

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 3.6
	Effective Date: 04/23/05 Prv. Rev. Date: 08/01/19 Revised Date: 03/23/23
	Accreditation Standards: KACP: 1.4, 17.6
Chapter: Communications	
Subject: Field Contacts/ Investigative Stops /Pat Down Searches	

3.6 FIELD CONTACTS/**INVESTIGATIVE STOPS**/PAT DOWN SEARCHES (KACP 17.6)

3.6.1 PURPOSE

The purpose of this policy is to define and articulate field contacts, investigative stops, and pat down searches for LMPD officers. All of these types of citizen interactions are important for community engagement, investigations, and for deterring and detecting criminal activity. This policy will outline the differences in each type of encounter, the legal requirements for each, and the appropriate documentation required.

3.6.2 POLICY

Investigative stops are an important point of contact for officers in preventing and investigating criminal activity. Investigative stops will be based upon reasonable articulable suspicion the individual is committing, is about to commit, or has committed a crime. If not documented or articulated properly, investigative stops may be perceived by some citizens as a means of harassment or intimidation conducted in a discriminatory manner against groups or individuals. Pat down searches may be conducted by officers during an investigative stop if the officer has a reasonable articulable suspicion the subject is armed and dangerous. Pat down searches are for the detection of weapons only (refer to SOP 3.6.3 for more detailed definition). Investigative stops may be conducted for the following reasons:

- Detect the perpetrators of past crimes.
- Deter the commission of future crimes.
- Determine if a crime, in fact, has been committed.

In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers in approaching suspicious individuals, officers will conduct **investigative stops** and pat down searches in an impartial and courteous manner, free of bias, and in accordance with the **United States and Kentucky Constitutions**, applicable laws, and the Standard Operating Procedures (SOPs) of this department. Officers must also obtain a report number and complete a Citizen Stop Report in the Records Management System (RMS) after each investigative stop, regardless if an arrest was made or citation was issued.

Field contacts are voluntary interactions between officers and citizens during which the citizen is not detained for any investigative or criminal reason. These interactions may lead to investigative information. Officers are encouraged to document information gathered during a field contact in the "Field Contact" reporting module in the RMS. However, Citizen Stop Reports and report numbers are not required for field contacts.

3.6.3 DEFINITIONS

Consent: To voluntarily agree to an act or proposal of another.

Consent Search: A search made by law enforcement officers based on the consent of the individual whose person or property is being searched.

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3.6.3 DEFINITIONS (CONTINUED)

Exigent Circumstances: Those circumstances which would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence impeding legitimate law enforcement efforts.

Field Contact: A consensual, voluntary contact between law enforcement and an individual, during which the individual is not obligated to answer questions and is free to discontinue contact or leave at any time. The interaction may be for the purpose of engaging in casual and/or non-investigative conversation or may involve the gathering of detailed information from a person, either a possible victim, suspect, or witness, or visual observation that may provide useful information on criminal activity that has occurred, is occurring, or may occur in the future. **Citizen Stop Reports are not required for field contacts.**

Investigative Stop: Also known as a "Terry Stop" or "investigative detention." A temporary, involuntary detention of an individual by law enforcement officers based upon reasonable articulable suspicion the individual is committing, is about to commit, or has committed a crime. **Citizen Stop Reports are required for investigative stops.**

Pat Down: A "frisk," or the external feeling of the outer garments of an individual, for weapons. A pat down is considered a search under the 4th Amendment and can only be conducted on a reasonable articulable suspicion that the individual being subjected to the pat down is armed and dangerous to the officer, or others, or if granted consent from the subject of the request. A pat down does not include manipulating, or grasping, the outer garments or reaching inside of, or opening, the garments (e.g. pockets, jackets, etc.).

Probable Cause: The level of evidence, held by a rational and objective observer, necessary to justify logically accusing a specific suspect of a particular crime, based upon reliable objective facts.

Reasonable Articulable Suspicion: A suspicion based on specific, objective, articulable facts, taken together with the member's training and experience, that a subject has committed, is committing, or is about to commit a crime.

