

NYPD cops may be stopping too few out of fear of discipline: monitor

By Shawn Cohen, Jamie Schram and Bob Fredericks | July 9, 2015



Photo Credit: Christopher Sadowski

NYPD cops are doing too few stop-and-frisks because they fear internal discipline and lawsuits — and it is “not a healthy state of affairs,” the department’s federal monitor revealed in a sweeping report released on Thursday.

“The monitor and members of his team have been told by officers at ranks from patrol officer to supervisor that officers on the street may be declining to stop, question and frisk when it would be lawful and prudent to make the stop,” lawyer Peter Zimroth wrote in his first report on the department’s compliance with a 2013 court order mandating changes to the policy.

The cops are uncertain, he continued, about their own personal liability or the internal discipline they may face if they make a mistake.

“We do not know the extent to which officers may be declining to make lawful, appropriate stops because of these uncertainties. To the extent it is happening, though, it is not a healthy state of affairs for police officers or communities,” he wrote.

Cops, he added, should be able to make as many stops as are warranted — as long as they are documented properly and done legally. “It is not the monitor’s role to determine whether there are too many or too few stops,” the report said.

And in a letter introducing the report, he called the tactic “an important law-enforcement tool.”

Other highlights in Zimroth’s 87-page report to federal Judge Analisa Torres include:

- The introduction of labor-intensive forms for police officers who stop a suspect — including a narrative about why the person was targeted. Previously, they only had to check one of a number of boxes listing the most common reasons for stop-and-frisks, such as “furtive movements” or “high-crime area.”
- A call to expand the body-camera program, which began in just five precincts under the court order. The monitor wants to obtain 1,000 cameras in all, with 50 cameras assigned to 20 precincts citywide.
- Supervisors will have to scrutinize “stop” reports, and will be held responsible for any issues down the line.
- Increased audits of stop-and-frisks to make sure they are done properly and recorded accurately.
- The creation of a Risk Management Bureau to compile data on Civilian Complaint Review Board claims, suits and disciplinary actions against individual cops to determine

if there are any who are likely to cause problems.

- Clarification of the rules on how officers conduct “vertical patrols” in the city’s public-housing projects and privately owned apartment buildings whose landlords had requested patrols.

Cops will no longer be able to stop people simply because they don’t appear to belong there.

Law-enforcement sources agreed with the monitor’s findings on a lack of a stop-and-frisks.

“Cops are afraid to be sued, afraid of getting complaints, getting falsely accused of racial profiling, and we don’t feel like we have the backing of the political leaders of the city,” one said.

A second law-enforcement source added, “Any cop would be crazy to stop, question and frisk someone at this point.

“I don’t say this lightly either, but take a look at what’s happened in the city and the country.

“The public has turned its back on the police department, particularly minorities and the black community. And they are out to get us with their cellphones.”

Another reason for the decline — from a peak of 685,724 stops in 2011 to 46,235 in 2014 to 7,135 in the first quarter of 2015 — is that some cops were not documenting the frisks they did make, the report said.

The new forms and tighter supervision will ensure that all stops are documented, Zimroth wrote.

“One of the goals of the court’s orders . . . and, therefore, this monitorship, is to clarify areas of uncertainty so that police officers can go about their difficult task with a clearer understanding of their lawful authority,” he wrote.

Zimroth — a lifelong New Yorker, former federal prosecutor and chief assistant DA in Manhattan — also makes it plain that it’s not his job to run the NYPD.

“The monitor’s role is not to displace [Commissioner Bill] Bratton,” he wrote.

Federal Judge Shira Scheindlin ordered the changes in 2013 after a class-action civil-rights lawsuit trial in which plaintiffs said they had been wrongly targeted by police because of their race.

Her ruling and changes had been in limbo after the city, under then-Mayor Mike Bloomberg appealed, but Mayor de Blasio dropped the appeals, and others by the city’s police unions were also tossed.