TEXARKANA POLICE DEPARTMENT
GENERAL ORDERS MANUAL

SUBJECT	Field Interviews and Investigative Detentions		
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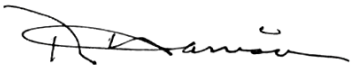
APPROVED BY		(Reserved for Expansion)	*Formerly 1105.02*

I. Purpose and Scope

A. A large portion of a law enforcement officer's functional tasks are governed by distinct and well established rules, guidelines, laws and court opinions. Law enforcement officers in the field have within their disposal many investigative tools, and one of the most widely used investigative tools is the process of field interviews and investigative detentions. This policy establishes Departmental guidelines and procedures that serve to govern the manner in which field interviews and investigative detentions are conducted by the officers of the Agency.

II. Policy

A. It shall be the policy of the Texarkana Police Department to encourage its officers to conduct and manage legitimate field interviews as an investigative tool that facilitates crime prevention as well as the gathering of information. Properly conducted field interviews remain valuable tools in collecting, preserving and disseminating information concerning potential suspects and/or criminal activity. Officers of the Department must adhere to the legal premise on which all field interviews are based: Reasonable Suspicion. All members of the Department shall recognize and adhere to the guidelines established within this policy.

III. Definitions

A. **Reasonable Suspicion**—The U.S. Supreme Court has defined reasonable suspicion as the sort of common-sense conclusion about human behavior upon which practical people are entitled to rely. Reasonable suspicion must be based on something more than an unarticulated hunch. For purposes surrounding field interviews and investigative detentions within the State of Arkansas **[***Rule 3.1, Arkansas Rules of Criminal Procedure***]**, reasonable suspicion must be based upon facts or circumstances that lead a reasonable officer to believe a person has committed or is about to commit the following categories of criminal offenses:

1. A felony offense;

2. A misdemeanor offense involving the danger of forcible injury to persons;

3. The theft of property; or

4. The damage to property.

B. **Field Interview (Investigative Detention)**—A brief detainment of an individual—whether on foot or in a vehicle—for the purpose of determining the individual's identity, determining the purpose or reason for the conduct in which the person is engaged and resolving the officer's suspicions with respect to the specific facts and circumstances that led to the development of the reasonable suspicion threshold.

1. *Rule 3.1, Arkansas Rules of Criminal Procedure,* prescribes a fifteen (15) minute time limit for investigative detentions. Additional information regarding the prescribed time limit can be found in Section IV, Paragraph B of this policy.

C. **Consensual Encounter**—For purposes of this policy, a consensual encounter is defined as any encounter between a citizen and an officer of the Texarkana Police Department whereby—under all of the circumstances of the encounter—a reasonable citizen believes he/she is free to end the encounter and terminate contact with the officer. A consensual encounter does not require the officer to develop any prescribed level of suspicion with regard to the person who becomes the focus of the encounter.

1. Consensual encounters can rise to the level of an investigative detention—which equates to the person's seizure—if the circumstances of the encounter change to the degree that causes the person to believe they are not free to end the encounter and terminate contact with the officer. Should the officer choose to continue the encounter, the officer must have developed—at a minimum—reasonable suspicion with respect to the citizen.

D. **Pat-Down Search (Terry Frisk)**—A search narrowly limited to the person's outer clothing or the immediate surrounding area specifically targeted towards the discovery and seizure of weapons or any other dangerous item that may be used against the officer or others.

1. Pat-Down searches shall be distinct from all searches incident to the arrest of an individual. All pat-down searches must be supported by facts and circumstances that lead the officer to reasonably suspect the person is armed and presently dangerous to the officer or others. The pat-down search must be limited to the person's outer clothing and cannot be more extensive than is reasonably necessary to ensure the safety of the officer or others.

IV. Procedure

A. Field Interview (Investigative Detention)

1. Unless the officer establishes a consensual encounter with the individual, officers of the Texarkana Police Department may stop and detain individuals for the purpose of conducting a field interview only where reasonable suspicion with respect to the individual has been developed by the officer. The reasonable suspicion standard need not meet the test for probable cause sufficient to make an arrest of the individual.

2. In justifying the stop, officers of the Texarkana Police Department must be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Although not inclusive, such facts include the following:

   a. The demeanor of the suspect;

   b. The gait and manner of the suspect;

   c. Any knowledge the officer may have regarding the suspect's background or character;

   d. The manner in which the suspect is dressed, including bulges in clothing, when considered in light of all other factors;

   e. Any overheard conversation of the suspect;

f. The particular streets or geographical area involved;

g. Any information received from third persons, whether known or unknown;

h. Whether the suspect is consorting with others whose conduct is reasonably suspect;

i. The suspect's proximity to known criminal conduct;

j. Incidence of crime in the immediate neighborhood;

k. The suspect's apparent effort to conceal an article; and

l. The suspect's apparent effort to avoid identification and/or confrontation by the police.

B. **Guidelines for Initiating and Conducting Field Interviews**

1. When approaching the suspect, the officer shall clearly identify himself/herself as a law enforcement officer. If not in uniform, the officer shall display the appropriate Texarkana Police Department identification.

