



BostonPolice

FIELD INTERACTION/OBSERVATION/ENCOUNTER REPORT (FIOE Report)

Section 1: GENERAL CONSIDERATIONS

This rule has been developed to assist officers in ensuring that intelligence and information is gathered only on persons suspected of engaging in criminal activity or persons associating with those suspected of criminal activity. Additionally, while this rule offers guidance on those stops that implicate an individual's Fourth Amendment right, it also clarifies how officers should document interactions with individuals suspected of criminal activity, or associates of those individuals, that amount to mere encounters or observations.

A Field Interaction/Observation/Encounter ("FIOE") Report provides officers with the mechanism to document such interactions and describe the conditions and relative circumstances involved in those interactions. The FIOE Report is a law enforcement sensitive report and must be treated with care and caution to avoid unnecessary dissemination unless in support of a legitimate law enforcement purpose. It is the responsibility of all officers throughout the Department to be familiar with the considerations and elements of this important law enforcement activity and the requirements of this rule.

Police officers are encouraged, as part of the Department's community policing philosophy, to communicate and develop relationships with those individuals as part of their fundamental duties. These communications that take place as part of officers' fundamental duties do not warrant documentation in the form of a FIOE Report; however, if an officer finds him/herself in a situation outlined herein, such documentation is required.

Section 2: PURPOSE

The FIOE Report is a mechanism to allow the Department to document and accumulate up-to-date information concerning known criminals and their associates, the clothing they may be wearing, the vehicles they use, the places they frequent, and persons suspected of unlawful design. For all field interactions/stops and/or frisks, the FIOE Report must state the basis for the stop, including supporting information used to establish reasonable suspicion. The FIOE Report for observations and/or encounters must state the intelligence purpose for the action. An individual's race, ethnicity, national origin, gender, sexual orientation/identity, socio-economic status, religion, and/or age shall never serve as the basis for a field interaction/stop, frisk, observation or encounter.

The information gathered in an FIOE Report may prove useful in support of investigations or intelligence development. Because it is documentary evidence, it may corroborate oral testimony about an individual, vehicle, associations, or other information of value to a prosecution. The ability to effectively document a field interaction will often become a vital piece of information when viewed in the context of other known information or evidence.

Section 3: DEFINITIONS

For the purposes of this rule the following definitions will apply to the described terms;

Sec. 3.1 Encounter is defined as a consensual interaction with an individual that does not escalate into a formal stop and/or frisk. If you encounter an individual with the purpose of gathering intelligence, you must document the interaction.

Sec. 3.2 Field Interaction/Stop is defined as the brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Sec. 3.3 Frisk is defined as the pat down of the outer clothing, and the area within the immediate control of the person for weapons. An officer may only conduct a frisk when s/he has objective articulable facts which lead him/her to believe that the person with whom s/he is dealing may be armed, and thus poses a threat to the officer or others.

Sec. 3.4 Intelligence consists of stored information on activities, associations of individuals, organizations, businesses, and/or groups who are either (1) suspected of actual or attempted planning, organizing, financing, or commission of criminal acts or are (2) suspected of being associated with criminal activity with known or suspected criminals.

Sec. 3.5 Observation is defined as a direct viewing of an individual by an officer that does not include actual contact with the individual. Reasonable suspicion is not required to conduct an observation of an individual; however, the purpose of documenting the observation must be to gather intelligence in order to justify documenting the observation.

Sec. 3.6 Probable Cause exists when an officer reasonably believes a person has committed a crime. The belief is reasonable when it rests on an objective, substantial basis as contrasted with a mere subjective suspicion. Probable cause may be based on direct observations or a combination of factors, including, but not limited to, the individual's prior criminal record, flight from the police, and the giving of evasive or conflicting responses to police questioning.

Sec. 3.7 Reasonable Suspicion exists when an officer, based on specific and articulable facts, and the rational inference from those facts, believes that an individual has committed, is committing, or is about to commit a criminal offense.

Sec. 3.8 Search is conducted for the specific purpose of seizing evidence. An officer must have probable cause in order to conduct a search of an individual or his/her property.

Section 4: SITUATIONS WARRANTING THE COMPLETION OF AN FIOE REPORT

An FIOE Report shall be submitted subsequent to a field interaction/stop, a frisk, an observation, or an encounter, as defined in Section 3. An FIOE Report shall be submitted for each individual involved in the field interaction/stop, frisk, observation or encounter. A stop cannot be based on an individual's personal characteristics such as race, ethnicity, national origin, gender, sexual orientation / identity, socio-economic status, religion, and/or age. Additionally, officers shall not stop someone based solely on a vague description (i.e., black male age 18-25 years old). An FIOE Report is required in the following circumstances:

Sec. 4.1 Field Interaction/Stop—An Officer may stop an individual to conduct a field interaction only where reasonable suspicion is present. An officer may conduct a Field Interaction/Stop when:

- a. The appearance or demeanor of an individual suggests that s/he is part of a criminal enterprise or has engaged in a criminal act;
- b. The actions of an individual suggest that s/he is engaging in a criminal activity; or
- c. The actions of an individual suggest that s/he is about to engage in criminal activity.

Sec. 4.2 Frisk—An Officer may frisk an individual only where reasonable suspicion exists to make a stop and the officer has a reasonable fear for his/her safety. The following is a list of occasions that may pose sufficient justification to conduct a frisk. This is not meant to be an exhaustive list and simply serves as examples of possible factors to consider.

