

Traffic Law Enforcement

Index Code: 1902
Effective Date: 10/01/02
(Revised 5/17/17)

I. Purpose

The purpose of this directive is to provide deputies with guidelines and uniform procedures for traffic law enforcement.

II. Policy

It is the policy of the Office of the Sheriff to enforce traffic laws for the purpose of reducing the number of traffic related accidents, thus saving lives, reducing injuries, and reducing property loss. Therefore, enforcement actions and decisions about the type of enforcement 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 roadway users.

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

Further, the Office of the Sheriff emphasizes quality of traffic law enforcement efforts rather than quantity. While all uniformed deputies 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 other law enforcement duties deputies are responsible for. Immediate supervisors will consider these factors in evaluating the traffic enforcement work of subordinates. The Office of the Sheriff expects all deputies to contribute to the traffic law enforcement effort, but does not establish quantitative objectives for individual deputies, such as ticket quotas.

III. Enforcement Options

Deputies engaged in traffic law enforcement activities will keep the preceding statements of policy in mind when selecting from the following enforcement methods that are

available, listed from the least to the most extreme.

A. Verbal/Written Warnings

A warning may be issued to a violator for minor infractions of traffic law. A warning, properly given by a deputy can be more effective, while building positive rapport with drivers, than any other type of enforcement action.

B. Safety Equipment Repair Orders

Safety Equipment Repair Orders are issued when a vehicle registered in Maryland is operated with equipment that does not meet the standards established under 23-105 and 24-106.1(e) of the Maryland Transportation Article.

Safety Equipment Repair Orders (MSP 157) may be used to document and correct defective vehicle equipment.

C. Maryland Uniform Complaint and Citation.

A citation should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, multiple violations, or operating unsafe and improperly equipped vehicles.

D. Physical Arrest

Deputies may affect a physical arrest for those violations listed in 26-202 (Power of Arrest) of the Maryland Transportation Article. The decision to make an arrest will be based on sound legal justification.

IV. Off Duty Enforcement

Deputies operating marked patrol vehicles when off duty will be attentive to traffic law violations, and take appropriate enforcement actions as warranted. Consideration may be given based on individual circumstances, such as when transporting a family member, traveling to an appointment where being late would impose a hardship, etc. However, except for deputies assigned to covert activities, all deputies, whether on duty 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 law enforcement involves visible traffic patrol by deputies who observe and initiate enforcement action during the performance of their duties, or while on a directed traffic enforcement assignment.

B. Stationary Enforcement

When completing reports or doing other activities that keeps deputies out of patrol service for a short period of time, deputies 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 Vehicles

When available, unmarked vehicles may be used in problem areas with the approval of a supervisor. All unmarked vehicles used for traffic law enforcement will be equipped with emergency lights and a siren.

D. Speed Measuring Devices

1. The Commander of the Field Operations Division (Patrol Commander), or his designee, will establish written procedures for the use of speed measuring devices. Speed measuring devices include, but are not limited to, RADAR and LIDAR. The written procedures will include:

- a. Equipment specifications;
- b. Operational procedures;
- c. Proper care and maintenance;
- d. Programmed maintenance;
- e. Maintenance and calibration records;
- f. Operator training and certification;

2. Speed measuring devices may only be operated by deputies who have successfully completed an approved training course for the particular equipment being utilized. Deputies will only be considered for that training course after one year of Sheriff's Office employment after graduating from the training academy. Operators are responsible for the proper use and care of the equipment being used. Damaged or defective devices must be returned to the RADAR/LIDAR supervisor, along with an explanation of the damage/defect, as soon as possible. Under no circumstances will unauthorized personnel attempt to use or repair damaged or defective equipment.

3. Individual speed measuring devices

may be issued to qualified deputies by the RADAR/LIDAR supervisor. Deputies issued individual equipment must show a propensity for speed enforcement, or meet some specific need. Accountability for this equipment rests with the individual to whom it is issued and their immediate supervisor.

4. Each speed measuring device will be calibrated once each year, and repaired when necessary by a qualified technician. The RADAR/LIDAR supervisor is responsible for maintaining calibration and maintenance records, and maintaining current calibration certificates at the District Court.

5. All requests from citizens or community organizations for speed enforcement will be forwarded to the Duty Officer for evaluation and, if deemed necessary, forwarded to the Patrol Commander for appropriate action.

6. Speed violations may be enforced by using a verbal warning, written warning, or a Maryland Uniform Citation.

VI. Enforcement Guidelines

A. Out of State Motorists

Because the Uniform Vehicle Code is followed by a majority of states, including Maryland, nonresidents will not be granted immunity unless the traffic regulations violated only apply to Maryland or Queen Anne's County.

