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June 3, 2025

VIA ECF

The Honorable Analisa Torres
United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Floyd, et al. v. City of New York*, 08-CV-1034 (AT),
Ligon, et al. v. City of New York, et al., 12-CV-2274 (AT),
Davis, et al. v. City of New York, et al., 10-CV-0699 (AT),
Community Liaison

Dear Judge Torres:

I am pleased to submit the Twenty-Fifth Report of the Independent Monitor. This report, which contains an executive summary, presents the Monitor's analysis of the New York Police Department's Community Response Team units. More detail and discussion can be found in the body of the report.

Respectfully submitted,



Mylan L. Denerstein
Independent Monitor

Attachment: Twenty-Fifth Report of the Independent Monitor

Twenty-Fifth Report of the Independent Monitor

The NYPD's Community Response Team's Stop, Frisk, and Search Practices

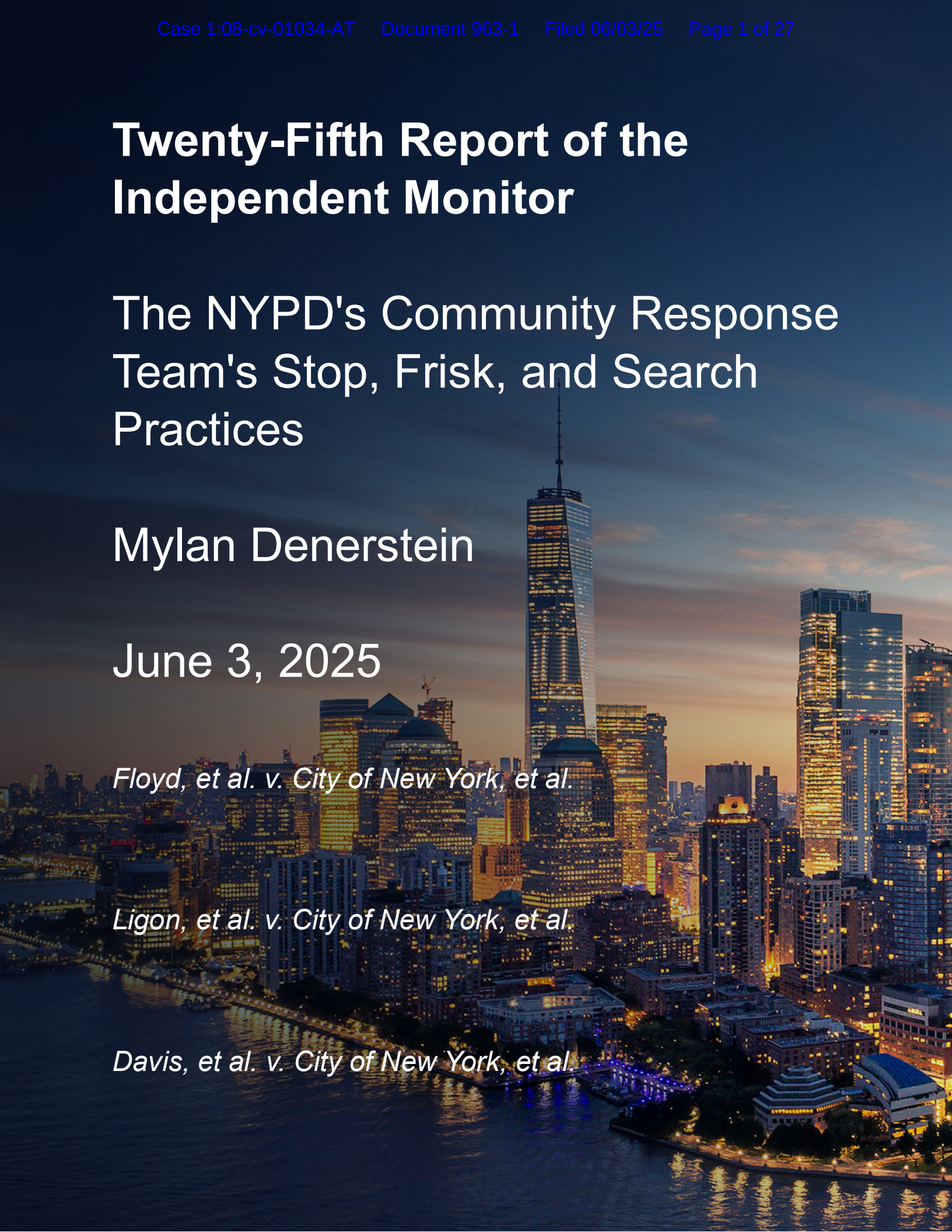
Mylan Denerstein

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Floyd, et al. v. City of New York, et al.

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Davis, et al. v. City of New York, et al.



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Table of Contents

I. Executive Summary.....	1
II. Traffic Stops.....	3
III. Background.....	6
IV. Audit Methodology	7
A. BWC Review of CRT Officers	7
B. Evaluation of CRT Level 2 Investigative Encounters to Assess Underreporting of Terry Stops	9
C. CRT Stop Reports.....	10
V. Results	10
A. Deployment BWC Review.....	10
1. Stops and Searches.....	11
2. Race of Persons Stopped and Searched.....	12
B. CRT Level 2 Investigative Encounters.....	13
1. <i>Terry</i> Stops	13
2. Traffic Stops	13
3. Non-Traffic Encounters.....	14
4. Race of Persons Encountered	14
C. CRT Stop Report Assessment.....	14
VI. Discussion.....	15
A. Lawfulness of CRT Stops, Frisks, and Searches.....	15
B. CRT Traffic Stops and Searches	16
1. Consent Searches without Founded Suspicion.....	19
C. Race and Gender of Persons Encountered.....	20
D. Supervision of CRT Activities	20
VII. Conclusion	21
Appendix 1	23

I. Executive Summary

In July 2022, the New York City Police Department (“NYPD” or “Department”) established the Community Response Team (“CRT”) to focus on quality-of-life issues. Unlike typical NYPD officers, CRT officers wear modified uniforms—khaki pants and blue shirts—and drive in unmarked cars. Also, unlike typical NYPD officers, including Neighborhood Safety Teams (“NST”) and Public Safety Teams (“PST”), CRT officers were initially detailed to the Chief of Patrol’s office from their precincts. Today, CRT officers are assigned to the patrol boroughs.

