

**FREDERICK POLICE DEPARTMENT
GENERAL ORDER**

Section 2: Traffic Operations **Order Number:** 210
Topic: TRAFFIC LAW ENFORCEMENT **Issued by:** Chief of Police
Approved: 01/03/19
Review: Annually in January by Commander, Patrol Division 2
Supersedes: G.O. 210 dated 11/07/17

.01 PURPOSE:

To describe procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, pedestrians, and the courts.

.02 CROSS-REF:

All General Orders in Section 2 - Traffic Operations
G.O. [218](#) "Arrests for Motor Vehicle Offenses"
G.O. [520](#), "Juvenile Procedures"
G.O. [560](#), "Diplomatic and Legislative Immunity"
G.O. [955](#), "Take-Home and Assigned Vehicles"
G.O. [1422](#), "Jurisdiction"
CALEA STANDARDS : 1.2.5; 61.1.2; 61.1.3; 61.1.4; 61.1.5; 61.1.7; 61.1.11; 61.4.1;
61.4.2; 82.3.4

.03 DISCUSSION:

The traffic enforcement objective of the Frederick Police Department is to reduce traffic accidents and aid in the safe and expeditious flow of vehicle and pedestrian traffic. The Department seeks to achieve these objectives through a combination of effective enforcement and public education.

.04 POLICY:

It is the policy of the Frederick Police Department that traffic law enforcement and the delivery of law enforcement related services will be applied consistently and courteously to all members of the public. Every officer on the department shares the responsibility for traffic enforcement.

.05 DEFINITIONS:

TRAFFIC LAW ENFORCEMENT - All police activities or operations that relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances.

.10 GENERAL:

1. Enforcement not only involves arrests and citations, it also includes the judicious use of warnings to drivers and pedestrians which help prevent them from committing future minor and inadvertent violations. Traffic enforcement can be reactive to observed violations, accidents, or community concerns; or it may be proactive to prevent traffic violations and/or accidents.
2. The uniform application of enforcement action for traffic violations is based upon principles of sound judgment and consideration of the circumstances and conditions surrounding the violation. Officer discretion is the key to equitable application of traffic law enforcement with the ultimate goal being the achievement of voluntary compliance.

.15 TRAFFIC PATROL TECHNIQUES:

Based on the premise that patrol in a marked vehicle is the most effective deterrent to traffic law violators, officers will be alert to the occurrence of violations while engaged in routine patrol duties and will devote a portion of their duty tours to selective traffic law enforcement through the utilization of the following patrol techniques:

1. Visible traffic patrol:
 - A. *Area traffic patrol* - Consists of driving an area or roadway for the purpose of providing protection, security, and service to the public; moving or stationary observation in an area that includes a number of streets, roads, or sections of highway.
 - B. *Line traffic patrol* - Moving patrol or stationary observation on a specified route between two points, usually on one street or a section of a highway.
 - C. *Directed traffic patrol* - Selective traffic enforcement or the assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on such factors as traffic volume, accident experience, frequency of traffic violations, citizen complaints, and emergency/service needs.
2. Stationary observation: Traffic observation at a selected place, usually one with an unfavorable accident experience or traffic flow problem, for traffic law enforcement purposes - especially to detect violations and deter possible violators.
 - A. *Covert stationary patrol*: In which the observer uses ordinary powers of observation and is not visible to persons from the roadway being observed.
 - B. *Overt stationary patrol*: By an observer in full view but so located, such as on a side street, that effort is required by those in the traffic stream to discover the observer.
3. In all cases, the patrol tactics adopted should be suited to the enforcement objective.
4. When utilizing stationary patrol tactics, officers will park in such a manner so as not to impede, interfere with, or be a hazard to the traffic flow.
5. Unmarked cars/unconventional vehicles may be used for traffic patrol only with the approval of the on-duty supervisor. The traffic patrol vehicle must be fully equipped as an emergency vehicle.
6. Checkpoints will be utilized within the parameters of case law and Maryland State Police guidelines for checkpoints. Checkpoints will only be utilized based upon proven need through statistical analysis of traffic violations and/or accidents. These checkpoints will only be conducted with the approval of the Division Commander or Deputy Chief of Police.

