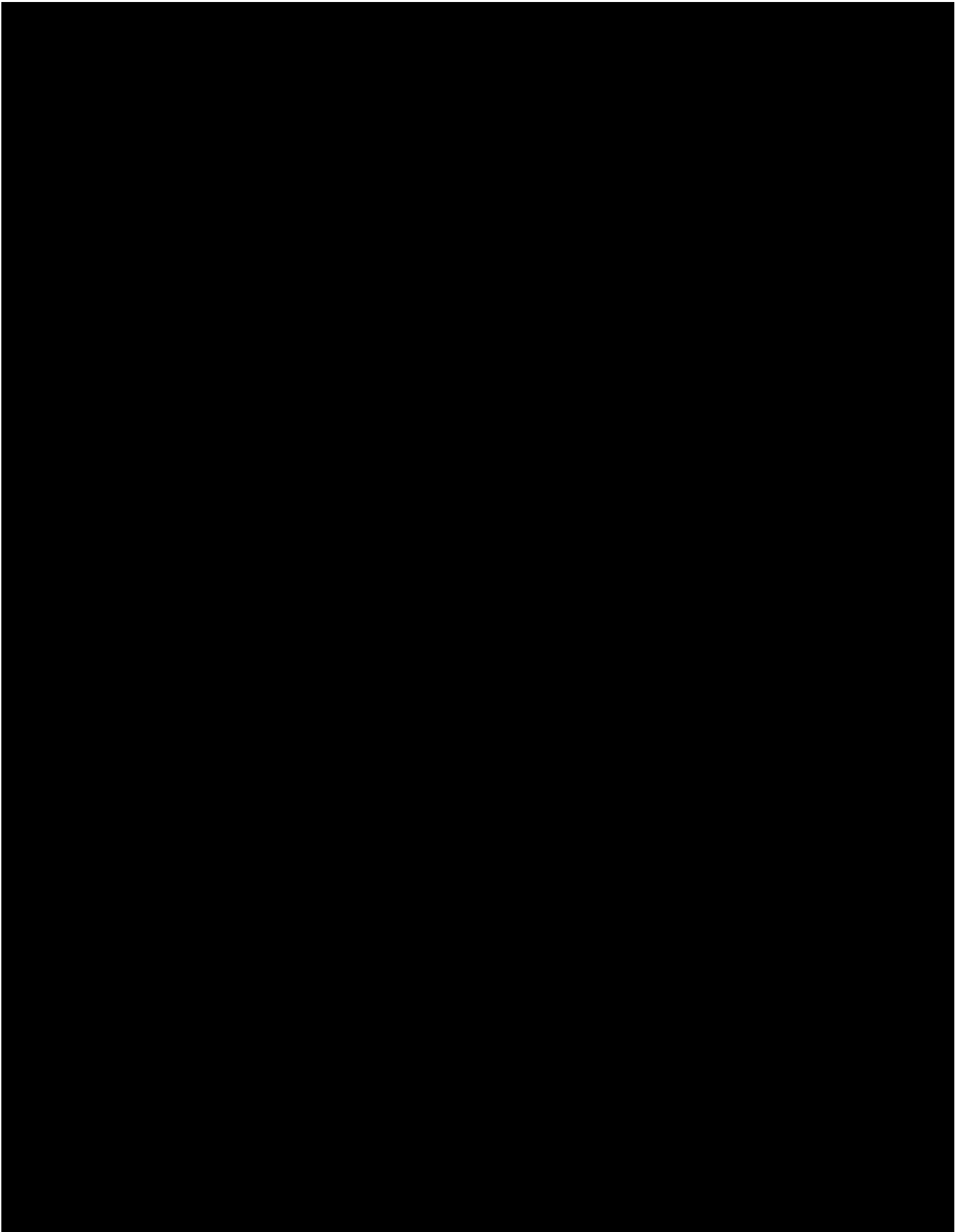


## **2.200      TRAFFIC**

### **2.202      TRAFFIC ENFORCEMENT – GENERALLY      (1.2.1, 61.1.6, 61.1.8)**

- A. The responsibility for enforcing traffic laws and regulations is shared by all officers.
1. See **1.100 Authority** for references to legally mandated and jurisdictional limits on traffic enforcement related authority and responsibilities.
  2. Patrol officers bear the agency's primary responsibility for traffic related services and traffic law enforcement.
  3. Enforcement actions will:
    - a. Be conducted firmly, fairly, impartially, and courteously;
    - b. Take into account the degree and severity of the violations;
    - c. Be based on the premise that deliberate or hazardous traffic law violations deserve more vigorous enforcement efforts than do inadvertent or less hazardous violations;
    - d. Be based on laws, directives, training and experience and will involve the use of appropriate discretion, common sense, reasonableness, and good judgment.
- B. Traffic duties and responsibilities include, but are not limited to:
1. Conducting traffic safety education and public information sessions;
  2. Enforcing traffic laws;
  3. Investigating accidents;
  4. Operating speed-measuring devices;
  5. Operating PBTs; and
  6. Specialized traffic and parking control.
- C. Traffic enforcement tactics may vary depending on the nature of violations and their potential for creating hazards to persons or property or obstructing the free flow of traffic.
1. Enforcement tactics may include, but are not limited to:
    - a. Visible patrols on targeted roadways or within defined problem areas;
    - b. Stationary observation with agency vehicles being concealed or readily visible;
    - c. Use of marked or unmarked vehicles; or
    - d. Use of roadside check points for activities such as seatbelt and child safety seat use, monitoring, and enforcement.
  2. Enforcement options are:
    - a. Written warnings;
    - b. Safety Equipment Repair Orders (SERO);
    - c. Maryland Uniform Complaint and Citation; and
    - d. Physical arrest.
  3. Verbal warnings are not allowed, except when officers are reassigned to emergency calls. See also **2.418.02 Traffic Stop Data Collection**.



## **2.206 UNIFORM ENFORCEMENT PROCEDURES** (61.1.2, 61.1.7)

### **2.206.02 Nonresidents** (61.1.3.a)

- A. Drivers who are licensed to drive in participating states of the Driver License Compact consistent with **TR § 16-702** may be issued traffic citations in the same manner as Maryland residents consistent with **TR § 26-201** Authority to Charge. Participating states are listed in the motor vehicle citation book. Reciprocity does not apply for:

1. Parking violations;
  2. Weight limit restriction violations;
  3. Transporting explosives; and
  4. Residents who have outstanding traffic or parking citations, warrants or have been avoiding service of notices of suspension or revocation.
- B. Drivers who are licensed to drive in states that do not participate in the Driver License Compact will be arrested and taken before commissioners to post bond or collateral if officers have articulable grounds to believe that violators will not comply with citation guidelines.
- C. Officers may arrest any driver for violations listed in **TR § 26-202** Power of Arrest, arrest nonresidents and take them before District Court Commissioners for pretrial dispositions.

**2.206.04 Juveniles** (44.2.1.b, 61.1.3.b, 61.1.5.e) {Revised: 12/11/14}

- A. For juveniles under 16 years old, officers will:
1. Not issue traffic citations;
  2. Complete ACRS reports, if applicable for traffic accidents;
  3. Complete Juvenile Contact Reports (**UPO.068.D**);
  4. Release juveniles consistent with release protocols; and
  5. Complete departmental reports.
- B. For juveniles 16 or 17 years old accused of:
1. Jailable traffic offenses with or without delinquency charges, officers will:
    - a. Take juveniles into custody;
    - b. Not issue citations;
    - c. Charge traffic offenses and any applicable charges on Juvenile Contact Reports (**UPO.068.D**);
    - d. Complete ACRS reports, if applicable;
    - e. Release juveniles consistent with release protocols; and
    - f. Complete departmental reports;
  2. Non-jailable, but arrestable traffic offenses, such as failure to sign citations, with or without delinquency charges, officers will:
    - a. Take juveniles into custody;
    - b. Issue traffic citations;
    - c. Complete ACRS reports, if applicable;
    - d. Complete Juvenile Contact Reports (**UPO.068.D**);
    - e. Release juveniles consistent with release protocols; and
    - f. Complete departmental reports;
  3. Non-jailable, non-arrestable traffic offenses with delinquency charges, officers will:
    - a. Detain juveniles;
    - b. Issue citations;
    - c. Complete ACRS reports, if applicable;
    - d. Complete Juvenile Contact Reports (**UPO.068.D**);
    - e. Release juveniles consistent with release protocols; and
    - f. Complete departmental reports;
  4. Non-jailable, non-arrestable traffic offenses without any delinquency charges, officers will issue citations as they would to an adult.