The Monitor team learned of the CRT in early 2023 and requested information about the purpose and organization of the CRT. In April 2023, the NYPD advised that the CRT was established as a pilot program to respond to quality-of-life conditions, that there were no specific orders or NYPD Patrol Guide procedures that governed the CRT, and that the NYPD planned to deploy CRTs in each patrol borough. The NYPD explained that CRTs would be addressing specific quality-of-life conditions as opposed to routinely engaging in *Terry* stops.¹

In early 2024, the Monitor conducted a limited review of the CRT’s enforcement activities to determine if they related to investigative encounters involving *Terry* stops.² At that time, the Monitor determined that the CRT was focused on specific Department priorities, including illegal

¹ A “*Terry* stop,” colloquially understood as a “stop and frisk,” is a form of police detention. It is named after the 1968 Supreme Court case *Terry v. Ohio*, 392 U.S. 1 (1968), which requires, as a matter of Fourth Amendment law, an officer to have “reasonable suspicion” of a crime before stopping an individual and “reasonable suspicion” the individual is “armed and presently dangerous” before they may be permitted to frisk them. In New York State, the Court of Appeals in *People v. De Bour*, 40 N.Y.2d 210 (1976), established four levels of encounters with police and labeled *Terry* detentions as Level 3 stops. Under the *De Bour* framework, in a Level 1 encounter, an officer may approach someone and ask general, non-accusatory questions. In a Level 2 encounter, the officer may ask accusatory questions and request consent to search. In a Level 3 encounter, the officer may stop someone and temporarily detain that person; the officer might also, depending on the circumstances, have the legal authority to frisk or search them. A Level 4 encounter is an arrest or summons. *De Bour* and federal law coincide and overlap to a large degree, but to the extent that *De Bour*’s requirements are more protective of privacy interests than required by the United States Constitution, compliance by NYPD is nonetheless mandated by the New York Constitution, Article 1, § 12.

² The initial audit covered the time period from April 29, 2024, to June 23, 2024.

motorcycles and mopeds, demonstrations, and illegal “smoke” shops (marijuana dispensaries) and not *Terry* stops.

Later, the Monitor learned of complaints received by the Community Liaison that CRTs were frequently engaging in *Terry* stops, frisks, and searches. In addition, there was a significant expansion of CRTs and a lack of transparency, as noted in the Department of Investigations’ NYPD Inspector General’s November 2024 report.³ CRTs were in fact engaging in stops, frisks, and searches frequently. Consequently, the Monitor conducted a second review of the CRT’s activities from July to December 2024 to determine if CRTs were engaged in unconstitutional *Terry* stops, frisks, and searches.

As a result of the Monitor’s review, the key findings are:

- CRTs appear to be another version of NSTs or PSTs, engaging in proactive enforcement rather than responding to calls for service or focusing on specific quality-of-life conditions.⁴
- CRT officers are engaging in self-initiated stops (stops based on the officers’ observations rather than 911 or 311 calls). For example, 96% of stop reports prepared by CRT officers in the third quarter of 2024 were self-initiated stops.
- Like NST and PST officers, CRT officers stopped, frisked, and searched individuals unlawfully at higher rates than patrol officers. The lawfulness of CRT encounters in this audit (84% for stops, 64% for frisks, and 59% for searches) compares unfavorably to the

³ New York City Department of Investigation, Office of the Inspector General for the NYPD, [A Review of NYPD’s Community Response Team](#), November 2024.

⁴ See generally [Twenty-Third Report of the Independent Monitor](#), *Floyd v. City of New York*, No. 1:08-cv-010304-AT (S.D.N.Y. Feb. 3, 2025), ECF No. 952-1; [Nineteenth Report of the Independent Monitor](#), *Floyd v. City of New York*, No. 1:08-cv-01034-AT (S.D.N.Y. June 5, 2023), ECF No. 915-1.

compliance rates for patrol officers found in the Monitor's 23rd Report (92% for stops, 89% for frisks, 77% for searches).⁵

- There was a lack of meaningful NYPD supervisory review of CRT stops. NYPD reviewing supervisors determined that all but one of 50 reported CRT stops had a legal basis and that all of the reported frisks and searches were lawful, even though the Monitor determined that there were unlawful stops, frisks, and searches.
- CRT officers did not properly document *Terry* stops; they labeled stops as Level 2 encounters and not *Terry* stops. The audit found that in the 13 Body-Worn Camera ("BWC") videos determined by the Monitor to be *Terry* stops and not Level 2 encounters, only four (31%) had stop reports prepared documenting the encounters.
- Ninety-seven percent of the persons stopped, frisked, and searched by CRT officers during *Terry* stops in this audit were Black and Hispanic men.

