



# GENERAL ORDER OPS-23 TRAFFIC ENFORCEMENT PROCEDURES

EFFECTIVE JUNE 4, 2021

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This General Order contains the following numbered sections:

- I. POLICY
- II. ENFORCEMENT METHODS
- III. TRAFFIC STOP PROCEDURES
- IV. SPECIAL CONSIDERATIONS
- V. CANCELLATION

## I. POLICY

The Howard County Department of Police (HCPD) shall develop and maintain traffic enforcement programs designed to save lives, prevent collisions, and facilitate the efficient movement of vehicular and pedestrian traffic.

## II. ENFORCEMENT METHODS

### A. Uniform Enforcement

- 1. All sworn officers have a responsibility to take the appropriate action when motor vehicle violations are observed. Patrol officers shall be alert to violations of traffic laws and take the appropriate action when violations are observed or reported. Special attention will be given to the following circumstances:
  - a. Driving Under the Influence of Alcohol or Drugs (DUI/DWI).<sup>1</sup>
  - b. Driving a vehicle while suspended/revoked.<sup>2</sup>
  - c. Speeding, other hazardous driving violations, and aggressive driving.<sup>3</sup>
  - d. Moving violations that contribute to motor vehicle collisions.<sup>4</sup>
  - e. Safety belts and child safety seat enforcement.
  - f. Equipment violations which present a clear danger to the safe operation of a motor vehicle.<sup>5</sup>
  - g. Commercial vehicle equipment and moving violations.<sup>6</sup>
  - h. Pedestrian and other non-motor vehicle violations.<sup>7</sup>
  - i. Distracted Driving violations.
  - j. All other violations of the Maryland Transportation Article.
  - k. Any newly enacted laws and/or regulations.<sup>8</sup>

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<sup>1</sup> CALEA 61.1.5a & 61.1.9

<sup>2</sup> CALEA 61.1.5b

<sup>3</sup> CALEA 61.1.5c

<sup>4</sup> CALEA 61.1.5c & h

<sup>5</sup> CALEA 61.1.5d & h

<sup>6</sup> CALEA 61.1.5e

<sup>7</sup> CALEA 61.1.5c & i

<sup>8</sup> CALEA 61.1.5g & i

2. The Traffic Enforcement Section (TES) shall be responsible for the formulation of traffic safety programs and the coordination of selective traffic enforcement programs. TES responsibilities include:
  - a. The review of historical traffic collision data to determine the time of day, locations, and contributing causes for collisions in the County and provide that information to the Field Operations Command.<sup>9</sup>
    - i. Annual analysis provided by the Special Operations Bureau (SOB).
    - ii. Monthly analysis provided by Operational Preparedness and Support Division.
  - b. Maintaining files on roadways that have been identified with traffic related problems, i.e. parking, stop signs, speed violations, etc.
  - c. Deploying personnel and equipment to areas for selective traffic enforcement. The purpose of directed enforcement initiatives is to reduce the occurrence of traffic collisions and to deal with specific unlawful driving behaviors. The decision to deploy these resources should be based on:<sup>10</sup>
    - i. High number of motor vehicle collisions.
    - ii. Complaints of motor vehicle violations.
    - iii. School safety zones.
    - iv. Traffic volumes and conditions.
    - v. Analysis of past traffic enforcement efforts.
  - d. Safety inspections of commercial motor vehicles.
  - e. Managing the certifications, maintenance, and paperwork associated with the Preliminary Breath Test (PBT) program, Drug Recognition Experts (DRE), the Intoximeter program, and all speed enforcement equipment.

