

Terry Stop and Search Checklist

To STOP – You must have reasonable suspicion that a suspect is committing, has committed, or is about to commit a crime. Reasonable Suspicion must be based on specific, articulable, rational facts (Less than probable cause but more than a hunch.)

Articulable factors justifying stop. (Need multiple factors, at least one of which must come from the second column.)

- | | |
|---|--|
| <input type="checkbox"/> hour | <input type="checkbox"/> hand to hand movement |
| <input type="checkbox"/> high crime neighborhood | <input type="checkbox"/> eyewitness information |
| <input type="checkbox"/> appears lost or to not be a resident of the area | <input type="checkbox"/> concerned citizen |
| <input type="checkbox"/> unusual presence | <input type="checkbox"/> CI information |
| <input type="checkbox"/> standing on street corner | <input type="checkbox"/> co-defendant information |
| <input type="checkbox"/> nervousness | <input type="checkbox"/> personal knowledge of d's drug use |
| <input type="checkbox"/> flight-manner of movement | <input type="checkbox"/> personal knowledge of d's license suspension status |
| <input type="checkbox"/> drug trafficking neighborhood | <input type="checkbox"/> smell |
| <input type="checkbox"/> other | <input type="checkbox"/> defendant statement |

To FRISK – You may frisk outer clothing for weapons and may search if you reasonably believe you are in danger.

Articulable factors justifying search for weapons.

- | | |
|--|---|
| <input type="checkbox"/> high crime neighborhood | <input type="checkbox"/> CI information |
| <input type="checkbox"/> guns common in neighborhood | <input type="checkbox"/> co-defendant information |
| <input type="checkbox"/> feel of weapons | <input type="checkbox"/> personal knowledge of d having weapons |
| <input type="checkbox"/> shape of weapon | <input type="checkbox"/> defendant's movements |
| <input type="checkbox"/> sight of weapon | <input type="checkbox"/> defendant's statements |
| <input type="checkbox"/> sound of weapon | <input type="checkbox"/> sight of ammunition |
| <input type="checkbox"/> concerned citizen information | <input type="checkbox"/> other |

To SEARCH for drugs – After the frisk if you cannot articulate why you are in danger, you cannot search defendant for weapons; but, if during the frisk, probable cause arises for drugs, you may then search for drugs if you can articulate the probable cause.

Articulable factors to justify search for drugs:

- | | |
|---|---|
| <input type="checkbox"/> feel | <input type="checkbox"/> suspect's statements |
| <input type="checkbox"/> smell | <input type="checkbox"/> drug trafficking neighborhood |
| <input type="checkbox"/> sight | <input type="checkbox"/> personal knowledge of d's drug use |
| <input type="checkbox"/> sound | <input type="checkbox"/> concerned citizen information |
| <input type="checkbox"/> personal knowledge of drug packaging | <input type="checkbox"/> CI Information |
| <input type="checkbox"/> personal knowledge where drugs carried | <input type="checkbox"/> co-defendant information |
| <input type="checkbox"/> suspect's physical condition | <input type="checkbox"/> other |

To QUESTION – You may demand the suspect's name and address and an explanation of the suspect's actions. You may detain him for a reasonable period of time to verify his answer. If he says nothing or tells you to jump in a lake, that's your tough luck; you cannot do anything to the suspect.

BOTTOM LINE – You must be able to articulate reasons to distinguish the suspect from someone who just may happen to be there.