RESTORING A SAFE NEW YORK

A Report by the
Citizens Crime Commission of New York City, Inc.

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Introduction

Crime is tearing at the vitals of New York City -- its transportation, schools, businesses, and daily life. Worst of all, it is destroying the morale of our citizens, making them fearful for their safety, pessimistic about the future and, in some cases, persuading them to leave this, the greatest city in the world.

In the past few weeks, a series of violent crimes has focused attention on the situation. In response, the city government has offered a number of initiatives. We applaud these measures and, in addition, we are now declaring our support for a comprehensive, specially funded program to restore New York City to the level of safety it knew a generation ago.

Indeed, the current crime situation is a complete reversal of the recent past: until the 1960's New York City was safe. So secure was the New York City of the 1940's and 50's that the average law-abiding citizen took for granted the reasons that made it so, most notably the work of its police force, known worldwide as "the finest." The key element of policing in New York used to be the highly visible presence of firm but fair beat cops. But changes in post-War American life began to produce higher levels of crime and disorder, while at the same time New York gradually abandoned its traditional police system. To make matters worse, budgetary constraints over the last 15 years have led to major cutbacks in the size of the city's police force, so that today's NYPD has approximately 6,000 fewer officers than it did in 1970.

As a result of changed policing priorities and an understaffed, overworked force, there is no longer an effective police presence in New York City streets.

In the pages that follow we will trace the rise of crime and the decline of traditional policing. We will argue that while the rise in crime is a product of diverse factors, the situation would never have deteriorated to the extent it has if traditional policing, and the criminal justice system that supported it, had been maintained.

Most important, we will present a plan to restore traditional, precinct-centered "community" policing, with beat cops who know and are known by residents, who take seriously the quality-of-life offenses that plague our neighborhoods, and who prevent serious crime rather than react to it after the fact. We will demonstrate the necessity of hiring 5,000 more officers, and will suggest the creation of a "Superfund" (i.e., a dedicated source of revenue) to pay for the additional officers. Finally, we will present a proposal for neighborhood courts with volunteer judges to ensure swift justice for quality-of-life offenses.

The current crisis provides the momentum for action. We believe New Yorkers are now ready to support their government in an all out effort against crime.

City Under Siege

There is no question that rising crime has had a dramatic impact on the way New Yorkers live. A recent poll found that 56% of the public tried not to go out at night or ride the subways; 57% had no confidence in the ability of the police to protect them; and 72% gave low marks to the court system.(1) For the first time in its 17-year history, another poll found that the majority of the respondents felt the city would be a worse place to live in the future.(2)

The lifeline of a viable city is its public transportation system. Many New Yorkers avoid the subways outside of rush hours, if they use them at all. A major factor is fear of crime and disorder. For good reason: in 1989 serious crime in the subways

rose by 18%, and in the first months of 1990 the increases are even higher.(3) Not surprisingly, the TA's monthly ridership is down by 200,000.(4)

Many of New York City's public schools are plagued by violence and disorder. Even nursery school can be dangerous. In one school in a drug-infested neighborhood where shootings are common, children are taught to react quickly whenever they hear "firecrackers" and the teacher tells them to get down. As a reward, the first one on the ground gets a lollipop.(5) Minus the lollipop, this is nothing more than the classic infantry "hit the dirt" drill. In a school system where teachers and principals consider it a good day when no one gets killed or wounded, it isn't surprising that reading, writing, and arithmetic suffer.

A 1989 study of small businesses in New York City found that 83% had been victimized within the previous three years. The surveyed companies spent an average of $8,385 a year for security, and nearly 12% said they had cancelled plans to expand because of crime.(6) Lost, too, were the jobs this expansion would have created.

The streets of many business districts have become crowded with disorderly and disturbed individuals. In 1988, a naked man entered St. Patrick's Cathedral and killed an usher before being shot to death in a struggle with police officers. One afternoon a few months later, a man went berserk with a sword on a Midtown street and met a similar fate. Investigation revealed that both were among the thousands of psychotic individuals who drift through the city's criminal justice and mental health systems.(7) Recently, a single individual, nicknamed "the Dartman" by the media, was able to shoot projectiles into 50 women on Midtown streets in broad daylight before being apprehended.

Beyond the immediate consequences of crime is its impact on public attitudes. People at all levels have lost confidence in the criminal justice system and the

government it represents. In the most violent neighborhoods, drug dealers and their gunmen *are* the government as well as role models for young people. In 1988, *The New York Times* reported that in the previous 5 years, in a few square miles of upper Manhattan, drug gangs killed more than 500 people. One gang was so bold its members swaggered about in uniforms with badges of rank.(8) Gang warfare is a daily reality in many other areas of the city.

In 1988, restaurant owners in the Broadway theater district became so fed up with street-level drug dealing that they called in the Guardian Angels(9), a group of young volunteers who patrol crime ridden areas in uniform.

In the same year, a group of large corporations in the Grand Central area, in the heart of the Midtown business district, imposed a special assessment on each member business to form a private security patrol.(10)

If this climate is allowed to continue or worsen in New York City, it is likely that more citizens and businesses will leave for the suburbs or cities where crime is less intrusive. (Indeed, the media is already beginning to document such flight (11)). This in turn will reduce the city's tax base, generating less money for municipal services like police, schools, health, and welfare. This could trigger a vicious cycle of reduced services followed by increased crime and disorder, causing more citizens and businesses to flee, further eroding the tax base, thus leading to new service cuts, more crime and more flight.

