

GENERAL ORDER

Metro Transit Police

Subject: Contacts, Stops and Frisks

Number: 325

Effective: 06/01/01

I. Purpose

This Order reviews the authority of members to conduct contacts, stops and frisks and establishes procedures for documenting these encounters.

II. Policy

Members will ensure that contacts, stops and frisks are conducted in a lawful manner and properly documented.

III. Definitions

Contact - a face-to-face communication with an individual who is free to leave. Members may initiate a contact with a person in any place where the member has a lawful right to be.

Frisk - a quick pat down of an individual's outer clothing to detect whether a concealed weapon or other dangerous instrument is being carried.

Probable cause - an apparent set of facts that would lead a reasonably intelligent and prudent person to believe that a crime has been, is being or is about to be committed and that the accused is involved.

Reasonable suspicion - knowledge, based on specific and articulable facts and rational inferences drawn from those facts, that justifies the stopping of an individual. It is more than a hunch but less than probable cause.

Stop - the restraint of an individual's freedom to leave by show of authority or physical force, permissible when said individual is reasonably suspected of being involved in past, present or pending criminal activity.

IV. Procedures & Responsibilities

A. Contacts

1. Initiating a contact does not require probable cause, reasonable suspicion or any other specific indication of criminal activity.

2. Force will not be used to initiate or maintain a contact. Persons contacted will not be detained against their will, frisked or required to answer questions.
3. Documenting information obtained through a contact is not required unless directed by a supervisor. A Stop/Contact Report (MTP Form 207) will be used when necessary.

B. Stops

1. General

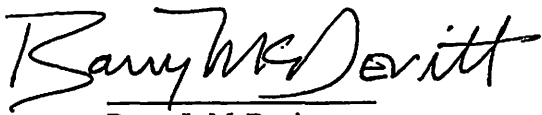
- a. A stop occurs when a member uses lawful authority to compel an individual to halt, remain in a certain place, or perform a certain act (i.e., walking to a nearby location). The person stopped must reasonably assume that he or she is not free to leave the member's presence.
- b. The purpose of a stop is to determine if sufficient probable cause exists to make an arrest.
- c. Members will identify themselves as law enforcement officers as soon as practicable after making a stop.
- d. Members will use the least coercive means available to effect the stop.
- e. A person stopped may be detained at or near the location of the stop for a reasonable period of time.
- f. The person stopped will be provided with an explanation for his or her detention.

2. Basis for a Stop

- a. The justification for conducting a stop closely parallels the U.S. Supreme Court decision in *Terry v. Ohio*.
- b. Members will be aware of the criteria required for initiating a stop and will ensure that all stops are

