The New York City Police Department, its Crime-Control Strategies and Organizational Changes, 1970-2009

Michael D. White, Ph.D.

Associate Professor, School of Criminology and Criminal Justice
Associate Director, Center for Violence Prevention and Community Safety
Arizona State University
411 N Central Ave Suite 600, mail code 4420
Phoenix, AZ 85004-0685
Phone: (602) 496-2351; mdwhite1@asu.edu

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<u>**Introduction**</u>

New York City is the largest city in the United States, with a residential population of

more than 8.1 million people. During the 1990s, New York witnessed historic drops in crime –

perhaps best illustrated by homicides which peaked in 1990 at more than 2,000 but then fell

precipitously through the rest of the decade and into the 21st century. From 2003 through 2009,

the city averaged 540 homicides, and in 2009 recorded just 412. Similar trends have occurred

with other types of crime as well, as both robberies and property felony crimes dropped by 60%.

Numerous explanations for this crime decline have been offered and discussed, and the role of

the New York City Police Department (NYPD) has been central to that debate. Much of the

focus on the NYPD has centered on the philosophical, structural and operational changes made

to the Department by then-Chief William Bratton, most notably the adoption of order

maintenance policing and the implementation of Compstat. While those developments in the

early 1990s are clearly important for understanding the potential role of the NYPD in the New

York City crime decline, those changes did not occur in a vacuum. The NYPD has a dynamic

history and culture, dating back to several watershed events in the 1970s (e.g., the City's fiscal

crisis) and 1980s (e.g., the NYPD's experimentation with community policing), that serve as an

important backdrop for considering the more recent organizational developments. As a result,

this paper examines the NYPD over a period of more than 30 years, focusing on the primary

events – both in the city and in the department – that have shaped and influenced the

organization, its philosophy, structure and crime-control strategies over that period of time.

The paper is broken down into 7 sections. Section I presents a brief overview of the structure of the NYPD, giving the reader a sense of how the department was organized during this time. The next four sections – each roughly a decade – detail the major city and department events during each time period, as well as the department's primary crime-control strategies. The discussions of the 1970s (Section II) and 1980s (Section III) are necessarily brief, but they set the stage for the much more detailed examination of the strategies and organizational changes that characterized the NYPD during the 1990s (Section IV) and into the 21st century (Section V). The final two sections include a general discussion of other relevant influences on the NYPD and its crime-control strategies (Section VI), and a conclusion section that reviews key findings and final thoughts on the state of the Department (Section VII).

Section I: The NYPD's Organizational Structure

This section seeks to paint a general picture of the NYPD, its leadership and structure. As such, the discussion provides an important foundation for the rest of the paper. The NYPD is the largest law enforcement agency in the United States, with a personnel complement that has ranged as high as 41,000 officers in addition to 14,500 civilian employees. The department was founded in 1845, and is headed by a single police commissioner (PC), who is appointed by the city's mayor for five-year terms of office. During the period covered by this paper (1970 through 2009), eleven men served as PC (one served twice, current PC Ray Kelly). Five of the eleven PCs (Donald Cawley, Michael Codd, Benjamin Ward, Richard Condon, and Raymond Kelly) had been career NYPD officers before their appointments, and several others had extensive law enforcement careers elsewhere (Patrick Murphy, Lee Brown, William Bratton, Robert McGuire,

Howard Safir and Bernard Kerik; Fyfe and Kane, 2006).[1] Raymond Kelly, the current PC, was first appointed to the position in 1992 by Mayor David Dinkins and he left in 1994 following the election of Rudolph Giuliani as Mayor - who then appointed William Bratton. Bratton resigned and was replaced by Howard Safir and after he resigned, Bernard Kerik was appointed. Kerik left office at the end of Giuliani's term, and newly elected Mayor Michael Bloomberg appointed Ray Kelly (again), who continues to serve as PC today. NYPD commissioners wield significant power in the department as they are free to appoint their top staff, including 14 civilian deputy commissioners,[2] as well as a host of civilian assistant commissioners and unit directors. In addition, all NYPD ranks above captain,[3] the top civil service rank, are filled at the discretion of the police commissioner, allowing the PC enormous influence over more than 800 captains and above who serve as the upper level management of the organization (Fyfe and Kane, 2006). Several PCs, most notably William Bratton, have used this power to effect great change at the top of the department.[4]

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[1] Patrick Murphy started his career in the NYPD but left to serve as Police Chief in Syracuse (NY) and Detroit. He also served in the Department of Justice before being appointed as PC of the NYPD in 1970. Lee Brown had been police CEO in Multnomah County (Oregon), Atlanta, and Houston. William Bratton had served as chief of the former New York City Transit Police and as police commissioner in Boston. Robert McGuire had been a prosecutor and successful attorney. Howard Safir had served as the city's fire commissioner and was a former official of the Drug Enforcement Administration (DEA) and the United States Marshals Service. Bernard Kerik had served as the New York City Commissioner of Corrections.

[2] These include the First Deputy Commissioner and the Deputy Commissioners for Administration; Strategic Initiatives; Counter Terrorism; Intelligence; Operations; Public Information; Community Affairs; Labor Relations; Trials; Equal Employment Opportunity; Legal Matters; Management and Budget; and Training.

[3] These include deputy inspector; inspector; deputy chief; assistant chief; chief; and chief of department.

[4] Patrick Murphy did the same in the early 1970s in the wake of the Serpico scandal and Knapp Commission report.

The Precincts

The NYPD's basic field command structure is grounded in its 76 patrol precincts, which deliver the core police services. There is tremendous variation in the precincts, from the extremely active areas most frequently portrayed in television and the movies (tourist attractions, landmarks, etc.) to those in the outer boroughs that are much more residential (Queens, Staten Island). The differences in precincts are perhaps best illustrated by the rank of the individual assigned to command them. During the mid-1990s (the period of central interest to this review), eight of the 76 precincts were commanded by Inspectors[5] (two steps above captain, one step below deputy chief), and 24 others were led by Deputy Inspectors.[6] These are considered to be the most challenging and sensitive areas of the city because they are more active and include higher percentages of populations who are poor, foreign born and minority; on welfare; and living in single parent female headed households (Fyfe and Kane, 2006). They also include areas popular with tourists that draw large non-resident populations (e.g., Times Square, United Nations, lower Manhattan, etc.). The remaining 44 precincts are commanded by captains,[7] the lowest precinct commander rank (Fyfe and Kane, 2006). Although patrol provides the majority of police service to the citizens of New York, there are numerous other assignments and units in the NYPD. These include: Police Academy/Field Training Units, Proactive Investigative Units (e.g., plainclothes and undercover units such as the Street Crime Unit and Narcotics), Detective

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[5] Midtown South and the 34 in Manhattan; the 44 in the Bronx; the 67, 75, 77, and 84 in Brooklyn; the 115 in Queens.

[6] The 9, 13, Midtown North, 19, 23, 26, 28, 30, 32, and 33 in Manhattan; the 46, 47, and 52 in the Bronx; the 66, 69, 70, 72, 79, 83, 88, and 90 in Brooklyn; the 103, 109, and 114 in Queens.

[7] The 1, 5, 6, 7, 10, 17, 20, 22, 24, and 25 in Manhattan; the 40, 41, 42, 43, 45, 48, 49, and 50 in the Bronx; the 60, 61, 62, 63, 68, 71, 73, 76, 78, 81, and 94 in Brooklyn; the 100, 101, 102, 104, 105, 106, 107, 108, 110, 111,112, and 113 in Queens; the 120, 122 and 123, which encompass all of Staten Island.

Bureau/Warrants Squads, Organized Crime Control Bureau Units other than Narcotics (e.g.,

Social Club Task Force, Money Laundering Unit, as well as participants in joint

federal/state/local organized crime task forces), Special Patrol Units (e.g., Housing, Transit,

Emergency Service), and Staff units (e.g., Headquarters, Crime Laboratory) (see Fyfe, 1981).

Section II: 1970-1980

Introduction

This section briefly reviews the major events in the City and Department from 1970-80,

most notably 1) the organizational changes made in the wake of the Knapp Commission report;

2) the move toward professionalism and its impact on the police subculture; and 3) the impact of

the City's fiscal crisis on the NYPD.