Search: An examination of an individual's premises, person, or property in which they have a reasonable expectation of privacy. A search includes a sweep of a location for individuals or a pat down of an individual. A search also includes a prying into, or the manipulation of, concealed or hidden places in order to discover something criminal in nature. Items in plain view will not constitute a search (KACP 1.4b). **It should be noted that, other than pat downs, a search will only be conducted pursuant to a warrant, with consent, or under exigent circumstances with probable cause. Pat downs will only be conducted pursuant to consent or with reasonable articulable suspicion the subject is armed and dangerous.**

3.6.4 INVESTIGATIVE STOP PROCEDURES

Officers will conduct an investigative stop of individuals only when a reasonable articulable suspicion that the person has committed, is committing, or is about to commit a crime is present. In justifying the stop, the officer must be able to point to specific facts that, when taken together with rational inferences, reasonably warrant the

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3.6.4 **INVESTIGATIVE STOP PROCEDURES (CONTINUED)**

stop. Merely being nervous or in a high-crime area are not sufficient factors, by themselves, to conduct **an investigative stop**.

Based upon an observance of suspicious circumstances or upon information from an investigation, an officer may initiate the stop of a suspect if they have a reasonable **articulable** suspicion of a crime to do so. The following should be done when making an **investigative stop**:

- When approaching the suspect, the officer should clearly identify themselves as an LMPD officer and, if in plainclothes, announce their identity, displaying their credentials.
- Officers will be courteous, at all times, during the contact but maintain caution and vigilance for movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.
- Before approaching more than one (1) suspect, officers should determine whether the circumstances warrant a request for backup and whether the contact can, and should be, delayed until assistance arrives.
- Officers are not required to advise suspects of their Miranda rights **during an investigative stop**, unless the person is in custody and about to be interrogated.
- Suspects are not required, nor can they be compelled, to answer any questions **during an investigative stop**.
- **Suspects are not required to identify themselves or provide identification (ID) unless they were stopped while operating a motor vehicle.**
- Under no circumstances will an officer detain a suspect for longer than what is reasonably necessary to make reasonable inquiries and either confirm or refute their suspicions of criminal activity.
- **Upon completion of the stop, officers will obtain an incident number from MetroSafe or their Mobile Data Terminal (MDT) and complete a Citizen Stop Report, regardless if an arrest of citation was issued.**

3.6.5 **SEATING SUBJECTS ON THE GROUND**

For the safety of the officer and the subject, an officer may occasionally need to order a person to sit on the ground. Officers will not instruct subjects to sit on the ground as a matter of routine. Officers should use sound judgement when ordering a person to sit on the ground **and** should only do so when the officer has a reasonable and articulable belief the subject is a danger to the officer, or another person, or presents indicators of flight. **Explaining to the individual why they are being ordered to sit on the ground reduces the potential perception of bias and improves relations with the community.**

Prior to ordering someone to sit on the ground, officers should consider other options, such as having another officer monitor the subject, if available.

Factors the officer may consider include:

- The subject's physical behavior.
- The officer's and subject's physical size and ability.
- The subject's statements.
- Prior knowledge of the individual subject's history of flight.

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3.6.5 SEATING SUBJECTS ON THE GROUND (CONTINUED)

- Prior knowledge of the individual subject's history of assaulting law enforcement officers.
- The presence and number of backup officers who are on-scene.
- The presence and number of other subjects who are on-scene.

Merely being nervous, in a high-crime area, or being the subject of an investigative stop are not sufficient factors, by themselves, to require a person to be seated on the ground.

Officers should only require the person to be seated for the time reasonable to mitigate danger to the officer, or others.

3.6.6 PAT DOWN SEARCH PROCEDURES (KACP 1.4c)

An officer only has the right to perform a pat down search of the outer garments of a suspect for weapons if they have been legitimately stopped with reasonable **articulable** suspicion of a crime and the officer has **either consent or** reasonable grounds to believe the suspect is armed and dangerous.

