

Lawsuit hits oppressive policing of New York apartment houses

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Taking out the trash, checking the mailbox, picking up the basement laundry, swinging by the corner bodega...for hundreds of thousands of New Yorkers, these mundane activities are reason enough for the NYPD to stop, question, harass and even arrest them. “Operation Clean Halls,” New York City’s moniker for its oppressive policing inside private apartment buildings, is now the subject of a class action lawsuit brought by the New York Civil Liberties Union (NYCLU).

Throughout the city, landlords have enrolled approximately 16,000 apartment buildings in the program, primarily in black and Latino working class neighborhoods. Police assume broad powers to stop anyone in hallways and common areas, inside or outside the “Clean Halls” apartment buildings, without any suspicion of criminal activity. Police conduct hundreds of thousands of floor-by-floor sweeps known as vertical patrols annually. To avoid arrests for trespassing, residents are compelled to carry identification any time they step outside their apartment doors.

The NYCLU complaint explains, Operation Clean Halls “stops typically involve full searches and questioning as to the person’s reason for having been inside the building, and frequently result in arrest or the issuance of a summons if the person cannot affirmatively justify his presence to the police officer’s satisfaction.”

Thirteen residents detail the outrageous and repressive character of the program in the complaint. Fawn Bracy and her 17-year-old son live in the South Bronx, where Operation Clean Halls is pervasive. Her son is stopped multiple times per week in the courtyard adjacent to their building as well as inside near the mailboxes and stairs. The police officers typically

question and search the son, despite ID showing he lives at the residence. In June 2011, her son was arrested for trespassing merely for exiting the stairs at a friend’s apartment building, despite the friend’s mother attesting to the authorized visit. As the friend’s mother tried to intervene, the police retorted, “too late.” After a visit to the jail cell, the charges were subsequently dropped.

The Bracys and numerous other families live in constant fear of harassment and arrest for themselves, their families and visitors. The oppressive police presence alters their daily lives; some residents describe feeling like prisoners in their own home, isolated from their family and friends. One resident explains in the complaint that any socializing, even among adult residents in their own yards, is broken up by police and residents ordered back to their apartments.

Operation Clean Halls is just one facet of an overall policy that targets residents of working class neighborhoods, particularly minority youth, for preemptive searches. The Clean Halls program, in existence since 1992, is an extension of the NYPD’s practice of searches in public housing residences. On public streets, the tactic known as stop-and-frisk involved more than 685,000 searches last year, a record high. The most common justification noted in police reports was merely being “present in an area of high crime,” topping other vague and illegitimate reasons like “furtive movement” or “change of direction at sight of an officer.”

Of those stopped and searched by the police last year, the vast majority—88 percent—were completely innocent according to NYPD statistics. Among those arrested, possession of small amounts of marijuana was most common offense. The majority of those stopped and frisked last year were between 14 and 24 years old, and

89 percent were either black or Latino.

Abusive NYPD policing is not limited to illegal searches and seizures. The Associated Press recently exposed an extensive spying operation on Muslims, including infiltrating student groups at universities and traveling outside the city limits to record the day-to-day activities of Muslim shopkeepers and mosque-goers, with no evidence of any criminal activity. In February, police officers shot and killed an unarmed Bronx teen in his apartment as his family members looked on. And the heavy hand of the NYPD remains present at Occupy Wall Street-affiliated demonstrations following the mass arrests and violent evictions last year. At present, even small demonstrations are met by large numbers of police, occasionally even exceeding the number of protesters.

In the face of criticism following revelations of the spying program and stop-and-frisk, the Bloomberg administration has taken the offensive. Police commissioner Ray Kelly reacted disdainfully at a recent City Council oversight hearing, coldly refusing to answer questions about false statements by his deputy and telling the Council members, “you don’t have any answers.” He mocked Democratic Council members’ suggestions for a gun buyback program, arguing that intrusive searches were the only way to get guns off the street.

Mayor Bloomberg has consistently defended the commissioner as well as the stop-and-frisk policy, which has increased in frequency sevenfold since his first year in office. He attributes a decline in New York’s murder rate over the past decade—a trend mirrored nationally—to “innovative law enforcement strategies” such as stop-and-frisk.

Some in the Democratic political establishment, such as City Council speaker Christine Quinn, a front-runner in next year’s mayoral race, have publicly backed the NYPD’s use of preemptive searches. Others have been more critical of the policy, denouncing its overwhelming use against minorities. This calculated division of labor within the Democratic Party seeks to give the impression of defending the rights of minority workers while simultaneously reassuring the city’s better-off that their wealth will be well protected.

Commissioner Kelly may be correct in pointing out that these Democratic critics have no answers. However, far from the only option being a reactionary

and systematic violation of rights, a genuine alternative would necessitate above all addressing the extreme levels of inequality in New York City. The real problem of street crime, although far from what it once was, can only be overcome by a program that defends the social rights of every section of the working class and deals with the overpowering inequality that continues to grow.



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