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## TABLE OF CONTENTS

- 5 INTRODUCTION
- 10 THE PROBLEM
- 12 CURRENT PRACTICE
- 14 SPECIFIC CONDITIONS
  - Peddlers, Panhandlers, and Squeegee Cleaners
  - Street Prostitution
  - Noise: "Boomboxes", "Boombox Cars", Loud Motorcycles, Car Alarms, Loud Parties, and Loud Clubs and Discos
  - Dangerous Mentally Ill Street People
  - Graffiti
  - Illegal Dumping
  - Sale of Alcohol to Minors
  - Traffic Conditions: Hazardous and Chronic Traffic Violations
- 35 CURRENT PRACTICE: POLICIES ON PROCESSING LOW LEVEL CRIMES
  - Desk Appearance Tickets
  - Summonses
- 38 STRATEGY
- 43 EMPOWER PRECINCT COMMANDERS TO RESPOND TO DISORDERLY AND PERSISTENT QUALITY OF LIFE CONDITIONS

**47 REFOCUS DEPARTMENT RESOURCES**

- Public Morals Division
- Borough Task Forces
- Nuisance Abatement
- Manhattan Traffic Area
- Equipment Purchases

**48 REVISE DEPARTMENTAL POLICIES AND PROCEDURES**

- Car Seizures
- Identification Requirements for Summonses and Desk Appearance Tickets
- Graffiti Reward Program
- Chronic Mentally Ill Persons
- EDP Database
- Supervisory Accountability for Warrant Checks on Desk Appearance Tickets
- Misdemeanor Recidivist List
- Patrol Guide

## INTRODUCTION

A decent society is one where all people are free to pursue education, enterprise, and entertainment that create a sufficient standard of living for themselves and their families and contribute to an atmosphere of mutual respect for their fellow citizens. A decent society is a society of civility.

New Yorkers have for years felt that the quality of life in their city has been in decline, that their city is moving away from, rather than toward the reality of a decent society. The overall growth of violent crime during the past several decades has enlarged this perception. But so has an increase in the signs of disorder in the public spaces of the city.

Public spaces are among New York City's greatest assets. The city's parks, playgrounds, streets, avenues, stoops, and plazas are the forums that make possible the sense of vitality, excitement, and community that are the pulse of urban life.

Over the years, enjoyment and use of these public spaces has been curtailed. Aggressive panhandling, squeegee cleaners, street prostitution, "boombox cars," public drunkenness, reckless bicyclists, and graffiti have added to the sense that the entire public environment is a threatening place.

Mayor Rudolph W. Giuliani has called these types of behavior "visible signs of a city out of control, a city that cannot protect its space or its children."

More than ten years ago, James Q. Wilson and George L. Kelling, authors of the ground breaking article, "The Police and Neighborhood Safety" in the March, 1982 issue of The Atlantic Monthly, postulated the "broken windows" thesis that unaddressed disorder is a sign that no one cares and invites both further disorder and more serious crime. By examining the Wilson-Kelling hypothesis in more than 40 cities, Wesley Skogan has found that disorder is indeed the first step in what he terms "the downward spiral of urban decay."

Fear exacerbated by disorder causes people to abandon parks, refrain from using public transportation (especially in off-peak hours), lock themselves behind closed doors, and even leave the city altogether.

Surveys conducted in 1992 and 1993 by the Commonwealth Fund and the Manhattan Institute found that:

- 59% of people who recently left New York City did so to improve their quality of life;
- 22% said that if their old neighborhood had been kept free of graffiti, litter, broken signs, and debris, it would have had a major impact on their decision to move;
- 17% said that if the Police Department had taken minor crimes and disturbances more seriously, it would have had a major impact on their decision to move; and
- 3 out of 5 people who still live in New York say that dirt, graffiti, homeless people, noise, panhandlers and

beggars have reduced the quality of life for themselves and their families.

In the coming years, *Police Strategy No. 5: Reclaiming the Public Spaces of New York* will emerge as the linchpin of efforts now being undertaken by the New York Police Department to reduce crime and fear in the city. By working systematically and assertively to reduce the level of disorder in the city, the NYPD will act to undercut the ground on which more serious crimes seem possible and even permissible.

In one sense, this strategy may be viewed as a start toward reversing the trend Senator Daniel Patrick Moynihan has termed "defining deviancy down". Senator Moynihan argues that, as a society, we have become so overwhelmed by crime and disorder that we have "been re-defining deviancy so as to exempt much conduct previously stigmatized." In other words, "we are getting used to a lot of behavior that is not good for us."

In another sense, this strategy may be viewed as an effort at what Police Commissioner William J. Bratton has called "defining decency up." In concert with other public and private agencies, the courts, and all concerned and committed citizens, the NYPD will work to uphold a uniform standard of civility and mutual respect in all the neighborhoods of the city.

Although it will take time to reverse the decline in public order that has occurred over many years, the New York Police Department is committed to undertake the following actions (some of which are already under way):

- 1) Precinct Commanders, for the first time, will have the authority, methods, and means to respond to an array of disorderly conditions, enabling them to deal with:
- street prostitution by conducting decoy operations using their own precinct personnel (trained by the Public Morals Division) and by initiating their own car-forfeiture operations against patrons of prostitutes (under guidelines developed by the Legal Bureau and the Public Morals Division),
  - “boombox cars” or loud motorcycles by having trained personnel and the necessary equipment to conduct “Operation Soundtrap” or “Operation Cyclecheck” as frequently as needed, and
  - widespread sale of liquor to minors by allowing them, for the first time since the Knapp Commission, to send specially trained uniformed supervisors into licensed establishments.