The NYPD Post-Knapp

The 1970s were a period of great change for both New York City and its police

department. During 1971-1973, several officers were assassinated by the radical Black

Liberation Army, who engaged in 20 or more exchanges of gunfire with NYPD officers (Daley,

1971; Fyfe 1978). At the same time, the department was plagued by a corruption scandal that

made front-page news and led to the creation of the Knapp Commission – which in its final

report concluded that corruption was "widespread…sophisticated…[and] strikingly

standardized…(Knapp Commission, 1972: 1). In the wake of this scandal, reform Commissioner

Patrick Murphy seized the opportunity to make sweeping changes to the bureaucratic structure of

the NYPD. The Plainclothes Division, the gambling enforcement unit at the center of the Serpico

scandal, was abolished and the Organized Crime Control Bureau was created. Murphy placed

strict control over officers' discretion through a general prohibition against gambling and prostitution enforcement unless there were specific complaints from outside the department (Skolnick and Fyfe, 1993). Murphy also created a Field Associate program (whereby recent academy graduates served as undercover internal affairs investigators), developed an early warning system to identify troubled officers, and required commanders to identify corruption hazards and create integrity plans for their precincts (Murphy and Plate, 1977). Internal Affairs increased in both size and responsibility, and the disciplinary system was revamped.[8] Murphy also introduced an "up or out" policy, which presumed that 20% of those at the rank of captain and above would be promoted or retire every year (Murphy and Plate, 1977). And last, the Street Crime Unit, a proactive unit that sought out violent crime, was created and proved extremely effective.[9]

More generally, the department's post-Knapp emphasis on professionalism led to a number of other important changes including the hiring of female police officers in sizeable numbers for the first time, the implementation of a revised training curriculum, restrictive policies on deadly force and hot pursuits, and the creation of a departmental career path (Fyfe and Kane, 2006). The emphasis on professionalism changed the culture of the department dramatically as the former monolithic cop culture had split into two (Reuss-Ianni, 1983). In her study of the department, Reuss-Ianni (1983) distinguished between the *street cop culture,* governed by the old values of loyalty to one's peers and unit, and the *management cop culture,* which was dedicated to professional and objective standards of performance, and was practiced

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[8] Murphy developed a command discipline system which allowed supervisors and commanders to sanction their officers without initiating the formal departmental trial process (Fyfe and Kane, 2006).

[9] The unit was designated as an "Exemplary Project" by the United States Department of Justice (see Abt, 1973).

by the upwardly mobile young officers who epitomized Murphy's vision (Fyfe and Kane, 2006). This split produced a clash in which street-level officers came to regard themselves not as part of the single organization that had existed prior to Knapp, but as a minority that was criticized not only by people outside the department, but by their own bosses as well (Kane and White, 2011).

The City's Fiscal Crisis

In June 1975, New York City faced a financial crisis after years of "fiscal mismanagement (Lardner and Repetto, 2000: 278)." The City laid off 50,000 employees including its junior 5,000 police officers. This was a devastating blow to the NYPD and served to galvanize the schism that emerged between the department leadership and line officers (Lardner and Repetto, 2000). Indeed, the last recruit class hired prior to the layoffs entered the department in November 1974. During the next five years the NYPD did not hire a single officer; and during those years, it contracted by another 8,000 officers, mostly due to attrition, shrinking from 32,000 to 21,000 officers. In just five years, the department had lost 34% of its sworn workforce, while during that same time, serious crime had increased by 40%. These tumultuous events during the 1970s set the stage for the organizational changes and strategies that defined the NYPD during the 1980s and early 1990s.

Section III: 1980-1993

Introduction

The defining events of the previous decade – a major corruption scandal, huge losses in sworn staff in the face of rising crime rates, and the strong move toward professionalization – set the stage for a massive rebuilding of the NYPD during the 1980s. This section describes the key

events and changes during the next 13 years, including 1) massive re-hiring and a continued move toward professionalism; 2) the explosion of crime and violence in New York City; 3) the emergence of police innovation through Broken Windows, and Community and Problem-oriented policing; and 4) the NYPD's experimentation with those innovations.

Re-building and Professionalizing the NYPD

As the City's financial crisis passed the NYPD began an extensive hiring process. From November 1979 to July 1984, the NYPD hired more than 12,000 officers.[10] The department also continued its efforts toward professionalism, perhaps best exemplified by the initiation of its drug testing program in 1985 for all applicants and probationary officers. The program was expanded in 1986 to include officers starting specialized assignments, and random testing was introduced for 10% of sworn staff and all officers assigned to OCCB in 1989. By 1993, 20% of uniformed personnel were randomly tested and drug tests were a requirement for promotion to the rank of sergeant and above (Fyfe and Kane, 2006).

Despite these efforts, the department continued to experience misconduct scandals, though certainly on a smaller scale than the previous decade. For example, in 1983 the NYPD was the subject of a congressional investigation of allegations of brutality, and in 1985, a small group of officers was discovered used electronic stun-guns to torture arrestees. Also in 1985, 13 officers from Brooklyn's 77th Precinct were criminally charged with stealing and trafficking in drugs (the Buddy Boys; Lardner and Repetto, 2000). And in 1993, a group of Brooklyn officers was found to have engaged in brutality, robbery, theft, drug trafficking and abuse, and the use of

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[10] Unfortunately, many were hired before their background checks could be completed. In fact, in 1986, 10% of all officers hired into the NYPD had prior arrest records (Kane and White, 2011).

their police authority to drive off rivals of the drug dealers who employed them (leading to the

formation of the Mollen Commission).[11]

Crime and Disorder in New York City

New York City, like many places across the U.S., experienced dramatic increases in

crime, violence and disorder during the 1980s, much of it associated with the drug trade. Johnson

et al. (2010: 18) effectively capture the crime picture during this time:

> By 1980, marijuana and heroin use was well-established and the use of cocaine and then
> crack cocaine became widespread…Drug sellers were active in every city park. Many
> blocks were converted to drug 'supermarkets,' with as many as 20 or more drug sellers
> and their ever present customers…Passersby could easily observe persons injecting
> drugs, smoking crack or marijuana, and were routinely offered the opportunity to do the
> same. Of particular concern in the mid-80s, crack selling crews became ever more reliant
> on guns and violence to enforce their business claims.

The explosion of violence during the late 1980s and early 1990s is evidenced by the number of

homicides in New York, which jumped from 1,392 in 1985 to 2,262 in 1990 (a 60% increase in 5

years) – and remained above 2,000 through 1992. The level of social and physical disorder that

emerged in conjunction with the violence was similarly destructive. Again, Johnson et al. (2010:

18-19) paint a clear picture:

> The conduct norms of drug/street culture also promoted regular participation in what later
> became targeted as QOL [quality of life] behaviors. Drug abusers largely avoided
> expenditures associated with normal living…they socialized (hung out) in public
> locations, drank alcohol, smoked and sold marijuana, left their garbage everywhere, and
> urinated and defecated on the streets or in the parks…They conducted other illegal
> behaviors in public including prostitution, con games, gambling, aggressive panhandling,
> etc.

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[11] At the same time, a group of officers in Harlem's 30th Precinct – called "*Nannery's Raiders*" – were discovered
in the same sorts of activities, as were groups of officers in Brooklyn's 75th precinct and the 46th Precinct in the
Bronx (see Mollen Commission, 1994).

The problems highlighted above were equally intractable in the New York City subway system, which operates 24 hours a day, seven days a week and, during the 1980s, averaged 3.5 million riders every day. Kelling and Coles (1996: 117) noted that, despite initial success against graffiti, "lawlessness still reigned in the subway during the late 1980s." Problems included aggressive panhandling, open drinking and drug use, homelessness (with urinating and defecating in the stations and in train cars), fare-beating, and robbery. Not surprisingly, surveys of subway riders illustrated high levels of fear and defensive actions, and ridership soon began to drop dramatically (Kelling and Coles, 1996).

Innovations in Policing

The events of 1960s, 70s and 80s brought serious challenges to American police. From the social unrest of the 1960s and seminal research such as the Kansas City Preventive Patrol study in the 1970s, to an explosion of crime and violence in the 1980s, basic principles of the traditional professional model of policing that had prevailed for the better part of 70 years were now being questioned. Weisburd and Braga (2006: 11) argue that this crisis in American policing set the stage for a period of tremendous innovation: "Our view is that the challenges to police effectiveness, rising crime rates, and concerns about the legitimacy of police actions that developed in the late 1960s created a perceived need for change." As the need for change took hold, scholars and practitioners began to rethink core assumptions regarding how police go about their business. For example, in 1979, Goldstein published his seminal article on problem-oriented policing where he argued that police had gotten caught up in a means-over-ends syndrome, and that they should re-focus their efforts toward diagnosing and addressing problems (rather than incidents). A few years later, Wilson and Kelling (1982) proposed the Broken Windows thesis, which highlighted the important role of informal social controls and the

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deleterious effects of disorder – i.e., disorder leads to fear and withdrawal; followed by increased crime and predatory behavior and a "spiral of decline" (Kelling and Bratton, 1998). This ongoing dialogue soon led to the emergence of community policing, which emphasizes a partnership between police and community harnessed through increased informal contacts with citizens who help to identify and solve problems (Pate and Shtull, 1994).

During the 1980s, New York City and its police department engaged in two initiatives that reflected both the spirit of this ongoing dialogue on police innovation and the crisis in policing. The first involves the NYPD's community policing effort, called the Community Patrol Officer Program (CPOP). The second involves the order maintenance strategies (grounded in Broken Windows theory) employed in the subway system – led by then-Transit Chief Bratton and George Kelling.

The NYPD and Community Policing: The CPOP program arose from discussions between the NYP leadership and the Vera Institute during the early 1980s. As mentioned above, the NYPD hired approximately 12,000 officers from 1980-84, and the Department asked Vera to assess how those new officers could best be used (McElroy et al. 1990). The results of surveys with borough and precinct commanders and awareness of the ongoing discussion of police innovation led to the creation of CPOP. The Department's CPOP Orientation Guide (1987) illustrates the philosophy and mission of the program:

> Community policing might best be described as a philosophical position which holds that the goals of policing, the conditions which it addresses, the services it delivers, the means used to deliver them and the assessment of its adequacy should be formulated and developed in recognition of the distinctive experience, needs and norms of local communities…

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The program was originally launched in July 1984 as a pilot in one precinct (72nd in Brooklyn)

with 10 patrol officers and one sergeant acting as planners, problem solvers, community

organizers, and information exchange links (McElroy et al 1990) – and with the express goal of

identifying and addressing emerging "quality of life" problems (e.g., street level drug dealing).

