



Field Interviews and Pat-Down Searches Standard Operating Procedure

Target Group: Cleveland Clinic Police Department (CCPD) - health system (excluding Nevada) employees		Original Date of Issue: 08/30/2007	Version 3
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Purpose

This Standard Operating Procedure is designed to establish determining factors and instructions for conducting field interviews and pat-down searches.

Definitions

Cleveland Clinic health system (excluding Nevada) - Includes the main campus, Avon, Euclid, Fairview, Hillcrest, Lutheran, Marymount, Medina, South Pointe, Children's Hospital for Rehabilitation, and all Family Health Centers, Physician practice sites, Emergency Departments, Express Care Centers, Urgent Care Centers and Ambulatory Surgical Centers reporting to these facilities.

Field Interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion and conducted for the purposes of determining the individual's identity and resolving the officer's suspicions concerning criminal activity.

Pat-Down Search - A "frisk" or external feeling of the outer garments of an individual for the purpose of determining if they are carrying a weapon.

Reasonable Suspicion - Articulable facts that within the totality of circumstances lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed.

Instructions

The field interview is an important tool available to assist officers in preventing and investigating criminal activity. Even when conducted with respect for involved citizens and in strict compliance with the law, the field interview can be perceived by some as police harassment or intimidation if conducted in a seemingly discriminatory manner against groups or individuals. In order to maintain the effectiveness and legitimacy of field interviews and to protect the safety of officers, officers shall conduct field interviews and perform pat-down searches in conformance with the instructions provided in this standard operating 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 when reasonable suspicion is present. Reasonable suspicion does not need to meet the test for probable cause sufficient to make an arrest. In justifying a stop, an officer must be able to point to specific facts that, when taken together with rational inferences, reasonably warrant the stop.

B. Procedures for Initiating a Field Interview

Based on observance of suspicious circumstances or upon information from an investigation, an officer may initiate the stop of a suspect if he has reasonable suspicion of criminal activity. The following instructions shall be followed when making an authorized stop to conduct a field interview:

1. When approaching the suspect if not in uniform, the officer shall clearly identify himself/herself as a law enforcement officer by announcing his/her identity and displaying departmental identification.
2. 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.
3. 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 assistance arrives.
4. Officers shall confine their questions to those concerning the suspect's identity, place of residence, and other inquiries necessary. However, in no instance shall an officer detain a suspect longer than is necessary to make these limited inquiries and resolve suspicions.
5. Officers are not required to give suspects *Miranda* warnings in order to conduct field interviews unless the person is in custody and about to be interrogated.
6. Suspects are not required -- nor can they be compelled -- to answer any questions posed during field interviews. 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.

C. Processing of Field Contact Interview Data

1. When an officer completes a field interview, he/she shall notify the Communications Center.
2. All pertinent details of the person and the interview should be documented in computer aided dispatch (CAD).

3. Computer searches of persons who have been subjects of field contact interviews may be accomplished by querying through Law Enforcement Automated Data System (LEADS).

Pat-Down Searches

A. Justification for Conducting Pat-Down Searches

A law enforcement officer has the right to perform a pat-down search of the outer garments of a suspect for weapons if:

- a. The suspect has been legitimately stopped with reasonable suspicion
- b. When the officer has reason to believe that the suspect possesses weapons on his/her person and poses a threat to the officer's or another person's safety

B. Procedures for Performing a Pat-Down Search

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

1. Whenever possible, pat-down searches should be conducted by at least two officers; one of whom performs the search while the other observes and is available to offer assistance
2. In a pat-down search, officers are permitted only to feel the outer clothing of the suspect. Officers may not place their hands in 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. If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search 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.
5. Whenever possible, pat-down searches should be performed by officers of the same gender as the suspect.

C. Reporting

If after conducting a pat-down search the officer has no basis for making an arrest, the officer shall record the facts of the encounter in a field incident report, which shall be entered into the Report Management System (RMS).

Regulatory Requirement/References

Commission on Accreditation of Law Enforcement Agencies (CALEA)

Oversight and Responsibility

Police Department leadership, under the direction of the Chief of Police is responsible to review, revise, update, and operationalize this standard operating procedure to maintain compliance with regulatory or other requirements.