

Federal Monitor NYPD Stop and Frisk Cases

Richard Jerome
+1 202.329 1166 Direct
Richardjerome94@gmail.org

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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),
Fifteenth Report of the Independent Monitor

Dear Judge Torres,

I am pleased to submit the Fifteenth Report of the Independent Monitor. This report examines the New York City Police Department's (NYPD) trespass enforcement activities from 2013 to 2019. This report was prepared by Dr. John MacDonald, a member of the Monitor Team, under the supervision and with the review of the Monitor, Peter L. Zimroth. This is the first report submitted since Mr. Zimroth passed away in November 2021.

The report analyzes trends and patterns in trespass arrests, trespass summonses, and trespass stops made by NYPD officers in and around New York City Housing Authority (NYCHA) housing developments during those years. It assesses whether Blacks and Hispanics are more likely to be subjected to NYPD trespass enforcement actions relative to Whites and Other racial group members. The analyses

in the report are very similar to the analyses conducted by Plaintiffs' expert, Professor Jeffrey Fagan, and submitted to the Court in *Davis v. City of New York*.

The *Davis* lawsuit challenged the lawfulness of NYPD trespass enforcement activity at NYCHA buildings. The *Davis* settlement mandated reforms to NYPD criminal trespass enforcement policies and practices to improve the lawfulness of trespass enforcement at NYCHA developments and to reduce racial disparities generated by heightened trespass enforcement activity. Since the entry of the *Davis* settlement, citywide NYPD criminal trespass arrests have dropped by almost 74 percent, trespass summonses have declined by 80 percent, and trespass stops have decreased by 96 percent from 2013 to 2019. These substantial declines in NYPD trespass enforcement activities were observed in NYCHA buildings, in areas surrounding NYCHA buildings, and throughout New York City's five boroughs. In addition, the results show clearly that trespass enforcement dropped significantly for Black and Hispanic individuals in NYCHA, and that the decreased trespass enforcement was not associated with increases in other enforcement activity.

The analyses in the report also indicate that the percentages of area residents that are Black and Hispanic are no longer statistically significant predictors of trespass arrest, trespass summons, and trespass stop rates in NYCHA buildings or in census block groups at further distances from NYCHA developments. Black and Hispanic subjects are now no more likely to be subjected to trespass enforcement activities relative to White and other racial group subjects. Importantly, these findings do not change when crime and other community characteristics are considered. The analyses suggest that NYPD has made significant progress in complying with the mandates of the *Davis* settlement with regards to these importance outcome measures.

The enclosed report examines the volume and trends in NYPD trespass enforcement and 14th Amendment racial disparities. The analysis did not, however, examine individual trespass arrests, summonses, and stops for 4th Amendment compliance. That type of review, however, is a routine part of the general reports by the Monitor. The Monitor team regularly audits Body-Worn Camera videos (including interior patrol in NYCHA), trespass arrests and trespass crimes fact sheets (TCFS), and trespass stops for 4th Amendment compliance. These audits were reported in the Monitor's Eleventh Report and will continued to be assessed and reported on as part of ongoing monitoring.

Although the analyses presented in this report have limitations, as with any social science inquiry, the consistency of the findings reported across multiple outcome measures, analyzed using varying statistical models, supports the overall conclusion that NYPD trespass enforcement activities have declined dramatically in NYCHA housing and surrounding areas and that the racial disparities associated with past heightened levels of trespass enforcement have dissipated.

Respectfully submitted,

/s/ Richard Jerome

Richard Jerome
Deputy Monitor

Attachment: Fifteenth Report of the Independent Monitor