Suppose, however, the crime problem was overcome. Suppose the streets and subways were safe at all hours. That is, what if New York became, again, the city it was a generation ago, "The city that never sleeps."

What impact would such a city have on the economy? The tourist industry would benefit, businesses would have increased sales, and corporations could place back-office operations in low rent areas. A safe city would have enormous

competitive advantages in securing investments and attracting corporate facilities. The additional tax revenues this would generate could be used to rebuild the city's crumbling infrastructure and fund social service programs. This upsurge in economic activity would provide permanent jobs for the unemployed of the inner city.

In addition, suppose schools were open until late at night with activities for young people and classes for adults to help them move from the unskilled to skilled work force. Schools would then become neighborhood community centers. Many people would move out of poverty or marginal employment to well-paying meaningful jobs, thus improving the environment in which many violent street criminals are produced.

The flaws in the picture are obvious. These days, who would want to be on most streets or in the subways at night? Light up a school and let the community in? Embattled principals would claim the schools are already dangerous enough in the daytime, with security guards screening access with metal detectors. Yet, if public safety were not the problem it is today, all of this would be possible.

How can a level of order and safety be achieved so that people can use the streets, subways, and parks at night? The answer is the traditional one in great cities: Establish a police system capable of maintaining safety and order. At present, some of the plans for such a system are already being drawn. Later in this report, we will discuss them and indicate what else is needed. In order to better understand the task ahead, however, it is necessary to know more about the origins of the current crime problem and what it will take to make New York safe again.

Yesterday and Today: The Deluge of Crime

Viewed from an historical perspective, the city's present crime levels are an aberration. In the 1940's, and 50's, the city averaged about 300 murders a year. Today (with approximately the same size population), the city records about 2,000 murders a year and all other crimes have grown in proportion. Robbery is the archetypal fear-producing crime because its elements -- sudden violent attack by a stranger -- are what people dread most. Thus, experts consider robbery to be the "bellwether" crime by which a city's safety can be measured. In 1952, New York City recorded 8,757 robberies; in 1989, the total was 93,377, giving the city the highest per capita robbery rate among the nation's 25 most populous cities. That comes out to a robbery every six minutes (and that just includes reported robberies (12)).

All of this didn't happen overnight. The 1960's witnessed an unprecedented escalation in crime. Between 1963 and 1972, the number of murders rose from 549 to 1,691. In just 4 years between 1966 and 1970, the number of robberies jumped from 23,539 to 74,102. All other crimes followed the same trend. Since the 60's, the level of crime has remained at consistently high levels.

The whole nature of violent crime changed in a single generation. As late as the early 1960's, 75% of all New York City murders were the result of interpersonal disputes -- lovers' quarrels or barroom brawls that ended up in fatal knifings, beatings, or shootings; events that for the average citizen are as unlikely as the prospect of being struck by lightning. By the 1980's, however, over half the murders were the result of crimes like robbery and drug dealing.(13) Robbery usually is committed by strangers on strangers. Drug warfare, too, takes its toll on the innocent. In the years 1977-79, 34 bystanders were shot in New York City; between 1986-88, there were 128, most of whom were the victims of stray bullets from drug-

related incidents. In the past, if a stray shot hit a child, even the shooter showed remorse. Now, in the jargon of the streets, children are just "mushrooms" (because they suddenly spring up and get underfoot).(14)

As late as 1960, fewer than a hundred New York City murders were committed with firearms. In 1989, there were nearly 1,300 and in many cases the firearms being used are no longer revolvers but rapid-fire assault weapons.(15) As a result, many hospital emergency rooms have come to resemble army MASH units.

Even law enforcement officers are shot down with abandon. In New York City in February 1988, drug gangsters did what generations of racketeers and trigger-happy thugs had never dared to do -- assassinate a cop. On a single night later that year, drug dealers killed two more officers in separate incidents a few miles apart.

The New York experience has been replicated to a greater or lesser degree in most American cities. In 1969, a Presidential Commission headed by Dr. Milton Eisenhower forecast that violent crime, if unchecked, would alter the face of urban America. It sketched a grim portrait for the future:

- High-rise apartment buildings and residential compounds protected by private guards and security devices will be fortified cells for upper middle and high income populations living at prime locations in the city.

- Central business districts in the heart of the city surrounded by mixed areas of accelerated deterioration will be partially protected by large numbers of people shopping or working in commercial buildings during daytime hours, plus a substantial police presence, and will be largely deserted except for police patrols during nighttime hours.

- Streets and residential neighborhoods of the central city will be unsafe in differing degrees and the ghetto slum neighborhoods will be places of terror with widespread crime, perhaps entirely out of police control during nighttime hours.(16)

Although this was dismissed by many at the time as doom-and-gloom headline-grabbing prophecy, this bleak picture of modern urban America is disturbingly close

to current reality. The sequence of escalating crime, public disorder, and drugs has completely altered ordinary life.

To appreciate the extent of the transformation, consider the New York City of 50 years ago. In the summer of 1939, the city was still suffering from ten years of the Depression, with 600,000 unemployed workers (one-sixth of the potential work force). World War II loomed just over the horizon. Yet New York, far from languishing in despair, held a World's Fair to celebrate its status as the queen city of the world. This prompted *Fortune* magazine to devote its entire July issue to the city. Reading the magazine's accounts of New York life from a distance of a half a century reveals a great deal about how the city has changed crime wise.

