GUIDANCE MEMORANDUM

Guidance for Maryland Law Enforcement on the Requirements of Maryland Law When Working with Federal Law Enforcement Agencies

UPDATED JULY 2026

I. Introduction and Purpose

State and local law enforcement officers ("Maryland officers")[1] often interact with their federal counterparts. Federal agents and Maryland officers sometimes rely on each other for backup, serve together on federal task forces, enter into mutual aid agreements, and collaborate through less formal arrangements.

When working with federal agents, Maryland officers remain bound by Maryland law and standards in nearly all circumstances, even if different policing standards are applied by federal law enforcement agencies. Maryland law may impose higher standards of conduct and transparency on law enforcement than analogous federal law or federal agency policies.

This guidance describes what Maryland officers must do, may do, and must not do when working with federal agents. In particular, Maryland officers should consider the following when interacting with federal counterparts:

1. Maryland law establishes statewide standards governing the use of force that Maryland officers generally must heed, even when working with federal agents.

2. While performing regular police functions, Maryland officers may not enforce civil immigration laws or assist federal agents in enforcing such laws.

3. Maryland officers must properly use body-worn cameras in accordance with State law and agency policy, identify themselves when making stops, and comply with other key State-law requirements that do not govern federal agents.

4. Unlike federal agents, Maryland officers are subject to civilian oversight in misconduct matters and face substantial exposure to civil liability for violations of State or federal law.

Heeding these considerations will allow Maryland law enforcement agencies and officers to collaborate lawfully and productively with federal agents, in a manner that promotes public safety, encourages trust and legitimacy, and protects Maryland officers from legal liability and disciplinary action.

II. Types of Interactions with Federal Agents

States and the federal government each have the authority to enact and enforce criminal laws within limits imposed by the United States Constitution and respective state constitutions. Thus, the role of federal, state, and local law enforcement depends on the laws that they are charged to enforce. Federal, state, and local law enforcement have distinct but overlapping responsibilities to investigate and prevent crime. The Constitution prevents the federal government from requiring states to enforce federal criminal laws and other federal laws, including immigration laws.[2]

Maryland has enacted laws that define the authority of police officers to act, the limits of that authority, and standards for conduct that officers must meet. While all law enforcement

officers are bound by the U.S. Constitution, the rules that apply to officer conduct and discipline can differ depending on whether the officer is federal, state, or local.[3]

Maryland officers encounter federal agents in several recurring contexts. The form of the interaction varies, but the principle is constant: Maryland law and the U.S. Constitution govern the conduct of Maryland officers, including when they coordinate with federal agencies. Limited situations may arise in which a State or local officer actually becomes a federal agent by virtue of a formal designation or deputization under federal statute. In such situations, officers should consult counsel to determine which federal agency standards for officer conduct, if any, govern their operations, as the answer may depend on the specific statutes involved. In all other contexts—that is, whenever an officer is acting *as a Maryland officer*—Maryland standards and the U.S. Constitution govern officer conduct. The following descriptions identify common interaction types and the operational considerations each presents.

a. Task Forces and Joint Investigations

Federal and Maryland officers often work together on joint investigations or on task forces. Task forces can take many forms and will ordinarily be governed by a memorandum of understanding. While working on a task force, Maryland officers remain members of their department and bound by all department rules.[4] Instructions, guidance, or requests (for data or other assistance) from federal law enforcement officers do not override Maryland laws.

b. Mutual Aid Agreements

Maryland law provides for counties and municipalities to enter into mutual aid agreements that govern when and under what conditions Maryland officers may exercise their police powers outside of the boundaries of the jurisdiction or out of state.[5] When acting pursuant to a mutual aid agreement, Maryland officers are deemed to be acting for a government purpose and may enforce the laws to the same extent as Maryland officers in the locality to which they are sent[6] but continue to be bound by the regulations of their department.[7] Officers acting within the State of Maryland pursuant to a mutual aid agreement "may enforce the laws of the State to the same extent as authorized Maryland officers of a county or municipal corporation in the State."[8]

