


Department of Public Safety
Police Division
Policies and Procedures

<u>Title</u>	<u>SOP Number</u>
Pedestrian Stops, Field Interviews, and Pat-downs	2.2.101
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Eliot K Isaac	
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Pedestrian Stops, Field Interviews, and Pat-downs

- I. **Purpose:** The purpose of this policy is to guide officers in determining when pedestrian stops, field interviews, and pat-downs are warranted and to establish the proper methods to conduct them.
- II. **Policy:** Pedestrian stops and field interviews are important tools in policing that can aid in the investigation and prevention of criminal activity. UCPD is committed to ensuring that all pedestrian stops and field interviews are conducted in strict accordance with the Constitution of the United States. Specifically, the U.S. Supreme Court ruled in the case of *Terry v Ohio*, that the [Fourth Amendment](#) to the U.S. Constitution permits a law enforcement officer to stop, detain, and frisk persons who are suspected of criminal activity without first obtaining their consent, even though the officer may lack a warrant to conduct a search or [Probable Cause](#) to make an arrest as long as the officer can articulate adequate facts to support reasonable suspicion.

Even when conducted with respect for involved citizens and in strict compliance with the law, the pedestrian stops and field interviews can be perceived by some as police harassment or intimidation conducted in a discriminatory manner against groups or individuals. In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers who must approach suspicious individuals, University of Cincinnati police officers shall conduct pedestrian stops, field interviews, and perform pat-downs in conformance with procedures outlined in this policy.

Officers shall not consider race, ethnicity, national origin, gender, sexual orientation/identity, socio-economic status, religion, immigration status, and/or age in decisions to conduct a pedestrian stop, field interview, or pat-down, except when seeking one or more specific persons who have been identified or described in part by any of the above listed characteristics. In those circumstances, personnel may rely on these characteristics only in combination with other appropriate factors outlined in this policy.

When questioning, searching, detaining, arresting, interrogating, or interviewing juveniles, they shall be afforded their constitutional and statutory rights in a developmentally appropriate, trauma-informed, and equitable manner.

When an officer has any nonconsensual encounter/contact with any person (such as during a traffic stop, a suspicious person investigation from a directed call, a field interview, or in the case of an arrest), the officer shall document the encounter in the Axon Records Management System (RMS). All required data fields shall be completed in accordance with department reporting standards and RMS data entry requirements (refer to policy 4.1.300 Bias-Free Policing).

III. Definitions:

Fresh Pursuit: This is defined as the immediate and continuous pursuit, without unreasonable delay, by police officers of a suspect who is fleeing to avoid arrest or detainment.

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Pedestrian Stop and Field Interview: The brief detainment of an individual, based on reasonable suspicion, for the purposes of determining the individual's identity and resolving the officer's suspicions concerning criminal activity.

Pat-Down: Also known as a "frisk" or "Terry frisk," is the external touching of the outer garments of an individual to search for weapons only and is conducted for the safety of all involved persons.

Probable Cause: In determining probable cause, the arresting officer must examine all of the factors and events leading up to the arrest and decide whether these facts, viewed from the standpoint of an objectively reasonable police officer, support the belief that an individual has committed, is committing, or is about to commit a crime.

Reasonable Suspicion: In the present context, the totality of the circumstances in each incident or situation provides an officer with a particularized and objective basis for suspecting legal wrongdoing. The process allows officers to draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them. Reasonable suspicion is more than a hunch or feeling that an officer might have about an individual or circumstances. It is based on specific facts that, when taken together with rational inferences, reasonably warrant the stop. Reasonable suspicion justifies a pedestrian stop. But, in order to arrest, the officer must establish probable cause.

Serious Misconduct: Conduct that could result in suspension or dismissal, including but not limited to, criminal conduct, sexual harassment or sexual misconduct, excessive or unnecessary use of force or brutality, corruption, improper searches and seizures, discrimination, racial profiling, or biased policing.

