

FREDERICK POLICE DEPARTMENT GENERAL ORDER

Section 3: General Patrol Procedures
Topic: MOTOR VEHICLE STOPS
Approved: 02/11/19
Review: Annually in February by Patrol Commander
Supersedes: G.O. 311 approved 12/01/02

Order Number: 311
Issued by: Chief of Police

.01 PURPOSE:

To outline the circumstances during which a motor vehicle may be stopped and to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

.02 CROSS-REF:

Maryland Vehicle Law, TR 13-409, 16-112, 25-113, 26-202
[G.O. 314 - "Vehicle Stop Documentation and Analysis"](#)
[G.O. 370 - "Mobile Video-Audio Recording System"](#)
[G.O. 750 - "Citizen Contacts and Detentions"](#)

.03 DISCUSSION:

Sworn personnel of the Frederick Police Department conduct motor vehicle stops for a variety of reasons. They stop vehicles in response to observed and/or reported violations of Maryland Vehicle Law or because they have reasonable, articulable suspicion or established probable cause that a crime is about to be or has been committed.

.04 POLICY:

It is the policy of the Frederick Police Department that motor vehicle stops be performed professionally, courteously and safely so as to minimize the dangers involved in this activity for the officer, the motorist and the other users of the highway. The Department promotes, teaches and encourages its personnel to use those effective police tactics which meet the standards set by the Constitution of the United States, the State of Maryland and the applicable decisions of any court of jurisdiction. The Department also teaches its personnel to respect the civil rights of every individual who is stopped; it prohibits and does not encourage, condone, teach or authorize its personnel to take any law enforcement action, including a vehicle stop, which is based **solely** on the race, gender, age, ethnicity or religious affiliation of the operator or occupants of a vehicle unless they are seeking an individual with one or more of those identified physical attributes/characteristics. This policy does not alter the authority of an officer to lawfully make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

.05 DEFINITIONS:

VEHICLE STOP: any instance in which a sworn member of the Department stops a motor vehicle and detains the driver for any period of time. For purposes of this Order and recording data, a motor vehicle stop does **not** include the temporary stoppage of a vehicle made at or during:

1. A lawfully conducted checkpoint/roadblock; or,
2. For traffic control purposes either because of an accident or other exigent circumstances which require stopping or controlling the flow of vehicular traffic for safety purposes.

.10 AUTHORITY:

1. Maryland Vehicle Law establishes the right of a police officer to stop a vehicle for a violation of one of its provisions. Section 13-409 of the Motor Vehicle Law obligates the operator of the vehicle to produce the vehicle's registration on demand to a uniformed or non-uniformed officer who identifies himself as a police officer. Section 16-112 of the

Motor Vehicle Law obligates the operator of the vehicle to produce his license on demand to a **uniformed** officer. A footnote to Section 16-112 clarifies an officer's authority to conduct a vehicle stop:

Neither Section 13-409 of this article nor this section may be read as sanctioning a **random** stopping of a single vehicle by police for a "routine" check **if the stop is arbitrary, gratuitous and without justification in the form of reasonable suspicion to believe that a specific violation of the Motor Vehicle Code or some other offense has occurred because such a stop would be violative of the motorist's constitutional rights.** (Goode v. State, 41 Md. App. 623, 398 A.2d 801 cert. denied, 285 Md. 730, 734, 735 (1979).

2. The United States Supreme Court, in Delaware v. Prouse, 440 U.S. 648 (1979), authorized the stopping of an automobile and the detaining of the driver if an officer possesses at least articulable and reasonable suspicion that the motorist, the vehicle or an occupant is subject to seizure for violation of the law. This decision was not limited to violations of motor vehicle law.
3. The Department authorizes its personnel to conduct vehicle stops under a number of circumstances where they have an articulable reason(s) for doing so including, but not limited to:
 - A. An observed/reported violation(s) of the traffic law or an equipment violation;
 - B. Investigation of a crime or criminal activity for which they have established probable cause; or,
 - C. Investigation of a crime or criminal activity or a motor vehicle violation for which they have established reasonable, articulable suspicion.

NOTE: Vehicle stops made as the result of checkpoints and/or traffic control are **not** considered motor vehicle stops for purposes of this Order unless the operator and/or vehicle is detained for a period of time beyond the amount normally required to conduct the activity or unless additional law enforcement activity takes place.

.20 PROCEDURES FOR CONDUCTING MOTOR VEHICLE STOPS:

1. During entry-level and in-service training, the Department provides its personnel with legal, theoretical and practical training regarding vehicle stops, including the review of this general order. This training is intended to reinforce the legal issues which govern an officer's authority to conduct a vehicle stop as well as the practical issues which promote officer safety and lessen the risk to both officer and violator. The Department recognizes that varying conditions such as the volume of traffic, the nature of the observed violation and the urgency to make the stop may require officers to adjust the procedures taught during training and outlined in this Order to particular conditions and circumstances.
2. When conducting a motor vehicle stop an officer shall:
 - A. Conduct a vehicle stop only when they have an articulable reason for doing so.
 - B. Select an appropriate location to stop the vehicle keeping in mind:
 - (1) Lighting conditions;
 - (2) Visibility to other motorists;

