



Stop, Question and Frisk Procedure

NYS Senator
Eric Adams
District #20



A photograph of Commissioner Raymond Kelly of the New York City Police Department. He is a middle-aged man with short, graying hair, wearing a dark pinstriped suit jacket, a light blue dress shirt, and a yellow tie. He is standing behind a wooden podium, pointing his right hand towards the camera with a serious expression. Behind him is a wooden wall with a large, dark brown sign that reads "POLICE DEPARTMENT OF NEW YORK" in gold, serif capital letters.

**POLICE DEPARTMENT
OF NEW YORK**

We stop African American and Hispanic youths because we want to instill the fear in them that every time they leave their home, they can be stopped and searched by the police.

– Commissioner Raymond Kelly

What is Stop, Question and Frisk?

“Stop, Question and Frisk” is an excellent policing tool when it is used correctly. It allows a Police Officer to stop and question a person when the officer has reasonable suspicion that someone committed, is committing or is about to commit a crime (felony or misdemeanor).

The STOP . . .

A Police Officer can stop a person when he/she becomes suspicious of the person's actions and believes they are committing, about to commit or have committed a crime (felony or misdemeanor)



. . . The STOP

The QUESTION . . .

A Police Officer can ask the suspicious person elementary questions (i.e. name, address, what are they doing) to determine if the individual is in fact participating in an illegal act.



. . . The QUESTION

The FRISK . . .

During the stop, if a Police Officer believes a person is carrying a weapon, the Officer can frisk only the area where he/she observed the bulge of the possible weapon. The frisk consists of the officer running his/her hands over the outside garment of the person stopped, where he/she believes the weapon is located. If after doing so a determination is made that it is a weapon, then the Officer can reach under the clothing and remove the weapon.



. . . The FRISK

When can a Police Officer carry out Stop, Question and Frisk?

**There are four (4) scenarios
when an Officer can conduct a
Stop, Question and Frisk . . .**

SCENARIO

1

When can a Police Officer carry out Stop, Question and Frisk?

If a citizen approaches an officer and gives him/her a description of a person that committed a crime



Robbery in progress



Witness speaking to officers

SCENARIO

1

When can a Police Officer carry out Stop, Question and Frisk?

If an officer observes someone fitting the description, he/she can then stop the person and question him/her.

NOTE: It doesn't have to be the officer that spoke with the complainant

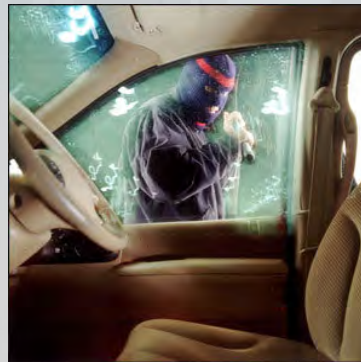


SCENARIO

2

When can a Police Officer carry out Stop, Question and Frisk?

When a particular crime pattern is occurring and the police have a description of the person or method the criminal is using



SCENARIO

2

When can a Police Officer carry out Stop, Question and Frisk?

If an Officer observes someone fitting the description or in the area under unusual circumstances

