

NYPD monitor raises legal standard for stop and frisks in private properties, NYCHA buildings

BY ROCCO PARASCANDOLA & STEPHEN REX BROWN | June 1, 2016



The Trespass Affidavit Program had led to complaints of police harassment of New Yorkers in their own buildings. (Mark Bonifacio/New York Daily News)

The NYPD is turning its controversial stop-and-frisk program into stop, question and respect.

The federal monitor overseeing reform of the NYPD submitted new guidelines Tuesday declaring that the “mere presence” of a person in a private building patrolled by cops cannot justify a stop-and-frisk.

The higher legal standard, which requires the approval of Manhattan Federal Court Judge Analisa Torres, also applies to NYCHA buildings.

“We have to be mindful that we’re most likely going to encounter residents who are going to and from their apartment or going to get their mail or throw their garbage out,” NYPD Assistant Chief Matthew Pontillo said. “And those folks deserve to be treated with respect and not treated like they’re a trespasser.”

Previous high-profile reforms of the stop-and-frisk program have pertained to stops conducted on public streets.

The new reform submitted by the monitor, Peter Zimroth, applies to the NYPD’s Trespass Affidavit Program, in which landlords allow police to patrol their buildings and question residents suspected of trespassing.

The program — meant to stop drug dealers and other shady characters from lingering in buildings where they don’t live — lead to widespread complaints that cops were harassing residents minding their own business.

A similar scenario played out in NYCHA buildings.

“Mere presence in or near a building enrolled in the Trespass Affidavit Program does not provide a basis to approach and conduct an investigative encounter, nor does it establish reasonable suspicion for a stop,” Zimroth wrote.

Cops will have to fill out a “Trespass Crimes Fact Sheet” justifying a stop in the buildings. The new paperwork is similar to a stop-and-frisk form cops now fill out justifying stops on the street.

“What the policy tries to do is emphasize that when we do interior patrols in buildings we’re doing it for a reason,” said Pontillo, who is the commanding officer of the NYPD’s Risk Management Bureau.

The new policy reconciles legal nuances among three separate suits over stop-and-frisk and reflects a higher standard that was already in place, Pontillo said.

The proposed reform also requires that a landlord sign a document renewing participation in the program every six months.

Critics had previously said that cops renewed landlords’ participation in the program without the landlords being notified.