

Understanding Police Stops

Classify the intrusion. Test the record. Identify the remedy.

A practice coursebook with a supplied evidence file, completed suppression papers, reproducible data analysis and changed-fact exercises.

PROGRAM FACULTY

David Ourlicht II • Germain Thompson • Emil Rodriguez • Eugene D. Toussaint

PRESENTED IN PARTNERSHIP WITH



**LATINO LAWYERS ASSOCIATION
OF QUEENS COUNTY**

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About the course

New York encounter law and the work of effective representation.

This course turns the episode's discussion of New York police encounters into an attorney's guide to classification, investigation, suppression, and the identification of bias. Its center is the De Bour framework for police-initiated street encounters, with federal constitutional principles and New York City oversight practices where they affect the analysis.

Authorities and official materials were rechecked October 12, 2026. The recording date has not been independently established. Later developments include Leighton R. (2025), the March 2026 Ligon order and the October 2026 monitor report. All Rivera and Ellis files, dialogue, records, motion papers and quantitative examples are fictional editorial teaching additions, not faculty case accounts or adopted speaker statements.

Proposed New York CLE credit: 1.5 total, consisting of 1.0 Areas of Professional Practice and 0.5 Diversity, Inclusion and Elimination of Bias, subject to approval of the final course. This written review edition does not establish accreditation or attendance credit.

The intended reader is an attorney developing criminal-defense or civil-rights practice. Comprehensive traffic, immigration, school-search, forensic-DNA, and civil-damages litigation are outside scope. Necessary distinctions are explained without treating a street-encounter rule as universal.

What you will be able to do

1. Classify each stage of a police encounter using the intrusion and facts known at that time.
2. Analyze flight, anonymous information, consent, frisk, and arrest as distinct legal questions.
3. Identify racial or cultural assumptions in an encounter account and obtain evidence that tests them.
4. Conduct an interview that preserves the client's account, recognizes trauma, and supports informed participation.
5. Prepare a suppression theory, a video chronology, and a focused examination using supported factual allegations.
6. Distinguish individual remedies from institutional oversight, and evaluate stop data without confusing reporting, legality, and discriminatory intent.

A practical reading path

Chapters 1–4 establish encounter rules and completed decision examples. Chapters 5–7 develop interviewing, bias and the supplied Rivera source file. Read the raw records before the solved chronology and examination. Chapter 8 supplies a dated suppression packet, sworn support, opposing analysis and service sequence. Chapters 9–10 connect individual remedies with oversight and a reproducible data audit. Chapter 11 concludes with client advice and an unseen problem before its answer. Numbered citations link to the authorities at the back.

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Meet the faculty

David Ourlicht II, Esq.



Founder, Law Offices of David E. Ourlicht, PLLC; AWS Co-host

David Ourlicht II is a New York criminal-defense attorney and founder of the Law Offices of David E. Ourlicht, PLLC. His practice includes criminal defense and firearm licensing. Before entering private practice, he served as a public defender with The Legal Aid Society in Manhattan, representing clients facing misdemeanor and felony charges.

He graduated from CUNY School of Law in 2017 and was admitted in New York in 2019. During law school, he was recognized among National Jurist's 2017 Law Students of the Year. He was also a named plaintiff in *Floyd v. City of New York*, the challenge to unconstitutional and racially discriminatory NYPD stop-and-frisk practices. He is an AWS co-host whose professional background includes public defense, private litigation, and civil-rights advocacy.

Education: J.D., CUNY School of Law, 2017

Admission: New York, 2019

Experience: Founder, Law Offices of David E. Ourlicht, PLLC; former Manhattan public defender, The Legal Aid Society

Public-interest background: Named plaintiff, *Floyd v. City of New York*; National Jurist Law Students of the Year recognition, 2017

Meet the faculty continued

Germain Thompson



Court-Appointed Community Liaison, NYPD Federal Monitorship

Germain Thompson is the independent Community Liaison for the federal monitorship overseeing reforms to NYPD stop-and-frisk and trespass-enforcement practices. Appointed by U.S. District Judge Analisa Torres in December 2022, he organizes community meetings, listening sessions, and other opportunities for New Yorkers affected by policing to contribute to the reform process.

He founded the Take It to the Court Foundation, which uses basketball tournaments to address violence and connect young people with community resources. He previously spent approximately nine years organizing with The Legal Aid Society, building relationships with neighborhood organizations and elected officials' constituents. He earned a paralegal certification from Pace University in 2016.

Appointment: Independent Community Liaison, December 16, 2022

Training: Paralegal certification, Pace University, 2016

Community work: Founder, Take It to the Court Foundation; former Legal Aid Society community organizer

Meet the faculty continued

Emil Rodriguez



Legal-services professional; criminal-defense paralegal experience

Emil Rodriguez is a legal-services professional with paralegal experience at The Legal Aid Society. His background combines work in a public-defense organization with legal studies at CUNY School of Law.

He earned a bachelor's degree in political science from Queens College. His interest in law began in high school, when his experiences with police encounters led him to examine the legal protections available to New Yorkers and the relationship between law enforcement and the communities it serves.

Education: Bachelor's degree, Political Science, Queens College; legal studies at CUNY School of Law

Experience: Paralegal work at The Legal Aid Society

Background: Raised in Queens

Meet the faculty continued

Eugene D. Toussaint, Esq.



President, Attorneys With Swag Inc.; Staff Attorney, The Legal Aid Society

Eugene D. Toussaint is President of Attorneys with Swag Inc. and a staff attorney in The Legal Aid Society's Criminal Defense Practice in Queens. As a public defender, he represents people facing criminal charges. He founded AWS to make legal knowledge accessible through its podcast, music, and community education programs, and serves as a host and showrunner.

He graduated from Mount Saint Vincent in 2010 after studying history and psychology and earned his J.D. from St. John's University School of Law in 2014. He was admitted to the New York bar in 2015. A Bronx native and first-generation college graduate, he developed his interest in public education and community organizing alongside his legal career.

Education: Mount Saint Vincent, 2010, history and psychology; J.D., St. John's University School of Law, 2014

Admission: New York, 2015

Leadership and practice: President, Attorneys With Swag Inc.; staff attorney, The Legal Aid Society, Queens Criminal Defense Practice; AWS host and showrunner

1. The four levels

Classify the police conduct before deciding whether its justification was sufficient.

1.1 The sequence controls

New York’s framework begins with *People v. De Bour*, 40 NY2d 210 (1976), and the clarification in *People v. Hollman*, 79 NY2d 181 (1992). Each level permits a different degree of interference. The officer does not acquire the powers of the next level merely by naming it. A court examines what the officer actually did and what information supported that action when it occurred. A discovery made during an unlawful intrusion does not retroactively justify its beginning. [1] [2]

The practical task is to identify a sequence: approach, question, direction to remain, pursuit, contact with clothing, entry into a pocket, arrest, and later questioning. A single encounter may cross several thresholds within seconds. Conversely, officers with probable cause at the outset need not perform the lower levels as a ritual before arresting someone. Treat the levels as limits on authority, not mandatory steps in a ladder.

Level	Required basis and permitted action
1 – Request for information	An objective, credible reason, which need not indicate crime. Basic, nonthreatening questions may be permissible.
2 – Common-law inquiry	Founded suspicion that criminal activity is afoot. More pointed questions may focus on suspected wrongdoing; the inquiry itself does not authorize forcible detention.
3 – Forcible stop	Reasonable suspicion directed to the particular person and a qualifying crime. Temporary detention is permitted within lawful scope; frisk requires an additional safety justification.
4 – Arrest	Probable cause, also described in New York statutes as reasonable cause, and applicable arrest authority. Search authority still depends on the governing doctrine and its limits.

CPL 140.50(1) authorizes a public-place stop within the officer’s geographical area of employment on reasonable suspicion of a felony or a misdemeanor defined in the Penal Law. Its text also permits demands for name, address, and an explanation of conduct. CPL 140.10 separately governs warrantless arrest authority. Do not convert the shorthand “crime” into permission to detain for every noncriminal violation or to disregard statutory territorial restrictions. [3] [4]

1.2 What makes an encounter a detention

A polite voice does not settle whether a person was restrained. Record blocked routes, displayed weapons, physical contact, commands, the number and placement of officers, retention of identification, and the duration and setting. An officer can create a seizure before using handcuffs. In Moore, police drew guns and ordered the defendant not to move; that was a forcible stop requiring reasonable suspicion at that moment. A later waistband movement could not cure the unsupported stop. [2]

The episode usefully exposes a different question: how much choice does someone feel when approached by armed officers? A client's fear and prior experiences matter to interviewing, consent, and the practical meaning of the encounter. They do not automatically classify every conversation as a constitutional seizure. Preserve the client's experience and the observable acts separately so neither disappears inside the lawyer's legal label.

The framework concerns police acting in their criminal-investigation capacity. A request for medical help, a traffic stop, a checkpoint, or an encounter inside a home may raise other rules. Identify that setting before importing a street-stop conclusion. This course uses street encounters as its principal setting and treats vehicle decisions only where they clarify a relevant rule about information or consent.

1.3 A reusable encounter record

For each intrusion, write four things: the time, the police action, the information then available, and the legal authority asserted. Add a separate column or note for information learned afterward. This prevents a recovered weapon, an outstanding warrant discovered later, or a witness's improved description from being silently moved backward in time.

For example, "officer stopped Rivera after a gun report" is inadequate. "At 7:32:10 p.m., the officer blocked the only open route and ordered Rivera to remain; the dispatch then available described only a person in dark clothing at the corner" permits a legal question. Whether that action was justified depends on the full report, source reliability, contemporaneous observations, and restraint actually imposed. Chapters 6–8 work through those dependencies.

1.4 Completed intrusion decision: the doorway is the issue

The Rivera file developed in Chapter 7 is entirely fictional. It begins on May 1, 2026, at a recessed shop doorway on a Queens sidewalk. Rivera is waiting for a companion. Officer Vega stands across the only unobstructed exit. Rivera says Vega ordered, "Stay right there." Vega later calls the encounter a voluntary conversation. The camera shows positioning, but its pre-event segment has no sound. These facts require a finding about restraint; a silent clip cannot resolve the words by itself.

Completed defense entry. Intrusion: physical blockage plus a disputed command. Earliest supported time: 19:32:10 on the synchronized clock. Available information: the dispatch and Vega's observations before that time, not a later hand movement or later-discovered packet. Provisional classification: level three if the blockage and command are credited. Supporting proof: Rivera's account, Lee's account, camera positioning and calibration record. Dispute to litigate: Vega denies an order and says Rivera could pass. Legal consequence: require reasonable suspicion at the restraint, then separately test the frisk and pocket search. [1, 2, 3]

Best contrary argument. Vega was approaching a person who matched a fresh gun report; standing near an exit is not necessarily blocking it. A court must consider the actual available space, movement, words and context. The defense therefore supplies the 0.9-meter opening and the officer's position in R-4 and R-5, rather than asking the court to accept "I felt stopped" as the entire factual showing. The answer may change if an open, usable route existed and no command or other restraint occurred.

Decision discipline. Do not copy the classification into a witness's mouth. Rivera can describe where each person stood, what was said and what Rivera did. Counsel draws the legal inference and identifies the evidence that could defeat it. This division both respects the client's account and makes the motion testable.

2. Questions and consent

The authority to ask a question and the validity of consent are separate issues.

2.1 Distinguish information from accusation

Hollman explains the difference between ordinary questions about identity, destination, or travel and pointed questions that communicate that the person is the focus of a criminal investigation. Wording, tone, setting, and the overall encounter matter. The request to search a bag in the Saunders branch of Hollman crossed into a common-law inquiry without the required founded suspicion. The apparent consent did not rescue the improper request. [1]

Suppose officers approach someone outside a warehouse after receiving a report of a disturbance. Asking whether the person saw the disturbance may have an objective, credible basis. Repeatedly asking what the person is hiding, demanding an explanation for a bulging bag, or requesting a search may require founded suspicion. The episode's warehouse example becomes useful only when the officer describes the observations: repeated checking of the loading door, signals to someone inside, a recently broken lock, or another fact linking conduct to suspected crime.

Standing on a corner, glancing at a patrol car, wearing a hoodie, or being present in a neighborhood with recorded crime cannot be used as a substitute for that explanation. A fact may contribute to a totality without independently establishing suspicion. The lawyer should identify its actual contribution instead of adding several neutral descriptions and announcing that their number supplies the missing inference.

2.2 Test voluntariness and scope

When the prosecution relies on consent, it bears a heavy burden of establishing voluntariness. Custody, restraints, the number of officers, the person's background, the manner of questioning, and knowledge of the ability to refuse can affect the inquiry. A signature or a recorded "yes" is evidence, but the surrounding pressure still matters. Packer applies Gonzalez and Hollman to show why consent obtained through unlawful police conduct requires an additional taint analysis. [5]

Ask what the person actually authorized. Permission to speak is not permission to search. Permission to look in a bag does not answer every question about opening sealed containers, searching the person, or continuing after consent is limited or withdrawn. Record the exact exchange, the objects and locations involved, and any response to a limitation. When another basis is asserted, such as a warrant or a protective search, evaluate that basis independently.

