JOHNS HOPKINS UNIVERSITY

POLICE DEPARTMENT

FIELD INTERVIEWS, INVESTIGATIVE STOPS & PAT-DOWNS

OPERATIONAL PROCEDURE #409

Responsible Executive:
Chief of Police

Responsible Office:
Vice President for Public Safety

Approved by:
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Policy Statement

It is the policy of the Johns Hopkins Police Department (JHPD) that all community contacts made by JHPD officers shall be conducted respectfully and professionally in accordance with established legal principles. Interactions with members of the community form the cornerstone of effective law enforcement operations and must be based on constitutional principles, individual dignity, and respect.

Who Is Governed by This Policy

All sworn police officers, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD are governed by this Directive.

Purpose

The purpose of this Directive is to ensure that all JHPD officers conduct all community interactions, field interviews, investigative stops, vehicle stops, and weapons pat-downs in accordance with the rights secured and protected by the U.S. Constitution and federal and state law, as well as JHPD policy.

Definitions

Arrest:	The taking, seizing, or detaining of a person by any act that indicates an intention to take the person into custody by a JHPD officer, and that subjects the person to the actual control and will of the officer making the arrest. An arrest is effected: (1) when the arrestee is physically restrained, or (2) when the arrestee is told of the arrest and submits.
Boilerplate Language:	Words or phrases that are standardized, "canned," or patterned and that do not describe a specific event, situation, or set of circumstances (e.g., "furtive movement" or "fighting stance").
Cannabis:	Per MD Code, Criminal Law, § 5-101, means the plant *Cannabis sativa* L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry-weight basis. Cannabis does not include hemp as defined in MD Code, Agriculture, § 14-101.
Cannabis (Amounts):	The following are cannabis amounts designated by MD Code, Criminal Law, § 5-101 (in order from least to greatest): **Permitted Personal Use Amount of Cannabis** • 1.5 ounces or less of usable cannabis • 12 grams or less of concentrated cannabis • 750 mg or less of cannabis products containing delta-9-tetrahydrocannabinol • One or two cannabis plants NOTE: This amount of cannabis **is legal** for any person age 21 or older. **Civil Use Amount of Cannabis** • More than 1.5 ounces up to 2.5 ounces of usable cannabis • More than 12 grams up to 20 grams of concentrated cannabis • More than 750 mg up to 1,250 mg of cannabis products containing delta-9 tetrahydrocannabinol **Criminal Amount of Cannabis** • More than 2.5 ounces of usable cannabis • More than 20 grams of concentrated cannabis • More than 1,250 mg of cannabis products containing delta-9-tetrahydrocannabinol
Community Interaction:	A consensual encounter facilitated by officers with community members for the purpose of (i) engaging in pleasantries, (ii)

	engaging in casual conversation, or (iii) providing assistance in public service or community engagement matters. Community interactions are devoid of any investigative purpose, explicitly excluding inquiries into criminal activities. No written documentation or activation of body-worn camera (BWC) recording is mandated unless expressly specified otherwise. Community interactions are voluntary if a reasonable person in the person's position would feel free to leave or decline any of the officer's requests at any point.
Demographic Category:	Race, ethnicity, color, national origin, age, gender, gender expression or identity, sexual orientation, disability status, religion, or language ability.
Field Interview:	A consensual, nonhostile voluntary interaction with a person for the specific purpose of asking questions or collecting information related to an incident or criminal activity during which an officer may ask questions or try to gain information about possible criminal activity or incidents without indicating or implying that a person is not free to leave or is obligated to answer the officer's questions.
Incident Number:	The Central Complaint number issued by Baltimore City. All JHPD incidents will print the prefix or letter ("JH") before the Central Complaint number.
Investigative Stop:	The temporary involuntary detention and questioning of a person where the person was stopped based on reasonable articulable suspicion (RAS) that the person is committing, is about to commit, or has committed a crime. It occurs whenever an officer uses words or takes actions to make a person halt, or to keep a person in a certain location, or to compel a person to perform some act. If a reasonable person under the circumstances would believe that they are not free to leave, a "stop" has occurred.
Member:	All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.).
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
Pretext Stop:	Stopping a person, including stopping a motor vehicle and its driver or passengers, for an infraction to investigate other suspected or possible criminal activity for which the JHPD officer has neither RAS nor probable cause. Officers must have RAS for the infraction or violation for which they are stopping a person.
Probable Cause:	Where the totality of the circumstances, including all facts and circumstances known to the officers at the time and their relevant training and experience, taken as a whole, would lead a reasonably prudent officer to believe there is a fair probability that, (1) for purposes of a crime, a particular person has committed or is committing a crime, (2) for purposes of an enforceable civil violation, a particular person is committing or has committed a civil violation, (3) for purposes of a traffic offense, that particular vehicle or person has committed or is committing a particular violation of

	the traffic laws, or, (4) for purposes of a search, either contraband or evidence of a crime will be found in a particular location. Probable cause is an objective legal standard that requires stronger evidence and greater certainty than RAS.
Reasonable Articulable Suspicion (RAS):	A well-founded suspicion based on the totality of the circumstances, including specific, objective, articulable facts, taken together with the officer's training and experience, that would lead a reasonably prudent officer to believe, (1) for purposes of an investigative stop, a person has committed, is committing, or is about to commit a crime or, (2) for purposes of a pat-down, a person is armed. RAS is based upon an objective assessment of the facts and circumstances presented to the officer. RAS is an objective legal standard that is less substantial than probable cause but more substantial than a hunch or general suspicion.
Search:	An inspection, examination, or viewing of persons, places, or items in which a person has a legitimate expectation of privacy. A search need not be visual; it may include grasping, prying into, or manipulating persons or objects (reaching into a purse or pocket, feeling inside the trunk of a car, physically manipulating a duffel bag, etc.).
Vehicle Stop:	For purposes of this Directive, a vehicle stop is the involuntary detention of a vehicle and the driver and occupants of the vehicle.
Weapons Pat-Down:	A brief, nonprobing running of the hands over the outside of a person's clothing to feel for a weapon with open palms. A weapons pat-down is authorized when the officer has RAS that the person is armed, and the pat-down is designed to ensure the safety of officers and others while an officer is investigating. This can include situations in which the officer reasonably suspects that the person has committed, is committing, or is about to commit a violent crime or when the officer observes something on the person that they reasonably suspect is a weapon. A weapons pat-down may not be conducted to discover evidence or the proceeds or instrumentalities of a crime. An officer cannot conduct a "pat-down" of a bag or other item of personal property unless the officer has a reasonable suspicion that the person is armed, and the bag or other item could contain a weapon and is within the person's reach.

