
	GAITHERSBURG POLICE DEPARTMENT		
	Traffic Law Enforcement		
	GENERAL ORDER	620.1	
Effective Date	07/13/2022		
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE 07/13/2022

1. PURPOSE

Traffic enforcement activities are conducted in a consistent and uniform manner without preference to local residents or non-residents. It is not the intent of this directive to restrict officer discretion, but rather to establish guidelines and procedures to carry out Department policies and comply with applicable laws.

2. POLICY

2.1. The Department's traffic law enforcement efforts are geared toward reducing traffic collisions by educating roadway users of the necessity to strictly adhere to traffic laws and to take appropriate action against violators who endanger themselves and/or others.

2.2. Education and enforcement each contribute to the public's voluntary compliance with traffic law and provide for the safe and expeditious movement of vehicular and pedestrian traffic. Making area roadways safer requires several other partners to work with law enforcement; education and enforcement alone are not the answer. Accordingly, the Department encourages the involvement of traffic engineering officials, traffic safety-related programs, and community support.

3. DEFINITIONS

3.1. E-TIX

3.1.1. Within the context of this directive, the term "E-TIX" refers to the State of Maryland's Electronic Traffic Information Exchange. E-TIX allows officers to issue electronic traffic citations and submit the data, not paper, to the District Court. E-TIX is also used to issue traffic warnings, Safety Equipment Repair Orders (SEROs), and to record information from field interviews and traffic collisions.

4. PROCEDURE

4.1. Traffic Stops

4.1.1. At the commencement of a traffic stop or other stop, absent exigent circumstances, a Police Officer shall:

- 4.1.1.1. Display proper identification to the stopped individual; and
- 4.1.1.2. Provide the following information to the stopped individual:
 - 4.1.1.2.1. The officer's name;
 - 4.1.1.2.2. The officer's identification number issued by the Law Enforcement Agency the Officer is representing;
 - 4.1.1.2.3. The name of the Law Enforcement Agency the police officer is representing; and
 - 4.1.1.2.4. The reason for the traffic stop or other stop.
- 4.1.2. A police officer's failure to comply:
 - 4.1.2.1. May be grounds for administrative disciplinary action against the officer; and
 - 4.1.2.2. May not serve as the basis for the exclusion of evidence under the Exclusionary Rule.
- 4.1.3. A police officer may not prohibit or prevent a civilian from recording the police officer's actions if the citizen is otherwise acting lawfully and safely.

4.2. Warnings

- 4.2.1. Warnings may be issued to a violator, either through E-TIX or on a Department warning notice whenever a traffic violation or parking violation has been committed.
- 4.2.2. A warning is intended to educate the violator and not be punitive. When properly issued, warnings can be effective while also building a positive rapport with motorists.
- 4.2.3. A written warning may be issued to a violator in combination with the placing of other charges by way of a traffic citation or E-TIX citation.
- 4.2.4. All traffic stops will be documented by the issuance of a written warning, Maryland Uniform Complaint and Citation, or safety equipment repair order except when not practical due to exigent circumstances.
- 4.2.5. To give motorists a chance to acclimate themselves with newly-erected signs or newly painted road surface markings, officers, depending upon the nature and severity of the violation, should consider a 10-day "grace period" in which warnings are issued before taking further enforcement action for

violations of these traffic control devices or newly enacted laws and/or regulations.

4.3. Citations

- 4.3.1. Citations should be issued to violators who jeopardize the safe and efficient flow of traffic, including hazardous moving or non-moving violations or operating unsafe and/or improperly equipped vehicles.
- 4.3.2. Command personnel cannot assume responsibility for reviewing the judgment of individual officers in all cases involving the issuance of a traffic citation. Differences of opinion on whether or not an offense was committed is not considered police misconduct and will be best resolved in court at the time of trial.
- 4.3.3. Command personnel shall make proper inquiry and take appropriate measures in those circumstances where citations are not being issued for specific violations when there is indication that such level of enforcement should occur.
- 4.3.4. The Maryland Uniform Complaint and Citation or an E-TIX Citation shall be used when an officer intends to issue a traffic citation to a violator and shall be completed in accordance with the procedures listed inside the District Court's Fine Schedule, and pursuant to TA 26-201; issuing officers will not deviate from the District Court's Fine Schedule of pre-set fines.
- 4.3.5. Maryland Uniform Complaint and Citations and E-TIX Citations will not be used to charge violations of City parking ordinances.
- 4.3.6. Unless the recipient does not want the citation explained, issuing officers will provide information about the citation, as trained.
- 4.3.7. Traffic citations issued to juveniles, that charge violations for which any of the penalties would be incarcerable if committed by adults, will be referred to MCP Family Crimes Division via an Event Report.
- 4.3.8. Non-residents should be treated no differently than residents regarding receiving a warning versus a traffic citation versus being physically arrested.
 - 4.3.8.1. If the non-resident's State does not have reciprocity with Maryland, they may be issued a citation.
 - 4.3.8.2. A non-resident may be arrested for a traffic offense if the officer has probable cause to believe that the non-resident committed the offense and it contributed to a traffic collision.

