



TRAFFIC LAW ENFORCEMENT

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I. PURPOSE

The purpose of this directive is to provide all officers of this department with:

- A. Uniform procedures for taking enforcement action incidental to traffic law violations;
- B. Uniform enforcement policies for traffic law violations;
- C. Guidelines on law enforcement practices; and
- D. Procedures for handling traffic law violations by certain classes of motorists.

II. POLICY

It is the department's policy to enforce traffic laws for the purpose of reducing the number of traffic accidents. Therefore, officers' enforcement actions, and their decisions about the type of enforcement action to take in any given situation, should include careful consideration of the nature and seriousness of the violation, the intent of the driver, and the effect of the violation on other motorists and/or pedestrians.

Officers will initiate enforcement action based on a combination of training, experience, and common sense. In the absence of specific direction elsewhere, officers should operate on the premise that deliberate violations of traffic laws, and hazardous violations, deserve a more vigorous enforcement effort than do inadvertent violations or non-hazardous violations.

Further, the department places greater emphasis on the quality of an officer's traffic law enforcement efforts, rather than the quantity. While all uniformed officers share responsibility for traffic law enforcement, it is recognized that the opportunity to enforce laws varies in different parts of the County, and varies according to the other law enforcement duties of officers. Field supervisors will consider these factors in evaluating the traffic enforcement work of subordinates. The department expects all uniformed officers to contribute to the traffic enforcement effort, but does not establish quantitative objectives for individual officers, such as ticket quotas.

III. ENFORCEMENT OPTIONS

Traffic enforcement officers will keep the preceding statements of policy in mind when selecting from the following enforcement methods that are available, from the most to least extreme:

- A. Physical arrest
- B. Application for summons or warrant
- C. Citations
- D. Written warnings

- E. Safety equipment repair orders
- F. Verbal warning

IV. OFF-DUTY ENFORCEMENT

Officers operating marked police cars will be attentive to traffic violations and will take appropriate enforcement actions as warranted. Except for officers assigned to covert activities, all officers, whether on or off-duty, will take enforcement action when the violation is flagrant or when emergency conditions exist.

V. ENFORCEMENT PRACTICES

A. Visible Traffic Patrol

Normal traffic enforcement involves visible traffic patrol by officers who observe and handle traffic violations during the performance of their normal duties, or while on a directed patrol traffic enforcement assignment.

B. Stationary Enforcement

When completing reports or doing other activities that keeps officers out of service for a short while, officers are encouraged to park their patrol vehicles in a conspicuous location, where the presence of the vehicle will serve to remind drivers to comply with traffic laws.

C. Unmarked or Unconventional Vehicles

When available, unmarked or unconventional vehicles may be used in problem areas with the approval of a platoon commander. All unmarked vehicles used for traffic law enforcement will be equipped with emergency lights (blue and/or red) and a siren.

D. Speed Measuring Devices

1. The commander of the Traffic Safety Section shall be responsible for the management of the department's speed measuring devices. Speed measuring devices include, but are not limited to, RADAR, LIDAR, VASCAR, and chronometer. Responsibilities of the Traffic Safety Section include:

a. Equipment specifications:

1. Only those RADAR and LIDAR speed measuring devices which are listed on the most current version of the *National Highway Traffic Safety Administration* Conforming Product List may be used to conduct speed enforcement. Devices which are no longer in production, but are included in this list are authorized for use pursuant to this section.
2. This section applies to both Departmental devices and devices owned by individual officers.

b. Operational procedures:

1. Only those officers who have successfully completed an approved training course for the type of device being used are authorized to use that device for any enforcement purpose.
2. Speed measuring devices shall be operated in accordance with the required training, all applicable laws, Department regulations, and manufacturer's specifications outlined in the user's manual for the device being used.
3. Operators shall test any speed measuring device being used for enforcement at the beginning of use for the day and again at the end of use for the day. In addition to any other testing required by law or specific manufacturers, RADAR devices shall be tested internally by using the internal test button or feature on the device, and externally by using the assigned tuning fork(s). LIDAR devices shall be tested by using the test button or feature on the device, and by checking the sight alignment, known distance test, and if

equipped, the Delta distance test. (Each District station and the Special Operations Division facility shall have a prescribed location for all required distance testing.)

c. Proper care and upkeep:

1. Officers are responsible for the proper care of the speed measuring device they use. Unless mounted in a police vehicle, all speed measuring devices and their accessories shall be stored in their case when not being used. LIDAR users shall take the storage case and all accessories when signing out the device from their Traffic Coordinator.
2. Officers will return damaged or defective devices to the District Traffic coordinator with a prescribed repair form noting the defect. The District Traffic coordinator will arrange for these devices to be taken to the Traffic Safety Section for repair. Any speed measuring device, including personal devices, which requires repair, may only be repaired by the Traffic Safety Section or through an authorized service center.

d. Maintenance and records:

1. Each speed measuring device shall be tested for accuracy once per year, using a suitable testing device and method, at the Traffic Safety Section.
2. The Traffic Safety Section is responsible for issuing all Certificates of Accuracy/Calibration. One copy of the certificate will be maintained with the device and another with the Traffic Safety Section. One additional copy of the certificate will be maintained at the District Courts for all Departmental devices.
3. Maintenance records for Departmental speed measuring devices will be at the Traffic Safety Section. Individual members are responsible for the maintenance and records of personally owned devices.
4. Any speed measuring device, including personal owned devices, which requires repair, may only be repaired by *the Traffic Safety Section or through* an authorized service center.

f. Operator training and certification.

