

Testimony on Int. 1156-2018

Re: Oversight on the Multi-Agency Response to Community Hotspots (M.A.R.C.H) Operations  
City Council Committee on Justice

by Brian Abelson

Monday, February 11th, 2019

My name is Brian Abelson and I live in Council District 34. On June 6, 2017 I filed a series of Freedom of Information requests seeking data on M.A.R.C.H. raids. The text of these inquiries are publicly available online via:

[MuckRock](https://www.muckrock.com/accounts/profile/BrianAbelson/) (<https://www.muckrock.com/accounts/profile/BrianAbelson/>), a service I used for managing these requests. Unsure of which agency to solicit information from, I sent the same letter to the NYPD, FDNY, Department of Housing (DOH), Department of Buildings (DOB), and the State Liquor Authority (SLA). The FDNY and DOH rejected my request, each stating that the documents I requested were in the NYPD's possession. Similarly, the SLA responded saying they were not in possession of relevant documents or that they would be unable to access them. The DOB has acknowledged my request and indicated on January 8, 2018 that they were working on it, but have not produced any documents, despite reminders I've sent every two weeks since then.

On March 3, 2018, the NYPD responded to my letter with two documents. The first is a PDF entitled "Criteria For Selecting A Location Into The Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation". This document has previously been reported on by journalist Liz Pelly of *The Baffler*, who published a story on M.A.R.C.H. on February 12, 2018. The second is a spreadsheet entitled "Copy of MARCH Program 3." My testimony will focus primarily on the data contained in this spreadsheet and the knowledge I gleaned from it.

The spreadsheet contains 2304 rows, with columns for the address of an inspection, an inspection date, Environmental Control Board (ECB) and DOB Violation Numbers (when applicable), and a column named "Access 1" which seems to indicate the outcome of the inspection, though I can't be sure since the NYPD did not respond to my follow-up request for additional details on its meaning. Importantly, this spreadsheet does not represent a list of inspections, but a list of violations that resulted from inspections. That being said, in the case that no violations resulted from an inspection, there is a single row containing just the address of the inspection, the inspection date, and the aforementioned "Access 1" column. The spreadsheet contains records starting on June 2nd, 2012 and ending on March 24th, 2017.

In addition to this data, I also obtained information on the details of each ECB violation from the DOB's publicly-accessible website, including the specific infraction, the fine imposed, the outcome of the case, and (when applicable) the actual amount paid. Using this information, I was able to make the following observations about M.A.R.C.H. operations over the five year period of the dataset, though their veracity is contingent on the integrity of the data provided by the NYPD:

- Over the five year period covered by the dataset, there were around 1700 inspections. There seems to be a general downward trend in inspections per year, with about 450 in 2013 and 250 in 2016. Inspections overwhelmingly occur on the weekend (mostly on Fridays and Saturdays) though this pattern does not hold true when focusing strictly on inspections that result in violations.
- While it's hard to understand the "Access 1" column without the NYPD's guidance, if we interpret the values "COMPLAINT UNSUBSTANTIATED BASED ON DEPARTMENT RECORDS", "MARCH: NO ENFORCEMENT ACTION TAKEN", "NO ACCESS", "NO VIOLATION WARRANTED FOR COMPLAINT AT TIME OF INSPECTION" as meaning that no substantive action was taken, the values 'VACATE', 'ADMINISTRATIVE CLOSURE NN' as meaning that occupants of the inspection site were forced to exit, and all others represent that some violation was served, then we can estimate that about 60% of all inspections result in no action, 35% result in some sort of violation, and 5% result in an order to vacate the premises.
- It's unclear whether each inspection on this list represents an actual raid. Anecdotally, some owners of venues included in this list told me that they were never visited by M.A.R.C.H. on the date indicated in the spreadsheet and were instead called by someone from their precinct and warned that they might be raided. As a result, there's no way to tell how many actual raids have occurred.
- On a precinct-level, there is a wide disparity in the number of inspections. For instance, Precinct 115 in Northern Queens carried out 75 inspections over the course of the dataset while Precinct 25 in Northeastern Harlem only carried out one.
- Focusing on just the 35% of inspections that resulted in violations, we see that almost \$1.6 million in fines were imposed over the 5-year period of the dataset, with a median fine of \$1,600 per violation. In over 70% of cases, these violations resulted in a guilty verdict, and defendants ultimately paid almost \$800,000 in fines, with a median payment of \$1,200 per violation. Only 10% of cases resulted in full dismissal.
- The most common infractions that resulted from M.A.R.C.H. actions were:
  - "Operation of a Place of Assembly without a current Certificate of Operation" (about 200 infractions with an average fine of \$1,800)
  - "Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department Records" (about 150 infractions with an average fine of \$1,600)
  - "Work without a permit" (about 100 infractions with an average fine of \$500)
- 15% of cases resulted in a "DEFAULT". From this, we can estimate that 100 businesses and/or individuals were forced into bankruptcy as a result of M.A.R.C.H. actions over the five year period of the dataset.

These observations represent an extremely limited view into M.A.R.C.H. operations. Many questions remain which cannot be answered given the limits of the data provided and the lack of interpretive guidance from the NYPD. For instance, since the data only list the addresses of inspections, and not the businesses themselves, we have no way of knowing what types of establishments are targeted by M.A.R.C.H. Furthermore, since the data only provide ECB and DOB violations that result from raids, we have no idea of how many criminal infractions result from raids, or whether occupants are ever arrested during the course of a raid. Finally, given the wide disparity in M.A.R.C.H. operations on a precinct-level, it's unclear whether each precinct actually follows the same protocols for determining when, why, and towards what ends an operation is conducted.

While I strongly believe the NYPD should provide more granular information to the public in answering these (and other) questions, this should be done in a manner which respects the privacy and safety of those already targeted by raids.

Thank you for your time,

Brian Abelson  
[brianabelson@gmail.com](mailto:brianabelson@gmail.com)