.20 TYPES OF TRAFFIC VIOLATION ENFORCEMENT:

Officers will take appropriate action whenever a traffic violation is detected. This includes violations determined through accident investigations as well as violations observed by the officer. All enforcement actions will be accomplished in a firm, fair, impartial, and courteous manner using one of the following methods:

1. Warnings:

A warning may be issued to a violator whenever there is a minor traffic infraction committed in those areas where traffic accident experience is minimal, or when the act may be due to ignorance of a local ordinance of which the driver may not be aware. Warnings may be verbal or written.
2. Maryland Uniform Complaint and Citation/ Equipment Repair Order:

A citation should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations as well as registration and driver's license violations. Safety Equipment Repair Orders may be issued for operating unsafe and improperly equipped vehicles.

3. E-Tix Citations:

E-Tix citations may be issued by Officers after they have completed the requisite classroom and practical application training. Supervisors, via FPD HelpDesk, will submit to the Technology and Services Division the names of the officers who have fulfilled the training requirements. The TSD will notify the Maryland State Police E-Tix Administrator, who will activate the officers' status and ability to issue live citations.

4. Arrest:

Officers will make arrests in compliance with Maryland Transportation Code, Section 26-202 and laws of arrest.

.25 SPECIAL CATEGORIES OF VIOLATORS:

1. *Non-residents and Military Personnel:* Will be treated no differently from residents regarding receiving a warning versus a traffic citation versus being arrested. Officers will use their discretion in all cases, considering whether or not the person was familiar with the area and laws, amount of traffic, etc. Members of the military are exempt from certain licensing and registration requirements in the Maryland Transportation Code, Section 16-102 through 115 and 13-402.1.
2. *Juveniles:* Will be handled on a case-by-case basis depending on the violation committed. Refer to [G.O. 520](#) concerning issuance of citations and/or arrest.
3. *Foreign Diplomats and Legislators:* Will be handled in accordance with [G.O. 560](#).

.30 PROFESSIONAL DEMEANOR AND ACTIONS DURING VIOLATOR CONTACT:

Traffic enforcement is one of many routine police tasks. For violators, however, it frequently is an emotionally traumatic experience. In many cases, this is the only contact that a person will have with the police. Officers should be aware of these conditions and strive to make each contact educational and to leave the violator with an impression that the officer has performed a necessary task in a professional manner. The officer should respond calmly and professionally to any confrontation.

.35 INFORMATION RELATIVE TO TRAFFIC CITATIONS:

When a Maryland Uniform Citation or E-Tix citation is completed, the officer will explain the following information to the motorist:

1. That the District Court of Maryland will schedule a court appearance **ONLY** upon the motorist's request
2. Whether the citation is payable or if appearance in court is mandatory;
3. If appearance in court is mandatory, officers will issue the motorist a Notice to Appear before the District Court Commissioner
4. Whether the motorist may be allowed to enter a plea and/or pay the fine by mail or at the District Court;
5. Officers are directed to advise the motorist that failing to satisfy the citation by either paying the fine or requesting a court appearance may be cause for their driver's license

to become suspended.

5. Any other information necessary prior to release of the motorist, such as the officer's name and badge or identification number, the location of the District Court, and how to request a court date.

.40 NOTES ON CITATIONS:

To assist with courtroom testimony, officers issuing a Maryland Uniform Complaint and Citation should use the back of the officer's copy for making notes about the violation. Officers issuing E-Tix citations should type notes in the notes field in the Delta+ application. The notes should include:

1. Road and weather conditions;
2. Passenger information, if pertinent;
3. Any comments made by the driver and any identifying marks that would assist with court identification;
4. Officers' location and direction of travel when the violation was observed; and,
5. Any other pertinent details.