New York City's Right to Know Act adds requirements for searches that depend on consent. Officers must explain that the search will not occur if consent is refused and must document the request; language access also matters. Identification and business-card duties apply in specified interactions. These local duties should be checked alongside constitutional and state-law rules. A policy violation is not automatically a suppression ruling. [6]

2.3 Worked consent comparison

Facts. Two officers with a supported level-two basis ask Rivera whether they may search a backpack. They leave the path open, explain the ability to refuse, use an interpreter Rivera understands, and record an affirmative response limited to the main compartment. One officer then opens a closed pouch inside after Rivera expressly objects.

Analysis. The prosecution has substantial evidence of a voluntary initial choice. Counsel should still examine the actual recording and the foundation for the inquiry. The express limitation creates a separate scope issue. An officer cannot treat the initial yes as unlimited permission; the closed-pouch search needs support within the consent actually given or a distinct lawful ground. A valid initial request does not answer that later question.

Changed fact. The officer first blocks Rivera against a wall and announces that refusal will lead to arrest, without a lawful detention basis. The voluntariness and taint problems now arise before the scope problem. The useful motion identifies all three questions rather than relying only on the fact that the officer failed to give a card.

2.4 Completed consent record and opposing analysis

Separate fictional bag encounter. At 14:10, an officer has observed a person repeatedly test a recently damaged warehouse lock and signal to someone behind the door. No detention has occurred; an open sidewalk route remains. At 14:11 an interpreter explains the request to search. The person agrees only to opening the large compartment of a backpack and expressly excludes the zipped inner pouch. The officer acknowledges that limit on the recording. This example assumes facts supporting the common-law inquiry; it does not decide whether those observations also justify detention.

Recorded exchange. Officer: "May I look inside the backpack? You can refuse." Interpreter translates. Person: "Only the large compartment. Do not open the small zipped pouch." Officer: "I understand. I will open the large compartment only." The officer then opens the inner pouch without further words, a warrant or any new observation supplying another exception. Counsel's completed log records the original language, interpreter identification, translation, exact limitation, acknowledgment and actual search. It does not reduce the evidence to "consented." [1, 5, 6]

Defense submission. "Even assuming a lawful inquiry and voluntary consent, the recording limits permission to the large compartment and expressly excludes the pouch.

No later consent or independent basis appears in the supplied record. Suppress the pouch contents as the product of the unauthorized intrusion.” The prosecution’s best response would identify a new, lawful source of authority or show that the alleged limitation was not communicated. Neither can be supplied by arguing that every backpack permission necessarily includes every container.

Changed fact: preceding coercion. Replace the open route with officers pinning the person against a wall and threatening detention until permission is given. The analysis now begins before the consent: was that restraint justified, and was the subsequent assent freely given and sufficiently separated from any illegality? Merely retaining the original sentence “You can refuse” does not erase the surrounding coercion. Packer concerns that causal and voluntariness problem; it is not simply a rule about using a better consent form. [5]

3. Leaving and pursuit

Flight may contribute to reasonable suspicion, but it is not an automatic promotion to the next level.

3.1 The error in a mechanical ladder

The recording repeatedly uses the idea that running raises the encounter by one level. That shorthand is legally misleading. In *Holmes*, the Court of Appeals held that flight combined with equivocal facts supporting a request for information did not justify pursuit. The defendant was talking with others near a known narcotics location and had an unidentified jacket-pocket bulge. These facts did not become reasonable suspicion merely because he ran. [7]

Holmes also recognizes the other branch: flight combined with specific circumstances indicating criminal activity can justify pursuit. Its discussion of *Martinez* identifies an observation of a person removing a Hide-a-Key box of the kind used as a drug stash. The officer's concrete observations change the analysis. A lawyer must examine what was seen, why it suggested crime, and whether the inference remained reasonable under the circumstances. [7]

Walking away is especially important to distinguish from flight. *Moore* rejects the reasoning that a person's effort to avoid a common-law inquiry automatically permits forcible detention. Otherwise, the right to leave a level-two encounter would have little substance. The prosecution may rely on additional facts, but the lawyer should identify those facts and their timing. [2]

3.2 Compare the competing accounts

Warehouse variant A. Rivera stands near a closed warehouse, glances toward a police car, and runs when an officer steps out. The report describes a high-crime area but no offense, entry, exchange, weapon, or particular suspect. The defense has a substantial argument under *Holmes* that the stated circumstances remain equivocal. A conclusory claim that Rivera was a lookout does not supply an observed act.

Warehouse variant B. An officer sees Rivera signal toward an open door while another person carries boxes through a freshly broken entrance; an audible alarm is sounding, and Rivera runs when the officer approaches. These specific facts support a materially stronger inference of participation in a burglary. The lawyer should test sight lines, ownership or permission, the timing of the alarm, and whether the officer actually perceived those facts before pursuing.

The comparison teaches both sides. Innocent explanations do not necessarily eliminate reasonable suspicion, which is less than proof beyond a reasonable doubt. Yet a prosecutor cannot replace individualized facts with a neighborhood label. An effective defense identifies the missing or contradicted inference, while a supported prosecution theory ties the inference to the particular person and event.

3.3 Property discarded during a chase

Abandonment is not a universal answer to an unlawful pursuit. Holmes upheld suppression where the relinquishment of a bag responded to the illegal chase. Ask when the pursuit began, whether it was justified, when the property was discarded, and whether the relinquishment was voluntary and sufficiently independent of any unlawful conduct. The physical recovery of the item after the chase does not resolve that causal sequence. [7]

A safety-oriented client conversation may discourage running because of physical danger and the possibility that conduct will be interpreted as threatening. That practical recommendation should not be presented as a concession that every person who runs has authorized a stop. The book's client guidance keeps the legal analysis and immediate safety advice distinct.

3.4 Completed pursuit comparison and stopping point

Supplied facts before pursuit	Completed conclusion	Evidence that could change it
A: daytime conversation near a suspected drug location, unexplained jacket-pocket bulge, walking away, then running as officers approach	Holmes supplies a close comparison: equivocal facts plus flight do not automatically establish reasonable suspicion. Investigate pursuit as the causal source of any discarded item.	An actual exchange observed before the chase, or another specific fact linked to a crime; not an improved description written afterward.
B: fresh broken warehouse lock, active alarm, person carrying labeled stock through the broken entrance, companion signaling, then flight	The observations make the inference materially more specific. A supported suspicion of burglary can justify pursuit; the legal argument cannot pretend B is A.	Whether Vega actually saw the broken entrance before pursuit, whether the alarm concerned that property, and whether the carried goods were recognizable.

Completed B interview note. “Client confirms carrying cartons from the doorway and running. Says owner authorized collection; supplies owner’s first name and text thread. Client cannot say what the officer heard over the radio. Investigator will preserve the complete thread and ask the owner about permission and access. Counsel will not allege that no goods were carried.” Actual permission may matter to guilt; if unknown to the officer it does not automatically negate otherwise reasonable contemporaneous suspicion. Conversely, permission communicated and credibly established before the chase must enter the analysis.

Abandonment variation. A packet dropped immediately during an unsupported chase presents a different causal question from a packet voluntarily left before any pursuit. State which chronology the evidence supports. If reliable video establishes the latter, withdraw the assertion that pursuit caused the discard and examine any remaining privacy or seizure issue on its own facts. A lawyer should stop asking a witness to agree that the discard followed pursuit once the authenticated record shows the reverse. [7, 20]

4. Frisk and arrest

A lawful stop does not, by itself, authorize an evidence search.

4.1 The independent safety question

Terry permits a carefully limited search for weapons when the circumstances justify a reasonable belief that the person is armed and dangerous. New York's CPL 140.50(3) addresses reasonable suspicion of danger of physical injury during a qualifying stop. Analyze the basis for the stop first and the weapon-related danger second. The same facts may support both, but both questions must be answered. [3] [8]

The episode suggests that a frisk requires both a violent-crime suspicion and an L-shaped bulge. Neither is a universal mandatory combination. A credible report of a recent armed assault, threatening movements, or particular observations may supply the safety basis without a visible L shape. Conversely, suspicion of a nonviolent offense does not automatically justify touching the person's clothing, and an ordinary pocket bulge may be an innocent object. Describe location, size, shape, conduct, and the officer's opportunity to observe.

The purpose limits the search. A protective pat-down is not general permission to empty every pocket. If an officer reasonably identifies a weapon, removal may be justified. Once the officer knows an object is not a weapon, continued manipulation to discover contraband raises a different problem. Dickerson recognizes a limited federal plain-feel doctrine but rejects continued squeezing or manipulation beyond a lawful weapons frisk; New York authority and the precise search must also be analyzed. [9]

4.2 A stop-and-frisk workup

Facts. An identified eyewitness reports a knife threat moments earlier, gives a specific description, and points to Rivera. Officers stop Rivera. One pats the outer clothing near the described knife location and feels a hard, narrow object consistent with a knife. Another officer immediately opens Rivera's wallet looking for drugs.

Analysis. The firsthand, particular report can support a stop, and the recent knife threat supports an independent danger assessment. The limited examination and removal of a suspected weapon may fit Terry. The wallet search has a separate defect: searching for drugs is outside the described protective purpose. If the prosecution asserts consent or search incident to arrest, establish when that authority arose and its scope. Calling everything a frisk obscures the issue that matters.

Changed fact. The officer admits the object felt soft and harmless but repeatedly kneaded it until identifying a packet. That testimony weakens the claim of a protective search. Obtain

the original video and ask where the safety concern ended and the evidence-gathering began. A lawful stop can coexist with an unlawful search.

4.3 Probable cause and later searches

Probable cause is a practical assessment of reliable facts and circumstances, not a courtroom calculation that an officer has reached a fixed percentage. The recording's probability shorthand should not become a numerical test. CPL 70.10(2) defines reasonable cause using facts or circumstances that collectively persuade a person of ordinary intelligence, judgment, and experience that it is reasonably likely an offense was committed and the person committed it. Evaluate the source and quality of those facts. [10]

Arrest and search remain distinct. A lawful arrest may support a search incident to arrest within the applicable doctrine; it does not authorize every search of every location, container, or electronic device. A search cannot be justified solely by an arrest that itself depended on the unlawful search. For this course, the essential work is to identify the proposed exception, its factual basis, and whether that basis existed before the challenged intrusion.

Firearms correction. The episode's brief contrast between New York City and Nassau County should not be read as a blanket prohibition on owning rifles or shotguns in the five boroughs. NYPD guidance states that, subject to limited exceptions, rifles and shotguns require a city permit and handguns require a license. The type of weapon, applicable permits, and location matter; "gun" is not a complete legality analysis. [11]

4.4 Completed two-search analysis

Separate knife-threat example. An identified victim points to a particular person and reports a just-made knife threat. Officer A lawfully detains that person, articulates the danger and feels an object with the apparent shape and rigidity of a knife during an outer-clothing pat-down. Officer B then takes a soft wallet from another pocket and opens every compartment, announcing a search for drugs. No arrest or other exception preceded B's action in this example.

Protective-search submission. A's actions have a particular safety foundation and a scope connected to that concern. B's action requires its own justification. Counsel should acknowledge the supported detention and weapons inquiry while challenging the wallet search. The apparent knife does not create an unrestricted license to search every container for evidence. If the People establish probable cause and a lawful arrest before B's search, analyze the applicable arrest-search rule and its limits; do not reuse a "no arrest" premise that the record disproves. [3, 8, 9, 10]

Completed cross segment. Counsel: "Before opening the wallet, had you felt any hard object inside it?" B: "No." Counsel: "Were you looking for a weapon?" B: "I was checking for drugs." Counsel: "Did the person give permission?" B: "No." Counsel: "Had Officer A

announced an arrest?” B: “Not yet.” Counsel stops here on the supplied record. Asking “So you knew your search was illegal?” invites a legal conclusion and adds nothing to the established purpose, scope and sequence.

Adverse answer. If B instead describes a rigid pointed object felt through the wallet, counsel tests where it was felt, what manipulation occurred and why it suggested a weapon. Counsel cannot continue arguing that B admitted a purely soft object. Dickerson’s federal plain-feel analysis also requires attention to whether incriminating character was immediately apparent during a lawful limited frisk or emerged only after further manipulation. It supplies no universal New York permission to squeeze objects until their contents become identifiable. [9]

5. Bias and the client account

Translate assumptions into questions that can be tested, while preserving the person's experience.

5.1 Ourlicht's account and the court's findings

David Ourlicht describes a Queens encounter involving an officer on a scooter, a claimed gun, a pat-down, a request for officer information, a more intrusive search, and a disorderly-conduct summons. He explains the incident as part of a longer history that shaped his decision to join Floyd. These are attributed recollections in the recording, including his view that the paperwork supplied a justification after the event.