B. Juveniles

In addition to discretionary factors previously discussed, deputies should also consider the age and inexperience of a juvenile motorist in deciding on the proper enforcement action. Payable traffic violations committed by juveniles whom are 16 years of age or older will be charged in the same manner as an adult. Payable traffic violations committed by juveniles under the age of 16 will be charged on a Juvenile Motor Vehicle Complaint form and any applicable motor vehicle citations, released to a parent or guardian, and referred to Juvenile Services using the Juvenile Referral form. "Must Appear" violations committed by any juvenile under the age of 18 will be charged on a Juvenile Motor Vehicle Complaint form, released to a parent or guardian with the completion of the Juvenile Recognizance form, and referred to Juvenile Services using the Juvenile Referral Form. See Index Code 1701 (Juvenile Law Enforcement) for additional procedures concerning juvenile traffic law enforcement.

C. Legislators

Members of the United States Congress, the Maryland General Assembly, the Queen Anne's

County Commissioners, the Federal and State Judiciary, and the executive branches of government enjoy no immunity from citation or arrest. However, deputies will address them with the proper respect customarily afforded their Offices and standing in the community, and consider whether detaining them would interfere with the execution of their respective duties.

D. Foreign Diplomats & Consular Officials

1. When a driver believed to have diplomatic immunity is stopped for a moving traffic violation, and has proper and valid identification indicating immunity, the deputy may issue an appropriate traffic citation or warning. Issuance of a traffic citation does not constitute an arrest or detention. The deputy should give strong consideration to the issuance of a warning rather than a citation when coming in contact with a driver having diplomatic immunity.

2. Of primary consideration in a DUI/DWI incident is assurance that the driver does not endanger themselves or the public. Preventive steps may include taking the subject to another location to permit sufficient recovery to drive safely, providing transportation, or taking other appropriate corrective action while respecting any immunity that may apply. Access to a telephone is to be provided.

3. The official, if entitled to immunity, is not subject to any sobriety or other mandatory test, and except in extreme cases will not be restrained. The driver is to be told that the deputy's primary responsibility is to care for the safety of the official and the safety of others. Force will not be used except when necessary to prevent injury to the official or others.

4. Papers, documents, or archives in possession of a person entitled to immunity, or in a vehicle bearing valid federal diplomatic plates, remain inviolable even if the driver is restrained or the vehicle removed or immobilized.

5. Contacts for Diplomatic Status Verification are as follows:

- a. U.S. Department of State, Protocol Office, Immunity Section at 202-647-1985, and after hours at 571-345-3146 or 1-866-217-2089.
- b. U.S. Department of State, OPS Center at 202-647-4415, and after hours at 202- 647-1512.

E. Military Personnel

If a traffic enforcement action results in the physical arrest of an active duty member of the United States armed forces, the arresting deputy will ensure that the appropriate on duty officer of the arrested person's military installation, ship, or base is notified of the arrest and the accompanying circumstances. Military personnel are not unilaterally exempt from traffic violations. However, certain military vehicles are exempt from various registration and commercial vehicle laws.

F. Armored Cars

In the event an armored car is involved in a traffic violation requiring the issuance of a citation, the deputy will:

1. Stop the vehicle, advising the dispatcher the vehicle number and company name, in addition to the vehicle registration, make, model and color;
2. Communicate with the driver through the gun port; 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 deputy will request the dispatcher to notify the immediate on duty supervisor, and a supervisor from the armored car company. Most drivers have been instructed not to exit the armored car unless company and law enforcement supervisors are present.

G. Drivers with Suspended or Revoked Driving Privileges

Drivers may be arrested for driving while suspended or revoked; however, this is not mandatory and the motorist's prior driving history and reason for suspension or revocation should be considered. Under no circumstance will the driver be permitted to continue driving. If the status of a motorist's driver's license cannot be determined at the time of contact, and the deputy later learns that the license is suspended or revoked, the deputy will attempt to issue a traffic citation. If unsuccessful, the deputy will place charges through the District Court Commissioner.

H. Speed 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 deputy's decision on the enforcement option must be based on a combination of training, knowledge, experience, and common sense.

I. Equipment Violations

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

J. Commercial Vehicles/ Public Carrier

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 any potential dangers that may be inflicted on other motorists or pedestrians, and the inconvenience caused to passengers on public carriers.

Currently, the Office of the Sheriff is a participating agency in the Maryland Motor Carrier Safety Program, and has personnel trained and certified to conduct safety inspections and weight enforcement of commercial vehicles. Certified commercial vehicle inspectors are trained to inspect mechanical operations of vehicles, cargo, driver qualifications and hours of service, transportation documents, and hazardous materials. Deputies encountering commercial vehicles, or their drivers, which may be in violation of safety regulations should request the assistance of a certified commercial vehicle inspector through the Office of the Sheriff, the Maryland State Police, or the Maryland Transportation Authority. Deputies should consider requesting the assistance of a certified commercial vehicle inspector whenever a commercial vehicle is involved in a serious motor vehicle crash.

Deputies encountering a commercial vehicle exhibiting evidence of a weight violation should contact the Maryland State Police and request the use of 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 Maryland Uniform Citation (except when utilizing e-tix). Be sure to "loop" all related citations. Multiple violations may be included on a written warning or safety equipment repair.

