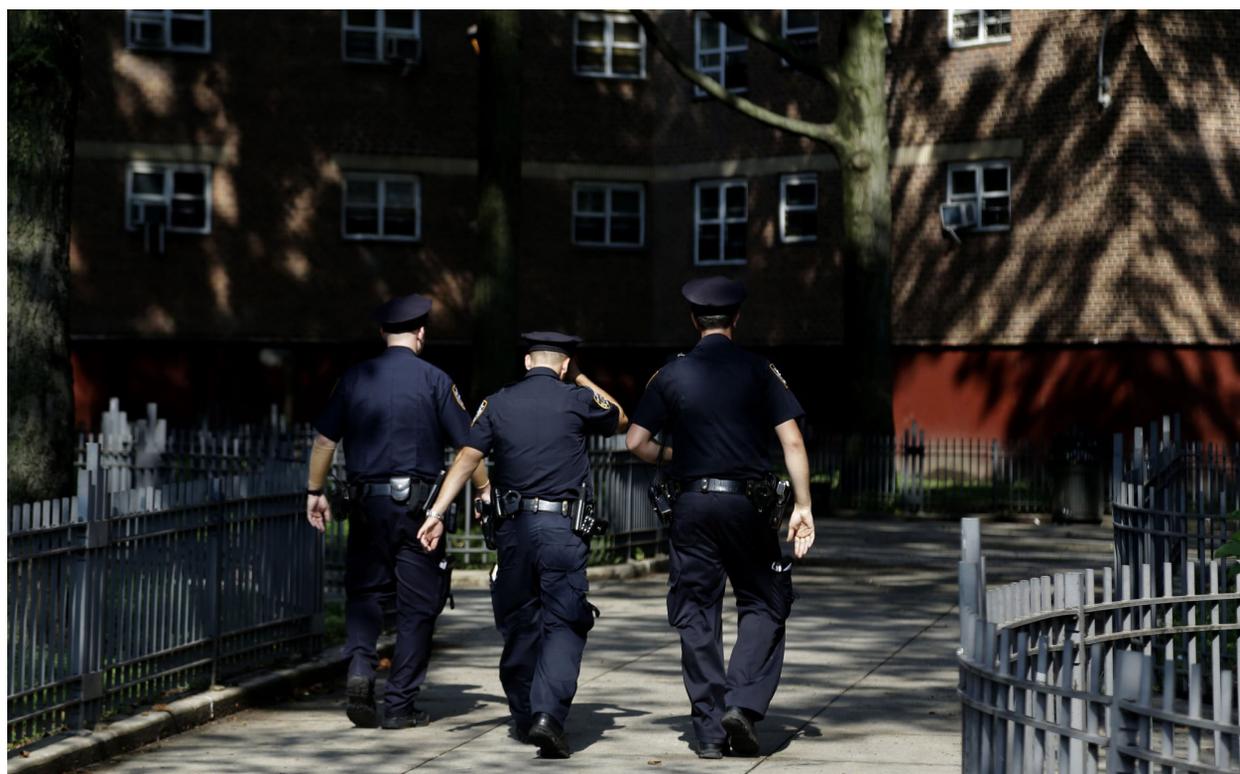


Police Evaluations Should Focus on Lawfulness of Stops, Monitor Says

BY AL BAKER | October 20, 2017



The Police Department has changed the way it evaluates officers, focusing more on the lawfulness of street stops and less on the number of stops. A court monitor wants a federal judge to lock in those measures.

Photo Credit: Seth Wenig/Associated Press

A court-appointed monitor overseeing changes for the New York Police Department has asked a judge to enshrine a new evaluation system for officers that de-emphasizes the number of street stops they make and focuses instead on the lawfulness of those encounters.

The monitor, Peter L. Zimroth, outlined his recommendations in a seven-page letter filed on Friday in Federal District Court in Manhattan. In it, he makes plain the dangers of slipping back toward stop-and-frisk practices driven by a focus on numbers. And he proposes that court approval be required before for any changes are made to elements of the agency's new performance evaluation system that deal with street stops.