.45 ACCOUNTABILITY FOR PAPER TRAFFIC CITATIONS:

1. Traffic citations must be accounted for from issuance through final adjudication. The Records Section Supervisor is responsible for ensuring an adequate supply of citation books is maintained; and for forwarding the citations to the proper authorities per their procedures.
2. Citation books will be securely stored in the Records Section.
3. If an officer needs a new citation book during the regular duty day, he will contact the Records Section for issuance and to complete the traffic citation issuance log. Outside regular business hours, the officer will contact his supervisor who will obtain a citation book from the secure location in the Records Section. The supervisor will ensure that the citation issuance log is completed. The log will indicate the citation book numbers, the officer and identification number who received the book, and the date the book was received. Supervisors and/or Records personnel issuing the book will also initial the log.
4. Officers will ensure their book has 25 citations. If the book is not complete, it must not be used. Officers are encouraged to check their citation books and to get any additional books that they may need at the beginning of their tour of duty.

.50 VOIDING HAND WRITTEN TRAFFIC CITATIONS:

1. If an error is made on an unissued hand written traffic citation, the officer will retain all the copies of the incorrect citation and issue a new citation when applicable. The incorrect citation will have "VOID" written across it in large letters with the date, and the officer will then enter his information, sign it, and submit through the standard paperwork process.
2. If an officer or supervisor detects an error in an *issued* hand written traffic citation, when all copies of the citation cannot be recalled, the officer will notify the State's Attorney personnel assigned to traffic court on the date of the trial, and request a *nolle prosequi* and/or to amend the citation. In the event of a *nolle prosequi*, a new citation may be issued following the normal procedure.

3. After a hand written traffic citation has been issued, the supervisor will review the issuing officer's copies for legibility and completeness, and then forward them to the Records Section where they will be entered into the computer and secured per Records Section procedures.

.55 ELECTRONIC TRAFFIC CITATIONS SUBMITTED OR ISSUED IN ERROR:

1. When issuing an e-citation through E-Tix, the e-citation is sent to the courts immediately upon pressing the SUBMIT button. Therefore, **once the SUBMIT button is pressed, the e-citation cannot be voided.** Pressing the SUBMIT button is also what initiates printing of the e-citation, so if there is a problem with the printer (i.e., no paper, printer not installed, etc.) the e-citation has already been issued electronically and sent to the court. There are a few options to correct this problem:
 - A. Have another officer with an E-Tix printer respond to the stop and print the e-citation.
 - B. Advise the offender of the issue, and deliver the e-citation to him/her once it is able to be printed.
 - C. Schedule a *nolle prosequi* of the e-citation following procedures in paragraph 2 of this section.
 - D. **Do not issue a hand written traffic citation if the SUBMIT has been pressed. Issuing a hand written citation for the violation(s) will cause the offender to be charged with the same violations twice. Even if the offender requests a court date for the hand written citation(s), his/her license will be suspended for failure to comply with the e-citation(s).**
2. Once an e-citation has been submitted, if it is determined it was submitted in error, it can only be scheduled for a *nolle prosequi* through the courts. There are two options for *nolle prosequi* of an e-citation through the courts:
 - A. Immediately notify the Chief State's Attorney of the District Court for Frederick County, in writing, requesting that the e-citation(s) be scheduled for *nolle prosequi*. Include the following:
 - (1) Offender's name and date of birth;
 - (2) Citation number;
 - (3) Whether or not it is a payable or must appear offense;
 - (4) Whether or not there are associated criminal charges.

If the incident only involved a payable offense, the SAO will submit to have the e-citation(s) *nolle prosequi*, which will prevent the driver's license from being suspended.

If the incident involved must appear offenses, or criminal charges were associated with a payable offense, the SAO will note in the case file that the e-citation(s) are to be dismissed at the first court appearance.

- B. On the court date when the e-citation is to be heard, the officer may ask the judge to *nolle prosequi* the e-citation.

