Twitter Thread by Scott Hechinger

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THREAD: This is a story about how police are frontline propagandists. It starts with a violent robbery at a men's clothing store in Manhattan. It ends w/ NYPD responding, but refusing to investigate. Then lying that no one would face any consequences bc of "reform." Read on:

A few weeks ago, a men's clothing store in Manhattan was victimized by numerous young men who, according the owners, stole $20,000 of merchandise. And worse: punched a 61 year old employee in the face. It was the second time the store had suffered similar theft recently.

The owners called NYPD both times. Both times NYPD came after the young men had left. The second time, however, one of the young men left his cell phone behind. Even apparently called it to retrieve it. The holy grail of evidence. A way for cops to catch them, right? Wrong.

Here's where the story turns from tragic to sinister. The owners called the responding cops "professional & sympathetic." But they lied to them. First, they lied they couldn't use the phone bc of "privacy laws." Despite ample justification to undercut constitutional protections.

Never in my nearly decade of public defense did the Constitution ever stop cops from acting even when the Constitution plainly prohibited their actions. Cops know their word will never be challenged & even if it is, judges will give a pass. More on this: https://t.co/vOuROVl9nc

It gets worse. NYPD didn't just lie they couldn't search for or arrest the suspects. They lied that even if caught, they'd face no consequences. Because of "bail reform" & new Manhattan DA Alvin Bragg's wildly misinterpreted policy memo. Storeowners were understandably horrified.

This was the last straw for the storeowners. After being bombarded w/ years of police-planted propaganda, fear & falsehoods tying bail reform to fictional "surges," personally surviving violence, then being told by NYPD it was bc of reform, they spoke out.https://t.co/t0HX6Wywf0

Confronted both w/ traumatic experiences & brazen lies by the NYPD, it's understandable these storeowners would speak out, in anger & resolve, against commonsense & remarkably successful reforms in NY. Misinformation is as much a tragedy as the violent robbery. So here are facts:

The offense & actions the storeowners described is Robbery in the Second Degree. A class C violent felony. Each individual would face minimum 3.5 years in prison. Max 15. Under NY Penal Law 160.10(2)(a). Bail reform doesn't touch this case. Alvin Bragg's memo doesn't come close.

It is FALSE Manhattan DA Bragg's new policy memo forecloses prosecution of these violent felonies. Or comes close to *condoning them*. He'd prosecute this case as a violent robbery. His prosecutors would request bail. Here's a direct link to his policy:https://t.co/cCaUL0ERg5

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ALVIN L. BRAGG, JR.
DISTRICT ATTORNEY

January 3, 2022

To: All Staff
From: Alvin L. Bragg, Jr.
Re: Achieving Fairness and Safety

So much lying out there about Bragg "condoning commercial armed robbery!" Minor changes relate only to cases involving no "genuine risk of physical harm." In this case, someone was ACTUALLY PHYSICALLY HARMED. Even just *threatening* the act would've qualify as a C-violent felony.

6. The following offenses shall be charged as follows:

a) An act that could be charged under PL §§ 160.15 (2, 3, or 4), 160.10(2b), or 160.05 that occurs in a commercial setting should be charged under PL § 155.25 if the force or threat of force consists of displaying a dangerous instrument or similar behavior but does not create a genuine risk of physical harm.

b) The possession of a non-firearm weapon under Penal Law § 265.02(1) shall not be charged unless as a lesser included offense, and § 265.01 shall be charged instead.

The carve out in Bragg's policy is for outrageous cases that already ordinarily end in misdemeanors or dismissals like when a single person puts their finger under their shirt pretending to have a gun. If any object (even a water bottle) could cause harm, it could be charged.

Only other change in Bragg's memo re: commercial crimes relates to outrageous practice of charging someone w/ a "violent burglary" for simple theft only bc a store's connected to a building w/ residences as well. Bragg'd still charge these as non-violent felonies. Up to 4 years.

b) The possession of a non-firearm weapon under Penal Law § 265.02(1) shall not be charged unless as a lesser included offense, and § 265.01 shall be charged instead.

c) Residential burglaries: An act involving theft of property from a storage area or other portion of a dwelling that is not accessible to a living area that could be charged under PL § 140.25(2) should be charged only under PL §140.20 and not under PL §140.30 or PL §140.25(2).

d) Commercial burglaries: An act involving theft of property from a commercial establishment that could be charged under PL § 140.25(2) because such establishment is technically part of a larger structure that contains dwellings shall only be charged under § 140.20.

e) Drug cases: If there is a reasonable view of the evidence indicating that a person arrested for the sale of a controlled substance is acting as a low-level agent of a seller, such person shall be charged with 220.03 and no felonies and therefore offered diversion. Also, unless such charge is a lesser included offense or unless the defendant actually sold a controlled substance, the offense of Penal Law § 220.06 shall not be

Bragg’s policy also doesn't rule out bail or incarceration for any crime. And carceral sentences would be based on a "holistic analysis of the facts" including "victim's input (particularly in cases of violence or trauma)." Which fits the storeowner's case as well.

To reiterate: In the case the storeowners described, these individuals could & would be charged w/ a C-violent robbery under Penal section 160.10, likely be caged on Rikers pretrial on unaffordable bail, & face up to between 15 years in prison. What cops called "no consequences."

The experience of the storeowners sounds harrowing & horrifying. Only made worse by the fact the NYPD both refused to help & also lied to them. Lied blatantly, as theyre doing in NYC & around the country to make people feel less safe & call to roll back criminal justice reforms.

