

# THURMONT POLICE DEPARTMENT

## GENERAL ORDER

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*Authority: Chief of Police*

*Gregory L. Eyer*

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*Subject: TRAFFIC LAW ENFORCEMENT*

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### I. PURPOSE:

The purpose of this order is to establish guidelines for the enforcement of traffic laws, analysis of traffic collision data, citation data and selective enforcement operations of the Police Department as they relate to traffic law enforcement.

### II. POLICY:

It is the policy of the Thurmont Police Department to consider traffic law enforcement one of the primary responsibilities of all sworn Officers. As part of this responsibility the enforcement goal is to achieve voluntary compliance with traffic laws and increased traffic safety by reducing traffic collisions.

### III. DEFINITIONS:

TIO: Traffic Information Officer

S.T.E.P.: Selective Traffic Enforcement Program

### IV. PROCEDURES

#### A. RESPONSIBILITIES OF ALL SWORN PERSONNEL:

1. The enforcement of traffic regulations;
2. The reporting of roadway hazards;

3. The assistance of motorists in need;
4. The investigation of traffic collisions; and
5. Other duties related to traffic as assigned.

**B. SELECTIVE TRAFFIC ENFORCEMENT:**

1. The T.I.O. is responsible for analysis, evaluation, and coordination of traffic data sources including traffic collision data, citation summaries, and selective enforcement programs.
2. The T.I.O. will submit monthly reports to the Command Staff with a review on each of the following: Traffic collision totals and causes, citation totals and locations, and current S.T.E.P. locations and totals.
3. Analysis of collision data, citation activities, traffic volumes, time of day, etc. are the basis on which selective enforcement programs are planned.
4. Use of speed measuring equipment, DUI task forces, and other types of enforcement are the methods or tools which will be used in the Thurmont Police Department selective enforcement procedures.
5. Coordination of the database for selective enforcement is the responsibility of the T.I.O. This database will be made available to the Supervisory Personnel. The T.I.O. will maintain statistical data on each selective enforcement program and advise the Command Staff on the effectiveness and need for review on the programs. The review process can be completed as deemed necessary by the T.I.O., and should be handled on a case by case basis.
6. Supervisors, with the aid and suggestions from the T.I.O., will assign patrol units to selective enforcement assignments in areas with the greatest number of traffic related incidents. The purpose of these assignments is to take specific action and correct the violations causing the collision or traffic problem.
7. The collision/citation database and evaluated citizen requests will be the basis for all selective enforcement activity within the Thurmont Police Department.

**IV. PROCEDURE:**

**A. UNIFORM EQUIPMENT POLICIES:**

1. The role of the Officer is to observe and prevent traffic violations and when traffic violations occur the appropriate action shall be taken by the officer. Enforcement policies should never supplant the officer's discretion, based on training, experience, and professional judgment. All officers shall take the proper enforcement action for each traffic violation observed or reported to them. All enforcement actions shall be accomplished in a firm, fair, impartial, and courteous manner. These enforcement actions may include the following:
  - a. **PHYSICAL ARREST** is a form of enforcement action that is used for traffic violations, all felonies, and misdemeanors.
  - b. **TRAFFIC CITATIONS** are used in the case of hazardous traffic violations, flagrant violations, and serious equipment violations. Traffic citations can also be used for minor traffic violations where the Officer believes that the violation was intentional and verbal warnings would not ensure the violator's compliance with the law.
  - c. **WRITTEN WARNINGS** can be used for minor violations for example equipment type problems.

**B. SPECIAL TRAFFIC ENFORCEMENT PROBLEMS:**

1. **Juvenile Offenders:**
  - a. Juvenile Offenders will be processed in accordance with the procedures stated in the General Order on Juvenile Operations.
2. **United States Congressional Immunity:**
  - a. Members of the United States Congress may not be detained for the issuance of a traffic citation while they are in transit to or from the Congress of the United States. If a member of Congress is stopped for a traffic violation, they should identify themselves and the Officer shall immediately release them. The arresting Officer may then obtain a summons for the member for the violation and make arrangements to serve the summons at a time when the member is not in transit to or from Congress, or on official business.
3. **State of Maryland Senators and Representatives:**

- a. Individuals and public officials may be privileged from arrest.
- b. Senators and Representatives of the State of Maryland Assembly when going to and from the same (except for treason, felony, or breach of peace arrests) are privileged from arrest.
4. Military Members shall be privileged from arrest during their attendance and in going to and returning from musters or elections (except for treason, Felony, or breach of peace arrest),
5. Other official personnel privileged from arrest while attending court and transit to and from include judges, attorneys, clerks, sheriffs, and other court officers.