II. Traffic Stops

The majority of CRT encounters reviewed for this audit were traffic stops resulting from Vehicle Traffic Law ("VTL") violations. Although a car stop based upon probable cause of a traffic violation personally observed by the officer is legal, the Fourth Amendment would nonetheless be violated if: (1) the detention is unnecessarily prolonged; (2) a frisk ensues without consent or reasonable suspicion that the subject is armed or dangerous; or (3) a search of person, object, or vehicle occurs without proper cause.⁶ Scrutiny of these issues falls within the ambit of

⁵ [Twenty-Third Report of the Independent Monitor](#), *Floyd v. City of New York*, No. 1:08-cv-010304-AT (S.D.N.Y. Feb. 3, 2025), ECF No. 952-1.

⁶ To search a vehicle during a routine car stop, an officer either needs to have probable cause other than the traffic violation, or there must be an exception to the probable cause requirement (i.e., consent, plain view, etc.). After the car is stopped, if an officer reasonably suspects that an occupant of the vehicle is armed and dangerous, the officer may conduct a cursory search of the lunge-able/grabbable area in which the occupant was sitting.

Floyd. The fact that an initial car stop is valid does not end the Monitor’s inquiry. After the stop, the Monitor is obliged to review the scope of detention, whether an unlawful frisk occurred, whether an unlawful search followed, and whether the Department’s actions comport with the Fourth Amendment.

Many of the traffic stops reviewed in this audit involved a search, with some of the searches resulting from a request for consent to search. To seek consent to search a person or a vehicle during a traffic stop, the police need to have at least a founded suspicion⁷ of criminality (separate from the traffic violation). The requirement that an officer have founded suspicion before asking for consent to search comes from the New York State Court of Appeals case *People v. De Bour*, 40 N.Y.2d 210 (1976). Although this Monitorship does not monitor the NYPD’s compliance with *De Bour*’s requirements standing alone, these standards do overlap and impact Fourth Amendment compliance, the focus of this Monitorship as set forth in the *Floyd* liability and remedial opinions. For this reason, we include discussion of traffic stops and consent searches in this report.⁸

Searches during traffic stops, including consent searches, can have both Fourth Amendment and Fourteenth Amendment implications. If an officer makes an improper consent request and the consent obtained was not voluntarily given, that encounter would be a Fourth Amendment violation. *Schneckloth v. Bustamonte*, 412 U.S. 218, 248–249 (1973). This can occur

⁷ “Founded suspicion” is a level of suspicion that is less than the “reasonable suspicion” needed for a *Terry* stop. Founded suspicion of criminal activity arises when there is some present indication of criminality based on observable conduct or reliable hearsay information. In other words, the officer has sufficient information to begin to suspect the person of criminal conduct.

⁸ The New York Court of Appeals has observed that, in the interest of “promoting predictability and precision in judicial review of search and seizure cases and the protection of the individual rights of our citizens” and in order “to provide and maintain bright line rules to guide the decisions of law enforcement and judicial personnel . . . these interests are better served by the evenhanded application of the *De Bour/Hollman* framework to street encounters and traffic stops alike.” *People v. Garcia*, 20 N.Y.3d 317, 323 (2012). As well, under federal law, “the rule of *Mimms* [*Pennsylvania v. Mimms*, 434 U.S. 106 (1977)] . . . place[s] automobile occupants in the same position as pedestrians vis-à-vis police officers.” *Id.* The Court rejected a “proposed rule [that] would create disparate degrees of constitutional protections based on an individual’s mode of transport.” *Id.*

in any number of ways, such as starting the search or frisk before or as the officer seeks consent, or not waiting for the individual's answer. Vague language, such as "Can I check you?" or "Can I check?" after an officer asks whether a person has a weapon or "anything that might hurt me?" are insufficient for a valid consent request per the Right to Know Act, and may also illustrate a lack of knowing and voluntary consent under the Fourth Amendment.⁹ Consent must actually be voluntarily given and not just a submission to authority. *Bumper v. North Carolina*, 391 U. S. 543, 548–549 (1968). Further, a purported consent to search may be ineffective if tainted by an illegal detention. *Florida v. Royer*, 460 U.S. 491, 501 (1983).¹⁰ Moreover, officers may not conduct stops or searches, or seek consent to search, if race or ethnicity is a motivating factor in the decision to make a stop or search.

In reviewing traffic stops as part of the Monitor's audit of CRT activities, key findings are:

- Of the 119 traffic stops in the Monitor's audit, 75 resulted in a search of the motorist, passenger, or the vehicle (63%). Of those 75 searches, contraband was recovered in only two of the searches (2.7%).
- The audit showed that CRT officers sought consent to search without any apparent founded suspicion. In 38.3% of consent searches, there was nothing evident in the BWC footage (observed or heard) that supported the consent request.

⁹ An officer conducting a frisk or search of a person without valid consent during a traffic stop would constitute a *Terry* stop covered by the Monitorship, even if the officer has probable cause of a VTL violation during the stop.

¹⁰ The City raised a concern that traffic stops and consent searches are beyond the scope of this Monitorship. As explained above, however, the Fourth Amendment applies equally to vehicle stops and pedestrian stops. *Pennsylvania v. Mims*, 434 U.S. 106 (1977). As also noted, a frisk or search without valid consent would constitute a *Terry* stop and subject to the rules of *Terry v. Ohio*, 392 U.S. 1 (1968). For this reason, it is within the Monitor's ambit to review traffic stops and consent searches to ensure compliance with the Fourth and Fourteenth Amendment.