**2.206.06 Legislators** (61.1.3.c)

- A. Maryland law does not exempt state or local officials, either appointed or elected, from federal, state, or local laws. Officers may issue these officials traffic citations, written warnings, SEROs, or otherwise make traffic related arrests as permitted by law for any person.

- B. Members of the US Congress, except in cases of treason, felony, and breach of the peace are exempt from arrest while attending sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, and are not to be questioned in any other place.

**2.206.08 Foreign Diplomats & Consular Officials** (61.1.3.d)

Refer to **2.411.04 Diplomat Traffic and Parking Offenses**.

**2.206.10 Military Personnel** (61.1.3.e)

- A. Military Personnel are:
1. Required to obey the rules of the road while driving in Maryland; and
  2. Exempt from certain licensing requirements consistent with **TR § 16-102** and **§ 16-115**, and vehicle registration requirements consistent with **TR § 13-402.1**.
- B. See also **2.612.16 Deserters and Military Personnel**.

**2.206.12 Driving Suspended or Revoked** (1.2.5, 61.1.5.b)

- A. **TR § 26-202 Power of Arrest** authorizes officers to make warrantless, custodial arrests under **TR § 16-303** for driving while suspended or revoked.
1. This authority is permissive, **not mandatory**, i.e., custodial arrests are not required.
  2. Officers may elect to only issue citations in lieu of making custodial arrests.
  3. The manner of arresting traffic violators is the same as for making other arrests.
- B. Drivers' prior driving histories and reasons for license suspensions or revocations will be taken into consideration when determining to make arrests or issue citations for driving suspended or revoked.
- C. Facts and circumstances to be considered when deciding whether or not to make arrests for driving while suspended because of failure to appear include, but are not limited to:
1. The number of times suspects have failed to appear;
  2. The nature and severity of initial charges leading up to suspects' failure to appear;
  3. Address changes that may have led to court notices not being received by suspects; and
  4. The ability to locate drivers in the future should they fail to appear again.
- D. Officers will not allow suspects with suspended, revoked, etc. licenses to continue to drive.
- E. Officers should allow supervisors to review and provide guidance when officers have opportunities to make arrests for Transportation Article violations.
- F. Officers may attempt to place appropriate charges against drivers if their license status cannot be determined upon initial contacts, but are subsequently determined to be suspended, revoked, etc.

**2.206.14 Confiscation of MVA Documents**

- A. Officers will not regularly confiscate suspended, cancelled, refused, revoked, etc. driver's licenses, certificates of title, registration cards or registration plates solely to return them to the MVA. However, these items may be evidence in support of specific traffic charges, MVA rules and regulations, and related laws. If confiscated, these items will be stored and released consistent with **2.500 Property & Evidence**.
- B. Officers must have clearly articulable needs to confiscate the items taken.
1. Fraudulent registration cards and plates, altered, and forged documents will be impounded because they are essential to prosecution of these violations.
  2. Suspended driver's licenses will generally not be impounded as evidence unless charges are being placed not only for driving while suspended, but also for possessing, presenting, causing to be presented, etc. suspended licenses, or other situations requiring the presentation of the licenses in court as evidence.
  3. Individuals' otherwise valid driver's licenses or license plates are not usually essential elements in prosecuting violations for either documents being suspended. The administrative responsibility for the return of these items rests with the individuals and the MVA.