The Floyd liability opinion separately contains findings about the January 30, 2008 encounter with Officer Moran. It recounts the initial questioning and pat-down, Ourlicht's recording of the officer's information, the arrival of backup, a pocket search, a summons and its dismissal. The opinion rejects the justification for the stop, first frisk and subsequent search. It also supplies details that differ from the abbreviated recorded retelling. Use the opinion for what the court found and the episode for what Ourlicht says; do not silently combine them into a single verbatim account. See opinion pp. 145–149, PDF pp. 148–152. [15]

For a new client, the legal task is to reconstruct the sequence without assuming either the officer's report or the client's legal conclusion is complete. Ask when the officer first mentioned a weapon, what part of the body was searched, what was removed, when identification was produced, and when any alleged disruptive conduct began. A later summons cannot itself establish the lawful basis for an earlier stop. Moore supplies the same timing principle in a different factual setting. [2]

5.2 Identify the inference that may carry bias

The episode connects perceived criminality with clothing, sneakers, music, neighborhood, and assumptions about who belongs in court or needs police assistance. The instructional point is not that every use of an appearance description is unlawful. A specific, reliable description of an actual suspect may include appearance. The error occurs when cultural affiliation or a broad racial category does the work that individualized evidence should do.

Recorded or reported label	Attorney's inquiry
Furtive movement	What body part moved, in what direction, for how long, and before or after which command?

Recorded or reported label	Attorney's inquiry
High-crime area	What crime, time period, geographic area, and connection to this person or event?
Matched the description	Which details were supplied before contact, how distinctive were they, and who else matched?
Looked like a criminal	What observable conduct is being described, and what innocent explanation was considered?
Uncooperative victim	Which question was unanswered, what language or trauma issue existed, and what assumption followed?

An attorney can introduce the same bias into a file. Describing a client as aggressive because the client questions authority, or assuming an attorney must wear a suit, can distort credibility assessment. Preserve exact conduct and words before using evaluative labels. Ask a colleague reviewing the chronology to identify any inference that depends primarily on clothing, race, accent, poverty, or neighborhood rather than an event-specific fact.

5.3 An interview that produces usable evidence

A client who has experienced repeated stops may recall an officer's threat vividly and struggle to place every event in order. Do not treat uncertainty as permission to supply an answer. Explain the interview's purpose, offer a break, ask whether an interpreter or other accommodation is needed, and begin with an uninterrupted account. Then return to specific time and place questions. Distinguish direct memory from something learned through a video, report, or family member.

Model exchange. "You said you felt trapped. Tell me what each officer was doing and where you could have walked." Follow with: "What did you hear before anyone touched you?" and "Is the order you described something you remember independently, or did watching the video help you place it?" These questions preserve the experience while developing facts relevant to seizure and consent. They are preferable to asking the client to agree that a level-three stop had already occurred.

Completed intake note. Rivera recalls an officer standing across the doorway and saying to stay. Rivera is unsure whether the second officer arrived before the command. A shop receipt places Rivera nearby at 7:28 p.m.; a companion may identify the arrival sequence. Counsel records the uncertainty, requests both officers' cameras, and seeks the shop recording. The note does not resolve the uncertainty by copying a police narrative.

5.4 Trust and participation are legal-work issues

Ourlicht describes why repeated police encounters can make seeking assistance or joining litigation difficult. A lawyer should explain the client's choices, the proposed use of an account, and who will receive it. Criminal defense, an administrative complaint, a damages case, and voluntary community feedback serve different purposes and may expose information to different audiences. Participation in one should not be presented as a condition of receiving help with another.

Discuss risks and benefits in the client's circumstances, including public exposure, time demands, safety concerns, and the interaction with a pending criminal case. Do not promise confidentiality for a statement sent to an outside organization merely because the lawyer's own interview is protected. Obtain informed direction before sharing identifying details. This practical approach addresses access to legal remedies while respecting the client's decision to proceed, defer, or decline.

5.5 Completed interview addendum: uncertainty is evidence

Confidential defense note, May 5, 2026 — fictional Rivera file. Interviewer: Jordan Ames, counsel. Rivera requests a short break after describing the pocket search; interview pauses and resumes at Rivera's request. No interpreter is requested after counsel asks about language and comprehension. Rivera recalls "Stay right there" before the hand movement but does not claim to have read a clock. The 19:32:10 estimate comes from later record comparison, not independent memory. Rivera cannot place Officer Ortiz's arrival confidently. Counsel will ask Lee separately and request Ortiz's camera, rather than propose an answer to Rivera.

Rivera describes fear of being struck if they moved, a prior unrelated stop and reluctance to give a public account. Counsel records those experiences without treating them as proof of Vega's intent. Rivera says the jacket and its right pocket were theirs and denies permitting a search. Counsel explains that a suppression affidavit may disclose facts and be challenged; Rivera reviews the proposed factual account and corrects "both officers blocked me" to "Vega blocked the opening; I cannot place Ortiz yet." The correction is retained in the interview history.

Completed decision. Pursue the criminal defense and preserve evidence now. Do not send identifying information to the community liaison yet. Revisit a limited referral after reviewing the recordings. This is a client choice, not a loss of eligibility for legal assistance. The completed later permission and summary appear in §10.5. Counsel separately evaluates civil and complaint deadlines; this note does not purport to calculate or preserve them.

5.6 Completed Ourlicht chronology with source limits

This reconstruction uses the court's findings about January 30, 2008. It is separate from Ourlicht's recorded recollection and from the fictional Rivera file. The opinion's printed page numbers differ from the PDF viewer by three pages. [15]

Court source	Completed sequence	Evidentiary use and limit
Opinion 145–146; PDF 148–149	Ourlicht, then a student, walks toward a deli. Moran approaches by scooter, asks about his presence and destination, then identification. Ourlicht questions the basis; Moran asserts a possible gun and pats the waist.	Fix the asserted basis before the frisk; do not use later frustration as an earlier predicate. The court credits that Ourlicht was not disorderly during the initial stop.
Opinion 146; PDF 149	Ourlicht offers identification after the gun assertion, then asks to record Moran's information and explains reaching for pen and paper.	Distinguish an explained movement to document the encounter from an unsupported shorthand about a threatening reach.
Opinion 147; PDF 150	Backup arrives. Officers search the jacket and jeans pockets; Moran issues a disorderly-conduct summons. It is later dismissed.	Identify the second search separately. Dismissal is part of the history, not by itself the rule deciding the earlier stop's legality.
Opinion 148; PDF 151	Moran's stated blading/bulge basis and sparse contemporary records are evaluated; the court finds insufficient individualized suspicion.	Compare the asserted observation with the notebook and contemporaneous record, rather than infer a justification from the ultimate paperwork.
Opinion 149; PDF 152	The court finds the first frisk unreasonable and the later pocket search independently unjustified after the first search found nothing.	Even a hypothetical valid first frisk would not resolve the later search; analyze each intrusion and its then-existing predicate.

Completed case-use note. This decision demonstrates why preserving the notebook description, initial report, sequence and exact later conduct matters. The book does not assert that every irritated response is legally irrelevant or that a summons always proves retaliation. It identifies the findings this court made on this record and the investigative questions those findings teach a lawyer to ask in a new matter.

6. Tips and descriptions

Reliability about alleged wrongdoing matters as well as the ability to identify a person.

6.1 Separate the questions

The episode introduces basis of knowledge and reliability through a 911 example. Ask how the caller knows the asserted fact, whether the account is firsthand, when the event occurred, how the caller can be held accountable, and what the police corroborated. A caller who reports seeing a weapon is different from someone repeating an unidentified neighbor's rumor. A description can accurately locate a person without establishing that the person committed a crime.

New York retains Aguilar–Spinelli analysis for probable cause based on informant information. The federal probable-cause approach under Gates uses the totality of circumstances. For reasonable suspicion, the Court of Appeals clarified the rule in *Leighton R.*, 45 NY3d 266 (2025): evaluate whether the anonymous tip is sufficiently reliable under the totality, allowing for the lesser showing required for reasonable suspicion. Reliability and basis of knowledge remain relevant; they are not erased. [12]

Leighton R. concerned an automobile stop following a contemporaneous anonymous 911 report by an asserted shooting victim. Police promptly corroborated the vehicle, occupants, and location. The court upheld the stop and explained that predictive information is not invariably necessary. Under that later decision, reliability must be assessed from the full circumstances known at the intrusion. Moore remains important for the unsupported gunpoint stop and the inability of later conduct to cure its inception. [2, 12]

2026 written-law update. *People v. Martinez-Jaquez*, 248 AD3d 418 (1st Dept 2026), illustrates a limit on *Leighton R.* An officer relied on a radio report that a car had been stolen and was being tracked, but the hearing supplied no source for either assertion. A matching car and ordinary conduct near its trunk did not establish reliability about the alleged crime. The officer confirmed the identifying plate information only after the gunpoint stop. The court suppressed the resulting evidence and distinguished the contemporaneous 911 victim report in *Leighton R.* For the Rivera file, obtain the call, dispatch source and tracking foundation and establish when corroboration reached the officer. Detailed identification cannot substitute for proof supporting the allegation of wrongdoing. [41]

6.2 Work the episode's corner example

Bare report. An anonymous caller says a man in dark clothes at a particular corner has a gun. Officers find three people in dark clothes, observe no dispute, and have no information about how the caller knows. A callback adds only a backward red-and-black cap. That detail may narrow identification, but it does not by itself establish reliability about criminal conduct. The officer cannot simply declare level three because the description became longer. [2] [12]

Stronger report. A caller says, “I am across the street; that person just pointed a pistol at me,” gives a precise location and description, and continues reporting contemporaneous movements that officers observe. Those facts provide a stronger basis of knowledge and means of testing the report. The lawyer should obtain the actual call and dispatch sequence, not rely solely on a summary that says “anonymous gun run.” Leighton R. supports attention to contemporaneity, the reporting system, corroboration, and facts known at the intrusion. It does not make all 911 allegations reliable.

Contradictory information. If dispatch learned before the stop that the caller admitted guessing, that information may materially change the analysis. If a contradiction emerged only afterward, distinguish its relevance to continued detention from its effect on the initial stop. Counsel must determine what information was communicated and what the collective-knowledge argument actually establishes; the time line cannot be assumed.

6.3 Test particularity without racial substitution

The faculty’s example of common clothing makes a practical point: a description that fits many people has limited identifying value. Record the relevant location, elapsed time, direction of travel, distinctive features, and number of plausible matches. Do not treat the racial component of a vague description as an independent suspicion of criminality. The NYPD’s court-ordered policy limits use of race, ethnicity, or national origin to a specific and reliable suspect description. [15] [19]

Changed-description exercise. Three people on a busy block wear black sneakers and dark hoodies. A report gives only those features and a broad age range. Add a distinctive torn yellow backpack, a reported direction of travel, and a contemporaneous eyewitness identification. Explain which additions improve identification and which improve reliability about the offense. The backpack helps select a person; the eyewitness account supplies a basis for believing a crime occurred. Keeping those functions separate prevents stereotyping from filling an evidentiary gap.

6.4 Completed tip analysis: the missing assertion matters

R-1 assessment. The base caller reports a person in dark clothes with a gun but supplies neither an observed threatening act nor how the caller knows. Officers see no dispute. The dispatch provides a location and a broad appearance description; three people nearby fit it. This record differs materially from Leighton R.’s asserted immediate victimhood, rapid corroboration and vehicle/location sequence. Matching clothing helps identification but supplies little reliability about wrongdoing. The defense requests the original call and all subsequent communications to test whether the summary omitted stronger facts. [2, 12]

Changed R-1 B. Before the doorway restraint, the dispatcher relays a continuous 911 call: “He just pointed a pistol at me; he is entering the recessed shop doorway, yellow bag with a torn left strap.” Officers see that movement and bag. A prompt report by the claimed victim with observed corroboration materially strengthens reasonable suspicion. Counsel should withdraw the statement that the police had only an unexplained gun rumor. The defense still examines the actual reliability, source and timing; a supported initial stop does not automatically authorize Ortiz’s later evidence search.

Changed communication. Suppose an operator learns at 19:32:05 that the caller never saw a gun and merely repeated a social-media rumor. If Vega receives the correction before restraint, the defense must include it in the known-facts column. If the correction is not transmitted, obtain the communications chain and litigate the asserted knowledge and reliance; do not simply attribute every fact anywhere in the system to every officer. Leighton R. itself distinguishes information learned before a stop from later developments. The same factual precision can strengthen or weaken the defense.

7. Building the evidence record

Video, dispatch, reports, and interviews should be compared against the same chronology.

7.1 Preserve the material that can answer the question

Request the complete recordings for all involved officers, native files where available, metadata, activation records, dispatch and 911 audio, event logs, stop reports, contemporaneous notes, property vouchers, and relevant civilian video. Preserve the client's original file and document who supplied it. Work from a copy; keep edits and annotations distinguishable from the original. A social-media clip may omit the approach or change playback speed.

