

Bowie Police Department - General Orders



TITLE: TRAFFIC LAW ENFORCEMENT		NUMBER: 504
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AUTHORITY Chief John K. Nesky	ACCREDITATIONS STANDARDS CALEA STANDARDS: 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.6, 61.1.7, 61.1.8, 61.1.12, 61.1.13, 61.3.5, 61.4.4	TOTAL PAGES 16
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I. POLICY

- A. The Department is committed to making the roadways throughout the City safer through traffic Enforcement. Conspicuous patrol in marked cruisers by uniformed officers is the principal means of promoting good driving by deterring traffic violations
- B. The Department uses both marked and unmarked vehicles to enforce violations of the Maryland Vehicle Law.
- C. When necessary, enforcement efforts will be targeted at specific times and locations, such as certain stretches of roadways or intersections, which experience a large number of crashes or traffic violations.
- D. Officers shall be alert for traffic violations and traffic complaints that come to their attention and have discretion to issue verbal or written warnings, citations, and to make arrests. Enforcement action shall be based on entirely on the violation, not the personality, race, sex, or ethnicity of the violator.

II. PROCEDURES

A. Patrol Techniques

Officers may use any of the following methods to enforce the vehicle law:

- a. Moving patrol
- b. Overt (high visibility patrol intended to discourage violations)
- c. Covert (to identify and apprehend violators)

B. Uniformity of Enforcement

- a. Officers are prohibited from stopping individuals to issue additional citations after the conclusion of the original traffic stop unless:

- b. The officer becomes aware of violations that were unknown at the time of the original stop
- c. The investigation has not been completed. Examples include, but are not limited to, DUI, fatal or hit-and-run collisions, and cases where the individual provides false information.
- d. Officers shall not threaten to issue additional citations to a citizen in order to persuade him or her not to challenge citations that he or she has already been issued.
- e. Officers are not limited to the number of warnings, Safety Equipment Repair Orders, or citations that may be issued to a violator.
- f. Officers will ensure that all citations issued to a single violator are linked using the space at the top of the traffic citation.

C. Pedestrian and Bicycle Law Enforcement

Maryland's traffic laws apply to pedestrians and bicyclists alike. Officers shall be alert for violations of the traffic laws that jeopardize the safety of the pedestrian, bicyclist, or motorists.

D. Driver Re-Examination (CALEA 61.1.12)

- a. Officers shall be alert for motorists that appear to be unfit, unsafe, or otherwise not qualified to be licensed. Utilizing a Request for Re-Examination of Driver form, officers can request the Motor Vehicle Administration (MVA) to test these motorists. The Physical Defects and Summary sections of the form must provide specific information to assist the MVA, and prevent officers from having to appear at MVA hearings.
- b. The completed form shall be submitted to a supervisor, who will forward it to up the chain of command for proper signatures.
- c. If the officer uses Delta Plus (E-TIX) to have a driver re-examination performed, no signatures are needed.

III. MARYLAND UNIFORM COMPLAINT & CITATION

A. Citations

- a. The Maryland Uniform Complaint and Citation shall be issued to a violator under the authority of the Maryland Code Ann., Transportation Article (TA), Section 26-201. To ensure security and accountability, State Traffic Citation Books will be securely stored in a locked cabinet. The Traffic Unit Personnel, the Chief or his/her designee will have keys to the cabinet. To maintain security of hand written issued citations, before the end of the issuing Officer's tour of duty, he or she must turn in all citations issued during that tour of duty.
- b. Station personnel will administratively process issued hand written citations by:
 - i. Entering the information on the citation into the Citation Master Index.

- ii. Listing all issued citation on a District Court Citation Transmittal Sheet and submitting the sheet and the citations to the District Court.
 - iii. Filing the “Station Copy” of the citation in station files located in the Operations Area.
- c. After a traffic citation is adjudicated or otherwise disposed of, the Maryland District Court Traffic System will send the Department a computer printout listing disposition information. Administrative police personnel, at the discretion of the Chief, will enter the dispositions into the Citation Master Index. A copy of the printout will be maintained in the station files cabinet.

