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FORDHAM URBAN LAW JOURNAL - ESSAY- LOCAL POLICING IN A POST - 9/11 WORLD

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FORDHAM URBAN LAW JOURNAL**ESSAY****LOCAL POLICING IN A POST - 9/11 WORLD**

Chauncey G. Parker

I believe that the era following September 11, 2001 (“September 11” or “9/11”) will be remembered as the golden age of law enforcement, the age of a bold paradigm shift inspired by the great challenges we face. It is instructive first to reflect on the old paradigm: as law enforcement agencies, we moved like swimmers in different lanes, all going the same direction with the same mission, yet also working by and for ourselves. Each criminal justice agency dealt with its own issues, staying—for the most part—in its own lane. Then, 9/11 changed everything:

News Anchor Tom Brokaw tells the story of meeting a young New York City fireman a week after September 11th. The fireman had just participated in a memorial service for some of his fallen colleagues, and the two of them talked about the tragedy. “As I said goodbye,” Mr. Brokaw recalled, “he grabbed my arm and his expression took on a tone of utter determination and he said, “Mr. Brokaw, watch my generation now, just watch us.” And as the author of the acclaimed *The Greatest Generation*, the story of the World War II cohort that saved America from Nazism, Mr. Brokaw said he knew just what the man was saying: “This is our turn to be the greatest generation.”¹

Indeed, it is our turn to be the greatest generation. Just as World War II fundamentally changed the world, so too have the events of 9/11. It is now our turn to rise to the challenge.

We can no longer afford to fight crime independently; rather, we must build partnerships across agency lines. We can no longer afford to limit access to criminal intelligence to only those officers in a particular agency; rather, we must share information across agency lines. We can no longer afford to react to crimes after they have taken place; instead, we must prevent them in the first place, just as the NYPD has done through its

1. Thomas L. Friedman, Editorial, *Ask Not What . . .*, N.Y. TIMES, Dec. 9, 2001, at 13.

renowned CompStat crime fighting strategy. To become today's greatest generation, we must fight crime strategically, and we must do so together.

As New York State Director of Criminal Justice, I am committed to ensuring that all of our criminal justice resources are dedicated to accomplishing two goals: reducing crime and improving criminal justice services. Every day, we hold ourselves accountable for making progress toward these core goals. Our philosophy is simple: what gets measured, gets done. Most importantly, of course, we measure crime. Continued reduction in crime is our primary goal and responsibility.

The crime rate in New York continues to decline. In 1994, New York State was the sixth most violent in the nation.² Today, a decade later, we are the seventh safest state overall, and the safest big state in America.³ Governor Pataki continues to work tirelessly to make New York State the safest state in the nation by the end of the decade.

Our crime rate is the lowest it has been in almost forty years.⁴ There were 400,000 fewer crimes committed in 2003 than in 1994.⁵ While 2004 crime data is still being reported by police departments around the state, our preliminary estimates show that crime continued to decline this past year. The violent crime rate has decreased by fifty-two percent over the past ten years,⁶ and New York continues to lead the nation in reducing the rates for both violent and property crime.⁷ Since Governor Pataki took office, the murder rate has decreased by fifty-six percent, robbery by sixty-one percent, and motor vehicle theft by sixty-seven percent.⁸

Since fewer crimes are being committed, fewer felons are going to state prison, and the New York prison population continues to decline for the sixth year in a row,⁹ even as it increases nationwide.¹⁰ Today, there are

2. FEDERAL BUREAU OF INVESTIGATION (FBI), CRIME IN THE UNITED STATES 1994: UNIFORM CRIME REPORTS (Nov. 19, 1995), *available at* <http://www.fbi.gov/ucr/ucr.htm#cious> [hereinafter FBI CRIME 2004] (last visited Oct. 1, 2005).

3. FBI, CRIME IN THE UNITED STATES 2003: UNIFORM CRIME REPORTS (October 25, 2004), *available at* <http://www.fbi.gov/ucr/ucr.htm#cious> [hereinafter FBI CRIME 2003] (last visited Oct. 1, 2005).

4. NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES (NYSDCJS), CRIMINAL JUSTICE DATA SHEET (Apr. 25, 2005), *available at* <http://criminaljustice.state.ny.us/crimnet/ojsa/cjdata.htm> [hereinafter CJS DATA SHEET] (last visited Oct. 1, 2005).