III. Background

The NYPD implemented the CRT at some point in 2022. Unlike the announcement of NST, there was no official launch of the CRT. In late 2022, the NYPD began posting videos and summaries on Department social media accounts of CRT operations throughout the City. Soon after, news organizations began covering the activities of CRT operations, including ride-alongs with CRT supervisors. As described by the then-NYPD Deputy Commissioner of Operations on social media:

The Community Response Team was created to address lawless behavior affecting our City. . . . The CRT is a specialized team of highly trained officers whose mission it is to restore order. This work often involves addressing those quality-of-life conditions that disrupt our way of life and diminish our collective safety. Many of these offenses also escalate into other, more dangerous crimes.¹¹

The CRT was initially formed at the Patrol Bureau level under the Chief of Patrol. The Monitor was initially told by the NYPD that the CRT was a pilot program that had ceased operations, but the Monitor later learned that CRTs were being created at the patrol borough level. For that reason, the Monitor conducted a limited review of the CRT's enforcement activities. The initial audit covered April 29, 2024, to June 23, 2024, and was designed to determine if CRT officers were engaged in *Terry* stops. The Monitor's initial assessment of CRT operations concluded that they were not predominantly engaged in *Terry* stops. In its early stages, the CRT was focused on addressing illegal motorcycles and mopeds, responding to demonstrations, and supporting the NYC Sheriff's enforcement operations regarding illegal "smoke" shops (unlicensed marijuana dispensaries). The April–June 2024 audit found only a small number of *Terry* stops. There were six verified *Terry* stops out of 200 (3%) incidents reviewed. These initial numbers seemed to be consistent with routine patrol operations for officers in this type of assignment. CRT

¹¹ Kaz Doughtry (@kazdaughtry), X (Mar. 26, 2024, 1:46 PM), <https://x.com/kazdaughtry/status/1772681618500555251>.

officers were on patrol and were likely to encounter crime and disorderly conditions during their shifts; therefore, some *Terry* stop encounters should be expected.

Recent events, including community complaints communicated to the Monitor by the Community Liaison that CRT officers were engaging more frequently in *Terry* stops, frisks, and searches, led to this audit.

IV. Audit Methodology

The NYPD provided the Monitor with CRT personnel rosters for October 2024. In total, the various borough-based CRTs consisted of 186 uniformed officers: 1 captain, 10 lieutenants, 23 sergeants, 18 detectives, and 134 police officers. The roster was used as the foundation to select BWC videos and stop reports for assessment.

The Monitor team used three methods to assess the lawfulness of CRT stops, frisks, and searches and to understand the *kinds* of stops (based on a radio run, self-initiated, or a complainant/witness) and the *types* of crimes on which the CRT focused: (1) a general review of a sample of BWC videos to understand if there were any patterns or themes in CRT deployment; (2) an assessment of BWC videos categorized as “Level 2 investigative encounters,” to explore the possibility of undocumented stops and the nature of consent searches; and (3) a review of a sample of documented stop reports.

A. BWC Review of CRT Officers

The Monitor team identified a sample of 100 BWC videos selected from officers assigned to NYPD CRTs over a four-week period, from October 28, 2024, to November 24, 2024. The officers were identified as members of CRT from the October 2024 personnel roster. Since personnel assignments in the NYPD are fluid, BWC video footage from each officer was inspected to verify that the officer was a CRT member. CRT personnel wear distinctive khaki-colored pants

and are easily recognizable on video. Any officer identified in the initial sample as a CRT officer not attired in the distinctive uniform was removed from the audit.

1. The Monitor team selected twenty-five officers each week through random sampling.
 - a. The random selection process was done by using a random number generator in Excel and sorting the sampling frames (CRT Roster and BWC metadata).
 - b. Each officer had the same probability of being selected each week.
 - c. In the event an officer did not record any videos in the selected week, the officer was removed from the sample and the next officer on the list was added.
2. The Monitor team searched Evidence.com¹² for all BWC videos recorded by the selected CRT officers in the previous seven-day period (Monday at 12:01 AM to Sunday at 11:59 PM).
3. The Monitor team randomly selected one video from each officer every week. In addition to the sampled CRT officer's video, the Monitor team also leveraged the multi-cam feature in Evidence.com and viewed up to three additional videos to develop a more comprehensive assessment of the encounter.
4. A member of the Monitor team coded the encounters to determine the lawfulness of the encounters and whether there were any patterns or themes in CRT deployment.¹³
5. The Monitor team repeated this process for four weeks, which provided the 100 videos used as the basis of this audit.
6. In total, the Monitor team reviewed videos featuring 44% of the entire assigned CRT personnel. The review captured videos of 82 different members of the CRT: 3 lieutenants,

¹² Evidence.com is the BWC database used by the NYPD.

¹³ The list of variables coded appears in Appendix 1.

10 sergeants, 10 detectives, and 59 police officers.¹⁴ The videos reviewed included videos from officers in every Patrol Borough and Bureau.

B. Evaluation of CRT Level 2 Investigative Encounters to Assess Underreporting of Terry Stops

To evaluate the extent of undocumented *Terry* stops, the assessment focused on Level 2 investigative encounter videos. The Monitor has found that officers too often mislabel *Terry* stops as Level 2 encounters. Because officers are not required to complete a stop report for a Level 2 investigative encounter, stops that are mislabeled are not documented with stop reports. BWC videos for this method were selected as follows:

1. Officers were randomly selected from the October 2024 personnel roster that listed CRT officers.
2. The Monitor team searched Evidence.com for all investigative encounter videos recorded by the selected officers during the third quarter of 2024 (July 1, 2024, to September 30, 2024).¹⁵
3. One video categorized as Level 2 was randomly selected from all the officer's Level 2 videos recorded in the quarter. Fifty Level 2 videos were selected.
4. Two Monitor team members independently reviewed the BWC videos to determine if a stop report was required.
5. Event data was collected utilizing an observation worksheet.

