



40 Rector Street, 5th Floor
New York, NY 10006
phone: 212-965-2200



199 Water Street
New York, NY 10038
phone: 212-577-3300

June 16, 2014

Douglas Schwartz, Director
Maurice Carroll, Assistant Director
Quinnipiac University Poll
Quinnipiac University
275 Mount Carmel Avenue
Hamden, CT 06518

Re: Quinnipiac University Poll Results “Put Police Back in Projects, New York City Voters Say 2-1, Quinnipiac University Poll Finds; Police Approval Drops As Voters Want More Cops”

Dear Mr. Schwartz and Mr. Carroll:

We are plaintiffs’ attorneys in *Davis v. City of New York*, a federal class-action lawsuit challenging the New York City Police Department’s (“NYPD”) practice of routinely subjecting public housing residents and their guests to illegal stops and false arrests for trespassing. We write to express our grave concerns about a poll conducted by your organization, particularly Poll Question No. 17, which asked: “Do you think the police should or should not restore the program where they patrolled public housing projects and asked people in the hallways for ID?”¹

Poll Question No. 17—and any conclusions based on responses to that question—is inherently flawed and misleading for the following reasons:

- It is impossible to “restore” the police practice of patrolling public housing developments because it never ended. Stephen Davis, the NYPD’s spokesperson, said that “vertical patrols in public housing continues” and as many as 94,000 vertical patrols have been conducted as of June 8, 2014.²
- To our knowledge, the NYPD has never had a “program” whereby officers asked for identification during vertical patrols. Police officers patrolling public housing

¹ <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/new-york-city/release-detail?ReleaseID=2051>.

² <http://blogs.wsj.com/metropolis/2014/06/12/nypds-approval-rating-drops-in-new-poll/>.

developments, as well as any other areas of the City, may only ask for identification under certain circumstances, which does not include mere presence on public housing property.

- Poll Question No. 17 implies that it is legally permissible for police officers to request identification from any person encountered during a vertical patrol. To the contrary, even City attorneys have stated in our lawsuit that officers must at least have an “objective, credible reason” to approach and request information from someone.³ Moreover, a demand for identification that prevents a person from freely walking away from a police officer constitutes a “stop,” implicating the police practice commonly referred to as “stop-and-frisk.”

Your poll, therefore, is clearly based on a false premise and misleadingly fails to disclose the potential illegality of the police conduct asked to be endorsed. Respondents may very well have answered differently if they knew that (1) police officers have not ceased their practice of conducting vertical patrols in public housing buildings and (2) police officers are constrained from requesting identification from any person regardless of the circumstances and that, many times, these requests rise to the level of “stop-and-frisk” activity. As an academic institution, you have the responsibility to provide accurate information to the public. It is, therefore, surprising and disappointing that a leading academic institution chose to publish such unreliable data, which undermines the credibility of your polls and your University.

Your misleading poll also contributes to the misinformation and confusion that surrounds public discourse on safety in public housing residences. Indeed, Poll Question No. 17 fails to recognize the many other measures that would increase the security of public housing residents, including functioning locks, working intercom systems, surveillance cameras, and well-lit common areas. These minimal security measures have been pushed aside as public housing developments fall further into disrepair. A more accurate poll would ask voters whether they would support these measures, rather than suggesting that increased police activity is the only means of improving safety.

Furthermore, we strongly disagree with Mr. Carroll’s statement that civil liberties organizations are “out of touch with the people they speak for,” especially given your organization’s failure to comprehend the many injustices faced by our clients and the remedies they seek. Each of our organizations have longstanding relationships with public housing communities in New York City, and it is our belief that public housing residents need not choose between their rights and their safety. They, like everyone else, are entitled to both. Nor are we opposed to the provision of police services to public housing residents. We merely insist that police conduct themselves according to the law.

Given the significant flaws and inaccuracies in Poll Question No. 17, we request that you publicly retract the poll results regarding that question. We are also available to discuss

³ Defendant City of New York’s Memorandum of Law in Opposition to Plaintiffs’ Partial Motion for Summary Judgment, *Davis v. City of New York*, 10 Civ. 699 (SAS) (S.D.N.Y.), dated Jan. 7, 2013, ECF No. 249.

with you any future poll questions concerning public housing safety to avoid similar misleading polling.

Sincerely,

Jin Hee Lee
NAACP Legal Defense &
Educational Fund, Inc.
40 Rector Street, 5th Floor
New York, NY 10006
jlee@naacpldf.org
212.965.3702

William Gibney
The Legal Aid Society
199 Water Street
New York, NY 10038
WDGibney@legal-aid.org
212.577.3419