In addition, Precinct Commanders

- will no longer have to wait for a contingent from the 192-person Public Morals Division to enforce laws against patronizing a prostitute, or to conduct undercover operations against premises selling alcohol to minors,
- will no longer have to wait for the Department of Environmental Protection to address the problem of “boombox cars” or loud discos,

- will no longer have to wait for the Department of Motor Vehicles to enforce motorcycle regulations, and
  - will no longer have to wait for the infrequent and lengthy process of the State Liquor Authority to take action against clubs and bars, but will, instead, be authorized to convene meetings with the owners of licensed premises, attended by Legal Bureau and SLA attorneys, to impose a compliance and inspection program.
- 2) The Civil Enforcement Initiative is being doubled, providing a total of 34 attorneys to the city's Precinct Commanders to help close illegal businesses and supply pro-active consultation to Precinct and Division Commanders to help develop innovative legal strategies to address the specific crime and quality of life problems facing each community.
  - 3) The use of Desk Appearance Tickets and summonses (which allow alleged offenders to go free prior to arraignment) for "low-level" quality of life offenses is being significantly limited:
    - by expanding to a precinct per borough and, soon thereafter, making citywide Operation N-Force, a program dealing with nuisance violations now being tested in the 6th Precinct, which requires government-issued photo identification prior to writing a criminal-court summons on the streets; and
    - by not allowing individuals who have a history of misdemeanor arrests, warrants, and low-level imprisonment to receive DATs or summonses.

- 4) A citywide database of “chronic emotionally disturbed persons” is being created so that repeated outbreaks of behavior that is either criminal or otherwise dangerous can be brought to the attention of judges, prosecutors and psychiatrists.
- 5) A citywide campaign to secure public help in removing graffiti and preventing its return will be launched.
- 6) A Quality of Life Legislative Agenda is being advanced to enhance the Police Department’s ability to respond effectively to disorderly conditions and “lower-grade” criminal activity which exacerbate public fear.

Taken together, these actions will significantly enhance the ability of Precinct Commanders and all police personnel to respond to conditions that impact negatively on the quality of life of neighborhoods. As importantly, these actions will support the Department’s other strategies for reducing crime in the city.

Their success will be seen in three ways: in increased use of New York City’s public spaces, in reduced levels of fear (as measured by public-attitude surveys), and in a broadening sense, evident in a population become more confident, that decency and civility are on the rise.

## **THE PROBLEM**

The right of citizens to free and safe use of their public spaces has been undermined by the persistent actions of individuals engaged in certain behaviors.

- “Boombox cars” cruising New York City streets late at night, excessively loud motorcycles, and car alarms which are activated at random create annoying and sometimes unbearable disturbances for residents in their homes.
- Illegally parked cars create traffic jams and even gridlock, making use of the city’s streets unnecessarily dangerous, congested, and aggravating.
- Street prostitutes beckon to motorists driving through residential neighborhoods and, when a deal is struck, conduct sex acts in the patron’s parked car. Indoor houses of prostitution tend to proliferate and draw undesirables into residential and commercial neighborhoods.
- Beggars stand on street corners, often in front of all-night automatic teller machines, aggressively demanding money from passersby.
- Squeegee cleaners stake out the entrances to tunnels and highways, intimidating drivers into accepting their “services in exchange for coerced payments.
- Graffiti vandals have transformed the boulevards and highways leading from the airports into Manhattan into an eyesore which tarnishes New York City’s image to residents and visitors alike. When the walls of residential schools, stores, and apartment buildings are covered with graffiti, it conveys the sense that the streets themselves may be out of control.

- Illegal peddlers line the streets in the city's most congested commercial areas, blocking pedestrian traffic, robbing legitimate businesses of customers, and undermining the tax base of the City.
- Bicyclists (particularly messengers and delivery people) drive at reckless speeds on city streets, often running red lights or traveling against traffic, or on sidewalks where pedestrians are placed in danger.
- Illegally loud clubs and discos create piercing noise. Sometimes, when fights between patrons break out, knives and guns are drawn, leading to injuries and even death. Loud individuals, spilling out from unruly residential parties, cause traffic jams and sometimes also lead to violence.
- Drunken individuals (some of them minors who have been illegally sold alcohol from licensed establishments) carouse through residential neighborhoods, urinate in public, throw empty bottles on the street, assault residents, and damage property.

Much of this anti-social behavior is illegal, but for many years police managers have not taken aggressive action to restore order to public spaces. The reasons for this are varied.

## **CURRENT PRACTICE**

Current police practice to deal with disorder and quality of life violations is the result of legal constraints which grew in number over recent decades; the diffusion of responsibility among numerous state and city agencies

for dealing with these violations; the perception at police headquarters that the public at large want police action on other, seemingly larger problems (even though it has been understood that the public at the more local level, within particular precincts, demand action on quality of life conditions); and the general fear among police executives, politicians, and the media that dealing with many of these conditions creates a corruption hazard for the average police officer.

Over-specialization within the Police Department, inadequate resources within the precincts, and imposed reliance on outside agencies (that have not always shared identical goals and commitments) have combined to deprive Precinct Commanders of the tools and authority necessary to successfully address many of these quality of life conditions. Precinct Commanders have been forced to "wait their turn" before conducting law-enforcement operations that require collaboration with other bureaus in the Police Department or other city agencies. By the time their turn comes, the condition sometimes has worsened, metastasized into nearby areas, or even become a feeding ground for more serious crime. This often convinces neighborhood residents that police are lacking in commitment, competence, and even integrity.

Increasingly permissive and poorly monitored policies regarding issuance of summonses and Desk Appearance Tickets have enabled many offenders to flaunt the criminal justice system, thereby undermining the authority of police officers who respond to these conditions. This worsens an already high level of frustration among Police Officers which is expressed by their use of the term "Desk Disappearance Tickets" to describe the propensity of offenders not to appear in

court as required. Recent court decisions, particularly regarding begging, and the absence of legislation authorizing the taking of fingerprints, have curtailed or undermined the effective imposition of legal standards on behavior such as begging, unlicensed driving, and illegal peddling.

Despite the existence of a vocal and engaged public demanding governmental action on these issues, the Police Department has only sporadically brought organized community groups into the implementation of comprehensive strategies.

The Police Department's practices, developed in response to the variety of quality of life conditions, can be viewed in two broad categories: practices that are responsive to specific conditions, and policies that apply to all low-level criminal behavior.

## **CURRENT PRACTICE: SPECIFIC CONDITIONS**

### **Peddlers, Panhandlers, and Squeegee Cleaners**

#### Peddlers

The New York Police Department devotes substantial resources to the problem of illegal vending - from the Peddler Task Force that primarily serves Midtown Manhattan, to Borough peddler coordinators and special units that are deployed to address concentrations of illegal vending activity in lower Manhattan, 125th Street in Harlem, Fordham Road in the Bronx, the Fulton Mall in Brooklyn, and Jamaica Avenue in Queens.

