

# City of Johns Creek Police Department

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| <i>Subject:</i> Field Contacts and Interviews | <i>Number:</i> 02-05         |
| <i>Reference:</i>                             | <i>Amends:</i>               |
| <i>Effective:</i> 04/08                       | <i>Review Date:</i> Annually |
|   | <i># of Pages:</i> 2         |

**PURPOSE:**

Establish procedures for conduction field contacts and interviews of suspicious persons.

**POLICY: (02-05)**

The courts have consistently held that a police officer has the right to make a reasonable inquiry and identify suspicious persons and their reasons for being where they are. Investigative detention is said to be a necessary element of crime prevention and detection, and the courts recognize there are certain instances encountered in which public security interest out weigh the inconvenience of an individual's brief detention.

Officers and investigators of this agency may find the need to conduct interviews of persons during patrol or when investigating criminal activity. A field interview, or investigative stop, is the temporary detention of a person for investigative purposes, and shall be conducted professionally, reasonably, will be properly documented, and shall be confined to the parameters outlined in Terry v. Ohio.

Any decision to stop and question a person by an officer must be explainable and based on a reasonable suspicion of criminal activity. The officer must be able to articulate specific facts and circumstances that led him/her to believe criminal activity may be involved by the individual's behavior.

**PROCEDURES:**

**Conducting Field Interviews (02-05-01)**

A person may be stopped and questioned by a law enforcement officer if sufficient facts and circumstances are present that lead the officer to believe he/she:

- A. Has reasonable suspicion the individual may have committed or may be in the process of committing a crime;
- B. Believes the person may be a hazard to him/herself or anyone else; and
- C. Believes the interview may have a preventive effect.

Conducting field interviews serves a number of useful purposes for the police officer. Among them are:

- A. A field interview program may deprive actual and potential offenders of some of their initiative in selecting the time, place, and circumstances for the commission of crimes;
- B. Documentation of information concerning contacts with suspicious individuals;
- C. A criminal often inspects an area before committing a crime. If a criminal knows frequent patrols are made in the area and that officers stop and question suspicious

- individuals, he/she may be discouraged from committing a crime in that area. The criminal is normally not willing to risk being identified and questioned by an officer, especially just before or after committing a crime;
- D. The criminal might be in possession of tools for the commission of the crime or fruits from the crime, at the time he/she is detained;
  - E. A field interview, when properly reported, can place a person in the area of a crime, even though the interviewing officer was not aware of the crime at the time of the interview;
  - E. A field interview may provide a detective investigating a case with more or current information on a person. (New address, different auto, etc.);
  - F. A field interview may refute a person's alibi;
  - G. Field interviews may assist in showing the movements of suspicious persons within our jurisdiction;
  - H. A field interview may result in the arrest of a person wanted in this or another jurisdiction; and
  - I. A field interview may result in the officer's ability to develop street level informants which may be used to alert the Department for potential criminal activities and/or possible persons involved in criminal activity.

### **Field Interview Reports (02-05-02)**

- A. Field interviews shall be documented by completing the Field Interview Report .
- B. Field Interview Reports shall be reviewed by a supervisor and a copy forwarded to the Criminal Investigations Division (CID). The CID Lieutenant is responsible for maintaining a file and conducting analysis of these reports. Field interview reports shall remain in files for a minimum of one year; and
- C. A person's information, movement, and activity shall be disseminated via shift change briefings and through departmental intelligence memorandums.

### **Legal Considerations: Justifiable Stops (02-05-03)**

The degree of suspicion necessary to justify a field interview is not as great as that needed to justify an arrest. Probable cause does not have to be established, simply suspicion. Some guiding criteria that might be used in establishing reasonable suspicion might include:

- A. The type and nature of the crimes and problems occurring in the area;
- B. The time of day in relationship to the area. (An individual hanging around a commercial area at 4:00 am, when all businesses are closed.);
- C. Person or vehicle fits a recent police alert bulletin. (LOOKOUT);
- D. Person attempting to conceal him/herself, or an object;
- E. Person is not compatible with the neighborhood in which he/she is observed; and
- F. Person acting or behaving in any other suspicious manner.

Properly documented field interviews can easily refute allegations of harassment of the person by an officer, and may guard against officer misuse of power and minimize potential adverse citizen reactions.

### **Encountering the Suspicious Person (02-05-04)**

If there is any reason to believe the person might be armed, the officer should conduct a "pat-down" search for his/her own protection. A "pat-down" or "frisk" search is limited in scope to a search for weapons. However, you may remove such an object if your sense of touch makes it immediately apparent to you that the object is contraband, such as drugs.

Take appropriate action if the person is armed, in possession of tools for the commission of a crime, contraband, or believed to be prowling, loitering, wanted, or attempting to flee.

Complete and file the appropriate field interview report, incident and supplemental reports, and/or miscellaneous reports which are required.