



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-31 SECTION H-1

FIELD INTERVIEWS, STOP AND FRISK, AND INVESTIGATIVE DETENTIONS Revisions Approved: June 12, 2018

This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. Definitions
- IV. General
- V. Procedures
- VI. Effective Date

I. DIRECTIVE

It is the policy of the Baltimore City School Police Force (BCSPF) to conduct actions pertaining to field interviews, stop and frisk and investigative detentions in a lawful, constitutional non-discriminatory, un-biased manner in order to build and maintain trust with the community.

BCSPF officers shall not unlawfully stop, question, detain or search any person based upon religious, ethnic, sexual orientation, gender identity, gender expression or disability.

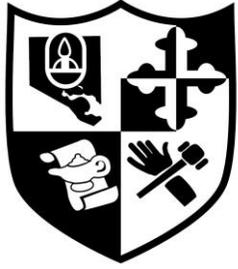
BCSPF officers shall not use any unlawful discriminatory basis for taking law enforcement action against any individual or group of individuals.

II. PURPOSE

The purpose of this General Order is to promulgate departmental procedures regarding officers conducting field interviews, stop and frisk encounters and investigative detentions.

III. DEFINITIONS

- A. Arrest-** The detention of an individual conducted with legal authority and justification for the purpose of prosecuting them for a crime.
- B. Citizen Contact:** Any in-person interaction between a police officer and a citizen.
- C. Constitutional Stops:** A lawful stop of an individual based on reasonable articulable



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-31 SECTION H-1

FIELD INTERVIEWS, STOP AND FRISK, AND INVESTIGATIVE DETENTIONS Revisions Approved: June 12, 2018

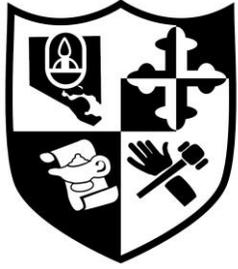
suspicion that the individual has committed, is committing, or about to commit a crime.

- D. Field Interview:** When a police officer attempts to solicit information from a citizen not suspected of the crime being investigated for a law enforcement purpose by asking questions.
- E. Frisk-** A reasonable and lawful search of an individual's outer surface of clothing by a law enforcement officer for weapons of a person believed to be armed and dangerous regardless of whether the officer has probable cause to arrest that individual for crime.
- F. Investigative Detention-** A brief, temporary stop and detention of a person by a police officer based upon reasonable, articulable suspicion that the citizen has committed, is committing or is about to commit a crime.
- G. Investigative Stop-** A stop of a person by an officer based upon "reasonable articulable suspicion" that the person may have been engaged in criminal activity.
- H. Probable Cause-** A reasonable ground for belief of guilt, supported by less than prima facie proof but more than mere suspicion.
- I. Reasonable Suspicion or Reasonable Articulable Suspicion-** A less demanding standard than probable cause which requires a showing considerably less than preponderance of the evidence but requires at least a minimal level of objective justification. Reasonable suspicion is more than an inchoate and unparticularized suspicion or 'hunch of criminal activity'.
- J. Search-** An exploratory investigation of a person's body, tangible items, property or other area.
- K. Seizure of a person-** When an officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen.

IV. GENERAL

A. Right to conduct Field Interviews:

Police officers may conduct a voluntary and consensual non-custodial field interviews with a person as long as the person is free to leave and/or decline any



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 10-31 SECTION H-1

FIELD INTERVIEWS, STOP AND FRISK, AND INVESTIGATIVE DETENTIONS Revisions Approved: June 12, 2018

of the officer's requests for information at any point.

Police officers may conduct field interviews so long as at all times during the contact, the person is free to leave, not answer questions, or otherwise not cooperate with the officer. Officers may conduct field interviews to further on-going investigations or when their knowledge, experience, or training indicates that criminal activity or another situation requiring police intervention may be occurring or has occurred.

Voluntary and consensual encounters between officers and citizens are a seizure under the Fourth Amendment.

