

GENERAL ORDER



DISTRICT OF COLUMBIA

Subject Field Contacts, Stops, and Protective Pat Downs		
Topic	Series	Number
OPS	304	10
Effective Date November 9, 2018		
Replaces: General Order 304.10 (Police-Citizen Contacts, Stops, and Frisks), Effective Date: August 30, 2013		
Rescinds: CIR-04-10 (Arrest Guidelines for Failing to Make One's Identity Known to Police), Effective Date: August 4, 2004		

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I. PURPOSE

The purpose of this order is to establish policies and procedures governing field contacts, stops, and protective pat downs. Policies and procedures concerning arrests and searches connected with arrests are covered in other directives. This order is intended to promote public safety and to safeguard officers of the Department from injury, while ensuring that invasions of individual privacy are held to a minimum.

II. PROCEDURES

A. Field Contacts

1. Field contacts may be initiated at any time by an officer. No evidence of any crime is needed to initiate a field contact, and the encounter may be terminated at any time by either party
2. Since a field contact involves solely the voluntary cooperativeness of an individual who is free not to respond and to leave, the standard for a field contact does not require probable cause, reasonable suspicion, or any other specific indication of criminal activity.
3. While an officer may initiate a field contact for any legitimate, police-related purpose, field contacts **shall not** be conducted in a hostile or aggressive manner, or as a means of harassing any individual or attempting to coerce an individual to leave an area merely because he or she is "hanging around" or loitering.
4. Initiating a Field Contact

An officer may initiate a field contact with an individual in any place in which the officer has a right to be. This applies to all public space. It is difficult to define precisely other places where officers have a right to be. Generally, they may include:

- a. Areas of government-owned or possessed property normally open to officers and the public;
- b. Places intended for public use, or normally exposed to public view;
- c. Places to which the officer has been admitted with the consent of an individual empowered to give such consent;
- d. Places to which the officer may be admitted pursuant to a court order (e.g., an arrest or search warrant);
- e. Places where the circumstances require an immediate law enforcement presence to protect life, well-being, or property; and
- f. Places in which the officer may make a lawful warrantless arrest.

5. Conducting Field Contacts

- a. When engaging in a field contact, officers shall not detain an individual in any manner against their will, nor conduct a protective pat down. Officers may not require the individual to answer questions or respond in any way to the officer if they choose not to do so. The officer may not use force or coercion to require individuals to stop or to respond.
- b. Officers must constantly keep in mind that the distinction between a field contact and a stop depends on whether under the particular circumstances an individual could reasonably perceive that he or she is not free to leave the officer's presence. Therefore, officers shall take special care to act in as restrained and courteous a manner as possible.
- c. Officers should avoid short responses that could be misunderstood or requests that sound like commands. Officers should phrase verbal requests, whenever possible, with **optional** words and phrases such as "may" or "would you mind".
- d. The duration of a field contact should be as brief as possible. Frequently, the success, or failure, of conducting a meaningful field contact will depend upon the officer's ability to put individuals at ease and establish rapport.
- e. If during a field contact individuals should ask whether they must respond, or give the impression of feeling compelled to respond, the officer shall immediately inform them of their right to refuse or

leave.

- f. Where individuals refuse or cease to cooperate during a field contact, they **must** be permitted to go on their way unless, based on the totality of the circumstances as described in Part II.B, the field contact should be escalated to a stop. The refusal to cooperate (or silence) cannot, absent other factors, be used as the basis to escalate the encounter into a stop.
- g. Officers shall bear in mind that individuals are not required to possess, or have on their person, any means of identification, nor, absent unusual circumstances, can individuals be required to account for their presence in a public place.

B. Stops

1. Basis for a Stop

If an officer has **reasonable suspicion** that an individual has committed, is committing, or is about to commit any crime, the officer has the authority to stop the individual for the purpose of determining whether or not probable cause exists to arrest. The officer may exercise that authority in any place in which he or she has a legal right to be.