Policy

This Directive instructs JHPD officers on how to conduct any interaction with people fairly and respectfully to enhance trust between the department and the community it serves. While voluntary interactions with the community present an opportunity for the JHPD to improve relations and trust in the community, interactions, such as investigative stops, have the potential to erode public trust in police. The use of investigative stops should be restricted to a limited range of circumstances, and they should be conducted in a manner that reduces their potential to cause harm, as is directed herein. Thus, all officers must follow the provisions of this Directive to maximize the usefulness of police-public contacts, while limiting harm to the community.

Core Principles

I. Constitutional: Police officers may conduct a brief stop of a person when there is RAS to believe that they have committed, are committing, or are about to commit a crime under the Supreme Court's decision in *Terry v. Ohio*, 392 U.S. 1 (1968), and consistent with the Fourth and 14th Amendments to the Constitution and Article 26 of the Maryland Declaration of Rights.

II. Procedurally Just: "Procedural justice" refers to the perception of fairness and impartiality police officers can provide during encounters by treating all persons with dignity and respect, giving persons a voice during encounters, being impartial in their decision-making, and conveying trustworthy motives. Conduct that conforms to these principles has the potential of building community trust and confidence in the police and the community's willingness to cooperate with police to advance shared public safety goals.

III. Distinct & Separate Actions: Community interactions, field interviews, investigative stops, vehicle stops, and weapons pat-downs are distinct and separate actions, and each is governed by different legal and policy standards depending on the action. An investigative stop or a community interaction between the police and the community does not automatically justify a weapons pat-down or a search.

IV. Nondiscriminatory Policing: Police officers are prohibited from relying, to any extent or degree, on a person's race, ethnicity, national origin, religion, gender, sexual orientation, age, disability, gender identity or expression, or affiliation with any other similarly identifiable group as a factor in conducting a field interview, investigative stop, vehicle stop, weapons pat-down, search, or arrest except when physically observable as part of an actual and credible description of a specific suspect or suspects in any criminal investigation that includes other appropriate nondemographic identifying factors (such as clothing or associated vehicle). See JHPD Directive #106, Fair & Impartial Policing. Officers shall provide language assistance to limited English proficient persons whenever such assistance is requested or required, in accordance with JHPD Directive #434, Language Access Services, as well as ensure that persons who are deaf or hard of hearing receive equal access to law enforcement programs, services, and activities, in accordance with JHPD Directive #435, Communicating With Persons Who Are Hearing Impaired.

Procedures

I. General

A. The following are the four levels of civilian-police encounters, listed in order from least to most intrusive:

- Voluntary interactions, which include community interactions and noncustodial voluntary field interviews,
- Investigative (Terry) stops,

- Probable cause stops/detentions, and
- Arrests.

B. Generally, as an encounter becomes more intrusive, the law requires that officers be able to provide a higher, more significant level of legal justification:

- For voluntary interactions, so long as the encounter remains voluntary and does not become a seizure, no particular justification is necessary.
- For investigative (Terry) stops, because they involve a limited seizure of an individual, RAS is required.
- For probable cause stops/detentions, because they involve a seizure of an individual based on a heightened threshold justification, there must be a fair probability that a crime has occurred and the subject has committed it.
- For arrests, because they involve a sustained seizure of an individual, probable cause is required.

	JUSTIFICATION REQUIRED		**DOCUMENTATION REQUIRED**		
TYPE OF CONTACT	**Reasonable Articulable Suspicion**	**Probable Cause**	**Citizen-Police Contact Receipt**	**Form 309**	**Incident Report**
VOLUNTARY					
Community Interaction					
Field Interview			X		
INVOLUNTARY					
Investigative Stop	X			X	X
Weapons Pat-Down	X			X	X
Search		X		X	X
Arrest		X			X
Vehicle Stop—Traffic Violation		X	X		
Vehicle Stop—Criminal Investigation	X		X		X

II. Voluntary Community Interactions & Engagement

A. Community interactions may be initiated without probable cause, reasonable suspicion, or other indications of criminal activity by the individual when officers adhere to provisions of this policy.

B. Community interactions are based on the presumption that the individual is not under any reasonable suspicion of criminal activity.

C. Officers are encouraged to conduct community interactions in order to enhance communication, trust, and understanding between JHPD officers and members of the public.

D. Strong relationships between officers and community residents are a key aspect of community policing and a significant contributor to neighborhood safety. Community interactions are a great way to build strong relationships, as well as to foster community support in crime prevention and intervention efforts.

E. Community interactions, like all other community contacts, shall be conducted in a friendly, professional manner, including expressing appreciation for the person's willingness to engage in the interaction.

F. Officers may initiate a community interaction in any location where the officer has a legal right to be.

G. Officers shall strive to ensure that their actions and requests cannot be reasonably perceived by the individual as a restraint on their freedom to leave. As such, officers shall:

- Immediately inform the person approached for a community interaction that this is a voluntary encounter, that they do not have to speak to the officer, that they should feel free to leave at any time, and that they can end the encounter right away if the officer's presence makes them uncomfortable,
- Introduce themselves and explain the reason for making the contact,
- Act in a friendly, professional, respectful, and restrained manner at all times,
- Establish rapport,
- Avoid commands,
- Avoid asking for identification,
- If requests are made, use optional phrases such as "may" and "would you mind,"
- Ensure the contact remains respectful and voluntary, and
- Avoid creating physical or nonphysical barriers to the individual's ability to leave, to include asking for and keeping identification,

such as a driver's license, or creating a physically imposing and intimidating presence.

