



Seattle Police Department Policy Manual



6.220 – Voluntary Contacts, Terry Stops, and Detentions

Effective Date: 01/01/2020

This policy applies to all sworn employees conducting voluntary contacts and/or stops/detentions based upon reasonable suspicion (Terry).

This policy does not apply to detentions based upon probable cause and community caretaking functions pursuant to [RCW 71.05.153](#).

6.220-POL-1 Definitions

Seizure: A seizure occurs any time an officer, by means of physical force or show of authority, restricts the liberty of a person. A seizure may also occur if an officer uses words, actions, or demeanor that would make a reasonable person believe that they are not free to leave.

Voluntary Contacts: During voluntary contacts, officers will not use any words, actions, demeanor, or other show of authority that would indicate that a person is not free to leave; voluntary contacts are not seizures.

Voluntary Contacts fall under two categories:

Social Contact: A voluntary and consensual encounter between the police and a subject with the intent of engaging in casual and/or non-investigative conversation. The subject is free to leave and/or decline any of the officer's requests at any point; social contacts are not seizures.

Non-Custodial Interview: A voluntary and consensual investigatory interview that an officer conducts with a subject during which the subject is free to leave and/or decline any of the officer's requests at any point; non-custodial interviews are not seizures.

Terry Stop: A brief, minimally intrusive seizure of a subject based upon articulable reasonable suspicion in order to investigate possible criminal activity. The stop can apply to people as well as vehicles. The subject of a Terry stop is not free to leave. A Terry stop is a seizure under both the state and federal constitutions.

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- A Terry stop is a detention, based on reasonable suspicion, during which an officer may develop facts to establish probable cause or dispel suspicion.
- Stops and detentions initiated under probable cause will be made pursuant to Manual Sections:
 - [6.010-Arrests](#);
 - [6.280-Warrant Arrests](#);
 - [16.230-Issuing Tickets and Traffic Contact Reports](#);
 - [16.110-Crisis Intervention](#) or;
 - [15.020-Charge-By-Officer](#)

Reasonable Suspicion: Specific, objective, articulable facts, which, taken together with rational inferences, would create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging or is about to engage in criminal conduct.

- The reasonableness of a Terry stop is considered in view of the totality of the circumstances, the officer's training, and experience, and what the officer knew before the stop.
- During a stop, an officer may learn new information that can lead to additional reasonable suspicion or probable cause that a crime has occurred, but that new information cannot provide the justification for the original stop.

6.220-POL-2 Conducting a Terry Stop

1. Terry Stops are Seizures Based Upon Reasonable Suspicion

This policy prohibits Terry stops when an officer lacks reasonable suspicion that a subject has been, is, or is about to engage in the commission of a crime.

Searches and seizures by officers are lawful to the extent they meet the requirements of the 4th Amendment (see Terry v. Ohio, 392 U.S. 1 (1968), and Washington Constitution Art. 1, Section 7).

2. During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Scope

Officers will articulate in their Report, the justification for the initiation, scope and duration of a Terry stop.

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Actions that would indicate to a reasonable person that they are under arrest or indefinitely detained may convert a Terry stop to an arrest; however, taking any of these actions does not necessarily turn a Terry stop into an arrest.

Unless justified by the articulable reasons for the original stop, officers must have additional articulable justification for further limiting a person's freedom during a Terry stop, such as:

- Taking a subject's identification or driver license away from the immediate vicinity
- Ordering a motorist to exit a vehicle
- Putting a pedestrian up against a wall
- Directing a person to stand or remain standing, or to sit on a patrol car bumper or any other place not of their choosing
- Directing a person to lie or sit on the ground
- Applying handcuffs
- Transporting any distance away from the scene of the initial stop, including for the purpose of witness identification
- Placing a subject into a police vehicle
- Pointing a firearm at a person or occupied vehicle
- Frisking for weapons
- De minimis force

3. During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Amount of Time

Subjects may be seized for only that period of time necessary to effect the purpose of the stop. Any delays in completing the necessary actions will be objectively reasonable.

Officers may not extend a detention solely to await the arrival of a supervisor.

