

The Intercept

Disbanding Notorious NYPD Anti-crime Unit is a “Shell Game” critics say

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June 16, 2020

Facing massive ongoing protests against police brutality, the New York City Police Department announced on Monday that it is disbanding a hyperaggressive and notoriously trigger-happy plainclothes unit.

A majority of the roughly 600 officers in the department’s “anti-crime” units would be immediately moved to other assignments, NYPD Commissioner Dermot F. Shea said in a [press conference](#), though a portion would continue to patrol the city’s subways. The reassigned officers will take up positions in the detective’s bureau and the department’s community policing efforts, Shea said, as the NYPD replaced its prior emphasis on “brute force” with an embrace of intelligence and technology-driven policing.

“This is a seismic shift in the culture of how the NYPD polices this great city,” Shea told reporters. “It will be felt immediately in the communities that we protect.”

But it was hardly the first time the NYPD had promised change, and the announcement was met with a great deal of skepticism by advocates wary of empty talk of reform. Monifa Bandele, vice president of criminal justice campaigns at MomsRising and a member of the policy leadership team for the Movement for Black Lives, called the move a “shell game” and a “distraction,” aimed at diverting New Yorkers’ attention from growing calls to [defund the NYPD](#).

“It’s moving around resources and actual police officers, shuffling them around within the department to make it look like what we’re asking for, but we’re actually calling for a much larger systemic shift,” Bandele told The Intercept. “We’re not talking about shuffling resources and people within the police department. We’re talking about moving around resources within the citywide budget in a way that makes our communities safer. That means actually moving money out of the NYPD budget, and moving those resources into education, housing, mental health services, homelessness services.”

“Internal personnel changes don’t really address the fact that our communities are over-policed and under-resourced.”

Albert Cahn, director of the Surveillance Technology Oversight Project, called the move to disband the unit “a publicity stunt.”

“They tried this same tactic before,” Cahn told *The Intercept*. “It’s simply an easy way for them to take a page out of the NYPD PR handbook and avoid real structural reform. And if these officers are simply doubling down on the NYPD bias and broken surveillance of communities of color, it’s going to result in more police violence.”

“I’ve seen this cycle play out before, where you have outrage and then the NYPD claims it will fix it,” he added. “And then they do a mild change.”

Indeed, while the disbanding no doubt reflected the immense pressure that more than two weeks of sustained protests have had on the decision-making of even the largest police department in the country, the move was also infused with a bit of *déjà vu*.

The modern anti-crime units in New York City were born in a similar period of unrest more than two decades ago. On a winter night in February 1999, four plainclothes NYPD officers roaming the south Bronx spotted a 22-year-old man stepping out of his apartment. The man’s name was Amadou Diallo: He was a West African immigrant who sold socks and gloves in Manhattan to make money for his family back home. The officers would later claim that Diallo made “furtive gestures.” They opened up on him, firing 41 shots, 19 of which hit their target.

Diallo’s killing was a critical moment in New York City policing history. In the aftermath, there were protests and litigation — including a lawsuit that, 14 years later, would find that the NYPD had engaged in a widespread pattern of racial profiling and give the current mayor an issue on which to propel himself to office. At the center of the civil turmoil was the supposedly elite police crew behind the shooting: the Street Crimes Unit.

Reform From Within

The plainclothes cops were the rough face of a new form of numbers-driven policing, supported by the latest in law enforcement technology and undergirded by an increasingly fashionable theory of policing called “broken windows.” A [2000 report](#) by the Cato Institute described the culture of the unit as “militaristic,” with officers talking of “retaking neighborhoods.” Members even designed T-shirts to represent their clique. Borrowing a line from Hemingway, they read: “Certainly there is no hunting like the hunting of man, and those who have hunted armed men long enough and liked it, never really care for anything else thereafter.”

In 2002, with the Street Crimes Unit tied up in litigation stemming from the Diallo killing, NYPD Commissioner Ray Kelly announced that the officers would be rolled into newly emerging, borough-wide units that, [according to the New York Times](#) would, “perform much the same function as the Street Crime Unit, patrolling in unmarked cars looking for criminals.” The name of the new units was anti-crime.

