

2.416 FIELD INTERVIEWS, etc.

(1.2.3.a)

2.416.02 Field Interviews

- A. Officers are encouraged to conduct field interviews as a component of the agency's efforts to prevent, deter, and detect crime, maintain order, and otherwise fulfill the agency's mission and values.
- B. Officers may, without creating any Fourth Amendment violations:
 - 1. Approach people and ask them if they are willing to answer some questions;
 - 2. Ask the people questions if they are willing to listen; or
 - 3. Testify in court about answers that people gave voluntarily.
- C. People approached in voluntary field interview situations:
 - 1. Do not have to answer any questions they are asked;
 - 2. May decline to listen to the questions at all;
 - 3. May go on their way; and
 - 4. May not be detained even momentarily without reasonable, objective grounds for doing so.
- D. Absent other articulable justification, simply refusing to answer questions in voluntary field interviews does not give officers reasonable, objective grounds for detaining people.
- E. People cannot be compelled or required to answer questions, including identification related questions, by officers under stop and frisk authority.
 - 1. People may not be unduly detained or restricted in movement unless officers have reasonable, articulable information that may lead to probable cause for an arrest. See also **2.416.06 Investigative Detention**.
 - 2. Failure to answer questions or provide identification alone does not give officers probable cause to make arrests.
 - 3. People on university property who do not establish that they are engaging in lawfully, constitutionally protected activities may be subject to the authority of **Education Article (ED) § 26-102**. Refer to **2.435.08 Trespassing on School Grounds**.
- F. Officers will document field interviews by writing **Written Warning / Field Interview Reports (UPO.024)** or completing on-line reports.

2.416.04 Stop and Frisk

- A. Officers **MAY** stop and frisk individuals consistent with *Terry v. Ohio*, 392 US 1 (1968):
 - 1. When officers observe clearly articulable, unusual conduct which leads them reasonably to conclude in light of their experience that criminal activity may be afoot; and
 - 2. When officers have clearly articulable reasons to believe the persons they are dealing may be armed and presently dangerous; and
 - 3. When officers identify themselves and make reasonable inquiries; and
 - 4. When nothing in the initial stages of encounters serves to dispel officers' reasonable fears for the safety of themselves or others; then
 - 5. Officers are entitled for the protection of themselves and others in the area to conduct carefully limited pat-downs of subject individuals' outer clothing to discover weapons.
- B. Consistent with **Criminal Law (CR) § 4-206**, officers may make inquiries and conduct limited searches of individuals when:
 - 1. It is reasonably suspected that a person has committed, is committing, or is about to commit a crime;
 - 2. A person is reasonably suspected to be armed and dangerous and immediate action must be taken to protect officers or the public.
- C. Officers who stop and frisk individuals consistent with **CR§ 4-206** will:
 - 1. Do so consistent with statutes, case law, training, and directives;
 - 2. Complete reports describing:

- a. The circumstances, reasons, and results of stops and frisks regardless of whether or not hand-guns were discovered;
 - b. Environmental factors: Time of day, lighting, weather, etc.;
 - c. Physical surroundings, locations, etc.;
 - d. The reasons why subjects were contacted;
 - e. Actions or statements made by subjects or officers' observations which could give rise to suspicions that subjects were armed;
 - f. The results of pat downs, weapons found, and type
3. Complete Firearms Reports (MSP 97) only if:
- a. A person is arrested and a firearm is recovered;
 - b. A stop and frisk is conducted and a firearm is found, even if the person has a permit to carry;
 - c. Any firearm is taken into custody as found property, safekeeping, etc; and
4. Submit completed reports for supervisory review prior to the end of their tours of duty on the dates the incidents occurred.
- D. See also **1.312 Warrantless Search & Seizure**.
- E. Central Records personnel will:
1. Send original MSP 97s and report copies to the MSP Licensing Division; and
 2. Keep a copy of each MSP 97 in the corresponding report file.

2.416.06 Investigative Detention

- A. Officers may conduct investigative detentions when they develop articulable, reasonable suspicion that people are committing, have committed, or are about to commit crimes; or believe:
1. That crimes possibly involving the danger of personal injuries or danger to property, have just been committed near the place where the persons were found;
 2. That the persons may know facts helpful in investigating the crimes; and
 3. Actions need to be taken to identify the persons or obtain crime related information.
- B. Consistent with *Graham v. Connor*, 490 US 386, 396 (1989), officers who have reasonable suspicion to make investigative stops also have the right to use some degree of physical coercion or threat thereof to effect it.
1. The level of force used in conducting investigative stops must be adjusted to the facts known to officers when the stops are made.
 2. Consistent with decisions similar to *United States v. Sharpe*, 470 US 675 (1985), common sense, not rigid criteria, must be used to evaluate whether detentions are unreasonable.
- C. Conditions that may lead to developing reasonable suspicion and justifying investigative detentions include, but are not limited to:
1. Persons who fit descriptions of wanted suspects;
 2. Vehicles that fit descriptions of those involved in crimes;
 3. People fleeing when they see officers;
 4. Persons or vehicles seen leaving areas where crimes have been committed;
 5. Persons behaving or driving vehicles in a way indicating criminal activity;
 6. Persons acting furtively; or
 7. Other specific and articulable facts and inferences that would cause a reasonable person to believe that someone has been, is, or is about to be, engaged in criminal activity.
- D. Officers conducting investigative detentions should generally avoid actions normally associated with arrests, such as using physical restraint, putting persons inside police vehicles, displaying weapons, or using handcuffs. However, factors that could justify using more intrusive means to effect investigative detentions include, but are not limited to:
1. Suspects are uncooperative or act as if they may be dangerous or try to flee;
 2. Officers have information that suspects are armed;
 3. Stops closely following violent crimes; and

4. Officers have information that violent crimes are about to occur.
- E. Uses of force will be reported consistent with **2.820 Reporting Use of Force** and reviewed consistent with **1.720 Punitive Discipline**.
- F. Investigative detentions will be conducted only for the length of time necessary to obtain identification and/or accountings of their presence or conduct.
 1. People will be allowed to go on their way as soon as interviews are completed unless probable cause is developed and enforcement actions are taken.
 2. Interviews will be conducted only at or near initial contact locations and not moved to other locations without consent of persons being interviewed.
 3. Investigative detainees may always exercise their constitutional rights by refusing to answer questions.
 - a. People who are investigatively detained on university property, do not cooperate with the process, and do not establish that they are engaging in lawfully, constitutionally protected activities may be subject to the authority of **Education Article (ED) § 26-102**. Refer to **2.435.08 Trespassing on School Grounds**. Otherwise, they will be allowed to go on their way unless probable cause is developed and enforcement actions are taken.
 - b. People who are investigatively detained outside the agency's primary jurisdiction and refuse to cooperate with investigative detention processes will be allowed to go on their way unless probable cause is developed and enforcement actions are taken.
- G. Officers will document investigative detentions by writing on-line reports or, with supervisory approval, completing **Written Warning / Field Interview Reports (UPO.024)**. These reports must include all facts and circumstances that support the detentions.