- conducted in conformance with applicable Federal, State and local standards.
 - 3. Use of Physical Force
 - a. Lethal force will not be used to effect and/or maintain a stop.
 - b. Handcuffs may be used to forcibly detain a stopped subject when necessary.
 - 4. Documenting a Stop
 - a. When an individual is stopped without the use of physical force, pertinent details of the incident, to include factors justifying the stop, will be recorded on a Stop/Contact Report.
 - b. If physical force is utilized to stop a person, an Event Report will be prepared. This report will be completed regardless of whether an arrest resulted from the stop, and will include factors justifying the stop and pertinent details of the incident.
- C. Frisks
 - 1. General
 - a. A frisk is justified when a member reasonably suspects that a stopped individual is armed.
 - b. A frisk will be limited to a "patting down" of the outside of a subject's clothing, solely to determine if a weapon is being carried. Outer clothing (i.e., overcoats and jackets) inhibiting a sufficient initial frisk may be opened to permit a closer frisk of concealed layers of clothing.
 - c. Items carried by a person frisked (i.e., purse, briefcase) may be removed to a safe distance for the duration of the stop.
 - d. If a member reasonably suspects the possibility of harm if an unsearched item is returned to an individual, the contents of same may be briefly inspected.
 - e. A member, reasonably knowing the location of a weapon, may immediately reach inside a person's clothing and remove same.
 - f. Should a frisk reveal a lawfully possessed weapon, the member will secure same out of the subject's reach for the duration of the stop. When necessary to ensure the member's safety, ammunition may be separated from a firearm prior to its return.
- 2. Documenting a Frisk
 - a. When a frisk is conducted in the District of Columbia or the Commonwealth of Virginia, an Event Report will be completed and will contain pertinent details of the incident to include factors justifying the frisk.
 - b. A frisk conducted in the State of Maryland will be documented on a Maryland State Police Firearms Report (MSP Form 97). This form will be completed in lieu of the Event Report and will contain the same information as required in the Event Report.
- D. Miranda Warnings
 - 1. Miranda warnings are not required prior to general questioning during most stops, stop and frisks, and vehicle stops.
 - 2. Extended questioning of a suspect during a stop in a "coercive" atmosphere is likely to be interpreted as a custodial interrogation. Therefore, members will carefully assess the need to advise a subject of his or her Miranda rights prior to or during questioning under these conditions.
- E. Photographing of Suspects
 - 1. Members stopping suspects for the purpose of photography will ensure the stop is in compliance with this Order. Photographs will not be arbitrarily obtained; there will be an articulable, definitive justification for detaining an individual for this purpose.
 - 2. Suspects will not be detained longer than fifteen minutes for the purpose of photography without the authorization of an official.
- F. Stop/Contact Reports will be maintained in corresponding files (adult/juvenile) located

in the Crime Analysis Division. These reports will be destroyed no later than five years from the date of the original event.

A handwritten signature in cursive script, reading "Barry J. McDevitt". The signature is written in dark ink and is positioned above a horizontal line.

Barry J. McDevitt
Chief

FIREARMS REPORT

STOP & FRISK REPORT () FIREARMS INCIDENTAL TO ARREST REPORT () TRACE REPORT ()

INFORMATION REQUESTED VIA: (circle one) PHONE MAIL MILES VERBAL OTHER

(1) DRIVER LIC. ID NUM. SOC-SEC NUM.

(2) LAST NAME (MAIDEN) FIRST NAME MIDDLE NAME

(3) D.O.B. HT. WT. SEX RACE

(4) ADDRESS STREET CITY COUNTY STATE ZIP CODE

(5) DATE TIME LOCATION OF SEARCH COUNTY

(6) TYPE OF WEAPON MAKE MODEL CAL. SERIAL NUMBER

FINISH BARREL LENGTH COUNTRY OF ORIGIN

(7) HANDGUN PERMIT NUMBER ARRESTED YES NO

(8) ARREST REPORT NUMBER/S/ (9) RELATED REPORT NUMBER/S/

(10) DESCRIBE THE CIRCUMSTANCES RELATING TO SEARCH/SEIZURE/TRACE:

(11) INVESTIGATING OFFICER: NAME, RANK, I.D. (12) INVESTIGATING OFFICER'S SUPERVISOR

(13) AGENCY OR M.S.P. INSTALLATION (14) REQUESTER'S PHONE NUMBER (15) DATE (16) TIME

BELOW THIS LINE FOR LICENSING DIVISION USE ONLY

(1A) OWNER'S LAST NAME (MAIDEN) FIRST NAME MIDDLE NAME

(2A) D.O.B. HEIGHT WEIGHT SOCIAL SECURITY NUMBER

(3A) ADDRESS STREET CITY COUNTY STATE ZIP CODE

(4A) TYPE OF WEAPON MAKE MODEL CAL. SERIAL NUMBER

FINISH BARREL LENGTH COUNTRY OF ORIGIN

(5A) INFORMATION RELEASED TO: (NAME, RANK, AGENCY)

(6A) INFORMATION RETURNED VIA: (circle one) (6B) COMPLETED REPORT RETURN DATE

PHONE MAIL MILES VERBAL OTHER

(7A) DATE (8A) TIME (9A) TRACING OFFICIALS NAME

(10A) REMARKS:

GENERAL ORDER #325
ATTACHMENT #1

