



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: AUGUST 16, 2002	REVISED DATE:	NO. PAGES: 1 of 6	NUMBER: 2.3.08
SUBJECT: INVESTIGATIVE STOPS			
ASSOCIATED MANUAL:		RELATED ORDERS: 8.2.07	
CHIEF OF POLICE: <i>Edward F. Lohn, Chief</i>			

PURPOSE: To establish Cleveland Division of Police guidelines for carrying out field interrogations also known as Terry Stops.

POLICY: It is the policy of the Division of Police that field interrogations will be conducted in a manner that not only promotes the safety of police officers and the public, but also affords the individuals stopped of their basic constitutional rights established by the constitutions of the United States and the State of Ohio.

PROCEDURES:

I. Investigative Stops

- A. An investigative stop is the temporary detention of a person for investigation. A "stop" or "seizure" occurs whenever officers use their recognized authority to have an individual submit to their order.
- B. If a reasonable person would believe, based on the circumstances of the police—citizen contact, that they are not free to leave or are compelled to cooperate with the officer, a "stop" or "seizure" has occurred.

II. Basis for an Investigative Stop

- A. Officers may stop a person in a **public place**, after identifying themselves as law enforcement officers, if they reasonably believe that a person has committed, is committing, or is about to commit any offense.
- B. Both pedestrians and persons in vehicles may be stopped.

RESERVED; EFFECTIVE 01/01/20
SEP 2002 & 2004

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III. Reasonable Suspicion

- A. The term "Reasonable Suspicion" is not capable of precise definition; however, it is more than a hunch or mere speculation on the part of an officer, but less than the probable cause necessary for an arrest.
- B. Every officer conducting a stop must be prepared to cite the existence of specific, articulable facts in support of that officer's determination that a "reasonable suspicion" was present.
- C. Articulating Reasonable Suspicion
 1. The existence of reasonable suspicion is determined by the totality of the circumstances. The totality is based on all of the facts known to the officer and the circumstances that existed at the time the stop took place.
 2. Reasonable suspicion is obtained through activity perceived by officers through their own senses, through information obtained from other persons, or through a combination of both factors, including the following:
 - a. *The Person's Appearance*: Does this person generally fit the description of a suspect in a known offense?
 - b. *The Person's Actions*: What suspicious activity has been observed? Is the person attempting to flee, making furtive movements, displaying signs of nervousness or involved in activity commonly known to the officer as criminal in nature?
 - c. *Prior Knowledge of the Person*: Does the suspect have a criminal record? Has this person been arrested in the past for certain types of criminal behavior? What information has been received from other parties (informants) about this person?
 - d. *Demeanor During the Contact*: What is the nature of the suspect's answers? Were questions answered evasively or were they suspicious or obviously false? What non-verbal cues were observed? Is the person cooperative or resistant?

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- e. *Area of the Stop:* Is the suspect near or at the location of a recently committed crime? Is this area known for high levels of criminal activity like drug trafficking? Has this area been inundated with a certain type of crime?
- f. *Time of Day:* Is it unusual for people to be in this area at this time? Is it the time of day when a certain type of crime has been taking place according to your knowledge?
- g. *Law Enforcement Training and Experience:* Does this person's appearance or behavior resemble a pattern followed in a particular offense? How does this person's behavior compare to the behavior of others in this area under similar conditions?
- h. *Law Enforcement Purpose:* Are you investigating a specific crime, type of crime or pattern of criminal activity?
- i. *Source of Information:* From whom did you receive your information? How credible is the person you are receiving information from? How did this person obtain their information? Can you corroborate the information?
- (1) Information received from other police officers can be acted on without further analysis.
 - (2) Information received from upstanding citizens will be deemed credible and can be acted on once their basis of knowledge is established.
 - (3) Information received from confidential or criminal sources can be acted on but corroboration will protect their anonymity.
 - (4) Information received from anonymous sources must be corroborated and must be predictive of future behavior before any action can be taken.

IV. Stopping Vehicles at Roadblocks

- A. If authorized to do so by a superior officer, a police officer may order the drivers of vehicles moving in a particular direction to stop.

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B. Authority to make such stops shall be given in those situations where such action is:

1. Taken pursuant to a driver license or sobriety checkpoint operation; or
2. Necessary to apprehend the perpetrator of a crime who, if left at large, can be expected to cause physical harm to other persons, or to discover the victim of a crime whose physical safety is presently or potentially in danger. Once a vehicle is stopped pursuant to this section, it may be searched only to the extent necessary to determine if the perpetrator or victim is present in the vehicle, and the search shall be made as soon as possible after the stop.

V. Police Conduct During the Stop

A. Proper justification for a stop does not permit unreasonable conduct during the stop. Every phase of the detention must be reasonable, for the United States Supreme Court has stated in *Terry v. Ohio*, 392 U.S. 1, 28 (1968), that the manner in which stops and frisks are conducted is "as vital a part of the inquiry as whether they were warranted at all."

B. Duration of Stop

1. A person stopped pursuant to these rules may be detained at or near the scene of the stop for a reasonable period of time.
2. Officers should detain a person only for the length of time necessary to obtain or verify the person's identification, or an account of the person's presence or conduct, or an account of the offense, or otherwise determine if the person should be arrested or released.

C. Explanation to Detained Person

1. Officers shall act with courtesy towards the person stopped, if at all feasible.
2. At some point during the stop the officer shall, in every case, give the person stopped an explanation of the purpose of the stop.

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D. Rights of Detained Person

1. The officer may direct questions to the detained person for the purpose of obtaining their name, address and an explanation of the conduct.
2. The detained person may not be compelled to answer questions or to produce identification documents for examination by the officer; however, the officer may request the person to produce identification and may demand the production of an operator's license if the person has been operating a vehicle.
3. During the questioning, the detained person need not be advised of their Miranda rights until probable cause to arrest develops, or until the questioning becomes sustained and coercive rather than brief and casual.
4. Refusal to answer questions or to produce identification does not by itself yield probable cause to arrest, but such refusal may be considered along with other facts as an element adding to probable cause.

E. Effecting a Stop and Detention

1. Officers shall use the least intrusive means necessary under the circumstances to effect a stop and to detain a person.
2. An officer may use only the minimum amount of non-deadly force or restraint that is reasonably necessary to stop and detain a person and to protect the officer, pursuant to these guidelines.

a. Weighing the totality of the circumstances known to the officer at the time of the stop, particularly when stops are made for violent offenses, an officer is justified in using restraints, i.e., handcuffs, including drawing a weapon.

b. In other circumstances, the use of the firearm or restraints may elevate the stop into a de-facto arrest, leading to civil liability or suppression of evidence.

3. If an officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use that amount of force necessary for defense or to effect a full-custody arrest.

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F. Stopping Witnesses Near the Scene of a Crime

1. A police officer who has probable cause to believe that a felony or a misdemeanor involving danger to persons or property has just been committed, and who has probable cause to believe that a person found near the scene of such offense has knowledge of significant value to the investigation of the offense, may order that person to stop.
2. The sole purpose of the stop authorized by this section is the obtaining of the witness' identification so that the witness may later be contacted by the officer's agency. Officers shall not use force to obtain this information.

**RESCINDED; EFFECTIVE 07/01/20
SEE 2.02.02 & 2.02.04**