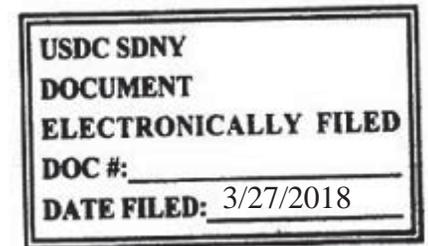


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February 22, 2018

VIA ECF

Honorable Analisa Torres
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Floyd, et al. v. City of New York*, 08-CV-1034 (AT),
Ligon, et al. v. City of New York, et al., 12-CV-2274 (AT),
Davis, et al. v. City of New York, et al., 10-CV-0699 (AT),
Recommendation Regarding Training for Newly Promoted Sergeants and
Lieutenants

Dear Judge Torres,

I am pleased to submit my recommendation regarding the NYPD's training materials on Investigative Encounters for newly promoted sergeants and lieutenants. I am attaching the following for your review and approval:

1. Training for Newly Promoted Sergeants: Instructors' Guide, Investigative Encounters;
2. Training for Newly Promoted Sergeants: PowerPoint Presentation, Investigative Encounters;
3. Training for Newly Promoted Lieutenants: Instructors' Guide, Investigative Encounters; and

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4. Training for Newly Promoted Lieutenants: PowerPoint Presentation, Investigative Encounters.

The materials meet the requirements of the court orders, and the parties have informed me that they do not object to the approval of this recommendation.

Periodically, based on the personnel needs of the Department, the NYPD promotes groups of officers from the rank of patrol officer or detective to the rank of sergeant and from the rank of sergeant to the rank of lieutenant. The promotions are based on the results of civil service examinations. Groups of those promoted are announced throughout the year; so, for example, in 2017, there were five groups of newly promoted sergeants and four groups of newly promoted lieutenants. Before assuming their new rank, newly promoted sergeants must take a six-week course and newly promoted lieutenants must take a four-week course on their new roles and responsibilities. Part of that training is a full-day, eight-hour class on investigative encounters. A principal focus of this training is the expanded responsibilities of supervisors, particularly sergeants, under the new Patrol Guide procedure for investigative encounters and specifically with regard to stop reports.

The Department expects that, as a result of the course, the new sergeants and lieutenants will:

1. Have improved their understanding of the law, procedures, and documentation requirements of investigative encounters;

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2. Know how to supervise members who conduct investigative encounters;
and
3. Know how to effectively review the legality of Level 3 *Terry* stops and insure that the corresponding stop reports are appropriately completed and filed.

The course includes a refresher on the law of investigative encounters (the four levels of *DeBour*), instruction on the procedures related to documenting and supervising investigative encounters, and hands-on exercises during which the class will produce and review stop reports.

The training materials for new sergeants and lieutenants are similar to the in-service stop and frisk training materials for supervisors that the court approved on December 5, 2017. All of the newly promoted sergeants and lieutenants will be required to attend that in-service training as well. As with the in-service training for incumbent supervisors previously approved, the training for newly promoted supervisors begins with a legal refresher, at the end of which the participants will take a SurveyMonkey quiz. After a meal break, the training continues with role-play scenarios and discussions of video footage from NYPD body-worn cameras, focusing on how to supervise stops and how to discuss stop reports with their subordinates. As an example, the training includes a role-play scenario in which the instructor plays the role of an overly confident officer or detective who is determined to have the sergeant sign off on a stop report even though it

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has deficiencies. Although the scenarios and videos used in the promotional training are different than the ones used for the incumbent supervisor training, the substance of the material regarding the applicable legal standards and Department procedures is the same.

The training materials being submitted for court review have been developed collaboratively in the past year by the NYPD (particularly personnel from the Police Academy and the Risk Management Bureau), plaintiffs' counsel and the monitor team. The training was piloted for several classes of newly promoted sergeants and lieutenants and revised based on the experiences from those sessions.

Redactions and Materials Filed Under Seal

I am submitting for your approval the two instructors' guides (sergeants and lieutenants) and the two corresponding PowerPoint presentations. As indicated, these materials include a SurveyMonkey questionnaire after the legal portion of the training. The parties agree that, for pedagogical reasons, the SurveyMonkey questionnaire should not be available to members of the service before the training, and that the survey questions and answers do not need court approval. For this reason, I have deleted the quiz answers from the instructors' guide in my ECF filing, but I will be filing un-redacted versions under seal.

The training materials include videos from body-worn cameras and instructors' notes for those videos. As with the in-service training materials, the parties agree that, because of privacy concerns, the training videos should not be part of the public record.

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Moreover, the Department is continuing to look for additional videos that can be added to or substituted for the ones used in the classes. Neither the parties nor I believe that these training videos require your approval. However, the court may wish to view the videos currently contemplated for use to get a better sense of the training. For this reason, I am submitting under seal for your information the videos referred to in the written material and the instructors' notes about those videos.

Respectfully submitted,

/s/ Peter L. Zimroth

Peter L. Zimroth

Monitor

- Attachments:
- (1) Training for Newly Promoted Sergeants: Instructors' Guide, Investigative Encounters
 - (2) Training for Newly Promoted Sergeants: PowerPoint Presentation, Investigative Encounters
 - (3) Training for Newly Promoted Lieutenants: Instructors' Guide, Investigative Encounters
 - (4) Training for Newly Promoted Lieutenants: PowerPoint Presentation, Investigative Encounters

The Court, having reviewed the training materials on Investigative Encounters for Newly Promoted Sergeants and Lieutenants, ECF No. 585, and having received no objections, hereby APPROVES the materials.

SO ORDERED.

Dated: March 27, 2018
New York, New York



ANALISA TORRES
United States District Judge