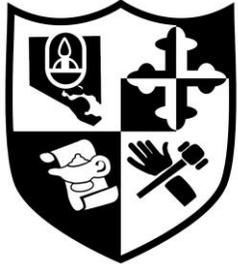
A field interview may change to a stop and/or arrest. An officer must advise a citizen when they are no longer free to leave.

B. Lawful Stop and Investigative Detention:

Police officers may stop and conduct an investigative detention of person(s) aka *Terry Stop*. A person may be stopped and detained by a police officer based upon reasonable suspicion, that they have committed, are committing, or is about to commit a crime, and may be asked their name, address, and an explanation of their actions. An officer may conduct a frisk of an individual when the officer reasonably suspects that the person is armed and dangerous.

C. Right to Stop:

1. When deciding to stop an individual, factors than an officer may consider include, but are not limited to:
 - a. Visual indications that suggest the individual is carrying a firearm or other deadly weapon, such as a bulge under the individual's clothing.
 - b. Confidential source provided tips and information.
 - c. Observations of what appears to be criminal conduct based on experience.
 - d. Furtive behavior.
 - e. Lateness of hour.
 - f. Presence in a high crime or known crime scene area.
 - g. Evasive conduct or unprovoked flight.



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 10-31 SECTION H-1

FIELD INTERVIEWS, STOP AND FRISK, AND INVESTIGATIVE DETENTIONS Revisions Approved: June 12, 2018

- h. Prior knowledge of the officer including:
 - i. Individual's prior criminal record.
 - ii. Information from confidential source or third party.
 - iii. Overheard conversation or knowledge gained in some other way that the individual is or has been connected with a crime.
 - iv. Individual is known by the officer to be disposed to violence.

The burden is on the officer to be able to justify and articulate the facts and circumstances for the stop based on the totality of the circumstances known to the officer at the time of the encounter with the person(s). A mere "hunch" or "intuition" as to the person being involved in a criminal activity is not sufficient; nor should a person be stopped merely they are found near the scene of a crime or has a prior criminal record.

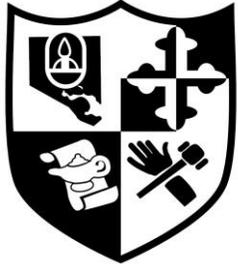
- 2. The following guidelines should be observed in making an authorized stop of a person:
 - a. Clear identification of the officer to the suspect:
 - i. By being in police uniform.
 - ii. If not in uniform, by announcing they are a police officer and at the same time, displaying their badge or other police credentials.
 - b. Careful consideration of the rights of the person.
 - c. The length of time spent in conducting such inquiries should be reasonable.

D. Right to Question

A person who has been stopped based upon reasonable suspicion, as described above, may be questioned by the officer to discover their:

- 1. Name
- 2. Address
- 3. An explanation of the person's actions.

The person may not be compelled to answer these or any other questions. Upon refusal of the person to answer the officer's questions or to identify themselves, they may be questioned further but may not be unduly detained nor may the



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 10-31 SECTION H-1

FIELD INTERVIEWS, STOP AND FRISK, AND INVESTIGATIVE DETENTIONS Revisions Approved: June 12, 2018

suspect be deprived of freedom of movement in any significant manner unless the officer is prepared to make a formal arrest in accordance with the legal requirements for an arrest without a warrant. The failure or refusal to answer questions, or answers considered unsatisfactory, however, are not alone sufficient to constitute probable cause for an arrest without a warrant. There must be other sufficient reasons, in addition to such failure or refusal to answer, to legally justify an arrest.

