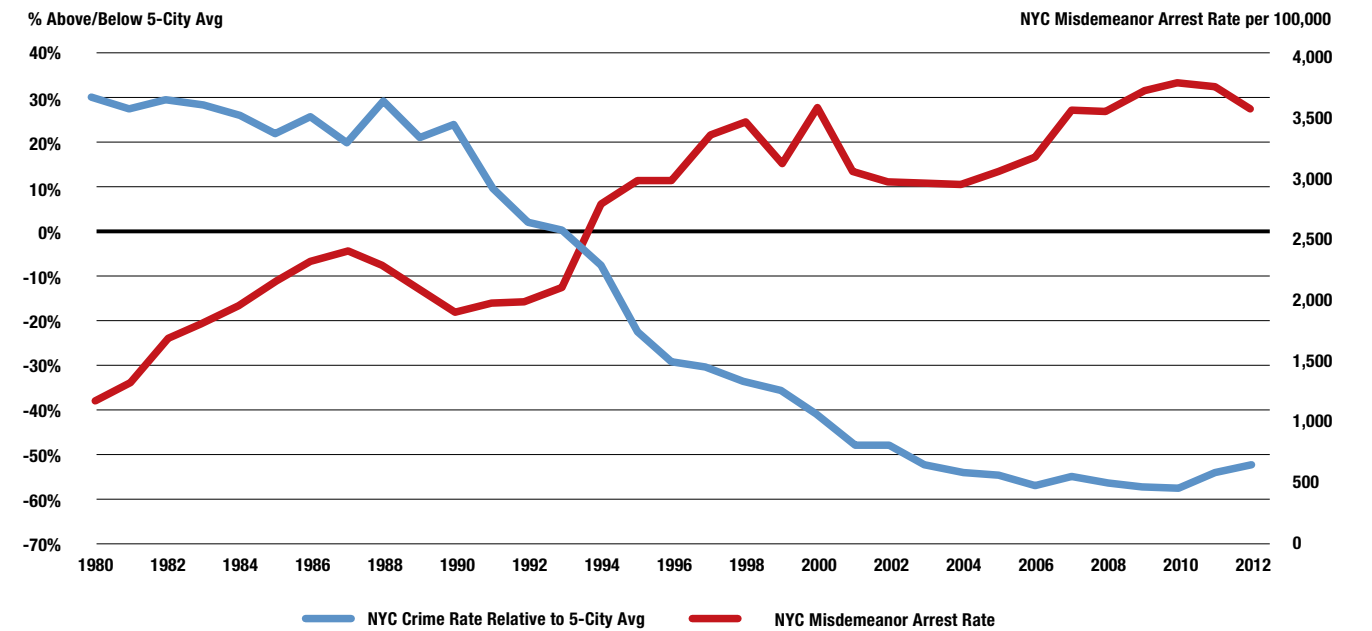
The Peace Dividend: By promoting discretion, the NYPD has seen arrests, criminal summonses, and reasonable-suspicion stops fall by more than a million from their respective ten-year highs, even as crime—particularly murders and shootings—has fallen as low as it has been since the 1960s.

The fact that quality-of-life enforcement is down while crime remains stable or declines comes as no surprise to the NYPD. These are outcomes which the department predicted and which it worked actively to achieve.

- **Non-Punitive Police Actions Control Disorder** — Officer engagement at the street level, short of enforcement actions, can be very productive. Sometimes, the threat of sanctions can be just as effective as sanctions themselves in altering behavior. So the decreased use of actual sanctions in the 2010 to 2015 study period may have been offset throughout the period by less punitive order-maintenance activities. Enforcing quality-of-life standards, without actually using misdemeanor arrests and summonses, still relies on the ability to invoke these sanctions. Telling people to move along when they know an officer can arrest or summons them is far more effective than it would be if they believe the officer cannot. Police officers require the fundamental authority to manage street situations and the option to move swiftly to criminal sanctions when necessary.

- **The Time Period of the OIG Report Excludes the Time of the Greatest Crime Decline in New York City History** — By choosing the period from 2010 to 2015, the authors of the OIG report entirely ignore the preceding 16 years, when increases in misdemeanor arrests corresponded consistently and “commensurately” with declines in index felony crime. From 1994 to 2009, misdemeanor arrests in New York City rose from about 2,500 per 100,000 of population to about 3,500 per 100,000, a 40 percent increase. During the same period, index felony crime fell from 430,460 incidents to 106,789 incidents, a 75 percent decline. As noted above, the NYPD would not maintain that the increase in misdemeanor arrests during this period, by itself, caused the ensuing crime decline. Yet, if a lack of correlation between misdemeanor arrests and declining felony crime between 2010 and 2015 is evidence of the ineffectualness of Broken Windows, then the extremely strong correlation in the previous 16 years should be taken as evidence of the contrary.

NYC Crime Rate and Misdemeanor Arrests



In order to put New York City's crime decline in context, this chart displays New York City's crime rate—the blue line—as a percentage above or below the average of the state's five next-largest cities (Albany, Buffalo, Rochester, Syracuse, and Yonkers)—the black zero line. Atop that sits New York City's misdemeanor arrest rate per 100,000 residents, in red. As misdemeanor arrests rose in the 1990s, New York City saw its crime rate fall far below that of other large cities in the state, until crime was at sufficiently manageable levels that the need for broad enforcement diminished.

- **Overall Index Crime Did Not Fall in New York City between 2010 and 2015** — Although crime has continued to trend downward across the past 26 years, the period from 2010 to 2015 was not actually a time of overall crime decline in New York City as the OIG report asserts. Index crime stood at 105,456 incidents in 2015 compared with 105,111 incidents in 2010, driven by increases in felony assault and grand larceny. There is not a single year in the six-year period when overall index crime was lower than in 2010. In two of those six years, 2011 and 2012, crime rose in five of seven index-crime categories. It peaked nearly 6 percent higher in 2013, before declining again in 2014 and 2015. Contrary to the assertion in the OIG report that “violent crime rates declined for the duration of the entire six-year period” (page 4), rape, robbery, and assault all rose in both 2011 and 2012. The OIG study period was a time

of relatively stable crime and ended with five of seven major crime categories down, but there were significant increases along the way. The NYPD certainly would not attribute these crime increases to “commensurate” declines in quality-of-life enforcement. Rather, it takes note of the crime increases as further evidence of the general carelessness of the OIG report, which leaves its readers with the impression that crime declined during the entire 2010 to 2015 study period.

The NYPD has been adapting Broken Windows to current times and lower crime, reducing misdemeanor arrests and summonses as a matter of policy.

In sum, the OIG report uses faulty statistical methods and inadequate data analysis to explore a flawed premise and to draw unwarranted conclusions. Using misdemeanor arrests and summonses is generally a poor surrogate for Broken Windows policing. NYPD precincts are probably too large an area in which to measure accurately the impact of the quality-of-life enforcement. The OIG study period is highly unrepresentative of the past 22 years of declining crime and increasing low-level enforcement. The report also fails to recognize that quality-of-life policing in New York has changed over the years in response to changing circumstances. There is no formulaic number of misdemeanor arrests or summonses appropriate to every situation. With a department-wide emphasis on the appropriate use of police discretion, the NYPD has been adapting Broken Windows to current times and lower crime, reducing misdemeanor arrests and summonses as a matter of policy.

