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LET'S HANG OUT



In 2010, the New York State Supreme Court found that the NYPD continued to enforce loitering laws that were ruled unconstitutional back in the 1980s. Have things changed in the past 10 years?

What's loitering? Who has the right to hang out in public space? How do loitering laws impact New Yorkers?

In the winter of 2018 CUP collaborated with Teaching Artist Stephen Kwok and public high school students from Life Sciences Secondary School to investigate these questions. Students created public art interventions, surveyed community members near their school, and interviewed key stakeholders working on the issue. This booklet is a guide to what students learned about NYC's loitering laws, how they impact communities, and how these policies and their enforcement could be transformed.



WHAT'S LOITERING?



Loitering refers to the act of hanging out in public space without a specific reason. In New York state, the following activities violate the law and are considered illegal forms of loitering:

Gambling in public

Wearing a mask (unless you're headed to a party or a parade)

Remaining on school grounds without permission

Selling merchandise or entertaining people for money without a permit in public transportation sites

Engaging in prostitution

Although New York's loitering laws appear clear on paper, in reality, their enforcement is not always consistent.



NIKITA PRICE

"The question you should be asking is: Who has the right to exist in public space?"
– Nikita Price, Civil Rights Organizer, Picture the Homeless



WHO DECIDES YOUR RIGHT TO HANG OUT?

PRIVATE BUSINESSES MAKE THEIR OWN RULES

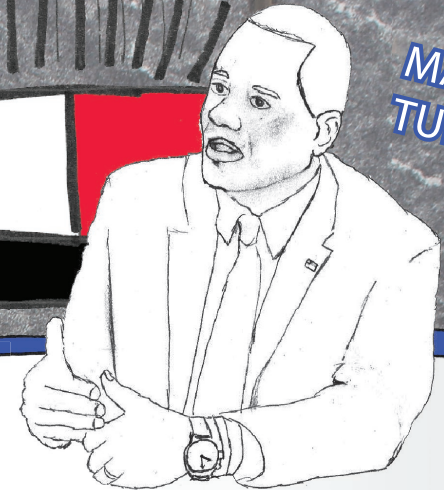
“With private businesses, they can set their own rules for what’s allowed. We’ve seen what’s happened in Starbucks [in Philadelphia in 2018] and other establishments like people calling the cops on black people for living their lives in public. I would say that that’s not the type of conduct that we really should be prioritizing in terms of enforcement.”

– Michael Sisitzky, Lead Policy Counsel
New York Civil Liberties Union

**MICHAEL
SISITZKY**



**MARK
TURNER**



IN PUBLIC SPACE, IT'S UP TO THE POLICE

“[Police officers] are not just going to go after someone, or approach someone who is just loitering for a second. It’s someone that you don’t usually see in the neighborhood or something that kind of looks out of way. And then, you go out and maybe you talk to that person and maybe you can help them.”

– Mark Turner, Captain, New York Police Department

“Part of the problem with loitering laws is that there’s no real sense of what actually qualifies to the point where it becomes criminal or unlawful. It’s a system that lets police officers decide for themselves when someone has met the criteria... The problem is that when officers are just making the rules up as they go and applying their own discretion, we tend to see officers only applying those rules against people of color.”

– Michael Sisitsky

HOMELESS PEOPLE

Despite removing “panhandling” from the New York State loitering law, homeless advocates argue that homeless people continue to face police harassment for hanging out in public space.

“[Picture the Homeless has filed] a complaint with the NYC Human Rights Commission, indicating that the police are violating the Community Safety Act, which protects homelessness as a protected status. And they’re violating this legislation by telling homeless people they have to move from public space. [But] it’s not illegal for you to be homeless and be in public space.”

– Nikita Price

PEOPLE OF COLOR ESPECIALLY WOMEN AND TRANS PEOPLE

Personal biases around race and gender inform how police enforce loitering laws.

“I think loitering and hanging out in public are seen as negative behaviors for people who are racialized or who are gender non-conforming... White kids hanging out on the street versus black trans women hanging out on the street are looked at very differently by police. It’s not treated the same way for everybody and that’s a real problem. It gives police the ability to profile folks.”

–Audacia Ray, Director of Community Organizing and Public Advocacy, Anti-Violence Project

WHO’S MOST AT RISK OF BEING PROFILED FOR LOITERING ?



