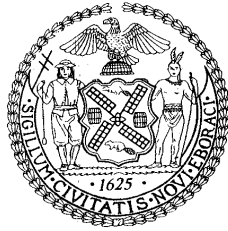


CIVILIAN COMPLAINT REVIEW BOARD



STREET STOP ENCOUNTER REPORT: AN ANALYSIS OF CCRB COMPLAINTS RESULTING FROM THE NEW YORK POLICE DEPARTMENT'S "STOP & FRISK" PRACTICES

JUNE 2001

Executive Summary and Recommendations

In March 1999, the Civilian Complaint Review Board (CCRB) formed the Street Encounter Committee to review complaints filed by people who had been stopped on the street and frequently frisked and/or searched by a New York City police officer. This report is the result of that review. The Committee examined only CCRB complaints and only those complaints related to street stops that were closed by the CCRB during the period between January 1, 1997 and March 31, 1999. The dates of occurrence for these complaints ranged from 1990 to 1999, with the bulk falling in 1997 and 1998.

Because it is based solely on complaint data, this report cannot describe the Police Department's "stop and frisk" practices generally. During the period of this study, the CCRB closed 1,346 street stop cases. These cases are the focus of this study. During the same period, however, the Department has informed us that the NYPD recorded over 250,000 stops—indicating that complaints are made in only a fraction of cases in which stops take place. In addition, CCRB complaints do not represent all complaints against the NYPD related to street stops, some of which may have been pursued elsewhere, including in civil litigation.

Accordingly, this report does not describe the Police Department's stop-and-frisk practices generally, nor even all complaints about them. What it does offer is an interesting and useful picture of those individuals who filed complaints with the CCRB after being stopped by the police, the officers involved, the nature of those encounters, and the results of the complaints.

Among the Committee's many findings outlined in this summary and in more detail throughout the report, six deserve particular attention. The CCRB's review of the cases outlined above revealed the following:

- African-Americans filed more than twice as many complaints about street stops as Latinos and nearly six times the number whites filed. Compared with all other CCRB complaints filed during the same period, African-Americans were over-represented in this sample of street-stop complaints while whites were underrepresented.
- Compared with whites who filed complaints with the CCRB, African-Americans and Latinos

more often filed complaints about stops that involved the use of physical force. Among the African-Americans, Latinos and whites, the African-Americans who filed complaints were more likely to have been stopped by officers who stated that they used a gun to effectuate the stop.

- Most of the street stops that led to complaints were based on the officers' own observations and not on third party information. Whites who filed complaints were more often stopped at least in part for being in a "high crime" area, according to the officers involved, while in complaints filed by African-Americans and Latinos, officers in CCRB investigations more often proffered as rationales for the stops that they noticed a bulge or saw the person shift his or her waistband.
- In almost a third of the stops in the study's fully investigated cases, a supervisor was present during the stop that resulted in a complaint.
- Compared with all other complaints about police-civilian encounters closed during the period of this study, the CCRB was more likely to substantiate complaints stemming from street stops.
- Although officers during the period of this study were required to submit UF-250 forms whenever they frisked, searched, or arrested a civilian after a stop, these forms were missing from many of the case files the Committee reviewed.

Study Methodology and Content of the Report

The Street Encounter Committee reviewed only those complaints related to street stops that the CCRB closed between January 1, 1997 and March 31, 1999. To be included in the study, the stop that led to the complaint must have been initiated by a police officer to determine whether suspected criminal activity had occurred. Based on these broad criteria, 1,346 cases were selected and reviewed.¹ Data culled from these case files were entered into a database and analyzed using SPSS, a standard statistical program.

Among the 1,346 cases reviewed, the CCRB fully investigated 641. These case files

¹ Appendix A contains a detailed explanation of the case selection process. Relevant case law pertaining to "stop and frisks" is included in Appendix B.

contain more detailed information about the stop that led to the complaint. Specifically, the files in these fully investigated cases include notes from interviews with police officers, civilians, and witnesses, as well as a variety of documents, and the final written report by the CCRB investigator who evaluated the evidence relevant to each of these cases. The findings in Chapters One and Two are based on the complete set of 1,346 cases, as well as the subset of fully investigated cases, while the data in Chapters Three and Four are drawn from the more detailed information to be found in the subset of 641 fully investigated cases.

This report is organized around five research questions. The first chapter addresses the question: Who filed complaints about street stops? It begins by describing the race, gender, and age of the civilians in the database who filed complaints after being stopped by the police.² To place this demographic information in some context, the report compares this group with everyone who filed complaints with the CCRB during the same period.³ Chapter Two addresses the question: Who were the officers involved? It describes the race, gender, rank, command, and patrol borough of the officers in the database, and whether they live in New York City. Chapter Three addresses the question: How were these complaints resolved? In particular, it describes the cases in which the CCRB substantiated allegations of misconduct and the subsequent disciplinary measures imposed by the Police Commissioner.

The fourth and final chapter addresses two questions: What types of stops generated complaints? And how often were these stops properly documented? It presents information from the database that was available only in cases that the CCRB was able to investigate fully, including information relating to: why the officer stopped the person; how the stop was effected, and in particular whether physical force was involved; whether the officer frisked and/or searched the person; whether the officer formally charged the person with a crime; and whether the officer gave

² As used by the CCRB in this report, the term "civilian" is a category given to an individual who alleges to have been subject to police misconduct.

³ Throughout the report, comparisons are made between complaints stemming from street stops and complaints filed with the CCRB stemming from all *other types* of police-civilian encounters.

the person an explanation for the stop. The chapter also includes information about how often officers in these fully investigated cases appropriately documented the stops by submitting the required UF-250 form.

Key Findings

Who filed complaints about street stops?

An analysis of the cases in the database revealed that African-Americans filed more than twice as many complaints about street stops as Latinos and nearly six times the number whites filed. Compared with all other CCRB complaints filed during the same period, African-Americans were over-represented in this sample of street-stop complaints while whites were underrepresented.

Men also appear to be overrepresented. Men filed 80 percent of the complaints about street stops. During the same period, men represented just 65 percent of everyone filing complaints with the CCRB. Finally, both the African-American and Latino males who filed complaints about street stops were significantly younger than the white males.

Who were the officers involved?

Among the cases in the database, the racial breakdown of officers involved in complaints about street stops mirrors the racial composition of the Police Department: Most of the officers involved were white. A small minority were Latino, and a slightly smaller number were African-American. Ninety-three percent were men, nearly identical to the proportion of male officers involved in all other complaints filed with the CCRB during the same period. Only about ten percent of the officers involved in complaints about street stops held the rank of sergeant or higher, yet supervisors were present in a third of the stops that led to complaints. About half the officers involved in complaints about street stops, as in all complaints, resided outside New York City.

How were these complaints resolved?

Complaints may be disposed of as substantiated, exonerated, unfounded, or unsubstantiated.⁴ The database's street stop complaints were more likely to be substantiated than all other CCRB cases closed during the same period—twenty percent compared with 12 percent.⁵ Drawing the same comparison, complaints involving street stops were less likely to be unfounded and less likely to be unsubstantiated. The exoneration rate was roughly the same. Officers involved in substantiated complaints about street stops were as likely to be disciplined as officers involved in all other substantiated complaints. As of March 31, 2001, the Police Commissioner had disciplined 56 percent of the officers involved in substantiated street-stop complaints that he reviewed compared with 55 percent of the officers involved in all other cases that were substantiated by CCRB during the period of this study and subsequently reviewed by him.

What types of stops generated complaints?

Among the cases in the database that the CCRB fully investigated, more complaints were filed against officers who relied on personal observations as a basis for the stop, as opposed to third party information. Furthermore, the officers in the examined cases tended to offer different rationales for stopping minorities and whites. They were more likely to claim suspicious-looking bulge and suspicious adjustment of waistband as reasons for stopping African-Americans and Latinos who later filed complaints than as reasons for stopping whites, a statistically significant finding. On the other hand, they were more likely to offer as a reason for stopping whites who later filed complaints that these complainants were present in a

⁴ If the Board finds that an officer engaged in the conduct alleged by the complainant, the allegation is *substantiated* unless the Board decides that the officer's behavior was appropriate. In this case, the officer is *exonerated*. If the Board finds no credible evidence to support the claim, the allegation is disposed of as *unfounded*, and if the Board is unable to determine whether an allegation is true based on the evidence, the case is closed as *unsubstantiated*. In cases that consist of more than one allegation, the final disposition depends on the outcome of the individual allegations. Traditionally, a *substantiated* allegation carries the most weight. So if a case consists of three allegations and one was found to be exonerated, one unfounded, and one substantiated, the case would be substantiated. The disposition with the next greatest weight is *unsubstantiated*, followed by *unfounded*, and, finally, by *exonerated*. Thus, a case consisting of an unsubstantiated allegation and an exonerated allegation would be closed as *unsubstantiated*.

⁵ Disposition rates are calculated by comparing the number of cases with the disposition to the total number of fully investigated cases.

"high crime area." These officers were also more likely to use physical force to stop the African-Americans and Latinos who filed complaints than the whites, and were much more likely to use a gun to stop the African-American complainants than the Latinos and whites. Finally, even when these officers decided not to make an arrest or issue a summons, only a third offered an explanation or apology to the person they had stopped.

How often were stops that led to complaints appropriately documented?

Procedure 116-33 of the NYPD Patrol Guide (which was in force during the time relevant to this study) stipulates that police officers are required to complete UF-250 forms for cases in which civilians are frisked, searched, or arrested, yet these forms were missing in a significant number of the stop complaints the CCRB investigated fully—over half of all these cases and 40% of the cases that did not involve an arrest.

CCRB Recommendations

As a result of this study of complaints stemming from street stops, the CCRB recommends the following to the NYPD:

Issue "stop receipts." Documenting all stops is necessary to track police activity and performance, and foster public accountability. In this study, there were a substantial number of cases in which the CCRB could not identify the officers involved. Therefore, the CCRB recommends that police officers issue a "stop receipt" to every civilian they detain for investigative purposes. The "stop receipt" should contain information about the time and place of the encounter, the names of the officers involved, and a brief explanation of why the officer made the stop. The "stop receipt" would give civilians a record of the encounter and a way to hold officers accountable for the decision to stop them.

Offer a reason for the stop. The CCRB received significantly fewer complaints from civilians where an explanation or apology was offered by officers performing a stop. In over 60% of the fully investigated cases that did not result in an arrest, however, no explanation was forthcoming, according to the civilians involved. The CCRB recommends that the Police Department require officers to offer such explanations. A simple explanation could reduce the

impression of unfair treatment, deter complaints against officers, and help improve police-community relations.⁶

Spend more time observing civilians before stopping them. Because officers based two-thirds of the stops that led to complaints on observing something that appeared suspicious, not on visible criminal activity or third-party information, the CCRB recommends that, without interfering with their job, officers, particularly officers in plainclothes in unmarked cars, should try to observe civilians for a longer period before stopping them. This practice could prevent misunderstandings between officers and civilians and reduce the number of complaints against officers for unwarranted street stops.

Complete UF-250 forms. Because police officers in this study often did not document stops by submitting the required UF-250 forms, the CCRB recommends that the Police Department continue to work to better capture data regarding its stop and frisk practices.

Computerize UF-250 forms: The CCRB also recommends that UF-250 forms be computerized. We have been informed by the Police Department that the NYPD is in the process of implementing a system in which stop-and-frisk data will be comprehensively computerized and made readily accessible to line supervisors for use in supervision. We support this change and hope that it will facilitate improved record-keeping and management in this area.

The Police Department has informed the Street Stop Committee members that it has recently reviewed its training on stop and frisk and that it has made significant changes in this area. The Police Department has made information available to the Committee about many of these changes. Given that during the period of this study the CCRB substantiated complaints about street stops more often than other complaints and because stops that led to substantiated complaints were usually conducted improperly and sometimes with excess force, the Street Stop Committee recommends that the CCRB, through this Committee, continue to monitor training in this area, and that it continue to assess CCRB street-stop cases to ascertain whether reforms in training are reflected in CCRB complaints.

⁶ The data used in our study is based on cases closed between January 1, 1997 and March 31, 1999. In January 2001, Police Commissioner Bernard Kerik implemented a stop and frisk policy requiring police officers to explain to the person being stopped the reason for the stop. The revised stop and frisk form prompts officers to tell the person the reason for the stop or requires them to report why they could not provide such an explanation. (See Appendix F for a copy of the new stop and frisk form.) The CCRB fully supports this new requirement and hopes that its implementation will lead to better police-community relations.

Given this study's conclusion that mandated UF-250 forms were missing in many of the complaints reviewed, the Street Stop Committee also recommends to the CCRB that it routinely report on whether UF-250s were properly prepared in the street stop complaints that it receives. This reporting could help flag problems in compliance with NYPD policy and could be included in the regular semiannual report process.

Chapter One:

Who Filed Complaints about Street Encounters?

The chapter examines the race, gender and age of civilians¹ who file CCRB complaints about police-initiated street stop encounters. It and subsequent chapters are based upon the review of a sample of CCRB complaints. To be included in the study, a CCRB complaint must have been filed by a person or persons alleging they were stopped on the street—and frequently frisked and/or searched—by a New York City police officer. The complaint must have been closed by CCRB between January 1, 1997 and March 31, 1999. The dates of occurrence for these complaints ranged from 1990 to 1999, with the bulk falling in 1997 and 1998. (See Table 1-1). The stop that led to the complaint must have been initiated by a police officer to determine whether suspected criminal activity had occurred.

These criteria produced a *total sample* of 1,346 cases. Data culled from these cases were entered into a database and analyzed using SPSS, a standard statistical program. Within these 1,346 cases, there were a total of 1,558 civilians. *Full investigations* constitute a subset of the total sample that includes only those cases that were fully investigated by the CCRB. (This subset thus excludes truncated investigations—cases where the investigations were not completed due to the civilian's withdrawal of the complaint, unavailability, or failure to cooperate.) There were 641 fully investigated cases, involving a total of 652 civilians. The files in fully investigated cases contain more detailed information (including notes from interviews with police officers, civilians, and witnesses, as well as a variety of documents) and less missing data because CCRB investigators in these cases gather and analyze all relevant evidence. The analysis in this chapter reflects information drawn from both the total sample and the full investigations.

¹ As used by the CCRB in this report, the term “civilian” is a category given to an individual who alleges to have been subject to police misconduct.

Table 1-1: Complaints by Date of Occurrence

Year	Number of Cases	Percent
1990	1	0%
1991	1	0%
1994	2	0%
1995	68	5%
1996	221	16%
1997	588	44%
1998	451	34%
1999	14	1%
Total	1,346	100%

Race

Our study examines the racial composition of civilians reflected in the database who filed complaints about street stops in comparison with the racial composition of all other civilians involved in CCRB cases closed during the period under examination (Table 1-2).² The racial composition of civilians in the total sample and in the fully investigated cases was essentially the same.

African-Americans³ constituted the largest number of civilians whose race was known in the sample of police-initiated street encounter complaints, comprising 63% of the total sample and 64% of the fully investigated cases. By comparison, African-Americans filed 53% of all other CCRB complaints during the same period.

Latinos were the next largest group, constituting 24% of civilians who filed complaints about police-initiated street stop encounters. This percentage was consistent with the percentage of Latinos in all other CCRB complaints during the same period (23%).

One hundred forty-one civilians in the total sample identified themselves as white. This constituted 11% of all civilians in police-initiated street stop encounter complaints. This percentage is lower than the percentage (20%) of white civilians in all other CCRB complaints in the same period.

² The race of 282 civilians in the total sample was unknown. Most of these civilians whose race was undetermined either withdrew their complaint or never participated in a CCRB interview. Sometimes, civilians did not wish to identify a racial category. Although it is impossible to tell whether the racial identification of these civilians might be heavily skewed toward one particular racial group, there is also no reason to believe that the racial distribution of the 282 unknowns would not be random. Therefore, the percentages in this section are calculated based on only the civilians whose race is known, for a total of 1,276 civilians.

Finally, 23 civilians were identified as “Other,” a category that includes Asian-Americans, Native-Americans, and other groups. They represented only 2% of civilians who filed street stop complaints. This is less than the 4% of all other CCRB complaints filed by persons classified as “Other” during the same period.

