

PATTERN AND PRACTICE:

SYSTEMIC VIOLATIONS OF THE CIVIL RIGHTS OF HOMELESS NEW YORKERS BY THE NYPD

**Mayor Michael Bloomberg
Commissioner Ray Kelly, NYPD
Pressured and Supported by Business Improvement Districts
And Unwittingly Funded by the taxpayers of New York City**

A Project of the Civil Rights Committee of Picture the Homeless

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Acknowledgements

First, Picture the Homeless acknowledges each of the people who took the time to be interviewed for this project. Over 500 homeless New Yorkers, in neighborhoods throughout Manhattan, spoke with us about their experience with the NYPD, parks police, and sanitation workers. Many took the time to share their vision for constructive change and have joined with us to fight for common sense solutions such as housing, jobs, an accountable social service system and government and respect.

We would also like to acknowledge the hard work of the Civil Rights Committee of Picture the Homeless, particularly Emily Givens and Jean Rice whose vision helped us carry through this project from concept to completion. Other members of Picture the Homeless helped in the development of the survey instrument, in particular Robert Marion, and others assisted as volunteers in interviewing homeless New Yorkers particularly Cristofer Lentsch, Lou Haggins, Johnny DeFranco and Carlos Troche. Ari Silverman, a volunteer has hung in there with us and assisted with surveys as a volunteer outreach worker. Others have accompanied people to court to seek justice with tickets, including Anthony Boyce and Chess Monster. Countless other members of Picture the Homeless have distributed hundreds of flyers announcing our Legal Clinic and we thank each of them.

Finally, we express our gratitude to the members of our civil rights outreach team who completed the majority of the surveys used as the basis for this report. Emily Givens, Warren Prince, Jean Rice, Ari Silverman, and George Zuchowski along with staff Anthony Williams and Lynn Lewis spent 10 weeks conducting outreach to parks, drop in centers, soup kitchens, in Grand Central Station, Penn Station and the Port Authority and on the streets of Manhattan, as well as attending weekly assessment and strategy meetings. Their dedication made this report possible.

Other individuals and organizations have been instrumental in helping us build our capacity to document the reality of homeless New Yorkers. The San Francisco Coalition for the Homeless allowed six of us to invade their offices for a week early in 2001, pick their brains, attend staff meetings and workshops and go on outreach with them. Our colleagues in San Francisco have assisted with this project in other ways as well – including demonstrating endless patience with our many phone calls to get feed back as we moved forward with this project.

Ajamu Sankofa, Esq. formerly of New York City Police Watch responded to our request for legal assistance. We are grateful for the time that he took to create with us the only legal clinic in NYC where homeless New Yorkers could go to address the police harassment. Ajamu also provided trainings for our Civil Rights Committee on the constitutional basis for fighting the injustice that we were seeing on a daily basis and served as a sounding board and resource for us – validating for our members that we are moving in the right direction.

Picture the Homeless is represented on the Civil Rights Workgroup of the National Coalition for the Homeless, and participated in the Illegal to be Homeless: The Criminalization of Homelessness in the United States report issued in 2001. Exposure to strategies used by other communities to fight illegal police conduct is critical to the development of effective local solutions as well as the development of a national strategy. We constantly learn from our colleagues throughout the U.S. and in Puerto Rico.

Introduction

Picture the Homeless asks “Whose Quality of Life” is enhanced by unconstitutional police practices. We believe that documenting and telling the truth about how homeless people are impacted by economic and racial profiling will form the basis for the development of organizing strategies locally

here in New York City as well as nationally. We also know the economic costs of using police to remove homeless people from public spaces is no substitute for rational community development that ensures that all New Yorkers have a decent, safe place to live and ***we believe that most New Yorkers will join with us to demand and end to illegal police practices and the development of real solutions to homelessness.***

The untold story behind Mayor Bloomberg's Quality of Life Campaign is that the law is being selectively enforced to achieve a misguided political and economic agenda. Removing homeless people from public spaces does not lead to economic development – it only exacerbates acute poverty and the dehumanization of the poor.