1. The Traffic Safety Section shall establish a standardized training course for each type of speed measuring device utilized by the Department. The courses shall include lecture, demonstration, written examination, and practical application.
2. The Traffic Safety Section commander shall issue an operator certification to those members who successfully complete the required training course above for the appropriate device(s).

2. Radar units will be issued to each district Executive Officer for equitable assignment among members of the patrol platoons in that district. The units will remain assigned to the district regardless of personnel reassignments.

3. Lidar units will be issued to each district Executive Officer to be made available, through the District Traffic Coordinator, for daily use by any qualified officers. The units will remain assigned to the district regardless of personnel reassignments.

4. All requests from citizens or community organizations for radar enforcement will be forwarded to the appropriate district commander for evaluation and, if deemed necessary, enforcement action.

VI. ENFORCEMENT GUIDELINES

A. Out of State Motorists

Because the Uniform Vehicle Code is followed by a majority of states, including Maryland, nonresidents should not be granted immunity unless the traffic regulations violated are unique to Maryland or Anne Arundel County.

B. Juveniles

In addition to the discretionary factors discussed in Section I, officers must consider the age and inexperience of a juvenile motorist in deciding on the proper enforcement action. See Index Code 1703 for procedures for juvenile traffic enforcement.

C. Legislators

Members of the United States Congress, the Maryland General Assembly, the Anne Arundel County Council, the Federal or State judiciary, and the executive branches of government enjoy no immunity from citation or arrest. Officers will address them with the respect customarily accorded their office and standing in the community.

D. Foreign Diplomats & Consular Officials

See Index Code 2001.1.

E. Military Personnel

If a traffic stop results in the physical arrest of an active duty member of the armed forces of the United States, the arresting officer will ensure that the appropriate on duty officer (OD) of the arrested person's military installation, ship, or base is notified of the arrest and the accompanying circumstances.

F. Armored Cars

In the event that an armored car commits a traffic violation requiring the issuance of a citation the officer will:

1. Stop the vehicle and advise Communications of the vehicle number and company name;
2. Communicate with the driver through the gun port - including passing the driver's license, registration card, or citation(s); and
3. Not request the driver to exit the vehicle, under normal circumstances.

In the event the offense is such that it is necessary to have the driver exit the vehicle, the officer will request Communications to notify a police supervisor and a supervisor from the company. Drivers have been instructed not to exit the vehicle unless company and police supervisors are present.

G. Drivers with Suspended or Revoked Driving Privileges

Arrests will be made for driving while suspended/revoked charges if the motorist has an out of state license. Maryland residents may be arrested for driving while suspended/revoked. However, this is not mandatory. The motorist's prior driving history and reason for suspension/revocation should be considered. **Under no circumstances should the motorist be allowed to continue to drive.** If the status of a motorist's driver's license cannot be determined at the point of contact, and the officer later learns that the license is suspended or revoked, the officer will attempt to issue a traffic citation to the individual. If unsuccessful, the officer will place charges through the District Court commissioner.

H. Speeding Enforcement

Enforcement of speeding violations should be based upon the location of the violation, time of day, traffic volume, proximity of pedestrians, and danger caused to other motorists. As with all other enforcement decisions, the officer's decision on the enforcement option must be based on a combination of training, experience, and common sense.

I. Equipment Violations

When enforcing equipment violations, officers should consider the continued safe operation of the vehicle and the general condition of the equipment, as well as the type of equipment defect. Equipment violations should be handled by issuing a Safety Equipment Repair Order unless the vehicle has an out of state registration, in which case a warning or citation should be written.

J. Public Carrier/Commercial Vehicles

Administration of the Department's commercial vehicle inspection and weight enforcement program is the responsibility of the Traffic Safety Section.

Moving violations involving commercial vehicles or public carriers should be handled in the same manner as private passenger vehicles. Appropriate consideration should be given to the potential danger caused to other motorists or passersby and the inconvenience caused to passengers. The department has personnel trained and certified to conduct safety inspections and weight enforcement of commercial vehicles. As a participating agency in the Maryland Motor Carrier Safety Program, the Department's commercial vehicle inspectors are trained to inspect mechanical operations of vehicles, cargo securement, driver qualifications, driver hours of service, and transportation documents carried aboard the vehicle. Hazardous materials shipments may also be inspected by qualified inspectors.

