



# **NO PLACE LIKE HOME**

**A Preliminary Report on Police Interactions  
with Public Housing Residents  
in New York City**

**September 2008**

**New York Lawyers for the Public Interest  
Community Oversight of Policing Project  
151 West 30<sup>th</sup> Street, 11<sup>th</sup> floor  
New York, New York 10001**



**In memory of Michelle Edwards**



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## ACKNOWLEDGEMENTS

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In 2007 and 2008, responding to community concerns about police misconduct, NYLPI conducted a series of surveys of residents of New York City Housing Authority apartments in Brooklyn and East Harlem. We would like to thank both the community residents and the volunteers who came together to assist with door knocking and distributing surveys. In particular, we would like to thank Michelle Edwards, Nora Infante, Debra Small, and Jaqueline Davis, residents of East Harlem who initiated this project to strive for the safety of their children and families. We would also like to thank the *pro bono* attorney and law student volunteers:

**From Milbank, Tweed, Hadley & McCloy LLP:**

Peter Hughes

**From Shearman & Sterling LLP:**

Michael Wyman

Justin Mak

Eric Fabricant

Douglas Jones

Grissel Mercado

Emmanuel Andre

Brian Iorio

Brian Moon

Denise Karamian

**From Seward & Kissel LLP:**

Kathleen Abbott

Ryan Chelf

Anna E. Haynes

**From Clifford Chance US LLP:**

Rebecca Watson

Omar Farah

Anne-Helene LeTrocquer

Sandip Kakar

**From Thelen LLP:**

Shamiso Maswoswe

**From the City University of New York Law School:**

Tai Merry Nickel

**From Columbia Law School:**

Betre Gizaw

Doug Allen

Emma Freudenberger

Bridget Kennedy

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## EXECUTIVE SUMMARY

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*“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”*

The sanctity of the home is preserved by the Fourth Amendment of the United States Constitution. However, reports of police abuse of authority in New York City Housing Authority (NYCHA) buildings have reached disturbing levels. Residents of NYCHA buildings voiced concerns about police misconduct to the Community Oversight Policing Project (COPP) at New York Lawyers for the Public Interest (NYLPI). COPP began an investigation of the complaints, and surveyed residents in East Harlem and Brooklyn. Surveyors knocked on the doors of 849 apartments, and were able to complete interviews of 181 residents. Many residents expressed fear of retaliation by the police or by the housing authority, and trepidation about speaking out.

Many residents report frequent police abuse of authority, particularly around the enforcement of trespass laws. For example, in the Thomas Jefferson Houses approximately 30% of the residents surveyed reported they had been charged with trespassing, despite the fact they lived there. Approximately 70% of those surveyed at the Thomas Jefferson Houses reported they had been repeatedly stopped by police officers when simply coming and going around their homes.

This report describes the information gathered from the surveys of the residents in further detail. It reveals a chronic problem reported by residents, and suggests a need for immediate changes to police policies. COPP recommends that police meet with the community residents and listen and respond to their concerns. COPP also recommends that alternative methods of providing security for NYCHA residents should be explored in discussion with residents, NYPD and NYCHA. With public participation in the process to determine security measures, public confidence in the fairness of security could be improved. The current prevalence of reports of unjustified stops and ticketing by NYPD is unacceptable, especially for NYCHA residents who do not feel safe at home.

## METHODOLOGY

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In the summer of 2007 a group of mothers who reside in the Thomas Jefferson Houses contacted the Community Oversight Policing Project (COPP) at New York Lawyers for the Public Interest (NYLPI). The Thomas Jefferson Houses are public housing operated by the New York City Public Housing Authority (NYCHA). The mothers expressed concern that their children, themselves, and other residents of the Jefferson Houses were repeatedly and unfairly stopped, questioned, ticketed, and arrested. People were arrested for trespass, stopped repeatedly and asked to produce identification, questioned because of lack of identification, stopped because of use of the public outdoor spaces around the buildings, and subjected to other troubling encounters with police officers who regularly patrolled the buildings despite the fact that they live in the buildings. Additionally, they reported that there had been specific instances of police officers using excessive force, insulting residents with the use of racial and derogatory slurs, and several instances of police questioning for activities such as sitting in the courtyard of the buildings or gathering in groups of more than three people at a time after dark. Residents were concerned that multiple police interactions for innocent behavior has a negative impact on their children.

After meetings with the mothers, NYLPI met with other NYCHA residents in East Harlem and learned more about the concerns of the community. Then, legal interns, volunteers, and residents began a survey of Jefferson Houses residents for the purpose of gathering more information about the experiences of residents.

Surveyors knocked on the doors of 336 apartments in two buildings at the Jefferson Houses. Of these, 106 residents and their guests were available and answered the questionnaire. The surveys confirmed the initial concerns that were expressed by the mothers regarding the inappropriate treatment of residents. Thirty percent of those surveyed reported they had been charged with trespassing. Seventy-two percent of those surveyed reported they had been repeatedly stopped by police officers.

