JOPLIN POLICE DEPARTMENT	6-06 STANDARD OPERATING GUIDELINE
SUBJECT: Field Interviews; Stop and Frisk	**REVIEW DATE: Annually - June**
EFFECTIVE DATE: July 1, 2009	**ACTION DATE:**
AMENDS/SUPERSEDES: 2-05, June 1, 2007	**AMEND DATE: July 1, 2009**
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I. POLICY

The agency expects and encourages officers to conduct field interviews. Field interviews are important contacts with citizens that aid in preventing and investigating crime. Technically, a field interview is a lawful stop of a citizen for investigative purposes. Officers should document stops for the purposes of identifying a suspect, witness, or victim, for crime prevention, intelligence gathering, or community relations. The agency further expects officers to gather information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of citizens and the rights of officers to obtain information crucial to the reduction and prevention of crime. Further, field interviews frequently contribute to building a reasonable suspicion or even probable cause to arrest or conduct a search. The only restricted search that sometimes accompanies field interviews, the frisk or pat-down, may be performed when the officer suspects the presence of a weapon.

II. PURPOSE

To help officers determine when field interviews and frisks for weapons are necessary and useful, and to establish procedures for conducting both safely.

III. DEFINITIONS

A. Field interview (1.2.3 A)

A brief detention of a person to determine the person's identity and to resolve the officer's suspicions about possible criminal activity. A field interview resolves an ambiguous situation. A field interview contrasts with a stop that is based on reasonable suspicion of criminal behavior. **Field interviews require voluntary cooperation of citizens. If you develop Reasonable Suspicion during the contact then a Field Interview can become a Stop.**

B. Frisk

A "pat-down" search of outer garments for weapons.

C. Reasonable suspicion

Articulable facts that lead an experienced officer to reasonably suspect that a crime has been or is about to be committed. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated.

D. Stop

The detention of a subject for a brief period of time. In order to make the stop, the officer must have reasonable suspicion to believe that a crime has occurred, is occurring, or is about to occur, and that

the person to be stopped is involved. A stop is an **investigative detention**. The following characteristics may, under the circumstances, give rise to reasonable suspicion for a stop.

1. Officer has knowledge that the person has a criminal record.

2. A person fits the description of a wanted notice.

3. A person has exhibited furtive conduct such as fleeing from the presence of an officer or attempting to conceal an object from the officer's view.

4. The appearance, behavior, or actions of the suspect suggest that he is committing a crime.

5. The time of day or night is inappropriate for the suspect's presence in a particular area.

6. The officer observes a vehicle that is similar to that of a broadcast description for a known offense.

7. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.

8. The suspect is in a place proximate in time and location to an alleged crime.

9. Hearsay information is acceptable. In order for the information to be credible, the officer must have some means to gauge the reliability of the informant's knowledge.

10. The suspect is carrying an unusual object, or his clothing bulges in a manner consistent with concealing a weapon.

IV. PROCEDURES

A. Making the field interview or stop: general (1.2.3 A)

1. An officer may conduct field interviews or stops when he reasonably believes that some investigative inquiry is warranted. The Supreme Court has ruled that an officer "may in appropriate circumstances and in an appropriate manner approach a person for the purposes of investigating possible criminal behavior even though there is not probable cause to make an arrest."

2. A field interview, therefore, requires voluntary cooperation from the citizen. In the absence of probable cause to arrest or reasonable suspicion to detain, the citizen may discontinue the interview at any time and leave. The citizen may also refuse to produce identification or otherwise identify himself.

   a. A distinction is drawn herein between a **field interview** (which is made to resolve an ambiguous situation) and a **stop** (or a brief detention of a person because of suspected criminal behavior).