5. *See id.*

6. *See id.*

7. *See* FBI CRIME 2003, *supra* note 3.

8. *See* CJS DATA SHEET, *supra* note 4.

9. Chauncey Parker, Testimony before the Joint Legislative Fiscal Committee on the 2005-2006 New York Executive Budget (Feb. 2, 2005), *available at* <http://criminaljustice.state.ny.us/pio/2005-2-02testimony.htm> (last visited Oct. 1, 2005).

8,000 fewer inmates than the nearly 71,500 housed in 1999.¹¹ This represents a decrease of eleven percent, which we have accomplished without any reduction in public safety. Parolees are being re-arrested and re-incarcerated at the lowest rates in over a decade.¹²

As the prison population has decreased, the percentage of state prison inmates serving time for violent felonies has increased.¹³ When Governor Pataki took office, violent felons represented fifty-one percent of the prison population.¹⁴ At the end of 2004, fifty-seven percent of the inmate population was incarcerated for violent offenses.¹⁵ Governor Pataki has championed laws and policies that target the most violent criminals, while providing opportunities for select, non-violent offenders to earn early release, or, in the appropriate circumstances, to be diverted into treatment programs as an alternative to prison.¹⁶

Our remarkable progress in simultaneously reducing crime, the prison population, and parolee recidivism is also attributable to exceptional leadership at all levels of government, and most importantly, the dedication and hard work of the men and women working in the trenches in criminal justice organizations across the state: including prosecutors, police officers, deputy sheriffs, troopers, probation officers, parole officers, corrections officers, and federal agents. The Governor insists, however, that we can, and must, do better.

Our mission is to better integrate enforcement, diversion, and re-entry. Individually, these efforts are meaningful. Together, they have the potential to alter the paradigm of New York's crime reduction efforts for generations to come.

OPERATION IMPACT

Our crime reduction efforts are spearheaded by Operation Integrated Municipal Police Anti-Crime Teams ("Operation IMPACT"), the plan for which was announced last year by the Governor during his 2004 State of the State address. The primary goal of Operation IMPACT is to drive down crime, especially violent crime, in areas of the state that have not fully benefited from the overall crime reduction. Those target areas are

10. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T. OF JUSTICE, PRISON STATISTICS (June 30, 2004), available at <http://www.ojp.usdoj.gov/bjs/prisons.htm> (last visited Oct. 1, 2005).

11. See PARKER, *supra* note 9.

12. *Id.*

13. *Id.*

14. *Id.*

15. *Id.*

16. *Id.*

outside of New York City. In 2003, the fifty-seven counties outside of New York City represented nearly fifty-five percent of the state's crime;¹⁷ in 1994, they represented only forty-two percent.¹⁸

The key to the success of Operation IMPACT is the development of data-driven, comprehensive, crime-reduction strategies tailored to each community, based on the collection, sharing, and analysis of crime information and criminal intelligence at the federal, state, and local levels. This year, under IMPACT, we will bring together three core areas—enforcement, diversion, and re-entry—expanding upon our first year of IMPACT, which primarily focused on enforcement.

Through IMPACT, district attorneys and police leaders are coordinating local task forces of federal, state, and local law enforcement agencies, along with community leaders, faith-based groups, and other local stakeholders. Working together, they are developing and implementing comprehensive strategies for their counties. These local task forces are empowered to request designated IMPACT resources from the New York State Police, New York State Division of Parole, the New York State Division of Criminal Justice Services, and many other partner state agencies. A key feature of IMPACT is the availability of the New York State Police—with expertise ranging from uniform patrol to narcotics enforcement to forensics services to intelligence analysis—to assist local communities, upon request, in intensive enforcement efforts.

Operation IMPACT is working. In 2004, murder in IMPACT communities decreased by almost twenty percent.¹⁹ Rochester, the first operational IMPACT site, experienced a one-third drop in murders in 2004, with a seventy percent reduction in the homicides of young African-American males.²⁰ Even with this progress, however, violent crime outside of New York City has declined only twenty-two percent since 1994, while violent crime in New York City has declined fifty-seven percent.²¹

This year, in his State of the State address, the Governor proposed the creation of IMPACT II to enhance efforts in the original fifteen IMPACT counties, which account for nearly eighty percent of all crime outside of

17. See NYSDCJS, INDEX CRIMES REPORTED 2000-2004 available at <http://criminaljustice.state.ny.us/crimnet/ojsa/indexcrimes/counties.htm> (last visited Oct. 1, 2005).