6. Diplomatic Immunity:

The Federal Law governing immunity is (22 U.S.C. 254) Diplomatic Relations Act of 1978. This act was to bring the United States into compliance with the provisions of the Vienna Convention of 1961. Immunity in itself does not mean pardon, total exoneration or total release from the responsibility to obey the law. Immunity is a barrier which precludes the U.S. courts from exercising jurisdiction over the case involving diplomatic personnel.

- a. Diplomatic immunity is granted by the United States government under the provisions of the Vienna Convention on diplomatic relations.
- b. Diplomatic Officers and members of their immediate family enjoy FULL immunity.
  1. Diplomatic Staff enjoy the same privileges as Diplomatic Officers except to civil liability.
- c. Consular Officers have limited immunity for criminal matters while engaged in official business. Members of their immediate family do not have immunity.
  1. Consular Employees enjoy limited immunity when on official business.
  2. Consular Service Staff enjoy no immunity.
  3. Most of the diplomatic post personnel enjoy immunity from the obligation to provide evidence as witness in respect to official business.

- d. Traffic enforcement by stopping a diplomatic or consular officer and issuing a traffic citation does not constitute an arrest and is permissible, although signature on the citation by such individual may not be required. Officers should never hesitate to follow normal procedures when a violation is observed even if the immunity bars any further action at the scene, the Officer should always stop persons committing traffic violations. This type of situation should be evaluated by the Officer and the course of action be based on training and experience.
1. If s Diplomatic Officer is stopped while under the influence of alcohol or drugs, the Police Officer has the following options:
  - a. Take the Consular Officer to the Police Station or a location where he can recover enough to enable him to drive safely;
  - b. Take him to a telephone so he can telephone a relative, or friend;
  - c. Call a taxi for him to take to his residence;
  - d. Unless the Consular Officer is considered a danger to himself or others, he should not be physically restrained. Sobriety tests may be offered according to standard procedures but should not be compelled;
  - e. The Officer should impress upon the Consular Officer that it is the Police Department's primary responsibility to care for his safety and the safety of others;
  - f. Any incident should be fully documented to include the identity, incident and a written report should be promptly forwarded to the State Department. The State Department shall be responsible for the suspension of the driving privileges of the individual.
  - g. The burden is upon the diplomat to claim immunity by presenting valid credentials, status of the diplomat should be verified through the United States Department of State. Telephone numbers for the verification of Diplomatic Officers, (202)-647-4570; Consular Officers, (202)-647-1404; Employees of Diplomatic or Consular Offices, (202)-647-1405; The 24 hour telephone number in Washington D.C. is (202)-647-7277.

**C. COURT APPEARANCE INFORMATION:**

1. Officers issuing traffic citations shall:
  - a. Verify that the address given by the violation is correct and current. The District Court Clerk's Office uses this information from the citation to mail the court date and information to the violator.
  - b. In accordance with the rules of the District Court Clerk's Office dates are assigned to the Officer. No court date is issued by the officer. The District Court Clerk's Office will mail the court date information to the violator.

**D. SPECIFIC ENFORCEMENT ACTIONS:**

1. Uniform enforcement of all violations in the Maryland Vehicle Code and the Town of Thurmont Ordinances are expected by all Officers of the Thurmont Police Department.
2. Speeding violations and the use of speed measuring equipment is outlined in the General Order on Speed Measuring Devices.
3. Enforcement of the other violations in the Maryland Vehicle Code including, driving while suspended or revoked, and other hazards shall be aggressively pursued.
4. Enforcement of equipment violations and commercial and public carrier violations shall receive the same attention as any other violation. In the case of commercial carrier violations, training for the Officers in over-weight violations will be provided.
5. Multiple violations are upon occasion a result of a traffic stop. The practice of "hanging on" violation is not encouraged.
6. Crash citations are at the discretion of the investigating Officer and should be issued when circumstances warrant.
7. As newly enacted laws are received for the Secretary of State they are added to our code system and training is provided on the new laws that may require training.
8. Bicycle and Pedestrian Traffic Enforcement:
  - a. Pedestrian enforcement necessitates broad discretion for individual Officers. To provide guidance, the following procedure is recommended which should

result in a uniform and consistent application of the law.

