

# Annapolis Police Department



## GENERAL ORDER

**Number: E.5**

**Issue Date: August  
2007**

**TO:** All Personnel

**SUBJECT:** Traffic Law Enforcement

### PURPOSE

The purpose of this General Order is to provide all officers of this department with: uniform procedures for taking enforcement action incidental to traffic law violations; uniform enforcement policies for traffic law violations; guidelines on law enforcement practices; and procedures for handling traffic law violations by certain classes of motorists.

### POLICY

It shall be the policy of the Annapolis Police Department to enforce traffic laws for the purpose of reducing the number of traffic collisions. 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. Refer to Appendix A for a statement of Guiding Principles of Proactive Traffic Law Enforcement.

#### **I. Responsibilities**

- A. 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 nonhazardous violations.
- B. While all uniformed officers share responsibility for traffic enforcement, it is recognized that the opportunity to enforce traffic laws varies in different parts of the city 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 traffic

enforcement, but does not establish quantitative objectives for individual officers.

## II. Enforcement Options

Officers will keep the preceding statements of policy in mind when selecting from the following enforcement methods that are available, from the most extreme to the least extreme. The use of discretion should be based upon the seriousness of the violation and the action which is most likely to result in future compliance.

1. Physical arrest- Officers will make physical arrests in compliance with the Transportation Article of the Annotated Code of Maryland;
2. Applications for summons or warrant;
3. Citations- A Maryland Uniform Complaint and Citation should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles;
4. Safety Equipment Repair Orders; and
5. Written warnings/Verbal Warning- A warning may be issued to a violator whenever there is a minor traffic infraction committed in those areas where traffic collision is minimal, or when the act may be due to ignorance of a local ordinance. An effective warning, properly given by an officer, can be more effective while building positive rapport with the driver, than any other type of enforcement action.

## III. Enforcement Practices

### A. Visible Traffic Patrol

1. Normal traffic enforcement involves visible traffic enforcement within the officer's assigned patrol area.
2. Line patrol involves traffic enforcement along and concentrating on a particular section of roadway.
3. Directed patrol instructions can specify enforcement in an area, on a line patrol or at a specific location, depending on the nature of the hazard/violation being selected.

### B. Stationary Enforcement

Either covert or overt stationary observation may be used as a technique to make observations about the flow of traffic at a particular location. When completing reports or doing other activities which will keep them out of service for a short time, officers are encouraged to park their vehicles in a conspicuous location. This will serve to remind motorists of the need 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 supervisor or unit supervisor. All unmarked vehicles used for traffic law enforcement will be equipped with emergency lights (red and/or blue) and a siren.

## D. Roadside Safety Checks

The establishment of roadway safety checks may be utilized with the approval of the Commander of the Special Operations Section. Safety checks may be used for but not be limited to seat belt violations, etc. Safety checks will be conducted so as not to impede traffic and members will **always** wear their reflective safety vest while conducting safety checks.

**IV. Speed Measuring Devices**

## A. Police Vehicle Speedometer

1. The police vehicle speedometer may be used as a device to measure violator speed. The speedometer of any vehicle used for this purpose must have current calibration by a certified radar operator prior to the issuance of any citations. Similar calibrations will be conducted biannually to ensure continued accuracy of the speedometer.
2. A speedometer calibration card will be completed after the initial calibration by the radar operator. This card will be updated after each subsequent calibration by the certifying operator.
3. The calibration card will be stored at District Court.

## B. Radar/Laser Speed Detection Equipment

1. The Commander of the Special Operations Section along with the Supervisor of the Traffic Safety Unit will determine specifications of the radar and laser units which will be used in the department.
2. The Commander of the Special Operations Section will forward an Administrative Report to the Office of the Chief indicating the specifications of the radar/laser equipment. When the equipment is updated or when there are new specifications, this information will be forwarded to the Office of the Chief via an Administrative Report.
3. Radar/Laser Training
  - a. Officers wishing to operate radar/laser equipment must complete a training program and be certified in the equipment's use.

- b. Each qualified radar/laser operator will be issued a certification card.
- c. Only those officers holding valid radar/laser certification may operate radar/laser equipment.

