





POLICIES AND PROCEDURES MANUAL

	THRESHOLD INQUIRIES	
	POLICY NUMBER: 1-5	ISSUING AUTHORITY 
	EFFECTIVE DATE: January 1, 2025	Christine A. Elow Police Commissioner

I. GENERAL CONSIDERATIONS AND GUIDELINES

In appropriate circumstances, a police officer may temporarily stop and briefly detain a person for the purpose of inquiring into possible criminal behavior even though the officer does not have probable cause to make a lawful arrest at that time. In addition, an officer may frisk such a person for weapons as a matter of self-protection when the officer reasonably believes that their own safety, or that of others nearby, is endangered. The purpose of this temporary detention for questioning is to enable the officer to determine whether to make an arrest, investigate further, or to take no police action at that time.

A frisk for weapons is permissible where a police officer has reason to believe that they are dealing with an armed and dangerous individual, regardless of whether the officer has probable cause to arrest for a crime. The officer need not be certain that the individual is armed. The issue is whether a reasonably prudent person in the circumstances would be warranted in their belief that the officer's safety, or that of others, was in danger.

The Cambridge Police Department recognizes that its officers are also charged with community caretaking functions that do not require judicial justification. These do not include the detection, investigation, or acquisition of evidence related to crime, such as checking a disabled motor vehicle.

Investigatory stops by the police are essentially considered to be forcible in contrast to voluntary, and are, therefore, held to be seizures under the Fourth Amendment. The degree of force appropriate to enforce a stop in a particular case is dependent upon the surrounding facts and circumstances.

If an officer fails to adequately enforce a stop, it could result in the escape of a dangerous criminal or pose a serious threat to the lives and safety of other persons. Conversely, the use, display or threatened use of actual force to carry out an investigatory stop, when such force was not justified under the circumstances, could result in a finding by the court that an arrest had occurred without the necessary element of probable cause and any evidence obtained as a result might be excluded. It should also be noted that a premature or unnecessary stop can sometimes destroy a good investigation that could have resulted in a subsequent valid arrest and successful conviction.

Officers should never hesitate to make an investigatory stop and a necessary frisk under appropriate circumstances to meet the practical needs of effective law enforcement. However, they should avoid the

indiscriminate or unjustified use of this authority. Such police action is not only frowned upon by the courts, but it also detracts from the professional image of the Cambridge Police Department among its constituent community.

II. POLICY

It is the policy of the Cambridge Police Department that:

- A. only when an officer has reasonable suspicion of criminal activity or for a motor vehicle infraction based on specific, articulable facts and reasonable inferences may the officer temporarily stop and detain a person or vehicle; and
- B. once stopped, a suspect may only be frisked for weapons if the officer reasonably believes the person to be armed and dangerous.

III. DEFINITIONS

- A. *Investigative Detention*: Another term for threshold inquiry.
- B. *Stop and Frisk*: The warrantless stopping, questioning, and frisking of suspicious persons derived from the U.S. Supreme Court case of *Terry v. Ohio*.
- C. *Threshold Inquiry*: The warrantless stopping and questioning of suspicious persons based on M.G.L. c. 41, § 98.

IV. PROCEDURES

- A. Stops
 - 1. It is a basic police duty to check on suspicious persons or circumstances.
 - 2. An officer may make a brief investigative stop and inquiry if they have a reasonable suspicion of any of the following circumstances.
 - a. When they know that a crime has been committed.
 - b. When they reasonably believe that a crime has been or is being committed.
 - c. When they seek to prevent a crime that they reasonably believe is about to be committed.
 - 3. An officer has the authority to stop a person for an investigative inquiry in any place where the officer has a right to be, including the following.
 - a. Any public place.
 - b. Any place or area open to the public.
 - c. Any private premises entered with a valid warrant, by consent, or under emergency circumstances.