B. Selective Traffic Enforcement

1. Enforcement personnel shall be deployed in an effort to reduce traffic collisions and injuries based upon the analysis of collision and enforcement data. It is the responsibility of all sworn officers to actively support selective traffic enforcement programs.
  - a. Traffic enforcement tactics may vary depending upon the nature of the violation and its potential for interfering with the free flow of traffic and may include:
    - i. Visible patrols on targeted roadways or within a defined problem area;<sup>11</sup>
    - ii. Stationary observation, either visible or concealed;<sup>12</sup>
    - iii. Sobriety checkpoints;<sup>13</sup> and
    - iv. Uses of marked and unmarked patrol vehicles and motorcycles.<sup>14</sup>

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<sup>9</sup> CALEA 61.1.1a  
<sup>10</sup> CALEA 61.1.1e  
<sup>11</sup> CALEA 61.1.6a  
<sup>12</sup> CALEA 61.1.6b  
<sup>13</sup> CALEA 61.1.6d

- b. Other selective enforcement activities, including but not limited to seat belt use, cell phone enforcement, child safety seat use, etc. may be conducted through roadside safety checks. These may be accomplished using teams where one officer identifies a driver not in compliance and utilizing a radio to signal an officer stationed further ahead to stop the vehicle to provide driver education or to cite for the violation, as appropriate.<sup>15</sup>
2. The designated Crime Analyst shall publish a monthly report to the Commanders of the Field Operations Command (FOC) and Special Operations Command (SOC); District Commanders; SOB Commander; all Watch Commanders; the TES; and the County Traffic Engineer. This monthly report will include at a minimum:<sup>16</sup>
  - a. The top ten (10) high collision locations in the county based on the prior six (6) to twelve (12) month period;
  - b. The distribution of collisions by month of year, day of week, and time of day at each location;
  - c. The geographic distribution of citizen complaints of dangerous or aggressive driving; and
  - d. The geographic and temporal distribution of DWI arrests, including time of day and day of week.
3. The designated Crime Analyst shall conduct an annual analysis of collision data and forward it to the TES.<sup>17</sup>
4. The Special Operations Bureau (SOB) Commander or his designee shall compile and analyze annual data on specialized enforcement activities.<sup>18</sup>
  - a. The SOB Commander or his designee shall work closely with the TES Supervisor, County Traffic Engineer, and the Director of the Information Management Division to obtain all statistical data needed. Information on enforcement activities and general input regarding the analysis shall be solicited from each District Commander.
  - b. The following factors may be considered while analyzing collision and enforcement data:
    - i. The types of vehicles involved;
    - ii. Environmental factors;
    - iii. The distribution of collisions by month of year, time of day, and day of week;
    - iv. The driving behaviors or violations causing the collisions;
    - v. Engineering considerations;
    - vi. The severity of collisions by location; and
    - vii. The enforcement activity at each location and the effect of enforcement on the incidence of collision producing violation(s).

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<sup>14</sup> CALEA 61.1.6c

<sup>15</sup> CALEA 61.1.6d

<sup>16</sup> CALEA 61.1.1a

<sup>17</sup> CALEA 61.1.1a

<sup>18</sup> CALEA 61.1.1b & f

- c. The SOB Commander or his designee shall:
  - i. Recommend appropriate enforcement strategies to be employed at each high collision location and evaluate the effectiveness of those strategies.<sup>19</sup>
  - ii. Determine the cause(s) of collisions at the ten (10) high collision locations and work with the District Commanders to develop appropriate enforcement strategies.
  - iii. Work with the District Commanders to assign TES members and other resources to assist in collision reduction and enforcement activities, as appropriate.<sup>20</sup>
  
- 5. Watch Commanders shall:<sup>21</sup>
  - a. Be responsible for the amount and type of traffic enforcement employed by their members, assign personnel and resources as appropriate in an effort to reduce collisions at identified high collision locations, and implement appropriate selective enforcement strategies.<sup>22</sup>
  - b. Be alert to developing collision patterns within the county. Information of this nature should be communicated to the TES for analysis and strategy development.
  - c. Be responsible for governing the implementation of selective enforcement techniques and procedures.<sup>23</sup>
  
- 6. District Commanders shall:<sup>24</sup>
  - a. Ensure the appropriate assignment of personnel and resources to combat collisions, DUI, and aggressive driving, utilizing published monthly and annual traffic data.<sup>25</sup>
  - b. Continuously evaluate the effectiveness of their selective traffic enforcement activities.<sup>26</sup>
  - c. Include all evaluation findings and appropriate enforcement data in their monthly reports.
  - d. Assist the SOB Commander or his designee with the annual analysis of collision data and enforcement activities.<sup>27</sup>
  
- C. The HCPD shall utilize authorized automated traffic enforcement techniques to support selective enforcement objectives. Automated enforcement enhances traffic safety by issuing violators civil citations to facilitate a change in driver behavior.
  - 1. Red Light Enforcement
    - a. The Red Light Camera Unit shall coordinate:
      - i. The effective use of red light cameras in accordance with Maryland Transportation Article (TA) § 21-202.1.