c. Cross-Designation

Maryland officers may be detailed to federal task forces or temporarily cross-designated as federal agents to support investigations (related to, e.g., firearms, narcotics, or organized crime). These arrangements embed state officers inside federal operations for sustained periods. Because federal policy can be less stringent than Maryland standards for transparency, documentation, and civil-rights protections, task force work presents a heightened risk of pressure to adopt weaker federal practices. Any participation should be understood and managed with the baseline assumption that the requirements of Maryland law discussed in this guidance will continue to bind Maryland officers. Although it is possible that some cross-designations may trigger the application of federal policing standards to the designated Maryland officers, this is a complicated legal question that turns upon the specific federal and State statutes that bear upon the designation.[9] Designated Maryland officers should consult counsel about this issue and should presume that State standards continue to govern their conduct unless counsel informs them otherwise. Maryland law enforcement agencies, for their part, may refuse—and in some

instances, must refuse—to enter into cross-designation relationships if the federal counterpart agency does not agree to the continued application of State law standards to the Maryland officers involved.[10]

d. Joint Operations

Joint operations include episodic activities such as coordinated raids, large-scale warrant service, targeted patrols, or protest response led or co-led by federal agencies. These events often unfold in high-tempo environments and may employ tactics that are not permissible for Maryland officers (e.g., broader use of no-knock entries, aggressive protest dispersal). Maryland officers must anticipate these differences and ensure that operational plans reflect Maryland requirements that apply to them specifically. When engaged in a joint operation the officers remain bound by the regulations of their agency.[11]

e. Requests for Backup or Support

Federal officers sometimes request immediate assistance—during a pursuit, at an active crime scene, or for specialized capabilities. These requests typically arise without a formal agreement and require rapid decision-making. Because urgency can create deference to federal direction, agency training should make clear that, even in urgent circumstances, Maryland officers remain subject to Maryland standards for identification, documentation, force, detention, and the limitations on engagement in civil immigration enforcement discussed below.

f. Federal-Initiated Activities

Federal agencies may conduct independent operations in Maryland, including checkpoints, surveillance, or civil immigration enforcement. Maryland officers may be asked to observe, lend limited support, or engage in crowd management. These contexts carry the risk of conflict with State law, especially where federal objectives (e.g., civil immigration enforcement) entail actions that are not consistent with Maryland law or where State privacy and accountability requirements are stricter.

III. Law Enforcement Tasks and Maryland Standards

In recent years, the Maryland General Assembly has enacted significant reforms that reshape the legal framework for policing. The Police Accountability Act of 2021 and subsequent legislation establish comprehensive duties for Maryland officers, including requirements for proportional use of force, de-escalation, bystander intervention, body-worn camera activation, and independent investigation of in-custody deaths. The General Assembly has also prohibited civil immigration enforcement by State and local officers and mandated transparency through identification requirements and stop-data collection. These reforms underscore the State's commitment to accountability, civil rights, and public trust. Together, these rules reflect Maryland's statutory framework and constitutional obligations.

a. Use of Force

Public Safety Article § 3-524 establishes statewide standards governing the use of force by Maryland law enforcement officers. The statute requires that force be both **necessary and proportional** to the circumstances and that officers employ **de-escalation tactics** whenever

possible before resorting to force. Officers have an affirmative duty to **intervene** to prevent or stop the use of excessive force by another Maryland officer, regardless of rank or assignment. When force results in injury, officers are required to **render or obtain medical aid** without delay. Collaboration with, or providing support to, federal officers does not change these obligations.

Even though the statutory duty under § 3-524 does not extend to federal officers, Maryland officers are still expected to demonstrate professionalism and to act in ways that reduce the risk of harm. Officers should seek to de-escalate situations when safe and appropriate and promptly elevate concerns through supervisory or reporting channels. In some situations, other laws beyond § 3-524 may expose officers to civil or criminal liability for failing to intervene to prevent another officer from engaging in the unreasonable use of force or other illegal conduct.[12] To ensure that officers and departments are protected from liability, local departments should consider implementing policies and training on the duty to intervene.

b. **Stops and Questioning**

Maryland Criminal Procedure Article § 2-109 requires Maryland officers to identify themselves by name, badge number, and agency, and to state the reason for a stop. The statute contains a narrow exception for exigent circumstances in which disclosure would jeopardize officer safety or compromise an active investigation.[13] In such cases, the officer must provide the required information as soon as the exigency ends. These obligations are imposed against the background of (1) the constitutional right of individuals to be free from unreasonable searches and seizures, and (2) the corresponding obligation of an officer to have reasonable, articulable suspicion to stop an individual and separate reasonable, articulable basis to believe the person is armed and dangerous before conducting a frisk.[14]