African-Americans, then, constituted a higher percentage of civilians who filed street stop complaints compared to other CCRB cases. Whites made up a much smaller percentage compared to their share of other CCRB cases.

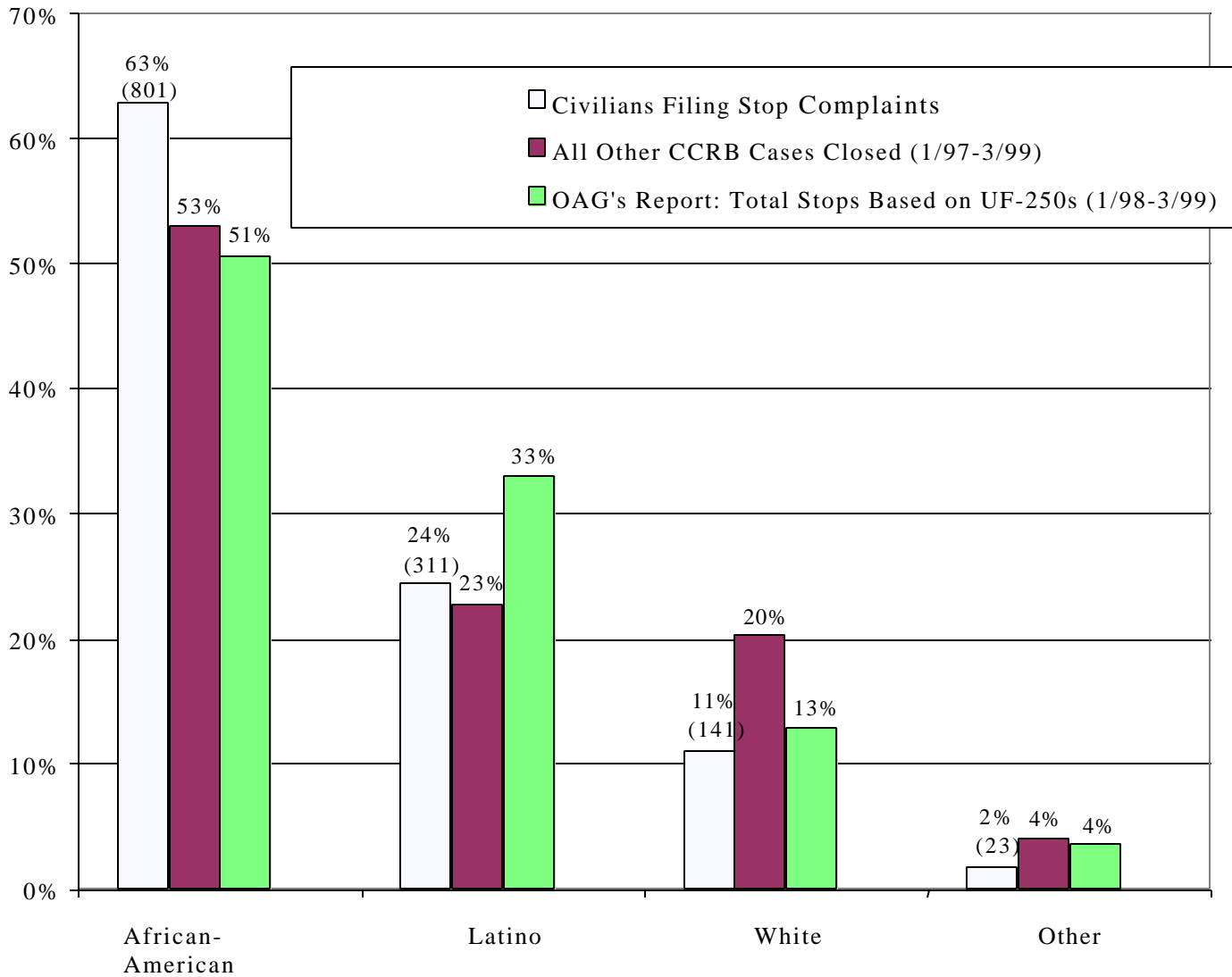
We cannot determine whether, or to what extent, the racial composition of civilians who filed complaints reflects that of civilians actually stopped by police because we have data only on those who filed complaints. To illustrate this point, the Police Department requires its personnel to complete “Stop, Question and Frisk,” or “UF-250 forms” for many of the types of street stop encounter covered by this report. From January 1, 1997 until March 31, 1999, the Department has informed us that it recorded 268,618 such reports. During the same period, as noted previously, the CCRB closed 1,346 street stop cases—for a rate of about 50.1 closed complaints per 10,000 recorded encounters. Complaints thus represent only a fraction of actual street stop encounters.

Data on the racial composition of those actually stopped is contained in the New York State Attorney General’s 1999 report on NYPD “stop and frisk” practices, referred to here as the “OAG Report.”⁴ That report documented the widely held perception that African-Americans and Latinos are stopped more often by police officers. However, the OAG Report covers a different time period from our study and, above all, is based not on all street stops but primarily on those for which a UF-250 form was filed. These forms are not required for all street stops and, even when required, they are not always submitted. A comparison of the two sources, as shown in Table 1-2, suggests that whites constituted similar proportions of those reported stopped, according to the OAG data, and those who filed complaints with the CCRB. African-Americans were a larger proportion of those who filed complaints than of those reported stopped, and Latinos were a smaller proportion.

³ The term “African-American” used throughout the report includes Caribbeans, Africans, and any individuals who identified themselves as “Black” during CCRB interviews.

⁴ Eliot Spitzer, Attorney General of the State of New York, “The New York City Police Department’s ‘Stop and Frisk’ Practices: A Report to the People of the State of New York from the Office of the Attorney General.” December 1, 1999.

Table 1-2: Race of Civilians



Note: The data for total stops from the OAG's report is from 1/98-3/99 while data from this study is from 1/97-3/99, a different time period. Also, the OAG data captures total number of stops during 1/98-3/99 while CCRB data is based on cases closed during 1/97-3/99. For CCRB data, the number of civilians who filed stop complaints is indicated inside the parentheses. There were 282 cases in which the civilians' race was unknown.

Gender

Men constituted a larger proportion of civilians in street stop encounter cases than of CCRB cases in general. Of the 1,548 civilians in the total sample whose gender was indicated in the street encounter complaints, 80% were men. (Table 1-3).⁵ The proportions in the total sample and in the fully investigated cases were the same. In comparison, men constituted 65% of those who filed all other CCRB complaints.

Table 1-3: Gender of Civilians

	Male		Female	
	Frequency	Percent	Frequency	Percent
Total Sample	1,241	80%	307	20%
All Other CCRB Cases Closed (1/97-3/99)	7,405	65%	3,986	35%

Age

Civilians in both the total sample and the full investigations were 27.6 years old, on average, ranging from 12 to 42 years old.

Table 1-4: Age of Civilians

	Frequency	Average Age
Total Sample	1,351	27.6
Unknown ⁶	207	
Total	1,558	

Race, Gender, and Age⁷

By combining the categories of race, gender and age, a much richer analysis is possible. (Table 1-5) The data shows that African-American and Latino men were the youngest of the groups that filed complaints about street stops—they were younger on average than the white men and women in the sample and the African-American and Latino women. The African-American and Latino men who filed complaints had an average age of 26.5 years and 26.8 years, respectively. The average age of the white men was 31.1, a difference of nearly 5 years. White

⁵ In the full sample, the gender of 10 individuals was unknown; the corresponding figure for full investigations is 6.

⁶ Within the total sample, the age of 207 civilians was unknown. Again, there is no reason to suspect that the average ages would be changed even if the unknown ages were indicated, since these unknowns are likely random.

⁷ See Appendix C for a more detailed discussion of the intersection of race, gender and age.

men filing complaints about street stops were on average older than the people in any other group. The age difference between African-American and Latino men and white men in the study was statistically significant. (Appendix I)

Table 1-5: Age, Race, and Gender of Civilians who Filed Complaints⁸

	African-American		Latino		White		Other	
	M	F	M	F	M	F	M	F
Average Age	26.5	30.7	26.8	29.3	31.1	29.4	27.9	25.2
Frequency	614	137	238	53	107	27	14	6

⁸ There were 362 civilians whose race, gender and/or age was unknown.

Chapter Two:

Who Were the Officers Who Received Complaints about Street Encounters?

This chapter examines the characteristics of the police officers in the sample who received street stop encounter complaints. Within the sample of 1,346 cases, a total of 1,153 subject officers were identified. The characteristics of these officers, including race, gender, residence, and command assignment are available and are analyzed in this chapter. The remaining officers were unidentified, and therefore their pedigree information is not available. We also compare the characteristics of the police officers receiving street stop complaints with those of all other officers receiving CCRB complaints closed during the period and with the profile of the Police Department.

Race

Seventy-two percent of the identified officers in the total sample were white, 11% were African-American, 16% were Latino, and 0.5% were identified as "Other." (Table 2-1) These percentages were about the same in the fully investigated cases. The racial distribution of the subject officers correlates with that of the Police Department as a whole, which is 68% white, 13% African-American, 17% Latino, and 2% "Other." The racial distribution of officers who received street stop complaints did not differ greatly from that of officers who received other CCRB complaints during the same period.

Table 2-1: Race of Subject Officers⁹

	African-American	Latino	White	Other	Total
Number of Subject Officers	120	177	790	6	1,093
Percent of Subject Officers	11%	16%	72%	0.5%	100%
All Other CCRB Cases Closed (1/97-3/99)	13%	17%	68%	2%	100%
NYPD Racial Breakdown (1999)	13%	17%	68%	2%	100%

⁹ The race, gender, and residence information was not available for 60 officers.

Gender

The overwhelming majority of street encounter complaints were filed against male officers. Within the total sample, 93% of the subject officers were men. (Table 2-2) Gender distribution in the full investigations did not differ from the total sample. The percentage of male subject officers in these complaints was appreciably higher than the percentage of male officers in the NYPD (93% vs. 85%). However, the gender distribution of officers in street encounter complaints was consistent with the distribution in all other CCRB complaints during the period.

Table 2-2: Gender of Subject Officers

	Male	Female	Total
Number of Subject Officers	1,014	79	1,093
Percent of Subject Officers	93%	7%	100%
All Other CCRB Cases Closed (1/97-3/99)	90%	10%	100%
NYPD Gender Breakdown (1999)	85%	15%	100%

Rank

Most of the sworn uniformed personnel involved in street encounter complaints were police officers, not higher-ranking sergeants, lieutenants, or captains. In the total sample, as in the fully investigated cases, 90% of the subject officers were police officers. This high percentage is not surprising since police officers make up the largest category of sworn uniformed personnel in the Police Department and they are the officers most often on patrol performing stops and frisks. The high percentage of police officers involved in stop complaints mirrors their percentage in overall CCRB complaints.

Table 2-3: Rank of Subject Officers

Rank	Frequency	Percent
Police Officer	1,032	90%
Sergeant	99	9%
Lieutenant	16	1%
Captain	6	0.5%
Total	1,153	100%

Presence of a Supervisor

Data showed that in 31% of complaints that were fully investigated, a supervisor was present at the time of the initial stop. In one case a supervisor arrived during the encounter and in 9% of the complaints, a supervisor was present after the initial stop.

Residence

In the total sample, as in the fully investigated cases, slightly more than half of the officers who received complaints about street encounters resided outside New York City. This is comparable to the residence pattern of officers receiving other CCRB complaints closed during the same period.

Table 2-4: Residence of Subject Officers

Residence	Number of Officers	Percent of Officers	All Other CCRB Cases Closed (1/97-3/99)	Overall NYPD Residence (1999)
Manhattan	36	3%	3%	
Bronx	98	9%	8%	
Brooklyn	113	10%	12%	
Queens	153	14%	14%	
Staten Island	130	12%	14%	
Total NYC:	530	49%	51%	53%
Nassau	192	18%	16%	
Westchester	55	5%	4%	
Rockland	62	6%	4%	
Suffolk	178	16%	18%	
Orange	55	5%	5%	
Putnam	21	2%	2%	
Total Non-NYC:	563	51%	49%	47%
Total	1,093	100%	100%	100%

Patrol Borough or Command Assignment

We also examined the command the officer was assigned to (by command assignment) and the patrol borough where the street stop occurred (by location of occurrence). We first assigned complaints to the command of the subject officers involved in the incident. Command assignments include the eight patrol boroughs within New York City—Manhattan North, Manhattan South, Brooklyn North, Brooklyn South, Queens North, Queens South, Bronx, and Staten Island—along with other commands such as the Special Operations Division (which

includes the Street Crime Unit), the Traffic Control Division, the Housing Bureau, and Transit Bureau and the Narcotics Division.

Table 2-5 shows the distribution of complaints by officers' command assignment. For the total sample, 485 or 36% of the cases involved officers assigned to one of the eight patrol boroughs.¹⁰ Within the eight patrol boroughs, officers assigned to Brooklyn North had the most complaints involving identified police officers—103. Manhattan North ranked second in the number of complaints filed against officers assigned there with 95, and the Bronx was third with 94 complaints. Queens North and Staten Island had the lowest number of complaints of the eight patrol boroughs. (20 each) Overall rankings were the same when looking at only fully investigated cases.

Of the non-precinct commands, the Narcotics Units had the highest number of street encounter complaints (74). Officers assigned to the Narcotics Units use "stop and frisk" tactics heavily. Following the Narcotics Unit in the number of complaints by officers' command was the Housing Bureau, with 71.

The Special Operations Division, which includes the Street Crime Unit (SCU), had 54 complaints, making it the unit with the third highest number of complaints in the "Other Commands" subcategory. Of the 54 complaints, 47 were filed against officers assigned to the Street Crime Unit. Like the Narcotics Units, officers assigned to the Street Crime Unit use "stop and frisk" tactics heavily.

¹⁰ It should be noted that since there were a large number of unidentified officers, it is possible that their identification might affect the distribution of complaints. In the following section, an analysis based on location of occurrence is employed to help test the reliability of the results here.

Table 2-5: Command Assignment of Subject Officer

Borough Commands	Complaints
Bronx	94
Brooklyn North	103
Brooklyn South	56
Manhattan North	95
Manhattan South	51
Queens North	20
Queens South	46
Staten Island	20
Borough Commands Total	485
Other Commands	
Detectives	27
Housing Bureau	71
Narcotics Unit	74
Special Operations (includes Street Crime Unit)	54
Traffic	8
Transit Bureau	41
Other Units	66
Other Commands Total	341
Undetermined	520
Total	1,346

Location of Occurrence

The analysis of complaints by the officer's command assignment does not account for 520 cases in which the subject officers were unidentified. To rectify this problem, we also analyzed complaints according to location of incident, as reported by the civilian involved. (Table 2-6) This data collection method accounts for the complaints that would otherwise not be assigned to a precinct and shows where a substantial number of incidents actually occurred. Data compiled by the location of occurrence helps to confirm patterns observed in patrol boroughs and points to new complaint trends as well. It is important to use both categorization systems to identify patterns of police-initiated street stop encounters of civilians leading to complaints.

In the total sample and in the fully investigated cases, Patrol Boroughs with the highest number of complaints by location of occurrence were Brooklyn North, the Bronx, Manhattan North, and Brooklyn South. As noted above, Brooklyn North, Manhattan North and the Bronx were also the Patrol Boroughs with the highest number of complaints based on the assignment of

subject officer.¹¹ The fact that Patrol Boroughs Brooklyn North, Manhattan North, and the Bronx were also the areas with the most complaints when classified by location of occurrence, corroborates and calls attention to the high number of police-initiated street stop encounters of civilians that lead to CCRB complaints in these areas. (It should be noted again that the data here cast light on the frequency of complaints, not the underlying frequency of stops in these various locations.)

Table 2-6: Distribution of Complaints by Location of Occurrence

Patrol Borough	Number of Complaints	Percent of Complaints	All Other CCRB Cases Closed (1/97-3/99)	Percent of All Other CCRB Cases Closed
Bronx	267	20%	1,709	17%
Brooklyn North	285	21%	1,577	16%
Brooklyn South	165	12%	1,765	18%
Manhattan North	196	15%	1,410	14%
Manhattan South	119	9%	1,340	13%
Queens South	132	10%	794	8%
Queens North	76	6%	1,001	10%
Staten Island	48	4%	463	5%
Unknown ¹²	58	4%		
Total	1,346	100%	10,059	100%

¹¹ To view the distribution of complaints by precinct see Appendix G.

