

Cleveland Community Police Commission
Recommendations for Investigatory Stops

Version filed 01/17/2020	Recommended Modifications	Comments
<p>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 person in the individual’s position would feel free to leave and/or decline any of the officer’s requests at any point.</p>	<p>Consensual Encounter: A voluntary encounter between the police and an individual with the intent of engaging in casual, and/or non-investigative conversation, in which the officer explains that the individual may decline any conversation, questions and/or is free to leave. A reasonable person in the individual’s position would feel free to leave and/or decline any of the officer’s requests at any point.</p>	<p>Definitions</p>
<p>Pat Down/Frisk: A limited search during an investigatory stop in which an officer conducts a pat down of the outer clothing of a person for weapons when the officer reasonably suspects that the particular person is armed and dangerous. It is limited to what is necessary to detect weapons and must be based on reasonable articulable suspicion that the person is armed. An officer may not manipulate objects that are discovered under the clothing to determine whether they are contraband.</p>	<p>Pat Down/Frisk: A limited flat-handed search during an investigatory stop in which an officer conducts a pat down of the outer clothing of a person for weapons when the officer reasonably suspects that the particular person is armed and dangerous. It is limited to what is necessary to detect weapons and must be based on reasonable articulable suspicion that the person is armed. An officer may not manipulate objects that are discovered under the clothing to determine whether they are contraband.</p>	<p>Definitions</p>
<p>Seizure: When an officer’s words or actions would make a reasonable person believe that he/she is not free to leave or terminate the encounter.</p>	<p>Seizure: When an officer’s words or actions would make a reasonable person believe that he/she is not free to leave or terminate the encounter, or application of physical force to the body of a subject with intent to restrain.</p>	<p>Definitions</p> <p>This needs to be updated because of the recent Supreme Court ruling in Torres v. Madrid (19–292). Other GPOs also need to be updated to comply.</p>
<p>b. Non-custodial Interviews</p>	<p>b. Non-custodial Consensual Interviews</p>	<p>Procedure I A 1.</p>

<p>2. Investigatory (Terry) Stops – A seizure based on reasonable suspicion</p>	<p>2. Investigatory (Terry) Stops – A temporary seizure based on reasonable suspicion</p>	<p>Procedure I A</p>
<p>2. Officers shall be aware that a juvenile may not feel free to leave when adults in the same circumstances would feel free to leave.</p>	<p>2. Officers shall be aware that a juvenile may not feel free to leave when adults in the same circumstances would feel free to leave. And officers shall explain in an age appropriate manner the purpose of the stop.</p>	<p>Procedure I B</p>
<p>B. Officers shall not conduct investigatory stops unless they have developed the necessary reasonable suspicion or probable cause. An individual’s unwillingness to engage or cooperate with the police, choosing not to answer questions, or ignore police is not a sole basis for reasonable suspicion.</p>	<p>B. Officers shall not conduct investigatory stops unless they have developed the necessary reasonable suspicion or probable cause. An individual’s unwillingness to engage or cooperate with the police, choosing not to answer questions, or ignore police is not a basis for reasonable suspicion.</p>	<p>Procedure II Deleted the word “sole.”</p>
<p>1. A person exercising the right to openly carry a firearm, standing alone or in connection with a call to police that only reports the open carry itself (no other suspicious behavior), does not justify an investigatory stop and frisk.</p>	<p>1. A person exercising the right to openly carry a firearm, standing alone or in connection with a call to police that only reports the open carry itself (no other suspicious behavior), does not justify an investigatory stop and frisk, but officers may engage in a consensual encounter.</p>	<p>Procedure II B</p>
<p>f. Law Enforcement Training and Experience: Is the person’s appearance or demeanor consistent with specific criminal activity?</p>	<p>Deleted</p>	<p>Procedure III B 1.</p>
<p>Added</p>	<p>A. Officers shall not use a stop for a minor traffic violation as a basis to develop probable cause for an additional minor criminal violations unless there is evidence that an immediate threat to public safety exists or officers intent is to supplement an already open criminal investigation that he/ she is</p>	<p>Procedure IV</p>

	aware of or made aware of in real time.	
Added	2. The Purpose of an investigatory stop is only to confirm or dispel the reasonable suspicion. As soon as the officer dispels reasonable suspicion the stop shall end.	Procedure IV D (previously C)
2. Officers shall not extend a detention solely to await the arrival of a supervisor.	3. Officers shall not extend a detention solely to await the arrival of a supervisor or canine unit.	Procedure IV D (previously C)
Added	4. Whenever the subject is a juvenile the officer shall explain in a calm manner and in age appropriate language the reason for the stop.	Procedure IV E (previously D)
A. The Division shall provide officers with annual search and seizure/investigatory stops in-service training that is adequate in quality, quantity, type, and scope.	A. The Division shall provide officers with annual search and seizure/investigatory stops in-service training that is adequate in quality, quantity, type, and scope. Training on the policies shall be given in-person by a J.D. with subject matter expertise, given the policies' importance and complex nature (per Cleveland City Ordinance § 135.37).	Procedure VIII