Under new statutes that take effect October 1, 2026, Maryland officers will also be subject to limitations on the use of face coverings and requirements about wearing visible identification and verbally identifying themselves upon request.[15] To implement these new statutes, the legislation calls for the Maryland Police Training and Standards Commission ("MPTSC") to issue unform face covering and identification policies.[16] The new statutes apply to federal agents as well, and the statutes grant Maryland officers discretion to issue civil citations to any law enforcement officer who violates them.[17] Once MPTSC issues the required policies, Maryland law enforcement agencies will need to consider how to exercise this discretion.

c. Traffic Stops

Maryland Transportation Article § 25-113 requires that for every traffic stop, officers document key details, including the date, time, and location of the stop; its duration; the violation observed; whether a search was conducted and on what basis; the outcome of the stop; and demographic information such as race, ethnicity, gender, and age of the driver.[18] These reports must be submitted to the officer's agency, compiled annually, and transmitted to the Maryland Statistical Analysis Center for public reporting and oversight.[19]

Federal law enforcement agencies are not subject to comparable obligations. Maryland officers, however, remain bound to comply with the requirements of Maryland law. If a

Maryland police officer makes a traffic stop or issues a citation, that officer is required to provide identification and comply with other Maryland law obligations.[20]

d. Body-Worn Cameras

Public Safety Article § 3-511 requires that all Maryland officers be equipped with body-worn cameras. The Maryland Police Training and Standards Commission has adopted a statewide model policy that governs their use. Under this policy, cameras must be activated during searches, seizures, arrests, traffic stops, and other enforcement actions or investigative encounters, and must remain active until the encounter ends unless deactivation is specifically authorized. Officers are required, when safe and practicable, to advise individuals that they are being recorded. Recordings must be retained in accordance with agency policy, with minimum standards set by State law, and preserved in unedited form. Access to footage is limited to official purposes, and release is subject to the Maryland Public Information Act. Supervisors must conduct audits and compliance reviews, and officers who fail to adhere to activation, storage, or release requirements are subject to discipline. Maryland officers may not defer to federal practices that are to the contrary.

e. Searches and Seizures

Maryland Criminal Procedure Article § 1-203 governs the execution of search and seizure warrants issued by State judges. The statute requires that officers obtain a warrant issued by a judicial officer, except where a recognized exception to the warrant requirement applies.[21] It further provides that "no-knock" entries may only be authorized by a judge upon a specific showing of imminent threat to life or safety.

Federal law enforcement agencies are not bound by Maryland's restrictions and may operate under broader policies. Maryland officers should not directly participate in federal search practices that violate Maryland standards, including failure to comply with documentation requirements.

f. Arrests and Detentions

Maryland Criminal Procedure Article § 5-104 prohibits Maryland officers who are performing "regular police functions" outside the corrections context from detaining or prolonging the detention of any individual for the purpose of investigating immigration status or based solely on suspicion of a civil immigration violation.[22] The statute further bars transferring an individual to federal immigration authorities unless required by federal law or providing information about an individual to federal immigration authorities, with limited exceptions (such as where the information disclosure is for a criminal investigation).[23] Section 5-104 is discussed at greater length in the Office of the Attorney General's immigration guidance for law enforcement.[24] In brief, the statute makes clear that Maryland officers do not have authority to assist in civil immigration enforcement. Maryland law further prohibits law enforcement agencies and other units of State and local government from entering into any type of agreement with the federal government that would authorize State or local officers or employees to enforce civil immigration laws.[25]

g. Crowd Control and Protest Response

The use of force standards established in § 3-524 of the Public Safety Article, discussed above, apply equally to protest and crowd-control situations. The statute requires that force be necessary and proportional, that officers use de-escalation tactics whenever possible, and that officers intervene to prevent or stop the use of excessive force by others.[26] It also imposes a duty to render medical aid when injuries occur.