¹⁴ The October 2024 CRT personnel roster lists 1 captain, 10 lieutenants, 23 sergeants, 18 detectives, and 134 police officers.

¹⁵ Many of the CRT personnel did not have any Level 2 videos in the quarter. Forty-four CRT officers did have at least one Level 2 video. To select 50 videos, the Monitor team selected a second video from six officers.

C. CRT Stop Reports

The Monitor Team selected a random sample of 50 stop reports from all 408 stop reports prepared by CRT officers in the third quarter of 2024.¹⁶ These stop reports were assessed using the Monitor's standardized Stop Report Assessment worksheet; both the stop reports and associated BWC videos were reviewed to assess the legality of the stops, frisks, and searches. Two Monitor team members independently assessed the lawfulness of the encounters. Any disagreements between the two assessors were provided to the Deputy Monitor to review and decide the lawfulness of the stop, frisk, or search.¹⁷

V. Results

A. Deployment BWC Review

The results of the BWC video assessment indicated a shift in the operational deployment of CRT officers. The data showed that traffic stops were now the most common form of encounter, with 76% of all videos featuring traffic enforcement. The CRT broadened its traffic enforcement from illegal motorcycles and mopeds to more general traffic stops involving cars. The table below illustrates this trend:

¹⁶ A sample of 50 from a population of 408 stops results in a confidence interval of 13.0%.

¹⁷ The preliminary assessment of the 50 stop reports by the two independent reviewers produced four stop reports where there were disagreements on the lawfulness of the encounter. These stop reports were sent to the Deputy Monitor for review.

Table 1
(Total Traffic Stops: 76)

	Motorcycle/ Moped	%	Car/SUV	%
Total	11	14%	65	86%
Enforcement Action	6	55%	26	40%
Consent Searches¹⁸	1	9%	13	20%
Non-Consent Searches	2	18%	17	26%

In the current audit, 11 of the 76 traffic stops (14.5%) involved motorcycles or mopeds. The other 65 traffic stops involved vehicles that were primarily pulled over for unlawful tinted windows, covered/alterd license plates or equipment violations, and offenses related to the documentation of the vehicle (registration, inspection, insurance, mismatched plates, etc.).¹⁹ Very few of the audited videos involved traffic offenses for hazardous violations (speeding, reckless driving, disobeying signal/sign, etc.).

CRT officers exercised a wide degree of discretion and did not take enforcement actions in many of the traffic stops. In 44 of the 76 reported traffic stops (58%), the CRT officers did not issue a citation or make an arrest.

1. Stops and Searches

When reviewing the 76 reported traffic stops, the Monitor determined that two of the traffic stops required a stop report but only one of the two traffic stops was properly documented on a stop report. Of the 24 BWC videos that were street stops and not motorcycle or vehicle stops, the Monitor determined that a stop report was required in four encounters. In only one of these four

¹⁸ A consent search conducted after a CRT officer requested and received consent to search the person, property, or vehicle of the individual asked.

¹⁹ The traffic stops reviewed by the Monitor team appeared to be supported by probable cause of a traffic, equipment, or licensing violation.

instances was a stop report documenting the encounter prepared. Thus, out of the 100 sample, a stop report was prepared in two of the six identified *Terry* stops (33%).

During traffic stops, CRT officers frequently searched the car and/or its occupants. Three of the 11 motorcycle stops involved a search, and 30 of the 65 reported vehicle traffic stops (46%) involved a search of the driver, a passenger, and/or the vehicle. In 13 of those 30 searches, the officer sought and obtained consent from the driver or passenger to search (43% percent of the time). Of the 13 requests for a consent search, six (46%) appeared to be supported by founded suspicion. In seven of the 13 consent searches (54%) there was nothing readily apparent (in the BWC video or audio) as a basis for founded suspicion, meaning that under New York law the CRT officer had no apparent basis to seek consent and to search the car or occupants. In the other 17 searches, the searches were either based on probable cause or were conducted during a *Terry* stop, and consent was not requested or given. Out of these 30 searches during vehicle stops, the NYPD found contraband in two encounters (7%). In one non-consent search a firearm was recovered, and in one consent search, controlled substances were recovered.²⁰

2. Race of Persons Stopped and Searched

The NYPD's CRTs stopped Black and Brown men in the vast majority of the incidents reviewed. In 68 of the 76 traffic stops (89%), the motorists were Black or Hispanic persons. In 29 of the 30 searches (97%), the persons were Black or Hispanic persons, and the thirtieth was a Middle Eastern individual. None of the White motorists were searched. Of the 24 BWC videos that were not vehicle stops, 18 of the 21 encounters (86%) involved Black or Hispanic individuals,

²⁰ There was no contraband found in the three reported searches during motorcycle stops.

and three BWC videos did not involve any members of the public (vehicle inventory searches at the command).

B. CRT Level 2 Investigative Encounters

For this assessment, 50 randomly selected Level 2 investigative encounter BWC videos were selected. BWC videos that were categorized by officers as Level 2 encounters were selected to assess whether officers were properly categorizing the encounters and properly documenting Level 3 stops.

1. Terry Stops

The Monitor team concluded that seven of the 50 encounters were *Terry* stops where a stop report was required.²¹ These stops should have been documented by a stop report instead of being categorized by the officers as Level 2 encounters. Only one of the seven encounters had a stop report prepared at the time of the encounter (14% reported). Four other stop reports were prepared several months later, after the Monitor alerted the Department about the encounters.