Quality-of-Life Enforcement and Crime

By exclusively studying aggregate data about quality-of-life enforcement, the OIG report entirely misses a central point about how this kind of enforcement can be targeted very specifically on particular crime problems and particular crime locations. In this regard, quality-of-life policing is a precision tool used to suppress criminogenic environments and crime hotspots, to work against specific criminal actors and gangs, to recover firearms and other weapons, and to increase the general store of criminal intelligence that assists investigation of, and enforcement against, felony crime. Such precision use of quality-of-life enforcement may have decisive impacts on pockets of crime without swelling the overall numbers of misdemeanor arrests. The goal is not the sheer number of arrests, but ensuring their utility in reducing and controlling violent and other felony crime.

- **The Link Between Lesser Crime and Felony Crime is not Anecdotal** — While it is frequently argued that there is only anecdotal evidence of a nexus between minor and major crime, as when persons stopped for minor crimes are discovered to be armed or wanted on felony warrants, there actually is a strong statistical link between minor and felony criminals. The populations that commit both types of crime overlap to a significant degree. About half of all misdemeanor arrestees in New York City in recent years have had prior felony arrests, and nearly three quarters of felony arrestees have had prior misdemeanor arrests.

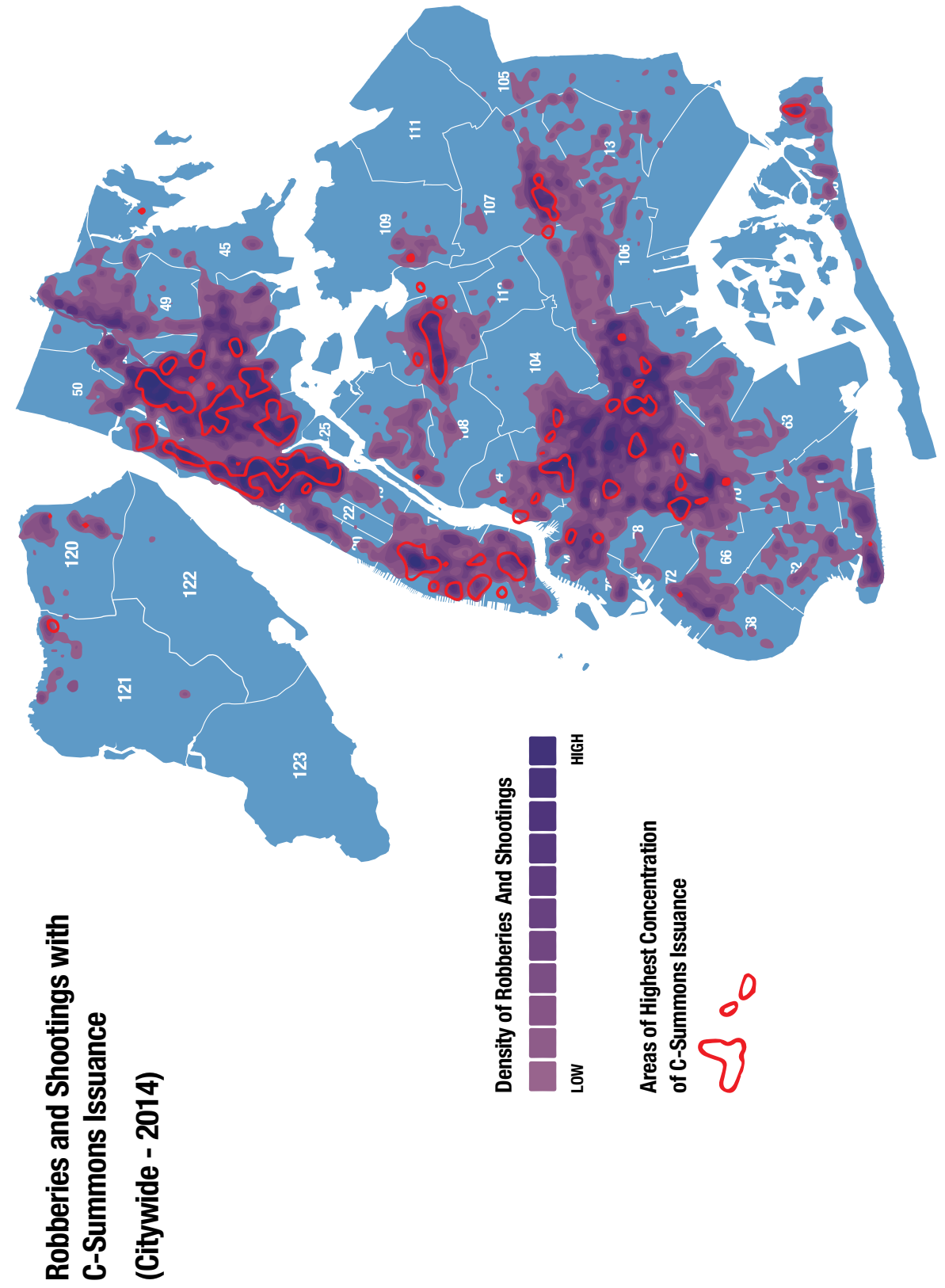
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People who are prepared to break major laws frequently break minor laws as well, providing the police with an opportunity to intervene with them, sometimes before they act in more damaging ways. Stops for minor offenses do indeed lead to recovered weapons and wanted felons who might otherwise escape notice. Equally important, these arrests frequently take recidivist criminals out of circulation for at least short periods of time, reducing their capacity for criminal activity, a tactic that has been particularly effective in keeping crime down in the New York City subway.

- Summonses are an Effective Tool for Controlling Disorderly Groups and the Violence that Sometimes Attends Them** — Summonses for open containers of alcohol, marijuana smoking in public, public urination, and disorderly conduct are among the most common criminal summonses issued in the city and four of the five summons types that the OIG report identifies as “specific quality-of-life summons categories.” Summonses have long been a means of breaking up rowdy groups on streets and in parks, before an intoxicated altercation leads to an assault, or even a shooting. They were used heavily in 1994 when the NYPD was contending with more than 5,200 shootings in the previous year, or about 100 shootings a week. It was largely by controlling the atmosphere on street corners that police were able to cut shootings by more than 3,500 in the next five years. These summons are still used today for the same purpose, but have declined in frequency because they are less needed and, in most cases, more precisely focused. From the Broken Windows perspective, street management is a critical element in controlling street violence. It is an observable phenomenon that drunken, carousing groups may become involved in violence as an evening wears on. Summary enforcement, or police intervention prior to the violence, is one way of controlling it. In this context, it also should be noted that it is often difficult to decouple quality-of-life enforcement for order maintenance purposes from similar enforcement to reduce crime, as the OIG report attempts to do. Police break up the drunken group both because it may lead to violence and because drunken groups annoy and frighten community members with their noise, bullying, and other obnoxious activities.

Summonses have long been a means of breaking up rowdy groups on streets and in parks, before an intoxicated altercation leads to an assault, or even a shooting.

