

Poverty, Race, and Community Policing in Buffalo

A Segregated and Unequal Metro Region

The Buffalo-Niagara metropolitan region is relatively prosperous, with a poverty rate (14% in 2013) below the national average (15%).¹ Unfortunately, however, the region's poverty is unusually concentrated by race and geography. Thus, the City of Buffalo has one of the highest poverty rates in the nation (30.1%), and the poverty rates for African-Americans and Hispanics in Buffalo-Niagara are four times higher than those of whites (roughly 36% compared to 9%).² Over 80% of African-Americans and almost 60% of Hispanics live in high poverty neighborhoods, compared to 11% of whites.³ These are some of the worst disparities in the nation.

Alarming Disparities in Criminal Justice

The region's inequality has dramatic effects in every aspect of life, and the criminal justice system is no exception. As PPG documented in its 2013 report, *Alarming Disparities*, African-Americans account for 14% of Erie County's population but 43% of arrests and 65% of prison sentences, and Hispanics represent 4.7% of the population but 7% of arrests and 9% of prison sentences.⁴

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For some charges, the disparities are especially striking; for example, African-Americans account for 69% of misdemeanor marijuana possession arrests, although African-Americans use marijuana at roughly the same (or slightly lower) rates as whites.⁵

For whites, poverty correlates closely to criminal justice involvement. Whites represent 48.4% of people living in poverty in Erie County and 48.5% of arrests.⁶ For African-Americans, however, more than poverty is at play; while African-Americans are 33% of the population living in poverty, they account for 43% of arrests.⁷ One likely reason is that African-Americans, even those not living in poverty, are much more likely to live in high-poverty urban neighborhoods, where police tend to focus their attention. Another likely reason is that police, prosecutors, and judges, like the overwhelming majority of U.S. residents, are subject to implicit bias – racial prejudices that may never become stated or even conscious but that subtly affect responses and decisions about who is dangerous and how to respond to that perceived danger.⁸

The Policing of Buffalo Municipal Housing

Buffalo's public housing developments feel the impacts of the region's segregation, inequality, and disparities in a particularly intense way. The Buffalo Municipal Housing Authority (BMHA) owns and

manages 29 developments with 4,332 housing units.⁹ Of its residents, 75% are African-American and 12% are Hispanic.¹⁰ Most residents are living in deep poverty, with 73% having an extremely low income (0% to 30% of the area median), 18% having a very low income (31% to 50% of median), and 7% having a low income (51% to 80% of the area median).¹¹

Public safety is a primary concern for BMHA residents, many of whom are elderly, disabled, or children. In the past, the BMHA maintained its own police force, but in recent years BMHA has not done so due to budgetary constraints. Instead, in 2010 BMHA made a contract with the City of Buffalo, under which the Buffalo Police Department (BPD) created a Housing Unit with 18 police officers and 2 lieutenants under the direction of a captain to “develop and implement a law enforcement operation plan for the improvement of public safety on various Authority properties.”¹² BMHA agreed to pay \$63.96 per officer hour, with court time costs separately billed, and total compensation not to exceed \$650,000 per year.¹³ The work of the Housing Unit is to be “above and beyond baseline services,” such as patrols, 911 responses, and investigative follow-up; rather, the Housing Units is “dedicated to proactively addressing problem individuals and locations at targeted BMHA developments by patrolling BMHA developments and to responding to BMHA police calls in addition to baseline services being provided.”¹⁴ The BPD agreed to “develop and submit a law enforcement operation plan, regarding a comprehensive security strategy in the BMHA.”

The Buffalo Municipal Housing Authority is paying the City of Buffalo \$650,000 for police work “above and beyond baseline services.” The police are to provide a “comprehensive security strategy” that includes community policing.

