Review board: New York police routinely conduct aggressive and illegal home searches

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

Thus reads the Fourth Amendment to the United States Constitution, part of the Bill of Rights, which prohibits unlawful searches and seizures by the government. Yet, a new report issued by the New York City Civilian Complaint Review Board (CCRB) leads to the conclusion that the New York Police Department (NYPD) systematically and often violently violates this constitutional right.

Specifically, the report found numerous instances in which the police forcibly or by coercion intruded into people's homes, often late at night or early in the morning, without a valid warrant, or by claiming "exigent circumstances," such as purported imminent danger to someone inside, without demonstrable justification (i.e., they made up an excuse when no emergency existed). Instances in which police fabricated evidence or testimony from informants in order to obtain search warrants were also reported.

Cases cited demonstrate that the police operate with arrogance, total disregard for the law (which they are supposedly defending) and an evident expectation of impunity. In many instances, the police were found to have used offensive language, caused unnecessary property damage or physically assaulted the residents without justification. One officer is quoted as having told the victim of such an invasion, "I can do anything I want."

In another case described in the report, a young man was detained by police on supposed drug-related charges and, while he was at the police station under interrogation, police took his house keys, returned to his home and entered without a warrant. They did so despite the fact that the man's mother refused to sign a form giving them permission to conduct a search. One officer is reported to have screamed at her, "Goddamn it, you f***ing Haitian, just do it."

A 2013 early morning warrantless invasion of a family home by the NYPD caused the father to suffer a fatal heart attack due to the confrontation with police. The police later conceded that the family had nothing to do with the alleged crime they were investigating.

During the five-year period examined by the CCRB, police conducted more than 15,000 searches. The board reviewed 180 of 1,763 of "substantiated" complaints resulting from these searches. In 157 of the 180 cases, residents did not provide voluntary consent for the police to enter and search their homes, and many explicitly refused permission, rendering the warrantless search illegal. Undoubtedly, many more reports of misconduct by the police would have been lodged if the victims had any real expectation of justice. In more than half the cases, police conducting the invasions were in plainclothes (i.e., not in uniform), making them indistinguishable from common criminals.

In the face of this widespread criminality, the CCRB recommended additional officer training, the use of bodycams and increased discipline.

The NYPD claims it has imposed discipline in 64 percent of the cases reviewed by the board. The nature of the "discipline" was not revealed, however. The department stated that they would review whether their policies needed clarification.

It is clear, however, that the systematic violation of constitutional rights is not the result of "a few bad apples" or insufficient training, but pervades all aspects of police work. For example, a recent federal government report revealed that court-ordered modifications to the NYPD's

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notorious “stop and frisk” policy were frequently being ignored, with officers unable to provide legitimate justification for stopping people on the street. In a sample of 600 cases, police failed to justify reasonable suspicion in 28 percent of stops, 27 percent of frisks and 16 percent of searches.

The behavior revealed by the CCRB report is not a surprise to the millions of working class residents of New York, or, in fact, in any community across the country. The reckless arrogance of the police everywhere was highlighted by a recent case in Pennsylvania in which police, while undertaking a forcible eviction, fired at a man standing in his doorway, wounding him and killing his 12-year-old daughter, who was behind him. As if that were not enough, the father has been charged with the murder of his daughter, while the policeman was exonerated of wrongdoing.

Widespread police violence against workers and youth nationally, with total disregard for constitutional rights, is steadily on the increase; be it in the military-style suppression of protests, the wanton killing of many hundreds of mostly unarmed civilians each year, constant harassment of people on the street (e.g., New York’s “stop and frisk” policy) or in the subtler form of the systematic violation of privacy by surreptitious surveillance and monitoring of private communications.

Reacting to the CCRB report, Jose Lopez, spokesperson for New York City group advocating for police reform, stated, “Improper home searches? are just the tip of the iceberg of unconstitutional searches being conducted by the NYPD. In report after report, these police searches that fail to abide by law on the streets and elsewhere continue with impunity. It could not be clearer that neither training nor internal NYPD rules are solving this crisis.”

No matter how many studies are conducted or how many recommendations for increased training are made, brutal and illegal police tactics will not end. As the capitalist crisis deepens, they are the necessary expression of capitalism’s need to intimidate and repress the working class.

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