



# HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

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Sheriff

## Traffic Stop Procedures

<b>Distribution:</b>	<b>All Law Enforcement</b>	<b>Policy Number:</b>	<b>OPS 0902</b>
<b>Responsible Unit:</b>	<b>Special Operations Division - Traffic</b>	<b>Rescinds:</b>	
<b>Original Issued Date:</b>	<b>07/15/17</b>	<b>Revision #:</b>	<b>2</b>
<b>Latest Required Review was Completed:</b>	<b>08/16/24</b>	<b>Latest Revision Date:</b>	<b>08/28/24</b>
		<b>Next Review Due:</b>	<b>10/30/27</b>

### 1. Purpose

To provide deputies with guidance on conducting traffic stops.

### 2. Policy

Traffic stops must be conducted in an unbiased, courteous, and professional manner and in accordance with all applicable laws and policies.

### 3. References

MD. CODE ANN. TRANSP. §21-106  
MD. CODE ANN. Public Safety Article 3-201(f) & (g)  
MD. CODE ANN. Public Safety Article 3-207(17)  
Byndloss V. State, 391 Md. 462 (2006)  
State v. Williams, 401 Md. 676 (2007)  
OPS 0103 Body-Worn Cameras  
MD. CODE ANN. Criminal Procedure § 2-109

### 4. Definitions

**MOTORCYCLE PROFILING:** the arbitrary use of the fact that an individual rides a motorcycle or wears motorcycle-related clothing or paraphernalia as a factor in deciding to stop, question, take enforcement action, arrest, or search the individual.

### 5. Procedures

#### A. Enforcement Action

1. The Harford County Sheriff's Office (HCSO) does NOT permit the:
  - a. Use of quotas; or
  - b. The writing of excessive numbers of summonses to generate statistics or enhance performance.
2. Deputies must enforce the traffic laws fairly and appropriately when a violation is observed.
3. Deputies have discretion when conducting traffic stops and taking enforcement action; however, the enforcement action must be commensurate with the violation and in accordance with law and HCSO policy.

## B. Safety and Legal Considerations

1. Generally, deputies should initiate traffic stops only when a violation of the law was observed, or reasonable articulable suspicion exists to believe that a violation of the law occurred.
2. Deputies may stop vehicles that did not violate the traffic laws when another legal basis for the stop exists (e.g., a lookout for a specific vehicle; a commercial vehicle inspection, a taxicab permit inspection, etc.).
3. Stopping a vehicle based solely on the race, gender, ethnicity, or similar distinction of the operator or an occupant of the vehicle or stopping a vehicle for "motorcycle profiling" is strictly prohibited.
4. Violators should only be detained for that period considered reasonable to conduct the normal business of the traffic stop.
5. When responding to an emergency call or pursuing a violator or suspected violator, deputies may exercise the privileges provided by TRANSP. § 21-106 only while operating with emergency lights and siren.
  - a. These privileges permit the emergency vehicle to "park or stand" where needed, pass a red or stop signal, stop sign or yield sign, but only after slowing down as necessary for safety, and exceed the maximum speed limit, so long as the driver does not endanger life or property.
  - b. Deputies have a continuing obligation to exercise reasonable care and diligence even when responding to an emergency.

## C. Initial Stop and Approach of Traffic Law Violators

1. When initiating traffic stops and positioning vehicles, deputies will use tactics and procedures based on HCSO policy, training, and experience.
2. When initiating a traffic stop, the deputies will select an area that provides reasonable safety to both the deputy and the violator while providing for the safe and expeditious flow of traffic.
3. Mobile video recording equipment and body worn camera (if equipped) must be activated as outlined in the policy.
4. Regardless of the time of day, deputies must notify Harford County Department of Emergency Services (DES) dispatch via radio each time they stop a vehicle and will provide the:
  - a. Location of stop;
  - b. Vehicle registration number and state.
5. If the traffic stop or situation dictate, the deputy may also include any other pertinent information, such as:
  - a. Vehicle make, model and color; and
  - b. Number of occupants

6. Notification of dispatch for each vehicle stopped is not required if:
  - a. Two or more deputies are conducting an enforcement initiative (e.g., stopping teams);
  - b. Dispatch is notified at the beginning of the initiative of the location and expected duration; and
  - c. The location has clearly defined geographical boundaries.
7. For the duration of the stop, deputies should update dispatch of their status.

#### D. Deputy and Violator Contact

1. Vehicle approaches may vary at every stop.
2. While officer safety should be the determining factor on the type of approach employed, numerous other factors may dictate the type of approach used when contacting violators.
3. At the commencement of a traffic stop or other stop, absent exigent circumstances, a deputy will:
  - a. Display proper identification to the stopped individual (if not in uniform); and
  - b. Provide the following information to the stopped individual:
    - i. The deputy's name;
    - ii. The deputy's identification number issued by the HCSO;
    - iii. The deputy is representing the HCSO;
    - iv. The reason for the traffic stop;
    - v. If applicable, notify the violator that the stop is being audibly and visually recorded; and
    - vi. Request the appropriate documentation (e.g., driver's license, registration, proof of insurance, etc.).
4. A deputy's failure to comply with Subsection 5.D.3.a. and b.i-iv. above:
  - a. May be grounds for administrative disciplinary action against the deputy; and
  - b. May not serve as the basis for the exclusion of evidence under the exclusionary rule.
5. A deputy may not prohibit or prevent a citizen from recording the deputy's actions if the citizen is otherwise acting lawfully and safely.
6. The driver and any or all passengers may be ordered out of the car if deemed necessary for the deputy's safety.
7. Deputies must always address violators in a courteous and professional manner.
8. Deputies must refrain from being argumentative.

