



# CLEVELAND DIVISION OF POLICE

## GENERAL POLICE ORDER



EFFECTIVE DATE: JULY 2, 2021	CHAPTER: 2 - Legal	PAGE: 1 of 6	NUMBER: 2.02.05
SUBJECT: STOP FORMS			
CHIEF: <i>Calvin D. Williams, Chief</i>			

**PURPOSE:** To establish guidelines to properly complete, review, approve, reject, or disapprove investigatory and traffic stop forms.

**POLICY:** **It is the policy of the Cleveland Division of Police** that a stop form shall be completed for all investigatory stops and traffic stops conducted in a public place; supervisors shall approve, reject (return for correction), or disapprove all submitted stop forms for officers under their supervision.

**DEFINITIONS:**

**Consensual Encounter** - a voluntary encounter between the police and an individual with the intent of engaging in casual and/or non-investigative conversation. A reasonable individual in the individual's position would feel free to leave and/or decline any of the officer's requests at any point.

**Investigatory Stop (Terry Stop)** - a brief, minimally intrusive detention of an individual, including the occupants of a vehicle, during which a reasonable individual in his/her position would not feel free to leave, as defined in *Terry v. Ohio, 392 U.S. 1*. To justify a stop, the officer must have reasonable suspicion that the stopped individual has, is, or is about to engage in criminal conduct. The stop must be based on specific, objective, articulable facts that the officer knew before the stop. Information learned during a stop may lead to additional reasonable suspicion or probable cause that a crime has occurred, but it cannot serve as justification for the original stop.

**Probable Cause** - the facts and circumstances known to the officer that would lead a reasonable individual to believe that an individual has more likely than not committed or is committing a crime.

**Public Place** - an area to which the public has access to or is permitted, and that is not a private residence. A public place includes, but is not limited to, streets, highways, parks, and the common areas of schools, hospitals, apartment buildings, office buildings, transport facilities, and stores.

**Reasonable Suspicion** - an objectively justifiable suspicion that is based on specific and articulable facts or circumstances that justifies an officer stopping an individual that has committed, is committing or is about to commit an offense. Reasonable suspicion is more than a hunch but less than probable cause. A police officer stopping an individual must be able to point to specific facts or articulable circumstances even though the level of suspicion need not rise to that of probable cause.

**Traffic Stop** - a stop that results from an observed traffic violation.

**PROCEDURES:**

- I. General Guidelines
  - A. Stop forms contain the following information:

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1. Information concerning an individual temporarily detained.
  2. Narrative sections which include a statement of facts establishing reasonable suspicion and/or probable cause in order to justify the stop of an individual and, if applicable, to justify a search.
- B. Stop forms can be accessed on the Mobile Data Computer (MDC) using the Brazos software or on any computer using the website <https://my.brazostech.com/default.aspx>.

## II. Form Completion

- A. Members shall complete a stop form whenever they conduct an investigatory stop or traffic stop in a public place, whether or not an arrest has occurred or a citation has been issued.
- B. A stop form is not required for the following incidents:
1. Consensual encounters.
  2. Vehicle passengers on a traffic stop who are not the subject of an enforcement action (e.g., passengers being asked to exit a vehicle simply because the vehicle is being impounded).
  3. Confirmed subjects of an arrest warrant or search warrant.
  4. Checkpoints or roadblocks in which an officer detains a person as a result of a blanket regulatory activity (i.e., OVI checkpoints, driver license checkpoints, etc.).
  5. Detentions that do not result in arrest and that occur during:
    - a. A crowd control situation in which pedestrians are directed to remain at a location or are routed to a different location for public safety purposes.
    - b. Public safety mass evacuations (e.g., bomb threats, gas leaks, flooding, earthquakes, etc.).
    - c. An active shooter situation (i.e., an individual actively killing or attempting to kill people in a populated area).
- C. The officer initiating an investigatory stop or traffic stop shall complete a stop form for each individual who is the subject of the stop.

## III. Officer Responsibilities

- A. Officers shall complete and forward all stop forms using the data collection software as soon as practical but no later than the end of their tour of duty.

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- B. Officers shall complete all of the required fields in the stop form, including but not limited to:
1. Date and time of the stop.
  2. Location of the stop.
  3. Duration of the stop.
  4. Subject's name and address.
  5. Subject's date of birth.
  6. Subject's race, ethnicity, and gender.
  7. If a vehicle stop, the presence, and number of passengers, if any.
  8. If a vehicle stop, whether the driver or any passenger was required to exit the vehicle and the reason for doing so.
  9. Reason for the stop including a brief description of the facts creating reasonable suspicion or probable cause.
  10. Whether an individual was asked to consent to a search and whether such consent was given.
  11. Whether a pat-down, frisk, or other non-consensual search was performed on any individual or vehicle, including a brief description of the facts justifying the action.
  12. A full description of contraband or evidence seized from any individual or vehicle.
  13. Disposition of the stop, including whether any individual was issued a citation or summons, was arrested, and the charges.
- C. Officers shall correct and forward all stop forms returned to them for correction or clarification by the end of their tour of duty.
- D. If an individual refuses to provide identification during an investigatory stop, the officer is unable to obtain the individual's identification, when reasonable suspicion no longer exists to detain the individual, officers shall complete a stop form in the following manner:
1. Type "Refused" in the name, address, and city fields if an individual refuses to provide identification.
  2. Type "Unknown" in the name, address, and city fields if an officer is unable to obtain the individual's identification.

