

**INVESTIGATIVE ENCOUNTERS  
IN-SERVICE TRAINING**

**INSTRUCTOR'S GUIDE**  
**Part II B**  
**[For Police Officers & Detectives]**



## DOCUMENTATION

### Do the Stop Report for:



NARRATIVE  
REASONABLE SUSPICION



At T/P/O Deft matched radio run description of a male black possibly carrying a firearm.

NARRATIVE  
REASONABLE SUSPICION  
(GOOD REPORT)



At T/P/O the above listed officer responded to a radio run of a male with a firearm from a verified caller. Approximately 5 minutes from receiving the call, officers arrived on scene and observed a male black fitting the description; male black, approximately 5'10", slim build, black hat, black t-shirt, black short, dreadlocks.

NARRATIVE  
FRISK / SEARCH



At T/P/O Deft was searched after lawful arrest.

NARRATIVE  
FRISK / SEARCH  
(GOOD REPORT)



Upon arrival of responding officers, Deft did attempt to leave by walking in opposite direction of officers. While attempting to walk away, Deft did tense up and bladed his body away from officers. Deft had a large bulge in his left cargo short pocket in the outline of a weapon. A loaded Highpoint 9mm firearm was recovered.

Replay above body camera video and have the class prepare a Stop Report for this stop. (Post mock location, time, pedigree, etc. information so that the class may complete the report).

The class should hand in their Stop Reports.

One instructor should display the narratives of “bad” Stop Reports for this stop from a pre-existing collection that includes a mocked-up “bad” report and other anonymous examples collected from prior classes. The class should discuss the deficiencies in these examples.

Meanwhile, other instructors should go through the reports prepared by the class and look for a good example to display.

Display a good example from a member of the class or the mocked-up “good” report on the overhead projector and discuss it.

## A Good Stop Report



# DOES THE TALKING FOR YOU

This is a takeaway from the previous exercise. The narrative should lay out the facts that established reasonable suspicion. Did the Stop Report they each just prepared do that? We saw what one looks like when it does and when it does not lay out all of the facts, and we’ll see more examples later.



Discuss **WHEN** officers should be completing Stop Reports:

You must ALWAYS do a Stop Report anytime you stop someone, meaning anytime you conduct an encounter that would make a reasonable person feel like he or she is not free to walk away. This includes a stop of someone in a TAP or a NYCHA building.

Remember, the triggering event for you to do the Stop Report is not whether you think you have reasonable suspicion to stop someone. It is whether you conducted an encounter in a way that would make a reasonable person feel as though he was not free to leave. If you did so, then it was a “stop” and a Stop Report must be prepared.

**Any time an encounter passes through Level 3, you need to document the encounter in a Stop Report.**

So, what if:

- A gun run based on an anonymous call starts as a Level 2 but goes up to a 3 because the subject runs when you get there? You give chase, catch him, frisk him, and recover a gun from him and he’s under arrest. Since there is an arrest, do you have to do a Stop Report? Yes, because this started as a 2 and became a 3. You effected a Terry Stop and a Terry Stop = a Stop Report, even if it ends in an arrest.
- What about a summary arrest? It’s an assault two minutes in the past, and when you arrive, the complainant is on the scene and points the person out. Would you need to fill out a Stop Report for that? No. It was at probable cause/Level 4 when you arrived. The event never passed through Level 3.
- What about a VTL stop? What if you order the passengers out but do not frisk? No Stop Report. Now what if you DO frisk them? You should do a Stop Report. The authority to frisk someone does not flow from the moving violation itself but rather is authorized when you develop Level 3 reasonable suspicion that the person is armed and dangerous during the traffic stop.
- What if it’s a stop, and the person matched the description perfectly, but it was the wrong person and there is a cordial, smooth disengagement? It was a *Terry* stop, so you still need a Stop Report.
- Let’s do one more example involving a summons – not a traffic summons, but a penal code or administrative violation. What if you observe a person urinating in public and begin to issue the person a summons? And let’s say the individual is aggressive toward you or blades you while you are processing him for the summons. You feel concerned for your safety and frisk the individual. Was that a Terry stop? No. Your authority to frisk flowed from an articulable safety concern during a Level 4 summons-in-lieu-of-arrest encounter and not from an investigatory detention pursuant to *Terry*, so you do not need to fill out a Stop Report.
  - Alternatively, what if a male, who matches the description for a robbery perfectly, is stopped and frisked, and a knife with a six inch blade is recovered from him. The male is NOT identified in a show up and the actual perpetrator is

