



CLEVELAND DIVISION OF POLICE

GENERAL POLICE



EFFECTIVE DATE:	CHAPTER:	PAGE: 1 of 6	NUMBER:
SUBJECT: <div style="text-align: center; padding: 5px;">STOP FORMS</div>			
CHIEF:			

PURPOSE: To establish guidelines to properly complete, review, approve, reject, or disapprove Stop Forms.

POLICY: It is the policy of the Division of Police that a Stop Form shall be completed for all Investigatory Stops and Traffic Stops conducted in a public place, and that 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: 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.

PAGE: 2 of 6	SUBJECT: STOP FORMS	NUMBER:
-----------------	----------------------------	---------

PROCEDURES:

I. General Guidelines

A. Stop Forms contain the following information:

1. Information concerning an individual temporarily detained for a stop.
2. Narrative sections that 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) by using the Brazos software, or on any computer using the Stop Form 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. Passenger(s) of 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 would not require a Stop Form.)
3. The confirmed subject(s) of an arrest warrant or search warrant.
4. Checkpoints or roadblocks in which an officer detains a person(s) as a result of a blanket regulatory activity (i.e., OVI checkpoints).
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.); or
 - c. An active-shooter incident (i.e., an individual is 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.

PAGE: 3 of 6	SUBJECT: STOP FORMS	NUMBER:
-----------------	----------------------------	---------

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. Officers shall complete all of the required fields in the Stop Form including but not limited to:
1. The date and time of the stop;
 2. The location of the stop;
 3. The duration of the stop;
 4. The subject's name and address.
 5. The subject's date of birth;
 6. The subject's race, ethnicity, and gender;
 7. If a vehicle stop, the presence and number of any passengers;
 8. If a vehicle stop, whether the driver or any passenger was required to exit the vehicle, and the reason for doing so;
 9. The reason for the stop, including a brief description of the facts creating reasonable suspicion or probable cause;
 10. Whether any 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; and
 13. The disposition of the stop, including whether a citation or summons was issued to, or an arrest made of any individual, including the charges.
- B. Officers shall correct and forward all Stop Forms returned to them for correction or clarification by the end of their tour of duty.
- C. If during an Investigatory Stop, an individual refuses to provide identification or the officer is unable to obtain the individual's identification and 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

PAGE: 4 of 6	SUBJECT: STOP FORMS	NUMBER:
-----------------	----------------------------	---------

2. Type "Unknown" in the name, address, and city fields if an officer is unable to obtain the individual's identification
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 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 suspect's identification in the reasonable suspicion or probable cause narrative field; and
9. Describe the reason for the stop including a brief description of the facts creating reasonable suspicion or probable cause.

D. Officers shall articulate the justification for an investigatory stop, search, or arrest in a specific and clear manner using individualized descriptive language.

E. Once complete with a Stop Form, officers shall verbally notify their immediate supervisor that a form was submitted for approval.

F. If an officer submits a form in error, they shall notify their immediate supervisor and explain the reason 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 for officers under their supervision by the end of their tour of duty.

1. Approved Stop Forms

a. Supervisors shall approve Stop Forms that are properly completed as applicable, and the narrative sections properly document the following:

i. The reasonable suspicion or probable cause justifying the stop.

ii. If the subject was required to exit the vehicle, the reason for the exit.

iii. The basis and reasons that led to any search of a subject and/or their vehicle, if applicable.

2. Rejected Stop Forms

PAGE: 5 of 6	SUBJECT: STOP FORMS	NUMBER:
-----------------	------------------------	---------

- a. Supervisors shall reject (return for correction) Stop Forms that are found to be deficient.
 - b. Supervisors shall provide the basis for the rejection in the notes field, including but not limited to the following:
 - i. Further Information Required
 - a) Additional Details for Exit
 - b) Basis for Reasonable Suspicion
 - c) Basis for Probable Cause
 - d) Subject Search Justification
 - e) Vehicle Search Justification
 - f) Subject Contraband Evidence Seized
 - g) Vehicle Contraband Evidence Seized
 - ii. Incorrect Selection - Drop down/Text field
 - iii. Incorrect Incident Number
 - iv. Grammar and/or Spelling Errors
 - c. Supervisors shall verbally notify, in addition to the automatic email that is sent, the submitting officer of any rejected (returned for correction) Stop Forms.
 - d. When a rejected Stop Form is corrected by the officer and resubmitted, the supervisor who rejected the form shall review the form following step IV.A.
3. Disapproved Stop Forms
- a. 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.
 - b. 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.
 - c. 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:
 - i. Improper Justification for Stop- Investigatory
 - ii. Improper Justification for Stop- Traffic Violation
 - iii. Improper Justification for Search- Subject
 - iv. Improper Justification for Search- Vehicle
 - d. Supervisors shall document that a form was disapproved and the reason for the disapproval in an email that is forwarded through their chain of command.

PAGE: 6 of 6	SUBJECT: STOP FORMS	NUMBER:
-----------------	----------------------------	---------

- e. If a supervisor disapproves a Stop Form, the supervisor, in consultation with their chain of command, shall address the concern with the officer involved and either:
 - 1. Provide non-disciplinary corrective action and document such action in the tracking software, by creating a District Bureau Investigation, or
 - 2. Refer the matter to Internal Affairs for administrative or criminal investigation.
- B. All Stop Forms shall be reviewed by a higher ranking officer than the officer submitting the Stop Form.
- C. If a Stop Form has a related Incident Report, the supervisor reviewing the Incident Report shall also review the related Stop Form.
- D. Supervisors shall notify the Office of Compliance via email and request to “Void” any forms submitted in error. The reason for the “Void” shall be included in the email.

V. Commanding Officer Responsibilities

- A. Commanding Officers or their designee shall:
 - 1. Within seven days of the supervisor’s disapproval, 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 otherwise indicated a need for corrective action or review of agency policy, strategy, tactics, or training.
 - 2. Evaluate the supervisor’s assessment and recommendations and ensure that all appropriate action is taken, including, if warranted referring the incident to Internal Affairs for investigation.
 - 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 officers’ stops.