2. Reasonable Suspicion

The term reasonable suspicion necessitates a minimal level of objective justification for making the stop. Although reasonable suspicion is not capable of precise definition, it is more than a hunch or mere speculation but less than the probable cause necessary to arrest. Officers shall consider the totality of the circumstances and base reasonable suspicion on their training and experience. The following list contains some of the factors which may be considered in determining whether reasonable suspicion exists:

a. Stopped Individual's Characteristics:

An individual may generally fit the description of an individual wanted for a known offense. The individual may seem to be suffering from a recent injury related to a known offense, fatigued from running, overly nervous, under the influence of alcohol or drugs, or other factors may exist that tie the individual to an offense.

b. Stopped Individual's Actions:

An individual may be fleeing from an actual or possible crime scene, hiding, discarding possible items of evidence, be in the area of a known offense soon after its commission or in an area known for the type of criminal activity on which the suspicion is based, or be in an area during a time of day during which criminal activity of

the kind suspected might usually occur (e.g., a late hour when it would be unusual for individuals to be in a certain area).

c. Demeanor during a Field Contact:

During a field contact an individual may respond to inquiries with evasive, suspicious, or incriminating replies or may be excessively tentative or nervous.

d. Police Training and Experience:

An officer may have experience in investigating a particular kind of criminal activity and recognize an individual's conduct as consistent with a pattern or modus operandi generally followed in particular criminal offenses.

e. Information Obtained from Witnesses or Informants:

An investigating officer may base his or her suspicion upon information supplied by civilian witnesses or police informants deemed reliable, either by virtue of their character or by information provided that has been corroborated by the officer. Anonymous tips shall be considered in combination with the totality of the circumstances to justify a stop. Based upon an anonymous tip, officers may respond to a location and observe the suspect to see if the tip is credible or reliable. Officers must then use their own observations of the suspect to determine whether they have the reasonable suspicion necessary to conduct a stop.

f. Information Obtained from Law Enforcement Sources:

- (1) The officer may recognize an individual as having an arrest or conviction record or know of an individual by reputation.
- (2) The officer may rely on reasonable suspicion developed by another officer, including one from another police agency, and on sources of police information such as lookouts, flyers, and teletype messages.
- (3) The officer may have other information that may tend to tie an individual to a crime that would justify a stop. For example, an individual may occupy a wanted vehicle or be in a premise that is the target of a search warrant. In instances of this type, the officer shall conduct a stop to determine if sufficient probable cause exists to make an arrest.

3. Citing Justification for a Stop

Every officer conducting a stop must be prepared to cite the particular factors which supported the determination that reasonable suspicion

existed. The record of the stop shall contain all factors relied on, whether or not they are specifically described in Part II.B.2.

Example: In the early morning hours, an officer on patrol receives a broadcast that a homicide has just occurred at a particular location. A general physical description of the suspect is given, and he is said to be wearing a dark jacket. Soon afterwards, in the vicinity of the homicide, the officer observes a man generally fitting the physical description but not wearing a dark jacket. Under these circumstances a stop is proper and the officer's reasonable suspicion is justified based on the individual's characteristics, the area of the stop, and the type of crime under investigation.

4. Police Conduct during a Stop

In determining whether a stop is reasonable and lawful, every phase must be conducted in a reasonable manner.

a. Duration of a Stop

- (1) An individual stopped may be stopped at or near the scene of the stop for a reasonable time.
- (2) Officers shall stop an individual for only the length of time required to obtain the information necessary for the investigation.
- (3) The length of the stop must be reasonable and will be evaluated on the particular facts, but caution dictates moving quickly so as to avoid the stop becoming more like an arrest.
- (4) When a stop occurs over an extended period of time, officers shall articulate the justification for the length of the stop in the RMS report.

b. Explanation to Stopped Individual

- (1) Officers shall act with restraint and courtesy.
- (2) Officers shall identify themselves as a law enforcement officer as soon as practicable after making a stop.
- (3) Prior to release, officers shall give the individual a general explanation of the purpose of the stop. If an arrest is made, officers shall also provide the reason for their arrest.
- (4) The record of the stop shall briefly note that the officer gave the individual an explanation for the stop, and the nature of that explanation.

c. Rights of Stopped Individuals

- (1) The officer may direct questions to the stopped individual for the purpose of obtaining their name, address, and an explanation concerning their presence and conduct.
- (2) The stopped individual shall not be compelled to answer questions or produce identification for examination by the officer.

d. Refusal to Cooperate

Neither refusal to answer questions nor to produce identification by itself establishes probable cause to arrest. However, such refusal may be considered, along with other factors, as an element contributing to probable cause if, under the circumstances, an innocent individual could reasonably be expected not to refuse.

