We Are the Prey: Racial Profiling and Policing of Youth in New Bedford

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Thank you to co-sponsors
Presentation Overview

• Citizens for Juvenile Justice (CfJJ)
• Report Background, Methodology
• 8 Key Findings
• Recommendations
• Moderated Q & A

The report is now live: https://www.cfjj.org/we-are-the-prey
Citizens for Juvenile Justice: Who we are

Founded in 1994, Citizens for Juvenile Justice is the only independent, non-profit, statewide organization working to improve the juvenile justice system in Massachusetts.

As an independent research and policy organization, we are uniquely positioned to understand and advocate for the whole system – Juvenile Justice and the other child serving systems that often feed into juvenile justice.

We don’t represent individual juvenile clients. Instead, we try to change the way the entire system operates.

• We advocate for smart policies that prevent crime, help youth develop into responsible citizens, and use resources wisely.
• Our work includes advocacy with the legislature and the executive agencies, research, convening, public education and media outreach.
Citizens for Juvenile Justice: Who we are

**Mission**: Our mission is to advocate for statewide systemic reform that achieves equitable youth justice

- This includes fair and effective systems serving young people in Massachusetts, that promote positive development and successful outcomes for young people.
- CfJJ works to ensure that Massachusetts includes kids in the juvenile system who are now consigned to the adult system, keeps kids out of the juvenile system who don’t belong there, and treats youth who are in the system fairly and effectively.
- Our goal is to ensure not just a fair and effective juvenile justice system, but fair and developmentally appropriate child serving systems that prevent vulnerable youth from entering the juvenile justice system.
Report Background and Methodology
A “Terry Stop” is a brief police stop of a suspect. They must have **reasonable suspicion** that a crime has been, is being, or about to be committed in order to justifiably stop the suspect.

- If there is reasonable suspicion that the suspect is armed and dangerous, the officer can frisk or pat down the suspect’s outer clothing.
- Publicly known as “stop and frisk”, “stop, question and frisk” and “field interrogation and observation” among other terms.

Scope: Cannot exceed the time needed to handle the matter for which the stop was made. If it does, it violates the first amendment – *Rodriguez vs. United States (2015)*
Controversy – Racial Profiling & Police Stops

The aggressive use of “Terry Stops”/“Stop and Frisk” practices has been associated with racial profiling and violating civil rights in Black and Brown communities.

• In 2011 in NYC, 685,000 stops were made, with 87% being Black or Latino.
• 88 percent were not charged with any offense
• Guns, which was the stated reason for the practice, were found in only 0.1% of stops

Led to the City of Floyd vs. NY class action lawsuit – City held liable for violating the 4th and 14th amendment rights of Black and Latino suspects due to the “widespread practice of suspicionless stops and frisks”
Controversy – Racial Profiling & Police Stops

The aggressive use of “Terry Stops”/”Stop and Frisk” has been associated with racial profiling and violating civil rights in Black and Brown communities.

• In Boston*, Black residents accounted for 63% of stop and frisks despite only accounting for 25% of the city’s population.
• More than 200,000 stops led to no arrest or charge with any offense
• Contraband was only found in 2.5% of stops
• The most heavily targeted neighborhoods (Roxbury, Dorchester and Mattapan) are also Boston’s most diverse

*Study collected Field Interrogation and Observation Reports on Stop & Frisks conducted in the City of Boston from 2007-2010
Police Stops and Young People

The aggressive use of “stop & frisk” practices is especially problematic for young people

A study in the American Journal of Public Health focused on the mental health impact of Stop and Frisk practices on youth.
• Young men reporting police contact, particularly more intrusive contact like stop and frisk, displayed higher levels of anxiety and trauma associated with these experiences.
• Stop frequency and intrusion (how intrusive an officer’s behavior was towards a young person) was linked to PTSD
• Black youth had the highest prevalence of PTSD in the research sample.