- The NYPD Uses Quality-of-Life Enforcement to Address the Behavior of Specific Violent Criminals and to Control Specific Locations Subject to Shootings and Other Violent Crime** — Today’s NYPD is seeking enforcement activity at violence-prone locations and with respect to people who are causing violence. A small number of well-targeted misdemeanor arrests can have a significant impact in suppressing shooting hotspots. Misdemeanor arrests are assessed for whether they are effectively addressing problems, and arrests that do not target these problems are often discouraged. The department is scaling back on misdemeanor arrests, but not on the misdemeanor arrests that will have an effect on current felony crime problems. Even if there are fewer misdemeanor arrests, as there were in the OIG study period, those arrests are very likely addressing significant problems and are more effective at controlling violent crime.



The map above compares criminal-summons issuance to criminal shootings and robberies in 2014, the midst of the OIG report’s period. While criminal summonses are written in every part of the city, this density map illustrates the areas with the highest concentration of summons. Approximately 40 percent of all criminal summonses are written in these areas. The locations of concentrated summons activity coincide highly with the locations of violent crime. Note that even small pockets of crime in Queens (along Roosevelt Avenue and in Jamaica) correspond with summons activity. One noticeable divergence from this pattern is found on White Plains Road in the Bronx where there was not a high volume of summons activity. This location, perhaps not coincidentally, saw a dramatic increase in violence in 2014.

- **Lesser Arrests Open Opportunities for Debriefings** — Once misdemeanor arrests have been made upon probable cause, the arrests provide an opportunity to intervene with arrestees who may know about criminal activities. Since 1994, NYPD detectives have been debriefing most arrestees, even those arrested for minor crimes, to develop leads in specific felony cases and to glean general intelligence about gang disputes, gun traffickers, drug dealers, and other criminal actors. Arrestees participate in these debriefings voluntarily. A huge amount of criminal intelligence has been derived from misdemeanor arrests in the past 20 years and has helped build cases that have cut felony crime. Once again, it is not the sheer number of arrests that counts. Rather, it is the quality of information derived and how that information is applied to the solution of serious crime problems.

A huge amount of criminal intelligence has been derived from misdemeanor arrests in the past 20 years and has helped build cases that have cut felony crime.

- **Probable Cause Underlies all Quality-of-Life Enforcement** — Quality-of-life enforcement should not be confused with reasonable-suspicion stops. Reasonable-suspicion stops are based on a significantly lower standard of reasonable suspicion, whereas misdemeanor arrests and summons issuance each require probable cause, the same standard required for felony arrests. The NYPD uses quality-of-life policing as a way of countering more serious crimes, but it does not make misdemeanor arrests and issue summonses without meeting the probable cause standard. Officers might arrest someone, for instance, who would otherwise be issued a summons because the subject has a history of violent or serious crime offenses, but only when there is probable cause to make the arrest for the lesser offense. The exercise of this discretion is entirely Constitutional and legitimate.

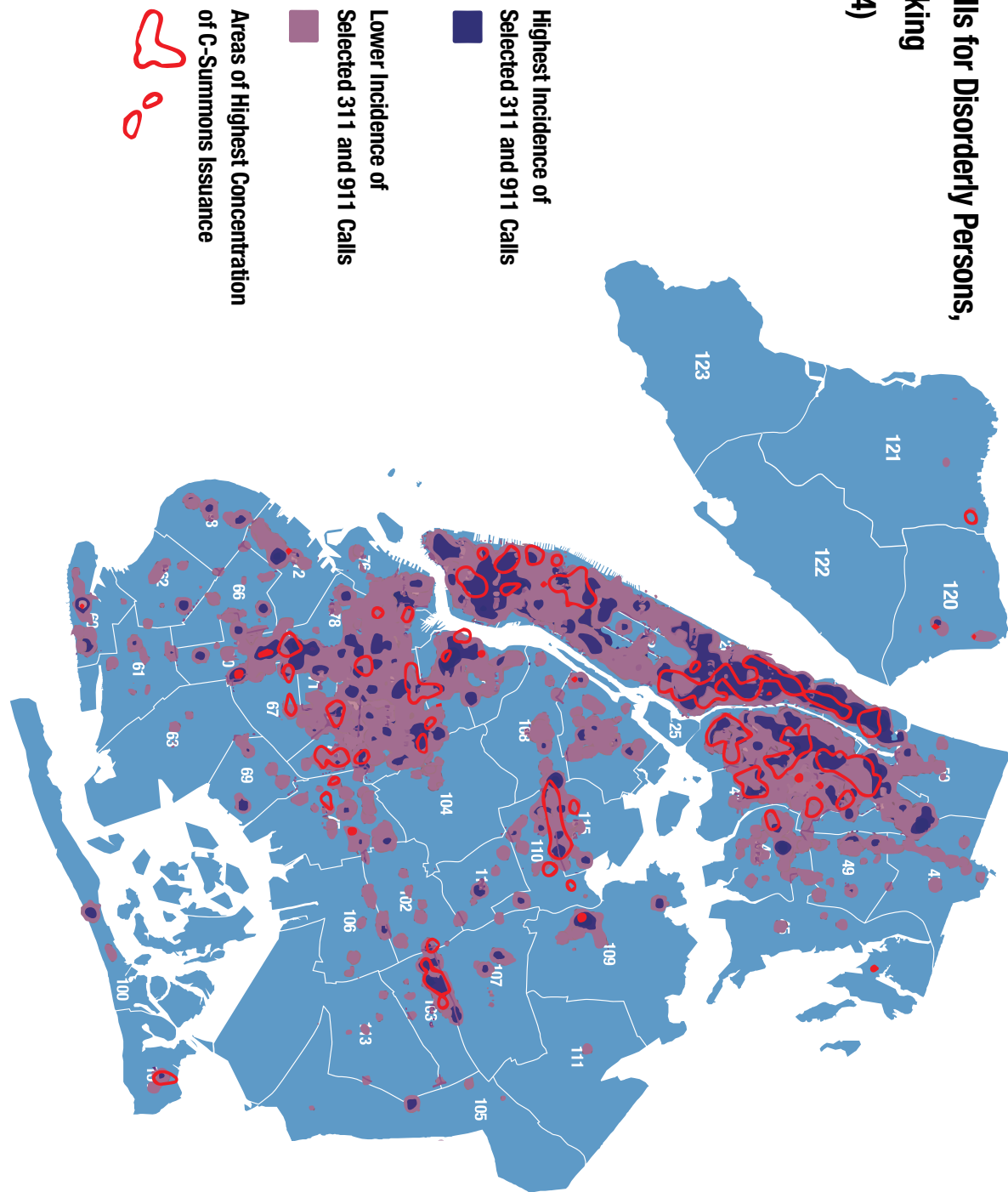
Quality-of-Life Enforcement and the Community

The OIG report opens with a major disclaimer, acknowledging that there are “a number of legitimate reasons” to pursue quality-of-life enforcement and that “maintaining order is a goal in and of itself.” The NYPD could not agree more. Keeping peace and order in neighborhoods is a primary police function and has been since Robert Peel, founder of the London Metropolitan Police in the 1800s, first wrote that it is the purpose of the police “to prevent crime and disorder.” Broken Windows policing is consistent with the principles of community policing, an effort by the police department to give communities the services they demand and police attention to the problems they care about.