Ill end here for now. More policing is not the answer. Continued harsh prosecutions aren't the answer. More people caged is not the answer. How do we know this? This story underscores why. Read on:

We spend $11 billion on policing that did nothing to prevent the crime described by the storeowners. $11 billion to fail/refuse to solve crime. That's not the storeowners' fault. That's not "reform's" fault. That's an epic failure of policing as a health & safety strategy.

Even worse: The $11 billion NYPD LIED. Lied that there's "nothing" they could do. That "nothing" would happen. They did this knowingly. They want to make people feel less safe, to fearmonger, & lie about reforms in order to get people to support doubling down on failed policy.

Bail reform has been a massive success. Out of the 98,000 now free who otherwise would've been eligible for Rikers, less than 2% were rearrested for a violent offense. Same as before reform. The chances these kids were released on another case at the time, is near-non-existent.

In NY & other localities where modest changes have passed, the fact is 1000s upon 1000s more are w/ their families, jobs, housing, medical care, & showing up to court. Not subjected to the *criminogenic violence that increases recidivism* of pretrial detention. Not reoffending.

Meanwhile, just like before bail reform, an infinitesimal percentage of people who were released get rearrested for crimes of violence. And those who were originally charged with crimes of violence (& bail eligible), are *the least likely* of all to get rearrested *if* released.

The data also undermines the propaganda. Crime trends over last year according to most recent FBI data was consistent. Across all jurisdictions. Cities large/small. Red/blue. With/without reforms. Those w/ "progressive prosecutors" & without. With police protests & without.

Here's the data just in NYC as it relates to the kind of crime the storeowners' experience: Nearly 2% decrease in burglaries over the last 2 years. Over 7% decline in robberies. Is it okay it happened to them? No. Is it part of a "surge" of burglaries/robberies? No.

Lastly, the idea that somehow kids in Manhattan are suddenly feeling "emboldened" because they think they can get away with offenses like this is ludicrous. Violent felony before. Still violent felony. Also directly undercut by every study undermining deterrence theory.

People are not thinking to themselves: “Ok, I’m going to steal from this store because if I do get caught there is a higher chance that I might not get sent to Rikers Island during a pandemic under the new DA’s new policy memo.” People are not thinking like this.

We all, New Yorkers and survivors of violent crime included, deserve the truth.

Not surprisingly I’m reply to this thread, a wide range of people seeing & hearing about the same sinister police practices in NYC & around the country. Crown Heights, Brooklyn: https://t.co/YMrH4MI5e0

> There's something similar going on near my neighborhood where a bunch of storeowners have been told by the cops that a serial robber can't be arrested because of bail laws. They believe the police; I'm convinced something else is going . https://t.co/FFYzSQ0EYp
>
> — Suzanne F. Boswell (@sf_boswell) January 17, 2022

In California via NextDoor app: https://t.co/53cRkHLJOS

> I\u2019m across the country, but I see frequent posts in NextDoor where people post about a crime (house break-in or car theft) & are told by the responding sheriff that it won\u2019t do any good to prosecute b/c \u201cnothing will happen to the crook anyway.\u201d Your thread explains a lot.
>
> — Dog Lover! (@CarolKearns12) January 17, 2022

NYC: https://t.co/GTzshqKLKo

> A food deliverer working for a popular local restaurant in my neighborhood was accosted and robbed. The police did the same thing, saying their hands are tied and are being told to not make arrests. It's absolutely disgusting. https://t.co/SiWyGaCF7A
>
> — Leo Glickman (@LeoGlickman1) January 17, 2022

Seattle: https://t.co/DDaM9Sj8gW

> The same thing happens in Seattle, where the police guild (@SPOG1952) actually have a PR campaign of "feel safe yet?" self-serving fear mongering. This is not a system that can be reformed. Defunnd the police and replace them with something more effective. https://t.co/3ZF3D4m9Km
>
> — Phil Mocek (@pmocek) January 17, 2022

Alaska: https://t.co/1VFFYu8rWi

> I don't even need to read the rest of this thread. A lot of people were told by police in Alaska that SB91 (criminal law reform) stopped them from investigating crimes. https://t.co/68Gfs9Chgb
>
> — Eat a Bowl, My Ass (I Will Not Eat a Bowl) (@jacaissie) January 17, 2022

Not just when responding to calls for help. NYPD lying in community meetings too: https://t.co/12MUqWcf1A

> This is happening at community meetings across the city, too. Police point fingers rather than admit they can\u2019t resolve community issues.
>
> S/o to @TheRealLatriceW @RJackson_NYC & @NYSenatorRivera who have used their platforms to correct lies and promote truth & justice. https://t.co/IzmUu0KD96
>
> — Jared Chausow (@jchausow) January 17, 2022

Los Angeles: https://t.co/11DT5arpVi

> They follow the same playbook everywhere. https://t.co/YstEIgYnOu
>
> — Ground Game LA (@GroundGameLA) January 17, 2022

Just recalled that I had a similar conversation in San Francisco. https://t.co/RDgJisq4bI

> Misinformation in San Francisco: A tech millionaire recently told me how someone had their head bashed w/ a brick. Brain damage. Police wouldn\u2019t investigate bc they said Chesa won\u2019t prosecute. \u201cThat\u2019s insane!\u201d Yea. Cause it\u2019s not true. That\u2019s attempted murder. Cops are out lying.
>
> — Scott Hechinger (@ScottHech) November 13, 2021

Seattle. Again: https://t.co/XLAiOina8V

> They're doing this from coast to coast. Twice I've interacted with Seattle police & they tell me they can't do anything because of "legislation".
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> The first time was with my son, on the same block as a station. They showed up 45 mins after the incident. They told me that.
>
> Lies. https://t.co/ejppwl5ksS
>
> — Wendy Lady doesn't want to talk bout Rocco\u2615\ufe0f\U0001f984 (@NerdRage42) January 17, 2022