H. If a person asks whether they must respond to questions or remain in the officer's presence, the officer shall tell the person that they do not have to answer any questions and are free to leave at any time. If someone expresses disapproval of the officer's presence or disinterest in speaking with the officer, the officer should politely move along to avoid any escalation.

I. When people refuse or cease to cooperate during a contact, they shall be permitted to leave.

J. Community interactions do not require any written documentation or BWC recording; a general notification to dispatch at the conclusion of each community interaction or encounter should be made.

K. If the officer is seeking information about a suspected crime, the community interaction becomes a field interview.

L. Prohibited Actions

In accordance with JHPD Directive #106, Fair & Impartial Policing, officers are prohibited from initiating interactions based on individual demographics, including but not limited to race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, cultural group, or political status, except when such characteristics are part of a specific subject description. Officers shall not use contacts as a pretextual basis to intimidate, harass, or coerce individuals.

- Officers shall not detain people who are engaged in a community interaction in any manner against their will or pat them down for weapons.
- An officer may not use force or coercion to require a person to stop or respond to questions or directions.
- Officers shall not require a person engaged in community interaction to produce any identification (unless driving a vehicle).
- Officers shall not use a person's refusal to cooperate or engage in a community interaction as the basis for turning the "contact" into a "detention."
- Officers shall not use a community interaction as pretext to develop RAS for an investigative stop.
- Officers shall not provide preferential treatment to a person based on their affiliation or nonaffiliation with Johns Hopkins.

M. However, if, during a community interaction, officers develop RAS and suspect an individual may be armed or that the person has committed, is

committing, or is about to commit a crime, proceed to Section IV or V, below.

III. Field Interviews

A. A field interview is a specific type of voluntary interaction in which an officer seeks to engage with a person for a particular law enforcement purpose. An officer may initiate field interviews only when a reasonable officer would believe the person being interviewed may have some information related to an incident the officer is investigating, such as a vehicular accident or recently committed crime in the area. The person is free to end the field interview at any time and refuse to answer the officer's questions. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 1.2.3.a)

B. Officers conducting a field interview shall adhere to the following procedures:

- In conformance with JHPD Directive #433, Body-Worn Cameras, officers shall activate their BWC at the onset of the observation or activity on which they base their decision to conduct a field interview, and shall not deactivate the BWC until the completion of the field interview.
- Before asking any questions, officers shall immediately introduce themselves by name, rank, and badge number and provide the person with their business card if they have one, unless exigent circumstances require gathering information immediately.
- Officers shall remain friendly and professional and act with restraint, including expressing appreciation for the person's willingness to engage in the field interview.
- Officers shall use words, tone, and actions indicating that the person's responses are voluntary and refrain from using words or actions that tend to communicate that the person is not free to leave or that they must answer questions (e.g., blocking the path of the person's vehicle, placing hands on the person's shoulder, holding a person's property).
- Officers shall affirmatively let the person know that they are free to leave and may decline to answer questions without consequences.
- If asked, officers shall explain the JHPD complaint process.

C. If a person refuses to answer questions during a field interview, they must be permitted to leave. A person's failure to stop, refusal to answer questions, decision to end the encounter, or decision to walk or run away cannot be used as the basis for establishing RAS or to extend the encounter

or further intrude on the person through an investigative stop, weapons pat-down, search, or arrest of the person.

D. An officer should not request identification during a field interview, unless there is a legitimate reason to make the request, such as for a court summons as a witness or for follow-up questions. If asking a person to identify themselves for a legitimate reason, officers must inform the person that providing identification is voluntary and explain why they are requesting the identification. People are not required to carry any means of identification, nor are people required to identify themselves or account for their presence in a public place.

E. The duration of the field interview should be as brief as possible. The success or failure of a meaningful field interview rests on the officer's ability to put the person at ease and establish a rapport.

- NOTE: If RAS of criminal conduct develops as to the individual being interviewed, and the individual is no longer free, the encounter is now an investigative stop (see Section IV below). If the officer is questioning the person about their own potential criminal conduct, members shall immediately, as a precaution, provide the individual with the warnings required by *Miranda v. Arizona* and get a written or verbal waiver recorded on BWC prior to questioning them. They must be told of their Fifth Amendment right not to make any self-incriminating statements, including the right to remain silent and the right to an attorney and that anything they say can be held against them. If they invoke their rights or remain silent, no further questioning should occur. See JHPD Directive #461, Custodial Interrogations.

F. **Prohibited Actions:** Because a person is free to end the field interview at any time and to refuse to answer the officer's questions, officers shall not engage in conduct that would lead a reasonable person to believe they **must** comply, provide identification, or respond. Where many people view a marked patrol car, police uniform, firearm, or other weapons as symbols of authority and potential coercion, officers shall act in a manner that would inform a reasonable person that the encounter is voluntary, such as using a noncoercive tone of voice, asking open-ended questions, and refraining from giving orders. In addition:

- Officers shall not request consent to search a person during a field interview.
- Officers shall not utilize field interviews as a pretext to establish RAS for an investigative stop of the person being interviewed.
- Officers shall not conduct field interviews in a hostile or aggressive manner, or as a means of harassing any person or attempting to coerce a person to do anything (leave the area, consent to a search, etc.).

- Officers shall not take action intended to create RAS without previous particularized facts to justify action, such as "jump outs."
- Officers shall not target treatment facilities and people they have previously arrested for controlled dangerous substance (CDS) possession, based solely on knowledge of drug addiction.
- Officers shall not use their status as a police officer to gain access to a patient in a health care facility who is not in their lawful custody in order to conduct a field interview. Officers seeking to interview a person who is a patient in a health care facility shall follow the health care facility's patient visitor policy.

