

 <b>El Paso Police Department Procedures Manual</b>	<b>Chapter 3: Field Operations, Custody, and Traffic Enforcement</b>
<b>303 Stop and Frisk</b>	<b>Policy Effective: 07/21/2021 Previous Version: 04/08/1999</b>

## 303 STOP AND FRISK

### 303 STOPS/FIELD INTERVIEWS

Stops are “seizures” under the Fourth Amendment. An officer may stop and question a person when the officer has reasonable suspicion that the person may be involved in past, present, or future criminal activity. Reasonable suspicion is less than the probable cause that is needed for an arrest or search.

- A. Before an officer stops a person for questioning, they must be aware of specific suspicious conduct or circumstances to justify that stop.
- B. Officers should rely on their training and experience in analyzing a subject’s suspicious conduct and must be able to articulate a reasonable suspicion for an investigatory stop.
- C. Officers may detain a person they lawfully stop for a reasonable length of time in an attempt to:
  1. Verify the person’s identification
  2. Account for the person’s conduct
  3. Account for the person’s presence
  4. Ascertain whether a crime occurred
  5. Ascertain the person’s involvement
- D. An officer must release a person from an investigative stop as soon as:
  1. The officer fulfills the purpose of the stop
  2. The person eliminates the officer’s reasonable suspicion of criminal involvement
  3. The officer fails to develop the probable cause necessary to arrest within a reasonable time

#### 303.1 FRISK

A frisk is a limited pat down search for the purposes of protection only. Officers may not use the frisk to conduct full scale searches of persons. Under appropriate circumstances, persons, their immediate surrounding areas, and the passenger compartments of a vehicle may be frisked.

- A. An officer may frisk a person who has been stopped when the officer **reasonably suspects that the person is concealing a weapon and that a frisk is necessary to protect the officer or others.**
- B. A frisk may be conducted at any point during an investigation or detention when circumstances create a reasonable suspicion for the officer to fear for their or another’s safety.
- C. An officer who conducts a frisk **must be prepared to articulate** the specific factors leading to a reasonable suspicion that the officer or others were in danger. These factors should be listed in the report.
- D. Frisk Procedures
  1. Before beginning the frisk of a person, officers should let the person know that they are going to conduct a frisk.
  2. The officer should begin the frisk of a person at the part of the person’s outer clothing most likely to contain a weapon or dangerous instrument.
  3. If the outer clothing is too bulky to allow the officer to determine if a weapon is concealed

underneath, outer clothing such as overcoats and jackets may be opened to allow a pat down on the inner clothing, such as shirts or trousers.

4. The officer may also frisk or secure any unlocked areas within the detained person's reach or the passenger compartment of a vehicle that the person had been riding in if the officer reasonably suspects that such areas might contain a weapon.
5. When practical, a male officer should summon the assistance of a female officer if it is necessary to frisk a female subject. The frisk will be conducted in a manner that is the least intrusive or offensive to the person.
6. Officers may remove objects located during a frisk which they believe are weapons, a container that may hold a weapon, or objects that they immediately recognize as being contraband.