Maryland's Freedom of Association and Assembly Protection Act, codified at § 3-701 of the Public Safety Article, strictly limits law enforcement scrutiny of speech and assembly. All investigations of First Amendment activity must serve a legitimate law enforcement objective and must safeguard constitutional rights.[27] Officers may only investigate a First Amendment activity if there is articulable suspicion of unrelated criminal wrongdoing – and even then, the inquiry must end once all leads are exhausted or no valid public-safety concern remains.[28] Covert infiltration of a rally or organization is allowed only with a written finding by a supervisor that specific criminal activity is suspected and that no less intrusive method will suffice.[29]

Section 3-701(e) forbids targeting anyone for exercising free speech or assembly. It provides that a law enforcement agency "may not investigate, prosecute, disrupt, interfere with, harass, or discriminate" against a person engaged in First Amendment activity for the purpose of punishing, retaliating, preventing, or hindering the exercise of constitutional rights.[30]

Maryland officers may not treat peaceful protestors or demonstrators as suspects or subjects of investigation merely because they are protesting.[31] Any crowd control or intelligence effort must be justified by independent public safety or crime-control needs, not by disagreement with the message or target of the protest.[32]

h. Raids and Warrant Execution

Maryland Criminal Procedure Article § 1-203 governs the execution of warrants, including during raids.[33] The statute requires that officers knock and announce their presence unless a judge has specifically authorized a no-knock entry on a showing of imminent threat to life or safety. The statute also places limits on nighttime warrant execution, requiring judicial approval based on necessity.

Public Safety Article § 3-511 mandates that sworn police officers must activate body-worn cameras during warrant service and requires that recordings be made available in accordance with policy.[34] Federal agencies may operate under more permissive standards, but Maryland officers remain bound by State law. Participation in federal raids or warrant executions that involve tactics inconsistent with Maryland's statutory framework, including failure to wear visible identification, may place Maryland officers in jeopardy for civil liability or disciplinary action.

i. Roadblocks and Checkpoints

Maryland Criminal Procedure Article § 2-102 and § 2-105 authorize cooperation across jurisdictions but do not expand the purposes for which checkpoints may lawfully be conducted. Roadblocks and checkpoints are permissible only when narrowly tailored to specific public safety objectives, such as impaired-driving enforcement or border enforcement.[35]

Maryland officers do not have authority to conduct checkpoints or roadblocks for general crime control or immigration enforcement.[36] Maryland officers should not participate in checkpoints that federal agents set up for these purposes.

j. Civil Immigration Enforcement

The Attorney General has issued comprehensive guidance to law enforcement on immigration enforcement, which is available on the agency's webpage.[37] The following is a summary of the guidance document:

> 1. Law enforcement officers are prohibited from asking about a person's immigration status during a stop, search, or arrest, unless it is relevant to a crime being investigated by that officer or material to a routine booking procedure.
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> 2. Law enforcement officers may not extend a detention to investigate a person's immigration status or based on the suspicion that the individual has committed a civil immigration violation.
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> 3. Law enforcement officers are prohibited from transferring a person to ICE or other federal immigration authorities, unless required by federal law or unless federal immigration authorities want the person for a crime.
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> 4. Except when doing so for criminal investigations, law enforcement officers generally may not provide information about a person obtained in the course of the officers' duties to ICE or other federal immigration authorities. Officers may share a person's citizenship or immigration status information in the rare circumstances in which they obtain it, but they may not share any other information about the person (such as physical location or personal identifying information) with federal immigration authorities, unless required by a valid court order or unless the disclosure is for a criminal investigation.
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> 5. State and local law enforcement and correctional officers are generally prohibited from sharing personal information about a detainee, such as their name and address, with any federal agency seeking the information for immigration enforcement purposes, absent a judicial warrant. For these purposes, "personal information" does not include a person's citizenship or immigration status.
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> 6. Local correctional facilities are generally prohibited from facilitating the removal or deportation of a noncitizen who lacks criminal history. Where a noncitizen has certain criminal convictions, a local correctional facility may generally cooperate in federal efforts to remove that person, except that the facility may not prolong the person's detention on civil immigration grounds or coerce or intimidate any person based on citizenship or immigration status.

7. Units of State and local government are prohibited from entering into immigration detention agreements and immigration enforcement agreements with the federal government.