NOTE – For this to occur, the offender must have been issued an e-citation and have requested a court date. If the offender was not issued the e-citation (i.e., printer issues), s/he has no means or instructions for requesting a court date, which will result in his/her license being suspended for failure to comply. Additionally, in cases where an e-citation is *nolle prosequi* because it was issued in error, the person cited in error will still have the violation listed on his/her driving record, but the disposition will show as *nolle prosequi*. An officer who issues an e-citation in error will inform the person cited in error to have his/her record expunged through the MVA to remove the erroneous charge.

.60 REFUSAL OF VIOLATOR TO SIGN CITATION:

1. When a violator refuses to sign a citation, the officer will make it as clear as possible that a signature does not admit guilt to the violation, but is only a promise to appear in court when advised to do so or to prepay the fine specified on the citation. Motorists are not required to sign E-Tix citations.
2. Officers who encounter a violator who refuses to sign a Maryland Uniform Complaint and Citation even after an explanation has been given regarding admission of guilt, should inform the violator that a failure to sign will lead to the issuance of an additional citation for the failure to sign. If the violator continues to refuse to sign the citation, the officer will issue the appropriate citation and the motorist will be released.
3. If a motorist refuses to sign the Maryland Uniform Complaint and Citation and the person does not furnish satisfactory evidence of identity or the officer has reasonable grounds to believe that the person will disregard the traffic citation, the motorist may be arrested in accordance with Transportation Article 26-202. Central Booking will not process persons arrested under these conditions. Therefore, they will be processed at Headquarters and released.
4. Violators who have been arrested for “Must Appear” traffic violations and are taken to Central Booking for processing are not required to sign citations and should not be issued a citation for failing to sign a citation if they are scheduled for an initial appearance in front of a District Court Commissioner.

.65 GUIDELINES FOR UNIFORM ENFORCEMENT ACTIONS:

The following are intended as guidelines to which an officer may refer for guidance unless required action is indicated. Specific situations may require other enforcement action by an officer. The following guidelines are not intended to replace consultation with supervisory personnel in the event questions arise concerning the action to be taken during individual situations.

1. *Driving under the influence of alcohol/drugs:* The arrest of an individual for DUI differs significantly from other traffic law violations because that person poses an unpredictable hazard to law-abiding motorists. Therefore, each officer will make an intensified effort to remove this type of driver from the highway.
 - A. Any officer who contacts a driver suspected of driving under the influence of alcohol or drugs will assess the driver’s ability to operate a motor vehicle safely before the driver is released. The officer may utilize Standard Field Sobriety Tests that each officer has been trained in. It is each officer’s responsibility to remain proficient in administering these tests. If the driver is arrested for a driving offense related to alcohol or drugs, the officer should comply with state motor vehicle laws and departmental procedures in processing the driver for the offense.

- B. If the officer is unable to determine whether the person is intoxicated, mentally distressed, or fatigued, the officer should use discretion in making alternate arrangements for the person to prevent driving before recovery from the impairment. The officer should make a reasonable attempt to make arrangements for any intoxicated passengers, i.e., taxi, calling of a friend, etc.
2. *Driving while suspended/revoked:* A citation will be issued when an officer has stopped a vehicle and identified the driver as driving with a suspended or revoked license.
- A. Revoked drivers will be placed under arrest and transported to Central Booking for processing.
 - B. Drivers whose licenses are suspended for any violation/violations of Section 16-303 will not be arrested, rather; they may be issued a citation and released from the scene. If released from the scene, an officer shall caution the driver that they are not permitted to drive until the suspension is withdrawn.
 - C. An officer who sees an individual driving, who is known to be under suspension or revocation, if unable to stop the individual in a timely manner, may obtain a charging document from the District Court Commissioner for the violator.
3. *Exceeding the posted speed limit:* Legally, there is no defense for speeding; however, drivers may indicate certain factors unknown to the officer prior to the stop that may have contributed to the violation. Officers should exercise discretion, and consider factors such as weather conditions, traffic volume, pedestrian traffic, and location, while always being mindful that excessive speed correlates directly with high incidence of accidents.
4. *Other hazardous violations:* Citations are generally issued in hazardous violation situations since these violations pose a direct hazard to the safe and efficient flow of traffic and contribute substantially to accidents.
5. *Off-road vehicle violations:* Traffic enforcement of off-road vehicles, including dirt bikes, snowmobiles and mopeds will be handled as follows:
- A. Any officer observing an unlicensed off-road vehicle that cannot be legally operated on the public highways, being operated on the highway, will order the vehicle to be removed and take appropriate enforcement action.
 - B. Officers should take appropriate enforcement action to ensure compliance with vehicle registration laws as they pertain to off-road vehicles.
6. *Equipment violations:* Consideration should be given to the issuance of a warning or a Safety Equipment Repair Order (MD registered vehicles only) unless the violation renders a vehicle unsafe to operate.
7. *Public carrier/commercial vehicle violations:* These violators will be treated the same as the general public. Uniform enforcement policies and procedures outlined in this General Order are applicable.
8. *Other non-hazardous violations:* Enforcement will be guided by officer discretion. Officers are reminded that voluntary compliance is the goal of enforcement actions for minor violations.

