

Monitor proposes NYPD cops provide stop-and-frisk 'receipts,' cracks down on racial profiling in new guidelines

BY BARRY PADDOCK & DAREH GREGORIAN | August 7, 2015



If an officer clears a person they stop and question to go, they should provide an explanation in plain language why the encounter took place, Peter Zimroth said in his report. (DEBBIE EGAN-CHIN/NEW YORK DAILY NEWS)

The NYPD should hand out explanatory "receipts" to people they stop but do not arrest, the court-appointed monitor in charge of reforming the department's stop-and-frisk policies said.

Peter Zimroth made the recommendation to Manhattan Federal Court Judge Analisa Torres in a report on revisions that should be made to the NYPD patrol guide regarding the controversial policy.

It said the current patrol guide doesn't explain to officers what constitutes a legal stop, and urges a number of revisions.

"In focus groups and in conversations with individual officers about stop, question and frisk, we have heard a consistent message: The officers want more guidance and instruction about what they can and cannot do under the law; and they want a clearer understanding of what their supervisors expect of them," says Zimroth's report, which was filed in court Friday morning.

The proposed patrol guide revisions spell it out.

"The uniformed member of the service must have an objective credible reason to approach the civilian," meaning "more than hunch or a whim," a draft version of the new guidelines said.

"This type of encounter does not require any suspicion of criminal activity. The objective is to gather information," the draft says.

sheet," which will be reviewed by their supervisors.

It said cops should not be disciplined for "good faith" mistakes, but should get retraining if necessary.

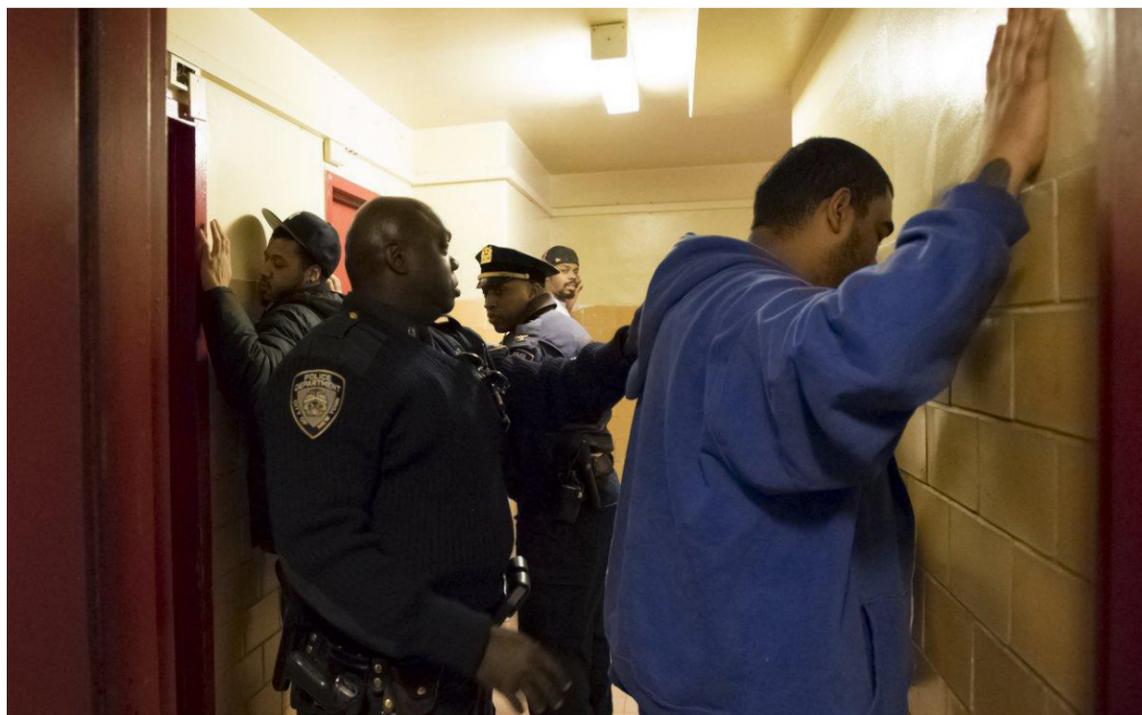
The revised regulations also explicitly take aim at racial profiling, saying "that police action, including stops, frisks, arrests or other law enforcement actions, may not be motivated, even in part, by the actual or perceived color, ethnicity or national origin of an individual. Race may be used only if it is part of a reliable and specific suspect description that includes not just race, gender and age, but other identifying characteristics or information."

The report also stresses that officers shouldn't be discouraged from being proactive.

"Nothing in this section is intended to deter an officer from initiating appropriate inquiries and investigative encounters, including stops or using any lawful and appropriate tactics to ensure the officer's safety during such investigative encounters. Moreover, this procedure should not be interpreted to discourage an officer from engaging in voluntary consensual conversation with members of the public," a draft copy of the proposed order says.

If the judge signs off on the changes, they'll take effect on Sept. 21.

In a statement, a rep for the NYPD said, "The Department worked with the Monitor and the parties on these new procedures."



'Police action, including stops, frisks, arrests or other law enforcement actions, may not be motivated, even in part, by the actual or perceived color, ethnicity or national origin of an individual,' Zimroth said in the report. (JOE MARINO/FOR NEW YORK DAILY NEWS)

It said officers cops can ask people for identification, but reminds them that "members of the public are not required to possess IDs or present them to police officers when requested, and that refusing to produce an ID alone will not elevate the level of the encounter."

"Refusal to answer questions and/or walking or running away does not escalate the encounter," the report said.

It said formal "stops" should be made "only when a police officer has an individualized reasonable suspicion that the person stopped has committed, is committing, or is about to commit a felony or a penal law misdemeanor" - and even then, officers need the person's consent to search them, the order stated.

Frisks are only authorized "when the member of the service reasonably suspects the person is armed and dangerous."

If the person is then cleared to go, officers should "provide the person stopped with an explanation for the stop, question and/or frisk encounter," and use plain language to explain it, as opposed to citing penal laws. The officers should also "offer the person stopped a 'WHAT IS A STOP?' tear-off information card."

Officers then have to record what happened in a "Stop, Question and Frisk Report Work-

Zimroth was appointed to oversee stop and frisk reforms when the city settled a lawsuit by people who said they were the victims of illegal stops.

A lawyer for the plaintiffs, Jenn Borchetta, said Zimroth's proposed reforms don't go far enough.

She wrote the judge a letter Friday saying they want officers to record all inquiries they make, and for the "stop" receipts to be handed out more widely, and with more information on them.

She said they want "a meaningful stop receipt that, at a minimum, ensures each person stopped receives accurate information identifying the officer who initiated the encounter, that officer's purported justification for the stop, and information about filing a complaint."

They also want "a means of documenting street encounters that officers believe or claim constitute a request for information."

She said those changes are "reforms that will be necessary to bring the NYPD's stop and frisk practice into compliance with the constitution."

A rep for the police union did not immediately respond to a request for comment on the reforms.