TRAFFIC MANAGEMENT SYSTEM

FC No.: 1000
Date: 01-28-21

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

It is the policy of this department to promote the safe and efficient movement of traffic within the county. This will be accomplished by instituting a coordinated department-wide Traffic Management System. The goals of the system are to facilitate the safe and expeditious flow of vehicular and pedestrian traffic and to reduce traffic collisions and their resultant fatalities and injuries.

Montgomery County Department of Police (MCPD) will treat all persons having contact with this agency in a fair, equitable, and objective manner, in accordance with law, and without consideration of their race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, language fluency, or other individual characteristics. In addition, it is the policy of this department to take enforcement action when traffic laws are violated. The level of enforcement should be commensurate with the severity of the traffic offense. Enforcement will be accomplished in an impartial and courteous manner using written warnings, ***safety equipment repair orders***, citations, and/or physical arrests. All uniformed officers are responsible for traffic law enforcement unless a specific situation dictates otherwise.

II. Definitions

A. Biased Policing: The application of police authority based on a common trait of a group. This includes but not limited to race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency.

B. ***Citation:*** ***A written or electronic charging document issued by the police and ordering the defendant to appear in court before a judge to defend against the stated charge; for non-incarcerable citations, the defendant may take other action (e.g., pre-payment of fine) to avoid the need to appear in court.***

C. ***Off-Road Vehicle:*** ***A motorized vehicle designed for or capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain.***

D. ***Racial Profiling:*** ***Any law enforcement-initiated action (i.e. traffic stops, investigative stops, etc.) based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or information identifying the individual as having engaged in criminal activity.***

E. ***Selective Traffic Enforcement:*** ***Enforcement which is proportional to traffic collisions and traffic violations with respect to time, location, and type of violation.***

III. Traffic Management System

A. The Traffic Management System employs the following strategies to meet its goals:
1. Enforcement of motor vehicle laws
2. Selective traffic enforcement
3. Collision investigation
4. ***Automated photo traffic enforcement***
5. ***Pedestrian safety/enforcement***
6. ***Impaired driver countermeasures***
7. ***Police traffic management***
8. Parking ***enforcement***
9. ***School traffic safety/crossing guards***
10. Traffic safety ***and*** education ***programs***
11. Liaison with traffic safety groups
12. ***Community-oriented traffic policing***
13. Motor Carrier Safety Program
14. ***Traffic incident management system (TIMS)***
15. Traffic Engineering
16. Traffic ancillary services
17. ***Media coverage/use of social media***

B. The Chief of Police will establish the goals of the Traffic Management System. The ***Director, Traffic Division***, will establish objectives and strategies designed to meet the department's traffic management goals.

C. Each district commander will be responsible for developing and implementing a District Traffic Management System in concert with the department's traffic management goals. Annually, district commanders will submit a written report to the Chief of Police that will include:
1. An annual analysis of traffic collisions
2. An annual analysis of traffic enforcement activities
3. Implementation of selective enforcement techniques and procedures
4. Deployment of traffic enforcement personnel
5. An evaluation of selective traffic enforcement activities
6. Locations where traffic citations are issued.

D. Traffic squad operations will be consistent with the goals and strategies of the Traffic Management System. Each district commander will establish specific duties at the district level for district traffic squad operations.

IV. Analysis of Traffic Data

A. The Director, ***Traffic Division***, will disseminate traffic data to the district commanders. Data will be obtained from a variety of resources including the U.S. Department of Transportation, the Maryland State Highway Administration, the Maryland State Police, the Maryland Judicial Information System, and the Montgomery County Department of Public Works and Transportation.

B. Traffic data analysis will be the responsibility of the Traffic ***Division***.

C. The products of this analysis will be distributed to the appropriate personnel. These products will define traffic hazard and management problems by causative factors, volume of ***collisions***/violations, geographic location, day of the week, time of day, and seasonal factors.

D. Traffic records will be part of the department's centralized record system. The processing, maintenance, distribution, retention, and release of these records will be handled pursuant to ***Information Management and Technology Division (IMTD)*** Standard Operating Procedures.

V. Selective Traffic Enforcement

A. Selective traffic enforcement will be an integral component of the District Traffic Management System. Selective enforcement techniques will be utilized for the ***following*** purposes:

1. Reducing traffic collisions - ***There is a direct positive correlation between high level, high quality traffic enforcement efforts and a reduction in the number and severity of traffic collisions occurring at a given location.***
2. ***Protecting life and property*** ***Reducing the number of hazardous traffic violations through enforcement efforts reduces the number and severity of traffic collisions, decreases collision related deaths, injuries, and property damage losses.***
3. ***Expediting the flow of traffic*** - ***Some collisions occur during "stop and go" traffic caused by inattention or poor driver judgment during changing speeds, stops and starts, and frequent lane changes. The smooth flow of traffic tends to eliminate or reduce these types of collisions.***
4. ***Addressing*** community complaints – ***Identifying issues chronic or occasional traffic related such as speeding and unsafe driving behavior.***

B. Implementation of selective enforcement techniques should target specific problems as determined by factors including but not limited to:

1. ***Traffic analysis***
2. ***Citizen complaints***
3. ***Needs identified by MCPD personnel***
4. ***Needs identified by other appropriate County personnel***

C. Implementation of selective enforcement techniques may include enforcement actions such as:

1. ***High Visibility Enforcement (HVE);***
2. ***Traffic checkpoints;***
3. ***Saturation patrols;***
4. ***Stationary observation of intersections;***
5. ***Use of speed measuring devices; and***
6. ***Other approved techniques as appropriate to the situation.***