¹² These are unknown because of erroneous geographical information.

Chapter Three:

How Were Complaints Resolved?

This chapter analyzes the CCRB's findings and recommendations on the street encounter complaints as well as the NYPD dispositions on those recommendations. The chapter focuses on the 641 complaints, out of the total 1,346 sample, that the CCRB fully investigated.¹³ Using preponderance of evidence as the standard of proof, the CCRB determined one of the following dispositions for fully investigated cases: substantiated, exonerated, unfounded, unsubstantiated, or officer unidentified.¹⁴

CCRB Findings

In the fully investigated sample, 20% of cases (129) were substantiated; 41% (261) were unsubstantiated; 11% (73) were exonerated; 8% (52) were unfounded; and 20% (126) were classified as officer unidentified.¹⁵

Of special interest to this study is the substantiation rate for police-initiated street stop encounter cases and how it compares to the substantiation rate for all other CCRB complaints. Substantiated cases are important because they are the cases in which the CCRB determines that police misconduct occurred, validating civilians' allegations.

¹³ Of the remaining cases, 694 were truncated, 8 were conciliated, and 3 were mediated. Truncated cases are investigations that were not completed due to the civilian's withdrawal of the complaint, uncooperativeness, or unavailability. Conciliated cases are not investigated. Conciliation is a process that must be agreed to by a complainant, who is not present during the proceeding. The subject officer is required to appear for a meeting with a member of the CCRB senior staff, who discusses the complaint and proper police procedure. Mediated cases are not investigated either. Mediation is a non-disciplinary process, voluntarily agreed to by the complainant and subject officer, in which they meet and attempt to reconcile their differences with the assistance of a trained neutral mediator.

¹⁴ In a substantiated case, there is sufficient credible evidence to believe that the subject officer committed the alleged act of misconduct. An exonerated disposition means that the subject officer was found to have committed the act alleged, but the act was determined to be lawful and proper. An unfounded disposition is adopted when the preponderance of the evidence shows that the alleged act did not occur. An unsubstantiated case means that the available evidence is insufficient to substantiate, exonerate, or unfound the allegation. Finally, a disposition of officer unidentified means that the identity of the officer(s) involved in the case was unknown. While CCRB investigators identify many of these initially unidentified officers during the course of an investigation, others remain unidentified.

¹⁵ The substantiation rate for all other CCRB cases closed during the same period was 12%. The unsubstantiated rate in this period was 46%, the exonerated rate was 10% and the unfounded rate was 19%.

The 20% substantiation rate for street encounter complaints is higher than the 12% rate for all other CCRB cases closed in the period from January 1997 to March 1999. Furthermore, it should be noted that of the substantiated street encounter cases, almost three-fourths were substantiated for the unnecessary *stop/frisk/search* allegation. In the remaining one-fourth, a *force* allegation was substantiated, which means that even if the stop was found to have been effected properly, the officer still used force improperly.

Within the 129 substantiated cases, a total of 196 officers had allegations substantiated against them. Table 3-1 shows the command or units to which police officers involved in substantiated cases were assigned. Over 60% of the officers were assigned to precincts. Patrol Boroughs Brooklyn North, Bronx, Brooklyn South, and the Narcotics Unit had the most officers with substantiated complaints. These commands also had the most number of complaints by officers' command assignments and (excluding the Narcotics Unit) by location of occurrence.

Table 3-1: Subject Officers in Substantiated Cases by Command Assignment

Command	Number of Officers	Number of Officers in Other Substantiated CCRB Cases 1/97-3/99
Bronx	25	102
Brooklyn North	28	71
Brooklyn South	24	75
Manhattan North	17	61
Manhattan South	4	72
Queens North	5	63
Queens South	15	41
Staten Island	5	11
Subtotal Precincts:	123	496
Detectives	16	33
Housing Bureau	12	41
Special Operations - Street Crime Unit	10	22
Narcotics Unit	23	52
Traffic	6	15
Transit Bureau		47
Other Units	6	24
Subtotal Other Commands:	73	234
Total:	196	730

The data on substantiation rates indicates that the street stop complaints filed by African-Americans and Latinos were more likely to be substantiated, and less likely to be exonerated or unfounded, than street stop complaints filed by whites. Table 3-2 shows that 23% and 26% of the complaints filed by African-Americans and Latinos were substantiated compared to a 19% substantiation rate for complaints brought by whites. Fourteen percent of the complaints of African-Americans and Latinos were exonerated compared to 24% of the complaints filed by whites. Finally, while 8% of the complaints of African-Americans were unfounded, 14% of the complaints of whites were. Reasons for these different rates are not known.

Table 3-2: Case Disposition by Race of Civilians

Disposition	African-American	Latino	White	Other	Total
Substantiated	67 (23%)	30 (26%)	8 (19%)	4 (50%)	109
Unsubstantiated	156 (55%)	57 (49%)	18 (43%)	3 (38%)	234
Exonerated	39 (14%)	16 (14%)	10 (24%)	0 (0%)	65
Unfounded	24 (8%)	14 (12%)	6 (14%)	1 (13%)	45
Total	286	117	42	8	453

Note: There were 62 cases in which the civilian declined to give his or her race.

CCRB Recommendations

While the CCRB has the authority to investigate, make findings, and recommend discipline, it does not have the authority to impose discipline on police officers. That authority belongs solely to the Police Commissioner.

When a case is substantiated, the CCRB may recommend one of three types of discipline: *Instructions*, *Command Discipline*, or *Charges and Specifications*. *Instructions* calls for the subject officer's commanding officer to instruct him or her regarding proper procedures with respect to the substantiated allegations. *Command Discipline* is a more serious type of discipline and might involve forfeiture of vacation days, oral warning and admonishment. *Charges and Specifications* is the most serious disciplinary measure. This involves the lodging of formal administrative charges against the subject officer who, as a result, may face an administrative trial. The penalty can be as severe as termination from the Police Department.

Table 3-3 shows the CCRB's recommendations for discipline for the 196 officers in the 129 substantiated cases. The CCRB recommended the most serious discipline—*Charges and Specifications*—in 64 or 50% of the cases, involving 106, or 54%, of the officers. The CCRB

recommended *Command Discipline* in 36% of the cases, involving 34% of the officers. Finally, the CCRB recommended *Instructions* in 14 or 11% of the cases, involving 10% of the officers.

Table 3-3: CCRB's Recommendations in Substantiated Cases

CCRB Recommendations	Cases	Officers
Charges & Specifications	64 (50%)	106 (54%)
Command Discipline	47 (36%)	67 (34%)
Instructions	14 (11%)	20 (10%)
No Recommendation	4 (3%)	3 (2%)
Total	129	196

NYPD Dispositions

After the CCRB forwards the recommendations to the NYPD, the Police Commissioner then decides on what action the Police Department will take. As of March 31, 2001, the Police Department had reviewed cases for 89% (174) of the officers involved in the substantiated stop complaints. (Table 3-4)

Table 3-4 also shows that of the 174 officers whose cases have been reviewed by the NYPD, 97 officers or 56% of those reviewed were disciplined, 44% were not disciplined, and 10 had their cases filed, meaning the officer was no longer a member of the NYPD.¹⁶ Of those disciplined, 17 officers or 18% were found guilty after an administrative trial, nine officers or 9% pled guilty to *Charges and Specifications*, 55% (53 officers) pled guilty to *Command Discipline* and 19% (18 officers) pled guilty to *Instructions*.

Of the 77 officers who were not disciplined, 36 were found not guilty after trial. Twenty-nine officers had the charges against them dismissed by the Department. The remainder were not prosecuted because the statute of limitations had expired or were not disciplined because the

¹⁶ The NYPD's discipline rate for street stop complaints is comparable to that of other types of complaints. In the cases examined here, 56% of officers involved in police-initiated street stop encounter complaints reviewed by the Police Department have received discipline. This is compared to 55% of officers involved in all other CCRB

NYPD was unable to prosecute. (Table 3-4)

Table 3-4: NYPD Dispositions(as of 3/31/01)

Police Department Dispositions	Number of Officers
Guilty After Trial	17
Pled Guilty:	
To Charges & Specifications	9
To Command Discipline	53
Instructions	18
Subtotal: Disciplinary Action	97 (56%)
Not Guilty after Trial	36
Dismissed	29
Statute of Limitation Expired	5
Department Unable to Prosecute	7
Subtotal: No Disciplinary Action	77 (44%)
No Department Disposition Yet	12
Filed	10
Total:	196

Note: Filed cases denotes that the officer is no longer a member of the NYPD.

Of the 174 officers whose cases have been reviewed by the NYPD, the CCRB recommended *Charges and Specifications* for 93 officers. Of these 93 officers, a penalty was imposed on 46 officers and no penalty was imposed on 47 officers. Of the 46 officers who received discipline, 13 were found guilty after trial, 9 pled guilty to *Charges and Specifications*, 20 pled guilty to *Command Discipline*, and four pled guilty to *Instructions*. Of the 47 officers who did not receive discipline, their cases were resolved as follows: 17 officers had their cases dismissed by the Department for reasons unknown to the CCRB, 24 officers were found not guilty after the Department sent the case to trial, and six officers were unable to be prosecuted by the Department. (Table 3-5, page 27)

Of the 174 officers whose cases have been reviewed by the NYPD, the CCRB recommended *Command Discipline* for 58 officers. Of these 58 officers, a penalty was imposed

complaints that were closed by the CCRB during the period from January 1, 1997 through March 31, 1999 and

on 40 officers and no penalty was imposed on 18 officers. Four officers on whom the NYPD served *Charges and Specifications* were found guilty after trial, 26 officers pled guilty to *Command Discipline* and 10 officers pled guilty to *Instructions*. Of the 18 officers who did not receive discipline, their cases were resolved as follows: seven officers had their cases dismissed by the Department for reasons unknown to the CCRB, eight officers were found not guilty after the Department served them with *Charges and Specifications* and sent the case to trial, and three officers were not prosecuted because the statute of limitations expired.

Finally, the CCRB recommended *Instructions* for 20 officers. Of these 20 officers, a penalty was imposed on 11 and no penalty was imposed on nine. Four of these officers pled guilty to *Instructions*, and seven pled guilty to *Command Discipline*. Of the nine officers who did not receive discipline, their cases were resolved as follows: six officers had their cases dismissed by the Department for reasons unknown to the CCRB, two were found not guilty after the Department served them with *Charges and Specifications* and sent the case to trial, and one officer was unable to be prosecuted by the Department.

Table 3-5: CCRB Recommendations and NYPD Dispositions

CCRB Recommendations	Officers	NYPD Disposition
Charges & Specifications	93	Penalty 46 (49%)
		No Penalty 47 (51%)
		Guilty After Trial 13 (14%)
		Pled Guilty to Charges & Specifications 9 (10%)
		Pled Guilty to Command Discipline 20 (22%)
		Instructions 4 (4%)
		Not Guilty after Trial 24 (26%)
		Dismissed 17 (18%)
		Department Unable to Prosecute 6 (6%)
Command Discipline	58	Penalty 40 (69%)
		No Penalty 18 (31%)
		Guilty After Trial 4 (7%)
		Pled Guilty to Command Discipline 26 (45%)
		Instructions 10 (17%)
		Dismissed 7 (12%)
		Not Guilty after Trial 8 (14%)
		Statute of Limitations Expired 3 (5%)
Instructions	20	Penalty 11 (55%)
		No Penalty 9 (45%)
		Pled Guilty to Command Discipline 7 (35%)
		Instructions 4 (20%)
		Not Guilty after Trial 2 (10%)
		Dismissed 6 (30%)
		Department Unable to Prosecute 1 (1%)
No Recommendation	3	No Penalty 3
		Dismissed 1 (33%)
		Statute of Limitations Expired 2 (66%)
Total Reviewed by NYPD as of 3/31/01	174	

The following table (Table 3-6) shows the Police Department's action on substantiated cases involving street stop encounters by year of referral.

Table 3-6: NYPD Action on Substantiated Cases by Officer by Year of CCRB Referral

Police Department Dispositions	1997	1998	1999¹⁷
Charges & Specifications	12	13	1
Command Discipline	20	31	2
Instructions	5	13	0
Total: Disciplinary Action	37	57	3
Not Guilty after Trial	22	10	4
Dismissed	28	1	0
Department Unable to Prosecute	1	6	0
Statute of Limitations Expired	5	0	0
Total: No Disciplinary Action	56	17	4
% Subject Officers Disciplined	40%	77%	43%
No Department Disposition Yet	2	7	3
Filed	2	8	0
Total	97	89	10

¹⁷ The study sample only includes cases closed from January 1997 through March of 1999, so the figures for 1999 are incomplete.

Chapter Four:

What Types of Stops Generated Complaints and Were the Stops Documented?

Chapter Four uses the fully investigated cases in the database to analyze the types of stops that generated complaints and to correlate the types of stop with the characteristics of the civilians who filed the complaints and the subject officers involved.¹⁸ This chapter also addresses whether the stops were properly documented. Among the factors discussed in this section are the stop rationales offered by the subject officers, the method by which the stop was effected, the perception of the civilians and officers about whether a frisk or search had taken place, the proper documentation of the stop by UF-250 forms, and the behavior of the subject officers during the course of the stop.

Stop Rationale

In the fully investigated complaints that were reviewed for this study, police officers offered a number of different rationales for stopping individuals. As stated in Appendix B, officers must have, at a minimum, an objective credible reason before they can approach individuals and query them. In understanding the following analysis, several points should be noted. To begin with, the fact that a subject officer offered a rationale for a stop does not necessarily mean that the officer had a lawful justification for effecting the stop. This section does not evaluate the legality of the stop or the reasonableness of the proffered rationales. Instead it seeks to analyze the characteristics of the stops that led to complaints. Also, the officers' rationales here are in no way exhaustive of the rationales that are proffered in CCRB complaints; they are simply the most common ones provided by officers during the course of CCRB investigations.¹⁹

¹⁸ Because we have data only on the stops that led to complaints, and not on all stops effected during the same period, we cannot compare the stops that generated complaints with the characteristics of all stops.

¹⁹ It should be noted that cases in which all officers were unidentified are excluded in this section and thus the full investigation sample is smaller than that examined in previous sections. While CCRB investigators identify many of these initially unidentified officers during the course of an investigation, others remain unidentified. Complaints against unidentified officers accounted for 126, or 19.7% of the 641 full investigations. In cases with unidentified officers, information on the officer, such as race, age, gender, residence and rank, is often unavailable. Also missing is information on important aspects of the encounter such as stop rationales, which only the officer effecting the stop can provide. Since this type of information was not available in these cases involving unidentified officers, they have been excluded from the analysis in this section. We have compared these cases involving unidentified officers with the other full investigation cases, however, to see if these excluded cases are similar to the other cases in terms

Table 4-1 shows the number of times a specific rationale was used, its share of all rationales, and the percentage of cases in which it was used. (Since more than one rationale can be used in a case, the table's last column would add to more than 100%.) Of the 515 fully investigated street encounter complaints, officers most commonly relied on their personal observations, rather than on third party information, as the basis to stop civilians. (They relied on *third party information* in one-third of the cases.) The most frequently cited observations after *third party information* were “furtive” or “suspicious” *gestures*, *high crime area*,²⁰ and “suspicious” *bulge*, used in 19%, 17%, and 13% of all cases, respectively. There were 23 cases, 5% of the total, in which a subject officer knew an individual from a previous encounter. (*Known*, as used in this study, does not mean an officer knows a civilian has committed a crime. Rather, *known* means that an officer based the stop in part on his previous knowledge of the civilian.) In 67 cases, officers offered a rationale that did not fit into any of the other defined categories. These rationales were classified as *Other*. This *Other* category included rationales such as: officers observing civilians with bottles in brown bags, situations where civilians were making loud noise, instances where officers suspected truancy, or cases in which the officer did not recall the incident.

As stated previously, officers used *third party information* as a rationale for stopping civilians in only one third of the cases. *Third party information* indicates that the stop encounter was prompted in part by information received from some source other than personal observation. For example, an officer might receive a radio report alerting him/her to potential criminal activity and prompting the officer to go to an area to assess the situation and perhaps to effect a stop.²¹ *Third party information* may be provided by fellow officers, undercover officers, identified civilians, and anonymous informants.

of information we have about them: the civilian's sex, race, age and precinct of occurrence. The excluded cases appear substantially the same as the other cases by these criteria, suggesting that their exclusion should not affect the results noted herein. The full investigation sample used for Chapter Four, then, is 515.