Use the criminal discovery process when defending a pending case. Public-records requests and a community report serve different functions and should not replace required motion practice. CPL 245.20 addresses automatic disclosure of relevant material, including electronic recordings. Tailor a missing-material request to the event and explain why it affects a concrete issue. If something does not exist, seek a clear response about the search performed and the explanation for its absence. [13]

7.2 Understand the silent opening segment

The NYPD's February 4, 2026 BWC policy describes a 60-second video-only pre-event buffer while the camera is powered. Activation saves the preceding buffered video and begins audio-video recording. A shorter or missing buffer can occur if the camera was just powered on or reactivated soon after an earlier recording. The policy says recordings cannot be paused or muted, only stopped. This supports the episode's core explanation while requiring attention to the particular device and event. [14]

A silent opening minute is therefore not, by itself, evidence that the officer deleted sound. Nor does an intact later recording prove that the officer activated the camera when required. Obtain the applicable operational policy and event data before drawing that conclusion. The camera's position, lighting, field of view, obstructions, and distance can also differ from the officer's sight line. "Not visible in this frame" is narrower than "could not have happened."

Rivera source file – work the records before the solution

This is a supplied editorial simulation, not a real police file. Names, device identifiers, docket, statements and records are invented. The descriptions below are the complete evidentiary inputs for this exercise; no inaccessible video is required. They describe what assumed native recordings show and their limits. All displayed times are local New York time on May 1, 2026, already converted from any stored UTC. Do not apply an additional time-zone correction.

R-1 – dispatch and original-call extracts

CAD 19:31:40. Dispatch: “Anonymous report, person in dark clothes, possible gun, outside the corner shop.” Original call contains no account of a threat, shooting, basis of knowledge, name or reliable callback. No predictive movements are given. The caller disconnects. Three people near the corner wear dark clothing. No dispute is visible on arrival. These are the base facts; the stronger R-1 B in §6.4 is a separate branch.

CAD 19:33:30. Vega: “Unit 14, one in custody.” No supplemental source information precedes the stop in the supplied base log. A reviewer still checks the complete call and dispatch file in an actual matter; a short extract does not establish that nothing else existed.

R-2 – device event and clock record

Vega camera V14 was powered continuously from 18:00. Its event button was pressed at display time 19:32:42, saving 60 seconds of preceding video only. Audio starts at that activation. The retained file ends at display 19:35:37. The exercise’s independently verified clock-audit record shows that throughout 19:30–19:36, the camera display is seven seconds ahead of the CAD clock; no intervening correction occurs. Shop camera S1 is twelve seconds behind CAD throughout that same interval. Audit checks before and after the interval agree within one second. Do not generalize these offsets to another day or device.

Ortiz’s camera O22 begins at display 19:33:17, aligned with CAD with no measured offset. Its event history shows power-on at that time. No pre-event image is available from O22. The absence therefore cannot establish what Ortiz did earlier. Whether this activation complied with operational requirements remains a separate question.

R-3 – Vega camera observations, uncorrected display times

Display time	Supplied image or audio description
19:31:42	First retained frame; camera moving toward the shop. Video only.
19:32:17	Vega steps across the 0.9-meter opening of the recessed doorway; Rivera stops moving toward the sidewalk. No sound.
19:32:25	Rivera's right hand moves toward the jacket pocket. The camera first gives a clear view of that hand at this point. No sound.
19:32:42	Audio begins: Vega says, "Keep your hands where I can see them." An outer-clothing pat-down follows.
19:33:12	Ortiz reaches into the right pocket and removes an opaque soft packet, then opens it. Rivera says, "I did not say you could search."
19:33:17	Rivera is handcuffed. No gun or knife has been recovered.
19:35:17	Vega asks, "Why did you have cocaine?" Rivera answers, "I did not know it was in there." No warnings appear in the full supplied encounter recording.

R-4 – shop recording and physical layout

Shop S1 is video only. At its display time 19:31:58, Vega fills the doorway opening, with Rivera behind and the wall and fixed display cabinet on either side. The usable opening measures 0.9 meters in a later investigator survey; the shopkeeper verifies the fixed layout was unchanged. At 19:32:06, Rivera's hand moves toward the pocket. At 19:32:53, Ortiz removes the packet. The frame shows positions and sequence, not spoken words or the packet's contents while it remains in the pocket. The camera does not give a clear continuous view of Rivera's right hand before Vega enters the opening.

R-5 – independent accounts

Rivera, May 5 interview. "I was waiting for Lee. Vega stood across the only opening and said, 'Stay right there.' Then I moved my hand toward my phone. I stopped when told. I did not consent to a search. The jacket and pocket were mine. I cannot say exactly when the second officer arrived." Rivera describes the words from memory; clock times are counsel's reconstruction.

Lee, May 6 interview. "I was about two meters away, facing the doorway. I heard 'Stay right there' while Vega stood across it. Rivera then moved a hand toward the jacket. I watched the doorway continuously, but I was not concentrating on Rivera's hand before the command. I could not see what the second officer felt inside the pocket." Lee is Rivera's friend; no clock was consulted. The relationship and limits are recorded, not hidden.

R-6 – officer account and statement notice

Vega’s May 1 report. “Subject matched the dark-clothing description. He reached toward his jacket as I approached. I positioned myself for safety. Conversation was voluntary; I did not order him to stay. Ortiz recovered a packet during the frisk.” The report gives no separate time for the claimed earlier reach. Vega later says that reach preceded the part of the recording with a clear view of the hand. The supplied records do not conclusively disprove that claim.

Ortiz’s May 1 report. “I felt a soft packet in the right pocket and removed it to check for drugs.” No consent, hard object, visible contents or pre-removal arrest is asserted. The CPL 710.30 notice served May 2 identifies Rivera’s quoted 19:35:10 CAD-time answer to Vega and announces intended use at trial.

R-7 – property and procedural extracts

Voucher P-01 records one opaque soft packet removed from Rivera’s jacket. The laboratory later reports cocaine. The tangible-property list identifying P-01 and intended trial use was first served May 18. The prosecution alleges a drug-possession offense in the teaching case. No weapon is recovered and no other item supplies pre-search probable cause in the base file. Arraignment and counsel’s first appearance occur May 2. The packet’s contents and the later laboratory result are not information known before its removal.

R-8 – completed preservation trail

May 4: counsel sends a case-specific preservation and discovery request for V14/O22 originals, event histories, audit records, the full 911/CAD material, notes, voucher and all encounter recordings, identifying May 1, 19:25–19:40 and the doorway. May 5: investigator obtains the shopkeeper’s written agreement to preserve S1 and exports the complete interval with its metadata. May 11: prosecutor supplies the police recordings and logs; counsel retains the supplied originals unchanged and reviews copies. May 12: investigator documents the clock offsets and source of verification. May 18: object list is received and the deadline diary updated. June 1: follow-up seeks an explicit response on any other officer/civilian recording and the late O22 activation. Response confirms no further recording located after the described case-file search; counsel retains the unresolved possibility of other sources rather than writing “no other recording exists.” [13, 14]

Reader task – pause before §7.3

Normalize each display time, identify the earliest supported restraint and list which words the recordings can prove. Determine whether the visible hand movement preceded the blockage; then explain why that answer does not necessarily disprove Vega’s claim of another movement. Prepare one foundation question, one impeachment question, one question testing Ortiz’s search purpose and a stopping point if the adverse answer is credible. The worked chronology and completed examination follow.

7.3 Completed Rivera chronology

This fictional sequence is used to practice analysis. It is not a faculty case account. Assume the original files have been preserved; timestamps below have been synchronized against the dispatch log.

Time	Evidence and legal significance
7:31:40 p.m.	Dispatch relays an untested anonymous report of a person in dark clothes with a gun. No basis of knowledge is supplied.
7:32:10 p.m.	Camera shows an officer blocking Rivera's path. Rivera and a civilian witness recall a command to stay; the buffer has no audio. This is the disputed beginning of detention.
7:32:18 p.m.	Video shows Rivera's hand moving toward a pocket after the officer has blocked the path. The meaning of that movement remains disputed.
7:32:35 p.m.	Audio begins. Officer says, "Keep your hands where I can see them." A pat-down follows.
7:33:05 p.m.	A second officer empties a pocket and recovers a packet. The report later describes the recovery as part of a frisk.

Supported assessment. The stop's timing must be resolved before the hand movement is used as justification. The silent buffer does not disprove the command. The blocked path, testimony, and other camera angles may establish restraint. Even if a lawful stop is found, counsel must separately test the frisk's safety basis and the pocket search's purpose and scope. The packet cannot retroactively supply reasonable suspicion.

7.4 Focus the examination

Establish the officer's position, what the officer knew from dispatch, and what was observed before blocking the path. Then fix the sequence before confronting the report: "The movement you described occurs after you step across the doorway, correct?" If the witness disagrees, identify the precise frame and let the witness explain. Avoid asking the witness to adopt a legal conclusion before the factual conflict is clear.

For the search, ask what the officer felt, why it suggested a weapon, whether the object was manipulated, and what prompted entry into the pocket. Identify whether the witness refreshed memory using footage or a report and whether the report predates that review. Present the contradiction accurately, including any explanation that weakens the defense theory. A reliable chronology can support a motion or show why a proposed argument should be abandoned.

7.5 Completed synchronization and proof assessment

Camera-to-CAD conversion is **V14 minus seven seconds**; shop-to-CAD conversion is **S1 plus twelve seconds**. V14's first frame is 19:31:35; its audio begins 19:32:35. Both independent image sequences place blockage at 19:32:10, visible hand movement at 19:32:18 and packet removal at 19:33:05. O22 starts at 19:33:17, after the removal. The two camera displays differ by nineteen seconds; that is a clock difference, not a nineteen-second disagreement about the event.

The alignment depends on the supplied audit's stable-offset finding. A single undated screenshot would not justify that precision. With up to one second of calibration uncertainty, the eight-second gap between blockage and the visible reach still has a clear order. If uncertainty grew to ± 6 seconds independently for each source and no shared-frame sequence remained, precise cross-device ordering would be unsafe. Within V14, the displayed sequence itself still places the visible reach after blockage; clock correction is chiefly necessary for comparison with other sources.

Completed proof conclusion. R-3 and R-4 corroborate positioning and the later visible movement. R-5 supplies the disputed command. They do not prove every word, Vega's entire pre-camera view or Ortiz's tactile perception. Ortiz's own R-6 description supplies the evidence-search purpose. R-3 places the statement at 19:35:10 CAD, two minutes after handcuffing, in response to a direct question with no warnings in the supplied record. The motion separates that statement issue from the earlier search issue.

7.6 Completed foundation, examination and adverse-answer branch

All dialogue is a teaching sequence, with hypothetical answers and rulings. It demonstrates the supplied file rather than reporting an actual hearing.

Foundation. Counsel to investigator: “Which files did you receive?” Answer: “The complete V14 and S1 interval, their export metadata and the clock-audit record identified in R-8. I retained those originals and worked on copies.” “What correction did you make?” “Seven seconds subtracted from V14; twelve added to S1, for this verified interval only. The displayed originals remain unchanged.” “Does the chart claim to reproduce missing sound?” “No.” Counsel offers the chronology as a demonstrative tied to the authenticated recordings and audit. Prosecutor objects that it resolves the command. Counsel: “The words are separately attributed to R-5, not to either silent recording.” Court: “Received only as a comparison aid; witness credibility remains for decision.”

Exchange	Answer or ruling	Purpose and limit
Vega, the initial dispatch gave dark clothing and a possible gun, without how the caller knew?	Yes.	Fix the base report; allow correction if complete audio says more.
At V14 19:32:17 you are across this doorway opening?	Yes, but Rivera could have passed me.	Preserve the adverse explanation rather than substituting a concession.
The fixed wall and cabinet leave this 0.9-meter opening?	Yes.	Test usable exit space through the supplied survey and images.
The hand movement visible at 19:32:25 follows your step across?	Yes.	Establish only the visible sequence.
Your report says the reach occurred as you approached; is this the reach you meant?	No; I saw an earlier reach before that angle shows the hand.	Do not falsely claim that the video disproves an unseen event.
What did you see during that earlier reach?	A hand entering the coat; I saw no object.	Obtain particulars instead of debating a legal conclusion.
Where is that earlier reach separately timed or described in your report?	It is not separately timed; “as I approached” refers to it.	Omission bears on weight, not automatic fabrication.

Exchange	Answer or ruling	Purpose and limit
You agree your stop was illegal?	Objection: legal conclusion. Sustained.	Counsel stops seeking a legal concession and returns to facts.
Ortiz, your report says a soft packet; any hard shape suggesting a weapon?	No.	Test independent search scope.
Why did you remove it?	To see whether it contained drugs.	Establish the stated purpose, then stop on this record.

Completed revised submission. “The images establish the later visible reach after blockage. They do not resolve Vega’s claimed earlier reach; the court must assess that testimony against R-5, the report’s lack of separation and the actual view. If the court credits a sufficient earlier danger and lawful stop, our inception argument narrows. Ortiz’s own account nevertheless describes opening a soft concealed packet for drugs, without consent, a hard object or a preexisting arrest. That separate search issue remains.” If a reliable new record shows probable cause and arrest before the removal, counsel must analyze that new basis rather than repeat the old sequence. [2, 3, 8, 9, 17]

8. Suppression practice

Match the evidence and alleged violation to the motion, burden, and requested relief.

