

P.G. 212-11 Stop And Frisk

Date Effective: 08-01-13

PURPOSE

To conduct criminal investigations and protect uniformed members of the service from injury while conducting investigations involving stop and question situations.

DEFINITIONS

STOP - To temporarily detain a person for questioning.

FRISK - A running of the hands over the clothing, feeling for a weapon.

SEARCH - To place hands inside pocket or other interior parts of clothing to determine if object felt is a weapon.

PROCEDURE

When a uniformed member of the service reasonably suspects a person has committed, is committing or is about to commit a felony or a Penal Law misdemeanor:

UNIFORMED MEMBER OF THE SERVICE

1. Stop person and request identification and explanation of conduct.
 - a. If not in uniform, identify yourself as a police officer.
2. Frisk, if you reasonably suspect you or others are in danger of physical injury.
3. Search, if frisk reveals object which may be a weapon.

NOTE: Only that portion of the suspect's clothing where object was felt may be searched.

4. Detain suspect while conducting investigation to determine whether there is probable cause to make an arrest.
 - a. Suspect may be detained for a period of time reasonably related to the facts, which initially justified the stop or are discovered during the stop.
 - b. Complete investigation as expeditiously as possible.
5. Release suspect immediately after completing the investigation if probable cause to arrest does not exist and provide suspect with an explanation for the stop, question and/or frisk encounter, absent exigent circumstances.
 - a. A WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER? (PD344-111) tear off information card, may be provided to the stopped individual.
6. Prepare STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A) for EACH person stopped.

NOTE: If person stopped refuses to identify him/herself (and there is no reason to take summary action) check off "REFUSED" in the appropriate space of STOP, QUESTION AND FRISK REPORT WORKSHEET. Allow suspect to depart only after completing investigation and only if investigation does not establish probable cause to arrest the suspect. Request patrol supervisor to respond and confirm refusal, review STOP, QUESTION AND FRISK REPORT WORKSHEET, and action taken. Do not detain suspect while awaiting arrival of patrol supervisor if investigation is completed and no probable cause to arrest suspect.

UNIFORMED MEMBER OF THE SERVICE

7. Enter details in ACTIVITY LOG (PD112-145).
8. Inform desk officer, precinct of occurrence, of facts.
9. Submit STOP, QUESTION AND FRISK REPORT WORKSHEET to desk officer, precinct of occurrence.

DESK OFFICER

10. Review each STOP, QUESTION AND FRISK REPORT WORKSHEET submitted and:
 - a. Instruct member preparing WORKSHEET, if necessary.
 - b. Enter precinct serial number and sign WORKSHEET(S).

NOTE: A separate precinct serial number will be assigned for EACH WORKSHEET.

11. Bring STOP, QUESTION AND FRISK REPORT WORKSHEET(S) to the attention of the commanding officer.
12. Photocopy STOP, QUESTION AND FRISK REPORT WORKSHEET(S) and forward as follows:
 - a. ORIGINAL - Criminal Records Section.
 - b. Photocopy - Precinct binder.
 - c. Photocopy - Detective Squad.
13. Make appropriate entries on STOP, QUESTION AND FRISK INDEX COVERSHEET (PD344-152).

COMMANDING OFFICER

14. Maintain a STOP, QUESTION AND FRISK WORKSHEET binder at the desk for use by other uniformed members of the service.

ADDITIONAL DATA

A suspect should not be moved or transported from the location where s/he is stopped for questioning unless s/he voluntarily consents or there is an exigency e.g., hostile crowd gathers and officer must move suspect from the area for safety purposes, victim/witness is injured and cannot be brought to location where suspect is being detained, so officer transports suspect to injured party.

Some factors which contribute to "reasonable suspicion":

- a. The demeanor of the suspect.
- b. The gait and manner of the suspect.
- c. Any knowledge the officer may have of the suspect's background and character.
- d. Whether the suspect is carrying anything and what he is carrying.
- e. Manner of dress of suspect including bulges in clothing.
- f. Time of day or night.
- g. Any overheard conversation of the suspect.
- h. The particular streets and areas involved.
- i. Any information received from third parties.
- j. Proximity to scene of crime.

Desk officers or designated supervisors in other than patrol precinct commands (i.e., PSAs, transit districts, OCCB, borough task force or anti-crime units, etc.) who receive completed WORKSHEETS will be responsible for obtaining the next precinct serial number from the desk officer of the precinct concerned. This number ONLY will be entered into the box captioned "PCT. SER. NO." on the STOP, QUESTION AND FRISK REPORT WORKSHEET. The desk officers or designated supervisors in other than the patrol precinct commands will then review, sign, and photocopy the WORKSHEET. A copy will be immediately faxed to the precinct concerned, and the completed original WORKSHEETS delivered back to the precinct concerned within twenty four hours.

In addition, desk officers or designated supervisors in other than patrol precinct commands will also maintain a standardized Stop, Question and Frisk binder with corresponding INDEX COVERSHEET, and will enter a command tracking number consisting of the command abbreviation, followed by a serial number, beginning with number one each year (e.g. TD32-001) in the upper right hand corner section of each WORKSHEET. This command tracking number is not the same as, and is NOT to be entered in the precinct serial number caption on the WORKSHEET received. A third photocopy of each WORKSHEET will also be made and maintained with the Stop, Question and Frisk binder at that command.

The STOP, QUESTION AND FRISK REPORT WORKSHEET is not prepared where the officer makes a summary arrest or issues a summons for an observed violation unless the suspect was initially stopped for investigation based on reasonable suspicion.

All uniformed members of the service below the rank of Captain are required to carry ACTIVITY LOG insert STREET ENCOUNTERS - LEGAL ISSUES (PD344-153) when performing patrol duties in uniform.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

STOP QUESTION AND FRISK INDEX COVERSHEET (PD344-152)

STOP QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)

STREET ENCOUNTERS - LEGAL ISSUES (PD344-153)

WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER? (PD344-111)