IV. Accountability Standards

This section reviews the robust set of oversight and accountability mechanisms that apply uniquely to Maryland officers.

a. Civilian Oversight

Following the murder of George Floyd in 2020, the Maryland General Assembly enacted the Police Accountability Act of 2021 to subject police discipline to substantial civilian oversight.[38] Under this system, each county has two civilian bodies—a Police Accountability Board and an Administrative Charging Committee—that share key responsibilities for police misconduct issues and matters.[39] The Police Accountability Board oversees policy matters related to discipline and accepts complaints of misconduct from members of the public.[40] The all-civilian Administrative Charging Committee decides whether to charge an officer with misconduct based on a complaint involving a member of the public and also recommends discipline.[41] For State and bi-county law enforcement agencies, a statewide Administrative Charging Committee performs these functions.[42]

b. Internal Investigations

State law requires law enforcement agencies to conduct thorough internal investigations of complaints of police misconduct, unless the matter is eligible for mediation based on the minor and nonviolent nature of the alleged misconduct.[43] "Police misconduct" encompasses any deprivation of a person's rights under State or federal law, any violation of a criminal law, and any violation of the law enforcement agency's standards and policies.[44] There is no exception for misconduct that occurs during a collaboration with federal agencies.[45] The Maryland law enforcement agency must forward the results of the misconduct investigation to the civilian Administrative Charging Committee for a charging decision, if the allegations involve a member of the public.[46]

c. Independent Investigations of In-Custody Deaths

Also in 2021, the General Assembly created the Independent Investigations Division ("IID") within the Office of the Attorney General to conduct independent investigations of police-involved deaths.[47] Under its statutory mandate, IID must investigate "all police-involved incidents that result in the death of an individual or injuries that are likely to result in the death of an individual" and may investigate some other incidents on referral from the State's Attorney.[48] The statute governs the activities of all Maryland officers and does not make exception for activities undertaken in cooperation with federal agents.[49] The Office of the Attorney General has authority to prosecute any criminal offense discovered during the course of the IID investigation.[50]

d. Certification and Discipline

Maryland officers must be certified by the Maryland Police Training and Standards Commission.[51] The Commission may suspend or revoke an officer's certification for, among other reasons, a violation of the use of force statute or a violation of Commission standards.[52]

e. Civil Litigation

Compared to their federal counterparts, Maryland officers face more significant exposure to civil lawsuits for violations of federal or state law.[53] In some circumstances, courts may apply the doctrine that restricts liability for federal agents to Maryland officers if they are serving on a federal task force under federal supervision.[54] In many circumstances, however, there is a risk differential: as State and local officers, Maryland officers are more likely to confront civil claims than are federal agents.[55] Maryland officers should be aware of this risk differential when collaborating with federal agents.

f. Public Information Act

Maryland's Public Information Act ("PIA") generally requires that public records, including records relating to police misconduct, be made available to the public upon request, unless an exemption from disclosure applies.[56] The PIA imposes tight deadlines on public records requests; State and local agencies typically must respond within 30 days at the latest.[57] Further, the PIA governs any public record within the custody of a State or local agency, even if the public record originated elsewhere and is also held by another government entity.[58] Thus, a State or local law enforcement agency collaborating with federal agents may not deny a PIA request on the ground that a particular record in the agency's possession came from a federal entity.[59] Nor may a State or local law enforcement agency require a requester to seek a record that is in the agency's possession from a federal entity instead.[60]

V. Implementation and Training

Maryland law enforcement agencies should consider providing training to officers based on the principles discussed in this guidance. We recommend that training academies and in-service training programs also incorporate this guidance, including by use of scenario-based training on joint operations with federal partners.

When appropriate, supervisors should ensure that operational plans, memoranda of understanding, and other types of agreements with federal partners clearly state that Maryland officers remain bound by Maryland law, including the Maryland use of force statute. Agencies should provide transparency by sharing this guidance with the public and should update policies as Maryland statutes evolve.

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[1] For purposes of this guidance, the term "Maryland officers" includes not only State, county, and municipal police departments, but also other sworn police forces authorized by Maryland law. *See, e.g.*, Md. Code Ann., Educ. § 13-601 (University System of Maryland police forces); Md. Code Ann., Nat. Res. § 1-201.2 (Natural Resources Police Force). These specialized forces employ State law enforcement officers and are fully subject to the requirements outlined in this guidance.

[2] *New York v. United States*, 505 U.S. 144, 188 (1992) (holding that the federal government may not compel states to enact legislation providing for the disposal of their radioactive waste or else take title to that waste); *Printz v. United States*, 521 U.S. 898, 935 (1997) (holding that the federal government may not require state and local law enforcement officers to perform background checks on prospective firearm purchasers).