* “Aggressive Policing and the Mental Health of Young Urban Men”, Amanda Geller, Jeffrey Fagan, Tom Tyler and Bruce Link. (2014)
Methodology

- Public Records Requests → Policies and two data sets
- Key informant interviews
- Data and policy analysis
Dataset 1: “Field Incident Report” Data

Dataset of 4,997 individuals representing 2,210 separate "Field Incident Reports" from Jan 2015 - June 2020

- “Field Incidents Reports” include encounters (stop and frisk), interrogations, and officer’s observations, which may not include an encounter.
  - In other words, this data includes stop and frisk stops, and other police observations.

- NBPD claims not to specifically collect stop and frisk/field interrogation data specifically.
Dataset 2: New Bedford ‘Gang’ member List

613 individuals on the New Bedford ‘verified’ gang member list as of October 2020:

- 97% are male
- 12 young people under 18 (2% of total)
Finding 1 | Police in New Bedford operate in a policy vacuum concerning field interrogations, stop and frisk and gang identification

• The NBPD does not have a specific field interrogation policy, but rather a “High Energy Patrol Initiative” policy from January 26, 2006.

• Gang Assessment Criteria:
  ◦ The department does not have a written policy that (1) indicates how people are identified as being gang involved or affiliated, (2) provides standards for notifying individuals that they have been identified, or (3) provides a process for appealing such a determination or requesting removal from the gang list.
Finding 2 | Police interactions in New Bedford are geographically clustered in poor, non-white neighborhoods, suggesting racial bias in policing.


New Bedford Median Income (ACS, 2014-2018)

<table>
<thead>
<tr>
<th>QUANTILES</th>
<th>14% - 39%</th>
<th>39% - 51%</th>
<th>51% - 70%</th>
<th>70% - 84%</th>
<th>84% - 98%</th>
</tr>
</thead>
</table>

| QUANTILES      | $13,450 - $30,723 | $30,723 - $40,324 | $40,324 - $47,810 | $47,810 - $61,120 | $61,120 - $93,203 |
Overall field incident reports (2015 – June 2020)


QUANTILES:
- 0 - 14
- 14 - 22
- 22 - 34
- 34 - 71
- 71 - 791

Maps show the distribution of field incident reports within census blocks, with quantiles indicating the range of reported incidents.
3,205 field incident reports (approximately 64%) filed in just 17 out of the 87 block groups in New Bedford.
Overall Field Incident Reports Filed (2015 to 2020): Consistent neighborhoods
Young people (both minor children under age 18 and those age 18-20) are stopped in the same neighborhoods of color as their older counterparts.
Notes on race and ethnicity

- Race: Fluid and socially constructed concept.

- Race and ethnicity data are collected separately on census.
  - So how to count a person who identifies as both Black and Hispanic?

- Self-identified vs officer-identified

- Imperfect categories to capture rich identities
Youth Arrest Rates Declined in New Bedford since 2010, though faster decline for white youth

Finding 3 | Black and Hispanic individuals are significantly over-policed in New Bedford

Field incidents by race and gender

Overall demographics of New Bedford, compared with demographics of police stops.

Note 1: Gender per race of general population estimated using overall New Bedford demographics.

Note 2: For police incident analysis, Black Hispanic individuals are counted as Black.

Source: https://www.census.gov/quickfacts/fact/table/newbedfordcitymassachusetts/PST045219
Finding 4 | A small number of officers drive police stops and these officers overwhelmingly stop New Bedford residents and visitors of color

- Ten officers were involved in nearly 46% of all incidents. A total of 186 different officers were involved in at least one incident during the time span.

- The five most prolific officers filed field incident reports that were between 77% and 84% Black or Hispanic in a city that is less than 30% Black or Hispanic.
Finding 5 | Police stops skew heavily on young people, and in the middle of the night

- Police appear to target young Black males, which leads to over-criminalization of this population, and feeds into mass incarceration.
- In 2020, Black people accounted for over 17% of all criminal charges in New Bedford.

Source: https://www.mass.gov/doc/2020-charge-data
Field incidents occur most frequently between midnight and 3:00 a.m.
Finding 6 | Many police stops occur close to public housing and public schools

Public Housing: 13.6% of field incident reports transpired within 0.1 mile of a public housing property, and 55.8% occurred within 0.25 miles of public housing.

