

50. TRAFFIC LAW ENFORCEMENT

(November 2007)

I. POLICY

The Department is committed to making roadways throughout the County safer through traffic enforcement. Conspicuous patrol in marked cruisers by uniformed officers is the principal means of promoting good driving by deterring traffic violations.

The Department uses both marked and unmarked vehicles to enforce violations of the Maryland Vehicle Law.

When necessary, enforcement efforts will be targeted at specific times and locations, such as certain stretches of roadways or intersections, which experience a large number of accidents or traffic violations.

Officers shall be alert for traffic violations and traffic complaints that come to their attention and have the discretion to issue verbal or written warnings, citations, and to make arrests. Enforcement action shall be based entirely on the violation, not the personality, race, sex, or ethnicity of the violator.

II. CHECKLIST (N/A)

III. DEFINITIONS

Authorized Departmental Vehicle: A vehicle equipped with functioning emergency lights and siren

IV. FORMS

- ❑ Commander's Information Report (PGC Form #1545)

- ❑ Warning/Field Observation Notice (PGC Form #5088)
- ❑ Maryland Safety Equipment Repair Order (SERO) (MSP Form #157)
- ❑ Request for Re-Examination of Driver (MVA Form #AJ-39)
- ❑ Parking Violation Notice (PGC Form #7-A)
- ❑ Void Notice (PGC Form #3378)

V. PROCEDURES

Each District will maintain at least one unmarked cruiser to be used for special enforcement needs. The cruiser may be assigned to an officer whose primary duties are traffic enforcement. The cruiser will be equipped with:

- ❑ Spotlight
- ❑ Emergency lights
- ❑ Siren with public address system

Officers may use any of the following methods to enforce the vehicle law:

- ❑ Moving patrol
- ❑ Overt (high visibility patrol intended to discourage violations)
- ❑ Covert (to identify and apprehend violators)

1. Uniformity of Enforcement

Officers are prohibited from stopping individuals to issue additional citations after the conclusion of the original traffic stop unless:

- ❑ The officer becomes aware of violations that were unknown at the time of the original stop
- ❑ The investigation has not been completed

Examples include, but are not limited to, DUI, fatal or hit-and-run accidents, and cases where the individual provides false information.

Officers shall not threaten to issue additional citations to a citizen in order to persuade him or her not to challenge citations that he or she has already been issued.

2. Multiple Violations

Officers are not limited as to the number of citations, Safety Equipment Repair Orders, or warnings that may be issued to a violator.

Officers will ensure that all citations issued to a single violator are linked using the space at the top of the traffic citation.

Traffic Citations & Criminal Arrests

To establish probable cause in court, officers that make traffic stops that lead to arrests should ensure that the individual is cited for the violation that led to the traffic stop. For example, a driver who commits an unsafe lane change and is subsequently arrested for DUI should be cited for the unsafe lane change. In these situations, officers are encouraged to complete both the arrest paperwork and the traffic citations themselves in order to facilitate the consolidation of charges.

Officers shall ensure that they provide a photocopy of the signed citation(s) to the District Court Commissioner and record the citation number(s) in the top margins of both the Statement of Probable Cause and the Statement of Charges. This will allow the commissioner to request that the criminal and traffic charges be consolidated into one court date.

3. Legislators

Legislators, including those of the US Congress, Maryland House of Delegates, and elected politicians of Maryland counties and municipalities, are subject to compliance with the Maryland Vehicle Law. No legal or appellate provisions exempt them from prosecution.

4. Diplomats

See: VOLUME II, CHAPTER 13. CONTACT WITH DIPLOMATS & ARREST OR DETENTION OF FOREIGN NATIONALS.

5. Speed Measuring Devices

An authorized Departmental vehicle's speedometer may be used to pace vehicles in order to establish a speed violation. Officers who pace a motorist and cite him or her for speeding shall ensure that the speedometer has a current calibration. Speedometer calibrations are valid for 6 months.

Information regarding the use of other types of speed measuring devices and operator qualifications are contained in the Community Policing Institute's SOP.