Not every **investigative stop** poses a justification for conducting a pat down search. The following are some of the criteria that may provide the **articulable** justification for conducting a pat down search. These criteria include, but are not limited to, the following:

- The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- The demeanor **and behavior** of the suspect.
- Visual indications that suggest the suspect is carrying a firearm or other weapon.

Merely being nervous or in a high-crime area are not sufficient factors, by themselves, to conduct a pat down search. Pat downs will not be conducted as a matter of routine.

When reasonable grounds exist to perform a pat down search, it should be performed with due caution, restraint, and sensitivity. These searches are only justifiable and can only be performed to protect officers, or others, from concealed weapons and will never be used as a pretext for obtaining evidence. Pat down searches will be conducted in the following manner:

- If the suspect has a disability, the officer will conduct the pat down in such a manner to accommodate the disability.
- In a pat down search, officers are only permitted to feel the outer clothing of a suspect. Officers will not manipulate items, grasp the outer garments, or reach into or open garments (e.g. pockets, jackets, etc.), unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club, or other item.
- If the suspect is carrying an object, such as a handbag, suitcase, briefcase, sack/bag, or any other item that may conceal a weapon, the officer will not open the item but instead place it out of the suspect's reach. These objects will only be searched with probable cause or consent.

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3.6.6 PAT DOWN SEARCH PROCEDURES (CONTINUED)

- If the feeling of the suspect's outer clothing fails to disclose evidence of a weapon, no further search will be made without further legal justification. If evidence of a weapon is present, an officer will retrieve that item only. If the item is a weapon, of which the possession constitutes a crime, the officer may arrest the suspect and complete a full custodial search of the suspect.
- If an officer discovers contraband, through the plain feel doctrine, during a pat down search, the contraband will be seized (refer to SOP 8.24).

3.6.7 FIELD CONTACT

Detailed information on criminal activity is sometimes gained via other means (e.g. suspicious location, suspicious vehicle, etc.). In these situations, a Field Contact Report may be **completed**. **Examples of these types of contacts include:**

- Suspicious persons.
- Vehicles.
- Witnesses.
- Businesses (this may include notes taken during a business check).
- Residences.
- Any other locations (e.g. street corners, blocks, parks, parking lots, etc.).
- Information received from an individual during **an investigative stop** or voluntary **field** contact about possible criminal activity.

When identifying criminal activity at any location, detailed information on the activity and times will be provided in the "Remarks" section.

3.6.8 **CITIZEN STOP REPORTS FOR INVESTIGATORY STOPS**

The RMS is the system of record for all **Citizen Stop** Reports. All **pedestrian investigative stops** will be entered into the RMS in the "**Citizen Stop Report**" module.

If more than one (1) person is interviewed **and detained** during a stop, only one (1) **Citizen Stop** Report will be completed for the stop. The first person who is stopped will be entered through the "**Person**" module of the **Citizen Stop** Report. Additional persons will be entered through the "**Add Persons**" function of the **Citizen Stop** Report.

Each **Citizen Stop** Report will contain a narrative describing the reasonable **articulable** suspicion, consent, and/or any behaviors that led the officer to initiate contact with the **person**. If the officer conducts a pat down of the **person**, the narrative will include the **consent given or** reasonable **articulable** suspicion that led the officer to believe that the **person** was armed and dangerous. If the **person** is searched, the narrative will include the **consent given or** probable cause that led the officer to conduct a search of the **person**.

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3.6.8 **CITIZEN STOP REPORTS FOR INVESTIGATORY STOPS (CONTINUED)**

Citizen Stop Reports will not be completed on suspects, victims, or other individuals whose contact is a result of a traffic collision; unless the contact provides new information on other criminal activity unrelated to the existing report(s) (e.g. a person who is involved in a traffic accident has property that the officer suspects may be stolen). **Citizen Stop Reports will also be completed for all traffic stops (refer to SOP 7.12).**

Citizen Stop Reports require an incident number to be submitted into the RMS.

Upon completion, the **Citizen Stop** Report will be submitted by the officer and approved by a supervisor.

Citizen Stop Reports will be retained pursuant to applicable records retention schedules.