After completing the survey of Thomas Jefferson residents, NYLPI was informed of a similar problem in the Fort Greene area of Brooklyn, New York. Specifically, City Council Member Letitia James and the Legal Aid Society contacted the Community Oversight of Policing Project with community complaints very similar to the issues experienced by Jefferson residents. In response, COPP designed a modified survey to conduct in the Walt Whitman Houses in Brooklyn. As we had done with residents of the Thomas Jefferson Houses, COPP met with members of the community who were interested in the issues.

Surveyors knocked on the doors of 513 apartments at the Walt Whitman Houses. Of these, 75 residents and their guests were available and answered the questionnaire. Forty-three percent of those surveyed had been stopped, the majority of whom had been stopped in the last year, routinely coming and going from home.

This report will describe the empirical and anecdotal information gathered from the surveys of the 181 residents who were interviewed. The survey instruments used in East Harlem and Brooklyn are appendices to this report.

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## BACKGROUND

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### **New York City Public Housing Anti-Crime Efforts, and Policing**

174,102 families and at least 405,794 residents live in NYCHA housing in New York City.<sup>1</sup> That number is nearly the population of Oakland, California.<sup>2</sup> Residents of NYCHA housing are low income people and families, and predominantly but not exclusively people of color.<sup>3</sup> As will be discussed in the next section, the New York City Police Department (NYPD) policies for policing NYCHA residents are different in many ways from NYPD standard policies. These unique practices affect a large number of people, mostly people of color, and have caused significant community concern.

During Mayor Giuliani's administration, in 1995, the Housing Authority Police Department merged with the NYPD. Afterwards NYCHA and the NYPD entered into a Memorandum of Understanding requiring NYCHA to pay the city for NYPD police services. The NYPD developed "Operation Safe Home," funded by the federal Housing and Urban Development (HUD), to police the housing developments.<sup>4</sup> After 2002, the Bush Administration withdrew funding and NYCHA, rather than the federal funder, bore the brunt of the payments to New York City for policing. Nonetheless, police staffing did not diminish.

Police statistics provided to NYCHA and available on their website indicate that crime on NYCHA property was reduced by 34% between 1998 and 2003. Between 2001 and 2003, crime fell by 7.6%. This suggests an initial drop sometime after the merger, but diminished impact coinciding with the withdrawal of the HUD funding.

NYCHA has a number of policies premised on reducing criminal activity. For example, non-residents who are arrested for felony drug charges (drug sales) are banned from the property. Therefore, even if invited by a resident of the building, absent a formal exemption from this policy, a person with this criminal record in their past will generally not be allowed to visit the property.

Additionally, residents who have contact with the criminal justice system, or are related to people who do, may encounter barriers to obtaining and keeping housing. Public Housing Authorities have the discretion to bar eligibility for public housing for a reasonable period of time after criminal activity. 42 U.S.C. § 13661(c). They also have the authority to evict a tenant if the tenant, a member of their household, or a guest engages in drug-related activity, even if the tenant did not know, could not foresee, or could not control the behavior by others.<sup>5</sup>

NYCHA relies on the NYPD to enforce many of its drug and crime prevention rules through enforcement of trespassing laws. As will be discussed below, Vertical Patrol

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<sup>1</sup> <http://www.nyc.gov/html/nycha/html/about/factsheet.shtml>

<sup>2</sup> <http://quickfacts.census.gov/qfd/states/06/0653000.html>

<sup>3</sup> The vast majority of NYCHA residents are people of color, and furthermore, buildings are still largely racially segregated due to lingering effects of prior racial steering. See *NYCHA Davis v. New York City Housing Authority*, 278 F.3d 64 (2d Cir. 2002), cert. denied, 536 U.S. 904 (2002); *Davis v. New York City Hous. Auth.*, 2002 U.S. Dist. LEXIS 23738 (S.D.N.Y. Dec. 11, 2002).

<sup>4</sup> Inside the Budget, New York City Independent Budget Office, Number 129, April 15, 2004.

<sup>5</sup> *Dept. of Housing and Urban Development v. Rucker*, 535 U.S. 125 (2002).

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procedures have been developed by the NYPD to accomplish this goal. Due to this routine patrolling, interaction with NYPD officers is a near daily experience in the lives of thousands of people who live in NYCHA buildings.

### **NYPD Vertical Patrols**

The Vertical Patrol procedure requires officers to patrol the inside and outside of NYCHA buildings routinely each day, and creates the occasion for many interactions between civilians and police around and inside the buildings. The procedure is found at section 212-59 of the NYPD Patrol Guide, with effective date January 1, 2000, and provides in relevant sections as follows:

NYPD officers “shall frequently inspect the interior of Housing Authority buildings on assigned posts as follows:  
... inspect mailboxes and the interior of lobby ... inspect elevators ... proceed to top floor ... use staircase to gain access to the roof ... roof landing, elevator rooms, any other installations... patrol each floor, staircase and hallway ... from the top floor to the ground floor ... inspect elevator doors on each floor ... elevator door glass ... basement areas ... be alert for persons loitering ... alternate between outside area patrol and interior vertical patrol of Authority grounds and buildings...

