



Traffic Enforcement

.01 Policy

The Bladensburg Police Department is committed to making roadways throughout the Town safer through traffic enforcement. Conspicuous patrol in marked cruisers by uniformed officers is the principal means of promoting good driving by deterring traffic violations.

When necessary, enforcement efforts will be targeted at specific times and locations, such as certain stretches of roadways or intersections, which experience a large number of accidents or traffic violations.

Officers shall be alert for traffic violations and traffic complaints that come to their attention and have the discretion to issue verbal or written warnings, citations, and to make arrests. Enforcement action shall be based entirely on the violation, not the personality, race, sex, or ethnicity of the violator.

.02 Terms

Authorized Departmental Vehicle: A vehicle equipped with functioning emergency lights and siren.

Traffic Stop: Any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law.

“Traffic Stop” does not include:

- A checkpoint or roadblock stop;
- A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;
- A stop based on the use of radar, laser, or vascar technology; or,
- A stop based on the use of license plate reader technology.

.03 Governing Legislation and Reference

Governing Legislation:

Maryland Transportation Article, Title 21, Sub-Title 501.

Maryland Transportation Article, Title 21, Sub-Title 1202.

Maryland Transportation Article, Title 23, Sub-Title 105.

Maryland Transportation Article title 25, Sub-Title 113.

US v. Stanfield, 109 F.3d 976, 984 (4th. Cir. 1997).

Forms:

Maryland Uniform Complaint and citation (District Court Form DR-49).

Maryland Safety Equipment Repair Order (MSP Form 157).

Request for Re-Examination of Driver (MVA Form AJ-39).

Void Notice (Form 685).

Warning Notice (Form #686).

Data Supplement Sticker (Form #687).

Reference:

General Order 308, Contacts with Diplomats & Foreign Nationals.

General Order 310, Vehicle Pursuit.

General Order 221, Bias Base Policing.

.04 Procedure

Officers may use any of the following methods to enforce the vehicle law:

- Moving patrol;
- Overt (high visibility patrol intended to discourage violators); or,
- Covert (to identify and apprehend violators).

A. Uniformity of Enforcement

Officers are prohibited from stopping individuals to issue additional citations after conclusion of the original traffic stop unless:

- The officer becomes aware of violations that were unknown at the time of the original stop; or,
- The investigation has not been completed.

Examples include, but are not limited to, DUI, fatal or hit-and-run accidents, and cases where the individual provides false information.

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Officers shall not threaten to issue additional citations to a citizen in order to persuade him or her not to challenge citations that he or she has already been issued.

B. Multiple Violations

Officers are not limited as to the number of citations, Safety Equipment Repair Orders, or warnings that may be issued to a violator.

Officers will ensure that all citations issued to a single violator are linked using the space at the top of the traffic citation.

Traffic Citations and Criminal Arrests

To establish probable cause in court, officers that make traffic stops that lead to arrests should ensure that the individual is cited for the violation that led to the traffic stop. For example, a driver who commits an unsafe lane change and is subsequently arrested for DUI should be cited for the unsafe lane change. In these situations, officers are encouraged to complete both the arrest paperwork and the traffic citations themselves in order to facilitate the consolidation of charges.

Officers shall ensure that they provide a photocopy of the signed citation(s) to the District Court Commissioner and record the citation number(s) in the top margins of both the Statement of Probable Cause and the Statement of Charges. This will allow the commissioner to request that the criminal and traffic charges be consolidated into one court date.

C. Legislators

Legislators, including those of the US Congress, Maryland House of Delegates, and elected politicians of Maryland counties and municipalities, are subject to compliance with the Maryland Transportation Article. No legal or appellate provisions exempt them from prosecution.

D. Diplomats

See Diplomats, General Order 308, Contacts with Diplomats & Foreign Nationals.

E. Speed Measuring Devices

An authorized Departmental vehicle's speedometer may be used to pace vehicles in order to establish a speed violation. Officers who pace a motorist and cite the operator for speeding shall ensure that the speedometer has a current calibration. Speedometer

calibrations are valid for 6 months.

F. Off-Road Vehicles

Officers will investigate complaints concerning off-road vehicles. In cases where they can identify or apprehend violators, officers will follow appropriate arrest or citation procedures. Off-road vehicle accidents will be investigated consistent with the Department policy.

G. Public Carrier & Commercial Vehicle Code Violations

Officers may seek guidance regarding public carrier and commercial vehicle code violations from the Prince George's County Police Collision Analysis and Reconstruction Unit or Maryland State Police.

