

Buncombe County Sheriff's Office

	Policy Number: 401	Effective Date: September 4 th , 2020
	Subject/Title: FIELD ENCOUNTERS	
	Rescinds: Not Applicable; New Policy	
	Approved: Sheriff Quentin Miller	

401.1 PURPOSE AND SCOPE

This policy provides guidelines for deputies related to field encounters and temporary detentions.

For purposes of this policy, field encounters include both voluntary encounters and temporary detentions not amounting to an arrest.

401.2 POLICY STATEMENT

It is the policy of the Buncombe County Sheriff's Office to promote community relationships and to build community trust while respecting individuals' rights to be free from unreasonable seizures and searches.

One way the BCSO works to accomplish these objectives is to encourage deputies and members of the public to engage in spontaneous conversation with one another when deputies are on patrol in the community. These types of conversations can include both frequent and infrequent check-ins ranging from polite greetings to more in-depth conversations dealing with matters of importance in a neighborhood or the community as a whole. These types of conversations and interactions are critical to community policing and are left to the discretion of the deputy and the community members involved.

The BCSO is also aware of the need for clarity in taking investigative law enforcement action, thus it is also the policy of the BCSO that temporary detentions not amounting to arrests are conducted only according to the authority granted to deputies by law.

401.3 FIELD ENCOUNTERS

Deputies may come into contact with members of the public in a variety of ways, not all of which are predictable. Deputies should remain aware of their language, posture, and actions when they encounter and speak with members of the public and should strive to behave and treat others with courtesy and dignity.

401.4 CONSENSUAL ENCOUNTERS

A deputy has engaged in a consensual encounter with an individual when the deputy has contact with an individual but has not used words, actions, or physical force sufficient to cause a reasonable individual to believe their movement is restricted.

Deputies may, in their discretion, engage in voluntary conversations with members of the community keeping in mind that meeting and learning about the needs of community members is a critical part of building community trust. While these conversations and encounters should generally occur without any investigative need on the part of the deputy and thus without reasonable suspicion of criminal activity by an individual, they should not amount to temporary detentions or arrests. Consensual encounters shall not be used in a manner that violates the Fairness and Equity policy.

Deputies may also when safe and appropriate to do so, attempt to engage an individual suspected of a crime in a voluntary encounter or field interview.

401.4.1 FORMAL INTERVIEWS

On occasion, individuals will approach law enforcement officers on patrol seeking to provide information about criminal activity currently under investigation; the information the individual is seeking to provide may or may not relate to an incident the approached deputy has been assigned to investigate or respond to, and may or may not involve a serious offense.

When an individual indicates to a deputy a desire to provide information regarding an ongoing investigation into a serious incident and the incident is not assigned to the deputy for investigation or response, the deputy should contact the Criminal Investigations Division (CID) to determine if a formal interview is necessary. CID may choose to arrange for a suitable interview date or location or may request the deputy to complete other documentation. Deputies may transport witnesses to interview locations if the witness or the witness's parent or guardian has provided written or recorded consent however deputies are not required to transport these individuals. Interviews and reports in these scenarios should be coordinated with CID to ensure interview recording and preservation as necessary. See also the Investigations policy for further information regarding interviews.

401.5 TEMPORARY DETENTIONS

A deputy has temporarily detained an individual when two things have occurred. First, the deputy has intentionally engaged in some action by using words, physical force, or other acts, and second, this action has caused a reasonable person to believe their movement is restricted.

401.5.1 REASONABLE SUSPICION

Before initiating a stop or detention based on suspected criminal activity, deputies should identify specific facts which when considered in the totality of the circumstances reasonably warrant the stop or detention. These factors should be included in the appropriate documentation for the circumstance.

Factors deputies may consider include but are not limited to:

- The behavior of an individual including but not limited to whether the individual is engaged in criminal activity, appears to be about to engage in criminal activity, or is otherwise exhibiting a specific demeanor, e.g., apparent drug or alcohol impairment, physical or verbal aggression, significant distress.
- Whether an individual matches a physical description or appears to possess physical evidence consistent with a crime, e.g., carrying a suspicious object, bearing an apparent injury, wearing clothing indicative of concealment or inappropriate for weather conditions.
- The presence of an individual at a specific location and/or in an area inappropriate for the day or time, e.g., at or near the scene of an alleged crime, in or near a prohibited area or closed business late at night.
- Other factors then known to individual deputies based on their training and experience.

Deputies should not detain individuals for longer than is necessary to alleviate their suspicions of criminal activity.

401.5.2 PAT-DOWN FRISKS

When a deputy has conducted a valid stop or detention and also has a reasonable, articulable suspicion that a suspect involved has a dangerous weapon that may present a safety risk to the deputy, the deputy may pat down the suspect's outer clothing to ensure the deputy's investigation may continue safely. Deputies should seek a cover deputy when practicable and should include these factors in the appropriate documentation for the circumstance.

Factors deputies may consider in making this determination include but are not limited to:

- The nature of the stop or detention, including but not limited to the nature of the crime suspected, the behavior observed, and the number of suspects involved.
- The time and location of the stop or detention.
- Visual indicators when known to the deputy which indicate a weapon is likely to be present.
- Prior behavior by suspects if known to the deputy, e.g., prior assaults on law enforcement officers or others, any prior commission of offenses involving weapons.

Deputies shall not use pat-down frisks to engage in searches under the plain feel doctrine without appropriate legal authority, i.e., either reasonable suspicion for a pat-down frisk for weapons or probable cause for a search.

END OF POLICY DOCUMENT