

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1111.4, FIELD INTERVIEW REPORTS (FIRs) AND PHOTOGRAPHS

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CHIEF OF POLICE:	ORLANDO ROLÓN

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POLICY:

It is the policy of the Orlando Police Department to utilize the FIRs and photographs to impact criminal activity through the identification of suspicious persons, without infringing on the rights and freedoms of any individual.

This directive identifies circumstances under which field interviews are appropriate, recording the contact, routing procedures, and accountability for reviewing, handling, and disposal of photographs and Field Interview Reports (FIRs) in compliance with the public records law.

PROCEDURES:

1. DEFINITIONS

Signal 100: Subjects identified as Career Criminals in the Agency automated criminal history files.

Signal 200: Subjects who have been identified as Convicted Violent Felony Offenders in the Agency automated criminal history files.

Signal 200J: Subjects who have been identified as Convicted Violent Felony Offenders (**Juvenile**) in the Agency automated criminal history files.

Signal 300: Subjects who are of significant interest to law enforcement for investigative or tracking purposes.

Signal 400: Registered Sexual Predators and Sex Offenders in accordance with 943.0435.

Criminal Intelligence Information: Per Chapter 119, F.S., information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.

Criminal Investigative Information: Per Chapter 119, F.S., information relating to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.

Both Criminal Intelligence Information and Criminal Investigative Information do not include information in cases that are barred from prosecution by the statute of limitations. Both are considered "Active" as long as it is related to intelligence gathering conducted with a good faith belief that it will lead to detection or ongoing or reasonably anticipated criminal

activity, or if it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future. Both active criminal intelligence information and active criminal investigative information are exempt from public disclosure as per Chapter 119, F.S.

2. PROCEDURES FOR COMPLETING FIELD INTERVIEW REPORTS

Field Interview Reports (FIRs) shall be completed under the following circumstances, using the FIR form shown in Attachment A:

1. When detained or arrested individuals are identified as "Signal 100," "Signal 200," "Signal 200J," "Signal 300," and "Signal 400."
2. When "active criminal intelligence information" or "active criminal investigative information" is developed resulting from an arrest or observed suspicious activity.
3. When it is advisable to document the location and circumstances surrounding contact with a suspicious person(s) or vehicle(s).
4. Teletype Operators shall alert officers to the criminal status of the subjects by using Signal 100, 200, 200J, 300, or 400.
5. Field Interview Reports are tools for officers to document observations and perception developed during an investigation. Officers having contacts with subjects should attempt to obtain detailed information related to a subject's name, address, vehicle, phone number, associates, tattoos, or other unique identifying marks and a detailed description of property associated with the subject. This information could be an invaluable tool in locating or identifying a person if he or she becomes a victim, witness, or suspect in a future investigation.

3. RECORDING THE CONTACT

3.1 PERSONNEL COMPLETING FIELD INTERVIEW REPORTS SHALL:

- a. Document in the appropriate areas all information gathered during contact with a subject.
- b. Use the table on the back of the FIR for filling in the "Contact Reason" on the form. The block for the right thumbprint is also on the back of the officer's copy. All FIRs must have an incident number in the "Incident Number" location. Multiple subjects at the same location can be entered in the computer under one incident number. Note the employee number, date, and time on back of the photograph.
- c. Upon completing an FIR, the originator shall write the name of the investigative unit for which it is intended on the FIR in the "Route To" block.
- d. The FIR shall be turned in for supervisory approval prior to the end of tour of duty.
- e. The supervisor shall deposit the FIR into the appropriate collection bin.
- f. The officer's copy may be retained by the originating officer and may be destroyed after one year. However, care shall be used when disposing of FIRs, especially juvenile, or "active" criminal intelligence, or "active" criminal investigative FIRs. If assistance is required for proper destruction, contact the Police Records and ID Manager.

3.2 PHOTOGRAPHS

Any time a photograph is taken, an FIR must be completed with a notation in the Narrative/Comments section on why a photograph was taken. If the initiating officer desires to route the photo to an investigative unit, the photo must be attached to the copy of the FIR going to the investigative unit. (Do not attach photographs to the original FIR.) If the initiating officer keeps the photograph for his or her files, it must be noted on the FIR in the Narrative/Comments section.

4. DISTRIBUTING THE RECORD

Upon completing an FIR, the originator shall write the name of the investigative unit for which it is intended on the FIR in the "Route To" block, and deposit it into the appropriate collection bin. The Report Review/Information Unit and investigative unit copies shall be routed to the Criminal Investigations Division for separation of the original from the investigative unit's copy for data entry. The original will be sent to the Report Review/Information Unit for data entry. The copies and any photographs will be forwarded to the designated investigative unit.