Except in cases of motor vehicle crashes resulting in a fatality, deputies may place "Must Appear" charges at the same time that the violator is charged with payable offenses. Charges in a motor vehicle crash resulting in a fatality will only be placed after consultation with the States Attorney's Office.

L. Must Appear Citations

A violator who is issued a "Must Appear" citation must be advised that they must appear for a Preliminary Inquiry Advisement at a District Court Commissioner within 5 business days of the issuance of the citation. The violator must be given a DC-CR-147 in addition to the Must Appear citation. In many cases, it is better to take violators of "Must Appear" offenses to the commissioner's office rather than letting them sign and go from the scene.

M. Hazardous Violations

Many traffic law violations are hazardous in nature, and therefore are responsible for a large number of traffic accidents in Queen Anne's County. Some hazardous violations are: disregarding a traffic control device (signal and/or sign); failure to yield to a vehicle and/or a pedestrian; negligent driving; reckless driving; and aggressive driving. The Office of the Sheriff will take aggressive enforcement action when hazardous violations occur.

N. Non-Hazardous Violations

The type of enforcement necessary in non-hazardous violations will be at the discretion of the deputy sheriff. It is impossible to foresee every situation regarding traffic violations; therefore, the deputy sheriff's discretion, training, experience, and knowledge will determine the action to be taken. Any willful or wanton violation should be handled with appropriate action.

O. Grace Periods for Newly Enacted Laws

The Commander of the Field Operations Division will announce grace periods for newly enacted laws, during which time only warnings

will be issued. After the expiration of the grace period, the deputy will use his or her normal discretion according to circumstances.

L. Bicycles and Pedestrians

On heavily traveled highways where moving violations are observed involving persons operating bicycles, applicable laws should be strictly enforced. In those areas where traffic flow is minimal, visibility is unobstructed, and traffic crash occurrences are low, deputies should exercise discretion in the type of enforcement initiated and consider it an opportunity to educate the involved parties.

Deputies should be more lenient in the enforcement of traffic violations and more instructive in their response to youthful offenders, who may not be fully aware of their responsibilities in the safe operation of bicycles. Deputies should be less tolerant with older offenders who should be aware of the hazards inherent in the unsafe operation of a bicycle.

Deputies should concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and severe, and will cite those persons committing serious violations, whenever appropriate. Bicyclists and Pedestrians may be cited by using a Maryland Uniform Citation when appropriate.

M. Off-Road Vehicle

Unregistered off-road vehicles may be towed at the owners expense if found in operation on public roadways, parks, or trails, and the driver appropriately charged. A parent, legal guardian, or responsible adult, will be notified in cases where the operator is a juvenile. Operation of an off-road vehicle in such a manner as to endanger the life or property of others should result in traffic or criminal citation rather than a warning.

N. Parking Enforcement

Non-emergency parking violations, including tow-away zones, time controlled zones, and handicapped parking will be enforced with reasonableness and impartiality. Vehicles parked in fire lanes, or parked illegally and presenting an immediate hazard, should be cited and towed. Vehicles may be cited by a written warning, Queen Anne's County parking citation, or a Maryland Uniform Citation.

O. Queen Anne's County School Bus Drivers

The transportation supervisor for the Queen Anne's County Board of Education will be notified whenever County school bus drivers are issued traffic citations for moving violations while operating a school bus. Notification will be made at the earliest possible time after issuance of the citation. It is not necessary for the bus to be occupied by students when the violation occurs. On the reverse side of the citation indicate the bus company and bus number. Other than notifying the transportation supervisor, the issuance of the citation(s) will be done in the normal manner according to existing procedures.

P. Request for Driver's Reexamination

When encountering a driver who appears physically or mentally incapable of operating a motor vehicle in a safe manner, deputies will notify the Motor Vehicle Administration using the Request for Reexamination form provided by the MVA. In doing so, the deputy will list:

1. The driver's condition or actions that led to the initial traffic stop; and
2. The driver's subsequent condition or actions that indicated the driver was not physically or mentally fit to operate a motor vehicle in a safe manner.

If the driver's condition is such that continued operation of the motor vehicle may endanger the public or the driver, further operation will not be allowed. The vehicle should be safely secured and other transportation arrangements made for the driver.

VII. CALEA References:

61.1.2a, 61.1.2b, 61.1.2c, 61.1.3a, 61.1.3b, 61.1.3c, 61.1.3d, 61.1.3e, 61.1.5b, 61.1.5c, 61.1.5d, 61.1.5e, 61.1.5f, 61.1.5g, 61.1.5h, 61.1.5i, 61.1.5j & 61.1.5l.

VIII. Proponent Unit: Field Operations Division

IX. Cancellation: This directive cancels Index Codes 1901 and 1902 dated 8/31/16.

Sheriff Gary Hofmann