

	GAITHERSBURG POLICE DEPARTMENT			
	Field Interviews			
	GENERAL ORDER	601.4		Related CALEA Standards:
	Effective Date	04/06/2015		1.2.3
Authorized by: Mark P. Sroka CHIEF OF POLICE		SIGNATURE	DATE	

I. PURPOSE

Properly conducted and documented field interviews can contribute greatly to crime analysis and crime reduction. Field interviews serve as sources of information, a means of developing suspects and witnesses and as a crime prevention measure. Officers are encouraged to use this investigative tool consistent with Constitutional requirements and Department policy.

II. POLICY

The Department utilizes field interviews to gather information, document contacts and issue ban notices. Field interviews may be entirely consensual in nature, or conducted pursuant to a valid Terry stop. When conducted during a Terry stop, it is critical that officers fully understand the basis and authority for the stop and interview. Any audio or video recordings made will be obtained in accordance with applicable law and Department policy.

III. DEFINITIONS

A. Ban Notice

Within the context of this directive, the term “ban notice” refers to written notice given to a person who is being prohibited from entry to or presence upon a specified real property. The Department must be in possession of written legal authorization from a property owner in order for officers to act as authorized agents on private property for such purposes.

B. Terry Stop

Within the context of this directive, the term “Terry stop” refers to the stopping of an individual by a law enforcement officer, for the purpose of conducting a brief investigation to either confirm or deny that the person is involved in criminal activity. A law enforcement officer may initiate a Terry stop when he or she suspects that an individual is committing, has committed, or is about to commit a crime, but probable cause does not yet exist to arrest and the officer wants to stop the suspect and investigate. A Terry stop is not synonymous with a “stop and frisk” as a “Terry stop” is only one of the elements of a “stop and frisk.”

IV. PROCEDURE

A. Documentation

1. Officers will document field interviews on Field Interview Cards (FI Cards), which are considered official Department documents.
2. Officers will record all required information on the FI Card, including any additional details the officer believes to be relevant.
3. Completed FI Cards are submitted for supervisory approval prior to or at the conclusion of the officer's tour of duty.
4. Support personnel will enter the information gathered from FI Cards into the Master Name Index file and other databases utilized by the Department.
5. Any audio or video recording of interviews will be conducted in accordance with the legal and policy provisions outlined in General Order 619.2 – Audio/Video Digital Recording Systems.

B. Interview Location Selection

1. Field interviews may result in the development of probable cause and subsequent arrest. Therefore, field interview locations must be selected intelligently. Officers should give consideration to lighting, possible escape routes and officer and bystander safety.
2. When an officer approaches a person to be interviewed in circumstances justifying a Terry stop, the officer should consider an approach that affords the greatest possible element of surprise.

C. Factors for Consideration

1. If an individual is seized pursuant to a Terry stop, the person is not required to respond to the officer's inquiries. The subject can only be detained for the period of time required for an officer to either confirm or dispel suspicion that the individual is involved in criminal activity.
2. The person being interviewed is under no obligation to answer questions and has the Constitutional right to remain silent.
3. Pursuant to Section 15-4 (c) of the City Code, it is unlawful for a person at a public place or place open to the public to refuse to identify him/herself by name and address at the request of a uniformed police officer or a properly identified police officer not in uniform, if the surrounding circumstances are such as to indicate

to a reasonable person that the public safety requires such identification.

4. In circumstances not justifying a Terry stop, officers should be aware that some citizens are sensitive to any interaction with police and aggressive approaches may result in failure to obtain important information or support from the person being interviewed.

D. Ban Notices

1. Officers may issue Department approved ban notices to individuals encountered on properties where officers of this Department are authorized to act as agents of the owner, pursuant to state law. Individuals may not be detained solely for the purpose of completing a ban notice.
2. A ban notice is incorporated into the bottom portion of the FI Card. Persons being banned from a property will be provided with the yellow copy of the ban notice portion. A reasonable duration period for the ban will be noted. An entry of “indefinitely” is not an acceptable duration.
3. Ban notices shall contain complete information, legibly written, including the reason why the individual was banned from the referenced property.