An evaluation of the pilot program underscored the important shifts in philosophy under the

CPOP program, as highlighted by the observations of one of the study officers:

> This program is totally different from stereotypes of foot patrol. Normally if you were in a store for half an hour talking to somebody, you're goofing off. Now if you're in a store for half an hour, it's considered a positive aspect of the job. You met the owner, you were talking to some of the people who work there. When someone comes out of there at the end of the day drinking beers and you walk up to him and call him by name, and say, 'Listen Jose, no Cervesa on the street,' the guy now says 'Okay, okay," and shakes my hand (Weisburd et al., 1988: 38).

The NYPD soon expanded the program and by September 1988, each of the 75 precincts

had a CPOP program (750 CPOP officers, and 75 sergeants). Though CPOP was a defining

element of what the NYPD was seeking to accomplish during the late 1980s under

Commissioner Ben Ward, the 750 officers working in the program (with their 75 supervisors)

represented a very small portion of the sworn personnel. Newly elected Mayor David Dinkins

sought to change this when he hired Lee Brown – a nationally recognized expert on Community

Policing – as Commissioner, and he proposed *The Safe Streets, Safe City* program to use tax

funds to support the hiring of an additional 5,000 police officers, as well as a variety of

community prevention programs (Smith and Bratton, 2001). Commissioner Brown subsequently

made community policing the "dominant philosophy and strategy of the department (Smith and

Bratton, 2001: p. 468).[12] An evaluation of CPOP showed that many of the program's objectives were achieved as officers became better acquainted with citizens on their beats, identified community problems and developed solutions to address them, but the program also created a division between the officers working the program and the patrol officers who were tasked with responding to calls for service (Pate and Shtull, 1994).[13]

Taking Control of the New York City Subway System: The City's second experiment with innovative policing involved the New York City Transit Police – not the NYPD – but the experience in the subway system is intimately linked to the transformation of the NYPD that would occur in the next decade. Social and physical disorder, as well as crime, had become widespread in the subway system. Kelling and Coles (1996: 117-118) noted that:

> Panhandling…was endemic. In addition to peaceful and passive beggars, stupefied addicts slumped over cups, hustlers or representatives of service organizations (it was often impossible to tell the difference) lectured train passengers about their obligations to help the needy and solicited for 'donations,' panhandlers aggressively thrust their hands or cups into the faces of subway users and glowered at them…Often the recipients of donated clothing would strip and change clothes in the middle of stations or platforms, and with the lack of toilet facilities, many persons urinated or defecated in public places including train cars. At times, entire cars were taken over by indigents who sprawled over seats and on the floor. Approximately 1,200 to 2,000 persons a night were sleeping in the subway, and the number was rapidly increasing.
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> Farebeating created an additional sense of lawlessness. Popular scams included jumping over or backcocking turnstiles(placing backward pressure on turnstiles and then slipping through them without paying); coin sucking (blocking the token receptacle with some foreign object and sucking out a deposited token); and most outrageously, disabling all the token receptacles, holding open gates, and collecting fares from persons entering the system…When receptacles were hardened with vaults, predators turned on tolltakers

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[12] Brown's effort to "go to scale" with community policing began in 1991 with a model precinct – again the 72nd in Brooklyn. According to Pate and Shtull (1994), an additional 42 officers were assigned to the 72nd, increasing its complement of patrol officers by more than 25% (from 162 sworn to 204 sworn).

[13] In fact, William Bratton criticized the community policing program because of this split-force problem (Bratton, 1998).

collecting tokens from the vaults, assaulting and robbing them. Estimated losses from the various fare scams and thefts ranged from $60 to $120 million a year, not to mention the indignation, demoralization and fear that paying passengers and on-site transit staff felt. Following on the heels of disorder and petty crimes, robbery and felonies started a steep increase in 1987.

The leadership at the Transit Authority, with George Kelling as an advisor, developed a Broken Windows-based enforcement strategy to address disorderly behavior and crime in the subway system. The program began in October 1989 and William Bratton became the Chief of the Transit police a few months later in April 1990. After surviving some initial legal challenges (see Kelling and Coles, 1996), the initiative began and targeted aggressive panhandling, graffiti, fare-beating, and robberies – using both arrest and ejections from the subway system. In the months after Bratton took over, ejections from the subway and misdemeanor arrests both more than tripled. Within two years, felony crimes had dropped by more than 30% and a sense of order had been restored (Joanes, 2000). The dramatic turnaround in the subway system offered strong evidence in favor of the Broken Windows thesis, and this success was consistent with newly elected Mayor Rudy Giuliani's push to abandon community policing, which he characterized as "social work" during his mayoral campaign.[14] As a result, Mayor Giuliani named Bratton Commissioner of the NYPD in late 1993, and order maintenance policing was brought out of the subway system to the streets of New York.

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[14] Notably, prior to the mayoral election Commissioner Ray Kelly of the NYPD had also targeted disorderly behavior by focusing on the "squeegee men," and though the squeegee men effort had limited success, it served as major point of contention in the mayoral election.

Introduction

This section describes the transformation of the NYPD that began under the leadership of Commissioner Bratton. The section starts with a discussion of the primary areas that Bratton targeted for change. The section then details the philosophical, structural and operational changes implemented during this time period, with specific emphasis on the Broken Windows thesis, the development of Compstat, and the operational focus on order maintenance policing.

The NYPD: An Organization in Need of Change

When Commissioner Bratton took over the NYPD, there were a number of aspects of the department and its philosophy that he targeted for change. First, since the 1960s sociologists and criminologists had espoused macro-level theories highlighting social disorganization, poverty, employment, and breakdowns in other social institutions as the primary causes of crime ("root causes of crime; see e.g., President's Commission on Law Enforcement and the Administration of Justice, 1967). The natural implication of these theories was that police could do very little to control and prevent crime – an implication that was strengthened by the empirical work that seriously undermined the traditional, reactive model of policing that prevailed during that time (e.g., Kansas City Preventive Patrol study). In fact, as recently as 1994 David Bayley (1994: 3) wrote "The police do not prevent crime. This is one of the best kept secrets of modern life. Experts know it, the police know it, yet the police pretend that they are society's best defense against crime." With his subway experience as a foundation, Bratton sought to change this philosophy.   Second, this "root cause" philosophy was compounded by the overly passive nature of the NYPD crime-control approach. Kelling and Bratton (1998: 1225) argued that there was a

"lack of quality policing" as avoiding trouble and "doing nothing" had become defining elements

of officers' street behavior. This philosophy had emerged in large part due to the Department's

pre-occupation with corruption and misconduct, which had characterized much of the prior two

decades (from Knapp to Mollen, with the Buddy Boys and other smaller scandals in between).

Third, the NYPD was in desperate need of re-structuring. Bratton (1998: 208-09)

described the state of affairs:

> The New York Police Department was dysfunctional. First, it was divided into little
> fiefdoms, and some bureau chiefs didn't even talk to each other. OCCB didn't talk to
> patrol, patrol didn't get along with the detective bureau and nobody talked to internal
> affairs…Each bureau was like a silo. Information entered at the bottom and had to be
> delivered up the chain of command from one level to another until it reached the chief's
> office.

Just as problematic, large portions of the department, including specialized units, worked a

traditional Monday through Friday, 9-5 work week. Also, there was a six month lag in the

department's ability to examined crime statistics and trends, and the precinct commander

position – the critically important middle manager level – served as a "sunset post" for officers

on their way to retirement (Smith and Bratton, 2001). Johnson et al. (2010: 19) noted that:

> Before Bratton, innovation and creativity were seen as threats to smooth operations and
> invitations for trouble. The NYPD had been organized as a strict hierarchy with approvals
> needed at all levels before any operational changes were allowed. This created a climate
> where the department was run by headquarters; field commanders were rewarded not for
> their efforts in reducing crime and improving neighborhood conditions, but for keeping
> the status quo and avoiding problems.

Bratton's Philosophical and Structural Changes

Commissioner Bratton set about altering the NYPD on philosophical and structural

levels. In terms of philosophy, Bratton attempted to eliminate the sense of resignation

accompanying the "root-cause" explanation of crime (he publicly stated that the department

would seek to reduce crime by 10% in his first year), and he embraced the Broken Windows

thesis. The experiences in the subway system had served as a pilot test demonstrating that 1)

restoring order could reduce crime; and 2) many of those who were engaged in minor disorderly

behavior were by no means minor offenders (Kelling and Coles, 1996).[15] The second aspect of

Bratton's philosophical shift involved the adoption of cutting-edge management theory from the

private sector (Hammer and Champy, 1993) that highlighted management commitment, creation

of priorities, using creative approaches to accomplish tasks, and using information to guide

decision-making (Willis, et al., 2007).