18. See NYSDCJS, ADULT ARRESTS, available at <http://criminaljustice.state.ny.us/crimnet/ojsa/arrests/year1994.htm> (last visited Oct. 1, 2005).

19. See NYSDCJS, INDEX CRIMES REPORTED 2000-2004, *supra* note 17.

20. See *id.*

21. See *id.*

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New York City, and to also expand the program to additional counties.²² One important way in which IMPACT will lead to greater crime reduction is by facilitating the coordination of all criminal justice funding in each IMPACT county. IMPACT task forces will analyze and work to integrate local, state, and federal criminal justice funding streams and determine their best use.

ENFORCEMENT

One of our most exciting new enforcement initiatives is Project Statewide Anti-Fugitive Teams (“Project SAF-T”), launched in early January 2005 by Governor Pataki. Project SAF-T combines the resources of local, state and federal agencies currently engaged in the effort to find fugitives, and maximizes their efforts by focusing them collectively on the most dangerous fugitives statewide. Since its launch over three months ago, Project SAF-T has already helped law enforcement track down and capture thirty-one fugitives. A tips line, 1-800-262-4321, and a website, www.nysmostwanted.com, both featuring the Top 100 most dangerous fugitives in New York State, focus the attention of law enforcement officers throughout the state as well as the general public.

DIVERSION

As I described earlier, if we are able to integrate enforcement with diversion and re-entry, we will achieve a crime reduction result that is much greater than the simple sum of the individual parts. Therefore, at the state and local level, we are planning our diversion and re-entry efforts in the context of our enforcement efforts. We know that diversion, done correctly, reduces crime. New York State currently has several diversion programs for non-violent drug felons supported by state criminal justice funds, including Drug Treatment Alternatives to Prison (DTAP) in New York City, the Willard Drug Treatment Campus, and Structured Treatment to Enhance Public Safety (STEPS).²³ STEPS (formerly known as Road to Recovery) already provides second felony drug diversion in eight counties outside of New York City, and all counties will soon be eligible to apply

22. See Parker, *supra* note 9.

23. According to a study conducted by the National Center on Addiction and Substance Abuse at Columbia University, New York State spends more per capita on offender drug treatment than any other state in the nation. See THE NATIONAL CENTER ON ADDICTION AND SUBSTANCE ABUSE AT COLUMBIA UNIVERSITY, SHOVELING UP: THE IMPACT OF SUBSTANCE ABUSE ON STATE BUDGETS (Jan. 2001), available at <http://www.casacolumbia.org/absolutenm/templates/PressReleases.asp?articleid=112&zoneid=49> (last visited Oct. 1, 2005).

for STEPS.

In addition, in New York, county probation departments have successfully facilitated the placement of appropriate offenders into community-based supervision and programming as an alternative to state prison, which has significantly contributed to this historic crime reduction. State funds also support local probation diversion programs and alternatives to incarceration programs.

OFFENDER RE-ENTRY

Each year approximately 26,000 offenders are released from state prison.²⁴ Our goal, as a matter of public safety, is to reduce the number of repeat offenders. As a result of our ongoing offender re-entry efforts, re-entry success rates have continued to improve.

In 1995, more than twelve percent of offenders released from DOCS were returned to prison within two years for a new felony conviction.²⁵ Today, fewer than eight percent of such offenders return to prison.²⁶ This rate has improved steadily each year since 1995, and can be attributed to increased inmate participation in prison programs and enhanced community reintegration efforts. When the Governor took office, only fifty percent of inmates were assigned to academic, vocational and drug treatment programs.²⁷ Today, two-thirds of inmates participate in such programs.²⁸ Nonetheless, much work remains to be done.

We continue to work through a statewide multi-agency task force to examine current re-entry policies and to develop recommendations for a coordinated approach to services, programs, and supervision to better serve those returning to the community after being incarcerated. Over the next year, we anticipate further successes in New York's re-entry effort—including progress on improving access to housing, medical care, education, personal documentation, and drug treatment—as well as implementation of a statewide model for a coordinated local response to re-entry.

New York State's transformation from the sixth most violent state to where we are today is a monumental achievement, but we cannot become complacent. We must, and will, continue to innovate, to implement

24. See Parker, *supra* note 9.

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

29. *Id.*

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cutting-edge strategies, and to measure our results, so that New York will become the safest state in the nation.