- C. Officers may impound vehicle registration plates for:
  - 1. Suspended registrations or registrations that have been expired over 30 days;
  - 2. Compulsory insurance violation flags, with control numbers and confirmed through MVA;
  - 3. MVA financial responsibility flags, with control numbers;
  - 4. MVA accounting flags, with control numbers;
  - 5. MSP pick up orders, with control numbers and its status marked as “outstanding;” or
  - 6. Stolen or unauthorized use of registration plates.
- D. Officers who impound registration plates will complete property receipts and submit plates, in addition to METERS printout copies of the registration information showing the flags, pick-up orders, or other relevant information consistent with **2.500 Evidence & Property**. The property custodian is responsible for promptly submitting the items to the MVA.

#### **2.206.16 Seat Belt & Child Safety Seat Enforcement**

- A. The agency maintains a zero-tolerance enforcement policy regarding seat belt and child safety seat violations.
- B. Officers should use every opportunity to:
  - 1. Educate the public of the importance of properly using seat belts and properly installed child safety seats; and
  - 2. Take appropriate enforcement actions for violations.

#### **2.206.18 Speed Enforcement** (61.1.5.c, 61.1.9) {Revised: 08/23/16}

- A. Officers will uniformly enforce speed laws within the agency’s jurisdiction. Officers should base the enforcement of speed limits upon violation locations, time of day, traffic volume, proximity of pedestrians, and danger caused to other motorists.
- B. The agency uses speed measuring devices to enforce speed limits.
  - 1. The agency’s authorized speed measuring devices are DESCRIBED IN THE MOST RECENT SPECIAL ORDER ON SPEED MEASURING DEVICES.
  - 2. Only certified device operators or officers in operator training are permitted to operate the agency’s speed measuring devices.
  - 3. Operators will:
    - a. Obtain supervisory or command approval before using the equipment;
    - b. Inspect the devices to ensure they are properly maintained and calibrated before use;
    - c. Sign out the appropriate device;
    - d. Use the devices only within jurisdictional limits described in **1.100 Authority**;
    - e. Operate the equipment consistent with their training and specific equipment operating instructions;
    - f. Ensure the equipment is not used during inclement weather or at unsafe locations for officers or citizens; and
    - g. Maintain records of their related enforcement activities.
  - 4. The officer responsible for the logistics function is responsible for:
    - a. Ensuring maintenance and calibration records are maintained for each device; and
    - b. Taking devices out of service when they need routine or immediate maintenance or repairs.
- C. Officers will issue only written warnings for violations of **TR § 21-801.1 Driving vehicle on highway at speed exceeding limit** when evidence is based only on pacing vehicles because the speedometers in the agency’s vehicles are not calibrated by SPEED MEASURING DEVICES.

#### **2.206.20 Off-Road Vehicle Violations** (61.1.5.e)

- A. Officers will enforce off-road vehicle laws.

- B. Off-road vehicles must be registered or exempted consistent with **Transportation Articles (TR) § 13-402** to be operated on roadways.
  - 1. Unregistered or unauthorized off-road vehicles may be impounded and towed consistent with **2.434 Towing & Impounding Vehicles** if found in violation of the **TR** and are operated on public highways or on university property.
  - 2. Juveniles contacted as the result of **TR** off-road vehicle violations will be dealt with consistent with **2.206.04 Juveniles**.
- C. **Baltimore County Code, Article 21, Title 12** contains definition, operation, registration, and forfeiture statutes for off-road motorcycles. For witnessed violations involving minibikes, off-road motorcycles, or all-terrain vehicles, officers will:
  - 1. Verify the identity of vehicle owners and/or operators;
  - 2. Tow and impound the vehicles consistent with **2.434** if the vehicles are not properly registered;
  - 3. Attempt to verify through CAD/RMS and Baltimore County Police the number of off-road vehicle violations previously committed by the operator;
  - 4. If operators are adults, write reports and issue appropriate criminal citations consistent with **2.410 Criminal, Civil, Citations, etc.**;
  - 5. If operators are juveniles, write reports and process charges consistent with **2.206.04 Juveniles**; and
  - 6. If this is the operator's third violation, work with the Baltimore County Police and the Office of the State's Attorney to pursue seizure and forfeiture actions.