B. Lost or Stolen Citation Books

Lost or stolen citations will be entered into the Citation Master Index in the same manner as if they had been issued. Because the Maryland Uniform Complaint and Citation is a formal charging document, an Incident Report shall be written by the Officer from whom the citations were stolen or lost for documentation purposes. The supervisor shall then forward a copy of the report, along with a letter to the Motor Vehicle Administration advising of the loss or theft.

C. Advice to Violator

- a. When issuing citations, officers shall inform the violator whether or not a court appearance is mandatory, the amount of the pre-payable fine indicated on the citation, and the procedures for obtaining a court date. They shall inform the violator that complete information and instructions are printed on the reverse of the defendant’s copy of the citation.
- b. When charged with an offense for which the violator is issued a traffic citation, the officer shall advise the violator that:
 - i. The Maryland vehicle law requires the violator to acknowledge receipt of the citation by signing it (Not applicable if using E-TIX/Delta Plus)
 - ii. Signing the citation is not an admission of guilt, but the violator’s promise to fulfill the requirements listed on the reverse side of the violator’s copy of the citation by either paying the fine or appearing in court (Not applicable if using E-TIX/Delta Plus)
 - iii. Failure to appear in court or pay the fine may result in the suspension of driving privileges or if the violation is a “Must Appear” a warrant may be issued for failing to appear in court
- c. When the violator is not presented before a District Court Commissioner, the distribution of copies is as follows (Not applicable if using E-TIX/Delta Plus):
 - i. Forwarded to Records Section:
 - Court Copy (white)
 - Law enforcement copy (yellow)

- ii. Retained by Officer
 - Officer's copy (pink)
 - iii. Given to Violator:
 - Defendant's copies (white & blue w/envelope)
- d. If the charges require the violator to appear in court, the violator will only receive the blue copy
- e. When the violator is presented before a commissioner, the commissioner places the court copy in the criminal file folder. The rest of the distribution is as above.

D. Actions for Refusal to Sign Citation

- a. Officers shall notify violators who refuse to sign a traffic citation that failure to sign may result in the issuance of an additional citation, as well as lead to their arrest. Upon continued refusal, the officer shall request that a supervisor, respond to the scene.
- b. The supervisor shall explain to the violator that signing the citation is not an admission of guilt, but a written promise to either appear in court when notified or pay the fine. The supervisor shall reiterate that failure to sign may lead to the violator's arrest. Upon continued refusal, the supervisor may authorize an arrest.
- c. As a substitute for requesting the response of a supervisor, the officer may print "REFUSED" in the signature block of the citation when the violator possesses identification that allows the officer to positively identify the violator and his or her home address. If the violator's identity and home address cannot be verified, he or she may be arrested as described in this section.
- d. If the officer is using E-TIX (Delta Plus) no signature is needed from the violator.

E. Voiding Citations

- a. There are 2 types of "voids" – one that can be handled administratively in cooperation with the State's Attorney's Office, and one that must be handled in open court.
- b. If an Officer makes an error while writing a citation and the #5 copy has been given to the violator, the citation must follow normal procedures and be disposed of in open court.
- c. If an Officer makes an error while writing a citation and the #5 copy has not been given to the violator, this citation may be "administratively voided" by turning in all copies and forwarding a Memorandum to the State's Attorney's Office with an explanation for the issuance and voidance of the citation. The Chief of Police or in his absence, the Deputy Chief, must endorse the memorandum.
- d. A second copy of the memorandum shall be attached to the citation transmittal form and forwarded to the District Court.

- e. In the event an Officer utilizing E-TIX (Delta Plus) has charged an individual incorrectly the Officer must request the charges be dropped via the states attorneys' office. Once the charges are dropped the officer must obtain a copy of the disposition to be forwarded to the E-TIX coordinator of the Maryland State Police I.T. section and request the citation be removed for the main server.

F. Warning Notice (CALEA 61.1.2.c)

The warning/Field Observation Notice may be issued to any vehicle or violator in lieu of or in conjunction with the issuance of citations.

