

Race and Selective Enforcement in Public Housing

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Abstract

Drugs, crime and public housing are closely linked in policy and politics, and their nexus has animated several intensive drug enforcement programs targeted at public housing residents. In New York City, police systematically conduct “vertical” patrols in public, making tens of thousands of “Terry” stops to detect drugs or weapons each year under the Trespass Abatement Program, or TAP. Both uniformed and undercover officers move systemically within the halls and stairwells of buildings, temporarily detaining and questioning residents and visitors, often at a low threshold of suspicion, and usually alleging trespass to justify the stop. . This pattern of selective enforcement through elevated rates of high discretion stops in public housing under TAP raises constitutional concerns at the intersection of the Fourteenth Amendment prohibitions on racial discrimination – residents of public housing are overwhelming non-white – and Fourth Amendment prohibitions on suspicionless stops. We use a case-control design to identify the effects of living in a public housing development on the probability of stop, frisk and arrest for trespass or other crimes in New York City’s 330 public housing developments from 2005-8. We find that the incidence rate ratio for trespass stops and arrests is 1.5 times greater in public housing than in the immediate surrounding neighborhoods. We decompose these effects using first differences models and find that the difference in percent Black population in public housing compared to the surrounding area predicts the disparity in trespass enforcement. Four-wave cross-lag regressions show that trespass enforcement in public housing is independent from enforcement in the surrounding area, suggesting that public housing is specifically targeted for intensive enforcement. The results raise constitutional concerns about equal protection. Qualitative evidence suggests that stops have a stigmatizing effect on public housing residents and their families, and that they inhibit basic social interactions such as child care arrangements and family visitation.