Schools: With 550 incidents, the school that saw the most stops within a 0.25 mi radius was Global Learning Charter Public School.
Finding 7 | NBPD’s gang database is over-represented with Black and Latino young men, though the city lacks a meaningful policy, making gang identification a subjective act

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Number</th>
<th>%</th>
<th>Age</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>2</td>
<td>0.3%</td>
<td>15-17</td>
<td>13</td>
<td>2.1%</td>
</tr>
<tr>
<td>Black (including both Hispanic, and non-Hispanic)</td>
<td>331</td>
<td>54.0%</td>
<td>18-20</td>
<td>43</td>
<td>7.0%</td>
</tr>
<tr>
<td>White (non-Hispanic/Latinx)</td>
<td>131</td>
<td>21.4%</td>
<td>21-25</td>
<td>162</td>
<td>26.4%</td>
</tr>
<tr>
<td>Hispanic/Latinx (non-Black / non-Asian)</td>
<td>145</td>
<td>23.7%</td>
<td>26-34</td>
<td>305</td>
<td>49.8%</td>
</tr>
<tr>
<td>Unidentified</td>
<td>4</td>
<td>0.7%</td>
<td>35-44</td>
<td>70</td>
<td>11.4%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>45-54</td>
<td>15</td>
<td>2.4%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>55-65</td>
<td>5</td>
<td>0.8%</td>
</tr>
</tbody>
</table>
Racial Disparity in the Gang Database

- Among residents of New Bedford, **Black people are over 27 times more likely to be on the gang list than white people, and non-Black Hispanics are 3.8 times as likely as white residents.**

- People of color (Black or Hispanic) make up
  - 78% of all people on the gang list
  - 81% of New Bedford residents on the gang list.
  - New Bedford residents of color are 9.8 times more likely to be on the gang list than white residents.

- Fully 4.4% of all Black New Bedford residents are on the gang member list, and considering gender breakdown, approximately 8.8% of all Black males in New Bedford are listed as “verified” gang members.
Significant Problems with the Gang Database

• Subjective manner of getting on list (i.e., the point system).
• Lack of ability for a person to know whether they are on the list, to appeal or ask for removal from the list.
• Obvious disparate impact on communities of color.
• Negative repercussions in juvenile justice, criminal justice and immigration system for inclusion on the gang list. This includes higher bails, lengthened sentences, requirements to wear a GPS post-case disposition, and possible deportation.
<table>
<thead>
<tr>
<th>No.</th>
<th>Criteria</th>
<th>Point Value</th>
<th>Agency Defined</th>
<th>Per Transaction</th>
<th>Transactions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ASSOCIATE</td>
<td>10</td>
<td>Y</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Contact with known gang members/associates</td>
<td>02</td>
<td>N</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Court and investigative documents</td>
<td>09</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Documented association, if in custody or incarcerated</td>
<td>04</td>
<td>N</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Documented association, if not in custody or incarcerated</td>
<td>04</td>
<td>N</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Group related photograph</td>
<td>04</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Information developed during investigation and/or surveillance</td>
<td>05</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Information from anonymous informant or tipster</td>
<td>01</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Information from reliable, confidential informant</td>
<td>05</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Information not covered by other selection criteria</td>
<td>01</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Information received from an unaffiliated law enforcement agency</td>
<td>08</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Known group tattoo or marking</td>
<td>08</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Membership documents</td>
<td>09</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Named in documents as a member</td>
<td>08</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Participation in publications</td>
<td>08</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Possession of documents, if in custody or incarcerated</td>
<td>04</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Possession of documents, if not in custody or incarcerated</td>
<td>08</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Possession of gang publications</td>
<td>02</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Prior validation by a law enforcement agency</td>
<td>09</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Published news accounts</td>
<td>01</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Self admission</td>
<td>08</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Use and or possession of group paraphernalia or identifiers</td>
<td>04</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Victim/Target affiliated with / member of rival group, if in custody or incarcerated</td>
<td>03</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Victim/Target affiliated with / member of rival group, if not in custody or incarcerated</td>
<td>08</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
</tbody>
</table>
Finding 8 | NBPD exhibits an internal culture of racial insensitivity

- Lack of diversity in leadership

- Incidents of concern

- Take away: The paramilitary culture that prioritizes the ‘old guard’ makes challenging incidents of racism difficult.
  