2. Traffic Stops

Thirty-five of the randomly selected 50 Level 2 BWC videos were traffic stops. In all 35 of the traffic stops (100%), officers searched the driver, motorcyclist, or passenger in the vehicle. In 33 of the 35 cases (94%), the officer sought consent from the subject to be searched. Of the 33 requests for consent searches, 22 (67%) requests for a consent search appeared to be supported by founded suspicion (based on what was observed or heard on the BWC video), while 11 (33%) did not. None of the officers recovered contraband in any of the searches. Officers issued a VTL citation in 11 of the 35 traffic stops.

²¹ The Department also agreed that these encounters were *Terry* stops.

3. Non-Traffic Encounters

Of the 15 BWC videos that were not traffic stops, 14 appeared to be self-initiated investigative encounters addressing a wide range of issues, such as drinking in public or gambling, and one appeared to be a response to a call for service.

4. Race of Persons Encountered

All 35 traffic stops involved Black or Hispanic men. All of the 15 encounters that were not traffic stops involved Black or Hispanic individuals.

C. CRT Stop Report Assessment

For this assessment, the Monitor team randomly selected 50 stop reports from the 408 stop reports prepared by CRT officers in the third quarter of 2024. Below are the characteristics of this sample:

- Forty-eight of the 50 stop reports (96%) were self-initiated Criminal Possession of a Weapon (“CPW”) stops, where the officer stopped the person based on observing what the officer suspected was a weapon. This percentage is comparable to the percentage for the overall population of CRT stop reports that were prepared in the third quarter of 2024, which showed that 393 of the 408 stops (96.3%) were self-initiated stops.
- Eight of the 50 stop reports were traffic stops (16%), and seven of the eight involved searches.
- The Monitor determined that 42 of the 50 stops (84%) were lawful.²²
- Officers frisked the person stopped in 42 of the 50 stops. The frisk was lawful in 64% of the encounters.

²² As noted above, the Monitor’s reviews involved evaluating the stop reports and associated BWC videos.

- Officers searched the person stopped in 37 of the 50 stops. The search was lawful in 59% of the encounters.
- The person stopped was arrested in nine (18%) of the encounters. All arrests were for CPW.
- Black or Hispanic individuals were the subject of the stop in all 47 of the stop reports (100%) where the race of the suspect was identified.
- CRT officers stopped men in 46 of the 48 (96%) reported stops when gender was identified.
- 48% of encounters had a supervisor on the scene.
- In all but one of the encounters (98%), the reviewing supervisor determined that the stop was lawful. In the one instance where the reviewing supervisor determined the stop was unlawful, no discipline or corrective action was taken. This stop involved an arrest for CPW.
- The reviewing supervisor in each case determined that 100% of the frisks and searches were lawful.

VI. Discussion

A. Lawfulness of CRT Stops, Frisks, and Searches

The use of the CRT has changed. CRTs are now operating similarly to NSTs and PSTs, conducting self-initiated CPW stops. This is troubling because they are stopping, frisking, and searching unconstitutionally too frequently. For experienced teams, their rate of compliance in this audit was lower than patrol officers. The table below illustrates that CRT officers had a lower rate of lawful stops, frisks, and searches compared to officers on patrol, as found in the Monitor's last report on NST compliance, and their performance more closely resembles that of NST officers.

Table 2

		% Lawful		
		Stop	Frisk	Search
CRT Audit	CRT	84%	64%	59%
23rd Report	Patrol	92%	89%	77%
	NST	75%	58%	54%
	PST	64%	16%	62%

NST and PST officers are assigned to a particular precinct and should be knowledgeable of local crime conditions and accountable to a precinct commander who works with the community being served. By contrast, the Monitor team observed CRT officers from Staten Island making stops in the Bronx and Brooklyn, and officers from the Bronx making stops in Manhattan. CRT officers that conducted self-initiated CPW stops came from all over the City and made stops in boroughs different than the ones where they are assigned. This means they are likely less familiar with the area in which they are working.²³

In addition, CRT officers misidentified BWC videos and did not properly document *Terry* stops. With respect to the randomly selected BWC videos (100 general BWC videos and 50 Level 2 videos reviewed by the Monitor team), the Monitor team determined there were 13 encounters requiring a stop report, and only four stop reports were prepared at the time of the encounter. Although this is a small sample, four of these *Terry* stops (31%) were documented with a stop report.

B. CRT Traffic Stops and Searches

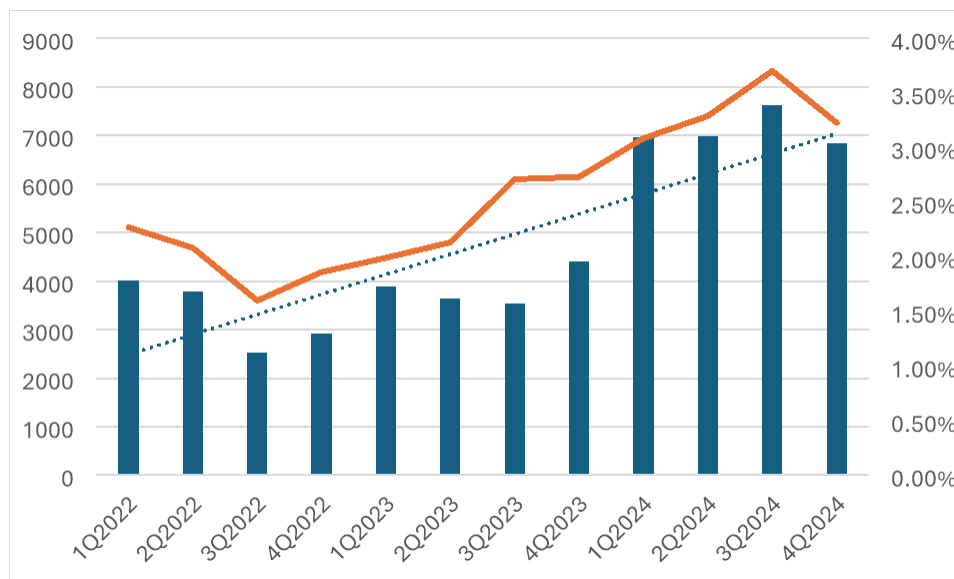
CRT officers relied on traffic stops to conduct searches of vehicles or motorists. The data presented from the BWC assessment and the Level 2 encounter assessment showed that although

