

f. Any other area in which an officer may affect a warrantless arrest.

3. However, a field interview requires voluntary cooperation from the citizen. In the absence of probable cause to arrest, the citizen may discontinue the interview at any time and leave. The citizen may also refuse to produce identification or otherwise identify himself.

III. Investigative Detention and Stop and Frisk Procedures

A. Investigative Stop/Detention: A police officer with a reasonable suspicion that a suspect is engaging in criminal activity may detain that person in order to conduct a brief investigation. People v. Ingram (Colo. 1999). Reasonable suspicion is based on the totality of the circumstances in assessing whether the specific facts known to the investigating officer, as well as rational inferences that can be drawn from those facts, create a reasonable suspicion of criminal activity. (Courts will consider the investigating officer's experience and specialized training and the reasonable inferences and deductions that the officer may draw based on that background.) The investigative stop must be "brief in duration, limited in scope, and narrow in purpose." People v. Garcia (Colo. 2000).

B. Vehicles:

1. A police officer may conduct an investigatory stop of a vehicle when the officer has:
 - i. A reasonable suspicion that criminal activity has occurred, is taking place, or is about to take place;
 - ii. A reasonable objective for the intrusion; and
 - iii. A reasonable connection between the scope and character of the intrusion and its objective. Outlaw v. People (Colo. 2001)

C. Scope and Character of Stop

1. The nature of the suspected crime and purpose of the stop defines the proper scope and character of the stop.
2. Four Non-Exclusive Factors in determining reasonable scope and character: (People v. Ramos, {Colo. 2000})
 - i. The length of the time the suspect was detained;
 - a) "The length of a valid investigatory stop is properly measured as the time required for the officers to diligently complete the investigation given the complexity of the situation and their legitimate personal safety considerations." Garcia and United States v. Sharpe (1985)
 - b) Once the detaining officer determines that his basis for reasonable suspicion no longer exists, the person detained shall be immediately

released. Should the suspicion be reinforced with additional information or the officer develops probable cause, the period of detention could be lengthened.

- c) The courts generally permit up to 20 minutes to constitute a reasonable period of time for the interview, but this depends on the totality of the circumstances involved.
 - ii. Whether the officer diligently pursued the investigation;
 - iii. Whether the suspect was moved from one place to another; and
 - iv. Whether there were alternative, less intrusive means by which the officer could have conducted the investigation.

D. Frisk: Should the officer reasonably believe that the person stopped is armed and presently dangerous to himself or others nearby, the officer may conduct a limited pat down search of the person for weapons.

Under some conditions, the protective search (the search for weapons) may be extended beyond the person detained. Such a search often involves vehicles. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:

1. A lawful investigative stop or a lawful vehicle stop;
2. A reasonable belief that the suspect poses a danger;
3. The search must be limited to those areas in which a weapon may be placed or hidden; and
4. The search must be limited to an area which would ensure that there are no weapons within the subject's immediate grasp.

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