1. Purpose

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

2. Policy

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

3. Legal Basis

A. Terry v. Ohio (392 U.S. 1, 1968), indicates that a law enforcement officer "may, in appropriate circumstances and in an appropriate manner, approach a person for the purposes of investigating possible criminal behavior even though there is not probable cause to make an arrest."

B. Deputies may make field contacts when they reasonably believe that an investigative inquiry is warranted.

C. A deputy may frisk a person when he/she believes that the individual whose suspicious behavior he/she is investigating at close range is armed and presently dangerous to the officer or to others.

D. A deputy is entitled to conduct a carefully limited search of the outer clothing of such a person in an attempt to discover weapons which might be used to assault him/her.

E. As a general rule, field interviews may be conducted anywhere the deputy has the right to be.

F. Field contacts shall not be conducted to coerce a person to leave an area or place where he/she has a legitimate right to be and no violation of law has occurred.

G. Both the "stop" and the "frisk" must be supported by reasonable and articulable suspicion; generalized suspicion, or a mere hunch, is not sufficient.

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.

4. Reasonable Suspicion

A. The following circumstances (not all-inclusive) may be used to justify a stop:

1. The suspicious appearance or demeanor of the suspect.

2. The actions of the suspect.
3. The time of encounter.

4. The location of the encounter.

5. Bulges in the suspect's clothing which may suggest a concealed weapon.

6. The suspect's proximity to a known crime scene.

7. Prior knowledge of the deputy (e.g., suspect's record, information from a third party).

5. Stopping of a Citizen

A. In order to stop any citizen, a deputy must first establish a reasonable articulable suspicion for the stop or have knowledge that the citizen engaged in the commission of a crime; without this, a deputy has no authority to stop and detain a subject or demand identification.

B. When reasonable articulable suspicion has been established and the deputy decides to stop the suspect, he/she will clearly identify him/herself as a deputy (e.g., approach in uniform or announcing he is a deputy and displaying his/her badge or other identifying items).

C. If the suspect refuses to answer questions or identify him/herself, he/she may be questioned further 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/her freedom of movement beyond the stop and frisk, 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.

F. A deputy will respect the rights of the individual.

6. Frisking

A. If a deputy has reasonable articulable suspicion that a person stopped is in possession of a weapon, he/she may frisk the subject.

B. 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.

C. 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/she may not search any further.

D. If the frisk fails to disclose evidence of a weapon, no further search may be made.

E. If the frisk reveals a weapon, the suspect may be arrested and a complete search may be conducted.

F. If the deputy feels what he/she 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.

G. If, while conducting the frisk, the deputy feels something that is immediately apparent to him/her to be contraband, he/she may remove the item; if it is contraband, it may be seized and the person may be arrested.
H. If contraband is immediately apparent, the deputy will complete the frisk for weapons before seizing the contraband.

I. The following circumstances (not all-inclusive) may be used to establish reasonable articulable suspicion for a frisk:

   1. The type of crime and whether a weapon was used.
   2. A deputy's fears for his/her safety or the safety of others.
   3. When there is more than one suspect.
   4. When the deputy does not have help close at hand and the situation may create increased danger for the deputy.
   5. Any criteria listed above under Section (4) Reasonable Suspicion.

7. Reporting

   A. Any deputy who conducts a stop and frisk will, by the end of his/her shift:

   1. Complete an FIR report in the Field Based Reporting system with the first line of the narrative stating "STOP and FRISK", and
   2. Complete any related field reports, and
   3. Records Section will print the hard copies of the FIR and forward same to the Maryland State Police, Licensing Division, Handgun Permits Section.
   4. The FIR report shall 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 effected,
      e. Whether deputy was on or off duty,
      f. Whether the deputy was in uniform or plain clothes,
      g. Name and ID # of the deputy conducting the frisk, and
      h. Full description of any items recovered.

   Approved

   JEFFREY R. GAHLER
   SHERIFF
   DATE 7/21/15