So secure was New York in 1939 that *Fortune*, describing the Lower East Side slums, declared that a tourist "could walk the streets on a hot summer night and be perfectly safe."(17) Compare this with survey results showing that more than half the residents of present-day New York are afraid to walk the streets at night .

Another *Fortune* article, on "glamorous" Penn Station (the then arrival point for visiting celebrities), described the primary duties of the station's 32-man police force as watching for bag thieves, showing drunks the way home, and locating the parents of lost children.(18) Today, Penn Station and other terminals are thronged with hordes of homeless, beggars, mentally ill, and predatory criminals. Simply hailing a taxi can be a struggle, with hustlers who rob or assault passengers.

To understand why New York used to be so much safer, and how it came to have such high levels of crime and disorder, it is helpful to look at the development of policing in modern cities beginning with London.

The Rise and Fall of Community Policing

18th-Century London was the largest and most important city of the Western world, but it was plagued by crime and disorder. The novelist (and magistrate), Henry Fielding, noted:

> (due to the) great increase of robberies within these few years...I make no doubt, but that the streets of this town, and the roads leading to it, will shortly be impassable without the utmost hazard.(19)

His contemporary, Horace Walpole, described London life in the same terms that novelists use about New York City today, "One is forced to travel, even at noon, as if one were going to battle."(20). So dangerous were the streets at night that dinner parties often took place at mid-day.

Public safety at the time was largely in the hands of watchmen who patrolled the streets at night. They were also required to perform other municipal housekeeping duties, such as lighting lamps, calling the time, and reporting on sanitary conditions. The watch was notably inefficient. According to Fielding:

> These men, armed only with a pole, which some of them are scarce able to lift, are to secure the persons and houses of his majesty's subjects from the attacks of gangs of young, bold, stout, desperate and well-armed villains. ...If the poor old fellows should run away from such enemies, no one, I think, can wonder....(21)

There was also a small force of what we would now call detectives (the so-called "Bow Street Runners," created by Fielding) who investigated crimes for a fee. In addition, because the government paid rewards to private citizens who captured criminals, a group of professional "thief takers" emerged. They were often worse criminals than those they pursued.

Standing behind this motley collection of watchmen, runners and thief takers was the gallows. In 18th-Century England, there were more than 200 hanging

offenses and public executions were frequent. Thousands of other criminals were transported to penal colonies in North America or, later, Australia.(22)

One proposed remedy for London crime was a body of professional police, and in 1829, Sir Robert Peel, as Home Secretary, carried a bill through Parliament creating a Metropolitan Police of London in place of the watch system. Unlike the watchmen, the new police patrolled night and day in uniform

An important feature of the London police was the beat system, in which constables were assigned to relatively small permanent posts and were expected to become familiar with them. By becoming a familiar figure in a neighborhood's daily life, the constable was well-placed to monitor potential criminal activity.

British "Bobbies" (after Robert Peel) also assumed a role beyond fighting crime. As an English historian described it:

> ...the object of police is not only to enforce compliance with the definitive laws of the land, but also to encourage a general recognition of the unwritten code of manners which makes for social progress and good citizenship. (23)

And an English social scientist has asserted:

> On the basis of the evidence available to me,...I should consider that the most significant factor in the development of a strict conscience and law-abiding habits in the majority of urban Englishmen and women was the invention and development of the institution of the modern English police force.(24)

In essence, the London police were primarily meant to prevent crime rather than apprehend criminals after the fact.

Within a few years, crime and disorder began to decrease noticeably in London and other British cities that established a "preventive" police. The historian Luke Pike, writing in the 1870's, declared:

> ...it may with little fear of contradiction be asserted that there never was, in any nation of which we had a history, a time in which life and property was so secure as they are at present in England...and it is in marked contrast to the sense of insecurity which prevailed at the beginning of the century.(25)

Perhaps surprisingly, the new system did not lead to a general increase in punishment but just the opposite: Transportation of criminals was abolished, executions declined, and, between 1870 and 1900, criminal indictments fell by 30%, imprisonment by 50%.(26)

19th-Century American cities began to experience the same scourge of crime and disorder as London of 100 years earlier, prompting many of the same dire forecasts. In 1830, for example, Alexis de Tocqueville observed:

> The lower ranks which inhabit these cities constitute a rabble even more formidable than the populace of European towns...I look upon the size of certain American cities, and especially on the nature of their population, as a real danger which threatens the future security of the democratic republic of the new world; and I venture to predict that they will perish from this circumstance...(27)

But as in London, the development of professional police forces eventually led to an overall decline in crime and disorder in each generation from the 1870's on.*

A look at the New York city police force in its classic era (1870-1945) illustrates how the system actually worked. The force was built around the precinct station, which was in turn subdivided into a number of foot beats. Individual cops had a steady post and they took charge of it, laying down the law literally and figuratively. A beat cop was as much a part of the neighborhood as any resident. He knew whether the light in the back of a merchant's shop late at night was suspicious or just the weekly card game. He knew the law-abiding residents from the criminals.**

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*Amidst the general decline, there were occasional temporary increases in the level of crime or what the newspapers liked to call "crime waves". The Prohibition era was one such period. But until the 1960's,. the overall trend in violent crime was down. (28)

**Some would doubt this version of past urban policing. One way to gauge its accuracy is to examine novels which portray urban life of yesterday. See for example, the role of the neighborhood cops in A Tree Grows in Brooklyn, set in WW I Williamsburg. So, too, 1930's and 40's movies about New York frequently contain scenes of beat cops.