4. There is no precise formula for determining the legality of an investigatory stop. However, it must be based upon a reasonable belief or suspicion on the part of the officer that some activity out of the ordinary is taking place, that such activity is crime-related, and that the person under suspicion is connected with or is involved in that criminal activity.
5. An investigatory stop does not require probable cause; rather, it requires the lesser standard of reasonable belief based on specific, articulable facts and reasonable inferences. It may be based upon the officer's own observations or information supplied by others. The information on which the officer acts should be well-founded and reasonable. A hunch or guess, or an officer's unsupported intuition, is *not* a sufficient basis.
6. No single factor alone is normally sufficient. The following are some of the factors that may be considered in determining the reasonableness of an investigative stop by a police officer in the field.
 - a. Personal observations of the officer and their police training and experience.
 - b. The officer's knowledge of criminal activity in the area.
 - c. The time of the day or night and the place of observation.
 - d. The general appearance and demeanor of the person and any furtive behavior that indicates possible criminal conduct.
 - e. The person's proximity to the scene of a recently reported crime.
 - f. Unprovoked flight of an individual upon noticing the police.
 - g. The knowledge of the person's prior criminal record or of their association with known criminals.
 - h. Visible objects in the person's possession or obvious bulges in their clothing.
 - i. Resemblance of the individual to a person wanted for a known crime.
 - j. Information received from police sources or from other reasonably reliable sources.
7. The fact that the individual has aroused the police officer's suspicion should cause the officer to make an approach with vigilance and to be alert for any possibility of danger.
 - a. A routine police check of suspicious circumstances may uncover the commission of a serious crime or the presence of a dangerous criminal.
 - b. If the stopped person has just committed a major crime, they may be an immediate threat to the officer's safety or may suddenly attempt to flee from the scene.
8. No hard and fast rule can be formulated to determine the time required for an investigative detention, but it should be reasonably brief under the particular circumstances.
 - a. A stop may only last long enough for the officer to make the threshold inquiry into whether the suspicions were or were not well founded using the least intrusive means possible.

- b. If the answers given by the suspect are unsatisfactory because they are false, contradictory, or incredible, they may serve as elements or factors to establish probable cause.
- c. The period of investigative detention should be sufficiently brief so that the *stop* cannot be construed as an *arrest*, which *would* require probable cause.

B. Pat-Down Frisks

- 1. If an officer reasonably believes that their own safety or that of others is in danger, they may frisk or pat-down the person stopped and may also search the area within that person's immediate control in order to discover and take control of any weapon that may be used to inflict injury.
 - a. It is not necessary that the officer be certain that such person is armed. However, the officer must perceive danger to himself or others because of events leading to the stop or which occurred after or during the stop.
 - b. If the officer has a reasonable belief or suspicion, based upon reliable information or personal observation, that a weapon is being carried or concealed in some specific place on the person of the individual, they should immediately check that area before performing a general pat-down.
 - c. A frisk must be a protective measure, it should not be a pretext to search for evidence of crime.
 - d. The frisk must initially be limited to an external pat-down of the suspect's outer clothing. However, if such outer clothing is bulky, such as a heavy overcoat, these garments may be opened to permit a pat-down of inner clothing.
 - e. A pat-down frisk should be conducted by an officer of the same sex when possible. When a pat-down is conducted on a member of the opposite sex, officers shall conduct the frisk in a respectful manner and only as intrusive as necessary to determine if a weapon is present.
 - f. If the officer feels an object that could reasonably be a weapon, they may conduct a further search for that particular object and remove it.
 - g. If, after completing a pat-down of the suspect, the officer does not feel any object that could reasonably be a weapon, the search shall be discontinued.
 - h. If, while frisking a stopped person, the officer discovers a firearm, contraband, stolen property, or evidence of a crime and probable cause to arrest develops, an arrest should be made and a full-scale search incident to that arrest should be conducted.

C. Use of Force

- 1. If the person fails or refuses to stop when so directed by a police officer, reasonable force and physical restraint including handcuffs may be necessary, depending upon the circumstances.