Over the past decade, the Police Department has developed escalating strategies to have an impact upon the problem. Whereas at one time most of the illegal vendors were issued summonses returnable to the Environmental Control Board, now most illegal vendors in Manhattan and the Bronx are brought to Criminal Court and their goods seized. Many illegal vendors are also charged with violations of the sales tax law.

FACT: In 1993 there were 1,241 arrests, 6,480 summonses, 4,316 seizures and 899 sales tax violations. For the first quarter of 1994, arrests increased 38%, summonses 40%, seizures 37%, and sales tax violations 49%.

Most recently, the Police Department has launched a number of investigative operations targeting the manufacture and distribution of counterfeit goods, seizing \$11 million in confiscated goods, recovering \$340,000 in cash, and making over 130 felony arrests for trademark counterfeiting.

Finally, for those illegal vendors arrested and brought to the innovative Midtown Community Court, sentences of community service are being meted out. Vendors given community service are assigned to specific locations in the midtown area for a six-hour work day and perform tasks such as removing graffiti, disposing of refuse, and sweeping sidewalks and streets.

Judges in Criminal Courts apply similar community service sentencing, assigning offenders to clean parks, shelters, and streets throughout the city.

While this combination of strategies has had a measurable impact upon the extent of illegal activity, the Police Department's efforts are severely hampered by the fact that the State Legislature has not yet authorized the police to take fingerprints of the individuals arrested. This means that every time an illegal vendor is brought before a Criminal Court judge, the judge has no official record indicating whether that individual has been arrested before. As a result, the judge cannot impose sanctions of increasing severity to reflect a longer history of illegal behavior.

#### Panhandlers

In the 1993 case of Loper v. New York City Police Department, the United States Court of Appeals for the Second Circuit held that the New York State statute which made it a crime to loiter, remain, or wander about a public place for the purpose of begging [Penal Law Section 240.35(1)] was unconstitutional because it violated the First Amendment rights of panhandlers.

FACT: From 1986 through June 1992, the Police Department charged only 1,113 persons with violating the begging statute.

Even so, as a result of the Loper decision, the Department can no longer enforce this law. Moreover, the Loper decision also deprives the police of the "or else" power often used by officers to change behavior without necessarily making an arrest. Individual police officers no longer have the backup authority to advise a beggar who is engaged in offensive behavior to desist "or else" face arrest.

### Squeegee Cleaners

Squeegee cleaners vary in their levels of aggressiveness and intimidation, but most are liable to arrest for traffic offenses.

During a recent 60 day pilot project, half of those arrested had previous arrests for serious felonies: robbery, assault, burglary, larceny, or carrying a gun. Almost half also had arrests for drug related offenses.

The results of this project revealed that squeegee cleaning at intersections and entry ways to bridges and tunnels can be dramatically reduced in a matter of weeks through sustained police intervention, including dislocation, issuance of summonses, and particularly arrest. Therefore, this strategy was recently implemented citywide.

### **Street Prostitution**

If a neighborhood faces a street prostitution problem, the Precinct Commander now has three enforcement options.

- 1) The Precinct Commander can direct patrol officers to make arrests for loitering. These are difficult, time-consuming, and typically result in a time-served sentence or minimal fine which the prostitute pays as a cost of doing business, returning to the location as soon as possible.
- 2) The Precinct Commander who wishes to run a decoy operation (called "Operation John") against those who patronize prostitutes must call upon the limited resources of the Public Morals Division.

3) The Precinct Commander who wishes to combine a decoy operation with the forfeiture of the john's car (called "Operation Losing Proposition") must call upon the Public Morals Division and the Legal Bureau so that a lawyer can make determinations regarding applicability of the forfeiture statute.

**FACT:** The Public Morals Division has only 192 personnel citywide, who are responsible for enforcement of the laws regarding gambling, illegal sale of alcohol, and prostitution. As a result, Precinct Commanders who want to conduct "john" operations must wait for months while the Public Morals Division services other precincts.

**FACT:** According to a 1992 beat officer survey, there are 242 locations where street prostitution is prevalent throughout the city and 135 locations providing indoor prostitution. According to the Public Morals Division, 29 precincts have endemic street prostitution conditions.

**FACT:** In 1990, the Police Department made 7,131 arrests for loitering for the purposes of prostitution and only 174 for patronizing a prostitute. In that year, no cars of "johns" were forfeited. In 1993, the Department made 6,411 arrests for loitering for the purposes of prostitution; arrests for patronizing a prostitute had increased nearly four-fold to 614, while the number of cars seized for forfeiture had increased from zero to 180.

FACT: According to groups who work with street prostitutes, the combination of arrests of "johns" and forfeiture of their cars is having the greatest impact upon prostitution.

Despite evidence that the combination of arrest and car forfeiture appears to have the greatest impact on street prostitution, the current mandate for reliance on specialized police units (the Public Morals Division and the Legal Bureau) means that Precinct Commanders can only sporadically employ these effective techniques.

Furthermore, the Department has not developed a city-wide capability to learn from successful innovations in one precinct, borough, or community and spread those successes to other parts of the city.

For example, according to interviews with street prostitutes who work in areas within the catchment area of the Midtown Community Court, which sentences them to immediate community service, these prostitutes are moving their activities elsewhere to avoid this certain sanction which is disruptive to continued business.

The Midtown Community Court is also presented with a "Community Impact Statement" to assist that court in understanding the impact of this illegal conduct on the quality of community life. Some community groups such as RASP (Residents Against Street Prostitution) have been very effective in organizing block and tenant patrols to deter prostitution activity. Until now, the Department has had no mechanism for sharing these innovative partnerships around the city.

**Noise: “Boomboxes,” “Boombox Cars,” Loud Motorcycles, Car Alarms, Loud Parties, and Loud Clubs and Discos**

Many communities are plagued by the problem of excessive and illegal noise. This problem takes many forms, including:

- “boomboxes”: radios and tape players carried by people on the streets used to play music at very high volumes;
- “boombox cars”: vehicles equipped with high-power audio-amplification systems designed to play music that can be heard for blocks around; and
- car alarms: which, although designed for security purposes, frequently go off for no apparent reason.