Finally, the Patrol Guide says:

When inspecting Housing Authority buildings, members of the service [NYPD officers] shall take note of unauthorized persons remaining in lobbies, basements, staircases, roof landings and take appropriate police action when necessary.

This constant presence in NYCHA buildings has been lauded by the NYPD. According to 2004 City Council testimony of NYPD Commanding Officer Phipps:

[O]ne of the most effective crime fighting tools available in the Housing Bureau is the Trespass Affidavit Program, through which NYCHA gave the NYPD permission to conduct vertical patrols. In a vertical patrol, officers enter NYCHA buildings and arrest individuals unauthorized to be on the grounds for criminal trespass. This program also gives the NYPD the authority to arrest unauthorized persons or even residents and charge them with second-degree criminal trespass for entering certain prohibited areas of the building such as roof landings, rooftops, storerooms, maintenance areas, and basements. Vertical patrols also enable officers to observe the physical facility for any hazards or dangerous conditions that will then be reported to NYCHA.<sup>6</sup>

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**A** group of young men who liked to gather in the court yard in between the Jefferson Houses taped a recent New York Post article about police corruption on one of the courtyard walls. When the police officers saw this, they demanded that the ten or so young men gathered in the court yard all stand against the fence for body searches. When the young men asked for a justification the police officers said “because we can.”

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<sup>6</sup> November 2, 2006, Oversight Hearing: Public Safety Issues in Public Housing Developments, New York City Council (paraphrased from his comments).

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**T**he elevator in one of the Thomas Jefferson buildings went out of service as they often do, and a mother and her child crossed their building's rooftop to the adjacent building to access the elevator. The mother and her child were stopped by a police officer, and explained why they had needed to use the rooftop to reach the working elevator, and the officer placed both of them under arrest for criminal trespass. Both mother and her child were each later fined \$90.

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The NYPD claims that the vertical patrolling of the NYCHA buildings, ostensibly to detect and remove trespassers has been an effective crime fighting tool. However, the effectiveness is not fully analyzed, and data is not available to the public. NYLPI submitted a request to the NYPD for data about the types of arrests, tickets and stops that have transpired at the Thomas Jefferson houses under the Freedom of Information Law (FOIL) in order to examine the effectiveness of the program. That FOIL request was denied.

In the absence of specific data provided to the public, it is unclear how effective the programs are. What is clear, however, is that the constant policing, and frequent stopping and questioning, has led to community concern, and community member distrust of the police on NYCHA property, as will be discussed below.

### **Crime and Safety in New York City's Public Housing**

The manner in which police perform their routine duties in public housing has raised concerns for years, both in high profile incidents covered by media, and in the day-to-day experiences of people who live in NYCHA buildings. On January 24, 2004, Timothy Stansbury was shot by a police officer who was conducting a vertical patrol on the rooftop of the Louis Armstrong Houses in Bedford-Stuyvesant, Brooklyn. Mr. Stansbury, a 19 year old, was unarmed and was walking across the roof as a shortcut to the adjacent building. As he opened the stairway door, an officer stood on the opposite side of the door with his gun drawn. Apparently startled to find someone on the roof, the officer shot and killed the young man. After the incident, Police Commissioner Raymond Kelly stated, "there appears to be no justification" for the shooting.<sup>7</sup> Timothy Stansbury died of his wounds.

A decade earlier, on September 22, 1994, Nicholas Heyward, a 13 year old, was playing with some friends in a stairwell in the Gowanus Houses in Brooklyn. A police officer on patrol went to the 14th floor stairwell where the children were playing, and heard a clicking sound. The area was dimly lit, and when the officer fired he hit Nicholas in the abdomen. The officer then learned that Nicholas had been playing with an orange plastic toy cork gun. Nicholas Heyward died that day.

Beside the shootings and higher-profile incidents that garner media attention, there are daily complaints of excessive force, discourtesy, and inappropriate stopping by police officers that often go unnoted by media. The increase in vertical patrolling coincides with an increase in complaints of police misconduct generally. The Civilian Complaint Review Board (CCRB) Status Report for January – December details that New Yorkers filed 7,559 complaints about police misconduct with the CCRB in 2007. That is an 84% increase since 2000.

Additionally, the CCRB data shows a racial disparity among complainants who had been subjected to police stop, question, frisk or search. Of the general population who are subjected to stop, question, frisk or search, 52% were Black, 30% were

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<sup>7</sup> Dennis Dugan, "When Words Won't Do," New York Newsday, March 16, 2004.

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Hispanic, and 11% were White. Those numbers are based on self reporting by police officers. Of the group of complainants to the CCRB who were subjected to stop, question, frisk or search, 63% were Black, 24% were Hispanic, and 10% were White.

The experience of many people of color in New York City includes inappropriate stopping and questioning by NYPD officers. Our survey results on NYCHA properties suggest that this negative experience is heightened when it happens to people walking in and out of their own homes on a regular basis.