- **Neighborhoods Want Quality-of-Life Enforcement** — Neighborhoods across the city request quality-of-life policing far more often than they seek enforcement against serious crime. Generations of precinct commanders in New York City have learned that neighborhood residents, at countless community meetings and in other communications with these commanders, are much more focused on noise, rowdy groups on the street, public drinking and marijuana smoking, low-level drug dealing, street prostitution, outdoor dice games and gambling, traffic violations, double parking, and other visible and annoying signs of disorder in their communities. Any commander seeking to respond to community concerns would be working to address these problems.

- **Calls for Service are a Primary Driver of Quality-of-Life Enforcement** — The OIG report largely ignores calls for service as a reason why quality-of-life enforcement may be pursued more intensively in one precinct than in another. As the NYPD has shown in its own report on quality-of-life policing “Broken Windows and Quality-of-Life Policing in New York City” (http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/qol.pdf), racial disparities in enforcement of minor laws in New York City can be largely explained by calls for service that have pulled officers to particular locations and particular offenders. Minority communities regularly call for police response on their blocks, with calls about noise and disorderly groups being among the most common complaints.

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



Quality-of-life policing frequently stems from responding to 911 and 311 calls for service. This map overlays the density map that illustrates the areas with the highest concentration of criminal summons atop areas where citizens call 311 and 911 for assistance with disorder, noise, and public drinking. What it reveals is that the NYPD goes where people call.

- Polls Show Support for Quality-of-Life Policing** — Several public opinion polls conducted by Quinnipiac University since 2014 have found that a majority of both blacks and Latinos support “having police officers issue summonses and make arrests for so-called quality-of-life offenses, such as drinking in public, selling small amounts of marijuana, or making loud noise at night.” In the case of black communities, quality-of-life enforcement has been favored by majorities of 56 to 37 percent, 50 to 38 percent, and 52 to 43 percent in three separate polls. Hispanics and whites approved of quality-of-life policing by wider margins.

Quinnipiac University Polls on Quality-of-Life Policing

Question: Do you support or oppose having police issue summonses or make arrests for so-called quality-of-life offenses, low-level offenses such as drinking in public, selling small amounts marijuana, or making loud noise at night?

Responses:

Date of Poll	Blacks	Hispanics	Whites	Totals
Aug. 27, 2014	56% Support	64% Support	61% Support	60% Support
	37% Oppose	34% Oppose	33% Oppose	34% Oppose
May 13, 2015	50% Support	56% Support	62% Support	57% Support
	38% Oppose	39% Oppose	33% Oppose	38% Oppose
Aug. 6, 2015	52% Support	61% Support	65% Support	58% Support
	43% Oppose	37% Oppose	35% Oppose	37% Oppose

It is interesting that 56 percent of blacks and 64 percent of Hispanics were supporting quality-of-life enforcement in August 2014, scarcely two months after the Eric Garner incident, when in the same poll, 90 percent of blacks and 71 percent of Hispanics said there was no excuse for the way the police acted in that incident. In other words, with animosity to the police running high, these groups were still endorsing quality-of-life policing by large margins.

<https://www.qu.edu/news-and-events/quinnipiac-university-poll/new-york-city/release-detail?ReleaseID=2075>

- The Neighborhood-based Policing Model Will Further Improve the Focus and Effectiveness of Quality-of-Life Enforcement** — Since May 2015, the NYPD has been implementing its “Neighborhood-based Policing Model,” the largest, best-funded, best-staffed community-policing effort ever undertaken in the United States. By early October, it will be implemented in half of the NYPD precincts and all public housing police service areas, serving a total population in excess of three million people. Under the model, New York cops are being given the time, training, resources, and encouragement to work intensively with community members at problem solving. These problems often involve quality-of-life issues for which local residents are seeking police action. The model maintains strict sector integrity, which means that patrol officers are assigned to a sector and spend all of their daily tours there, barring some significant emergency that requires their services elsewhere. These sector officers gain a thorough understanding of the sector, its residents, and its problems. Supplementing the sector officers, who work in three tours around the clock, are two neighborhood coordination officers (NCOs) who are assigned to each sector, and who coordinate with the sector officer team to identify problems and develop solutions. The Neighborhood-based Policing Model is the next step in the long evolution of quality-of-life policing in New York City, as residents and officers work together toward maintaining safety and civility in neighborhoods across the city.

NYPD Response to the OIG Report Recommendations

OIG report recommendation: NYPD should rely on a more data-driven approach to determine the relative impact of quality-of-life summonses and misdemeanor arrests on the reduction of felony crime, objectively comparing the statistical impact of quality-of-life enforcement on crime with other disorder reduction strategies.

- NYPD should assess the relative effectiveness of quality of life summonses, quality-of-life misdemeanor arrests, and other disorder-reduction strategies in reducing felony crime, demonstrating whether statistically significant relationships exist between specific disorder-reduction tactics and specific felony crimes.*

The NYPD regularly assesses and adjusts its quality-of-life enforcement tactics to determine their effectiveness and necessity, as evidenced by recent changes in marijuana arrest policies or by the more recent agreement with the City Council to provide officers with civil summons alternatives to misdemeanor arrests and criminal summonses. As noted above, over the past two-and-a-half years, the department has been encouraging officer discretion in street encounters and the use of less punitive interventions when possible in lieu of issuing summonses and making arrests. While the NYPD may not be measuring “the statistical impact of quality-of-life enforcement on crime,” as the OIG report recommends, it is continuously gauging and evaluating the actual impact of quality-of-life enforcement on crime and making adjustments accordingly. We would, however, welcome a rigorous evaluation of quality-of-life policing that meets social-science standards.

- NYPD should conduct an analysis to determine whether quality-of-life enforcement disproportionately impacts black and Hispanic residents, males aged 15-20, and NYCHA residents.*

The NYPD has conducted such an analysis and has concluded that any disparate impact of quality-of-life enforcement is a consequence of quality-of-life calls for service. These come disproportionately from minority neighborhoods and which direct officers to particular locations and particular offenders, many of whom are males aged 15 to 20. The NYPD responds when summoned by concerned community members and takes necessary enforcement actions as dictated by specific circumstances. There are large minority neighborhoods in southeastern Queens and northeastern Bronx where there are far fewer calls for service and far fewer quality-of-life enforcement actions.

Quality-of-life policing focuses on neighborhoods where disorder occurs. There are myriad factors the NYPD uses to deploy officers and allocate resources—911 calls, 311 calls, complaint reports, domestic-incident reports, traffic patterns and accident rates, the presence of infrastructure or cultural monuments deemed high-value in a counterterrorism sense, residential headcounts, etc. A neighborhood's racial makeup and average income are not among those factors. There are many areas in the city, including southeastern Queens and northeastern Bronx, where the population is primarily black and Hispanic, but where quality-of-life complaints do not drive quality-of-life enforcement.

