

PR - 121

FIELD STOPS

12100 GENERAL

Field interviews are an important crime-fighting tool as they lead to catching criminals in the act, intelligence gathering, and preventing crime by sending a clear signal to potential offenders that police are watching them. This tool is especially helpful in combating the crimes of street robbery, burglary, larceny and increasing police presence in high crime areas such as gang activity locations. When a suspected criminal is stopped for a field interview, even though it may not lead to an immediate arrest, it places the suspect in the time frame and place of a reported crime which inevitably assists in the follow up investigation. During all field interviews, police personnel will conduct themselves with integrity, professionalism and respect and when safe and practical, make every effort to explain the reason for the field stop to the subject in question without compromising an active investigation.

12101 STOPS

There are four levels of intrusion and they can vary widely depending on the circumstances:

1. Request for information (subject can refuse)
2. Common law right to inquiry (cannot forcibly detain)
3. Forcible stop and if necessary - Frisk
4. ARREST with PROBABLE CAUSE

12102 FORCIBLE STOP

1. There must be a reasonable suspicion and it must be in a public place
2. REASONABLE SUSPICION is described as:
 - a. Reasonably suspect a person has committed, is committing, or about to commit any felony or penal law misdemeanor (not a violation) and/or
 - b. Must have articulated facts such as:
 1. Information from victims, witnesses wanted fliers, or confidential informants.
 2. A 911 call from an unidentified caller describing a suspect committing a criminal act at a specified location with additional corroborating factors.
 3. Suspect is located in immediate place and time to criminal act.
 4. Carrying suspicious item or suspicious bulge under clothing.
 5. Anonymous information – you must corroborate identity of subject as well as his illegal conduct.
 6. Observation based on Police Officer training and experience.

Facts that can help establish reasonable suspicion are:

1. Furtive behavior such as taking steps to avoid being observed or nervous or evasive behavior.
2. Time of day is unusual for suspect's presence in area.
3. Suspects reaction to police presence (nervousness).

- c. Stop must be temporary and reasonable in time and place to make necessary inquiries.

12103 LAW REGARDING FRISK

SAFETY IS THE MOST IMPORTANT FACTOR TO BE CONSIDERED IN ANY ENCOUNTER.

1. **FRISK** - Is limited to a search for weapons and /or a pat down of clothing.
2. **NOT ALL STOPS LEAD TO FRISK!!** - There is a need to articulate why the subject was frisked. You may frisk for a weapon if you reasonably suspect the suspect is armed and dangerous.” Terry Vs. Ohio U.S.1 (1968)
3. When searching bags or containers (as part of stop and frisk), you must have reasonable suspicion and meet the following three requirements:
 1. The bag must be in a reachable area with suspect.
 2. Immediate danger must be present regarding evidence or endangerment.
 3. The outside of the bag can be touched and the bag shook to determine if it holds a weapon. However, unless the touch or shaking indicates the bag holds a weapon, it cannot be opened and searched unless:
 - a) The person is arrested “search incident to lawful arrest”
 - b) Exigent circumstances justify the search.
 - c) There is a search warrant for the bag.

If probable cause exists and frisk requirement not applicable seize bag / container and pursue search warrant.

4. The searching of a vehicle as part of stop and frisk: During a stop of a vehicle based on reasonable suspicion, if an occupant reaches toward an area of the vehicle as if to hide evidence, the officer may inspect that area for weapons in order to insure his/her personal safety during the stop. Similarly, if an occupant must obtain identification papers from the glove compartment or other area of the vehicle, the officer may first inspect that area for weapons to ensure his/her safety. However, while occupants who have been removed from a vehicle can be frisked, the passenger compartment cannot, unless an officer can articulate an actual and specific danger to his/her safety. (Example: vehicle passenger apparently hiding something under his seat is observed wearing a bullet-proof vest upon removal from vehicle, area where passenger was seated may be searched.)

12104 TACTICS

- A. Conducting surveillance:
 1. Utilize patience and if possible radio headquarters and maintain surveillance on subject.
 2. Is the subject watching your actions (this can help establish reasonable suspicion)?
 3. The subjects flight after becoming aware of police presence can be part of reasonable suspicion but not just the act alone(unprovoked flight is not normal behavior).
 4. If there is reasonable suspicion leading to stop, and suspect flees, you can pursue and forcibly stop.
- B. Vehicle and Traffic Law:

You must have an articulated reason for stop plus an observed violation.

C. Interrogation / Interview Skills for officer:

1. Separate the subjects immediately after custody and note inconsistencies in statements.
2. Note their body language and non verbal signs (demeanor)
3. Anticipate language barriers.
4. Answers to questions (or lack of them) may raise level of encounter.
5. For show up identifications, the general rule is to bring the victim to the suspect.
6. If there is probable cause to arrest and the person is in custody, consider Miranda.

D. Report writing when arrest is not made:

1. Always complete a Field Interview Report (with an entry in CAD) when the stop is made. The report should document the subject(s) presence in area and physical description(s).
2. The report narrative should include the following:
 - a. setting and type of area (lighting, etc)
 - b. Subjects description including height, weight, build, type of hair, complexion, facial hair, clothing, shoes, tattoos, language, accents, etc.
 - c. Document the subject's actions prior to being stopped (eg. articulated facts that led to reasonable suspicion).
 - d. Subject's appearance at time of stop.
 - e. Subject's reaction to stop.
 - f. Record all statements made by subjects. What the subject said positive or negative or any answers to questions.

12105 USEFUL LAWS TO INVESTIGATE

A. City Ordinances / Personal Summonses:

1. Littering
2. Open container
3. Trespassing (City parks after 2300 hours)
4. Hooting and Hollering / Disorderly Conduct
5. Noise Complaints (radios, etc)
6. Vehicle horn blowing
7. Taxi ordinances
8. Skateboards

B. Vehicle and traffic stops (Reasonable suspicion and observed violation):

1. Parking Violations both state and local
2. Window tint, equipment violations, lights, mirrors, glass, license plates, stickers, expiration dates, etc.
3. Crossing pavement markings.