G. Officers shall complete Citizen-Police Contact Receipts for all field interviews and provide copies to the people interviewed, as well as completing an Incident Report related to the field interview by the end of their shift.

IV. Investigative Stops (CALEA 1.2.3, 1.2.4)

The Fourth Amendment of the U.S. Constitution protects individuals from unreasonable seizure when they are lawfully present in a place. It also permits officers to briefly detain a person for investigation when an officer has a reasonable suspicion that a person is involved in criminal activity.

A. **Justification:** To conduct an investigative stop, officers must have RAS that a person is committing, has committed, or is about to commit a crime. RAS depends on all circumstances that officers observe and all reasonable assumptions that officers make based on their training and experience. RAS can result from a combination of particular facts, some of which may appear harmless in and of themselves but, taken together, amount to reasonable suspicion.

- RAS should be founded on specific and objective facts or observations about how a person behaves, what a person is seen or heard doing, and the circumstances or situations regarding a person that are either witnessed or known by officers. Officers may rely on activity they perceive through their own senses, through information obtained from other credible persons, or through a combination of both factors. Accordingly, RAS must be described with reference to specific facts or observations about a person's actions or the circumstances that an officer encounters.
- Officers shall never rely on the physical characteristics of a person, by themselves, to establish RAS. Instead, those characteristics must be combined with other factors, including a specific, nongeneral description matching a suspect or the observed behaviors of a person.
- Officers are reminded that determining reasonable suspicion is based on whether a reasonable officer, given the facts known to the

officer at the time of the stop, would believe that criminal activity has been, is, or is about to be occurring—not the officer's subjective belief. Officers may also initiate investigative stops when they have probable cause to believe that traffic violations or civil infractions have occurred.

- Officers shall not use the mere possession or presence of condoms as a basis or component of a reasonable suspicion or probable cause determination for a prostitution or sex-related offense.

B. Stops & Searches Based on Cannabis: Officers shall not initiate a stop or a search of a person, a motor vehicle, or a vessel based solely on one or more of the following:

- The odor of burnt or unburnt cannabis,
- The possession or suspicion of possession of cannabis that does not exceed the Personal Use Amount, or
- The presence of cash or currency in proximity to cannabis without other indicia of an intent to distribute.
- If officers are investigating a person solely for driving or attempting to drive a motor vehicle or vessel while impaired by or under the influence of cannabis in violation of MD Code, Transportation, § 21-902, they shall not conduct a search of an area of a motor vehicle or vessel that is not:
  - Readily accessible to the driver or operator of the motor vehicle, or
  - Reasonably likely to contain evidence relevant to the condition of the driver or operator of the motor vehicle.
- Evidence discovered or obtained in violation of this section, including evidence discovered or obtained with consent, is not admissible in a trial, a hearing, or any other proceeding. See JHPD Directive #411, Search & Seizure.

C. Decision to Stop an Individual: Officers must assess and decide if the stop of an individual is justified legally and is in the best interest of public safety and community relations. Officers must use sound judgment and critical decision-making skills to assess suspicious person calls. This includes assessing the facts and behaviors for themselves and not relying solely on information obtained from a reporting party (e.g., citizen, student, employee, or security officer) that the officer has not corroborated. (CALEA 1.2.7)

- Although Johns Hopkins University (JHU) and Hospital System property is private property, investigative stops must be conducted consistent with the law.

- JHPD officers always retain the discretion **not** to stop an individual for low-priority events, even if there is legal justification after their assessment of the situation. However, stops can never be based on a person's demographics, including but not limited to race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, cultural group, or political status, except when such characteristics are part of a specific subject description.
- Guidance on certain scenarios is as follows:

Location Based With No Behavior Factors		
Low-Priority Factors	**Potential Element for Reasonable Suspicion**	**Potential Element for Probable Cause**
Outdoors: open area	Outdoors: near residence halls	Inside residence hall or locked dorm room without permission
Outdoors: near building, doors, or breezeway	Inside building	Inside building behind locked doors; in restricted area; or after business hours
Inside public building: student center and other JHU places	Inside nonpublic building: administrative, research, private office, residence hall	Inside building behind locked doors; in restricted area; or after business hours
Health care or hospital setting: in waiting area, lobbies	In clinical treatment areas; private offices	Inside building behind locked doors; in restricted area; or after business hours
Behavior Factors		
Low-Priority Factors	**Potential Element for Reasonable Suspicion**	**Potential Element for Probable Cause**
"Looks out of place"	Asking odd or inappropriate questions	Harassing or following people; potential crime against person
Potential crime against property (looking in cars)	Potential crime against property (looking in cars) at site of previous crimes, such as car breaking and entering	Potential crime against property (looking in cars) at site of previous pertinent crimes; carrying screwdriver, bolt cutters, other burglary tools

<table>
<tr><td>Sleeping in public: handle as welfare check
College-age person in residence commons area: refer to residence hall staff
Library: refer to library staff</td><td rowspan="2"></td><td>In unauthorized areas or after hours or restricted access, (potential trespass, breaking and entering, etc.)</td></tr>
<tr><td>Others: refer to the JHPD; name of subject not required</td><td></td></tr>
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- For all investigative stops, officers must possess RAS (specific and articulable facts that, combined with rational assumptions from these facts, reasonably warrant a belief) that a person is committing, is about to commit, or has committed a crime.
- Officers shall not stop an individual if the only complaint is the person "looks out of place"; appears "suspicious," "sketchy," or "off"; "does not belong"; etc. Stops must be based on articulable behaviors, leading to reasonable suspicion. In situations such as these, officers should respond, observe, and assess before engaging in investigative stops, and they shall not initiate investigative stops unless they have actual RAS of specific criminal activity. Before an officer initiates an encounter with an individual as a result of such complaints, the officer should consider the following:
    - Setting aside the individual's physical appearance, what specific behaviors is the individual exhibiting that rouse suspicion?
    - Do those behaviors make the officer believe that this person poses a risk of violence or physical harm?
    - Who, specifically, would be physically harmed by this behavior?
    - How? See JHPD Directive #106, Fair & Impartial Policing.
- NOTE: One factor alone is not sufficient, in most circumstances, to establish RAS, and circumstances will vary in each case.

