



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: **TRAFFIC LAW ENFORCEMENT**

NEW REVISED RESCINDS

APPROVED: *GM*
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ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. **POLICY**

- A. Traffic law enforcement involves police activities which relate to observing, detecting, and preventing traffic law violations and taking the appropriate action under the circumstances. One goal of traffic law enforcement is to facilitate the safe and expeditious flow of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations.
- B. Enforcement action involves not only citations and physical arrests, but also includes an officer's discretionary and judicious use of verbal and/or written warnings to traffic violators that may help prevent the commission or repetition of minor violations.
- C. Overzealous traffic law enforcement without considerations for the violator's familiarity with the specific legal requirements of a traffic law or without regard for the specific circumstances, degree, or severity of the violation fosters unnecessary and counterproductive disrespect for the legal system. Such overzealous traffic law enforcement strains the relationship between the Department and the community. Traffic law enforcement must not be punitive, person, or simply a source of revenue. Traffic law enforcement should be viewed as an educational means towards a reduction in traffic accidents. The ultimate goal of traffic law enforcement is the prevention of traffic law violations, the favorable altering of a violator's future driving habits, and the resultant reduction of traffic accidents.

II. PROCEDURES

- A. Warnings may be verbally issued to a violator whenever a traffic or parking violation has been committed. A warning by its nature, is intended to educate the violator and not be punitive, and when properly issued, can be more effective than any other type of enforcement action.
- B. When processing an abandoned vehicle, one copy of a Warning Notice will be affixed to the vehicle along with an Abandoned Auto Sticker.

An exception to this policy would be in the event a stolen check reveals the abandoned vehicle to be stolen, or if the officer has the vehicle towed for a parking violation.

- C. A verbal warning may be issued to a violator either in lieu of, or in addition to, the placing of formal charges by way of a traffic citation.
- D. Traffic Citations should be issued to violators who jeopardize the safe and efficient flow of traffic including hazardous moving violations or operating unsafe and/or improperly equipped vehicles.
 1. The Maryland Uniform Complaint and Citation shall be issued to a violator under the authority of the Maryland Transportation Article, Section 26-201.
 2. When a motorist, bicyclist, or pedestrian (adult or juvenile) is issued a traffic citation, the issuing officer will indicate only one charge or offense on the citation, either by circling the appropriate one or by writing the appropriate charge in the space provided.
 3. Officers will not assign court dates, as these are set by the Maryland Automated Traffic system's computer in Annapolis.
 4. Unless the recipient does not want the citation explained since it is an official charging document, and because the person charged has a right to know specifically what he/she is charged with, issuing officers will provide information about the citation, including, but not limited to:
 - Whether the violation is a "Must Appear"

- Whether, and how, the recipient can pay the fine in person or by mail, or request a court date to enter a plea.
5. To comply with the provisions of the Maryland Transportation Article, Section 26-203, issuing officers will request the recipient to sign the citation.
 6. Providing officer safety is not compromised, and the flow of traffic is not unecessarily impeded, officers should try to answer any questions about the citation or violation that the recipient has, especially those regarding the number of points, if any, that will be assessed by the M.V.A. upon payment or conviction.
 7. Issuing officers will not deviate from the District Court Fine Schedule or pre-set fines.
 8. If there are witnesses to an offense for which a motorist is issued a citation, the issuing officer must check the "Witness" block on the front of the citation to alert the District Court to the fact that witnesses need to be mailed summonses to appear.
 9. Traffic citations issued to juveniles that charge violations for which any of the penalties are incarcerable if committed by adults, will be marked with the word "Juvenile" on the face of the citation to alert transmittal personnel to forward the citation to the Department of Juvenile Services.
Traffic citations issued to juveniles that do not charge incarcerable offenses if committed by adults, will be forwarded to the District Court.
 10. Non-residents should be treated no differently than residents regarding the receiving of a warning versus a citation versus being physically arrested.
 11. Maryland Legislators may be issued traffic citations for offenses committed while they are enroute to, and returning from, legislative sessions.
 12. Military personnel, for the purposes of this General Order, includes members of the armed forces, i.e., Army, Navy, Air Force, Marines, Coast Guard, National Guard, and reservists who are on active duty.
 - a. Military personnel are exempt from certain licensing and registration requirements under TA 16-102 through 115, and TA 13-402.1.
 - b. Members of the military may be issued citations, and notification of the Liaison Officer at the Armed Forces Headquarters Division is at the officer's discretion.