2. Officers shall be courteous at all times during the contact but maintain caution and vigilance for furtive movements on the part of the suspect to retrieve weapons, conceal/discard contraband or any other suspicious actions on the part of the suspect.

3. Before approaching more than one suspect, individual officers should determine whether the circumstances warrant backup assistance from other officers and whether the contact can and should be delayed until the additional backup assistance has arrived.

4. Officers shall confine their questions to those concerning the suspect's identity, place of residence and other inquires necessary to resolve the officer's suspicions; however, under no circumstances shall an officer detain a suspect longer than is reasonable necessary to make these limited inquires.

   a. An officer may detain a person in the place where he is stopped no more than fifteen (15) minutes, or for a reasonable amount of time as determined by the circumstances. **[***Rule 3.1, Arkansas Rules of Criminal Procedure***]**

5. In order to conduct field interviews or investigative detentions, officers are not required to give a Miranda warning to suspects; however, once the officer develops additional information sufficient to establish probable cause for the suspect's arrest—**and the officer initiates the process of custodial interrogation**—a Miranda warning should be given to those suspects who have become the target of the arrest.

6. Suspects are not required—nor can they be compelled—to answer any questions posed during field interviews. Failure to respond to an officer's inquires is not, in and of itself, sufficient grounds to make an arrest; however, it may provide sufficient justification for additional observation and investigation.

7. Officers may use non-deadly force—reasonable under the circumstances—to stop and detain a person where the stop is otherwise permitted. **[***Rule 3.3, Arkansas Rules of Criminal Procedure***]**

C. **Justification for Conducting Pat-Down Searches**

1. Officers of the Texarkana Police Department have the right to perform a pat-down search for weapons of the suspect's outer garments provided the suspect has been legitimately stopped

under the tenants of reasonable suspicion and only when the officer develops a reasonable fear for his/her own safety or the safety of others.

2. Not every field interview presents sufficient justification for conducting a pat-down search; however, the following is a list of some criteria that may form the basis for establishing justification for performing a pat-down search. This is not an inclusive list, as there are other factors that could or should be considered. The existence of one of these factors may be required to support reasonable suspicion of the pat-down search:

   a. The type of crime suspect, particularly those crimes of violence where the use or the threat of a deadly weapon is involved;

   b. Where more than one suspect must be handled by a single officer;

   c. The hours of the day and the location or neighborhood where the stop takes place;

   d. Prior knowledge of the suspect's use of force and/or the propensity of the suspect to carry deadly weapons;

   e. The appearance and demeanor of the suspect;

   f. Visual indicators which might suggest the suspect is carrying a firearm or other deadly weapon; and

   g. The age and gender of the suspect.

3. Whenever possible, pat down-searches should be performed by officers of the same sex and within the view of the officer's mobile video recording equipment. For additional information concerning the searching of suspects, refer to *General Order 1102.29---Prisoner Handling and Transportation*.

D. **Procedures for Conducting Pat-Down Searches**

1. When reasonable suspicion exists to perform a pat-down search, the search should be performed with due caution, restraint and sensitivity. Pat-down searches are only justifiable and may only be performed to protect the safety of officers or others. Pat-down searches shall not be utilized as a pretext for obtaining evidence. Pat-down searches should be conducted in the following manner:

   a. Whenever possible, pat-down searches should be conducted by at least two (2) officers, one who performs the search itself and the second used to provide protective cover.

   b. Because pat-down searches are cursory in nature, they should be performed as the suspect remains in a standing position or with his/her hands placed against a stationary object.

   c. During pat-down searches, officers are only permitted to feel the outer clothing of the suspect. Officers may not place his/her hands in pockets unless he/she feels an object that is reasonably determined to be a weapon, such as a firearm, knife or other item.

      (1) Under the Plain Touch doctrine, when an officer is conducting a pat-down search of the suspect's outer clothing for weapons and feels an object whose incriminating nature is immediately apparent by its size or shape, the officer may seize the object without a warrant.

      (2) If the pat-down search extends beyond the permissible scope, and it is not immediately apparent that the item is subject to seizure, or if the object must be squeezed or

manipulated in any manner in order to make that determination, then the item cannot be seized.

d. If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack or other item that may conceal a weapon, the officer should not open the item but instead place the item out of the suspect's reach.

(1) Independent of the reasonable suspicion to conduct the pat-down search, an exemption to this requirement might develop if the officer develops probable cause to search for and seize the item.

e. If the pat-down search of the suspect's outer clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, the officer may only retrieve the weapon.

(1) If possession of the weapon violates Arkansas law, then the officer may arrest the suspect for the violation and conduct a search incident to the arrest.

