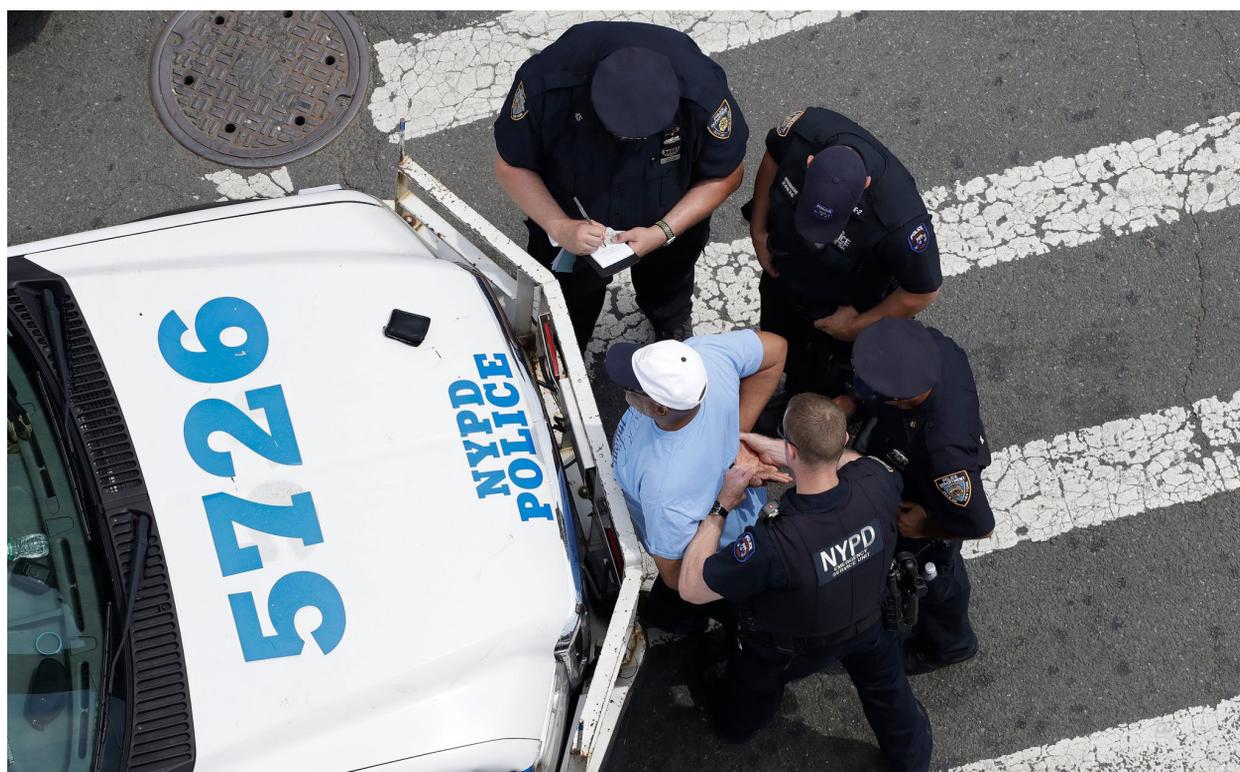


City Police Officers Are Not Reporting All Street Stops, Monitor Says

BY AL BAKER | December 13, 2017



A report from an independent monitor found 39 instances over nine months in which New York police officers failed to correctly report stop-and-frisk encounters. Photo Credit: Mark Lennihan/Associated Press

More than two years into his tenure, a court-appointed monitor overseeing changes to the New York Police Department's stop-and-frisk policies has found that some officers are still failing to document the encounters as required, according to a report released on Wednesday.

The Police Department has audited the number of street stops at least since 2014 to learn when officers were carrying out stops but not recording them. In its first report in July 2015, the monitor's team discovered that the department, in a limited review, had found 17 undocumented stops.

Today, the department data shows those instances persist, the new report by the monitor, Peter L. Zimroth, says.

The undercounting of street stops highlights how difficult it is to sway attitudes inside the nation's largest municipal police force as it shifts away from the kind of unconstitutional policing of mostly black and Hispanic New Yorkers that a federal judge in 2013 said was widespread.

More practically, it threatens to hamper the city's efforts to build better police-community relations as accurate data on street stops is vital to understanding whether officers are acting legally and effectively, particularly in minority neighborhoods that bore the brunt of the aggressive street-stop tactics of the Bloomberg era.

As Police Commissioner James P. O'Neill said last month in a video introduction for a one-day training program for officers, 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."

Mr. Zimroth's report cites audits of radio transmissions, from the department's computer-aided dispatch system, which examined activity in eight different precincts each month to determine when a stop report was warranted. In the last three months of 2016 and the first half of this year, the audits found a combined 39 instances when a required stop form had not been filled out.

Using a different auditing system — one that examines whether arrests for trespassing or drug possession, for instance, were precipitated by a street stop — the department found that required stop reports were only filled out in 13 of 50 arrests, meaning they were undercounted in 74 percent of arrests.

Mr. Zimroth did not find that officers were willfully hiding the stops, but noted one possible explanation for the undercounting: that officers believed a stop report was not required if there was an arrest report.

"The error, if based on officer confusion, should be relatively easy to remedy," Mr. Zimroth wrote.

In his videotaped message, Mr. O'Neill said, "It is critically important that we learn the law and work within its confines."

The undercounting of street stops was a primary problem first noted by Mr. Zimroth in

the July 2015 report he filed in Federal District Court in Manhattan.

That it remains such a stubborn problem now, shows the work that remains, particularly for police supervisors who must enforce new training guidelines to ensure that stops by patrol officers are legal and free of racial bias.

"The monitor perceives some positive changes in organizational culture driven by the police commissioner and others in leadership roles," Mr. Zimroth said in the introduction to his report. "Nonetheless, much remains to be done."

Mr. Zimroth characterized his tenure as at a crossroads: It is evolving from the task of creating new ideas and policies to implementing them and — equally importantly — measuring whether they are working and are sustainable.

The impact of his oversight is seen in all corners of the department.

There are new forms for officers to fill out on their smartphones or tablets to document their stops. New videos about the laws governing street stops are being played at roll calls in precinct station houses. And there is new training at the Police Academy to help officers better discern the characteristics of a civilian who has a gun.

Yet for each new policy idea during the first four years of the administration of Mayor Bill de Blasio, whose settling of federal stop-and-frisk legal battles was among the first acts of his mayoralty, there are several goals unmet.

For instance, training officers to more deeply understand the implicit biases they harbor — which Mr. de Blasio promised would begin nearly two years ago — is scheduled to begin in February.

In a statement, the Center for Constitutional Rights, one of the civil rights groups behind the stop-and-frisk litigation, expressed concern over the number of undocumented stops and criticized the group hired to conduct the implicit bias training, Fair and Impartial Policing. The civil rights group said the "lack of transparency" in the process was "troubling."

Equipping officers with body cameras, the tools touted as revolutionary for trust-building and transparency, has been so slow-going that an analysis of their impact is still perhaps a year away. New performance evaluation systems for sergeants and lieutenants — those front-line supervisors considered critical in weeding out improper stops — has not yet been conceived.

And then, of course, there is the underreporting of stops, which Mr. Zimroth warned about nearly 30 months ago.

The Police Department has acknowledged that undocumented "stops are a serious issue that needs to be addressed," Mr. Zimroth wrote in the report released on Wednesday. "A significant percentage of undocumented stops would undermine the department's and the monitor's ability to assess compliance with the court orders."