D. Prohibited Actions: JHPD officers shall not:

- Conduct investigative stops that lack RAS that the person has committed, is committing, or is about to commit a crime.

- Use investigative stops as a general crime deterrence strategy.
- Conduct investigative stops based on a person's race, ethnicity, national origin, sex, religion, gender, sexual orientation, age, disability, gender identity or expression, or other demographic categories.
- Conduct pretext stops except for in the rare instances when there is a serious offense involving an immediate threat to public safety.
    - NOTE: A classic example would be a kidnapping case where the police have a general description of a vehicle (e.g., "white van") that may not be enough to justify stopping any vehicle, but the risk of harm is sufficiently grave as to justify the use of any constitutional means to apprehend the suspect.
- Use boilerplate language or language that states a conclusion without providing supporting detail in the report documenting investigative stops.
- Rely on information known at the time of reliance to be materially false or incorrect in effectuating investigative stops.
- Make investigative stops based **solely** on a person's presence in a location known for criminal activity.
    - NOTE: Despite this prohibition, officers may use the fact that a location is known for a particular type of criminal activity as one fact among multiple facts that, in combination, establish RAS. To conclude that the type of criminal activity in a specific location contributes to establishing RAS, the officer should be able to articulate how the nature of the criminal activity in that location, its frequency, and its recency are relevant to the suspected crime.
    - For example, a person found loitering in an area where graffiti vandalism recently occurred or a person found after hours in a building where recent thefts have occurred could be considered as one fact, in combination with others, to establish RAS for vandalization or theft in those scenarios.
    - NOTE: In order to be used as a fact that helps to establish RAS, a location known for a certain type of criminal activity must be a specific location (an address, a specific building or classroom, a specific block or corner, a specific open space or recreation area, a parking area, etc.) and must not be a general location (e.g., a district or an entire neighborhood) for a crime that is location specific (e.g., CDS distribution). Officers shall avoid broad, boilerplate phrases such as "high-crime area" when articulating RAS.

- Make investigative stops based **solely** on a person's response to the presence of police, including a person's attempt to avoid contact with an officer (e.g., walking away, declining to talk, running away, or crossing the street to avoid contact). People may avoid contact with police for many reasons other than involvement in criminal activity.
- Conduct investigative stops when a person in a location known for certain criminal activity runs, unprovoked, from the police, unless there is an articulable reason to believe the person is running because they are involved in the type of criminal activity prevalent in that location. In this situation, the officer must be able to articulate the specific facts establishing RAS, including how the individual's unprovoked flight is linked to their suspected participation in the type of criminal activity prevalent in that location.
    - Examples of facts that may establish a link between a person's unprovoked flight and the type of criminal activity prevalent in a location include that officers have observed the person taking actions that are consistent with the commission of the particular crime prevalent at that location, officers have personal knowledge that a person has committed the crime previously, and officers have personal knowledge that there was a recent call for service about that particular crime being committed at that location.
    - NOTE: This situation will often result in a foot pursuit. In most circumstances, officers should not engage in foot pursuit for narcotics crimes and property crimes. See JHPD Directive #410, Foot Pursuits.
- Intentionally provoke or attempt to provoke flight to justify an investigate stop or a foot pursuit. For example, officers may not drive at a high rate of speed toward a group congregated on a corner, perform a threshold brake, and exit quickly with the intention of stopping anyone in the group who flees.
- Make an investigative stop based **solely** on a person's proximity to the scene of a reported or suspected crime.
- NOTE: Officers may use a person's proximity to the scene of a specific reported or suspected crime as a fact in formulating RAS that the person committed that specific crime, but they must explain how close the person was to the scene and why it was reasonable to believe the person was involved in the reported or suspected crime based on their proximity to the scene. Facts an officer should consider include:
    - How long ago the crime was committed and whether a person could have traveled that distance in that time.

- Whether the officer observed the person taking actions that are consistent with someone who just committed that crime.
- Whether the person matches any witness's descriptions or observations of the incident, etc.

- NOTE: Nothing in this Directive shall interfere with an officer's ability to "freeze" a crime scene in accordance with JHPD Directive #467, Evidence Collection & Preservation.

E. Conducting an Investigative Stop: Before conducting an investigative stop, officers must:

- Activate their BWC at the onset of the observation or activity on which they base their reasonable suspicion, to the extent practicable and safe, and refrain from deactivating the BWC until the completion of the investigative stop.
- Notify the dispatcher and include the location, number of persons being stopped, whether additional units are needed, and, when safe to do so, a brief basis for the stop.
- Always determine whether the circumstances warrant a request for backup assistance and whether the investigative stop can and should be delayed until such backup arrives. During investigative stops, officers **must**:
  - Remain courteous and respectful at all times, including expressing appreciation for the person's cooperation.
  - Inform the person stopped that they are not free to leave, and explain the reason for the stop if safe and practicable to do so.
  - Limit questions to those relevant and necessary to resolve the officer's suspicions.
  - Ensure that the person is stopped for only a limited period necessary to effect the purpose of the stop. If the stop is not brief, then it may become an arrest and must be supported by probable cause.
- The scope of the stop must be tied to the basis for the stop. Actions that would indicate to a reasonable person that they are being arrested or indefinitely detained may convert an investigative stop into an arrest, which would require probable cause or an arrest warrant. Unless justified by the RAS for the original stop, officers must have additional articulable justification for further limiting a person's freedom during an investigative stop, including by doing any of the following:
  - Taking a person's identification or driver's license away from the immediate vicinity.
  - Ordering a motorist to exit a vehicle.

- Directing a person to stand (or remain standing) or to sit in any place not of their choosing.
- Directing a person to lie or sit on the ground.
- Applying handcuffs.
- Transporting a person any distance away from the scene of the initial stop (including for the purpose of witness identification).
- Placing a person into a police vehicle.
- Pointing a firearm.
- Performing a weapons pat-down.
- Using any level of force.