SEX WORKERS

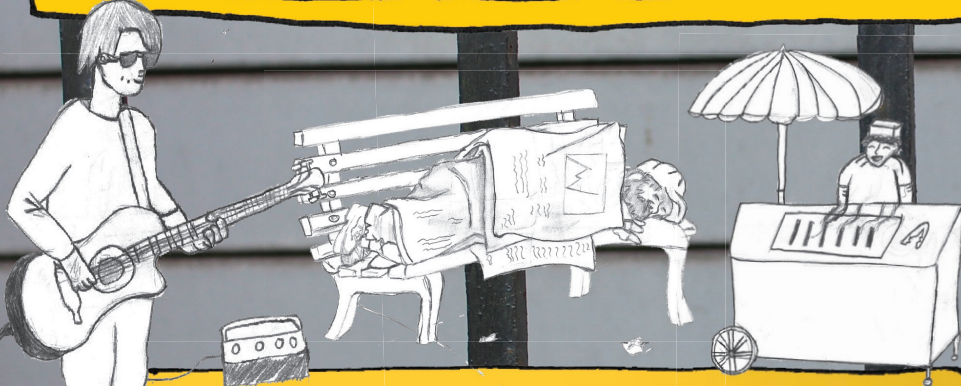
AND PEOPLE ASSUMED TO BE SEX WORKERS

Police have power to decide who is loitering which makes certain communities targets for arrest and prosecution for illegal sex work.

“In New York state, all of the laws that make sex work illegal are state criminal code... One of them is called “Loitering for the purposes of prostitution” which is basically about folks being outdoors or in areas where sex work is known to happen or dressed in a way that the police believe is [for the purpose of] prostitution or is advertising services... The police perceive people’s race, gender, location, and then make a decision about whether or not that person is a sex worker... Loitering means that the person does not actually have to be soliciting someone or actively advertising being a sex worker.”

– Audacia Ray

WHAT ARE CIVIL LIBERTIES?



“Civil liberties are the things that keep us safe from government interference in our lives... You have the right to be free from the government arresting you without cause or charging you with a crime that you don't really understand or don't have any way of defending yourself against. [Civil liberties] keep us safe from government overreach.”

– Michael Sistizky



WHAT SHOULD YOU DO IF YOU'RE STOPPED BY THE POLICE?

Stay calm and don't argue with the police

Keep your hands visible

Ask if you're under arrest or if you're free to leave

Ask to see a search warrant if you or your property are being searched

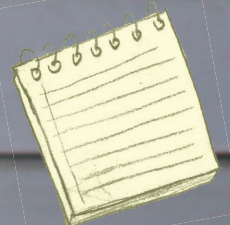
Remember, you have the right to remain silent

Afterwards, write down everything you remember, including descriptions of the interaction, police badge numbers, and patrol car numbers



For more information, visit nycclu.org/en/know-your-rights/what-do-if-youre-stopped-police

If you think your rights have been violated during an encounter with the police, you can file a complaint with the Civilian Complaint Review Board. Call 311 or visit nyc.gov/html/ccrb.



HOW COULD THINGS BE DIFFERENT?

FOCUS ON COMMUNICATION IN POLICING

"Police officers [most often get called to] difficult situations, crisis moments, where people are not getting along. [Police] want to be a peace force – a broker of peace. The person that just doesn't bring along order, [but also] listens and maybe gets individuals to hear others and maybe grow from that conflict."

– Mark Turner

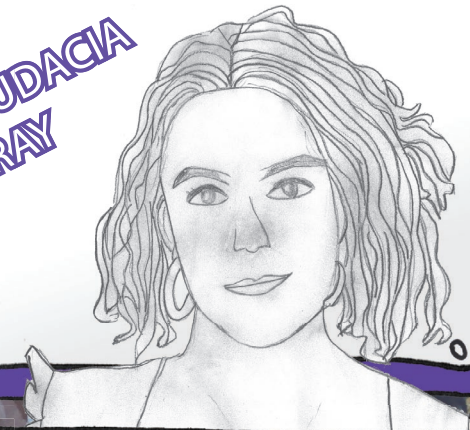


CREATE MORE PUBLIC SPACE

"In our city there are very few places where people can go and hang out without having to buy something... Just because corporations and private businesses own buildings, it doesn't mean that they own the street. People should be able to hang out in groups, they should be able to be in public spaces ... where they can be building community together."

– Audacia Ray

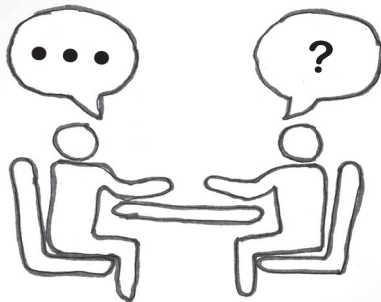
AUDACIA
RAY



INVOLVE ALL STAKEHOLDERS IN MAKING DECISIONS ABOUT PUBLIC SPACE

"One of the problems I think people have with dealing with homeless people is that we are not at the table when decisions are being made for us. If we're not at the table, we're on the menu. I fight for homeless people to be at the table."