The new management approach resulted in numerous structural changes to the

department, and culminated with the development of Compstat. Full descriptions of the

Compstat model can be found elsewhere (e.g., McDonald, 2002; Silverman, 1999) but several

aspects are worthy of mention here. First, Compstat built on Bratton's belief that middle

managers held the key to institutionalizing organizational change – consequently, responsibility

for the department's operations was decentralized to the precinct commanders (Kelling and

Sousa, 2001). "Managerial changes occurred so that commanding officers were given credit

when problems were solved and held accountable when problems arose. Commanding officers,

in turn, began to rely primarily on precinct personnel (including patrol, detective, and specialized

precinct units) for crime control, rather than on centralized specialized units (Kelling and Sousa,

2001: 11)." This represented a sea-change for the department, as the important work of

identifying problems, developing and implementing tactics, and assessing their impact was

carried out at the precinct level, rather than at Headquarters. Second, Headquarters still played a

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[15] Kelling and Coles (1996) note that one in 10 fare-beaters in the subway system either had an outstanding warrant or was carrying an illegal weapon.

key role in discussing problems and vetting solutions through the twice-weekly Compstat

meetings. These meetings were central to Compstat in that they used near-real time weekly

statistics on crime, and they allowed the Department leadership to hold commanders to account

for addressing the problems in their precincts (though see the later discussion of consequences of

these highly adversarial meetings). Commanders were given little notice as to when they were to

make presentations at these meetings, and return visits in the subsequent weeks to revisit

problems and assess the impact of strategies were common.[16] Last, the key features of Compstat

- timely and accurate information, rapid deployment of resources, effective tactics, follow-up and

assessment – are reminiscent of the SARA model of problem-oriented policing (scanning,

analysis, response, assessment). Though the extent to which Compstat reflects transformative

organizational change has been debated (see the discussion of Compstat in the next section), the

use of timely information to diagnose problems, brainstorming sessions to identify solutions, and

distinct efforts to assess their impact represented a complete turnaround from the NYPD of the

1970s and 1980s.[17] Moreover, an important feature of this new approach involved the use of

geographic mapping to identify problem places and to target police resources to those specific

places, known as "hot spots policing." The NYPD's place-based approach would continue

throughout the 1990s and become a central feature of their crime-control strategies in the

following decade (e.g., Operation Impact).

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[16] Again, descriptions of Compstat and the meetings, in particular, can be found elsewhere, but it was not uncommon for commanders to be re-assigned when they failed to adequately respond to crime problems in their precincts. Eterno and Silverman (2010) describe some of the consequences of the tremendous pressure placed on precinct commanders.

[17] Compstat was selected by the Kennedy School of Government at Harvard University for its prestigious Innovations in Government award in 1996.

Strategic and Operational Changes

The philosophical and structural changes described above provided the foundation for the Department's strategic and operational-level changes. Ten central police strategies were outlined in a series of strategic plans focusing on getting guns off the streets; curbing youth violence in the schools and on the streets; driving drug dealers out of New York City; breaking the cycle of domestic violence; reclaiming public spaces; reducing auto related crime; rooting out corruption; reclaiming the roads; fostering courtesy, professionalism and respect; and bringing fugitives to justice (Smith and Bratton, 2001).[18] Several of these strategic initiatives are especially noteworthy. First, grounded in the department's philosophical acceptance of Broken Windows, the NYPD targeted low level social disorder and crime. As articulated in *Reclaiming the Public Spaces of New York,* the department began focusing its efforts on "graffiti, aggressive panhandling, fare beating, public drunkenness, unlicensed vending, public drinking, public urination and other misdemeanor offenses (NYPD, 1994a)." The early success in the subway system, and the additional officers hired under the *Safe Streets* legislation provided the foundation for the NYPD's targeted attack on disorderly and minor criminal behavior on the city streets.[19] As a direct result, data from the New York State Department of Criminal Justice Services shows that, from 1993-1996, arrests rose by 23% in New York City, and perhaps more telling, this included a 40% increase in misdemeanor arrests and a 97% increase in drug arrests (see also Greene, 1999).

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[18] Commissioner Bratton originally laid out the first eight strategic objectives. The last two were added by Commissioner Safir several years later.

[19] During the 1990s, the NYPD grew from 39,400 to 53,000 (Zimring, 2007).

Johnson et al. (2010) noted that the order maintenance approach (they called it quality of life policing, or QOL), had three key features. First, Johnson et al. (2010) argued that citizens are more often concerned with disorder and minor crime (since serious crime is much less common), and this strategy provided the institutional support for precinct commanders to aggressively address the behavior that led to those complaints. In effect, the department became more responsive to the concerns of citizens. Second, the strategy and its widespread enforcement (see arrest statistics above) sent a clear message that certain types of disorderly behavior would no longer be tolerated – presumably creating a deterrent effect (Johnson et al., 2010). Third, Johnson et al. (2010: 20) stated that the strategy did allow for serious crime control because it focused "on minor offenses but not necessarily minor offenders;" it offered numerous opportunities to gather intelligence on other crimes; and it also created opportunities for crime prevention.

The second noteworthy strategic initiative involved *Getting Guns off the Streets of New York* (NYPD, 1994b) - an intensive effort to curb gun violence through seizure of illegal firearms led by the Department's Street Crime Unit. Indeed, gun-related crimes, especially homicides, had increased steadily through the 1980s and early 1990s (Bowling, 1999; Fagan et al., 1998). There were two important tactics employed by officers to carry out this initiative. First, officers engaged in "intensive scrutiny and follow-up of every incident, arrestee, or accomplice involving a gun, and follow-up of every lead on sources of guns (Smith and Bratton, 2001: 480)." Officers assigned to other units, such as Narcotics, began investigating the links between other forms of criminal behavior and guns, and the NYPD cooperated with state and federal task forces targeting illegal firearms trafficking (Smith and Bratton, 2001). Indeed, seizure of illegal

firearms became a major performance indicator for officers. Wintemute (2006) noted that in just

three years, the NYPD made over 40,000 gun arrests and confiscated more than 50,000 guns.[20]

The second key feature of the department's gun suppression efforts involved widespread

use of Terry stops, or stop-question-frisks (SQF). The U.S. Supreme Court ruled in *Terry v Ohio*

(392 U.S. 1, 1968) that police officers can stop, detain and conduct a pat-down search of citizens

if they have "reasonable suspicion" that the individual is about to commit a crime, or is in the

process of committing a crime (see also Jones-Brown et al., 2010). SQF – both as part of gun

suppression efforts and as part of the larger order maintenance strategy – became a primary tactic

employed by all officers throughout the Department. Unfortunately, it has served as a major

source of tension between the NYPD and minority communities (see descriptions of its expanded

use in the next section). Greene (1999), for example, noted that legal filings of civil rights claims

alleging abusive conduct increased by 75% over a four-year period in the mid-1990s, while the

number of citizen complaints against police increased by 60% from 1992-1996. Fagan et al

(2010: 310) noted that:

> By the end of the decade, stops and frisks of persons suspected of crimes had become a
> flashpoint for grievances by the City's minority communities…In a fifteen-month period
> from January 1998 through March 1999, non-Hispanic Black, Hispanic Black, and
> Hispanic White New Yorkers were three times more likely that their White counterparts
> to be stopped and frisked on suspicion of weapons or violent crimes.

The third noteworthy strategic initiative involved drug enforcement. The NYPD's Drug

enforcement approaches had evolved considerably during the previous period and into the 1990s.

During the late 1980s, the department created Tactical Narcotics Teams (TNT) to address drug

trafficking. "TNT consisted of intensive buy-and-bust operations in defined geographical areas

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[20] Wintemute (2006) also noted that more than half of the cases brought forward by the Street Crime Unit were
dismissed rather than prosecuted.

for a fixed period of time (McCabe, 2009: 171)." The Vera Institute conducted an evaluation of TNT in 1993 and reported mixed results. While the program has successfully limited drug activity, it did nothing to eliminate the drug problem, was not well coordinated with other NYPD strategies, and its operations were predictable and rigid (usually conducted on weekdays during the day – when drug activity was less prevalent; Smith et al., 1993; McCabe, 2009).

In *Driving Drug Dealers out of New York* (NYPD, 1994c: 15), the NYPD outlined its new approach to drug enforcement, which centered on driving "open-air drug activity off the streets of targeted areas, and then closing, and where possible seizing the inside drug trafficking locations." There were two elements to this new approach. First, in response to the limitations of TNT, the department in 1995 created its Narcotics Initiative. The Initiative applied a problem-oriented policing approach to drug enforcement, with emphasis on identifying and ameliorating the underlying conditions that facilitated drug markets and targeted interventions at the people and places responsible for them (Bratton, 1998: McCabe, 2009). "The narcotics initiative approach consisted of a three-prong strategy: one centered on the gang or organization behind the sale of drugs, identified through interviews after drug arrests known as debriefings; another centered on the location from which the organization operated; and a third centered on preventing another gang from setting up shop after the first gang was arrested (McCabe, 2009: 172)." The NYPD rolled out the Narcotics Initiative in a staggered implementation, starting in Manhattan and then moving it to other boroughs thereafter (NYPD, 1997).

Second, the focused approach to drug dealers through the Narcotics Initiative complemented a more general emphasis – as part of the order maintenance strategy – on smoking, possessing or selling marijuana in public (Johnson et al., 2010). Indeed, McCabe

(2008: 290) stated that for the NYPD, "drug use was seen as the engine driving serious crime in the city." As a result, beginning in the late 1990s, 10-15% of all arrests in New York City involved marijuana use or possession (Golub et al., 2007). The focus on low-level marijuana offenses is described in greater detail in the next section.

