THE PATROL STANDARD

OFFICER DEVELOPMENT SERIES

THEME: ASK WHAT THE DANGER REQUIRES - AND STOP WHEN IT DOES.

DATE	ISSUE	READING TIME
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PURPOSE: Reinforce the difference between a narrowly focused public-safety question and an unwarned custodial interview. The officer-safety objective is to locate an immediate danger, control it, and then make a deliberate transition. The legal and writing objective is to identify custody, the specific danger, the exact question and answer, when the danger ended, and the separate authority for any search or seizure.

1. OFFICER SAFETY BULLETIN

Find the Danger Before It Finds Someone Else

An empty holster, an unaccounted-for firearm, a discarded knife, or an unknown person inside a threatened area can demand an immediate answer. The safest response begins with control: secure hands, create distance, move uninvolved people, assign containment, and stop uncontrolled movement. A question is one tool inside that safety plan; it is not the entire plan.

When a weapon is missing, identify who could reach it and where the danger exists. A loaded handgun somewhere in a public store creates a different problem from a firearm believed secured inside a private room with no one else present. The facts must drive the urgency, the question, and the length of the inquiry.

Today's Officer Safety Focus

- Control people and access points before dividing attention with questions.
- State the immediate hazard aloud so the team shares the same problem: missing handgun, open public area, children nearby, unsecured vehicle, or unknown occupant.
- Ask only what is needed to locate or neutralize that hazard; avoid adding evidence questions while relying on the safety purpose.
- Assign one officer to the person and another to the danger area when staffing permits.
- Once the immediate danger is controlled, stop, reassess custody and warnings, and identify separate authority before any further interview or search.

PROFESSIONAL STANDARD: A safety question should be as narrow as the danger that justifies it.

2. TACTICAL REMINDER

Use the Three-Step Transition

Secure. Control hands, movement, bystanders, exits, and the likely danger area. Do not substitute questioning for sound positioning, cover, containment, or medical action.

Narrow. Ask a short question directed to the immediate threat: *Where is the gun? Is anyone else inside? Is there anything in that bag that can injure the medic?* The wording and context should match the hazard officers can identify at that moment.

Transition. When the weapon is located, the endangered person is found, or the uncertainty no longer presents an immediate danger, end the safety inquiry. If custody and interrogation will continue, follow current Miranda law, Texas requirements, and agency policy. If officers intend to enter or search, identify the independent legal basis; a safety answer does not automatically supply consent or unlimited search authority.

> **REMEMBER:** The exception follows the danger. When the danger ends, the exception does not become an interview plan.

3. NATIONAL & TEXAS LAW-ENFORCEMENT UPDATE

U.S. Supreme Court - New York v. Quarles

ACTUAL INCIDENT - Event date and location: On September 11, 1980, at approximately 12:30 a.m. in Queens, New York, officers pursued a reported armed sexual-assault suspect into a supermarket. After detaining him, an officer found an empty shoulder holster and asked where the gun was before giving Miranda warnings. The suspect directed officers to a loaded revolver behind cartons. **Source-publication date:** The U.S. Supreme Court decided *New York v. Quarles* on June 12, 1984.

The Court recognized a public-safety exception to the Miranda warning requirement for questions objectively prompted by an immediate need to protect officers or the public. The Court emphasized the missing gun in a public place and distinguished safety-directed questions from questions designed only to obtain testimonial evidence. The exception concerns admissibility under Miranda; it does not erase the need for lawful custody, lawful entry, or lawful search authority.

Official source: U.S. Supreme Court, *New York v. Quarles*, 467 U.S. 649 (1984), official United States Reports edition.
https://www.govinfo.gov/app/details/USREPORTS-467/USREPORTS-467-649

Federal Case Study - On These Facts, a Missing Gun Did Not Justify Continued Custodial Questioning

ACTUAL INCIDENT - Event date and location: On April 16, 2022, near an extended-stay hotel on Shugard Way in Nashville, Tennessee, an officer heard a gunshot and found a dying dog. Officers later questioned a hotel guest outside, handcuffed him, and continued asking about a gun while searching inside a hotel room. **Source-publication date:** The U.S. District Court for the Middle District of Tennessee issued its suppression order on July 5, 2023.

The court treated the initial outdoor exchange as noncustodial on those facts. It treated the later hotel-room questioning as custodial interrogation and rejected the government's public-safety argument because the weapon was believed to be in a private room and the record did not establish the kind of access-based immediate danger present in *Quarles*. The court suppressed the later statements. This is a fact-specific federal district-court ruling, not a nationwide rule, but it shows why officers must be able to identify who could reach the weapon, what danger remained, and why each question was still necessary.