9. *Multiple violations:* Normally the officer should cite the most serious violation, but may cite all if deemed necessary. The decision to warn or cite a violator for multiple violations will ultimately depend on an officer's judgment based on the conditions and circumstances at the time of the violations.
10. *Newly enacted laws and/or regulations:* Even though "ignorance of the law is no excuse" officers may consider a "grace period" before enforcing action for violations of newly-erected signs or signals, depending upon the nature and severity of the violation. The Operations Bureau Commander, at his discretion, may authorize warnings for a specified period of time as the Department's primary enforcement action until the provisions of the new laws are better known to the public.
11. *Violations resulting in traffic collisions:* Officers are expected to take enforcement action whenever their traffic accident investigation (ACRS) produces probable cause to believe that a violation of the law or ordinance has occurred. Elements that the officer has not personally witnessed must be established through the investigation prior to enforcement action. The State's Attorney's Office will be contacted in accidents involving life-threatening injuries or fatalities prior to placing charges.
12. *Pedestrian and bicycle violations:* When dealing with a pedestrian or bicyclist that has committed a non-hazardous violation, officers will utilize their discretion when considering the issuance of a warning, citation, municipal infraction, or an arrest. The repetitiveness of the violation should contribute to the decision on enforcement, as well as the location where the event is occurring. Bicycle violations will be more strictly enforced in the downtown area due to the large volume of pedestrian and vehicular traffic.
13. *Driving without a license:* If the traffic violator does not have a driver's license in his possession and no record of a valid license is found, officers should exhaust all reasonable means of determining the license status of the violator. However, in the event the status cannot be determined, or the violator is not currently licensed to drive, the violator should not be allowed to continue to drive. All proper citations should be issued prior to the violator being released. Drivers who have a valid driver's license in any state but do not have the license in their possession can be allowed to drive.

.70 REFERRAL OF DRIVERS FOR LICENSE RE-EXAMINATION:

In the course of an officer's related activities, he may identify certain individuals that have a physical, mental, or other condition that prevents, or limits, that individual from exercising adequate care and operation of a motor vehicle. In cases where an officer feels it necessary to request administrative action from the MVA, the following procedure shall apply:

1. The officer will complete the MVA "Request for Re-Examination" form that will include all of the driver's information and a brief statement of facts that supports the officer's request.
2. This form will then be forwarded to the officer's supervisor for approval and then to the Records Section for transmittal to the MVA.

.75 DELAYED ENFORCEMENT ACTION:

1. **CRITERIA FOR DELAYING ENFORCEMENT:** Officers should take prompt and proper police action when laws are violated. However, some situations may call for delayed enforcement action for certain traffic violations. These situations usually occur when a citizen is making an emergency response in a non-emergency vehicle. The totality of the circumstances should be considered prior to enforcement action being taken.

