

# WOLFEBORO POLICE DEPARTMENT

## SOP 4.5

**Date Issued: 12/27/2019**

**Review Date: 03/05/2021**

[Note: This written directive is for the internal governance of the Wolfeboro Police Department and, as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.]

**By Order of:**  
**Dean J. Rondeau, Chief of Police**

### FIELD CONTACT – STOP & FRISK

**Policy** To maintain the constitutional rights of individuals  
While, suppressing criminal activity and protecting officer's safety

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**Purpose** The purpose of this directive is to cover:

Stop	Frisk
Reporting	General Guidelines

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**General Guidelines** Pedestrian or vehicles will only be stopped for violations of the law or when reasonable suspicion is present that the person has committed, is committing, or about to commit a crime.

**Stop**

Consideration should be given to the following (not all inclusive):

- Time of day.
- Location.
- A recent commission of a crime.
- Articulate actions that would make an officer believe the subject is engage in criminal activity.

Officers can make contact with citizen during the day and their names may be asked, but a person may refuse to answer without consequences, if no reasonable suspicion exists.

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**Frisk** Officers, after developing reasonable suspicion to stop an individual and if they are concerned for their safety, may conduct a search of the outer garments for weapons.

**SOP 4.5**

**Field Contact – Stop & Frisk**

This frisk is not intended to discover criminal activity, but rather for officer safety.

**Reports**

<b>Report</b>	<b>Requirement</b>
Field Interview Report	<ul style="list-style-type: none"><li>• Anytime a field interview is conducted upon reasonable suspicion</li><li>• Identifies subject and reason for stop</li></ul>

**Case**

Terry v. Ohio, 392 U.S. 1 (1968), was a landmark decision of the Supreme Court of the United States in which the Court ruled that the Fourth Amendment's prohibition on unreasonable searches and seizures is not violated when a police officer stops a suspect on the street and frisks him or her without probable cause to arrest, if the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person "may be armed and presently dangerous."

For their own protection, after a person has been stopped, police may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is armed. This reasonable suspicion must be based on "specific and articulable facts" and not merely upon an officer's hunch. These permitted police action has subsequently been referred to in short as a "stop and frisk," or simply a "Terry frisk". The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence. [citation needed]

The rationale behind the Supreme Court decision revolves around the understanding that, as the opinion notes, "the exclusionary rule has its limitations." The meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers

The "stop-and-frisk" practice—which comprises stopping a person, briefly searching their clothing for weapons, and questioning them, all without requiring their consent and without enough grounds to arrest them—has long been routinely employed by all major American police forces.