apprehended shortly thereafter. Then you would do the Stop Report because the frisk was due to a *Terry* stop. The *Terry* stop preceded the probable cause for the violation.

[Note the contrast here between VTL summonses and pedestrian (for lack of better label) summonses.]

Discuss **HOW MANY** Stop Reports to prepare:

You must do one for each individual you stopped and the narratives must relate to the particular individual named in the Stop Report.

So what if a complaining witness reports that 5 young men robbed him on a train, and 5 young men matching the various descriptions provided by the complainant are stopped near the station and brought back for a show up, but the CW only ID's 3 of them - how many Stop Reports have to be prepared? FIVE, because five people were STOPPED.



Do you know what this is?

It's the 250 that cost a cop two days. Because he didn't do one.

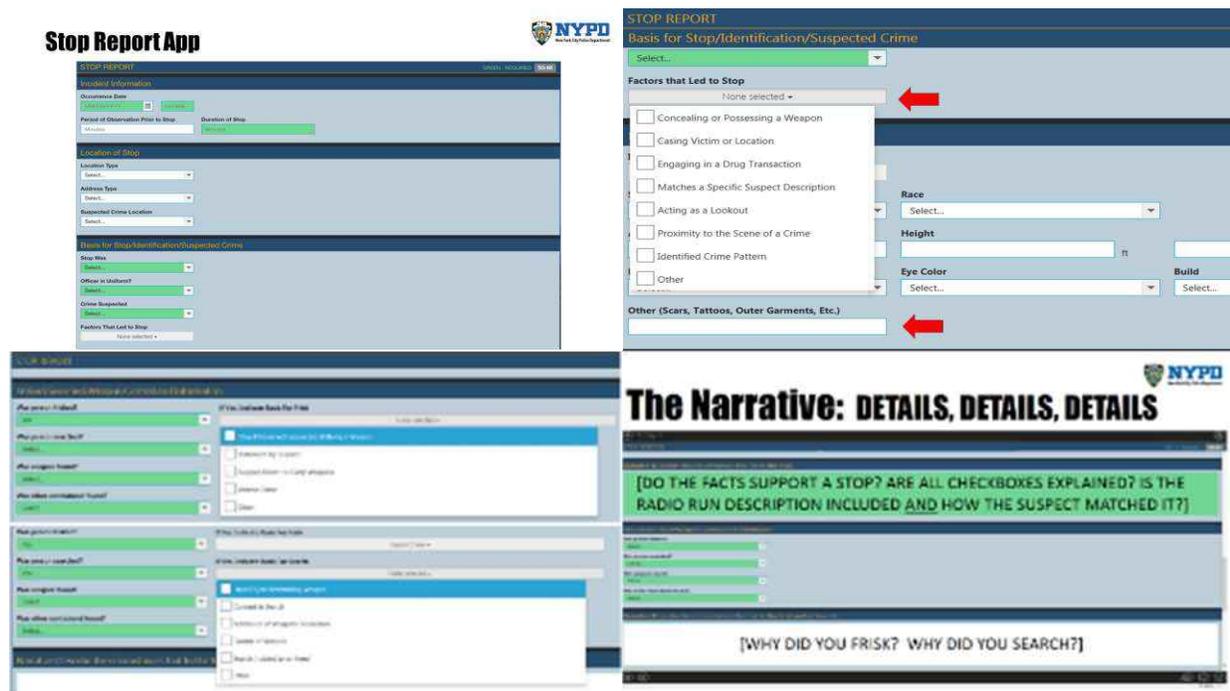
I'm joking but it is a serious point. It is important that you understand your legal authority to do a stop and it's also important that you document them when you do them, both in a Stop Report and in your Activity Log. Cops today are, to some degree, avoiding this form like it is toxic. It's not. It's a basic form. By the end of today, you are going to know how to write an excellent Stop Report and what to say in your Activity Log entry. Please understand that you run a much greater risk of getting into trouble for a stop if you don't document it.

