

3.01-1

**DAYTON POLICE DEPARTMENT
GENERAL ORDER
FIELD INTERVIEWS**



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POLICY STATEMENT

It is the purpose of this order to promote public safety, safeguard officers from injury, and ensure the citizens' right to privacy are protected. Field interviews are a common type of police-citizen contact. It is an important method of preventing and investigating crime. This contact allows an officer to determine whether a person observed in suspicious circumstances can provide a satisfactory explanation for their actions. These interviews are of great value to investigators in developing leads and establishing crime patterns.

Training and experience indicate that patrol officers respond primarily to unusual circumstances that are often associated with criminal activity. Officers rely on their experience and insight to recognize suspicious persons. They must be able to justify the contact / stop based upon their belief that a crime has occurred or is about to occur.

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I. RESPONSIBILITIES AND PROCEDURE

A. Contacts

A "contact" is a face-to-face communication between an officer and a citizen, where the citizen is free to leave if they wish. An officer may initiate contacts when they reasonably believe that such a contact is integral to the investigation of a situation. Contacts should never be initiated from inside a cruiser.

Certain ethnic groups within the community have historically been slow to report crimes committed against them or their neighbors because of their immigration status. Police presence within the entire community is extremely important to engender a feeling of safety and trust for all residents of the City of Dayton. Therefore, officers are prohibited from inquiring about the immigration status of a victim or witness when conducting a criminal investigation.

1. Initiating a Contact

An officer can initiate contact wherever they have a legal right to be. Generally, this includes:

- a. Properties normally open to the public.
- b. Places where officers have been granted access.
- c. Places where an officer is admitted pursuant to a court order. (i.e., search warrant)

2. Conduct of Contacts

Do not detain or frisk "contacts" against their will. They are not required to answer questions if they choose not to do so. Do not use force or coercion to make citizens stop or respond. Even if they refuse to cooperate, contacts must be permitted to leave. Since contacts are not stops or an arrest, and the person may be innocent of any wrongdoing, an officer should be as courteous as possible.

3. Threat Group Identifier

Anytime officers come into contact with individuals that they would consider part of a group that would pose a threat to law enforcement or other persons; they should complete a Form RF-003 - Threat Group Identifier. This form is located on the "P" drive in the Police Forms folder as an Excel document.



Once completed, send the form through inter-departmental mail or e-mail to Special Investigations Bureau detectives.

B. Stops

An officer uses a "stop" to temporarily detain someone in order to determine whether probable cause exists to make an arrest. A person is not free to leave the officers presence when a "stop" has occurred.

1. Basis for Stop

Make a "stop" only when there is "reasonable suspicion" that a person has committed, is committing, or is about to commit, a crime. An officer has the authority to stop and detain that person. They can exercise that authority wherever they have a legal right to be present.

2. Reasonable Suspicion

"Reasonable suspicion" cannot be precisely defined; it is more than mere speculation, but less than the probable cause necessary for arrest. "Reasonable suspicion" is a combination of specific and observed facts, with reasonable inferences from those facts, which would support the officer's belief that the person stopped has committed, is committing, or is about to commit a crime.

C. Frisks (Terry v. Ohio (1968), 392 US 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889)

1. In Terry v. Ohio, the U.S. Supreme Court ruled that a "stop and frisk" is a three-step process:

- a. The investigatory stop may take place only if the officer has a reasonable suspicion that "criminal activity may be afoot."
- b. Next, if the officer **reasonably** believes the person "may be armed and presently dangerous," the officer may engage in a limited frisk comprised of a pat down of the person's **outer clothing** to discern whether the person is carrying a weapon so that the officer may proceed with the investigation without fear for their safety and/or the safety of others nearby.
- c. Finally, the officer is permitted to proceed beyond this limited pat down of the outer clothing of the detained person only if the officer has a reasonable belief that the object felt is a weapon.

2. Frisk Procedure

The authority to frisk is not used to conduct a full search to produce evidence or other incriminating material. It is used to reveal weapons.

- a. Begin the frisk at the areas of the body or clothing most likely to contain a concealed weapon. Any object that could reasonably be, or contain, a weapon **WILL BE REMOVED**.
- b. An officer can search the immediate areas under the suspect's control, if they believe the suspect could obtain a weapon from that area and harm the officer or others nearby.
- c. If a suspect is carrying an item separate from their person (i.e., purse, shopping bag or briefcase), take it from them. Do not search inside the item but place it a safe distance from the person's reach for the duration of the stop. The item may be searched if an officer believes that the item may be concealing a weapon. Reasons for inspecting an item must be explained.
- d. Whenever possible, officers will place all detained persons who have been frisked in the rear seat of a cruiser which is equipped with a cage or screen in order to reduce the risk of flight or resistance.
- e. Ohio Law permits a custodial detention as long as the officer can articulate why it was necessary to handcuff the person (i.e., for officer safety, the officer has reasonable suspicion that the person committed a crime, etc.).



- 1) Anytime a person is released from a custodial situation where they were handcuffed for any reason but not arrested, a supervisor must be notified.
- 2) Officers will document the incident on the MDC (Mobile Data Computer) using the FIC (Field Interview Card) screen, incident type "HNC". The officer must fill in all the individual personal information, the reason for handcuffing them and which supervisor was notified (General Order 3.03-1, Prisoners, Section I.H.)
- (3) Persons handcuffed as a result of a search warrant are excluded from this reporting process.

