DETAINING WITNESSES

"Where a crime may have been committed and a suspect or important witness is about to disappear, it seems irrational to deprive the officer of the opportunity to 'freeze' the situation for a short time, so that he may make inquiry and arrive at a considered judgment about further action to be taken."[1]

For various reasons, most people who witness crimes are willing to cooperate with the police. The victim may have been a friend or relative, they may feel morally outraged at what the perpetrator did, or they may just have a strong sense of civic responsibility. In any event, most witnesses will assist officers if they can. They may even show up in court when they're subpoenaed.

Others, however, aren't so forthcoming. Often, they're just afraid. Afraid of retaliation. Afraid of the police. Afraid of the courts. Or, as is often the case, they just don't want to "get involved."

When officers encounter such a witness, they need to know their legal options. Can they detain the witness? If he's in a moving vehicle, can they make a car stop? Can they require a witness to identify himself? Or is there nothing officers can do except allow the witness to disappear?

Although these precise issues have not yet been resolved by the United States Supreme Court or the appellate courts of California,[2] these courts and others have discussed, analyzed, and ruled on a sufficient number of closely-related issues that it is now possible to make an informed judgment as to an officer's options in situations such as these. As we will now discuss, a detention of a witness ought to be upheld if it qualifies as a so-called "special needs" detention.

WHAT ARE SPECIAL NEEDS DETENTIONS?

There are essentially two kinds of detentions: (1) investigative, and (2) special needs. The most common, of course, is the investigative detention in which officers stop a person because they have reason to believe he committed a crime. A "special needs" or "suspicionless" detention, on the other hand, is justified by some legitimate law enforcement need *other than* the need to temporarily stop and question a suspect.[3]

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[1] *Barnhard* v. *Maryland* (1992) 602 A.2d 701, 708 [quoting from ALI, A Model Code of Pre-Arraignment Procedure § 110.2 at 272 (Commentary 1975)].

[2] See *Oregon* v. *Gerrish* (1991) 815 P.2d 1244, 1249 ["(The U.S. Supreme Court) has not addressed the circumstances under which a potential witness to a recently committed crime may be stopped without violating that individual's Fourth Amendment rights."]; *Metcalf* v. *Long* (1985) 615 F.Supp. 1108, 1114 ["Little authority exists on the issue of what level of suspicion is necessary to stop and question potential witnesses about a crime."]; *Williamson* v. *U.S.* (1992) 607 A.2d 471, 476 ["No Supreme Court decision cited by [the dissent] has addressed the issue whether police may detain a person in such circumstances long enough to clarify his involvement and ask about his knowledge. A substantial body of authority, however, supports the reasonableness of such a stop."]; *New York* v. *Hernandez* (1998) 679 N.Y.S. 790, 793 ["Not surprisingly this issue has received little attention in the reported cases because victims and witnesses have little reason to challenge in court their detention. It is only when evidence leading to that person's arrest develops as the result of the encounter that the courts will become involved."].

[3] See *Indianapolis* v. *Edmond* (2000) 531 US __ [148 L.Ed.2d 333, 340-1].

Actually, a special needs detention is nothing more than a fact-specific application of the familiar doctrine of exigent circumstances.[4] Under this doctrine, if there exists a "specially pressing or urgent law enforcement need" and if there is no time to obtain a warrant, officers may do what is reasonably necessary to maintain the status quo or, if possible, diffuse the situation.[5]

Two well-known examples of "special needs" detentions are international border checkpoints and DUI checkpoints. In both of these police actions, officers are permitted to briefly detain people because there is a sufficiently strong need for it, even though there is no reason to believe the people who were detained committed a crime.[6] More recently, the courts have recognized the need to conduct special needs detentions in situations not involving fixed checkpoints, specifically:

OCCUPANTS OF DRUG HOUSE: Officers arriving at a residence to execute a warrant for drugs may detain everyone inside the house.[7]