²⁰ “High crime areas” are designated as such by the NYPD.

²¹ For the cases in which officers used *third party information* as a stop rationale, the degree of specificity of the information must have been such that the officer still had to use his/her discretion to effect the stop. Cases in which *third party information* positively identified a civilian engaging in criminal activity before the stop were excluded from the study.

Table 4-1: Subject Officer's Stop Rationales²²

Stop Rationale	Frequency	Percent of All Rationales (667)	Percent of All Cases (515)
Third Party Information	171	26%	33%
Gesture	99	15%	19%
High Crime Area	85	13%	17%
Other	67	10%	13%
Bulge	65	10%	13%
Exchange	53	8%	10%
Dress	51	8%	10%
Waistband	47	7%	9%
Known	23	3%	5%
None	6	0.9%	1%
Total Stop Rationales	667	100%	

Table 4-2 shows the number of the cases in which officers used a single rationale to effect the stops that led to complaints. In 399 cases, over three-fourths of the 515 that were fully investigated, officers provided a single rationale to stop the civilians. These single rationale cases were also most likely to be based on field observations rather than third party information. Among the field observations, *gesture*, *high crime area*, *exchange*, and *bulge* were the most common observations. In 136 cases—about one quarter of the 515 total and about one third of the single rationale cases—officers based their stop on *third party information*.

Table 4-2: Subject Officer's Single Stop Rationales

Rationale	Number of Cases	Percent of Cases
Third Party Information	136	26%
Other	67	13%
Gesture	44	9%
High Crime Area	42	8%
Exchange	36	7%
Bulge	30	6%
Dress	18	3.5%
Waistband	15	2.9%
Known	11	2.1%
Total Single Stop Rationale Cases	399	77.5%
No Rationale	6	1.2%

²² Table 4-1 is a tabulation of the various rationales that officers offered and the frequency of each rationale as a percent of total rationales and as a percent of the fully investigated cases. In some cases, officers offered more than one rationale and in some cases, they did not offer any rationale. Thus, the total number of rationales (667) tabulated in Table 4-1 is greater than the number of full investigations (515).

Officers used double rationales in 88 cases, or 17% of the fully investigated cases. Table 4-3 lists the various combinations of stop rationales provided by officers. The most common combination of stop rationales that subject officers used was *gesture* and *waistband*. *Dress* and *gesture*, *gesture* and *high crime area*, and *high crime area* and *third party information* were also used frequently. In 22 cases, officers used three or more rationales as reasons for stopping civilians, and in six cases, officers provided no rationale for the stop.

Table 4-3: Subject Officer's Double Stop Rationales

Rationales	Frequency		
Bulge, Waistband	6	Exchange, Gesture	1
Bulge, Gesture	5	Exchange, Third Party	5
Bulge, High Crime	3	Exchange, Known	1
Bulge, Dress	4	Gesture, Third Party	6
Bulge, Exchange	0	Gesture, Known	1
Bulge, Third	2	Gesture, Waistband	9
Bulge, Known	1	Gesture, High Crime	8
Dress, Third Party	5	High Crime, Known	3
Dress, Gesture	8	High Crime, Waistband	1
Dress, High Crime	1	High Crime, Third Party	8
Dress, Waistband	0	Known, Waistband	0
Dress, Exchange	1	Known, Third Party	1
Dress, Known	0	Waistband, Third Party	1
Exchange, High Crime	5	Total	88
Exchange, Waistband	2		

Stop Rationale and Race

Table 4-4 correlates the officers' stop rationales with the race of the civilians who filed complaints in order to determine whether the characteristics of the stops that gave rise to complaints differed for racial groups.

The frequency of *third party information* as a rationale was relatively similar among racial groups who filed complaints, constituting for instance, from 26% to 31% of the rationales offered in cases involving African-American, Latino or white civilians. Stops that generated complaints from all racial groups were most likely to be based on field observations. However, the field observations that generated complaints from African-Americans and Latinos differed from those generating complaints from whites.

Notably, the frequencies for three rationales—*bulge*, *dress*, and *waistband*—were higher for the African-Americans and Latinos who filed complaints. For example, while *bulge* constituted 13% of the rationales for stops generating complaints from African-Americans and 12% of the rationales for Latinos, it constituted only 7% of rationales for the stops leading to complaints from whites. This difference was found to be statistically significant, as was the difference for the rationale *waistband*. (Appendix I)

Whites were more likely than African-Americans or Latinos to file complaints about stops that were found to be based on *high crime area*. Presence in a high crime area constituted 23% of the rationales for stopping whites who filed complaints, but 14% and 10% respectively for the African-Americans and Latinos.

Table 4-4: Subject Officer's Stop Rationales and the Race of Civilians who Filed Complaints

Stop Rationale	African-American	Latino	White	Other	Race Unknown	Total
Bulge	43 13%	16 12%	3 7%	1 13%	2 3%	65 11%
Dress	34 10%	13 9%	3 7%	0	1 2%	51 9%
Exchange	27 8%	12 9%	4 9%	0	10 16%	53 9%
Gesture	59 17%	23 17%	8 18%	2 25%	7 11%	99 17%
High Crime	47 14%	14 10%	10 23%	1 13%	13 21%	85 14%
Known	10 3%	8 6%	3 7%	1 13%	1 2%	23 4%
Waistband	32 9%	10 7%	1 2%	0	4 7%	47 8%
Third Party Information	89 26%	43 31%	12 27%	3 38%	24 39%	171 29%
Total	341	139	44	8	62	594

Note: The percentages were calculated by dividing the count for each rationale by the total number of rationales within each racial group. The total number of rationales offered, 594, is less than the 667 indicated in Table 4-1 because “Other” rationales and “None” have not been incorporated into this table.

For the purposes of this study, a stop is defined as an incident that is *initiated* by a police officer, who, based on his/her discretion and observation, stops and questions a person to ascertain whether suspected criminal activity exists. The stop may be precipitated partly by information received from a third party source. If officers receive information from a third party source that gives them a reason for their stop, this information guides or directs the exercise of their discretion. For example, if a radio run describes the location of alleged criminal activity, as well as the suspect’s race, gender, height, weight, clothing, and other distinguishing characteristics, officers must stop someone meeting that general description.

The following table (Table 4-5) examines complaints in which officers did not use *third party information* as a stop rationale, either in whole or in part. These complaints are those in which officers used only their personal observations about civilians’ behavior to effect stops.

After excluding the 171 cases in which *third party information* was reported, *gesture* was the most common rationale offered for a stop that resulted in a complaint, accounting for 24% of all rationales indicated by subject officers. *High crime area* (20%) and *bulge* (16%) were the second and third most common rationales.

Several findings from Table 4-4 are also shown in Table 4-5, where stops based in whole or in part on *third party information* were excluded. After *third party information* was excluded,

the stops leading to complaints from African-Americans and Latinos were still more likely to be based on *bulge*, *dress*, and *waistband* than the stops leading to complaints from whites. For *dress*, the difference in frequency between whites and African-Americans and Latinos is small, but for *bulge* and *waistband*, the difference is more substantial. For example, *bulge* constituted 18% of rationales for stops that led to complaints from African-Americans and Latinos compared to 10% for whites. Correspondingly, the stops leading to complaints from whites were still more likely to be based on *high crime area* than the stops leading to complaints from African-Americans and Latinos.

Table 4-5: Subject Officer's Stop Rationales by Race of Civilians Excluding *Third Party Information*

Stop Rationale	African-American	Latino	White	Other	Race Unknown	Total
Bulge	41 18%	14 18%	3 10%	1 20%	2 6%	61 16%
Dress	27 12%	9 11%	3 10%	0	1 3%	40 11%
Exchange	25 11%	8 10%	4 13%	0	10 28%	47 12%
Gesture	55 24%	20 25%	8 27%	2 40%	6 17%	91 24%
High Crime	41 18%	13 16%	8 27%	1 20%	12 33%	75 20%
Known	9 4%	6 8%	3 10%	1 20%	1 3%	20 5%
Waistband	31 14%	9 11%	1 3%	0	4 11%	45 12%
Total	229	79	30	5	36	379

Stop Rationale and Gender

Officers' rationales for street stops that led to complaints also differed according to the civilian's gender. (Table 4-6) The stops leading to complaints from women were more likely to be based on *third party information*, *high crime area*, and *exchange*. Those leading to complaints from men were more likely to be based on *bulge*, *waistband*, and *gesture*—rationales which tend to be more appearance-based.

Table 4-6: Subject Officer's Stop Rationales by Gender of Civilians

Stop Rationale	Male		Female	
	Frequency	Percent	Frequency	Percent
Third Party Information	130	27%	41	39%
Gesture	85	18%	14	13%
High Crime	67	14%	18	17%
Bulge	63	13%	2	2%
Waistband	44	9%	3	3%
Dress	42	9%	9	9%
Exchange	36	7%	16	15%
Known	20	4%	3	3%
Total	487	100%	106	100%

Note: The gender information was unavailable for one civilian.

After excluding the 171 cases in which *third party information* was a basis in whole or in part for the stop, *gesture* was the most common rationale for stopping both the men and women who filed complaints, considering them together. *Bulge* and *waistband* were still more characteristic of the stops of men while *exchange* and *high crime area* continued to characterize the stops leading to complaints from women.

Table 4-7: Subject Officer's Stop Rationales and Gender, Excluding *Third Party Information*

Stop Rationale	Male		Female	
	Frequency	Percent	Frequency	Percent
Gesture	79	24%	12	24%
High Crime	61	19%	14	28%
Bulge	61	19%	0	0
Waistband	43	13%	2	4%
Dress	34	10%	6	12%
Exchange	31	10%	15	29%
Known	18	6%	2	4%
Total	327	100%	51	100%

Stop Method

Table 4-8 characterizes the stops leading to complaints by the stop methods that the police officer effecting the stop testified were used during the encounter. These stop methods were provided by officers during the course of CCRB interviews. The stop methods, which ranged from verbal commands to physical force, indicate only how the officer effected the initial

stop, not what may have occurred during the course of the encounter. For example, after stopping a civilian with a verbal command, an officer may have used physical force during the encounter. This use of physical force is not how the officer actually effected the stop, and would not be considered in this section. Furthermore, like the rationales offered by police officers, the stop methods are not mutually exclusive, and officers sometimes stated that they used more than one method to effect a stop. Since stop methods are not mutually exclusive, the total number of stop methods (777) in Table 4-8 is greater than the number of fully investigated cases (515).

In the full investigations studied, police officers most commonly stated that *verbal commands* (including *threats*) were used to effect the stop. *Verbal command* constituted 48% of all stop methods police proffered. The next most common method of stop was *physical force*, which was proffered as the stop method in 34% of the total. *Gun drawn* and *gun pointed* were proffered in 10% and 7% of the stops, respectively. *Pepper spray* and *gun fired* were used even less frequently.

Table 4-8: Subject Officer's Stated Method of Stop

Method of Stop	Frequency
Verbal Command	327
Threat of Physical Force	45
Physical Force	262
Gun Drawn	74
Gun Pointed	56
Pepper Spray	12
Gun Fired	1
Total	777

Stop Method and Race

We examined whether the methods used in the stops that generated complaints differed for racial groups. Of all civilians in this sample whose race is known and who were stopped by officers using some type of physical force, 67% were African-American, 27% were Latino, and 5% were white. Table 4-9 shows that whites were more likely than African-Americans or Latinos to file complaints about stops that police said were effected by verbal command. African-Americans and Latinos were more likely to file complaints about stops admittedly effected by physical force. Officers testified to using physical force to effect stops for 48% of the whites who filed complaints but 74% of the African-Americans and 76% of the Latinos. The difference in the use of force between African-American and white civilians who filed

complaints, and between Latino and white civilians who filed complaints, is statistically significant, and thus is not a chance occurrence.²³ (See Appendix I)

Table 4-9: Subject Officer's Stop Method by Race of Civilians

Stop Method	African-American	Latino	White	Other
Verbal Only	73	27	16	5
Verbal Only %	26%	24%	52%	63%
Physical Force	212	87	15	3
Physical Force %	74%	76%	48%	38%
Total	285	114	31	8

Note: Verbal refers to cases in which an officer made a verbal command or made a threat of force. Force refers to cases in which an officer used physical force, pepper spray, gun drawn, pointed or fired to effect the stop. There were 62 cases in which civilians' races were missing.

Furthermore, officers' use of stop methods involving a gun differed by the race of the civilians who filed complaints. Of all civilians of known race in this sample who were stopped by an officer using a gun, 83% were African-American, 15% were Latino, and 2% were white. Table 4-10 shows that officers used a gun to effect a stop of 6% of all whites in the study sample, while using a gun to effect stops of 13% of Latinos and 29% of African-Americans. The difference in data between African-American and Latino civilians stopped by a police officer using a gun is statistically significant and thus is not a chance occurrence.²⁴ (Appendix I)

Table 4-10: Race of Civilians Stopped by an Officer Using a Gun

	African-American	Latino	White
Number of Civilians Stopped by an Officer Using a Gun ²⁵	82	15	2
Total Number of Civilians Stopped by Verbal Command or Physical Force	285	114	31
Percentage of Those Civilians Stopped by an Officer Using a Gun	29%	13%	6%

Note: (1) Gun use refers to cases in which a gun is drawn, pointed or fired in order to effect a stop; (2) Not all of the 652 civilians in the 515 fully investigated cases were willing or able to state their race.

²³ No statistical significance testing could be done with data for 'other' civilians stopped by verbal means or physical force because of the small number of 'other' civilians involved.

²⁴ No statistical significance testing could be done with data for white civilians stopped by an officer using a gun because of the small number of white civilians involved.

²⁵ Of the 99 civilians of known race who were stopped by an officer using a gun, 28 of them were arrested. Contraband was found on 10 of these civilians and included drugs (8), a gun (1), and some other weapon (1). There was no contraband found on the remaining 18 civilians. These 99 civilians were involved in 69 CCRB cases. Of those cases, the CCRB substantiated 17 of those complaints, unfounded 3, exonerated 13, and unsubstantiated 36.

Stop Method and Gender

We also examined whether officers' stop methods leading to complaints differed for men and women and found no significant differences. (Table 4-11).

Table 4-11: Subject Officer's Stop Method by Gender of Civilians

Stop Method	Male	Female
Verbal Only	97	34
Verbal Only %	26%	27%
Physical Force	272	91
Physical Force %	74%	73%
Total	369	125

Note: The gender information was unavailable for one civilian.

Stop Results

The data show that no charges were filed against the civilian in over half the fully investigated stops in this study. (Table 4-12) This is not surprising since the standard to stop a civilian is lower than the probable cause needed to arrest a civilian. However, nearly one third of the cases resulted in an arrest, and 13% resulted in the issuance of a summons.

Table 4-12: Results of Stops

Stop Result	Frequency	Percent
Arrest	168	33%
Summons	67	13%
No Charge	280	54%
Total	515	100%

The data also show that in 444, or 86%, of the 515 fully investigated stops in this study, contraband was not recovered.²⁶ In the remaining stops, contraband was found as follows: 42 instances of drugs, six instances of drugs and weapons, two guns, eight knives, three types of stolen property, and 10 other types of contraband.

In the 65 instances in which officers offered bulge as a stop rationale, they recovered contraband in nine instances, or 14% of the total. The contraband found included two instances of drugs, one instance of drugs and weapons, one gun, three instances of knives, and two other

²⁶ Note that the contraband recovery rate arising from NYPD stop and frisk practices generally may be different. These data speak only to the contraband recovery rate in situations where civilians subsequently have filed complaints.

types of contraband. In the six instances in which officers offered both bulge *and* adjustment of waistband as stop rationales, they did not recover any contraband.