6. Off-Road Vehicles

Officers will investigate complaints concerning off-road vehicles. In cases where they can identify or apprehend violators, officers will follow appropriate arrest or citation procedures. Off-road vehicle accidents will be investigated consistent with the Department policy, ***See: VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION.***

In cases where violators cannot be identified or elude apprehension, the officer may

request, through the chain of command, the assistance of motorcycles through SOD. SOD may deploy in problem areas.

7. Public Carrier & Commercial Vehicle Code Violations

Officers may seek guidance regarding public carrier and commercial vehicle code violations from the Collision Analysis and Reconstruction Unit (CARU). CARU has primary responsibility for the enforcement of public carrier and commercial vehicle violations.

8. Traffic Stops

All uniformed officers operating marked Departmental vehicles are responsible for visible traffic patrol to enforce vehicle laws. Plainclothes on-duty officers or off-duty officers operating unmarked Departmental vehicles should refrain from making traffic stops unless the violation creates a significant hazard. Officers should only make traffic stops when operating Departmental vehicles equipped with functioning emergency lights and siren.

Routine traffic stops outside the County are prohibited.

Making Traffic Stops

Officers shall ensure that a violation has occurred, unless the stop is investigatory in nature.

Officers shall select a safe location for the stop, such as a parking lot or road shoulder, where violators may wait while being issued citations or warnings. The cruiser shall be positioned behind the violator to provide protection from other motorists. When stopped behind motorists, the officer shall

activate his or her vehicle's emergency lights or hazard flashers.

When notifying the dispatcher of the stop, officers shall provide the following information in the below order:

- ❑ Location
- ❑ License plate number and state
- ❑ Make and model of vehicle
- ❑ Color of vehicle
- ❑ Number of occupants

When providing the location, officers shall avoid using common identifiers such as "MD 450 at the McDonald's." When giving locations on ramps or spurs, officers shall provide a "from-to" location, such as "ramp from Eastbound MD 214 to Southbound I-95."

Upon contact, the officer shall:

- ❑ Identify himself or herself and greet the violator courteously, using the appropriate title
- ❑ If Mobile Video System (MVS) equipped, advise the violator that he or she is being audio/visually recorded
- ❑ Advise the violator of the reason for the stop
- ❑ Request the violator's driver's license and vehicle registration
- ❑ Avoid debating the merits of the violation, but answer procedural questions concerning the violation
- ❑ Return the violator's license and registration at the conclusion of the stop, unless required as evidence

Selective Speed Enforcement

When selective speed enforcement is employed on roadways where the posted speed limit is greater than 35mph, use of a

laser type speed detection device is preferred.

Traffic accident data supplied by the State of Maryland and other sources is made available to Commanders so that officers can be responsive to areas with high violation/high accident experience.

Data compiled from sources inside and outside PGPD, including citizen complaints or requests, and DUI arrest locations, may be used by Commanders to enhance selective enforcement efforts. When an enforcement activity is conducted, traffic officers will compile data relative to their efforts and report their results to their Commander or supervisor.

When traffic enforcement is conducted specifically for complaints or reports of traffic accidents at a given location, the traffic officer conducting the enforcement activity will complete a written report. The report will compare the enforcement activity with the number of accidents for the 30-day period before and after the enforcement was conducted. If the review determines the need for traffic engineering assistance, the traffic officer will ensure notification of the supervisor, CARU.

Commanders and supervisors will implement appropriate measures and selective enforcement techniques that may include:

- ❑ The use of speed measuring devices
- ❑ Directed patrol, line patrol, or stationary observation

Prior to an officer being assigned to selective enforcement activities, he or she will be informed by his or her Commander or supervisor of the nature, details, and objectives of the assignment.

Selective traffic enforcement activities at the District level will be evaluated by the traffic officer to determine effectiveness and whether continued enforcement or occasional monitoring is appropriate. Findings will be reported to the District Commander.

Stop Teams

When conducting selective speed enforcement, during which officers flag down offending motorists from a stationary position, officers shall:

- ❑ Restrict this type of activity to daytime hours
- ❑ Wear a brightly colored reflective safety vest
- ❑ Ensure they have a safe area to retreat to that will protect them from unobservant motorists

9. Inspecting Vehicle Interior Due to Window Tinting

(US v. Stanfield)

A police officer who lawfully stops a vehicle with windows so heavily tinted that the vehicle's interior is not visible, may open one of the vehicle doors to visually determine if:

- ❑ The driver is armed
- ❑ There are weapons inside
- ❑ Other occupants may pose a danger to the officer

Officers may seize any contraband or evidence they observe in plain view through a lawfully opened door.