1. Officers shall concentrate their efforts on pedestrian violations in areas where pedestrian collisions have been frequent and severe.
  2. With regard to the pedestrian laws, the “spirit” of the law shall supercede the “letter” of the law and application be made accordingly.
- b. Bicycle enforcement has become a problem as the use of bicycle by both young and old has become more popular. It is inherent in the role of the Police Department to enforce those laws relating to the safe operation of bicycles. To provide guidance, the following procedure is recommended and should result in a more uniform and consistent application of the law.
1. Officers shall concentrate their efforts on bicycle violations in areas where pedestrian collisions have been frequent and severe.
  2. With regard to the bicycle laws, the “spirit” of the law shall supercede the “letter” of the law and application be made accordingly.
9. Off-Road Vehicle Enforcement:
- a. With the increase in popularity of off-road vehicles (dirt-bikes, all terrain vehicles, mini-bikes, snowmobiles, etc.) their use on public property is also increasing. As use increases, so do citizen complaints. Officers shall be observant for violations by operators on off-road vehicles and shall take appropriate enforcement action when deemed necessary.

**E. TRAFFIC PATROL:**

1. Marked patrol units should be utilized for traffic law enforcement. Unmarked vehicles may be used in the same number as marked units but the officer should be aware that the motorist may not recognize them as a police vehicle.
2. Officers shall position themselves and their vehicles in such a manner as to be able to monitor the traffic flow without causing congestion. Complete concealment of the vehicle is not encouraged.
3. Traffic patrol techniques used include line, area, and stationary patrol. Supervisors should determine and assign the type of patrol that may be needed for a particular traffic problem.

4. Roadside safety checks (sobriety or safety checkpoints) are accomplished by pulling squad car(s) across the roadway, always leaving an avenue of escape. Safety roadblocks will be used to randomly and sequentially check motor vehicles and drivers.
  - a. Any roadside safety checkpoint shall be approved and controlled by a supervisor.
  - b. Personnel shall be clear of blocking vehicles and maintain a safe distance from the roadblock.
  - c. Only police vehicles or Town owned vehicles will be used at roadside safety checkpoints to reduce potential hazards.
  - d. Discretion shall be used in selecting positioning of safety checks considering public endangerment (i.e., avoid school areas, gas stations, hills, busy intersections, etc.)
  - e. High visibility shall be maintained:
    1. Roadside safety checkpoints shall be well lighted by means or mars lights, spotlights, fuses and other available lighting equipment.
    2. Reflective vests should be worn by all participating personnel at the roadside safety checkpoint.

**F. STOPPING AND APPROACHING TRAFFIC VIOLATORS:**

1. Compiled statistics reflect that a high percentage of Officer injuries and deaths begin as a traffic stop, therefore:
  - a. All traffic stops should be approached with caution. The Communications Center shall be advised by radio of all traffic stops by location and suspect vehicle license number,
  - b. If the violator's vehicle has no license plate, the Officer will advice the make, model, color, and description of the vehicle and vehicle occupants.
2. Police vehicle positioning for officer safety:

- a. The traffic stop is in control of the officer and should be made in an area that will afford the most security to the Officer,
- b. If the violator stops in an unsafe location, the Officer should direct the violator to move to a safer location,
- c. The Officer's vehicle should be positioned 10 to 15 feet to the rear of and offset 2 to 4 feet to the left of the violator's vehicle.

3. Approaching the violator's vehicle:

- a. The Officer's approach should be cautious, watching for sudden or suspicious movement
- b. If two (2) officers are approaching, one (1) should be on either side of the violator's vehicle, and the Officer activity should be coordinated.
- c. The Officer should position himself slightly behind the driver's door, with the duty weapon away from the driver.
- d. The Officer should survey the interior of the violator's vehicle upon approach. On vehicles equipped with a trunk, the Officer should push the trunk lid making sure it is locked as they pass the rear of the vehicle.

G. CONTACT WITH THE VIOLATOR:

1. The officer should greet the violator in a courteous business like manner, explain the reason for the stop and request the violator's driver's license.
2. When the officer returns to the cruiser to complete the citation, he should occasionally glance at the violator and be alert for any suspicious behavior.
3. When the officer returns to the violator, he should give a complete explanation of the citation including court appearance, pre-payment options.
4. At all times a calm, professional demeanor shall be portrayed by the officer.
5. Upon completion of the traffic stop, the Officer should assist the violator in safely reentering the traffic flow.

**ATTACHMENTS :**

Appendix 35.0A – United States Department of State – Guidance for Law Enforcement Officers Manual (November 1993) (Page 21)

**DOCUMENT DATES :**

*Review Date:*

*Review Date:*

*Review Date:*

*Rescinds:*

*Order Written By: Lieutenant Shawn R. Tyler*

*Order Edited and Approved By: Chief Gregory L. Eyer*

*Accreditation Standards Included in this Order  
CHAPTER 61.1 Traffic Law Enforcement*