**Patrol Guide 212-11 requires Supervisors to:**

- Discuss the circumstances of the stop with the officer.
- Determine if stops, frisks and searches conducted by their officers were supported by Reasonable Suspicion.
- Assess whether the Stop Report fully explains the basis for the stop and the basis for any frisk/search, if conducted.
- Take corrective action if a stop, frisk, or search itself was improper, or the paperwork was not filled out correctly.



Go over what Patrol Guide 212-11 requires supervisors to do regarding their Stop Reports.



No one should be using paper anymore. You should be using the app on your phones.

[Make the class take out their phones and show them where they can find the App. Walk them through the main sections of the Stop Report including the checkboxes and the narratives.]

**Remind the class of the following:**

- Do not select “Other” and write in the term “furtive movements” when describing the basis for the stop, as seen in the Basis for the Stop/Identification/Suspected Crime slide.
- Put a description of the suspect in the box that says “Other (Scars, Tattoos, Outer Garments, Etc.)” as seen in the Basis for Stop/Identification/Suspected Crime slide.

- **If the stop is in response to a radio run, write whether the 911 caller is verified or anonymous in your narrative. An unverified call is the equivalent of an anonymous call.**

### **Common Mistakes in Stop Reports**

- Not enough info to show reasonable suspicion for frisk
- Not enough info on person stopped
- Crime suspected does not match story in narrative
- "Fits Description" but no description provided

### **Common Mistakes in Stop Reports**

- No indication if caller was anonymous or not
- Pedigree info (name, address) put in narrative
- Documentation of Tear-Off Card
- Do not write in "Furtive Movements" in Stop Report

The form must be complete. You must fill out all fields and clearly explain the basis for why you believe you had reasonable suspicion to stop, frisk or search in the report. You should check off all of the stop factor checkboxes that relate to your reason(s) for making the stop and all of the frisk/search factor checkboxes that relate to your reasons(s) for conducting the frisk and/or search. The narrative sections should include all of the facts and information you relied upon to conclude that there was reasonable suspicion.

The content contained within the four corners of a Stop Report should make clear to whoever is reading it why you stopped the individual and the basis for any frisk or search.

A narrative that fails to convey the essential facts is a common error we see in Stop Reports.

The first narrative section is utilized to explain why you stopped an individual.

The second narrative section is utilized to explain why you frisked or searched the person stopped if one or both of those actions were taken.

In each of the narrative sections on the Stop Report, you must explain in your own words the facts supporting each of the checkbox stop factors checked off on the front side of the Report and each of the checkbox frisk and search factors you checked off on the back of the Report. For example:

1. If you check off "Matches a specific suspect description," you must include in the narrative all the details of that description, beyond just race, age and gender, as well as whether that description was provided by an anonymous or identified source.
2. If you check off "Identified Crime Pattern," you must provide all of the details of that crime pattern in the narrative.
3. If you check off "Concealing or Possessing a Weapon," you must provide all the facts which led you to suspect the person of possessing a weapon. Don't just write conclusory

statements like “furtive movement” or “bulge observed.” Provide detailed and specific facts (e.g. “bulge observed in waistband” or “suspect repeatedly touching object in waistband while staring at officer”).

If there are errors or omissions in your Stop Report, your supervisor will reject it and send it back to you with an electronic note telling you how it is deficient. Once you have corrected it, resubmit it to your supervisor.