#### **Fourth Amendment Rights of Residents of Public Housing**

##### **Trespass – What is it?**

Trespass is clearly defined in New York law. Under § 140.05 of the New York Penal Law, “[a] person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises.”

A “person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists. N.Y. Penal Law § 15.05(2). Under the trespass law, “[a] person ‘enters or remains unlawfully’ in or upon premises when he is not licensed or privileged to do so.” N.Y. Penal Law § 140.00(5) (emphasis added).

Therefore, if you live in a building, or you are visiting a friend or family member, or you are an invited guest, you are not trespassing. Often, people reported to our surveyors that they were stopped for walking in or around a building, asked for ID to prove they lived in the building, and without ID they would be ticketed. However, trespass is not the crime of failing to carry an ID card, and the mere failure to carry ID does not render a person a trespasser.

Some special trespass rules apply to some circumstances in NYCHA buildings. Felony Drug Arrestees who have been notified by NYCHA that they are not permitted to be on NYCHA property would generally be trespassing if they enter. Thus, even if invited by a resident to enter the building, they would be trespassing. And, ordinary trespass, which is a mere violation, becomes a Class B misdemeanor when it is committed in a “public housing project” bearing conspicuous signs limiting entry to residents and guests. N.Y.P.L. § 140.10.

##### **The Fourth Amendment – What Are Probable Cause and Reasonable Suspicion?**

In order to arrest or seize a person, a police officer must have probable cause to believe she has committed a crime. However, in order to stop someone on the street and intrude on her privacy short of an arrest, an officer must have a reasonable suspicion that she has committed a crime.

The Supreme Court explained in *Terry v. Ohio*, 392 U.S. 1 (1968), “In justifying the particular intrusion the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.” *Terry*, 392 U.S. at 20. In other words, the police officer

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**A** 23-year old college student was on his way home after work one night. He had picked up pizza and lemonade and was still drinking the lemonade as he arrived at his apartment at the Jefferson Houses. Before he could get home, however, an officer stopped him and, without checking the contents of the cup, issued the student a ticket for drinking from an open container. Now, because of the ticket, the student fears losing the financial aid he relies on to fund his education.

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must have more than a hunch, and must be able to describe objective facts that lead the officer to believe a crime had been committed by the person.

The reasonableness of a stop turns on the facts and circumstances of each case. In particular, the Supreme Court has emphasized (i) the public interest served by the seizure, (ii) the nature and scope of the intrusion, and (iii) the objective facts upon which the law enforcement officer relied in light of his knowledge and expertise.<sup>8</sup> The law is clear that officers must have an explainable and reasonable belief that a person has committed a crime in order to stop them – it can not be an officer’s hunch.

### **Random or Routine Stops for Identification Around Your Home - Are they Legal?**

Police may not stop people without reasonable suspicion simply because they live in a high-crime neighborhood. The Supreme Court has explained in *Brown v. Texas*, 443 U.S. 47 (1979), and reiterated in *Hiibel v. Sixth Judicial Dist. Court of Nevada*, 542 U.S. 177 (2004), that police may not stop people and demand identification without reasonable suspicion. Both *Brown* and *Hiibel* deal with state statutes that authorized police officers to ask for IDs, or made it a criminal offense for people not to show ID if asked. The Supreme Court found the statutes unconstitutional under the Fourth Amendment. In *Hiibel*, the Court explained its interpretation of *Brown*:

In *Brown v. Texas*, 443 U.S. 47, 52, 99 S.Ct. 2637, 61 L.Ed.2d 357 (1979), the Court invalidated a conviction for violating a Texas stop and identify statute on Fourth Amendment grounds. The Court ruled that the initial stop was not based on specific, objective facts establishing reasonable suspicion to believe the suspect was involved in criminal activity. See *Id.*, at 51-52, 99 S.Ct. 2637. Absent that factual basis for detaining the defendant, the Court held, the risk of “arbitrary and abusive police practices” was too great and the stop was impermissible. *Id.*, at 52, 99 S.Ct. 2637.

*Hiibel*, 542 U.S. at 184.

*Brown v. Texas* also made clear that that when officers detain a person for the purpose of requiring him to identify himself, they perform a seizure of his person subject to the requirements of the Fourth Amendment. *Brown*, 443 U.S. at 50. In *Brown*, the person seized was walking in an area known for heavy drug traffic, but that fact did not justify stopping him without individualized reasonable suspicion. *Brown*, 443 U.S. at 52. The Court went on to explain:

The fact that appellant was in a neighborhood frequented by drug users, standing alone, is not a basis for concluding that appellant himself was engaged in criminal conduct. In

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**A** man answered a knock at his door to find his 18-yr old nephew accompanied by a police officer. The man had been expecting to see his nephew, but was surprised to see the officer. The officer was accompanying the nephew since he did not have any ID on him. The man confirmed that the young man the officer brought up was indeed his nephew and that he was expecting him. However, the officer still gave the nephew a ticket for not having ID.