10. Maryland Uniform Complaint & Citation

Distribution & Accountability of Citations

Citation books shall be stored in the District's/Division's property room or other secure location. Supervisors shall sign a receipt designated by the property supply clerk noting the quantity of citation books received and their corresponding citation numbers.

When an officer obtains a citation book from his or her supervisor, he or she shall complete the Receipt Card and top portion of the Tally Sheet, staple the two together, and return them to the issuing supervisor. The supervisor shall forward the receipt card to the property supply clerk, who will forward it to the Records Section.

Officers shall not lend, borrow, or share citation books.

Advice to Violator

When issuing citations, officers shall inform the violator whether or not a court appearance is mandatory, the amount of the pre-payable fine indicated on the citation, and the procedures for obtaining a court date. They shall inform the violator that complete information and instructions are printed on the reverse of the defendant's copy of the citation.

When charged with an offense for which the violator is issued a traffic citation, the officer shall advise the violator that:

- ❑ The Maryland vehicle law requires the violator to acknowledge receipt of the citation by signing it

- ❑ Signing the citation is not an admission of guilt, but the violator's promise to fulfill the requirements listed on the reverse side of the violator's copy of the citation by either paying the fine or appearing in court
- ❑ Failure to appear in court or pay the fine may result in the suspension of driving privileges

When the violator is not presented before a District Court Commissioner, the distribution of copies is as follows:

Forwarded to Records Section:

- ❑ Court copy (white)
- ❑ Law enforcement copy (yellow)

Retained by Officer:

- ❑ Officer's copy (pink)

Given to Violator:

- ❑ Defendant's copies (white & blue w/envelope)

If the charges require the violator to appear in court, the violator will only receive the blue copy.

When the violator is presented before a commissioner, the commissioner places the court copy in the criminal file folder. The rest of the distribution is as above.

Actions for Refusal to Sign Citation

Officers shall notify violators who refuse to sign a traffic citation that failure to sign may result in the issuance of an additional citation, as well as lead to their arrest. Upon continued refusal, the officer shall request that a supervisor (Sergeant or above), respond to the scene. If unavailable, a supervisor from another sector shall be requested.

The supervisor shall explain to the violator that signing the citation is not an admission of guilt, but a written promise to either appear in court when notified or pay the fine. The supervisor shall reiterate that failure to sign may lead to the violator's arrest. Upon continued refusal, the supervisor may authorize an arrest.

If a supervisor determines that a violator should be arrested and presented before a District Court Commissioner, he or she shall ensure that a CIR is completed and forwarded to the Assistant Chief of Police, Patrol Services by the end of the tour of duty.

As a substitute for requesting the response of a supervisor, the officer may print "REFUSED" in the signature block of the ticket when the violator possesses identification that allows the officer to positively identify the violator and his or her home address. If the violator's identity and home address cannot be verified, he or she may be arrested as described in this section.

Voiding Citations

A citation that the violator has not signed may be voided administratively.

If officers make an error while writing a citation, they shall complete a Void Notice and forward it, along with the citation, to the Assistant Chief of Police, Patrol Services. If the Assistant Chief of Police, Patrol Services concurs, the citation will be forwarded to the Chief of Police for disposition.

A citation signed by a violator must be disposed of in Court either through dismissal by a judge or a declaration of nolle prosequi by an Assistant State's Attorney.

11. Warning Notice

The Warning/Field Observation Notice may be issued to any vehicle or violator in lieu of or in conjunction with the issuance of citations.

12. Safety Equipment Repair Orders (SERO)

SEROs shall be issued for equipment violations on motor vehicles or trailers assigned permanent Maryland registrations. In cases involving unsafe vehicles, a Maryland Uniform Complaint and Citation may be issued to the operator of any motor vehicle or trailer. A citation may be issued in conjunction with an SERO.

SEROs shall be disseminated according to the directions on the form.

Certification of Safety Equipment Repair Orders

Officers may certify repairs of defects noted on the order with an asterisk. Orders may only be certified if all repairs are complete. If any defects without asterisks have also been checked, the citizen will be directed to an authorized inspection station for certification.

