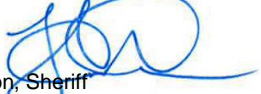




# DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: <b>Field Interviews and Pat Down Searches</b>	Effective Date: February 10, 2017	Policy Number: <b>6.04</b>
Accreditation Reference: 1.2.2, 4.3.1	Review Date: February 10, 2020	Supercedes: April 1, 2013
Attachments:	L. Shane Nelson, Sheriff 	

## I. PURPOSE

The purpose of this policy is to assist Deschutes County Sheriff's Office deputies in determining when field interviews and pat-down searches are warranted and the manner in which they must be conducted.

## II. POLICY

The field interview is an important point of contact for deputies in preventing and investigating criminal activity. Even when conducted with respect for involved citizens and in strict conformance with the law, citizens may perceive the field interview as law enforcement 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 deputies in approaching suspicious individuals, deputies shall conduct field interviews and perform pat-down searches in conformance with procedures set forth in this policy.

## III. DEFINITIONS

*Field Interview* is 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 deputy's suspicions.

*Pat-Down Search* is a "frisk" or external feeling of the outer garments of an individual for weapons only.

*Reasonable Suspicion* means articulable facts that, within the totality of the circumstances, lead a deputy to reasonably suspect that criminal activity has been, is currently being, or is about to be committed.

## IV. PROCEDURES - FIELD INTERVIEWS

### A. Justification for Conducting a Field Interview

Deputies 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 deputy must be able to articulate specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

1. The appearance or demeanor of an individual suggests that he is part of a criminal enterprise or is engaged in a criminal act.
2. The actions of the suspect suggest that he is engaged in a criminal activity.
3. The hour of day or night is inappropriate for the suspect's presence in the area.

4. The suspect's presence in a neighborhood or location is inappropriate.
5. The suspect is carrying a suspicious object.
6. The suspect's clothing bulges in a manner that suggests he is carrying a weapon.
7. The suspect is located in proximate time and place to an alleged crime.
8. The deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity.

No deputy may stop, detain, or search a person under ORS 810.410 if the stop, detention, or search is solely motivated by the deputy's perception of the person's age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness, or disability. (see [Policy 3.65 Bias Based Profiling](#)) A violation of Policy 3.65 is grounds for corrective action, and complaints regarding a violation of these rights shall be reviewed according to [Policy 3.01 Complaint Review](#).

### **B. Initiating a Field Interview**

Based on observing suspicious circumstances or upon receiving information from an investigation, a deputy may initiate the stop of a suspect if he has articulable, reasonable suspicion to do so. The following guidelines shall be followed when making an authorized stop to conduct a field interview:

1. When approaching the suspect, the deputy shall clearly identify himself as a law enforcement officer. If not in uniform, announce his identity and display Sheriff's Office identification.
2. Deputies 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.
3. Before approaching more than one suspect, individual deputies should determine whether the circumstances warrant a request for backup assistance and whether the contact can and should be delayed until such assistance arrives.
4. Deputies shall confine their questions to those concerning the suspect's identity, place of residence, and other inquiries necessary to resolve the deputy's suspicions. However, in no instance shall a deputy detain a suspect longer than is reasonably necessary to make these limited inquiries.
5. Deputies are not required to advise suspects of their constitutional rights in order to conduct field interviews, unless the person is in custody and about to be interviewed.
6. Suspects are not required, nor can they be compelled, to answer any questions posed during field interviews. Failure to respond to a deputy'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.

## **V. PROCEDURES - PAT-DOWN SEARCHES**

### **A. Justification for Conducting Pat-Down Searches**

Deputies have the right to perform a pat-down search of the outer garments of a suspect for weapons if he has been legitimately stopped with reasonable suspicion and only when the deputy has a reasonable fear for his 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. Deputies 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 to support reasonable suspicion for the search.

1. The type of crime suspected - particularly in crimes of violence where the use or threat of deadly weapons is involved.
2. Where more than one suspect must be handled by a single deputy.

3. The hour of the day and the location or neighborhood where the stop takes place.
4. Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
5. The appearance and demeanor of the suspect.
6. Visual indications that suggest that the suspect is carrying a firearm or other deadly weapon.
7. The age and gender of the suspect. Whenever possible, pat-down searches should be performed by deputies of the same gender.

#### **B. Procedures for Performing a Pat-Down Search**

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 may only be performed to protect the safety of deputies 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 shall be conducted in the following manner:

1. Whenever possible, pat-down searches should be conducted by at least two deputies; one performs the search while the other provides protective cover.
2. In a pat-down search, deputies are permitted only to externally feel the outer clothing of the suspect. Deputies may not place their hands in pockets unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club, or other item.
3. If the suspect is carrying an object, such as a handbag, suitcase, briefcase, sack or other item that may conceal a weapon, the deputy shall not open the item but instead place it out of reach of the suspect.
4. 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, a deputy may retrieve that item only. If the item is a weapon and the possession of which is a crime, the deputy may make an arrest of the suspect and complete a full-custody search of the suspect.

#### **C. Reporting**

If, after conducting a field interview, there is no basis for making an arrest, the deputy should record the facts of the interview and submit the field interview card for filing in Sheriff's Office records.