H. Traffic Stops

All uniformed officers operating marked Departmental vehicles are responsible for visible traffic patrol to enforce vehicle laws. Plainclothes on-duty officers or off-duty officers operating unmarked Departmental vehicles should refrain from making traffic stops unless the violation creates a significant hazard. Officers should only make traffic stops when operating Departmental vehicles equipped with functioning emergency lights and siren.

Initiating traffic stops outside the Town is prohibited unless authorized by mutual aid agreement.

Making Traffic Stops

Officers shall ensure that a violation has occurred, unless the stop is investigatory in nature.

Officers shall select a safe location for the stop, such as a parking lot or road shoulder, where violators may wait while being issued citations or warnings. The cruiser shall be positioned behind the violator to provide protection from other motorists. When stopped behind motorists, the officer shall activate his or her vehicle's emergency lights or hazard flashers.

When notifying the dispatcher of the stop, officers shall provide the following information in the below order:

- Location;
- License plate number and state;
- Make and model of vehicle;
- Color of vehicle; and,

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- Number of occupants.

When providing the location, officers shall avoid using common identifiers such as "MD 450 at the 7-Eleven." When giving locations on ramps or spurs, officers shall provide a "from-to" location, such as "ramp from Westbound MD 450 to Southbound 201."

Upon contact:

- Identify himself or herself and greet the violator courteously, using the appropriate title;
- If mobile video system equipped, advise the violator that he or she is being audio/visually recorded;
- Advise the violator of the reason for the stop;
- Request the violator's driver's license and vehicle registration;
- Avoid debating the merits of the violation, but answer procedural questions concerning the violation; and,
- Return the violator's license and registration at the conclusion of the stop, unless required as evidence.

Selective Speed Enforcement

When selective speed enforcement is employed on roadways where the posted speed limit is greater than 35 mph, use of a laser/radar type speed detection device is preferred.

Accident data compiled from sources inside and outside the Department, including citizen complaints or requests, and DUI arrest locations, may be used by officers to enhance selective enforcement efforts. When an enforcement activity is conducted, officers will compile data relative to their efforts and report the results to their supervisor.

When traffic enforcement is conducted specifically for complaints or reports of traffic accidents at a given location, the officer conducting the enforcement will complete a written report. The report will compare the enforcement activity with the number of accidents for the 30-day period before and after the enforcement was conducted.

Stop Teams

When conducting selective speed enforcement, during which officers flag down offending motorists from a stationary position, officers shall:

- Restrict this type of activity to daytime hours;
- Wear a brightly colored reflective safety vest; and
- Ensure they have a safe area to retreat to that will protect them from unobservant motorists.

I. Inspecting Vehicle Interior Due to Window Tinting

A police officer who lawfully stops a vehicle with windows so heavily tinted that the vehicle's interior is not visible, may open one of the vehicle doors to visually determine if:

- The driver is armed;
- There are weapons inside; or,
- Other occupants may pose a danger to the officer.

Officers may seize any contraband or evidence they observe in plain view through a lawfully opened door.

J. Maryland Uniform Complaint and Citation

Distribution and Accountability

Citation books shall be stored in the supply room or other secure location. Supervisors shall sign a receipt noting the quantity of citation books received and their corresponding citation numbers.

When an officer obtains a citation book from his or her supervisor, he or she shall complete the Receipt Card and top portion of the Tally Sheet, staple the two together, and return them to the issuing supervisor. The supervisor shall forward the receipt card to the Records Section.

Officers shall not lend, borrow, or share citation books. The officer will retain his or her copy, and submit the remaining original and copy to his or her supervisor by the end of the tour of duty.

Advice to Violator

When issuing citations, officers shall inform the violator whether or not a court appearance is mandatory, the amount of the pre-payable fine indicated on the citation, and the procedures

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for obtaining a court date. They shall inform the violator that complete information and instructions are printed on the reverse of the defendant's copy of the citation.

When charged with an offense for which the violator is issued a traffic citation, the officer shall advise the violator that:

- The Maryland vehicle law requires the violator to acknowledge receipt of the citation by signing it; and,
- Signing the citation is not an admission of guilt, but the violator's promise to fulfill the requirements listed on the reverse side of the violator's copy of the citation by either paying the fine or appearing in court.

Forward to the Records Section:

- Court copy; and,
- Law Enforcement copy.

Retained by Officer:

- Officer's copy.

Given to Violator:

- Defendant's copy.

If the charges require the violator to appear in court, the violator will only receive the blue copy.

When the violator is presented before a commissioner, the commissioner places the court copy in the criminal file folder. The rest of the distribution is as above.

