



DATE: 03/10/2015
TIME: 11:26:03
SER#: 14207315

FINEST MESSAGE

General Administrative Information

TO: ALL COMMANDS

RE: COURT ORDERED CHANGES TO NYPD PRACTICES AND POLICES RELATING TO THE TRESPASS AFFIDAVIT PROGRAM (TAP)

THIS FINEST MESSAGE IS BEING TRANSMITTED AS DIRECTED BY THE FEDERAL DISTRICT COURT IN THE CASE OF LIGON V. CITY OF NEW YORK, A COMPANION CASE TO FLOYD V. CITY OF NEW YORK. RELATING TO THE LIGON CASE CONCERNS THE NYPD PRACTICES AND POLICIES RELATED TO THE TRESPASS AFFIDAVIT PROGRAM.

PARTS OF THE LIGON CASE ARE NOW SETTLED AND, WITH THE AGREEMENT OF THE NYPD AND THE OTHER PARTIES, THE COURT HAS ISSUED AN ORDER REQUIRING THAT CERTAIN CHANGES BE MADE AND HAS APPOINTED A MONITOR, PETER ZIMROTH, WHOSE TASKS INCLUDE WORKING WITH THE PARTIES TO ENSURE THAT THOSE CHANGES ARE MADE.

CHANGES ORDERED BY THE COURT AND AGREED TO BY THE NYPD

SPECIFICALLY, THE DEPARTMENT WAS ORDERED TO AMEND INTERIM ORDER 22/2012 (PG 212-59, VERTICAL PATROL) BY DELETING THE PARAGRAPH LABELED "NOTE" ON PAGE 2, AND SUBSTITUTING THE FOLLOWING PARAGRAPHS IN ITS PLACE:

A UNIFORMED MEMBER OF THE SERVICE MAY APPROACH AND ASK QUESTIONS OF A PERSON (THAT IS, CONDUCT A LEVEL 1 REQUEST FOR INFORMATION UNDER DE BOUR) IF THE UNIFORMED MEMBER HAS AN OBJECTIVE CREDIBLE REASON TO DO SO. HOWEVER, MERE PRESENCE IN OR OUTSIDE A BUILDING ENROLLED IN THE TRESPASS AFFIDAVIT PROGRAM IS NOT AN "OBJECTIVE CREDIBLE REASON" TO APPROACH. A UNIFORMED MEMBER OF THE SERVICE MAY NOT APPROACH A PERSON MERELY BECAUSE THE PERSON HAS ENTERED OR EXITED OR IS PRESENT NEAR A BUILDING ENROLLED IN THE TRESPASS AFFIDAVIT PROGRAM.

UNDER THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION, A PERSON IS STOPPED (TEMPORARILY DETAINED) IF UNDER THE CIRCUMSTANCES A REASONABLE PERSON WOULD NOT FEEL FREE TO DISREGARD THE POLICE AND WALK AWAY. A UNIFORMED MEMBER OF THE SERVICE MAY NOT STOP A PERSON ON SUSPICION OF TRESPASS UNLESS THE UNIFORMED MEMBER REASONABLY SUSPECTS THAT THE PERSON WAS IN OR IS IN THE BUILDING WITHOUT AUTHORIZATION.

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MERE PRESENCE NEAR, ENTRY INTO, OR EXIT OUT OF A BUILDING ENROLLED IN THE TRESPASS AFFIDAVIT PROGRAM, WITHOUT MORE, IS NOT SUFFICIENT TO ESTABLISH REASONABLE SUSPICION FOR A STOP ON SUSPICION OF TRESPASS.

MEMBERS OF THE SERVICE ARE DIRECTED TO IMMEDIATELY COMPLY WITH THE STANDARDS DISCUSSED IN THIS FINEST MESSAGE AND TO COOPERATE WITH THE MONITOR AND HIS STAFF. COMMANDING OFFICERS OF ALL PRECINCTS, PSAS, AND TRANSIT DISTRICTS ARE DIRECTED TO READ THIS FINEST MESSAGE AT TEN CONSECUTIVE ROLL CALLS. IN ADDITION A COPY OF THIS MESSAGE SHALL BE POSTED CONSPICUOUSLY IN ALL SUCH COMMANDS AND PROVIDED TO ALL OFFICERS. ADDITIONAL TRAINING ON THE STANDARDS DISCUSSED HEREIN WILL BE PROVIDED TO ALL MEMBERS OF THE SERVICE. QUESTIONS CONCERNING THIS FINEST MESSAGE SHOULD BE DIRECTED TO DEPUTY CHIEF KERRY SWEET, COMMANDING OFFICER LEGAL BUREAU, AT (646) 610-5400 OR BY EMAIL TO: KERRY.SWEET@NYPD.ORG. ADDITIONALLY, MEMBERS OF THE SERVICE MAY CONFER WITH A DEPARTMENT ATTORNEY BETWEEN 0700 AND 2300 HOURS, MONDAY THROUGH FRIDAY, EITHER IN-PERSON AT THE LEGAL BUREAU (ONE POLICE PLAZA, ROOM 1406A, NEW YORK, NY 10038) OR BY TELEPHONE TO (646) 610-5400. DURING OTHER TIMES, CONTACT THE OPERATIONS UNIT AT (646) 610-5580 TO BE PUT IN TOUCH WITH A DEPARTMENT ATTORNEY.

COMMANDING OFFICERS WILL ENSURE THAT THIS MESSAGE IS READ AT TEN (10) CONSECUTIVE ROLL CALLS AND DISPLAYED IN A CONSPICUOUS LOCATION FOR THE BENEFIT OF MEMBERS OF THE SERVICE.

AUTHORITY: POLICE COMMISSIONER
OPERATOR: SGT FREER/OCD