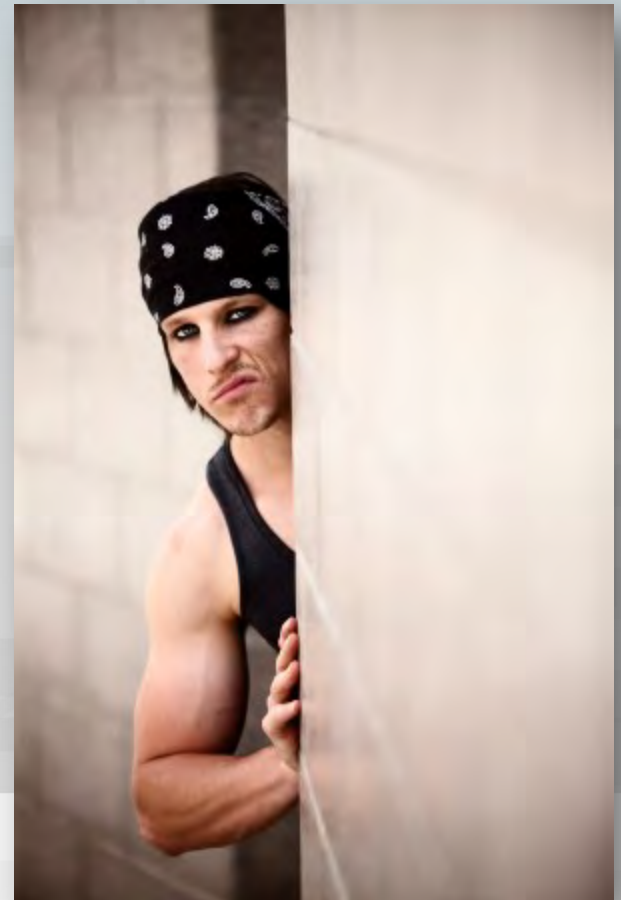


SCENARIO

3

When can a Police Officer carry out Stop, Question and Frisk?

When a Police Officer observes a person acting in a suspicious manner, e.g. hiding in an alley late at night. This scenario does not need a complaint from a citizen.



SCENARIO

4

When can a Police Officer carry out Stop, Question and Frisk?

When Police Officers are instructed to perform a predetermined number of Stop, Question and Frisks. This is done, without any complaint, to fulfill a quota or gather names for the NYPD database.



This represents the overwhelming number of NYPD stops – and it is ILLEGAL.

Each time a Police Officer stops an individual, he/she must prepare a “Stop, Question and Frisk Report”

UF-250

Front



**STOP, QUESTION AND FRISK
REPORT WORKSHEET**
PD344-151A (Rev. 11-02)

(COMPLETE ALL CAPTIONS)

Pct. Serial No.	
Date	Pct. Of Occ.
Time Of Stop	Period Of Observation Prior To Stop
Radio Run/Sprint #	

Address/Intersection Or Cross Streets Of Stop

<input type="checkbox"/> Inside	<input type="checkbox"/> Transit	Type Of Location
<input type="checkbox"/> Outside	<input type="checkbox"/> Housing	Describe:
Specify Which Felony/P.L. Misdemeanor Suspected		Duration Of Stop

What Were Circumstances Which Led To Stop?
(MUST CHECK AT LEAST ONE BOX)

- | | |
|--|--|
| <input type="checkbox"/> Carrying Objects In Plain View Used In Commission Of Crime e.g., Slim Jim/Pry Bar, etc. | <input type="checkbox"/> Actions Indicative Of Engaging In Drug Transaction. |
| <input type="checkbox"/> Fits Description. | <input type="checkbox"/> Furtive Movements. |
| <input type="checkbox"/> Actions Indicative Of "Casing" Victim Or Location. | <input type="checkbox"/> Actions Indicative Of Engaging In Violent Crimes. |
| <input type="checkbox"/> Actions Indicative Of Acting As A Lookout. | <input type="checkbox"/> Wearing Clothes/Disguises Commonly Used In Commission Of Crime. |
| <input type="checkbox"/> Suspicious Bulge/Object (Describe) | <input type="checkbox"/> Other Reasonable Suspicion Of Criminal Activity (Specify) |

Name Of Person Stopped	Nickname/ Street Name	Date Of Birth
Address	Apt. No.	Tel. No.

Identification: Verbal Photo I.D. Refused
 Other (Specify)

Sex: Male Female Race: White Black White Hispanic Black Hispanic Asian/Pacific Islander American Indian/Alaskan Native

Age	Height	Weight	Hair	Eyes	Build
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Other (Scars, Tattoos, Etc.)

Did Officer Explain Reason For Stop Yes No If No, Explain:

Were Other Persons Stopped/ Questioned/Frisked? Yes No If Yes, List Pct. Serial Nos.