The failure or refusal to answer questions does not bar a “frisk,” if the officer reasonably suspects the person is in possession of a weapon or if danger to their own or another’s safety exists,

E. Right to Frisk

A right to frisk does not exist unless there is a right to stop, nor is a frisk lawful in every case in which a right to stop exists. A frisk is justified only when the officer suspects that person is armed with a weapon or they or another person is in danger. This claim is not to be used as a pretext for obtaining evidence. A frisk that is permissible is a patting down of the outside of the person’s clothing for the discovery of deadly or dangerous weapons. If the patting down or external feeling of the clothing fails to disclose evidence of a weapon, no further search may be made by the officer, but if the “frisk” indicates an object that could be a weapon, the officer is authorized to search that part of the person’s clothing containing such object.

If that object is determined to be a weapon or other illegal item, the officer may then and there arrest the person for a crime committed in the officer’s presence and then make a further search of the person and their immediate surroundings as a search incident to arrest.

If the person is carrying an object such as a handbag, suitcase, sack, etc., which may conceal a weapon, the officer should not open that item, but should see that it is placed out of reach of the person so that its presence will not represent any immediate danger to the officer.

The officer has a duty to cease and desist from any further frisk when they fail to



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 10-31 SECTION H-1

FIELD INTERVIEWS, STOP AND FRISK, AND INVESTIGATIVE DETENTIONS Revisions Approved: June 12, 2018

detect a weapon by an external feeling or patting down of the person, or when an object they believe to be a weapon is found not to be a weapon.

A frisk is not appropriate unless the officer reasonably suspects they or another person is in danger.

In determining whether reasonable suspicion exists sufficient to support the frisking of a person stopped, the following factors may be considered.

1. The type of crime suspected- whether or not it is a crime of violence or one involving the use of a deadly weapon.
2. Reasonableness of the officer's fears for their safety or the safety of others. Where the officer must deal with more than one person, or where the officer does not have help close at hand, the situation may constitute a greater danger than otherwise.
3. The hour of the day or night.
4. The neighborhood- considering the hour.
5. Prior knowledge of the person.
6. The appearance or demeanor of the person.
7. Does the person's clothing bulge in a manner suggesting a concealed weapon?
8. Age of the person.
9. Any other information provided the police officer by any of their senses or otherwise as to the person's potential for violence.

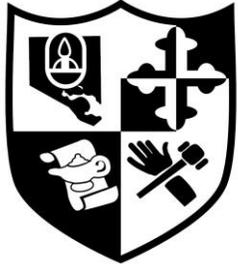
When the officer has knowledge or information regarding more than one of the above factors, and/or any other information sufficient to justify a reasonable suspicion that the person stopped is presently armed and dangerous, they may frisk such person. It may be necessary for an officer to use multiple factors in making their determination as one in itself may not be sufficient to justify a frisk.

V. PROCEDURES

The below procedures relate to BCSPF officers engaging in citizen contacts, field interviews, stop and frisks, and investigative detention.

A. Field Interview Procedures

1. Officers may conduct field interviews, so long as at all times during the contact,



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 10-31 SECTION H-1

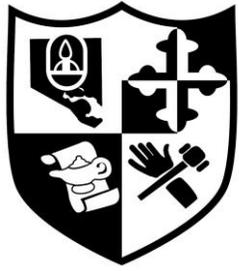
FIELD INTERVIEWS, STOP AND FRISK, AND INVESTIGATIVE DETENTIONS Revisions Approved: June 12, 2018

the person is free to leave, not answer questions, or otherwise not cooperate with the officer. Citizen contacts and field interviews may only be conducted in places in which the officer has the right to be located.