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<sup>8</sup> See *Brown v. Texas*, 443 U.S. 47, 50-51, 99 S.Ct. 2637, 2640, 2641, 61 L.Ed.2d 357 (1979); *Delaware v. Prouse*, 440 U.S. 648, 654-655, 99 S.Ct. 1391, 1396, 1397, 59 L.Ed.2d 660 (1979); *United States v. Brignoni-Ponce*, 422 U.S. 873, 879-883, 95 S.Ct. 2574, 2579-2581, 45 L.Ed.2d 607 (1975); *Terry v. Ohio*, supra, 392 U.S., at 20-22, 88 S.Ct., at 1879, 1880; *Mendenhall*, 446 U.S. at 561.

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short, the appellant's activity was no different from the activity of other pedestrians in that neighborhood. When pressed, Officer Venegas acknowledged that the only reason he stopped appellant was to ascertain his identity. The record suggests an understandable desire to assert a police presence; however, that purpose does not negate Fourth Amendment guarantees... In the absence of any basis for suspecting appellant of misconduct, the balance between the public interest and appellant's right to personal security and privacy tilts in favor of freedom from police interference. The Texas statute under which appellant was stopped and required to identify himself is designed to advance a weighty social objective in large metropolitan centers: prevention of crime. But even assuming that purpose is served to some degree by stopping and demanding identification from an individual without any specific basis for believing he is involved in criminal activity, the guarantees of the Fourth Amendment do not allow it. When such a stop is not based on objective criteria, the risk of arbitrary and abusive police practices exceeds tolerable limits.

*Brown*, 443 U.S. at 52.

In conclusion, an officer may stop and question an individual if he has an articulable reason to believe that the person is trespassing or engaging in some other form of illegal activity. However, merely walking around - or entering or exiting - a NYCHA building does not provide an officer with reasonable suspicion.

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An elderly resident with disabilities was released from hospital care and receiving visitors at home. His daughter, a Walt Whitman House resident for 40 years, was coming home from a late night shift the previous night to visit him, but was stopped outside of his building by the police. They said she looked "out of it." The officers went to the father's home with her identification, and asked if this was his daughter. He verified her identity, and the officer left. The man's other daughter went out a bit later to take out trash, and she saw her sister on the ground with an officer standing with his foot on her back. The daughter was arrested, brought to the precinct, and then released without any charges. Her father expressed worry and outrage at this unwarranted treatment.

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## SURVEYS

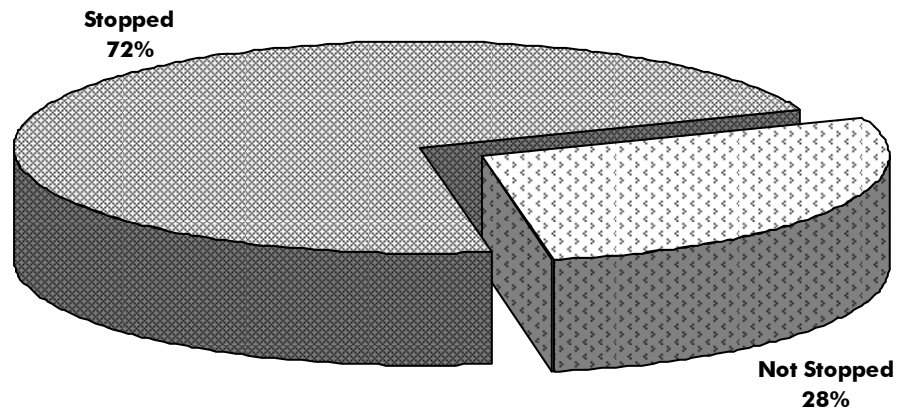
### The Thomas Jefferson Houses

The findings from the survey conducted at the Thomas Jefferson Houses revealed that a majority of residents and invited guests are repeatedly stopped by NYPD police officers. Further, many of the residents feel either harassed personally or that a family member or friend has been harassed on a regular basis. The result of this, and other findings discussed below, is that residents have developed feelings of fear and resentment toward the police officers who patrol the Jefferson Houses. Additionally, the results show that constitutional rights of residents are likely to be violated on a daily basis.

Of the 106 people surveyed in this project:

**A majority of Thomas Jefferson residents and their visitors who were surveyed are regularly or repeatedly stopped by NYPD police officers who patrol the area.**