ARRIVALS AT DRUG HOUSE: Officers arriving at a residence to execute a warrant for drugs may detain all people who arrive at about the same time, and whose identity and connection to the premises are unknown and cannot immediately be ascertained.[8]

VISITORS OF PROBATIONER/PAROLEE: Officers arriving at a residence to conduct a probation or parole search may detain all visitors to determine if any are felons. The purpose is to determine if the probationer/ parolee is violating the terms of release by associating with felons.[9]

WHEN PERMITTED

Special needs detentions are permitted if the need for the detention outweighed its intrusiveness.[10] Consequently, the courts will examine the officers' reasons for detaining

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[4] See *Beauvois* v. *Alaska* (1992) 837 P.2d 1118, 1121 ["It appears the police are justified in stopping witnesses only where exigent circumstances are present, such as where a crime has recently been reported."].

[5] See *Illinois* v. *McArthur* (2001) 531 US __ [148 L.Ed.2d 838, 847]; *Michigan* v. *Tyler* (1978) 436 US 499, 509; *People* v. *Avalos* (1988) 203 Cal.App.3d 1517, 1521; *People* v. *Baird* (1985) 168 Cal.App.3d 237, 241. **NOTE:** It is almost always impractical to obtain a warrant to detain a witness. See *Terry* v. *Ohio* (1968) 392 US 1, 20 ["But we deal here with an entire rubric of police conduct—necessarily swift action predicated upon the on-the-spot observations of the officer on the beat—which historically has not been, and as a practical matter could not be, subjected to the warrant procedure."].

[6] See *Michigan State Police* v. *Sitz* (1990) 496 US 444; *United States* v. *Martinez-Fuerte* (1976) 428 US 543.

[7] See *Michigan* v. *Summers* (1981) 452 US 692. ALSO SEE *People* v. *Ingram* (1993) 16 Cal.App.4th 1745, 1751-2 [search of business for drugs may also justify an officer-safety detention].

[8] See *People* v. *Glaser* (1995) 11 Cal.4th 354, 368 ["Searching officers therefore have a legitimate interest in determining the identity and connection of a person present at or entering a search site."]. ALSO SEE *People* v. *Hannah* (1996) 51 Cal.App.4th 1335.

[9] See *People* v. *Matelski* (2000) 82 Cal.App.4th 837, 850. ALSO SEE *U.S.* v. *Vaughan* (9th Cir. 1983) 718 F.2d 332, 335 ["If the search had turned up any evidence to incriminate Vaughn, he could have been arrested also. The officers were fully justified in preventing Vaughan from walking away . . . "].

[10] See *Terry* v. *Ohio* (1968) 392 US 1, 22 ["(W)e must consider first the nature and extent of the governmental interests involved."], 24 ["We must still consider the nature and quality of the intrusion on individual rights . . ."] ; *United States* v. *Hensley* (1985) 469 US 221, 228 ["balances the nature and quality of the intrusion on personal security against the importance of the governmental interests alleged to justify the intrusion."]; *Michigan State Police* v. *Sitz* (1990) 496 US 444, 449-50; *Indianapolis* v. *Edmond* (2000) 531 US __ [148 L.Ed.2d 333, 347 ["The

the person and the manner in which they detained him. If need outweighed intrusiveness, the detention is lawful. Otherwise, it's not. As the California Supreme Court explained:

> The federal test for determining whether a detention or seizure is justified balances the public interest served by the seizure, the degree to which the seizure advances the public interest and the severity of the interference with individual liberty. ¶ California constitutional principles are based on the same considerations, i.e., balancing the governmental interests served against the intrusiveness of the detention.[11]

Accordingly, a detention of a witness ought to be upheld if the officers' need to obtain information from the witness (or at least identify him) outweighed the intrusiveness of the detention.

The need for a detention

The strength of the need to detain a witness depends on four things: (1) the seriousness of the crime under investigation, (2) the nature of the information the witness can reasonably be expected to provide, (3) the level of proof that the witness can provide such information, and (4) whether there are any less intrusive methods of obtaining the same information.