²³ Constitutional compliance is not a function of neighborhood familiarity, but that familiarity and localized supervision can serve other important values, including accountability.

traffic enforcement was the main CRT tactic, only a small number of encounters resulted in enforcement action. Combining the data from BWC, Level 2, and Stop Report samples (200 total encounters), the Monitor observed 119 (59.5%) traffic stops, of which 45 (22.5%) involved an arrest or citation. At the same time, 75 of the 119 (63%) traffic stops involved a search.

To search a vehicle during a routine vehicle stop, an officer either needs to have probable cause other than the traffic violation, or there must be an exception to the probable cause requirement (i.e., consent, plain view, limited search, etc.). After the vehicle is stopped, if an officer reasonably suspects that an occupant of the vehicle is armed and dangerous, the officer may conduct a protective search of the area in which the occupant was sitting and where a weapon might have been hidden. For an officer to ask the driver for consent to search his or her person or the vehicle, or to ask a passenger for consent to search their person, the officer must have at least founded suspicion of criminality (again, separate from the traffic violation). Also, the consent for a search or frisk must be given knowingly and voluntarily.

To understand the magnitude of searches during traffic stops, the Monitor analyzed Vehicle Stop Report data posted by the NYPD on its website. The Department posts data quarterly regarding the number of vehicle reports and searches related to those traffic stops. The data from the first quarter of 2022 to the fourth quarter of 2024 are illustrated by the following figure:

Figure 1: Searches During Traffic Stops 2022-2024

The orange line in the figure above shows the percentage of traffic stops that involve a search of the vehicle. In 2022, approximately 2% of the traffic stops resulted in a search. That rate increased to 2.4% in 2023 and increased again to 3.3% in 2024. In fact, the number of searches conducted during traffic stops has more than doubled from 2022 to 2024, from about 3,300 per quarter in 2022 to more than 7,100 per quarter in 2024.

CRT appears to be part of this increase in vehicle searches. Searching 63% of motorists or vehicles during traffic stops signals that the stop is not about traffic safety. Although the CRT officers had probable cause for the VTL traffic stops in the Monitor’s audits, the officers also needed to have a legal basis for the searches during those traffic stops.²⁴ Contraband was recovered in only two of the 75 searches (2.7%). With a recovery rate so low, it raises the question

²⁴ Both federal and New York law permit pretextual stops. *People v. Robinson*, 97 N.Y.2d 341, 349 (2001), held that probable cause for a traffic violation is an objective standard and does not rest on the subjective motivation of the officer. But it also noted that “[t]he scope, duration and intensity of the seizure, as well as any search made by the police subsequent to that stop” remain subject to scrutiny. *Id.* at 353.

whether these officers properly formulated the necessary level of suspicion of criminality before the search.

1. Consent Searches without Founded Suspicion

As noted above, a police officer in New York must have at least a founded suspicion of criminality to seek consent to search someone. A traffic violation is not criminal conduct; therefore, a request for a consent search during a traffic stop must be based on some other factor amounting to Level 2 founded suspicion. Recovering contraband from only one of the consent searches suggests the officers generally might not have had the legal basis to seek consent and the searches were not just unfruitful, but also potentially unlawful.

The Monitor team reviewed 200 BWC videos for this audit and several thousand over the course of the monitorship. Out of the 150 encounters reviewed by the Monitor team for this audit in the deployment BWC sample and the Level 2 BWC sample, there were 47 (31%) that involved a request for consent to search the person or vehicle encountered. Essentially, one-third of the people encountered by CRT officers in these situations were asked for consent to search. Of the 47 requests for a consent search, 29 (61.7%) requests appeared to be supported by founded suspicion, while in 18 of the 47 encounters (38.3%) in which officers requested consent to search, there was nothing apparent in the BWC footage (observed or heard) that provided founded suspicion to support the request.

The Monitor's Nineteenth Report²⁵ identified traffic stop encounters in which officers requested consent searches without an apparent basis of founded suspicion, which is required under New York law for a consent request. This audit again identified the same problem. When

²⁵ [Nineteenth Report of the Independent Monitor](#), *Floyd v. City of New York*, No. 1:08-cv-01034-AT (S.D.N.Y. June 5, 2023), ECF No. 915-1.

motorists are already stopped by officers during a traffic stop, what might seem to be a routine request for consent to search may not seem routine for the driver or passenger, and the response might not be knowing, intelligent and voluntary. Further, if consent is sought after unnecessarily prolonged detention, i.e., beyond a brief encounter lasting no longer than needed to address the traffic violation itself, consent may be deemed ineffective.²⁶ It is for this reason the Monitor has included the findings regarding these consent searches.