- c. If a member of the military is injured to the extent that hospitalization is required or killed, the Liaison Officer should be notified by the investigating officer.
- E. Physical arrests for traffic violations will be made in accordance with the provisions of TA 26-202, "Power of Arrest."

Officers making physical arrests for traffic violations will use only the force necessary to accomplish lawful objectives, and arrests shall be made in the same manner as, and without more force than in misdemeanor cases.

- F. In general, a police officer may arrest a person without a warrant for a violation of the Maryland Vehicle Law. This includes any rule or regulation adopted under the vehicle law or for a violation of any traffic law or ordinance of any local authority of this State, if:
1. The person has committed or is committing the violation within the view or presence of the officer, and the violation is any of the following:
 - Violation of Title 21-1411 or Title 22-409 of the Transportation Article relating to vehicles transporting hazardous material; or,
 - A violation of Title 24-111 or Title 24-111.1 of the TA relating to the failure or refusal to submit a vehicle to a weighing or to remove excess weight from it.
 2. The person has committed or is committing the violation within the view or presence of the officer, and either:
 - The person does not furnish satisfactory evidence of identity; or,
 - The officer has reasonable grounds to believe that the person will disregard a traffic citation.
 3. The officer has probable cause to believe that the person has committed the violation and the violation is any of the following:
 - Driving or attempting to drive while intoxicated, while under the influence of alcohol, or in violation of an alcohol restriction;
 - Driving or attempting to drive while under the influence of any drug, any combination of drugs, or any combination of drugs and alcohol or while under the influence of any controlled dangerous substance;

- Failure to stop, give information, or render reasonable assistance as required by TA 20-102 and TA 20-104 in the event of an accident resulting in bodily injury to or death of any person;
 - Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked;
 - Failure to stop or give information as required by TA 20-103 through TA 20-105, in the event of an accident resulting in damage to a vehicle or property;
 - Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person;
 - Fleeing or attempting to elude a police officer.
4. The person is a non-resident and the officer has probable cause to believe that the person has committed the violation and it contributed to an accident.
 5. The officer has probable cause to believe that the person has committed the violation, and, subject to the procedures set forth in TA 26-203, the person is issued a traffic citation and refuses to acknowledge its receipt by signature.
- G. An adult physically arrested for a traffic offense shall be taken without delay before a Court Commissioner, unless the arresting officer, in his/her discretion, releases the individual upon the individual's written promise to appear for trial.

When a physical arrest is made and the violator is taken before the Court Commissioner, the traffic citation(s) issued to the violator must be accompanied by a completed "Statement of Probable Cause -Arrest on Traffic/Natural Resources Citations," (District Court Form DC/CR4), for presentation to the Commissioner.

H.A juvenile may be taken into custody for a traffic offense; however, he/she will not be transported to the Court Commissioner.

1. Juveniles will be transported to a processing facility and their parent/guardian contacted and advised of the circumstances under which the juvenile was taken into custody.

2. If a juvenile's parent/guardian refuses to accept custody, the arresting officer will notify the Department of Juvenile Services during business hours or contact police communications and have them page the on-call Intake Officer after business hours.
- H. When a traffic-related physical arrest is made involving a member of the military; the arresting officer should notify the Liaison Officer of the nearest Armed Forces Investigative Headquarters Division. This does not apply to the issuance of a traffic citation that did not result in a physical arrest.