Beat cops understood that their key responsibility was not investigating major crime but maintaining order, especially keeping an eye on the young people of the neighborhood. Like the London bobbies they were modeled after, the cop's job was essentially to uphold the code of civilized behavior.

A typical uniformed police officer rarely made an arrest for a serious crime. Instead, a good cop was one who kept the beat "clean." If police were compelled to arrest someone for violating public order, the case was handled with dispatch in a local magistrate's court. Sanctions imposed were usually swift but modest. A disorderly conduct case would take but a few minutes, and the outcome would be a fine and a lecture from the judge.

The basic philosophy of this type of policing was that cops should work with the community to keep order and prevent crime. Visible police presence and a high level of public order signaled that government was in control of the streets. This in turn encouraged law-abiding citizens to use the public ways, which further inhibited more serious criminal behavior. Modern scholars refer to this type of policing as "the community service" style .

As with any big city force, however, the NYPD also carried on another type of policing, involving detectives and special anti-crime squads. These units dealt with major crimes, professional criminals, and unusual police problems.* Modern scholars call this the "crime attack" style.(30) The difference between the two styles is evident in the different duties performed by the beat cop and the detective. Both were important, but for many years the community style was the key element in the city's police force.

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*Old time New Yorkers will recall the safe-and loft Broadway or Waterfront squads, the names of which described their functions.

For practical purposes, New York City cops no longer patrol beats, maintain close relations with the community, or enforce public order on the streets. Part of the reason can be traced to a basic change in American policing after World War II, brought about by the doctrines of the "professional" or "bureaucratic" school, which sought to make policing more efficient and to combat corruption.

To begin with, this school advocated a shift in emphasis from foot to car patrols because cars can cover wider areas and respond more quickly to calls for service. As motorized patrol replaced foot patrol, police lost contact with the community and vice versa. Cops became anonymous figures who could be reached only by phone and seen only when there was trouble. As a result, officers tended to encounter citizens most commonly during moments of crisis. As is natural with strangers meeting under tense circumstances, policemen and citizens often misunderstood each other.

Officers who saw the world from a cruising car also became more remote from day-to-day street disorder. At the same time, the courts began to strike down or narrow laws against disorderly conduct, loitering, and other low-level offenses. The professional school of policing did not dispute this trend because its leaders preferred the image of police as "crime fighters" rather than peace keepers. Thus, ordinary cops began to assume that crimes below the felony level were not "real police work."

This thinking led to a curious situation. Since the overwhelming number of citizens' calls for police service did not involve major crimes, responding officers were usually unable or unwilling to provide any effective assistance. Thus, from the public perspective, not only did they no longer see patrolling police, but when cops did arrive, they "didn't do anything" or were even hostile. A citizen who complained

about prostitutes using his doorway for a bathroom, for example, might not only be given short shrift but made to feel that he or she was a nuisance.

Given the changed emphasis in policing, disorder flourished. This not only lowered the quality of the city's street life but raised public fear, causing law-abiding citizens to curtail their use of the public ways. In the absence of beat cops, citizens who would have chastised disorderly individuals became hesitant to do so. All of this provided an environment that encouraged more serious crime. In 1983, James Q. Wilson noted in his classic, Thinking About Crime:

> Muggers and robbers...believe they reduce their chances of being caught or even identified if they operate on streets where potential victims are already intimidated by prevailing conditions. If the neighborhood cannot keep a bothersome panhandler from annoying passersby, the thief may reason, it is even less likely to call the police to identify a potential mugger or to interfere if the mugging actually takes place.(31)

In 1985, the Citizens Crime Commission conducted a study in a number of American cities. We found that street disorder, such as public drinking, blaring radios, and loitering beggars, prostitutes and drug users, caused law-abiding citizens to shun certain areas, making them even less safe.(32)

In a forthcoming book, based on statistical analysis in four American cities, political scientist Wesley Skogan found that a neighborhood's level of robbery was strongly related to its level of disorder.(33)

Another factor contributing to the breakdown of effective neighborhood policing was the gradual curtailment of the authority of the precinct commander. This was intended to cut down on corruption and lead to more efficient operations. But as in many large bureaucracies, the difficulty of conveying orders in a timely manner through a long chain of command and having decisions made by figures remote from the scene of action often decreased efficiency.

Finally, professional school police administrators sought to downgrade classic detective operations because they were also seen as inefficient. They usually cited studies showing the relatively low percentage of crimes cleared by arrest. (34). Yet such studies often neglected another important aspect of detective work -- knowing the names and methods of operation of professional criminals or local gangs *

Thus, traditional policing virtually disappeared in the post- World War II era in New York City, and elsewhere. And the professional school of policing (which originated in small western cities far different from places like New York) was not only an inadequate substitute but actually caused many of the problems facing police today. Even the central doctrine of the professional school, that random motor patrol could deter crime, was challenged by the findings of a major study in Kansas City, Missouri.(36)

The final blow for New York City came in 1975. As a result of the city's financial crisis, nearly 5,000 police officers were dismissed from the 31,000-member force. For five years there were no new hires and by 1980 the force was reduced to 22,500.

Given the city's financial constraints, there was no longer even the pretense that cops could be sent out to patrol regular beats or that they could pay much attention to routine order maintenance. Detectives were limited to investigating the most serious crimes.