**2.206.22 Public Carrier / Commercial Vehicle Violations** (61.1.5.g)

- A. Officers taking enforcement actions against public carriers or commercial vehicles should consider factors that include, but are not limited to:
  - 1. Extra space and stopping requirements of oversized vehicles;
  - 2. Possible traffic congestion caused by improper stopping, standing, or parking of commercial vehicles;
  - 3. Delivery access for commercial vehicles;
  - 4. Severity of violations;
  - 5. Whether violations were willful or inadvertent;
  - 6. Whether violations posed immediate threats to persons or property; and
  - 7. If enforcement actions are prompted by citizen complaints or repeat or chronic offenders.
- B. Commercial vehicles may be stopped for inspectional purposes without probable cause consistent with **TR § 25-111(c)**.
- C. Consistent with **TR § 16-813**, persons licensed as commercial drivers may not drive, operate, or be in physical control of commercial motor vehicles while they have any alcohol concentration in their blood or breath.
  - 1. Officers will complete **DR-102** forms when alcohol tests of commercial drivers result in findings of 0.04% or above.
  - 2. Officers will complete **DR-15A** forms when alcohol tests of commercial drivers result in findings of 0.10% or above.

**2.206.24 Multiple Violations** (61.1.5.i)

- A. Officers stopping violators for multiple violations may issue citations for all violations or exercise discretion by issuing citations only for the most serious violations and issuing written warnings or taking no formal actions on lesser violations.
- B. Multiple citations issued to violators must have their numbers loop recorded according to citation guidelines.

**2.206.26 Newly Enacted Laws & Regulations** (61.1.5.j)

- A. Grace periods are frequently established or accepted relating to newly effective traffic laws or regulations.
- B. Officers will not issue citations for violations occurring during any legally established grace periods, but may issue warnings.
- C. Officers may issue citations during informal or accepted grace periods if violations are serious, hazardous, or contribute to accidents.

**2.206.28 Violations Resulting in Traffic Accidents** (61.1.5.k) {Revised: 12/11/24}

- A. Officers who investigate nonfatal accidents and complete ACRS reports may take enforcement actions when probable cause is developed for violations of the Transportation Article.
  - 1. Enforcement discretion is encouraged when accident damage is minor or when ACRS reports are not required.
  - 2. Enforcement discretion is discouraged when there is evidence of deliberate or flagrant violations that cause or contribute to accidents.
  - 3. Officers investigating accidents with injuries where they anticipate filing both motor vehicle and criminal charges will not initially issue citations, but consult with State's Attorney personnel to address double jeopardy concerns.
- B. Officers will not issue citations or file charges in accident cases that are the responsibility of the Baltimore County Police Department consistent with **1.100 Authority**.

**2.206.30 Pedestrian and Bicycle Law Enforcement** (61.1.5.l)

- A. Officers will monitor pedestrian and bicycle movements to ensure compliance with the Transportation Articles.
- B. Enforcement of pedestrian and bicycle related laws should receive the same enforcement emphasis as that of regular traffic enforcement.

**2.206.32 Violations Committed by Drivers of State-Owned Vehicles**

- A. The State Fleet Committee of the MD State Department of Budget and Management recommends that police agencies notify the agency heads of employees who commit traffic violations while driving state vehicles.
- B. Officers writing citations, warnings, or SEROs to drivers of state vehicles will attach a printout of the vehicles' registration information to the citations, warnings, or SEROs prior to supervisory review and submission of the documents to Central Records.
- C. Central Records staff is responsible for providing copies of the documents to:
  - 1. Parking and Transportation Services for vehicles owned by the university; or
  - 2. Other appropriate authorities within the state agencies owning the vehicles.