5. Initiating a Stop

Officers shall use the least coercive means necessary to conduct a stop. The least coercive means, depending on the circumstances, may be a verbal request, an order, or the use of physical force.

6. Use of Physical Force

- a. An officer may use only such force as is reasonably necessary to carry out the authority granted by this order and GO-RAR-901.07 (Use of Force).
- b. If the officer is attacked or circumstances exist that create probable cause to arrest, the officer may use the amount of force necessary, in accordance with GO-RAR-901.07 (Use of Force), to defend him or herself or make an arrest.

7. Stopping Witnesses near the Scene of a Crime

- a. An officer who reasonably believes that an individual observed near the scene of a crime that has just been committed has knowledge relevant to the investigation may order that individual to stop.
- b. In this case, the purpose of the stop is to determine if the person witnessed the crime and to obtain the witness' identification so that he or she may later be contacted by the Department or the prosecutor (more extensive interviews with willing witnesses are authorized under the field contact sections of this order). Stops involving witnesses shall be documented according to the provisions set forth in Attachment B (Documenting Stops in RMS).
- c. Pursuant to GO-RAR-901.07 (Use of Force), officers shall use only the minimum amount of force necessary to stop a potential witness in order to obtain such identification.

C. Protective Pat Downs

1. Basis for a Protective Pat Down

An officer may pat down a stopped individual if the officer has **reasonable suspicion** that the individual is carrying a concealed weapon or dangerous instrument and that a pat down is necessary to self-protect or protect others. The protective pat down may be conducted at any time during the stop, so long as reasonable suspicion to conduct the pat down exists.

2. Reasonable Suspicion to Support a Protective Pat Down

- a. Reasonable suspicion to support a pat down is more than a vague hunch and less than probable cause. If, under the circumstances, a reasonably prudent law enforcement officer would be warranted in believing his or her safety or that of other individuals is in danger because the individual may be carrying a weapon or dangerous instrument, a pat down is justified.
- b. Officers shall consider the totality of the circumstances and base reasonable suspicion to support a pat down on their training and experience. The following list contains some of the factors which may be considered in determining whether reasonable suspicion to support a pat down exists:

(1) Individual's Characteristics:

A stopped individual's clothes may bulge in a manner suggesting the presence of an object capable of inflicting injury. His or her behavioral characteristics, like demeanor, may suggest the possibility that the individual may be carrying a weapon.

(2) Individual's Actions:

A stopped individual may have made a movement as if to hide a weapon when approached, appear nervous during the course of the stop, use threatening words or actions, be in an area known for criminal activity or be so isolated that witnesses to an attack would be unlikely, or occur at a time of day when an attack is more difficult to defend or more likely to occur (e.g., during a period of darkness or during a time of day that is consistent with a serious or violent crime pattern).

(3) Prior Knowledge:

The officer may know that a stopped individual has an arrest or conviction record for weapons or other potentially violent

offenses, or a reputation in the community for carrying weapons or for aggressive behavior.

