

JOPLIN POLICE DEPARTMENT	6-06 STANDARD OPERATING GUIDELINE
SUBJECT: Field Interviews / Investigative Detentions / Pat-Downs	REVIEW DATE: Annually - June
EFFECTIVE DATE: October 17, 2017	ACTION DATE:
AMENDS/SUPERSEDES: June 1, 2009	AMEND DATE: October 17, 2017
ACCREDITATION INDEX: 1.2.3 a, 1.2.4 b	APPROVED:  Chief of Police

I. POLICY

The Joplin Police Department 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)

An interviewing tactic used during consensual field contacts and investigative detentions to gather information about criminal activity.

B. Pat-Down

A pat-down is an act of searching a person for concealed items, such as weapons, by passing the hands over their clothing.

C. Reasonable suspicion

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

D. Investigative Detention

A detention of a suspect, based on a minimum of reasonable suspicion, to allow an officer the opportunity to properly investigate their belief that a crime has occurred, is occurring, or is about to occur, and that the person being detained is involved.

The following characteristics may provide reasonable suspicion for an investigative detention:

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 bears a likeness to that of a broadcast description for a known offense.
7. A person exhibits unusual behavior, such as staggering or appearing to need medical attention.
8. The suspect is in a place proximate in time and location to an alleged crime.
9. Hearsay information is acceptable. 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. Conducting a Field Interview: (1.2.3 A)

1. Officers shall clearly identify themselves and, if not in uniform, display identification.
2. An officer may conduct a field interview when they reasonably believe that some investigative inquiry is warranted.
 - a. Consensual field interviews can be conducted at any time with the voluntary cooperation of citizens, and should be conducted in a manner that promotes crime prevention and improves community relations whenever possible. The citizen may not be compelled to provide identification during this interview, but can provide the information consensually.
 - (1) All requests during the interview should be phrased with **neutral or optional** words, such as "may," "would you mind," etc.
 - (2) Abrupt, short responses which could be misunderstood and requests which could be misinterpreted as commands must be avoided.
 - (3) The duration of an interview should be as brief as possible.
 - (4) 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.
 - b. Field Interviews can be conducted during an investigative detention if a Police Officer has a reasonable suspicion that the citizen being detained is involved in criminal activity and a field interview would assist the Police Officer in determining if their suspicions are valid.

- (1) If a Police Officer's suspicion is validated during a field interview further enforcement activity may be required.
- (2) If a Police Officer's suspicion is invalidated during the field interview the interview may only continue at the consent of the citizen.
3. 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."
4. An officer must be able to articulate the circumstances that warranted the field interview and/or investigative detention of a 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.
5. The department encourages officers to question persons whose behavior, conduct, or mere presence in a particular place and time does not match the officer's notion of what is appropriate for that place and time.

B. Field Interview Cards (FIC): (1.2.3 A)

1. A source of information.

The field interview process 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 interview may also be used later to identify a criminal.

3. A means of obtaining suspects or witnesses.

The value of reported field interviews 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.

4. Officer should enter their field interview cards into the FIC module on their MDT or RMS

C. Place of the interview

1. 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.
2. Field interviews 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.

V. **INVESTIGATIVE DETENTION SAFETY**

- A. An investigative detention 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 an individual without probable cause to arrest, based on specific articulable facts.
 2. Pat-Down 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 discovering weapons, which might pose a threat to an officer's safety.
- B. Not every field interview or stop requires a pat-down. Reasonable suspicion justifying a pat-down 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
 - a. Officers shall exercise caution with very young or very old people or persons of the opposite sex.

C. Conducting a pat-down

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

2. The minimally intrusive nature of a pat-down permits the suspect to be searched while standing.
3. Officers shall pat down 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 [6-05](#) for a discussion of searches incident to arrests).
4. If, during an investigative detention, the officer conducts a pat-down and feels an object that has a contour or mass that 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 without consent, but may place it beyond the subject's reach for the duration of the stop.
6. **Officers are reminded that a pat-down is limited to the external clothing.**

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** the following elements present:

1. A lawful investigative detention as defined herein.
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.

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.