

WITH COURAGE  
COMES CHANGE

# DISCUSSION GUIDE



A FILM BY STEPHEN MAING

A **hulu** DOCUMENTARY

# CRIME + PUNISHMENT

AUGUST 24 **hulu**

# DIRECTOR'S STATEMENT

For several years my producing partner and I had worked on various documentary projects about police-community relations. These early more journalistic projects included interviews with several anonymous police officers. After the 2013 federal hearing on Stop-and-Frisk and a newly elected mayor Bill de Blasio, who had campaigned on a police reform platform, these officers felt frustrated with a lack of substantive change. They wanted to do more than speak as unnamed silhouettes and were ready to reveal their identities and openly publicize their fight against the department and its use of discriminatory policing practices.

Before this I had spent many years working on a vérité film about the emergence of China's first citizen reporters fighting state-mandated censorship and then another project about a Korean-American State Department "leaker" harshly prosecuted under the Espionage Act. I was drawn to these unexpected protagonists speaking truth to power and later the rare opportunity to film the actual evolution of whistleblower cops in an observational approach. With the growing discord between police and minority communities in New York and nationally, it felt like a vital narrative the public had never seen before so when our access deepened I made sure to go everywhere and anywhere the officers and others would allow me to film.

In 2015, these whistleblower cops decided to form a class-action lawsuit to expose the illegal use of policing quotas. This led us to an unforgettable ex-cop turned private investigator named Manuel Gomez who had been working with the officers' attorneys to expose the staggering number of falsified arrests by police – a seeming indication of the quota's collateral damage within low income "high crime" neighborhoods. Between the growing number of whistleblower officers, families, attorneys, activists and falsely arrested young people of color like Pedro Hernandez, I eventually found myself filming for hundreds of days – as the ripple effects of this kind of discriminatory policing revealed itself. Countless new stories of ethically conflicted officers would emerge, overlap and corroborate each other – reinforcing a sense of the immense pressure and incentivization for officers to meet "productivity goals." But for the attorneys, the case was still difficult to prove – until the emergence of officer Edwin Raymond.

# DIRECTOR'S STATEMENT



Raymond is everything the NYPD should want in a cop. He is exceedingly honest, intelligent, disciplined, and despite what detractors might say about him, loyal to the mission of policing. He, like the other whistleblowers who came to be known as the NYPD12, is somebody that actually believes police if given proper training and discretion can positively impact society, however it was his great aversion to corruption that led him and the others to try and expose the department and start secretly recording supervisors, at significant personal and professional risk.

The NYPD12 are simply the kind of cops that most people would want in their neighborhood – quick to intervene in dangerous conflicts and eager to serve the community. They are cops who could have also brought so many valuable improvements to the problematic practices and complex cultural praxis in New York City policing. It's a shame that instead, they are seen as pariahs and for years were retaliated against for not “hunting” for higher arrest and summons numbers.

# DIRECTOR'S STATEMENT

In documentaries about fraught present day issues, there is a very high bar of expectation especially for a subject-matter like policing that many may think they already understand so I felt there was a need for the film to be both investigative but also push the formal bounds of cinematic, character-driven & experiential storytelling. Because of the many layers needed to portray a systemic view of quota-driven policing, the filming process led us to many different individuals – such as the colorful and unrelenting ex-cop turned private investigator Manuel Gomez – but also various modes of storytelling and reportage.



A 'direct cinema' kind of observation might dovetail into a cinema vérité scene that breaks the fourth wall and leads to more investigative surreptitious recordings. So, in trying to make a different kind of film that is investigative, unfolds in real-time but creates both immediate and associative meanings – another point of interest for me was the linkage of multi-character worlds and shifting perspectives in non-fiction like Truman Capote's *In Cold Blood*. Aside from reimagining the true-crime genre as a work of art, Capote suggested powerfully haunting meanings by illustrating the points of convergence of people's tenuously overlapping worldviews. I could appreciate how these points of intersection of differing classes & experiences were as important as the unifying crime at hand.

# DIRECTOR'S STATEMENT



There have been many films about police misconduct, corruption, the militarization of police, cases of unlawful killings and scandals within departments. What was most exciting for me was the opportunity to create an observational film that would introduce a voice not yet heard in the fraught police-community debate. By featuring unsanctioned active-duty whistleblower cops that could speak about problems in policing with first-hand knowledge, I sought a more candid account that could be both critical and sympathetic in navigating the question of what role police must play in society.

For better or for worse, it was important to me to make a film that would be accessible to both citizens who feel besieged by police as well as officers who feel assailed by the delegitimization of the uniform and job. Both are impacted by the more daunting question our film hopes to pose – that patrolmen as well as minority communities are both vectors in a larger system of revenue generation and “crime reduction” optics. For this reason, it was important to me to make a film that portrayed policing issues in New York City from a systemic vantage point – one that observed both from 10,000 feet above as well as in intimate immersive detail – in order to allow viewers to think beyond the individualized cases at hand, or the binary of pro- or anti-law enforcement and consider the more invisible policy-driven systemic forces that impact all sides of this societal matrix.

