



# Colorado Springs Police Department

## General Order

### 1002 Field Interviews

#### Section 1000 – Patrol Functions

Effective Date: 9/27/2021

Supersedes Date: 6/26/2017

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### **.01 Purpose**

The purpose of this directive is to define, describe, and set guidelines for conducting field interviews.

### **.02 Cross Reference**

[GO 100 Constitutional Policing](#)

[GO 121 Fair and Impartial Policing](#)

[GO 500 Use of Force](#)

[GO 740 Determining Probable Cause](#)

[GO 750 Citizen Contacts](#)

[GO 760 Physical Arrest](#)

[GO 1040 Handling of Street Gang Contacts](#)

[GO 1074 Reporting of Suspicious Activity or Terrorist Information](#)

### **.03 Discussion**

The field interview is a useful and effective means of maintaining the safety and welfare of the community. By remaining alert, perceiving circumstances that may indicate crime, stopping suspicious persons and conducting field interviews, officers serve the community by preventing, discovering, or solving crimes.

When properly conducted, a field interview can improve the department's performance; improperly conducted, it can jeopardize successful prosecution, expose the department and its personnel to adverse legal consequences, and reduce trust in the community.

## **.04 Policy**

The courts have indicated that certain elements must be present before an officer initiates a field interview. In this regard, the department maintains procedures that detail these elements and officers will abide by them when conducting a field interview.

All field interviews will be conducted in a fair, unbiased, and professional manner.

## **.05 Definitions**

*Field Interview:* A field interview is temporary detention of any person for the purpose of investigating activity that reasonably implies criminal conduct. A field interview occurs when an officer uses police authority either to compel a person to halt, to remain in a certain place, or to perform some act (such as walking to a nearby location where the officer can use a radio or telephone). If the person being stopped reasonably believes that they are not free to leave the officer's presence, a field interview is occurring.

*Field Interview Report (FIR):* An internal administrative report made by field officers to document official contacts with persons under suspicious circumstances or in other specified cases. It provides a means of systematically recording information on persons, contacted under suspicious circumstances, for the purpose of facilitating the retrieval of that information for use as investigative leads and to support criminal investigations.

*Reasonable Suspicion:* The term "reasonably suspects", per CRS § 16-3-103, cannot be precisely defined. The term means information known to the officer, which amounts to more than a mere hunch or generalized suspicion, but less than probable cause to arrest. Unless a field interview is conducted as part of a consensual contact, the stop should be treated as an investigative detention, which requires an officer to have reasonable suspicion that the individual being contacted is engaged in illegal activity.

## **.10 Legal Authority**

Legal authority to conduct field interviews is granted in C.R.S. §16-3-103, Stopping of Suspect, which provides:

- (1) *A peace officer may stop any person whom he reasonably suspects is committing, has committed or is about to commit a crime and may require him to give his name and address, identification if available, and an explanation of his actions. The stopping shall not constitute an arrest. A peace officer shall not require any person to produce or divulge such person's social security number.*

- (2) *When a peace officer has stopped a person for questioning pursuant to this section and reasonably suspects that the person is armed and dangerous, the officer may conduct a pat-down search of that person for weapons.*

## **.12 Prohibited Actions**

Officers may ask the subject of a field interview to provide their social security number for identification purposes, but they are prohibited from requiring them to do so.

## **.20 Pat Searches During Field Interviews**

In addition to considering their legal authority to conduct a field interview, officers should also consider their legal authority when determining whether a pat-down can be conducted. While an officer may have the legal authority to conduct a field interview, such a contact does not give an officer the automatic legal authority to conduct a pat-down of that person.

Pat-downs must be based upon reasonable suspicion the person may be armed with a weapon and must be limited to the detection of a weapon. Officers are not permitted to conduct a pat-search for the purpose of conducting a general search, to include but possibly not limited to a search to recover evidence of a crime. Officers who reasonably believe a person is armed with a weapon may recover a weapon discovered during the pat-down process.