Official source: U.S. District Court, Middle District of Tennessee, *United States v. Lewis*, No. 3:22-cr-00290, Memorandum and Order filed July 5, 2023.
https://www.govinfo.gov/content/pkg/USCOURTS-tnmd-3_22-cr-00290/pdf/USCOURTS-tnmd-3_22-cr-00290-0.pdf

Texas - Article 38.22 Still Requires a Separate State-Law Check

Texas Code of Criminal Procedure Article 38.22 governs admissibility of an accused person's written, oral, and sign-language statements, including warning, waiver, and electronic-recording requirements for custodial interrogation and specified exceptions. Those requirements and exceptions are not replaced merely because an officer invokes safety. Officers should follow current Texas law, controlling case law, prosecutor guidance, and agency policy when deciding whether warnings and recording are required. The field habit is simple: do not collapse **custody**, **interrogation**, **public safety**, and **search authority** into one conclusion.

Official source: Texas Code of Criminal Procedure Article 38.22, official Texas Constitution and Statutes site, verified October 23, 2026.
https://statutes.capitol.texas.gov/GetStatute.aspx?Code=CR&Value=38.22

4. LEADERSHIP & PROFESSIONAL CHARACTER

Protect the Team From Mission Creep

Servant-minded leadership helps officers solve the danger without creating a preventable legal problem. The experienced officer names the immediate objective, assigns the safety roles, and recognizes the point when a necessary question starts becoming an evidence interview. That correction protects the public, the officer, the investigation, and the credibility of the report.

Today's leadership challenge

- Say the safety objective out loud: *We are locating one missing handgun before anyone enters the store.*
- Give one officer responsibility for the person and another for the danger area so questions do not replace physical control.
- Call the transition when the hazard is contained: *The gun is secured. Stop questions until we address warnings and the interview plan.*
- During review, correct overbroad language such as “for officer safety” by asking what specific danger existed, who could access it, and when it ended.

> **SERVANT-MINDED LEADERSHIP:** Good supervision gives urgency a boundary and gives the next officer a clear stopping point.

5. ROLL CALL DISCUSSION

The Empty Holster

Training scenario: Officers respond to a report of shots near an apartment courtyard. A man matching the caller's description is detained in the common breezeway. His hands are empty, but he wears an empty belt holster. Two children are near an open stairwell, several apartment doors are open, and the detained man says his brother “took care of it.” Officers have not located a firearm or confirmed whether anyone is injured. The man is handcuffed and guarded by one officer while two others begin checking the courtyard.

Discuss

- What immediate danger can officers identify, and who might reach it?
- What people, exits, and common areas should be controlled before questions begin?
- Which one or two questions are directed to the danger rather than to proving an offense?
- What facts would tell officers that the safety inquiry should stop?
- If the answer points to an apartment, what separate authority would officers need before entering or searching?

- When do custody, warnings, recording requirements, medical checks, and a formal interview plan need to be addressed?

6. LEGAL WRITING & COURTROOM READINESS

Document the Danger, the Question, and the Stop

"For officer safety" is a conclusion. The report should give the facts that made immediate questioning reasonable: the report of a weapon, the empty holster, the public or accessible location, the people who could reach the item, the limits on officer knowledge, and the risk of waiting.

Record the exact or substantially exact question and answer when possible. Then state what officers did with the information and when safety questioning ended. Separately identify the authority for any frisk, entry, search, seizure, or continued interview. Do not imply that one safety answer authorized every later action.

Weak articulation

> "For officer safety, I asked the suspect about weapons and searched the area."

Stronger articulation

> "The caller reported that the detained man had fired a handgun in the apartment courtyard. I saw an empty holster on his belt, had not located the handgun, and observed two children near an open stairwell accessible from the courtyard. While Officer Ruiz maintained control of the handcuffed man and Officer Lee moved the children behind cover, I asked, 'Where is the handgun now?' He replied, 'Behind the planter by the stairs.' I located and secured a handgun at that spot. I asked no further offense-related questions. After the handgun was secured, I followed the applicable warning and recording requirements before beginning a formal interview. The later apartment search was based on a separately documented warrant; the safety question was not treated as consent."

SUPERVISORY REVIEW: Compare the report with body-worn camera, dispatch information, witness statements, scene photographs, weapon location, timing of restraint and warnings, and the beginning and end of each search. Resolve unexplained gaps about who could access the danger, why the question could not wait, when the threat was controlled, and what authority supported later actions.

Courtroom Readiness

Expect precise questions: Was the person in custody? What facts suggested an immediate danger? Who could reach the weapon? What exactly did you ask? Did you ask follow-up questions after the gun was secured? When were warnings given? Was the statement recorded as required? What legal basis supported the frisk, entry, search, and seizure? Answer from the sequence and distinguish the safety question from the later investigation.

7. THREE TAKEAWAYS

End-of-Brief Reinforcement

1. **Secure before asking.** Control hands, movement, bystanders, access points, and the likely danger area before relying on a question.

2. **Match the question to the threat.** Ask only what an objectively identifiable immediate danger requires, then stop when that danger is controlled.

3. **Separate every authority.** Document custody, the safety question, warnings, recording, and the legal basis for each frisk, entry, search, seizure, and later interview.

"Urgency can narrow a question. It does not erase the boundary."