- c. An anonymous tip that an individual has engaged in or is about to engage in criminal conduct is **not sufficient** to justify a protective pat down without independent evidence of criminal activity apart from the anonymous tip. Based upon an anonymous tip, officers may respond to a location and observe the suspect to see if the tip is credible or reliable. Officers must then use their own observations of the suspect to determine whether they have the reasonable suspicion necessary to conduct a stop and protective pat down.
3. Citing Justification for Protective Pat Down
 - a. Every officer conducting a protective pat down must be prepared to cite the specific factors which supported his or her determination that reasonable suspicion existed to support the pat down.
 - b. The RMS record of the protective pat down shall contain all factors relied upon to establish reasonable suspicion.
 4. Protective Pat Down Procedure
 - a. A protective pat down authorized under this order shall be limited to seeking possible weapons or dangerous instruments.
 - b. The authority to pat an individual down shall not be used to conduct full searches designed to produce evidence or other incriminating material. Full searches of individuals conducted without adequate probable cause to arrest are illegal and are specifically prohibited by this order.
 - c. Protective pat down procedures are as follows:
 - (1) If the individual is carrying an item immediately separable from his or her person, such as a purse, shopping bag, or briefcase, it shall be taken from him or her.
 - (a) The officer shall not search inside the object but shall place it at a safe distance out of the individual's reach for the duration of the stop.
 - (b) If something occurs during the stop which makes the officer reasonably suspect the possibility of harm should he or she return an unsearched item without first inspecting it, he or she may briefly inspect the contents in order to determine if the item contains a weapon or other dangerous objects.

- (c) The officer must be able to articulate the factors justifying an inspection of the contents of the item, and shall note such factors in the RMS report.
- (2) The officer shall first pat down the area of the individual's body or clothing most likely to contain a concealed weapon or dangerous instrument. Outer clothing may be opened to allow a pat down of shirts and trousers to determine adequately if a weapon is concealed under the outer clothing.
- (3) The officer shall not reach inside the individual's clothing or pockets during a pat down, unless the officer feels something that may reasonably constitute a weapon or dangerous instrument.
 - (a) In such event, the officer may reach inside that portion of the individual's clothing to uncover the article that was felt.
 - (b) Although objects such as keys, change, envelopes, and other papers may be detected as a result of the protective pat down, an officer has no authority to require their removal prior to an arrest because they are not likely to constitute, or be used as, weapons or dangerous instruments.
- (4) An officer may also take steps to secure those areas that the stopped individual would reasonably reach during the detention if the officer reasonably suspects that the individual might obtain an object from such an area and attempt to harm the officer.
- (5) If, during the course of a protective pat down, the officer feels an object and believes that it could be used to harm him or her or others, the officer may take whatever action is necessary to examine the object and to secure it for the duration of the detention.

Example: While approaching a suspect, an officer observes him thrust his hand into his left front pants pocket, and withdraw it. The suspect is asked for identification, and says he has none. The officer runs his or her hand over the pants pocket and feels a soft lump. The officer's actions to this point are proper. However, if the officer then reaches into the pocket to recover the object, this action is improper, since the officer could not, from these facts, reasonably believe the soft lump was a dangerous weapon or instrument.

5. Discovery of Weapon Lawfully Possessed

If a protective pat down discloses a weapon, the possession of which is licensed or otherwise lawful, the officer shall secure it out of the individual's reach for the duration of the stop. Ammunition may be removed from any firearm, and the weapon and ammunition returned in a manner that ensures the officer's safety.

6. Discovery of Incriminating Evidence

a. If, while conducting a protective pat down, an officer feels an object which he reasonably believes to be a weapon or dangerous instrument, he may reach in and remove it.

(1) If, while in the process of removing what is believed to be a weapon, the officer discovers other items which are contraband, instrumentalities, or evidence of a crime, he or she may lawfully seize the items.

(2) These items may be considered in determining whether probable cause exists to arrest the individual. If, as a result, an arrest is made, a search incident to arrest is proper.

b. Nothing in the preceding paragraph authorizes searches for incriminating evidence without probable cause. Officers shall at all times understand that the authority to conduct a protective pat down is limited.

7. Situations may occur where the officer possesses sufficient information from an individual, informant, or otherwise which simultaneously provides reasonable suspicion for a stop and a reasonable belief that the individual to be stopped is armed.

a. In such a situation, a protective pat down is justified immediately upon confronting the individual. If the officer reasonably believes he or she knows the location of the weapon, he or she may immediately reach inside the individual's clothes or pockets to remove the weapon without conducting a protective pat down.

Example: An officer is informed that an individual is sitting in the front passenger seat of a specific automobile with a pistol in his waistband. The officer approaches the car and observes an individual generally fitting the description sitting in the front seat passenger side. The officer immediately reaches into the waistband of the man's trousers and recovers a pistol.