In determining whether a person presents such a danger as to require a pat-down, an officer may consider a number of factors, to include but possibly not limited to:

- The person's behavior (e.g., reaching into the pockets, concealing hands, etc.)
- Prior knowledge that the person is known to carry weapons
- The type of crime that is reasonably suspected (e.g., robbery with a weapon, weapons display, burglary to motor vehicles, etc.)
- The time of day (e.g., hours of darkness)
- Any other information that supports the officer's conclusion that the person is armed and poses a danger to the officer or others

## **.22 Consent**

Officers should note that pat-downs for weapons may be conducted at any time when consent is given by the person subject to the pat-down. Consent must be given voluntarily and the subject of the pat-down has the right to refuse the request.

## **.30 Initial Approach**

Once reasonable suspicion is established, a person may be stopped.

If it is safe and practical to do so, an officer may elect to delay contact with a suspicious person to determine whether there is probable cause to make an arrest. Officers should consider the timing of making a contact, noting that a premature contact could then jeopardize the integrity of the investigative process.

## **.40 Use of Force to Detain**

Officers will use the least coercive means necessary to stop a person. The means used may be a verbal request, an order, or physical force.

## **.42 Refusal to Cooperate**

Refusal to answer questions or cooperate in other ways does not, by itself, establish probable cause to arrest the subject of a contact. Nonetheless, such refusals may be considered along with other facts discovered during the contact, as elements that may establish probable cause.

*For example:* a person fitting the description of a burglary suspect is observed walking down a sidewalk at 00:30 hours and in the vicinity of a very recent "channel lock" burglary. Officers stop and question the person, who then refuses to give their name and address. The officers then observe a pair of channel lock pliers in the subject's hand. Under these circumstances, the officers may attach some weight to the suspect's refusal to answer their questions about their identity and address. At this point, an arrest for burglary may be proper if officers believe the probable cause standard has been met.

## **.44 Moving the Detained Person**

If an officer believes the need exists to move a detainee, and no probable cause for an arrest exists, the officer should obtain the suspect's consent for the movement. If an officer wishes to obtain an identification of the suspect by a victim/witness, the victim/witness should be brought to the location where the suspect is at if possible.

It is recommended that officers not move detainees from the location where the stop was made. When an officer moves a detainee or orders a detainee to move, a court may conclude that the suspect has been taken into custody. An officer who moves a detainee risks losing evidence gathered as a result of the movement.

## **.46 Duration of Stop**

During a field interview, an officer may only detain a person for a reasonable period of time. What constitutes a reasonable period of time is based upon the totality of the circumstances but in most

situations, the courts view this period as lasting approximately 20 minutes. If probable cause cannot be established within a reasonable period of time, the person must be released.

If probable cause is not developed and the field interview exceeds a reasonable period of time, the officer will articulate the reason for the extended detention time, either in a case report, the call screen, or a field interview report (FIR). In addition, officers must act diligently to conclude the investigation.

If probable cause is found for an in-custody arrest, a case report will be completed, and the field interview time extension documented in the report.

Any unnecessary delay may result in evidence being suppressed.

## **.50 Guidelines for Use of Field Interview Reports**

Field interview reports *will* be made to document the following cases:

- To facilitate retrieval of information for use as investigative leads and to support criminal investigations
- Contacts with, or observations of, confirmed career criminals
- Contacts with citizens that lead the officer to believe that future contact by officers may pose a serious threat to the officers' safety
- Contact with citizens involved in suspicious or possible terrorist activity

Under these circumstances, officers should also consider completing an Information Report and sending it to the Metro VNI Intelligence Unit.

Field interview reports *may* be made in the following cases:

- At the officer's discretion, so long as it is used to document suspicious activity and not community contacts (e.g., community meetings, routine traffic contacts, etc.)
- Suspicious persons who are suspected of criminal activity

Examples would include the following:

- Persons contacted under suspicious circumstances pursuant to consent or reasonable suspicion
- Misdemeanor arrests which the officer feels should be entered