Frisk and Search

CCRB investigations consider the subject officers' as well as the civilians' perspectives on what occurs during officer-civilian encounters. The most striking discrepancy between the accounts offered by civilians and officers in this study involves the question whether a frisk or search occurred during the stop. A frisk is a procedure in which the officer runs his/her hands over a civilian's clothing to feel for weapons, to ensure the officer's own safety and the safety of others. A search, on the other hand, occurs when the officer places his/her hands inside the pocket or other interior parts of a civilian's clothing or belongings to determine if the civilian has weapons or other contraband.²⁷ (As explained in Appendix A, the searches relevant to this study do not include executions of search warrants, nor do they include searches that were incident to arrests, where probable cause to arrest existed prior to the approach.) Furthermore, a police-initiated street stop encounter does not necessarily mean that a frisk or search has taken place. An officer may detain a civilian temporarily for questioning without frisking or searching the civilian.

Table 4-13 records the civilian's and the subject officer's perspective on whether a frisk and/or search occurred during the street stop encounter. Civilians who filed complaints stated that they were frisked, searched, or frisked and searched in 427 of the 515 fully investigated cases in this sample. On the other hand, subject officers claimed to have frisked, searched, or frisked and searched civilians in only 367 cases. When frisk, search, and frisk and search categories are examined separately, officers were more likely than civilians to say they used frisk only; civilians were more likely to say they were searched or frisked and searched. Civilians were more than twice as likely as officers to report this last method.

Table 4-13: Frisk/Search Perspective of Subject Officers and Civilians

	Frisk Only	Search Only	Frisk and Search	Total
Civilian	134	98	195	427
Subject Officer	228	54	85	367

To attempt to further explain these differences, we tabulated the number of frisks and searches with contraband recovered. If contraband is recovered during a stop, it is likely that a frisk and/or search occurred. Table 4-14 examines the number of cases in which contraband was found among the cases in which a civilian stated whether a frisk or search had occurred. In the 134 instances in which civilians reported they were only frisked, contraband was recovered in eight cases for a rate of 6%. In the 98 instances that civilians reported they were only searched, contraband was found in 25 cases for a 26% recovery rate. In the 195 instances that civilians stated they were both frisked and searched, contraband was found in 33 instances for a rate of 17%.

Table 4-14: Contraband Found in Cases where Civilian Perceived Frisk/Search

	Frisk Only	Search Only	Frisk and Search	No Frisk or Search
Frequency	134	98	195	88
Contraband Found	8	25	33	5
Percent Contraband Found	6%	26%	17%	6%
No Contraband Found	126	73	162	83
Percent No Contraband Found	94%	75%	83%	94%

From the subject officer's perspective, the rate of contraband recovery is higher. Table 4-15 shows the number of cases in which contraband was found and the subject officer's perspective on whether a frisk and search had occurred. In the 228 cases in which officers reported they only frisked a civilian, they recovered contraband in 21 instances for a rate of 9%. In the 54 cases in which officers reported they only searched a civilian, they recovered contraband in 23 cases for a rate of 43%. In the 85 instances that officers reported that they both frisked and searched civilians, they found contraband in 24 instances for a rate of 28%.

Table 4-15: Contraband Found in Cases where Subject Officer Perceived Frisk/Search

	Frisk Only	Search Only	Frisk and Search	No Frisk or Search
Frequency	228	54	85	148
Contraband Found	21	23	24	3
Percent Contraband Found	9%	43%	28%	2%
No Contraband Found	207	31	61	145
Percent No Contraband Found	91%	57%	72%	98%

²⁷ See Patrol Guide 116-33.

Both Tables 4-14 and 4-15 show that there were a few cases in which contraband was found even though neither the civilian nor the subject officer reported a frisk or a search. These cases were reviewed in detail, and it was found that contraband was recovered without a frisk or search during the encounter. For example, in one case, the CCRB investigation revealed that a civilian had drugs in his hand that were visible to the subject officer after he had initiated the stop.

The rate of contraband recovery in Table 4-14 was lower than the rate of recovery in Table 4-15 because the civilians reported a higher total number of frisk, search, or frisk and search incidents whereas the officers reported a lower number.

UF-250 Reports

Police officers are required by the NYPD to document certain "stop and frisk" encounters by completing UF-250 forms.²⁸ According to NYPD Patrol Guide 116-33, which was in force during the period relevant to this study,²⁹ UF-250 forms were required for encounters in which a civilian was:

- 1) stopped by use of force;
- 2) stopped and frisked and/or searched;
- 3) arrested (when arrest resulted from a stop, or the temporary detainment of the person for questioning); or
- 4) stopped, when the person refused to identify him or herself.

Thus, the NYPD did not require that all stops of civilians be documented by UF-250 forms, but officers could complete these forms even in cases that did not fall under the guidelines above.³⁰

²⁸ During the period relevant to this study, UF-250s included the date, time, and location of the encounter and other information such as the officer's name and badge number, a description of the incident, whether a frisk or search took place, remarks by the person stopped, crime suspected, contraband found, pedigree information, and signature of the officer as well as the supervisory officer. See Appendix E for a sample UF-250 form in use during the period covered by this study.

²⁹ Beginning in January 1, 2001, the Patrol Guide Section 116-33 on Stop and Frisk procedures changed to Section 212-11.

³⁰ The OAG Report showed that of the 175,000 UF-250 forms examined, 27.5% were "non-mandated reports" while 72.5% were mandated by the guidelines above (p. 91). However, the OAG Report could not determine the number of mandated stops not documented by UF-250s. Note that the NYPD has recently revised the Patrol Guide to require that a UF-250 be prepared in a broader number of police-citizen encounters.

In examining the complaint data compiled in this study, we were able to count the number of encounters generating complaints in which UF-250 forms were apparently not filed by the police officer.³¹ Of the full investigations, officers claimed to have frisked someone in 228 cases, but UF-250 forms were found in only 135, or 59%, of them. In the 54 cases in which officers claimed that they searched a civilian, UF-250 forms were found in only 18, or 33%. In the 85 cases that officers claimed to have both frisked and searched civilians, UF-250s were available in 38 cases, or 45%. As noted in the NYPD Patrol guidelines above, when a civilian is frisked and/or searched during the course of an encounter, the NYPD stipulates that the officer must fill out a UF-250 form. Thus, mandated UF-250 forms were missing in 93 cases in which the officer admitted frisking a civilian, missing in 36 cases in which the officer admitted searching a civilian, and in 47 cases where the officer admitted to both frisking and searching a civilian.

Furthermore, officers are required to fill out a UF-250 form when they arrest a civilian as a result of a stop. Of the 168 cases in which an arrest was effected, UF-250 forms were filed in only 34, or 20% of them. Thus, in the majority of cases in which an arrest occurred, UF-250 forms were not completed.

Of the 515 fully investigated cases, there were 347 cases that did not involve an arrest. Of these 347 fully investigated cases, UF-250s were mandated in 295 cases because they involved a frisk, search and/or the officer used physical force to effect the stop, based on the officer's own testimony.³² Of these 295 cases in which UF-250 documentation was mandated, 119, or 40%, were missing UF-250 documentation.³³

³¹ A UF-250 was considered missing, for the purposes of this study, when the officer did not provide the UF-250 during a CCRB interview or the Police Department was unable to locate it.

³² Of the remaining 45 cases not involving an arrest, it is possible that a UF-250 was required in some additional number, where the person stopped refused to identify him or herself. The database, however, was not set up to permit an analysis by this criterion.

³³ It should be noted that of these 76 cases in which the officer did not complete UF-250s, officers did make record of the encounter in their memo book in 30 cases. It should also be noted that there were eight cases that were unfounded, which may explain some of the missing UF-250 forms. Further analysis of the cases in which mandated UF-250s were missing reveal that officers from certain units had a better record than others in completing these forms. For example, in looking at the 463 CCRB complaints where UF-250s were mandated, the Street Crime Unit was missing 19 mandated UF-250s. Following was the Manhattan Narcotics Unit, which was missing 14 mandated UF-250s. Bronx Narcotics was missing 12 mandated UF-250s. Brooklyn Narcotics was missing four mandated UF-250s. The 73rd and 75th Precincts were both missing seven UF-250s.

The complaint data shows that a substantial number of stops (those involving arrests, or those where the officer alleged a frisk or search or where physical force was used) were not documented by mandated UF-250 forms.³⁴ This failure to document "stop and frisk" encounters is disturbing for several reasons. First, the underreporting of mandated stops shows that NYPD policy was not strictly adhered to by the NYPD's own police officers. During the period covered by this report, officers were not filling out UF-250 forms according to the Patrol Guide's instructions, and this failure appropriately to document stop encounters undermines the NYPD's policies.

Second, the actual number of civilians stopped by police officers may be larger than that suggested by the OAG Report, which relied primarily on UF-250s. Data for this CCRB study shows that, of the 515 cases that were fully investigated, 463 of those cases had factors that made filing a UF-250 mandatory.³⁵ In 252 of those 463 cases (54%) UF-250 documentation was missing.³⁶ Since not all mandated stops were recorded, the public has no way of determining in a comprehensive way the quantitative aspects of the NYPD's "stop and frisk" practices.

While stop, question, and frisk practices are a valuable police tactic, at the same time, they may be vulnerable to abuse by officers. Unless police-initiated stops are thoroughly documented and reviewed, there is no way to determine whether officers exercise this tactic in a discriminatory or otherwise improper fashion.³⁷ If properly executed, the completion of UF-250s helps make it possible to appropriately supervise this area of police operation.

Behavior of Officer During and After Stop

To gain an understanding of the qualitative dimension of the police-initiated street stops that led to complaints from the civilians' perspective, the CCRB examined fully investigated complaints to determine how police officers behaved during the encounter and, in particular, whether they explained the reason for the stop to the civilian. As stated above, more than half of

³⁴ The NYPD has required the completion of UF-250 forms since 1986.

³⁵ Factors that made the filing of a UF-250 mandatory included arrest, issuance of a desk appearance ticket (DAT), the use of force, a frisk and/or a search.

³⁶ In one additional case in the database, there was no information as to whether a UF-250 was present or not.

³⁷ The NYPD developed a new Stop, Question and Frisk Report Worksheet (PD344-151A) effective January 1, 2001. See Appendix F for a copy of this revised form and its accompanying Interim Order.

the stops that led to complaints did not result in any charges filed by the officer. Furthermore, in the great majority of encounters, officers did not recover any contraband. Therefore, it is important to note whether the officer explained to the civilian why he or she was being stopped, especially in those 280 fully investigated cases that did not result in an arrest.

Based on civilians' account of the encounters, data shows that in nearly two thirds of these 280 cases, officers did not offer explanations for the stop. (Table 4-16). In only slightly more than 5% of these cases did officers either offer an apology or rebroadcast a radio call.³⁸

Table 4-16 also shows that officer explanation or apology does not distinguish the stops that led to complaints by the different racial groups.

Table 4-16: Behavior of Subject Officers by Race of Civilians

Officer Behavior	African-American	Latino	White	Other	Race Unknown	Total
Explanation	53 34%	13 20%	9 32%	2 40%	6 24%	83 30%
Rebroadcast Radio Run	0	1 2%	0	0	0	1 0.4%
Apology	8 5%	6 9%	0	0	1 4%	15 5%
No Explanation	96 61%	45 69%	18 64%	3 60%	17 68%	179 64%
Behavior Unknown	0	0	1 4%	0	1 4%	2 1%
Total	157	65	28	5	25	280

Similarly, the men who filed complaints to the CCRB were as likely to have received explanations or apologies as the women. (Table 4-17).

Table 4-17: Behavior of Subject Officers by Gender of Civilians

Officer Behavior	Male	Female	Total
Explanation	69 29%	14 31%	83
Rebroadcast Radio Run	1 0.4%	0 0%	1
Apology	14 6%	1 2%	15
No Explanation	149 63%	30 67%	179
Behavior Unknown	2 0.8%	0 0%	2
Total	235	45	280

³⁸ Officers sometimes rebroadcast radio calls to civilians stopped by police to demonstrate the reason for a stop—by showing a civilian, for instance, that his description matched a known suspect being sought in the area.

In early January 2001, Police Commissioner Bernard Kerik implemented a stop and frisk policy that requires police officers to explain to the person being stopped the reason for the stop. These data at least suggest that such a policy may be needed to minimize these circumstances in which the failure to offer an explanation may contribute to the filing of complaints.

Appendix A - Case Selection Methodology

First Selection

The selection of relevant cases went through four stages. Since the Street Stop Encounter Committee wanted to consider all instances in which civilians filed complaints about stops, frisks and/or searches by police officers, the initial data run used broad criteria to ensure that all potentially relevant cases were captured.

In the first run, cases were selected according to four types of criteria: (See Coding Sheet)

1. Panel date. This refers to the date that the case was closed and captured those closed from 1/1/97 to 3/31/99.
2. Disposition code. This refers to the result of the investigation. Cases coded "97," "98," and "99" fell outside of CCRB's jurisdiction and were not included; cases coded "00" were still open and were not included either.
3. Victim/Member Contact. This field provides the reason for initial contact between the member of service and the complainant. The data run captured those instances coded "07–stop question/frisk," but it also included cases coded "18–other" in case an investigator happened to code a case that would fit into this study as "other."
4. Abuse of Authority. The final criterion gives the complainant's cause for complaint. The initial run captured three codes for this field: "201–person searched," "203–detention," and "215–other." The first two codes obviously drew cases of interest to the study; "215–other" was included for the sake of thoroughness.

Second Selection

The first run produced 4,549 cases. Of this total, 2,732 were generated by the "18–other" or "215–other" codes. The 4,549 cases were classified into three categories of relevancy: (1) very likely to be relevant (those coded explicitly as stop, frisk and search cases), (2) less likely to be relevant (those with "other" in one of the categories), and (3) very unlikely to be relevant (those coded as "other" in both the victim/member contact and the abuse of authority categories).

The very unlikely cases were the majority of the first run. To ensure that these cases (coded 18 or 215) were not unduly excluded, a careful sample was reviewed before they were discarded.

The selection of the sample was as follows:

1) A 10% sample of all of the cases proposed to discard from the analysis was tallied. Of the 2,732 cases generated by the "other" codes, 273 were analyzed.

2) If the number of relevant cases within the 273 drawn surpassed 20% (54 or more), then the sample would not be discarded.

3) If the number were significantly under 20%, then as a negligible amount, these cases would be discarded.

4) Finally the cases of stop and frisk complaints that were in the "other" category were examined for patterns indicating that certain criteria reappear with some frequency. In other words, researchers scanned the sample to make sure that the initial data run did not include other criteria.

The verification of the second selection showed that none of the "unlikely" cases were relevant. This second selection trimmed the case sample to 1,817.

Third Selection

Upon review of the 1,817 cases, it was found that many of the cases in which the MOS reported a traffic violation as the cause for stopping a vehicle did not belong in the study. Staff reviewed 97 of these “traffic stop” cases to determine if they fit the definition of street encounter, and found that not all of these cases actually involved a traffic stop. In fact, some were prime examples of street encounters. Several of these cases involved police officers observing the individuals engaging in suspicious behavior before entering the vehicle, or the police stopping the vehicle based on specific suspicions about the occupants, not their suspicions based on their driving. In some cases, a complainant might have been sitting on the hood of his car when a police officer approached and began to ask questions. Consequently, when a case contained allegations of “vehicle searched,” or noted “traffic incident” or “vehicle stop and check” as a reason for victim/member contact, that did not automatically make it unsuitable for the study. As a result of the third selection, seven cases that were classified as “traffic stop” were included for a total selection of 1,727 cases.

Fourth Selection

Of the remaining 1,727 cases, 828 were fully investigated cases, 854 were truncated, and 47 were deemed miscellaneous cases. These 1,727 cases were distributed evenly to CCRB’s eight investigative teams, and each team manager assigned approximately 215 cases to their most able investigators. The 40 investigators were trained by the research staff on how to complete the specially-designed Access database.

Using the investigators’ data entry, it was found that still additional cases were not relevant to the study. For example, two categories of complaints that were completely excluded from the study were:

1. Execution of search warrant. This included some cases in which civilians in the vicinity of a warrant execution were held for questioning. The search warrant cases were excluded because they were not cases in which officers initiated contact based on their observations in order to obtain more information. Search warrants are executed based on a prior gathering of information and after the approval of a judge is obtained. Cases in which those who were stopped were recognized as people who were wanted on a warrant or for questioning were also removed from the study.
2. Searches incidental to arrest. Some cases were initially included because they involved “person searched” allegations on the UF-245 (complaint intake form). After review, however, some of these cases were found to be searches incidental to arrest. These cases are not street stops by definition. Searches incidental to arrest are routine during arrest to ensure the safety of the officers and to make sure prisoners are not holding contraband while traveling with police officers and staying in detention facilities.

