

## 12.554 INVESTIGATORY STOPS

### **Reference:**

Procedure 12.205, Traffic Enforcement

Procedure 12.245, Citation Processing and Correction

Procedure 12.555, Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders

Procedure 17.100, Police Records: Storage and Maintenance, and Initiating New Records and Forms

Terry v. Ohio, 392 US 1, (1968)

Florida v. J.L., US Supreme Court (2000)

City Ordinance 88-2001

Hiibel v. Sixth Judicial District Court of Nevada, 542 US 177 (2004)

Ohio Revised Code 2921.29 - Failure to Disclose Personal Information

### **Information:**

There are three levels of police/citizen contact.

The first level is a consensual encounter. A police officer may approach any person in a public place and request to talk to him. So long as the person is free to leave whenever he wants, no Fourth Amendment seizure has occurred and no reasonable suspicion or probable cause is required.

The next level is the "Terry" type encounter. Here the officer has reasonable suspicion to believe the citizen is committing or has committed a crime. Based on this reasonable suspicion, the officer may forcibly stop and detain the citizen for a brief investigatory period. Although a citizen is required to properly identify oneself during the stop, failure to answer investigatory questions asked by the officer cannot provide the justification for detaining a person past the period necessary to complete the brief "Terry" type investigation. Once the reasonable suspicion is determined to be unfounded, the citizen must be released.

The third level of police/citizen contact is the arrest. The arrest occurs when the citizen is no longer free to leave and the officer has the intent to arrest. The arrest must be supported by probable cause to believe the citizen is committing or has committed a criminal offense.

Information or descriptions resulting from anonymous tips is not sufficient probable cause to stop and search individuals. Officers must carefully develop reasonable suspicion in cases involving anonymous tips. Officer's observations while on the scene, securing more complete information from the anonymous caller and other circumstances which would tend to support the information received are all ways that officers can use to articulate reasonable suspicion allowing a "Terry" stop.

Every "Terry" type stop does not automatically authorize a frisk. If a frisk is conducted, the officer must be able to articulate specific facts which led them to believe the individual could be armed and dangerous.

Access to the Contact Card Database for query purposes is available at select computer terminals in investigative units throughout the Department.

**Policy:**

No law enforcement agency should condone or promote the use of any illegal profiling system in its enforcement program. Criminal elements exist in every segment of our society. An officer whose enforcement stops are based on race or ethnicity is engaged in a practice which undermines legitimate law enforcement and may face claims in Federal courts of civil rights violations. To focus on a single segment of society is to limit enforcement efforts.

Awareness is the key to success in criminal interdiction. Observations must be evaluated in the aggregate - not isolation. An officer must use all senses while avoiding the development of tunnel vision. An important factor to remember when conducting an enforcement stop is to take the time to do it right. Do not rush through the stop or an important indicator of illegal activity may be missed.

Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, the officer will explain to the citizen in a professional, courteous manner why he or she was stopped or detained.

For purpose of the above sentence, the term "exigent circumstances" refers only to those conditions occurring after the stop had been made which, for safety reasons, would make it unreasonable for the officer to remain at the scene of the stop to explain the basis for the stop.

**Procedure:**

A. Completing a Form 534, Contact Card

1. A Contact Card **must** be completed any time an officer stops a motor vehicle or conducts an inquiry of individuals in a stopped motor vehicle.
  - a. When more than one vehicle is stopped as result of a single incident (same CAD number), officers will note the vehicle number (#2, #3, #4, etc.) in the designated block on the Contact Card. If only one vehicle is stopped it is not necessary to put #1 in the block.
  - b. A Contact Card is required **in addition to** any other documentation of the incident (e.g., Form 527, Arrest Report, NTA, MUTT).
2. A Contact Card **must** be completed for any vehicle passenger or pedestrian detention which meets the definition of a "Terry" stop unless the stop results in an arrest or citation.
  - a. An officer **may** complete a Contact Card for any consensual citizen contact when the officer believes completing the card will provide intelligence information **and** the information is provided voluntarily by a citizen.
3. When completing a Contact Card, and while the subject is still in their presence, officers will:

- a. Determine if the subject is wanted by checking the computer system: RCIC, NCIC, and LEADS.
  - b. Record all pertinent information on the Contact Card: social security number, driver's license number, vehicle license number, etc.
  4. The initiating officer will make a copy of Contact Cards pertaining to gang members or associates and forward them to the Intelligence Unit.
  5. The initiating officer will make a copy of those Contact Cards pertaining to violations of the "stay-away order" and forward them to the Probation Department (refer to Procedure 12.555).
- B. Processing a Contact Card
1. Officers will submit all Contact Cards with their daily paperwork at the end of the tour of duty.
    - a. All companion Contact Cards will be stapled together.
    - b. Contact Cards completed as a result of a vehicle stop (where a citation is issued) **will be** submitted with the Ohio Multi-Count Uniform Traffic Ticket (MUTT) for processing.
      - 1) A Contact Card is **not** required when the MUTT is issued as a result of an automobile accident.
  2. Supervisors will review and approve all Contact Cards.
    - a. In all incidents where a Contact Card is required all fields on the front of the card must be completed.
    - b. All Contact Cards will be forwarded to Police Records once approved by a supervisor.
- C. Police Records Processing
1. All Contact Cards will be entered by Police Records personnel into the Contact Card Database.
    - a. Incomplete or erroneous Contact Cards will be returned to the officer for correction. Follow the process outlined in Procedure 12.245, Citation Processing and Correction.
    - b. Contact Cards will be filed by the date of contact after entry into the database.