- If Physical Force Was Used, Indicate Type:
- | | |
|--|---|
| <input type="checkbox"/> Hands On Suspect | <input type="checkbox"/> Drawing Firearm |
| <input type="checkbox"/> Suspect On Ground | <input type="checkbox"/> Baton |
| <input type="checkbox"/> Pointing Firearm At Suspect | <input type="checkbox"/> Pepper Spray |
| <input type="checkbox"/> Handcuffing Suspect | <input type="checkbox"/> Other (Describe) |
| <input type="checkbox"/> Suspect Against Wall/Car | |

Was Suspect Arrested?	Offense	Arrest No.
<input type="checkbox"/> Yes <input type="checkbox"/> No		

Was Summons Issued?	Offense	Summons No.
<input type="checkbox"/> Yes <input type="checkbox"/> No		

Officer In Uniform?	If No, How Identified?
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Shield <input type="checkbox"/> I.D. Card <input type="checkbox"/> Verbal

Was Person Frisked? Yes No **IF YES, MUST CHECK AT LEAST ONE BOX**

Inappropriate Attire - Possibly Concealing Weapon Furtive Movements

Verbal Threats Of Violence By Suspect Actions Indicative Of Engaging In Violent Crimes

Knowledge Of Suspects Prior Criminal Violent Behavior/Use Of Force/Use Of Weapon

Other Reasonable Suspicion Of Weapons (Specify)

Was Person Searchable? Yes No **IF YES, MUST CHECK AT LEAST ONE BOX**

Outline Of Weapon Other Reasonable Suspicion Of Weapons (Specify)

Was Weapon Found? Yes No If Yes, Describe: Pistol/Revolver Rifle/Shotgun Assault Weapon Knife/Cutting Instrument Machine Gun Other (Describe)

Was Other Contraband Found? Yes No If Yes, Describe Contraband And Location

Demeanor Of Person After Being Stopped

Remarks Made By Person Stopped

Additional Circumstances/Factors: (Check All That Apply)

<input type="checkbox"/> Report From Victim/Witness	<input type="checkbox"/> Evasive, False Or Inconsistent Response To Officer's Questions
<input type="checkbox"/> Area Has High Incidence Of Reported Offense Of Type Under Investigation	<input type="checkbox"/> Changing Direction At Sight Of Officer/Flight
<input type="checkbox"/> Time Of Day, Day Of Week, Season Corresponding To Report Of Criminal Activity	<input type="checkbox"/> Ongoing Investigations, e.g., Robbery Pattern
<input type="checkbox"/> Suspect Is Associating With Persons Known For Their Criminal Activity	<input type="checkbox"/> Sight And Sounds Of Criminal Activity, e.g., Bloodstains, Ringing Alarms
<input type="checkbox"/> Proximity To Crime Location	
<input type="checkbox"/> Other (Describe)	

Pct. Serial No. _____ Additional Reports Prepared: Complaint Rpt.No. _____ Juvenile Rpt. No. _____ Aided Rpt. No. _____ Other Rpt. (Specify) _____

REPORTED BY: Rank, Name (Last, First, M.I.) _____ TAX# _____

Print _____ Command _____ Signature _____

REVIEWED BY: Rank, Name (Last, First, M.I.) _____ TAX# _____

Print _____ Command _____ Signature _____

Back

Why do Police Officers perform the stops?

- **Create a database of young Black and Latino men (they will create a crime one day)**
- **Avoid being penalized for not filling a quota**
- **A police concept that if you search 100 people, you are likely to find at least 1 with contraband**

Has this program been successful in removing guns off our streets?

NO!!

Over 90 percent of the people stopped are found to have done nothing wrong at all!

2009

Total Stops

576,394

Total weapons recovered

7,201 (1.25%)

Total guns recovered

762 (0.13%)

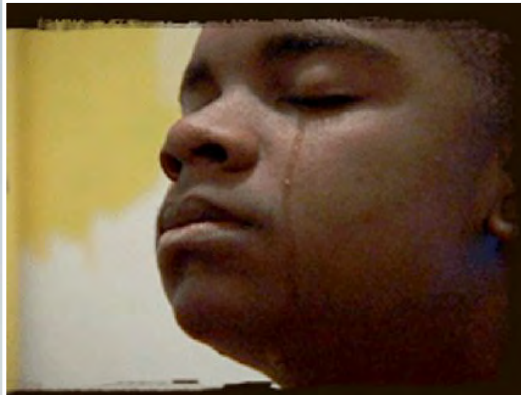
SOURCE: NYPD Stop-and-Frisk Statistics, 2009
Center for Constitutional Rights

Why is the Police Department allowed to continue this policy if it is wrong?