4. During all Terry Stops, Officers Will Take Reasonable Steps to Be Courteous and Professional

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When reasonable, as early in the contact as safety permits, the officer making contact with the subject (contact officer) will inform the suspect of the following:

- The officer's name;
- The officer's rank or title;
- The fact that the officer is a Seattle Police Officer;
- The reason for the stop; and
- That the stop is being recorded, if applicable (See [16.090 – In-Car and Body Worn Video](#)).

When releasing a person at the end of a Terry stop, officers will advise the person that they are free to leave, offer an explanation of the circumstances and reasons for the Terry stop, and provide the person a business card with the event number as a receipt. Officers will not extend a detention to explain the Terry stop or provide a receipt.

5. Officers Cannot Require Subjects to Identify Themselves or Answer Questions on a Terry Stop

During a Terry stop, officers may request identification; however, subjects are not obligated to provide identification or information upon request.

Exceptions: As listed in 6.220-POL-3 Conducting a Detention to Issue a Notice of Infraction, Issue a Citation, and Other Exceptions.

6. Officers May Conduct a Frisk of Stopped Subject(s) Only if They Have an Articulate and Reasonable Safety Concern that the Person is Armed and Presently Dangerous

The purpose and scope of a frisk is to discover weapons or other items which pose a danger to the officer or those nearby. It is not a generalized search of the entire person. The decision to conduct a frisk is based upon the totality of the circumstances and the reasonable conclusions drawn from the officer's training and experience. Generally, the frisk will be limited to a pat-down of outer clothing. Once the officer ascertains that no weapon is present after the frisk is completed, the officer's limited authority to frisk is completed (i.e., the frisk will stop).

- A weapons frisk is a limited search determined by the state and federal constitutions.

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- All consent searches will be conducted and memorialized via body-worn video, in-car video or signed consent form pursuant to Manual Section [6.180](#).
- Officers will not frisk for weapons on a social contact or noncustodial interview-
- A frisk will not be used as a pretext to search for incriminating evidence.
- The fact that a Terry stop occurs in a high-crime area is not by itself sufficient to justify a frisk.

Frisk factors may include, but are not limited to:

- Prior knowledge that the subject carries a weapon;
- Suspicious behavior, such as failure to comply with instructions to keep hands in sight; and
- Observations, such as suspicious bulges, consistent with carrying a concealed weapon.

7. Under Washington State Law, Traffic Violations Will Not Be Used as a Pretext to Investigate Unrelated Crimes

- Pretext is stopping a suspect for an infraction to investigate criminal activity for which the officer has neither reasonable suspicion nor probable cause.
- The Washington State Constitution forbids use of pretext as a justification for a warrantless search or seizure.
- Officers will consciously, and independently determine that a traffic stop is reasonably necessary in order to address a suspected traffic infraction.

8. Supervisors Will Screen All Incidents In-Person When an Officer Places Handcuffs on a Subject

Officers will not extend a detention solely to await the arrival of a supervisor.

When un-handcuffing a subject for release, the officer will immediately notify a supervisor, inform the subject that they are free to leave and inform them that a sergeant is en route to the scene.

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- If the subject declines to speak with a supervisor or wishes to leave before the supervisor arrives, the officer will attempt to offer the subject the supervisor's contact information.
- If the subject decides to wait for the supervisor, the officer will wait at the location for the supervisor to arrive.
- If the subject does not wish to remain on-scene to speak with the supervisor, the officer may arrange to meet the supervisor at another location to screen the incident.

9. When Making an Arrest, Officers May Seize Non-Arrested Companions for Articulate and Reasonable Officer Safety Concerns

Officers will only maintain the seizure of non-arrested companions based on safety concerns for as long as the objective rationale for the seizure continues to exist. The scope and nature of the seizure must be objectively reasonable based on the factors justifying the detention.

Officers will articulate objective safety concerns for the officers, the arrestee, their companions, or other persons when seizing non-arrested companions.

Factors to consider when seizing non-arrested companions include (but are not limited to):

- The type of arrest;
- The number of officers;
- The number of people present at the scene of the arrest;
- The time of day;
- The behavior of those present at the scene;
- The location of the arrest;
- The presence or suspected presence of a weapon;
- Officer knowledge of the arrestee or the companions; and/or
- Potentially affected persons.

