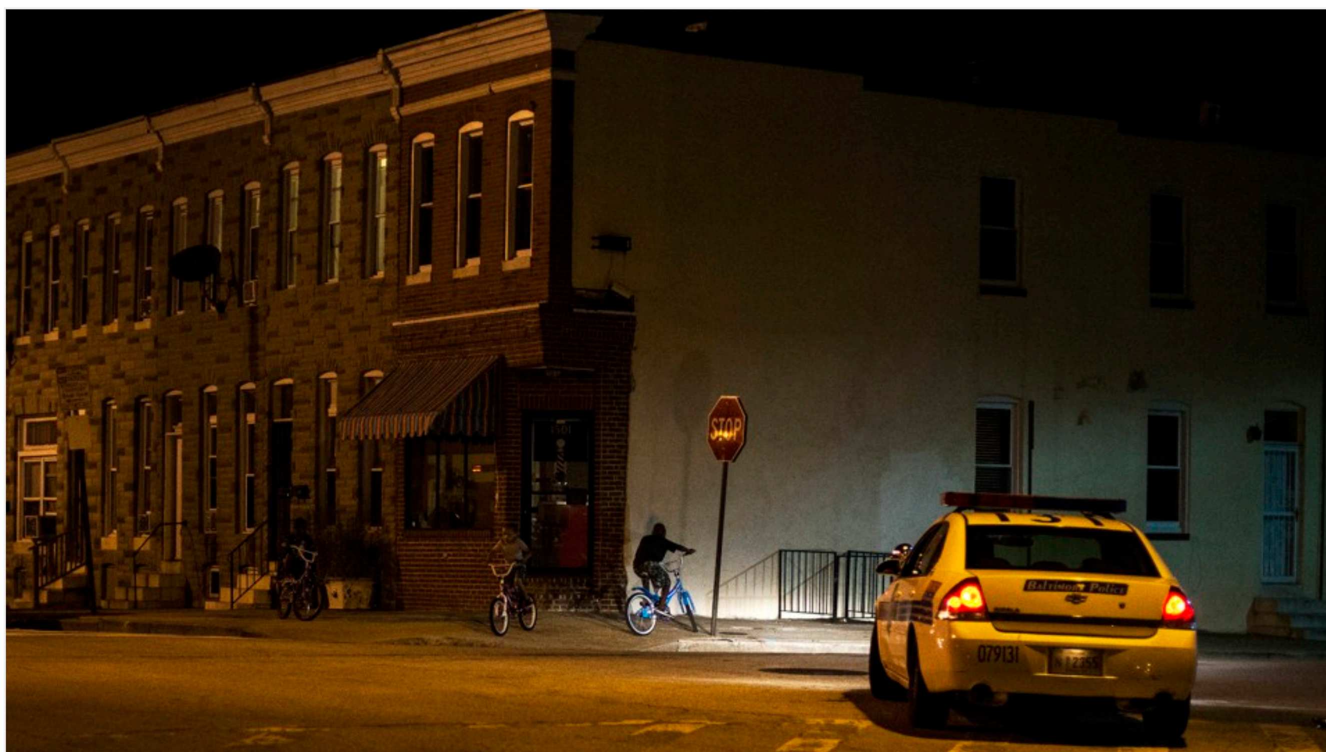
The Criminalization of Gentrifying Neighborhoods

Areas that are changing economically often draw more police—creating conditions for more surveillance and more potential misconduct.



Police patrol a residential neighborhood in East Baltimore after a curfew law took effect.

James Lawler Duggan / Reuters

ABDALLAH FAYYAD | DEC 20, 2017 | THE PRESENCE OF JUSTICE

Subscribe to *The Atlantic*'s Politics & Policy Daily, a roundup of ideas and events in American politics.

Email

SIGN UP

In the early hours of Labor Day, Brooklynites woke up to the sound of steel-pan

bands drumming along Flatbush Avenue, as hundreds of thousands of people gathered to celebrate J'ouvert, a roisterous Caribbean festival that commemorates emancipation from slavery. But having been marred by gang violence in recent years, this J'ouvert was markedly different, as *The New York Times* described. The event, which derives its name from a Creole term for "daybreak," was heavily staffed by the New York City Police Department. Floodlights and security checkpoints were scattered along the parade route, and many revelers were piqued by what they saw as excessive police presence—an overwhelming show of force in response to a comparatively small number of bad actors.

"There's a criminalization of our neighborhood," Imani Henry, the president of the police-accountability group Equality for Flatbush, told me recently. After the NYPD declined Henry's public-information request about security ahead of and during the festival, citing safety concerns, his group decided to sue for it. (The NYPD did not respond to a request for comment.)