More than a decade and a half later, the NYPD is now saying that anti-crime, too, has got to go. In the press conference announcing the decision, Shea praised the “thoughtful discussions

about reform” that emerged from two weeks of protests. The commissioner went on to highlight a number of bills passed at the state and local levels.

“The truth is that most of these bills will not have significant impact on day-to-day operations of the NYPD — I say this because most of what is codified in these bills was already being practiced by policies and procedures of the NYPD,” Shea claimed. “We welcome reform, but we also believe that meaningful reform starts from within.”

It was hardly the first time a police commissioner had promised the department would reform from within. In 2016, two-time NYPD Commissioner William Bratton, argued on his last day before retirement that police reform couldn’t be legislated and that only police could change themselves.

“There are police reformers from outside the profession who think that changing police culture is a matter of passing regulations, establishing oversight bodies and more or less legislating a new order,” Bratton wrote in an op-ed then. “It is not. Such oversight usually has only marginal impact. What changes police culture is leadership from within.”

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And as Shea is doing now, Bratton’s successor, James O’Neill, promised a new era of “community policing” in New York City. Before being appointed commissioner, O’Neill had spearheaded the city’s Neighborhood Coordination Program, New York’s version of a nationwide push toward what proponents had promised would be a gentler, friendlier police presence. The pivot towards community policing, aided by significant federal investment in local departments, came as the Obama administration’s response to the protests that from Ferguson, Missouri, spread across the country starting in 2014.

In New York City, despite little evidence it had done anything to improve police-community relations, O’Neill’s neighborhood policing initiative was replicated across precincts, and earlier this year, Shea announced a new youth-focused police initiative modeled after the Neighborhood Coordination Program. Earlier this month, before capitulating to protesters’ demands that the city cut the NYPD’s budget, Mayor Bill de Blasio again touted community policing as the reason why the NYPD’s resources couldn’t be cut. “I do not believe it is a good idea to reduce the budget of the agency that is here to keep us safe and the agency that is instituting neighborhood policing,” said the mayor, calling the initiative a “game-changer” and the “future of policing.”

But the NYPD had plenty of opportunity to show that community policing works, or that, as Bratton and Shea have both claimed, police can reform from within. The latest protests, in New York as elsewhere, are yet more evidence of the failures of police reform — but those who have been calling for radical changes to policing for years warn that what the NYPD is calling a seismic shift may in fact be a distraction to appease the protesters before returning to the old status quo under a new name.

Community policing, they say, is particularly insidious because of the false image it evokes. “It’s a word that they’ve clearly polled and workshopped,” said Bandela. “So by calling it community policing, they’re basically pitching an idea to people that feels good and sounds good. But what we know, in essence, is that it is just the continued over policing of our community.”

Assigning police to community outreach work, she added, “continues to broaden the job description of police officers.”

“There are people for whom, that’s their passion, they went to school for that, they dreamed of being that their whole lives,” she said. “We should resource them... Continuing to adjust police officers’ job description to justify their excessive budget has to stop.”

Instead, advocates say, reform should happen at the budgetary and legislative levels. Since the protests started, New York state legislators passed two major bills that had been on the table for years: one banning chokeholds and the other repealing a law, known as 50-a, that has long protected officers accused of misconduct from public scrutiny. This week, legislators are expected to vote in favor of the Public Oversight of Surveillance Technology Act, or POST Act, another piece of legislation that advocates for greater police transparency have lobbied in favor of for more than three years.

“Right now we have more state and local policing reform legislation posed to pass in New York City and New York state than in the past decade combined,” said Cahn. “I think lawmakers know that it’s not a matter of whether they can take on NYPD, it’s that they have to take on the NYPD if they want to keep their jobs.”

21st Century Policing

In 2018, an [investigation by The Intercept](#) found that the anti-crime officers Shea is now assigning to detective work and community policing shot people to death at a considerably higher rate than their colleagues. Analyzing data from the Fatal Encounters project, the investigation found that despite their relatively small numbers, plainclothes NYPD cops were involved in nearly a third of the city’s lethal police shootings recorded in the nearly two decades after Diallo was killed.