Section 5: 2001-09

Introduction

When Bill Bratton was appointed as Commissioner of the NYPD, he took the helm of a department that he believed was in deep trouble. As a result, he set about making philosophical, structural, strategic and operational changes to the Department that, in just a few years, transformed the organization. From the adoption of the Broken Windows thesis and state-of-the-art management theory, to the development of Compstat (and accountability through performance assessment) and the operational shift toward disorder and low-level crime via order maintenance policing, the NYPD of the 1990s had become a vastly different organization in a period of just a few years. This transformation of the NYPD during the 1990s has been well-studied, especially since the changes coincided with near-historic drops in crime during that same decade. Although crime remained at a record low level throughout the first decade of the 21st century, much less attention has been paid to the NYPD, and its philosophy, structure and crime-control strategies during this more recent period. This section will review the state of the NYPD from 2001-2009 and describe the major philosophical, strategic, and operational dimensions that defined the Department during this time. Importantly, these dimensions include 1) another major transformation through the incorporation of counterterrorism into the mission of the organization; 2) much greater reliance on stop, question and frisk (SQF) as part of the

sustained focus on order maintenance policing; 3) continued reliance on Compstat as a management system, and 4) the expanded use of hot spots policing through the development of impact zones.

Terrorism

The terrorist attacks on September 11, 2001 dramatically influenced the organizational philosophy, structure and operations of the NYPD. Ray Kelly was appointed Commissioner of the NYPD by newly elected Mayor Michael Bloomberg in January 2002, approximately four months after the 9/11 attacks, and Kelly immediately set about infusing counterterrorism into the mission of the NYPD.[21] The National Institute of Justice published a report in 2009 examining post-9/11 organizational change in the NYPD and the Arlington County (VA) Police Department in an effort to identify best practices in the preparation and management of responses to terrorism events (NIJ, 2009). This report summarizes change in the NYPD in terms of philosophy and capacity to prevent and respond to terrorism. The report highlights the central importance of creating a counterterrorism philosophy and role throughout the department; and the acceptance of the belief that counterterrorism policing is the same as crime policing (NIJ, 2009). The capacity-building efforts center on training and making available up-to-date information to all officers. The NYPD made a number of important structural changes to support the inclusion of counterterrorism into the organization's mission. These include:

- Creating a Counter Terrorism Bureau – led by the Deputy Commissioner of Terrorism; staffed with 205 officers; tasked with analyzing terrorist threats (and threat assessment),

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[21] As an illustration of the support for the role of local law enforcement in combating terrorism, the Advisory Panel to Assess Domestic Response Capabilities to Terrorism (2001: 7) concluded in its third report to the President and Congress that "all terrorist incidents are local or at least will start that way. Effective response and recovery can only be achieved with the recognition that local responders are the first line of defense."

proactive intelligence gathering, running training exercises, conducting research and developing detailed response plans for a variety of critical incidents.[22]

- Shifting the mission of the Intelligence Division to focus almost exclusively on proactive terrorism prevention and detection, including the placement of intelligence officers in each of the 76 precincts and the creation of a counterterrorism inspector position assigned to each patrol borough and major command.

- Working intimately with the FBI's Joint Terrorism Task Force, Department of Homeland Security, Coast Guard and other relevant local, state and federal agencies.

- Providing counterterrorism training to all NYPD employees through recruit training at the academy, monthly roll call training, large-group mock exercises, and executive-level training (e.g., running command posts and resource mobilization).

- Re-focusing the Special Operations Division and its staff to protect potential terrorist targets in the city – this is accomplished through Operation Atlas which uses 1,000 officers to patrol at sensitive locations and landmarks; the rotation of up to six helicopters in the air above the city; and Operation Hercules which seeks to disrupt terrorists' surveillance by "providing the appearance of a randomized, heavily armed police presence."

- Providing up-to-date counterterrorism information to officers through daily briefing packages.

- Developing a media relations plan to get accurate information out quickly to control rumors and misinformation.

- Creating an anti-terrorist hotline with up to 120 detectives available to investigate tips.

- Developing proactive efforts to recruit Arab-speaking officers.

- Enhancing training and response to bias-related crimes, particularly crimes against Muslim residents.

- Creating partnerships with local and regional businesses to establish communication channels (called the Nexus Program; NIJ, 2009: 5-9; see also Bornstein, 2005).

Although public support for the NYPD skyrocketed in the wake of the 9/11 terrorist

attacks, and few would question the importance of the NYPD's role in counterterrorism

nationally, there are a number of consequences from these philosophical and organizational

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[22] Commissioner Kelly hired several high-level individuals with international experience in counterterrorism, including Deputy Commissioner of Intelligence David Cohen, a former Operations Chief in the Central Intelligence Agency.

changes. Clearly, one of those consequences is an increased militarization of the NYPD – from heavily armed officers guarding bridges, tunnels, landmarks, etc. to Operation Hercules which involves a massive showing of police force. The potential problems associated with the increased militarization of local law enforcement and the "soldiers in a war" analogy have been discussed elsewhere and are well understood (Kraska, 2001). Skolnick and Fyfe (1993: 115-115) noted that the "view of police officers as soldiers engaged in a war on crime not only diverts attention from more effective strategies for crime control but also is a major cause of police violence and the violation of citizens' rights." They go on to say: "When any soldiers go to war, they must have enemies. When cops go to war against crime, their enemies are found in inner cities and among our minority populations." Skolnick and Fyfe's (1993) concerns for officers in a war on crime seem equally relevant for officers in a war on terrorism. Bornstein (2005) offers competing paradigms from which to view the develop of anti-terrorist policing in the NYPD and highlights the relevance of the Power Paradigm in which the Government exploits fear to increase police powers and consolidate political control. As an illustration, Bornstein (2005: 57) points to recent changes to the "Handschu Guidelines," which previously had "limited and monitored police investigations of constitutionally protected activity like street protests, community meetings and political essayists, where there is no indication of crime…"; but the NYPD's abandonment of those rules gives police "the power to infiltrate and monitor groups, keep dossiers and freely disseminate information."

Also, Bornstein (2005) highlights the impact of increased scrutiny on Arabic and Muslim residents of New York City (i.e., the "enemies" in Skolnick and Fyfe's war analogy above), suggesting that many of the concerns associated with racial profiling of African Americans are now increasingly evident in a new form of terrorist profiling. A recent survey of Muslim

Americans conducted by the Pew Research Center (2007) found that respondents identified prejudice, racism and being viewed as a terrorist as the most pressing problems facing their communities. Bornstein (2005) noted an important distinction between the two forms of profiling, however. While there is near universal agreement that profiling of African Americans is wrong and should be prohibited, there is much less consensus on the inappropriateness of profiling Arabic and Muslim residents. Given the central importance of cooperation from Arabic and Muslim residents to the success of the NYPD's intelligence-gathering efforts, the potential alienation of these communities through insensitive and inappropriate (and perhaps illegal) police practices represents a real and pressing concern.

Increased Reliance on Stop, Question and Frisks of New York City Residents

From 2001-2009, the NYPD has maintained an order maintenance style of policing, and despite ongoing concerns over the consequences of SQF for police relations with minority communities (see Fagan and Davies, 2000; Fagan et al., 2010), the Department has continued to employ stop, question and frisks as a primary law enforcement technique. In fact, the number of stops has more than tripled during this time, from 160,851 in 2003 to 575,996 in 2009 (Jones-Brown et al., 2010). Though SQF has been used as a tool in NYPD efforts to seize guns, it has also emerged as a central component of the Department's targeted effort against marijuana smoking, possession and selling. Geller and Fagan (2010) reported that in 2006 alone there were 32,000 arrests for marijuana possession, a 500% increase from the previous decade. Part of this increase is associated with Operation Condor, which began in 1999 as an aggressive narcotics enforcement program. Condor used up to 1,000 officers per day (mostly bringing in officers on their days off) to flood drug-infested areas of the city and target low-level drug transactions

(Geller and Fagan, 2010). Operation Condor came under intense scrutiny because of its aggressive tactics, and because of the controversial shooting of Patrick Dorismond. Condor was later replaced with Operation Impact (see later section).

The NYPD's heavy reliance on SQF has been highly controversial, resulting in two major court cases. The first, *Daniels, et al. v. the City of New York,* was filed in 1999 by the Center for Constitutional Rights (CCR) and settled in 2003. As part of the settlement, the NYPD agreed to maintain a written anti-racial profiling policy, to audit officers' stops to insure their adherence to both department policy and the law, and to provide the results of those audits to CCR on a quarterly basis (Jones-Brown et al., 2010). Despite this settlement, the CCR filed a second suit in 2008, *Floyd, et al. v. The City of New York,* alleging that the NYPD had violated the earlier settlement and was continuing to "engage in racial profiling and suspicion-less stops of law-abiding New York City residents…(Jones-Brown et al., 2010: 20)."

Several important studies have investigated the nature, prevalence and outcomes associated with the NYPD's use of SQF, and three are reviewed here. In 2006, the NYPD asked the RAND Corporation to conduct a study of the issue, and the final report - published in 2007 (Ridgeway, 2007) – found significant racial disparities in the more than 500,000 stops conducted in 2006, as nearly 90% of the stops involved non-white citizens (53% involved Blacks, 29% involved Hispanics, and 11% involved whites). The RAND study (Ridgeway, 2007: vii – x) engaged in a variety of internal and external benchmarking analyses and found that:

- Black pedestrians were stopped at a rate that is 20 to 30 percent lower than their representation in crime-suspect descriptions. Hispanic pedestrians were stopped disproportionately more, by 5 to 10 percent, than their representation among crime-suspect descriptions would predict.

