

Annapolis Police Department



GENERAL ORDER

Number: K.4

**Issue Date: June
2005**

TO: All Personnel

SUBJECT: Stop and Frisk for Weapons/Firearms Search Report

PURPOSE

The purpose of this General Order is to establish clear guidelines for when to conduct a stop and frisk for weapons search and when to complete a Firearms Search Report.

POLICY

It shall be the policy of the Annapolis Police Department to establish a procedure fulfilling the legal requirements of Title 4 Subtitle 2 §4- 206 of the Criminal Law Article, relating to conducting a limited search for a firearm "Stop and frisk".

I. Required Action

Police officers have the authority to conduct a stop and frisk for **weapons** as long as:

1. The officer has reasonable suspicion that the suspect is committing, has committed, or is about to commit a crime; and
2. The officer has reason to believe that the suspect is a threat to the safety of the officer or another person.

II. Firearms Report

- A. The Firearms Report (refer to appendix Maryland State Police MSP- 97 Form) must be filled out by any officer who conducts a limited search for a **handgun** pursuant to Title 4 Subtitle 2 §4-206 of the Criminal Law Article.
- B. The MSP-97 Form must be completed within 24 hours of the search.

- C. The MSP-97 Form must be completed regardless of the outcome of the search.
- D. A completed MSP-97 Form shall be sent to the Secretary of the Maryland State Police.

III. Procedures

- A. The MSP-97 Form will be completed whenever a “stop and frisk” is performed, regardless of the outcome of the search.
- B. The MSP-97 Form shall **also** be utilized when:
 - 1. A firearm is located incidental to an arrest, or,
 - 2. A trace of an individual permit or a firearm is needed.
- C. When the MSP-97 Form is used in the “stop and frisk” instance, it will be completed by the investigating officer, signed by a supervisor and submitted to the Records Section. If a firearm was located either from conducting the “stop and frisk” or search incidental to an arrest, an incident report will also be completed. If appropriate, the investigating officer will state that a stop and frisk form under Article Title 4 Subtitle 2 §4- 206 of the Criminal Law Article was completed and submitted to the Secretary of the Maryland State Police. Officers will make every effort to obtain the persons driver’s license and Social Security numbers before forwarding the form to the Maryland State Police.
- D. The Records Section will mail the original MSP-97 Form to the Superintendent of the Maryland State Police, and file the copy at Headquarters.

IV. Terry v. Ohio

Refer to case law- 392 US 1 (1968).

Joseph S. Johnson
Chief of Police

References
1. Accreditation Standards 1.2.4
2. Terry v. Ohio 392 US 1 (1968)

Revision: This General Order replaces General Order K.4 Stop and Frisk for Weapons/Firearms Search Report dated June 1999