Under the agreement, the Housing Unit Captain has many duties, including:

- Provide monthly and annual reports;
- “Initiate and monitor ongoing lines of communication with public housing resident leaders to effectively employ community policing concepts and to address in a timely manner the concerns raised by such leaders;”
- “Attend public housing resident council meetings as needed and assist in developing resident security programs.”¹⁵

Over the past year BMHA residents have raised concerns about the work of the BPD under the contract. In a letter to the executive director of the BMHA, the president of the Jurisdiction-Wide Resident Council stated that the BPD had not met its duties to provide more than baseline services and to communicate with residents, develop a security program, and use community policing.¹⁶ The president believes that on a typical night the Housing Unit has only two officers on duty – one stationed near Kenfield-Langfield and one stationed near Schaeffer Village, and that even those two officers have duties outside of the housing developments that compete for their attention.¹⁷

Moreover, the president stated,

BPD has implemented police practices that create a pattern and practice of unlawful stops and false arrests. Many residents have been falsely accused of trespassing for doing nothing more than walking to or from their apartments. Some residents have even been arrested for trespassing in their own homes.¹⁸

The Resident Council called for several changes, including

- a Request for Proposals process for private security;
- meaningful engagement with residents in developing a security plan;
- a focus on community policing with long term assignment of officers;
- regular police presence;
- police training to prevent unlawful stops, searches, and arrests;
- evaluation and accountability measures for police performance and misconduct.¹⁹

Tenants have called for a focus on community policing, with long term assignment of officers; training to prevent unlawful stops; and meaningful engagement with residents in designing the plan.

In addition, public interest groups such as the Legal Aid Bureau, Western New York Law Center, National Lawyers Guild, and Open Buffalo have expressed concern about the policing of BMHA properties. Legal Aid Bureau attorneys have begun litigating some of the trespass cases brought against BMHA residents and visitors. For example, in a recent case, *People v. Richardson*, Judge Martoche considered a situation in which a BPD Housing Unit officer arrested a man for trespassing in a BMHA high rise at 305 Perry Street. The court found that the officer’s initial inquiry was constitutional, but that the more accusatory questioning and the detention were not constitutional because not based on a “founded suspicion that criminal activity was afoot.” The fact that the defendant did not live in the high rise and that he decided to stop answering the officer’s questions was not enough of a basis for the accusatory questioning and detention.²⁰

What is Community Policing?

There are many versions of community policing throughout the country. Some of them amount to a dramatic shift in philosophy, policies, and practices, while others are little more than window dressing. Key objectives of meaningful community policing include:

- Increasing police involvement in the community through programs such as youth mentoring, cultural competence training, consistent beat assignments, and bike and foot patrols.
- Increasing the community’s understanding of and involvement in policing through neighborhood meetings, civilian police academies, neighborhood watch programs, and greater use of civilian employees in police departments.
- Giving civilians real power in policing, including the identification, prioritization, and solving

- of problems; hiring and promotion of officers, and oversight and discipline;
- Changing police culture, policies and practices in dealing with special populations such as people of color, people with disabilities, youth, and women;
- Coming up with creative, multi-disciplinary, and constructive approaches to reducing crime, including:
 - Helping residents stay out of crime by helping them gain education, employment, and recreational opportunities;
 - Improving physical conditions in neighborhoods;
 - Using diversion, restorative justice, and other alternative approaches to arrest and imprisonment.²¹

The Example of Ferguson

In its scathing report on the Ferguson Police Department, the Department of Justice made as its first recommendation for reform, “Implement a Robust System of True Community Policing.”²² The Justice Department’s recommendations offer a highly relevant menu of community policing reforms.