8.1 Select the issues and obtain a hearing

A Mapp hearing concerns suppression of physical evidence; Dunaway issues concern the legality of detention or arrest and resulting evidence; Huntley concerns statements; Wade concerns identification procedures. These labels can overlap in one case. “Dunaway” does not simply mean that the defendant possessed a gun or drugs. Identify the evidence, the challenged conduct, and the ground under CPL 710.20. [16]

A hearing is not automatically granted because counsel writes “warrantless.” CPL 710.60 generally requires written grounds and sworn factual allegations, including sources and grounds for allegations on information and belief. Mendoza directs courts to assess sufficiency in light of the allegations, the prosecution’s position, and the defendant’s access to information. The statute contains exceptions to the factual-pleading requirement for specified statement and identification grounds. Plead the client’s own seizure or protected interest where required; do not assume a challenge to another person’s property is available. [17] [20]

A warrant changes the issues but does not eliminate every challenge. Counsel may examine the warrant’s scope, execution, probable-cause basis, and a properly supported claim of material falsity or omission. Under Franks, a challenge to an affiant’s truthfulness requires a substantial preliminary showing of a knowing or reckless false statement necessary to probable cause; mere disagreement or negligence is insufficient. Material-omission and state-law challenges require their own supporting authority and factual showing. [35] The episode’s suggestion that a prior judicial signature generally skips the hearing should not become a categorical rule. [16] [17]

8.2 Calendar the actual statutory sequence

CPL 255.20 generally requires pretrial motions within 45 days after arraignment and before trial, subject to its extensions and qualifications. Specified disclosure or notice under CPL 245.20(1)(m) or (n), 700.70, or 710.30 extends the period to 45 days after the last relevant service. Requested adjournment to obtain counsel can affect when the period begins. The court may set additional time, and subdivision (3) addresses grounds that could not with due diligence have been raised earlier and other good cause. [21]

Calendar application. Identify the last service that actually falls within CPL 255.20’s listed triggers. CPL 245.20(1)(m) concerns the tangible-object list and (n) concerns search-warrant material. Ordinary identification-procedure disclosure does not become paragraph (n); a notice actually served under CPL 710.30 may be a listed trigger. Retain proof, check court scheduling and apply the time-computation rules. The dated completed file in §8.6

calculates both the base deadline and a weekend variation. A later ordinary body-camera delivery does not automatically restart the period; seek supported relief for newly discoverable grounds or good cause when necessary. [13, 21, 38, 39]

8.3 Correct the burden shorthand

At a New York physical-evidence suppression hearing, the People have the initial burden of going forward to show the legality of police conduct, and the defendant ordinarily bears the ultimate burden of proving illegality by a preponderance of the evidence under Berrios. Specific issues impose different burdens: the People bear the heavy burden of proving voluntary consent, and the People must establish statement voluntariness beyond a reasonable doubt at a Huntley hearing. [36] The recording's general claim that every warrantless hearing shifts a preponderance burden to the prosecution is too broad. [5] [22]

Keep four stages separate: standing or the right to assert the violation; factual allegations sufficient to require a hearing; production of evidence at that hearing; and the ultimate persuasion standard for the particular issue. A motion can fail at one stage even though counsel can state a persuasive abstract rule. Hearsay is admissible to establish a material fact at a CPL 710.60 hearing, but its use does not remove the need to test the reliability and factual foundation of the asserted police knowledge. [17]

8.4 A model motion excerpt with reasons

Teaching excerpt, requiring case-specific support. “Rivera moves to suppress the packet recovered from Rivera’s pocket and statements identified in the People’s notice as products of an unlawful detention and search. Based on Rivera’s account, the identified civilian witness, and the attached synchronized video chronology, an officer blocked Rivera’s only open route and ordered Rivera to remain before the later visible hand movement. Vega separately alleges an earlier reach that the available camera angle does not conclusively resolve; Rivera disputes that account. The disclosed dispatch contained an untested anonymous allegation and a generic clothing description. The defense disputes that police had reasonable suspicion at the inception of the detention and separately disputes the basis and scope of the protective search. Rivera requests a hearing to resolve those factual disputes.”

Why it works. The excerpt identifies evidence, legal grounds, factual sources and the disputed sequence while preserving the independent search issue. Sections 8.6–8.11 complete the calendar, notice, sworn support, exhibits, memorandum, service record and proposed hearing order. The complete packet identifies the protected interest and separates the statement ground. Counsel describes missing information honestly instead of swearing that undisclosed evidence cannot exist.

Prosecution response and next step. Suppose the People produce a recorded, contemporaneous eyewitness report communicated before the stop. Counsel must revise

the anonymous-tip premise, assess whether that report supplies reasonable suspicion, and retain the distinct scope challenge if supported. A stronger stop basis does not automatically validate emptying the pocket. Revise factual assertions that the new evidence disproves and explain which supported challenges remain.

8.5 Relief depends on the connection to the violation

Identify the causal path between unlawful conduct and each item of evidence. Attenuation, independent source, and other exceptions may matter; state and federal approaches are not always identical. For a statement following an illegal arrest, *Brown v. Illinois* requires attention to temporal proximity, intervening circumstances, and the purpose and flagrancy of the misconduct. Miranda warnings alone do not break the causal chain. A statement ten minutes after an unsupported arrest, while the person remains continuously restrained and without a meaningful intervening event, presents a materially different attenuation argument from a later voluntary return after release. The actual circumstances control; elapsed time alone is not a cure. [37]

An independent-source theory requires an actual lawful source independent of the illegality. Obtain its chronology and supporting records rather than accept a claim that police could have obtained the same evidence. In *People v. Gethers*, the immediate confirmatory identification following an unlawful arrest was a product of that arrest and had to be suppressed. The separate in-court identification also required evidence of an independent source at the suppression hearing; the officer's training did not itself supply one. The case illustrates why counsel must identify the source and causal path for each item of evidence. [42]

If a gun essential to a possession prosecution is suppressed, the prosecution may be unable to prove that charge. Suppression does not itself adjudicate every count or automatically dismiss a case. Counsel should identify the remaining admissible evidence, request the appropriate relief, and preserve the ruling and objections for review. Keep the motion's actual remedy separate from the episode's shorthand that the whole case is necessarily gone.

8.6 Completed statutory calendar and filing decision

The following dates govern only the fictional Rivera case. The court's assumed June 15 scheduling direction permits personal delivery of motion papers to the assigned prosecutor's office and filing with the clerk; it fixes July 9 at 9:30 a.m. for argument, with opposition July 6 and reply July 8. This supplied direction establishes the exercise's method and return date. It is not a claim that every court accepts the same service method or timetable.

Event and proof retained	Computation or action	Result
May 2, 2026: arraignment, counsel appears, statement notice served; minute entry and notice receipt	Exclude May 2. Add 45 calendar days.	June 16 ordinary date on these facts.
May 11: BWC and dispatch delivered; discovery receipt	Record receipt, review promptly. Video delivery under paragraph (g) does not alone invoke the listed (m)/(n) trigger.	Do not invent a new automatic 45-day period.
May 18: first tangible-object list under CPL 245.20(1)(m); prosecutor's transmittal and receipt	Thirteen days remain in May after May 18; plus 30 in June and 2 in July = 45.	Extended deadline Thursday, July 2.
June 25: counsel checks sworn allegations, complete attachments and service direction	Internal completion date precedes the statutory deadline.	Missing material pursued without delaying the supported motion.
June 30: personal delivery and clerk filing completed	Retain acknowledged service copy and file-stamped duplicate.	Timely under the supplied dates; return July 9 precedes trial.

Why the label matters. CPL 245.20(1)(m) concerns the tangible-object list; paragraph (n) concerns search-warrant material. Identification-procedure discovery does not become paragraph (n) merely because it is important. An identification notice actually served under CPL 710.30 can be a specified trigger. Identify the statutory source and actual service, not simply "identification discovery." CPL 255.20 also addresses counsel adjournments, court-set time and later grounds. [13, 21]

Weekend variation. If the first and last qualifying object-list service is May 20 rather than May 18, day 45 is Saturday, July 4. General Construction Law §§20 and 25-a exclude the starting day and carry this statutory last day to Monday, July 6, absent another controlling provision or order. June 30 filing remains timely. [38, 39]

Late-video variation. A newly located clip arrives July 10, after the base July 2 deadline, showing a material pre-stop exchange never previously disclosed despite the May 4 and June 1 requests. Counsel applies promptly under CPL 255.20(3), attaching those requests, July 10 receipt and an explanation of the new ground and inability to raise it earlier with diligence. The application does not simply add 45 days because a video arrived. The statutory duty to consider qualifying genuinely new grounds differs from discretionary consideration of other late motions for good cause. [21]

8.7 Completed notice of motion

Criminal Court of the City of New York, County of Queens

People of the State of New York v. Alex Rivera — Teaching Docket EDU-2601

Notice of motion to suppress; alternative request for evidentiary hearing

Please take notice that on July 9, 2026 at 9:30 a.m., in the assigned teaching motion part, defendant Alex Rivera, through Jordan Ames, will move under CPL 710.20(1),(3),(4) and 710.60 for suppression of the opaque packet and its contents identified as P-01, and Rivera's statement at 19:35:10 on May 1 identified in the People's May 2 notice. Defendant challenges the detention's inception, the protective search's basis and scope, and custodial interrogation without warnings. Defendant requests summary relief if legally sufficient material facts are conceded, or otherwise a Mapp/Dunaway/Huntley hearing on the disputed issues identified below, followed by findings and conclusions on each ground.

The motion relies on Ames's affirmation, Rivera's and Lee's sworn accounts, Exhibits A-F below, and the memorandum. It does not seek a Wade hearing without a disputed identification procedure or dismissal of every charge merely because suppression is requested. The supplied scheduling direction controls notice and service. Dated June 30, 2026. **Jordan Ames, attorney for defendant (fictional signatory).** To the assigned prosecutor and clerk in Teaching Docket EDU-2601.

8.8 Completed counsel affirmation and exhibit schedule

Jordan Ames affirms: I represent Rivera and appeared at the May 2 arraignment. My knowledge of court appearances, service and receipt comes from my own participation and the retained records. My account of the street encounter is on information and belief from Rivera’s May 5 interview, Lee’s May 6 interview, their attached sworn statements, and my review of the recordings and reports in Exhibits A–D. I did not witness the encounter. The sources agree on some facts and conflict on others as expressly identified.

The last specified triggering service in this file is the May 18 tangible-object list, Exhibit E. This June 30 motion precedes July 2 and trial. The June 15 scheduling direction is Exhibit F. Proof of service will be filed separately after delivery; the completed sequence appears in §8.11. Police disclosed the initial recordings May 11. Our May 4 and June 1 requests sought the complete source material, including Ortiz’s event history. I do not assert that undisclosed evidence cannot exist.

Rivera identifies the jacket and pocket as theirs and alleges an actual seizure of their person and search of that pocket. Rivera denies consenting, threatening anyone or making the alleged earlier reach before Vega blocked the opening. Lee corroborates the command but did not continuously watch the hand beforehand. Vega denies the command and alleges an earlier reach; that material conflict cannot be erased by the chart. The chart establishes the later visible sequence within its stated calibration limits.

Ortiz describes a soft packet removed to check for drugs. Nothing in the disclosed base account supplies consent, a weapon-shaped object, visible contraband or an arrest supported independently before removal. Rivera was then handcuffed and answered Vega’s direct question; the supplied full encounter recording contains no warnings. These facts support the separate search and statement grounds even if the court rejects part of the inception theory. I request the specified hearing and relief, and preservation of the underlying recordings and event data pending determination.

I affirm this 30th day of June, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

Jordan Ames — fictional teaching signature. The affirmation language follows CPLR 2106; an actual submission must be executed by its real declarant on supportable facts. [17, 40]

Attached exhibit	Supplied contents and locator	Purpose
A	R-1 full teaching dispatch/call extracts and R-2 event/clock record, Chapter 7	Facts relayed before contact and calibration basis.

Attached exhibit	Supplied contents and locator	Purpose
B	R-3/R-4 complete teaching frame descriptions; §§7.3, 7.5 comparison	Positions, visible sequence, audio limits; chart is demonstrative.
C	Rivera and Lee declarations in §8.9, grounded in R-5	Firsthand restraint, consent and search facts; limits retained.
D	R-6 Vega/Ortiz reports and noticed statement	Conflicting sequence, search purpose and proposed statement evidence.
E	R-7 voucher/object list; May 2 statement notice in R-6; §8.6 receipt dates	Identify evidence and actual timing triggers.
F	§8.6 assumed June 15 scheduling direction	Return date and authorized exercise procedure; later service proof is separate.

The written contents of these fictional exhibits appear at the named locators. In an actual motion, annex the authenticated files, sworn statements and receipts that support the allegations. The teaching record supplies written descriptions of recordings; it does not include playable video files.

8.9 Completed supporting declarations

Alex Rivera, sworn teaching declaration, June 29, 2026. I am the defendant in EDU-2601.