IV. Procedure - Field Interviews:

- A. Justification for Conducting a Field Interview - Law enforcement officers may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling, but need not meet the test for probable cause sufficient to make an arrest. In justifying the stop, the officer must be able to point to specific facts that alone may not individually warrant a stop, but when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:
1. The appearance, demeanor, or actions of an individual suggest that he or she is engaged in a criminal act.
 2. The hour of day or night is inappropriate for the suspect's presence in the area.
 3. The suspect's actions in a neighborhood or location are inappropriate.
 4. The suspect is carrying a suspicious object.
 5. The suspect's clothing bulges in a manner that suggests he or she is carrying a weapon.
 6. The suspect is located in the proximate time and place of the alleged crime.

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7. The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.
 8. The individual flees at the sight of a police officer.
- B. Procedures for Initiating a Field Interview - Based on the observance of suspicious circumstances or upon information from an investigation, an officer may initiate the stop of a suspect if he has reasonable suspicion to do so. The following guidelines shall be followed when making an authorized stop to conduct a field interview.
1. Activate Body Worn Camera (BWC).
 2. When approaching the suspect, the officer shall clearly identify himself as a law enforcement officer, if not in uniform, by announcing his identity and displaying departmental identification.
 3. Officers shall be courteous at all times during the contact but maintain caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.
 4. Before approaching more than one suspect, individual officers should determine whether the circumstances warrant a request for backup assistance and whether the contact can and should be delayed until such assistance arrives.
 5. Officers shall confine their questions to those concerning the suspect's identity, place of residence, and other inquiries necessary to resolve the officer's suspicions. However, in no instance shall an officer detain a suspect longer than is reasonably necessary to make these limited inquiries and resolve suspicions.
 6. Officers are not required to give suspects Miranda warnings to conduct field interviews unless the person is in custody and about to be interrogated.
 7. Suspects are not required, nor can they be compelled, to answer any questions posed during field interviews. Legally, an individual is not required to provide a law enforcement officer with their Social Security number. Failure to respond to an officer's inquiries is not, in and of itself, sufficient grounds to make an arrest, although it may provide sufficient justification for additional observation and investigation.
 8. Ohio Revised Code, Section 2921.29, Related to Pedestrian Stops and Field Interviews, states in part;
 - a. *“(A) No person who is in a public place shall refuse to disclose the person's name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects either of the following:*
 - (1) The person is committing, has committed, or is about to commit a criminal offense.*
 - (2) The person witnessed any of the following:*
 - (a) An offense of violence that would constitute a felony under the laws of this state;*
 - (b) A felony offense that causes or results in, or creates a substantial risk of, serious physical harm to another person or to property;*
 - (c) Any attempt or conspiracy to commit, or complicity in committing,*

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- any offense identified in division (A)(2)(a) or (b) of this section;*
- (d) Any conduct reasonably indicating that any offense identified in division (A)(2)(a) or (b) of this section or any attempt, conspiracy, or complicity described in division (A)(2)(c) of this section has been, is being, or is about to be committed.*
- (B) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree.*
- (C) Nothing in this section requires a person to answer any questions beyond that person's name, address, or date of birth. Nothing in this section authorizes a law enforcement officer to arrest a person for not providing any information beyond that person's name, address, or date of birth or for refusing to describe the offense observed.*
- (D) It is not a violation of this section to refuse to answer a question that would reveal a person's age or date of birth if age is an element of the crime that the person is suspected of committing.”*
9. Persons being detained for a pedestrian stop and field interview may be temporarily handcuffed if they exhibit behavior that creates a reasonable belief they may flee or become resistive or assaultive.

V. Procedures – Pat-Down

- A. Justification for Conducting Pat-Down - A law enforcement officer has the right to perform a pat-down of the outer garments of a suspect for weapons if (1) the suspect has been legitimately stopped with reasonable suspicion and (2) only when the officer has reason to believe that the suspect possesses weapons on his or her person and poses a threat to the officer's or another person's safety. Not every field interview poses sufficient justification for conducting a pat-down. The following are some criteria that may form the basis for establishing justification for performing a pat-down. Officers should note that these factors are not all-inclusive; there are other factors that could or should be considered. The existence of more than one of these factors may be required in order to justify a pat-down.
1. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
 2. Where more than one suspect must be handled by a single officer.
 3. The hour of the day and the location or neighborhood where the stop takes place.
 4. Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
 5. The appearance and demeanor of the suspect.
 6. Visual indications that suggest that the suspect is carrying a firearm or other deadly weapon.
 7. The age and gender of the suspect. Whenever possible, a pat-down should be performed by officers of the same gender as identified by the suspect.