# DIRECTOR'S STATEMENT



Through the interconnected stories of P.I. Manuel Gomez, to each of The NYPD 12 cops, to Pedro Hernandez, the lawyers and families, there was a rare opportunity to show the ripple effect of quota-driven policing practices with both a human and systemic lens. To my surprise, following this ripple also revealed a sense of hopefulness in the efforts of these cops, not to mention a powerful intersectional effort by many others to make positive change throughout the city.

Today it is all too common for cops and minority communities to be portrayed as 'racist police' and the 'high crime areas' they must contain. This is why it felt important to create a more sympathetic portrait of all with the hopes of demonstrating how discriminatory policing practices may not be the stated goal – but can be an inevitable outcome for power structures that aim to empower the institution of policing above the actual officers or citizens they are responsible to protect and serve.

- Stephen Maing

# FILM SYNOPSIS

CRIME + PUNISHMENT cinematically observes four years of policing in New York City from the perspective of a group of minority whistleblower officers who risk everything when they decide to expose racially discriminatory policing practices, systemic retaliation and corruption in the NYPD. In a series of secret meetings these minority NYPD officers who have been punished for not meeting quotas in the minority neighborhoods they patrol, resolve to record any harassment they experience on the job. As the emergence of other fed up cops across the city like officer Edwin Raymond presents a growing body of secretly recorded evidence, we witness New York's streets erupt in protests over the deaths of Eric Garner and other victims of New York's Broken Windows theory of policing. Twelve officers strategize how to go public and sue the department and are labeled The NYPD 12. After breaking the infamous 'blue wall of silence', a new wave of retaliation soon unfolds, filling some of the NYPD12 with fear and doubt.

The surprise emergence of a ranking sergeant from the department's notorious disciplinary unit called 'Performance Monitoring' requests to meet with the NYPD12 which raises suspicions within the group - and they must decide if he is possibly a mole. The film follows the NYPD12's efforts to gather evidence and find allies they can trust both inside and outside of the department and community as they speak out about the negative impact of over-policing in minority neighborhoods.

During this time, the efforts of the unrelenting ex-NYPD cop turned private investigator, Manuel Gomez, reveals a staggering pattern of falsified arrests in minority neighborhoods in New York City. He doggedly pounds the pavement gathering overwhelming evidence that in theory should exonerate a young man named Pedro Hernandez whose multiple falsified arrests have kept him in Rikers for twelve months. P.I. Gomez discovers that the officer responsible for Hernandez' multiple wrongful arrests was in fact promoted after exceeding three times the monthly quota - a tragic example of perhaps the unintended consequences of an emphasis on numeric arrests and summonses goals.

# GLOSSARY

## **Whistleblower**

Anyone “who discloses information that s/he reasonably believes is evidence of illegality, gross waste or fraud, mismanagement, abuse of power, general wrongdoing, or a substantial and specific danger to public health and safety.”

## **Quota-Based Policing**

Formal and informal measures that require police officers to issue a certain number of tickets or arrests, often within a certain time frame.

## **Summons**

A written court order that requires a defendant to appear before a court to answer a minor criminal charge. A defendant may choose to plead not guilty and stand trial, or plead guilty and pay a fine.

## **Broken Windows Theory**

Broken Windows Theory in policing is the belief that addressing low level visible disorder will lead to a decrease in more serious felonies. The controversial practice of Stop-and-Frisk is said to have grown out of Broken Windows policing.



# DISCUSSION QUESTIONS

## GENERAL AUDIENCE

- Crime + Punishment tells the story of whistleblower police officers exposing illegal practices in their workplace. Has there ever been a time in your life where you were a whistleblower / stood up for something you believed in? Has there ever been a situation where you wanted to speak up but were scared?
- Were you aware of quota-based policing before seeing the film? Do you know if your local police department has ever been accused of similar misconduct?
- How does the story of the NYPD 12 fit into the national fight for criminal justice reform?
- What are some of the different ways we see the state exercise its power in the film?
- The story of the NYPD 12 is embedded in the larger, and contentious, history of the NYPD. What lessons or takeaways can be applied to other police departments across the country?
- What is the role of whistleblowing in criminal justice reform? What do you think the long-term effects of the NYPD 12's actions will be?
- What are some of the ways numerically driven policing measurements can lead to corruption?
- How does officers' involvement in revenue generation complicate the role of policing?