Specifically, Mr. Zimroth asked Judge Analisa Torres to "issue an order that recognizes the significant positive changes that have been made in how the N.Y.P.D. evaluates its officers and also that requires the department to maintain those improvements."

The recommendation by Mr. Zimroth, who was appointed in 2013, comes ahead of his seventh official report to the court and recounts some illuminating departmental history.

Each day, officers had to list their assignments — to answer for whatever crime or quality of life conditions they were addressing — and to log their activities in 22 different columns, including street stops. Their reports were submitted to a precinct commander. Supervisors were ordered to set performance goals for enforcement activity by officers.

Together, the rules fed "widespread dissatisfaction" in the department's patrol ranks, Mr. Zimroth wrote. Officers stripped of discretion to make decisions experienced pressure to do more stops. Commanders felt pressure to show high numbers at CompStat sessions, where departmental leaders grilled them on crime and their strategies for fighting it.

More recently, the department has sought to move away from an emphasis on statistics: Commanders are no longer grilled at CompStat on stop-and-frisk activity and officers are no longer evaluated on the number of stops they make each shift.

Indeed, under a new mayoral administration, the police commissioner, James P. O'Neill, and William J. Bratton before him, focused on curtailing street stop activity. Yet, the city continued to see significant declines in violent crime. It was a feat many critics had predicted would be impossible four years ago, when Bill de Blasio became the city's first Democratic mayor in 20 years.

But recorded street stops, which had climbed steadily, to 685,724 in 2011, from 97,296 in 2002, dropped to 12,404 in 2016, according to departmental data. And crimes, such as murders and shootings, are continuing to decline.

Mr. Zimroth's letter to the judge, which highlighted the problems of a numbers-driven system for street stops, noted that the police

agreed with his recommendations.

"One aspect of that old system became a focus in the trial," in *Floyd v. City of New York*, wrote Mr. Zimroth, referring to the class-action lawsuit that led to a decision finding the department's tactics unconstitutional. "The fact that officers were under pressure to make more stops without regard to their legality."

He continued: "Officers feared that if they did not produce these numbers, they would be disadvantaged in many ways — for example, in assignments, promotions, overtime, time off and transfers."

The court, in issuing its remedy, did not demand the elimination of numeric goals for street stops, but said the department had to ensure officers were adhering to the Constitution in carrying them out.

Darius Charney, a senior staff lawyer with the Center for Constitutional Rights and the lawyer for plaintiffs in the stop-and-frisk litigation, said it is critical for the monitor to ensure the Police Department keeps its promise to assess the lawfulness of street stops going forward.

"We have a long history with the Police Department of them putting things on paper that look great, but then when you look into it and see what they are actually doing in practice, there's a disconnect," Mr. Charney said. "We want to make sure that in this case what appear to be great reforms on paper are actually implemented."

In 2014, when Mr. Bratton came back for a second stint as commissioner, he oversaw an internal survey that revealed deep dissatisfaction among officers, including how they were evaluated. Today, the new evaluation system, shepherded into place by Mr. O'Neill, asks supervisors to consider the lawfulness of stops made by officers, and the accuracy of their reports, rather than focusing on the mere numeric tally of stops achieved.

The system has four main components, as outlined by Mr. Zimroth.

It includes an officer profile report that: measures when officers need retraining for faulty stops; incorporates praise from supervisors; allows officers to offer a self-assessment of their work; and includes a new quarterly evaluation that relies on 12 dimensions of good policing.

In outlining the changes, Mr. Zimroth, in his letter, quoted departmental guidelines citing the message of those 12 performance dimensions: "It is about the quality and effectiveness of our work. It's not purely about quantitative metrics."

As one measure of how the department has changed, Mr. Zimroth and his team reviewed nearly every CompStat session held between April 2016 and August. Seldom was there any mention of stops, or the lack of them, in those sessions. Yet despite the evidence of change, Mr. Zimroth said the new officer evaluation system requires continued monitoring.