SERIOUSNESS OF THE CRIME: As the seriousness of the crime increases, the greater the likelihood the detention of a witness will be deemed necessary.[12] In the words of the Court of Appeal, the "seriousness of the offense" is a "highly determinative factor in any evaluation of police conduct."[12] Thus, although a detention might be justified if the crime was a serious misdemeanor,[13] in most cases it will be a felony, usually a major felony.

HOW CAN THE WITNESS HELP? What can officers reasonably expect to learn from the witness? Is it important or crucial information? If so, the need for will be weighty. For example, depending on the facts of the case, a witness might be able to provide the following information:

- Identify the perpetrator
- Describe the perpetrator

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constitutionality of such checkpoint programs still depends on a balancing of the competing interests at stake and the effectiveness of the program."]; *People* v. *Matelski* (2000) 82 Cal.App.4th 837, 849; *People* v. *Glaser* (1995) 11 Cal.4th 354, 363-4; *People* v. *Samples* (1996) 48 Cal.App.4th 1197, 1206; *People* v. *Hannah* (1996) 51 Cal.App.4th 1335, 1342; *People* v. *Loudermilk* (1987) 195 Cal.App.3d 996, 1001-2; *People* v. *Dominguez* (1987) 194 Cal.App.3d 1315, 1317; *People* v. *Grant* (1990) 217 Cal.App.3d 1451, 1458; *Vermont* v. *Pierce* (2001) 787 A.2d 1284, 1288 ["We agree that under some circumstances the balance tips in favor or allowing law enforcement officers to briefly stop a potential witness to a crime to obtain information even though the witness is not suspected of criminal conduct."].

[11] *Ingersoll* v. *Palmer* (1987) 43 Cal.3d 1321, 1329.

[12] See *Ingersoll* v. *Palmer* (1987) 43 Cal.3d 1321, 1338 [balancing test applied to DUI checkpoints: "Deterring drunk driving and identifying and removing drunk drivers from the roadways undeniably serves a highly important governmental interest."]; *Michigan State Police* v. *Sitz* (1990) 496 US 444, 451 [balancing test applied to DUI checkpoints: "No one can seriously dispute the magnitude of the drunken driving problem or the States' interest in eradicating it."]; *Wold* v. *Minnesota* (1988) 430 N.W.2d 171, 175.

[13] See *Vermont* v. *Pierce* (2001) 787 A.2d 1284, 1288-9 [for purpose of detaining an eyewitness, the crime of DUI—which "involves a danger or forcible injury to persons—was sufficiently serious]. **NOTE:** The Model Code of Pre-Arraignment Procedure suggests that such a detention be limited to "a misdemeanor or felony, involving danger of forcible injury to persons or of appropriation of or danger to property," and that the crime "has just been committed near the place where [the officer] finds [the witness]."

- Describe the perpetrator's car
- Eliminate another suspect as the perpetrator
- Tell what the perpetrator said or did
- Explain how and when the crime occurred
- Explain the sequence of events
- Lead officers to physical evidence
- Provide the names of other witnesses
- The identity of the perpetrator
- A description of the perpetrator's car
- A description of the perpetrator's car
- Eliminate another suspect as the perpetrator
- Exactly what the perpetrator said or did
- How and when the crime occurred
- The sequence of events
- The existence and location of physical evidence
- The names of other witnesses

For example, in *Wold* v. *Minnesota*[14] officers were dispatched to a stabbing that had just occurred on a street at about 11 P.M. While paramedics treated the unconscious victim, the officers noticed two men arguing or shouting at the paramedics. The men were detained, and Wold was pat searched. During the search, officers found a bloody knife. Wold later admitted he had stabbed the victim.

The court ruled the officers had good reasons for detaining Wold, noting that the victim was unconscious and Wold and his associate were the only two people on the scene who might have seen what happened. Said the court, "[W]e cannot fault [the officer's] conclusion that both of the individuals may have witnessed the crime, or that either or both might be potential suspects involved in the commission of this violent assault. . . ."

