

Spillover, False Positives, and the Demography of Urban Policing

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Extended Abstract

The punitive turn in the American criminal justice system has led to policies that have had adverse consequences for individuals, families and communities. Aggressive policing and high rates of incarceration have aggravated the conditions that already predict elevated crime rates: concentrated socioeconomic disadvantage, unstable family life, frayed social ties that weaken informal social controls within communities. The result has been a deepening of neighborhood poverty traps that are difficult to reverse (Sampson and Morenoff, 2005; Western 2006). This has particularly been the case in urban neighborhoods where policing models have focused on the geographic embeddedness of crime and its correlates. Hundreds of cities both in the U.S. and abroad have implemented information systems such as COMPSTAT, which emphasize “strategic control... to gather and disseminate information on... crime problems” (Weisburd et al. 2004) which in turn are analyzed to identify “hot spots” of crime, where police resources can be targeted (Sherman et al. 1989, Braga 2005).

At times, policing is focused on specific places and situations where crime is a recurring and concentrated problem. But at other times, policing is pro-active and designed to intervene to reduce conditions of inchoate indicia of disorder that are weakly and vaguely tied to local crime conditions (Garnett, 2005). This latter form of order maintenance policing is spatially targeted at social groups instead of places, and accordingly has exposed subgroups of urban residents to new forms of involuntary interactions with the coercive power of the state. These interactions include temporary “street” detention by the police, frisks, and searches, often at very low levels of suspicion (Thompson, 1999; Spitzer, 1999; Gelman, Fagan and Kiss, 2007). These enforcement patterns have serious consequences, including the entry of names into uncorrected databases of “suspects” (NYCLU, 2010), and rates of arrest and incarceration that are significantly higher than crime levels would predict (Fagan, West and Holland, 2003; Geller and Fagan, forthcoming).

The high rates of street stops at low levels of suspicion in order maintenance policing raise collateral concerns about false positives and spillover among both individuals and communities. First, citizens moving about in spaces or social groups where police are aggressively stopping “suspects” may command police attention simply by their social or spatial locations, at very low levels of “suspicion” and despite not engaging in criminal activity. In fact, their social position provides a cognitive frame where their movements, which are neutral in other settings, may be interpreted as signaling suspicion that “crime is afoot.” (Alpert et al., 2005).

Second, neighborhoods may be policed at levels above those that local crime patterns would suggest are appropriate, simply by their position adjacent to higher crime places. Places adjacent to targeted areas are likely to be located in the same police precincts. Precincts are the administrative units of the police department where departmental policies, including order maintenance strategies, are implemented, supervised and regulated.

Accordingly, central policy mandates may result in comparable levels of policing of neighborhoods within police precincts, even if the local crime conditions in those two areas are vastly different. The result may be unexplained disparities in policing practices that unfairly and inaccurately increase individuals’ risk of police contacts and more serious criminal sanctions. These disparities make an understanding of the determinants of police activity an important goal for researchers and policymakers. The critical question, then, is whether disparities in policing results from the uneven application of police discretion based on local neighborhood characteristics, or whether departmental policy mandates for aggressive and proactive contact stigmatizes all neighborhoods and makes them targets for policing regardless of local crime conditions.

In this paper, we use panel data from New York City to test the extent to which police activity is predicted by local crime rates and other factors in the immediate vicinity, and the extent to which it is, instead, predicted by higher-level policy decisions, disconnected from local crime patterns. We analyze detailed incident-level data on pedestrian stops, also known as “Stop, Question, and Frisk” activity, which has been the dominant mode of police-citizen contact in New York City for nearly two decades. (Fagan et al., 2010) Each stop recorded between 2004 and 2009 has been geocoded to X-Y coordinates, which we aggregate to measure census tract stop totals in each calendar quarter. We estimate a series of multilevel Poisson models that nest tracts (or portions of tracts) within police precincts, to predict tract-level stop activity. Tract-level predictors include legally relevant local conditions such as crime and disorder, extralegal local conditions such as demography and socioeconomic factors, spatial lags to account for conditions in neighboring tracts. We then include precinct-level policy variables, such as staffing and – controlling for crime patterns – the propensity to make arrests for high-discretion crimes that are nuisances, but not public safety threats. Using data on the race of individuals stopped, and detailed

information on the crimes of which they are suspected, we identify the groups of citizens at greatest risk of police contact, and the types of contact they are most likely to experience. We also estimate a series of models to predict the productivity or “hit rates” of street stops, identifying the likelihood that stops lead to an arrest or summons.

We hypothesize that at a local level, rates of stops and subsequent police actions are predicted by crime and its covariates, both legally relevant factors such as disorder, and extralegal factors such as poverty and race. However, we anticipate that micro-local enforcement patterns are embedded in larger administrative units, where policing policy is implemented and managed. Police officers receive directives from their precinct commanders, and it is at the precinct level that accountability is managed and crime conditions are reported to the city. Accordingly, we predict that although hot spots policing might suggest concentrations of crime within small geographic areas, tract-level enforcement patterns will be predicted largely by precinct-level policy decisions. We also anticipate that stops in these areas will be less productive, with hit rates lower in stops driven by policy, rather than immediate local conditions. Given high rates of both crime and stop activity in black neighborhoods, we anticipate significant interactions between tract racial composition and precinct-level policies in predicting stop activity – and in predicting diminished productivity of street stops.

Finally, we estimate the relationships between local demographic conditions and police reliance on policy directives. We use cross-level interactions to test whether patrol strength and propensity to arrest are stronger predictors of stop activity in black neighborhoods, in which crime rates tend to be higher, and police may be under greater pressure to act proactively and demonstrate high rates of activity.

The broad implementation of policing policy has the potential to stigmatize city neighborhoods not only for their local rates of crime and disorder, but also for conditions in their surrounding areas. This spillover threatens to expose residents of these stigmatized neighborhoods to elevated rates of police surveillance and citizen contacts, with little return in terms of public safety. To the extent that these hypotheses are borne out, this raises serious concerns that policing in urban areas is dictated by policy mandates that exceed the boundaries of constitutionally permissible factors, with grave consequences for residents and communities.

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