# DISCUSSION QUESTIONS

## STUDENTS + YOUTH

- Does this film inform your attitude towards police officers and law enforcement? How does it change or reinforce your previous conceptions?
- In the film, we see Pedro's story alongside that of the NYPD 12. Were you surprised by his history of dismissed arrests? What do you imagine the long-term effects are on young people of color who are regularly harassed and arrested by the police?
- What are some other institutions besides police departments where those in power can illegally or wrongfully abuse their power?
- Have you had interactions with police officers? What were the circumstances? How did they compare to Pedro's experience?
- If you have never had interactions with the police, why do you think that is?

# DISCUSSION QUESTIONS

## POLICE OFFICERS

- Were you familiar with the story of the NYPD 12? What did the film add to your understanding of their case?
- As a police officer seeing this film, does it change your perception of your own department? Why or why not?
- In the film, we see Tamika Mallory advise the NYPD 12 on the potential community/activist reaction to their case. She says, “You’re still a police officer, and there are people in our community who I called to come to this meeting that said ‘I will not be there, because I don't work with police officers, period, and they didn't come. “ Did her analysis surprise you?
- How does the story of the NYPD 12 inform your willingness to report potential misconduct or criminal activity by your department? Do you think you would be supported if you became a whistleblower? Why or why not?
- Crime + Punishment focuses on the stories and experiences of Black and Latino police officers. How are the experience of officers of color different from white officers generally?
- If you are a white officer, did anything about the experiences of officers of color in the film surprise or surprise you?
- If you are an officer of color, did the story of NYPD 12 reflect any or your own experiences? If not, how has your experience been different?

# DISCUSSION QUESTIONS

## **POLICE OFFICERS (cont'd)**

- Why do you think it is important for active duty police officers to be part of police reform discussions? What are the possible complications?
- What is the biggest way you think policing can be improved for officers and community members?
- Do you know other officers struggling with similar issues as seen in the film?

# WHAT CAN YOU DO?

## **Get Informed**

The first step to taking any type of action is to get informed. You have a greater chance of success when you identify the injustice you are working to fix and your desired outcome. Please see our recommended reading list on page 14.

## **Host Your Own Viewing Party**

Bring CRIME + PUNISHMENT to your community by hosting a screening and conversation using this discussion guide. Sign up and get more details here: [bit.ly.CrimePunishmentScreening](http://bit.ly.CrimePunishmentScreening).

## **Sign a Petition**

End Police Secrecy (New York)

[bit.ly/2MkMS95](http://bit.ly/2MkMS95)

# RESOURCES

## QUOTA-BASED POLICING

- Despite Laws And Lawsuits, Quota-Based Policing Lingers: [n.pr/2jej6WD](https://n.pr/2jej6WD)
- Working Towards a More Safe and Fair City: [bit.ly/2nGaUNS](https://bit.ly/2nGaUNS)
- How Aggressive Policing Affects Officers Themselves: [bit.ly/2Bcoim7](https://bit.ly/2Bcoim7)
- Race and the Tragedy of Quota-Based Policing: [bit.ly/2ffHqBk](https://bit.ly/2ffHqBk)

## CRIMINAL JUSTICE REFORM

- Building Momentum From The Ground Up: A Toolkit for Promoting Justice in Policing [bit.ly/2w7TJIK](https://bit.ly/2w7TJIK)
- Community Representation in the Police Force: [bit.ly/2Bb90y2](https://bit.ly/2Bb90y2)
- End for-Profit Policing: [bit.ly/2OzwxuE](https://bit.ly/2OzwxuE)
- Police Accountability and Criminal Justice Reform Campaigns: [bit.ly/2vMYvMe](https://bit.ly/2vMYvMe)

## BROKEN WINDOWS

- Broken Windows: [bit.ly/2raQLzJ](https://bit.ly/2raQLzJ)
- The Problem with Broken Windows: [to.pbs.org/2MPbXpE](https://to.pbs.org/2MPbXpE)
- End Broken Windows Policing: [bit.ly/2OABCTe](https://bit.ly/2OABCTe)

## WHISTLEBLOWING

- What is a Whistleblower? [bit.ly/2HdRloP](https://bit.ly/2HdRloP)
- Whistleblower Law Library: [bit.ly/2MNpMVs](https://bit.ly/2MNpMVs)
- Employee Speech and Whistleblowers: [bit.ly/2IvayCC](https://bit.ly/2IvayCC)
- The Data on Federal Whistleblowing and its Consequences: [wapo.st/2MthpRU](https://wapo.st/2MthpRU)

## EYEWITNESS VIDEO RESOURCES (from WITNESS)

- Video as Evidence Guide: [vae.witness.org/](https://vae.witness.org/)
- Filming the Police Tip Sheet: [bit.ly/2w84GtI](https://bit.ly/2w84GtI)
- Caught on Camera: Police Abuse in the U.S: [bit.ly/1gmoOOx](https://bit.ly/1gmoOOx)
- Using Eyewitness Video as a Source of Data About Police Abuse [elgrito.witness.org/](https://elgrito.witness.org/)