[3] *See Cooper v. California*, 386 U.S. 58, 62 (1967) (noting that states may impose higher standards on law enforcement actions than the federal constitution requires); 107 *Opinions of the Attorney General* 153, 189-90 (2022) (same). Although Maryland courts often interpret the Maryland Declaration of Rights *in pari materia* with the U.S. Constitution, there are important instances where Maryland's interpretation is more protective of individual rights. *See, e.g.*, *Dua v. Comcast Cable of Maryland, Inc.*, 370 Md. 604, 621-622 (2002) (recognizing that Maryland courts may afford greater protection under Articles 22 and 24 of the Declaration of Rights than the federal Due Process Clause). Where Maryland's interpretation is more restrictive of government authority, Maryland officers are bound to follow the state constitutional standard. *See id*.

[4] *See* Md. Code Ann., Crim. Proc. § 2-102(b)(3)(ii), (c)(2); 89 *Opinions of the Attorney General* 158, 160 (2004).

[5] Crim. Proc. § 2-105.

[6] Crim. Proc. § 2-105(b), (g)(1); *see also* Md. Code Ann., Pub. Safety § 14-8A-02 (National Capital Region mutual aid agreements).

[7] Crim. Proc. § 2-102(b)(3)(ii); 89 *Opinions of the Attorney General* at 160.

[8] Crim. Proc. § 2-105(g)(2).

[9] *Compare* 21 U.S.C. § 878(b) (state and local law enforcement cross-designated as DEA officers generally "shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees"), *with* 49 U.S.C. § 44922(b) ("A State or local law enforcement officer who is deputized under this section [as a TSA agent] shall be treated as a Federal law enforcement officer . . . .").

[10] *See, e.g.,* 49 U.S.C. § 44922(c) (stating that TSA deputization agreements are "voluntary"); *Assistance by State and Local Police*, 20 Op. O.L.C. 26, 1996 WL 33101191, at *20 (1996) (noting that state or local authorities must "agree to the federal deputation of their officers"); *infra* Part III(e) (explaining that State law effectively precludes Task Force Model 287(g) agreements that call for Maryland officers to carry out civil immigration enforcement actions during the performance of routine duties).

[11] *See* Crim. Proc. § 2-102(b)(3)(ii).

[12] *United States v. Thao*, 76 F 4th 773, 777-78 (8th Cir. 2023) (criminal liability under 18 U.S.C. § 242); *Joseph v. Bartlett*, 981 F.3d 319, 343 (5th Cir. 2020) (civil liability under 42 U.S.C. § 1983).

[13] Crim. Proc. § 2-109(a).

[14] *Bailey v. State*, 412 Md. 348, 363 (2010); *In re D.D.*, 479 Md. 206, 231 (2022); *Terry v. Ohio*, 392 U.S. 1 (1968).

[15] *See* 2026 Md. Laws, ch. 612 (enacting Pub. Safety §§ 3-535, 3-536).

[16] *Id*. (enacting Pub. Safety § 3-207(p)(2), (q)(2)).

[17] *Id.* (enacting Pub. Safety §§ 3-535, 3-536).

[18] Md. Code Ann., Transp. § 25-113.

[19] *Id*.

[20] Maryland courts have consistently held that the duration of a stop—traffic or otherwise—must be limited to the time reasonably necessary to address the purpose of the stop. Once the purpose of the stop has been fulfilled, any further detention constitutes a "second stop" that requires independent constitutional justification. *See Ferris v. State*, 355 Md. 356, 374-75 (1999) (holding that further detention after the conclusion of a traffic stop must be supported by reasonable suspicion, probable cause, or consent); *Carter v. State*, 143 Md. App. 670, 694 (2002) (explaining that once the purpose of the stop has been fully served, additional detention is impermissible absent new reasonable suspicion); *Charity v. State*, 132 Md. App. 598, 610 (2000) (reasonableness of duration depends on whether officer is diligently pursuing the purpose of the stop, not unrelated investigations); *Steck v. State*, 239 Md. App. 440, 454–55 (2018) (detention must last no longer than necessary to effectuate the purpose of the stop).

[21] Crim. Proc. § 1-203.

[22] Crim. Proc. § 5-104(b)(2)(ii).

[23] *Id*. (b)(iii), (v); *see* Letter from Patrick B. Hughes, Chief Counsel for Opinions & Advice, and Ben Harrington, Assistant Attorney General, to Carolyn J. Scruggs, Secretary of the Department of Public Safety and Correctional Services, at 12 (June 15, 2026), https://oag.maryland.gov/FederalActionsResponse/Documents/pdfs/Community%20Trust%20Act%20Letter%206.15.26%20(FINAL)(signed).pdf.