Similarly, in *Barnhard* v. *Maryland*,[15] officers were dispatched to a report of a stabbing at Bubba Louie's Bar. One of the officers spoke with Barnhard who was argumentative and appeared to be drunk. Barnhard claimed to know where the knife had been discarded. At the request of a detective, officers were instructed to obtain the names, addresses, and telephone numbers of all the witnesses so they could be interviewed later when they were sober. Barnhard refused several requests for ID, then started to leave the bar. When officers persisted, Barnhard became boisterous and was eventually arrested for disorderly conduct. In ruling the officers had a legal right to detain Barnhard, the court noted that, not only was the crime serious, but Barnhard "had indicated that he possessed material information" about the stabbing.

On the other hand, a detention is less apt to be upheld if there is little need for the witness's information. For example, in the New York case of *People* v. *Spencer*[16] officers made a car stop on the defendant to see if he knew the whereabouts of a friend who was

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[14] (1988) 430 N.W. 2d 171. ALSO SEE *Keeton* v. *Florida* (1983) 427 So.2d 231, 232 ["It was not unreasonable for police, responding immediately to the scene of a felony-murder, to detain appellant, who was confronted in a closed park, adjacent to the parking lot where the crime occurred shortly after midnight, after appellant told police officers that he had witnesses the flight of persons fitting the description of the alleged perpetrators."]; *Kansas* v. *Shaffer* (1977) 574 P.2d 205 [detention lawful when, immediately following a robbery-murder at gas station to which there were no witnesses, officers detained a former employee to see if he had any relevant information].

[15] (1992) 602 A.2d 701.

[16] (1995) 646 N.E.2d 785. ALSO SEE *Hawkins* v. *U.S.* (1995) 663 A.2d 1221, 1226.

wanted for a day-old assault with a deadly weapon. In ruling the detention was unlawful, the court said:

> Considered objectively, the law enforcement benefits that would accrue to the government on these facts by stopping an individual vehicle on the ground that its occupants *might* know the whereabouts of an individual suspected of past criminal activity are marginal

Similarly, in *Castle* v. *Alaska*[17] an officer stopped a car because one of its headlights was out. After the officer learned the driver's license was revoked, he detained the passenger ostensibly because he was a witness to the infraction of driving with an inoperable headlight. In ruling the detention was unlawful, the court noted, among other things, that the need for an eyewitness was minimal because the officer, himself, was an eyewitness.

LEVEL OF PROOF: The need or justification for the detention also depends on the level of proof that the detainee can actually assist officers. For example, if officers have only a "hunch" that a certain person was a witness to a crime, the law enforcement interest in detaining the person might be considered marginal.[18] On the other hand, the need for the detention would be much greater if officers had probable cause to believe the detainee was a witness.[19]

Such probable cause may be based on direct evidence, such as information from an eyewitness who told officers that the detainee also witnessed the crime.[20]It may also be based on reasonable inference. One common inference goes like this: (1) the crime just occurred, (2) the perpetrator fled in the direction of a certain area, (3) officers see a person in the area under circumstances in which it is reasonable to believe he saw the perpetrator.

For example, in *Baxter* v. *Arkansas*,[21] two men armed with handguns and wearing Halloween masks robbed a jewelry store in Little Rock at about 4 P.M. Witnesses said the men fled through the rear door into a wooded area adjoining a park. One of the responding officers went directly to the park. As he arrived, the only person he saw was a man driving through the park from the direction of the jewelry store. The officer stopped the man to determine if he "had seen anybody in the park." During the stop, the officers spotted the two robbers hiding in the back seat. In ruling the car stop was lawful, the court observed, "The time sequence was such that a person in Kanis Park about the time that appellant was stopped likely would have seen the robbers—there being no one else in the park on this rainy afternoon."

Similarly, in *Beauvois* v. *Alaska*[22] a man armed with a knife robbed a 7-Eleven store in Fairbanks at 2:50 A.M. The robber was last seen on foot, running in the direction of a

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[17] (2000) 999 P.2d 169.