- Officers frisked white suspects slightly less frequently than they did *similarly situated*

nonwhites (29 percent of stops versus 33 percent of stops). Black suspects are slightly likelier to have been frisked than white suspects stopped in circumstances similar to the black suspects (46 percent versus 42 percent).

- The rates of searches were nearly equal across racial groups, between 6 and 7 percent.

- Arrest rates for white suspects were slightly lower than those for similarly situated nonwhites (4.8 percent versus 5.1 percent).

- Officers were slightly less likely to use force against white suspects than they were to use it against similarly situated nonwhites (15 percent versus 16 percent).

The RAND (Ridgeway, 2007: xiv) study concluded that, although their more sophisticated analyses did not eliminate the racial disproportionality in stops (and their outcomes), the results do indicate that the disparities are small and "a large-scale restructuring of NYPD SQF policies and procedures is unwarranted."

Two other studies have contradicted the RAND study, however. Fagan et al. (2010: 337) identified three notable effects in their study of NYPD SQF practices:

- First, stops within neighborhoods take place at rates in excess of what would be predicted from the separate and combined effects of population demography, physical and social conditions, and the crime rate. This excess seems to be concentrated in predominantly Black neighborhoods.

- Second, the excess stops in these neighborhoods persist over time, even as the Black population declines, crime rates remain low and effectively unchanged, the City's overall social and economic health improves, and housing and other investments increase across the City's neighborhoods, including its poorest and most segregated neighborhoods.

- Third, there appears to be a declining return in crime detection from marginal increases in enforcement, and this efficiency gap seems to grow over time.

In a separate study, Geller and Fagan (2010) examined more than 2.2 million stops and arrests conducted by the NYPD from 2004-2008, focusing on marijuana arrests. They raise a number of key concerns regarding the prevalence of marijuana arrests, including the same disproportionate impact on minorities reported in Fagan et al. (2010), questions surrounding the constitutionality

of the stops and arrests, and the tenuous link between the marijuana arrests and more serious crime (Geller and Fagan, 2010). Additional research on marijuana arrests show that many of the cases are eventually dismissed, and among those that result in conviction, the typical sentence for offenders is time served (e.g., see Golub, Johnson and Dunlap, 2006, 2007). Similarly, Jones-Brown et al. (2010) found that, of the 540,320 stops in 2008, just 6.0% resulted in an arrest (and an additional 6.4% resulted in a summons). Jones-Brown et al. (2010) also notes that, as the percentage of "innocent stops" – those not resulting in summons or arrest – has consistently remained between 86-90%, the percentage of stops resulting in the recovery of a gun has dropped by 60% (from 0.39% in 2003 to 0.15% in 2008),[23] and the percentage of citizen complaints involving SQF has increased from 24.6% in 2004 to 32.7% in 2008. Moreover, Clarke (2009) reported that the substantiation rate of complaints involving stops and searches (i.e., the proportion of complaints where police behavior is indeed found to be in violation of policy or the law [or both]) had more than doubled from 2002-2004, while the substantiation rates of other types of complaints had changed little.

Despite the contradictory conclusions of these studies, three points remain clear. First, from 2001-2009, the NYPD increasingly relied on SQF as a major law enforcement-crime control technique, particularly with regard to marijuana enforcement. Second, this practice has disproportionately affected poor, minority residents of New York City. Third, the persistent and increased use of this technique has raised serious concerns among advocacy groups, scholars and residents. Given that there is no indication that the NYPD plans to alter its SQF policy, the

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[23] In 2003 there were 627 guns recovered out of a total of 160,851 stops. In 2008, there were 824 guns recovered out of a total of 540,320 stops.

consequences of this practice for crime-control and perceived legitimacy among residents – both in the short and long-term – remain unclear.

Compstat

Compstat has remained a defining element of the NYPD's crime control strategies in this more recent time period, and operationally, the system functions much the same way as it did in the earlier period. Nevertheless, questions have emerged regarding the extent to which Compstat represents real innovation and reform. For example, Weisburd, Willis and Mastrofski have written a series of papers based on research examining Compstat across a number of police departments (e.g., Weisburd et al. 2003; 2005), and their research highlights the gap between the promise of Compstat as innovation and the reality of its implementation. More specifically, Weisburd and colleagues argue that Compstat serves to reinforce the bureaucratic and paramilitary aspects of policing through increased command and control (Weisburd et al., 2005). They go on to argue that Compstat strengthens the "the bureaucratic hierarchy of policing" and "stifles rather than enhances creative problem-solving approaches," thereby allowing police to claim innovation without actually implementing any reforms (Weisburd et al., 2005: 294)." Other researchers have questioned the role of Compstat in the New York City crime decline, especially the drop in homicides. In particular, Eck and Maguire (2000) note that the decreases in homicide in New York City began well before the implementation of Compstat, and that the crime trends in New York during the 1990s were not notably different from several other large cities that did not employ Compstat. Weisburd et al. (2005: 297) conclude:

> Compstat is yet to be proven as an effective crime control strategy in New York or in other cities that have adopted the Compstat approach. It is a sobering thought that Compstat has spread so widely across American police agencies absent strong empirical evidence that it actually does something about the crime problem.

Moreover, Eterno and Silverman (2005, 2010) have written two papers examining the potential negative consequences of the Compstat model, including its shift away from a more watchman (or service) style of policing to greater reliance on aggressive practices and official sanctions (a legalistic style emphasizing arrests and summons; see Wilson, 1968); its increasing centralization of power, and its over-emphasis on generating numbers rather than problem-solving, community buy-in and cooperation. Moreover, they note that while most patrol officers are largely oblivious to the pressures of Compstat, the onus of the system has had a significant negative impact on middle managers, particularly precinct commanders (Eterno and Silverman, 2005). For example, Thibault et al. (2011: 130) note that:

> During Bratton's first year in office, two-thirds of the 76 precinct commanders were replaced. This process served to flush the department of ill-performing and incompetent commanders. But some note that the process has continued, as the pressure to produce under the Compstat model has begun to drive out competent commanders. One retired middle-manager said, 'First we got rid of commanders who were not competent but now, we are eating our own.'

Flynn (2000) described concerns among police union officials that the pressures to produce were sometimes unreasonable, leading to low morale and a surge of retirements in the late 1990s. The Patrolmen's Benevolent Association (Zink, 2004) offered a similar critique of Compstat in 2004:

> It was a great idea that has been corrupted by human nature. The Compstat program that made NYPD commanders accountable for controlling crime has degenerated into a situation where the police leadership presses subordinates to keep numbers low by any means necessary. The department's middle managers will do anything to avoid being dragged onto the carpet at the weekly Compstat meetings…

There is evidence to indicate that at least some precinct commanders have succumbed to these pressures and altered or falsified crime data (see Manning, 2001). A *New York Times* report (Rashbaum, 2003) stated that five police commanders have been accused of altering crime reporting to present the appearance of crime declines. Eterno and Silverman (2010) surveyed

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hundreds of officers who retired at the rank of Captain or above and found that the respondents indicated high levels of crime report distortion that they deemed unethical. In fact, among those who indicated that they were aware of changes made to crime data (51% of the sample), more than half stated that the change was highly unethical, and one-quarter indicated that the change was moderately unethical (the remaining one-quarter indicated the change was ethical; Eterno and Silverman, 2010).

Given its widespread adoption across the U.S., additional study of Compstat is warranted both in New York and elsewhere. The advantages of the system are well-publicized, but the system does have disadvantages – several of which have been highlighted here. These disadvantages – due process considerations, an overemphasis on numbers rather than problem-solving, and the alienation and pressure placed on middle managers in the organization – and their implications are much less understood (see Eterno and Silverman, 2010 for a full discussion). Moreover, several scholars have begun to apply theoretical frameworks to determine whether Compstat is indeed transformative, or simply a new approach that reinforces aspect of the old professional model (see Willis et al., 2007), and this continuing work will likely greatly enhance our understanding of the system.

Hot Spots Policing (Operation Impact)

By 2000, hot spots policing had emerged as both a popular and empirically supported strategy (Braga, 2001). In their review of the evidence to date, Weisburd and Eck (2004: 58) concluded that "studies that focused police resources in crime hot spots provide the strongest collective evidence of police effectiveness that is now available…hot-spots policing is effective in reducing crime and disorder and can achieve these reductions without significant displacement

of crime control benefits." With this evidence as a backdrop, the NYPD expanded its use of hot spots policing in 2003 through the implementation of Operation Impact. The Operation began with an analysis of crime patterns to identify concentrated hot spots of violent crime, called Impact Zones. In its first year, 19 specific areas were identified and by 2006, 30 of the city's 76 precincts had an identified Impact Zone (Smith and Purtell, 2007). The crux of Operation Impact involves the deployment of nearly all members of recently graduated NYPD Academy classes to the concentrated Impact Zones (Smith and Purtell, 2007). Given that NYPD academy classes routinely exceed 1,000 officers, the Operation brings to bear a large amount of departmental resources to relatively small areas of concentrated violent crime. As an illustration, in its first full year of operation (2004), officers assigned to Operation Impact made 33,438 arrests and issued 360,308 summonses (Smith and Purtell, 2007).