2. Actual force may be used to *stop* an individual, as long as the force is both necessary and proportionate to the situation. However, this does not include the discharge of firearms or application of other weapons.
3. If an officer is attacked, sufficient and reasonable force may be used to defend themselves and to ensure personal safety.

D. Questioning a Stopped Person

1. When an officer makes a decision to stop a person for investigative purposes, unless the officer is in uniform, they shall identify themselves as police officers as soon as it is safe and practical to do so and also announce the purpose of the inquiry unless such information is obvious.
 - a. An investigatory or threshold inquiry should begin with exploratory questions regarding the person's identity and their purpose for being in the area.
 - b. Every officer should acquire the ability to initiate an investigative inquiry in a calm, conversational manner to gain as much information as possible without placing the subject on the defensive.
 - c. Even in a brief conversation with an individual, an alert and perceptive officer can often detect or sense that something is wrong and that further police investigation is required.
 - d. An officer should always have a firm foundation for the initial suspicions to justify an investigative detention and inquiry and must be able to articulate and to commit the reasons to writing.
2. Once a stop is made, any questioning of the stopped person should be conducted at that location.
 - a. Investigative stops are intended to be on-the-spot inquiries.
 - b. To verify the information obtained from the person it may be necessary to move a short distance to a radio or telephone.
 - c. Under special circumstances, such as the gathering of a hostile crowd, heavy traffic, or the necessity to use the police radio, the person may be placed in the rear seat of a police vehicle.
 - d. As part of a threshold inquiry, the person may be detained for a short time so that an eyewitness may be brought to the scene to make an in-person identification. (See *Eyewitness Identification*)
 - e. Ordering a person to stop or if a stopped person is told to move to another location or tries to leave but the officer orders them to stay where they are, the person will, at that point, be considered *seized*, although not under arrest. An investigative detention is a seizure, but custody for *Miranda* purposes requires a more significant detention, such as arrest-like restraint including handcuffs, drawn weapon, or prone positioning, or arrest.

E. Motor Vehicle Stops

1. When an investigative stop involves a motor vehicle, the vehicle may be stopped and its occupants may be briefly detained and questioned by the police if there is a reasonable suspicion of criminal activity or a motor vehicle violation. All police officers must be especially alert and watchful when making an investigative stop of a motor vehicle as many officers have been seriously injured, some fatally, in taking this police action.
 - a. Police cannot randomly stop motorists to check the orderliness of license and registration.
 - b. During the stop, probable cause to search the vehicle may develop, such as through conversation with the occupants or plain view observations.
 - c. During a routine traffic stop, police officers may not order the driver or occupants out of the vehicle without a reasonable belief that the officer's safety, or the safety of others, is in danger; there is reasonable suspicion of criminal activity; for pragmatic reasons, such as a motor vehicle inventory or canine search; or for a community caretaking function, such as a medical or mental health issue.
 - (1) If the occupant(s) of a vehicle are ordered out of the vehicle, they may be frisked if there is reasonable belief that they may be armed and dangerous and that the police officers or others nearby may be endangered.
 - (2) Even after frisking the occupants, if the officers have reason to believe that there is still a possible danger, they should inspect those areas of the motor vehicle readily accessible to an occupant that may contain a dangerous weapon.
 - d. A protective sweep of the interior of a motor vehicle must be limited to what is minimally necessary to determine whether the suspect is armed and to remove any weapon discovered.
 - e. A protective sweep for weapons in a motor vehicle must be confined to the area from which the occupant might gain possession of a weapon.
2. Officers may not detain a passenger during a stop based solely on the driver's civil motor vehicle infraction. In the rare instance that a passenger gets out and walks away, officers should let them if it is safe.
3. With the exception of properly conducted sobriety checkpoints, random stops of motor vehicles in the absence of reasonable suspicion of motor vehicle violations or criminal activity constitutes an unreasonable seizure in violation of the Fourth Amendment and any evidence obtained as a result of such impermissible stops are excludable in court.