D. Record Keeping

1. Officers **may** maintain records of field contacts, consistent with the rules set forth in Attachment A (Documenting Field Contacts in RMS). Documenting contacts is optional unless required by a commanding officer.

2. Officers **shall** maintain records of **all** stops consistent with the rules set forth in Attachment B (Documenting Stops in RMS).
3. Officers shall enter all RMS reports prior to the end of their shift.
4. Sergeants shall review all RMS reports for conformity with this order including to ensure that officers are documenting the factors which supported the determination that reasonable suspicion was present.
5. Records made pursuant to this order may be used only for a law enforcement purposes or for defense in civil or administrative actions brought against an officer or the Department. Such records may not be disseminated to individuals or agencies outside this Department except with the expressed approval of an official of the rank of lieutenant or above.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated.

	Term	Definition
1.	<i>Carroll</i> search (probable cause vehicle search)	Warrantless vehicle search based upon probable cause to believe that contraband is in a moveable (i.e., operable) vehicle in a public area (e.g., public space, place commonly used for vehicular movement, shopping center, parking lot). This includes any closed container, locked or unlocked, that could conceal the item to be seized. Pursuant to <i>Carroll v. U.S.</i> 267 U.S. 132 (1925) there is no requirement of exigent circumstances to justify a warrantless search. Once established, authority to search the vehicle remains even if a suspect is removed from the vehicle and kept nearby.
2.	Consent search	Search conducted based upon valid consent of the individual whose person or property is being searched. The Fourth Amendment requires that consent to a search not be coerced, by explicit or implicit means, by implied threat, or covert force.
3.	Field contact	Conduct by an officer which places the officer in face-to-face communication with an individual under circumstances in which the individual is free not to respond and to leave.
4.	Probable cause	Set of facts, circumstances, or reliable information that would lead a reasonable and prudent police officer to believe that a crime has been committed, or is about to be committed, and that a certain person committed it.
5.	Protective pat down	Limited protective search for concealed weapons or dangerous instruments. A pat down, also known as a frisk, consists of patting an individual's outer clothing to determine the presence of weapons and other dangerous objects. Pursuant to <i>Terry v. Ohio</i> , 392 U.S. 1 (1968), officers have authority to conduct a limited search of a person for weapons during some stops. Reasonable suspicion for a stop does not automatically provide the basis for a pat down. For such a pat down to be reasonable and constitutional under the Fourth Amendment, the preceding stop of the individual's

		person must be lawful and the police must have an objectively reasonable basis to believe that the individual is armed and dangerous.
6.	Protective vehicle search	Limited protective search of the passenger compartment of a lawfully stopped vehicle for concealed weapons or dangerous instruments. Pursuant to <i>Michigan v. Long</i> , 463 U.S. 1032 (1983), a cursory vehicle search, also known as a vehicle frisk, is limited to places in the interior passenger compartment in which a quickly accessible weapon could be placed or hidden. A closed container found in the passenger compartment may be opened and checked for weapons as long as the contents of the container are immediately accessible to vehicle occupants (i.e., the container opened quickly without breakage).
7.	Reasonable	Fair, proper, or moderate under the circumstances. Determining whether an officer has behaved reasonably is an objective standard whereby the court will consider the circumstances, not the intent of the actor.
8.	Reasonable suspicion	Minimal level of objective justification for making a stop. Although reasonable suspicion is not capable of precise definition, it is more than a hunch or mere speculation but less than probable cause.
9.	Search	Examination of a person's body, property or other area which would reasonably be considered private for the purpose of finding evidence of a crime. Under the Fourth Amendment of the United States Constitution, any search of a person or premises (including a vehicle), and any seizure of tangible property, must be reasonable. Generally, officers must obtain a search warrant when conducting a search, though exceptions to the search warrant requirement exist.
10.	Search incident to arrest	Limited warrantless search of an arrestee's person and the area within his or her immediate control (i.e., area from which he or she might gain possession of a weapon or destructible evidence). Pursuant to <i>Chimel v. CA</i> , 395 U.S. 752 (1969), search incident to arrest is reasonable when commensurate with its purpose to protect arresting officers and safeguard evidence of an offense that arrestee might conceal or destroy. If there is no possibility that an arrestee could reach into an area that officers seek to search, justification to search that area incident to arrest is absent and the rule would not apply.
11.	Search of a vehicle incident to arrest	Limited warrantless search of a vehicle in lawful police custody on the basis of probable cause to believe that it contains evidence or contraband. Pursuant to <i>Arizona v. Gant</i> , 556 U.S. 332 (2009), officers must demonstrate an actual and continuing threat to their safety posed by an arrestee, or a need to preserve evidence related to the crime of arrest from tampering by the arrestee, in order to justify a warrantless vehicular search incident to arrest conducted after the vehicle's recent occupants have been arrested and secured. Officers may conduct a warrantless search of only the area that provides probable cause (including the trunk) and there is no distinction among containers and packages based on

