



What's WRONG with DISORDERLY CONDUCT?



The police use “Disorderly Conduct” charges as a pretext to arrest homeless people, even when they’re not breaking any laws. In 2008, there were over 80,000 charges of “disorderly conduct” filed by the NYPD, the great majority targeting homeless people.

Sadly, because many homeless people do not understand their civil rights, let alone their legal right to a trial, many plead guilty to unfounded and unspecified charges and end up paying a \$125.00 fine, along with an \$80.00 surcharge for court costs. Further, they also may be required to perform 3 days of community service, in essence contributing hundreds of hours and thousands of dollars worth of free labor (Source: Criminal Court of NYC Annual Report 2008).

Picture the Homeless member Alease Lowe was charged and arrested for disorderly conduct when she picked up an empty bottle in a public park and attempted to put it in the garbage. Even though she was not drinking, she was charged with public consumption of alcohol along with disorderly conduct. She was arrested and spent the night at the 52nd Precinct. The next day, they released her and dismissed the charges without her being able to see a judge.

These so-called “dis-con” charges are bogus. The regulating statute as it currently exists is overly broad and gives the NYPD wide discretion to define what “disorderly conduct” is. As a result, the police have the ability to write tickets to meet quotas and even arrest people without clearly specifying what the person may be doing that is actually considered “disorderly.” For example, placing a package on a vacant subway seat may be enough to get you arrested if you’re homeless! Did you know that of the 382,000 misdemeanor criminal summonses such as disorderly conduct and loitering handled by NYC courts in 2008, over 193,000 were tossed out by the courts! In other words, over 51% percent of all “dis-con” summonses were dismissed outright! (Source: WABC 5/25/2010)

The effects of such arrests are harmful. Being arrested as a result of racial profiling and/or perceived economic status can lead to having one’s belongings confiscated. Furthermore, if you are residing in a shelter, you may lose your bed. For the over 20% of homeless New Yorkers who have jobs or are new hires, lost time from work due to arrest can result in loss of employment, not to mention that such arrests, as unjust as they may be, can also initiate a criminal record which can serve as a barrier to employment. Lastly, the New York City Housing Authority will disqualify a person for eligibility in the public housing system if they are convicted two times of “disorderly conduct” in three years.

WHAT CAN BE DONE:

Call the NYPD and Ray Kelly and tell them Hands off the Homeless! NYPD Switchboard: 1-646-610-5000. We must force the NYPD to cease its targeting of homeless people through the use of unfounded and bogus “disorderly conduct” charges. Through legislation, we want to amend municipal law so that the NYPD will be required to specify what is considered “disorderly.” We must bar the use of “disorderly conduct” as a pretext to detain and arrest homeless people.

Support the Work of Picture the Homeless! If the unjust criminalizing of homeless people is upsetting to you, and you want to get involved, **Contact:** sam@picturethehomeless.org.

www.picturethehomeless.org
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