[24] Office of the Attorney General, *Guidance Memorandum, Local Enforcement of Federal Immigration Law: Legal Guidance for Maryland State and Local Law Enforcement Officials* 3-5 (June 2026), https://oag.maryland.gov/FederalActionsResponse/Documents/pdfs/Law%20Enforcement%20Immigration%20Guidance%2006.22.2026%20Update%20(FINAL).pdf.

[25] Crim. Proc. § 5-104.1.

[26] Pub. Safety § 3-524.

[27] Pub. Safety § 3-701(d).

[28] *Id*. (g).
[29] *Id*. (c)(1).
[30] *Id*. (e).
[31] *Id*. (g).
[32] *Id*.
[33] Crim. Proc. § 1-203.
[34] Pub. Safety § 3-511.
[35] *City of Indianapolis v. Edmond*, 531 U.S. 32, 37-38 (2000); *Johnson v. State*, 242 Md. App. 588, 599 (2019).
[36] *See Johnson*, 242 Md. App. at 599-600; Crim. Proc. § 5-104.
[37] Office of the Attorney General, *Guidance Memorandum, Local Enforcement of Federal Immigration Law: Legal Guidance for Maryland State and Local Law Enforcement Officials* (June 2026), https://oag.maryland.gov/FederalActionsResponse/Documents/pdfs/Law%20Enforcement%20Immigration%20Guidance%2006.22.2026%20Update%20(FINAL).pdf.
[38] *See* 2021 Md. Laws, ch. 59.
[39] *See* 109 *Opinions of the Attorney General* 61, 62-63 (2024).
[40] Pub. Safety § 3-102; *see generally* 110 *Opinions of the Attorney General* 3, 5-7 (2025); 109 *Opinions of the Attorney General* at 62-63.
[41] Pub. Safety § 3-104.
[42] *Id*. (b).
[43] COMAR 12.04.09.06B, 12.04.11.06; *see* 109 *Opinions of the Attorney General* at 63. Where the alleged misconduct does not involve a member of the public, local law may authorize an agency other than the police department to conduct the investigation. 110 *Opinions of the Attorney General* at 35.
[44] Pub. Safety § 3-101(g).
[45] *See id*.
[46] Pub. Safety § 3-104(d).
[47] *See* 2021 Md. Laws, ch. 62.
[48] Md. Code Ann., State Gov't § 6-602(c).
[49] *See id*. §§ 6-601(c), 6-602
[50] *Id*. § 6-604.
[51] Pub. Safety §§ 3-209, 3-216.
[52] *Id*. § 3-212.
[53] *See Hernandez v. Mesa*, 589 U.S. 93, 109 (2020) (explaining that the *Bivens* doctrine that applies to officers acting under federal law is "more limited" than 42 U.S.C. § 1983, which applies to officers acting under color of state law); *Bulger v. Hurwitz*, 62 F.4th 127, 137 (2023) (noting that the Supreme Court has "severely limit[ed] the reach of *Bivens*").
[54] *See Thai v. County of Los Angeles*, 127 F.4th 1254, 1261-63 (9th Cir. 2025) (holding that county officers serving on joint federal-state task force to investigate social security fraud were not "acting under state law" in carrying out task force duties and were not subject to suit under § 1983); *Jakuttis v. Town of Dracut*, 95 F.4th 22, 29 (1st Cir. 2024) ("The determination of whether [a state trooper serving on a federal task force] was clothed with state authority rather than federal authority at the relevant times depends on the level of government to which Poirier's allegedly unlawful conduct is 'fairly attributable.'").
[55] *See Hernandez*, 589 U.S. at 109.
[56] *See* Md. Code Ann., Gen. Prov. §§ 4-103; 4-311(c)(1).
[57] Gen. Prov. § 4-203(b).
[58] *See id*. § 4-101(k); Office of the Attorney General, Maryland Public Information Act Manual 1-9 (19th ed. 2024) ("PIA Manual") ("A custodian generally must respond to a request for public records that are in the agency's custody, even if another agency might also have custody of the same records.").
[59] PIA Manual at 1-9 - 1-10.
[60] *Id*.