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EXECUTIVE DIRECTOR

From: Denis McCormick & Marcos Soler

To: Board Members

Re: Analysis of cases in which both vehicle stop/search allegations and allegations of a stop/frisk/search of a person were present

Date: February 5, 2014

From 2009 to 2013, the board fully investigated 699 cases in which both vehicle stop/search allegations and allegations of a stop/frisk/search of a person were present. For the purpose of this memo, we will call this group “vehicle stop/search plus” cases. The board also investigated 504 cases in which there was a vehicle stop/search but there were no allegations of a stop/frisk/search of a person. We will call this group “vehicle stop/search only” cases.

In looking at these two groups of cases, we made two statistical findings that we believe deserve further attention from the board.

The first finding is that the substantiation rate for these two groups varies greatly and this variation is statistically significant. From 2009 to 2013, the board substantiated 155 cases of all fully investigated “vehicle stop/search plus” cases, or 22%. By comparison, the board substantiated 51 cases of all fully investigated “vehicle stop/search only” cases, or 10%. During this period, the average substantiation rate for the entire universe of CCRB fully investigated cases was 11%.

It is not just that the substantiation rate was twice as high for “vehicle stop/search plus” cases, it is also that the substantiation rate increased from 2009 to 2012 by 18 percentage points. The substantiation rate for this group of cases was 14% in 2009, 22% in 2010, 23% in 2011, 26% in 2012 and 32% in 2013.

The second finding is the high rate at which “vehicle stop/search plus” cases also include a board referral of a “Other Misconduct Noted” (OMN) allegation for failure to produce a stop and frisk report (UF 250 report) in cases in which officers are required to file a report, that rate is 38%.

From 2009 to 2013, of the 699 “vehicle stop/search plus” cases that the board fully investigated, 282 cases required the preparation of a stop and frisk report. In 417 cases, the UF 250 was not required.

Of these 282 cases in which the UF 250 was required, officers filed the UF 250 as required by departmental guidelines in 107 cases and failed to file a UF 250 in 175 cases. The rate at which the UF 250 was not filed as required by departmental guidelines was 62%.

As a result of this failure to file the required stop and frisk report, from 2009 to 2013, the board referred as Other Misconduct Noted (OMN) 107 cases to the Police Department and did not refer 68 cases. Also, the OMN referral rate for this type of cases, in which the UF 250 was not filed as required, has increased from 49% in 2009 all of cases to 83% in 2013

In addition to these statistical findings, we reviewed a sample of these 107 cases in which the OMN was noted. In all these OMN cases, CCRB investigators reviewed both the computerized and handwritten logs for Stop, Question & Frisk Reports. Investigators were unable to locate any reports in all of these instances.

According to Patrol Guide procedure 212-11(6), officers are required to prepare a “Stop, Question and Frisk Report Worksheet for each person stopped.” In all of these cases, it is not in dispute that officers stopped, frisked or searched the alleged victims and that they did not prepare the reports as required by departmental rules. In many of these cases, when asked by investigators, officers could not explain why a report was not prepared.

We recommend two actions: first, that the board conduct further research of the factors determining the statistically significant difference in the substantiation rate between these two groups; second, that the board submit these findings to the New York City Police Department and recommend additional training for officers pertaining to the filing of UF 250s reports in vehicle stop/search situations where persons are frisked and/or searched.

Cases with vehicle stop/search allegations combined with allegations of stop, frisk and search of a person, Full Investigations only, 2009-2013

Vehicle stop and/or search	Neither stop, frisk nor search of a person	Either stop, frisk or search of a person	Total	Vehicle stop and/or search & Stop, Frisk & Search of a person
2009	153	192	345	56%
2010	108	169	277	61%
2011	81	139	220	63%
2012	55	76	131	58%
2013	107	123	230	53%
Total	504	699	1203	58%

Vehicle Stop/Search + Stop/Frisk/Search of a Person	UF250 Not Required	UF250 Required	Total	Rate at which UF250 is required
2009	120	72	192	38%
2010	110	59	169	35%
2011	70	69	139	50%
2012	38	38	76	50%
2013	79	44	123	36%
Total	417	282	699	40%

UF250 Required	UF250 Not filed	UF250 Filed	Total	UF250 Not Filed as required
2009	37	35	72	51%
2010	31	28	59	53%
2011	49	20	69	71%
2012	29	9	38	76%
2013	29	15	44	66%
Total	175	107	282	62%

UF250 Required	UF250 Not filed	OMN sent to NYPD	Total	OMN rate
2009	37	18	37	49%
2010	31	19	31	61%
2011	49	29	49	59%
2012	29	17	29	59%
2013	29	24	29	83%
Total	175	107	175	61%

Vehicle stop/search cases and filing of UF 250 forms 2009-2013