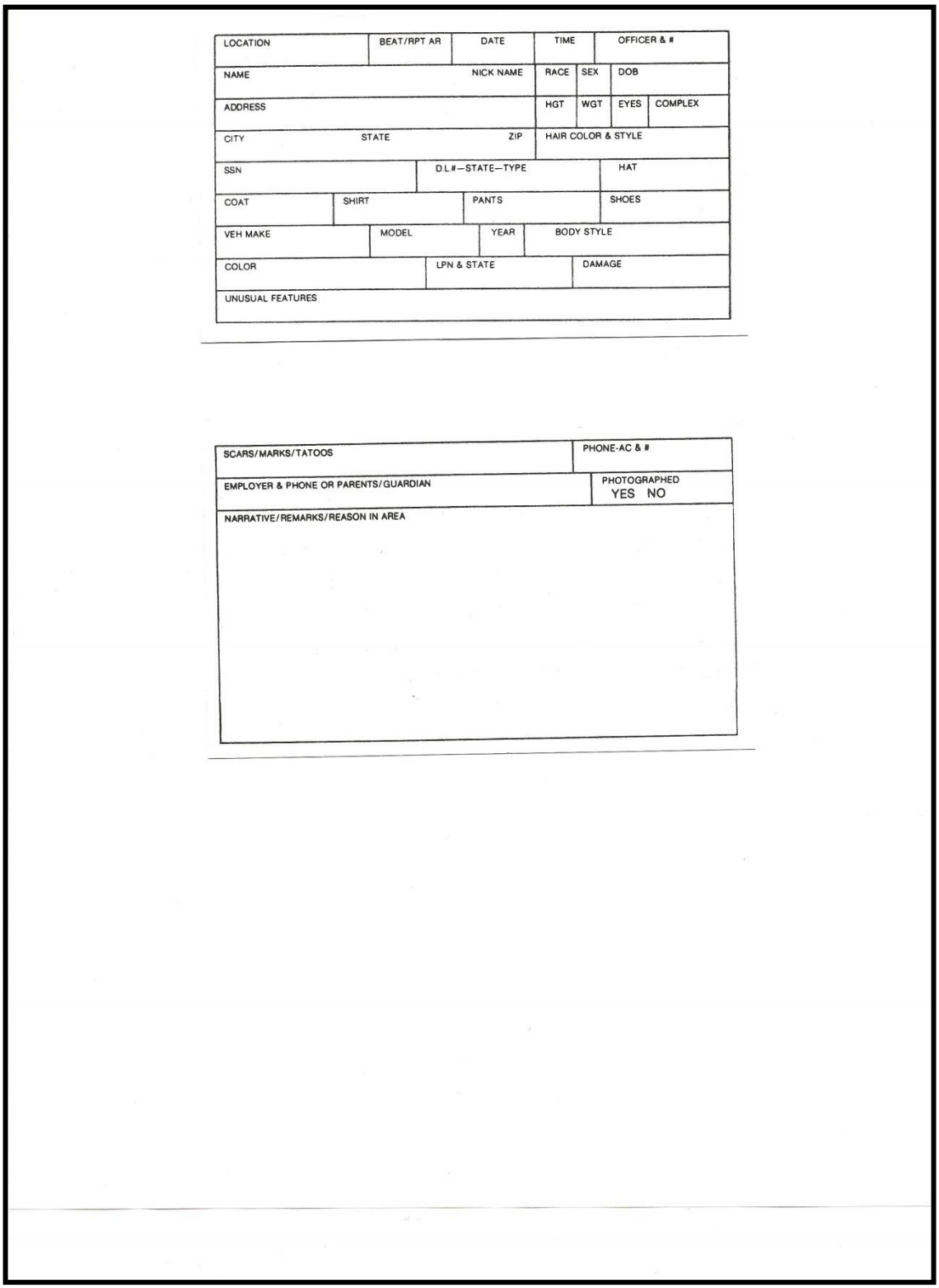
E. Documentation of Field Interviews

1. Officers shall document all field interviews on a Department approved Field Interview Card or by completing the appropriate fields within ADSI's Field Interview module. This documentation will provide other officers and investigators with information concerning suspicious activities and/or persons. Completed Field Interview Cards shall be submitted with the officer's other paperwork and forwarded to the Criminal Investigation Division (CID).

2. A CID supervisor will ensure the information on each Field Interview Card is disseminated during CID's daily roll call briefing. The CID secretary will enter each Field Interview Card into ADSI's Field Interview module. This will enable the information from the card to be accessible to all members of the Texarkana Police Department.

V. Forms

A. **Field Interview Card**



LOCATION	BEAT/RPT AR	DATE	TIME	OFFICER & #
NAME		NICK NAME	RACE / SEX	DOB
ADDRESS			HGT / WGT / EYES	COMPLEX
CITY	STATE	ZIP	HAIR COLOR & STYLE	
SSN	D.L.#—STATE—TYPE		HAT	
COAT	SHIRT	PANTS	SHOES	
VEH MAKE	MODEL	YEAR	BODY STYLE	
COLOR	LPN & STATE		DAMAGE	
UNUSUAL FEATURES				

SCARS/MARKS/TATOOS	PHONE-AC & #
EMPLOYER & PHONE OR PARENTS/GUARDIAN	PHOTOGRAPHED YES NO
NARRATIVE/REMARKS/REASON IN AREA	