

Laurel Police Department – General Order
Chapter IV, Section 300, Order 301 – Traffic Enforcement
September 2, 2012

4 / 301.05 POLICY

It is the policy of this Police Department that traffic law enforcement and the delivery of law enforcement related services will be applied consistently and courteously to foster a positive public attitude and acceptance of whatever enforcement and control are necessary to achieve the goals of the Department.

4 / 301.10 PURPOSE

The purpose is to prescribe procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, pedestrians and the courts.

4 / 301.15 DEFINITIONS

DUI Operation a motor vehicle while under the influence

4 / 301.20 PROCEDURES

A. GENERAL

1. The responsibility for enforcing traffic laws and regulations shall be shared by all sworn police officers.
2. Traffic law enforcement involves all police activities or operations which relate to the observance, detection or prevention of traffic law violations, and taking of appropriate action under the circumstances.
 - a. Enforcement not only involves arrests and citations, it includes the judicious use of warnings to drivers and pedestrians which help prevent them from committing minor and/or inadvertent violations.
 - b. Traffic enforcement can be reactive to observed violations, at accidents, or in response to community concerns; or it may be proactive, to effectively prevent traffic violations.
 - c. However, overzealous enforcement without considering whether the violator may be familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the Department and the community it serves.

B. RESPONSIBILITIES

1. Annually and when requested, statistics concerning vehicular accident data, to include locations, type of accident and volume of accidents by month will be compiled by the Central Records Unit.
 - a. This information can be reviewed by management personnel to determine the necessity of selective traffic enforcement activities to meet the goal of reducing the occurrence of traffic accidents.

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2. The Patrol Division Commander will be responsible for the implementation of selective traffic enforcement measures and procedures as deemed necessary to meet whatever corrective actions are being sought.
 - a. All deployment of traffic enforcement personnel is the direct responsibility of the Patrol Commander.
3. Evaluations of selective traffic enforcement efforts are conducted on an ongoing basis through statistical information on monthly radar enforcement efforts, directed patrol results and monthly officer productivity results.

C. TYPES OF ENFORCEMENT

1. All sworn police officers shall take appropriate enforcement actions for each violation of the law witnessed or reported to them.
 - a. Enforcement action does not provide the officer a privilege to scold, belittle, berate or otherwise verbally abuse a traffic violator.
 - b. All enforcement actions will be undertaken in a firm, fair, impartial and courteous manner, using one of the following methods:
2. Warnings
 - a. A warning may be issued to a violator whenever there is a minor traffic infraction committed in those areas where traffic accident experience is minimal, or when the act may be due to ignorance of a local ordinance of which the driver may not be aware.
 - b. An effective warning, properly given by an officer, can be more effective, while building positive rapport with drivers, than any other type of enforcement action.
3. Maryland Uniform Complaint and Citation
 - a. A Citation should be issued to a violator who jeopardized the safe and efficient flow of vehicular traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.
4. Physical Arrest
 - a. Officers will make a physical arrest, in compliance with the Maryland Vehicle Law.
 - b. If a physical arrest is made, the officer will complete the appropriate reports.
 - c. The reasons for making a physical arrest include, but are not limited to:
 - 1) Violators of traffic laws pertaining to Driving Under the Influence of Alcohol or other Intoxicants.
 - 2) Whenever a felony has been committed involving a vehicle.
 - 3) When the officer has reason to believe that the person will not comply with the summons if issued.

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D. SPECIAL CATEGORIES OF VIOLATORS

1. Non-Residents
 - a. Officers should consider the use of warnings for non-residents from outside the City and tri-county area, who are merely passing through the City and who commit a minor, non-hazardous violation.

2. Juveniles
 - a. Officers should consider the use of warnings for juveniles who commit a minor violation.
 - b. Warnings, if given, may include advice to parents. Citations may be issued to juveniles age 15 and above, unless the violation is punishable by incarceration.
 - c. If the violation charged does carry a possibility of incarceration and/or the juvenile is less than 15 years of age, then the violation must be charged on a Juvenile Petition and referred to Juvenile Services.