- (3) Traffic flow;
 - (4) Roadway conditions; and,
 - (5) Potential escape routes.
- C. Notify Communications as soon as practical as to the:
- (1) Vehicle's tag number;
 - (2) Location of the stop;
 - (3) Number of occupants, if known; and,
 - (4) Additional information as warranted.
- D. Activate emergency lights and equipment if available and appropriate;
- NOTE: Use of emergency lights will **automatically** engage the mobile video/audio recording system in cars so equipped.
- E. If circumstances permit, stop the police vehicle in the standard vehicle stop position - behind and slightly offset to the left of the violator vehicle;
- F. Approach the vehicle using the appropriate level of caution. While focusing attention on the passenger compartment of the vehicle, officers should remain aware of their surroundings, in particular, the flow of traffic around them;
- G. Identify self and give the reason for the stop and inform the operator that the stop is being recorded, if appropriate;
- H. Conduct the stop as appropriate; and,
- I. Record the stop per [G.O. 314, "Vehicle Stop Documentation and Analysis."](#)

.22 VEHICLE STOPS BY NON-UNIFORMED PERSONNEL - ON DUTY:

ON DUTY **non-uniformed** personnel who are operating either a marked or unmarked unit equipped as an emergency vehicle may make a vehicle stop as outlined in Section .10 of this Order. However, they are to be especially attentive to officer safety issues and to Section 16-112 of the Maryland Vehicle Law which limits their rights to demand to see an operator's license under such circumstances.

.23 VEHICLE STOPS BY NON-UNIFORMED PERSONNEL - OFF DUTY:

1. OFF DUTY personnel who are operating a departmental vehicle and are NOT in uniform shall only make a vehicle stop under exigent circumstances or when failure to do so would bring discredit to the Department: e.g., failure to respond to an observed **flagrant** motor vehicle violation, etc.
2. OFF DUTY personnel who are in their personal vehicle will **not** attempt to conduct a vehicle stop. If they observe a "flagrant" violation for which they believe enforcement action needs to be taken, they will record as much information about the vehicle and operator as they safely can and notify on-duty personnel as soon as practical.

.24 PERSONNEL OPERATING NON-EMERGENCY DEPARTMENTAL VEHICLES:

On-duty personnel operating a non-emergency vehicle shall **NOT** make or attempt to make a motor vehicle stop unless there is **imminent** danger of a loss of life should they fail to act. In

other less-urgent cases that require attention, personnel shall contact the Communications Section requesting that a marked unit perform the stop. They shall continue to observe the vehicle if conditions permit and render assistance to the marked unit when the stop has been made.

.26 EXTRAJURISDICTIONAL VEHICLE STOPS:

1. Section 2-102(B)(2) of the Criminal Procedure Article addresses the issue of vehicle stops **outside** the jurisdiction of the City of Frederick:

Under this subsection, a police officer may **NOT** enforce the provisions of the Maryland Vehicle Law **beyond** the officer's sworn jurisdiction, unless the officer is acting under a mutual aid agreement authorized under Section 2-105 of this subtitle.

2. Pursuant to Section 2-105 (g) of the Criminal Procedure Article Frederick County, the Frederick County Sheriff's Office, the City of Frederick, and the Frederick Police Department entered into an Agreement of Mutual Aid Agreement which states:

- A. Whenever any law enforcement officer of the County or of the City is traversing any highway, road, street, or alley either in the County or in the City and observes any crime-in-progress or Maryland Vehicle Law violation either in the County or in the City, that law enforcement officer is authorized to act as a law enforcement officer as defined in this Agreement. However, officers may only act outside their primary jurisdiction with regard to violations of the Maryland Vehicle Law when the circumstances reasonably call for immediate action to protect the health, safety, welfare or property of a person from actual or threatened harm.

- B. When an officer appears in court pursuant to a citation being issued under the above section, his testimony should include "In accordance with the MOU agreement and the authority provided by the Sheriff of Frederick County, I conducted a traffic stop for _____ at _____." That language should also be included in any other charging documents that are created as a result of the traffic stop.

3. Unless as the result of "fresh pursuit" for a violation or crime which has occurred **in the City of Frederick** or property belonging to it, a violation of an offense listed in Title 26, Section 202 of the Maryland Vehicle Law committed within Frederick County, or unless activated in response to a mutual aid agreement with another police agency, personnel are not to enforce the Maryland Vehicle Law outside of the City of Frederick. While in transit outside the City, personnel who witness a flagrant motor vehicle violation will notify the police department of the appropriate jurisdiction or will submit an application for charges through the District Court Commissioner if they deem enforcement action to be necessary.

4. Personnel operating a departmental vehicle outside the City will, however, stop and render aid to another police officer or to the victims of a vehicular accident until personnel from the local jurisdiction arrive.

5. Under Section 5-605 of the Courts and Judicial Proceedings Article, personnel may act outside of the jurisdiction to prevent or to attempt to prevent a crime or effect an arrest in order to protect life or property if the action is not grossly negligent and is taken at the scene of the crime or attempted crime.