“Boomboxes”

The Police Department’s authority to deal with the problem of “boomboxes” has only recently been reestablished. In 1991, the section of the Administrative Code banning “unnecessary” noise was declared unconstitutional. In 1993, a new Administrative Code section was enacted banning “unreasonable” noise, and the Police Department issued guidelines authorizing the seizure of these devices and the issuance of summonses if the boombox is played at an unreasonably loud volume.

### "Boombox Cars"

The Police Department's response to the problem of "boombox cars" is much more complicated, involving a commitment of equipment, expertise, and personnel. Over the past two years, the Department developed a pilot tactic called Operation Soundtrap.

This tactic joins inspectors from the Department of Environmental Protection with beat officers from the NYPD to enforce Section 375(47a) of the Vehicle and Traffic Law, which makes it unlawful to play amplified sound from a vehicle at a level in excess of 80 decibels measured from 50 feet away. Vehicles producing noise which exceeds the lawful decibel limit are stopped, their operator issued a summons, and the vehicle is seized for evidence.

FACT: According to the Department's Beat Officer Survey, 251 locations throughout the city have a "boombox car" condition, and 170 locations have other types of noise problems.

FACT: In 1993, the Department conducted 11 Operation Soundtraps and summonsed and seized 147 vehicles.

According to anecdotal data, communities such as Greenwich Village, where Operation Soundtraps were conducted regularly in the summer of 1993, saw a reduction in "boombox car" activity. However, because of limited resources in the Department of Environmental Protection, these operations have not been conducted with the frequency that many Precinct Commanders and communities desire.

### Loud Motorcycles

Loud motorcycles, specifically those whose exhaust systems produce noise in violation of the Vehicle and Traffic Law and the New York City Administrative Code, are another problem to many New York City neighborhoods. Precinct Commanders presented with this vexing problem have traditionally had few strategies available to them. Motorcycles are difficult to catch when operated at a high speed on an urban street, and once caught, the various provisions of the applicable law are unusually complicated and hard to enforce.

Because of the complexity of motorcycle noise regulations, the Police Department created a tactic called Operation Cyclecheck, a roadblock where all passing motorcycles were stopped and inspected to ensure compliance with noise and safety laws. Operation Cyclecheck was a cooperative effort with the Department of Motor Vehicles (DMV) which utilized police officers for traffic control and DMV investigators to inspect motorcycles.

Operation Cyclecheck was tried only once in 1993, on a pilot basis in Greenwich Village, with promising results: 48 motorcycles were stopped, 28 summonses were issued, 11 motorcycles were seized, and 3 motorcycle operators were arrested. There has been no effort, however, to institutionalize Operation Cyclecheck as a routine operation for Precinct Commanders freed from reliance on the Department of Motor Vehicles. Nor has there been an effort to train police officers in the appropriate laws and regulations pertaining to motorcycle noise.

### Car Alarms

Many cars parked on city streets are equipped with audible burglar alarms, many of which go off for no apparent reason. Until 1993, state law allowed car alarm manufacturers to install alarms that only shut off automatically after ten minutes - ten minutes which can seem like an eternity to the resident who can't sleep. This also meant that the police could take no action until the officer was sure that ten minutes had passed.

In 1993, however, state law changed, and the upper limit was reduced from ten to three minutes. As importantly, the City Council enacted Local Law 110 in 1993, which authorized the police to call a towing company to tow the car away if the alarm does not shut off.

Violation of this law, which took effect on March 29, 1994, carries a fine of \$175, with a maximum penalty of \$700 for each offense. An NYPD order which outlines procedures for enforcement has been issued, instructing police officers on the steps to disconnect alarms, preparation of Environmental Control Board Notices of Violation, notification of the car owner, and the towing of vehicles.

### Loud Parties

Loud private parties pose a difficult problem for communities as well as for the Police Department. They present two strong conflicting interests which must be balanced: first, community residents desire a neighborhood free from excessive noise; but, second, when the excessive noise emanates from inside a

residence, the right of the neighborhood to be free from excessive noise must be balanced against the individual's rights to be free from unreasonable searches and seizures prohibited by the Constitution.

Additionally, experience has shown that police actions at loud parties are dangerous and prone to confrontation for many reasons, including the presence of intoxicated party guests and the difficulty in communicating over the din. The Department has not developed guidelines to assist Precinct Commanders in responding to loud parties effectively.

#### Loud Clubs and Discos

Numerous New York communities are besieged by night clubs or discos that are loud, draw unruly crowds, cause traffic jams, and are often plagued by violence and drug abuse. These communities have few avenues of redress. Most of the procedures for resolving community complaints involve a number of different city and state agencies.

Enforcing noise regulations is a cumbersome and complex process. Under the New York City Administrative Code, Section 24-241.1, the noise from a commercial club must exceed 45 decibels measured inside a residence. Violations of this law are adjudicated in the Environmental Control Board, where under current conditions, much unfavorable case law has developed. Moreover, the Department of Environmental Protection has few inspectors assigned to work the late evening hours when club noise complaints are most common.

The license suspension and revocation procedures of the State Liquor Authority are cumbersome and time-consuming. And, if the liquor license of the club is suspended, some establishments merely switch to serving nonalcoholic beverages.

Traffic problems also involve coordination between a number of agencies - principally the Department of Transportation and the Police Department.

The fragmentation of responsibility for the problems posed by clubs and discos has meant that affected communities have suffered too long without effective relief.

### **Dangerous Mentally Ill Street People**

If a police officer confronts a dangerous mentally ill person on the street, the officer must first determine whether the individual poses an imminent danger to himself or others and, with the assistance of Emergency Services personnel or other responding units, take the individual into custody and bring him to a designated emergency room.

Once at the emergency room, the police officer who observed the street behavior is often relieved by another officer who is assigned to guard the individual, many times waiting several hours for the mental health examination. By this time, the crisis has often passed, the individual appears calm, and the information about the street incident is relayed to the examining doctor secondhand or not at all by the relieving officer who did not observe the original incident. The doctor therefore

has little, if any useful information, on which to base a decision whether to hold the individual for further observation.

In the absence of a written record of the individual's dangerous and/or threatening behavior, the criminal justice system is hampered in its ability to effectively deal with dangerous mentally ill people.

FACT: This system is a significant drain on police resources. In 1993, over 22,000 persons were taken to hospitals for examination, a 200% increase since 1980.

