



FIELD INTERVIEWS AND “PAT-DOWN” SEARCHES

<i>Original Date of Issue</i> January 10, 2001	<i>General Order Number</i> 99-12
<i>Effective Date of Reissue</i> August 18, 2015	<i>Section Code</i> LEG-03
<i>Reevaluation Date</i> September, 2016	<i>Amends</i> (reissued without change)
<i>C.A.L.E.A.</i> 1.2.3, 1.2.4	<i>Reference</i> (see “INDEX AS:”)

INDEX AS:

Field Interviews
Pat-Down Searches

Field Information (FI) Cards
Searches

I. PURPOSE

The purpose of this policy is to assist officers in determining when field interviews and pat-down searches are warranted and the manner in which they shall be conducted.

II. POLICY

The field interview is an important point of contact for officers in preventing and investigating criminal activity. But even when conducted with respect for involved citizens and in strict conformance with the law, it can be perceived by some as a means of police harassment or intimidation conducted in a discriminatory manner against groups or individuals. In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers in approaching suspicious individuals, members of the Iowa City Police Department shall conduct field interviews and perform pat-down searches in conformance with procedures set forth in this policy.

III. DEFINITIONS

- A. Field interview: The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.
- B. Pat-Down Search: A "frisk" or external feeling of the outer garments of an individual for weapons only.
- C. Reasonable Suspicion: Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being or is about to be committed.

IV. PROCEDURES

A. FIELD INTERVIEWS

1. Justification for conducting a Field Interview - Officers may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling, but need not meet the test for probable cause sufficient to make an arrest. 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. Such facts include, but are not limited to:
 - a. The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in criminal activity;
 - b. The actions of the suspect suggest that he/she is engaged in a criminal activity;
 - c. The hour of the day or night is inappropriate for the suspect's presence in the area;
 - d. The suspect's presence in a location is inappropriate;
 - e. The suspect is carrying a suspicious object;
 - f. The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon;
 - g. The suspect is in proximate time and place to the alleged crime;
 - h. The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.
2. Procedures for initiating a Field Interview - Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a suspect if he/she has an articulable, reasonable suspicion to do so. The following guidelines shall apply when making an authorized stop to conduct a field interview.
 - a. When approaching the suspect, the officer shall clearly identify him/herself as a member of the Iowa City Police Department, and if not in uniform, the officer shall announce his/her identity and display departmental identification.

- b. Officers shall be courteous at all times during the contact but maintain caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.
 - c. Before approaching more than one suspect, individual officers should determine whether the circumstances warrant a request for backup assistance and whether the contact can and should be delayed until such assistance arrives.
 - d. Officers shall confine their questions to those concerning the suspect's identity, place of residence and other inquiries necessary to resolve the officer's suspicions. However, in no instance shall an officer detain a suspect longer than is reasonably necessary to make these limited inquiries.
 - e. Officers are not required to give suspects "Miranda" warnings in order to conduct field interviews unless the person is in custody and about to be interrogated.
 - f. Suspects are not required, nor can they be compelled, to answer any questions posed during field interviews. Failure to respond to an officer's inquiries is not, in and of itself, sufficient grounds to make an arrest although it may provide sufficient justification for additional observation and investigation.
3. Reporting - If after conducting a field interview there is no basis for making an arrest, the officer should record the facts of the interview on the departmental FIELD INFORMATION CARD (FI card) and write the incident number on the FI card. Field Information Cards should be submitted to the Records Division. Upon entry of basic information from the FI card into the records system (name, address and telephone number) as well as information regarding the purpose for the field interview, Records shall forward the original FI cards to the Lieutenant of Investigations. This function may also be accomplished by the use of warning citations.

B. PAT-DOWN SEARCHES

1. Justification for conducting Pat-Down Searches: An officer has the right to perform a pat-down search of the outer garments of a suspect for weapons if he/she has been legitimately stopped with reasonable suspicion and only when the officer has a reasonable fear for his/her own or another person's safety. Clearly, not every field interview poses sufficient justification for conducting a pat-down search. Following are some criteria that may form the basis for establishing justification for performing a pat-down search. Officers should note that these factors are not all-inclusive; there are other factors that could or should be considered. The existence of more than one of these factors may be required in order to support reasonable suspicion for the search.
 - a. The type of crime suspected - particularly in crimes of violence where the use or threat of deadly weapons is involved.
 - b. Where more than one suspect must be handled by a single officer.
 - c. The hour of the day and the location where the stop takes place.

- d. Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
 - e. The appearance and demeanor of the suspect.
 - f. Visual indications that suggest that the suspect is carrying weapon.
2. Procedures for performing a Pat-Down Search
- a. When reasonable suspicion exists to perform a pat-down search, it should be performed with due caution, restraint and sensitivity. These searches are only justifiable and shall only be performed to protect the safety of officers and others and may never be used to harass individuals or groups of individuals or as a pretext for obtaining evidence. Under these circumstances, pat-down searches should be conducted in the following manner.
 - 1) When possible, pat-down searches should be conducted in the presence of a second officer who provides protective cover.
 - 2) Because pat-down searches are cursory in nature, they should be performed with the suspect in a standing position. Should a weapon be visually observed, a more secure search position may be used.
 - 3) In a pat-down search, officers are permitted only to feel the outer clothing of the suspect. Officers may not place their hands in pockets unless they feel an object that could reasonably be a weapon.
 - 4) If the suspect is carrying an object such as a handbag, suitcase, briefcase, backpack, book bag or any other item that may conceal a weapon, the officer should not open the item but instead place it out of the suspect's reach.
 - 5) If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, an officer may retrieve that item only. If the item is a weapon the possession of which is a crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.
 - b. It is emphasized that none of these requirements preclude officers from requesting consent from the individual for a more thorough search, i.e.: backpacks, bags etc.
3. If during the course of an authorized pat-down search of an individual, an officer comes upon an item that the officer readily recognizes through his/her experience and training is probably contraband, the officer may remove the item from the suspects clothing. If upon further examination the seized item is of a nature for which the possession of is crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.

Samuel Hargadine, Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.