“I think we can do better,” the commissioner told reporters, noting anti-crime’s “disproportionate” representation in shootings and civilian complaints. “I think policing in 2020 is not what it was five, 10, or 15 years ago,” Shea said, adding that he began reviewing the unit’s impact on communities last year. “It was always in the back of my mind.”

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Unlike uniformed patrol officers, whose work is largely dictated by 911 calls that come over the radio, anti-crime units are self-directed, meaning that they spend much of their time prowling neighbors in unmarked cars looking for “activity” to respond to. The units are plainclothes but not undercover — while they are not dressed in NYPD blue, they are not in disguise either. Like the Street Crimes Unit of the 1990s, anti-crime units have been known to

wear civilian gear — T-shirts, patches — that mark their allegiance to a militarized strain of modern American law enforcement. When anti-crime officers gunned down Saheed Vassell in Brooklyn in the spring of 2018, for example, one of the officers involved was seen wearing a Punisher T-shirt — the comic book vigilante’s logo is one of the most popular symbols of warrior-style policing.

The Vassell killing was one of several high-profile incidents anti-crime officers have been linked to in recent years. In 2013, anti-crime officers in the hyperpoliced neighborhood of Flatbush shot 16-year-old Kimani Gray to death as his friends and neighbors watched, sparking days of protests. The police claimed that the teen had a gun. Eyewitnesses said Gray was empty-handed and begging for his life when he was killed. During a historic federal trial later that year, challenging the NYPD’s stop-and-frisk practices, anti-crime officers were often linked to some of the department’s most egregiously unconstitutional policing. The following summer, anti-crime Officer Daniel Pantelo choked an unarmed Eric Garner to death in Staten Island, sparking another round of protests.

The NYPD is seeking to distance itself from this violent legacy, Shea said. “This is 21st century policing,” the commissioner explained. “Intelligence, data, ShotSpotter, video, DNA, and building prosecutable cases.” Shea added that, in his view, the decision to disband anti-crime marked a “closing of one of the last chapters of stop, question, and frisk.”

“I think it’s time to move forward and change how we police in this city,” the commissioner said. “We can do it with brains, we can do it with guile, we can move away from brute force.”

Shea added that plainclothes units will continue to serve in the department for the purposes of surveillance, drug enforcement, “or things of that nature.”

But the NYPD’s announcement that former anti-crime unit members would shift toward intelligence and technology-driven policing was a red flag, advocates noted.

That shift has been underway for years as, mostly in response to the ruling that found stop-and-frisk to be unconstitutional, the NYPD largely moved from arbitrarily stopping New Yorkers in mostly black and Latino communities toward surveilling those same communities under the guise of anti-gang policing. Starting in 2012, with the launch of the anti-gang “Operation Crew Cut,” the NYPD started devoting large resources to track the social media activities of many of the same people officers used to stop and frisk in the past. As The Intercept has previously reported, the surveillance effort led to a series of mass raids and indictments that caught up dozens of young people based largely on those they interacted with online and off. It also led to the severe expansion of a secretive “gang” database maintained by the NYPD, which as of 2018 included some 42,000 people, based on a set of arbitrary criteria and often in the absence of criminality.

Much of what the NYPD does as part of what it calls “intelligence and technology-driven policing” is shielded from public scrutiny, noted Cahn, who added that the expected passage of the POST Act should shed some light on those practices.

“We have absolutely no idea how intelligence resources are being allocated because they’re able to circumvent public oversight and purchase many of these systems with private and

federal funds, and not even tell the city council what sorts of systems they're using," he said. "I'm terrified that this will mean more reliance on facial recognition, more reliance on ShotSpotter, more reliance on the so-called gang database, which was explicitly built out as a digital version of stop-and-frisk."

And the prospect of more surveillance-based policing, with little public accountability, was particularly worrisome at a time when the NYPD faced some of the greatest challenges to its legitimacy as tens of thousands of New Yorkers took to the street to protest them for more than two weeks.

"We're absolutely terrified that we're going to see people going into NYPD databases for years," said Cahn, "simply because they exercised their First Amendment right to protest."