

## FREDERICK POLICE DEPARTMENT GENERAL ORDER

**Section 7:** Force, Detention, and Arrest  
**Topic:** CITIZEN CONTACTS AND DETENTIONS  
**Approved:** 03/06/17  
**Review:** Annually in March by Criminal Investigations Division Commander  
**Supersedes:** General Order 750 dated 09/01/04

**Order Number:** 750  
**Issued by:** Chief of Police

### **.01 PURPOSE:**

To set guidelines for conducting citizen contacts, field interviews, and investigative detentions.

### **.02 CROSS-REF:**

G.O. [702](#), "Bias Based Profiling/Discriminatory Practices"  
G.O. [705](#), "Use of Force"  
G.O. [742](#), "Warrantless Search and Seizure"  
G.O. [760](#), "Arrests Without a Warrant"  
G.O. [860](#), "Interviews and Interrogations"  
CALEA STANDARDS: 1.2.3, 1.2.9, 42.2.1

### **.03 DISCUSSION:**

The Fourth Amendment to the United States Constitution generally prohibits seizure of persons without a court-issued warrant. United States Supreme Court case law has defined a narrow exception to the warrant requirement, allowing police officers to briefly detain persons while conducting criminal investigations, based upon reasonable, articulable suspicion. In addition, police officers may interact with citizens to conduct investigations and other business without detaining them.

### **.04 POLICY:**

It is the policy of the Frederick Police Department that officers will conduct all citizen contacts, field interviews, and investigative detentions in accordance with applicable laws and constitutional requirements, as well as the requirements of this Order.

### **.05 DEFINITIONS:**

**CITIZEN CONTACT:** Any in-person interaction between a police officer and a citizen during which the police officer does not possess reason or authority to detain or arrest the citizen.

**FIELD INTERVIEW (ACCOSTING):** A "citizen contact" during which a police officer attempts to solicit information from the citizen for a law enforcement purpose by asking questions.

**INVESTIGATIVE DETENTION:** A brief, temporary stop and detention of a citizen by a police officer based upon reasonable, articulable suspicion that the citizen has committed, is committing, or is about to commit a crime.

## **.10 CITIZEN CONTACTS AND FIELD INTERVIEWS:**

1. Officers may contact citizens and conduct field interviews, so long as at all times during the contact, the citizen is free to leave, not answer questions, or otherwise not cooperate with the officer. Citizen contacts and field interviews may only be conducted in places in which the officer has a right to be located.
2. Officers may conduct field interviews to further on-going investigations or when their professional instinct, experience, or training indicates that criminal activity or another situation requiring police intervention may be occurring. Officers will not use field interviews to harass citizens, nor will citizen contacts be made in violation of General Order 702, "Bias Based Profiling/Discriminatory Practices."
3. If, during a citizen contact or field interview, an officer develops reasonable suspicion or probable cause that the citizen is involved in criminal activity, the officer may transition the contact into an investigative detention or arrest, as appropriate and pursuant to the laws of arrest.
4. Officers will ensure, at all times during a citizen contact or field interview that a reasonable person in the citizen's position would feel free to immediately leave or terminate the conversation. During this ongoing assessment, the following factors will be taken into account:
  - A. any impairment to the citizen's movement by police officers, equipment, canines, or vehicles, including blocking of the citizen's path of travel;
  - B. any physical contact with the citizen;
  - C. the number, demeanor, and actions of officers present; and
  - D. retention of any personal property belonging to the citizen, such as driver's license, identification card, etc.
  - E. show of force by an officer (i.e., display of weapon)
5. Citizen contacts or field interviews normally need not be documented. If, however, the citizen contact, field interview, or any information gained during the contact may be of assistance to the Department in conducting on-going or future investigations, the officer initiating the contact will document it in its entirety, using the Department's incident reporting system, with copies distributed as appropriate.

