

Maryland-National Capital Park Police
Prince George's County Division

DIVISION DIRECTIVE

TITLE TRAFFIC LAW VIOLATIONS			PROCEDURE NUMBER PG450.0
SECTION Operational Procedures	DISTRIBUTION A	EFFECTIVE DATE 10/15/04	REVIEW DATE 10/15/06
REPLACES PG454.0 "Traffic Law Violations", issued 02/15/04			
RELATED DIRECTIVES PG430.0, 452.0, 1100.0	REFERENCES CALEA 1, 61	AUTHORITY Commander Larry M. Brownlee, Sr.- Division Chief	

I. PURPOSE

This directive establishes uniform procedures for taking enforcement action related to traffic law violations.

II. POLICY

The Division's policy is to promote the safe and efficient movement of traffic on roadways within and adjacent to the Division's jurisdiction by a coordinated system of traffic management. Acting under current Memoranda of Understanding, the Division will also take enforcement action when violations of traffic laws occur on a roadway within the Division's jurisdiction (including serious violations occurring on county or state roads). The specific enforcement action taken will be commensurate with the severity of the traffic offense.

Enforcement actions will be carried out in an impartial and courteous manner using the following enforcement methods: verbal warning, written warning, issuance of a Safety Equipment Repair Order (S.E.R.O.), issuance of a citation and/or physical arrest. All uniformed officers are responsible for traffic enforcement unless a specific situation dictates otherwise.

III. DEFINITIONS

Area Patrol: Patrol or stationary observation in an area or beat that includes a number of streets, roads, or sections of highway.

Line Patrol: Moving patrol or stationary observation on a specified route between two points, usually on one city street or a section of a highway.

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Point Traffic Control: The control of vehicular and pedestrian movement at a particular place on a roadway, such as an intersection.

Selective Traffic Enforcement: The assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on factors such as traffic volume, accidents, frequency of traffic violations, and emergency and service needs.

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 violators.

Traffic Survey: An examination of traffic characteristics, such as volume, speed, delay, accident origin, and destination.

Verbal Warning: A warning given orally without any written record.

Written Warning: A warning in which the violator is given a written record (MSP Form # 157) of the action at the time of the violation.

IV. GUIDELINES FOR TRAFFIC LAW ENFORCEMENT

- A. Verbal Warning - A verbal warning is appropriate when the violator commits a violation due to ignorance of a recently enacted law or where a minor equipment defect is apparent.
- B. Written Warning - A written warning is a proper alternative by officers in response to a minor traffic infraction committed in an area where traffic accidents have been minimal.
- C. Issuance of a Citation - The issuance of a citation is applicable in the majority of cases where the violator has jeopardized the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, parking violations, and operating unsafe or improperly equipped vehicles.
- D. Physical Arrest - Officers may effect a physical arrest for those violations listed in Transportation Article Section 26-202. The decision to effect a physical arrest should be based upon sound legal justification.
- E. Officer Discretion - Officers of the Division are given discretion in the enforcement of traffic laws. In some instances, a warning (written or verbal) may be appropriate. In other instances, the issuance of a citation may be appropriate. More serious violations may require an arrest.

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- F. Weighing Other Factors:
- whether or not the violation resulted in injury
 - whether or not the violation resulted in a property damage accident
 - the degree of danger to the public posed by the violation
 - the use of drugs or alcohol by the violator
 - the degree to which speed limits were violated
 - safety/vehicle equipment violations
 - whether or not the violator was a commercial carrier
 - the commission of multiple violations
 - whether or not the violation was of a newly enacted law
 - whether or not the area has been designated as a selective enforcement location
 - whether or not the violation was intentional
- G. Qualitative/Quantitative Enforcement Measures - The above guidelines cannot cover each and every situation. In some cases the officer must decide what enforcement action is proper based upon a combination of training, experience, and common sense.

V. SELECTIVE TRAFFIC ENFORCEMENT

- A. One of the Division's goals is to promote the safe and efficient movement of traffic. In order to accomplish this, it must utilize its available resources in the most efficient and effective manner. Selective Traffic Enforcement is designed to apply the Division's limited traffic enforcement resources in a manner which will have the greatest impact on promoting the safe and efficient movement of traffic.
- B. Selective Traffic Enforcement is designed to promote the safe and efficient movement of traffic through the application of such techniques as:
1. Action plans, after-action plans and analytical data to assist in the geographical/temporal (time based) assignment of personnel and equipment; and
 2. Establishment of preventive patrols to handle specific traffic violations.
- C. In order to properly deploy traffic enforcement resources, it is necessary that an ongoing analysis of traffic be conducted through the use of after-action plans. During special assignments this shows a need to deploy officers for traffic details due to high volumes of pedestrian and vehicular traffic it will be necessary to include in the after-action plans such things as: Pedestrian/vehicular movement (flow) during the event, any enforcement activities involving pedestrian/vehicular traffic, adequate staffing to control the pedestrian/vehicular traffic during and after the event, etc. It will include traffic accidents and traffic enforcement activities and will consider geographic, temporal and causative factors. The after-action plans and results will be forwarded to the Assistant Chief, Field Operations

