

Contacts and Temporary Detentions

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Sahuarita Police Department (SPD) in conducting field interviews (FI), temporary detentions, pat-down searches and the taking and disposition of field photographs, not related to an arrest.

420.2 POLICY

The SPD supports the right of the public to be free from unreasonable searches or seizures. We recognize a variety of factors influence a member's decision to temporarily detain a person and/or complete a FI, pat-down search, or take field photographs. Each member shall base their decisions and actions on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

420.3 DEFINITIONS

Consensual encounter/contact - When a member contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the member is voluntary.

Field interview (FI) - Contact with an individual for the purpose of determining the individual's identity and/or establishing if further investigation/contact is warranted through development of reasonable suspicion or probable cause.

Field photographs - Photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and/or recordings captured by the normal operation of a body-worn camera (BWC), a vehicle mounted camera, public safety camera, etc. when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of a person and/or their clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has specific and articulable facts that criminal activity may be afoot (present, past or current) and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

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420.4 SUPERVISOR RESPONSIBILITIES

- A. While it is recognized that FIs often become valuable investigative tools, supervisors should monitor such practices in conjunction with this policy. This is not to imply that supervisor approval is required before any FI, but that supervisors or superior officers shall be aware of their subordinates use of FIs and conduct during FIs.
- B. While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in conjunction with this policy. This is not to imply that supervisor approval is required before a field photograph is taken.

420.5 DURATION OF CONTACT

- A. During a consensual encounter, the subject of the contact can end the encounter at any time, unless during the contact the officer develops reasonable suspicion or probable cause to temporarily detain or arrest the individual.
- B. During a FI based on reasonable suspicion, the subject may be detained only for the period of time reasonably necessary to resolve the officer's suspicions and if necessary determine the person's identity. Absent significant reasoning, a temporary detention will typically remain at the stop and/or contact location.

420.6 FIELD INTERVIEWS

- A. FIs are important to the investigation and prevention of crime.
- B. FIs based on a consensual encounter are encouraged by the SPD to strengthen community involvement, community awareness, and problem identification/crime prevention.
 - 1. FIs based on consensual encounters are not required to be entered into the RMS.
- C. When initiating a FI, outside of a consensual encounter, the officer should be able to point to a specific and articulable fact(s) (reasonable suspicion) which, when considered with the totality of the circumstances, reasonably warrant the stop. This should be documented via an appropriate case report (Alpha/Bravo) in the RMS.
- D. Members shall promptly advise communications/dispatch of their location and the description of any person they contact during any non-consensual FI.
- E. Factors to be considered/documented when conducting a temporary detention include but are not limited to an individual's:
 - 1. Appearance or demeanor suggesting that he/she is part of a criminal enterprise.
 - 2. Actions suggesting that he/she is engaged in a criminal activity.
 - 3. Presence in an area at an inappropriate hour of the day or night.
 - 4. Presence in a particular area is suspicious.
 - 5. Carrying of suspicious objects or items.

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6. Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
7. Location in proximate time and place to an alleged crime.
8. Physical description or clothing worn that matches a suspect in a recent crime.
9. Prior criminal record or involvement in criminal activity as known by the officer.

420.7 PAT-DOWN SEARCHES (TERRY V. OHIO)

- A. Once a valid stop has been made, and consistent with the officer's training and experience, the officer may pat down a person and/or their clothing to locate any weapons or dangerous items when the officer reasonably believes they may be currently armed and pose a danger to the officer, the detainee, or others.
- B. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue an investigation without fear of assault or violence from an armed and dangerous detainee.
- C. Circumstances that may establish justification for performing a pat-down search include but are not limited to:
 1. The type of crime suspected, particularly in crimes of violence where the use or threatened use of weapons is/was involved.
 2. Where more than one suspect must be handled by a single officer.
 3. The hour of the day and the location or area where the stop/contact takes place.
 4. Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
 5. The actions and demeanor of the suspect.
 6. Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.
- D. Whenever practicable, a pat-down search should not be conducted without a cover officer.
- E. Any contact which results in a pat-down search shall be documented via an appropriate case report (Alpha/Bravo) in the RMS.

420.8 FIELD PHOTOGRAPHS OF SUBJECT/DETAINEE

- A. Members are reminded that still photographs can be captured from BWC footage, and should be considered as an option; however, SPD BWC resolution settings are set at 720p and may present limited ability to capture certain details.
- B. Field photographs of the subject posed for the photograph may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the member should record the individual giving consent via a BWC, DAR or other SPD approved audio or visual recording device.

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- C. Field photographs of the person posed for the photograph may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.
- D. If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken, unless consent is obtained.
- E. All field photographs shall be uploaded to the appropriate evidence management system and labeled with the case number (if applicable), subject name and location. The field photograph shall be documented in an appropriate report (Alpha/Bravo) via the RMS.
- F. If the FI results in the arrest of the subject, any field photographs shall be connected to the case and treated as evidence.
- G. When reasonably possible, field photographs will be retained in accordance with the PAVR policy (Lexipol 425).
- H. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

420.9 TEMPORARY DETENTIONS ASSOCIATED WITH WITNESS IDENTIFICATION AND INTERVIEWS

- A. Potential witnesses to an incident may become unavailable or the integrity of their statements may be compromised with the passage of time. Members should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor or superior officer, and/or criminal investigator to utilize available members for the following:
 - 1. Identifying all persons present at the scene and in the immediate area.
 - (a) When feasible, obtain a recorded statement from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - (b) Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Members should attempt to identify the witness prior to his/her departure.
 - 2. Witnesses who are willing to provide a formal interview may be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by SPD members.
 - (a) A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When reasonably and logistically possible, when the witness is a minor, consent should be obtained from the parent or guardian, prior to transport.

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420.10 POLICY ISSUANCE OR REVIEW

02/15/2023 - Reviewed by John D. Noland - SP#002