4. Radar Use

- a. Prior to the use of any radar equipment it will be checked for accuracy utilizing tuning forks and the internal test function. A similar check shall be conducted periodically during extended radar operations and at the end of each operation.
- b. Stationary radar is authorized on any roadway during normal patrol activities.
- c. Radar enforcement shall not be conducted during inclement weather or at locations which present an unsafe working environment for the officer or the public.
- d. Any radar equipment which does not check within the established tolerance will not be used. Faulty equipment should be turned into the Traffic Safety Unit immediately along with a written explanation of the problem observed.

5. Laser Use

- a. Prior to the use of any laser unit it will be checked for accuracy utilizing the internal test function and the distance/range test. A similar check shall be conducted periodically during extended laser operations and at the end of each operation.
- b. Laser operation is authorized on any roadway during normal patrol activities.
- c. Laser enforcement shall not be conducted during inclement weather or at locations which present an unsafe working environment for the officer or the public.
- d. Any laser equipment which does not check within the established tolerance will not be used. Faulty equipment should be turned into the Traffic Safety Unit immediately along with a written explanation of the problem observed.

6. Radar/Laser Repairs and Calibrations

- a. All maintenance must be conducted by an authorized maintenance technician.
- b. Each radar unit, and its assigned tuning forks, will be calibrated by an authorized maintenance technician semiannually. Written documentation of each calibration or required repair will be maintained in a file by the Traffic Safety Unit.
- c. Each laser unit will be calibrated annually by an authorized maintenance technician. Written documentation of each calibration or required repair will be maintained in a file by the Traffic Safety Unit.

- d. A file of radar/laser calibrations will be maintained at the District Court Building for use during trials.
7. The Traffic Safety Unit Supervisor is responsible to ensure that the radar/laser units receive proper care, upkeep and that all required maintenance (operational readiness of the units) and calibration of the radar/laser units are performed, and ensure that maintenance and care records are kept of the units.
8. The radar/laser units shall be stored in the Platoon supervisor's office. Officers shall sign the radar/laser log book prior to utilizing the equipment, and upon returning the equipment.

**V. Enforcement Guidelines**

A. Non-residents

1. 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
2. For non-jailable traffic offenses, non-residents may receive a traffic citation and acknowledge receipt by signature to the same extent as a Maryland resident.
3. Residents of states that do not have reciprocity with the State of Maryland may be arrested and taken before a District Court Commissioner for pre-trial disposition. Refer to the Maryland Uniform and Complaint Citation for states having reciprocity with the State of Maryland.
4. For jailable (arrest) traffic offense non-residents shall be arrested and taken before a District Court Commissioner for pre-trial disposition.

B. Juveniles

1. Officers should consider the use of warnings for juveniles who commit a minor, non-hazardous violation. Warnings, if given, may include advice to parents.
2. Citations may be issued to juveniles age 16 and 17 unless the violation is punishable by incarceration. If the violation charged does carry a possibility of incarceration and/or the juvenile is less than 16 years of age, then the violation must be charged on a Juvenile Citation and referred to Juvenile Services. All additional non-arrestable violations will be charged on a Juvenile Citation as well.

## C. Legislators

There is no provision in Maryland law which exempts any state or local official, either appointed or elected, from federal, state, or local laws. The issuance of a traffic citation, a warning, or a physical arrest in those cases where physical arrest is authorized, is permitted. However, officers will address these individuals with the respect customarily accorded their office and standing in the community.

## D. Military Personnel

On all traffic violations military personnel are not immune from prosecution. If a traffic stop results in the physical arrest of an active duty member of the armed forces of the United States, the officer will advise the Communications Section to inform the OD (Officer On Duty) of the military reservation, ship, or installation to which the military person is assigned.

## E. Armored Cars

1. In the event that an armored car commits a traffic violation requiring the issuance of a citation the officer will:
  - a. Stop the vehicle and advise the Communications Section of the vehicle number and company name;
  - b. Communicate with the driver through the gun port- including passing the driver's license, registration card and/or citation(s); and
  - c. Not request the driver to exit the vehicle under normal circumstances.
2. In the event the offense is such that it is necessary to have the driver exit the vehicle, the officer will request a Platoon/unit supervisor and a supervisor from the company. Drivers have been instructed not to exit the vehicle unless company and police supervisors are present.

## F. Drivers with Suspended or Revoked Driving Privileges

1. Arrests will be made for driving while suspended/revoked charges if the motorist has an out of state license.
2. Maryland residents 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.
3. **Under no circumstances should the motorist be allowed to continue to drive.**
4. If the status of a motorist's driver 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's office.