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and will be used in establishing Selective Traffic Enforcement during these events.

- D. Selective enforcement techniques include area, line and directed patrol. Area patrol should be used to detect violations that cover a wide geographic area such as DWI. Line patrol is useful for detecting violations along a given portion of roadway such as speeding along a particular section of highway. Directed patrol is used for special assignments where radar assignments, seat belt initiatives, and stop sign violations are targeted for selective enforcement activities.

VI. SAFETY EQUIPMENT REPAIR ORDERS

- A. Officers are encouraged to issue Safety Equipment Repair Orders for equipment violation's. The purpose of the vehicle inspection program is to encourage vehicle owners to have equipment deficiencies repaired. When, due to the number and severity of equipment violations, the issuance of a Safety Equipment Repair Order is not appropriate, officers may elect to issue a traffic citation.
- B. Safety Equipment Repair Orders (MSP # 157) will be issued for defective safety equipment on all classes of permanently Maryland registered motor vehicles, trailers and semi-trailers, except those bearing the following registration: Historic; Dealer; Transporter; Recycler; any temporary Finance, and Special Mobile Equipment. Out of state registered vehicles and any other vehicles not issued a permanent registration are exempt from the vehicle inspection program.
- C. Safety Equipment Repair Orders (MSP # 157) will be completed in accordance with the procedures established in the MSP document "Guidelines for the issuance of Safety Equipment Repair Orders."

VII. RE-EXAMINATION OF DRIVERS

- A. A request for the re-examination of a driver who appears to be mentally or physically incapable of safely operating a motor vehicle will be made on a form provided by the State Motor Vehicle Administration (MVA Form DC 91).
- B. In order to preclude officers from having to appear at MVA hearings, it is essential that the form be completed carefully and in its entirety.
- C. The form is self-explanatory, however, physical defects of the driver must be documented so that reasonable grounds for the re-examination can be conclusively established.
- The officer and his/her Operations Duty Officer or designee must sign the form in the spaces provided.
 - The Operations Duty Officer or designee will forward re-examination requests to Records Management Section for distribution.

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VIII. OFF-ROAD VEHICLES

- A. Use of off-road vehicles is governed by Criminal Law Article 6-404&6-405 of the Maryland Code. These sections prohibit the use of off-road vehicles on both public and private property unless it is either with the permission of the owner or is specifically permitted by law. Enforcement actions, which can range from a verbal warning to a citation, should be commensurate with the severity of the traffic offense.
- B. Enforcement procedures:
 - Vehicles may be secured, if possible, and left on the scene, or towed/transported in accordance with procedures outlined in the Division Directive PG430.0- "Vehicle Impounds." Juvenile offenders will be handled in accordance with the Division Directive PG1100.0- "Juvenile Procedures."

IX. PEDESTRIAN AND BICYCLE TRAFFIC ENFORCEMENT

- A. Pedestrian and bicycle traffic enforcement should be conducted in such a manner as to facilitate the safe and efficient movement of traffic on roadways and bike paths within the Division's jurisdiction.
- B. Officers are encouraged to enforce the pedestrian and bicycle traffic safety and laws while patrolling the hiker-biker paths during their tour of duty.
- C. Education is a key component of the Division's Pedestrian and Bicycle Traffic Program. Voluntary compliance through education is the thrust of the Division's efforts.

X. TRAFFIC LAW VIOLATIONS INVOLVING LEGISLATORS AND MILITARY PERSONNEL

- A. Members of the United States Congress and the Lieutenant Governor and members of the Maryland State Legislature, under the Maryland Code, shall be privileged from being taken into custody except for treason, a felony or a breach of the peace during the session of the General Assembly and for five days before and after the session. The issuance of a traffic summons for a moving traffic offense is allowed, as is a physical arrest in the case of an offense involving DWI.
- B. Military personnel driving on roadways within the Division's jurisdiction may be treated as non-residents, or if from this area, as residents.

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