- Involve the whole community in creating the plan for community policing.
- “Increase opportunities for officers to have frequent, positive interactions with people outside of an enforcement context, especially groups that have expressed high levels of distrust of police.”
- Develop community partnerships to identify crime prevention priorities.
- Assign officers to patrol the same beats consistently.
- Provide more training for officers on community policing, Fourth Amendment, de-escalation, mental health, crisis intervention, use of force, and bias, including in the trainings community members from groups with distrust of the police.
- “Measure and evaluate . . . police performance on community engagement, problem-oriented policing projects, and crime prevention, rather than on arrest and citation productivity.”
- Require written reports of all stops, searches, and arrests.
- Develop system of correctable violations or “fix it” tickets in which suspects have an opportunity to cure a problem without facing criminal charges.
- Collect and review stop, search, and arrest data, analyze it for racial disparities, and attempt to reduce those disparities.
- Develop comprehensive system for reporting and reviewing use of force.
- Develop extra crisis intervention training for some officers and deploy them when mental health crisis is an issue.
- Increase civilian involvement in all levels of police decision making.
- Improve officer supervision and response to misconduct allegations.
- Improve diversity in recruiting, hiring, and promotion.
- Share more information publicly, including reports on stops, searches, arrests, and tickets, on misconduct, and on police policies.²³

Examples of Community Policing from Other Cities

- **Miami-Dade County** addressed problems in a 16 block neighborhood by collaborating with 27 local pastors and other community groups to create a neighborhood resource team with five members: a police officer, a housing representative, a public health nurse, and two social workers. This approach cut burglaries by half, auto thefts by two-thirds, and robberies by two-thirds. The success has led to the model spreading to several additional neighborhoods.²⁴
- **Fort Myers Police Department** has a public housing unit that uses foot and bike patrols and works closely with youth service personnel. Each officer is active in the tenant association at the development to which he or she is assigned. They have won a 40% reduction in burglaries and a 35% reduction in Part 1 crimes.²⁵
- **Indio, California** addressed problems in its largest low-income housing development, Mecca Vineyards, by upgrading lighting and landscaping, installing new playground equipment and a basketball/rollerblade court, building a community center, opening a Head Start program and a computer lab, and dedicating one full time community oriented police officer to the development.²⁶
- **Moline, Illinois** created a community policing initiative with the Moline Housing Authority. The police sought input from residents, and sought officers specifically interested in community policing. The police opened a satellite office in Spring Brook Courts with two officers who surveyed the tenants on their concerns and grew to be on a first name basis with them. Calls for service have gone down, fear of crime has diminished, and there is more support for the police.²⁷
- **Southfield, Michigan** assigned a veteran officer to its troubled John Grace Community. He built a rapport with youth and families through frequent school visits, home visits, and participation in neighborhood functions. Working with other city departments, the officer has created drop-in roller hockey, basketball, volleyball, and weightlifting programs, as well as movie nights, trips to baseball games, and other activities.²⁸
- **Hattiesburg, Mississippi**, police worked with the Hattiesburg Housing Authority to form a Neighborhood Enhancement Team, which did one-on-one meetings with residents and partnered with counselors from the University of Southern Mississippi's School of Social Work to help families solve their problems.²⁹
- **Baltimore Police Department's** current strategic plan calls for many elements of community policing, including:
 - Maximize assignment of police officers to the districts so that they can undertake crime control and problem-solving activities of concern to the neighborhood;
 - Increase foot patrols and ensure that officers are trained in community interaction, including events in which trainees meet community leaders;
 - Institute a body camera trial project.³⁰
- **Chicago's** community policing strategy, started in 1998, included hiring large numbers of community organizers to bring residents and police together, build up block clubs and other

organizations, and do collaborative problem solving.³¹

- The police in **Providence, Rhode Island** dramatically reduced crime in one of the city’s most challenged areas by working closely with non-profit housing developers to make physical improvements to parks, streets, and buildings: a strategy called “building our way out of crime” that has been successful in Charlotte, Minneapolis, and other cities as well.³²

Community Policing for Buffalo Public Housing and Beyond

Open Buffalo, PPG, and others have called for true community policing of BMHA properties as a model to be expanded to the city at large. As mentioned above, community policing is a philosophy rather than a specific project or set of practices, and it can take many forms. But certain elements are essential. First, the policing plan for BMHA must be made with real decision-making power by the residents and other community stakeholders. Second, that plan must include constructive projects that prevent crime rather than merely responding to it. Third, the plan must include ways to reduce the racial disparities that present-day conditions and practices have created. And finally, the plan must help police officers and residents to develop mutually respectful, and mutually beneficial relationships.

