



# 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. Approved speed measuring devices include, but are not limited to, RADAR, LIDAR, VASCAR, *Tracker*, and the speed 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 RADAR, LIDAR, VASCAR, *and Tracker* speed measuring devices 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;
    - a. 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),

- b. 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 maintain a prescribed location for all required distance testing,
  - c. VASCAR *and Tracker* devices shall be calibrated to the vehicle in which they are installed utilizing one of the certified calibration sites.
4. When taking enforcement action, operators of VASCAR, *Tracker*, and the speed chronometer should generally time vehicles for at least 5 seconds. VASCAR *and Tracker* operators taking enforcement action should generally use a minimum distance of 1/10<sup>th</sup> of a mile (528 feet) in moving mode.
- 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.
  2. Officers will return damaged or defective speed measuring devices to the Traffic Safety Section. An Inter-Office Correspondence explaining how the damage occurred or how the device is defective, addressed to the Traffic Safety Commander, must accompany the device. The device must have ALL the equipment including the case, tuning forks, cables and other accessories when submitted for repair.
  3. 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. Officers will return the hand held speed measuring devices with the case, all tuning forks, cables and accessories to the Traffic Safety Section for testing. For vehicle mounted units, officers will arrange with the Traffic Safety Section to have the unit tested. The speed measuring device operator is responsible for ensuring the device has a current Certificate of Accuracy prior to use.
  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. All speed measuring equipment will be issued and assigned by the Traffic Safety Section to personnel at the sole discretion of the Traffic Safety Section Commander or his designee. The Traffic Safety Section Commander or his designee will inspect and test all speed measuring equipment at least once per calendar year.

3. *Speed measuring equipment is issued to INDIVIDUAL personnel. When personnel who are assigned speed measuring equipment are transferred, placed on long-term disability leave or otherwise experience a change in duty/working status, the officer must contact the Traffic Safety Section to determine if their equipment must be returned or may continue to be assigned to that employee. If the officer is unable to contact the Traffic Safety Section this responsibility falls to the immediate supervisor of the officer.*

4. All requests from citizens or community organizations for speed enforcement will be forwarded to the appropriate district commander or traffic coordinator 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 1700 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

Drivers 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 a suspended/revoked 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. Commercial Vehicles**

A commercial vehicle is either a vehicle that has a gross vehicle weight rating (alone or combined with a trailer) of greater than 10,000 pounds and used for hauling cargo in any type of commerce or a vehicle capable of transporting more than 8 passengers for compensation. Generally, commercial vehicles will have a company name and/or USDOT number displayed on each side.

Moving violations involving commercial vehicles should be handled in the same manner as private passenger vehicles. Appropriate consideration should be given to the potential danger caused by the commercial vehicle to other motorists. Due to their size and weight advantage, commercial vehicles are capable of creating a significant risk to passenger vehicles if violating traffic laws.

The Administration of the Department's commercial vehicle inspection and weight enforcement program is the responsibility of the Traffic Safety Section. 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 authorized to inspect the mechanical condition of vehicles, cargo securement, driver qualifications, driver hours of service, and transportation documents carried aboard the vehicle.

Officers encountering commercial vehicles or their drivers which they believe may be in violation of safety or weight regulations should contact the Traffic Safety Section or Communications and request the assistance of a commercial vehicle inspector. Officers should consider requesting the assistance of a commercial vehicle inspector whenever a commercial vehicle is involved in a crash.

**K. Multiple Violations**

1. 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.
2. Except in the case of fatal accidents, officers may place "Must Appear" charges at the same time that the violator is charged with pre-payable offenses. Charges in fatal accident cases will be placed by the Traffic Safety Section, 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, may be ticketed and towed immediately.

Violations of parking regulations in the Anne Arundel County Code may be enforced on any roadway whether public or private if open to the public in general. Signs are not required to be "official", specially marked or owned by Anne Arundel County but must be standard, clearly identifiable traffic signs.

**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 notify the Traffic Safety Section within 72 hours of issuance the bus driver's name, bus company, bus number and description of the offense. It is not necessary for the bus to be occupied by students when the violation occurs.

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 *01-13-22*.