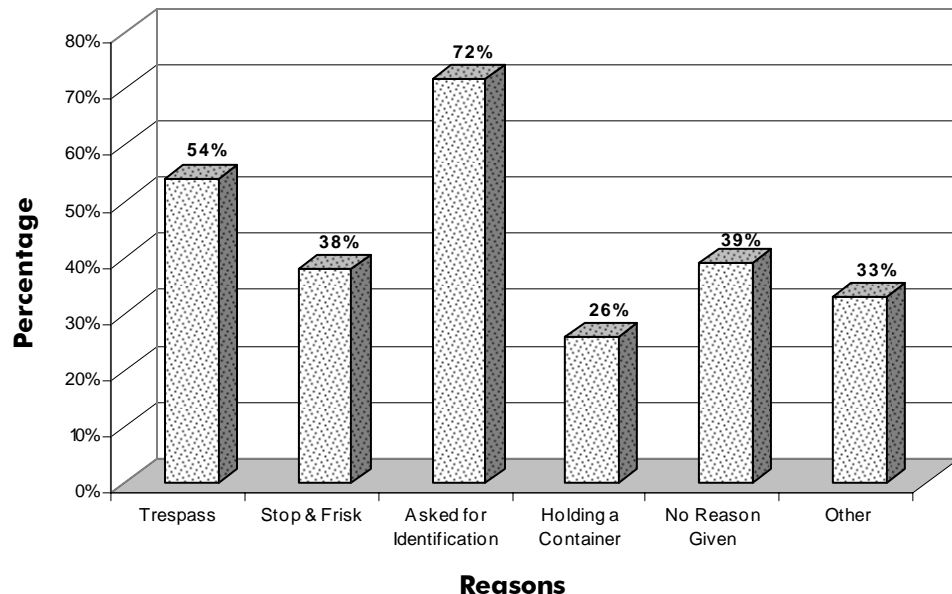
- ⇒ 41% stopped up to 5 times per year.
- ⇒ 16% stopped 5 to 10 times per year.
- ⇒ 19% stopped 10 to 20 times per year.
- ⇒ 24% stopped more than 20 times per year.



**When the police give residents a reason for being stopped, it is often an apparently legally insufficient reason.**

Other reasons given by officers include:

- ⇒ “In the park”
- ⇒ “Walking out of the building”
- ⇒ “Sitting outside”
- ⇒ “Fit a description”
- ⇒ “Mistaken for someone else”
- ⇒ “Was laughing and dancing”



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Many of the people we interviewed said they were stopped and police demanded identification from them when they were doing nothing but entering or exiting the buildings they live in. Some residents described repeated interactions with the same officers on routine patrol, which indicates that the officers likely recognize them as residents of the building, and would not have reason to believe they were trespassing.

**Stops, ticketing, and arrests of residents are frequent in the Thomas Jefferson Houses.**

- ⇒ 30% have been arrested.
- ⇒ 36% have been ticketed.
- ⇒ 49% were charged with Trespass.

**Aside from issues of illegal stops, searches, and arrests, residents feel that police officers violate their sense of safety in many ways, including the use of excessive force when questioning or otherwise detaining residents.**

- ⇒ 34% report that they have been subjected to excessive force.
- ⇒ 66% know someone who has been subjected to excessive force.

**A majority of residents are dissatisfied with the manner in which they are treated by police officers.**

- ⇒ 58% report that a police officer has spoken to them in a rude or disrespectful manner at the Jefferson Houses.
- ⇒ 45% report that a police officer has used derogatory or racist slurs in their presence at the Jefferson Houses.
- ⇒ 74% report that their friends have been harassed by police officers.
- ⇒ 66% report that their family members have been harassed by police officers.

**However, residents either do not have information about how to file a complaint or feel that the Civilian Complaint Review Board (CCRB) is largely ineffective.**

- ⇒ 23% have filed a Civilian Complaint Review Board complaint.
- ⇒ 85% surveyed rated CCRB's overall effectiveness (on a scale of 1-10; 1 being poor and 10 being excellent) as below a 5.

**A majority of Thomas Jefferson residents have children living with them at home and are very dissatisfied with the relationship between NYPD officers and their children.**

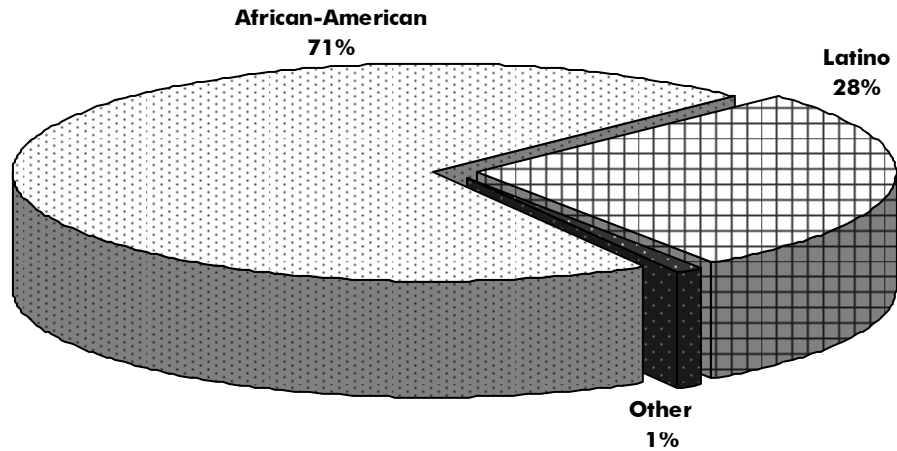
- ⇒ 55% have children at the Jefferson Houses.
  - ⇒ 84% rate police officer's relationship with children at the Jefferson Houses (on a scale of 1 to 10; 1 being poor and 10 being excellent) as below a 5.
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The vast majority of people who reported being stopped by the NYPD around their homes were African-American and Latino men.