- a. The type of crime suspected involves violence or the use or threat of deadly weapons;
- b. More than one (1) suspect being handled by a single officer;
- c. The Officer has prior knowledge of the individual's use of deadly force and/or propensity to carry deadly weapons; or
- d. Visual indications that suggest that the individual is carrying a firearm or other deadly weapon.

Sec. 4.3 Observation—An Officer may document an observation of an individual(s) where the information collected serves a legitimate intelligence purpose. This is not

meant to be an exhaustive list and simply serves as examples of possible factors to consider. For example, an officer may complete an FIOE Report when s/he observes:

- a. An individual known to be associated with a gang;
- b. An individual that is the subject of an on-going investigation; or
- c. An individual known to be associated with a gang and present in an area frequented by rival gang members.

Sec. 4.4 Encounter—An officer may approach an individual, either on foot or in his/her vehicle, and engage in a voluntary encounter. In order to justify documenting the encounter, the officer must have a legitimate intelligence purpose for the encounter and must cease communications if the subject individual does not participate voluntarily, unless reasonable suspicion exists to escalate the encounter into a field interaction/stop. This is not meant to be an exhaustive list and simply serves as examples of possible factors to consider. For example, an officer may complete an FIOE Report after speaking to an individual that is:

- a. Known to be associated with a gang;
- b. Known to the officer to be a felon;
- c. Known to be associated with a gang and present in an area frequented by rival gang members; or
- d. Present in an area at an inappropriate hour of the day or night.

Section 5: APPROPRIATE DOCUMENTATION ON AN FIOE REPORT

Regardless of the reason for the FIOE Report, Officers must identify the basis for the stop. This must include supporting information used to establish reasonable suspicion in the event of a field interaction/stop or a frisk or the intelligence purpose when conducting an observation or encounter. It is not sufficient to state “Suspicious Person” or “Investigate Person” as the basis for the stop.

Officers must also include the race of the individual and may also include ethnicity, when appropriate; however, the individual’s personal characteristics such as race, ethnicity, national origin, gender, sexual orientation / identity, socio-economic status, religion, and/or age may never be the reason for the stop. It is appropriate for an officer to base a stop on a physical description; however, race, ethnicity, national origin, gender, sexual orientation / identity, socio-economic status, religion, and/or age shall never be the sole reason for the action taken. The Officer shall also record the time, date, and location of the field interaction/stop, frisk, observation or encounter prior to submitting the FIOE Report.

Section 6: HOMELAND SECURITY—SUSPICIOUS ACTIVITY DOCUMENTATION

Whenever an officer determines that an individual may be engaged in suspicious activity that relates to Homeland Security the officer shall document the determination and the police response related to the activity on an FIOE Report and Incident Report. Some examples of such suspicious activity may include, but are not limited to, the following;

- Persons observed, or reported to have been, taking photographs, making sketches, or taking unusual interest in the details of certain infrastructure such as tunnels, bridges, fuel storage facilities, or similar venues that may be considered high value targets for terrorism activity.
- Persons who are in possession of, or attempt to gain possession of, uniforms, equipment, or identification that may not be consistent with legitimate needs.
- Persons in possession of false or altered identification documents.
- Persons involved in acquiring unusual materials, or inordinate amounts of materials that could be used in the making of dangerous devices.

Section 7: SUBMISSION OF FIOE REPORTS

Every on duty police officer shall carry FIOE Forms. FIOE Reports must be completed in ink and submitted to a detective supervisor prior to the end of the officer's tour of duty. The detective supervisor shall then inspect the FIOE Report for legibility, completeness, and articulation of justification for the field interaction, frisk, observation or encounter. Any incomplete or illegible FIOE Reports shall be returned to the submitting officer for correction. No other officer shall make any corrections, additions, or alterations to the FIOE Report. Once an FIOE Report is complete and has been approved by a detective supervisor, the officer shall enter the FIOE into the FIOE database within forty-eight (48) hours of approval and forward the original to the Boston Regional Intelligence Center (BRIC).

Section 8: ACCESS TO FIOE REPORTS

The Department will provide access to the FIOE Report database for each sworn officer and authorized user. The Information Services Group (ISG) will serve as the administrator of the central database and ensure that users have adequate access and training in the use of the database.

Officers will have the following access permissions:

- **ADD** an FIOE Report directly into the system
- **READ** all FIOE's within the system
- **SEARCH** for specific FIOE's within the system
- **PRINT** FIOE's in order to comply with court discovery or to include in investigative files

Section 9: DISSEMINATION

Officers may access the FIOE database to conduct searches or to print FIOE's when there is a legitimate law enforcement purpose for doing so, such as an ongoing investigation or in support of a prosecution. All FIOE Reports ordered by the court to be produced, requested by defense counsel, or requested by a member of the public shall be directed to the Office of the Legal Advisor.

Section 10: RETENTION

FIOE Reports shall be maintained in the electronic database for a period not to exceed five (5) years from the date the individual was last referenced in an FIOE Report. If an individual does not appear in the FIOE electronic database for five (5) years, all FIOE Reports naming that individual as the subject shall be deleted from the electronic database and any related paper copies shall be destroyed. The five (5) year retention period shall be tolled if an individual is incarcerated and therefore the FIOE Reports related to that individual will not be deleted as a result of inactivity during that time period.

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