

GUIDELINES FOR POLICE PERSONNEL
FUNCTIONING IN PUBLIC PLACES AND
INVESTIGATING FOR CRIMINAL ACTIVITY

A City of Detroit ordinance establishing police authority for stopping and investigating persons and providing for limited searches for dangerous weapons becomes effective on August 8, 1968.

The ordinance reads as follows:

"Sec. 39-1-52.3. When a police officer has reasonable cause to believe that the behavior of an individual warrants further investigation for criminal activity, the officer may stop and question such person.

"Sec. 39-1-52.4. When a police officer has stopped a person for questioning pursuant to Section 39-1-52.3. and has reasonable cause to believe there is danger to himself or others, he may conduct a limited search of that person for dangerous weapons; the police officer may take and keep such weapon or any other thing, the possession of which may constitute a crime, until he has completed the questioning at which time he shall either return such property so taken, if lawfully possessed, or arrest such person and dispose of such property according to law.

"Sec. 39-1-52.5. In enforcing Sections 39-1-52.3 and 39-1-52.4, the Detroit Police Department and the individual police officer will take special care not only to honor the rights of citizens as defined in the United States Constitution but also to safeguard the personal dignity of all those affected by it."

The investigative and self-protective powers set forth in this ordinance have received the sanction of the Supreme Court of the United States. It cannot be too strongly emphasized that these powers, while substantial, are carefully limited by the Constitution. So that the language of the ordinance will not be misinterpreted, so that it will be effectively but constitutionally implemented, and so that there will be a fair and uniform application by police throughout the whole of the City, the following guidelines are to be observed by officers executing their authority under the ordinance.

1. At all times the officer shall bear in mind that the exercise of the powers conferred by the ordinance is, as the highest court has said, "a serious intrusion upon the sanctity of the person, which may inflict great indignity and arouse strong resentment, and it is not to be undertaken lightly."

2. In order to stop and question a person, the officer need not have the degree of probable cause necessary to support a formal arrest: but he must have facts, circumstances, or information which reasonably justify a belief by a prudent person that investigation for criminal activity is necessary.

3. There can be no simple formula to guide the officer's decisions, but mere unexplained hunches or sixth senses do not alone furnish the reasonable cause required by the ordinance.

4. The officer must be engaged in legitimate investigation. The authority set out in the ordinance cannot be used for any other purpose or with any other motive.

5. The authority can be exercised only in public places. In all cases the officer shall identify himself as a policeman, and it is his duty to be as civil and considerate as circumstances will permit.

6. The ordinance does not enlarge the powers of arrest. A person can be taken into custody, now as before, only on the basis of probable cause.
7. The officer has no right routinely to search every person whom he stops for questioning. A search is authorized only when the officer is justified in believing that the person is armed and presently dangerous to the officer or to others.
8. The limited search authorized by the ordinance is a patting down of the suspect's clothing. The officer may not search in the pockets or inner garments unless the patting down reveals objects which appear to be weapons. If such search does uncover a dangerous weapon, the officer may take and retain the weapon until he has completed his questioning. If he does not place the person under arrest and if the person's possession of the weapon is not contrary to law, the officer shall return the weapon to the person.
9. If in the course of a proper, limited search for weapons the officer discovers an article of contraband -- that is, an article, such as unlicensed narcotics or burglar tools, the possession of which may itself constitute an offense -- the officer shall retain and dispose of such property as required by law and take such further action with respect to the suspect as is indicated by the circumstances.
10. Investigations conducted under the ordinance shall be recorded in the patrolling officer's daily activities log in accordance with Chapter 4, Section 89 of the Police Manual.