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B. Procedures for Performing a Pat-Down

When reasonable suspicion justifies a pat-down/frisk, it should be performed with due caution, restraint, and sensitivity. The pat-down may only be performed to protect the safety of officers and others and may never be used as a pretext for shaking down individuals or groups of individuals to obtain evidence or for other purposes. Pat-downs should be conducted in the following manner.

1. Whenever possible, pat-downs should be conducted by at least two officers; one performs the pat-down, while the other provides cover.
2. In a pat-down, officers are permitted only to feel the outer clothing of the suspect. Officers may not place their hands in their pockets unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club, or other item.
3. If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack, or other item that may conceal a weapon, the officer should not open the item but instead place it out of the suspect's reach.
4. Under the Plain Feel Doctrine, an officer may take reasonable steps to examine an object or article if, while conducting an authorized pat-down, the object's incriminating character is immediately apparent. The officer must develop probable cause to believe that the object felt is contraband before going beyond the legitimate scope of the pat-down. Such probable cause may be based upon:
 - a. The properties of the object determined by plain feel through the suspect's clothing (i.e., size, shape, or consistency); and
 - b. The officer's experience and the totality of the current incident. Upon confirmation that the object or article is an illegal object, the officer may appropriately seize the object and arrest and charge the suspect.
5. Because pat-downs are cursory in nature, they should be performed with the suspect in a standing position or with hands placed against a stationary object and feet spread apart. Should an officer visually observe a weapon, a thorough search is permissible utilizing a tactical search position, such as a kneeling or prone position.
6. If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further pat-down may be made. If evidence of a weapon is present, an officer may retrieve that item only. If the item is a weapon, the possession of which is a crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.

C. Reporting

1. When an officer has any nonconsensual encounter/contact with any person (such as during a traffic stop, a suspicious person investigation from a directed call, a field interview, or in the case of an arrest), the officer shall document the encounter in the Axon Records Management System (RMS).

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All required data fields shall be completed in accordance with department reporting standards and RMS data entry requirements.

- a. The intent and sole purpose of this documentation is to record UCPD's nonconsensual encounters/contacts with any person.
 - b. Documentation is required when an officer stops or detains a person, or when, while assisting another agency, collectively participates in a stop or detention.
2. RMS Entry and Submission Procedures
 - a. The submitting officer will:
 - 1) Complete all required fields within the Axon RMS entry before the end of their shift or assigned detail.
 - 2) Ensure the report narrative accurately documents the circumstances, legal basis for the stop/detention, and any enforcement action taken.
 - 3) Electronically submit the report through Axon RMS for supervisory review before the end of the shift or detail.
 - b. The approving supervisor will:
 - 1) Review the RMS entry for accuracy, completeness, and thoroughness.
 - 2) Ensure the legal basis for the stop/detention is clearly articulated.
 - 3) Electronically approve or return the report for correction within Axon RMS.
 3. If a UCPD officer conducts an involuntary stop (pedestrian or traffic) **outside of UCPD's jurisdiction** (off-campus property), the officer **shall notify their supervisor and the appropriate law enforcement agency as soon as practical**.
 - a. All off-campus involuntary stops shall be reviewed (body-worn camera, reports, etc.) by the appropriate supervisor.
 4. When a UCPD officer assists or backs up an officer from another agency, this documentation process will be followed when the officer participates in the stop or detention of a person.
 - a. When the UCPD officer actually touches, orders, commands, and/or otherwise directs a person, or
 - b. When the officer participates in what is understood to be a "contact/cover" tactic.

References

UCPD policy 4.2.100 Internal Investigations and Complaints

UCPD Policy 4.1.300 Bias-Free Policing

UCPD Policy 2.2.200 Arrests, Ohio Revised Code, Section 2921.29, Failure to disclose personal information

Terry v. Ohio, (1968) 392 U.S. 1, 21.