FACT: There is no capability within the Police Department to keep a history record of contacts with a chronically mentally ill person to assist the medical professional or the criminal justice system in making informed judgments. The need for a database for chronic emotionally disturbed persons became vividly clear in the Larry Hogue case on the Upper West Side of Manhattan.

Furthermore, if the mentally ill person has also committed a minor crime, the decision to bring him to an emergency room often means that the opportunity to process that individual through the criminal justice system is lost because the patrol officer understandably prefers to seek immediate medical attention. Since the criminal justice system has greater power to detain a dangerous individual for mental health observation, the decision to use the emergency room option often results in premature release of a mentally ill person to the street.

A 90-day pilot program was implemented June 1, 1994 with Elmhurst and Bellevue Hospitals to expedite the treatment of emotionally disturbed persons. Developed by the New York State and New York City Offices of Mental Health, the Health and Hospitals Corporation, John Jay College, and the New York Police Department, the pilot program has two goals:

- 1) to provide valuable patient information for physicians; and
- 2) to reduce the time required to guard emotionally disturbed persons at the hospital, thereby increasing enforcement time for police officers.

In order to accomplish these objectives, police officers involved in the project provide a detailed written account of what the officer observed about the patient's behavior, what witnesses told them, and names of relatives and friends to contact. The Police Academy has conducted training sessions in the commands participating in the project to sensitize officers to the needs of mentally ill people and to ensure proper use of the new forms.

### **Graffiti**

There has been a variety of governmental and private responses to this problem.

- The Queens Borough President appointed a multi-agency Work Study Group in 1990 to begin the process of reclaiming neighborhoods and highways from the proliferation of graffiti which had spread in Queens. The result was a multi-pronged action plan

to eliminate graffiti and the appointment of the Queens Borough President's Task Force to Eliminate Graffiti comprised of committees focusing on legislation, enforcement, education, public awareness, and community and merchant relations.

- Queens police precincts and the Queens Highway units of the NYPD significantly increased arrests since implementation, with special targeting of these cases by the Queens District Attorney's Office and the Family Court. The main goal was to send offenders to perform community service in the areas where they had committed their violations.
- The Queens Borough President's Task Force organized over 90 community service groups in a campaign to make commercial and residential areas graffiti-free. In addition, every weekend the Department of Probation supplies between six and twelve probationers to paint over graffiti in city-owned buildings.

The 104th Precinct developed a model anti-graffiti program focusing on education (utilizing a video from the Transit Police Department Vandal Squad) for the fifth and sixth grades, featuring a lecture which emphasizes public awareness and zero community tolerance, stressing prosecution through increased arrest activity, noting alternatives to graffiti vandalism such as PAL, and enlisting the help of numerous community resources within the precinct.

The 104th Precinct achieved the following results: large increases in graffiti arrests with a large decrease in graffiti activity, 1800 hours of community service

performed in cleaning 700 sites, and cooperation with security offices in the large department stores to prevent the sale/theft of graffiti instruments to minors.

- The New York City Housing Police has established an Anti-Vandalism Team consisting of three police officers in Public Service Area 5. This team focuses on graffiti in ten New York City Housing Authority developments located in upper Manhattan. Based on the success of the 104th Precinct model and the Transit Police Department Vandal Squad, this team utilizes community involvement, public awareness, and New York City Housing Authority resources to reduce vandalism to Housing Authority property.

Officers assigned to the Vandal Squad have identified graffiti tags (names) with drugs sold in the developments and utilized this information to make numerous drug arrests. The Anti-Vandalism Team has been in operation for the past ten months and has effected over 100 arrests with 72 of them for graffiti. In locations chosen as target areas, there has been a noticeable change, which has been noted by local residents, building momentum for greater involvement.

- The Midtown Community Court has, through the alternative sentencing of defendants to community service, cleaned, repaired and repainted 81 identified locations in the midtown area previously marred with severe graffiti vandalism.

In addition to these governmental efforts, there have been a number of programs initiated by private citizens.

- We Care About New York, Inc. is a clearinghouse

organization for citizen efforts to prevent littering behavior and graffiti vandalism. This group tries to mobilize grassroots groups through police precinct community councils, Community Boards, schools, block associations, tenant groups, etc. Cleanup groups range from as small as five people to as large as 4,000.

Despite all of these new laws, interagency task forces, special enforcement initiatives, and community involvement, the citywide impact upon the graffiti problem has been minimal.

FACT: In 1993, there were 910 arrests for graffiti vandalism. Under a pilot program granting rewards for information leading to the conviction of a graffiti vandal, which was conducted in two precincts for six months, the Police Department issued only one reward.

The Police Department has no systematic program for learning from and applying innovative efforts to combat graffiti. The programs that have been most successful are those that combine community action, targeted enforcement, involvement of young people, and utilization of all available civil and criminal remedies. Yet, as is the case with many problems of this kind, the Department cannot act alone, and cannot assume full responsibility for the work of developing a systematic, community-based effort that would have a visible impact upon endemic graffiti conditions.

### **Illegal Dumping**

As striking as the problem of graffiti is to visitors to this city, the blight of illegal dumping is equally disturbing in many parts of the city. Vacant lots are strewn with illegally discarded construction debris and other rubble; dumped material may, in addition, include hazardous materials which may have long-term affects on the health of citizens in nearby areas. Illegal dumping is a citywide problem which significantly impacts the quality of life within a neighborhood.

Current law (Section 16-119 of the Administrative Code), gives police officers limited powers to seize vehicles that are used in illegal dumping. Such vehicles, if seized by the police, must be delivered to the Department of Sanitation, the agency with primary impound and forfeiture authority. At most, a police officer can make an arrest for illegal dumping (a misdemeanor), seize the vehicle as evidence and deliver the vehicle to the Department of Sanitation for forfeiture when its evidentiary purpose is accomplished. Legislative change which shifts forfeiture authority to the Police Department and which liberalizes the stringent forfeiture mechanism of the Administrative Code would provide a significant deterrent to this problem.

### **Sale of Alcohol to Minors**

The problems posed by rowdy young people in New York neighborhoods can often be traced to the illegal sale of alcohol to minors by various kinds of licensed establishments, including, among others, delicatessens, bars, and clubs. At the current time, the ability of

government to take enforcement action against these establishments is severely limited.