In the 1980's, the financial situation eased and city government pledged to rebuild the police force to its pre-fiscal crisis strength and re-emphasize community

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*It is interesting, given the alleged inefficiency of past detective work, that as late as 1960, 92% of all murders in cities over 250,000 were cleared, while in 1989, the figure was 66%. In New York City, the figures for those years were 88% and 63% respectively. In 1989, one of New York City's 75 precincts recorded 97 murders, or nearly 1/3 the citywide total of a generation ago, but less than 39% were cleared. (35)

patrol. Despite the promises, the force has not been rebuilt and currently has only about 26,000 officers to face an ever-growing workload.* Table A gives a sense of how the size of the city's police force has failed to keep pace with the rising tide of crime and disorder in the past 20 years.

TABLE A

YEAR	SWORN POLICE STRENGTH	Number of INDEX CRIMES*	Number of 911 Calls Dispatched
1970	31,700	518,000	2,689,000
1989	26,000	712,000	3,978,000
(Change)	(-18%)	(+38%)	(+48%)

*(Index crimes are: murder, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft).

So overwhelming is today's NYPD workload that even vehicle patrol cannot be performed effectively. Where a radio car crew once spent 50% of its time on patrol and 50% answering calls, in New York City today 90% of its time is spent answering calls.(37)

The extent of the problems caused by the demise of community policing and the NYPD's increased workload is revealed in the city's response to the current "crack crisis". In 1985, crack, a cheap, high-potency cocaine derivative, began to appear in quantity in the streets of New York. Given the relatively low "start up" costs for prospective drug dealers, many young men of the streets entered the business.

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*The police departments authorized strength for fiscal year '91, with the addition of 1,058 officers announced on August 6, is 27,250, but current strength is approximately 25,700.

This inevitably led to territorial and organizational disputes, which were settled with firearms. In the absence of beat cops working in the community, and detectives to keep track of emerging criminals, crack gangs seized control of the streets in many neighborhoods.

In 1988, in response to the increased violence, particularly the murder of a Queens police officer, the police department began to deploy Tactical Narcotics Teams (TNT) to saturate targeted drug-infested areas. The TNT program resulted in many felony arrests, but the sheer volume of cases also clogged the city's courts and corrections facilities. And though the TNT program provided temporary relief for drug plagued neighborhoods, whenever the teams left, conditions tended to return to normal.

The concept of the TNT program remains the subject of controversy, but at the time it was instituted, the police department had few options. Without beat cops, the department had to either concede the streets to the drug dealers or fight back with something like TNT. But special units are no substitute for daily neighborhood patrols.*

The contemporary New York City police force is no longer able to perform its classic role: ensuring safe and orderly passage through the public ways. While this not the fault of the dedicated officers of the NYPD, it is nevertheless a fact.

In the years following World War II, time-tested policing methods were abandoned in favor of a new model of supposed efficiency that concentrated on fighting major crimes. This development coincided with the post-War rise in crime. If classical policing had remained and been strengthened, it is unlikely that crime and

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*Illustrating this is the announcement, in July 1990, that the NYPD would engage in a 90 day experiment in which 200 foot patrol officers (on overtime) would be assigned to "take back" the streets in 7 high crime precincts (38).

disorder would have risen to their current levels. At the very least, while a crime like drug dealing might have flourished, it would have been carried on in a much more clandestine fashion than the present wide-open street dealing. Certainly our public ways would not be virtual "free-fire zones" in which innocents are slaughtered, and crime would not be so serious that it is now a threat to the social and economic fabric of the entire city.

To remove this threat, we need to return to the classic system of community policing. What is required is a system where officers are permanently assigned to the same small pieces of the city day after day, making themselves a part of the neighborhood, knowing and being known by residents, upholding the standards of civilization. This is especially important in the most crime plagued neighborhoods, which have been denied adequate police protection to the point where citizens have begun to call for the National Guard.*(39)

New York City Police Commissioner Lee Brown, who has been in the forefront of the revival of community policing in America, has announced that he is committed to instituting such a program, and he is expected to announce his plans to implement it in the near future.(41)

In the following section we will address the question of how we, the citizens of New York, can ensure the success of this program.

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*As Professor Dilulio of Princeton has written:
The typical underclass neighborhood is a place of run-down parks and poorly lit streets. It is a place teeming with abandoned houses and high-rise slum apartments where locks are broken or nonexistent.. It is a place where the only types of "private security" that frightened homeowners can afford are a baseball bat next to the bed and a tire iron under the seat of the car. It is a place where children walk to school through a maze of brazen drug dealers, and where owners of small shops keep guns beneath cash registers and close early on nights when they sense trouble. In short, it is a place hospitable to predatory street criminals.

The criminal-justice machinery designed to handle these criminals is inadequate at best, and a part of the problem as worst. Police patrols of underclass neighborhoods are universally thin, and in some places virtually nonexistent.(40)

II: AN ACTION PROGRAM

Rebuilding the Police Force

New York City, with its high-density population, sharply defined traditional neighborhoods, and numerous local civic groups, should be an ideal setting for the community policing model. But since traditional policing has been absent for a generation, inevitably there will be problems in restoring it. Within the police organization itself, officers must become convinced that beat policing is not a minor task but the most essential one. For too long patrol has been, as Professor George Kelling has described it, "The place officers want to get out of or are dumped back to."(42) Yet community policing programs in other cities have reported high levels of patrol officer job satisfaction.(43)

At the command level, department brass may have difficulty adjusting to increased authority for local precinct commanders. In many cities in the 1970's, experimental neighborhood police teams were created that were essentially modern versions of traditional precincts, with permanent beat cops, close relations with local citizens and decentralized management. The main difference with past practice was that officers worked in small teams. Evaluators found that attempts to install neighborhood police teams were often frustrated by top commanders.(44) A city of the size and complexity of New York is simply too large for all decisions to be made at headquarters. Decentralized management is essential.