III. TRAFFIC CITATION ACCOUNTABILITY

- A. To ensure security and accountability, State Traffic Citation Books will be securely stored in a locked cabinet in the evidence room. The Chief and the Lieutenant will have keys to the cabinet.
- B. To maintain security of issued citations, before the end of the issuing officer's tour of Duty; he/she will turn in all citations issued during that tour of duty. The citations will be placed in the mailbox marked "citations" located in the Report Room.
- C. Station personnel will administratively process issued citations by:
1. Entering the information on the citation into the Citation Master Index.
 2. Listing all issued citation on a District Court Citation Transmittal Sheet and submitting the sheet and the citations to the District Court.
 3. Filing the "Station Copy" of the citation in station files located in the Operations Area.
- D. After a traffic citation is adjudicated or otherwise disposed of, the Maryland District Court Traffic System will send the Police Department a computer printout listing disposition information.
1. Station personnel will enter the dispositions into the Citation Master Index.
 2. A copy of the printout will be maintained in the station files cabinet.
- E. Lost or stolen citations will be entered into the Citation Master Index in the same manner as if they had been issued.

1. Since the Maryland Uniform Complaint and Citation is a formal charging document, an Event Report will be written by the Officer from whom the citations were stolen/lost for documentation purposes.
 2. The supervisor will then forward a copy of the report, along with a letter to the Motor Vehicle Administration advising of the loss or theft.
- F. There are 2 types of "voids" -one that can be handled administratively in cooperation with the State's Attorney's Office, and one that must be handled in open court.
1. If an officer makes an error while writing a citation and the #5 copy has been given to the violator, the citation must follow normal procedures and be disposed of in open court.
 2. If an officer makes an error while writing a citation and the #5 copy has not been given to the violator, this citation may be "administratively voided" by turning in all copies and forwarding a Memorandum to the State's Attorney's Office with an explanation for the issuance and voidance of the citation. The supervisor or in his absence, the Chief of Police, will endorse the memorandum.
 3. A second copy of the memorandum will be attached to the citation transmittal form and forwarded to the District Court.

IV. SUSPENDED/REVOKED DRIVERS

- A. A driver whose license or privilege is found to be suspended or revoked may, in the officer's discretion, be issued a citation or be physically arrested.
- B. Officers should consider the driver's overall driving record and nature of the suspension or revocation, i.e., FTA, points, etc., in deciding the appropriateness of the citation in lieu of making an arrest.
- C. A driver may be arrested, pursuant to TA 26-202, if he/she is driving or attempting to drive a motor vehicle while their license or privilege is suspended or revoked.
 1. In the event the M.V.A. computer is out of service and/or the violator's exact license status cannot be determined, the violator could be cited for a violation of TA 16-112, charging him/her with failing to possess/display his/her license upon demand (providing they did not in fact produce it).

2. If everything else appears to be in order, the violator should be released and the officer should attempt to determine the violator's correct status at a later time.
3. If during the course of the officer's follow-up investigation, it is determined that the violator's license is suspended/revoked, the officer has options to consider:
 - Locate the violator and have him/her respond to the station and issue a citation for suspended/revoked, or
 - Respond to the Commissioner's Office to apply for a charging document.

V. SPEED ENFORCEMENT

Excessive speed is one of the leading causes of traffic accidents that result in fatalities and cause serious injuries. The Department is particularly concerned with motorists who willfully disobey the laws pertaining to speed limits; therefore, it will be a priority of the Department to aggressively enforce violations of speed limits in the Town. Officers enforcing speed violations should consider these, among other factors:

- A. How much over the posted speed limit was the vehicle traveling? As a general guideline, vehicles should be stopped for traveling more than 10 mph above the speed limit on Bladensburg Road.
- B. Was the vehicle speeding through a residential area?
- C. The adequacy of speed limit signs in the area where the violation was committed;
- D. The degree of hazard caused by the violation; (negligence vs. recklessness)
- E. Did the violation cause or contribute to an accident?
- F. Is the area in which the vehicle was speeding an area that was targeted for selective enforcement because of citizen requests for extra enforcement, previous accident history, etc.?

