


YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Field Interview; Stop/Frisk	NUMBER: GO 2-3
EFFECTIVE DATE: March 1, 2021	REVIEW DATE: November 3, 2020
AMENDS/SUPERSEDES: GO 2-3, August 1, 2002	APPROVED: _____  Sheriff
VLEPSC STANDARDS:	

1 **INDEX WORDS**

- 2
- 3 Community Policing Data Collection
- 4 Field interview modules
- 5 Detention, investigative
- 6 Field interviews
- 7 Frisks
- 8 Interviews, field
- 9 Reasonable suspicion
- 10 Search, protective
- 11 Stops
- 12 Terry v. Ohio

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14 **POLICY**

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16 The Sheriff expects and encourages deputies to conduct field interviews. A field interview is a

17 lawful stop of a citizen for investigative purposes. Deputies shall document such stops for the

18 purposes of identifying a suspect, witness, or victim, or for crime prevention, intelligence

19 gathering, or community relations. The Sheriff's Office further expects deputies to gather such

20 information with proper observance of constitutional safeguards. Strict constitutional guidelines

21 exist that protect both the civil rights of citizens and the rights of law enforcement officers to

22 obtain information crucial to the reduction and prevention of crime. Further, field interviews

23 frequently contribute to the building of a reasonable suspicion or even probable cause to arrest or

24 conduct a search. The only restricted search that normally accompanies field interviews, the

25 frisk or pat down, may be performed when the deputies suspect the presence of a weapon.

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27 **PURPOSE**

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29 To establish policy and procedures for conducting field interviews and an accompanying frisk

30 for weapons.

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32 **PROCEDURES**

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 - Making the field contact, conducting the interview:

- 35 ○ Deputies may make field contacts when they reasonably believe that some
36 investigative inquiry is warranted. Consensual encounters of a person in public may
37 occur at any time.
- 38 ○ A field interview (consensual encounter), therefore, requires voluntary cooperation
39 from the citizen. In the absence of probable cause to arrest the citizen, the citizen
40 may discontinue the interview at any time and leave. The citizen may also refuse to
41 produce identification or otherwise identify himself. A distinction is drawn herein
42 between a field interview and contact and a stop:
- 43
- 44 ○ Consensual Encounter
- 45 ■ An encounter which is made to resolve an ambiguous situation.
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- 47 ○ Stop
- 48 ■ A brief detention of a person because of suspected criminal behavior
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- 50 ○ The Supreme Court stated, in Terry v. Ohio (392 U.S. 1, 1968), that an officer "may
51 in appropriate circumstances and in an appropriate manner approach a person for the
52 purposes of investigating possible criminal behavior even though there is not
53 probable cause to make an arrest."
- 54 ○ Deputies must be able to articulate the circumstances that warranted the stop of the
55 citizen. The circumstances constitute the deputies reasonable suspicion. In court,
56 should a field interview result in an arrest, an officer must justify his intrusion by
57 describing "specific and articulate facts which, taken together with rational inferences
58 from those facts, reasonably warrant that intrusion."
- 59 ○ Articulate circumstances derived from:
- 60 ■ Firsthand observations;
 - 61 ■ Hearsay, as from informants;
 - 62 ■ "Collective knowledge," or information shared by several officers (example: an
63 officer may make an arrest or conduct a search at the request of another agency
64 without knowing all of the facts which prompted the request);
 - 65 ■ Totality of facts and circumstances.
- 66
- 67 ○ Section [15.2-1609.10](#), Code of Virginia requires that the community policing data
68 specified in Section [52-30.2](#), Code of Virginia be collected in all investigative stops
69 that involve the following:
- 70 ■ All stop and frisks of person based on reasonable suspicion;
 - 71 ■ All other investigatory detentions that do not result in an arrest or issuance of a
72 summons.
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- 74 ○ The Sheriff's Office encourages officers to question persons whose behavior,
75 conduct, or mere presence at a particular place and time does not match the officer's
76 notion of what is appropriate for the place and time.
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- 78 ○ Field interviews serve as:
- 79 ■ A source of information:

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- ❖ The field interview is based on the principle that the opportunity to apprehend criminals and to prevent crime increases with the number and frequency of persons interviewed. One way a deputy can increase his skill as an observer is to obtain information from persons living or working within his patrol area.
 - A means of identifying the suspect:
 - ❖ An on-view arrest is not always based upon the immediate recognition of a wanted criminal. Frequently, it is the outgrowth of the action taken by a deputy who stops to question a person who has aroused his suspicions.
 - ❖ Information obtained during a field contact may also be used at a later date to identify a criminal.
 - A means of obtaining suspects or witnesses:
 - ❖ The value of reported field inquiries becomes very pronounced when a crime is committed and there are but a few investigative leads.
 - ❖ The investigator must then rely on the field interview reports to sift out useful information.
 - ❖ A review of these reports will show if anyone had been questioned in the vicinity at the approximate time of the crime.
 - Place of the interview:
 - The difference between a field interview and a lawful detainment is a thin one. As noted earlier, reasonable suspicion provides the key basis for the deputy's actions.
 - As a general rule, field interviews may be conducted anywhere the deputy has a right to be, including but not limited to:
 - ❖ County owned or controlled property normally open to members of the public.
 - ❖ Areas intended for public use or normally exposed to public view.
 - ❖ Places to which a deputy has been admitted with the consent of the person empowered to give such consent.
 - ❖ Places where circumstances require an immediate law enforcement presence to protect life, well-being or property.
 - ❖ Areas where a deputy may be admitted pursuant to a lawful arrest or search warrant.
 - ❖ Any other area in which a deputy may affect a warrantless arrest.
 - Field contacts shall not be done to coerce a person to leave an area or place where he or she has a legitimate right to be and no violation of law has occurred.
 - Conduct of interviews:
 - As noted above, a person interviewed by the officer may discontinue the interview at any time.
 - Further details of frisk requirements are found beginning on page 4 of 6, in this General Order.

- 124 ❖ To repeat, during a routine field interview, persons shall not be detained in
125 any manner against their will, nor shall they be required to answer questions
126 or respond in any manner if they choose not to do so.
127
- 128 ■ The fine line drawn between a field contact and a stop and frisk must be strictly
129 observed to avoid accusations of harassment.
 - 130 ■ Since the distinction between a "contact" and a "stop" depends to a great extent on
131 whether, under the circumstances, the citizen perceives that he or she is free to
132 leave, deputies shall comply with the following guidelines:
 - 133 ❖ All requests during the contact should be phrased with neutral or optional
134 words, such as "may", "would you mind," etc.
 - 135 ❖ Abrupt, short responses which could be misunderstood and requests which
136 could be misinterpreted as commands must be avoided.
 - 137 ❖ The duration of a contact should be as brief as possible.
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 - 139 ■ The success or failure of obtaining information beneficial to crime analysis and
140 criminal investigation will depend upon a deputy's ability to put citizens at ease
141 and establish rapport. However, during a field contact, if the person should ask
142 whether he must respond or indicate that he feels compelled to respond, the
143 deputy shall immediately inform him or her of the right to refuse, as well as the
144 right to leave.
 - 145 ❖ Where citizens refuse or cease to cooperate during a contact, the refusal itself
146 cannot be used as the basis for escalating the encounter into a stop and frisk.

147 **STOP AND FRISK OR INVESTIGATIVE DETENTION**

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- 150 • The legal authority to stop and frisk has been defined by the Supreme Court.
- 151 • A temporary detention of a person to investigate suspected criminal activity is controlled
152 by the Fourth Amendment.
- 153 • Investigative detention involves two distinct acts:
 - 154 ○ The Stop
 - 155 ■ The detention of a subject for a brief period of time.
 - 156 ❖ In order to make the stop, the deputy must have reasonable suspicion to
157 believe that criminal activity is afoot and that the person to be stopped is
158 involved.
 - 159 ➤ The courts have ruled that the following factors may be considered in
160 building a reasonable suspicion:
 - 161 ✓ Deputy has knowledge that a person has a criminal past, and
 - 162 ✓ The person's actions, whereabouts (place and time) are very similar to
163 the past criminal incidents.
 - 164 ✓ A person fits the description of a wanted notice.
 - 165 ✓ A person has exhibited furtive conduct, such as fleeing from the
166 presence of a deputy or attempting to conceal an object from the
167 deputy's view.
 - 168 ✓ Clothing worn by a person is similar to description given in a lookout
169 for a known offense.