One reason for the curtailment of precinct authority over the past generation is the concern that it abets corruption. Yet, the possibility of corruption should never be an excuse for failure to carry out otherwise worthwhile policies. For example, it has been argued that violations of the fire code in social clubs have been ignored in recent years because the police department fears its officers might be corrupted.

Whatever the truth of this assertion, the Bronx social club fire in which 87 people lost their lives illustrates the consequences of such thinking.(45)

The great scandals in New York City police history, such as the Becker case in 1912, the Gross case in 1950 and the Knapp Commission revelations in 1970, arose over non-enforcement of gambling laws by special squads working for high-ranking officers. They did not originate from the activities of patrolmen on the beat.

Problems like restoring the primacy and prestige of neighborhood patrol, creating a decentralized management style, and combatting corruption, are internal police matters which we are confident will be dealt with by Police Commissioner Brown and his aides.

In contrast, the necessary staffing level to make community policing a success must be provided by the city government. At the outset, we assume that the police department will deploy its present complement of officers in the optimum manner. Among suggestions that have been made for freeing up personnel for basic patrol:

- Reduce the number of officers assigned to special units.

- Transfer officers presently on inside or clerical duties to the field and replace them with civilians.

- Convert some 2-officer cars to 1-officer cars..

- Cut down on the number of 911 calls to which police are dispatched.

All of these proposals are under consideration by the department. It is doubtful, however, that these measures will result in a significant increase in police field strength. In any 8-hour period, the number of police officers on "field enforcement" duty is only about 13% of the department's total strength, but this figure can be misleading. To a layman, it might appear that there are vast numbers of officers sitting in the station house with their feet up on the desk. It must be remembered,

however, that unlike more conventional organizations that work 9 to 5, Monday through Friday, the police department works 24 hours a day, 7 days a week. Thus, at any given time, most police employees will be off-duty. Officers must also perform essential non-field duties like attending court or undergoing training in the police academy or at the firing range.

In fact, about 87% of the sworn strength of the New York City police department is assigned to the patrol force or various detective units. But because of vacations, days off, sickness, and essential non-field duties, only about 40% of the total force will be on street duty in any 24-hour period. Therefore even the most stringent administrative policies are likely to produce only a marginal increase in field strength.

So, too, the present workload is not likely to be significantly reduced by any administrative means. National studies have found that the number of calls for police service annually is approximately equal to a city's population, and that about half of all calls will require the dispatch of a police officer.(46) In 1989, New York City police received 8,360,000 calls and sent officers to nearly 4 million of them (47) (about the national average). Thus, even if citizens are directed away from 911, they will continue to ask for police assistance (though perhaps via a call or visit to the precinct, or direct contact with a patrol officer) and, though the department may not immediately dispatch a 2-officer radio car, some police personnel will have to handle the matter at some time. Thus, little can be done to ease the enormous workload.

Community policing, with its emphasis on visible patrol, vigorous enforcement of public order and close contact with citizens, will add to the demands on the police.

How many police are needed to restore safety in New York? Official sources have suggested that 5,000 additional officers will be required.(48) This would bring

the force close to its 1970 strength, though, as we have pointed out, the police workload has risen considerably since then. Surprisingly, despite 25 years of research, no precise formula for determining police strength has been developed. The results of two well-evaluated research projects in New York City and Newark, New Jersey, however, may provide some guidance.

In 1966, an experiment was conducted in New York City's 20th precinct* to determine if a 40% increase in manpower primarily assigned to foot patrol would lead to reduced crime. An evaluation by the New York City Rand Corporation found that over a period of 8 months, street robberies per week fell by 33%, auto theft by 49%, and grand larcenies visible from the street by 49%. These were net reductions, over and above such reductions that may have occurred in similar "control" precincts in which no additional policemen were deployed. There was, however, some evidence that a lesser portion of 20th-Precinct crime might have been displaced to adjoining precincts.(49)

It is important to note that the 20th-Precinct experiment was not actually community policing but a form of "saturation" patrol. That is, the number of patrol officers was increased but they did not attempt to establish closer relations with the community or take special action against street disorder (which in 1966 was far less prevalent than today).

In 1983-1984 in Newark, New Jersey, an experiment was undertaken to determine the effect of increased neighborhood police presence and enhanced street patrol on crime and citizen attitudes. As part of the experiment, 24 additional foot patrol officers were assigned to a designated area of the city. They enforced state disorderly conduct laws to reduce the amount of loitering and disruptive

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*Then covering the area of Manhattan between 66th and 86th streets west of Central Park.

behavior on corners and sidewalks. In addition, they boarded city buses and took other highly visible actions. There was also an intensive effort to maintain contact with local citizens, even to the extent of providing a neighborhood storefront police station. and a community newsletter.*

An evaluation of the program by the Washington-based Police Foundation concluded that, although crime was not reduced, residents of the neighborhood seemed less fearful. They also had a more favorable opinion of the police than did people living elsewhere.(50) James Q. Wilson has commented:

> But how can a neighborhood be "safer" when the crime rate has not gone down -- in fact, may have gone up? Finding the answer requires first that we understand what most often frightens people in public places. Many citizens, of course, are primarily frightened by crime, especially crime involving a sudden, violent attack by a stranger. This risk is very real in Newark, as in many large cities. But we tend to overlook or forget another source of fear -- the fear of being bothered by disorderly people (not violent people, nor, necessarily, criminals, but disreputable or obstreperous or unpredictable people: panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, the mentally disturbed).(51)

The findings from these studies and others, such as the neighborhood team policing experiments cited earlier, offer guides for New York City in the 1990's. For example, would a 40% increase in police patrol, as in the 20th Precinct, reduce street crime by a third to a half? Would vigorous enforcement against street disorder reduce citizen fears? Would neighborhood teams of the type deployed in various cities in the 1970's be feasible in New York City?

It is doubtful that saturation policing alone would be the appropriate answer. Cops must work with citizens not just police them. Nor is the individual beat cop of yesteryear likely to prevail against the Uzzi-toting gunmen of today's streets. But if a

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*As part of the same project a similar program was undertaken in Houston, Texas. We have chosen to report on Newark because its land use pattern, population density and other factors are more similar to New York City than are Houstons.

staffing increase similar in size to the 20th-precinct experiment were combined with the community relations and vigorous order maintenance approach that characterized the Newark program, as well a type of team approach, we might then expect reductions in both crime and fear, along with improved police-community relations.

If the police department were restored to its 1970 strength of 31,700 officers, it would require approximately 5,000 new recruits (in addition to the 1,058 recently announced) at an annual cost in the $250 million range.* If all the added officers were assigned to precincts, this would result in an approximately 40% increase per precinct, or the same amount received by the 20th in 1966. This would at the very least provide a much greater police presence, restore order to the streets and reduce citizen fear. And it is not unreasonable to expect significant reductions in street crime similar to that in the 20th-precinct experiment. Indeed, these elements re-enforce one another. When criminals perceive an active police force in operation they are less likely to commit crimes. At the same time when citizens observe more police and an improved climate of order, they become less fearful and more likely to use public ways. The presence of more law-abiding citizens then makes an area safer. Over and above this, community policing, where people know their local cops, would aid immeasurably in restoring neighborhood identity and morale.

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*There are various ways to calculate this figure. At present, a police recruit costs approximately $35,000 for the first year without pension contribution which starts the year after hiring takes place. With pension payment the cost is nearly $44,000. Thus, at present, 5,000 recruits would cost (including pension) approximately $220 million. (All these figures will likely change as a result of current contract negotiations). So, too, the additional officers would require supervision: thus, the department would have to promote more sergeants and probably lieutenants. In addition, a few hundred presently vacant positions are already budgeted for. Given the various unknowns such as pay scales, number of supervisors required, expenditures for training, equipment, etc., it is not possible to state a precise cost figure, but it would be close to $250 million.

Based upon our analysis, we are convinced that a return to traditional community policing would lead to dramatic improvements in public safety and a great lessening of fear in New York City. So, too, our analysis convinces us that in order to deal with todays problems and meet the objectives of community policing the NYPD needs 5,000 additional officers.

Community Courts for Community Policing

Community police officers would be expected to take seriously violations of public order and the so-called "minor crimes" which contribute so heavily to lowering the city's quality of life, promoting fear and providing the environment in which more serious crime flourishes.* Such offenses are processed in the lower criminal courts. These are the forums in which the average citizen learns about justice. Under present conditions, the usual lesson is that justice is considerably frayed.

In 1983, some judges testified that these beleaguered lower courts were "zoos." In one instance, a New York City Criminal Court judge offered to determine the length of a defendant's sentence by tossing a coin in court.(52)

The New York Times said of New York City's Criminal Court:

> Judges call it a sham and a fraud. Lawyers say that justice is unpredictable at best and that the tawdry surroundings and atmosphere of deal making deprive the court of even a feeling of justice.(53)

A bar association report declared:

> The failure of the Criminal Court...has been obvious and extreme. Because of the staggering volume of its case load and its inability to provide trials, the

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*Lest there be any misunderstanding, we will repeat a statement we have made on several occasions. Urging vigorous enforcement of public order laws, is not a call for some type of police "round up" of the homeless. In this respect we expect police to work closely with social service agencies to help New York City's street people.

Criminal Court has been virtually incapacitated in the last few years. Everyone exposed to the court knows this. ...With some judge's daily case loads approaching two hundred, the court has spun out of control -- a crowded, heavily time-pressured continually depressing marketplace in which the need simply to dispose of cases has overshadowed everything else, including separating out the innocent and imposing sensible penalties on the guilty.(54)

The New York City Criminal Courts are centralized in each county. Thus they are remote from citizens and police alike. A Columbia law professor noted the general frustration officers have with the judiciary:

> By these detached and unsympathetic figures, the cops work will be judged and the judgement will be heedless ---or so it seems ---of the opinion of the police and the street truth as the cops perceive it.

> To the cop on the street, a criminal case is not a legal issue to be contemplated from an office in the Criminal Court building. It is an eruption, a disease of the neighborhood he moves through every day.... many cops suffer the sense that all they do -- the risks, the endless hours, the best they can give the job -- makes no difference.(55)

A recent study of the arrest to arraignment process in New York City recommended that minor crimes be processed at the local precinct rather than sent to a central booking facility.(56) Since precincts will be at the center of community policing, this makes sense. The system might also go a step further and place branches of the Criminal Court in local neighborhoods, preferably in precinct stations, as was once done in New York City. This would make it easier for local police officers and citizens to attend court.

