

Bend Police Department Policies

<i>Subject</i> Police-Citizen Contacts	<i>Effective Date</i> May 15, 2002	<i>Number</i> 5.60
<i>Accreditation Reference</i>	<i>Review Date</i> April 7, 2002	<i>No. Pages</i> 2
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I. PURPOSE

The purpose of this policy is to define the limitations of authority and acceptable conduct and practices of officers when making police contacts with citizens.

II. POLICY

Police interactions with citizens form the cornerstone of effective police work. With that in mind, all officers shall follow the provisions of this policy to maximize the usefulness of investigatory citizen contacts while observing and respecting the privacy rights of citizens. This policy does not address stops based on reasonable suspicion of criminal activity or frisks of suspects incidental to such stops, nor does it apply to stops of motor vehicles. Officers should refer to protocols contained in this agency's policies on Field Interviews and Pat-Down Searches (6.04) and Motor Vehicle Stops (5.12) for further information on these related topics.

III. DEFINITIONS

Citizen Contact: For purposes of this policy, a citizen contact is defined as actions by an officer that place him in face-to-face communication with a citizen for purposes of asking questions or gathering information of an official nature, where there is no reasonable suspicion to believe that the citizen has committed, is committing or is about to commit a crime.

IV. PROCEDURES

A. Grounds for Citizen Contacts

1. Citizen contacts may be initiated by an officer when the officer believes that it may serve the interests of a police investigation, inquiry or other bona fide police business.
2. Citizen contacts may be initiated without probable cause, reasonable suspicion or other indication of criminal activity by the citizen when officers adhere to provisions of this policy.

B. Initiation of Citizen Contacts

1. Officers may initiate a citizen contact in any place that the officer has a legal right to be. Examples of such places vary widely, but include:
 - a. Areas intended for public use or normally exposed to public view;

- b. Places to which the officer has been admitted with the consent of the person empowered to give such consent;
 - c. Places to which the officer may be admitted pursuant to a court order (such as an arrest or search warrant);
 - d. Places where the circumstances require an immediate law enforcement presence to protect life, well-being or property; and
 - e. Places in which the officer may effect a lawful warrantless arrest.
2. Officers may initiate contacts only for legitimate police-related purposes. They may not use contacts on a pretextual basis so as to intimidate, harass or coerce citizens (such as to leave a public place).

C. Citizen Contact Protocol

Officers must keep in mind that citizen contacts are based on the presumption that the citizen is not under any reasonable suspicion of criminal activity. As such, officers should adhere to the following protocols:

1. Persons "contacted" may not be detained in any manner against their will or frisked unless reasonable suspicion is established during the course of the contact to believe they present a danger to the officer or that they have committed, are committing or are about to commit a crime.
2. An officer may not use force or coercion to require a citizen to stop or respond to questions or directions without any other legal reason.
3. Officers shall ensure that their actions and requests could not be reasonably perceived by the citizen as a restraint on his freedom to leave the officer's presence. As such, officers should observe the following:
 - a. Introduce themselves and explain the reason for making the contact;
 - b. Act in a courteous and restrained manner at all times;
 - c. Establish rapport;
 - d. Avoid gruffness, officious attitudes or requests that sound like commands;
 - e. Phrase requests using optional words such as "may," "would you mind," or similar terms and phrases;

Bend Police Department Policies

- f. Keep the duration of the contact as brief as possible; and
 - g. Do not create a physical or other barrier to the citizen's ability to leave, such as keeping a driver's license or by creating a physically imposing and intimidating presence.
4. If citizens ask whether they must respond to questions or must remain in the officer's presence, they shall be informed that they need not answer any question and are free to leave at any time.
5. Where citizens refuse or cease to cooperate during a contact, they must be permitted to leave.
6. Refusal of the citizen to cooperate with the officer, for example, through silence (e.g., not answering questions), by a refusal to provide personal identification, or by a refusal to account for his presence in a public place, cannot be used as the basis for turning the "contact" into a "stop."

Bend Police Department Policies