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<sup>19</sup> CALEA 61.1.1c, e, & f

<sup>20</sup> CALEA 61.1.1d

<sup>21</sup> CALEA 61.1.9

<sup>22</sup> CALEA 61.1.1c

<sup>23</sup> CALEA 61.1.1e

<sup>24</sup> CALEA 61.1.9

<sup>25</sup> CALEA 61.1.1e

<sup>26</sup> CALEA 61.1.1f

<sup>27</sup> CALEA 61.1.1f

- ii. Issues related to automated red light enforcement and select candidate sites by reviewing collision types and frequency, traffic volume, and engineering constraints.
  - b. Prior to activation of a new site, the Red Light Camera Unit shall verify Public Works or the State Highway Administration (SHA) reviews the length of amber provided by the signal to ensure conformance to all national, state, and local guidelines, and ensure proper coordination with adjacent signals if the site is in a coordinated signal system.
  - c. The Red Light Camera Unit shall conduct an annual analysis of their selective traffic enforcement activities.
- 2. The Automated Speed Enforcement Section
  - a. The Automated Speed Enforcement Section utilizes speed monitoring systems in school zones to conduct speed enforcement and shall coordinate:
    - i. The effective use of automated speed cameras in accordance with Section 21.601 of the Howard County Code and Maryland Transportation Article 21-809; and; and
    - ii. With the County Department of Public Works and SHA to coordinate issues related to speed camera enforcement and changes to School Zones.
  - b. Officer Responsibilities
    - i. Officers will not conduct speed enforcement activities on a roadway near an active Speed Monitoring System.
    - ii. When traveling on a roadway being monitored by a Speed Monitoring System, officers may not contact the Speed Camera Operator (SCO) unless requested by the camera operator or in response to a suspicious vehicle/subject call.
    - iii. Unless prior approval has been granted from the Speed Camera Program Administrator (SCPA), the Traffic Management Division Commander, or the SOB Commander, no officers will enter the Speed Monitoring System vehicle.
    - iv. Officers will not contact any SCO to determine whether they have been detected speeding. All police vehicle speeding incidents will be handled through established procedures.
    - v. If an officer is called to the Speed Monitor location by the vehicle operator due to a citizen becoming confrontational, the officer must file a written report concerning the incident. A copy of the report must be faxed to the Commander of the Traffic Management Division by the end of that shift.
  - c. The Automated Speed Enforcement Section shall conduct an annual analysis of its selective enforcement activities.

3. School Bus Camera Enforcement
  - a. The School Bus Camera Unit shall coordinate:
    - i. The effective use of school bus cameras to issue civil citations for violations of Maryland Transportation Article (TA) § 21-706 (overtaking and passing school vehicle) in accordance with TA § 21-706.1.
    - ii. Cooperation and communication with the Howard County Public School System (HCPSS) Transportation Office to enact the program in accordance with applicable statutes and a memorandum of understanding executed by and between Howard County, its Department of Police, and HCPSS.
    - iii. Oversight of the contractor and the contractor's obligations to the violation enforcement components of the agreement executed by and between the contractor and HCPSS.
  - b. The School Bus Camera Unit shall conduct monthly analyses of enforcement that include:
    - i. An approximate daily average of citations issued for violations occurring each school day in the preceding month.
    - ii. An approximate daily average of citations issued for violations occurring per bus per school day in the preceding month.
  - c. The school bus cameras unit shall conduct annual analyses of their selective traffic enforcement activities that include:
    - i. An assessment of the highest violation roadways, locations and/or bus routes in the preceding year.
    - ii. An approximate daily average of citations issued for violations occurring each school day in the preceding year.
    - iii. An approximate daily average of citations issued for violations occurring per bus per school day in the preceding year.