Henry believes the stepped-up law enforcement at J'ouvert is part of a larger pattern of increased police surveillance in gentrifying areas. The lawsuit—which has since made its way to the New York Supreme Court—argues that the NYPD recently increased "broken windows"-style arrests in Flatbush and East Flatbush, and claims that these "police actions have coincided with increased gentrification."

That claim is not just speculative. Over the past two decades, gentrification has become a norm in major American cities. The typical example is a formerly low-income neighborhood where longtime residents and businesses are displaced by white-collar workers and overpriced coffeehouses. But the conventional wisdom that image reflects—that gentrification is a result of an economic restructuring—

often leaves out a critical side effect that disproportionately affects communities of color: criminalization.

When low-income neighborhoods see an influx of higher-income residents, social dynamics and expectations change. One of those expectations has to do with the perception of safety and public order, and the role of the state in providing it. The theory goes that as demographics shift, activity that was previously considered normal becomes suspicious, and newcomers—many of whom are white—are more inclined to get law enforcement involved. Loitering, people hanging out in the street, and noise violations often get reported, especially in racially diverse neighborhoods.

“There’s some evidence that 311 and 911 calls are increasing in gentrifying areas,” Harvard sociology professor Robert Sampson told me. And “that makes for a potentially explosive atmosphere with regard to the police,” he added.

By degrees, long-term residents begin to find themselves tangled up in the criminal-justice system for so-called “quality of life” crimes as 311 and 911 calls draw police to neighborhoods where they didn’t necessarily enforce nuisance laws before. As Paul Butler, a former federal prosecutor in Washington, D.C., describes it, misdemeanor arrests are more reflective of police presence than the total number of infractions committed in an area. “It’s not a question of how many people are committing the crime—it’s a question of where the police are directing their law-enforcement resources,” Butler said. “Because wherever they direct the resources, they can find the crime.”

In 2013, the city of San Francisco launched Open311, a mobile app that allows residents to easily report public disorder like loitering, dirty sidewalks, or vandalism by snapping a photo and sending their location. The app can feel altruistic; residents, for example, are able to report the whereabouts of homeless

people who seem to be in need of assistance. But some worry that the dispatches can result in unnecessary citations or harassment. And while broken-windows policing remains controversial, a 2015 poll suggested that it's still largely accepted by the general public, so when people see something, they're likely to say something. After the app launched, 311 calls increased throughout the city, and one study showed that gentrifying neighborhoods saw a disproportionate spike.

Butler, who recently wrote the book *Chokehold: Policing Black Men*, believes that this is a result of newcomers refusing to assimilate to longstanding neighborhood norms. "Culturally, I think the way that a lot of African American and Latino people experience gentrification is as a form of colonization," he said. "The gentrifiers are not wanting to share—they're wanting to take over." One of the tools they can use to take over public spaces, he argues, is law enforcement.

Butler's home of Washington, where he's a law professor at Georgetown University, provides an illustrative example. On most Sunday afternoons, a performance group hosts a drum circle in Malcolm X Park, whose official name is Meridian Hill. The tradition dates back to 1965—shortly after Malcolm X was assassinated—and was intended to celebrate black liberation. While the drumbeats can still be heard today, the ritual was called into question when the surrounding neighborhood began to change in the late 1990s. New arrivals living in the blocks surrounding the park repeatedly complained about the noise until the police imposed and enforced a curfew on the drummers.

But increased police presence in gentrifying neighborhoods is not merely the result of new residents calling for service; police departments sometimes proactively deploy officers in areas that see bars and other alcohol-serving outlets pop up, as they tend to do in gentrifying neighborhoods. After conducting

an analysis on economic development in 2013, for example, the D.C. Metropolitan Police Department established its nightlife unit, which deploys officers to areas with budding or resuscitated nightlife scenes. “If you’re bringing in more bars, there’s going to be drunk people congregating in the street, so you need police to tamp that down,” Sampson said. “But that may lead to potential confrontations.” Officers can find themselves in altercations with both bar goers and longtime residents of the area.

Cathy Lanier, who was the police chief in Washington from 2007 to 2016, told me that when a neighborhood’s population and economy begin to change, certain problems are bound to arise. “You’re going to have traffic issues, you’re going to have parking issues, and you’re going to have everything that comes along with a rapidly developing community,” she said. “So you want to have that police presence there, and establish community engagement long before the change so you can work with long-term residents to help them through the transition.” Zero-tolerance enforcement, she said, can be avoided if the police are proactive in creating a safe and orderly environment in advance of any major economic disruptions.

