



Investigative Detentions and Field Interviews

Section: 2.428
Effective Date: August 16, 2010

2.428 Investigative Detentions / Field Interviews

- A. Investigative detentions will be conducted when officers are able to develop reasonable suspicion that subjects are committing, have committed, or are about to commit crimes.
- B. The scope of activities during investigative detentions must reasonably be related to the circumstances that initially justified the stops.
 - 1. Officers are not required to assume unnecessary risks to their safety when conducting investigative detentions.
 - 2. **When officer's actions exceed the bounds permitted by reasonable suspicion, a brief detention can become an arrest and all arrests must be supported by probable cause.**
- C. Conditions or circumstances which may lead to the development of reasonable suspicion and justify the conduct of investigative detentions include, but are not limited to:
 - 1. Persons fitting descriptions of suspects wanted for the commission of crimes;
 - 2. Vehicles fitting descriptions of those used in the commission of crimes;
 - 3. Persons fleeing and eluding upon sight of officers;
 - 4. Persons or vehicles are seen leaving areas where crimes have been committed; or
 - 5. Persons are behaving or maneuvering vehicles in a manner indicating criminal activity.
- D. Officers engaged in investigative detentions should, under most circumstances, avoid levels of force normally associated with arrests, i.e., physical restraint, detention inside police vehicles, the display of weapons, or the use of handcuffs. **However**, factors that could justify the use of especially intrusive means of effecting investigative detentions include, but are not limited to:
 - 1. Suspects are uncooperative or take actions that raise reasonable possibilities of danger or flight;
 - 2. Officers have information that suspects are currently armed;
 - 3. Stops that closely follow violent crimes; and
 - 4. Officers have information that crimes are about to occur that may involve violence.
- E. Uses of force will be reported consistent with **2.835 Use of Force** and investigated consistent with **2.900 Complaints and Discipline**.
- F. Investigative detentions will be conducted only for reasonable periods of time.
 - 1. Persons will be detained only for the length of time necessary to obtain identification and/or to confirm or dispel the officer's suspicions of illegal activity.
 - 2. Investigative detainees will be allowed to leave as soon as interviews are completed unless probable cause is developed and enforcement actions taken.

3. Interviews will be conducted only at or near initial contact locations and not moved to other locations without consent of the person/s interviewed.
4. Investigative detainees may exercise their constitutional rights and refuse to answer questions.
 - a. Persons who are investigatively detained within the agency's primary jurisdiction and subsequently refuse to cooperate with investigative detention processes may come under the aegis of laws relating to trespassing contained in ED 26-102, CR 6-402, CR 6-403, and CR 6-409. Otherwise, those persons will be allowed to leave unless probable cause is otherwise developed and enforcement actions are initiated.
 - b. Persons who are investigatively detained outside the agency's primary jurisdiction consistent with 2.412 Concurrent Jurisdiction or 2.426 Extra Jurisdictional Operations and subsequently refuse to cooperate with investigative detention processes will be allowed to leave unless probable cause is developed and enforcement actions are initiated.
- G. **Warning Notices / Field Interview Report**, field interview cards will be completed by officers when the results of their investigative detentions do not result in further enforcement actions being taken or other agency reports being generated.
- H. Photographs of persons stopped for investigative detention purposes may be taken consistent with **2.326 Field & Pre-Arrest Photography**.
- I. For Trespassers, see **2.460 Trespassing** for protocols, photographing and the use of the UB Notice of Trespass.

Note:

Officers frisking or arresting the detained person for a hand gun violation are required to complete a Stop and Frisk Report and the MSP 97 form, in keeping with **2.454 Stop Procedures**.