- 4.3.9. Maryland Legislators may be issued traffic citations for offenses committed while they are enroute to, and returning from, legislative sessions, according to 49 Opinions of the Attorney General 338 (1964).
- 4.3.10. For citation issuance to diplomats, see General Order 627.1.
- 4.3.11. Military personnel, for the purpose of this directive, includes members of the armed forces, such as regular members of the Army, Navy, Air Force, Marines, Coast Guard and National Guard, and reservists who are on active duty. However, they are exempt from certain licensing and registration requirements under TA 16-102 through 115, and TA 13-402.1., when operating military vehicles.

4.4. Traffic Arrests

- 4.4.1. Physical arrests shall be made in accordance with the provisions of TA 26-202 (*Powers of Arrest*).
- 4.4.2. Officers making physical arrests for traffic violations shall use only the force necessary and proportional, under the totality of the circumstances to prevent an imminent threat of physical injury or to effectuate a legitimate law enforcement objective.
- 4.4.3. An adult physically arrested solely for a traffic offense shall be taken without unnecessary delay before a Court Commissioner, except for DUI offenses.
- 4.4.4. A juvenile may be taken into custody for a traffic offense(s), however, they are not transported to the Court Commissioner.
 - 4.4.4.1. Juveniles may be transported to the proper juvenile processing facility or may be transported home and their parent(s) or guardian(s) will be advised of the circumstances under which the juvenile was taken into custody.
 - 4.4.4.2. If a juvenile's parent or guardian refuses to accept custody, the arresting officer will notify the Department of Juvenile Services during business hours or contact PSCC and have an on-call Intake Officer paged after business hours.

4.5. Citation Accountability

- 4.5.1. To ensure security and accountability, traffic citation books and other controlled forms are securely stored in a locked cabinet. Only Supervisors and Command Staff members have access to the cabinet.

- 4.5.2. Officers needing citation books shall request the number of books they need from a Supervisor or Command staff member, who shall check the serial numbers on the citation books and document the issuance on the citation sign out form maintained in the cabinet.
- 4.5.3. To maintain security of issued non-Etix citations, at or before the end of the issuing officer's tour of duty, they shall submit all citations issued during that tour of duty to the designated citation drop area.
- 4.5.4. Administrative support personnel process non-Etix citations that have been issued by:
- 4.5.4.1. Mailing all appropriate copies to the District Court, and
- 4.5.4.2. Filing the Law Enforcement Copy of the citations in station files in the administrative support area.
- 4.5.5. Since traffic citations are charging documents (their numbers are the Court case numbers), an Event Report shall be written by the officer from whom the citations were stolen to document the loss or theft of these documents.
- 4.5.6. The MVA and the District Court are notified by the Administrative Bureau Commander of any lost and/or stolen citations; a letter is mailed by the Administrative Support Supervisor to the MVA and the District Court, along with a copy of the Event Report, so that their respective records can be properly annotated and the Department can comply with the provisions of TA 26-407.
- 4.5.7. To protect officers from allegations of improper conduct, and to ensure that citations are properly accounted for, Maryland Uniform Complaint and Citations and E-TIX Citations may be administratively voided by GPD only for good cause and under strict conditions, subject to the approval of the appropriate bureau commander.
- 4.5.8. If an officer makes an error while issuing an Etix citation and the violator's copy has been given to the violator, the citation must follow normal processing procedures and be disposed of in open court – an officer may attempt to amend the charge when the case reaches court, however it must be approved by a judge or assistant state's attorney.
- 4.5.9. If an officer makes an error while issuing an Etix citation and the violator's copy has not been given to the violator, the citation may be administratively voided by the District Court of Maryland Traffic

Processing Center. The following steps should be followed to void Etix citations:

- 4.5.9.1. Send an email to the appropriate bureau commander indicating the circumstances under which the citation was issued and the reason(s) it should be voided;
- 4.5.9.2. If the request for a void is approved by the appropriate bureau commander, the issuing officer should:
 - 4.5.9.2.1. Fill out a DC-CR-095 Uniform Citation Transmittal (VOIDED CITATION) form;
 - 4.5.9.2.2. Attach a copy of the approval email for voiding the Etix citation and a printed copy of the Etix citation with VOID written on the citation to the completed DC-CR-095 form; and
 - 4.5.9.2.3. Mail the original paperwork and two (2) copies to the Traffic Processing Center located at:

District Court Traffic Processing Center
2020 Industrial Court
Annapolis, Maryland 21401;
 - 4.5.9.2.4. Provide a copy of the completed packet to the Accreditation Manager.
- 4.5.10. If an officer makes an error while issuing a paper citation (Non-Etix Citation) and the violator's copy has been given to the violator, the citation must follow normal processing procedures and be disposed of in open court. An officer may attempt to amend the charge when the case reaches court, however it must be approved by a judge or assistant state's attorney.
- 4.5.11. To request that a Maryland Uniform Complaint and Citation (paper citation – Non-Etix) be voided that did not have any copies issued to the violator, officers shall:
 - 4.5.11.1. Ensure that they have all copies of the citation (a citation cannot be voided at the GPD level if the violator has their copy);
 - 4.5.11.2. Send an email to the appropriate bureau commander indicating the circumstances under which the citation was issued and the reason(s) it should be voided;

- 4.5.11.3. If the request for a void is approved by the appropriate bureau commander, the issuing officer should:
- 4.5.11.3.1. Fill out a DC-CR-095 Uniform Citation Transmittal form.
 - 4.5.11.3.2. Attach the Court and Defendant's (original and #5) copies with VOID written across the citation to the DC-CR-095 form; and
 - 4.5.11.3.3. If the original Court Copy is Missing, a photocopy can be used if marked "Use as Original".
 - 4.5.11.3.4. Mail the original paperwork and two (2) copies to the Traffic Processing Center located at:

District Court Traffic Processing Center
2020 Industrial Court
Annapolis, Maryland
21401;
 - 4.5.11.3.5. Provide a copy of the completed packet to the Accreditation Manager.

4.6. **Suspended / Revoked / Unlicensed Drivers**

- 4.6.1. A driver whose license or privilege is suspended or who holds no licenses at all may be issued a citation or, in the officer's discretion, arrested pursuant to TA 26-202.
- 4.6.2. In deciding the appropriateness of a citation in lieu of making an arrest, officers should consider the driver's overall driving record and nature of the suspension/unlicensed driver (i.e., multiple FTA, points, etc.).
- 4.6.3. Officers will only take arrested traffic violators before a court commissioner and not GPD or MCP district stations, except for DUI's.

4.7. **Request for Re-Examination**

- 4.7.1. During the course of patrol, officers may observe a motorist whose driving behavior would lead a reasonable person to believe that the motorist is incapable of operating a vehicle in a safe, reasonable and ordinary manner due to incompetence, physical or mental disability or other condition(s).

- 4.7.2. The procedures enumerated herein shall be used when an officer discovers such a motorist and believes that a request should be forwarded to the MVA to re-examine the motorist's abilities to operate a vehicle safely, in the best interest of public safety.
- 4.7.3. An MVA Request for Re-Examination form shall be completed by the officer via Etix, pursuant to TA 16-207.
- 4.7.4. To assist the MVA, an officer completing the re-examination request must be specific in terms of:
 - 4.7.4.1. What the motorist did or did not do that would give rise to a re-examination; and/or
 - 4.7.4.2. The physical, mental, or other condition that impacted or affected the motorist's ability to safely operate a vehicle.
- 4.7.5. E-Tix re-examination request do not need to be approved by the Bureau Commander and is electronically submitted directly to the MVA.
- 4.7.6. If citations were issued with an Automated Crash Reporting System (ACRS) report or other report is written in conjunction with the completion of the form, photocopies of the citation(s) and report are attached to assist the MVA.