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3. Select UN from the state drop down field if refused or unavailable.
  4. Type 00000 into the zip code field if refused or unavailable.
  5. Leave the date of birth blank if refused or unavailable.
  6. Complete the gender, race, and ethnicity of the subject based on the officer's observation of the subject.
  7. Provide as much of the stop information as possible.
  8. Indicate the refusal or the reason the officer was unable to obtain the subject's identification in the reasonable suspicion or probable cause narrative field.
  9. Describe the reason for the stop, including a brief description of the facts creating reasonable suspicion or probable cause.
- E. Officers shall articulate the justification for an investigatory stop, search, or arrest in a specific and clear manner using individualized descriptive language.
- F. Once complete with a stop form, officers shall notify a supervisor that a form was submitted for approval.
- G. If an officer submits a form in error, they shall notify a supervisor and explain why the form was submitted in error.

#### IV. Supervisor Responsibilities

- A. Supervisors shall review and either approve, reject (return for correction), or disapprove all submitted stop forms that they received notification of by the end of the supervisor's tour of duty.
- B. Approved stop forms.
1. Supervisors shall approve stop forms that are properly completed as applicable.
  2. The narrative section shall properly document the following:
    - a. The reasonable suspicion or probable cause justifying the stop.
    - b. If the subject was required to exit the vehicle, the reason for the exit.
    - c. The basis and reasons that led to any search of a subject and/or their vehicle, if applicable.
- C. Rejected stop forms.
1. Supervisors shall reject (return for correction) stop forms that are found to be deficient.

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2. Supervisors shall provide the basis for the rejection in the notes field, including but not limited to the following:
  - a. Further Information Required.
    - i. Additional Details for Exit.
    - ii. Basis for Reasonable Suspicion.
    - iii. Basis for Probable Cause.
    - iv. Subject Search Justification.
    - v. Vehicle Search Justification.
    - vi. Subject Contraband Evidence Seized.
    - vii. Vehicle Contraband Evidence Seized.
  - b. Incorrect Selection Drop Down/Text Field.
  - c. Incorrect Incident Number.
  - d. Grammar and/or Spelling Errors.
3. In addition to the automatic email that is sent, supervisors shall verbally notify the submitting officer of any rejected (returned for correction) stop forms.
4. When a rejected stop form is corrected and resubmitted, the supervisor who initially rejected the form shall review it.

E. Disapproved stop forms.

1. Within seven days of the stop, supervisors shall document and report stops that appear unsupported by reasonable suspicion or probable cause, or that are otherwise in violation of CDP policy and stops that, while adhering with law and policy, indicate a need for corrective action or review of policy, tactics, or training.
2. Supervisors shall place a stop form in a disapproved status when they find that an officer does not have justification for a stop or search.
3. The reviewing supervisor shall document that the form was disapproved and provide a reason for the disapproval within the data collection software, including but not limited to the following:
  - a. Improper Justification for Stop-Investigatory.
  - b. Improper Justification for Stop-Traffic Violation.

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- c. Improper Justification for Search-Subject.
    - d. Improper Justification for Search-Vehicle.
  - 4. Supervisors shall document that a form was disapproved and the reason for the disapproval in an email forwarded through their chain of command.
  - 5. If a supervisor disapproves a stop form, the supervisor, in consultation with their chain of command, shall address the concern with the involved officer and either:
    - a. Provide non-disciplinary corrective action and document such action in the Division tracking software by creating a District/Bureau Investigation.
    - b. Refer the matter to Internal Affairs for administrative or criminal investigation.
- F. All stop forms shall be reviewed by a higher ranking officer than the submitting officer.
- G. If a stop form has a related incident report, the supervisor shall review both the incident report and the related stop form.
- H. Supervisors shall notify the Office of Compliance via email to request a void of any forms submitted in error and include the reason for the void.
- I. Commanding officers or their designees shall:
  - 1. Review all supervisory reports of stops and or searches not supported by reasonable suspicion or probable cause, or were otherwise in violation of CDP policy, or indicated a need for corrective action, policy review, strategy, tactics, or training within seven days of the supervisor's disapproval.
  - 2. Evaluate the supervisor's assessment and recommendations and ensure that all appropriate action is taken, including referring the incident to Internal Affairs for investigation if warranted.
  - 3. Ensure supervisors under their command are properly reviewing and approving all submitted stop forms.
  - 4. Take appropriate non-disciplinary corrective action and/or initiate the disciplinary process for supervisors who fail to conduct complete, thorough, and accurate reviews of stop forms.

**THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.**