- **Communities of color are ignoring the violations of individuals due to high profile crime news stories**
- **The City Council has failed to demand accountability from the NYPD**
- **The policy to continue this practice comes from the top of the NYPD – the Commissioner**



What is the impact on our young people?



- **Police are illegally going through their pockets**
- **Our young people are traumatized from frequent stops by police**
- **Our young people are being arrested for disorderly conduct for questioning these stops**
- **Our young people will have police records that will impact their future**

Why would a young person plead guilty to a crime that he/she did not commit?

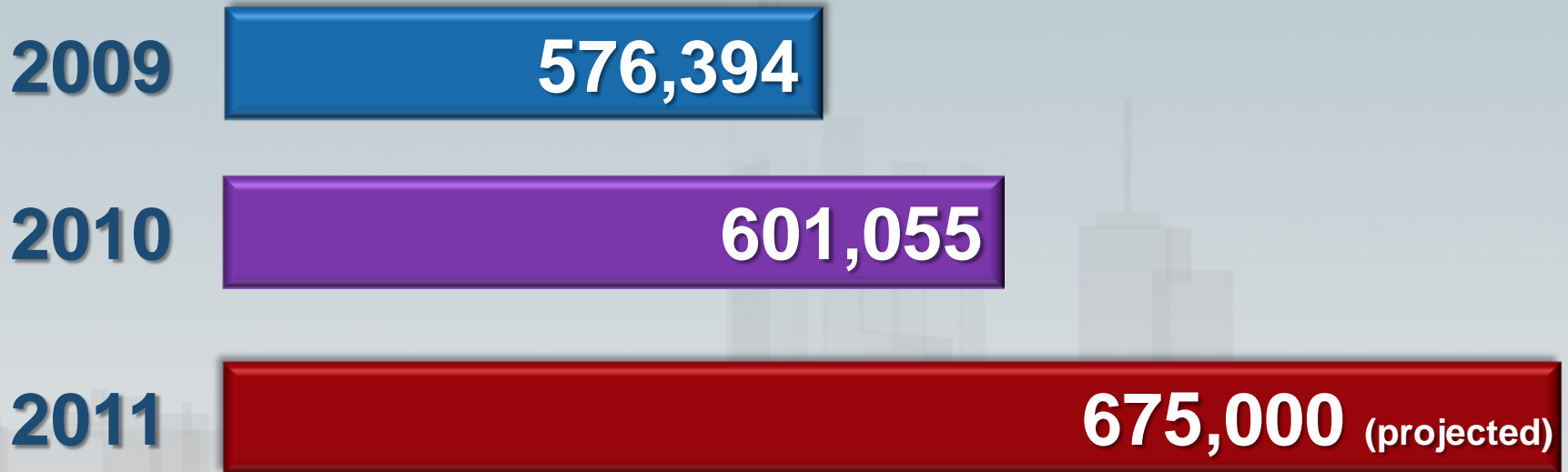
“I fried another nigger.”

– NYPD Officer Michael Daragjati’s comment caught on a wiretap by federal prosecutors.

Officer Daragjati arrested a young man because the officer became angry that the young man had complained about being stopped and frisked. Although he did not commit a crime, the young man pleaded guilty to disorderly conduct on advice of his attorney.



How many people are stopped?