C. Race and Gender of Persons Encountered

The CRT stops, frisks, and searches reviewed in this audit impacted Black and Hispanic men. This audit relied on three separate methodologies. In the BWC assessment, 80% of the persons encountered were Black or Hispanic men. In the Level 2 investigative encounter assessment, every person encountered was a Black or Hispanic man. And for the stop report assessment, in 45 of the 47 stop reports in which race was reported, the person stopped was a Black or Hispanic man. Thus, in total, 90% of the persons encountered by CRT officers in this audit were Black or Hispanic men.

D. Supervision of CRT Activities

The Monitor's audit showed a lack of meaningful review of CRT stop reports. Similar to the findings in the Monitor's Nineteenth and Twenty-Third Reports on NST operations, stop reports were determined to be lawful by the reviewing supervisor in an overwhelming percentage of stops. Of the fifty stop reports assessed, the reviewing supervisors found all but one had a legal basis for the stop, and all of the frisks and searches to be lawful. This does not compare favorably

²⁶ *Florida v. Royer, supra*. See also *Rodriguez v. United States*, 575 U.S. 348, 354 (2015) (“A seizure for a traffic violation justifies a police investigation of that violation. ‘[A] relatively brief encounter,’ a routine traffic stop is ‘more analogous to a so-called ‘*Terry* stop’ . . . than to a formal arrest. . . . Authority for the seizure thus ends when tasks tied to the traffic infraction are—or reasonably should have been—completed.”).

to the Monitor's assessment of lawfulness and demonstrates a lack of effective oversight and supervision of this process.

VII. Conclusion

The CRT began operations in the early part of 2022 and the deployment of officers assigned to these teams and their tactics appear to change as conditions in the City change. The current audit showed that CRT officers were largely focused on traffic stops and searches, and self-initiated CPW stops. The lawfulness of the CRT officers' stops was less compliant than officers on regular patrol and was comparable to the compliance rates of officers assigned to NSTs and PSTs. Going forward, the Monitor expects CRT officers to achieve the same level of compliance as the Monitor directed for NST officers—at least 85% by the end of the third quarter of 2025 and at least 90% by the end of the year.

In addition, CRT officers showed a pattern of requesting consent to search the vehicle or person without the requisite founded suspicion during traffic stops, which also seems to be part of an evolving trend in the NYPD. Traffic stops have increased since the NYPD began reporting vehicle stop data in the first quarter of 2022 and searches during those traffic stops more than doubled since public reporting began. With a continued focus on street stops to address crime, the NYPD seems to have added consent searches during traffic stops to the crime fighting toolbox, with the CRT a significant user of this tool. As noted earlier, frisks and searches during traffic stops, including consent searches, can result in Fourth Amendment violations. The Department should inform the Monitor what steps it will take to ensure that officers stay within the bounds of the Fourth Amendment, including any additional training, directives, or monitoring that may be required.

The research and the data collected for this report was intended to provide a snapshot of CRT operations. Considering that almost all of the persons subjected to these potential violations

are Black and Hispanic men, there are Fourteenth Amendment implications as well. As the Department finalizes its Fourteenth Amendment compliance plans, it should ensure that an analysis of CRT operations is included in the plan's implementation.

Appendix 1

Assessment Worksheet Variables

3Q2024 Stop Report	Random Weekly BWC Videos	3Q2024 L2 BWC Videos
PCT Serial #	Week#	MOS RANK
QAD Qtr.	MOS RANK	MOS LAST NAME
Date	MOS LAST NAME	MOS FIRST NAME
Time	MOS FIRST NAME	MOS TAX#
STOP TYPE	MOS TAX	MOS COMMAND
Crime Suspected	MOS COMMAND	BWC Title
Suspect Gender	DATE OF ENCOUNTER	Evidence Serial Number
Suspect Race	BWC EVIDENCE ID	Encounter Type
Suspect Age	CAT1	Level of Encounter
NST/PST?	CAT2	Stop Report #
MOS Name	CAT3	Stop Report Required (Y/N)
MOS Tax	CAT4	Gender
MOS Command	GENDER	Race
BWC File #	RACE	Age
BWC Category	AGE	CAR STOP?
BWC Tags 1	TYPE OF ENCOUNTER	RS STOP?
BWC Tags 2	LEVEL @ FIRST ENCOUNTER	FRISK?
BWC Tags 3	MOS LEGALLY APPROPRIATE?	SEARCH?
Evidence #	ESCALATE ENCOUNTER?	CONSENT SEARCH?
Monitor Stop OK?	ESCALATE OK?	A/S/N
Frisk Y/N	LOCATION	FORCE USED
Monitor Frisk OK?	STOP REPORT REQUIRED?	CONTRABAND?
Searched Y/N	RS STOP?	ENCOUNTER EXPLAINED
Monitor Search OK?	FRISK?	BWC NOTICE GIVEN
Location of Stop	SEARCH?	RTK CARD OFFERED
Time of Stop	SUMMONS/ARREST	RECORDED ENTIRELY
Duration of Stop (Min)	FORCE USED	FOUNDED SUSPICION FOR L2 Q
Contraband Recovered?	CONTRABAND	
A/S/N	ENCOUNTER EXPLAINED	
Charge	BWC NOTICE GIVEN	
Encounter Explained?	RTK CARD OFFERED	
BWC Notice Given?	RECORDED ENTIRELY	
Business Card Offered?	CHARGE	
Report States Card Offere	CONSENT SEARCH	
Record Entirely?	CAR STOP?	
Car Stop?	MOTORCYCLE STOPPED?	
Reviewer Name	FOUNDED SUSPICION FOR L2 Q	

3Q2024 Stop Report	Random Weekly BWC Videos	3Q2024 L2 BWC Videos
Supervisor On Scene		
Reviewer Stop Ok?		
Reviewer Frisk Ok?		