Actions for Refusal to Sign Citation

Officers shall notify violators who refuse to sign a traffic citation that failure to sign may result in the issuance of an additional citation, as well as lead to their arrest. Upon continued refusal, the officer shall request that a supervisor (Corporal or above), respond to the scene, when available.

The supervisor shall explain to the violator that signing the citation is not an admission of guilt, but a written promise to either appear in court when notified or pay the fine. The supervisor shall reiterate that failure to sign may lead to the violator's arrest. Upon continued refusal, the supervisor may authorize an arrest.

If a supervisor determines that a violator should be arrested and presented before a District Court Commissioner, he or she shall ensure that a Case Report is completed by the end of

the tour of duty.

As a substitute for requesting the response of a supervisor, the officer may print "REFUSED" in the signature block of the ticket when the violator possesses identification that allows the officer to positively identify the violator and his or her home address. If the violator's identity and home address cannot be verified, he or she may be arrested as described in this section.

Voiding Citations

A citation that the violator has not signed may be voided administratively.

If officers make an error while writing a citation, they shall complete a Void Notice and forward it, along with the citation to the Chief of Police for disposition.

A citation signed by a violator must be disposed of in Court either through dismissal by a judge or a declaration of *nolle prosequi* by an Assistant State's Attorney.

K. Safety Equipment Repair Orders

Safety Equipment Repair Orders (SERO) shall be issued for equipment violations on motor vehicles or trailers assigned permanent Maryland registrations. In cases involving unsafe vehicles, a Maryland Uniform Complaint and Citation may be issued to the operator of any motor vehicle or trailer. A citation may be issued in conjunction with an SERO.

SEROs shall be disseminated according to the directions on the form.

Certification of Safety Equipment Repair Orders

Officers may certify repairs of defects noted on the order with an asterisk. Orders may only be certified if all repairs are complete. If any defects without asterisks have also been checked, the citizen will be directed to an authorized inspection station for certification.

Inspections will not be conducted during inclement weather or darkness. If all repairs have been completed, the officer shall enter the following information at the bottom of the SERO in the spaces provided:

- Officer's rank, signature, and ID number;
- Date;
- Bladensburg Police Department;
- "AM BPD" for Agency Code; and,

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- Mailing address of certifying officer.

Window Tint Inspection

Only an Authorized Maryland Inspection Station is authorized to approve SEROs issued for window tint inspection.

L. Pedestrian & Bicycle Law Enforcement

Maryland's traffic laws apply to pedestrians and bicyclists alike. Officers shall be alert for violations of the traffic laws that jeopardize the safety of the pedestrian, bicyclist, or motorists.

Supervisors may authorize selective enforcement efforts in response to Maryland Automated Accident Reporting System (MAARS) data or community requests.

M. Driver Re-Examination

Officers shall be alert for motorists that appear to be unfit, unsafe, or otherwise not qualified to be licensed. Utilizing a Request for Re-Examination of Driver form, officers can request the Motor Vehicle Administration (MVA) to test these motorists. The Physical Defects and Summary sections of the form must provide specific information to assist MVA, and prevent officers from having to appear at MVA hearings.

N. Use of Reflective Safety Vest

The reflective safety vest shall be worn as the outermost garment whenever an employee is engaged in traffic direction or stationary enforcement, except during emergencies or circumstances requiring brief intervention.

O. Race-Based Traffic Stops

All law enforcement agencies in Maryland are required to collect and report traffic stop data for certain traffic stops. Officers who conduct traffic stops which meet the criteria of a reportable traffic stop, and who do not utilize the E-Tix system, will accurately and thoroughly complete a Data Supplement Sticker and affix it to the citation, SERO, or warning.

Officers shall not ask the automobile driver or passenger(s) their race or ethnicity group because it may only inflame and prolong an already tense situation. Officers shall use their personal judgment in assessing race and ethnicity.

Traffic stop data will be turned into the supervisor along with all related paperwork before the end of his or her tour of duty. Officers who conduct reportable traffic stops during off-duty hours or during special assignments will submit the applicable paperwork to their supervisor on their next scheduled work day.

Supervisor Responsibility

First-line supervisors will ensure that Traffic Stop Data Stickers are accurately and correctly completed, and submitted in a timely manner.

Records Section Responsibility

The Records Section is responsible for collecting all Traffic Stop Data and compiling the data into a repository database. They are responsible for ensuring this data is assembled and properly reported to the Governor's Office of Crime Control and Prevention in accordance with the existing law.

HISTORY: Adopted August 1, 2013

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:



Charles L. Owens
Chief of Police