Officers encountering commercial vehicles or their drivers which they believe may be in violation of safety regulations should request the assistance of a certified commercial vehicle inspector. Officers should consider requesting the assistance of a commercial vehicle inspector whenever such a vehicle is involved in a crash. The Department possesses portable weight load scales that may be used by certified personnel to enforce weight regulations. Enforcement of weight regulations will be conducted by personnel trained and certified as required by applicable statutes. Officers encountering a commercial vehicle exhibiting evidence of a possible weight violation should contact Traffic Safety and request the portable scales. If the Department's scales are unavailable, a request may be made to the Maryland State Police for a roving weight enforcement officer with portable scales. Only scales certified by the Maryland State Police may be used to enforce weight restrictions defined in the Maryland Transportation Article.

K. Multiple Violations

When issuing charges for multiple violations, only one violation may be charged on each traffic citation. Be sure to "loop" all related citations. See Index Code 1937 for procedures. Except in the case of fatal accidents, officers may place "Must Appear" charges at the same time that the violator is charged with prepayable offenses. Charges in fatal accident cases will be placed by the fatal accident investigation specialist, after consultation with the State's Attorney's office.

L. Grace Periods for Newly Enacted Laws

The Bureau of Patrol commander will announce grace periods for newly-enacted laws, during which only warnings are given. After the expiration of the grace period, the officer will use discretion according to the circumstances.

M. Bicycles and Pedestrians

1. The Traffic Safety Section will review all accident reports involving bicycles and pedestrians. When appropriate, a member of the Traffic Safety Section will initiate a study of the accident scene to determine if selective enforcement is warranted. The results of the reviews and studies will be forwarded to district commanders for dissemination to traffic enforcement officers.

2. On heavily traveled highways where moving violations are observed involving persons operating bicycles, all applicable laws will be strictly enforced. In those areas where traffic flow is minimal, visibility is unobstructed, and traffic accident occurrences are low, officers should exercise discretion in the type of enforcement action taken.

3. Officers should be more lenient in the enforcement of the law and more instructive in their response to youthful offenders, who may not be fully aware of their responsibility in the safe operation of bicycles. Officers should be less tolerant with older offenders who should be aware of the hazards inherent in the unsafe operation of bicycles.

4. Officers will concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and severe, and will cite those persons committing substantial violations, when appropriate.

N. Off-Road Vehicles

Unregistered off-road vehicles will be impounded and towed if found in operation on public highways, public parks or trails. Persons illegally operating off-road vehicles on public highways will be charged on the appropriate charging document (traffic citation or juvenile citation). Warnings are at the officer's discretion. If a juvenile

operator is warned, his or her parent or guardian will be notified of the offense. Operation of off-road vehicles in such a manner as to endanger the life or property of others should result in traffic charges instead of warnings.

O. Parking Enforcement

Non-emergency parking regulations, including tow away zones, time controlled zones, and handicapped parking will be enforced with reasonableness and impartiality in all areas of the county. Vehicles parked in fire lanes, and vehicles parked illegally presenting an immediate hazard to traffic, will be ticketed and towed immediately.

P. Traffic Citations Involving Anne Arundel County School Bus Drivers

The transportation supervisor for the Anne Arundel County Board of Education has requested to be notified whenever county school bus drivers are issued traffic citations for moving violations. To adhere to this request, officers will follow the policy outlined below.

1. Any officer who issues a traffic citation for a moving violation to a school bus driver (while operating the school bus) will forward a copy of the citation to the Traffic Safety Section within 72 hours of issuance. It is not necessary for the bus to be occupied by students when the violation occurs. On the reverse side of the copy of the citation sent to the Traffic Safety Section, indicate the bus company and bus number.
2. The Traffic Safety Section will subsequently notify the transportation supervisor of the Anne Arundel County Board of Education.
3. The issuance of the citation(s) and the completion of any related duty will be done in the normal manner according to existing policies and procedures.

Q. Request for Driver's Reexamination

1. If a police officer encounters a driver who appears to be physically and/or mentally incapable of operating a motor vehicle, the officer must notify the Motor Vehicle Administration using the Request for Reexamination form (DC-039) contained within the Delta Plus program. All the fields contained within the electronic form must be completed, including:
 - a. The officer will select at least one of the indicators that apply for the traffic stop and individual. These indicators are a guide to common behaviors that may warrant a medical referral.
 - b. The officer will enter a summary of the events regarding the officer's contact with the individual. This is a specific description of the problem behavior that was observed and the officer's concerns that initiated the referral.
2. If the driver's condition is such that continued operation of a motor vehicle will imminently endanger the motoring public, or the driver himself, further operation will not be allowed. The vehicle should be safely secured and arrangements made for the operator.

VII. PROPONENT UNIT: Traffic Safety Section.

VIII. CANCELLATION: This directive cancels Index Code 1903, dated 05-17-16.