FACT: The State Liquor Authority has only a few inspectors assigned to enforcement duties in the entire City of New York.

FACT: The policy of the New York Police Department prohibits uniformed supervisors from going into licensed premises to check compliance with applicable statutes; those responsibilities are left to the Public Morals Division which has limited resources and other responsibilities.

FACT: The Police Department primarily utilizes Police Cadets to effect undercover purchases of liquor, because there are so few 20-year-old police officers, as is required for enforcement of this law.

FACT: Because of the caseload at the State Liquor Authority, the SLA generally takes several months to adjudicate a violation.

FACT: In 1993, 473 summonses were issued for sale to minors. This compares with 310 in 1992 and 269 in 1991.

As part of its Civil Enforcement Initiative, the Police Department has worked with the State Liquor Authority to develop a highly successful three-part strategy to deal with this problem:

- 1) The local precinct or division commander convenes a meeting with all licensed premises owners in the

community. At this meeting, the police commander first underscores the seriousness of the problem and commits the Department to taking vigorous enforcement actions. A representative from the State Liquor Authority is present to commit his agency to swift revocation hearings if any violations are found. Then, the businesses are trained how to check a patron's identification, using the latest technology.

- 2) Following this meeting, the Police Department conducts frequent enforcement actions, using Cadets, members of the Public Morals Division, and a uniformed supervisor who is authorized to go into the bars to check compliance.
- 3) Establishments that are found to sell to minors are swiftly brought in for hearings on the revocation of their license.

This strategy has been used with great success in the 52nd Precinct, the Bell Boulevard and Frances Lewis Boulevard sections of Queens, and Greenwich Village. The strategy has not, however, been institutionalized on a citywide basis.

#### **Traffic Conditions - Hazardous and Chronic Traffic Violations**

Throughout the city, illegally parked vehicles substantially interfere with safe and efficient vehicle and pedestrian traffic. In addition, many vehicles are unregistered, uninsured, and operated by persons who have no driver's license. Drag racing is also a very serious problem in several communities such as Crossbay

Boulevard in Queens and Fountain Avenue and Van Dalia Avenue in Brooklyn.

- Aggressive tow projects have been instituted in all Patrol Boroughs except for Staten Island. The Department of Transportation has allocated seven tow trucks to each Patrol Borough per day to address hazardous and chronic parking conditions.
- Highway units and Borough Task Forces trained and equipped with radar have increased enforcement at drag racing locations.
- New legislation regarding Aggravated Unlicensed Operation of a Motor Vehicle was requested and passed last year, raising this offense from a traffic infraction to a misdemeanor and making it a felony to drive with ten or more suspensions. This new law has helped the Police Department and the criminal-justice system in addressing this problem, but stronger measures are needed. For example, the police are not permitted to fingerprint individuals arrested under the new statute for driving with a suspended license, so the courts must adjudicate these arrests without a reliable criminal history of the defendant.

That is why Mayor Giuliani has proposed legislation to make it a felony to drive with four or more license suspensions; to allow for fingerprinting of drunk, unlicensed, or suspended drivers; and to provide enhanced penalties for these offenses.

## **Reckless Bicyclists**

One of the hazards faced by New York City residents and visitors is created by bicyclists who recklessly ride on streets and sidewalks. Some are messengers, some are deliverers, others are recreational riders. Sometimes they merely contribute to the inconvenience of walking on already congested streets and sidewalks. But too often they create significant risk of injury to the city's pedestrians.

The Police Department's ability to respond to this quality of life condition is hampered by deficiencies in the summons system, and limited by the absence of legislation enabling the police to seize bicycles of serious violators.

The Department has attempted one pilot program to deal with the problem in the 19th Precinct on the Upper East Side. Under Operation Spoke a year ago, the precinct distributed leaflets to businesses that used bicycles. Violators then received summonses and follow-up visits to sponsoring merchants were made. Although Operation Spoke had some beneficial effect in terms of educating the businesses involved, the lack of meaningful sanctions undermined the credibility and effectiveness of the initiative.

## **CURRENT PRACTICE: POLICIES ON PROCESSING LOW-LEVEL CRIMES**

### **Desk Appearance Tickets**

Under Article 150 of the Criminal Procedure Law, the

New York Police Department is authorized to release defendants charged with misdemeanors (and some felonies) on a Desk Appearance Ticket, with arraignment scheduled for three weeks in the future. Over the past ten years, the non-appearance rate for those defendants has remained constant - between 40 and 45%. The non-appearance rate for defendants arrested by the NYPD was 36%; by the Transit Police Department, 51%; by the Housing Police Department, 47%. Within six months, according to research by the Criminal Justice Agency, 31% of the defendants who initially failed to appear at arraignment returned to court, either through re-arrest or voluntary surrender.

While the practice of granting Desk Appearance Tickets has provided a benefit to the larger criminal justice system, which operates under a court rule holding that defendants should generally be arraigned within 24 hours, research indicates that the skip rate can be reduced by tighter eligibility requirements, higher identification standards, and supervisory screening of release decisions.

FACT: A joint effort between the Police Department and the Manhattan District Attorney's Office identified 3,290 "career misdemeanants" who had a skip rate of 77%.

FACT: According to research by the Criminal Justice Agency, 25% of defendants issued Desk Appearance Tickets gave addresses that were deemed invalid by the United States Post Office.

## Summonses

A large amount of time and resources is spent on the issuance of summonses by the New York Police Department and other enforcement agencies. There are more than six different forums responsible for the adjudication of summonses written in New York City for violations of the various administrative codes and misdemeanors not covered under the Penal Law.

FACT: The New York Police Department issues over 160,000 summonses a year, or 443 per day, returnable to Criminal Court.

FACT: Over 1.6 million summonses are issued by all enforcement agencies a year, returnable to the Traffic Violations Bureau.

FACT: The New York Police Department issues approximately 20,000 summonses returnable to the Environmental Control Board per year.

Until recently, Criminal Court had a non-appearance rate of nearly 75% for summons recipients and little, if any, enforcement action was taken. In response, the Police Department, in conjunction with the Manhattan District Attorney's Office and the Office of Court Administration, launched a pilot project, called Operation N-Force, in the Sixth Precinct to test several reforms of the summons process.

