

## Stop-and-Frisk Monitor Says Cops Concerned About Being Supported

### New Training Course Aimed At Ensuring Compliance With Federal Law

BY MARK TOOR | November 20, 2017



PETER ZIMROTH: Cops fear brass will bail. SHIRA SCHEINDLIN: Found NYPD violated law. JAMES P. O'NEILL: Onus for past belongs on bosses.

The Federal Monitor in the stop-and-frisk case recommended last week that a Judge approve training materials for Sergeants and Lieutenants teaching Police Officers and Detectives how to use the tactic constitutionally.

The monitor, former City Corporation Counsel Peter Zimroth, included department documents saying that officers who underwent training during the development stage found the law governing stop-and-frisk confusing and were afraid the department would not back them if a stop blew up into a civilian complaint.

#### Use Unconstitutional

He was appointed by U.S. District Judge Shira Scheindlin after she ruled in 2013 that the city's use of stop-and-frisk violated U.S. Supreme Court guidelines. Stops, which swelled under then-Mayor Michael Bloomberg to a record 685,724 in 2011 but fell to 12,404 by last year, were being made for reasons of race and ethnicity and not because the subject appeared to be involved in a crime, she concluded.

It is Mr. Zimroth's task to oversee NYPD efforts to change its policies and procedures to make stop-and-frisks comply with the law.

After a pilot project to develop in-service training, Mr. Zimroth wrote in his report to U.S. District Judge Analisa Torres, the department is ready to go to implementation.

"More than 22,000 members of the service will go through the training, which will be held at the Tactical Village at Rodman's Neck," he wrote. "To be effective, each class will be limited to 30-35 officers and supervisors. To the extent possible, supervisors will be trained first so the training can cover additional material on supervisory responsibilities."

#### An 18-Month Process

Mr. Zimroth stated, "After several thousand Sergeants and Lieutenants are trained, the department plans to begin training patrol officers. The NYPD estimates that it will take up to 18 months to put the members of the service through the course. The training will be taught every weekday and will be taught on both the day (7 a.m.-3 p.m.) and evening (3 p.m.-11 p.m.) tours."

His submission to Judge Torres continued, "In the monitor's view, these training materials clearly and correctly cover the fundamental principles of stop, question and frisk, trespass enforcement and bias-free policing. Opportunities for discussion about the role of race in investigative encounters are included in several places."

The training includes a video by Police Commissioner James P. O'Neill telling officers that stop-and-frisk "was a tool that was overused and sometimes misused, and that led to widespread resentment and distrust of our department, especially in communities of color.

#### Blame Belongs at Top

"To be clear, I'm not laying fault for this on you. You did what the leadership of this department asked, and the leadership bears responsibility for the consequences."

The video by Mr. O'Neill and other instructional materials can be seen here.

Each class will be completed in one tour. It will begin with a short, anonymously-taken quiz on the law of stop-and-frisk aimed at exposing misunderstandings. Then a lawyer and a police officer "will co-teach an interactive class on the law and procedures regarding investigative encounters."

After a meal, the class will watch body-camera footage "and focus on the Sergeants' and Lieutenants' role as supervisors, particularly with regard to how to supervise stops and how to discuss stop reports with their subordinates."

#### Some Cops Apprehensive

According to an Instructors' Guide submitted as part of Mr. Zimroth's report, "Beta testing of this course revealed that some officers come into the class with agitation over this topic. They frequently convey concerns that the law is confusing and unrealistic..."

"They express fear about doing stops, but the fear is not based on the inherent physical danger of conducting stops. Rather, the fear is based on a concern that if they do their jobs, they do stops, and people file complaints, the department won't have their backs. In other words, they are not afraid of doing their job, they are afraid of 'The Job.'"

"The attorney instructors need to acknowledge these concerns as they kick off the class in order to establish some credibility and avoid looking like someone who knows the law on the books but nothing about the reality of their job."

On the subject of the Civilian Complaint Review Board, which handles many complaints related to stop-and-frisk, the guide said that the number of cases in which CCRB brings charges is way down as of late last year and that officers found to have made a bad stop are more likely to undergo training than lose vacation days.