

5 / 104.05 POLICY

It is the policy of this Department to legally conduct and properly document Field Interviews

5 / 104.10 PURPOSE

The purpose for conducting legal Field Interviews

1. Develop Suspects and Witnesses
2. Crime Deterrent
3. Contribute to On-Going Crime Analysis

5 / 104.15 DEFINITIONS

Reasonable Belief – A collection of facts which, when considered together, would lead a reasonable police officer to believe that a temporary detention and/or frisk is legally justified. The officer must be able to base his reasonable belief on specific and articulable facts.

Probable Cause – An apparent state of facts found to exist upon reasonable inquiry which would induce a reasonably intelligent and prudent person to believe, in a criminal case, that a person should be arrested or searched. Mere suspicion or belief, unsupported by facts or circumstances, is insufficient.

Temporary Detention – A brief stop of an individual; the length and extent of the stop is dictated by the facts known to the officer at the time of the stop. The officer must be able to articulate the reason and/or purpose for the Temporary Detention.

5 / 104.20 PROCEDURES

A. LEVELS OF FIELD INTERVIEWS

1. Conversation
 - a. An officer can approach, talk to, and ask questions of an individual at any time. At this stage, an officer has no authority to detain the individual or otherwise make the individual respond to any inquiry
 - b. When the individual indicates, by speech or action, a desire not to talk to the officer or desires to leave, the officer must honor the individual's wish.
 - c. Information derived from this contact can be used to develop Reasonable Belief or Probable Cause
2. Investigative/Temporary Detention
 - a. When an officer has Reasonable Belief that leads to a belief that an individual
 1. Is about to commit a crime,
 2. Just committed a crime, or
 3. Is committing a crime
 - b. The officer can stop and temporarily detain the individual to inquire about that individual's conduct or get additional information. This allows the officer to make a brief inquiry of the individual, seek other information, or locate evidence to determine if their initial suspicions were accurate.

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November 22, 2009

- c. Information derived from this temporary detention can be used to establish Reasonable Belief that the individual may be armed and dangerous or to establish probable cause of a crime. An officer must articulate sufficient facts to show that it was reasonable to believe that a crime was or is being committed. Hunches, training and experience, or officer safety issues do not suffice for specific facts that justify Reasonable Belief.
 - d. Officers may consider the following circumstances in determining whether Reasonable Belief Suspicion exists to justify a stop (the list is not all-inclusive):
 - 1. The actions, appearance, or demeanor of the individual;
 - 2. The time of day or night;
 - 3. Clothing of the individual, including suspicious bulges appearing through the clothing or objects carried;
 - 4. Inappropriateness of the presence of the individual in a given location;
 - 5. The individual's proximity to a known crime scene; and/or
 - 6. The officer's prior knowledge of the circumstances (for example, the individual's prior record, or information from an informant or third party).
 - e. A Field Interview Report, FIR, shall be completed each time a Temporary Detention occurs
3. Stop and Frisk
- a. A Stop and Frisk is lawful only when the officer has met the requirements of a Temporary Detention and has Reasonable Belief that the individual may be armed and dangerous
 - b. Once both conditions are met, the officer may combine the Temporary Detention with a pat down of the suspect's outer garments to determine if that individual is carrying a weapon that may harm the officer. The officer may remove an item detected in the pat down if one of the following conditions exists:
 - 1. The officer reasonably believes that the item located is a weapon
 - 2. It is apparent, based upon feeling through the outer garments alone, that the item is contraband or evidence of a crime
 - c. If there is Reasonable Belief that the individual is carrying a handgun, Maryland law requires officers to ask preliminary questions, listed below, to determine whether that individual is in lawful possession of the weapon. The requirement for this questioning is not so great as to make officers place themselves at additional risk. Circumstances known to the officers may require immediate action prior to such questioning.
 - 1. Individual's Name
 - 2. Individual's Address
 - 3. Individual's vehicle license and registration number, if Individual is in a vehicle
 - d. Maryland State Police Form 97, titled Firearms Report, subtitled Stop and Frisk Report, shall be completed each time a Stop and Frisk occurs

5 / 104.25 GOVERNING LEGISLATION AND REFERENCES

Fourth Amendment of the United States Constitution
Supreme Court Decision Terry v. Ohio, 1968
Supreme Court Decision Michigan v. Long, 1983
Maryland Criminal Laws, Section 4-206, Wearing, Carrying, or Transporting Handgun
CALEA Standards 1.2.3, 1.2.4, 82.2.2

5 / 104.30 ANNEX

None