		ownership (including a passenger's belongings capable of concealing contraband).
12.	Search conducted with a warrant	Search conducted pursuant to a valid search warrant granted by a judge or magistrate based upon probable cause. Search warrant procedures can be found in GO-PCA-702.03 (Search Warrants).
13.	Seizure	Act of taking possession of a person or property by the legal process.
14.	Stop	Temporary investigative detention of a person for the purpose of determining whether probable cause exists to make an arrest. A stop is a seizure of an individual's person and occurs whenever an officer uses his or her authority to compel a person to halt, remain in a certain place, or to perform an act (such as walking to a nearby location where the officer can use a radio or telephone). If a person is under a reasonable impression that he or she is not free to leave the officer's presence, a stop has occurred.

IV. ATTACHMENTS

Attachment A: Documenting Field Contacts in RMS

Attachment B: Documenting Stops in RMS



Peter Newsham
Chief of Police

PN:KDO:MOC:SMM

Documenting Field Contacts in RMS

- I. Officers **may** maintain records of field contacts, consistent with the following rules:
 - A. Documenting contacts is optional unless required by a commanding officer.
 - B. Officers shall be mindful that use of the “field contact” card [PD Form 76 (Contact Card)] during a contact may be interpreted as coercive by some citizens. Consequently, if a determination is made before or during a contact to record information, the citizen should promptly be informed that the “field contact” card is strictly for internal use by this Department, not available to the public, and does not signify or imply an arrest circumstance or involvement in criminal activity.
 - C. Officers shall enter “field contact” cards in RMS prior to the end of their shift.
 - D. Access to the “field contact” card shall be restricted to direct law enforcement uses only, and any accessing by sworn personnel not normally charged with, or responsible for, investigations shall be challenged.
 - E. “Field contact” cards shall be maintained for a minimum of four years from the date of their execution unless they are subject to a litigation hold.

Documenting Stops in RMS

- I. D.C. Act 21-356 “Neighborhood Engagement Achieves Results Amendment Act of 2016” (NEAR Act), D.C. Official Code § 5-113, requires information collection specific to police stops and protective pat downs. While officers already document the vast majority of information required by the NEAR Act, this protocol ensures new information (i.e., the approximate duration of the stop), and information formerly collected elsewhere (i.e., documentation of consent searches), is captured in RMS. The purpose of this attachment is to expand upon existing Department reporting requirements to ensure compliance with the provisions of the NEAR Act.
- II. Officers **shall** maintain records of **all** stops consistent with the following rules:
 - A. For the purposes of NEAR Act data collection and this order:
 1. **All** arrests are also considered stops.
 2. Required documentation varies by the circumstances of the stop.
 - a. Stops that are resolved using a Notice of Infraction (NOI) shall be referred to in this order as “NOI stops”. This also includes stops resulting in notices of violation (NOV).
 - b. All other stops shall be referred to as “stops”.
 - B. The “field contact” card [PD Form 76 (Contact Card)] **shall not** be used to document stops of any kind.
 - C. All NOI stops shall be documented according to the following procedures.
 1. **All** NOI stops shall be conducted by body-worn camera (BWC)-equipped members. In cases where the serious nature of an offense justifies members not equipped with a BWC to conduct the stop, he or she shall request that a BWC-equipped member respond to the scene. In such cases, the officer conducted the stop shall also record the details of the stop, including a justification of the circumstances, in RMS using an “incident” card.
 2. For the purposes of documenting stopped individuals’ gender, race, ethnicity, and date of birth, officers shall conduct a direct inquiry by stating, “Per the NEAR Act, as passed by the Council of the District of Columbia, we are required to ask for your gender, race, ethnicity, and date of birth.” Officers shall record the demographic information as reported by the stopped individual. In cases where an official government identification card is presented by the stopped individual, information from the identification card may be used in lieu of this inquiry. In cases where the stopped individual refuses to report their demographic information, officers shall select “unknown.”