2. Officer's discretion must be used in determining when delayed enforcement is advisable, as all possible contingencies cannot be foreseen. Some examples of applicable situations are furnished here to serve as guidelines:
 - A. A health care professional making an emergency response to a hospital or clinic;
 - B. Volunteer fire fighters responding to an emergency call, if the requirements for emergency equipment are called for;
 - C. City/County/State personnel responding to an emergency situation; and/or,
 - D. A citizen responding to a hospital or clinic because of a medical emergency.

3. DELAYED ENFORCEMENT PROCEDURES: The Frederick Police Department will enforce traffic laws impartially. In some circumstances, it may be beneficial to delay enforcement for reasons of safety or public interest. Delaying the enforcement does not imply that the Department excuses the violation or condones it; the issue in question is the proper balance to be struck between the urgency of the situation and the need for immediacy in enforcement. The following guidelines will govern officers' actions when delayed enforcement is chosen:
 - A. Advise the violator of the violation.
 - B. Advise the violator that a citation will be issued, but he will be allowed to proceed to his destination. (This will only occur if the officer does not choose the option of a warning).
 - C. Obtain the necessary information to re-contact the violator, if necessary.
 - D. Follow the violator, if within the city limits, to his destination. Complete and issue the summons.
 - E. If the delay is lengthy, or the violator's destination is outside the city limits, arrange for a date, time, and location to issue the summons.
 - F. An officer will give a verbal warning to a violator if appropriate. The officer's decision to cite should be based on whether the nature of the emergency is more significant than the traffic hazard to the public.

.80 TRAFFIC CONDITIONS REQUIRING IMMEDIATE ATTENTION:

Any officer learning of, or observing, any hazardous condition on a roadway or affecting traffic flow which requires immediate attention or repair, will notify Communications. Communications will ensure prompt notification of the appropriate agency or department to effect emergency repairs or restore essential services. Officers will ensure the area is identifiable, either by address or with the use of flares, until the proper agency arrives to address the issue.

.85 PROBLEM CONDITIONS:

A problem condition may exist which enforcement action cannot correct; for example: road design, traffic education, or engineering deficiencies. In such cases, officers will:

1. Identify the problem. Document the information and notify their supervisor. Upon supervisory approval, forward the documentation to the appropriate division of the Department or outside agency, i.e., Department of Public Works, State Highway, etc., for

review and action.

2. Place any pertinent information in Share Point.
3. The Department of Public Works is responsible for traffic surveys. The Department will assist DPW upon request. Any information concerning collision and/or enforcement data will be obtained through the Records Section and/or Crime Analyst.
4. The Records Section is responsible for the submission of all written motor vehicle citations to the Maryland District Court System in Annapolis. ACRS reports and ETIX are submitted through Delta plus to the Maryland State Police Central Records Division. MSP then sends the ACRS reports to the Department of Transportation, State Highway Administration for information and analysis.

.90 ASSISTING MOTORISTS:

Officers who encounter a motorist in need of assistance will stop to assist the motorist. If the officer must leave a stranded motorist to respond to a priority call, then the officer should communicate all pertinent information to the Communication Dispatcher in order to have proper assistance provided. Examples of assistance that may be provided:

1. *General Assistance:* Officers may transport a motorist, (with supervisory approval if outside the City limits), to a safe location where the motorist may secure the assistance they require. The officer may also assist the motorist by having notification made to a friend or relative, pushing the vehicle from the roadway or taking whatever action is necessary to resolve the situation.
2. *Mechanical Assistance and Towing Service:* Officers may assist the motorist by having Communications notify a tow service from a revolving list of tow companies or operator preference. Officers will not specifically recommend a particular tow service.
3. *Protection to Stranded Persons:* If a motorist is stranded, officers will ensure that they are protected from traffic by either proper placement of their police vehicle or the placement of emergency flares.
4. *Emergency Assistance:* Officers will summons EMS in the event of a medical emergency and will remain on the scene until emergency personnel arrive.

.100 TRAFFIC MANAGEMENT COMMITTEES:

The Maryland State Highway Administration sponsors both "project meetings" and the Frederick County Highway Safety Task Force Committee for local law enforcement agencies. A member of the Patrol Division will be assigned to participate and represent the interests/concerns of the Department.