

Name and Location of News Organization: New York Daily News and ProPublica

Short Summary: The New York Police Department has used an obscure civil enforcement mechanism to seek closures on thousands of locations over allegations of illegal activity.

Category: Public Service

Please identify any partnerships with other institutions or organizations in the reporting of this story:

This series was a partnership between the New York Daily News and ProPublica.

The stories ran on both the Daily News and ProPublica websites, and in print in the Daily News. The PDFs are the Daily News' web versions of the story, which in some cases contained additional text and features beyond the print versions. The print versions are shown as thumbnails.

How did the story come to light:

Reporter Sarah Ryley of the Daily News first learned of the practice in early 2014 while reading a lawsuit that mentioned, briefly, that the city tried to evict the plaintiff based on charges that had already been dismissed. She wondered whether this was systemic or an anomaly. The answer had never been quantified in the decades of material she read on the subject. She scraped index numbers for nuisance abatement cases filed during the previous year and entered details from court filings into a spreadsheet to get a better understanding of how the cases work, and pulled the outcomes of any related criminal charges against people who were either banned from homes or gave up their leases in settlements.

After extensive reporting, Ryley realized there were additional factors that should be tracked. She also pulled cases from the first half of 2014 because Mayor Bill de Blasio had just been elected on a platform of police reform, and she wanted to test whether anything had changed under his administration. She eventually teamed up with ProPublica researchers to enter dozens of details on 1,162 cases, tracking every major step of the process. Hundreds of cases were cross-referenced with parallel proceedings in criminal court and the State Liquor Authority.

The findings shocked even veteran city politicians. Many said they were unaware police were targeting homes, or that the nuisance abatement law granted such extraordinary powers.

What obstacles, if any, were overcome in this project:

Ryley knew it could take years, and possibly litigation, for the NYPD to release data on nuisance cases, so she immediately started creating her own. When the NYPD did finally release a spreadsheet, it was filled with blanks and errors, lacked index numbers, and hundreds of cases were redacted, even after appeal. Creating our own database enabled us to do a more detailed analysis, and to identify patterns and examples that might have otherwise been overlooked.

The information we tracked on each case was contained in multiple filings and often required legal interpretation, making the research impossible to automate. Altogether, the analysis involved pulling cases from 15 different courts, only two of which post filings online.

The reporting involved extensive fieldwork. Many people had been evicted and had spotty cell phone access, making them difficult to track down. Many could only be interviewed with the help of our photographer, who is fluent in Spanish. Additionally, there weren't any "perfect" cases and we needed to work through that.

Time was also a challenge. When Ryley started this project, she was juggling roles as courts editor, projects editor and reporter, in a newsroom stretched for resources for long-term efforts. The partnership with ProPublica was critical. ProPublica provided the research, editorial guidance and multimedia components that brought the reporting to its strongest conclusion, and gave the work a national platform, broadening its impact.

Please describe any innovative techniques used in reporting or telling this story:

We created multiple databases to analyze nuisance cases, underlying criminal charges and alcohol-related cases. This data was merged with other datasets. The design was pure innovation, the result of extensive reporting and a deep understanding of the law. Every factor we tracked led directly to a reform effort. For example, ex parte closing orders are to be used only in cases where ongoing illegal activity poses an imminent threat. The NYPD sought them nearly every time. We tracked the dates of the last alleged offense and the ex parte request, finding an average 6-month time difference. We tracked the judge who signed the orders, which prompted action from court administration and made clear people's basic rights are overly reliant on judicial discretion. We geocoded the addresses to show 90 percent of nuisance cases target communities of color.

This was also the first time nuisance cases were cross-referenced with parallel proceedings in a significant way. And by taking the extra step to track the date of dismissal, whenever possible, we showed the NYPD had repeatedly broken state law by using sealed criminal cases in nuisance actions.