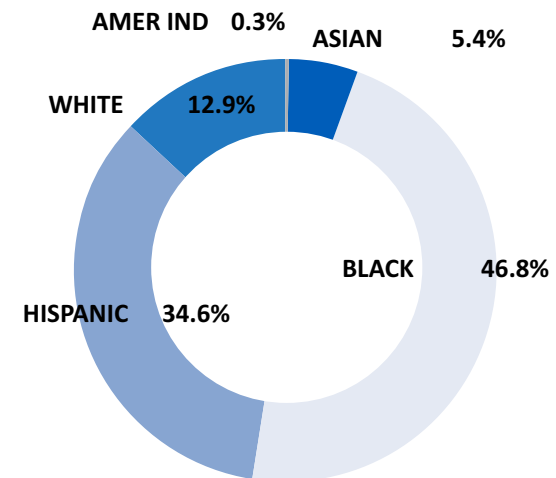
* SOURCE FOR POPULATION DATA: US Census Bureau - 2010



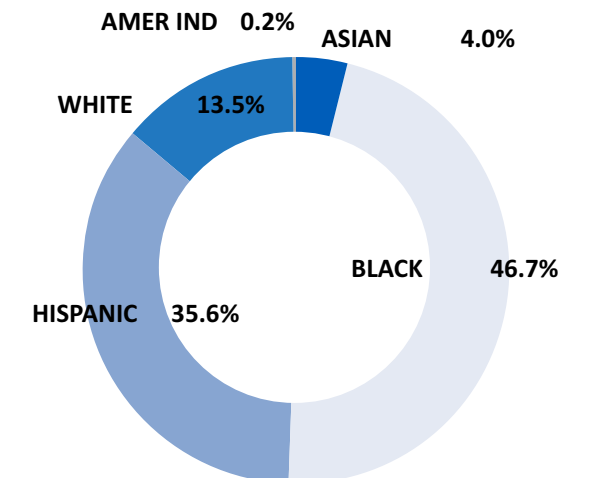
The NYPD also did an analysis of misdemeanor arrests, dividing the arrests into two types: arrests made on the basis of victim descriptions and arrests made proactively by police officers. When these arrests are analyzed for the race of the arrestee, the results in the two types of arrests are almost identical. In essence, police officers in New York City are arresting people in virtually the same proportions with respect to race when they have witness descriptions from the third parties and when they are acting on the basis of their own observations. This fact would seem to counter any argument that NYPD officers are making these arrests in a racially disparate manner.

Police officers in New York City are arresting people in virtually the same proportions with respect to race when they have witness descriptions from the third parties and when they are acting on the basis of their own observations.

Proactive Arrests



Victim-Driven Arrests



On the right, "Victim-Driven Arrests" shows the breakdown of 156,000 arrestees in misdemeanor crimes from 2014 for which victims identified their victimizer. On the left, "Proactive Arrests" shows the breakdown for so-called "proactive" misdemeanor arrests. These are misdemeanor arrests for which officers observed the offense and took action without a complainant. The chart on the left breaks down 100,000 arrestees in proactive misdemeanor crimes from 2014. Proactive arrests include those involving offenses such as theft of service, making graffiti, criminal trespass, possessing or using dangerous drugs or dangerous weapons, gambling, intoxicated/impaired driving, public lewdness, and prostitution and related offenses, as well as misdemeanors described in the Administrative Code, the Health Code Laws, the Vehicle and Traffic Laws, and other state laws. With regard to race, arrests for proactive offenses break down along percentages that are nearly identical to the breakdown of arrests for victim-driven offenses.

Conclusion

It's unfortunate that, at this time in New York City's history, the OIG has issued a report using questionable methodology and has reached unsupported conclusions challenging a policing strategy that has been central to the city's efforts to promote public safety and enhance trust and confidence in the police department. At a time when crime numbers have reached historical lows and the police department is consciously reducing the level of enforcement actions and implementing the Neighborhood-based Policing Model, this report perpetuates misunderstanding about a police strategy critical to the well-being of New York City.

The NYPD's critique of the OIG report should not be misunderstood as a lack of interest in research on quality-of-life policing. On the contrary, such studies are welcome. But to be meaningful, they must use more rigorous methods and appropriate data. They must also take account of the various focused ways in which quality-of-life policing is used by the NYPD today, actions whose effect may not be measured by gross numbers of misdemeanor arrests and summonses. A genuine, more useful analysis of quality-of-life enforcement must use both quantitative and qualitative methods consistent with social-science standards and examine the full range of quality-of-life activities to truly understand their effect on crime.

Appendix I

The Genesis and Evolution of Broken Windows Policing (1982 to 2016)

Broken Windows refers to the general thesis that increased attention to, and enforcement against, lesser crimes and offenses will have a positive impact on more serious crimes. It was first advanced, under that name, by James Q. Wilson and George Kelling in a celebrated *Atlantic Monthly* article published in 1982. It gained wider currency in 1990 and 1991 when Broken Windows principles were applied to the task of restoring order and reducing crime in the New York City subway and then, in 1994 and 1995, when Broken Windows was one of a variety of strategies aimed at reducing disorder and crime in the city as a whole. The current New York City Police Commissioner, William Bratton, led both of those efforts, first as Transit Police chief and then in his first term as police commissioner. Misdemeanor arrests and summonses rose steeply in those years and continued rise into the early 2000s. Crime fell dramatically, with index crime declining by 50 percent and homicide falling by 67 percent between 1993 and 1998. By 2015, index crime was down by about 75 percent and homicide by nearly 82 percent.

In Commissioner Bratton's second term as Police Commissioner beginning in January 2014, the Broken Windows approach was recalibrated. Commissioner Bratton and the department's chief managers concluded that the then-current numbers of arrests and summonses were not necessary to sustain the lower levels of crime that city was experiencing. The number of arrests and summonses dropped steeply and more focused use of quality-of-life enforcement combined with strategic investigations of violent actors and pattern crime continued to push felony crime numbers down.

Broken Windows Emerged from an Era of "De-policing"

Broken Windows emerged from what George Kelling has called an era of "de-policing" in many large American cities, an era when both public disorder and felony crime were far higher than they are today. By 1982, when the Broken Windows article was published, police in New York City had been pulled back from order maintenance functions and street policing to a significant degree. There were several reasons for this general retreat:

- The advent of the 911-dispatch system in the mid-1960s dramatically redefined the way police patrolled. The increasing volume of emergency calls to a centralized dispatch and communications center, and the expectation that they be answered swiftly, began to drain police resources for other purposes. Many patrol officers became "slaves of the radio," running from call to call and often losing focus on any street conditions that had not generated calls. Officers were most frequently seen in patrol cars on their way to somewhere else.

- The aftermath of the police corruption scandals and the Knapp Commission in the early 1970s saw the withdrawal of patrol officers and precinct resources from enforcement against any “corruption prone” activity, including low-level drug dealing, street prostitution, gambling, etc. Not only were street cops not encouraged to intervene with these kinds of activities, they were either prohibited to intervene, or actively discouraged from intervening. Ironically, the hands-off posture caused some among the public to draw the opposite conclusion from what was intended, with many concluding that, if the police weren’t arresting people clearly engaged in crime, they must be corrupt.
- Police layoffs in the wake of the New York City fiscal crisis in the mid-1970s cut the average headcount in the NYPD from 31,859 in 1970 to 22,664 in 1981. Average headcount would not reach 31,000 again until 1995. The layoffs left an organization already stressed by the demands of 911 dispatch seriously and chronically understaffed, further accelerating the move away from street policing and police engagement.
- As felony crime rose steeply in the 1960s and 1970s, the idea gained currency that the police should be focusing on calls for service and felony crime and not “wasting time” with lesser offenses. One of the primary goals of the original community-policing reformers was to reverse this thinking and to return police officers to engagement and problem solving in neighborhoods.

