

# Levels of Police Intrusion

LEVEL UNDER <i>De Bour</i>	WHAT POLICE NEED ( <i>standard</i> )	WHAT POLICE CAN DO
<b>1</b> <b><i>Right to Approach &amp; Request Information</i></b>	<b>Objective Credible Reason</b> Cannot be based on mere whim, caprice or idle curiosity	<b>Can request ID &amp;/or explanation as to whereabouts</b> However, the person has the right NOT to answer and walk away; police cannot follow. <i>People v Howard</i> , 50 NY2d 583
<b>2</b> <b><i>Common Law Right to Inquire</i></b>	<b>Founded suspicion that criminal activity is afoot</b> Present indication of criminality based on observable conduct or reliable hearsay  If there is an anonymous tip with a general description (e.g., "man with gun", "drugs being sold", "shots being fired"), police have right to approach and question a person fitting that description	<b>Can question in accusatory manner</b> <i>(eg, what's the bag, can I look in the bag).</i> Person has right not to answer  Short of seizure, but if suspect leaves (i.e., walks or runs away), that raises the level to 3 and allows police to seize
<b>3</b> <b><i>Right to Stop and Detain</i></b>	<b>Reasonable Suspicion</b> <b>Reasonable suspicion</b> The quantum of knowledge necessary to induce an ordinary prudent & cautious person under the circumstances to believe criminal activity is at hand <i>People v Cantor</i> , 36 NY2d 106	<b>Can temporarily seize a person, investigate &amp; possibly frisk</b>  Frisk is allowed only when the officer reasonably suspects that s/he is in danger of physical injury by virtue of the detainee being armed <i>Terry v Ohio</i> , 392 US 1
<b>4</b> <b><i>Right to Arrest</i></b>	<b>Reasonable Cause (Probable Cause)</b>	<b>Can seize a person and arrest him or her</b>

*People v De Bour*, 40 NY2d 210 (1976), *People v Hollman*, 79 NY2d 191, and related cases