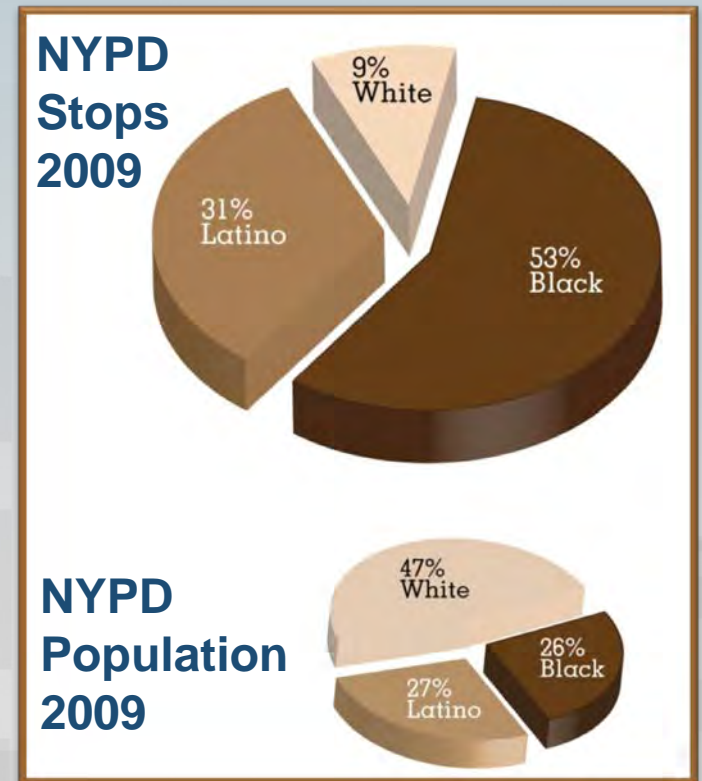
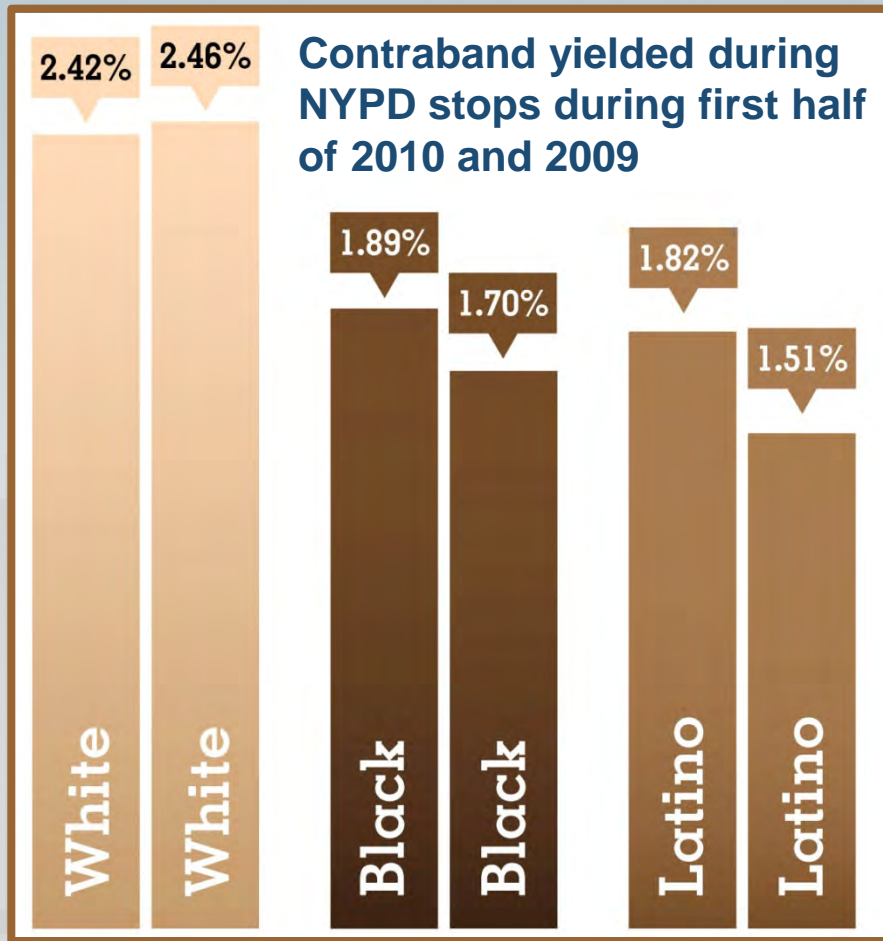


NOTE: As of September 2011, 514,000 stops were reported, a 13% increase over the previous year

Each time an officer performs a stop, he/she must prepare a “Stop, Question and Frisk Report.”

Former Attorney General Elliott Spitzer reported that police prepared a report 1 out of every 4 times they performed the stops.

How many people are stopped?



IMPORTANT: This shows that stops of Whites yield higher results, yet we continue to search more Blacks and Latinos

What must we do to correct the problem of the violating of the human rights of our young people?

**Educate adults
as to what is
happening to
their children**





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