

Cops must provide receipts after stop-and-frisks under new rules

By Josh Saul | August 7, 2015



Photo Credit: Paul Martinka

A new report filed by the NYPD’s federal monitor includes recommendations that would force cops to have “reasonable suspicion” before frisking someone, and would require them to fill out a receipt explaining why a stop was made.

Under the order, cops would have to fill out a “tear-off information card” with their name, rank, command and shield number, and hand it over to anyone stopped but not arrested, court papers state.

“The proposed procedures also require documentation of all stops and make more explicit the responsibilities of supervising officers up the chain of command,” lawyer Peter Zimroth wrote in his final recommendations filed in Manhattan federal court Friday.

the officer had information requiring further investigation. The following factor(s) contributed to the officer’s suspicion,” followed by the seven boxes.

Federal Judge Shira Scheindlin ordered changes to stop-and-frisk in 2013 after a class-action civil rights lawsuit trial in which plaintiffs said they had been wrongly targeted by police because of their race.

Her ruling and changes had been in limbo after the city, under then-Mayor Mike Bloomberg, appealed, but Mayor Bill de Blasio dropped the appeals, and others by the city’s police unions were also tossed.

The monitor’s letter also says he has worked with the NYPD to revise the patrol guide in terms of what role race can play in stop-



What Is A Stop?

PD 383-153 (06-15)

When a police officer reasonably suspects that a person has committed, is committing or is about to commit a felony or a Penal Law misdemeanor, the officer is authorized by NYS Criminal Procedure law § 140.50 to **stop, question and possibly frisk that person for a weapon.**

The Police Officer stopped you because the officer had information requiring further investigation. The following factor(s) contributed to the officer’s suspicion:

- Concealing or Possessing a Weapon
- Engaging in a Drug Transaction
- Proximity to the Scene of a Crime
- Matches a Specific Suspect Description
- Acting as a Lookout
- Casing Victim or Location
- Other (*Specify*)

Rank/Name	Cmd.	Shield No.

Cops will have to check a box explaining why they stopped someone, which lists options such as “Acting as a lookout,” and “Casing Victim or Location.” Photo Credit: NYPD

Zimroth’s recommendations to the NYPD come after a 2013 court order mandating changes to the stop-and-frisk policy.

The proposed “receipt” policy will begin Sept. 21, according to Zimroth’s recommendation, which was filed in Manhattan federal court Friday morning.

The police officer will also have to check one of seven boxes to explain why they stopped the person.

The choices include “Concealing or Possessing a Weapon,” “Engaging in a Drug Transaction,” “Casing Victim or Location” and “Other.”

The card will also provide the following explanation to the person who was stopped: “The Police Officer stopped you because

and-frisk, explaining that the new policy he recommends is that race, age and gender can’t be the sole description used to stop a suspect.

“The procedure states that police action, including stops, frisks, arrests or other law enforcement actions, may not be motivated, even in part, by the actual or perceived color, ethnicity, or national origin of an individual,” his letter states.

It goes on to say that race can only be used if it’s part of a specific suspect description that includes not just race, gender and age, but other identifying characteristics as well.

Zimroth’s letter takes a slightly sarcastic tone when it introduces this revision, stating: “This is not new law; it is based on the Fourteenth Amendment of the US Constitution.”