3. Foreign Diplomats / Families / Servants and other Consular Officials
 - a. When a driver believed to have diplomatic immunity is stopped for a moving traffic violations, and has proper and valid identification indicating immunity, the officer issue an appropriate traffic citation or warning.
 - 1) Issuance of a traffic citation does not constitute an arrest or detention.
 - 2) The officer should give strong consideration to the issuance of a warning rather than a citation when coming in contact with a driver with diplomatic immunity.
 - b. Driving While Under the Influence of Alcohol or Drugs (DUI)
 - 3) Of primary consideration in a DUI incident is assurance that the driver does not endanger him/herself or the public at large.
 - a) 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 which may apply.
 - I. Access to a telephone must be provided.
 - b) The official, if entitled to criminal immunity, may be requested, but not required to submit to a field sobriety test or breathe test and, except in extreme cases, should not be restrained.
 - I. The driver should be told that the officer's primary responsibility is to care for the safety of the official and the safety of others.
 - II. Force must not be used except when necessary to prevent injury to the official or others and then only to the absolute minimum.
 - III. Officers must document all contacts with diplomatic personnel fully.
 - c) Papers, documents or archives of a person entitled to immunity or in a vehicle bearing valid Federal diplomatic places remain

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inviolable, even if the driver is restrained or the vehicle removed or immobilized.

- d) The car of a person with full immunity may NOT be searched, seized or impounded, but may be moved or towed to a safe location if necessary.
 - c. Refer to General Order 4/613, Foreign Nationals and Diplomats, for additional procedures and guidelines.
4. Legislators
- a. There is no provision in Maryland State law exempting any state or local official, either appointed or elected, from federal, state or local laws.
 - 1) The issuance of a traffic citation, a warning or a physical arrest in those cases where physical arrest is authorized is permitted.
 - b. In regards to members of Congress, the following provision is taken from the Constitution of the United States, Article 1, Section 6: The United States Senators and Representatives... “...shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same”
 - 1) The issuance of a traffic summons for a moving traffic offense is allowed, as is a physical arrest in the case of an offense involving DUI.
5. Military personnel
- a. Military personnel who are passing through the City may be treated as non-residents, or if from this area, as residents.
 - b. Refer to General Order 4/612, Special Circumstances, for additional procedures and guidelines.

E. INFORMATION RELATIVE TO TRAFFIC CITATIONS

- 1. The Maryland Uniform Citation will be completed whenever a motorist is to be charged with a motor vehicle violation.
 - a. The following information will be provided to the motorist:
 - 1) The officer will explain to the motorist that the District Court of Maryland will mail to them any court appearance schedule.
 - 2) The officer will explain to the motorist whether the citation is payable, or if appearance in court is mandatory.
 - 3) The officer will explain to the motorist whether the motorist may be allowed to enter a plea and/or pay the fine by mail or at the District Court.
 - 4) Any other information necessary prior to release of the motorist, such as the officer’s name and identification number, the location of the District court, and how to request a court date.

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F. TRAFFIC ENFORCEMENT LATITUDE AND DISCRETION

1. The uniform application of the enforcement action for traffic violations is based upon principles of sound judgment and consideration of the circumstances and conditions surrounding the violation.
 - a. Officer discretion is the key to equitable application of traffic law enforcement with the ultimate goal being the achievement of voluntary compliance.
2. The intent of this General Order is to set forth general guidelines for uniform enforcement action for routine situations.
 - a. It is not the intent of this directive to limit the officers' use of judgment, but to encourage each officer to use his/her training and experience to the fullest extent.
3. Guidelines for uniform enforcement action are as follows:
 - a. Driving under the influence of alcohol/drugs:
 - 1) The arrest of an individual for driving under the influence differs significantly from other traffic law violations.
 - 2) Any person who operates a motor vehicle while under the influence of alcohol or other self-administered intoxicants or drugs poses an unpredictable hazard to law abiding motorists. Therefore, each officer will make an intensified effort to remove this type of driver from the highway.
 - b. Exceeding the posted speed limit:
 - 1) Legally, there is no defense for exceeding the posted speed limit or for driving faster than conditions permit.
 - 2) However, drivers stopped for speed violations may indicate certain factors unknown to the officer prior to the stop that may have contributed to the violation.
 - c. Officers should exercise discretion when deciding if a warning or a citation is appropriate.
 - 1) Consideration should be given to such factors as weather conditions, traffic volume, pedestrian traffic, and location, while always being mindful that excessive speed correlates directly with high incidence of accidents.
 - d. Hazardous violations:
 - 1) Defined as those violations that pose a direct hazard to the safe and efficient flow of traffic.
 - 2) In addition, these violations contribute substantially to accidents. Citations are generally issued in these situations.
 - e. Non-hazardous violations:
 - 1) Enforcement efforts for non-hazardous traffic violations will be guided by officer discretion.
 - 2) Officers are reminded that voluntary compliance is the goal of enforcement actions for minor violations.