Still, residents can feel overwhelmed by a sudden increase in security, which is not always confined to public law enforcement. Sampson said private security and third-party police contribute to a sense of over-surveillance. “In a kind of rough neighborhood that’s about to flip, there may be demand on the part of new residents for safety that goes beyond what the police can provide, which means more eyes on the street on the part of private police,” he said.

While low-income and minority neighborhoods are often subject to heavy police patrol regardless of their development status, gentrification and aggressive policing are two sides of the same coin and tend to reinforce one another. “The

concern when there are misdemeanor offenses is that neighborhoods seem unsafe or disorderly and that decreases their attractiveness for gentrification," Butler said. "So in a number of cities, people have observed that enforcement of low-level offenses against black and brown people increases when neighborhoods are prime for gentrification."

A top concern in communities of color is that greater police presence amplifies the risk of police misconduct and violence. In 2014, when San Francisco native Alejandro Nieto was fatally shot by four police officers responding to a 911 call, many residents believed the incident wouldn't have occurred had his neighborhood not gentrified. Nieto was accused of behaving suspiciously in a place where he'd lived his entire life, and it was a new resident who'd made the 911 call. After he had a brief altercation with a neighborhood dog, Nieto, who worked as a bouncer, was anxiously pacing with his hand on his Taser, according to the passerby who reported him. Police said that when they arrived, he pointed his Taser at them, which they mistook for a gun.

Gentrification and police violence don't necessarily have a causal relationship. But stepped-up law enforcement does create conditions for more potential misconduct. That'd be true in any neighborhood that suddenly saw an influx of police—it's a simple matter of numbers. "If you're ticketing more people or patrolling more often, you're stopping more people to ask questions on the street," Sampson said. "Now, that's different than pulling a gun and shooting someone, or beating someone up, but the more stop-and-frisks and the more interactions you have, then probabilistically, you're increasing the risk for police brutality. So it's sort of a sequence or cycle."

Butler offered the example of Eric Garner, who first drew police officers' attention because he was selling loosies, or individual cigarettes, in

Tompkinsville Park on Staten Island, a widespread practice since New York City began to sharply raise taxes on tobacco products in 2006. The surrounding neighborhoods had experienced some economic development, and calls reporting misdemeanor offenses were increasing. After a landlord made a 311 complaint regarding illegal drug and cigarette sales taking place outside his apartment building, officers began to closely monitor the area. Several months later, when Garner was confronted by police as he attempted to break up a street fight, an officer moved to arrest him for having previously sold loosies. The arrest went awry—and subsequently drew national attention—when Garner died after an officer put him in a chokehold.

“Before there was this effort to gentrify the neighborhood around the [Staten Island] ferry, I think it’s fair to say that it hadn’t received much attention from the police,” Butler said. “And you can imagine that of all the crimes police have to worry about, selling loosie cigarettes shouldn’t be a priority.”

Gentrification also has long-lasting impacts on the criminal-justice system that go far beyond police surveillance. As cities become whiter, so do juries. In Washington, for example, it’s not unusual to have a predominantly white, if not all-white, jury in a predominantly black city. “Jurors often have different life experiences based on their race. And so if the defense is ‘the police lied’ or ‘the police planted evidence,’ that’s something that an African American or a Latino juror might well believe or find credible,” Butler said. “A white person might find that hard to believe based on that person’s experience with the police.”

The public debate over how to best deal with gentrification often brushes over these tensions, focusing solely on the economic impacts. There are some who argue gentrification is a natural part of urban development, while others say local governments should do more to regulate housing markets. But there’s one

question cities haven't really reckoned with as they evaluate changing neighborhoods: Are they prepared to decriminalize them?

This article is part of our project "The Presence of Justice," which is supported by a grant from the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge.

ABOUT THE AUTHOR

ABDALLAH FAYYAD is an editorial fellow at *The Atlantic*.

Twitter Email

Beyond the age of mass incarceration

START HERE TABLE OF CONTENTS

This project is supported by a grant from the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge.

MOST POPULAR ON THE ATLANTIC

01 **The 9.9 Percent Is the New American Aristocracy**
MATTHEW STEWART

02 **The Futility of Trying to Prevent More School Shootings in America**
BARBARA BRADLEY HAGERTY

03 **Power Causes Brain Damage**
JERRY USEEM

04 **Where Has Teen Car Culture Gone?**
GARY CROSS

05 **A Timeline of Trump Associates Asking for Dirt on Clinton**
NATASHA BERTRAND

06 **Your Collapsing Bridge**
EMILY BUDER

MORE POPULAR STORIES