9. Once the purpose of a traffic stop has been fulfilled, any continued detention requires the driver's consent or reasonable articulable suspicion of criminal activity.
10. Upon returning to their vehicle, deputies should notify dispatch of their status and complete the normal business of the traffic stop.
11. Deputies should make every attempt to run license, registration, and wanted checks on violators prior to completing the traffic stop.
12. Deputies may run checks on additional vehicle occupants; however, unless probable cause exists, occupants are under no legal obligation to surrender identification.
13. Upon re-approach, deputies will inform the driver of the disposition of the violation and, if necessary, provide instructions regarding how to respond to the specific documents.
14. Deputies must issue a written document for the violation unless circumstances dictate otherwise (e.g., the deputy receives an urgent call for service, etc.).
15. Once a stop is complete, if the violator is free to go, they must be informed they are free to go. If traffic conditions dictate, the deputy may also inform the violator to use caution when merging back into traffic.
16. If necessary, deputies should assist motorists with safely merging back into traffic.
17. Upon completion of the stop, the deputy must inform dispatch that he is clear of the stop.

#### E. Vehicles Stopped in Error

1. On occasion, it is possible that a deputy may stop a vehicle for a perceived violation and then determine that no actual violation occurred.
2. If a deputy realizes that a vehicle was stopped in error, the deputy will:
  - a. Explain the reason for the stop;
  - b. Advise the operator that the stop was made in error; and
  - c. Advise the operator that they are free to leave.
3. The deputy must not issue any type of enforcement document (i.e., no warning will be issued) and the operator's information must not be entered into E-TIX.

#### F. High-Risk Traffic Stops

1. Deputies will conduct high-risk stops (i.e., felony stops) in accordance with their training.
2. High-risk stops may include stops of:
  - a. Vehicles after a pursuit;
  - b. Suspects with felony warrants;

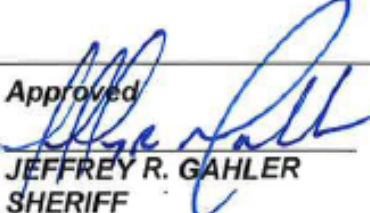
- c. Suspects who are believed to have committed felony crimes against persons;
  - d. Suspects who are believed to have committed crimes involving weapons;
  - e. Stolen vehicles; and
  - f. Any other stop where the deputy has reason to believe that the occupants of a vehicle may be a threat to the deputy.
3. When appropriate, and when time allows, additional resources (e.g., aviation, K-9, etc.) should be requested and should be in the area before a high-risk stop is initiated.
  4. Unless exigent circumstances exist necessitating the need for immediate action, deputies should wait for assistance to arrive before initiating a high-risk stop.
  5. When conducting a high-risk stop, deputies should position their vehicles in a manner that provides the maximum tactical advantage; officer safety and the safety of bystanders should be the primary considerations.
  6. Generally, all traffic approaching from behind the police vehicles should be stopped and consideration should be given to stopping oncoming traffic as well.
  7. During high-risk stops, including stops after a pursuit, occupants should be ordered out of the vehicle; deputies should not approach or run up to the vehicle.
  8. When the situation is safe, police vehicles should be re-positioned to allow the normal flow of traffic to resume.

## 6. Summary of Changes

A. On 12/22/21 the following revisions were made:

1. Section 5.C.3. Added the use of the Body Worn Camera; and
2. Section 5.D. the following was added to comply with MD Code CP Section 2-109:
  3. At the commencement of a traffic stop or other stop, absent exigent circumstances, a deputy will:
    - a. Display proper identification to the stopped individual (if not in uniform); and
    - b. Provide the following information to the stopped individual:
      - i. The deputy's name;
      - ii. The deputy's identification number issued by the HCSO;
      - iii. The deputy is representing the HCSO;
      - iv. The reason for the traffic stop;
      - v. If applicable, notify the violator that the stop is being audibly and visually recorded; and

- vi. Request the appropriate documentation (e.g., driver's license, registration, proof of insurance, etc.).
  4. A deputy's failure to comply with Subsection 5.D.3.a. and b.i-iv. above:
    - a. May be grounds for administrative disciplinary action against the deputy; and
    - b. May not serve as the basis for the exclusion of evidence under the exclusionary rule.
  5. A deputy may not prohibit or prevent a citizen from recording the deputy's actions if the citizen is otherwise acting lawfully and safely.
- B. On 08/16/24 a 3-year review was conducted, and the following changes were made:
1. Section 5.B. – Added: When responding to an emergency call or pursuing a violator or suspected violator, deputies may exercise the privileges provided by TRANSP. § 21-106 only while operating with emergency lights and siren; and
  2. Section 5.F.2.f. – Added: Any other stop where the deputy has reason to believe that the occupants of a vehicle may be a threat to the deputy

Approved  
  
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SHERIFF  
DATE 8/28/24