- 170 ✓ The deputy observes a vehicle that is similar to that of a broadcast
171 description for a known offense.
172 ✓ A person exhibits unusual behavior, such as staggering or appearing to
173 be in need of medical attention.
174 ✓ The area and time of day, such as a person observed in a public area,
175 which has a history of recurring crime during the same time as that of
176 the stop.
177 ✓ Hearsay information is acceptable. In order for the information to be
178 credible, the officer must have some means to gauge the reliability of
179 the informant's knowledge.
180
181 ○ The Frisk:
182 ▪ Should the deputy reasonably believe that the person stopped intends to do him
183 bodily harm or is carrying a concealed weapon, the deputy may conduct a limited
184 search of the person's outer clothing for weapons.
185 ❖ The courts have held that, in the case where, reasonable suspicion the
186 individual was armed existed, and the subject was wearing a heavy overcoat,
187 the deputy was proper in having the subject remove the coat so that he may be
188 patted down.
189
190 ○ Protective search
191 ▪ Under some conditions, the protective search, the search for weapons, may be
192 extended beyond the person detained.
193 ▪ These types of searches occur most often involving vehicles.
194 ❖ A lawful protective search for weapons, which extends to an area beyond the
195 person in the absence of probable cause to arrest, must have all of the
196 following elements present:
197 ➤ A lawful investigative stop as defined herein or a lawful vehicle stop (See
198 [GO 2-2 Search Warrants](#) and [GO 2-4 Arrests](#)).
199 ➤ A reasonable belief that the suspect poses a danger.
200
201 ▪ The search must be limited to those areas in which a weapon may be placed or
202 hidden.
203 ▪ The search must be limited to an area, which would ensure that there are no
204 weapons within the subject's immediate grasp.
205
206 ○ Period of detention
207 ▪ Investigative detention, as with non-criminal field interviews, must be conducted
208 as briefly as possible.
209 ▪ Once the detaining deputy determines that his basis for reasonable suspicion no
210 longer exists, the person detained shall be immediately released.
211 ▪ Should the suspicion be reinforced with additional information or the deputy
212 develops probable cause, the period of detention could be lengthened.
213 ▪ The courts generally permit up to 20 minutes to constitute a reasonable period of
214 time for the interview.

- 215 ▪ This guideline is not to be confused with incidents where suspects so closely fit
216 the description of the perpetrator of a crime that has just occur, where probable
217 cause exists to detain the individual in order to transport an eyewitness to the
218 scene.
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- 220 ○ Recording the stop:
- 221 ▪ A Field Contact entry through the Mobile Field Reporting module (MFR) shall be
222 completed for each person a deputy stops to interview.
223 ▪ A Field Contact entry in MFR may be completed on an individual who is stopped
224 for a traffic violation if the situation warrants or a warning is issued.
225 ▪ A Field Contact entry in MFR may also be used for field observation. In these
226 instances, the deputy should fill out the Field Contact entry as completely as
227 possible, using patrol area knowledge and current observations of the person or
228 vehicle. This will eliminate the necessity of asking the dispatcher to log people or
229 vehicles at specific locations.
230 ▪ In accordance with Section 15.2-1609, Code of Virginia requires community
231 policing data be collected and reported to the Virginia State Police for all stops of
232 the following nature:
233 ❖ Traffic Stops;
234 ❖ All stop and frisks of a person based on reasonable suspicion;
235 ❖ All investigatory detentions that do not result in an arrest or the issuance of a
236 summons.
237
- 238 ▪ The following information shall be collected and reported:
239 ❖ Race;
240 ❖ Ethnicity;
241 ❖ Age;
242 ❖ Gender;
243 ❖ Reason for the stop;
244 ❖ Location of the stop;
245 ❖ Whether any of the following resulted from the stop:
246 ➤ A warning issued, either verbal or written;
247 ➤ The substance of the warning provided;
248 ➤ Whether any search of the person was conducted.
249
- 250 ▪ Examples of instances when the Field Contact Modules should be completed
251 include, but are not limited to, the following:
252 ❖ To document the presence a suspicious person.
253 ❖ To document suspicious activities by a person.
254 ❖ To document the time and location of a known criminal.
255 ❖ To document the presence of a person in an area recently prone to criminal
256 activity.
257
- 258 ▪ Any Field Contact entry that relates to a previously reported incident, where a
259 report exists in the Sheriff's Records Management System, shall have the
260 associated incident/report number added in the case # block of the Field Contact
261 entry and a supplemental report written for that incident.

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- All field contacts shall be recorded in accordance with [GO 2-42 Mobile Video/Audio Recording](#).