

	LOWER MERION TOWNSHIP POLICE DEPARTMENT Ardmore, Pennsylvania	
	Policy 3.12.1	
Subject:		Distribution:
Investigatory Detention/Stop & [REDACTED]		All Personnel
Date of Issue:	Expiration Date:	Rescinds:
06-01-2014	Until Amended or Rescinded	Directive: 09-16 & 98-31
References:		
CALEA: N/A; PLEAC: 1.2.3		
By Authority of:		
		Superintendent of Police

PURPOSE

The purpose of this policy is to establish uniform procedures to be followed by all members of this department when conducting investigative detentions/stops.

DEFINITION

Investigative Detention - An investigative detention is not an arrest, but it is a Fourth Amendment Seizure. The subject is not free to leave. "Terry Stop" Terry v. Ohio, 392 U.S. 1 (1968).

Objective Standard - An officer must be able to articulate facts giving rise to a reasonable suspicion that a person was engaged in criminal activity. An officer's reasonableness will be judged using the standard of a reasonable officer in the same circumstances with the same knowledge.

PROCEDURE

A. JUSTIFICATION AND DURATION

1. An officer must have reasonable suspicion that the person stopped is, or has been involved in criminal activity.
2. When articulable and reasonable suspicion exists to conduct an investigative stop, the detention/stop is to last no longer than is reasonably necessary to accomplish the purpose of the stop.
3. Generally, an investigative stop is to be no longer than is necessary to obtain proper identification and an explanation of the person's activity.

4. Once the original objective for the stop has been satisfied, there is no further justification for the stop and the person must be allowed to leave.
5. For purposes of an efficient investigation or for reasons of safety, it is permissible to transfer a suspect to a nearby location. Transport of a suspect to the Public Safety Building, without consent, for further questioning is considered to be a custodial detention and is prohibited. Probable cause for an arrest must be present to transport a suspect without his/her consent.

B. USE OF FORCE DURING INVESTIGATORY DETENTION/STOP

The authority to seize someone carries with it the authority to use reasonable force to accomplish the seizure. The level of force that is reasonable depends on the actions of the subject of the stop. Handcuffing is permissible with the following conditions:

1. Use of handcuffs during a brief investigative stop is permitted if put on for the officer's safety and the officer can articulate the reason to fear for his/her safety.
2. The use of handcuffs must be temporary; they are to be used no longer than are necessary.
3. Once the concern for safety is resolved, handcuffs must be removed.
4. A use of force report ([OPR-3](#)) is to be prepared when applicable.

C. FRISK (*PLEAC 1.2.3 b*)

1. The Supreme Court in *Terry v. Ohio* held that a frisk conducted during an investigatory detention is a search as defined by the Fourth Amendment and therefore must be reasonable.
2. The authority to frisk is not automatic; it is completely separate from the authority to detain. A frisk is an Emergency Exception to the search warrant requirement and the following prerequisite must apply.
 - a. Reasonable suspicion based on articulable facts and circumstances that the subject is armed. Some of the factors leading to reasonable suspicion may include;
 1. Specific information
 2. Nature of the activity observed
 3. Prior knowledge of the subject or their reputation
 4. Experience and reasonable inferences

3. Scope

- a. A pat down of outer clothing looking for weapons only.
- b. A quick search of the area within the subject's immediate control where weapons may be located.
- c. If the object felt can reasonably be perceived as a weapon, the officer may reach into the clothing to retrieve it.
- d. Plain Feel Doctrine applies when the officer immediately, and without manipulation, recognizes the item as contraband.

D. POSITIVE NCIC/CLEAN RESPONSE

1. This section has been redacted for officer safety purposes.

- a. This section has been redacted for officer safety purposes.
- b. All personnel are reminded that an NCIC hit alone is not probable cause to arrest.
- c. The hit is one fact that must be added to other facts by the officer in arriving at sufficient legal grounds for probable cause to arrest. The most important of these being the confirmation of the hit with the agency placing the record into file.

2. Outside Agency Warrant Service

Lower Merion Township Police personnel will assist an outside agency with the service of warrants, but in no event will this department serve as a repository for other agency warrants.

a. Service of Outside Agency Summary Warrants

- 1. If contact is made with an individual for whom another agency has an active summary warrant, the issuing agency shall be notified and asked what they wish done.
- 2. If the agency wishes the warrant served, arrangements should be made by the requesting agency to collect the fine and costs from the defendant and/or serve the warrant.
- 3. If the defendant is unable to pay the warrant, arrangements should be made for the outside agency to either pick up or accept the defendant if we are able to deliver the defendant.

b. Service of Outside Agency Warrants - Misdemeanor, Felony, or Parole Detainer.

1. In the case of a C.L.E.A.N. or N.C.I.C. hit, the Communications Center personnel will send, via the C.L.E.A.N. terminal, a confirmation request to the agency possessing the warrant.
 - a. The Communications Center will obtain confirmation that the warrant is active and have a copy of the warrant faxed to our department.
 2. It is the responsibility of the outside agency to arraign the defendant if they are able to respond immediately to pick up the defendant.
 - a. If the warrant is from an agency within Pennsylvania that is unable to accept the defendant, arrangements should be made to arraign the defendant on the charges.
 3. A fax copy of an arrest warrant is sufficient to be presented to the Magisterial District Judge for arraignment on Pennsylvania warrants only.
 - a. If a fax copy is not available, and the only information is from a computer hit for an M2 offense or above, an additional criminal complaint is necessary based on section 9161 of Title 42.
 4. A fax copy should be sufficient for arraignment, on Pennsylvania warrants if a parole detainer is found for a defendant.
 - a. If a fax copy is not available, and the only information is from a computer, an additional criminal complaint is necessary based on section 9161 of title 42.
 5. If the warrant is from a state other than Pennsylvania, verify that the arresting agency will extradite and then follow the guidelines of the Montgomery County District Attorney's Office, including preparation of the Uniform Extradition Act Criminal Complaint.
- E. In any of the above cases, the warrant service must be documented in the incident report.

RESPONSIBILITY

It is the responsibility of all supervisory personnel to ensure that all personnel under their immediate supervision comply with this policy.