D. Police Vehicle Speedometer

1. The police vehicle speedometer may be used as a device to measure the speed of another vehicle via pacing. The speedometer's calibration shall be verified by a certified RADAR or LASER operator prior to the issuance of any speeding citations.
2. HCPD Form 2401, Vehicle Speedometer Calibration Card, shall be completed upon the initial verification by the RADAR or LASER operator. This card will be updated upon each subsequent verification.
3. The calibration card shall be stored within the police vehicle. Duplicate cards may be issued when a vehicle is used by two (2) or more operators. Calibration cards will be checked by the Supervisor during the monthly vehicle inspection.
4. The calibration of the police vehicle's speedometer will be verified semiannually.

- E. The Traffic Enforcement Section establishes the procedures for training, use, and accountability for RADAR, VASCAR, and LASER units. All operational procedures and guidelines for the care and maintenance of speed enforcement devices shall be followed per both training and the instrument's manual.<sup>28</sup>
1. Speed Enforcement Instruments
    - a. The TES shall maintain the tracking, maintenance, and certification of all speed enforcement devices and only use equipment approved by the National Highway Traffic Safety Administration (NHTSA).<sup>29</sup>
    - b. The manufacturer's equipment specifications for each type of speed detection instrument shall be kept on file in the Traffic Enforcement Section.<sup>30</sup>
    - c. The TES Supervisor or his designee shall make the individual assignment of all speed enforcement devices to certified operators.
    - d. Upon receipt of a speed enforcement device, the receiving officer shall inspect the equipment to ensure that the equipment is complete, and all parts present and in good working order.
      - i. The receiving officer shall complete a requisition form noting the equipment's serial number, HCPD number, and overall condition.
      - ii. This requisition form will be retained by TES with a copy of the form sent to the Quartermaster for inventory purposes.
    - e. Each officer assigned a speed enforcement device shall be ultimately responsible for the operational condition of that equipment.
    - f. Officers issued a speed enforcement device may be required to share this equipment with other authorized operators. Watch Commanders should consider temporary assignment of the unit during the extended vacation of an operator.
    - g. Certified operators who have not been issued speed enforcement equipment are encouraged to borrow the speed enforcement equipment assigned to other officers. It is the responsibility of the officer assigned the speed enforcement equipment to ensure it is in good working order when returned by the borrowing officer. Any damage or missing parts noted should be brought to the immediate attention of the assigned officer's supervisor.
    - h. Squad Sergeants shall include any speed enforcement devices assigned to their subordinates in their monthly inspections. Documented improper care of a unit will result in the unit being reassigned.
    - i. Only certified RADAR and LASER operators shall be permitted to utilize RADAR and LASER devices.
    - j. Only certified VASCAR operators shall be permitted to utilize the VASCAR units. VASCAR units will be installed by Central Fleet at the direction of the Deputy Chief of Operations and the Special Operations Bureau Commander.

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<sup>28</sup> CALEA 61.1.18b & c

<sup>29</sup> CALEA 61.1.8a

<sup>30</sup> CALEA 61.1.8a

- k. TES shall maintain a limited inventory of speed enforcement devices to facilitate replacement of assigned units in need of maintenance or certification. TES shall issue this equipment in the same manner as a permanently assigned unit.
2. Maintenance<sup>31</sup>
- a. RADAR units shall be recertified annually and LASER units shall be recertified every two (2) years. Should a unit require maintenance before its recertification date, the unit will be returned to TES for service.
  - b. TES shall notify the assigned RADAR/LASER operator when their unit is due for recertification. The operator shall return their unit to TES when notified.
    - i. TES shall arrange for the recertification of the unit and notify the operator after the unit has been recertified.
    - ii. RADAR/LASER units will not be used beyond the certification date.
  - c. VASCAR units do not require scheduled recertification. Should one of these units require maintenance, the unit will be returned to TES for service.
  - d. TES shall maintain a separate maintenance file for each speed measurement device and a file for each operator certification.
3. Speed Enforcement Instrument Training<sup>32</sup>
- a. RADAR Training
    - i. Officers desiring to operate RADAR equipment must complete the required training program and pass a written examination with a score of at least 90%.
    - ii. Each officer must then utilize the RADAR device in a field setting for ten (10) hours. Five (5) of the ten (10) hours must be under the direct supervision of a certified RADAR operator.
      - a) Operators should utilize each type of RADAR equipment, stationary and moving/stationary, during this phase.
      - b) No citations for exceeding the speed limit based solely on the RADAR device reading may be issued during this phase.
    - iii. Upon the completion of the practice phase, each officer must demonstrate proficiency with the devices to a qualified RADAR instructor for certification.
    - iv. Each certified RADAR operator shall be issued a certification card by the Education and Training Division.
    - v. RADAR devices shall be utilized in a manner consistent with training.