2. Officers may conduct field interviews to further on-going investigations or when their knowledge, experience, or training indicates that criminal activity or another situation requiring police intervention may be occurring. Officers will not use field interviews to harass and/or intimidate persons.
3. Interactions with persons shall not be conducted as a means of harassing any individual or attempting to coerce an individual to do anything (i.e. leave the area, consent to a search, etc.)
4. If during a field interview, an officer develops reasonable suspicion or probable cause that the person is involved in criminal activity, the officer may transition the contact into an investigative detention or arrest, as appropriate and pursuant to the laws of arrest.
5. Officers must ensure at all times during a citizen contact or field interview that a reasonable person would feel free to immediately leave or terminate the conversation. Furthermore, refusal to answer questions cannot be used as the basis to escalate the encounter into an investigative stop, weapons pat-down, or search. During the ongoing assessment, the following factors will be taken into account.
 - a. Any impairment to the person's movement by officers, equipment, or vehicles, including blocking of the person's path of travel;
 - b. Any physical contact with the person;
 - c. The number, demeanor, and actions of officers present; and
 - d. Retention of any personal property belonging to the person citizen, such as driver's license, identification card, etc.
 - e. Show of force by an officer (i.e. display of weapon)
 - f. The duration of the interaction should be only as long as reasonably necessary unless the citizen voluntarily continues the interaction beyond that which the officer believes is necessary for their purpose.
 - g. All citizen contact/field interviews require the completion and issuance of the Citizen/Police Contact Receipt developed by the Baltimore Police Department.

B. Investigative Detention/Stop Procedures

1. When conducting investigative detention/stops, officers must:
 - a. Appropriately identify themselves as a law enforcement officer;



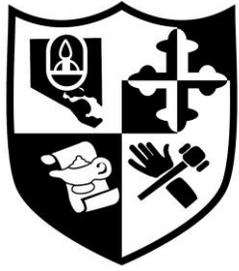
BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 10-31 SECTION H-1

FIELD INTERVIEWS, STOP AND FRISK, AND INVESTIGATIVE DETENTIONS Revisions Approved: June 12, 2018

- b. Conduct the stop in a professional manner while maintaining officer safety and vigilance;
 - c. Request appropriate backup assistance as needed;
 - d. Reasonably minimize physical contact with the suspect;
 - e. Confine questioning to issues involving the person's identity and concerns about the specific issues providing the reasonable suspicion for the stop;
 - f. Avoid moving the person from the initial location of the stop, except for limited distances resulting from safety concerns or to verify statements made by the person;
 - g. Avoid unnecessarily prolonged retention of personal property belonging to the person;
 - h. Explain to the person the reason for the stop and the facts justifying it; and
 - i. Not detain the person longer than necessary to complete reasonable investigative inquiries, unless the officer develops probable cause to place the person under arrest pursuant to the laws of arrest.
2. Notify a supervisor if the individual is:
 - a. Injured during the investigative stop or complains of injury;
 - b. Transported from the initial place of contact;
 - c. Stopped more than 20 minutes; or
 - d. Handcuffed and/or subjected to an arrest and control technique.
3. All investigative detention/stops require the completion and issuance of the Citizen/Police Contact Receipt developed by the Baltimore Police Department.
4. If the person stopped is to be released:
 - a. Obtain from person all information required to complete a Miscellaneous Incident Report (see Addendum A)
 - i. Do not compel the person to cooperate. If necessary, complete the report as accurately as possible with the information known.
 - b. Upon obtaining the necessary information, an officer must contact their supervisor and advise:
 - i. That an involuntary detention has occurred.
 - ii. The investigation revealed no evidence of wrongdoing.
 - iii. It is the intention of the officer to release the person without further police action.
 - c. Immediately release the person and explain the reason for the investigative detention/stop and the release.
 - d. Do not detain the person any longer than reasonable or necessary, or



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 10-31 SECTION H-1

FIELD INTERVIEWS, STOP AND FRISK, AND INVESTIGATIVE DETENTIONS Revisions Approved: June 12, 2018

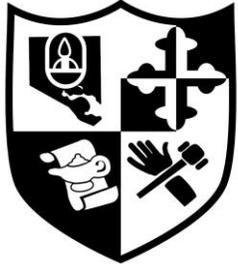
- subject them to undue public embarrassment or humiliation.
- e. Provide the person with your name, badge number, the central complaint number of the report and a copy of the Citizen/Police Contact Receipt.
- f. Provide the person with the information to contact a supervisor or the Internal Affairs Unit, if requested.
- g. Extend reasonable means of assistance to the person to include return transportation if the person was transported from another location.
- 5. Prepare and submit to supervisor prior to the end of tour of duty, an Incident Report using the CC# of the incident under investigation. Include detailed information pertaining to the incident.
- 6. If a person was believed to be armed and a frisk was conducted, complete a “Stop and Frisk” report. A “Stop and Frisk” report will take place of the “Involuntary Detention” report.

