

jury to indict or not to indict; and fourth, the decision at the trial to convict or acquit.

If society is to be protected from criminal attacks, its law-enforcement representatives must be authorized, in dealing with a person who the police have reasonable grounds to believe has committed or is about to commit a crime, to take certain steps even though they lack the quantum of proof required for a conviction or even to make a formal charge. Let us consider the need for each of these steps in the protection of our citizens from criminal attack.

The first step—the street stop and questioning:

When a policeman encounters someone on the street under circumstances that would lead a reasonably prudent policeman to suspect that something was amiss, he must and should stop the suspect long enough to ask a few pertinent questions. Perhaps the explanation of the person suspected may resolve all grounds for suspicion right then and there, thus terminating the incident.

The second step—taking the suspect to the police station:

The incident described above may not, on the other hand, terminate with the immediate release of the suspect. What he says or refuses to say, what the officer observes and what he learns from possible witnesses at the scene, may add to the reasonable grounds for belief sufficient to justify arrest and may provide evidence of the need for wider and more intensive investigation. While the quantum of proof may justify arrest, the officer may still lack the degree of proof needed for prosecution.

I maintain that these are necessary police procedures. I know of no alternative other than to take no action at all. Every citizen expects and demands that the police take action to protect him against prowlers and other suspicious persons, and yet some of our court decisions seem to deny that our police have this responsibility to stop and question a person observed under suspicious circumstances and in some cases to take him to a police station so that a decision may be reached by the officer's superior as to whether the third step should be taken.

The third step—booking the suspect on a definite charge:

Bringing the suspect to a police station affords the police an opportunity to discharge six important obligations which they owe to the law-abiding citizens of their community. In doing so, the police may discover facts which will provide the quantum of proof needed for the third step—booking the prisoner. This does not, however, relieve them of their six investigative obligations. They must continue their investigation in order to build up the quantum of proof needed to convict the criminal in court.

The first obligation—checking the suspect's story:

The police would be naive indeed, and subject to justifiable public censure, should they release a suspect who had just committed a heinous crime simply because of some unsubstantiated explanation given by the person suspected of the crime. The police have an obligation to corroborate the story given by the suspect—and should have a reasonable period of time to do so.

The second obligation—checking the identity of the suspect:

When the police have some reason for believing that the suspect may be wanted locally or in some other jurisdiction for the commission of a