



Jeffrey R. Gahler,
Sheriff

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

STOP & FRISK

Distribution:	All Employees	Index:	OPS 1406
Responsible Unit:	Police Operations Bureau	Rescinds:	MAN 7100
		MD Code:	See References Below

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1. Purpose

To provide deputies with guidance on when they can conduct a stop and frisk.

2. Policy

Deputies may conduct a stop and frisk in compliance with the law and this policy.

3. References

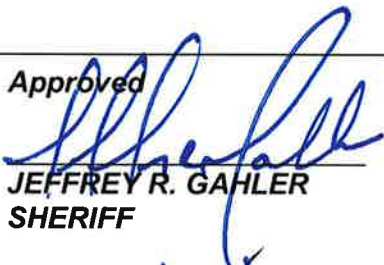
Maryland Code Annotated Criminal Law § 4-206
Terry v. Ohio (392 U.S. 1, 1968)

4. Procedures

- A. Although a deputy may approach any person and speak to him, unless there is reasonable suspicion or evidence that the person is engaged in criminal activity, a deputy has no authority to stop and detain him or demand identification.
- B. When reasonable articulable suspicion has been established and the deputy decides to stop the suspect, he will clearly identify himself as a deputy (e.g., approach in uniform or announcing he is a deputy and displaying his badge or other identifying items).
- C. If the suspect refuses to answer questions or identify himself, he may be questioned further only if there is a reasonable articulable suspicion to continue the investigation.
- D. Barring any additional investigative leads or information, a subject may not be unduly detained or deprived of his freedom of movement unless the deputy is able to develop probable cause for an arrest.
- E. The failure or refusal to answer questions does not bar a frisk if the deputy reasonably suspects the subject may be carrying a weapon; generalized suspicion, or a mere hunch, is not sufficient.
- F. A law enforcement deputy may make an inquiry and conduct a frisk of a person if the deputy, in light of his observations, information, and experience, reasonably believes that (§ 4-206):
 1. The person may be wearing, carrying, or transporting a handgun;

2. Because the person possesses a handgun, the person is, or presently may be, dangerous to the deputy or to others;
 3. Under the circumstances, it is impracticable to obtain a search warrant; and
 4. To protect the deputy or others, swift measures are necessary to discover whether the person is wearing, carrying, or transporting a handgun.
 - a. The frisk that is permissible is limited to a patting down of the subject's outer clothing for the discovery of such weapons and for no other purpose.
 - b. If the frisk leads to reasonable suspicion that the suspect has an object on his person that could be a weapon, the deputy may search that part of the suspect's clothing, but he may not search any further.
 - c. If the frisk fails to disclose evidence of a weapon, no further search may be made.
 - d. If the frisk reveals a weapon, the suspect may be arrested, and a complete search may be conducted.
 - e. If the deputy feels what he believes to be a weapon, the item may be seized; if the item turns out to be contraband and not a weapon, it may still be seized, and the person may be arrested.
 - f. If, while conducting the frisk, the deputy feels something that is immediately apparent to him to be contraband, he may remove the item; if it is contraband, it may be seized, and the person may be arrested.
 - g. If contraband is immediately apparent, the deputy will complete the frisk for weapons before seizing the contraband.
- G. Field contacts will not be conducted to coerce a person to leave an area or place where he has a legitimate right to be, and no violation of law has occurred.
- H. Deputies will ensure that any law enforcement actions taken are not based solely on race, gender, age, ethnicity, sexual orientations, religion, or other cultural identifying characteristics.
- I. Reporting
1. Any deputy who conducts a stop and frisk will, by the end of his shift:
 - a. Complete related Field Interview Report (FIR) by choosing Stop and Frisk in the Field Interview Type dropdown field.
 - i. The FIR will include, at a minimum:
 - a) A description of the circumstances surrounding the stop and frisk;
 - b) The name of the person searched;

- c) The race and date of birth of the person searched;
 - d) Date, time, location, and county where frisk is conducted;
 - e) Whether the deputy was on or off duty;
 - f) Whether the deputy was in uniform or plainclothes;
 - g) Name and ID # of the deputy conducting the frisk; and
 - h) Full description of any items recovered.
2. Law Enforcement Records will forward same to the Maryland State Police, Licensing Division, Handgun Permits Section.

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 10/29/21