Inspections will not be conducted during inclement weather or darkness.

If all repairs have been completed, the officer shall enter the following information at the bottom of the SERO in the spaces provided:

- Officer's rank, signature, and ID number
- Date
- Prince George's County Police Department
- "DA" for Agency Code

- ❑ Mailing address of certifying officer's assignment

The distribution of copies is as follows:

Returned to Citizen

- ❑ Owner copy
- ❑ Hard buff copy

Transmitted to the Records Section

- ❑ Inspection station copy

Window Tint Inspection

Only the Maryland State Police, Automotive Safety Enforcement Division is authorized to approve SEROs issued for window tint inspection.

13. Pedestrian & Bicycle Law Enforcement

Maryland's traffic laws apply to pedestrians and bicyclists alike. Officers shall be alert for violations of the traffic laws that jeopardize the safety of the pedestrian, bicyclist, or motorists.

Commanders may authorize selective enforcement efforts in response to Maryland Automated Accident Reporting System (MAARS) data or community requests.

14. Driver Re-Examination

Officers shall be alert for motorists that appear to be unfit, unsafe, or otherwise not qualified to be licensed. Utilizing a Request for Re-Examination of Driver form, officers can request the Motor Vehicle Administration (MVA) to test these motorists. The Physical Defects and Summary sections of the form must provide specific information to assist the MVA, and

prevent officers from having to appear at MVA hearings.

The completed form shall be submitted to a supervisor, who will forward it to a Commissioned Officer for approval. The Commissioned Officer will forward approved requests to the Records Section.

15. Use of Reflective Safety Vest

The reflective safety vest shall be worn as the outermost garment whenever an employee or police explorer is engaged in traffic direction or stationary enforcement, except during emergencies or circumstances requiring brief intervention.

16. Parking Enforcement

(County Code Division 8, Section 26)

The Revenue Authority distributes Parking Violation Notice books. An officer receiving a notice book will complete the receipt form, sign, and forward it to the Revenue Authority. Officers are accountable for Violation Notices issued to them and shall not lend, borrow, or share them. Violation Notices will only be destroyed as provided for in this directive.

When issuing a Violation Notice, the hard copy will be placed in a prominent location on the subject vehicle. Completing the owner's information section before placing the Violation Notice on the vehicle is not necessary.

Before submitting the Violation Notice to his or her supervisor, the officer shall complete the owner's information section on the remaining copies only for vehicles:

- ❑ That are unregistered
- ❑ With out-of-state registration
- ❑ With expired Maryland registration

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- ❑ With Maryland dealer or transporter registration

The officer will retain his or her copy, and submit the remaining original and copy to his or her supervisor for review within 72 hours.

The supervisor shall review the Violation Notice to ensure that it has been completed correctly. Copies shall be forwarded to the Revenue Authority where a file will be established for each notice book. Copies are not to be sent to the Records Section or the Treasury Division. The Revenue Authority will forward the original copy to the Treasury Division.

The Revenue Authority shall return Violation Notices containing errors to the appropriate Commander/Director. Commanders/Directors shall ensure that the issuing officer corrects the Violation Notice.

Voiding Parking Violation Notices

This procedure will only be used when notices are issued in error. It is the only voiding procedure.

The issuing officer shall complete a Void Notice and attach it to the Violation Notice. The officer shall then forward both notices through the chain of command to the Assistant Chief of Police, Patrol Services. If approved, the Void Notice and the Violation Notice shall be forwarded to the Revenue Authority.

Owner Information Not Available

When a Violation Notice is issued that requires owner information but such information is not available, an MVA printout will be attached to the copies and forwarded to the Revenue Authority. No

further explanation is required. Void Notices will not be needed in these cases.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.5, 61.1.6, 61.1.7, 61.1.8, 61.1.9, 61.1.12, 61.1.13, 61.3.2, 82.3.4

Governing Legislation:

- ❑ Maryland Vehicle Law, Title 21, Sub-Title 501
- ❑ Maryland Vehicle Law, Title 21, Sub-Title 1202
- ❑ Maryland Vehicle Law, Title 23, Sub-Title 105
- ❑ County Code Division 8, Section 26
- ❑ US v. Stanfield