**CAUTION:** In Alabama, for an officer to lawfully make an arrest when he or she has the “articulable reasonable suspicion” to demand name, address and reason for activity the municipality must have a city ordinance giving the officer arrest authority. Several municipalities in Alabama have successfully adopted these ordinances to include the cities of Dothan and Andalusia. A sample ordinance is included with this policy.

**SAMPLE POLICE DEPARTMENT**

**Terry Stops and Demanding Identification**

**NOTE:** This document is for internal use only. It does not establish a legal duty or standard of care for civil liability or enlarge an employee’s civil or criminal liability in any way. A violation of this policy may only form the basis for internal discipline by this agency and then only in a non-judicial administrative setting.

1. **PURPOSE**

To establish effective and lawful guidelines to officers on when and for what the legal basis is under the US Supreme Court and the Code of Alabama for demanding identification from individuals as the result of a “Terry Stop” or investigative detention.

1. **DEFINITIONS**
2. **Terry Stop**: Also known as "Stop and Frisk", is a brief detention of an individual by law enforcement based on a reasonable suspicion of criminal activity, rather than the higher standard of probable cause needed for an arrest. It allows police to investigate a situation further and potentially prevent crimes from occurring.

1. **Reasonable Suspicion:** A [legal standard of proof](https://en.m.wikipedia.org/wiki/Legal_burden_of_proof) in [United States law](https://en.m.wikipedia.org/wiki/Law_of_the_United_States) that is less than [probable cause](https://en.m.wikipedia.org/wiki/Probable_cause), but more than a hunch. It must be based on "specific and articulable facts", "taken together with rational inferences from those facts", and the suspicion must be associated with the specific individual.
2. **Probable Cause:** A legal standard that allows law enforcement to make an arrest, conduct a search, or obtain a warrant based on sufficient evidence that a crime has been, is being, or will be committed. It requires more than just suspicion or hunch, but it does not require the same level of proof as needed for a criminal conviction.
3. **Stop and Frisk:** A specific type of Terry stop where an officer, after detaining an individual, may conduct a pat-down search of their outer clothing if they believe the person is armed and dangerous. This search is limited to a pat-down for weapons and is not a full-blown search for evidence.
4. **PROCEDURE**
5. Terry Stops and the Demand for Identification are allowed by Sample police officers to briefly detain individuals and demand their identification based on [reasonable suspicion](https://en.m.wikipedia.org/wiki/Reasonable_suspicion) of persons either involved in or about to commit criminal activity. These stops are permissible under the following conditions:
	1. Officers must be able to both clearly articulate and document in their police report the reasonable suspicion.
	2. Examples of reasonable suspicion can include but are not limited to:
	* A person fleeing from a crime scene.
	* A person matching the description of a suspect.
	* A person acting suspiciously in a high-crime area.

**VI. DEMAND FOR IDENTIFICATION**

CODE of Alabama §15-5-30 authorizes an Alabama law enforcement officer to “*stop any person and demand identification abroad in a public place who the officer reasonably suspects is (1)* ***committing****, (2)* ***has committed*** *or (3) is* ***about to commit*** *a felony or other public offense.”*

* + 1. To legally demand an individual identify themselves there must be a reasonable suspicion that the individual is involved or is about to be involved in criminal activity of some sort.
		2. When Reasonable suspicion is met, officers can only demand the following: (1) **Name**, (2) **Address** and (3) **Explanation of their actions**.
		3. Arrest, when necessary, can be made when officers have “articulable reasonable suspicion” to demand name, address and reason for activity and an individual refuses to comply. Because Code of Alabama 15-5-30 provides no legal penalty or imposes any obligation requiring the individual to comply the arrest must be made for violation of City of Sample “Failure to Obey” Municipal Ordinance No. \_\_\_
		4. Officers may request but cannot demand any type of physical identification or photo ID to include a driver’s license. Alabama law does not require a citizen to have or produce a driver’s license, photo ID, or any other type of physical identification except under limited circumstances (driving, purchasing alcohol, etc.).

APPROVED: CHIEF OF POLICE DATE

I HAVE READ AND UNDERSTAND THIS ORDER

SIGNATURE OF OFFICER DATE

***DISCLAIMER***

***NOTE****: These documents are being provided to you by the AMIC/MWCF Loss Control Division and are not intended to be legal advice. They do not identify all the issues surrounding a particular topic. Laws and “Best Practices” change and policies must be continually reviewed and updated as needed. Public agencies are encouraged to review their procedures with an expert or an attorney who is knowledgeable about the topic. Reliance on this information is at the sole risk of the user.*