Background and Need for Report

Picture the Homeless was founded by two homeless men in the Fall of 1999, Anthony Williams and Lewis Haggins. Both were homeless when Nicole Barrett was injured with a brick on the streets of New York. All homeless, African American men immediately became targets, and the impact was felt by all homeless people as the Guiliani administration used this tragedy as an excuse to harass and intimidate homeless people on the streets and in the shelters. The media contributed to an environment where an isolated criminal act became the pretext to stigmatize and harass people based on their lack of housing. Headlines demonizing homeless people appeared, even before the alleged perpetrator was apprehended and his housing status made public. One of the worst examples, from the Daily News, declared: "The Get Those Violent Crazy's Off The Street!"

Picture the Homeless opened an office and began hosting open meetings at Judson Memorial Church in the spring of 2001. Police harassment was an issue consistently cited by homeless people from our first meeting who agreed that documentation of police harassment is critical to build a campaign for civil justice. ***Our civil rights survey instrument was developed by members during this time to document the reality experienced by people on the streets.*** Members identify economic profiling along with racial profiling as issues for Picture the Homeless to organize around as well as the urgency to combat negative media stereotypes.

The tragedy of September 11, 2001 impacted all New Yorkers but homeless New Yorkers were impacted in additional and specific ways particularly regarding the security of public spaces. Immediately after the attacks all of Lower Manhattan below 14th St. was declared a frozen zone. Homeless people living outside in Lower Manhattan were displaced and throughout the fall of 2001 and still to this day, the NYPD were declared heroic figures. ***A political shift occurred after September 11 where it suddenly became uncomfortable in many quarters to criticize the police or Mayor Guiliani, yet the need for homeless New Yorkers to challenge these unconstitutional practices became even more acute.*** The environment was such that even some allies expressed concern about the political risk that Picture the Homeless may be taking in our work to expose unconstitutional police practices and mounting a challenge to the former Guiliani administration who had become a mythic hero known as America's Mayor.

Fast forward to January 2002 – Mayor Bloomberg and Police Commissioner Ray Kelly announce a crackdown on Quality of Life offenses. Although homelessness is not a crime, homelessness is listed as one of 7 "City Sins" along with drug dealing and prostitution. As reported in the Daily News, a "New War on the Poor" is launched. Picture the Homeless holds the first action against the new Bloomberg Administration on Martin Luther King's birthday, July 17, 2002 to protest the violations of the civil rights of homeless people.

Picture the Homeless sends six people for training to the San Francisco Coalition on Homelessness in February 2002 to build our collective outreach and documentation skills. Civil Rights Committee members meet with Ajamu Sankofa of NYC Police Watch who begins holding a Legal Clinic for homeless New Yorkers harassed by the police beginning in March, 2002. Outreach efforts increase and the Committee launched our Civil Rights Summer Project in July 2002.

Methodology

Picture the Homeless staff and volunteers interviewed 503 homeless New Yorkers from March to September 2002 with the majority of surveys conducted during the summer months. Surveys were conducted in the field throughout the borough of Manhattan. A small number of the total interviews were conducted in the Picture the Homeless office when people came by and reported police harassment.

We chose to interview people throughout one borough to ensure that our results would reflect a **systemic pattern and practice of police misconduct throughout the NYPD** as opposed to targeting selected precincts. Our results demonstrate that it is the policy of the New York City Government, through the New York City Police Department and other City agencies such as the Parks Department and Sanitation Department to violate the civil rights of homeless New Yorkers on a consistent basis as a means to remove homeless people from public spaces.

Three survey teams covered the borough of Manhattan which was divided between Uptown, Midtown and Downtown, interviewing over 500 homeless individuals about their interactions with the police, parks police and sanitation department using the survey instrument developed by Picture the Homeless members. Each team had an established route and schedule and as the project progressed we became known to communities of homeless people residing in specific areas of Manhattan.

An intensive training on outreach and interview techniques was provided to all survey team members. We identified the need to develop an introduction to immediately to explain that the purpose of the interviews was to fight against police harassment of homeless people and to distinguish ourselves from service providers or outreach workers. Weekly meetings were held to assess the effectiveness of the locations and schedules for each of the outreach sites and to learn from each others' experience in the field.

