POLICY/PURPOSE:
The purpose of this directive is to establish guidelines regarding search and seizure without a warrant, stop and frisk, and field interviews while protecting the constitutional rights of all persons involved.

PROCEDURE:
Persons or property may be searched without a warrant in the following circumstances: [1.2.4]

Consent:
An officer may ask for voluntary consent to search a person or property that the person is in control of at any time.

- Consent may be verbal or written.
  - If written, a Consent to Search Form (CRPD #310), Consent to Search Mobile Device Form (CRPD #746) or Consent to Search Computer System(s) Form (CRPD #747) will be completed by the officer and signed by the individual giving consent along with any witnesses.
  - Officers will ensure the individual giving consent understands the voluntary nature of the request.
  - Any consent must be obtained without coercion, threats or promises.

Exigent Circumstances:
Circumstances that would cause a reasonable person to believe that immediate action is necessary to prevent physical harm to officers or other persons, the destruction of relevant evidence, or the escape of the suspect.

Hot Pursuit:
Officers may enter a private dwelling if they are in “hot pursuit” of a fleeing criminal.

- Once inside a dwelling and the suspect is in custody, officers are no longer considered in “hot pursuit” and must vacate the dwelling.
  - If evidence or contraband is observed in plain view while taking the suspect into custody, it may be seized, and a warrant obtained to search any further.

Incident to an Arrest:
When an arrest is made, officers will conduct a reasonable search of the arrested person and the area in the immediate control of the arrested person. The search incident to an arrest shall be conducted for the purpose of:

- Ensuring officer safety.
- Preventing the prisoner’s escape.
- Discovering the fruits of the crime.
• Discovering any instruments, articles, or items which may have been used in the commission of, or which constitutes evidence of an offense.

**Plain View:**
Officers may visually search items or properties that are in plain view as long as the officer has a right to be in a position to view the items or property.

**Vehicles:**
- Inventorying a vehicle is not considered a search. Refer to Towing and Impounding Vehicles Directive.
- Due to the mobility of motor vehicles, searches of vehicles have multiple exceptions to warrant requirements.

**Stop and Frisk: [1.2.4]**
- An officer may briefly stop a person whenever the officer has reasonable suspicions that the person has committed a crime, is committing a crime, or is about to commit a crime.
  - An officer may briefly detain a person if the officer has facts that can be communicated to others that any of the above elements exist.
- If an officer has articulable reasonable suspicion that a person has a weapon or instrument with which to inflict bodily harm, the officer may conduct a self-protective frisk. See Supreme Court of the United States decision in Terry v. Ohio, 392 U.S. 1 (U.S. 1968). No permission is needed to conduct a self-protective frisk provided the immediately aforementioned above named particular facts are present.
- A Field Information (FI) Card (CRPD #500) should be completed in all cases where a Stop and Frisk is performed by officers, explaining the circumstances related to the stop.

**FIELD INFORMATION CARD: [1.2.3 a]; [42.1.6 e, g]**
A field interview is an intelligence gathering method by which officers may record their contact with citizens under various circumstances where the citizen is free to leave if they wish. Field interviews can provide investigative leads and information that lead to the prevention, suppression, and solution of crime.

To guard against misuse and to minimize adverse public reaction, each officer should be aware of what constitutes a valid field interview situation. It is the responsibility of each officer to ensure that a citizen’s rights are not violated and to issue Miranda warnings when circumstances dictate. Officers must be mindful of the circumstances involved and shall know what constitutes custody in any given situation. Although no legal cause needs to be present for an officers to initiate a contact, a citizen may not be halted, detained, searched, required to answer questions, or
cooperate against their will, unless an officer has developed reasonable suspicion for a stop or probable cause for an arrest.

A detention of an individual need not be required to gather information for a FI Card (CRPD #500). Any time officers obtain information which may be relevant; an FI card may be completed. Circumstances under which a FI Card may be filed include but are not limited to:

- Stop and Frisk situations
- Conversations or observations made during routine patrol, during the course of an officer's duty, or off duty.
  - Observation of tattoos
  - Observation of gang affiliation
- Traffic stops
  - Vehicles associated with individuals
  - Acquaintances of individuals
- Response to the complaint of suspicious activity, or the observation of suspicious activity, or any other complaint.

To detain a person in order to fill out a FI Card (CRPD #500), an officer must:

- Have reasonable suspicion based on objective facts that the individual is involved in criminal activity.

When officers conduct a voluntary pat-down of an individual, they should fill out a FI Card (CRPD #500) to document the interaction.

Use of FI Card:

- Field Interview Section - This can be used in any field interview situation. Fill in as much information as possible. Instances involving multiple suspects, use additional cards.
- Field Observation Section - This section can be used when suspected criminal activity is observed. This includes persons, vehicles, businesses, etc.
- Informant Section - If an officer receives information from a citizen or from a confidential informant, this section can be used. If possible, fill out the evaluation box on the reverse side of the FI Card (CRPD #500).
Processing of FI Cards: [46.1.6 g]
After filling out an FI Card, the officer should drop it in the FI Card Box located in the officers’ reporting room. The cards will then be picked up by the Criminal Intelligence Analyst.

**Constitutional Requirements:**
In order to protect the constitutional rights of persons involved in criminal interrogations, the following guidelines will be followed:

- Persons involved in a criminal interrogation will be treated fairly and be extended all rights guaranteed by the United States Constitution.
- Officers shall not coerce or obtain involuntary confessions from persons suspected of criminal involvements.
- Prior to interrogating a suspect, whenever they are in custody or are otherwise deprived of freedom, the officer must first advise the suspect of their Miranda rights by giving them their Miranda warning. [1.2.3b]
- Right to Counsel – An individual involved in a custodial criminal interrogation will be afforded all their rights as it pertains to a request for legal counsel. [1.2.3c]