

Approved by Monitor, 1/6/16



INVESTIGATIVE ENCOUNTERS

PD XXX-XXX (10-15)

TYPE OF ENCOUNTER	LEVEL OF KNOWLEDGE REQUIRED	PERMISSIBLE QUESTIONING	AUTHORITY TO SEARCH	FORCE AND DETENTION
LEVEL 1 Request for Information	OBJECTIVE CREDIBLE REASON <ul style="list-style-type: none">Suspicion of criminality is not required	Only NON-ACCUSATORY QUESTIONS about the reason for the approach <ul style="list-style-type: none">The person may refuse to answer	NONE <ul style="list-style-type: none">NO basis to seek CONSENT TO SEARCHNO BASIS TO FRISK	FORCE MAY NOT BE USED <ul style="list-style-type: none">The person is free to walk or even run away
LEVEL 2 Common Law Right of Inquiry	FOUNDED SUSPICION OF CRIMINALITY <ul style="list-style-type: none">Begin to focus on person as a suspectAbsent exigent circumstances (e.g. bomb threat), a report from an anonymous source will only support a Level 2 (not a Level 3) approach unless the UMOS is able to corroborate the report	Questions may be POINTED and ACCUSATORY <ul style="list-style-type: none">The person may refuse to answer	UMOS MAY SEEK CONSENT TO SEARCH <ul style="list-style-type: none">Consent must be voluntaryNO BASIS TO FRISK	FORCE MAY NOT BE USED <ul style="list-style-type: none">The person is free to walk awayHowever, FLIGHT in combination with facts indicating criminality may elevate the encounter to a Level 3

TYPE OF ENCOUNTER	LEVEL OF KNOWLEDGE REQUIRED	PERMISSIBLE QUESTIONING	AUTHORITY TO SEARCH	FORCE AND DETENTION
LEVEL 3 Stop, Question and Possibly Frisk	REASONABLE SUSPICION that a particular person is committing, has committed or is about to commit any felony or a Penal Law misdemeanor <ul style="list-style-type: none"> • Must have particularized and objective basis for suspicion • Must be able to articulate specific facts to justify stop 	Questions may be POINTED and ACCUSATORY <ul style="list-style-type: none"> • The person may refuse to answer 	FRISK ONLY IF REASONABLE SUSPICION that the person is ARMED and DANGEROUS <ul style="list-style-type: none"> • If frisk reveals an object that UMOS reasonably suspects is a weapon – UMOS may search only that area and remove the item • UMOS MAY SEEK CONSENT TO SEARCH; consent must be voluntary 	THE PERSON IS NOT FREE TO LEAVE <ul style="list-style-type: none"> • The person may be detained for a reasonable period of time in order to confirm/dispel suspicion • REASONABLE FORCE may be used to stop and detain the person
LEVEL 4 Arrest	PROBABLE CAUSE to believe that the person committed an offense	A MIRANDA WAIVER must be obtained before questioning but is not required for pedigree information	SEARCHES INCIDENT TO ARREST and proper INVENTORY SEARCHES are permitted	UMOS may use REASONABLE FORCE to effect an arrest

Notes: Even if a UMOS does not have reasonable suspicion that a person is armed and dangerous to justify a frisk, there are other safety tactics an UMOS may use during Level 2 and 3 encounters when the UMOS fears for his/her safety, including asking the person to take his/her hands out of her/his pockets or put down or step away from an otherwise lawful object that could be used as a weapon, grabbing the person's hands if the circumstances suggest the person may be grabbing a weapon, or forcibly removing the person's hands from her/his pockets if the individual refuses to remove them from her/his pockets.

Clearly false answers to questions may be a factor in elevating any encounter however refusal to answer will not elevate an encounter.

At any level, a UMOS may ask for identification to verify a person's identity and/or address. Other than the operator of a motor vehicle/motorcycle, members of the public are not required to possess or produce identification. Refusal or inability to produce identification alone will not elevate the level of the encounter.

For definitions of terms and additional details, see PG 212-11.