

DAYTON POLICE DEPARTMENT
GENERAL ORDER
FIELD INTERVIEWS

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REV. 9/14

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 his/her 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.

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 he/she wishes. 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 he/she has 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 Narcotics 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)

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 his/her 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 MDT using the FIC screen, incident type "HNC" in lieu of a *BlueTeam Internal Complaint Receipt* entry. Officer must fill in all the individual personal information, the reason for handcuffing them and which supervisor was notified (also – General order 3.03-1 Section I.H.)
- (3) Persons handcuffed as a result of a search warrant are excluded from this reporting process.

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

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 MVR record each field interview they conduct. 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 M.I.S. for interviews conducted by field 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.

F. Identification Issues (from General Order 3.02-2)

1. An officer may make reasonable attempts at identifying a contact if there is no issued governmental identification available:



- Follow-up investigation with an on-scene individual whom the officer deems credible (family member, household member, neighbor, co-worker, etc.) who knows the contact and can confirm information provided and provide on sight identification if necessary.
 - MIS/LEADS, MCCJIS, OHLEG, AFIS and/or Live ID verification of information provided including vehicle registration information. Contact with the vehicle's owner if other than the contact to verify the person's identity.
 - Examination of available identification or personal papers that provide some verification of information given by the contact regarding their identity, place of residence and/or employment.
 - If the above means still do not provide sufficient information to verify identity, the contact can be transported to the Bureau of Identification for fingerprinting and photographing to try to verify the identity the violator if it is believed that the contact may be wanted or purposely withholding identification for a criminal purpose.
2. The City of Dayton recognizes and accepts, as valid proof of identification, the *Matricula Consular* from Mexico and the Guatemalan consulate identification card. 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.