



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

HB#2025-99

PC #2025-01-20

February 5, 2025

From: Police Commissioner

To: Chief of Department
Chief of Patrol
Chief of Housing
Chief of Transit
Commanding Officer, Patrol Borough Manhattan South
Commanding Officer, Patrol Borough Manhattan North
Commanding Officer, Patrol Borough Bronx
Commanding Officer, Patrol Borough Brooklyn South
Commanding Officer, Patrol Borough Brooklyn North
Commanding Officer, Patrol Borough Queens South
Commanding Officer, Patrol Borough Queens North
Commanding Officer, Patrol Borough Staten Island
Commanding Officer, Housing Borough Brooklyn
Commanding Officer, Housing Borough Bronx/Queens
Commanding Officer, Housing Borough Manhattan
Commanding Officer, Transit Borough Brooklyn
Commanding Officer, Transit Borough Bronx/Queens
Commanding Officer, Transit Borough Manhattan

Subject: DISCIPLINE IN CONNECTION WITH LEVEL 3 STOPS

1. The Department's disciplinary system must be both fair and effective, distinguishing between one-time, good faith errors and repeated or intentional misconduct. This is true for all disciplinary matters, but particularly so in connection with Level 3 stops. These stops are a critical tool in service of public safety, but they also present challenges for our officers. The law in this area is complex and fact-specific; officers find themselves in encounters that are fluid, uncertain, and potentially dangerous; and they must regularly make quick decisions without the opportunity for consultation. Officers also face ever-increasing, near-dizzying obligations and reporting requirements in connection with their daily work on patrol, adding to the burdens and frustrations of the job. Patrol Guide 212-11 acknowledges the difficulties that officers face in this area and explains that "[m]inor or inadvertent mistakes in documentation or isolated cases of erroneous but good-faith stops or frisks by members of the service should ordinarily be addressed through instruction and training."

2. That said, we cannot allow officers to repeatedly make the same errors without consequence, and we cannot allow reckless or deliberate misconduct to go unaddressed. We are duty-bound to carry out Level 3 stops consistent with the Federal and State Constitutions, applicable laws, and Department policy. We are committed to building trust with the communities that we serve, and to accomplish this goal we must conduct Level 3 stops in strict accordance with

the law and with body-worn cameras activated throughout, followed by the proper documentation of the encounter. And we have to hold officers accountable in order to protect them. When officers engage in investigative encounters, and in particular Level 3 stops, they are under unyielding scrutiny from numerous sources, including plaintiffs' counsel in civil litigation, defense counsel in criminal cases, and the CCRB. Even a lone, significant error can jeopardize an officer's career. An effective disciplinary system will correct mistakes, deter misconduct, and keep our officers out of harm's way.

3. We have been under a monitorship relating to Level 3 stops for a decade, and while the Department has made extraordinary strides, there is critical work that remains. As the Monitor has repeatedly noted in her recent reports, there is a need both for supervisory accountability and for discipline when warranted. ComplianceStat has been a major innovation by the Department with respect to supervisory oversight and reforms. But when it comes to discipline related to the constitutionality of Level 3 stops, the timely activation of body-worn cameras in connection with Level 3 stops, and the proper documentation of those stops, we have fallen short. To be clear, most officers, most of the time, engage in constitutional Level 3 stops, comply with law and Department policy governing these encounters, and properly record and document them. But when officers do not do so, our disciplinary response has been lacking. Our failure to impose proper discipline for repeated or intentional violations of law and policy in connection with Level 3 stops undermines the integrity of our disciplinary system and puts the long-term independence of that system at significant risk.

4. That failure ends with this memo. Instruction and training are perfectly appropriate for an isolated, good faith error in connection with a Level 3 stop; they are wholly inappropriate for the officer who has engaged in intentional misconduct, or the officer who has already received instruction and training in this area and then violates the law or Department policy again. In such circumstances, supervisors are to impose discipline consistent with the Discipline Matrix. For example, the Discipline Matrix contains provisions addressing improper stops, frisks and searches; failing to properly activate a body-worn camera; and failing to document an investigative encounter.

5. Supervisors will be held accountable for imposing discipline consistent with this directive. That will happen through ComplianceStat and through supervisory assignments.

6. For your **STRICT COMPLIANCE**.


Jessica S. Tisch
Police Commissioner