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<sup>31</sup> CALEA 61.1.8d

<sup>32</sup> CALEA 61.1.8e



- b. VASCAR Training
  - i. Officers desiring to operate VASCAR devices must complete the required training program conducted by a certified VASCAR instructor and pass a written examination with a score of at least 90%.
  - ii. The officer must then utilize the VASCAR device in a field setting for ten (10) hours. No citations for exceeding the speed limit based solely on the VASCAR device reading may be issued during this phase.
  - iii. Upon completion of the field practice phase, each officer must demonstrate proficiency with the VASCAR device to a certified VASCAR instructor.
  - iv. Each certified VASCAR operator shall be issued a certification card by the Education and Training Division.
  - v. VASCAR devices shall be utilized in a manner consistent with training.
- c. LASER Training
  - i. Officers desiring to operate LASER equipment must complete the required training program, pass a written examination with a score of at least 90%, and demonstrate proficiency with the LASER instrument to a certified LASER instructor.
  - ii. Each certified LASER operator shall be issued a certification card by the Education and Training Division.
  - iii. LASER devices shall be utilized in a manner consistent with training.
- d. All certified speed measurement device operators shall maintain proficiency in the use of their assigned device. If an operator is certified to utilize more than one (1) device, he shall maintain proficiency with each device.
  - i. Officers will enter all speed enforcement activity into the Specialized Traffic Enforcement Program (STEP) which shall be reviewed monthly by the officer's supervisor.
  - ii. A certified operator whose duty assignment precludes them from maintaining proficiency with their assigned device may be classified as inactive. Before returning to active status, the operator must demonstrate their ability to properly set up, if applicable, test, and operate the device to a certified instructor in TES.

F. Special Enforcement Procedures

- 1. As a form of selective traffic enforcement, Step-Out Enforcement Details, otherwise known as Stop Teams, are enforcement methods in which an officer enters traffic without the security of his vehicle. Stop Teams shall only be utilized under the following conditions:<sup>33</sup>
  - a. In speed zones of 35 mph or less, such as residential areas and school zones:
    - i. May be conducted on ramps, access roads, and traffic circles with prior supervisory approval based on the overall safety and traffic flow of the operation.

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<sup>33</sup> 61.1.6D

- ii. By officers who have obtained the appropriate entry level step-out training on strategy and technique through the Education and Training Division.
  - iii. During daylight hours and during optimal road conditions.
  - iv. All protective gear, i.e. reflective vests, shall be worn for the duration of the details.
  - v. Other details may be approved at the discretion of a Deputy Chief.
- b. In speed zones 35 mph or greater, Stop Team operations will only occur at locations that have been previously evaluated and approved by the Deputy Chief for Special Operations, and conducted in a manner consistent with Special Order SOP TES-08, [Selection of Stop Team Locations](#).
- c. Only personnel trained in Stop Team operations may participate.
2. Seat Belt and Safety Seat Enforcement
- a. The HCPD maintains a zero-tolerance enforcement policy regarding seat belt and safety seat violations in an effort to promote total compliance with existing Maryland law.
  - b. All members of the HCPD should use every opportunity to educate the public of the importance of properly using seat belts and correctly installed child safety seats.
3. Bicycle and Pedestrian Traffic<sup>34</sup>
- a. Selective enforcement programs shall target bicycle and pedestrian related traffic violations.
  - b. When areas of concern are identified by the TES, officers shall concentrate their enforcement efforts in those areas designated by the TES supervisor.
4. Off-Road Vehicles
- a. The operators of off-road vehicles that are operated on public or private property without the property owner's written permission may be issued a written citation.
  - b. Off-road vehicles operated on a public roadway must be registered in accordance with [Maryland Transportation Article](#), Title 13: Certificates of Title and Registration of Vehicles. Operators of unregistered vehicles may be charged with a violation of TA § 13-401(b).
5. Parking Enforcement<sup>35</sup>
- a. Parking enforcement shall be directed to areas where infractions impede the flow of traffic, present a public safety hazard, handicap spaces, or when violations are reported by citizens. Parking citations shall be issued in accordance with the Howard County Code and the Annotated Code of Maryland, Transportation Article.
  - b. On private property, members of the Police Department shall enforce only the below listed sections of the Howard County Code.

