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Sheriff

# HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

## STOP & FRISK

<b>Distribution:</b>	<b>All Personnel</b>	<b>Policy Number:</b>	<b>OPS 1406</b>
<b>Responsible Unit:</b>	<b>Police Operations Bureau</b>	<b>Rescinds:</b>	<b>MAN 7100</b>
<b>Original Issued Date:</b>	<b>10/29/21</b>	<b>Revision #:</b>	<b>1</b>
		<b>Latest Revision Date:</b>	<b>10/08/24</b>
<b>Latest Required Review was Completed:</b>	<b>09/26/24</b>	<b>Next Review Due:</b>	<b>10/29/27</b>

### 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. Definitions

**REASONABLE ARTICULABLE SUSPICION (RAS):** serves as a key legal standard that law enforcement officers must meet to justify certain actions, such as stopping a vehicle and frisking a suspect. It ensures that these actions are based on specific and articulable facts rather than vague suspicions or arbitrary decisions.

### 4. References

Maryland Code Annotated Criminal Law § 4-206

Maryland Code, Criminal Law § 4-203

Minnesota v. Dickerson 508 U.S. 366 (1993)

Terry v. Ohio (392 U.S. 1, 1968)

### 5. 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 prevent 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 in violation of § 4-203;
  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 to include bags, satchels, etc. 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 the same to the Maryland State Police, Licensing Division, Handgun Permits Section.

6. Summary of Changes

- A. Added Section 3. Definitions to define the term REASONABLE ARTICULABLE SUSPICION (RAS);
- B. Added the following cites under Section 2. References:
  1. Maryland Code, Criminal Law § 4-203; and
  2. Minnesota v. Dickerson 508 U.S. 366 (1993)
- C. Edits made to section 5. Procedures (F)(4)(a) regarding permissible frisks to also include examination of any personal carry items (e.g., bags, satchels, etc.).

Approved  
  
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DATE 10/8/24