On May 1 I was waiting for Lee in the recessed shop doorway. The jacket I wore and its right pocket were mine. Vega stood across the only opening and told me to stay there. I stopped. I deny reaching into the jacket before that command and blockage. Afterward I moved my hand toward my phone, then stopped when directed. I did not threaten anyone or display a weapon. I did not agree to a search.

A second officer put a hand into my right pocket and removed a packet. I said I had not agreed to the search. I cannot say what that officer felt. I was handcuffed and remained with the officers. Vega asked why I had cocaine, and I answered that I did not know it was in there. No one gave me warnings before that question in this encounter. The times in counsel's chart come from recordings, not from my looking at a clock. I am uncertain when the second officer first arrived. I have reviewed this declaration and the distinction between my memory and counsel's time reconstruction.

Fictional execution: Alex Rivera signs June 29, 2026 in Queens County; sworn before Morgan Hale, notary public, on that date. These invented execution facts complete the teaching specimen; they are not an actual oath, notarization or reusable proof of execution.

Jamie Lee, sworn teaching declaration, June 29, 2026. I am Rivera's friend and was about two meters from the doorway on May 1. I heard Vega say to stay and saw Vega across the opening, with Rivera behind. I then saw Rivera's hand move toward the jacket. I did not consult a clock. I watched the doorway, but I was not continuously focused on Rivera's hand before the command, and cannot exclude every earlier movement. I could not see what Ortiz felt inside the pocket. I did not hear Rivera agree to a search during the portion I observed. My friendship is the only relationship described here; I have not been promised payment for my account.

Fictional execution: Jamie Lee signs June 29, 2026 in Queens County; sworn before Morgan Hale, notary public, on that date. Counsel preserves the original interview's uncertainty and does not convert Lee's limited observation into a categorical denial of everything outside it.

8.10 Completed memorandum and responsive analysis

I. A supported factual dispute requires determination. CPL 710.60 and Mendoza require factual allegations read against the prosecution's position and information available. Rivera supplies personal restraint and pocket interests, observable acts and a specific denial of Vega's earlier-reach account. Lee gives independent but limited support. Exhibits A–D identify the competing narratives and evidentiary limits. This is more than a claim that officers "lacked probable cause." Unless conceded material facts permit summary relief, the court should hear and resolve the conflicts. [17, 20]

II. The earliest restraint requires its own justification. If Vega blocked the only route and ordered Rivera to remain at 19:32:10, reasonable suspicion was required then. The disclosed generic anonymous gun assertion, three matching persons and absence of a dispute differ from Leighton R.'s asserted immediate victim account and corroboration. Moore prevents the later visible reach at 19:32:18 or recovered packet from retroactively justifying an unsupported stop. The court must evaluate Vega's claimed earlier reach rather than assume the images disprove it. [1, 2, 3, 12]

III. The pocket search remains independently challenged. Even crediting a lawful detention and some safety concern, Ortiz describes feeling a soft packet and removing it to inspect for drugs. The disclosed account supplies no weapon-shaped object, consent or immediately apparent contraband during a lawful limited frisk. Terry and CPL140.50 do not authorize a general evidence search. Dickerson likewise rejects discovery of contraband through manipulation beyond the protective inquiry. An arrest dependent on the packet cannot circularly justify its prior seizure. [3, 8, 9]

IV. The statement needs separate rulings. Rivera was handcuffed and continuously held when Vega asked a direct incriminating question. The supplied recording contains no warnings; the motion therefore raises a custodial-interrogation ground as well as causal taint from any unlawful seizure. Huntley voluntariness and Fourth Amendment attenuation are distinct. Mere passage of two minutes after handcuffing provides no identified intervening event; even warnings, if later proved, would not alone answer Brown's attenuation inquiry. The People must address the actual facts and applicable burdens, not treat every issue as defendant's preponderance burden. [22, 31, 36, 37]

Requested disposition. Suppress P-01 and the noticed answer if the factual and legal findings support those grounds; otherwise grant the specified hearing and make separate findings on inception, scope and statement admissibility. Suppression is not an automatic judgment dismissing the entire case. Determine what prosecution evidence remains after the ruling.

Best prosecution response and revised defense position. Suppose R-1 B replaces the weak initial report, Vega credibly describes a pre-blockage reach, and a clear recording shows valid warnings and waiver before the question. Counsel must revise Points II and IV accordingly. The unsupported-stop and unwarned-question theories may fail. Point III still requires a search justification; if the packet search remains unlawful, analyze its causal connection to the statement despite the warnings. If new proof also supplies an independent lawful search basis, advise the client that the originally proposed suppression

theory has materially weakened. Counsel must address the new proof accurately and explain how it changes the available grounds for relief.

8.11 Completed service record and proposed hearing order

Service and filing record, June 30, 2026 — fictional. Process server Avery Cole, age 28 and not a party, personally delivers one complete signed packet, Exhibits A–F and memorandum to the prosecutor’s authorized receiving clerk Pat Reed at the assigned office at 10:15 a.m., as permitted by the June 15 direction. Reed stamps the duplicate “received June 30, 10:15.” At 10:30 a.m. Cole signs and swears the following service affidavit before Morgan Hale in Queens County: “I am Avery Cole, age 28, not a party. Under the June 15 direction in EDU-2601, on June 30 at 10:15 a.m. I personally delivered the June 30 notice, Ames affirmation, Rivera and Lee declarations, memorandum and Exhibits A–F to Pat Reed, the assigned prosecutor’s authorized receiving clerk at that prosecutor’s office. Reed acknowledged receipt on my duplicate.” At 10:48 a.m. Cole files the original packet and completed service affidavit with the court clerk. The clerk’s stamp on the retained duplicate records the date, time and docket. Counsel’s filing log records that submission separately from Cole’s sworn proof of service. Counsel retains both acknowledged copies and checks the July 9 return on the docket. These are completed fictional execution facts; no real service, notarization or filing is claimed.

Proposed order, submitted June 30 — not an issued order. “Upon the motion and responses in EDU-2601, the court directs a Mapp/Dunaway/Huntley hearing on the factual disputes concerning Rivera’s restraint, the basis and scope of the pocket search, and the noticed statement’s voluntariness and causal relationship to the challenged police conduct. The hearing is set for July 16, 2026 at 9:30 a.m. in the assigned teaching part. The parties shall bring the complete source recordings and associated event/clock material identified in Exhibits A–B and be prepared to establish their identity and relevant foundation. Determination of suppression is reserved pending findings of fact and conclusions of law. This proposed scheduling does not decide credibility or shift the applicable burdens.”

Completed follow-through entry. June 30: Ames verifies service and filing; July 6: review opposition against each source; July 8: file supported reply under the supplied direction; July 9: obtain the actual ruling and hearing date; do not treat the proposed July 16 date as ordered until confirmed. Rivera receives the case update and instructions to preserve all original messages and recordings. A hearing grant permits proof to be taken; it does not mean suppression has been won.

9. Floyd and housing enforcement

Understand what the litigation changed and which institutional roles remain distinct.

9.1 The cases address different practices

Floyd challenged NYPD stop-and-frisk practices; Davis addressed practices in NYCHA public housing; Ligon addressed trespass enforcement in and around private buildings enrolled in the Trespass Affidavit Program, also called Operation Clean Halls. Their filing sequence was Floyd in 2008, Davis in 2010, and Ligon in 2012. [15] [23] [24]

On August 12, 2013, Judge Shira A. Scheindlin issued the Floyd liability and remedial opinions. The court found unconstitutional practices under the Fourth and Fourteenth Amendments and ordered reforms. It did not prohibit every Terry stop or every lawful frisk. Policies, training, supervision, auditing, discipline, and monitoring are means of bringing the practices into compliance. The remedial opinion itself ordered a body-camera pilot; the pilot should not be attributed solely to the later joint remedial process. [15] [25]

Peter Zimroth served as monitor until his death in November 2021. Mylan Denerstein was appointed on January 13, 2022. Judge Analisa Torres appointed Germain Thompson Community Liaison on December 16, 2022. The monitor evaluates compliance; the liaison gathers community perspectives; the court has authority over its orders. [18] [23]

9.2 The later Ligon order matters

The episode describes the end of Operation Clean Halls and continuing litigation. A later order changes that account. On March 26, 2026, Judge Torres granted the City's motion to vacate the Ligon settlement stipulation and dismissed the Ligon plaintiffs from the monitorship. The order records TAP's termination effective September 30, 2020, followed by the October 7, 2020 revocation of related policies. It addressed the ended program, the evidence of its termination, and the continuing protections of the broader remedial framework. The monitor's website labels its linked entry March 27, but the signed order is dated March 26. [24]

Ordinary constitutional and statutory limits continue to govern encounters in former TAP buildings. The order does not end the Floyd and Davis monitorship. Its disposition concerns the ended TAP program and the Ligon plaintiffs' participation; it does not authorize indiscriminate stops or end all stop-and-frisk oversight. [24]

9.3 A resident or guest is not presumptively a trespasser

Facts. Rivera is visiting an aunt in a NYCHA building and uses the stairs because the elevator is broken. Officers see Rivera coming downstairs and demand proof of residence.

Rivera gives the aunt's apartment number but does not carry identification listing that address.

Analysis. Lack of a resident address does not itself prove trespass; visitors may be lawfully present. Examine what objective basis supported the approach, when questioning became accusatory, whether the path was blocked, and what facts supported a belief that Rivera lacked permission. Obtain building access records, the aunt's account, and any available video. The officers' authority to patrol the building does not establish authority to seize everyone inside it. [3] [23] [26]

Changed fact. A reliable building representative identifies Rivera as a person who just forced a locked entry and gives specific facts showing lack of permission. That adds information requiring a new analysis. Counsel should still investigate mistaken identity, the representative's knowledge, and any actual invitation. Ownership, management contracts, or conversion of a housing development may affect access arrangements, but they do not erase individualized encounter standards.

9.4 Separate Fourth and Fourteenth Amendment theories

The Fourth Amendment question asks whether the particular seizure or search had lawful justification and scope. An equal-protection claim based on racial discrimination requires the appropriate showing of discriminatory purpose, not merely a statistical disparity. Disparate impact may be probative evidence of intent alongside statements, history, departures from practice, comparative treatment, and other circumstances. Floyd analyzes these matters; *Washington v. Davis* supplies the foundational distinction. [15] [27]

A stop may be unsupported without proof of racial motive. Conversely, a broader discriminatory policy cannot be evaluated merely by counting recovered contraband. Develop the evidence for each theory and identify the responsible actor and remedy. This course introduces that distinction; pleading a complete municipal-liability or damages case requires further work on the particular claim, immunity, causation, and procedural requirements.

9.5 Completed housing-source comparison

For the separate NYCHA example, the investigator obtains the aunt's dated statement that Rivera was an invited guest, a maintenance entry showing the elevator outage, and the available entry-camera sequence. Counsel records when each fact became known to officers. The aunt's later confirmation supports lawful presence; it is not silently treated as information the officers already possessed. Conversely, an invitation and apartment number actually explained before detention must be included in the contemporaneous account.

Completed advocacy point. "The officers' authority to patrol this building does not decide whether they could detain this guest. The supplied facts show an ordinary stairway exit, a

specific invitation explanation and no resident-address identification. Identify the additional conduct or reliable information that justified restraint at that moment.” The monitor-published March 16, 2022 version of PG 212-60 distinguishes voluntary cooperation from a level-three detention and states that inability or refusal to produce identification or information does not elevate an encounter by itself. Its provisions about directing a person to leave must be read with the actual authority and facts; they do not turn an invited guest automatically into a trespasser. [3, 26]

The March 26, 2026 Ligon order also contains continuing safeguards: targeted audits in former TAP buildings and 90 days’ notice to the court and plaintiffs’ counsel before reinstatement of TAP or a similar program. Ending that stipulation’s monitorship component did not grant a new substantive power to stop residents or guests. This example concerns the cited order’s terms, not a representation that every later audit milestone has been satisfied. [24]

10. Community evidence and stop data

Use reports to ask better questions about practice, while keeping the denominator and legal conclusion clear.

10.1 A complaint is not the same as a compliance report

The episode describes a useful path from an account to a verifiable incident: date, time, location, officer or vehicle identifiers, conduct, and available evidence. The liaison may use community information to inform the monitor. A CCRB complaint, a criminal motion, and a civil claim have different decision-makers and possible remedies. Sending a community account does not file a suppression motion or preserve every civil deadline. [6] [18]

The completed permission and actual limited referral text appear in §10.5. They distinguish the client's account, record-based conclusions and unresolved facts, with a separate criminal calendar and follow-up decision.

A recommendation should connect a documented problem with a proposed change and a measure of effectiveness. For example, repeated misclassification of detentions as level-two inquiries supports testing training, supervisory review, and reporting controls. Whether the court can order a particular remedy depends on its legal authority and the violation to be remedied. The episode's discussion of disarmament is a policy proposal, not an existing court order or a promise that community preferences automatically become law.