Still other types of cases that were excluded from the study were certain quality of life violations, subway fare evasions and trespass cases. Of the 1,727 cases, 1,346 were found to be relevant, and 381 were not relevant. Of the final sample of 1,346 cases, 641 were fully investigated cases.

Appendix B – The Stop in its Legal Context

A “stop,” for the purposes of the Civilian Complaint Review Board’s study, is an incident that is *initiated* by a police officer who, based on his/her discretion and observation, encounters and questions a person to ascertain whether suspected criminal activity exists. At the time of the encounter, the officer does not have probable cause for the issuance of a summons and/or an arrest. The encounter may result in frisking and/or searching the person. In addition to the officer’s discretion and observation, the encounter may be based partly on information received from a third party source (i.e., another police officer, a police radio broadcast, or a civilian/informant). It is important to note, however, that in a legal context, the use of the term “stop” has a distinct and different meaning. The CCRB chose to utilize the term “stop” to generically describe police-initiated encounters in which the officer’s level of suspicion is less than the probable cause required for arrest and/or issuance of a summons.

Understanding legal restrictions on officers’ abilities to question and stop citizens

Restrictions on law enforcement officers’ abilities to conduct searches and seizures stem from the Fourth Amendment of the United States Constitution which provides:

The right of the people to be secure in their *persons*, houses, papers and effects, against *unreasonable searches and seizures*, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons or things to be seized (emphasis added).

Upon deciding the case Mapp v. Ohio, 367 U.S. 643 (1961), the United States Supreme Court held that the rule excluding evidence obtained as a result of a search or seizure that violated the Fourth Amendment was binding on states. Prior to 1961, the exclusionary rule had been applicable only at the federal level. In addition to the protections afforded to them by the United States Constitution, individuals in New York are also governed by New York State common law and the New York State Constitution, in which there is a provision identical to that of the Fourth Amendment of the United States Constitution.

Interpretation by courts of the Fourth Amendment, including the United States Supreme Court, have defined over time what constitutes unreasonable searches and seizures, how probable cause is defined, and when lawful searches and seizures can be conducted in the absence of a warrant. These court decisions arise mainly out of disputes about whether physical evidence seized by law enforcement officers is admissible in court. Federal law, i.e., the law stemming from interpretation of the Fourth Amendment, sets a minimum standard of protection for citizens throughout the United States. However, states are free, based upon their own law, for example, the New York State Constitution and/or New York State common law, to impose greater restrictions on police activity. Since 1980,¹ in several contexts in the area of search and seizure, the New York State courts have in fact imposed greater restrictions on police activity than are imposed on federal law enforcement. Subsequently, the law governing the activity of New York

¹ Barry Kamins, New York Search & Seizure 5 (Gould Publications 2001).

City police officers is in some instances, including “street-stop” cases, more restrictive than the law governing federal and other states’ law enforcement officers. By necessity, the New York City Police Department Patrol Guide’s procedures are consistent with New York State law.

In interpreting federal and state constitutional provisions, the courts have fashioned rules to balance the safety of officers, the public interest in permitting officers to investigate suspicious activity, and the individual’s right to be free from unreasonable police intrusions. The guiding legal principle is that any police action must be reasonable in light of all the facts and circumstances known to the officer. The facts and circumstances of a particular case will determine the nature and degree of police action that is permissible. In other words, the level of information that a police officer possesses regarding a particular individual dictates the level of intrusion to which the citizen may be subjected by the officer. Although this is an easy principle to state, there are few bright-line rules to guide officers. Police action that meets with court approval under one set of circumstances may produce a different result with only a slight change in the underlying facts.

Under New York law, some citizen-police encounters that fall short of Fourth Amendment seizures and protections (the right to request information and the common-law right of inquiry, which are discussed below) still implicate privacy interests; New York courts have adopted rules to protect the individual from arbitrary or intimidating police conduct. In People v. DeBour, 40 N.Y.2d 210 (1976), the holding of which was reaffirmed in People v. Hollman, 79 N.Y.2d 191 (1992),² the New York Court of Appeals defined four levels of police-citizen street encounters and what degree of suspicion justifies each increasingly invasive intrusion. Each tier is described below.

1. Right to request information

The “right to request information” is a “general nonthreatening encounter in which an individual is approached for an articulable reason and asked briefly about his or her identity, destination, or reason for being in the area. If the individual is carrying something that would appear to a trained police officer to be unusual, the police officer can ask about that object.” Hollman, 79 N.Y.2d at 191. An officer has the right to request information if he/she “has an objective credible reason not necessarily indicative of criminality.” Id. at 185. The request cannot be “arbitrary, based on whim, curiosity, caprice or a desire to harass.” Kamins, supra note 1, at 106. The individual being questioned, under these circumstances, can legally refuse to respond and should be free to leave.

² In the face of United States Supreme Court decisions holding that encounters that do not amount to seizures (the right to request information and the common-law right of inquiry) are not entitled to protection under the Fourth Amendment, the Court of Appeals in Hollman asserted that the DeBour decision rested upon both constitutional law and common law. Hollman, 79 N.Y.2d at 195. In reaffirming DeBour, the Court of Appeals acknowledged that its four-tiered classification of police encounters was based upon State law and was therefore “not contingent upon the interpretation that the Supreme Court gives the Fourth Amendment...” Id. The Court reasoned that “encounters that fall short of Fourth Amendment seizures still implicate the privacy interests of all citizens and that the spirit underlying those words [in the federal and state constitutions] required the adoption of a State common-law method to protect the individual from arbitrary or intimidating police conduct.” Id.

2. Common-law right of inquiry

According to the Court of Appeals, “once the police officer’s questions become extended and accusatory and the officer’s inquiry focuses on the possible criminality of the person approached ...[,]” e.g., a request to search a bag, “[t]he encounter has become a common-law inquiry....” Hollman, 79 N.Y.2d at 191-192. The individual being questioned, under these circumstances, can refuse to respond and should be free to leave. To justify conducting a common-law right of inquiry, the officer must have a “founded suspicion that criminality was afoot,” DeBour, 40 N.Y.2d at 223, or have a “present indication of criminality based on observable conduct or reliable hearsay information.” People v. Boulware, 515 N.Y.S.2d 238, 241 (1st Dept. 1987), appeal dismissed, 70 N.Y.2d 994 (1988).

3. Forcible stop

A police officer can forcibly stop an individual if the officer has reasonable suspicion that the individual is committing, has committed or is about to commit a crime. Reasonable suspicion is that “quantum of knowledge sufficient to induce an ordinarily prudent and cautious man under the circumstances to believe criminal activity is at hand.” People v. Cantor, 36 N.Y.2d 106, 113 (1975). In effecting the stop, the officer is entitled to pursue the individual, use reasonable force to stop the individual, can draw his/her weapon, and take reasonable self-protective measures. Kamins, supra note 1, at 132-135. When there is reasonable suspicion to conduct a forcible stop, the individual stopped is not free to leave.

The forcible stop of an individual does, unlike what the Court of Appeals defines as the right to request information and the common-law right of inquiry, constitute a seizure and is governed by the Fourth Amendment. The right to conduct a forcible stop was first addressed by the United States Supreme Court in Terry v. Ohio, 392 U.S. 1 (1968), and has been codified by the New York legislature in section 140.50(1) of the Criminal Procedure Law.

To insure the officer’s safety while conducting an investigative forcible stop, the officer can conduct a frisk (pat-down) of an individual if the officer has an independent and reasonable suspicion that the individual is armed with a weapon. The officer can also conduct a frisk of an individual if the officer has reasonable suspicion to believe the individual is committing, has committed or is about to commit a violent crime and/or one that is linked to the possession of weapons, e.g., a robbery. Upon reasonably suspecting that an object the officer feels is a weapon, the officer is entitled to seize the object. The right to conduct a frisk has been codified by the New York legislature in section 140.50(3) of the Criminal Procedure Law.

4. Arrest

An officer may arrest and take into custody a person when he/she has probable cause to believe that the person has committed a crime. If the officer has probable cause to arrest a person, the officer also has the right to conduct a search of the person incident to that arrest.

Sources of information that justify an intrusion

An officer may request information, conduct a common-law right of inquiry, or conduct a forcible stop (and frisk) based solely upon his/her own observations and/or upon information that the officer obtained from another officer or a civilian. In analyzing cases where the officer's intrusion is at issue, court decisions provide some guidance regarding what specific observations and/or third-party information are required to justify a specific level of intrusion. This occurs because if an officer conducted a forcible stop, courts will determine whether the facts known to the officer constituted reasonable suspicion. Generally speaking, the more comprehensive and reliable the information, the greater justification there is generally for a specific intrusion. As noted above, however, there are few bright-line rules to guide police officers and a slight variation of facts may dictate whether a court finds the officer's conduct to be proper or illegal.

Some examples may help illustrate some of these difficult legal principles. The different sets of facts, however, that present themselves in every street encounter are innumerable. The scenarios described below hardly begin to comprehensively describe the circumstances under which the distinct levels of suspicion are met.

The "objective credible reason" required to request information can be met by as little as an individual's nervous, furtive or hesitant reaction after making eye contact with the police. Courts have also held that the right to request information existed when an officer saw a person running at full speed and glancing over his shoulder at night in a robbery-prone location, or when an officer saw an individual stand outside a store for an extended period of time in a drug prone area. See Kamins, *supra* note 1, at 111-12. In these instances, the individuals' behavior could be considered innocuous but does provide the officer with an objective, non-arbitrary reason to request information.

Courts have determined that "a founded suspicion that criminality is afoot" in cases where the officer observed an individual with a bulge in his waistband. The courts have also upheld a common-law right of inquiry where police have received a communication from a radio dispatcher based upon an anonymous call that furnishes a general description and location of an individual with a gun or an individual selling drugs, or where an unidentified civilian informs police face-to-face that an individual is selling drugs at a certain location. *Id.* at 124-25. According to court decisions, the police have reasonable suspicion to conduct a forcible stop when an individual matches the description of a wanted suspect, if an officer observes an individual who matches the description of a perpetrator provided by an identified civilian-witness or victim, if the officer observes the exchange of money for an object, and if the officer is investigating an anonymous 911 tip and an individual matching the general description flees at the sight of officer. *Id.* at 136-171.

Scope of CCRB study in relation to four tiers of police-citizen street encounters

In the CCRB Street Encounters study, the CCRB examined cases in which the police conducted a request for information, a common-law right of inquiry, or a forcible stop. In some cases, the level of intrusion escalated, which is permissible if the level of suspicion escalates.

For example, a forcible stop may have led to a frisk. The frisk may have led to an arrest. The CCRB study, though, does not include searches which were incidental to an arrest, where probable cause to arrest existed at the start of the encounter, or cases involving search warrants. From a legal standpoint, the CCRB investigations examined whether the question and/or stop occurred and if so, whether the officer had the requisite justification for the level of intrusion. Yet determining that a question and/or stop was unlawful does not mean that the officer committed punishable misconduct. Because of the complexity of search and seizure law, an improper search or seizure is punishable misconduct only if the officer acted “with knowledge that he was acting improperly, acted without concern for the propriety of his actions, or acted without due and reasonable care that his actions be proper.” Police Department v. Hoffman, OATH index 1005-1006/98 (1998).

New York City Police Department Patrol Guide

As mentioned above, the NYPD’s Patrol Guide is consistent with New York State law. As revised on December 28, 2000, Patrol Guide procedure 212-11 provides guidance to officers regarding “stop and frisk”—within the legal context discussed above forcible stops and frisks. This procedure, which can be found in Appendix F, does not address the right to request information and the common-law right of inquiry. However, the procedure mandates that lieutenants, sergeants, and police officers performing uniformed patrol duty carry an activity log insert, which can also be found in Appendix F. This insert, entitled “Street Encounters—Legal Issues,” explains the four levels of police-citizen street encounters and what degree of suspicion justifies each encounter. It also explains the level of force, if any, that is permitted to be utilized during each type of encounter.

Appendix C - Further Discussion of Gender, Age and Race of Civilians

The CCRB accepts complaints not only from civilians who have experienced police misconduct directly, but also from civilians who may be acquaintances or relatives of the victim or who may only have witnessed the incident. Therefore, the CCRB's internal classification system organizes the civilians involved in complaints into three categories: *complainant*, *complainant/victim*, and *victim*. A *complainant* is a person who files the complaint but is not the victim of the alleged police misconduct. For example, a parent may file a complaint on behalf of his or her son who is the victim of police misconduct. A *complainant/victim* is a victim of the alleged police misconduct who also files the complaint. A *victim*, however, is a person who experienced the alleged police misconduct but did not file the complaint. For the purposes of this study, the term 'civilian' refers to the actual victim of alleged police misconduct, i.e. the *victim* or *complainant/victim* but not just a complainant. However, the data showed some interesting gender and age disparities based on the civilian type.

For example, in the fully investigated cases, the complainants were separated into three categories: the *complainant*, the *complainant/victim*, and the *victim*. Table C-1 shows the frequencies and percentages of male and female civilians involved in police-initiated street stop complaints. Only 3.7% (20) of male civilians who filed complaints about police-initiated street encounters were *complainants*, while 58.0% (317), were *complainant/victims*, and 38.3% (209) were *victims*. In contrast, 38.8% (80) of the female civilians were *complainants*, 42.2% (87) were *complainant/victims*, and 18.9% (39) were *victims*. Thus, the majority of male civilians who filed complaints about street encounters were either *complainant/victims* or *victims* and a substantial percentage of female civilians were *complainants* only.

The disparity between male and female *complainants* was prominent. Of the *complainants*, 80.0% were female and only 20.0% were male. This suggests that more females complain about police misconduct on behalf of other civilians than do males. Also striking is that the overwhelming majority of *victims* were male—84.3% or 209—while only 18.7%, or 39, were female. When the *complainant/victim* and *victim* categories are combined to obtain the total number of victims, 80.7% were male and 19.3% were female. Thus, more males filed complaints about police-initiated street stop encounters directly, and more females made complaints about police misconduct on behalf of other persons.

Table C-1: Gender of Civilians (full investigations)

Civilian Type	Male		Female		Male/Female	Gender Unknown	Total
	Frequency	Percent	Frequency	Percent	Ratio		
<i>Complainant</i>	20	3.7%	80	38.8%	20%/80%		100
<i>Complainant/Victim</i>	317	58.0%	87	42.2%	78.5%/21.5%		404
<i>Victim</i>	209	38.3%	39	18.9%	84.3%/15.7%		248
Total Victims	526	96.3%	126	61.1%	80.7%/19.3%		652
Subtotal	546	100.0%	206	100.0%	72.6%/27.4%		752
Unknown Civilian Type	3		3			3	9
Total	549		209				761

Age of Civilians

The average age of the *complainant*, *complainant/victim*, and *victim* differed significantly as well. (Table C-2) In the total sample, the average age of the *complainant* was 39.5 years; for the *complainant/victim* it was 30.0; and for the *victim* it was 22.0. The average age of

complainants in full investigations did not differ significantly from that of the total sample. For the *complainants*, the average age was 40.0; for the *complainant/victim* it was 30.4; for the *victim* it was 22.6. The data showed that the *victim* tends to be much younger than civilians in the other two categories. This disparity might be explained by the fact that in many cases, an older parent, relative, or friend may file a complaint on behalf of the alleged victim of police misconduct.

Table C-2: Age of Complainants, Complainant/Victims, and Victims

Civilian Type	Total Sample		Full Investigations	
	Frequency	Average Age	Frequency	Average Age
<i>Complainant</i>	194	39.5	84	40.0
<i>Complainant/Victim</i>	950	30.0	401	30.4
<i>Victim</i>	401	22.0	226	22.6
Subtotal	1,545	29.1	711	29.1
Unknown¹	285		50	
Total	1,830		761	

Race, Age, Gender of Civilians

Table C-3 shows the average age of complainants by race as well as by gender. Within each racial group, female *complainants* were older than male *complainants*. Also, the average age of the *victim* was lower for males than females in all racial groups, except in the “Other” category. African-American female victims (*complainant/victims* and *victims*) had an average age of 30.7 years while African-American male victims had an average age of 26.8 years. For Latinos, total female victims were on average 29.3 years old and male victims were 26.5 years old. In contrast, female white victims tended to be younger than male white victims. For white victims, the average age of females was 29.4 years and 31.1 for males. Thus, the average age of the female victim was more than that of the male victim for African-Americans and Latinos, while the reverse was true for whites. The data shows African-American and Latino males were younger than African-American and Latino females, and younger than both white male and females in police-initiated street stop encounters complaints.