## **.20 INVESTIGATIVE DETENTIONS:**

1. Pursuant to Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968), officers may conduct investigative detentions of suspects.
2. If, during the course of an investigative detention, the officer develops probable cause to believe that the suspect is involved in criminal activity, the officer may transition the detention into an arrest, as appropriate and pursuant to the laws of arrest.
3. Investigative detentions must be based upon concrete, specific, articulable facts known to the officer at the time which, when taken together with rational inferences, reasonably lead the officer to suspect that the individual has committed, is committing, or is about to commit a crime and to conclude that a stop and detention of the individual is warranted. Detentions may not be made based solely upon a hunch, feeling, or the professional intuition of the officer.

4. Detentions may not be made based solely on the belief that an individual is “suspicious.” Instead, the officer must be able to articulate the specific crime(s) in which he suspects the individual of being involved.
5. If, at the conclusion of reasonable investigative inquiries, the officer has not developed probable cause to place the suspect under arrest pursuant to the laws of arrest, the suspect must be immediately released from the detention.
6. An officer’s actions will be judged by the totality of the circumstances.

### **.30 INVESTIGATIVE DETENTION PROCEDURES:**

1. When conducting investigative detentions, officers will:
  - A. appropriately identify himself as a law enforcement officer;
  - B. conduct the stop in a civil, professional manner while maintaining officer safety;
  - C. request appropriate backup assistance;
  - D. minimize physical contact with the suspect;
  - E. confine questioning to issues involving the suspect’s identity and concerns about the specific issues providing the reasonable suspicion for the stop;
  - F. avoid moving the suspect from the initial location of the stop, except for limited distances resulting from safety concerns or to verify statements made by the suspect;
  - G. avoid prolonged retention of personal property belonging to the suspect;
  - H. explain to the suspect the reason for the stop and the facts justifying it; and
  - I. not detain the suspect longer than necessary to complete reasonable investigative inquiries, unless the officer develops probable cause to place the suspect under arrest pursuant to the laws of arrest.
2. “Terry frisks” or “pat downs” for weapons or consent searches performed during an investigative detention will be conducted as required by General Order 742, “Warrantless Search and Seizure.”
3. “Show up” identifications performed during an investigative detention will be conducted as required by General Order 844, “Live Identifications.”

### **.40 USE OF FORCE DURING INVESTIGATIVE DETENTIONS:**

1. Officers must tailor the use of force during any investigative detention to fit the particular circumstances of the incident in question. Officers will only use force, which is reasonable under the circumstances to accomplish the legally-permitted law enforcement activities comprising the detention. In all cases, officers’ use of force must comply with General Order [705](#), “Use of Force.”
2. Because increased levels of force may be later viewed by the courts as converting the investigative detention into an arrest (for which probable cause would be required), officers will not routinely use increased levels of physical restraint, such as handcuffing,

aiming of firearms, or detention inside a police vehicle, during investigative detentions. If such an increased level of physical restraint is used during an investigative detention, it must be specifically justified by the particular circumstances surrounding the stop in question.

**.50 REPORTING INVESTIGATIVE DETENTIONS:**

1. Investigative detentions will be documented via the Department's incident reporting system.
2. The incident report and/or statement of probable cause documenting the investigative detention will include, at least, the following:
  - A. the specific circumstances which led to the stop, including articulation of the reasonable suspicion upon which the officer based the detention;
  - B. complete identification of any person or officer involved in the detention;
  - C. whether or not a frisk, search, or identification was conducted and the results of that activity;
  - D. the results of the investigative detention;
  - E. the length of time that the suspect was detained;
  - F. any use of force or increased level of physical restraint used during the detention;  
and
  - G. any unusual activity that took place during the stop.
3. A copy of all investigative detention reports that do not lead to an on-scene arrest of the detained suspect will be forwarded via chain of command to the bureau commander of the officer initiating the investigative detention. If any supervisor or commander reviewing the report does not concur with the investigative detention as described in the report, they will take appropriate action to document and resolve the situation. After review by the chain of command, copies of the report and any additional documentation will be forwarded to the Professional Services Division for review and filing and to the Training Division for training review.