This pilot project suggests that enhanced training of officers on the issuance of summonses, warrant issuance for those who do not appear, stricter identification standards, and better communication between police and

the Courts can result in making the summons a more productive and useful crime fighting tool.

## **STRATEGY**

Beginning July 18, 1994, it will be the policy of the New York City Police Department to:

### **EMPOWER PRECINCT COMMANDERS TO RESPOND TO DISORDERLY AND PERSISTENT QUALITY OF LIFE CONDITIONS**

- by providing attorneys to work as quality of life counsels with Precinct Commanders to aid those commanders in addressing vexing, difficult, and persistent quality of life conditions;
- by developing precinct-level expertise in decoy operations and car-forfeiture operations to conduct sustained Operation Losing Propositions against those who would patronize street prostitutes;
- by giving borough commands and precincts the equipment and resources to conduct sustained Operation Soundtraps and Operation Cyclechecks;

- by authorizing Precinct Commanders to convene meetings with all bar and club owners in neighborhoods affected by the sale of liquor to minors to explain the laws regarding underage sale and authorizing deployment of uniformed supervisors to inspect establishments that sell liquor and to conduct their own undercover operations against premises selling alcohol to minors;
- by emphasizing enforcement of existing laws against harassment, assault, menacing, disorderly conduct and damage to property which apply to panhandlers as well as all other people;
- by focusing on enforcement efforts against unlicensed vendors and requiring licensed vendors to operate within legal constraints;
- by enforcing existing anti-graffiti laws which seek sentences of community service that require violators to engage in clean-up efforts and expand penalties for repeat violators. Convene a citywide anti-graffiti conference to focus the attention of the police and other agencies on this problem and to develop a compendium of successful approaches; and

- by stepping-up enforcement efforts; issuance of summonses and arrests for repeat violators against those who urinate in public, throw empty bottles on the street or otherwise litter or are involved in even relatively minor damage to property.
- by institutionalizing the successful approaches against “squeegee cleaners” so that Precinct Commanders can take sustained actions against this behavior.

### **REFOCUS DEPARTMENT RESOURCES**

- by concentrating the anti-prostitution efforts of the Public Morals Division of OCCB on indoor prostitution locations identified by Precinct Commanders, while providing technical support to Precinct Commanders in dealing with street prostitution conditions; and
- by applying Nuisance Abatement powers on a citywide basis, using lawyers of the expanded Civil Enforcement Division and working with the Office of the Corporation Counsel, to close down illegal indoor businesses such as smoke shops, crack houses, and illegal massage parlors.

**REVISE THE DEPARTMENT'S  
DIRECTIVES AND PROCEDURES**

- by developing legal guidelines to assist field personnel in implementation of car-forfeiture and car-seizure operations;
- by requiring government-issued photo identification for the issuance of criminal summonses on the street;
- by requiring the same level of identification for the issuance of Desk Appearance Tickets at precincts;
- by enhancing supervisory accountability for warrant checks on Desk Appearance Tickets; and
- by tripling the misdemeanor recidivist list so that Desk Appearance Tickets will not be issued to high-risk individuals, those with 5 or more misdemeanor convictions within the last five years.

**REVISE AND EXPAND TRAINING**

- by developing training for female undercover precinct officers to conduct "john" operations;

- by expanding the training of Borough Task Force personnel in the proper use of sound meters, both for “boombox cars” and loud clubs;
- by developing departmental expertise in enforcement of motorcycle regulations;
- by developing training for precinct uniform personnel in conducting undercover operations against premises selling alcohol to minors;
- by training officers on the issuance of summonses under the new guidelines; and
- by developing problem-solving seminars on quality of life strategies for Precinct Commanders.

**SECURE PASSAGE OF NEW  
LEGISLATION**

- to allow law enforcement to more effectively address aggressive panhandling;
- to allow recipients of criminal court summonses to plead guilty and pay a fine by mail;

- to allow for the fingerprinting of individuals arrested for illegal vending and driving with a suspended license;
- to authorize police officers to seize vehicles engaged in illegal dumping;
- to authorize police to seize the bicycles of individuals engaged in activity that violates the Administrative Code sections regulating bicycle messengers or actions that impede the movement of pedestrians on sidewalks; and
- to empower apartment residents, tenant organizations, block associations, and other community associations to seek evictions of tenants who deal drugs or engage in other unlawful activity.

**EMPOWER PRECINCT COMMANDERS  
TO RESPOND TO DISORDERLY AND  
PERSISTENT QUALITY OF LIFE  
CONDITIONS**

To empower Precinct Commanders to respond to persistent quality of life conditions, the Department will take the following steps:

- 1) By August 15, 1994 the Legal Bureau will expand

the Civil Enforcement Initiative to the following precincts: 1st, 5th, 7th, 23rd, 25th, 28th, 32nd, 40th, 42nd, 44th, 48th, 60th, 61st, 62nd, 70th, 73rd, 75th, 81st, 100th, 101st, 103rd, 105th, 106th, 113th. Under the Civil Enforcement Initiative, attorneys are being assigned to each of the six Divisions that include these precincts, as well as to six other Divisions. The attorneys will meet with Division and Precinct Commanders to develop comprehensive strategies to address quality of life conditions. This will bring the Civil Enforcement Initiative to a total of 55 precincts throughout the City.

- 2) By August 15, 1994, the Chief of Patrol will complete a survey of all precincts to determine which communities have significant street prostitution conditions. The Public Morals Division will develop a problem-solving seminar for Precinct Commanders and other precinct personnel on how to conduct "john" operations. The Legal Bureau will provide training on the legal issues pertaining to Operation Losing Proposition. Once trained, the Precinct Commanders will be able to conduct sustained Operation Losing Propositions in their precincts.
- 3) By August 15, 1994, the Chief of Patrol will survey all precincts to determine which communities experience noise problems, including "boombox cars", motorcycles, radios, clubs, parties, and will develop a problem-solving seminar for those Precinct Commanders on how to combat those problems. Borough Task Force personnel will be used, as requested by Precinct Commanders, in Operation Soundtraps to measure "boombox cars".

