


OGDEN CITY POLICE

Office of the Chief

Policy No: 32

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| Subject Field Interviews and Street Checks | Effective Date March 24, 2023 |
| Department Police | Replaces Policy Dated March 2018 |
| Division All Police Personnel | Review Date March 2025 |
| Authorized Signature  | |

NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

I. PURPOSE

To assist officers in determining when a field interview may be conducted during a street check, and to establish procedures for conducting them safely and lawfully.

II. POLICY

The Ogden Police Department expects officers to conduct field interviews. Field interviews are important contacts with citizens and aid in the prevention or investigation of crimes. A field interview is a contact with a person for investigative purposes when that person has been legally detained or by voluntary contact. Officers will document such contacts in order to identify potential suspects, witnesses, or victims; for crime prevention purposes, information gathering, or community relations. Officers are expected to gather such information with proper observance of Constitutional safeguards. Strict Constitutional guidelines exist as a protection of the civil rights of persons within the jurisdiction and to provide authority for officers in the obtaining of information crucial to the reduction and prevention of crime. In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers in approaching suspicious individuals, officers will conduct field interviews in accordance with this policy.

The Ogden Police Department expects officers to conduct street checks of physical premises as well as other physical locations in the city. Open businesses, such as taverns should be checked to ensure lawful operation. Closed businesses should be checked to prevent and detect burglaries and thefts. Public areas of the city such as parks, cemeteries, trailheads, etc., should be checked as a part of regular patrol procedures. A check of a physical premise will be documented in a field observation entry, or by a radio log as an "on-view" activity.

III. DEFINITION

Street Check: The data entry and retrieval classification used to document the self-initiated personal contact (Field Interview), the self-initiated structural or location inspection (Premises Check), and the self-initiated Field Observation.

Field Interview: The brief legal detainment of, or consensual contact with, an individual, whether on foot or in a vehicle, based upon reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Observation: A field observation does not involve any actual contact with an individual or group, but simply involves an officer making observations as part of an investigative effort or as a means of gathering sufficient information or intelligence to develop sufficient facts to support further action. It may be a means whereby officers are conducting surveillance for the purpose of gathering information or intelligence as to an individual or group's conduct, associations, vehicle information, and so on.

Pat Down: A "frisk," or the external feeling of the outer garments of an individual, for weapons. A pat down shall only be conducted on reasonable grounds that the individual being subjected to the pat down is armed and dangerous to the officer or others. A pat down does not include manipulating, or grasping, the outer garments or reaching inside of, or opening, the garments (e.g. pockets, jackets, etc.).

Terry Stop: A stop of an individual by law enforcement officers based upon reasonable suspicion that the individual may have been engaged, is engaging or is about to engage in criminal activity.

IV. PROCEDURE

A. Street check entries serve as:

1. A source of information.
2. A means of identifying persons.
3. A means of obtaining suspect or witness information.
4. Parolee contact updates.
5. Sex offender registry updates.

B. Officers may conduct a "Terry Stop" of individuals for the purpose of conducting a field interview only when reasonable suspicion is present. In justifying the stop, the officer must be able to point to specific facts that, when taken together with rational inferences, reasonably warrant the stop. The following should be done when making an authorized stop to conduct a field interview:

1. When approaching the suspect, the officer should clearly identify as an OPD officer and, if in plainclothes, announce their identity, displaying their credentials.
2. Officers will be courteous at all times during the contact but maintain caution and vigilance for movements to retrieve weapons, conceal or discard contraband or other suspicious actions.
3. Before approaching more than one (1) suspect, officers should determine whether the circumstances warrant a request for backup and whether the contact can, and should be, delayed until assistance arrives.
4. Officers are not required to advise suspects of their Miranda rights in order to conduct field interviews unless the person is in custody and about to be interrogated.
5. Suspects are not required, nor can they be compelled, to answer any questions during field interviews.
6. Under no circumstances will an officer detain a suspect for longer than is reasonably necessary to make reasonable inquiries and either confirm or refute their suspicions of criminal activity.

C. It is mandatory, absent reasonable suspicion or probable cause, that a field interview during a street check be conducted as a voluntary contact rather than a "Terry Stop." Absent reasonable suspicion or probable cause, the fine line drawn between a voluntary contact and a stop and frisk must be strictly observed. Because the distinction between a "contact" and a "stop" depends on whether a reasonable citizen would perceive that they are free to leave or not, officers will comply with the following guidelines:

1. Use words of request, invitation, solicitation, and cooperation.
2. Avoid words of command, demand, requirement, and instruction.
3. Avoid such body language and/or positioning as might suggest to a reasonable person that the person is not free to leave.
4. Miranda Warnings are normally not required during field interviews. However, once the officer removes the individual's right to leave, Miranda Warnings may be required.
5. The success or failure in obtaining information beneficial to crime analysis and criminal investigation will depend upon an officer's ability to put the citizen at ease and establish rapport. However, during a voluntary contact, if the person should ask whether they must respond, or indicate that they feel compelled to respond, the officer will immediately inform the person of the right to refuse to respond, as well as the right to leave.
6. Where citizens refuse or cease to cooperate during a contact, the refusal itself **cannot** be used as the basis for escalating the encounter into a stop or arrest. If an articulable reasonable suspicion cannot be applied officers will end the contact.

D. Documenting the Field Interview/Street Check

1. A single street check entry will be completed for each person, or group of people in a single contact episode, an officer contacts for an interview, unless the person is going to be interviewed in conjunction with an official investigation, in which case the information should be documented in a case report or citation. In no case should information be duplicated for the sole purpose of generating an additional statistic. An example of this would be a traffic citation and field interview entry or street check entry for the traffic offense when there is no indication of suspicious activity beyond the traffic offense.

2. A street check entry may be completed on a subject who is stopped for a traffic violation when an officer makes a decision to not issue a citation as a means of documenting the contact and violation. However, absent additional reasonable suspicion, the field interview may not take any longer than is reasonable for the officer to complete the investigation for the offense of the original stop. Each officer should document the reason for the field interview in the narrative block of the field interview.

An officer may complete a citation or a street check field interview if special circumstances arise above that of the traffic violation. For example: An officer stops a vehicle for a traffic violation and in the course of the traffic stop, notices that the vehicle is full of property. The officer is unable to determine whether or not the property has been stolen and thinks the information should be documented. The officer may document the field interview as well as any traffic citation as long as the field interview provides information beyond the scope of the traffic violation. All documented field interview information should be thoroughly documented in the proper Report Management System.

3. A street check entry may also be used as a field observation. In these instances, the officer may fill out an entry as completely as possible, using prior knowledge and current observation of the person or vehicle. This will eliminate the necessity of asking the dispatcher to log people or vehicles at specific locations. If the street check entry is to be used as a field observation, it should be noted in the comments section that this is a "field observation only." Examples of instances when the field observation entry will be used include, but are not limited to, the following:
 - a. An officer makes contact with a person for the purpose of conducting a field interview and the person refuses to give the officer any information and the officer has no reasonable basis to pursue the matter further.
 - b. An officer wishes simply to make a note of a person in a specific place at a certain time.
4. It will be the responsibility of the immediate supervisor of the officer submitting the street check to conduct regular reviews of submitted street checks to verify that assigned officers are meeting the requirements of this policy.

V. REFERENCE

- A. Nothing in this policy shall supersede the requirements of Ogden Police Policy 72 – Report Preparation. This includes, but is not limited to, citations, arrests, or any action taken by officers that may be utilized as probable cause for a future arrest (i.e., trespasses, crimes against persons, crimes against properties, retail thefts).