

# Waltham Police Department

## FIELD INTERVIEW AND INTERROGATIONS CHAPTER 96

*General Order Number: GO-01 1/2009*

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### **POLICY:**

The police activity of inquiring into a person's identity and the reason for his presence at an unusual time and/or place or under suspicious circumstances plays an important role in the prevention of crime and the apprehension of criminals.

The quality and the frequency with which they are conducted will contribute materially to the success of the department in repressing and preventing crime. It is the policy of the Waltham Police Department to encourage its members to actively engage in this process.

Officers conducting field interviews must understand the legal basis and authority for these actions. Such documented interviews can contribute greatly to crime analysis/solution if the information obtained is properly recorded, collected and analyzed. In addition the field interview program may deprive actual and potential offenders of some of their initiative in selecting the time, place, and circumstances for the commission of crimes.

### **PROCEDURES:**

#### **1. PURPOSE OF FIELD INTERVIEWS:**

- A. SOURCE OF INFORMATION:** The field inquiry 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 police officer can increase his effectiveness is to obtain information from persons frequenting his patrol area.
- B. MEANS OF IDENTIFYING SUSPECTS:** 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 police officer that stops and questions a person who has aroused his/her suspicion. Information obtained during a field contact may also be used at a later date to identify a criminal.

- C. **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 any information. A review of these reports will show if anyone had been questioned in the vicinity and at the approximate time of the crime.
- D. **CRIME PREVENTION:** The aggressiveness of the patrol activity may be brought to the attention of the criminal and of his friends. The criminal can also observe the activities of the police and conclude that the possibility of escaping detection and apprehension is not favorable.

2. **APPROACHING THE SUBJECT:**

- A. As many field inquiries result in an arrest, the field contact location must be selected with care. Officers should give consideration to possible escape routes, lighting conditions, and to the safety of bystanders and themselves. Furthermore, the approach must afford the greatest element of surprise. On foot or in a vehicle, the approach is usually made from the rear. This technique provides a tactical advantage. At night, the headlights of the police vehicle can be used to provide added illumination. It is imperative to have decided upon a plan of action before attempting to approach a suspect. Vigilance must be maintained to guard against any violent or evasive action.
- B. The purpose of the field inquiry will determine the method of contacting the subject. It may vary from an authoritative command of "Stop, Police!" to a diplomatic request of "Good evening, may I speak to you for a moment?" Officers working in civilian dress have the added responsibility of identifying themselves as police officers before stopping a person for questioning.

3. **CONDUCTING THE FIELD INTERVIEW:**

- A. There is a fine line drawn between a field interview and a lawful detainment. Reasonable suspicion is the key element on which the officer should base his action. Mass. Gen. Law, Chap. 41, Sec. 98, gives police officers the authority to stop, and question, a person whom they have reason to suspect has committed, is committing or is about to commit a crime. If an officer stops a person for questioning pursuant to Mass. Gen. Law, Chap. 41, Sec. 98, and reasonably suspects that he is in danger of life or limb, he may conduct a "pat down search" of such person for a dangerous weapon. If he finds such weapon or any other thing the possession of which may constitute a crime, he may take and keep it until the completion of the questioning, at which time he shall return it, if lawfully possessed, or he shall arrest such person.
- B. The field interview may not meet the above requirements, but the officer may still seek to talk to the individual while realizing that the person is under no obligation to answer his questions or remain with the officer. The officer should recognize that some citizens are sensitive to any police contact and an over aggressive approach may result in the loss of important support from the person being stopped.

- C. The unusual or suspicious actions of people should trigger field interview. Felony arrests are made consistently by officers who are quick to recognize something unusual in the actions or the appearance of a person or of a vehicle.
- D. The person not fitting the place or time should be questioned. Personal appearances, the area, the time of day, the information being sought, and other factors will determine who is to be questioned. Race as sole factor is never to be considered in a decision to stop/FIO.
- E. Officers will frequently develop probable cause to arrest an individual as a result of conducting a field interview. At this point to ensure the admissibility of statements "Miranda" Warnings should be given.

**4. WHEN TO USE FIELD INTERVIEW/OBSERVATION CARDS or FILE A QED FIELD INTERVIEW FORM UNDER AGENCY DOCUMENT:**

- A. A "Field Interview Card" (Form 96-1, see appendix) may be completed for each individual whom an officer stops for a field interview. Although an FIO card may be used by an officer on the street, all pertinent information is to be filled out electronically under QED Agency Document/FIO.
- B. A field interview card/QED FIO Form may be completed on a subject who is charged with a traffic violation or who is stopped on a routine traffic stop if the situation appears to warrant such a card. This will be largely a matter of the officer's judgement.
- C. A field interview card/ QED FIO form may also be used as a field observation. In these instances, the officer should fill out the card as completely as possible, using prior knowledge of the individual or vehicle and the current observation of the individual or vehicle.

Examples of instances when the field observation card/QED FIO Form should be used include, but are not limited to, the following:

1. An officer stops an individual for the purpose of conducting a field interview, but the individual refuses to give the officer any information and the officer has no reasonable cause to pursue the matter further.
2. An officer wishes to make note of a subject in a specific place at a certain time, and the officer has completed a field interview card on the same subject on another occasion.
3. An officer observes a vehicle, which arouses his/her suspicions, but the owner of the vehicle cannot be interviewed (e.g., a "strange" vehicle parked near a business after business hours).

4. An officer observes a known criminal in or out of a suspicious place or time, but is not able to stop to talk with the individual.

5. **FIELD INTERVIEW FILES:**

- A. Field interview observation cards are used to transpose information electronically onto the QED FIO form which will be submitted to the Commanding Officer-Platoon on Duty for review. The Commanding Officer-Platoon on Duty shall then turn them over to the Commanding Officer-Patrol Division.
- B. The Commanding Officer-Patrol Division will review the QED Form for relevant information, patterns, etc. and will pass them to the Records Division who maintains them.