VI. RECOMMENDING DRIVERS TO MVA FOR RE-EXAMINATION

- A. During the course of patrol, accident investigation, or other activities in which officers are engaged, officers will look for motorists whose driving behavior leads the officer to reasonably believe that the motorist is incapable of operating a vehicle in a state, reasonable, and ordinary manner because of incompetency, physical or mental disability, disease, or other conditions.
- B. The following procedures will be used when an officer discovers such a driver and wishes to request that the MVA re-examine the driver's abilities to operate a vehicle safely.
 - 1. An MVA "Request for Re-Examination" form will be completed in detail by the officer, pursuant to TA 16-207.
 - 2. The officer must be specific as to what actions of the driver led the officer to the impression that there was a need for re-examination.
 - 3. When completed, the form will be signed by the officer and submitted with the officer's citations before the end of the officer's tour of duty, and then signed by the Chief of Police.
 - 4. If citations were issued and/or an accident or other report was written in conjunction with the completion of the form, photocopies will be attached to assist the MVA.
 - 5. The information that is contained in the Request for Re-Examination of Driver form will be entered into the Master Name Index.

VII. PEDESTRIAN AND BICYCLE VIOLATIONS

- A. In conjunction with enforcement efforts, the Department will make available to citizens, literature, pamphlets, books, and hand-outs to educate the community and to try to achieve voluntary compliance with those laws and ordinances pertaining to pedestrians and bicyclists.
- B. By law, pedestrians (TA 21-501) and bicyclists (TA 21-1202}, must obey the traffic laws. When deciding the proper level of enforcement, Warning versus Citation, officers will adhere to the following policy:

1. In the officer's best judgment and discretion, pedestrian and bicycle traffic violator's should be issued warnings, verbal and written, unless their behavior was flagrant or they exhibited a willful disregard for their safety and/or that of others.
 2. If the violation was flagrant or repeated, the officer should consider issuing a traffic citation appropriately charging the violator.
- C. The Prince George's County Code applies in Cottage City and requires children 16 years of age or younger to wear a bicycle helmet while riding or being carried on a bicycle, including bicycles with "training wheels."
- D. Parents/guardians must not knowingly permit their children to ride a bicycle without a helmet approved by the Snell Memorial foundation or the American National Standards Institute.
1. The law applies to bicycles ridden on public streets, rights-of-ways, and bicycle paths.
 2. A fine for a violation of the Code may be waived for a first violation if proof is shown that a bicycle helmet has been obtained since the violation was issued. The fine might not be waived for a second or subsequent offense.
- E. The Police Department will assist City residents in registering their bikes.

VIII. OFF-ROAD VEHICLE VIOLATIONS

Traffic enforcement of Off-Road Vehicles, including Dirt Bikes, Snowmobiles and Mopeds will be handled as follows:

- A. An officer observing an off-road vehicle that cannot be legally operated on the public roadways in violation of the law shall take appropriate enforcement action: verbal/written warning, and/or traffic citation.
- B. Enforcement action should be such that it ensures compliance with vehicle registration laws and other applicable laws concerning the operation of off-road vehicles on publicly-owned trails, parks, or property.
- C. Officers will use the Maryland Uniform Complaint and Citation to charge a violation of the traffic laws pertaining to the operation of bicycles.

- D. Officers may use the Criminal/Civil Citation to charge violations of Article 27, section 578, pertaining to the operation of off-road vehicles on private property, or may make a physical arrest if the violation is committed in their presence or view.

IX. ENFORCEMENT OF VEHICLE EQUIPMENT VIOLATIONS

Officers may enforce vehicle equipment violations by way of a Safety Equipment Repair Order or traffic citation.