**2.206.34 Must Appear Violations**

- A. Officers will write reports any time they issue must appear (MA) traffic citations where physical arrests were not made. Separate Statements of Probable Cause will not be written.
- B. When suspects are physically arrested, but charged by MA traffic citations and released on their signatures, officers will write reports, comply with **2.610.20 Booking Procedures**, but not write separate Statements of Probable Cause.
- C. When suspects are physically arrested for MA traffic violations and taken before Commissioners, officers will write reports, Statements of Probable Cause, and comply with **2.610.20 Booking Procedures** and **2.620 Traffic Arrests**.



**2.206.36 Requests for Driver Reexamination (61.1.12)**

- A. Officers will use the MVA #JA to request re-examination of Maryland licensed drivers who appear incapable of driving safely.
- B. Conditions that may lead to requests for driver re-examination include, but are not limited to;
  - 1. Driver incompetence;
  - 2. Physical or mental disabilities or diseases; or
  - 3. Other conditions that might prevent persons from exercising reasonable care and control of motor vehicles.
- C. Age alone is not a reason for requesting reexaminations.
- D. The physical defects and summary sections of the #JA must be conclusive and specific in order to relieve officers from having to appear at MVA hearings.
- E. Completed forms will receive supervisory review for approval before the forms are submitted to Central Records for distribution.

**2.206.38 Miranda Applied to Traffic Enforcement (1.2.3)**

- A. Advising traffic enforcement suspects of their *Miranda* Rights is not necessary until situations become custodial and information beyond identification requirements is requested.
- B. People who are not allowed to sign for traffic violations must be advised of their constitutional rights before the product of incriminating questions asked by officers can be used in court.
- C. IT IS NOT NECESSARY TO ADVISE PEOPLE OF THEIR CONSTITUTIONAL RIGHTS IF THEY ARE ISSUED TRAFFIC CITATIONS, BUT ARE NOT TAKEN INTO CUSTODY.

**2.208 TRAFFIC ENFORCEMENT DOCUMENT CONTROL (82.3.4)**

- A. The Logistics Officer is responsible for:
  - 1. Ensuring an overall, sufficient supply of Maryland Uniform Complaint and Citations, SEROs, Written Warnings, Parking Violation Notices (PVNs), and other related enforcement related documents is maintained by the agency;
  - 2. Ensuring an appropriate supply of SEROs, Written Warnings, and Parking Violation Notices (PVNs) along with sign-out logs necessary to meet the short-term needs of the agency are maintained in the patrol supply cabinet;
  - 3. Distributing and facilitating the documentation of Maryland Uniform Complaint and Citations to officers;
  - 4. Coordinating the process of retrieving unissued or obsolete documents from employees; and
  - 5. Attempting to collect unissued documents from employees who end their employment with the agency.
- B. Officers will:
  - 1. Maintain a ready, personal supply of traffic enforcement documents;
  - 2. Check out and complete sign-out logs for traffic enforcement documents obtained from the patrol supply cabinet;
  - 3. Request traffic citations from the Logistics Officer.
    - a. Requests can be submitted personally to the Logistics Officer during normal duty hours or by email during non-business hours or when the Logistics Officer is not immediately available. Requests should be made to the commander responsible for the logistics function when the Logistics Officer is on leave.
    - b. Officers may initially request up to two books of citations then request an additional book when they have only book left, but must make requests before they run out of traffic citations;
  - 4. Separate, complete, and submit any receipt cards through their supervisors to Central Records before ending their tours of duty on the day they receive citation books.
  - 5. Issue documents sequentially from their books as necessary during the course of their daily activities;

6. Submit completed documents through their supervisors to Central Records by the end of their tours of duty on the days the documents are issued;
  7. Turn in obsolete documents as requested; and
  8. Turn in all unused documents upon ending their employment with the agency.
- C. The Logistics Officer:
1. May issue citations directly to officers or give them to officers' respective supervisors for final distribution; and
  2. Will document the issuance of citation books in the agency's on-line records management system.
- D. Central Records personnel are responsible for:
1. The transmittal and retention of citation, SERO, warning/FIR, printed PVN copies, and related documents consistent with controlling directives; and
  2. Ensuring citation, etc. related information is entered into the RMS; and
  3. Notifying former employees of any court or administrative related summonses that have been received by this agency.