

## What's required of you in a Michigan traffic stop?

July 24, 2015

Dashcam video released this week from a traffic stop shows how a confrontation between a Texas woman and the arresting officer escalated.

Given the circumstances in the aforementioned Sandra Bland case, we wanted to find out what is allowed and not allowed during a traffic stop in Michigan.

Civil rights attorney Julia Kelly says the first thing is to have a valid license, registration, and proof of insurance in your car. "Are you required to give it to them? Yes, no questions asked. Driving in Michigan is a privilege, not a right."

The officer will likely leave you in your car and check your ID. But, if he or she asks you to get out of the car, Kelly says, you should comply. "If he asks you a lawful command to get out, you should obey those commands to get out of vehicle."

We also asked former Flint police officer and Grand Rapids Community College assistant professor Jermaine Reese what's expected of an officer. The driver might be smoking a cigarette, angry that they got a ticket, or using profanity.

"They can do that. They can. The biggest thing is to remain professional. No matter what they choose to call you. I've been called everything but a child of God, but your responsibility is that you remain professional."

In the end, most would agree that there is a level of respect expected from both the driver and the officer. It's better to argue the legality of the situation in court, rather than have it escalate at the scene.



**Question: Do I have to comply if ordered to leave a public area by a police officer?**

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**Answer:** If you disobey a police officer's order to leave, you may be arrested. But is the order legal? It depends on why the officer is asking. If you are disrupting traffic, on private property without permission, or otherwise breaking the law, then the order is legal. But if the officer is requesting that you leave a public space because he or she disagrees with your message, the order is not legal.

There are a multitude of laws regulating public roadways that ensure pedestrian safety and the free flow of traffic. If you break those, police can order you to leave the roadway, but you can congregate legally on the sidewalk.



**Q: Can I record video of police?**

**A:** It is legal to openly record on-duty police officers in public spaces. Some state laws may prohibit filming anyone in a public space without their consent, but there is doubt about whether those laws are constitutional. However, an officer may arrest you if you are obstructing an investigation.

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**Q:**

**CAN AN OFFICER  
SEARCH ME ON  
THE STREET WITH  
NO WARRANT  
WHEN I AM NOT  
UNDER ARREST?**

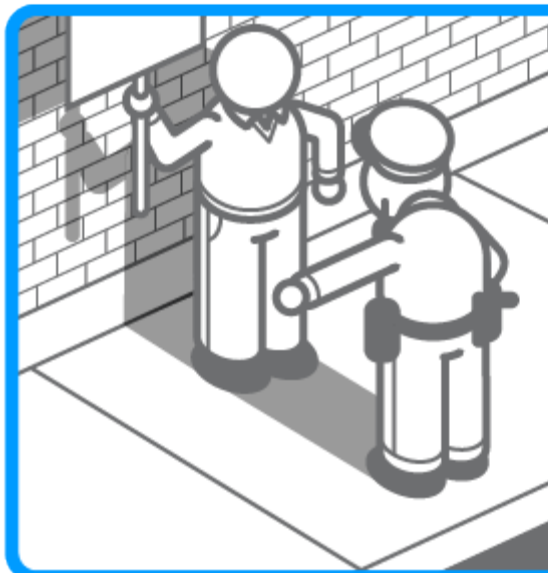
**Q: Can an officer search me on the street with no warrant when I am not under arrest?**

**A:** There are limited circumstances under which an officer can search someone without a warrant who is not under arrest. They are:

- Voluntary consent. If an officer asks you for permission to search you or your possessions and you voluntarily say yes, the officer has the right to do so.
- Reasonable suspicion. If police have reasonable suspicion that you are engaged in criminal activity, they may stop you briefly. If they have reasonable suspicion that you may be carrying a weapon, they may pat you down for weapons. However, they may not conduct a full search unless they have probable cause to arrest you.

There are other exceptions for when police can search a home or a car and its passengers.

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**Q:**

**HOW CAN A CURFEW TRUMP MY RIGHT TO ASSEMBLE AND PROTEST?**

**Q: How can a curfew trump my right to assemble and protest?**

**A:** The government has the right to impose curfews in certain emergency situations to protect the lives, safety and property of citizens. However, it is unconstitutional if the curfew is imposed only to prevent a peaceable assembly.



**Q:**

**IF I'M WALKING IN PUBLIC AND AN OFFICER ASKS TO SPEAK TO ME, DO I HAVE TO STOP?**

**Q: If I'm walking in public and an officer asks to speak to me, do I have to stop?**

**A:** This is considered a voluntary encounter. The officer has the same right to request that you speak to him as any other person would, but you do not have to answer, nor do you have to stop. Ask the officer if you are free to go. If police have reasonable suspicion to believe you are engaged in a crime, they may detain you briefly to investigate.

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*Sources: Paul D. Butler, professor at Georgetown Law; Daniel J. Haus, attorney; Roger Goldman, professor emeritus at Saint Louis University School of Law; Orin S. Kerr, professor at the George Washington University Law School; Kenneth White, attorney*

By Sarah Sell, WZZM (Channel 13) 1:43 p.m. EDT July 24, 2015

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