- A. If the vehicle the officer intends to cite has equipment or a lack thereof, which tends to seriously hamper the safe operation of the vehicle, the officer should consider having it towed in accordance with Department towing and impound policies.
- B. To comply with the provisions of TA 23-105, officers shall stop the driver of any vehicle registered in Maryland that apparently does not meet the requirements of Title 23 of the TA, or those established in TA 24-106. (e), and issue the driver a Safety Equipment Repair Order.

X. PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS

- A. When taking enforcement action against the operator of a bus, tractor- trailer, and/or other commercial vehicles, the officer must remember that these vehicles are for the most part over-sized, and require more room than a standard-sized vehicle, and also require a special license, considerable training, and more skill to operate and maneuver safely. Officers should consider:
 - 1. The nature and severity of the violation committed,
 - 2. Whether disobedience to a sign that prohibited commercial vehicles or buses was willful or inadvertent,
 - 3. Whether the vehicle was operated in a reckless manner, and
 - 4. Requests for enforcement from citizens or others about the vehicles.
- B. Commercial Vehicle Inspectors are available both on-duty and for call-out purposes. Officers should use the following guidelines when deciding whether to call for an on-duty Truck Inspector:
 - 1. A truck or bus is involved in a serious accident;

2. A truck or bus appears to be unsafe to the degree that it should be placed out of service;
 3. A truck or bus is involved in an accident where a mechanical defect appears to have caused/contributed to the accident;
 4. A truck or bus driver is in possession or under the influence of alcohol and/or drugs; or,
 5. For any incident or situation in which expert assistance would help to resolve the situations.
- C. The call-out of off-duty PGPD Truck Inspectors via police communications will only be authorized by PG PD supervisor, if a truck or bus:
1. Is involved in a serious personal injury or fatal accident;
 2. Appears to be unsafe and needs to be placed out-of-service immediately because continued operation would present a danger to the public;
 3. Involves HAZMAT; or,
 4. Should be inspected as the request of Fire/Rescue.
 5. If a Cottage City or PGPD Truck Inspector is not available, or cannot be called-out, the officer will use his/her best judgment, training, experience, and discretion regarding towing or ordering the driver to park the vehicle until such time that the vehicle's deficiencies are corrected.

XI. OTHER NON-HAZARDOUS VIOLATIONS

- A. When dealing with a motorist, bicyclist, or pedestrian that has committed a non-hazardous violation, officers should consider issuing a verbal warning in lieu of the formal placing of charges.
- B. An officer dealing with a motorist who has committed multiple violations may wish to issue citations for the more serious violations and issue verbal warnings for the less serious, although officers may charge all violations on citations.

XII. MULTIPLE VIOLATIONS

- A. An officer charging a person with multiple traffic violations will complete one (1) citation per violation, and under no circumstances will a citation contain more than one (1) charge, wither written or circled.
- B. To alert the District Court's Traffic Office and the M.V.A. that the driver was issued multiple citations; the issuing officer will indicate so in the "Related Citation" area of the citation.
 - For example, if three (3) citations are issued to one driver arising from the same incident, the officer will write the serial number of the second citation in the "Related Citation" area of the first citation, and will write the serial n umber of the third citation in the "Related Citation" area of the second citation, and will write the first citation's serial number in the "Related Citation" area of the third citation.

XIII. ENFORCEMENT OF NEWLY-ENACTED LAWS OR REGULATIONS

- A. Even though so-called "ignorance of the law" is no excuse, officers should consider a 10-day "grace period" before enforcing newly-erected signs or signals, depending upon the nature and severity of the violation.
- B. Whenever possible, officers should issue only warnings to motorists in order to educate them about the placement of a new sign, or other traffic control device, or newly-established road surface markings.
- C. During the 10-day "grace period," only serious or hazardous violations, especially those causing or contributing to an accident should be cited.

XIV. OTHER HAZARDOUS VIOLATIONS

Officers should aggressively enforce hazardous violations and should take into consideration the degree of hazard, location, time of day, traffic volume, previous accident history at the location, and/or if the area was targeted for extra patrol or selective enforcement.