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- f. Equipment violations:
 - 1) Consideration should be given to the issuance of a warning or an Equipment Repair Order unless this is an ongoing problem or the violation renders a vehicle unsafe to operate.
- g. Violations by public or commercial carriers:
 - 1) Public/commercial carriers who violate traffic laws will be treated in the same manner as the general public.
 - 2) Uniform enforcement policies and procedures outlined in this General Order are applicable.
- h. Multiple violations:
 - 1) Normally the officer should cite the most serious violation, but may cite all if deemed necessary.
 - 2) The decision to warn or cite a violator for multiple moving violations will ultimately rely on an officer's judgment based on the conditions and circumstances at the time of the violations.
- i. Newly enacted traffic laws:
 - 1) When new traffic laws are enacted, the Chief of Police will review them to determine the level and schedule of enforcement action to be taken.
 - 2) At his/her discretion, the Chief of Police may authorize warnings as the Department's primary enforcement action until the provisions of the new laws are better known to the public.
- j. Suspended / Revoked Driver's License:
 - 1) A motor vehicle operator whose driving privilege has been either suspended or revoked and who is stopped for another violation, will receive appropriate traffic citations and advised that an appearance in court is mandatory.
 - 2) The subject may be arrested and taken to the Commissioner.
- k. Pedestrian and Bicycle Violations:
 - 1) All pedestrian and bicycle violations shall be handled in the same manner as any other motor vehicle violation, as deemed appropriate by the officer.
- l. Motor Vehicle Accident:
 - 1) A motorist involved in an accident and deemed to have violated a motor vehicle law which contributed to that accident, may receive a citation for that violation at the officer's discretion.
 - a) The exception is in cases of a fatal or potentially fatal accident, when no citations are to be issued pending the review of the circumstances surrounding the accident by the State's Attorney's Office.
- m. Off-Road Violations:
 - 1) There is no traffic law applicable to the operation of motor vehicles on private property not open to the general use of the public.
 - 2) Traffic violations on private property open to the public such as shopping centers, etc. will be handled in the same manner as violations occurring on roadways.

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- 3) Complaints of off-road vehicles such as dirt bikes, dune buggies or four wheel drive vehicles on private property such as golf courses, open fields, or sand pits are criminal or civil in nature and should be handled as such.

G. ENFORCEMENT PRACTICES

1. Based on the premise that patrol in a marked vehicle is the most effective deterrent to traffic law violators, officers will be alert to the occurrence of violations while engaged in routine patrol duties and shall devote a portion of their duty tours to selective traffic law enforcement through the utilization of the following patrol techniques.
 - a. Visible Traffic Patrol
 - 1) Area Traffic Patrol
 - a) The part of law enforcement traffic supervision that consists of driving an area or roadway for the purpose of providing protection, security and service to the public; patrol or stationary observation in an area that includes a number of streets, roads, or sections of highway.
 - 2) Line Traffic Patrol
 - a) Moving patrol or stationary observation on a specified route between two points, usually on one street or a section of highway.
 - 3) Directed Traffic Patrol
 - a) Selective traffic enforcement or the assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist.
 - b) Such assignments are usually based on such factors as traffic volume, accident experience, frequency of traffic violations, citizen complaints and emergency and service needs.
 - b. Stationary Observation
 - 1) Traffic observation at a selected place, usually one with an unfavorable accident experience or traffic flow problem, for traffic law enforcement purposed, especially to detect violations and deter possible violators.
 - 2) Covert Stationary Patrol
 - a) Stationary observation in which the observer is not visible to persons, using ordinary power of observation, from the roadway being observed.
 - 3) Overt Stationary Patrol
 - a) Stationary observation by an observer in full view but so located, such as on a side street, that effort is required by those in the traffic stream to discover the observer. In all cases, the patrol tactics adopted should be suited to the enforcement objective.