[18] See *Idaho* v. *Wixom* (1997) 947 P.2d 1000 [car stop unlawful when officer at the scene of a vehicle accident stopped a motorist approaching the scene to determine if the occupants "had any information regarding the accident."].

[19] **NOTE:** Probable cause is also the standard of proof suggested in the Model Code of Pre-Arraignment Procedure. Although the Code uses the term "reasonable cause," it has elsewhere employed that term to denote probable cause. See 2 LaFave, *Search and Seizure* (3rd edition) §3.2(e) p.64.

[20] See *New York* v. *Hernandez* (1998) 679 N.Y.S. 790, 795. **NOTE:** The court in *Hernandez* demonstrated a good grasp of the issue when it pointed out, "It is ironic that Detective Nelson was not able to get these witnesses' names during this fast breaking situation. Perhaps if he had detained them . . . but then, that is the issue before us now."

[21] (1982) 626 S.W.2d 935. ALSO SEE *Williamson* v. *U.S.* (1992) 607 A.2d 471, 476 [officer reasonably believed that a car leaving the scene of a shooting that just occurred contained the shooter or a witness].

[22] (1992) 837 P.2d 1118.

campground. A short time later, an officer arrived at the only entrance to the campground. He waited there, intending to "stop any moving vehicle, under the assumption that, while most people would be sleeping at 3 A.M., anyone who was awake might have seen something." Just then, a Corvette occupied by two men was leaving, so he stopped it.[23] The men were arrested when the officer determined that one of them was the robber. On appeal, the court ruled the car stop was lawful because:

> It was reasonable to suspect that the occupants of the Corvette had been awake in the campground when the robber came through, and that they might have seen something. Under these circumstances, and especially given the recency and the seriousness of the crime, prompt investigative efforts were justified. Even though [the officer] had no other information to link the Corvette or its occupants to the robbery, he could validly stop the car and ask its occupants if they knew anything or had seen anything that might aid [the officer's] investigation of the crime that had just been committed.

A reasonable belief that a person possessed important information about a serious crime may be based on other circumstances, such as the person's act of intentionally calling attention to himself at the crime scene. Thus, in *South Dakota* v. *Herrboldt*[24] the court ruled a car stop was lawful because the driver, as he passed the scene of an armed robbery late at night, honked at officers and kept driving. Said the court:

> The [car stop] was not the product of mere whim, caprice, or idle curiosity. [The defendant] honked his horn while law enforcement officers were investigating the scene of an armed robbery. [These were] specific and articulable facts to stop him to determine whether he had any information about the robbery or involved therein. [Defendant] essentially invited the officers to stop him by honking his horn while driving past them at the scene of an armed robbery. This is a "stop by invitation."

ALTERNATIVES TO A DETENTION: Finally, the need to detain a witness also depends on whether it was reasonably possible to obtain the same information through some less intrusive means. For example, there might be little or no need to detain the witness for the purpose of identifying him if someone on the scene identified him to officers, or if officers already knew the witness's name, or it they knew the license number of his car or had other identifying information.[25]

Intrusiveness of the detention

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[23] **NOTE:** The officer testified he stopped the car to see if anyone inside matched the description of the robber. The court pointed out that even if he did not stop the car to see if any occupants were witnesses, his "subjective intent when he stopped the car is irrelevant. The test is whether, under the facts known to the police officer, the stop of the car was objectively justified."].

[24] (1999) 593 N.W.2d 805.