– Nikita Price



GET INVOLVED AT THE LOCAL LEVEL

"So much of the big flashy social justice work starts with those grassroots groups that are organizing around local issues. Find a group in your community, organize with them, attend meetings, meet people in your neighborhood to see what the experiences are, what the problems are, and use those spaces to push for broader reforms, and to build power where you live."

– Michael Sisitzky





Creating personalized cushions

Collaborating on a large canvas to demarcate the *Take Space*



Mobilizing the *Take Space*



Sharing food and stories at the *Take Space* installation



REDEFINING LOITERING: *TAKE SPACE*

To reimagine what could be considered loitering, students collaboratively created *Take Space* – a mobile seating arrangement that can be installed in various private and public spaces. As a group, they decided that the *Take Space* should be a site for exchange and community. They brought in food from their own cultures to share with their peers.

The photos on the page document their creative process.

“This project portrayed a unique point of view on what loitering could be and we used it to demonstrate that we are all equal. We brought food items from different cultures in order to show our unity and learn from each other. Loitering is something everyone does sometimes and there are many different ways to interpret the act of loitering.”
– Sherry Cortez, Junior at Life Sciences



"I've learned about how people view problems arising from loitering laws and more generally, the many injustices people experience in city life. I have enjoyed being in the program and collaborating with other students. It's something I never thought I would do. Don't be afraid of anything and speak up about any issues you are passionate about!"

- Araceli Bazan, Student

"Loitering laws for years have been a way to keep minority groups under close watch by other 'higher' groups of people. Loitering laws have been put in place to strip away a person's right to be wherever they choose. These laws are an unspoken way of saying, 'You don't belong here,' or 'We don't want you in the area.'"

- Azia Francis, Student



"I learned two things. The first is that the space of New York belongs to the people who have the right to exist in public space when and where they want to. Two, loitering is a word that's definition is up to whoever decides to define it."

- X-Zavion Rivera, Student



WHAT STUDENTS SAY

"Loitering was a term that many of us didn't recognize or understand at first. However, we learned that it is a common concern that has different meanings depending on who it is affecting. This program helped me understand that loitering can't just be understood one way."

- Sherry Cortez, Student



"I enjoyed the experience learning various topics such as photography, videography, and most importantly about the subject of loitering, which is something that is not well known and defined. Working with other students to convey our message was a positive experience."

- Lisbeth Martines, Student



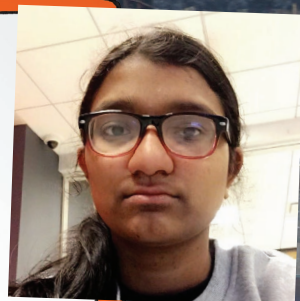
"This program taught me that common issues like loitering have a great impact on millenials."

- Natalia Rivera, Student



"It's difficult to tell if someone is loitering, whether it may be waiting for a friend at a certain location, or 'wrongly' remaining in a public space just because you want to. It's hard to tell what a person is actually doing. If someone is wrongly accused, they should know their rights and deal with the police in a safe way."

- Kageethna Kumarasivam, Student



"Loitering unequally affects people based on their race, gender, etc. It can also be perceived differently based on these groups."

--Chelsea Rivera, Student



"Loitering shouldn't be used to judge whether or not a person's activity in public space is legitimate or not. Studying loitering changed my point of view toward people I share public space with."

- Amy Veras, Student



The Center for Urban Pedagogy (CUP) is a nonprofit organization that uses the power of design and art to increase meaningful civic engagement, particularly among historically underrepresented communities.

This project is one of CUP's **Urban Investigations** – project based afterschool programs in which high school students explore fundamental questions about how the city works. Students collaborate with CUP and Teaching Artists to create multimedia teaching tools that reach audiences in the fields of arts and social justice. To learn more about CUP, visit welcometoCUP.org.

CUP

Teaching Artist: Stephen Kwok

Project Lead: Fielding Hong

Project Support: Leigh Taylor



Life Sciences Secondary School

Principal: Kim Swanson

Parent Coordinator: Cecilia Marshall

Students: Araceli Bazan, Sherry Cortez, Azia Francis, Kageethna Kumarasivam, Lisbeth Martines, Chelsea Rivera, Natalia Rivera, X-Zavion Rivera, Amy Veras

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