3. **All** NOI stops resolved with a warning, where no other law enforcement action was taken, shall be documented by issuing a warning NOI.
 - a. Verbal warnings **shall not** be issued. Pursuant to GO-SPT-303.01 (Traffic Enforcement), verbal warnings shall only be given under extreme circumstances (e.g., receipt of a radio assignment requiring immediate response, motorist was en route to a hospital for emergency treatment of a sick or injured passenger). In the occasion that a verbal warning is issued, officers shall document the details of the stop, including a justification of the extreme circumstances, in RMS using an “incident” card.
 - b. When issuing the warning NOI, officers shall indicate the reason for the stop by stating, “You were stopped because of (specific violation indicated here)”.
 4. **All** NOI stops resulting only in issuance of an NOI, where no other law enforcement action was taken, shall be documented solely through issuance of the NOI.
 - a. When issuing the NOI, officers shall indicate the reason for the stop by stating, “You were stopped because of (specific violation indicated here)”.
 5. **All** NOI stops resulting in additional law enforcement action(s) (e.g., vehicle search, protective pat down) shall be documented in RMS according to the stop procedures provided in Part II.D.
- D. All stops shall be documented according to the following procedures.
1. **All** stops regardless of the outcome of the event require a Central Complaint Number (CCN). For each event, officers shall select either the “stop” or “protective pat down after a stop” checkbox under “Incident Statistics” to indicate that a stop occurred.
 2. **All** stops not involving any other incident type shall be documented using an “incident” card. The incident shall be classified as “Stop”, and officers shall include each subject of the stop.

Example: An individual is stopped and questioned about a robbery that recently occurred in the area. The individual is released without further action. This stop shall be documented by selecting the “stop” checkbox under “Incident Statistics” and adding an “incident” card classified as “Stop” with the subject information.
 3. **All** stops involving other events shall be documented using an “incident” card. The incident value shall be classified according to the type of event and officers shall include each subject of the stop.

Example: An individual at the scene of a domestic violence call is stopped and patted down. The individual is released without further action. The stop shall be documented by selecting the “protective pat down after a stop” checkbox under “Incident Statistics” and adding an “incident” card classified according to the applicable incident.

4. **All** stops resulting in an offense or arrest shall be documented using an “incident” card to report the details of the stop and an “offense” or “arrest” card(s) to document the offense(s) and/or arrest(s). The “incident” shall be classified as a “Stop” and the appropriate “Incident Statistics” check box (i.e., “stop” or “protective pat down after a stop”) shall be marked to indicate that a stop occurred. The “offense” and “arrest” card(s) shall be classified according to offense(s). If an NOI was issued, the “NOI Issued” check box under “Incident Statistics” shall be marked.

Example: An individual at the scene of a domestic violence call is stopped and patted down. The individual is arrested. The stop shall be documented by selecting the “protective pat down after a stop” checkbox under “Incident Statistics” and adding the “incident” card and classified as a “Stop” with the subject information. The arrest shall be documented using the “arrest” card classified according to the applicable offense(s).