- 4) By August 15, 1994, the Legal Bureau and Department of Environmental Protection will develop and test a new protocol for enforcing noise standards against clubs and discos.
- 5) By August 15, 1994 the Legal Bureau and the Chief of Patrol will develop guidelines for responding to noisy parties.
- 6) By August 15, 1994, the Legal Bureau and the Chief of Patrol will issue new guidelines for responding to car alarms.
- 7) By August 15, 1994, the Office of the Chief of Patrol will survey all precincts to determine which communities have bars, delicatessens, and other licensed premises that persistently serve alcohol to minors. The Chief of Patrol and Deputy Commissioner, Training will develop problem-solving materials for those Precinct Commanders regarding the successful initiative with the Department and the State Liquor Authority and will direct meetings in the affected precincts between the owners of these establishments and representatives of the Department and the SLA.
- 8) The Police Department's Deputy Commissioner, Community Affairs, will convene a Conference to Combat Graffiti. The DCCA will invite elected officials, community groups, and civic organizations to this conference. The DCCA will publish a "how-to" booklet on strategies to address graffiti. The policy on the rewards program will be published.

- 9) By August 15, the Department will also promulgate a new order denying eligibility for Desk Appearance Tickets to individuals arrested for graffiti vandalism.
- 10) By September 15, 1994, the Chief of Department will complete an evaluation of the 90-day pilot program, conducted with the Health and Hospitals Corporation and the city and state offices of Mental Health, for responding to chronic emotionally-disturbed persons. If successful, the program will be expanded to all HHC emergency rooms and ultimately to the city's voluntary hospitals as well.
- 11) The Chief of Patrol will continue to monitor the Department's program to respond to the problem of squeegee cleaners and will adjust tactics as needed.
- 12) By September 15, 1994, the Chief of Patrol, in conjunction with the Deputy Commissioner, Legal Matters, will develop operational protocols for Precinct Commanders to implement Operation Cyclecheck throughout the city, building on the experience of the joint operation with the Department of Motor Vehicles.
- 13) As required, Precinct Commanders will apply Operation Spoke to areas where bicyclists making deliveries for restaurants or other businesses are causing problems for motorists or pedestrians.
- 14) By August 15, 1994, the Chief of Patrol and the Deputy Commissioner, Legal Matters will develop protocols for the purchase of alcohol by undercover precinct personnel and the inspection of licensed premises by uniformed supervisors who have been selected for that purpose by Precinct Commanders.

15) By October 1, 1994, the Chief of Patrol will ensure that the Police Officers assigned to traffic intersections under the expanded Midtown Traffic Area take appropriate enforcement action against all traffic violations, including those involving bicyclists. Approximately 200 police officers will be assigned to these duties.

16) The Chief of Patrol will continue to monitor the Department's enforcement efforts against illegal vendors and will adjust tactics as needed.

## **REFOCUS DEPARTMENT RESOURCES**

### PUBLIC MORALS DIVISION

By August 15, 1994, the Chief of Organized Crime Control will redefine the mission of the Public Morals Division in the area of street prostitution, to provide support and expertise to Precinct Commanders and training to precinct personnel while maintaining PMD's own enforcement efforts against inside prostitution locations.

### BOROUGH TASK FORCES

The Chief of Patrol will ensure that Borough Task Forces are trained in the use of decibel meters to conduct Operation Soundtrap.

### NUISANCE ABATEMENT

By July 29, Precinct Commanders in the 55 precincts that are participating in the Civil Enforcement Initiative will

develop, in conjunction with the attorneys of the Department's Civil Enforcement Division, their lists of locations prioritized for closure.

#### MANHATTAN TRAFFIC AREA

As of October 1, 1994, two weeks after the Police Department is scheduled to take over traffic enforcement from the Department of Transportation, police officers posted to high-visibility intersections will enforce all traffic regulations, including those governing bicycles.

#### EQUIPMENT PURCHASES

The Police Department is spending drug forfeiture funds to purchase sufficient numbers of decibel meters (to address noise conditions), KEL sets (to record conversations between undercover officers and patrons of prostitutes), and nightscopes (to detect nighttime graffiti vandalism).

### **REVISE DEPARTMENTAL POLICIES AND PROCEDURES**

#### CAR SEIZURES

By August 15, 1994, the Deputy Commissioner, Legal Matters, will develop legal guidelines to assist Precinct Commanders in implementation of car seizure operations.

IDENTIFICATION REQUIREMENTS FOR  
SUMMONSES AND DESK APPEARANCE TICKETS

By August 15, 1994, the Office of the Chief of Patrol will expand Operation N-Force to one precinct in each Patrol borough, and then by August 29, to all precincts throughout the city, thereby establishing uniform standards for identification and processing of defendants receiving criminal court summonses.

By August 15, 1994, the Criminal Justice Bureau will establish similar citywide standards for issuance of Desk Appearance Tickets, including the implementation of the expanded misdemeanor recidivist list and strengthened supervisory controls.

By August 15, 1994, the Office of Management Analysis and Planning will issue a directive denying Desk Appearance Tickets to graffiti vandals.

GRAFFITI REWARD PROGRAM

By August 15, 1994, the Office of Management Analysis and Planning will issue a new directive making the graffiti reward program citywide.

CHRONIC MENTALLY ILL PERSONS

By September 15, 1994, the Chief of Department will determine whether the pilot project with Elmhurst and Bellevue Hospitals has been effective in increasing the enforcement time of police officers and in providing physicians with the information they need to decide a course of treatment for emotionally disturbed persons brought in by police.

#### EDP DATABASE

By November 1, 1994, the Management Information System Division of the Police Department will make available for use by all precincts a database for storing and retrieving information being collected by police officers on emotionally disturbed persons.

#### SUPERVISORY ACCOUNTABILITY FOR WARRANT CHECKS ON DESK APPEARANCE TICKETS

By August 15, 1994, the Deputy Commissioner, Legal Matters will distribute new procedures and guidelines so that supervisors do not allow the issuance of Desk Appearance Tickets to ineligible defendants.

#### MISDEMEANOR RECIDIVIST LIST

By September 1, 1994, the Police Department and the Division of Criminal Justice Services will create an expanded list of approximately 10,000 individuals who will no longer be eligible for Desk Appearance Tickets. The list will be comprised of all individuals (excluding prostitutes) who have been convicted of at least 5 misdemeanors within the last five years.

#### PATROL GUIDE

By September 1, 1994, the Deputy Commissioner, Policy and Planning will re-examine all pertinent sections of the Patrol Guide to ensure consistency with Police Strategy No. 5.