[25] See *U.S.* v. *Ward* (9th Cir. 1973) 488 F.2d 162, 169 [detention of a possible witness in non-emergent crime was unlawful because FBI agents knew his name, and where he lived and worked]; *New York* v. *Spencer* (1995) 646 N.E.2d 785, 790 [detention unlawful where officers detained a friend of a named suspect in a one-day old ADW to determining if the friend might know the suspect's whereabouts]; *Vermont* v. *Pierce* (2001) 787 A.2d 1284, 1289 ["(I)n most cases the officer will be able to eventually identify the [a witness who is driving a car] through the license number. Nevertheless, the license number will not always allow identification of the occupants of a vehicle, and a very brief stop will produce that identification."]. **NOTE:** Courts have sometimes indicated that another relevant factor is the "freshness" of the crime; i.e., how long ago did it occur? See, for example, *New York* v. *Spencer* (1995) 646 N.E.2d 785, 788. Although "freshness" or "staleness" might be relevant in determining how the eyewitness might be able to assist officer, it is unlikely a court would rule that an otherwise reasonable detention of an eyewitness to a multiple murder was unlawful because the murder occurred two weeks earlier.

All detentions are intrusive.[26] But not all detentions are equally intrusive. There are several things officers can do—or not do—that will affect the intrusiveness of a detention. The following are especially important:

- **MANNER OF STOPPING:** How did the officers stop the person? For example, a detention of a person in a moving vehicle by means of a car stop might be viewed as more intrusive that a walking stop or telling a person at the scene of a crime or other place to "stay put," especially if the person was not in the process of leaving.[27]
- **LENGTH OF DETENTION:** A brief detention is obviously less intrusive than a lengthy one.[28]
- **DRAWN WEAPONS:** The height of intrusiveness.[29]
- **RESTRAINT:** Whether the detainee was handcuffed, placed in the caged section of a patrol car, or otherwise restrained.[30]
- **PAT SEARCH:** Whether the detainee was patted down.[31]
- **LOCATION:** Whether the detention occurred in a public place where the detainee would be subjected to public embarrassment.[32]
- **OFFICERS' TONE:** Even though officers made it clear the person was not free to leave, the intrusiveness of the detention may be reduced if officers took the time to explain why they wanted to talk to the suspect, what they were attempting to accomplish or apologized for the intrusion.[33]

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[26] See *Terry* v. *Ohio* (1968) 392 US 1, 16 ["It must be recognized that whenever a police officer accosts an individual and restrains his freedom to walk away, he has 'seized' that person."].

[27] See *People* v. *Hannah* (1996) 51 Cal.App.4th 1335, 1344 [officers asked two men, who were seated in the living room of a house being searched, "if they could just stay seated where they were at."]; *New York* v. *Spencer* (1995) 646 N.E.2d 785, 787 ["(T)he obvious impact of stopping the progress of an automobile is more intrusive that the minimal intrusion involved in stopping a pedestrian. . . ."]. BUT ALSO SEE *Vermont* v. *Pierce* (2001) 787 A.2d 1284, 1288-9 [car stop to briefly question a witness to DUI was "a very limited interference with the witness's privacy and freedom of movement . . ."].

[28] See *People* v. *Glaser* (1995) 11 Cal.4th 354, 366 ["Several circumstances diminish the intrusiveness of the initial detention here. First and foremost, it was extremely brief [two minutes or less]."]; *Ingersoll* v. *Palmer* (1987) 43 Cal.3d 1321, 1333 ["Such a stop entailed only a brief detention, requiring no more than a response to a question or two and possible production of a document."]; *People* v. *Hannah* (1996) 51 Cal.App.4th 1335, 1344 ["(T)he duration of defendant's detention was, at most, several minutes. Although the duration of a detention is not determinative of its reasonableness, its brevity weighs heavily in favor of a finding of reasonableness."]; *People* v. *Matelski* (2000) 82 Cal.App.4th 837, 849; *People* v. *Samples* (1996) 48 Cal.App.4th 1197, 1207; *Michigan State Police* v. *Sitz* (1990) 496 US 444, 451-2.

[29] See *People* v. *Hannah* (1996) 51 Cal.App.4th 1335, 1344; *People* v. *Samples* (1996) 48 Cal.App.4th 1197, 1207.

[30] See *People* v. *Hannah* (1996) 51 Cal.App.4th 1335, 1344; *People* v. *Samples* (1996) 48 Cal.App.4th 1197, 1207.

[31] See *People* v. *Hannah* (1996) 51 Cal.App.4th 1335, 1344; *People* v. *Samples* (1996) 48 Cal.App.4th 1197, 1207.