3. An officer must be able to articulate the circumstances that warranted the interview or stop of the citizen. The circumstances may constitute the officer's reasonable suspicion. In court--should a field interview result in an arrest--an officer must justify his intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable circumstances derive from:

   a. Firsthand observations.

   b. Hearsay, as from informants.

c. "Collective knowledge" or information shared by several officers.

d. The totality of facts and circumstances. The agency encourages officers to question persons whose behavior, conduct, or mere presence at a particular place and time does not match the officer's notion of what is appropriate for the place and time.

B. Field interviews and field interview cards serve as: (1.2.3 A)

1. A source of information.

The field inquiry is based on the principle that the opportunity to apprehend criminals and to prevent crime increases with the number and frequency of persons interviewed. One way an officer can increase his skill as an observer is to obtain information from persons living or working within his patrol area.

2. A means of identifying the suspect.

An on-view arrest is not always based upon the immediate recognition of a wanted criminal. Frequently, it is the outgrowth of the action taken by an officer who stops to question a person who has aroused his suspicions. Information obtained during a field contact may also be used at a later date to identify a criminal.

3. A means of obtaining suspects or witnesses.

The value of reported field inquiries becomes very pronounced when a crime is committed and there are but a few investigative leads. The investigator must then rely on the field interview reports to sift out useful information. A review of these reports will show if anyone had been questioned in the vicinity at the approximate time of the crime.

C. Place of the interview

1. The difference between a field interview and a lawful detainment is a thin one. As noted earlier, reasonable suspicion provides the key basis for the officer's actions.

2. As a general rule, field interviews may be conducted anywhere the officer has right to be, including:

a. City of Joplin owned or controlled property normally open to members of the public.

b. Areas intended for public use or normally exposed to public view.

c. Places to which an officer has been admitted with the consent of the person empowered to give such consent.

d. Places where circumstances require an immediate law enforcement presence to protect life, well-being, or property.

e. Areas where an officer may be admitted pursuant to a lawful arrest or search warrant.

f. Any other area in which an officer may affect a warrantless arrest.

3. Field contacts shall not be done to coerce a person to leave an area or place where he or she has a legitimate right to be and where no violation of law has occurred.

D. Conduct of interviews (1.2.3 A)

1. Officers shall clearly identify themselves and, if not in uniform, display identification.

2. As noted above, unless reasonable suspicion exists for the interview, a person interviewed by the officer may discontinue the interview at any time. To repeat, during a routine field interview, persons shall not be detained in any manner against their will nor shall they be required to answer questions or respond in any manner if they choose not to do so. The fine line drawn between a field interview and a stop and frisk must be strictly observed. (Further details of frisk requirements are found under section V.B and C of this order.) Since the distinction between an interview and a stop depends to a great extent on whether, under the circumstances, the citizen perceives that he is free to leave, officers shall comply with the following guidelines:

   a. All requests during the interview should be phrased with **neutral or optional** words, such as "may," "would you mind," etc.

   b. Abrupt, short responses which could be misunderstood and requests which could be misinterpreted as commands must be avoided.

   c. The duration of an interview should be as brief as possible.

   d. During the interview, officers should confine their questions to those concerning the suspect's identity, place of residence, and other matters necessary to resolve the officer's suspicions.

   e. Miranda warnings are not required during field interviews. The warnings are not required until custodial questioning takes place.

3. The success or failure in obtaining information beneficial to crime analysis and criminal investigation will depend upon an officer's ability to put citizens at ease and establish a rapport. However, during a field interview, if the person should ask whether he must respond, or indicate that he feels compelled to respond, the officer shall immediately inform him (or her) of the right to refuse, as well as the right to leave.

   a. When citizens refuse or cease to cooperate during an interview, the refusal itself cannot be used as the basis for escalating the encounter into a stop and frisk.

   b. Suspects cannot be compelled to answer any questions during field interviews.

