

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Field Interviews, Police Citizen Encounters		CHAPTER/SECTION NO.: 28.19, 28.20	
EFFECTIVE DATE: 10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES: See attached sheet		APPROVED: ** See Master File Sheriff	
STANDARD NUMBER: 41.2.4		Revised 7/31/03	

28.19 Purpose

28.19.1 The field interview is a tool to provide deputies with basic information identifying persons during investigative contacts or police-citizen encounters, usually where no report is written. A resource for documenting these encounters is the field interview card.

28.19.2 Field Interviews usually fall into two categories: Level One (Consensual Citizen-Police Encounters); and Level Two ("Terry Stop").

28.20 Policy

28.20.1 Level One (Consensual Citizen-Police Encounters)

A. Deputies may:

1. approach a citizen at any time and pose questions so long as the citizen is not detained against his will (consents to the interview).

United States v. Merrit

2. **NOT** continue the interview if the subject refuses to consent to be interviewed, AND there is no articulable reasonable suspicion the subject has been, is, or is about to commit a crime.

3. **NOT** take punitive action in a Level One

contact, against any subject who refuses to be interviewed.

4. **NOT** stop a vehicle to interview the vehicle's driver or occupants without reasonable suspicion a violation has been committed, or reasonable articulable suspicion the subject/s has been, is, or is about to commit a crime.
 5. Follow and observe a vehicle to see if a violation occurs, and stop the vehicle to investigate the violation (Level Two).
 6. Once the purpose for a traffic stop is concluded, pose other questions, **ONLY** if the deputy has told the subject he/she is free to leave regarding the original stop, **AND** asks the subject for consent to be interviewed further.
 7. Approach a vehicle and it's occupants once it has **PARKED**, and pose questions so long as the subjects are not detained against their will.
 8. Develop additional information and probable cause during the course of the interview.
- B. Subject's approached in a Level One contact are generally NOT required to answer any questions posed, without consenting to the interview, including questions concerning their identity.
- C. Refusal to respond to a deputy's questions is not, in and of itself, sufficient grounds to make an arrest in a Level One contact.
Martinelli v. Beaumont, 820 F2nd. 1491, 9th Cir. 1987
- D. Upon giving consent to be interviewed, **AND** the subject agrees to provide personal information (name, address, date of birth),

the subject is required to provide the correct information.

- E. If the subject has provided false information regarding name, address or date of birth, the subject may be arrested for False Personal Information to a Peace Officer(UCA 76-8-507).
- F. Consensual police-citizen encounters may violate the Equal Protection Clause of the U.S. Constitution, when initiated solely based on racial considerations.

28.20.2 Level Two Encounters ("Terry Stop")

A. Deputies may:

1. Approach or stop (seize) a subject when there is "reasonable articulable suspicion" the subject has been, is, or is about to commit a crime,
2. Only detain the subject temporarily, and the contact may last no longer than is necessary to resolve the deputies suspicions which led to the stop.
3. Conduct a "Terry Frisk" of the subject, if there is reasonable articulable suspicion the subject is armed. (***see WCSO P&P 1.9.3B, Stop and Frisk***)
4. Develop additional information and/or probable cause of criminal conduct during the course of the contact.

B. Subjects being interviewed:

1. Are required to provide name and address, and
2. Reasonable explanation of their presence in the area and their actions.
3. May be detained until the deputy has resolved suspicions, including correct name, address and date of birth, which led to the stop.

4. If the subject provides false information regarding name, address and date of birth the subject may be arrested as noted in 28.20.1E.

28.20.3 Field Interview Contact Procedure

A. The deputy should:

1. Have a plan of action in mind including but not limited to the following:
 - a. Interview Site location
 - b. Guard against violent or evasive action.
 - c. Consider an approach using the element of surprise.
 - d. Consider possible escape routes.
 - e. Make appropriate use of lighting (natural, flashlight, Street, vehicle).
 - f. Consider the safety of bystanders and the deputy.
2. Identify himself/herself to the subject, particularly if the deputy is in plain clothes, and if circumstances permit.
3. Be courteous, but maintain caution and vigilance.
4. Use a protective stance, with firearm away from subject.
5. If present, two (2) deputies will triangulate the subject to maintain an advantageous position.
6. Require additional units as necessary to maintain control of the contact, particularly if there is more than one subject.

- 7. Confine questions to those regarding the subject's identity, residence, and other questions necessary to resolve the deputies' suspicions.
 - 8. Limit time allotted to the interview to the scope of the contact.
 - B. Subjects being interviewed are generally NOT required to be given a Miranda Warning.
- 28.20.4 The information obtained during a contact or stop should be preserved in writing, and if possible, on the patrol vehicle audio-video recording.
- A. The field interview card or suspicious person report should be used for pertinent information on encounters.
 - B. If the contact is in reference to a crime report, a supplemental report form should be completed.
 - C. If there is reasonable suspicion the subject is involved in criminal activity or conduct, a report should be made detailing the circumstances, and a photo may be taken of the subject and turned over with the case number, to the Professional Standards Section Lieutenant or designee for inclusion in Office Criminal Intelligence files.
(Refer to WCSO P&P 37.1-3, Criminal Intelligence)
- 28.20.5 The field interview card will be forwarded to the shift supervisor for review.
- 28.20.6 The information on the field interview card will be entered into the computer by assigned personnel. The field interview card will be retained by the records section for a minimum of one (1) year.

28.20.7 Patrol Audio-Video recordings will be treated as evidence and stored according to Office policy and procedures.