Importantly, the Operation Impact program was highly flexible and driven by near-real time crime analysis. As crime was reduced in original zones, new areas were identified and borders of existing zones were modified – in some cases, overlapping precinct boundaries (Smith and Purtell, 2007). When the Department identified a problem area that was more diffuse in terms of crime, it created a variant of the program called Operation Trident which broke up the larger area into three sub-areas, selected Captains to command those sub-areas and then made resources available to those Captains. Smith and Purtell (2007) conducted an evaluation of Operation Impact and found that the program led to an acceleration of declines in several types of crime including murder, robbery and assault. They concluded that, "clearly in a time of

shrinking resources, Operation Impact has earned its place as an empirically-validated crime-reduction tool worthy of continued adaptation in New York… (Smith and Purtell, 2007: 9).[24]

Section VI: Other Aspects of and Influences on the NYPD's Crime-Control Strategies

There are several other factors that have shaped the NYPD and its crime-control strategies during this 30-year time period, and a few of the most relevant are described in this section. These include racial and gender diversity in the Department, the role of the Civilian Complaint Review Board (CCRB), transparency and openness to research, and the impact of the recent financial crisis.

Racial, Ethnic and Gender Diversity

In their longitudinal examination of police misconduct in the NYPD, Kane and White (2009) commented on the increased racial, ethnic and gender diversity of the Department from the early 1970s to the mid-1990s. For example, Hispanic and Asian officers, as well as women, had grown significantly in NYPD ranks over that time and had advanced rapidly into middle and upper management positions. The representation of Hispanics as a percentage of the NYPD grew by 75.4% between 1986 and 1996, while Asians increased by 127.5%, women increased by 65.2%, and White representation actually decreased by 13.4% (see also Fyfe and Kane, 2006). In addition, the number of Hispanic supervisory personnel (e.g., Sergeant, Lieutenant) increased by 68.5% (from 257 to 433) between 1990 (the first year for which such data are available) and

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[24] Smith and Purtell's (2007) findings parallel earlier work by Eck and Maguire (2000) examining Compstat in that the implementation of an NYPD program began *after* crime had already begun to drop. The extent to which these declines were simply a "regression to the mean," or were in fact caused by the NYPD programs remains unclear.

1996, while Asian and female representation among the supervisor ranks increased by 293% percent (16 to 63) and 111% (from 229 to 484), respectively. Notably, African-American representation in the Department also increased, though to a lesser extent. For example, the proportion of Black officers in the NYPD increased by only 28.8% during this time (almost entirely as a result of the merger of the more heavily Black Housing and Transit Police Departments into the NYPD), and the proportion of African-American supervisors increased by only 18.9% (from 333 to 396; Fyfe and Kane, 2006). Nevertheless, the NYPD became substantially more diverse during the earlier periods of time covered in this paper. This diversity has continued in the more recent time period as well. For example, the July 2001 academy class was 20.6% female, 49.7% White, 20.5% Black, and 29.8% Hispanic (White et al., 2010). By 2005, the make-up of the entire department was 53.2% White, 17.4% Black, 25.5% Hispanic, and 3.8% Asian.

Despite the advances made at the patrol and supervisory levels, the NYPD's command structure has remained mostly white. At the end of 2002 for example, 85.3% of officers at or above the rank of captain were white males.[25] Blacks held 3.9% of those positions (28 officers), Hispanics held 4.4% (32 officers), and Asians held 1% (7 officers). By the end of 2007, little had changed in terms of the diversity of the NYPD's command staff, as 84.3% of leadership positions were held by white males. The percentage of these positions held by Blacks was stable (3.7%, still 28 officers), while the percentage of Hispanics and Asians had increased slightly (6.3% and 1.4%, respectively)

(http://www.nyclu.org/files/releases/NYPD_EEO_Summary_Tables_2002-2006.pdf.)

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[25] There were 735 officers at the rank of Captain or above.

By these measures, therefore, Hispanics, Asians, and female officers appear to have become well-integrated into the NYPD at the patrol officer and supervisory ranks (Sergeant, etc.). African Americans also had success at these levels of the Department, but less so in comparison to the other minority groups. Perhaps more importantly, few minority and female officers have made their way to the Command level of the Department. The reasons for these diversity patterns remain unclear. Notably, there are persuasive arguments for police departments to be diverse and reflective of the community they serve – both at the rank and file and leadership levels. For example, Skolnick and Fyfe (1993) argued that there is a perceived link between under-representation and long-term tense conflict between police and minority communities. Moreover, many believe that increasing the diversity of the police force so that it reflects the community demographic trends will enhance police legitimacy, which will ultimately increase community cooperation and police effectiveness (e.g., National Research Council, 2004). These are topics worthy of discussion in the NYPD, especially given the tension surrounding the Department's aggressive SQF practices and its disproportionate impact on minority residents.

The Citizen Complaint Review Board (CCRB)

Although civilian review has existed in New York in some form dating back to the 1950s, the current CCRB was formally established in 1993 by Mayor David Dinkins and City Council. The agency is completely independent of the NYPD, has subpoena power, completes its own investigations with a team of civilian investigators, and in substantiated cases, makes recommendations to the Police Commissioner for discipline. (http://www.nyc.gov/html/ccrb/home.html). The Civilian Complaint Review Board has thirteen

members: five nominated by the New York City Council (one from each borough), three are designated by the Police Commissioner, and five are designated by the Mayor. The members serve three-year terms. The CCRB is the largest oversight agency in the country, with a budget in 2010 that exceeded $10 million (http://www.nyc.gov/html/ccrb/home.html). The CCRB provides an important, independent check on police officer behavior. In recent years, the Board has received in excess of 7,000 complaints each year (7,559 in 2007; 7,405 in 2008), and this number has increased steadily since 2001 (when there were 4,251 complaints). Approximately 10% of complaints filed each year have at least one substantiated claim, and importantly, the CCRB notes that the NYPD disciplines officers in 60-70% of cases with substantiated complaints (up from just 31% in 1995; http://www.nyc.gov/html/ccrb/home.html).[26] The extent to which the CCRB has impacted the NYPD and its crime-control strategies remains unclear, however.

Setting aside questions about its actual impact (which can only be speculated upon), it is perhaps more appropriate to focus on the importance of the CCRB to the citizens of New York and the Police Department. First and foremost, the Board represents citizen oversight in its most "pure" and independent form (Walker, 2005). The CCRB receives complaints, investigates them with its own pool of investigators, has the ability to subpoena officers and documents, and makes recommendations for discipline to the Department. Second, the CCRB is a permanent entity with the support of the Mayor and City Council, and a $10 million budget. As such the CCRB wields significant political power and capital. Third, given its independence, the CCRB produces its own reports, press releases, and keeps its own statistics – allowing the board to track long-term

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[26] This percentage has dropped recently. From 2002-2006, approximately 70% of officers in substantiated cases received discipline. This dropped to approximately 60% in 2007 and 2008. (http://www.nyc.gov/html/ccrb/home.html)

trends in the number and type of complaints, dispositions, and discipline. Last, the CCRB holds

sway with the Police Commissioner, as some form of discipline is meted out in the majority of

cases with substantiated complaints (though there are some indications of a recent decline in this

measure). In short, the CCRB represents an important external oversight mechanism that 1)

provides recourse for citizens who believe they have been aggrieved by the police, and 2) instills

a sense of both legitimacy and accountability for the officers of the NYPD.

Transparency and Openness to Research

Though the police are traditionally a very insular institution, the NYPD has at times been

open to outside examination by researchers and academics. For example, Reuss-Ianni's (1983)

study of the NYPD was an important look at the complexity of the police subculture from inside

the police department. During the 1980s and early 1990s, the NYPD engaged in a prolonged

effort to implement community policing which included providing support (financial and

otherwise) to the Vera Institute for evaluation of its CPOP program. And policing scholar

George Kelling was at the center of NYPD innovation during the 1990s, both in the subway

system and later on the City's streets. But as the 1990s came to a close, there is some evidence to

suggest that the NYPD's transparency and openness to research has waned. A few examples

highlight this point. In September 2003, the City of New York settled litigation with the Center

for Constitutional Rights (CCR) over the use of stop, question and frisk (*Daniels, et. al v. the*

City of New York) and as part of the settlement, the NYPD agreed to provide quarterly

information on stops through the end of 2007. In 2007, the NYCLU filed a request to continue to obtain stop data and the NYPD rejected that request (see Jones-Brown et al., 2010).[27]

Second, according to a *New York Times* report in 2010, the NYPD admitted that it had failed to submit its arrests statistics for minor offenses to the state of New York since 2002 (*New York Times,* 12/21/10). Notably, arrests for minor offenses have been at the center of the SQF debate. Third, the *New York Times* filed suit against the NYPD in December 2010, alleging that the department has routinely violated state law governing requests for information. David E. McCraw, vice president and assistant general counsel for the *Times,* said "We've become increasingly concerned over the last two years about a growing lack of transparency at the NYPD. Information that was once released is now withheld. Disclosures that could be made quickly are put on hold for months (*New York Times,* 12/21/10)." The extent to which these examples represent a philosophical shift in the NYPD's stance on transparency remains unclear, as do the reasons for why such a shift may have occurred. It is worth noting that during this time the debate over the role of the NYPD in the New York City crime decline has been contentious and public, as outsiders have questioned the effectiveness of Compstat. The debate over the expanded use of SQF has been equally public and contentious (and litigious). Also, this paper has documented how in the post 9/11 era the NYPD has become increasingly militarized. The extent to which that increased militarization has contributed to the changes in transparency (perceived or real), perhaps through reinforcement of key aspects of the police subculture

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[27] The NYCLU filed for an Article 78 review of the denial and were subsequently granted access to the NYPD electronic stop and frisk data (*In the Matter of New York Civil Liberties Union v. New York Police Department* 866 N.Y.S. 2d 93, 2008)

(secrecy, *esprit de corps*, *us v. them* mentality, etc.; see Skolnick and Fyfe, 1993), is also unclear and warrants further study.