G. Safety Equipment Repair Orders (SERO)

- a. SEROs shall be issued for equipment violations on motor vehicles of trailers assigned permanent Maryland registrations. In cases involving unsafe vehicles, a Maryland Uniform Complaint and Citation may be issued to the operator of any motor vehicle or trailer. A citation may be issued in conjunction with an SERO.
- b. SEROs shall be disseminated according to the directions on the form.
- c. Officers may certify repairs of defects noted on the order with an asterisk. Orders may only be certified if all repairs are complete. If any defects without asterisks have also been checked, the citizen will be directed to an authorized inspection station for certification.
- d. Inspections will not be conducted during inclement weather or darkness. If repairs have been completed, the officer shall enter the appropriate information at the bottom of the SERO in the spaces provided.
- e. Electronic (E-TIX) SEROs can only be certified through Delta Plus.
- f. Window Tint Inspection can only be performed by the Maryland State Police Automotive Safety Enforcement Division.

IV. ENFORCEMENT PRACTICES

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 occurrences of violations while engaged in routine patrol duties and shall devote a portion of their duty tours to selective traffic law enforcement through the utilization of the following patrol techniques:

- 1. Visible Traffic Patrol: (CALEA 61.1.6.a)

- a. Area Traffic Patrol: The part of law enforcement traffic supervision that consists of driving an area or roadway for the purpose of providing protection, security and service to the public; patrol 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 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, collision experience, frequency of traffic violations, citizen complaints and emergency and service needs.
2. Stationary Observations: Traffic observation at a selected place, usually one with an unfavorable collision experience or traffic flow problem, for traffic law enforcement purposes-especially to detect violations and deter possible violators. (CALEA 61.1.6.b)
- a. Covert Stationary Patrol: Stationary observation in which the observer is not visible to persons, using ordinary power of observation, from the roadway being observed.
 - b. Overt Stationary Patrol: Stationary observation 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. In all cases, the patrol tactics adopted should be suited to the enforcement objective.
 - c. Officers as Examples: Officers will drive patrol vehicles in compliance with existing laws and in such a manner as to demonstrate exemplary driving behavior.
 - i. When utilizing stationary patrol tactics, officers will park in such a manner so as not to impede or interfere with the traffic flow.
 - ii. Unmarked cars and unconventional vehicles may be used for traffic patrol only with the approval of the Division Commander. (CALEA 61.1.6.c)

V. **TRAFFIC STOPS**

A. **Enforcement**

- a. All uniformed officers operating marked Departmental vehicles are responsible for visible traffic patrol to enforce vehicle laws. Plainclothes on-duty or off-duty officers should refrain from making traffic stops unless the violation creates a significant hazard. Officers should only make traffic stops when operating Departmental vehicles equipped with functioning emergency lights and siren.
- b. Routine traffic stops outside of the City are prohibited.

B. Making Traffic Stops (CALEA 61.1.7.a)

- a. Officers shall ensure that a violation has occurred, unless the stop is investigatory in nature.
- b. Officers shall attempt to select a safe location for the stop where violators may wait while being issued the appropriate paperwork. The cruiser shall be positioned behind the violator, if possible, to provide protection from other motorists. When stopped behind motorists, the officer shall activate his or her vehicle's emergency lights.
- c. When notifying the dispatcher of the stop, officers shall provide the following information in the below order:
 - i. Location
 - ii. License plate number and state
 - iii. Make and model of vehicle
 - iv. Color of vehicle
 - v. Number of occupants
- d. Upon contact with violator, the officer shall in no particular order: (CALEA 61.1.8)
 - i. Be alert at all times for the unexpected, but should not be obviously apprehensive.
 - ii. Present a professional image in dress, grooming, language, bearing and emotional stability.
 - iii. In most cases, it is advisable to have the form of enforcement action decided prior to the initial contact with the violator.
 - iv. Identify himself or herself and greet the violator courteously, using the appropriate title.
 - v. If equipped with Body Camera and/or In car camera, advise the violator that he or she is being audio/visually recorded.
 - vi. Advise the violator of the reason for the stop.
 - vii. Request the violator's driver's license and vehicle registration.
 - viii. If the driver has no driver's license, obtain another document of identification.
 - ix. Complete the forms required for the enforcement action taken.
 - x. Explain to the violator exactly what he/she is supposed to do in response to the action taken (warning, citation, ERO, etc.) and how this action will affect him/her:
 - a. How the court appearance schedule works. (CALEA 61.1.4.a)
 - b. Optional or mandatory nature of court appearance by violator. (CALEA 61.1.4.b)
 - c. Notice of whether the violator is allowed to enter a plea and/or pay the fine by mail. (CALEA 61.1.4.c)
 - d. Any other information that must be provided to the motorist prior to release. (CALEA 61.1.4.d)
 - xi. Avoid debating the merits of the violation, but answer procedural questions concerning the violation.
 - xii. Be alert to emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