### The Activity Log Entry



#### You need to include:

- **Date, time and location of stop**
- **Pedigree information (name, date of birth, address, telephone #), unless refused**
- **Detailed description of the person stopped**
- **Refusal to provide pedigree information, if applicable**
- **ICAD number, if applicable**

[Go over the requirement to do an Activity Log entry.]

[For background information, the reason that we cannot include pedigree information (name, address, social security number) in the Stop Report is that the city is prohibited under CPL 140.50 (4) from recording pedigree information from stops that do not result in an arrest or summons in an electronic database. When the Activity Log becomes electronic, the pedigree information will have to be noted elsewhere. Officers should be alert for further instruction from the Department when that transition occurs.]

## Consent to Search and BWC Footage

### • If you asked for consent to search the person:

1. Record the entire interaction on your Body Worn Camera
2. Offer the person information on obtaining a copy of that video recording by directing them to the NYPD's FOIL page on the NYPD website or [www.nyc.gov/police-encounters](http://www.nyc.gov/police-encounters)
3. Offer the person a Business Card, if they are not arrested or issued a summons

The Right to Know Act requires officers to record all requests for consent to search through the conclusion of the encounter. It further requires that officers provide the person with information on how to obtain the Body Worn Camera video and offer a Business Card at the conclusion of the encounter. Body Worn Camera video may be obtained through the NYPD's FOIL page or via the website on the back of the Business Card. As discussed in the legal portion of the training, officers will also be required to document all requests for consent to search (both refusals and when consent was given).



### The Business Card

Remember, the Business Card must be offered and officers must also explain the purpose of the interaction in the following circumstances:

- All Level 2 encounters
- All Level 3 *Terry* stops
- All frisks
- Any search of person or property, including vehicles
- Vehicle checkpoints
- Home searches
- Investigatory questioning of victims and witnesses to crimes

One important exception re: the requirement to offer this card is **exigent circumstances**. For example: You have stopped someone who matches a description and are waiting for the complainant to respond. While you are waiting, you are collecting this guy's pedigree. The complainant gets there, there's a negative ID and then at that moment over the radio you hear

they've spotted another individual matching the description and they need back up. You do need to gather pedigree information for the person you stopped but then you can quickly assist your fellow officers – and hand the card out if practicable.

Otherwise, you need to offer this card. Those offered the card can decline to accept it. If they do decline it, document that on the Stop Report if there's room or in your memo book. If they accept the card, complete the information on the card and give it to them.

Remember, Body Worn Camera video may be obtained through the NYPD's FOIL page or via the website on the back of the Business Card. In addition, if a person wants to obtain more information about their stop or a copy of their Stop Report, you should tell them to go to the website on the back of the Business Card.

It is important to note that soon every stop you make will be captured on video, by at least one body-worn camera, so if there are exigent circumstances or the person declines the Business Card, there will be proof that you can depend upon. However, by that same token, if you fail to offer a Business Card in a situation where you are required by the Patrol Guide to do so, that too will be captured on video. Remember to inform the individual how to obtain Body Worn Camera video as explained above.

The Dust Off



---

So let's say you get a radio run with a description of a male who committed an armed robbery two minutes in the past. You see someone nearby who fits the description. You and your partner stop him. Guns drawn, full frisk. If you find a weapon and the complainant IDs him, then you do a Stop Report (because this involved a *Terry* stop and ended in an arrest) but you don't offer him a Business card – these cards are for the people you suspect but then conclude should NOT be arrested.

But, what if you do the frisk, the person has no weapons, and the complainant arrives in a few minutes to do the show up and says "that is definitely not the guy"? You still are going to gather pedigree information from him to complete a Stop Report. Let's say another sector catches the actual robber and it turns out the person you stopped was just on his way home from work.