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- c. Roadside Safety Checks
 - 1) In addition to Sobriety Checkpoints (General Order 4/310), officers may utilize roadside safety checks to encourage compliance with applicable restraint and child safety seat laws.
 - a) These checks should be at the direction of the Patrol Services Division Commander and will not interfere with normal patrol operations.
 - 2) Officers should wear high visibility clothing and make every effort to maintain traffic flow.
- d. When utilizing stationary patrol tactics, officers will park in such a manner so as not to impede or interfere with the traffic flow.
- e. Unmarked cars / unconventional vehicles may be used for traffic patrol only with the approval of the Division Commander.

H. OFFICER – VIOLATOR RELATIONS

- 1. Traffic law enforcement is one of the routine tasks performed by patrol officers, but for the violator it is frequently an emotional experience.
 - a. Officers should be aware of these conditions, should strive to make each contact educational, and should leave the violator with the impression that the officer has performed a necessary task in a professional and courteous manner.
- 2. Traffic stops have two objectives which the officer seeks to achieve.
 - a. The first objective is to take appropriate enforcement action, and the second is to alter favorably the violator's future driving behavior.
 - b. This requires a thorough understanding of human relations and demands flexibility on the part of the officer.
- 3. The following procedures are recommended to minimize conflict which may develop between the officer and the violator and assist in achieving the two objectives.
 - a. Once the officer has stopped the violator and approached to a point where communication can begin, the officer should:
 - 1) Be alert at all times for the unexpected, but should not be obviously apprehensive.
 - 2) Present a professional image in dress, grooming, language, bearing and emotional stability.
 - 3) In most cases, it is advisable to have the form of enforcement action decided prior to the initial contact with the violator.
 - 4) Greet the violator in a courteous manner.
 - 5) Inform the violator what traffic law he/she has violated and the intended action. The violator should not be kept in suspense.
 - 6) Ask for the violator's driver's license and vehicle registration. Accept ONLY these forms.
 - 7) If the driver has no driver's license, obtain another document of identification.

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- 8) Complete the forms required for the enforcement action taken or exercise a verbal warning, if this is the decision.
- 9) Explain to the violator exactly what he/she is expected to do in response to the action taken and how this action will affect him/her.
- 10) If the enforcement action requires a court appearance, make sure the violator knows to expect notification from the court.
- 11) Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
- 12) Return the violator's driver's license (or other form of identification), registration and a copy of the warning or citation.
- 13) Assist the violator in safely reentering the traffic flow.

I. STOPPING AND APPROACHING THE VIOLATOR

1. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway.
 - a. Varying conditions regarding the engineering of the particular traffic artery, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure.
 - b. These procedures are to be followed when possible, and are presented from the perspective that ideal conditions exist.
 - 1) When the officer has positioned him/herself behind the violator to begin the traffic stop, he/she should notify the on-duty Communications Specialist of the intended location of the traffic stop, the license number, and the number of occupants in the vehicle.
 - 2) The officer should be familiar with the area and anticipate the appropriate location to stop the violator.
 - 3) The officer shall signal the violator to stop.
 - a) This signal shall be performed with emergency lights, siren, hand signals and, if necessary, the horn.
 - 4) The violator should be signaled and directed to the right side of the roadway, close to the curb or shoulder.
 - 5) If the violator stops abruptly in the wrong lane or in another undesirable location, he or she should be promptly directed to move to a safer location.
 - 6) The violator shall not be permitted to move his or her vehicle once it has stopped if it is suspected that the driver is under the influence of alcohol or drugs to the extent that his/her driving is impaired or if his/her license has been suspended or revoked.
 - 7) When the officer exits the patrol vehicle, he/she shall be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the vehicle.
 - 8) The officer should approach from the rear of the violator's car, looking into the rear seat area, and stop at a point to the rear of the trailing edge of the left front door.