- Notify a supervisor immediately, as soon as it is safe to do so, if the person is:
  - Injured during the investigative stop or complains of injury.
  - Transported from the initial place of contact.
  - Stopped for more than 20 minutes.
  - Handcuffed or subjected to an arrest and control technique.
- NOTE: When the encounter is over, it is over. Officers shall not detain a person for longer than needed in order to wait for the arrival of a supervisor.
- Officers shall immediately discontinue an investigative stop if:
  - The officer no longer has RAS that the person is committing, is about to commit, or has committed a crime.
  - NOTE: This may occur when, upon stopping the person, the officer learns that the person is not a specific suspect being sought or that the person's actions or behaviors are justified and do not indicate a violation of law.
  - The officer fails to develop the probable cause that is necessary to arrest within a reasonable time.
- Officers shall not transport or otherwise move the person from the location where they are stopped unless they voluntarily consent or there is an exigency necessitating relocation (hostile crowd, immediate threat to safety, etc.).
  - NOTE: If intending to move the person from the stop location because voluntary consent was given or there is an exigency necessitating relocation as a result of one of the above circumstances, officers shall obtain the approval of the on-duty supervisor before relocating the person and inform

the supervisor of the specific location where the person is being taken as soon as practical.

- If the person stopped is to be released, officers shall immediately release the person and explain the reason for the investigative stop and the release.
- If the person is taken to another location, officers shall provide the person with return transportation to the scene of the initial stop.

F. Documentation Requirements

Officers shall not use boilerplate language when describing the basis for an investigative stop. Officers must use specific and descriptive language individualized to the person stopped and the circumstances of the stop to describe the basis of the contact. The amount of detail required depends on the complexity of the encounter.

G. Following an Investigative Stop

Officers shall request an Incident Number from police dispatch, and an Incident Report must be completed in conformance with JHPD Directive #470, Field Reporting System. Officers should describe in detail the circumstances that led to the investigative stop in a Supplemental Report, including clearly and specifically documenting the facts on which the officer's RAS was based. The report must include the following information:

- A complete description of the person, including height, weight, hair color, eye color, skin tone, identifying features (e.g., tattoos, scars), clothing type and color, and any other notable features or descriptors relevant to RAS,
- Perceived race, ethnicity, gender, and age of the person stopped,
- The location of the stop, including the address or nearest intersection,
- The Incident Number,
- A specific, individualized description of the facts that established RAS for the stop, prior to the stop being made,
- Approximate duration of the stop,
- Outcome of the stop, including whether officers issued a civil or criminal citation, made an arrest, or issued a warning,
- Whether officers conducted a weapons pat-down and, if so, the RAS that the person was armed,
- Whether officers conducted a search of a vehicle based on probable cause and, if so, the facts establishing probable cause for the vehicle search
    - NOTE: There is no exception to the warrant requirement for probable cause searches of a person. A warrantless

search of a person requires another exception to the warrant requirement such as plain view, exigent circumstances, or search incident to arrest,

- Whether officers asked any persons to consent to a search, whether such consent was given, and in what form (i.e., verbal or written) in accordance with JHPD Directive #411, Search & Seizure,
- Whether officers found any unlawful weapons, narcotics, or other contraband during a search, and the nature of the contraband,
- Whether the investigative stop began as a community interaction or field interview,
- If the person was moved from the initial stop location, document that they were moved, where they were taken to, and why they were moved from the stop location, and
- If the officer received information during the call or observed facts that indicate that a person has or is experiencing behavioral health disabilities.

H. The officer must provide the person with an explanation of the purpose of the stop and provide a copy of the Citizen-Police Contact Receipt to the person with the officer's name, the date, and the Incident Number.

V. Weapons Pat-Downs (CALEA 1.2.3, 1.2.4)

A. A weapons pat-down is a specific, limited, and nonprobing type of search that an officer may conduct when the officer reasonably suspects that a stopped or detained individual is presently armed and dangerous. To conduct a weapons pat-down, an officer must possess RAS (specific and articulable facts, combined with rational assumptions based on these facts) that the person is armed, and the pat-down must be designed to ensure the safety of the officer and others while an officer is conducting a legitimate investigation. Pertinent factors may include the officer's prior knowledge that the person carries a weapon. However, officers must also be mindful that most people carry mobile phones, wallets, or other personal items in their pockets.

- NOTE: An investigative stop and a weapons pat-down are two distinct actions—both require independent RAS (e.g., to stop a person, there must be RAS of criminal activity, but to stop a person **and** perform a weapons pat-down, there must be RAS of criminal activity **and** RAS that the person is armed and dangerous).
- NOTE: A weapons pat-down shall not be conducted as pretext to identify or discover other contraband such as illegal CDSs.

B. In determining whether sufficient RAS exists to support the weapons pat-down, an officer should consider the following factors:

- The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved,
- Prior knowledge of the person's history of carrying deadly weapons or committing crimes of violence, and
- Visual indications that suggest the person is carrying a firearm or other deadly weapon, such as a bulge under the person's clothing or movement that suggests repositioning of a weapon, although a bulge or repositioning could also indicate the presence of personal items such as a cell phone or wallet.

C. Whenever possible, weapons pat-downs should be conducted by at least two officers—one who performs the weapons pat-down and another who provides protective cover.

D. Absent exigent circumstances, when conducting a weapons pat-down, (1) officers will honor the person's preference about the gender identity of the officer conducting the search; and (2) in the absence of a stated preference, the gender identity of the person being searched shall be consistent with the gender identity of the officer conducting a search. See JHPD Directive #107, Interactions With LGBTQ+ Individuals.

E. Officers are permitted only to pat the outer clothing of the person.

F. If, during a weapons pat-down, the officer feels an item that is the shape and size of a weapon that could be used to harm the officer or others, the officer may reach into, or disturb, the article of clothing and remove the item.