Some cops call what follows the “dust off” or “selling the stop.” Whatever you call it, it is important to explain to this person why you stopped him, not just because it is legally required. One important thing to remember here is that most Level 3 stops begin and end with a stop. Most don’t lead to an arrest. That’s a fact. It doesn’t mean that they are bad stops just because they don’t end in an arrest. If you have reasonable suspicion, you are doing your job when you stop the person. Period. But the male we just stopped in this hypo, who was the wrong person, who just happened to be in the wrong place at the wrong time, is going to go home to his family and tell them what happened, and the person on today’s Stop Report could be tomorrow’s witness, or his mom could be tomorrow’s juror, and we need to think about that. You know you have heard people say these words: ‘it sucked but the cop was a gentleman about it’ or ‘he was just doing his job.’ So explaining why you stopped the person in this situation is important and the card helps you do that. If people feel that they were treated in a respectful manner and you EXPLAIN to them why you did what you did (i.e. the process is transparent), you are gaining legitimacy for both yourself and the police in general.

 <b>How to achieve LEGITIMACY?</b>  <b>Procedural Justice</b>	 <b>Four Elements of Procedural Justice:</b> <ul style="list-style-type: none"> <li>• <b>VOICE – Listening</b></li> <li>• <b>NEUTRALITY – Fairness</b></li> <li>• <b>RESPECT – Treating People with Dignity</b></li> <li>• <b>TRUSTWORTHINESS – Transparency</b></li> </ul>
---	--

How you talk to people is an important component in achieving legitimacy. Legitimacy here means that the public sees you as entitled to exercise your authority as police officers to enforce the law and maintain social order. If people see the police as legitimate, they will be more willing to accept your authority and comply with your orders. Legitimacy is not an entitlement. It must be earned.

How can you achieve legitimacy? By policing in a procedurally just manner. Even if “procedural justice” is a new term for you, you are already familiar with the basic idea. It is part of the Department’s mission to treat every citizen with compassion, courtesy, professionalism, and respect.

There are four elements of procedural justice – voice, neutrality, respect, and trustworthiness.

Voice means allowing the person you are interacting with to provide their point of view or offer an explanation. This makes them feel like they are part of the process and that they have input

into the decision, even if what they say does not change the result. Non-verbal cues are also important so pay attention not only to what you and the other person are saying but also to how each of you is acting toward one another.

Neutrality means fairness, that is acting consistently and without bias, applying the same rules to everyone.

Respect means treating everyone with dignity, having consideration and understanding for others' point of view and experience. This validates the person as a human being.

Trustworthiness means providing a fair and transparent process (transparency) by conveying professionalism, competence and good character to the public. A person with good character has integrity, maturity, and respect for others. A competent person has the knowledge and skills to do their job effectively. These characteristics make you trustworthy to the public.

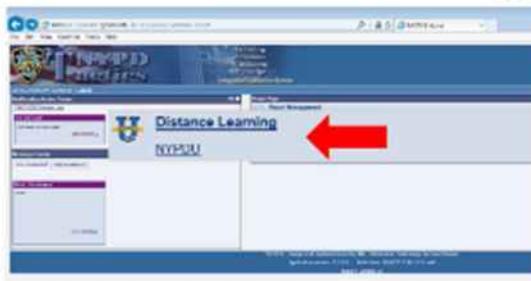
An important component of procedural justice is explaining to the person what you are doing and the reasons behind your actions. For example, explaining the reasons for the stop.

### How to Direct UMOS to Investigative Encounters Training Videos



• Available on NYPD-U in "My Available Courses" under the Deputy Commissioner of Training

- Video #1 – Request for Information
- Video #2 – Common Law Right of Inquiry
- Video #3 – Terry Stops and Reasonable Suspicion
- Video #4 – Documentation and Supervision
- Public Contact and Consent to Search (Right to Know)



**Step 1: Click the NYPDDU Tile**

**Step 2: Enter your department login credentials. Username: (lastname)TAX Password: Same used to access all Department applications**

**Step 3: Click the Deputy Commissioner of Training link under the available courses page**

Show the class how to access the investigative encounters videos they previously viewed at roll call via the intranet and their Smartphones.