5. If a subject is arrested for driving on suspended/revoked charges, the officer may forward a memorandum to the State's Attorney's office. This form will indicate if the subject has been previously convicted of driving suspended and/or revoked. If the subject has been previously convicted of driving suspended and/or revoked the block indicating "prior offender" should be checked yes. This will indicate to the State's Attorney's office that the department is requesting the defendant be considered for repeat offender prosecution. A copy of the defendant's driving record or a computer printout will be attached to the memorandum. **Officers are encouraged to complete this form for every suspended/revoked arrest and/or citation that is issued.**

G. Speed Violations

1. 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.
2. As with other enforcement decisions, the officer's decision on the enforcement option must be based on a combination of training, experience, and common sense.

H. Other Hazardous/ Other Nonhazardous Violations

Consider the degree of the hazard, place, and any previous collision history of the location. For other nonhazardous violations consider a warning unless the violation is repetitive or flagrant.

I. Off-Road Vehicles

1. 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).
2. 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.
3. 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.

J. Equipment Violations

1. 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.

2. 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.

K. Public Carrier/Commercial Vehicles

1. Moving violations involving commercial vehicles or public carriers should be handled in the same manner as private passenger vehicles, with appropriate consideration given to the danger caused to other motorists and passers by, and to the inconvenience caused to passengers.
2. In the downtown area consider the congestion, lack of parking, and carrier needs for delivery access. Repetitive violators should be cited.
3. Officers encountering possible weight and load limit violations should request a Certified Commercial Motor Vehicle Inspector (CMV).

L. Multiple Violations

When issuing charges for multiple violations, only one violation may be charged on each traffic citation. Be sure to “loop” all related citations. Except in the case of fatal collisions, officers may place “Must Appear” charges at the same time that the violator is charged with prepayable offenses. Charges in fatal collision cases will be placed by a collision reconstructionist, after consultation with the State’s Attorney’s office

M. Grace Periods of Newly Enacted Laws

Unless superceded by state law a 30 day grace period is established during which only warnings will be given for newly enacted laws. After the expiration of the 30 day of the grace period, the officer will use discretion according to the circumstances.

N. Violations resulting in Traffic Collisions

It is recognized that no one statement can explicitly define all circumstances under which a Maryland Uniform Complaint and Citation is to be issued. The longstanding policy has been to rely on the good judgement and common sense of collision investigators to determine whether a Maryland Uniform Complaint and Citation shall be issued in each collision case. The judgement is based on a careful consideration of all of the facts gathered by the investigator in a particular case.

O. Bicycles and Pedestrians

1. On heavily traveled roadways 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 collision occurrences are low, officers should exercise discretion in the type of enforcement action taken.
2. 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.
3. Officers will concentrate their efforts on pedestrian violations in those areas where pedestrian collisions have been frequent and severe, and will cite those persons committing substantial violations, when appropriate.

P. Parking Enforcement

Parking enforcement is part of the overall traffic enforcement program. Special emphasis will be directed to areas where infractions may impede the flow of traffic, create a hazard, or when violations are reported by citizens. Officers shall issue citations in accordance with the Charter and Code of the City of Annapolis Code and Maryland Motor Vehicle Law.

Q. Request for Driver's Reexamination

1. If an officer encounters a driver who appears to be physically and/or mentally incapable of operating a motor vehicle, the officer will notify the Motor Vehicle Administration (MVA) using the Request for Re-examination form provided by the MVA. The officer will list:
  - a. The drivers condition or actions that led to the initial traffic stop; and
  - b. The drivers subsequent condition or actions observed by the officer that led the officer to believe the driver was incompetent or otherwise not fit to operate a motor vehicle.
2. All the information on the MVA form must be complete and precise. The form will be submitted to Records to be forwarded to the MVA.
3. If the driver's condition is such that continued operation of a motor vehicle will imminently endanger the motoring public, or the driver himself/herself, further operation will not be allowed. The vehicle should be safely secured

and arrangements made for the operator.

Joseph S. Johnson  
Chief of Police

References
1.Accreditation Standards 1.2.7, 17.5.2, 61.1.2, 61.1.3, 61.1.5, 61.1.6, 61.1.9, 61.1.12, 61.1.13
2.Transportation Article of the Annotated Code of Maryland
3.United States Department of State Consular Notification and Access

**Revision:** This General Order replaces General Order Traffic Law Enforcement dated April 2001