As result of all of these influences, meaningful police presence on the streets was greatly reduced in the late 1960s and 1970s, especially in minority neighborhoods. In their Broken Windows article, Wilson and Kelling called attention to the consequences of this de-policing, arguing that the police, in effect, had lost control of the street environment, with implications for both quality of life and violent crime. They further argued that criminals and violent criminals would fill the void, encouraged by the lack of police presence and engagement.

Wilson and Kelling maintained that even in cases of so-called victimless crimes, like prostitution or gambling, the social framework of the neighborhood was itself the victim. As conditions deteriorated, neighborhoods lost the ability to maintain order through various informal social mechanisms because citizens were intimidated by the violent and disorderly actors and because they stopped trying in the face of widespread disorder. In Wilson’s and Kelling’s view, the police, with their legal enforcement powers, were the only entity that could restore order sufficiently so that informal social mechanisms could again play a role in keeping neighborhoods safe and tranquil.

Broken Windows in the New York City Subway

While not a neighborhood, the New York City subway provided an interesting and early test case with respect to these ideas. The subway had fallen into disorder by 1990, creating an environment that felt dangerous to most subway riders, and subway ridership was declining. Fare evasion was rife at the turnstiles with an estimated 57 million fare evaders per year at cost of \$65 million. Some 5,000 homeless people—many of them drug abusers—were trying to live on trains, platforms, and in restricted areas, and 80 had died in the subway in the prior year. Beggars and hawkers of merchandise were everywhere. Robbery rose by 21 percent in 1988, 26 percent in 1989, and 25 percent in first two months of 1990. The robberies were crimes of opportunity, and the robbers were mostly teenagers, often acting in groups of four or five to overpower and rob their targets. In classic Broken Windows terms, the young robbers looked at a disorderly subway system and concluded that they could get away with anything there.

Rather than concentrate exclusively on the robberies, the Transit Police, under then-Chief William Bratton, developed a strategy that addressed crime, fare evasion, and disorder. They coupled a program of full enforcement of subway rules and regulations with a sharply focused attack on the subway robbers. In the first four months after the strategy was put in place, arrests rose 81 percent, summonses 35 percent, and ejections from the subway for disorderly behavior nearly 500 percent. Some of the robbers were apprehended but others were simply deterred by the increased police presence and activity.

In the next five years, the subway climate changed dramatically: fare evasion was cut by three quarters, saving \$40 million annually; most of the homeless were moved out of the system; hawkers and beggars were minimized; and robberies were slashed. Between 1990 and 1995, major crime in the subway dropped 65 percent, from 47 crimes per day to fewer than 20. Twenty years later, with the same basic strategy still in place, with subway ridership up by more than two million riders, and with fewer officers actually patrolling the subway than in 1990, the number of crimes per day has been further reduced to six. The subway system today remains an extremely safe and relatively orderly environment where the chief problem isn’t falling ridership but overcrowding.

Broken Windows in the NYPD

Broken Windows was first implemented in the NYPD in 1994, when William Bratton became police commissioner for the first time, and in the context of peaking violent crime. In the late 1980s, the crack epidemic in inner city neighborhoods drove violent crime to record high levels as drug gangs battled over street turf and prime drug dealing locations. There were an estimated 5,000 open-air drug markets in the city at the

time. Homicide in New York City increased from 1,392 in 1985 to 2,242 in 1990, with 60 percent of the homicides taking place outdoors. Violent crime hit a peak in 1990 of nearly 150,000 incidents. By 1993 there were more than 5,200 incidents, approximately 100 per week, in which people were shot in New York City, frequently on the streets.

As in the subway, the Broken Windows approach in the larger city was part of a broader strategy for controlling crime, including the development of a command accountability system that came to be known as CompStat. The heart of the CompStat system was the semi-weekly CompStat meeting that convened precinct commanders, detective squad leaders, and special unit bosses for intensive crime-strategy sessions. Supported by the most recent crime data and by crime mapping that helped identify patterns, the CompStat meetings assessed crime-control tactics, held precinct commanders accountable for their performance, and lent a pressing sense of urgency to the core business of policing.

In a department that had traditionally run on three separate sets of tracks—patrol, detectives and narcotics—CompStat became the central forum for coordinating resources from the various operational bureaus. The use of timely information to identify problems, devise possible solutions, and evaluate the impact of those solutions—in so rigorous a forum—was a significant policing innovation that helped focus the enforcement assets of the NYPD as never before.

Compstat, and the focus it provided, was complemented by a concerted reassertion of police presence on the streets, largely accomplished through the enforcement against more minor crimes. Police stepped up enforcement of a variety of laws against street drug dealing, public drinking, public marijuana smoking, open-air prostitution, gambling and other minor offenses, reversing the de-policing trends of the 1970s and 1980s. From 1993 to 1996, drug arrests and misdemeanor arrests increased by 98 percent and 51 percent respectively.

The Department reclaimed many of the city's street corners from drug dealers and various other violent actors who had turned some neighborhoods into shooting galleries. Quality-of-life enforcement was a means of intervening with incipient criminal activity and criminogenic environments. Instead of street corners growing more violent as the night wore on, police intervention checked the situation early by breaking up the groups who were drinking and smoking marijuana. In the first several years, the police were also turning up significant numbers of illegal firearms from people who were searched after being arrested for lesser crimes. Quality-of-life policing, and the attendant arrests and searches, became a significant deterrent to carrying unlicensed firearms.

The shooting numbers plummeted from 5,269 in 1993 to 3,265 by 1995 to 1,759 by 1998. With the decline in shootings came a spectacular decline in homicide. The city recorded the four largest drops in homicide in its history in four successive years, including a 345-incident drop in 1994 and 401-incident drop in 1995. There were declines in overall index crime of 12.8 percent in 1994, 17.3 percent in 1995, and 15.5 percent in 1996, the only consecutive double-digit declines in crime in the city's modern history. Between 1993 and 1998, index crime in New York City dropped from 430,460 incidents to 212,913. The next year, index crime slipped under 200,000 for the first time since the mid-1960s. The downward trend in New York City crime continued into the new century, approaching 105,000 index crimes in both 2010 and 2015. Major declines in homicide brought the murder rate in New York, by far the largest and densest city in the country, to a lower rate than in the nation as whole.

Throughout the long crime decline, police management of public spaces to reduce disorderly behavior also reduced the daily opportunities for crime. Order bred more order because the communities themselves began to exercise control of the public space. As the shooters and other criminals were driven off the street corners and the risks of being killed or seriously injured diminished, the real community emerged and started to exert the kind of informal social control that is the standard in less crime-troubled neighborhoods. In these enhanced environments, people, and especially young people, were subject to far more restraint and were far less likely to end up in jail, partly explaining the steep drop in jail and prison population that New York City and New York State have experienced during the years since 1993. The stronger the community control, the easier and more productive police work became, and some significant portion of the New York City crime decline is very likely attributable to a virtuous cycle of community efforts and community influence that emerged as violent crime began to fall.