10.2 Reporting changed in 2024

The How Many Stops Act expanded New York City reporting to lower-level investigative encounters. NYPD's published reports identify NYC Administrative Code 14-146 and Local Law 43 of 2024 as their basis and include level-one, level-two, and level-three series. The expanded reporting began in July 2024; the transcript's "2008" is not the correct year. Older stop-and-frisk totals and the expanded encounter totals do not measure the same universe. [28–30]

Before comparing periods, ask what an observation represents: a report, an encounter, an individual, or a unique person. One individual can have multiple encounters. Police classifications may also be wrong or incomplete. A rise in reported lower-level encounters after a reporting change does not, without more, prove a comparable rise in the underlying behavior.

10.3 Read the current underreporting finding carefully

The monitor's corrected Thirty-Third Report, dated October 6, 2026, estimates that more than 5,500 Terry stops in 2025 were not properly reported. Its reweighted estimate gives an 18 percent underreporting rate and an 82 percent reporting-compliance rate. The

unweighted audit sample produced a different figure because the sample deliberately included fixed numbers from different video categories. The report also explains that its method cannot measure encounters for which officers never activated their cameras. [30]

Those findings concern documentation. An 82 percent reporting-compliance rate is not an 82 percent constitutional-stop rate. Nor is a sample percentage automatically the citywide estimate. Use the report's methodology and limitations when drawing a conclusion. The episode's unsourced demographic percentages should not be repeated as verified current statistics; racial-disparity claims require the relevant period, categories, comparison population, and analysis.

10.4 A worked data interpretation

Fictional audit. A reviewer examines 100 videos, deliberately choosing 50 labeled level two and 50 labeled level three. Twenty level-two videos actually show detentions. Ten of those have no stop report. The reviewer announces, "Ten percent of all city stops went unreported."

Correction. Ten of the 100 sampled videos lacked required reports on the stated findings, but the sample does not represent the citywide mix of categories. The denominator also includes encounters that may not be stops. A valid citywide estimate requires the sampling probabilities, category population sizes, classification criteria, and appropriate weighting. The exercise does establish concrete classification problems in the reviewed files and a basis for further inquiry; it does not establish the announced citywide percentage.

Bias application. Add racial categories to the same unrepresentative sample. A disparity can identify a question worth investigating, but counsel must evaluate selection, exposure, deployment, missing recordings, and relevant comparisons before attributing causation. That care does not minimize discrimination. It makes the evidence and resulting recommendation more credible and helps distinguish an individual stop defect from a systemic equal-protection theory.

10.5 Completed permission and limited community referral

Client direction, May 20 — fictional. Rivera has reviewed the proposed summary below with counsel. Rivera authorizes counsel to send only that summary to the Community Liaison, using counsel as contact, with no name, exact shop address, video, criminal docket, DNA information, prior-stop history or legal advice attached. Counsel explains that even a limited description could be recognized and that confidentiality cannot be guaranteed after external sharing. Rivera chooses this limited approach and declines public testimony for now. Counsel records the choice and agrees to ask again before supplying identifying follow-up. This is the fictional client’s instruction for the referral exercise.

Completed referral summary. “A client reports a May 2026 evening encounter at a recessed Queens shop doorway. The client recalls an officer blocking the exit and ordering them to remain, followed by a pocket search by another officer. Preserved recordings show positioning and sequence but the initial body-camera segment contains no audio. The command is disputed, and the officer describes a prior hand movement that is not conclusively resolved by the available angle. The second officer’s report describes removing a soft packet to inspect for drugs. Counsel is investigating the difference between a reported voluntary inquiry and possible detention. The client asks that this account inform review of encounter classification and recording practices. Please direct any request for further information to counsel; no additional disclosure is authorized by this summary.”

Separate action ledger. Ames owns the criminal calendar in §8.6. An independent civil-rights referral is offered for claim-specific advice and deadlines, with no promise that this summary commences a claim. Rivera defers a CCRB complaint decision pending that consultation. Counsel schedules a May 27 follow-up and records whether consent changes. The liaison is not asked to suppress evidence, adjudicate damages or guarantee anonymity.

10.6 Supplied data file: compute before reading the result

This wholly fictional file completes §10.4. The sampling frame contains 10,000 distinct recorded encounters, one eligible video per encounter: 8,000 labeled L2 and 2,000 labeled L3. A simple random sample without replacement selects 50 in each stratum. Every sampled video is reviewed. No missing file or repeated encounter occurs within this frame; encounters never recorded are outside it. These assumptions make the exercise reproducible and are not findings about NYPD data.

The table defines every one of the 100 rows, using inclusive identifiers. A companion CSV contains the same rows. “Required report absent” means no stop report after a documented records search for an encounter independently classified as a Terry stop. No-report status for a genuine L2 encounter is not an underreported Terry stop.

Row identifiers, inclusive	Count	Original label	Review classification	Stop report
L2-01 through L2-10	10	L2	Terry stop	Absent
L2-11 through L2-20	10	L2	Terry stop	Present
L2-21 through L2-50	30	L2	Genuine L2	Not required for this measure
L3-01 through L3-50	50	L3	Terry stop	Present

Task. Calculate the absent-report percentage among all sampled videos and among sampled Terry stops. Then weight by stratum population/sample size and calculate the estimated absent-report share among Terry stops in this recorded frame. Finally change L2-01 through L2-05 to genuine voluntary L2 encounters after a second review; recalculate. State why none of these calculations establishes a constitutional-compliance percentage or covers unrecorded encounters.

10.7 Completed calculations, sensitivity and recommendation

The unweighted video percentage is $10/100 = 10\%$. The unweighted Terry-stop percentage is $10/(20+50)=10/70 = 14.29\%$. Those answer different questions; neither is automatically the population reporting estimate. The L2 expansion weight is $8,000/50 = 160$ and the L3 weight is $2,000/50 = 40$. Estimated Terry stops in the defined frame are $20 \times 160 + 50 \times 40 = 5,200$. Estimated absent reports are $10 \times 160 = 1,600$. The weighted ratio is $1,600/5,200 = 30.77\%$; the complementary reporting estimate is 69.23% . These are survey estimates under stated assumptions, not a census or a precision claim; no confidence interval is supplied by this exercise.

Changed classification. Reclassifying the five named L2 rows removes five stops and five missing required reports. Unweighted figures become $5/100 = 5\%$ of sampled videos and $5/65 = 7.69\%$ of sampled stops. Weighted stops become $15 \times 160 + 50 \times 40 = 4,400$; weighted absent reports become $5 \times 160 = 800$. The revised ratio is $800/4,400 = 18.18\%$. It would be wrong to change only the numerator. Reviewers must resolve the legal classification and preserve disagreements; weighting cannot repair a wrong definition.

Completed recommendation. “Audit whether purported voluntary inquiries actually restrain movement, using a documented classification protocol and a second reviewer for disputed cases. Report stratum sizes, selection probabilities, exclusions and missing-video limits. Distinguish encounter labeling, completion of required reports and constitutional justification. Reassess after training and supervisory changes using a comparable design, rather than comparing unweighted convenience samples.” A racial disparity in this file would require additional categories, exposure and selection analysis; these 100 rows contain no racial variable and cannot answer that question. [15, 27, 30]

The real corrected monitor report uses its own broader categories and methods. The exercise’s 30.77% is not a replacement for the report’s 18% estimate. Both illustrate why one must state the population and outcome before quoting a rate. The actual report’s unrecorded-encounter limitation remains material.

11. Advising the client

Explain the rights, their conditions, and practical ways to preserve a later challenge.

11.1 Translate the mnemonic accurately

Germain Thompson closes with a safety mnemonic concerning reaching, running, searches, counsel, silence, and items that may carry DNA. David Ourlicht adds recording. These reminders can start a useful conversation, but each needs qualifications. No phrase guarantees safety or prevents an unlawful encounter. The attorney's job is to provide usable guidance without promising a result the law or circumstances cannot assure.

A client can clearly state that they do not consent to a search. That objection does not physically prevent a search authorized by a warrant or another exception, and counsel should not advise physical resistance. Asking whether one is free to leave can clarify the situation; document the answer or lack of response. Avoid sudden reaching, and explain a movement before retrieving an item when possible. If stopped, the safest immediate response may differ from what a later court determines the officer was entitled to demand.

11.2 Silence, identification, and counsel

Miranda addresses custodial interrogation, not every police question. A request for an attorney during a noncustodial street conversation does not automatically require police to summon one before any further contact. In custody, counsel should advise a clear invocation of the wish to remain silent and the request for counsel. New York's separate right-to-counsel rules may attach through formal proceedings, an attorney's entry, or other relevant circumstances; case-specific analysis is necessary. [31] [32]

Do not tell clients that carrying physical identification is universally required or that all identification duties are identical. CPL 140.50 permits demands for name, address, and an explanation during a qualifying stop. That provision is not a general requirement for every pedestrian to carry an identification card. Driving and other regulated settings can impose separate duties. Counsel should distinguish declining consent or questions from supplying false information or obstructing an otherwise lawful process. [3]

11.3 DNA and necessary care

A cup, cigarette, or other object may contain biological material. The recording's warning identifies a real investigative concern, but it should not become advice to refuse medically necessary food, water, medication, or care. Counsel should explain the risk, advise against consenting to sampling without legal advice where a choice exists, and investigate the means of collection and asserted authority. A request for counsel does not automatically prohibit every collection of physical evidence.

Abandonment and privacy require facts. In *Matter of Francis O.*, the First Department addressed surreptitious collection from a cup given to a 16-year-old in custody and ordered expungement in the juvenile case's circumstances. The court questioned the claimed abandonment and considered the absence of a connection between the DNA collection and the charged incident. That decision is not a universal adult rule, but it demonstrates why setting a cup down does not resolve every legal issue. Compelled sampling, database retention, and expungement also involve distinct procedures. [33]

11.4 Recording and preserving the record

New York Civil Rights Law 79-p protects recording law-enforcement activity and addresses interference with that right. It does not authorize physical interference with police activity or conduct constituting a qualifying obstruction offense. Preserve the original recording, its context, and how it was obtained. A person's custody status also requires attention to the statute's distinct language concerning recordings and equipment. [34]

Model client explanation. "You can state clearly that you do not consent and that you want legal advice. Keep your movements visible and avoid physical resistance. If you can safely record without interfering, preserve the original file. Afterward, write down what happened in your own words, including uncertainty, witnesses, location, and time. Tell us promptly so we can obtain other evidence and evaluate the available remedies." This advice preserves a challenge without suggesting that the client must litigate the encounter on the sidewalk.

11.5 Unseen integrated file: the later caller correction

Work before turning to the answer. A separate fictional client, Ellis, is stopped at a shop. At 20:10:00 CAD, a caller claiming to be the current victim of a pistol threat describes a blue coat and distinctive yellow bag moving north. Officers observe that movement. At 20:10:20 the operator records the caller's retraction: "I never saw a weapon; someone texted me that." Vega acknowledges that correction over the radio at 20:10:25. At 20:10:30 Vega blocks the only exit and commands Ellis to stay. The first visible hand movement is at 20:10:36. The camera display is five seconds fast for the verified interval; its audio begins at display 20:10:40. Ortiz removes a soft packet for drugs at CAD 20:11:00, before any arrest or consent. No other suspicious act is supplied.

Ellis is arraigned with counsel July 1, 2026. A timely statement notice is served that day. The first and last tangible-object list under CPL 245.20(1)(m) is served July 10. Body-camera footage arrives July 20. No additional time order or other listed service applies; trial has not begun. Ellis authorizes private criminal-defense use of the account and declines any outside referral. The review team also provides the data in §10.6, but confirms that L2-01 through L2-05 were genuine voluntary encounters.

Write a short action decision with the earliest restraint, exact corrected camera time, known tip information, independent search issue, calculated deadline, sharing decision and correct weighted reporting estimate. Identify one fact that could defeat each principal defense theory. Do not assume that an improved initial tip remains reliable after a communicated retraction.

11.6 Reasoned answer and scoring guide

Sequence and source, 4 points. The restraint is at CAD 20:10:30, display 20:10:35. Audio begins at display 20:10:40 = CAD 20:10:35, five seconds after the command; it cannot prove the command's exact words. The hand movement at CAD 20:10:36 follows restraint. Vega acknowledged the retraction five seconds before restraint. The earlier asserted victimhood therefore cannot be presented without its known correction. Reliable independent observations of a threat before restraint could change the result; none is supplied. [2, 12]

Separate search, 4 points. A lawful stop, if established, would still leave Ortiz's soft-packet evidence search to justify. No consent, weapon-shaped object, immediately apparent contraband or independently supported pre-search arrest is supplied. A proven independent exception existing at the relevant time could defeat that ground. Preserve the whole record and revise if such proof emerges; do not promise suppression. [3, 8, 9]

Calendar, 4 points. July 10 is the last specified triggering service, not July 20's ordinary video delivery. Excluding July 10, 21 days remain in July and 24 in August makes 45 days: Monday, August 24, 2026. Preserve the transmittal and schedule completion before then. A later qualifying statutory notice, warrant disclosure, counsel rule or additional-time order could change the calculation; an unlabeled discovery receipt cannot be assumed to do so. [13, 21, 38, 39]

Client and data, 4 points. Do not send a liaison account contrary to Ellis's instruction. Preserve defense work and revisit options without conditioning representation on public participation. With the five-row reclassification, the correct weighted absent-report estimate is $800/4,400 = 18.18\%$; reporting is 81.82% within the defined recorded frame. It is not a constitutional-compliance percentage and says nothing measured about never-recorded encounters.