Table C-3: Age, Race, and Gender of Complainants, Complainant/Victims and Victims (total sample)²

		African-		Latino		White		Other	
		M	F	M	F	M	F	M	F
<i>Complainant</i>	Average	36.8	39.7	38.4	41.3	40.9	42.2	0	31.2
	Frequency	23	98	6	27	5	9	0	3
<i>Complainant/Victim</i>	Average	29.1	32.3	28.8	29.5	32.8	29.9	29.8	31
	Frequency	425	104	172	37	86	21	12	4
<i>Victim</i>	Average	21.5	25.7	20.4	28.9	24.1	27.8	16.2	13.6
	Frequency	189	33	66	16	21	6	2	2
Total	Average	27.1	34.4	26.8	33.4	31.6	32.6	27.9	27.2
	Frequency	637	235	244	80	112	36	14	9
Total victims	Average	26.8	30.7	26.5	29.3	31.1	29.4	27.9	25.2
	Frequency	614	137	238	53	107	27	14	6

¹ Within the total sample, the age of 285 civilians was unknown. Again, there is no reason to suspect that the average ages would be changed significantly even if the unknown ages were indicated, since these unknowns were likely random.

² There were 362 civilians whose race, age and/or gender were unknown.

Appendix D - Patrol Guide Procedure 116-33 governing Stops and Frisks

PATROL GUIDE 116-33

11-14-86 (86-8)

STOP AND FRISK

PURPOSE

To 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 misdemeanor as defined in the Penal Law.

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 believe an offense has been committed by the suspect.
 - 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.
6. Prepare STOP AND FRISK REPORT (PD 344-151) for each person stopped, if:
 - a. Person is stopped by use of force.
 - b. Person stopped is frisked or frisked and searched.
 - c. Person is arrested.
 - d. Person stopped refused to identify himself.

NOTE If person stopped refuses to identify himself (and there is no reason to take summary action) enter "REFUSED" in the appropriate space on STOP AND FRISK REPORT. Allow suspect to depart ONLY AFTER completing investigation AND ONLY if investigation does not establish probable cause to believe the suspect has committed an offense. Request patrol supervisor to respond and confirm refusal, review STOP AND FRISK REPORT, and action taken. Do not detain suspect while awaiting arrival of patrol supervisor if investigation completed AND no probable cause to arrest suspect.

Appendix D - Patrol Guide Procedure 116-33 governing Stops and Frisks

PATROL GUIDE 116-33

7. Enter details in ACTIVITY LOG (PD 112-145).
8. Inform desk officer, precinct of occurrence, of facts.
9. Submit STOP AND FRISK REPORT(S), if prepared, to desk officer, precinct of occurrence.

DESK OFFICER

10. Review each STOP AND FRISK REPORT submitted and:
 - a. Instruct member preparing REPORT, if necessary.
 - b. Enter precinct serial number and sign REPORT(S).
11. Bring STOP AND FRISK REPORT(S) to the attention of the commanding officer.
12. Forward STOP AND FRISK REPORT(S) copies as follows:
 - a. ORIGINAL - Criminal Records Section.
 - b. DUPLICATE - Precinct File.
 - c. TRIPLICATE - Precinct Detective Unit.

COMMANDING OFFICER

13. Maintain a STOP AND FRISK REPORT file 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 he is stopped for questioning unless 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 reasonable suspicious factors:

- 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 conversations of the suspect.
- h. The particular streets and areas involved.
- i. Any information received from third parties.
- j. Proximity to scene of crime.

RELATED PROCEDURE

Arrest - General (PG 110-2)

Appendix E - Sample UF-250 Form

 STOP AND FRISK REPORT PD 344-151 (8-84)-12 (Ref. P.G. 116-33)	TIME	DATE OF STOPPING	PCT.	POST	PCT. SER. NO.
	PERIOD OF OBSERVATION PRIOR TO STOPPING		LOCATION/KIND OF PUBLIC PLACE		

FACTORS WHICH CAUSED OFFICER TO REASONABLY SUSPECT PERSON STOPPED (include information from third persons and their identity, if known)

CRIME SUSPECTED	How Long was Person Stopped	REMARKS BY PERSON STOPPED
OFFICER IN: <input type="checkbox"/> YES <input type="checkbox"/> NO UNIFORM: <input type="checkbox"/> YES <input type="checkbox"/> NO WAS SEARCHED: <input type="checkbox"/> YES <input type="checkbox"/> NO WAS PERSON FRISKED: <input type="checkbox"/> YES <input type="checkbox"/> NO WAS WEAPON FOUND: <input type="checkbox"/> YES <input type="checkbox"/> NO NAME OF PERSON STOPPED (if given)	IF NO. <input type="checkbox"/> SHIELD <input type="checkbox"/> I.D. CARD <input type="checkbox"/> BOTH HOW IDENTIFIED: <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DESCRIBE WHERE MADE AND BASIS FOR INSIDE SEARCH WAS FORCE USED: <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DESCRIBE Was Other Contraband Found: <input type="checkbox"/> YES <input type="checkbox"/> NO and ADDRESS	WAS FORCE USED: <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DESCRIBE Was Other Contraband Found: <input type="checkbox"/> YES <input type="checkbox"/> NO and ADDRESS

SEX	RACE	DATE OF BIRTH	AGE	HEIGHT	WEIGHT	HAIR	EYES	BUILD	OTHER (Describe)
-----	------	---------------	-----	--------	--------	------	------	-------	------------------

IF PERSON STOPPED IS SUBSEQUENTLY ARRESTED, INCLUDE ADDITIONAL FACTORS WHICH LED TO ARREST

CRIME CHARGED	CONTRABAND FOUND IN POST-ARREST SEARCH	COURT IN WHICH CASE PENDING
RANK	SIGNATURE OF REPORTING OFFICER	SHIELD
RANK	SIGNATURE OF SUPERVISORY OFFICER	COMMAND
1st COPY - CENTRAL RECORDS DIVISION - CRIMINAL RECORDS SECTION - 2nd COPY - PRECINCT FILE - 3rd COPY - PRECINCT DETECTIVE UNIT		



INTERIM ORDER

SUBJECT: REVISION OF PATROL GUIDE PROCEDURE 212-11, "STOP AND FRISK"		
DATE ISSUED:	REFERENCE:	NUMBER:
12-28-00	PG 212-11	45

1. The New York City Police Department has made it a priority to reduce violent crime, disorder, and fear in New York City. The Department has developed a new **STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)** which will enhance the uniformed members' understanding of applicable law and, at the same time, appreciably eliminate many of the cumbersome aspects of the previous form. Therefore, effective 0001 hours, January 1, 2001, P.G. procedure 212-11, "Stop and Frisk" is suspended and the following new procedure is in effect.

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.
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**,

Appendix F - Patrol Guide Procedure 212-11
governing Stops and Frisks (effective 1-1-01)

NOTE
(continued)

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**
(continued)

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.*

Appendix F - Patrol Guide Procedure 212-11
governing Stops and Frisks (effective 1-1-01)

**ADDITIONAL
DATA**
(continued)

Desk officers or designated supervisors in other than patrol precinct commands (i.e., PSAs, transit districts, OCCB, borough task force or street crime units, etc.) who receive completed WORKSHEETS will be responsible for signing, photocopying, and forwarding WORKSHEETS to the appropriate precinct as described above and must contact the desk officer of the precinct concerned to obtain the next precinct serial number. This number ONLY will be entered into the box captioned "PCT. SER. NO." on the STOP, QUESTION AND FRISK REPORT WORKSHEET. Upon approval by a supervisor, completed WORKSHEETS must be delivered to the precinct concerned in a timely manner.

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 (1) 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.

NOTE

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.

**FORMS AND
REPORTS**

ACTIVITY LOG (PD112-145)
STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)
STOP, QUESTION AND FRISK INDEX COVERSHEET (PD344-152)

2. Additionally, a new **ACTIVITY LOG (PD112-145)** insert, entitled **STREET ENCOUNTERS - LEGAL ISSUES (PD344-153)** has been developed as a ready reference for uniformed members performing enforcement duties. This insert, which will be available in the near future, is required to be carried by lieutenants, sergeants, and police officers performing patrol duty in uniform.

3. Initial distribution of the above forms will be handled at the patrol borough level. All enforcement commands (regardless of bureau) will contact their corresponding patrol borough for pickup prior to January 1, 2001. Subsequent to initial distribution commands concerned will requisition the above forms from the Quartermaster Section utilizing the following information:

<u>INDEX NO.</u>	<u>PD NO.</u>	<u>TITLE</u>
2431	PD344-151A	STOP, QUESTION AND FRISK WORKSHEET
2500	PD344-152	STOP, QUESTION AND FRISK INDEX COVERSHEET

4. Operations Order 49, c.s. "Stop, Question And Frisk Pilot Project" is **REVOKED**.

5. Any provisions of the Department Manual or any other Department directive in conflict with the contents of this order are suspended.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION
All Commands

Appendix F - Revised UF-250 (effective 1/1/01)

STOP, QUESTION AND FRISK REPORT WORKSHEET PD 344-151A (Rev. 12-00)-RMU		(COMPLETE ALL CAPTIONS)	
		Date	Pct. Serial No.
Pct Of Occ.	Time Of Stop	Period Of Observation Prior To Stop	
Address/Location Of Stop			
Type Of Location: <input type="checkbox"/> Inside <input type="checkbox"/> Outside <input type="checkbox"/> Transit <input type="checkbox"/> Housing			
Describe:			
Specify Felony/Misdemeanor Suspected			Duration Of Stop
Name of Person Stopped			Nickname/Street Name
Address	Apt. No.	Telephone No.	Date Of Birth
Identification: <input type="checkbox"/> Verbal <input type="checkbox"/> Photo I.D. <input type="checkbox"/> Refused <input type="checkbox"/> Other (Specify)			
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> White Hispanic <input type="checkbox"/> Black Hispanic	<input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian/Alaskan Native	
Age	Height	Weight	Hair Eyes Build
Other (Scars, Tattoos, Etc.)			
Did Officer Explain If No, Explain: Reason For Stop <input type="checkbox"/> Yes <input type="checkbox"/> No			
Were Other Persons Stopped/ Questioned/Frisked?		<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, List Pct. Serial Nos.	
If Physical Force Was Used, Indicate Type: <input type="checkbox"/> Hands On Suspect <input type="checkbox"/> Suspect Against Wall <input type="checkbox"/> Suspect On Ground <input type="checkbox"/> Drawing Firearm <input type="checkbox"/> Pointing Firearm At Suspect <input type="checkbox"/> Using Baton To Contain <input type="checkbox"/> Handcuffing Suspect <input type="checkbox"/> Pepper Spray <input type="checkbox"/> Other (Describe)			
Was Suspect Arrested? <input type="checkbox"/> Yes <input type="checkbox"/> No	Offense	Arrest No.	
Was Summons Issued? <input type="checkbox"/> Yes <input type="checkbox"/> No	Offense	Summons No.	
Officer In Uniform? <input type="checkbox"/> Yes <input type="checkbox"/> No	If No, How Identified? <input type="checkbox"/> Shield <input type="checkbox"/> I.D. Card <input type="checkbox"/> Verbal		
Was Person Frisked? <input type="checkbox"/> Yes <input type="checkbox"/> No	Was Person Searched? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Was Weapon Found? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, Describe: <input type="checkbox"/> Pistol/Revolver <input type="checkbox"/> Rifle/Shotgun <input type="checkbox"/> Assault Weapon <input type="checkbox"/> Knife/Cutting Instrument <input type="checkbox"/> Machine Gun <input type="checkbox"/> Other (Describe)		
Was Other Contraband Found? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, Describe Contraband/Weapon And Location		
Demeanor Of Person After Being Stopped			
Remarks Made By Person Stopped			

Appendix F - Revised UF-250 (effective 1/1/01)

Factors Which Caused Officer To Reasonably Suspect Person Stopped And Basis For Frisk (If Applicable) PCT. SERIAL #

(CHECK ALL THAT APPLY)	Background/Circumstances:		<input type="checkbox"/> Radio Run (SPRINT# _____)	<input type="checkbox"/> Report From Victim/Witness/Officer
	<input type="checkbox"/> Reporting Officer's Observations	<input type="checkbox"/> Ongoing Investigation, e.g., Robbery Pattern	<input type="checkbox"/> Violent Crime Suspected	
	<input type="checkbox"/> Other (Describe) _____			
	Suspect's Actions:			
	<input type="checkbox"/> Proximity To Scene Of Reported/Suspected Offense	<input type="checkbox"/> Inappropriate Attire For Seasonal Weather		
	<input type="checkbox"/> Carrying Objects In Plain View Commonly Used In Commission Of Crime e.g., Slim Jim/Pry Bar, etc.		<input type="checkbox"/> Fits Description	
	<input type="checkbox"/> Actions Indicative Of "Casing" Victim Or Location	<input type="checkbox"/> Actions Indicative Of Acting As A Lookout	<input type="checkbox"/> Unusual Nervousness	
	<input type="checkbox"/> Wearing Clothes/Disguises Commonly Used In Commission Of Crime		<input type="checkbox"/> Actions Indicative Of Engaging In Drug Transaction	
	<input type="checkbox"/> Evasive, False Or Inconsistent Responses To Officer's Questions		<input type="checkbox"/> Suspect Is Associating With Persons Known For Their Criminal Activity	
	<input type="checkbox"/> Furtive Movement(s)	<input type="checkbox"/> Refusal To Comply With Officer's Direction(s)	<input type="checkbox"/> Changing Direction At The Sight Of Officer	
	<input type="checkbox"/> Verbal Threats By Suspect	<input type="checkbox"/> Actions Indicative Of Engaging In Violent Crimes	<input type="checkbox"/> Suspicious Bulge/Object (Describe)	
	<input type="checkbox"/> Other (Describe) _____			
	Environmental Factors:			
	<input type="checkbox"/> Area Has High Incidence Of Reported Offense Of Type Under Investigation		If Searched, Indicate Basis: <input type="checkbox"/> Hard Object	
	<input type="checkbox"/> Time Of Day, Day Of Week, Season Corresponding To Reports Of Criminal Activity			
	<input type="checkbox"/> Knowledge Of Suspect's Prior Criminal Behavior/Use Of Force/Use Of Weapon			
	<input type="checkbox"/> Sights And Sounds Of Criminal Activity, e.g., Bloodstains, Ringing Alarm			
	<input type="checkbox"/> Other (Describe) _____		<input type="checkbox"/> Outline Of Weapon <input type="checkbox"/> Admission	
			<input type="checkbox"/> Other (Specify) _____	

Additional Reports Prepared: (Complaint Rpt., Juvenile Rpt./Serial No., Aided Rpt., O.L.B.S., etc.)

Reported By:	Rank	Name (Last, First, M.I.) Print)	Tax #	Command	Signature
Reviewed By:	Rank	Name (Last, First, M.I.) Print)	Tax #	Command	Signature

Appendix F - Revised UF-250 Memobook Insert

STREET ENCOUNTERS - LEGAL ISSUES

PD 344-153 (11-00)-RMU

The NYS Court of Appeals has identified four separate levels of street encounters that take place between the police and the public. Knowledge of those levels of street encounters is critical to members of the service (MOS) because the authority to question, search, and forcibly detain subjects varies under each level. The four levels are distinguished by the level of suspicion which applies to each. Essentially, the more information the MOS has regarding possible criminality, the greater and more reasonable the suspicion. The greater and more reasonable the suspicion, the more pointed the questioning may become without violating the subject's Fourth Amendment rights. However, if the basis for the MOS's contact with the subject is a personal prejudice or bias, such as the subject's race or hair length, the encounter is unlawful.

Set forth below is a summary of the law regarding each of the levels of street encounters.