- xiii. Return the violator's license and registration at the conclusion of the stop, unless other require action needs to be taken.
 - xiv. Assist the violator in safely reentering the traffic flow.
- e. A police officer who lawfully stops a vehicle with windows heavily tinted that the vehicle's interior is not visible, may open one of the vehicle doors to visually determine if:
 - i. The driver is armed
 - ii. There are weapons inside
 - iii. Other occupants may pose a danger to the officer
 - f. Officers may seize any contraband or evidence they observe in plain view through a lawfully open door. (US v. Stanfield)

C. Unknown Risk Traffic Stops (CALEA 61.1.7.b)

- a. Every traffic stop has unknown risk, however, suspicious observations about a vehicle or occupant may raise the threshold of officer's approach to a higher level than stopping and approaching a traffic violator. These circumstances include but are not limited to the followings:
 - i. A vehicle showing theft damage that is not reported stolen;
 - ii. Furtive movements made by the driver or occupants of the vehicle; and/or,
 - iii. An occupant known to be violent toward the police in the past.
- b. Officer's shall use their training, knowledge and experience when faced with an unknown type of traffic stop. The following procedures shall be used.
 - i. Follow the basic protocol for stopping a traffic violator.
 - ii. Ensure that at least one other officer is enroute as a back-up.
 - iii. Request the station be limited or placed out-of-service.
 - iv. Increase the distance between the cruiser and violator vehicle.
 - v. Use educated discretion on approaching the vehicle. It may be wise to approach on the passenger side.
 - vi. Order all occupants to keep their hands in plain view.
 - vii. Request additional or cancel other responding units, according to the information processed during the stop.
 - viii. At any time deemed necessary retreat back into a high risk traffic stop position and follow the procedures below.

- ix. Notify Communications when the unknown risk stop has concluded.

D. High Risk Traffic Stops (CALEA 61.1.7.c)

Special procedures should be used for vehicles stops when the occupants of a vehicle may be armed, an occupant is known to be a dangerous felon, or the vehicle is wanted for being involved in a felony. When a vehicle meeting the above criteria is located by a police officer, he/she will immediately notify the on-duty Communications Specialist of his/her location and give a thorough description of the vehicle and of the occupants. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop. The officer will keep support units informed of the location and direction of travel to facilitate their approach with minimal use of emergency equipment. The suspect vehicle will not be stopped, unless absolutely necessary, until adequate support is available and in position. The following procedures will be used in effecting the stop:

- a. The officer will plan to stop the suspect vehicle in a location which presents minimal danger to other citizens.
- b. When conditions are appropriate, and support units available, the officer will move into position to the rear of the suspect vehicle.
- c. The officer will signal the violator to stop, using all emergency equipment to warn other traffic.
- d. If the violator is known to be armed and dangerous, the officer will have his or her weapon easily accessible and ready for immediate use.
- e. When the suspect vehicle begins to stop, the officer will turn off the siren and activate the public address system.
- f. The officer will park the police vehicle so that it provides maximum protection and cover for him or her.
- g. At night, all lights will be focused on the interior of the suspect vehicle, including spot lights, to the disadvantage of the violator.
- h. The officer will exit the vehicle quickly, but remain behind the door and accessible to the public address system microphone.
- i. The officer making the stop is in command and will direct each occupant, using the public address system, to get out of the vehicle individually according to specific directions and into the appropriate search position, after which the approach may be made.
- j. If the public address system is not available, the officer will give loud voice commands.

- k. The officer will also give instructions to the support officers, to make the suspects aware that additional officers are available.
- l. The support officers will not give additional commands, as this tends to confuse the suspects, but will make their presence known by responding to the commands given by the arresting officer.
- m. Extreme caution will be exercised by officers to avoid crossfire.
- n. When all occupants have been removed from the vehicle, a K-9 Team if available, will render the vehicle safe. If not available, support officers will render the vehicle safe.
- o. Arrestees will be searched and handcuffed prior to being transported.