Recalibrating Broken Windows

CompStat had been designed, in part, to prompt activity, and to ensure that police officers were working strategically to respond to emerging crime patterns. But in its early days, it concentrated on developing plans and tactics, not on pushing activity for its own sake. As sometimes happens in large organizations, the message became muddled, as field supervisors and officers began to see arrests and summonses as the measure of effective performance.

As felony crime declined in late 1990s and early 2000s so did felony arrests. By 2014, they stood at nearly 95,000, or 53,000 fewer than in 1994. Misdemeanor arrests increased, however, from about 190,000 in 1993 to a peak of nearly 290,000 in 2011. Given the way the district attorneys and the courts manage misdemeanor cases in New York City, more than 90 percent of these arrestees were not being sentenced to jail. Yet the level of police intervention represented by arrests was leaving an impression of heavy-handed police tactics in some minority neighborhoods. Even if these arrests were entirely valid, the question began to arise as to whether they were all necessary. Were all of these arrests contributing to controlling crime and disorder, or could the department scale back on these interventions without risking rising crime?

Noting that crime conditions had dramatically improved over the past two decades, Commissioner Bratton, now in his second term as New York City Police Commissioner, directed a re-examination of street enforcement. In the Commissioner's view, countering current crime and social conditions required more precision. More than in the past, police had to work closely with neighborhoods to make progress against the entrenched crime that remained, with sharply focused investigations that relied on information provided by local residents.

In 2016, these priorities are on full display in today's CompStat meetings and in the department's Neighborhood-based Policing Model. The NYPD is shifting away from quantity-driven enforcement towards targeted, quality arrests. It is promoting and encouraging officer discretion in all citizen encounters. A refreshed and renewed CompStat process is complementing this shift by evaluating commanding officers on how they are deploying and directing their resources, rather than on how much activity they are generating. The Neighborhood-based Policing Model is giving officers both the time and latitude to work intensively at local problem solving in collaboration with local residents.

The managers who run the CompStat meetings have been engaging commanding officers, and other key actors in precinct operations, in vibrant and productive discussions that evaluate the commanders' use of the resources in the geographical commands to address crime trends, chronic conditions, and emerging spikes in violent crime and property crime that require a prompt response. There is still a drive for police activity, but it is for activity that is productively focused on people known to be involved in violence, on serious crime, and on locations where that crime takes place.

Appendix II

Review by Richard Rosenfeld

Richard Rosenfeld is the Thomas Jefferson Professor of Criminology and Criminal Justice at the University of Missouri - St. Louis. He has published widely on crime trends, crime statistics, and criminal justice policy. Dr. Rosenfeld is a Fellow and former President of the American Society of Criminology. He currently serves on the Science Advisory Board of the Office of Justice Programs, US Department of Justice.

Review of the New York City Department of Investigation Report on Felony Crime and Quality of Life Enforcement

Richard Rosenfeld

Thomas Jefferson Professor

University of Missouri - St. Louis

This is a review of the Department of Investigation's report on quality-of-life (QOL) enforcement and felony crime in New York City (hereafter Report). The review is limited to the methodology used in the Report to evaluate the relationship between felony offending and QOL enforcement, although I make a brief comment on the Report's recommendations for the NYPD. Based on the review, my major conclusion is that the statistical methods used in the Report are inadequate for establishing whether or not QOL enforcement is linked to reductions in felony crimes in New York City.

1. The authors claim that this is the first study of the relationship between QOL enforcement and felony crime in NYC. That is incorrect. Several prior studies have evaluated the effect of QOL enforcement on felony crime in NYC (e.g., Harcourt and Ludwig 2006; Messner, Galea, Tardiff, et al. 2007; Rosenfeld, Fornango, and Rengifo 2007). Two of these studies concluded that QOL enforcement had a modest effect on felony crimes and one reported no significant effect. Each of these studies, however, employs research methods that are far more rigorous than those used in the Report. Valid studies of policy interventions and practices must be based on a thorough review of pertinent prior research.

2. Even a cursory review of past research would have revealed that the "correlational" and "trend" analyses presented in the Report are not sufficient to demonstrate whether QOL enforcement is related to felony crime. The Report simply demonstrates that QOL enforcement and felony crime rates are positively correlated with one another. That should have been the beginning of an analysis that then seeks to determine (a) whether variation in crime rates within and across NYPD precincts is related to variation in levels and types of QOL enforcement; (b) whether any such relationship withstands controls for both observed and unobserved influences on crime, including QOL complaints (see below); (c) the temporal order of variation

in QOL enforcement and crime (i.e., whether changes in enforcement tend to precede or follow changes in crime). There are many ways of handling these issues statistically (e.g., dynamic panel models, growth curve models, fixed or random effects panel models). The authors are correct in suggesting that causal inferences are very difficult to draw from the available observational data, but that does not gainsay the application of appropriate statistical methods to the data at hand.

3. One important omission is data on QOL complaints. Other studies have found that QOL enforcement responds to citizen reports of minor crimes and disorder (Rosenfeld et al. 2007). The authors argue that QOL enforcement in minority communities exceeds the level that would be expected based on the level of felony complaints. The more relevant comparison, however, is to complaints of less serious crimes. It is quite possible, for example, that controlling for misdemeanor complaints would greatly reduce or eliminate the relationship between QOL enforcement and the proportion of a community that is black or Hispanic.

In addition, QOL enforcement is a community benefit in its own right, quite apart from whatever effect it may have on felony offenses. This is especially true when enforcement is a response to citizen complaints of disorder and minor crime. For this reason alone, it is necessary to include complaints of disorder and minor crime in a meaningful assessment of QOL enforcement.

4. Even the very rudimentary methods used in the Report are questionable. For example, the authors argue that the results are not generalizable beyond the 2010-2015 observation period, but then use tests of statistical significance to evaluate the relationship between QOL enforcement and crime. Statistical significance refers to the probability that empirical relationships observed in a sample reflect the true relationships in the population from which the sample was drawn. Yet, the study is not based on a sample of observations, and the authors evidently do not regard the 2010-2015 period as a sample from a larger time frame. Tests of statistical significance, therefore, have no meaning in this case.

Another worrisome example of faulty statistical reasoning is the claim that controlling for rates of felony crime “is essentially setting rates of felony crime equal to 0 in all precincts”(p. 83fn). That is incorrect. Controlling for a variable amounts to setting its value at its mean, not zero. Further, the bubble graphs shown in the Report are basically uninterpretable. It is simply confusing to place felony arrests and felony complaints on the two axes.

5. The spatial units of analysis used in the study, police precincts and boroughs, are very large and heterogeneous areas. It is possible that a relationship between QOL enforcement and felony crime would have been observed in smaller, more homogenous spatial units. The authors acknowledge as much, but their defense of the use of the larger units is not persuasive (see p. 12fn). Some researchers propose the use of street blocks as the appropriate unit of spatial aggregation for evaluating the relationship between crime and police enforcement activities (Weisburd, Wooditch, Weisburd, and Yang 2016). Even the use of census tracts or block groups would be far more defensible units of analysis than police precincts, which have an average population of approximately 110,000 residents.

