

## Cops Recording Fewer Stops and Passing On Some Legitimate Ones

BY MARK TOOR | July 13, 2015

The number of stop-and-frisk encounters is way down from the years of Mayor Bloomberg, but Peter Zimroth, the Federal monitor charged with measuring the department's compliance with a 2013 order based on the finding that the program was being run in an unconstitutional fashion, said problems remain to be solved.

“The focus should not be on the number of stops per se, but rather on the lawfulness of those stops and whether those law-enforcement encounters are conducted in accordance with the department's principles of ‘courtesy professionalism and respect,’” Mr. Zimroth wrote in his first report, submitted July 9 to U.S. District Judge Analisa Torres.

### Shying From Stops

Conversations with officers and supervisors have shown that cops are not documenting all their stop-and-frisks, he said. Further, he said, officers are passing up opportunities for legitimate stops.

“Among the reasons suggested are that officers are not confident or have been misinformed about, among other things, what they are authorized to do under the law, what supervisors expect of them, what their personal legal liability might be and under what circumstances discipline will be administered,” he wrote.

The Patrol Guide gives insufficient guidance about the legal issues surrounding stops—they are legal only when officers can articulate a reasonable suspicion that the subject is involved, has just been involved or is about to be involved in criminal activity—and NYPD commanders are having those sections rewritten, the report said.

Similarly, the Police Department is revising sections of the Patrol Guide that deal with racial profiling and stops in private buildings whose owners have enrolled them in the Trespass Affidavit Program.

The department has also created two new forms for reporting stops (actually, they include the same information but are different sizes) and is testing them in seven commands. The pilot program will last until September.

### New Training for All

The new system will require changes in training not only for recruits but for all 35,000-

plus uniformed officers, Mr. Zimroth wrote. The training will include roll-call announcements, in-service instruction and preparation of new supervisors.

Training will emphasize that “officers may not use race as a motivating factor, even in part, for law-enforcement action, unless the action is based on a reliable and specific suspect description,” the report says. “A general suspect description, such as ‘young, black male,’ is not sufficient.”

They will be specifically warned that “the fact that a particular group may appear more frequently in local crime statistics is not enough information for there to be reasonable suspicion for a stop.”

In a 2013 ruling in one of three stop-and-frisk cases, U.S. District Judge Shira A. Scheindlin found that in many precincts officers were stopping people because of their race or ethnicity, rather than because they appeared to be involved in a crime.

### Weeding Out Biases

The NYPD is preparing training aimed at weeding out implicit bias on the part of police officers and ensuring that everyone is treated the same regardless of demographic factors. Mr. Zimroth warned that “this will take time.” Such training may be available for the recruit class that entered the Police Academy last week, but if not it will be implemented in 2016, he said.

Training for newly-promoted Sergeants, Lieutenants and Captains will need to be revised because front-line supervisors will be responsible for ensuring that stops are legal, not just checking the paperwork, he said. “An officer's immediate supervisor (usually the patrol Sergeant) will conduct a substantive review of the constitutionality of each stop and, if conducted, the frisk and search,” the report said.

The department has already changed the way it handles complaints of racial profiling in stops, he said. Once, such complaints were handled by the officer's Sergeant. Now they are handled by Bureau-wide or borough-wide units.

The report also discussed the pilot program involving body cameras. Rather than selecting five precincts across the city, it proposed a “randomized control trial” involving 1,000 cameras in 20 precincts.