E. Traffic Citations and Criminal Arrest (CALEA 61.1.2.b)

- a. To establish probable cause in court, officers that make traffic stops that lead to arrests should ensure that the individual is cited for the violation that led to the traffic stop.
- b. Officers shall ensure that they provide a photocopy of the signed citation(s)/E-Tix printout to the District Court Commissioner and record the citation number(s) in the top margins of both the Statement of Probable Cause and the Statement of Charges. This will allow the commissioner to request that the criminal and traffic charges be consolidated into one court date.

F. Physical Arrest for Traffic Violations (CALEA 61.1.2.a)

- a. Officers making physical arrests for traffic violations will use only the force necessary to accomplish lawful objectives. Arrests shall be made in the same manner as, and without more force than in misdemeanor cases.
- b. In general, a Police Officer may arrest a person without a warrant for a violation of the Maryland Vehicle Law. This includes any rule or regulation adopted under the Vehicle Law or for a violation of any traffic law or ordinance of any local authority of this State, if:
 - i. The person has committed or is committing the violation within the view or presence of the Officer, and the violation is any of the following:
 - ii. A violation of TA § 21-1411 or § 22-409 relating to vehicles transporting hazardous material; or,

- iii. A violation of TA § 24-111 or Title 24-111.1 relating to the failure or refusal to submit a vehicle to a weighing or to remove excess weight from it.
- c. The person has committed or is committing the violation within the view or presence of the Officer, and either:
 - i. The person does not furnish satisfactory evidence of identity; or,
 - ii. The Officer has reasonable grounds to believe that the person will disregard a traffic citation.
- d. The Officer has probable cause to believe that the person has committed the violation and the violation is any of the following:
 - i. Driving or attempting to drive while intoxicated, while under the influence of alcohol, or in violation of an alcohol restriction;
 - ii. Driving or attempting to drive while under the influence of any drug, any combination of drugs, or any combination of drugs and alcohol or while under the influence of any controlled dangerous substance; (CALEA 61.1.5.a)
 - iii. Failure to stop, give information, or render reasonable assistance as required by TA § 20-102 and TA § 20-104 in the event of an accident resulting in bodily injury to or death of any person;
 - iv. Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked; (CALEA 61.1.5.b)
 - v. Failure to stop or give information as required by TA §§ 20-103 through 20-105, in the event of an accident resulting in damage to a vehicle or property;
 - vi. Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person;
 - vii. Fleeing or attempting to elude a Police Officer.
- e. An adult arrested for a traffic offense shall be taken without delay before a Court Commissioner, unless the arresting Officer, in his/her discretion, releases the individual upon the individual's written promise to appear for trial.
- f. When an arrest is made and the violator is taken before the Court Commissioner, the traffic citation(s) issued to the violator must be accompanied by a completed "Statement of Probable Cause – Arrest on Traffic/Natural Resources Citations," (District Court Form DC/CR4), for presentation to the Commissioner.

- g. When a traffic-related arrest is made involving a member of the military, the arresting Officer should notify the Liaison Officer of the nearest Armed Forces Investigative Headquarters Division. This does not apply to the issuance of a traffic citation that did not result in a physical arrest. (CALEA 61.1.3.e)

G. Special Categories of Violators

- 1. Juvenile: Officers should consider the use of warnings for juveniles who commit a minor violation. Warnings, if given, may include advice to parents. Citations may be issued to juveniles age 15 and above unless the violation is punishable by incarceration. If the violation charged does carry a possibility of incarceration and/or the juvenile is less than 15 years of age, then the violation must be charged on a Juvenile Petition and referred to Juvenile Services. Any citation issued to a juvenile must have “JUVENILE” written on the top of the citation. (CALEA 61.1.3.b)

Juveniles may be taken into custody for a traffic offense; however, he/she will not be transported to the Court Commissioner.