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- a) From this position, the officer can communicate with the violator, keeping him/her in a slightly awkward position, and at the same time keeping all occupants in view.
- 9) At night, the procedure is basically the same with additional caution in selecting an appropriate place for the traffic stop.
 - a) The spotlight should be used to illuminate the interior of the violator's vehicle.
2. Special procedures should be used for vehicle stops when the occupants of a vehicle are known to be armed and dangerous.
 - a. When a vehicle operated by a known or suspected felon is located by a police officer, he/she will immediately notify the on-duty Communications Specialist of his/her location and give a thorough description of the vehicle and of the occupants.
 - b. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop. The officer will keep support units informed of the location and direction of travel to facilitate their approach with minimal use of emergency equipment.
 - c. The suspect vehicle will not be stopped, unless absolutely necessary, until adequate support is available and in position.
 - d. The following procedures will be used in effecting the stop:
 - 1) The officer will plan to stop the suspect vehicle in a location that presents minimal danger to other citizens.
 - 2) When conditions are appropriate, and support units available, the officer will move into position to the rear of the suspect vehicle.
 - 3) The officer will signal the violator to stop, using all emergency equipment to warn other traffic.
 - 4) If the violator is known to be armed and dangerous, the officer will have his/her weapon easily accessible and ready for immediate use.
 - 5) When the suspect vehicle begins to stop, the officer will turn off the siren and activate the public address system.
 - 6) The officer will park the police vehicle so that it provides maximum protection and cover for him/her.
 - 7) At night, all lights will be focused on the interior of the suspect vehicle, including spotlights, to the disadvantage of the violator.
 - 8) The officer will exit the vehicle quickly, but remain behind the door and accessible to the public address system microphone.
 - 9) The officer making the stop is in command and will direct each occupant, using the public address system, to get out of the vehicle individually according to specific directions and into the appropriate search position, after which the approach may be made.
 - 10) If a public address system is not available, the officer will give voice commands.
 - 11) The officer will also give instructions to the support officers, to make the suspects aware that additional officers are available.

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- 12) The support officers will not give additional commands, as this would tend to confuse the suspects, but will make their presence known by responding to the commands given by the arresting officer.
- 13) Extreme caution shall be exercised by officers to avoid crossfire.
- 14) When all occupants have been removed from the vehicle, the support officers should move to a position to cover the arresting officer while the persons are searched.
- 15) Arrestees shall be searched and handcuffed prior to being transported.

J. RE-EXAMINATION OF DRIVERS

1. At times, an officer may come into contact with a motor vehicle operator whom he/she suspects to be incompetent to drive, either due to a physical or mental disability, disease or other condition that might prevent that operator from exercising reasonable or ordinary care over a motor vehicle.
 - a. In those circumstances, the officer shall complete the MVA “Request for Re-Examination of Driver” (AJ-39) form.
 - 1) This form will be completed in its entirety and turned in to the Central Records Unit for subsequent submission to MVA.
 - 2) All copies are to be turned in.
 - 3) Notification to the driver is not required.

4 / 301.25 GOVERNING LEGISLATION AND REFERENCES

United States of America Constitution, Article 1, Section 6
Maryland Vehicle Law, Transportation, Title 16, Section 2, Cancellation Refusal, Suspension
Maryland Vehicle Law, Transportation, Title 26, Section 26-202, Power of Arrest
Administration form ‘AJ-39, Request for Re-Examination of Driver
General Order 4/310, Operational Policy for Sobriety Checkpoints
General Order 4/612, Special Circumstances
General Order 4/613, Foreign Nationals and Diplomats
CALEA Standards 1.2.6, 1.2.7, 61.1.1, 61.1.2, 61.1.3, 61.1.4, 62.2.5, 61.1.6, 61.1.7, 61.1.8
CALEA Standards 61.1.112

4 / 301.30 ANNEX

None