



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## Procedure 508 – Field Contacts

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Forms Referenced in Procedure:	SAPD Form #2-3	Related Procedures:	None

### .01 INTRODUCTION

- A. This procedure is designed to assist officers in determining how and when it is appropriate to stop persons for interviews and interrogations, and when it is appropriate to conduct a frisk.
- B. Officers are reminded they must exercise discretion in the use of their authority to field contact, stop, interview, interrogate, and frisk a person.

### .02 TERMINOLOGY *(For specific use within this procedure, see Glossary)*

Access Area	Armed	Field Contact	Contraband	Frisk	Interrogation
Interview	Outer Clothing	Reasonable Suspicion	Search	Stop	Stop and Frisk
Suspect					

### .03 FIELD CONTACTS

- A. An officer, in a place he has a lawful right to be, may field contact any person and interview him under circumstances where the officer feels the interview is necessary. However, the officer may not arbitrarily stop any person he sees on the streets.
- B. An officer identifies himself as an officer when initiating a field contact, unless his identity is obvious.
- C. Persons who are field contacted and who are not suspects may not be detained against their will for the purpose of an interrogation. They may be requested to identify themselves, however they are not compelled to do so.
- D. Persons field contacted are permitted to go on their way if they choose to do so.
- E. If, during a field contact, an officer develops reasonable suspicion to believe the person is involved in criminal activity, the person may be considered a suspect and detained.

### .04 STOPS FOR INTERROGATION

- A. An officer may stop a suspect for the purpose of conducting an interrogation.
- B. A suspect may be temporarily detained for the purpose of conducting an investigation and is not free to leave. The person may be restrained from leaving, if necessary. An officer may use the amount of force necessary, except deadly force, unless deadly force is offered, to detain and overcome resistance of a suspect who is detained against his will.
- C. In identifying a person as a suspect, the officer must be able to point to specific suspicious conduct or circumstances to justify the detention. Examples of these elements which would assist an officer in justifying a stop and detention are:
  - 1. The person is making evasive or furtive movements;
  - 2. The person fits a wanted notice;
  - 3. The person is near the scene of a recently committed/reported crime;



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4. The person's demeanor or presence is unusual for the time or the place; and/or
  5. The officer has received information the person is involved in criminal activity.
- D. In evaluating the person's conduct or appearance, an officer can rely on his training and experience to determine whether or not the person is a suspect.
- E. An officer can base his suspicion that a person is a suspect on information received from a citizen informant, including an anonymous informant.
- F. An officer must be able to explain the reason why a person was detained and interrogated. He does not need to point to any one thing which alone would justify his action but should refer to several things, each of which when taken alone may seem harmless, but when considered together by an officer who is trained or experienced in detecting criminal activity, raises a reasonable suspicion of a person's involvement in criminal activity.
- G. A suspect lawfully stopped for an interrogation may be detained for the length of time necessary to:
1. Verify his identification;
  2. Account for his conduct;
  3. Account for his presence; and
  4. Ascertain whether a crime has been committed.
- H. A suspect who is detained against his will is informed by the officer he is not under arrest, but is being temporarily detained to determine if he is involved in any criminal activity.
- I. A suspect who is not under arrest and who is detained against his will is released:
1. As soon as he provides a satisfactory explanation of his presence and his actions; or
  2. After thirty (30) minutes, if the officer has been unable to develop probable cause for an arrest.

### **.05 FRISKS**

- A. An officer may frisk a person whom he has stopped or field contacted at any time during the encounter if he has reasonable suspicion to fear for his safety. The frisk must be justified independent of the field contact or stop.
- B. The only purpose of a frisk is to find weapons which might put the officer or other bystanders in danger.
- C. Officers consider the following factors in developing reasonable suspicion for a frisk:
1. The person makes furtive or evasive moves;
  2. A companion is found to be armed;
  3. The person is a suspect in an offense which involved the use of a weapon;
  4. There are bulges in the person's clothing or efforts by the person to conceal an object;
  5. Knowledge by the officer the person has been reported to customarily or occasionally carry weapons;
  6. The person's clothing is peculiar (i.e., wearing a coat during the summer); or



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7. Upon receiving information from an informant the person is armed.
- D. A police officer must be able to explain why a person was frisked. The officer need not point to any one thing which would justify the frisk, but should refer to several things, each of which, when taken alone may seem harmless, but when considered together by an officer who is trained or experienced in dealing with criminal suspects, raises a reasonable suspicion the person poses a threat to the officer's safety.

### **.06 SCOPE OF FRISKS**

- A. A frisk is limited to the search of a person's access areas.
- B. In situations where the person is a female, a female officer should conduct the frisk of the person. In cases where a male officer has reasonable suspicion to believe a weapon is secreted in a particular place on a female and a female officer is not present, the male officer may reach directly into that area to seize the weapon.
- C. An officer may frisk a person's vehicle if the person is in the vehicle or near enough to the vehicle to reach in it at the time of the stop or field contact and the officer has reasonable suspicion to believe the vehicle contains a weapon.

### **.07 RESULTS OF FRISKS**

- A. When an officer, during the course of a frisk, feels an object or item he reasonably suspects is a weapon, the officer removes the object or item for closer examination. An officer may reach into or under clothing to seize the suspected weapon.
- B. If the object or item removed is a weapon, and the person is not exempt from the Texas Penal Code provisions prohibiting the carrying or possession of the weapon, the officer arrests the person. The weapon is listed as evidence and a search of the person is conducted incidental to the arrest.
- C. If the object or item removed reasonably appears to be or contains contraband or evidence, the officer arrests the person. The item or object is listed as evidence and the officer conducts a search of the person incidental to the arrest.
- D. An officer, while conducting a frisk for weapons, who feels an item immediately recognized to be contraband or evidence, may seize that item. For the Plain Feel Doctrine to apply, officers are not allowed to manipulate the item for identification as contraband or evidence.

### **.08 REPORTS**

- A. An officer documents all field contacts using SAPD Form #2-3 in the following situations:
  1. When the officer stops and interrogates a suspect who was not arrested and the details of the stop and interrogation are not included in an offense or incident report; or
  2. When the officer conducts a frisk of a person who was not arrested and the details of the frisk are not included in an offense or incident report.