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<sup>34</sup> CALEA 61.1.5i

<sup>35</sup> CALEA 61.1.12

- i. Section 21.207, Stopping, standing, or parking a vehicle in a space that is posted for the exclusive use of plug-in vehicles.
- ii. Section 21.212, Stopping, standing, or parking in spaces designated for individuals with disabilities.
- iii. Section 21.222, Parking within fifteen (15) feet of a fire hydrant.
- iv. Section 21.234, Parking on commercial private property.
- v. Section 21.235, Parking in a Fire Lane.

### III. TRAFFIC STOP PROCEDURES<sup>36</sup>

- A. When a violation is observed and enforcement action is taken, the officer shall conduct either an “unknown risk” or a “high risk” traffic stop. The type of stop utilized will depend on the totality of circumstances and the officer’s discretion.
- B. Unknown Risk Stops<sup>37</sup>
  1. When taking enforcement action after observing a violation, the officer shall initiate a traffic stop by:
    - a. Activating the vehicle’s emergency equipment to signal the violator. Emergency lights shall remain activated until the traffic stop is completed.
    - b. Depending on the time of day, number of occupants, and nature and location of the stop, the officer should make the proper notification to Communications by radio or MDC and provide the following information:
      - i. Location of stop;
      - ii. Vehicle information, e.g. make, model, and tag number; and
      - iii. Number of occupants.
  2. Officers shall position their vehicle and approach the violator’s vehicle in a manner consistent with training.<sup>38</sup>
  3. Contact with the Violator
    - a. The officer shall greet the violator in a courteous and professional manner, identify himself, request the vehicle operator’s license and vehicle registration, and advise the violator of the reason for the traffic stop.
    - b. The decision as to which enforcement option to implement should be based upon the seriousness of the violation, which option is most likely to result in future compliance, and if the stop was made during a special enforcement detail. Enforcement options available to the officer include any of the following:<sup>39</sup>
      - i. Make a physical arrest.<sup>40</sup>
      - ii. Issue a Maryland Uniform Complaint and Citation.<sup>41</sup>