- NOTE: If, during the process of removing the suspected weapon, the officer discovers other items that are contraband or evidence of a crime, the officer may lawfully seize those items, and the items may be considered when establishing probable cause to make an arrest or to conduct a search of the person. When considering enforcement actions related to the discovery of contraband that is not a weapon, particularly for possession of CDSs, members are reminded that they should apply the least intrusive and most effective enforcement measure in accordance with JHPD Directive #424, Arrests & Alternatives to Arrest. The Baltimore Police Department should be notified immediately to take over the arrest for a suspected firearm.

G. If the person stopped is arrested because a weapon was found, a search incident to the arrest may be conducted in accordance with departmental training and procedures. See JHPD Directive #411, Search & Seizure. If a person is not subject to arrest, a search incident to arrest shall not be conducted.

H. If the person stopped is to be released because no weapon was found, and there is no probable cause for an arrest, the officer must immediately release the person, comply with the documentation guidelines in Section V.J below, and explain the reason for the investigative stop, the weapons pat-down, and the release.

I. Prohibited Actions

- Officers are prohibited from automatically engaging in weapons pat-downs during investigative stops for "officer safety" without additional factual development.
- Officers shall not place their hands in pockets or reach into an article of clothing unless the officer feels an object they have RAS is a weapon, such as a firearm, knife, club, or other item, that could be used to harm the officer or others. The officer **may not** manipulate an object underneath clothing in an effort to determine the nature of the object.
- A weapons pat-down shall not be used to conduct full searches designed to produce evidence or other incriminating material.
- Officers may not request the consent of a person to conduct a weapons pat-down without RAS that the person is carrying a weapon.
- Officers shall not open an object that a person is carrying, such as a handbag, suitcase, briefcase, sack, or other object that may conceal a weapon. Instead, the officer should place it out of the person's reach.
- If the officer reasonably suspects that harm may result if the unsearched object is returned to the person, the officer **may briefly** feel the **exterior** of the object in order to determine if the object is or contains a weapon or other dangerous item.

J. Documentation Requirements

Officers must use specific and individualized descriptive language sufficient to describe the RAS for the weapons pat-down, in addition to the RAS for the investigative stop. The amount of detail required depends on the complexity of the encounter. Officers shall not use boilerplate language when describing the RAS for a weapons pat-down.

- If the stopped person is to be released, and there is no probable cause for an arrest, the officer must:
    - Obtain an Incident Number from police dispatch and complete an Incident Report, Form 8. Describe in detail the circumstances that led to the weapons pat-down in a Supplemental Report, Form 7, and follow the reporting guidelines listed in Section IV.F above.

- Provide a copy of the Citizen-Police Contact Receipt to the person with the officer's name, the date, and the Incident Number.

- If the person stopped is arrested because a weapon was found for which they did not have a permit, a search incident to arrest may be conducted in accordance with departmental training and procedures. See JHPD Directive #411, Search & Seizure.

- NOTE: Complete any related reports and submit them to a supervisor. The completed reports shall make it clear that the arrest was the result of an investigative stop or weapons pat-down, and the officer must follow the reporting guidelines listed in Section IV.F above.

VI. Vehicle Stops (CALEA 1.2.3)

A. Officers may conduct a vehicle stop only when they have probable cause to believe a driver has committed or is committing a traffic violation, or RAS that the driver or an occupant of the vehicle has committed, is committing, or is about to commit a crime.

B. All actions before, during and after any traffic stop must be completed in conformance with this Directive and JHPD Directive #442, Traffic Control & Enforcement

VII. Supervisory Responsibilities

A. On-Duty Supervisor

The on-duty supervisor will review all Citizen-Police Contact Receipts and all documentation for investigative stops and weapons pat-downs. This should be completed during the shift, by the end of the shift, but not later than 72 hours after the encounter occurred. This deadline may only be extended if deficiencies are found and additional investigation or corrective action is required. In addition, supervisors shall:

- Ensure the encounter and law enforcement action taken were constitutional and complied with this Directive and related policies.

- NOTE: For any actions that require further review in order to confirm compliance, the supervisor shall review the officer's BWC footage and that of any other officers present. (CALEA 41.3.8.g)

- Ensure the documentation is complete and complies with this Directive and related policies.

- Review reports and forms for deficiencies, including:
  - Boilerplate language and language that comes to a conclusion without providing supporting detail, provides

inconsistent information, lacks articulation of the legal basis for the action, or exhibits other indicia that the reports or forms may contain information that was not accurate at the time it was reported.

- Consult with the officer to assess whether additional information from the officer may remedy the deficiency.

- Upon confirming completion and sufficiency, sign off on the report and forward through proper channels.
- Document and report in the complaint management system (CMS):
  - Investigative stops that appear unsupported by RAS or that otherwise violate this Directive and other JHPD policies.
  - Searches that appear to be without legal justification or are in violation of this Directive and other JHPD policies.
  - When a search resulting in the recovery of contraband appears to be unsupported by probable cause.
  - Stops or searches that, while complying with law and policy, indicate a need for corrective action or review of agency policy, strategy, tactics, or training.
- Submit all Incident Reports and Supplemental Reports in conformance with JHPD Directive #470, Field Reporting System, and Citizen-Police Contact Receipts through the unit administrative staff.
- Take appropriate action to address all apparent violations or deficiencies in field interviews, vehicle stops, investigative stops, and weapons pat-downs, including deficiencies in reporting.
  - All corrective action documentation should be recorded in CMS for tracking purposes.
  - When an officer's actions comply with the law and policy but indicate a need for positive corrective action, provide training, mentoring, counseling, or other appropriate measures. Document nonpunitive corrective action in CMS as a performance notice.
  - Refer policy and law violations to the Public Safety Accountability Unit (PSAU) for administrative or criminal investigation and document in CMS. For these situations, it may still be appropriate to provide nonpunitive counseling, mentoring, training, or other support as a complement to the investigation of the PSAU.
  - For each subordinate, the supervisor shall track each violation or deficiency and the corrective action taken, if any, to identify officers needing repeated corrective action.