  - This is an institutional problem, not an individual problem.
Recommendations
Youth Recommendations

Recommendation 1 | Require police officers to use body cameras.

Recommendation 2 | Change the way officers are trained: “Tell them to serve people, not that they have power over us.”

Recommendation 3 | Have officers of color patrolling the neighborhoods.

Recommendation 4 | End the practice of police living virtually rent free.
Addressing the over-policing of neighborhoods of color and of Black and Latinx residents (Findings 2 and 3)

**Recommendation 5** | Reinvest in non-policing youth development and public safety strategies.

**Recommendation 6** | NBPD leadership should commit to regularly review data on stops and incidents and to immediately address officers involved in biased practices.

- Implement a public-facing data portal so the community can hold NBPD accountable.
Addressing the over-policing of neighborhoods of color and of Black and Latinx residents (Findings 2 and 3)

**Recommendation 7** | Implement a racial profiling policy that defines racial profiling as a law enforcement officer’s reliance – to any degree – on a person’s race to determine whom to target for law enforcement action.

**Recommendation 8** | Police leadership should engage in constructive conversations with communities of color with an aim to reduce discriminatory law enforcement policies and practices.

**Recommendation 9** | Discontinue the practice of profiling, stopping, and/or harassing students on their way to middle- and high-school.

**Recommendation 10** | Discontinue the practice of having police officers living virtually rent-free in/near public housing.
Recommendation 11 | NBPD should implement changes to how it incentivizes and promotes its officers and command staff.

- The fact that the police officer responsible for the highest number of incident reports over the last five years was recently promoted suggests that policing practice by individual officers that aims primarily at surveilling Black and Latinx young people is rewarded by the department.
Recommendation 12 | NBPD should stop compiling and utilizing the gang database that is overwhelmingly populated by youth of color. At the very least, NBPD should implement a policy which:

1. indicates how people are identified as being gang involved or affiliated;
2. provides standards for notifying individuals that they have been identified on the list; and
3. provides a process for appealing a determination or requesting removal from the gang list.
Addressing the use of a database of “verified” gang members in New Bedford that skews heavily on young people of color (Findings 1 and 7)

**Recommendation 13** | The Massachusetts Legislature should consider legislation that limits the use of gang databases, and requires means of identification, notification, and facility to appeal such designation.

**Recommendation 14** | NBPD should implement the police reform legislation, “An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth.” Especially important is implementation of Section 22(ii) of the legislation, which emphasizes officers to utilize developmentally appropriate approaches to policing young people.
Addressing NBPD’s culture of racial insensitivity
(Finding 8)

Recommendation 15 | Police leadership should increase internal accountability, including systemic review of resident complaints alleging racial profiling, as well as conduct a full audit to review existing policy, operations and practices that may be contributing to patterns of racial profiling.

Recommendation 16 | Police leadership should set higher and clearer thresholds for reasonable suspicion, including adopting prescriptive guidance on when stops may be made.

Recommendation 17 | The school superintendent should respond to demands from advocates and members of Black and brown communities and remove school resource officers from New Bedford Public Schools (NBPS) and strengthen any existing MOU between NBPS and NBPD to clearly define procedures for police response to school based incidents.
Addressing NBPD’s culture of racial insensitivity (Finding 8)

**Recommendation 18** | Create an independent and fully funded civilian oversight board with subpoena power led by those most impacted by structural racism and state-sanctioned violence.

**Recommendation 19** | Conduct a thorough and independent investigation into NBPD’s use of surveillance technology, including its costs relative to its efficacy, the violation of civil liberties, and most importantly, its disparate impact on communities oppressed by structural racism, class domination, and xenophobia.
In Closing: Specter of Police Retaliation

• Young people have expressed concern about police retaliation for the release of this report.

• “Because this information is coming out, there may be retribution and reaction that is going to target those who are powerless.”

• While many professionals may be protected, the young people will bear the brunt of this, not the adults. Young people don’t have the space to complain. They have normalized this treatment by the police.

• How do we create a support mechanism for them? How do we make ways to ensure that there isn’t retaliation?
Thank you!

For more information:

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