The city's new Deputy Mayor for Public Safety, Judge Milton Mollen, has urged consideration of a plan to process thousands of misdemeanor cases in special courts. Judge Mollen said New York should study whether a system similar to British "lay judges" can be adopted to relieve the court system's workload.(57) (In Britain, part-time justices of the peace handle minor criminal cases that can result in sentences of up to 6 months in jail).

While many details would need to be worked out, this would seem a logical solution to the problems of overcrowded courts. Under this system the police could book all violation and lesser misdemeanor cases to the local precinct courts, which could be presided over by volunteer judges drawn from experienced members of the New York bar.* Since they would not be able to impose sentences beyond 6 months, under New York law, juries would not be required.

This plan would provide sufficient judges to give the time and attention that these cases deserve. This would also free many regular judges to handle felony and graver misdemeanor cases at centralized facilities. In addition to making it easier for citizens and police officers to attend court (in the case of the latter, thus saving overtime costs), this system would permit neighborhood residents to observe directly how public order cases are processed.

Funding

No one is eager to pay more taxes; we of the New York City business community are especially aware of this. But public safety is a paramount issue which plays an integral role in maintaining the quality of life in our city. The fact that more and more New Yorkers are spending money on private protection services, and are even paying special tax assessments for enhanced security in certain districts, suggests a willingness to pay the price for a safer city.(58) We believe that an annual expenditure in the $250 million range, or less than 1% of the current city budget, is not unreasonable to restore public safety.

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*This is different from non-lawyer lay judges of the type used in England and commonly in New York State outside of the city. New York City, with its large population of lawyers, ought to be able to obtain a sufficient numbers of attorney's willing to render pro bono judicial service.

Such an expenditure can also be justified under the theory of spending money to make money. Improved public safety will stimulate economic activity (note the earlier discussion on crime as an impediment to business expansion), thereby increasing tax revenues.

And because additional neighborhood police presence will deter crime, fewer felony arrests will be made in the long run, thereby reducing city jail and state prison populations. For example, in the low-crime 1950's the state prison population only numbered about 19,000 and the city jail population about 7,000, compared to 54,000 and 20,000 respectively today. If the current jail and prison populations were to decline by a modest 20% and this translated into equivalent reductions in the operating budgets of the city and state corrections agencies, savings of $150 million in city jail funds and $240 million in state prison funds would be realized, not to mention the reduced need for vast expenditures to build jails.

Finally, the costs of crime are enormous, not just in dollar losses and spending for security (everything from simple alarms to huge guard forces), but in social and psychological terms. Obviously, a society where so many people live in fear and lack confidence in their own government to protect them is not a healthy one.

The primary expense of the plan we have outlined is the hiring of the 5,000 additional police officers. The cost of creating neighborhood courts would be partly offset by volunteer judges and the fact that precinct station facilities could be utilized as court rooms. In addition, some existing court staff would be transferred from central facilities to precincts.* Adding court costs to those for the added police officers would carry the annual expense of this program into the $250 million range.

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*Most disorder cases could be presented by police officers though this should be done under overall prosecutorial supervision.

The most immediate source of revenue for increased police and court staff would be some type of dedicated law enforcement "Superfund" to provide money over and above regular agency budgets. This would not only raise the necessary dollars but would assure the public that the money would be used exclusively for improving public safety. Among the possibilities are:

- The use of municipal assistance corporation (MAC) funds.
- A special tax levy such as a surcharge on income or real property taxes or a payroll tax. New York City officials have estimated that a surcharge on personal income tax of $100 annually, or an increase in the property tax averaging $50 per homeowner would raise approximately 300 million. Voters of Kansas city, Missouri recently approved a quarter-cent increase in sales tax for a Superfund to fight drug crime. (59)

The feasibility of a Superfund and its precise design has been extensively analyzed over recent months.(60) We believe the case for a Superfund has been made and it is now up to the city government to offer a specific proposal with a dedicated source of revenue which will be provided in addition to (not in place of) present law enforcement expenditures.

We would also suggest that a Superfund be limited to a specific time period, such as 4 years, after which increased revenues from an improved economy or cost savings from a less burdened corrections system may well obviate the necessity for a dedicated stream of revenue.

We are confident that most New Yorkers will welcome such a program and be as willing as we of the business community are to pay their fair share of the costs.

Summary

In sum, the commission recommends the following:

1) An increase in the strength of the New York City police department by 5,000 officers.

2) The restoration of traditional community policing, including visible police presence in the streets; precinct centered management; a strong emphasis on the maintenance of public order; and a close working relationship with local citizens.

3) A revamping of the court system to provide precinct-based volunteer judges to process low-level cases.

If this is done, we can expect vastly improved relations between police and the public and a dramatic reduction in crime, disorder, and citizen fear, which will lead to increased use of public areas thereby making them even safer.

Now is the time to prove that New York City's government and its great police force can take control of the streets again and provide safety and order as they did in generations past . If this opportunity is not grasped, people who remain in the city will increasingly turn away from the police to other means of protecting themselves, whether it be private security, the carrying of weapons (legally or illegally), or demands for the National Guard. If this is allowed to happen, the decline of the New York City Police Department may become a symbol of the decline of the city itself.

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