6. The Report’s recommendations for the NYPD to conduct its own analyses of the relationship between QOL enforcement and serious crime and to make refined data available for others to analyze are well taken. But the recommendations do not go far enough for establishing a causal relationship between police enforcement activities and crime rates -- both serious crime and disorder and less serious crime -- which is the fundamental objective of policy analysis. That will require field experiments in which suitably small spatial units are randomly allocated to alternative “treatment” conditions that vary the amount and type of enforcement. Now that the NYPD has begun to rethink its enforcement strategies for small amounts of marijuana possession and perhaps other less serious offenses, this is an opportune moment to initiate randomized controlled studies of the impact of QOL enforcement on both serious crime and less serious offenses in New York City.

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Appendix III

Review by David Weisburd

David Weisburd is Distinguished Professor at George Mason University and Director of the Center for Evidence-Based Crime Policy. He is also the Walter E. Meyer Professor of Law and Criminal Justice at the Hebrew University in Jerusalem and Chief Science Adviser at the Police Foundation in Washington DC. Professor Weisburd is an elected Fellow of the American Society of Criminology and of the Academy of Experimental Criminology. He is a member of the Science Advisory Board of the Office of Justice Programs, and is chair of the National Academy of Sciences Panel on Proactive Policing. He is author or editor of more than twenty books and more than 150 scientific articles that cover a wide range of criminal justice research topics, including crime at place, violent crime, white collar crime, policing, illicit markets, criminal justice statistics and social deviance. Professor Weisburd was the founding editor of the *Journal of Experimental Criminology* and is editor of the *Journal of Quantitative Criminology*. He is a winner of the prestigious Stockholm Prize in Criminology.

Review of the New York City Department of Investigation Report on Felony Crime and Quality of Life Enforcement

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I have read the report and have a number of comments regarding its context and conclusions. Let me begin by saying that the report reflects a very positive approach to assessing criminal justice practices. It seeks to identify relevant data to use to understand what is going on in the field. Its recommendation that the NYPD should rely on a “more data-driven approach to determine the relative impact of quality of life summonses and misdemeanor arrests on the reduction of crime” is certainly a very good one. The attempt to use data to assess the impacts of policy changes is certainly admirable. In this context I was impressed with the report’s efforts to add information to what is often a polemical debate.

Having said this, my sense is that the report at times reaches too far in its conclusions. The analyses here are limited and can draw only very general conclusions regarding relationships among the variables examined. The work conducted here is not strong enough to make valid causal conclusions regarding the relationship between the practices of the police and crime outcomes.

One question to ask at the outset is whether there is solid empirical evidence regarding the “broken windows” model of policing. A recent systematic review of these tactics by Braga, Welsh and Schnell (2015) found that broken windows policing approaches overall generate significant crime control outcomes. How-

ever, they concluded that “aggressive order maintenance strategies that target individual disorderly behaviors do not generate significant crime reductions.” Moreover, my colleagues and I challenged whether the underlying mechanism of crime control for broken windows type strategies fit the theoretical model noted by Wilson and Kelling (1982) in their original formulation of this idea. Our work suggested that the crime prevention impacts are likely related to deterrence at high crime places rather than fundamental changes in the levels of fear and informal social controls in neighborhoods (Weisburd, Hinkle, Braga and Wooditch, 2015). I raise these issues at the outset to note that the empirical evidence for quality of life enforcement of crime is at best unclear.

Having said this, crime is not the only outcome that is important for the life of cities. Irrespective of short-term influences on crime, disorder may affect the everyday patterns of people’s lives, from their shopping behavior, to their overall sense of quality of life. These may also be important indicators to examine, and are not focused upon in this report. For example, even if getting rid of graffiti on subway cars does not influence crime there, it may make citizens feel safer and may increase ridership and thus the economic base of public transportation. In assessing quality of life enforcement it seems to me to be important to consider other outcomes than crime.

What the report does do is show clearly that rates of quality of life enforcement vary across macro geographies in the city, for example boroughs and precincts. And it also shows that at least across large geographies, large declines in quality of life summonses appear not to be followed by large increases in violent or property crime. The problem is that there is no adequate “counterfactual” for these observed changes. Put in simpler terms, we have no comparison that allows us to have confidence that the observed changes (or lack of changes) are in fact related to quality of life enforcement.

This is especially important because it is clear that police behavior is not the only factor that is influencing crime. Economic changes, changes in demographics, etc. will also influence crime rates, as will more general social and cultural factors. What we are trying to identify here is the contribution of quality of life enforcement to crime reductions. Could there for example be factors that are in fact constraining crime increases in this period, like increased employment or aging of the population? Perhaps in this context the decrease in deterrence gained from reduction in quality of life enforcement did not have an impact on rates of crime in certain macro geographies because there were other factors working against crime. Perhaps in this same context quality of life offenses continued to impact crime, and there was a major loss during the period observed, but we cannot identify that because of the other factors working against crime. Indeed, perhaps other types of police activities have “replaced” this approach such as hot spots policing, which are known to be effective in reducing crime. And accordingly these have “made up” for the decreases in quality of life enforcement.

My point is that it is very difficult to isolate the impact of quality of life enforcement. There may be many other factors “confounding” the observations of the report. And the addition of trend analysis does not overcome such weaknesses. For example, quality of life enforcement may be a direct response to crime, at the same time that crime may be influenced by quality of life enforcement. This makes it very difficult to identify which is effecting what, and it cannot be disentangled with a time series like that presented because the relationships may be simultaneous or at least very close in time. A study we completed on SQFs at a micro geographic level found that such influence are likely occurring within a single week (see Weisburd, Wooditch, Weisburd and Yang, 2015).

What needs to happen if the city is interested in identifying the impact of quality of life enforcement is that there has to be a much more sophisticated effort to identify the effect of the police actions relative to the whole range of potential confounding factors. In this regard the report notes that there should be a more “localized” approach to identifying possible influences of quality of life enforcement. I would go beyond this and note that the analyses developed have to take a much more micro geographic focus. In examining SQFs in New York my colleagues and I found that the approach was concentrated in micro geographic hot spots (Weisburd, Telep and Lawton, 2014). In a subsequent paper we found that there was an effect of SQF on crime at the micro geographic level using space time interaction models (Weisburd, Wooditch et al., 2015). My point is that if these strategies are focused on crime hot spots rather than neighborhoods overall (which would make sense given the NYPD’s overall focus on crime hot spots) then the evaluation of the strategy has to be at the local level where it is being applied.

This is important as well because the impacts of quality of life enforcement may be marginal. This is likely, since most evaluations have found “modest” impacts of prevention approaches. Such reductions of 15 or 20 percent in a large city may amount to hundreds of millions of dollars of cost benefit, and meaningful reductions in citizen fear, but they are only one part of the overall crime equation. In this context more focused approaches are needed to identify the crime prevention benefit in the context of a noisy statistical environment.

Finally, in any analysis of a police prevention strategy we need to be cognizant not only of impacts on crime, but also potential negative influences in the community. An approach may have a deterrent value (e.g. SQF) but its potential negative influences on the young and minorities may strongly outweigh its crime prevention benefits. In assessing quality of life enforcement such negative outcomes must be examined. The report begins to do that by raising issues regarding ethnic differences in macro geographic areas. But much more precise estimates are needed at a local geographic level, and in regard to other factors such as police legitimacy.



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