This is not an exhaustive list. Justification to detain non-arrested companions will be made based upon the totality of the circumstances.

6.220-POL-3 Conducting a Detention to Issue a Notice of Infraction, Issue a Citation, and Other Exceptions

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1. Certain Statutory Exceptions Require the Subject to Provide Identification:

- When the subject is a driver stopped for a traffic infraction investigation ([RCW 46.61.021](#)) failure to provide identification is a misdemeanor.
- When the subject is attempting to purchase liquor ([RCW 66.20.180](#)).
- When the subject is carrying a concealed pistol ([RCW 9.41.050](#)) failure to provide CPL is a civil infraction.

Officers may not transport a person to any police facility or jail for the sole purpose of identifying them unless they have probable cause for arrest.

While investigating a crime or possible crime, executing a search or arrest warrant, or issuing a citation or parks exclusion notice, officers may arrest subjects for false reporting [SMC 12A.16.040\(D\)](#) when subjects provide false written or oral identification.

2. Officers Can Detain Subjects to Identify Them in Order to Issue a Notice of Infraction

Under [SMC 12A.02.140](#) and [RCW 7.80.060](#), when an officer has probable cause to issue a Notice of Infraction for any City ordinance violation, the officer may detain the subject for a reasonable period of time to identify the subject.

When officers have probable cause to issue a Notice of Infraction, and the subject refuses to identify themselves, the officer may request that a fingerprinting kit or Mobile ID be delivered to the scene and detain the subject for a reasonable amount of time to facilitate the fingerprinting.

6.220-POL-4 Documenting a Terry Stop

1. Officers Will Document All Terry Stops

The documentation should contain all information requested in the Field Contact, but at a minimum will contain at least the following elements:

- The original, objective facts justifying the reasonable suspicion for the stop or detention;
- Any subsequent, objective facts that lengthen the original detention;
- The scope and duration of the stop or detention;

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- The disposition of the stop or detention, including whether an arrest resulted;
- Whether a frisk or consensual search was conducted;
- The facts justifying the frisk or consensual search; and
- The results of the frisk or consensual search
- Demographic information pertaining to the subject, including perceived race, perceived age, and perceived gender; and
- Any complications or delays that contributed to an inability to fill out all information on the Field Contact.

Officers will clearly articulate the objective facts they rely upon in determining reasonable suspicion and probable cause.

Officers will document all Terry stops on a Field Contact. Officers will use a separate Field Contact for each person seized during a Terry stop.

- Officers are required to complete a Field Contact regardless of the outcome of the Terry stop.
- Where an officer develops probable cause for arrest during the course of the stop, a Field Contact is still required.

2. Officers Will Submit all Field Contacts Before They Leave at the End of their Shift

Exception: Field Contacts documenting Off-Duty Terry Stops that do not lead to an arrest will be submitted by the completion of the next Department work shift.

3. Officers Will Document All Other Detentions

- Social contacts are not detentions and do not require documentation per this policy.
- If the scope of the social contact evolves into a Terry stop, the officer will document the detention via a Field Contact.
- Detentions based on probable cause do not require a Field Contact but require the officer to document the stop via a Report, Infraction/Citation, Traffic Contact Report, Trespass Warning, or Parks Trespass Warning/Exclusion.

Supervisors will ensure the correct documentation of all detentions.

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4. Supervisors Will Review the Documentation of Terry Stops

Absent extenuating circumstances, by the end of each shift, supervisors will review their officers' Reports and Field Contacts that document the Terry stops made during the shift to determine if they were supported by reasonable suspicion and are consistent with SPD policy, federal, and state law.

If a supervisor concludes that a Terry stop appears to be inconsistent with SPD policy, the supervisor, in consultation with their chain of command, shall address the concern and make the appropriate referral pursuant to [Section 5.002](#). Such action may include PAS documentation and/or referral to OPA. The supervisor shall document these concerns and any actions taken on a Supplement when approving the Report or Field Contact.

- If a supervisor finds the documentation of the detention insufficient, the supervisor will return the documentation to the officer for corrections before the end of that shift.