- Document evidence of employee negligence or repeated failures to accurately complete applicable reporting in CMS for progressive discipline.
- Review and consider the quality and completeness of all officers' reports for field interviews, investigative stops, and weapons pat-downs in officers' performance evaluations.

B. Lieutenant or Watch Commander

The Lieutenant or Watch Commander will review and evaluate the Sergeant's review of the officer's activity and any corrective action taken. If the documentation is complete, and the Sergeant's actions appropriately resolve the underlying issue, the Lieutenant or Watch Commander shall approve the documentation. If additional action is needed, they shall return to the Sergeant for further action. In addition, the Lieutenant or Watch Commander shall:

- Mentor and counsel Sergeants, where needed, regarding their responsibilities toward officers and the department.
- Refer an officer's or Sergeant's policy and law violations to PSAU for administrative or criminal investigation and document in CMS. Referral to PSAU does not preclude nonpunitive counseling, mentoring, training, or other support, which should be provided as a complement to PSAU's investigation.

C. Captain or Commander

The Captain or Commander shall provide training and conduct reviews of Incident Reports, Form 8; Supplemental Reports, Form 7; and Citizen-Police Contact Receipts as necessary to ensure officers understand and apply appropriate legal standards when conducting field interviews, vehicle stops, investigative stops, and weapons pat-downs. In addition, the Captain or Commander shall:

- Provide training and conduct audits of supervisory reviews of investigative stops, vehicle stops, and weapons pat-downs to evaluate the supervisor's review and conclusions within seven days of their completion.
- If misconduct is identified through any of the above-mentioned audits, evaluate the supervisor's assessments and recommendations and ensure that all appropriate corrective action was taken, including referring the incident to PSAU for investigation. For supervisors who fail to conduct complete, thorough, and accurate reviews of officers' field interviews, investigative stops, and weapons pat-downs, take appropriate corrective or disciplinary action.
- Ensure all Citizen-Police Contact Receipts are forwarded daily to the Records Management Section for entry into the Stop Ticket database on a timely basis.
- Prepare and enter daily all copies of Incident Reports, Supplemental Reports, and any related forms and documents into

the Records Management System in accordance with JHPD Directive #202, Written Directive System.

- Consider the quality and completeness of supervisory reviews of investigative stops and weapons pat-downs in performance evaluations.

D. The Captain or Commander or their designee will review all field interviews, investigative stops, and weapons pat-downs documentation received for data entry.

- If reporting errors or deficiencies are noted, the Captain or Commander shall return the documentation to the officer's supervisor and report the error or deficiency to the officer's commanding officer.

E. Records Management Section

The Records Management Section shall collect and forward, on a daily basis, copies of all reports relating to recovered weapons, including knives and firearms, to the Director, Crime Laboratory Section. In addition, the Records Management Section shall:

- Ensure Citizen-Police Contact Receipts are entered into the Stop Ticket database within 10 business days of receipt.
- Retain copies of all Citizen-Police Contact Receipts indefinitely.

F. Public Safety Accountability Unit

PSAU will conduct random audits to identify deficiencies and gaps in practice of these activities, and those findings will assist in informing future trainings and policy on field interviews, vehicle stops, investigative stops, and weapons pat-downs.

- Audits of documentation in support of field interviews, vehicle stops, investigative stops, and weapons pat-downs will be included in the yearly audit plan. This review may include but is not limited to Incident Reports, Supplemental Reports, Citizen-Police Contact Receipts, and BWC footage. (CALEA 41.3.8.g)
- The frequency of these audits will be determined by the PSAU Executive Director, in accordance with the year's audit plan.
- An annual review of all stop data will be conducted to determine whether any demographic disparities exist in investigative stops and outcomes.

VIII. Training

A. All police officers will receive training in Fourth Amendment requirements and related law, as well as JHPD policy requirements regarding investigative stops and detentions, searches, and seizures before completion of and release from the Field Training and Evaluation Program.

- In addition, officers must have received and become familiar with JHPD Directive #409, Field Interviews, Investigative Stops & Pat-Downs; and JHPD Directive #411, Search & Seizure. The receipt of these directives shall be documented in accordance with JHPD Directive #202, Written Directive System. (CALEA 12.2.2.c)

B. The Public Safety Training Section will ensure that all members are compliant with Maryland Police Training Commission and legislative requirements regarding initial and in-service training on Fourth Amendment requirements and related law on investigative stops and detentions, searches, and seizures.

- Annually, in-service training will include a review of JHPD Directive #409, Field Interviews, Investigative Stops & Pat-Downs; and JHPD Directive #411, Search & Seizure. (CALEA 33.5.1)

Policy Enforcement

Enforcement	Police Department managers and supervisors are responsible for enforcing this Directive.
Reporting Violations	Suspected violations of this Directive should be reported to PSAU.

Related Resources

University Policies and Documents
Conduct & Responsibility #106, Fair & Impartial Policing
Conduct & Responsibility #107, Interactions With LGBTQ+ Individuals
Operational Procedure #202, Written Directive System
Operational Procedure #409, Field Interviews, Investigative Stops & Pat-Downs
Operational Procedure #410, Foot Pursuits
Operational Procedure #411, Search & Seizure
Operational Procedure #424, Arrests & Alternatives to Arrest
Operational Procedure #433, Body-Worn Cameras
Operational Procedure #434, Language Access Services
Operational Procedure #435, Communicating With Persons Who Are Hearing Impaired
Operational Procedure #442, Traffic Control & Enforcement

Operational Procedure #461, Custodial Interrogations Operational Procedure #467, Evidence Collection & Preservation Operational Procedure #470, Field Reporting System
External Documentation
University Forms and Systems

Contacts

Subject Matter	Office Name	Telephone Number	Email/Web Address
Policy Clarification and Interpretation	Policy Management	(667)306-8618	jhpdpolicyinquiry@jh.edu