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<sup>36</sup> CALEA 61.1.5

<sup>37</sup> CALEA 61.1.7a

<sup>38</sup> CALEA 61.1.7a

<sup>39</sup> CALEA 61.1.2, 1.2.6 & 1.2.7

<sup>40</sup> CALEA 61.1.2a

- iii. Issue a Safety Equipment and Repair Order.
      - iv. Issue a written warning.<sup>42</sup>
    4. Every stop must be documented. All documentation from the traffic contact shall be completed accurately and in compliance with training and policy.
    5. The officer shall explain all citations, warnings, or repair orders issued.<sup>43</sup> The officer may assist the violator in safely returning to the traffic lane.<sup>44</sup>
    6. Officers making traffic stops in unmarked cars should be cognizant of the location where the violator is being stopped, e.g. is it safe and well lit, such as shopping centers, fire departments, etc. Officers are reminded to understand citizens' concerns about being stopped by an unmarked police vehicle and should call for a marked cruiser if necessary.
  - C. High Risk Traffic Stops<sup>45</sup> are utilized in circumstances when an officer has reasonable suspicion to believe the occupants of the vehicle pose a threat of serious bodily harm and/or death to the officer or others. This type of stop is designed to keep officers safe when a potential danger exists.
    1. All procedures shall be completed accurately and in compliance with training.
    2. When taking enforcement action after observing a violation, the officer shall initiate a traffic stop by:
      - a. Advising Communications of the following:
        - i. Circumstances of the violation, e.g. suspect in armed robbery, stolen vehicle, etc.;
        - ii. Current location and possible location of stop, if applicable;
        - iii. Vehicle information, including make, model, and tag number; and
        - iv. Number of occupants.
      - b. The officer shall wait until sufficient units are on scene prior to making the stop.
      - c. Once units are on scene, activate the vehicle's emergency equipment to signal the violator. If at night, utilize the spotlight and any additional lighting to fully illuminate the interior of the vehicle once it has come to a complete stop.
    3. Police vehicles shall be positioned in a manner consistent with training. Emergency lights shall remain activated until the traffic stop is completed.
    4. Vehicles shall be cleared and searched according to training.
    5. Contact
      - a. The officer shall advise the violator of the reason for the traffic stop.
      - b. The decision as to which enforcement option to implement should be based upon the validity of the initial reason for conducting a high risk stop and the seriousness of the violation.

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<sup>41</sup> CALEA 61.1.2b

<sup>42</sup> CALEA 61.1.2c

<sup>43</sup> CALEA 61.1.2b & c

<sup>44</sup> CALEA 61.1.4

<sup>45</sup> CALEA 61.1.7b

6. All documentation from the traffic contact shall be completed accurately and in compliance with training and policy. An Incident Report and Use of Force report shall be completed on the incident.

D. Multiple Traffic Violations<sup>46</sup>

1. When a driver has committed multiple violations of the Maryland Transportation Article, officers shall use discretion in the issuance of traffic citations.<sup>47</sup>
2. It is generally not advisable to issue a large number of citations to the same violator; however, there may be circumstances where it is in the best interest of the community to do so. Officers shall take into consideration the totality of circumstances of the situation prior to deciding on issuing multiple traffic citations.<sup>48</sup>
3. Officers shall target the most serious offense(s); emphasize offenses that substantiate probable cause for the more serious offense(s); seek guidance, when appropriate, from the State's Attorney's Office; and consider recent court rulings, as applicable.

IV. **SPECIAL CONSIDERATIONS**

A. Refusal to Sign

1. If a violator refuses to sign a Uniform Complaint and Citation, the officer shall advise the violator of the penalty for a refusal to sign.
2. If the violator persists, the officer shall complete another citation under TA § 26-203 for "Refusing to sign a traffic citation after request". "Refused to Sign" shall be written on the Defendant's Signature line.

Note: E-citations do not require the violator's signature.

B. Vehicle Registration Plate Confiscation

1. Vehicle registration plates may be seized by an officer under the following conditions:
  - a. Expired registration tags. Reasonable alternatives should be considered prior to seizing an expired plate.
  - b. When the registration is flagged by the Motor Vehicle Administration (MVA) for a compulsory insurance violation with a "control number" the status of the flag must be confirmed with the MVA prior to the seizure of the plates. See Appendix B.

Note: Traffic stops should not be made solely based on an insurance violation flag unless confirmation is received from the MVA that the registration is suspended due to the insurance violation.

- c. MVA Financial Responsibility flag with a control number.
  - d. MVA Accounting flag with a control number.
  - e. Maryland State Police (MSP) pick up order which must contain both a control number and an outstanding status.
2. Vehicle registration tags that have been seized shall be placed in the HCPD Property Room and shall be held for a period of thirty (30) days.

