

**440 CONTACTS, DETENTIONS, AND FIELD INTERVIEWS****440.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for conducting field interviews (FI) of persons detained in the field but not arrested.

**440.2 POLICY**

The Columbia Police Department respects the rights of the members of our community to be free from unreasonable detentions or searches. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the officer based on the totality of the circumstances and officer safety considerations.

**440.3 DEFINITIONS**

Definitions related to this policy include:

**Detention** - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

**Consensual encounter** - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field Interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others.

**Reasonable suspicion** - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

## **440.4 FIELD INTERVIEWS**

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to:

1. The appearance or demeanor of an individual that suggests he/she is part of a criminal enterprise or is engaged in a criminal act.
2. Actions of the suspect that suggest he/she is engaged in a criminal activity.
3. Whether the hour of day or night is inappropriate for the suspect's presence in the area.
4. The suspect's presence in the particular area is suspicious.
5. The suspect is carrying a suspicious object.
6. The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
7. The suspect is located in proximate time and place to an alleged crime.
8. The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

### **440.4.1 INITIATING A FIELD INTERVIEW**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Columbia Police Department to strengthen community involvement, community awareness and problem identification.

### **440.4.2 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

1. Identifying all persons present at the scene and in the immediate area.
  - a. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - b. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
2. Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

- a. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

#### **440.4.3 DURATION OF DETENTION**

A subject may be detained to conduct a field interview, as previously defined, only for the period reasonably necessary to determine the individual's identity and resolve the officer's suspicions. The interview should not extend beyond the immediate vicinity of the place of detention unless the detainee is arrested.

#### **440.5 PAT-DOWN SEARCHES**

Once a valid stop has been made, an officer may pat a suspect's outer clothing if they have a reasonable, particularized suspicion that the suspect is armed. The purpose of this limited search is not to discover evidence of crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include, but are not limited to:

1. The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
2. Where more than one suspect must be handled by a single officer.
3. The hour of the day and the location or area where the stop takes place.
4. Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
5. The appearance and demeanor of the suspect.
6. Visual indications that suggest the suspect is carrying a firearm or other weapon.

#### **440.6 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

##### **440.6.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

##### **440.6.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

#### **440.7 SUPERVISOR RESPONSIBILITIES**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

#### **440.8 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

1. If the photograph and associated FI or memorandum is relevant to criminal gang enforcement, the Watch Commander will forward the photo and documents to the gang unit supervisor. The gang unit supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Street Gangs Policy.
2. Photographs that do not qualify for retention in the criminal gang file or that are not evidence in an investigation with an assigned case number shall be forwarded to the Records Unit. These photographs will be purged as described in this policy.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in compliance with the department's records retention schedule.