



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



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SUBJECT: FIELD INTERVIEWS AND PAT-DOWN SEARCHES

1.0 PURPOSE

The purpose of this policy is to help officers determine when field interviews and pat-down searches are warranted and to establish the proper way to conduct them.

2.0 POLICY

The field interview is an important point of contact for officers in preventing and investigating criminal activity. Even when conducted with respect for involved citizens and in strict compliance with the law, the field interview can be perceived by some as police harassment or intimidation conducted in a discriminatory manner against groups or individuals. In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers who must approach suspicious individuals, law enforcement officers shall conduct field interviews and perform pat-down searches in conformance with procedures set forth in this policy.

3.0 APPLICABILITY

This policy applies to all commissioned personnel of the Department of Public Safety.

4.0 REFERENCES

- A. Article II Section 10 – New Mexico State Constitution**
- B. CALEA Chapter 41- Patrol**
- C. Fourth Amendment – United States Constitution**

5.0 DEFINITIONS

- A. Field Interview** - 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 concerning criminal activity.
- B. Pat-Down Search** - A “frisk” or external feeling of the outer garments of an individual for weapons only.
- C. Reasonable Suspicion** – An articulable, objectively justifiable suspicion that is based on specific facts or circumstances that lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed; more than a hunch.

6.0 PROCEDURES

- A. FIELD INTERVIEWS**

FIELD INTERVIEW AND PAT-DOWN SEARCHES

1. Justification for Conducting Field Interviews: Law enforcement officers may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling, but need not meet the test for probable cause sufficient to make an arrest. In justifying the stop, the officer must be able to point to specific facts that, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:
 - a. The appearance or demeanor of an individual suggests that he or she is part of a criminal enterprise or is engaged in a criminal act.
 - b. The actions of the individual suggest that he or she is engaged in a criminal activity.
 - c. The hour of day or night is inappropriate for the individual's presence in the area.
 - d. The individual's presence in a neighborhood or location is inappropriate.
 - e. The individual is carrying a suspicious object.
 - f. The individual's clothing bulges in a manner that suggests he or she is carrying a weapon.
 - g. The individual is located in proximate time and place to an alleged crime.
 - h. The officer has knowledge of the individual's prior criminal record or involvement in criminal activity.
 - i. The individual flees at the sight of a police officer.
2. Procedures for Initiating Field Interviews: Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a suspect if he has reasonable suspicion to do so. The following guidelines shall be followed when making an authorized stop to conduct a field interview.
 - a. When approaching the suspect, the officer shall clearly identify himself as a law enforcement officer, if not in uniform, by announcing his identity and displaying departmental identification.
 - b. Officers shall be courteous at all times during the contact but maintain caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband or other suspicious actions.
 - c. Before approaching more than one suspect, individual officers should determine whether the circumstances warrant a request for backup assistance and whether the contact can and should be delayed until such assistance arrives.
 - d. Officers shall confine their questions to those concerning the suspect's identity, place of residence, and other inquiries necessary to resolve the officer's suspicions. However, in no instance shall an officer detain a suspect longer

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than is reasonably necessary to make these limited inquiries and resolve suspicions.

- e. Officers are not required to give suspects *Miranda* warnings in order to conduct field interviews unless the person is in custody and about to be interrogated.
- f. Suspects are not required, nor can they be compelled, to answer any questions posed during field interviews. Failure to respond to an officer's inquiries is not, in and of itself, sufficient grounds to make an arrest although it may provide sufficient justification for additional observation and investigation.

B. PAT-DOWN SEARCHES

1. Justification for Conducting Pat-Down Searches: A law enforcement officer has the right to perform a pat-down search of the outer garments of a suspect for weapons if: (1) the suspect has been legitimately stopped with reasonable suspicion and (2) only when the officer has reason to believe that the suspect possesses weapons on his or her person and poses a threat to the officer's or another person's safety. Not every field interview poses sufficient justification for conducting a pat-down search. Following are some criteria that may form the basis for establishing justification for performing a pat-down search. Officers should note that these factors are not all-inclusive; there are other factors that could or should be considered. The existence of more than one of these factors may be required in order to justify a pat-down search.
 - a. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
 - b. Where more than one suspect must be handled by a single officer.
 - c. The hour 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 propensity to carry deadly weapons.
 - e. The appearance and demeanor of the suspect.
 - f. Visual indications that suggest that the suspect is carrying a firearm or other deadly weapon.
 - g. The age and gender of the suspect. Whenever possible, pat-down searches should be performed by officers of the same sex.
2. Procedures for Performing a Pat-Down Search: When reasonable suspicion justifies a pat-down search, the search should be performed with due caution, restraint, and sensitivity. These searches may only be performed to protect the safety of officers and others and may never be used as a pretext for shaking down individuals or groups of individuals to obtain evidence or for other purposes. Pat-down searches should be conducted in the following manner.