A Partnership for the Public Good Policy Brief
For the Open Buffalo Innovation Lab
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NOTES

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- ¹ Partnership for the Public Good, “Poverty in Buffalo-Niagara” (2014). Available from: www.ppgbuffalo.org.
- ² Ibid.
- ³ Ibid.
- ⁴ Partnership for the Public Good, “Alarming Disparities: the Disproportionate Number of African American and Hispanic People in the Erie County Criminal Justice System” (2013). Available from: www.ppgbuffalo.org.
- ⁵ Ibid.
- ⁶ Ibid.
- ⁷ Ibid.
- ⁸ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: the New Press, 2012),
- ⁹ Office of Inspector General, United States Department of Housing and Urban Development, “Buffalo Municipal Housing Authority, Buffalo NY, Legal Fees and Police Services Hotline Complaint” (Audit Report Number: 2015-NY-1003), February 24, 2015. Available from: <http://www.hudoig.gov/sites/default/files/documents/2015-NY-1003.pdf>.
- ¹⁰ Buffalo Municipal Housing Authority, “Resident Characteristics Report” (March 11, 2015). Available from the author.
- ¹¹ Ibid.
- ¹² “Agreement for Police Services Between the Buffalo Municipal Housing Authority and the City of Buffalo” (2010). Available at http://bflo-poverty.wikispaces.com/file/view/2010_BMHA%20Agreement%20with%20Buffalo%20Police_full%20version.pdf/543051758/2010_BMHA%20Agreement%20with%20Buffalo%20Police_full%20version.pdf.
- ¹³ Ibid.
- ¹⁴ Ibid.
- ¹⁵ Ibid.
- ¹⁶ Letter from Sam Smith, President, Jurisdiction Wide Resident Council, to Dawn Sanders-Garrett, Executive Director, Buffalo Municipal Housing Authority. Available from the author.
- ¹⁷ Sam Smith, interview by the author, March 24, 2015.
- ¹⁸ Letter from Sam Smith.
- ¹⁹ Ibid.
- ²⁰ Decision and Order, *People v. Raymon Richardson*, Docket No. 14M6557.
- ²¹ See, for example, Victor E. Kappeler and Larry K. Gaines, *Community Policing: a Contemporary Perspective* (New York: Routledge, 2015), Linda S. Miller, Karen Matison Hess, and Christine Hess Orthmann, *Community Policing: Partnerships for Problem Solving* (Clifton Park: Delmar, 2011).
- ²² United States Department of Justice, Civil Rights Division, “Investigation of the Ferguson Police Department” (March 4, 2015). Available from: http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.
- ²³ Ibid.
- ²⁴ United States Conference of Mayors, “Safer Neighborhoods through Community Policing, Volume 2: Three Case Studies” (2000). Available from www.usmayors.org.
- ²⁵ United States Conference of Mayors, “Safer Neighborhoods through Community Policing, Volume 1: Successful Initiatives in 72 Cities” (2001). Available from www.usmayors.org.
- ²⁶ Ibid.
- ²⁷ Ibid.
- ²⁸ Ibid.
- ²⁹ Ibid.
- ³⁰ Baltimore Police Department, “Public Safety in the City of Baltimore: a Strategic Plan for Improvement” (2013).
- ³¹ J. Erik Gudell and Wesley G. Skogan, “Community Mobilizing for Community Policing” (Institute for Policy Research, 2003). Available from: www.northwestern.edu/IPR.
- ³² Bill Geller and Lisa Belsky, “Building Our Way out of Crime: the Providence, Rhode Island Case Study” (Geller and Associates, 2009). Available from www.gellerassociates.net.