TYPE OF ENCOUNTER	LEVEL OF SUSPICION REQUIRED	NATURE AND EXTENT OF PERMISSIBLE QUESTIONING	AUTHORITY TO SEARCH	FORCE AND DETENTION
I. Request for information	Any articulable reason to approach. Suspicion of criminality is not required. However, the member of the service must be able to articulate a basis beyond mere whim and caprice.	Questions concerning the subject's name, address, conduct or presence at the location.	At this level of suspicion, there is no basis to search. A request for consent to search a bag, pocket, book, luggage, or other item of personal property is improper.	Force may not be used to detain a subject at this level of suspicion. The subject is free to walk away from the member of the service if he/she so desires. He/she need not answer questions.
II. Common-Law Inquiry	A founded suspicion that criminality is afoot. This could be triggered by false responses to questions posed during the Request for Information, as well as observations by MOS.	MOS may conduct more extensive questioning. Accusatory-type (guilt-seeking) questions may be asked.	A subject may be asked to consent to the search of an item of personal property. This consent must be voluntary, intelligent and knowing on the subject's part.	Force may not be used to detain a subject at this level of suspicion. The subject is free to walk away from the MOS if he/she desires. He/she need not answer questions.

Appendix F - Revised UF-250 Memobook Insert

TYPE OF ENCOUNTER	LEVEL OF EVIDENCE REQUIRED	NATURE AND EXTENT OF PERMISSIBLE QUESTIONING	AUTHORITY TO SEARCH	FORCE AND DETENTION
III. Stop, Question and Frisk *	A reasonable suspicion that a person is committing, has committed or is about to commit a felony or felonious misdemeanor. Reasonable suspicion exists when the knowledge known to the MOS is of such weight and persuasiveness as to make the MOS, depending on his/her judgment and experience, reasonably suspect criminality.	The MOS may stop the subject, ask for his/her name and address, an indication of his/her conduct, and detain him/her while an expeditious investigation is conducted to determine if there is probable cause to arrest the subject.	In addition to the consent search described above, the MOS may frisk the subject for a deadly weapon, or any instrument or article readily capable of causing serious physical injury when the MOS reasonably suspects he/she is in danger of physical injury. (Criminal Procedure Law § 140.50(3)).	A MOS is permitted to use reasonable force to stop and question a subject. The subject is not free to walk away. The type and amount of physical force used must ultimately be objectively reasonable under the attendant circumstances facing the MOS. Thus, the more violent an encounter, the greater the physical force that may be employed.
IV. Arrest	Probable cause to believe that (a) an offense was committed and (b) that the subject arrested committed it. Probable cause requires the existence of facts and circumstances which when viewed together, would lead a reasonable person possessing the expertise of the arresting officer to conclude that an offense has been committed.	A MOS may seize in conjunction with any permissible custodial interrogation (i.e., Miranda waiver must be lawfully obtained. Miranda waiver not required to obtain predicate information).	"Search incident to arrest" (i.e., a search of the subject conducted immediately after the arrest to secure weapons, prevent evidence destruction). "Inventory" (i.e., examination of property that comes into the lawful custody of the Department), etc.	A MOS is permitted to use reasonable force to arrest and detain a subject.

* The STOP, QUESTION AND FRISK REPORT WORKSHEET (PD 344-151A) must be prepared in every stop situation made pursuant to the Level III Type of Encounter described above. However, 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 pursuant to level III. Additionally, ACTIVITY LOG (PD 112-145) entries detailing the circumstances of the stop must also be prepared in all such encounters.

Appendix G – Complaint Distribution by Precinct

Table G: Distribution of Complaints by Location of Occurrence (total sample)

Precinct	Frequency	Percent
0	58	4.3
1	8	0.6
5	8	0.6
6	13	1.0
7	15	1.1
9	21	1.6
10	8	0.6
13	5	0.4
14	28	2.1
17	3	0.2
18	10	0.7
19	17	1.3
20	8	0.5
23	30	2.2
24	16	1.2
25	25	1.9
26	10	0.7
28	17	1.3
30	21	1.6
32	22	1.6
33	12	0.9
34	18	1.3
40	41	3.0
41	14	1.0
42	18	1.3
43	38	2.8
44	25	1.9
45	8	0.6
46	31	2.3
47	40	3.0
48	13	1.0
49	7	0.5
50	14	1.0
52	18	1.3
60	22	1.6
61	7	0.5
62	4	0.3
63	5	0.4
66	7	0.5
67	30	2.2
68	8	0.6

Precinct	Frequency	Percent
69	4	0.3
70	22	1.6
71	16	1.2
72	13	1.0
73	49	3.6
75	65	4.8
76	12	0.9
77	27	2.0
78	15	1.1
79	34	2.5
81	31	2.3
83	25	1.9
84	15	1.1
88	20	1.5
90	17	1.3
94	2	0.1
100	2	0.1
101	17	1.3
102	13	1.0
103	28	2.1
104	5	0.4
105	23	1.7
106	10	0.7
107	9	0.7
108	4	0.3
109	8	0.6
110	11	0.8
111	5	0.4
112	5	0.4
113	30	2.2
114	23	1.7
115	15	1.1
120	39	2.9
122	9	0.7
Total	1,346	100

Appendix H - Glossary

- **Abuse of Authority:** the improper use of police powers to threaten, intimidate or otherwise mistreat a civilian. Examples include threats of force and improper stop/frisk/searches.
- **Bulge:** a rationale offered by officers to stop a civilian based on observation of a “suspicious” bulge in a civilian’s clothing.
- **Case Disposition:** the outcome of an investigation.
- **Charges and Specifications:** the most serious disciplinary measure that may be applied to a police officer with one or more substantiated allegation. It involves the lodging of formal administrative charges against the subject officer, who as a result, may face an administrative trial. Such trials are held at the Police Department’s Trial Room or at the City’s Office of Administrative Trials and Hearings (OATH). The recommended penalties range from loss of vacation days or of pay for up to thirty days, sometimes coupled with disciplinary probation for a period of up to one year to termination from the Police Department.
- **Civilian:** as used in this study, the actual victim of alleged police misconduct.
- **Command Assignment:** the precinct or specialized unit to which an officer is assigned.
- **Command Discipline:** a type of discipline midway in seriousness between Charges and Specifications and Instructions. It might involve forfeiture of vacation days, accrued time or oral warning and admonishment. The penalty is based upon the seriousness of the substantiated misconduct and the officer’s past disciplinary record.
- **Complainant/Victim:** a victim of the alleged police misconduct who also files the complaint.
- **Complainant:** a person who files the complaint but who is not the victim of the alleged police misconduct. The CCRB accepts complaints not only from civilians who have experienced police misconduct directly, but also from civilians who may be acquaintances or relatives of the victim or who may only have witnessed the incident. For example, a parent may file a complaint on behalf of his or her child who is the actual victim of police misconduct.
- **Conciliation:** an ADR process similar to Instructions, but with no determination of guilt. The subject officer is required to appear for a meeting with a member of the CCRB senior staff, who discusses the complaint and proper police procedure. (Conciliation was suspended in May 1999.)
- **Contraband:** any property the possession or transportation of which is illegal. For instance, it might include narcotic drugs, firearms, or counterfeit money.
- **Discipline:** punishment or penalty; if a case is substantiated, an officer may receive three possible types of discipline: Instructions, Command Discipline, or Charges and Specifications.
- **Dress:** officer’s rationale for stopping civilians based on their appearance.
- **Exchange:** officer’s rationale for stopping civilians based on observing an exchange of possible contraband.
- **Exonerated:** a case disposition that means that the subject officer was found to have committed the act alleged, but the act was determined to be lawful and proper.
- **Frisk:** a procedure where the officer runs his/her hands over a civilian’s clothing to feel for weapons, to ensure the officer’s own safety and the safety of others.
- **Full Investigation:** a case in which the CCRB was able to carry out a complete inquiry and make a finding of whether the alleged misconduct had occurred. Fully investigated cases contain data collected from interviews with police officers, civilians, and witnesses. These cases also contain the final written report of the CCRB investigator, who had to evaluate the available evidence and determine the facts.
- **Gesture:** officer’s rationale for stopping civilians based on their observing a “furtive” or “suspicious” gesture.
- **High Crime Area:** officer’s rationale for stopping civilians based on the person being in an area which has historically had more crime than usual. “High crime areas” are designated as such by the NYPD.
- **Instructions:** the least punitive disciplinary measure, where a commanding officer instructs a subject officer on proper procedures with respect to the substantiated allegations; is akin to training and is considered informal discipline.
- **Known:** officer’s rationale for stopping civilians based on them recognizing the civilian because of a previous encounter with the civilian.
- **Location of Incident:** the actual precinct locale of the alleged misconduct regardless of the officers’ command assignment.

Appendix H - Glossary

- **Mediation:** a non-disciplinary process, voluntarily agreed to by the complainant and subject officer, in which the parties attempt to reconcile their differences with the assistance of a trained neutral mediator, who may assist in resolving the complaint but cannot impose a settlement. The contents of the proceedings are confidential and cannot be used in a judicial or administrative context.
- **MOS:** Member of Service; uniformed police officer.
- **MOS Unidentified/Officer Unidentified:** a case disposition meaning that the identity of the officer(s) involved in the case could not be determined. It is considered a fully investigated case.
- **Non-Precinct Commands:** commands outside of the eight patrol boroughs, such as the Street Crime Unit, the Traffic Control Division, the Housing Bureau, and the Transit Bureau.
- **NYPD Disposition:** Pursuant to the City Charter, the responsibility for discipline within the Police Department rests solely with the Police Commissioner who, even after a finding against a police officer by the CCRB and an administrative law judge, can still make *de novo* findings of law and fact and reach a different conclusion.
- **Patrol Borough:** the officer's command assignments include the eight patrol boroughs within New York City: Manhattan North, Manhattan South, Brooklyn North, Brooklyn South, Queens North, Queens South, Bronx, and Staten Island. In addition to these patrol boroughs, police officers are assigned to other commands such as the Special Operations Division (which includes the Street Crime Unit), the Traffic Control Division, the Housing Bureau, the Transit Bureau, and the Organized Crime Control Bureau (which includes the Narcotics Division).
- **Radio Run:** the call the officer receives alerting him/her to possible criminal activity.
- **SCU:** Street Crime Unit.
- **Search:** when the officer places his/her hands inside the pocket or other interior parts of a civilian's clothing or belongings to determine if the civilian has weapons or other contraband. The cases relevant to this study did not include executions of search warrants or searches that were incidental to arrests.
- **Standard of Proof:** the legal standard the CCRB uses to determine the outcome of a case. The CCRB uses the preponderance of the evidence as the standard of proof in its investigations, which means that the Board must perceive the weight of the credible evidence as favoring its finding.
- **Statute of Limitations:** the time the agency has to investigate and refer a case to the Police Commissioner for discipline. The agency runs under eighteen-month statute of limitations from the date of occurrence. Except in rare cases, an officer cannot be disciplined after this amount of time has elapsed.
- **Stop:** an incident that is initiated by a police officer who, based on his/her discretion and observation, encounters and questions a person to ascertain whether suspected criminal activity exists. At the time of the encounter, the officer does not have probable cause for the issuance of a summons and/or an arrest. The encounter may result in frisking and/or searching the person. In addition to the officer's discretion and observation, the encounter may be based partly on information received from a third party source (i.e., another police officer, a police radio broadcast, or a civilian/informant)
- **Stop & Frisk:** as used in this report, a term that refers to the law enforcement technique in which an officer stops and temporarily detains a civilian for questioning. This term does not mean that a frisk necessarily took place.
- **Stop Method:** the way the officer effected the initial stop, ranging from verbal commands to use of physical force.
- **Stop Rationale:** the reason(s) offered by police officers during CCRB investigations for effecting the stop. Rationales include gestures, high crime area, bulge, exchange, dress, waistband, known, and third party information. In this study, officers provided a single rationale to stop civilians in the majority of cases.
- **Stop Results:** whether or not the officer found the civilian was engaged in criminal activity. The stop may result in an arrest, summons, or no charge.
- **Subject Officer:** the officer alleged to have been guilty of misconduct.
- **Substantiated:** a case disposition when there is sufficient credible evidence to believe that the subject officer committed the alleged act of misconduct.

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- **Third Party Information:** officer's rationale for stopping civilians based on information received from some source other than mere personal observation. Third party information includes sources such as fellow officers, undercover officers, identified civilians, radio runs, and anonymous informants. Cases in which third party information positively identified a civilian engaging in criminal activity before the stop were excluded from the study.
- **Total Sample:** All fully investigated, mediated, conciliated and truncated cases. In this study, there were 1,346 cases in the total sample.
- **Truncated Investigations:** cases where the investigations were not completed due to the civilian's withdrawal of the complaint, lack of cooperation, or unavailability. Truncated cases—694 of 1,346—accounted for 51.6% of the cases in this study.
- **UF-250 Forms:** a document that police officers are required to fill out for "each person stopped, if person is stopped by use of force, person stopped is frisked or frisked and searched, person is arrested, person stopped refused to identify himself." (NYPD Patrol Guide 212-11) See Appendix D for sample UF-250 form.
- **Unfounded:** a case disposition when the preponderance of the evidence shows that the alleged act did not occur.
- **Unsubstantiated:** a case disposition where the available evidence is insufficient to substantiate, exonerate, or unfound the allegation.
- **Verbal Command:** stop method where the officer uses verbal communication to stop the civilian; may include threats.
- **Victim:** a person who experienced alleged police misconduct but did not file a complaint.
- **Waistband:** officer's rationale for stopping civilians based on their observation of a civilian adjusting his/her waistband in a suspicious manner.

Appendix I: Statistical Significance Testing

Staff did further statistical analysis in order to determine the significance of some of the report's findings. Analysis of variance was performed to determine whether the report's finding that complaints about police-initiated street stops were made disproportionately by young men of color was significant. One hypothesis was that the age distribution of street stop complainants should not differ significantly between racial groups. If the difference between what is expected (equal racial/age distribution) and what is observed is small, then the finding may be attributed to chance, and therefore would not be statistically significant. If the difference between what is expected and the actual racial/age distribution of the street stop sample were too large to be attributed solely to chance, it would be considered a statistically significant finding. In this study, the mean age for Latino males filing complaints about street stop encounters was 26.8, for African-American males it was 26.5, and for white males it was 31.1. The probability that this difference between African-American and Latino and white males filing the complaints could occur by chance was found to be less than 0.001. Therefore, some external factor influenced this result, and this difference is large enough to be statistically significant.

The second test was performed to determine whether officers' stop rationales differed according to the civilian's race. In the study sample, officers used three rationales—*bulge*, *dress*, and *waistband*—at a higher rate for the African-American and Latinos who filed complaints than for the whites. *Bulge* constituted 12.6% of all rationales reported for stopping the African-Americans, 11.5% of all rationales for the Latinos, and 6.8% for the whites. The probability that different rationales for the racial groups filing complaints could occur by chance was found to be significant at 0.10. *Waistband* constituted 9.4% of the rationales reported for stopping the African-Americans who filed complaints, 7.2% for the Latinos, and only 2.3% for the whites filing complaints. The probability that this difference could occur by chance was found to be significant at 0.10. Therefore, some external factor influenced this result. *Dress* accounted for 10.0% of all rationales for stopping the African-Americans who filed complaints, 9.4% for Latinos, and 6.8% for whites. This difference was not statistically significant.

The third test sought to determine whether the use of force by police officers was applied disproportionately to the various racial groups filing complaints. Of all fully investigated street stop complaints involving force, the data showed that subject officers used force to stop 67% of the African-Americans, 27% of the Latinos, and 5% of the whites. Chi square tests are used to evaluate the discrepancy between a set of observed frequencies and a set of expected frequencies. Each chi square value is associated with a probability level. A probability level of .001, describes an outcome that is likely to occur only one-thousandth of the time. In this case, the test showed that the probability that the difference between African-American and white civilians, and between Latino and white

civilians, could occur by chance was found to be less than .001, which means that it is probable that the result was not due to chance.

Finally, the fourth test sought to determine whether in the study sample of those filing complaints, officers used a gun to effect stops of different racial groups disproportionately. The data showed that officers used a gun to stop 29% of the African-Americans who filed complaints, 13% of the Latinos, and 6% of the whites. The probability that this difference between African-Americans and Latino civilians could occur by chance was found to be less than .000, which is equivalent to less than 1%, which again means, that the result was not due to chance. No statistical significance testing could be done with data for white civilians stopped by an officer using a gun because of the small number of white civilians involved.