[32] See *People* v. *Glaser* (1995) 11 Cal.4th 354, 367; *People* v. *Hannah* (1996) 51 Cal.App.4th 1335, 1344; *People* v. *Matelski* (2000) 82 Cal.App.4th 837, 850 ["(T)here was no particular embarrassment or stigma attached to the detention because it was no viewed by the public."]; *People* v. *Samples* (1996) 48 Cal.App.4th 1197, 1207 ["(T)he intrusiveness of the detention was minimal: it took place on a dark cul-de-sac, with a minimum of onlookers . . . ."].

[33] See *People* v. *Hannah* (1996) 51 Cal.App.4th 1335, 1344 [detention was by means of "moral suasion rather than any threat of force"]; *People* v. *Spicer* (1984) 157 Cal.App.3d 213, 219 ["It is especially pertinent to this case that the officer did not explain to Ms. Spicer his reason for requesting her driver's license."]; *People* v. *Matelski* (2000) 82 Cal.App.4th 837, 849-50 [officer

- **WARRANT CHECK:** If officers ran a warrant check on the detainee, whether the warrant check was reasonably necessary.[34]
- **SEEK ID:** Although commanding a detainee to produce ID is more intrusive than "requesting it," a demand does not significantly increase the intrusiveness of a detention if there was, in fact, a need to identify the detainee.[35]
- **TRANSPORTING THE DETAINEE:** Officers may not transport the detainee from the scene of the detention unless there is good cause to do so, or the detainee voluntarily consents.[36]

A final note

Although detentions of witnesses may be lawful under certain circumstances, they should be used only as a last resort. The best witness—the most helpful witness—is one who is cooperating voluntarily. A witness quickly looses any desire to assist officers if he and the officers have become adversaries. Consequently, officers should always try to obtain the witness's cooperation by, for example, taking the time to explain why they need the witness's help, why it's important, and how much it is appreciated.

"explained the purpose of the contact for five or ten minutes]; *Ford* v. *Superior Court* (2001) 91 Cal.App.4th 112, 128; *U.S.* v. *Thompson* (7th Cir. 1997) 106 F.3d 794.

[34] See *People* v. *Matelski* (2000) 82 Cal.App.4th 837, 852-3.

[35] See *People* v. *Loudermilk* (1987) 195 Cal.App.3d 996, 1002 ["Without question, an officer conducting a lawful (detention) must have the right to make this limited inquiry (asking suspect to identify himself), otherwise the officer's right to conduct an investigative detention would be a mere fiction. As part of this inquiry, the police officer may require the suspect to produce proof of identification, if he has it."]; *People* v. *Long* (1987) 189 Cal.App.3d 77, 86-9. *People* v. *Rios* (1983) 140 Cal.App.3d 616, 621; *Berkemer* v. *McCarty* (1984) 468 US 420, 439; *People* v. *Vermouth* (1971) 20 Cal.App.3d 746, 752; *In re Gregory S.* (1980) 112 Cal.App.3d 764, 777.

[36] See *Hayes* v. *Florida* (1985) 470 US 811, 816; *Dunaway* v. *New York* (1979) 442 US 200, 216; *Florida* v. *Royer* (1983) 460 US 491, 504-5; *Davis* v. *Mississippi* (1969) 394 US 721; *In re Dung T.* (1984) 160 Cal.App.3d 697, 714; *People* v. *Soun* (1995) 34 Cal.App.4th 1499, 1519-20; *In re Carlos M.* (1990) 220 Cal.App.3d 372, 383; *People* v. *Boyer* (1989) 48 Cal.3d 247, 267-8; *People* v. *Campbell* (1981) 118 Cal.App.3d 588, 596; *People* v. *Singer* (1990) 226 Cal.App.3d 23, 46; *Ortega* v. *Superior Court* (1982) 135 Cal.App.3d 244, 255; *People* v. *Davis* (1981) 29 Cal.3d 814, 820-2.