V. STOP AND FRISK OR INVESTIGATIVE DETENTION

A. Stop and frisk of an individual under circumstances where the officer has articulable reasons to fear for his/her safety: (1.2.4 B)

1. “Terry v Ohio” states that when a police officer observes unusual conduct and has reasonable suspicions to believe a crime is about to be committed, he may detain (investigative detention or stop) an individual without probable cause to arrest, based on specific articulable facts. Frisk is used to describe the precaution of running the hands quickly up and down and around a person’s clothing to discover possession of a weapon. Courts have justified the procedure as a precautionary measure, upon reasonable suspicion that the person to be searched is believed to be armed and believed to be dangerous, for the purpose of discovering weapons, which might pose a threat to an officer’s safety.

B. Investigative detention involves two distinct acts: (1) the stop (a brief detention of a person because of suspected criminal behavior) and (2) the frisk (a limited search). Not every field interview or stop requires a frisk. Reasonable suspicion justifying a frisk may be based on factors including but not limited to:

1. The type of crime suspected, particularly those involving weapons.

2. Location of the stop.

3. Prior knowledge of the suspect's propensity for violence.

4. Any indication that the suspect is armed.

5. Age and sex of the suspect (officers shall exercise caution with very young or very old people or persons of the opposite sex).

C. Manner of conducting a frisk

1. Ideally, two or more officers will conduct the frisk, one to search and the other to provide protective cover.

2. The minimally intrusive nature of a frisk permits the suspect to be searched while standing.

3. When frisking, officers shall search only the external clothing for objects that *reasonably* could be weapons and remove them. Officers shall not place hands in pockets unless they *reasonably* suspect that weapons are concealed in them.

   a. Retrieval of the weapon may give probable cause to arrest. If so, officers may conduct a complete custodial search of the suspect incident to arrest (see GO 2-7 for a discussion of searches incident to arrests).

4. If, during a lawful stop based on reasonable suspicion, the officer conducts a frisk and feels an object whose contour or mass makes its identity as contraband (or drugs) immediately apparent, it may be withdrawn and examined. (This has been called the "plain feel" or "plain touch" rule.)

5. If the suspect is carrying a bag, purse, suitcase, briefcase, sack, or other container that may conceal a weapon, officers shall not open it but may place it beyond the subject's reach for the duration of the stop.

6. **Officers are reminded that a frisk is limited to a pat down of the external clothing for weapons.**

D. Protective search

Under some conditions, the protective search or the search for weapons may be extended beyond the person detained. This search occurs most often involving vehicles. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have **all** of the following elements present:

1. A lawful investigative stop as defined herein or a lawful vehicle stop.

2. A reasonable belief that the suspect poses a danger.

3. The search must be limited to those areas in which a weapon may be placed or hidden.

4. The search must be limited to an area that would ensure that there are no weapons within the subject's immediate grasp.

E. Period of detention

Investigative detention--as with non-criminal field interviews--must be conducted as briefly as possible. Once the detaining officer determines that the basis for reasonable suspicion no longer exists, the person detained shall be immediately released. Should the suspicion be reinforced with additional information or the officer develops probable cause, the period of detention could be lengthened. The courts generally permit up to 20 minutes to constitute a reasonable period of time for the interview.

F. Recording the stop

1. A field interview card may be completed on a person an officer stops for an interview.

2. A field interview card may be completed on a subject who is stopped for a traffic violation if the situation warrants, according to the officer's judgment.

3. A field interview card may also be used as a field observation card. In these instances, the officer fills out the card as completely as possible, using prior knowledge and current observations of the person or vehicle. Examples of instances when the field observation card could be used include, but are not limited to, the following:

   a. An officer stops a person for the purpose of conducting a field interview who refuses to give the officer any information and the officer has no reasonable cause to pursue the matter further.

   b. An officer wishes to make note of a person in a specific place at a certain time, and the officer has completed a field interview card on the same person on another occasion.

4. The officer may enter his/her field interview cards into the FIC module of the lap top computer (when available) or turn the field interview card into investigations before the end of his/her shift.

VI. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules or the Joplin Police Department's Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies shall comply with this policy.

VII. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.