**Body Camera Videos**

**BODY WORN CAMERA VIDEOS**

Bodega Stop - VIDEO 1

NARRATIVE  
REASONABLE SUSPICION

At T/P/O subject matched description of a Hispanic male who was suspected of a dispute with a firearm and subject was at location.

NARRATIVE  
REASONABLE SUSPICION  
(GOOD REPORT)

A radio run for a 10-52 with a firearm came over at 350 Audubon Ave. **Verified Caller** states suspect displayed a firearm while in a dispute with another male. Caller stated suspect is wearing a grey jacket, grey pants with white sneakers and is in a group of 8 people.

NARRATIVE  
FRISK / SEARCH



Subject was frisked because he was a confirmed Hispanic male who was at the location of a crime.

NARRATIVE  
FRISK / SEARCH  
(GOOD REPORT)



Subject was at the location and matching the description of a male with a grey jacket, grey pants with white sneakers. Frisk was conducted due to a violent crime with a weapon.

Mace Assault - VIDEO 2.1



Mace Assault - VIDEO 2.2



NARRATIVE  
REASONABLE SUSPICION



At T/P/O defendant matched description of a female wanted for assault.

NARRATIVE  
REASONABLE SUSPICION  
(GOOD REPORT)



At T/P/O officer responded to a radio run of a female wanted for assault by **spraying people with mace**. Information was received from a **verified 911 caller**. Approximately 5 minutes from receiving the call, officers arrived on scene and observed a black female fitting the description; female black, approximately 5'6", average build, long curly black hair, black sweater, black and white dress.

NARRATIVE  
FRISK / SEARCH



Upon arrival of officers, defendant tried to leave. Defendant was searched; a canister of mace was recovered in her handbag.

NARRATIVE  
FRISK / SEARCH  
(GOOD REPORT)



Defendant had possession of her handbag and volunteered consent to search. Police Officer recovered mace from her bag. She said, **"That's my pepper spray."** Defendant admitted to spraying the mace at someone. Show-up was conducted with a positive id.

Rite Aid - VIDEO 3.1



Rite Aid - VIDEO 3.2



NARRATIVE  
REASONABLE SUSPICION



At T/P/O P.O. received radio run of a female Hispanic, short hair, boarding a bus after shoplifting in Rite Aid. After boarding bus, officers notice female matching description, P.O.s took the female off bus.

NARRATIVE  
REASONABLE SUSPICION  
(GOOD REPORT)



At T/P/O officers received a radio run from a **verified** caller that a Hispanic female, short hair, wearing glasses did shoplift from a Rite Aid store and board a city bus. Upon boarding the bus officers did observe female matching that description. After receiving a more thorough description from Central, officers did take female off the bus.

NARRATIVE  
FRISK / SEARCH



Search conducted, S.I.L.A.

NARRATIVE  
FRISK / SEARCH  
(GOOD REPORT)



Defendant voluntarily consented to a search of her bag. Suspect was a positive ID from c/v. SILA defendant was asked to open her jacket and bulges revealed stolen property from Rite Aid store.

For the final segment of the day, play selected series of body camera videos depicting real investigative encounters and have class evaluate the legality, professionalism and tactical soundness of the encounters according to instructor notes for the selected videos.

Instructors should also display mock narratives corresponding to the videos and have the class assess the narratives.

Videos will be added to the course material for this segment as they are identified, along with corresponding instructor notes.

## Contact Us



- Risk Management Bureau
  - 1 Police Plaza, Room 1408
  - 646-610-7900
  - [rmbquestions@nypd.org](mailto:rmbquestions@nypd.org)
- Legal Bureau, Criminal Section
  - 1 Police Plaza, Room 1406
  - 646-610-5400
- Compliance Division
  - 253 Broadway, 6<sup>th</sup> Floor
  - 212-618-3100

Instructors should then proceed to the final scenario.