C. Supervisors Role as to Release of a Person from Investigative Detention/Stop

- 1. Review the circumstances surrounding the incident.
- 2. Ensure the proper criteria for release has been met.
- 3. Review the officer’s report, ensuring compliance with this directive.
- 4. Specifically note on the report (following the narrative) that you have specifically reviewed the circumstances of the event.
- 5. Submit report prior to the end of tour of duty.

D. Use of Force During Investigative Stop/Detention

- 1. The level of force an officer chooses to use must be reasonable and necessary. Officers should use the level of force which is reasonable and necessary under the circumstances to accomplish the legally-permitted investigative stop or detention. In all cases, officers’ use of force must comply with General Order 13-20.
- 2. If a level of physical restraint is used during an investigative stop/detention, it must be legally justified based upon the particular circumstances of the interaction.
- 3. Circumstances may justify an increased level of force without turning the investigatory stop into an arrest. Factors that could justify the above may include:
 - a. The suspect is uncooperative or takes action at the scene that raises a reasonable possibility of danger to the officer or flight from the scene.
 - b. The officer has information that the suspect is currently armed.
 - c. The stop closely follows a violent crime.



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 10-31 SECTION H-1

FIELD INTERVIEWS, STOP AND FRISK, AND INVESTIGATIVE DETENTIONS Revisions Approved: June 12, 2018

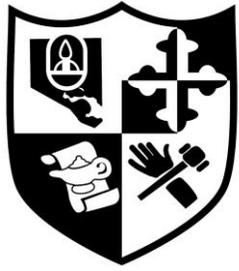
d. Officer has information that a crime is about to occur that may involve violence.

E. Juvenile Procedure

1. If the person seized or detained is a juvenile, officers must complete a Juvenile Custody Report and comply with procedures in this General Order.
2. Officers may not outright release a juvenile who has been in their custody. Standard procedures regarding the release of a juvenile must be followed.

F. Reporting Investigative Detentions:

1. Investigative detentions must be documented on a Miscellaneous Incident Report (see Addendum A)
2. The incident report and/or statement of probable cause documenting the investigative detention must include, at least, the following:
 - a. The specific circumstances which led to the stop/detention: including articulation of the reasonable suspicion upon which the officer based their actions on;
 - b. Complete identification of any person or officer involved in the stop/detention;
 - c. Whether or not a frisk, search, or identification was conducted and the results of that activity;
 - d. The results of the investigative detention;
 - e. The length of time that the suspect was detained;
 - f. Any use of physical force or restraint such as use of handcuffs during the detention;
 - i. If physical force is used a Use of Force report must be submitted; and
 - g. Any unusual activity that took place during the stop/detention.
3. A copy of all investigative detention reports that do not lead to an on-scene arrest of the detained suspect must be forwarded via chain of command to the supervisor of the officer initiating the investigative detention. If any supervisor reviewing the report does not concur with the investigative detention as described in the report, they must take appropriate action to document and resolve the situation. After review by the chain of command, copies of the report and any additional documentation will be forwarded to the Professional Standards Unit for review and filing and to the Training Unit for review.



BALTIMORE CITY PUBLIC SCHOOLS

**GENERAL ORDER 10-31
SECTION H-1**

**FIELD INTERVIEWS, STOP AND FRISK, AND INVESTIGATIVE DETENTIONS
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NOTE: Case examples on Stop and Frisk 10-31 Annex B.

X. EFFECTIVE DATE

This Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature _____ Date _____