5. The NEAR Act requires the collection of specific information related to stops. Some of this information is in addition to the information that members are accustomed to documenting. Officers shall be mindful of these reporting requirements when conducting stops in such a way that they are able to document all required information during the completion of their RMS reports.
6. RMS fields do not exist to capture each new data requirement. Until such time that RMS is updated with fields for all requirements, officers shall use the “Internal Narrative” section of the report according to the provisions set forth in this order.
7. NEAR Act data collection requirements apply to all stopped individuals. Officers shall fully document each individual stopped using the “subject” person card. Officers may document individuals who were present during the stop but not considered stopped using the “witness” person card.
 - a. For the purposes of documenting stopped individuals’ gender, race, ethnicity, and date of birth, officers shall conduct a direct inquiry by stating, “Per the NEAR Act, as passed by the Council of the District of Columbia, we are required to ask for your gender, race, ethnicity, and date of birth.” Officers shall record the demographic information as reported by the stopped individual. In cases where an RMS “person” card already exists for the stopped individual, the information from the previous record may be used in lieu of this

inquiry. In cases where the stopped individual refuses to report their demographic information, officers shall select “unknown.”

8. Officers conducting a stop must be prepared to cite the particular factors which supported the determination that reasonable suspicion was present. The record of the stop shall contain all factors relied upon for justification.
9. The record of the stop shall briefly note that the officer gave the person an explanation for the stop, and the nature of that explanation.
10. Officers shall be mindful of the time that subjects are no longer considered stopped. The stop ends when the subject is either free to leave or probable cause has been established for an arrest. The duration of the stop is one of the NEAR Act data collection requirements and shall be reported in the “Internal Narrative” section of the report. Therefore, officers shall ensure accurate timekeeping of when the individual was stopped and when he or she is no longer considered stopped, regardless of the result of the stop.
11. When documenting searches in RMS, officers shall differentiate between searches that occur as a result of a stop and searches that result from an arrest. Searches occurring during the stop shall be documented in the “incident” card and post-arrest searches shall be documented in the “arrest” card.
12. In all cases, officers shall use the NEAR Act documentation instructions provided in the below chart in addition to all other Department RMS reporting requirements.

Data Collection Requirement*	RMS Data Field	Instructions
Date of stop	“Event Date/Time”	Review the accuracy of the event date populated by the Office of Unified Communications (OUC) and edit when applicable. When the event date is not the same as the date of the stop, record the stop date in the “Internal Narrative.”
Time of stop	“Event Date/Time” and/or “Internal Narrative”	Review the accuracy of the event time populated by OUC and edit when applicable. When the event time is not the same as the time of the stop, record the stop time in the “Internal Narrative.”
Location of stop	“Offense Location”	Complete field for the location of the event.
Stopped subject’s gender	“Sex”	Complete a “person” card for each stopped subject.
Stopped subject’s date of birth	“DOB / Estimated Age Range”	Complete field for each stopped subject.
Stopped subject’s race or ethnicity	“Race / Ethnicity”	Complete field for each stopped subject.
Duration of the stop	“Internal Narrative”	<ul style="list-style-type: none"> • Record the date and/or time that the stop occurred (when date and/or time listed in the “Event Date/Time” is not the same as the time of the stop). • Record duration of the stop in the “Internal Narrative.” • Stop duration is approximate and measured in minutes; only covering the time in which the actual stop took place (e.g., not time spent on field contacts, arrests, or booking).

		<ul style="list-style-type: none"> The duration of the stop for all subjects may be approximated. The value may be rounded to the nearest five-minute interval.
Reason for stop	"Internal Narrative"	<ul style="list-style-type: none"> Explain the justification of the stop in the "Internal Narrative." Ensure that the basis for reasonable suspicion is included.
Was there a search?	"Internal Narrative"	Indicate whether or not a search was conducted in the "Internal Narrative."
If there was a search, what type?	"Internal Narrative"	<ul style="list-style-type: none"> If a search was conducted as a result of the stop, indicate the type of search in the "Internal Narrative" (i.e., protective pat down, consent search, <i>Carroll</i> search, protective vehicle search, search conducted with a warrant). Explain the justification of the search in the "Internal Narrative," including the basis for reasonable suspicion. A search conducted as a result of the stop shall be differentiated from any searches conducted after the conclusion of the stop (e.g., search incident to arrest, search of a vehicle incident to arrest).
Was property seized?	"Property & Items" and "Internal Narrative"	If property was seized, complete the "property & items" section for each item seized and include it in the "internal narrative".
Result of stop	"Internal Narrative"	Indicate the result of the stop and whether law enforcement action was taken in the "Internal Narrative."