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<sup>46</sup> CALEA 61.1.5f

<sup>47</sup> CALEA 1.2.7

<sup>48</sup> CALEA 61.1.2b & 61.1.5f

- a. During this period, the registered owner may retrieve their registration plates from the Property Room after displaying proof of compliance from MVA or proof that their violation has been rectified, i.e. expired registration has been renewed.
  - b. After thirty (30) days, unclaimed registration plates will be returned to MVA. Officers may elect to hold registration plates beyond thirty (30) days if the plates are to be used as evidence in a court proceeding.
- C. Driver Re-examination<sup>49</sup>
1. An officer may submit a request for re-examination of a driver who appears to be mentally or physically incapable of safely operating a motor vehicle. Age alone is not a reason for a re-examination. A written report shall be completed in all cases where a driver re-examination is requested.
  2. The officer shall complete the Request for Re-examination form provided by the MVA, stating as specifically as possible the reason for the re-examination.
  3. There are two methods available for processing a request for driver re-examination:
    - a. Manual Submission (MVA Form DC-039)
      - i. The request for a driver re-examination form shall be attached to the incident report and forwarded by the approving supervisor to the District or Bureau Commander for review.
      - ii. Upon review by the District or Bureau Commander, the request and accompanying report shall be forwarded to the Records Section for filing and submission.
      - iii. The Records Section shall forward the request for driver re-examination to the MVA.
    - b. Electronic Submission (E-tix)
      - i. The request for a driver re-examination form shall be printed and attached to the incident report and forwarded by the approving supervisor to the Records Section.
      - ii. Electronic requests for driver re-examination are automatically submitted to MVA and do not require forwarding by Records Section personnel.
      - iii. If a driver re-examination is submitted as a result of a crash where an ACRS is completed, the officer shall document the driver re-examination submission and reason for the re-examination in the narrative of the ACRS. A separate incident report need not be created unless otherwise indicated in OPS-18, [Collision Investigation](#).
- D. Special Status Violators
1. Nonresidents: Individuals who do not reside within the State of Maryland.<sup>50</sup>
    - a. Non-incarcerable Traffic Offenses: Nonresidents shall be issued a traffic citation and acknowledge receipt with their signature in the same manner as a resident.

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<sup>49</sup> CALEA 61.1.11

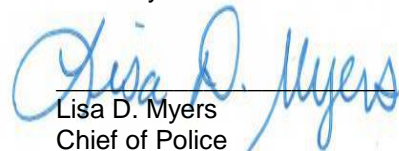
<sup>50</sup> CALEA 61.1.3a

- b. Incarcerable Traffic Offenses: Nonresidents may be placed under arrest, booked, and taken before a District Court Commissioner for a pretrial hearing consistent with OPS-04T, [Traffic Arrest Procedures](#).
2. Juveniles<sup>51</sup>: It is the responsibility of all sworn officers to address and correct inappropriate driving behavior among juveniles through aggressive enforcement and parent/guardian involvement. Refer to OPS-04J, [Juvenile Arrest Procedures](#), for information on juvenile traffic violation citations and charges.
3. Foreign Diplomats<sup>52</sup>: See OPS-10, [Foreign Nationals](#), for information on diplomatic immunity and the issuance of traffic citations to diplomats.
4. Military Personnel<sup>53</sup>
  - a. Military personnel are required to obey the rules of the road while operating private vehicles in this State.
  - b. Military personnel are exempt from certain licensing requirements (refer to TA § 16-102 and 16-115) and vehicle registration requirements (refer to TA § 13-402.1).
  - c. Maryland Motor Vehicle Law does not require military personnel to present their military identification card to a law enforcement officer.
  - d. Normal procedures for issuing traffic citations, warnings, etc. as appropriate shall be followed regardless of the subject's military status.
5. Legislators<sup>54</sup>: There is no provision in Maryland law that exempts any state or local official, either appointed or elected, from federal, state or local laws. The issuance of a traffic citation, warning, SERO, or a physical arrest in those cases where an arrest is authorized, is permitted.

## V. **CANCELLATION**

This General Order cancels and replaces General Order OPS-23, [Traffic Enforcement Procedures](#), dated August 10, 2018.

Authority:

  
Lisa D. Myers  
Chief of Police

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<sup>51</sup> CALEA 61.1.3b

<sup>52</sup> CALEA 61.1.3d

<sup>53</sup> CALEA 61.1.3e

<sup>54</sup> CALEA 61.1.3c