The three survey teams were comprised of two people each and we generally maintained a racial balance with one African American and one Euro American on each team. Five of the six survey team members were currently or previously homeless and most had been homeless in the areas in which they conducted interviews. One limitation was the lack of a Spanish speaking partner on each team which we addressed by having the survey document available in English and Spanish.

The data analysis was conducted by survey team members and other civil rights committee members. The statistical analysis was conducted by counting the total number of responses to each question and then dividing the number of positive responses by the total number. Picture the Homeless members reviewed the surveys to identify descriptive quotes in response to each question that illustrate the reality of what is happening on the streets.

Findings

- 81% of people interviewed report that they have been harassed or bothered just because they are homeless;
- 81% of people interviewed report that police or parks police have engaged in selective enforcement of laws or parks regulations but have left other people alone;
- 46% of people interviewed report that the NYPD, parks police or sanitation workers have taken property away in violation of their rights to due process;
- 63% of people interviewed report that they have been stopped and frisked for no reason;
- 61% report that they have been issued a summons or arrested for doing things because they are homeless;
- People of color who are homeless often report that they feel that the harassment and selective enforcement is a result both racial profiling and homeless status.
- Police routinely tell homeless people that they have to leave public spaces or threaten people with arrest for being in a public area such as a park.
- Interactions with the police include verbal threats, verbal abuse, being awakened and told to move out of their precinct, or to move along, to physical contact including being hit with radios, night sticks, or nudged or kicked.
- Homeless people in public spaces were frequently reluctant to speak with survey teams if we visibly carried our clipboards because we were perceived as outreach workers.
- A significant number of people interviewed would not speak with us until we assured them that they did not have to give their social security number or other identifying information reporting fear of further harassment or retaliation.
- When people were asked “what did they want and when did they want it” many replied that they wanted concrete outcomes such as housing or a job but a significant number of respondents stated that they wanted respect, justice or compassion.

Recommendations

Educate homeless people about their rights and the laws used to impact them. Homeless people need to know what conduct is against the law and what *isn't*. A lot of tickets are written for alleged violations that are not real violations of the law. Tickets for obstruction of a park bench for example are issued when there is no one else around trying to sit on the bench.

Support homeless people organizing to collectively build political power to effectively end illegal police practices through building alliances with other civil rights organizations, faith based organizations and social justice groups.

Reestablish the legal clinic for homeless people for legal representation and legal services. People who are homeless are in need of legal representation and legal services. The New York Times reported on October 13, 2002 that homeless arrests for violations of public nuisance laws are up 300% in 2002 yet there has been no increase in legal services or representation for homeless people targeted by the police.

Legal services to dismiss tickets and clear outstanding warrants are critical to ensure that people do not have fines accumulating, or have to hide from police to avoid arrest due to outstanding warrants or end up doing jail time for outstanding warrants which often results in people losing their belongings and ID's, losing a job or being sanctioned by public assistance for missed appointments. Indeed, outstanding warrants contribute to people being on the street – some of whom fear that going to a shelter will result in a warrant check and incarceration.

Homeless people must bring a lawsuit against the NYPD and other city agencies to force a change in police practices and conduct, to send a message that these practices will not be tolerated and to hold both individual officers, the chain of command and the NYPD accountable through monetary damages. The majority of homeless folks interviewed by this project voiced resignation that nothing would change and that the police would continue to violate the civil rights of people who are homeless without consequences. Society has an interest in assuring that the constitutional rights of everyone in the community are protected and in weeding out bad cops of other public employees whose conduct violates the public trust.

End slave labor community service sentencing for homeless people arrested or ticketed for Quality of Life and public nuisance. Currently, some homeless folks are ticketed and referred to community court where they are sentenced to perform community service. Who benefits from people being ticketed for existing outside when there is a critical shortage of housing and then be mandated to perform public works at no pay? Homeless people do not benefit, but the Business Districts tied to the community court system benefit from free labor to clean the streets or perform other public works.