Once entered, the original FIR shall be retrieved by the Career Criminal Unit from the Report Review/Information Unit for further evaluation and retention pending destruction (final disposition).

The officer's copy may be retained by the originating officer and may be destroyed after one year. However, care shall be used when disposing of FIRs, especially juvenile FIRs. If assistance is required for proper destruction, contact the Police Records and ID Supervisor.

5. PHOTOGRAPHIC PROCEDURES

Photographs of persons located in public areas, where they have no reasonable expectation of privacy, are allowed without their consent. Officers may not force a person in a consensual encounter in a public place to pose or require him or her to face the camera during the photographing. Officers, in such encounters, are not permitted to keep citizens at a location while waiting for someone to take their picture. However, if the encounter meets the criteria of a Terry stop, then the person may be required to pose for a photograph.

Photographs of individuals in public places, where they have no reasonable expectation of privacy, are lawful. Some examples are:

- a. If the person voluntarily agrees to pose for the picture, or
- b. If that person is in such a position that the officer can take the picture without seeking consent and the officer does not force the individual to pose for the picture.

The officer taking such pictures must be able to articulate rational reasons for the photograph for future legal proceedings. These reasons could include, but are not limited to:

- a. The person photographed fits the general description of someone suspected of criminal activity (particularly if that person has no proper identification).
- b. The person is suspected of criminal activity and has a tattoo or peculiar features that would readily identify him or her.
- c. The person is suspected of involvement in gang activity:
 1. Due to his or her association with known gang members
 2. The "wearing of colors," or other types of dress; or
 3. Someone who displays distinguishing gang characteristics.

Persons you can determine are already in the X-Image system do not require photographing. However, if there is a need to either update the photograph, or depict a particular feature not visible in the booking photograph, it is appropriate to take a new photograph.

6. EXEMPT RECORDS

Generally, photographs are exempt from disclosure under the public records law, as long as they remain part of active criminal intelligence or investigative information. Once it is determined that the picture is no longer needed for the purposes listed above, the protection for active intelligence or investigatory records no longer applies and the photograph becomes a public record.

7. RETENTION PROCEDURE

Officers must generate an FIR when an individual is photographed for investigative purposes. The fact that a photo was taken must be noted in the Narrative/Comments section of the FIR. The Narrative/Comments section of the FIR shall contain the name and employee number of any officer who retains custody of a photograph. Photographs should be dated for retention/destruction schedule purposes.

If the photograph is forwarded to another unit or officer, the photograph will be attached to the investigative unit copy. If the receiving officer decides to keep a photograph for his or her own purposes, he or she shall note the fact in the Narrative/Comments section of the FIR, and forward a copy to the Report Review/Information Unit for additional data entry.

FIRs and associated photographs are covered under Item #43 of the GS-2 (General Records Schedule) for the state of Florida. Originals and copies have no actual time period for retention and need only be retained until the user of the records deems them obsolete, superseded, or of no administrative value.

If a photograph is taken for other purposes, i.e., photo lineup, identifying a suspect in a criminal case, documenting injuries of a victim, etc., the retention period for the photographs will be the same as the case or document to which they are a part. In other words, if the photo lineup is part of a criminal case that must be retained for five years, the photo must be kept for the same period of time.

8. DESTRUCTION PROCEDURES

Destruction of public records must be in accordance with the state's purge and retention schedule and specific sections of the public records law. The destruction of such pictures, notes, or reports unless done under the schedule, is a misdemeanor violation. Departmental members will deal with the photographs and FIRs in the manner described in Section 7.

Records Disposition Request Forms, for the purpose of destruction, are not required and these documents may be destroyed at any time. When destruction of these documents is necessary, reasonable steps shall be taken to ensure their security, especially FIRs of juveniles. The FIR copies that have been reviewed by the designated investigative unit will only be discarded in receptacles where the contents have been designated to be shredded. When full, the receptacles should be delivered to the Police Records and ID Supervisor for shredding. For any questions regarding retention periods or destruction procedures, contact the Police Records and ID Supervisor.

9. INVESTIGATIVE SERVICES BUREAU COMMANDER RESPONSIBILITIES

On an annual basis, the Investigative Services Bureau Commander will issue a Special Notice reminding all officers to purge their files of photographs which no longer have any investigative or intelligence value.