Through shoe-leather reporting, we found shocking examples of abuse. But the data analysis made clear it was systemic. As Jeff Muskus of Bloomberg Businessweek put it: "Sarah Ryley uses all the tools in this one: compelling data, moving stories, a rare gift for explaining arcane procedure, and a money quote from the law's author."

If applicable, how is this work distinguished from other reporting on this subject:

Nuisance abatement cases have been filed openly in state supreme courts for decades, yet prior to this investigation, they received little public scrutiny. Most news stories either covered a specific initiative, legislation or a targeted location.

The one significant exception is Gay City News, which extensively covered lawsuits that claim the NYPD and the Mayor's Office colluded to entrap gay men leaving porn shops with prostitution charges in order to build nuisance cases aimed at closing the shops down (<http://bit.ly/2kilNWr>). The New York Times did a deep dive on the cases in 2009, citing a Gay City News editorial (<http://nyti.ms/2jXj57v>).

Ryley did not come across any previous reporting on the use of nuisance actions against homes.

The investigation was far more extensive than anything ever done on the topic. Aside from the analysis, we spent more than two years canvassing entire swaths of the city to interview affected parties; spoke to current and former officials at every level of government; poured through municipal archives, hearings, legal filings, research and news clippings dating back to the 1970s; and filed more than a dozen public records requests.

Most importantly, the work had impact. If even a fraction of the reform efforts that cite our reporting are codified, they would mark the most sweeping changes to the law since it was enacted in the 1970s, and the only changes to add protections for the accused rather than expanding enforcement powers.

How did these stories perform "meritorious public service":

The series prompted immediate reform efforts:

The state court administration issued a lengthy notice advising judges on best practices and held training on the law. Chief Administrative Judge Lawrence Marks suggested the law is overbroad and should be amended.

City Council Speaker Melissa Mark-Viverito and 12 co-sponsors introduced the Nuisance Abatement Fairness Act, 13 bills that would add protections for the accused. A vote is expected in 2017.

The NYPD and Law Department immediately commenced a review of their cases and have since made some changes. The NYPD held a meeting with bodega owners. The number of cases filed has been significantly reduced, particularly against homes, and against businesses for alcohol violations.

The city's public advocate and the Manhattan borough president wrote letters criticizing the program. U.S. Rep. Hakeem Jeffries said he added the findings to his still-pending request for a federal investigation.

Three people featured in our series are lead plaintiffs in a class action lawsuit filed by the Arlington-based Institute for Justice, which seeks to have several practices declared unconstitutional. A second lawsuit citing our findings settled for \$55,000.

The articles have been cited more than 80 times by outlets across the country. Our data was made available through ProPublica's Data Store and has been utilized by a state assemblyman, two non-profit law firms, and a university.

Links are in the supplemental section.

Please note any substantive challenges to the accuracy or fairness of the work and provide any response by the news organization or reporters:

Ryley sent the NYPD detailed outlines of statistics, cases and characterizations that would be used in her stories, along with her underlying data, weeks and sometimes months prior to publication. She regularly followed up, but was routinely ignored.

Yet, upon publication of our first story, then-Police Commissioner Bill Bratton said at a press conference that it contained "misinformation" and he was "prepared to rebut most of it." Bratton and Lawrence Byrne, the deputy commissioner for legal affairs, then merely rephrased things already in our story and presented a handful of statistics that actually substantiated our findings. The NYPD ignored repeated requests for specific examples of misinformation and never released an actual rebuttal. Our editor-in-chief at the time said in a statement that he stood by our findings.

Byrne said at a City Council hearing in November that our finding that some cases were based entirely on the work of confidential informants was "fiction." But the NYPD ignored repeated requests for comment when we followed up with specific cases that only cited the work of confidential informants, including a recent one in which the judge ruled against the police for that reason. Ryley had also discussed the issue with four judges, including two of the state's top judges, who all agreed with her interpretation. Still, Byrne pressed the point in a letter to the editor, describing a case that we did not include in our story. We did not respond.