- a. Juveniles will be transported to a processing facility and their parent/guardian contacted and advised of the circumstances under which the juvenile was taken into custody.
 - b. If a juvenile’s parent/guardian refuses to accept custody, the arresting Officer will notify the Department of Juvenile Services during business hours or contact police communications and have them page the on-call Intake Officer after business hours.
- 2. Legislators: Members of the United States Congress and the Governor of the State of Maryland, the Lieutenant Governor and members of the Legislature (Maryland General Assembly), under the Annotated Code of Maryland shall be privileged from being taken into custody except for a felony, treason 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. (CALEA 61.1.3.c)
 - 3. Foreign Diplomats/families/servants and other Consular officials: (CALEA 61.1.3.d)

- a. Stopping any diplomatic or consular officer and issuing a traffic citation does not constitute arrest or detention, and is permissible. Note, however, that a signature of the offender is not required.
- b. A sobriety test may be offered, but not compelled, where Identity Cards show immunity. If an officer judges a person to be impaired, the officer should not, under any circumstances, allow the person to continue to drive. With the offender’s permission, the officer may take him/her to the police station or another location for recovery. A friend or relative may be summoned or a taxi may be called. The officer may transport. Access to a telephone must be provided. Vehicles may not be impounded, but may be towed the distance necessary to

prevent traffic obstruction or endangerment of public safety. Prior to towing, the officer will contact the diplomat's embassy to seek voluntary removal of the vehicle.

- c. To report suspected Driving While Impaired or serious traffic incidents, call (202) 647-7277. (24 hours)
 - d. The officer should always stop persons committing moving violations.
 - e. Officers will forward a copy of any citation issued to a member of the "diplomatic community", for a moving violation to: Diplomatic Motor Vehicle Office, Attention Traffic Unit, 3507 International Place, NW, Washington, DC 20008, phone 202-895-3521.
4. Non-residents: Officer should consider the use of warnings for non-residents from outside the City/County who were merely passing through the City and who commit a minor, non-hazardous violation. (CALEA 61.1.3.a)

VI. SPEED ENFORCEMENT

Excessive speed is one of the leading causes of traffic accidents that result in fatalities and cause serious injuries. The Department is particularly concerned with motorists who willfully disobey the laws pertaining to speed limits; therefore, it will be a priority of the Department to aggressively enforce violations of speed limits in the City of Bowie. Officers enforcing speed violations should consider these, among other factors:

- A. The degree to which the vehicle was exceeding the posted speed limit;
- B. Whether the vehicle was speeding through a residential area;
- C. The adequacy of speed limit signs in the area where the violation was committed;
- D. The degree of hazard caused by the violation; (negligence vs. recklessness)
- E. Whether the violation caused or contributed to an accident;
- F. Whether the area in which the vehicle was speeding is an area that has been targeted for selective enforcement because of citizen requests for extra enforcement, previous accident history, etc.

VII. OFF-ROAD VEHICLE VIOLATIONS

Traffic enforcement of Off-Road Vehicles, including Dirt Bikes, Snowmobiles and Mopeds will be handled as follows:

- A. An Officer observing an off-road vehicle that cannot be legally operated on the public roadways in violation of the law shall take appropriate enforcement action: written warning, and/or traffic citation.

- B. Enforcement action should be such that it ensures compliance with vehicle registration laws and other applicable laws concerning the operation of off-road vehicles on publicly-owned trails, parks, or property.
- C. Officers will use the Maryland Uniform Complaint and Citation to charge a violation of the traffic laws pertaining to the operation of bicycles.
- D. Officers may use the Criminal/Civil Citation to charge violations of Article 27, section 578, pertaining to the operation of off-road vehicles on private property, or may make a physical arrest if the violation is committed in their presence or view.

VIII. PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS

- A. When taking enforcement action against the operator of a bus, tractor-trailer, and/or other commercial vehicles, an Officer must remember that these vehicles are frequently over-sized, and require more room than a standard-sized vehicle, and that the driver requires a special license, considerable training, and more skill to operate and maneuver the vehicle safely. Officers should consider:
 - a. The nature and severity of the violation committed,
 - b. Whether disobedience to a sign that prohibited commercial vehicles or buses was willful or inadvertent,
 - c. Whether the vehicle was operated in a reckless manner, and
 - d. Requests for enforcement from citizens or others about the vehicles.
- B. Commercial Vehicle Inspectors are available both on-duty and for call-out purposes. Officers should call for an on-duty Truck Inspector in the following circumstances:
 - a. A truck or bus is involved in a serious accident;
 - b. A truck or bus appears to be unsafe to the degree that it should be placed out of service;
 - c. A truck or bus is involved in an accident where a mechanical defect appears to have caused/contributed to the accident;
 - i. A truck or bus driver is in possession or under the influence of alcohol and/or drugs;
or,
 - ii. For any incident or situation in which expert assistance would help to resolve the situations.
 - d. The call-out of PGPD Truck Inspectors via police communications will only be authorized by a supervisor or an investigator of the BPD Collision Reconstruction Unit, if a truck or bus:

- i. Is involved in a serious personal injury or fatal accident;
- ii. Appears to be unsafe and needs to be placed out-of-service immediately because continued operation would present a danger to the public;
- iii. Involves HAZMAT; or
- iv. Should be inspected as the request of Fire/Rescue.
- v. If a PGPD Truck Inspector is not available, or cannot be called-out, the Officer will use his or her best judgment, training, experience, and discretion regarding towing or ordering the driver to park the vehicle until such time that the vehicle's deficiencies are corrected.

IX. NON-HAZARDOUS VIOLATIONS

Enforcement efforts for non-hazardous traffic violations will be guided by officer discretion. Officers are reminded that voluntary compliance is the goal of enforcement actions for minor violations. (CALEA 61.1.5.h)

X. 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 moving violations will ultimately rely on an officer's judgment based on the conditions and circumstances at the time of the violations. (CALEA 61.1.5.i)

XI. NEWLY ENACTED TRAFFIC LAWS

When new traffic laws are enacted, the Chief of Police will review them to determine the level and schedule of enforcement action to be taken. At his/her discretion, the Chief of Police may authorize warnings as the Department's primary enforcement action until the provisions of the new laws are better known to the public. (CALEA 61.1.5.j)

XII. MOTOR VEHICLE COLLISIONS:

A motorist involved in a collision and deemed to have violated a motor vehicle law which contributed to that collision, may receive a citation for that violation at the officer's discretion. That is except in cases of a fatal or potentially fatal collision, when no citations are to be issued pending the review of the circumstances surrounding the collision by the State's Attorney's Office. (CALEA 61.1.5.k)

XIII. PARKING ENFORCEMENT (CALEA 61.1.13)

- A. Officers are authorized to enforce City of Bowie parking regulations, pursuant to the provisions of Chapter 14 of the City of Bowie Code of Ordinances. All Officers shall have a working knowledge of Chapter 14 of the City of Bowe Code, and any other applicable statutes pertaining to parking offenses.

- B. Officers, using their best judgment and discretion, may issue a warning, or an official Parking Violation Notice to vehicles found to be in violation, depending on the nature of the violation, position of the vehicle and/or any hazard that the vehicle is causing.
- C. During peak “rush” hours, Officers should be alert for any illegally parked vehicles disrupting the flow of traffic and, if necessary, issue Parking Violation Notices and tow the vehicles.
- D. Officers should patrol areas where fire lane, fire hydrant, and handicapped parking violations occur frequently and should take appropriate action.
- E. Officers issuing Parking Violation Notices shall print legibly and indicate the correct fine on the Notice, and submit them prior to the end of their shift so Station Personnel can properly distribute them.
- F. The violator’s copy (the yellow copy) will be placed in a conspicuous location on the vehicle (usually under the driver’s side wiper blade) and place the top copy in the station ticket box located in the Report Room.
- G. Only the Chief of Police is authorized to void Parking Violation Notices at the request of the issuing Officer or the individual receiving the ticket when a valid reason or excuse exists.

X. TRAFFIC SAFETY EDUCATION (CALEA 61.4.4)

The Community Service Section is responsible for ensuring that sufficient educational material is made available to the public in the area of traffic safety. The material will be made available in the lobby of the station and through officer contact at events such as annual Festivals. (CALEA 61.4.4)

XI. SAFETY PATROL

Although the student safety patrol program is function of the Prince George’s County Police, the Department is committed to supporting the safety patrol function in local schools. It is the responsibility of the School Resource officers to assist this vital program in any manner necessary. (CALEA 61.3.5)

XII. Cancellations

This General Order replaces the following:

- General Order 5-15 dated 2/23/15
- General Order 5-18 dated 2/23/15