The Economic Recession, 2007-2009

A brief note is warranted on the persistent economic recession in the United States over the last three years. The impact of this economic crisis on the NYPD and its crime-control strategies remains unclear, though it appears to be minimal. Commissioner Kelly noted in a 2008 interview that the Department's workforce had dropped by 6,000 officers since 2001. This drop-off is explained, in part, by the City's budgetary limits on hiring new officers during the recession. For example, there were more than 1,500 recruits in the July 2001 Academy class. Recent classes in 2007-2009 were substantially smaller (as few as 260 recruits in 2009). However, by July 2010, the Academy class had grown back to 1,249 officers. At the same time, however, recruits have been increasingly more diverse in terms of race, ethnicity and gender, and a greater percentage have come from professional employment backgrounds (with a greater percentage holding a four-year college degree; *New York Times*, 11/17/09). Similarly, there are few, if any, indications that the recession has impacted the NYPD's crime control strategies, and Commissioner Kelly recently commented that, "We've been able to use strategies and tactics that have helped us minimize the reduction in manpower (Sarlin, 2008)." Moreover, the impact of the economic recession on the NYPD was likely mitigated by the consistently flat crime rates during 2007-2009. Nevertheless, these observations are preliminary and additional inquiry is warranted, especially as the economic recession persists.

<u>Section VII: Discussion</u>

<u>Summary</u>

This paper provides a 30+ year organizational snap shot of the NYPD. Given the breadth of the paper and the amount of time covered, a brief summary is warranted. The NYPD experienced its first of several organizational transformations during the 1970s, as it emerged from the corruption scandal resulting in the formation of the Knapp Commission. Reform Police Commissioner Patrick Murphy set about making a number of organizational changes that would limit officers' exposure to the potential for misconduct and, more generally, professionalize the department. These reforms created a clear rift between the "old guard" officers who maintained the street cop culture and the "new guard" upwardly mobile police managers. This schism intensified during the city's financial crisis, which effectively gutted the NYPD of more than one-third of its personnel. As the city emerged from the crisis in the 1980s, the NYPD's workforce was quickly re-built – perhaps too quickly as thousands of officers were hired without completed background investigations, leading to a persistent number of smaller-level misconduct scandals throughout the 1980s and early 1990s. At the same time, however, the Department was acutely aware of a unique opportunity to deploy more than 12,000 new officers, and with assistance from the Vera Institute, began a near-decade long experiment with Community Policing. As the NYPD implemented Community Policing during the mid-to-late 1980s, there was an explosion of crime, violence and disorder in New York City – much of it associated with drugs and the drug trade (especially crack cocaine). While the NYPD was engaged in one form of police innovation on the streets, its sister agency – the New York City Transit Police led by

Bill Bratton – implemented a different innovative and highly successful response to crime and disorder in the subway system: order maintenance policing.

The success of Bratton's Broken Windows-style of policing in the subway system, coupled with persistent crime and disorder throughout the City, and the NYPD's commitment to Community Policing under the leadership of Commissioner Lee Brown set the stage for the second major transformation of the NYPD during the 1990s. When Bill Bratton was appointed as Commissioner of the NYPD, the department was experiencing a crisis in both legitimacy and effectiveness. Bratton believed that the department was bureaucratically inefficient and mired in a philosophical belief that the police could do little about crime which, when combined with the persistent misconduct scandals, played out as a passive "avoid trouble" approach on the streets. In Bratton's (1998:208) words, the organization was deeply troubled and "dysfunctional." As a result, he set about making philosophical, structural, strategic and operational changes to the Department that, in just a few years, transformed the organization. From the philosophical acceptance of Broken Windows and a concomitant, operational focus on disorder and low-level crime, to the adoption of cutting-edge management theory culminating in the development of Compstat, the NYPD of the 1990s looked nothing like the NYPD of the previous two decades.

As the NYPD moved into the 21st century, it experienced another major transformation. Since September 11, 2001, the NYPD has assumed a central role both nationally and internationally in terms of counterterrorism – reflected in both an adoption of terrorism prevention and response into the organization's mission and in numerous structural and operational changes to carry out that mission. At the same time, however, the NYPD has maintained its strategic focus on order maintenance policing and its organizational commitment

to Compstat. The Department has also continued to employ innovative responses to crime control through hot-spots policing and its Impact Zone strategy. Clearly, the NYPD has come a very long way in three decades, and the department's experiences during that time have helped to answer many long-standing questions regarding how police can more effectively prevent and control crime.

Final Thoughts

The primary thesis of this paper is that the current philosophy, structure and strategies of the NYPD have been shaped by events unique to New York City and its Police Department over the last 30 years. Though this thesis presumes that any comparisons made between the NYPD and other police departments will be necessarily limited, given each agency's unique history and culture (e.g., comparing apple and oranges), there are important shared experiences that allow us to place the NYPD in a broader discussion of trends in American policing. For example, the challenges to the traditional professional model of policing in the 1970s, the emergence of crack cocaine and associated crime in the 1980s, and the recognition of the importance of innovation in policing via community and problem-oriented policing and hot spots, were not unique to New York (e.g., police departments may be apples and oranges but they are all still fruit).[28] As a result, there are cautionary lessons to be learned for other departments as they employ similar strategies to the NYPD and witness similar results – both positive and negative. And just as important, the NYPD can draw on the experiences of other police departments as it reflects on its progress in the past and vision for the future. For example, Greene (1999: 185) compared the NYPD and the San Diego Police Department, noting that both cities experienced similar crime

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[28] The author thanks David Weisburd for proposing this analogy.

declines in the 1990s despite a very different community-oriented approach in San Diego that Greene describes as "more efficient and humane." Also, according to the LAPD, the implementation of order maintenance policing (called the Safer Cities Initiative) in the skid row section of Los Angeles beginning in 2006 has produced significant decreases in crime, including a 46% drop in Part I crime (LAPD, 2011). But the Initiative has raised concerns among community advocates and scholars regarding treatment of the homeless by police (see Blasi, 2007; Blasi and Stuart, 2008; the Los Angeles Community Action Network, 2010; and a series of articles in volume 9 (2009), Issue 4 of *Criminology and Public Policy*). And, in 2008, the Philadelphia Police Department (PPD) embraced the SQF strategy, stopping more than 250,000 citizens in 2009. Notably, violent crime has dropped in Philadelphia since adoption of the SQF strategy, but in November 2010 the ACLU of Pennsylvania filed a lawsuit in Federal Court alleging that the PPD was engaged in widespread racial profiling.

The question is whether the experiences of other police departments hold any value for the NYPD, and vice versa? I believe they do. And perhaps more importantly, do these shared experiences help to inform discussions of how to improve policing, both in New York and elsewhere? Once again, I believe they do. For example, if heavy reliance on police-initiated stops of citizens seems to be effective in reducing crime but the practice also produce harmful consequences, and these consequences emerge across several jurisdictions, perhaps police leadership organizations should more closely examine the practice and consider its crime-reduction benefits in the context of its damage to police legitimacy. Are there other alternative approaches that would be just as effective in suppressing crime but have the added – and very important –benefit of producing fewer harmful consequences? Moreover, a number of concerns have been raised internally with regard to the pressures created by the Compstat model. Has

Compstat facilitated a return to the means-over-ends syndrome that Goldstein (1979) warned about, where the generation of numbers (or reduction in numbers) becomes the outcome of interest, rather than solving problems and fostering community buy-in? Has Compstat put undue pressure on the Department's middle managers, leading to early retirements, low morale and increasing the risk of crime data falsification? Have these problems emerged in other departments that have implemented Compstat, and if so, how have those departments responded? Importantly, can other departments' modifications to Compstat inform how the NYPD moves forward with the strategy? And last, how will the incorporation of counterterrorism into the mission of the NYPD and other departments affect policing in the long-term, especially with regard to departments' relationships with their Arab and Muslim constituents?

In simple terms, one cannot fully understand the NYPD of the 21st century and its role in the New York City crime decline without placing the Department in a larger historical context. While this historical framework highlights the dynamic and unique nature of the NYPD, it also underscores the fact that much of this history is shared and not exclusive to New York and it's police. As a result, the experiences of other police departments across the country may offer important insights for the NYPD to draw upon, particularly with regard to order maintenance policing, stop-question-frisk activities, Compstat, and counterterrorist policing. These are important questions that go to the core of the NYPD's crime-control strategies, and that will play an influential role in the direction of the Department over the next several years.

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