- ⇒ 88% of people who reported being stopped were male.
- ⇒ 26% of people who reported being stopped were ages 10 to 20.

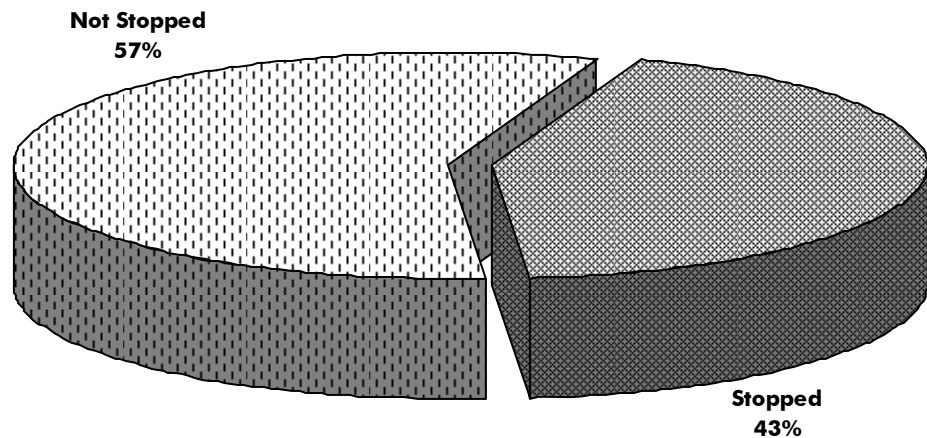


### The Walt Whitman Houses

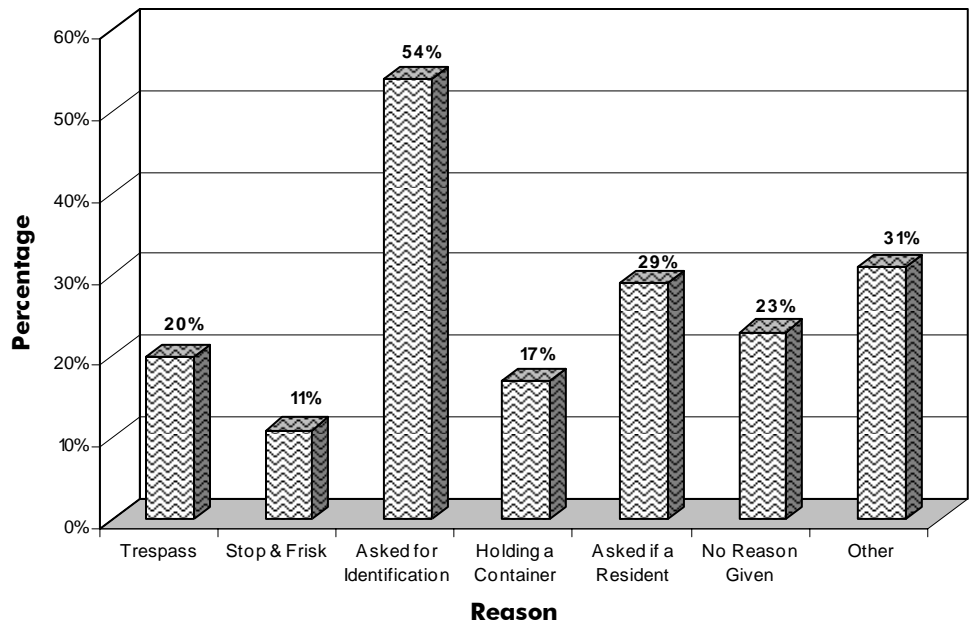
The findings at the Walt Whitman Houses were similar to those at the Thomas Jefferson Houses. Although a greater number of surveys were implemented by *pro bono* law firm attorneys who were sometimes mistaken for police officers upon first meeting the residents, the results are similar to the Jefferson Houses because they show that residents have developed fear and resentment towards the police officers patrolling their residences. Again, the results also show that from the resident's perspective, their constitutional rights are likely to be violated on a daily basis.

A significant number of residents of the Walt Whitman Houses are nonetheless stopped by police officers at the Walt Whitman Houses.

- ⇒ 100% of those surveyed are residents
- ⇒ 63% of those stopped were stopped at least once in the last year



