

**GENERAL ORDER**

August 2017

Immediately

**III-01**

Distribution: All Employees

Subject: **FIELD CONTACTS**

Index as:	Contacts, Formal	Field Interview Reports (FIR)	Investigatory Stop
	Contacts, Informal	FIR	Investigatory Stop of a Vehicle
	<b>Field Contacts</b>	Frisk	Loitering and Prowling
	Field Interview	Frisk of Individuals	Terry Stop

Accreditation Standards: 1.2.3, 1.2.4  
Cross Reference: G.O. II-42, Use of Force  
§§ 901.151 and 856.021, Florida Statutes.  
Terry v. Ohio  
Replaces: G.O. III-01, Field Contacts (March 5, 2021)

This Order consists of the following sections:

- I. Policy
- II. Definitions
- III. Informal Contact - Consensual Encounter
- IV. Formal Contact - Investigatory Stop
- V. Investigatory Stop of a Vehicle
- VI. Frisk of Individuals
- VII. Loitering and Prowling
- VIII. Field Interview Reports

## I. POLICY

- A. Police officers have frequent contact with many persons under circumstances of every conceivable nature. These contacts may be generated by citizens or by the officer and may be very informal or, when required by the situation, more formal and investigatory in nature.
- B. It is the policy of this Department to encourage frequent and ongoing contact with members of the community. When contacts are investigatory or performed under articulable suspicious circumstances, the contact will be documented by the completion of a Field Interview Report (FIR).
- C. During field contacts, the officer will immediately provide descriptive information of the individual to the Emergency Communications Center.

## II. DEFINITIONS

- A. Field Interview – Any contact between a private citizen and a law enforcement officer acting in an official capacity, whether or not related to suspicion of criminal activity.
- B. Field Interrogation – The formal questioning, by an officer in the field, of a person who has come under suspicion in relation to a criminal event.

- C. Frisk – The contact with the outer clothing of a person to detect whether a concealed weapon is being carried.
- D. Investigatory Stop – Also referred to as a “Terry Stop.” The temporary detention of an individual for the purpose of a field interrogation, when an officer has a reasonable suspicion that a crime has been committed, is being committed, or was about to be committed.

### III. INFORMAL CONTACT - CONSENSUAL ENCOUNTER

- A. Informal contact with any member of the public is desirable and encouraged.
  - 1. The ability to engage in casual conversation and a general inquiry field Interview with any person is basically unlimited; however, the citizen is not required to answer any question, provide identification, nor can they be detained in any manner.
  - 2. Information developed during an informal contact may, given the totality of circumstances, result in the situation becoming a formal contact.
- B. Informal contact with occupant(s) of a stationary or parked motor vehicle are permitted; however stopping a moving vehicle must be based upon the commission of a traffic offense or a reasonable suspicion the occupant(s) has committed, is committing, or is about to commit a crime.
- C. The completion of a FIR is optional upon the conclusion of an informal contact.

### IV. FORMAL CONTACT-INVESTIGATORY STOP

- A. Formal contact or an Investigatory stop of a citizen, either on foot or in a vehicle, may be conducted in accordance with the provisions of Florida’s “Stop and Frisk Law” (§ 901.151, F.S.S.).
  - 1. Any person may be stopped when an officer has reason to believe the person has committed, is committing, or is about to commit a violation of the criminal laws of the State of Florida, applicable criminal ordinances of the County of Pinellas, or criminal ordinances of the City of St. Petersburg. The provisions of section 901.151, Florida Statutes. do not apply to non-criminal offenses.
  - 2. The stop must be based upon reasonable belief, and cannot be based on mere suspicion, or to merely complete a Field Interview Report. The specific factual circumstances which gave rise to the development of reasonable belief must be articulable and included in the report of the incident. The circumstances may include but are not limited to:
    - a. Time of day and/or location;
    - b. Place and/or proximity to a reported crime;
    - c. Actions or physical appearance of the individual; and
    - d. Knowledge of a bulletin or information describing the person by name or conduct.
- B. Reasonable force may be used to temporarily detain a person for an investigatory stop. This force may not extend to that which may cause serious bodily injury or death. If physical force as defined in G.O. II-42, Use of Force, is employed, a charge equal to the level of unlawful resistance, separate from any other offense, should be made against the person.
- C. Under circumstances justifying an investigatory stop (reasonable suspicion the person has, is or was about to commit a crime), an officer may make an inquiry into the identity of the person and the articulable circumstances which led to the stop. Although the courts have deemed the officer may make a persistent inquiry, or even conduct a non-consensual search for physical identification in places where identification would commonly be carried, the suspect’s refusal to provide their identity or identification documents would not support an arrest.
- D. If probable cause for arrest is developed during the stop, the officer is permitted to arrest for the offense without a warrant. Once probable cause for arrest is developed, admissions by the person stopped are subject to suppression if they have not been given their Miranda rights.

## V. INVESTIGATORY STOP OF A VEHICLE

- A. Articulate circumstances giving rise to reasonable belief the person has committed, is committing, or is about to commit a violation of criminal law, or a traffic violation, are necessary to conduct a valid investigatory stop of a vehicle.
- B. The duration of the investigatory stop will be as brief as possible to properly conclude the inquiry. The person will not be taken from the immediate proximity of the location stopped without their consent.
- C. Officers making a formal contact should explain the reason for the stop, as soon as circumstances allow.
- D. Officers conducting a formal contact- investigatory stop will document the contact on a FIR.

## VI. FRISK OF INDIVIDUALS

- A. Whenever the officer conducting a stop has a reasonable belief the person stopped is or may be armed with a weapon, the officer may frisk that person for the officer's own safety.
- B. The intent of the frisk is to locate weapons which may endanger the officer. If other contraband is located during the frisk for a weapon, it may be seized, if the contraband's identity is immediately apparent.
- C. If a weapon is located for which the person has a lawful permit, the weapon should be retained during the duration of the interview and returned safely upon conclusion of the stop.

## VII. LOITERING AND PROWLING

- A. **Section 856.021, Florida Statutes** provides that "It is unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity." However, it has been held that it is not unusual to be in a public place, either in a vehicle or on foot, at any hour.
- B. Circumstances which may be considered in the application of this statute include:
  - 1. Flight upon the appearance of a police officer.
  - 2. A refusal to identify oneself after inquiry by a police officer.
  - 3. An attempt to conceal themselves or any object from view.
- C. Prior to the arrest of any person on a violation of **section 856.021, Florida Statutes.**, the person will be provided an opportunity to explain any conduct and dispel any alarm, unless it is impractical to do so by the conduct of the individual.
- D. Any person who may be required to converse with an officer to explain their conduct and dispel any alarm, and who may be subject to arrest for failure to do so, will be advised of their Miranda rights, prior to questioning.

## VIII. FIELD INTERVIEW REPORT (FIR)

- A. A Field Interview Report (FIR) is filed electronically in Records Management System (RMS) and is available to everyone with Records Management System access.
- B. The information required for the FIR will be filled in completely and accurately. Names should be checked for accuracy before submission. The narrative will contain at a minimum, the reason and circumstances for the stop.

C. A FIR will be completed before checking off duty.

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Anthony Holloway  
Chief of Police