Communication, 4 points. A reasoned answer identifies the disputed facts, sources, next records and conditional conclusions rather than asserting guilt, police intent or a guaranteed remedy. Full credit requires the adverse facts and denominator change. An answer with correct arithmetic but the wrong legal trigger or an unauthorized sharing instruction is substantively deficient and should be revised before use.

Review and application

Use the rules to identify what changes the outcome and what the attorney should do next.

1. The timing problem

An officer has only an untested anonymous description when ordering a person at gunpoint to remain. After the command, the person reaches toward a waistband. What is the first disputed issue?

Analysis. Identify whether reasonable suspicion existed at the command. Under Moore, later conduct cannot validate an unsupported inception. Obtain the full dispatch and facts known beforehand. If those facts independently establish reasonable suspicion, then evaluate the movement and protective search on that lawful foundation. Leighton R. requires a careful reliability assessment rather than assuming every anonymous report fails.

2. The frisk problem

Police lawfully stop a person suspected of a nonviolent offense, frisk without articulating danger, and empty a soft pocket container to look for drugs. What remains disputed?

Analysis. The lawful stop does not supply an automatic frisk. Require a particular safety basis and separately test the scope. The soft object and stated evidence-search purpose undermine a weapons justification. Investigate any other asserted exception; do not stop after establishing that the initial detention was valid.

3. The bias problem

A report says a young person in dark sportswear “fit the neighborhood profile.” A witness gave no description of the offender. What should counsel change in the investigation?

Analysis. Require observable facts about conduct and the alleged offense. Identify who used the profile, what it meant, and whether racial or cultural assumptions substituted for individualized suspicion. Interview witnesses without suggesting a conclusion; obtain comparable treatment and policy evidence where relevant. An unsupported stop and a discriminatory-purpose theory are related but distinct questions.

4. The hearing problem

A motion alleges only that police searched without a warrant. The prosecution asserts a lawful consent search. What is missing?

Analysis. Add supported factual allegations about the encounter, the client’s protected interest, the request, the response, and any coercion or limitation. Address timing and the applicable hearing rules. At the hearing, distinguish the People’s burden to establish

consent from the ordinary physical-evidence burden framework. A bare allegation does not demonstrate the necessary factual dispute.

5. The oversight problem

A client wants compensation, suppression of a recovered item, and an end to similar neighborhood encounters. Will one community submission accomplish all three?

Analysis. No. Explain the different routes and decision-makers, preserve evidence and deadlines, and obtain informed instructions about sharing. A liaison report can contribute to oversight; a criminal court decides suppression; a civil remedy requires its own claim and procedure. The client may choose different combinations without being required to join public advocacy.

6. The data problem

A report states 82 percent reporting compliance. A summary calls that the proportion of constitutional encounters. What must be corrected?

Analysis. Reporting and legality are different outcomes. Identify the population, year, sampling and weighting method, missing-video limitation, and exact measure. The October 2026 monitor report's estimate concerns documentation of Terry stops, not a finding that 82 percent of all encounters were lawful.

Glossary

Terms used in the course and the distinctions they carry.

Objective, credible reason. The level-one basis for a request for information; it need not indicate criminality.

Founded suspicion. The level-two basis for a common-law inquiry focused on possible criminal activity.

Reasonable suspicion. Particularized, fact-based suspicion sufficient for the relevant temporary detention; more than a hunch and less than probable cause.

Probable cause or reasonable cause. The practical, legally sufficient basis for an arrest or other action requiring that threshold; not a fixed percentage formula.

Frisk. A limited protective search for weapons supported by the required danger assessment, distinct from an evidence search.

Consent. A voluntary authorization whose validity, scope, and relationship to any prior illegality must be examined.

Taint. The connection between unlawful conduct and evidence or consent obtained afterward; the remedy requires a causal analysis.

Basis of knowledge. How a source obtained the information supplied to police.

Reliability. Reasons to credit the source or information, evaluated under the standard governing the proposed intrusion.

Pre-event buffer. Video retained from the period before camera activation; under the identified NYPD policy it ordinarily has no audio.

Disparate impact. Unequal effects across groups; potentially evidence of discriminatory purpose but not, alone, the complete equal-protection test.

Monitorship. Court-supervised review of compliance with remedial orders, distinct from representation of an individual client.

Selected authorities

Primary authorities, official guidance and cited research supporting the instruction; rechecked October 12, 2026.

1. *People v. Hollman*, 79 NY2d 181, 184–194 (1992), explaining *De Bour*, 40 NY2d 210 (1976). Levels one and two; consent following improper inquiry. [Read *People v. Hollman*](#)
2. *People v. Moore*, 6 NY3d 496, 498–501 (2006). Gunpoint seizure, timing, and anonymous information; read with the later *Leighton R.* decision. [Read *People v. Moore*](#)
3. CPL 140.50(1), (3). Public-place detention and protective search. [Read CPL 140.50\(1\), \(3\)](#)
4. CPL 140.10. Warrantless arrest authority and geographical qualifications. [Read CPL 140.10](#)
5. *People v. Packer*, 49 AD3d 184 (1st Dept 2008), discussing *People v. Gonzalez*, 39 NY2d 122 (1976), and *Hollman*. Consent, coercion, and taint. [Read *People v. Packer*](#)
6. NYC Civilian Complaint Review Board, Right to Know Act. Identification, consent-only searches, documentation, and language access. [Read NYC Civilian Complaint Review Board, Right to Know Act](#)
7. *People v. Holmes*, 81 NY2d 1056, 1058–1059 (1993), distinguishing *People v. Martinez*, 80 NY2d 444 (1992). Flight, pursuit, and discarded evidence. [Read *People v. Holmes*](#)
8. *Terry v. Ohio*, 392 US 1, 20–30 (1968). Justification and scope of protective weapons searches. [Read *Terry v*](#)
9. *Minnesota v. Dickerson*, 508 US 366, 373–379 (1993). Limits on manipulation during a protective frisk. [Read *Minnesota v*](#)
10. CPL 70.10(2). Definition of reasonable cause. [Read CPL 70.10\(2\)](#)
11. NYPD, Firearms Licensing. City handgun licenses and rifle/shotgun permits. [Read NYPD, Firearms Licensing](#)
12. *People v. Leighton R.*, 45 NY3d 266 (2025), 2025 NY Slip Op 06534. Anonymous 911 reports, totality for reasonable suspicion, and the distinct New York probable-cause rule. [Read *People v. Leighton R.*](#)
13. CPL 245.20. Automatic discovery, including relevant electronic recordings and related material. [Read CPL 245.20](#)
14. NYPD, Body Worn Cameras Impact and Use Policy, February 4, 2026, pp. 4 and 7. Buffering, activation, and retention. [Read NYPD, Body Worn Cameras Impact and Use Policy, February 4, 2026, pp](#)
15. *Floyd v. City of New York*, 959 F Supp 2d 540 (SDNY 2013), liability opinion, ECF 373, opinion pp. 145–149 (PDF pp. 148–152). January 30, 2008 Ourlicht/Moran encounter; findings distinguished from the episode recollection. [Read *Floyd v*](#)
16. CPL 710.20. Grounds for suppression of evidence. [Read CPL 710.20](#)
17. CPL 710.60. Motion allegations, summary determination, hearing, and findings. [Read CPL 710.60](#)
18. NYPD Monitor, Community Engagement. Germain Thompson’s appointment and professional background; liaison and joint remedial process. [Read NYPD Monitor, Community Engagement](#)
19. NYPD Administrative Guide 304-17, Department Policy Prohibiting Racial Profiling and Bias-Based Policing, effective June 10, 2021, pp. 1–2, as published by the court monitor. Specific and reliable suspect descriptions; policy distinguished from constitutional claims. [Read NYPD Administrative Guide 304-17, Department Policy Prohibiting Racial Profiling and Bias-Based Policing, effective June 10, 2021, pp](#)

20. *People v. Mendoza*, 82 NY2d 415 (1993). Sufficiency of factual allegations and access to information in suppression motions. [Read *People v. Mendoza*](#)
21. CPL 255.20. Pretrial-motion timing, extensions, and later-raised grounds. [Read CPL 255.20](#)
22. *People v. Berrios*, 28 NY2d 361, 367 (1971), applied in *People v. Berrios*, 2026 NY Slip Op 50978(U), part II.A (Mapp). Production and persuasion burdens for physical evidence. [Read *People v. Berrios*](#)
23. NYPD Monitor, About. Litigation background, monitor functions, and January 13, 2022 succession. Davis settlement, No. 10 Civ. 699, also identifies the public-housing action. [Read *NYPD Monitor, About*](#)
24. *Ligon v. City of New York*, No. 12 Civ. 2274, ECF 607 (SDNY March 26, 2026). Order vacating settlement stipulation and dismissing Ligon plaintiffs from monitorship; TAP termination history. [Read *Ligon v*](#)
25. *Floyd v. City of New York*, 959 F Supp 2d 668 (SDNY 2013), remedial opinion, ECF 372. Institutional remedies and body-camera pilot. [Read *Floyd v*](#)
26. NYPD Patrol Guide 212-60, Interior Patrol of Housing Authority Buildings, March 16, 2022 version published by the monitor. Read alongside current controlling law and later orders. [Read *NYPD Patrol Guide 212-60, Interior Patrol of Housing Authority Buildings, March 16, 2022 version published by the monitor*](#)
27. *Washington v. Davis*, 426 US 229, 239–242 (1976). Disparate impact and discriminatory purpose under equal protection. [Read *Washington v*](#)
28. NYPD, Investigative Encounters reporting portal. Reports under NYC Administrative Code 14-146 and Local Law 43 of 2024. [Read *NYPD, Investigative Encounters reporting portal*](#)
29. Stephen Koppel and Michael Rempel, Data Collaborative for Justice at John Jay College, First Look at the How Many Stops Act Data (February 2025), p. 1. Primary analysis of the first six months of expanded reporting. [Read *Stephen Koppel and Michael Rempel, Data Collaborative for Justice at John Jay College, First Look at the How Many Stops Act Data \(February 2025\), p*](#)
30. Independent Monitor, Corrected Thirty-Third Report, October 6, 2026, pp. 4–6 and appendix. Underreporting, weighting, and missing-camera limitations. [Read *Independent Monitor, Corrected Thirty-Third Report, October 6, 2026, pp*](#)
31. *Miranda v. Arizona*, 384 US 436 (1966). Custodial interrogation and safeguards for statements. [Read *Miranda v*](#)
32. *People v. Lopez*, 16 NY3d 375 (2011). New York right to counsel, custody, and inquiry into existing representation. [Read *People v. Lopez*](#)
33. *Matter of Francis O.*, 208 AD3d 51 (1st Dept 2022). Surreptitious DNA collection, abandonment, and expungement in a juvenile proceeding. [Read *Matter of Francis O., 208 AD3d 51 \(1st Dept 2022\)*](#)
34. New York Civil Rights Law 79-p, Recording Certain Activities. Recording rights, limits, and remedies. [Read *New York Civil Rights Law 79-p, Recording Certain Activities*](#)
35. *Franks v. Delaware*, 438 US 154, 155–156, 171–172 (1978). Threshold for a hearing challenging deliberate or reckless material falsehood in a warrant affidavit. [Read *Franks v*](#)
36. *People v. Duran*, 2025 NY Slip Op 50454(U), applying *People v. Huntley*, 15 NY2d 72, 78 (1965), and *People v. Guilford*, 21 NY3d 205 (2013). Statement-voluntariness burden. [Read *People v. Duran*](#)
37. *Brown v. Illinois*, 422 US 590, 603–604 (1975). Attenuation after illegal arrest; Miranda warnings alone do not cure the Fourth Amendment violation. [Read *Brown v*](#)

38. General Construction Law §20. Excluding the triggering day in calendar-day computation. [Read General Construction Law §20](#)
39. General Construction Law §25-a(1). Next-business-day rule for statutory periods ending on a Saturday, Sunday or public holiday. [Read General Construction Law §25-a\(1\)](#)
40. CPLR 2106(a), current text. Affirmation of truth in place of an affidavit; form and stated exceptions. [Read CPLR 2106\(a\), current text](#)
41. *People v. Martinez-Jaquez*, 248 AD3d 418 (1st Dept 2026), 2026 NY Slip Op 02045. Anonymous radio transmission, unproved tracking source, later corroboration, and the limits of Leighton R. [Read *People v. Martinez-Jaquez*](#)
42. *People v. Gethers*, 86 NY2d 159, 161–163 (1995). Identification as the fruit of unlawful arrest and the need for evidence supporting a separate independent source. [Read *People v. Gethers*](#)