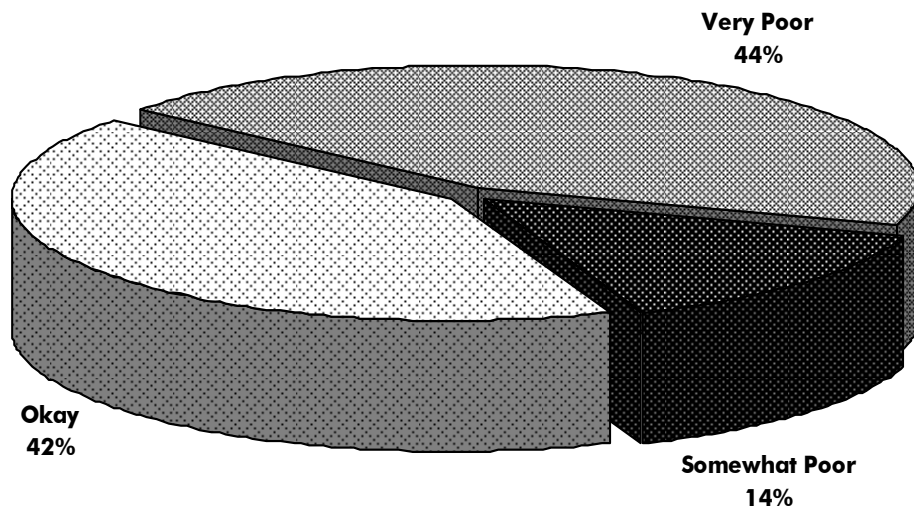
The stops of residents do not appear to be justified. Many residents appear to be subjected to routine stops when coming and going from their homes.



Other reasons articulated by officers include:

- ⇒ “Riding a bike”
- ⇒ “Filming with a camera”
- ⇒ “Matched a description”
- ⇒ “Told me to get against the fence before asking for I.D. and I said no”
- ⇒ “Standing in the hallway”
- ⇒ “Sitting in front of my house”

A majority of Walt Whitman residents are dissatisfied with the manner in which they are treated by police officers.



A majority of residents have never filed a Civil Complaint Review Board (CCRB) complaint against a police officer or do not know what the CCRB is, and of those that do know of the CCRB, a majority feel that it is ineffective.

- ⇒ 88% have never filed a CCRB complaint.
- ⇒ 57% think that the CCRB’s effectiveness is “Very Poor”

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**Many Walt Whitman residents have children living with them and a majority of those residents are dissatisfied with the police officers' relationship with children.**

⇒ 36% have children at the Whitman Houses.

⇒ 56% rate police officer's relationship with children at the Jefferson Houses as "Very Poor"

## RECOMMENDATIONS

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**T**he survey results and interviews with residents of NYCHA buildings reveal chronic problems that call for immediate changes in NYPD practices.

Merely walking around - or entering or exiting - a NYCHA building does not provide an officer with reasonable suspicions to stop and question. The vertical patrol procedures in NYCHA areas, which affect communities of color and poverty, have led to serious community concerns about rights violations. The recommendations of this report are merely preliminary, and are offered in the hope that the NYPD will act quickly to curb unconstitutional conduct by police officers.

### ◆ **Community meetings to build trust and communication**

We recommend that the local precincts participate in community-led dialogue to evaluate and improve police conduct on patrol around NYCHA buildings. These meetings should include the youth who live in NYCHA buildings, and others who may not participate in existing police councils. The agenda should be set by community leaders, and the NYPD should have an opportunity to respond to the concerns raised by the community. The meeting should result in concrete recommendations to improve the conduct of police officers, which are acted on quickly.

### ◆ **Enhanced rights-respecting security for residents**

Security is important for residents of NYCHA buildings, and for their visitors. However, unjustified stops for identification run afoul of constitutional rights and cause unnecessary misunderstandings and tensions between residents and police. Alternative methods of security should be explored by the NYPD with NYCHA and with residents, and current vertical patrol procedures should be suspended. With public participation in the process to determine security measures, public confidence in the fairness of security could be improved. Ideas to explore could include doormen, enhanced security cameras, neighborhood watch programs, and re-training for officers on the Fourth Amendment rights and trespass laws affecting people on NYCHA property.



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d) Other \_\_\_\_\_

12) Did you contest the charge(s)?  
YES NO

If you are a resident arrested or ticketed for trespass, did you contest the charge?  
YES NO

13) Has an police officer ever spoken to you in a rude or disrespectful manner at the Jefferson Houses?  
YES NO

14) Has an NYPD officer ever used derogatory or racist slurs in your presence at the Jefferson Houses?  
YES NO

15) Have you been subjected to excessive force at the Jefferson Houses?  
YES NO

16) Do you know someone who was subjected to excessive force at the Jefferson Houses?  
YES NO

17) Have your friends felt harassed by police officers at the Jefferson Houses?  
YES NO

18) Have your family members felt harassed by police officers at the Jefferson Houses?  
YES NO

19) Have you ever filed a CCRB complaint?  
YES NO

20) What is your opinion of the CCRB's effectiveness (1 being low, and 10 being highest.?)  
(circle one)

1 2 3 4 5 6 7 8 9 10

21) Do you have children living here?  
YES NO

22) If so, how do you rate the police officers' relationship with children and teens in the Jefferson Houses? (1 being very poor, and 10 being very good) (circle one)

1 2 3 4 5 6 7 8 9 10

RETURN TO TAI NICKEL  
NYLPI. 212-244-4664

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For more information or to get involved, contact:  
Amanda Masters

**New York Lawyers for the Public Interest, Inc.**

151 West 30th Street, 11th Floor, New York, NY 10001  
Tel 212-244-4664 Fax 212-244-4570 TDD 212-244-3692  
[www.nylpi.org](http://www.nylpi.org)

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