4.8. **Bicycle and Pedestrian Violations**

- 4.8.1. According to the Maryland Traffic Article, pedestrians (TA 21-501) and bicyclists (TA 21-1202), must obey the traffic laws.
- 4.8.2. In the officer's best judgment and discretion, pedestrian and bicycle traffic violators should be issued warnings (verbal and written) unless their behavior is flagrant or exhibits a willful disregard for their safety and/or that of others.
- 4.8.3. If the violation is flagrant or repeated, the officer should consider issuing a traffic citation appropriately charging the violator.
- 4.8.4. Gaithersburg City Code, Section 19-4, makes it unlawful for any person to ride upon the sidewalks in the city, except when crossing such sidewalks at alleys, driveways or other intended crossings, any motorcycle, motor scooter, motorized minibike or any other motor-propelled or electric vehicle transporting persons or things, except conventional children's toys, Segway self-balancing scooters, a mobility aid used for a handicapped person or as specified in this section.

- 4.8.5. TA 21-1207.1 requires the operators and passengers of bicycles who are under the age of 16 to wear an approved bicycle helmet if they are riding on any highway, bicycle way, or other property open to the public for pedestrian or vehicular traffic.
- 4.8.6. Officers may not issue a citation for a violation of TA 21-1207.1. This violation may only be enforced by the issuance of a warning that informs the offender of the requirements of this section and provides educational materials about bicycle helmet use.

4.9. Off-Road Vehicle Violations

- 4.9.1. Enforcement of off-road vehicle violations, (including dirt bikes), snowmobiles and mopeds should be handled in accordance with the provisions of this directive.
- 4.9.2. An officer observing an off-road vehicle that cannot be legally operated on the public roadways being operated in violation on the roadways shall order the vehicle be removed and shall take appropriate enforcement action, which may consist of, but not be limited to:
 - 4.9.2.1. A written warning notice; and/or
 - 4.9.2.2. A traffic citation(s).
- 4.9.3. 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.
- 4.9.4. A Criminal/Civil Citation may be issued to charge a violation of City Code Section 19-4, pertaining to operation of bicycles/mopeds on City sidewalks.

4.10. Safety Equipment Repair Orders (SEROs)

- 4.10.1. Officers may enforce vehicle equipment violations by way of a Safety Equipment Repair Order (SERO).
- 4.10.2. If the vehicle the officer intends to cite has equipment, or a lack thereof, that tends to seriously hamper the safe operation of the vehicle, the officer should consider having it towed in accordance with Department towing and impound policies.
- 4.10.3. To comply with the provisions of TA 23-105, officers shall stop the driver of any vehicle registered in Maryland that apparently does not meet the requirements of Title 23 of the Traffic Article (TA), or those established in TA 24-106.1(e), and issue the driver a Safety Equipment

Repair Order.

4.10.4. Out of State vehicles will not be issued Safety Equipment Repair Orders

4.11. **Commercial Vehicle Violations**

4.11.1. When taking enforcement action against the operator of a bus, tractor-trailer, and/or other commercial vehicles, officers must remember that these vehicles are generally over-sized and require more room than a standard-sized vehicle, and also require a special license, considerable training, and more skill to operate and maneuver safely. When deciding appropriate action, officers should consider:

4.11.1.1. The nature and severity of the violation(s) committed;

4.11.1.2. Whether a disobedience to a sign(s) that prohibited commercial vehicles or buses was willful or inadvertent;

4.11.1.3. Whether the vehicle was operated in a reckless (wanton and willful disregard for life and property) manner; and

4.11.1.4. Requests for enforcement from citizens or others about such vehicles.

4.11.2. Commercial vehicle inspectors are available both on-duty and for call-out purposes and officers should use the following guidelines when deciding whether to call for an on-duty commercial vehicle inspector:

4.11.2.1. A truck or bus involved in a serious collision;

4.11.2.2. A truck or bus that appears to be unsafe to the degree that it should be placed out-of-service;

4.11.2.3. A truck or bus involved in a collision where a mechanical defect appears to have caused/contributed to the collision;

4.11.2.4. A truck or bus driver in possession or under the influence of alcohol and/or drugs; or

4.11.2.4.1. Any incident or situation in which expert assistance would help to resolve the situation.

4.12. **Charging Multiple Violations**

4.12.1. An officer charging a person with multiple traffic violations, on Maryland Uniform Complaint and Citations will complete one (1) citation per violation – under no circumstances will a citation contain more than one charge, either written or circled. This does not apply to E-TIX Citations, which may list multiple violations.

- 4.12.2. To alert the District Court's Traffic Office and the MVA that the driver was issued multiple Maryland Uniform Complaint and Citations, the issuing officer will indicate so in the "Related Citations" area of the citation.