D. Plain Feel Doctrine (Minnesota v. Dickerson (1993), 508 U.S. 366, 113 S. Ct. 2130, 124 L. Ed. 2d 334)

1. In *Minnesota v. Dickerson*, the court addressed situations in which a police officer, while conducting a lawful Terry stop and frisk search, feels an object "whose contour or mass makes its identity immediately apparent" as contraband.
2. The court ruled that under these *specific* circumstances the warrantless seizure of contraband is justified. Officers should note that the object's identity must be **immediately recognized** as contraband before it is removed. When officers feel an object that they can't identify, and do not reasonably believe to be a weapon, they should not remove it from the detainee's clothing. The detainee can be asked what the object is.

E. Record Keeping

Adequate records of the field interviews can later indicate the proper use of law enforcement authority. Records also enhance an officer's ability to recall the factors that brought about the interview. These records are vital when the interview results in an immediate arrest. They are also valuable leads in other investigations. Officers are required to record each field interview they conduct via the body worn camera. Officers should keep their entries on a professional level as the information they enter is subject to open record's requests. All follow-up investigators search the MIS (Management Information System) for interviews conducted by officers frequently and have used the information in a variety of ways.

1. Contacts

Officers are not required to document all interviews conducted but are encouraged to evaluate each encounter and make the proper documentation when necessary. When an officer makes the decision to document an interview, they will make the appropriate entries in MIS (FIC screen or comments on the original call).

2. Stops

Whenever a "stop" is made, officers will record all factors that justify the stop and all pertinent details of the stop on subject being stopped and enter this information in MIS.

3. Stop and Frisk

Whenever a "stop and frisk" is conducted officers will record all factors justifying the stop and frisk and all pertinent details and information about the subject interviewed. This information will be entered in MIS.

4. MDC Documentation

Officers must document via the MDC the stopped subject's demographic information (race and gender) on all subject stops prior to clearing the call. If the RDC clears you from the call / stop, the information must be provided to the dispatcher to add to the incident. Officers may ask the subject for the information or enter it based upon their observations. Violators/subjects are not required to answer these questions. The information will be used as an anonymous measure for demographic reports.

F. Identification Issues (from General Order 3.02-2, Traffic Enforcement, Section III.)

1. An officer will make reasonable attempts at identifying the offender prior to physical arrest through:



- a. Follow-up investigation with an on-scene individual whom the officer deems credible (family member, household member, neighbor, co-worker, etc.) who knows the violator and can confirm information provided and provide on sight identification if necessary.
 - b. MIS/LEADS (Law Enforcement Automated Data System), MCCJIS (Montgomery County Criminal Justice Information System), OHLEG (Ohio Law Enforcement Gateway), AFIS (Automated Fingerprint Identification System) and/or Live ID verification of information provided including vehicle registration information. Contact with the vehicle's owner if other than the violator to verify the violator's identity and legitimate use of vehicle.
 - c. Examination of available identification or personal papers that provide some verification of information given by the violator regarding their identity, place of residence and/or employment.
 - d. If the above means still do not provide sufficient information to verify identity, the violator will be transported to the Bureau of Identification for fingerprinting and photographing to try to verify the identity the violator.
2. The City of Dayton recognizes and accepts, as valid proof of identification, the *Matricula Consular* from Mexico, the Guatemalan consulate identification card, and the Miami Valley Community ID Program (General Order 2.01-8, Foreign Nationals, Refugees, and Immigrant Members of the Community, Section II.). Therefore, officers will accept these documents as valid proof of identification of the individuals presenting them.

This identification does not have to be accepted if there are reasonable grounds for believing the identification card is counterfeit, altered, improperly issued to the person, or otherwise not accurate. Officers are not prohibited from seeking additional information to verify a person's current address or other facts that would enable them to fulfill their responsibilities or under circumstances where a specific form of identification was required.

II. SUSPECT LOCATOR ALERTS (SLA)

- A. A Suspect Locator Alert (SLA) may be used for the following:
1. The individual is wanted, but there may be a need to interview the individual before being booked into jail.
 2. The individual is a targeted suspect, and there is a high likelihood of arrest upon completion of the interview.
 3. The individual is a person of interest in a crime either as a possible suspect, victim, or witness.
- B. Unless a person has an arrest warrant or a broadcast for their arrest, and barring reasonable suspicion or probable cause, the contact must be consensual. If for some reason a person refuses to be interviewed during a consensual encounter, you can ask them to stand by while you contact the detective that issued the SLA. However, if they do not wish to remain, document all contact information in a Field Interview Card (FIC) and e-mail the listed detective with the information from the contact.
- C. If there is an unrelated charge for arrest, an arrest warrant, or a broadcast for arrest, the requesting detective's supervisor should be contacted for call-out consideration. Regardless of the type of contact, it is important that officers not provide details concerning the incident or investigation, to prevent tainting the interview.
- D. Detective Unit Supervisors will be required to review active SLAs weekly and confirm with their detectives if individual SLAs are still needed or should be canceled.