

- I. Purpose
- II. Policy
- III. Definitions
- IV. Guidelines for Traffic Law Enforcement
- V. Selective Traffic Enforcement Program
- VI. Parking Enforcement
- VII. Safety Equipment Repair Orders
- VIII. Re-Examination of Drivers
- IX. Off-Road Vehicles
- X. Pedestrian and Bicycle Traffic Enforcement
- XI. Traffic Law Violations Involving Legislators and Military Personnel

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 and parking lots within the Division's jurisdiction by a coordinated system of traffic management, including operations under various Memoranda of Understandings.

Enforcement actions will be carried out in an impartial and courteous manner using the following enforcement methods: verbal warning, written warning, issuance of a citation 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.

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, citizen complaints 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 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 of the action at the time of the violation.

IV. Guidelines for Traffic Law Enforcement

- A. Verbal Warning. A verbal warning appropriate when the violator commits a violation which is 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 affect a physical arrest for those violations listed in Section 26-202 of the Transportation Article. 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. Factors to be considered are:
 - 1. Whether or not the violation resulted in injury;
 - 2. Whether or not the violation resulted in a property damage accident;
 - 3. The degree of danger to the public posed by the violation;
 - 4. The use of drugs or alcohol by the violator;
 - 5. The degree to which speed limits were violated;
 - 6. Safety/vehicle equipment violations;
 - 7. Whether or not the violator was a commercial carrier;
 - 8. The commission of multiple violations;
 - 9. Whether or not the violation was of a newly enacted law;
 - 10. Whether or not the area has been designated as a selective enforcement location;
 - 11. Whether or not the violation was intentional.
- F. 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. This Directive discourages emphasis on solely quantitative enforcement activities, while acknowledging that, in proper balance, both qualitative and quantitative emphases are integral components of the Division's traffic management initiatives.

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- 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 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. Using analytical data to assist in the geographical/temporal (time based) assignment of personnel and equipment; and,
 2. The 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. The Crime Analyst and Records Supervisor collect data for this analysis. It will include both traffic accidents and traffic enforcement activities and will consider geographic, temporal and causative factors. The results of this data collection will be distributed to the Patrol Commander and Traffic Management Officer who will analyze the data. This analysis will be used in establishing the ongoing Division's selective traffic enforcement initiatives.
- D. The *Assistant Chief, Patrol Operations* will assign a Traffic Management Officer (TMO). The TMO is responsible for developing and managing selective enforcement initiatives. He/she will be given the crime/traffic analysis data and will use it to develop initiatives to present to the Patrol Commander for final approval and enactment. These initiatives will include:
1. A regular analysis of traffic accidents by location, time and cause;
 2. A prioritized listing of selective enforcement locations;
 3. A prioritized targeting of selected traffic offenses which are directly related to accidents and can be used to reduce the frequency of accidents;
 4. Possible selective enforcement techniques and procedures such as directed patrol, area patrol, line patrol, unmarked vehicles, the use of video cameras, PBT units, and so on;
 5. Approved locations and times for the use of radar;
 6. Suggested locations and times for the establishment of sobriety checkpoints;
 7. The use of traffic surveys and counts;
 8. The use of educational and prevention programs;
 9. An evaluative method to determine the effectiveness of the selective enforcement initiatives;
- E. Selective enforcement techniques include area, line and directed patrol. Area patrol should be used to detect violations which cover a wide geographic area such as Driving Under the Influence (DUI). Line patrol is useful for detecting violations along a given portion of roadway such as speeding along a particular section of highway. All selective enforcement techniques should be consistent with priorities identified in the traffic analysis.

VI. Parking Violations**A. Parking Violation Notice**

Whenever an officer encounters an illegally parked vehicle on Commission property a Parking Violation Notice may be issued. The violator's copy shall be placed in a conspicuous location on the vehicle, i.e., under the windshield wiper.

B. Written Warnings

An officer may issue a written warning in lieu of a Parking Violation Notice when, in his/her opinion, a warning will be as effective as a Parking Violation Notice.

C. Vehicle Impounds

Officers may tow a vehicle which is parked in violation of the law if it is creating a hazard or impeding the flow of traffic. When impounding a vehicle, officers shall follow the procedures in Division Directive, "Towing Motor Vehicles/Marine Vessels".

VII. Safety Equipment Repair Orders

A. Officers are encouraged to issue Safety Equipment Repair Orders for equipment violations. The purpose of the vehicle inspection program is to encourage vehicle owners to have equipment deficiencies repaired. Officers may elect to issue a traffic citation when numerous severe of equipment violations exists.

B. Safety Equipment Repair Orders 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 will be completed in accordance with the procedures established in the MSP document "Guidelines for the issuance of Safety Equipment Repair Orders." Copies are available from the Records.

VIII. 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, "Driver Re-examination Form".

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.

1. The officer and his/her section commander must sign the form in the spaces provided.
2. The Patrol Commander will forward re-examination requests to the Records Section for distribution.

IX. Off-Road Vehicles

- A. The Annotated Code of Maryland, Criminal Law governs the use of off-road vehicles. This section prohibits 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 "Towing Motor Vehicles/Marine Vessels." Juvenile offenders will be handled in accordance with the Division Directive "Juvenile Procedures."

X. 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. Pedestrian and bicycle traffic enforcement initiatives will be based upon an analysis of accidents and their causes. This analysis should result in the identification of countermeasures designed to reduce or eliminate:
1. Human, vehicular, or environmental factors leading to an accident;
 2. Behavioral actions, decisions, and events that lead directly to an accident; and,
 3. Specific accident types, by eliminating the precipitating factors.
- C. The Traffic Management Officer, or beat officer will designate pedestrian and bicycle selective enforcement locations and identified violations. Enforcement efforts will target these locations and violations.
- D. Education is a key component of the Division's pedestrian and bicycle traffic enforcement efforts. Voluntary compliance through education is the thrust of the Division's efforts. Traffic management initiatives will contain a section on pedestrian and bicycle safety education.

XI. Traffic Law Violations Involving Legislators and Military Personnel

- A. Members of the United States Congress, the Governor, Lieutenant Governor and members of the Maryland State Legislature, under the Annotated Code of Maryland, 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 DUI.
- B. Military personnel driving on roadways within the Division's jurisdiction may be treated as non-residents, or if from this area, as residents.

**Approved Park Police Document
Signed Original on File**

End of Directive