D. High Visibility Enforcement

High Visibility Enforcement (HVE) is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors. HVE combines highly visible and proactive law enforcement targeting a specific traffic safety issue. Law enforcement efforts are combined with visibility elements and a publicity strategy to educate the public and promote voluntary compliance with the law. HVE incorporates enforcement strategies such as:

1. ***Enhanced visibility patrols;***
2. ***Visibility element designed to make enforcement efforts obvious to the public (signs, message boards);***
3. ***Wave enforcement (increased enforcement of a specific traffic violation in a targeted location for a short period of time that occurs periodically); and***
4. ***Multi-jurisdictional efforts (combine your resources and your efforts with neighboring jurisdictions including "non-traditional" agencies).***

VI. Pedestrian and Bicycle Traffic Enforcement

A. Pedestrian and bicycle traffic enforcement should be conducted in such a manner as to facilitate the safe and efficient movement of traffic within the county. Pedestrian and bicycle related traffic issues will be considered in the District Traffic Management System.

B. ***Procedures***

When issuing citations or written warnings for pedestrians and traffic violations involving bicycles officers will:

1. ***Make every effort to obtain proof of identification from the violator. This can be a driver's license, or any other type of credential normally carried by pedestrians.***
2. ***If the violator does not possess any form of identification, the officer shall, through careful and courteous questioning, attempt to obtain accurate information in order to properly complete the citation or written warning.***

VII. Guidelines for Traffic Enforcement

A. Officers are given discretion in the enforcement of traffic laws. In some instances, a ***written*** warning may be appropriate. In other instances, the issuance of a citation may be appropriate. More serious violations may require a physical arrest.

B. A ***written*** warning is appropriate when the violator commits a violation which is due to ignorance of a recently enacted law or where a minor equipment defect is apparent.

C. The MCP 24, "Warning Notice," ***or electronic ETIX warning*** may be a proper alternative in response to a minor traffic infraction committed in an area where traffic ***collisions*** have been minimal.

D. The issuance of a citation is applicable in the majority of cases where the violator has jeopardized the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, ***and*** parking violations.

E. ***The issuance of a safety equipment repair order (SERO) is applicable for the*** operating ***of*** unsafe and/or improperly equipped vehicles.

F. Officers may effect a physical arrest for those violations listed in Section 26-202 of the Transportation Article. The decision to effect a physical arrest should be based upon sound legal justification.

G. When determining the appropriate level of enforcement, officers should consider:

1. Whether or not the violation resulted in injury.

2. Whether or not the violation resulted in a property damage ***collision***.
3. The degree of danger to the public posed by the violation.
4. The use of alcohol or ***CDS*** by the violator.
5. The degree to which speed limits were violated.
6. Safety/vehicle equipment violations.
7. Whether or not the violator was a commercial carrier.
8. The commission of multiple violations.
9. Whether or not the violation was of a newly enacted law.
10. Whether or not the area has been designated as a selective enforcement location.
11. Whether or not the violation was intentional.
12. ***The violator's driving history.***

H. ***Officers conducting a traffic stop shall only detain drivers for as long as necessary to conduct the procedural requirements of the stop. Once the underlying basis for the initial traffic stop has concluded, extending the length of a traffic stop is only permissible if:***

1. ***The driver consents to the continuation; or***
2. ***The officer has, at a minimum, reasonable articulable suspicion that criminal activity is afoot. Note: see Ferris v. State, 355 Md. 356 (1999)***

I. The above guidelines cannot cover each and every situation. In some cases, the officer must decide what enforcement action is proper based upon a combination of training and experience.

VIII. Traffic Stops

A. ***Race-Based Stops***

Montgomery County Department of Police is commitment to unbiased law enforcement in all encounters between officers and the community. Discrimination in any form, including racial profiling and bias policing is strictly prohibited and the department will take immediate and appropriate action to investigate all allegations concerning such actions. Officers will not stop or detain any individual(s) based exclusively on their race, ethnicity, or national origin, unless this information relates to a specific "look-out" regarding a suspect's physical description concerning a criminal investigation or other legitimate law enforcement action.

Note: This policy does not limit or alter the authority of an officer to make a legally sanctioned arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement duties when appropriate legal grounds exist.

B. ***Race Based Reporting Requirements***

Maryland Transportation Article section §25-113 requires every law enforcement officer to report certain information about traffic stops. Traffic stops that are excluded from this reporting requirement are:

1. ***Roadblocks and checkpoints;***
2. ***A stop of multiple vehicles due to a traffic collision or emergency situations requiring the stopping of vehicles for public safety purposes;***
3. ***Traffic stops using radar, lidar, or Vascar; or***
4. ***Stops based on LPR (License Plate Reader)***

C. ***Documentation***

All traffic stops will be documented by one or more of the following measures (exceptions refer to VIII.B):

1. ***Custodial arrest;***
2. ***Maryland Uniform Complaint and Citation (written or electronic);***
3. ***Safety Equipment Repair Order;***

4. ***Warning (written or electronic);***
5. ***Police Information Report (2938);***
6. ***Field Interview Report.***

IX. Officer/Violator Contacts

A. Stopping Violators

1. Officers should use their emergency equipment when stopping a violator. After the stop has been made, officers should continue to use their emergency lights. The proper use of emergency equipment can increase safety for the officer, the public, and the violator. Whenever possible, officers should direct the violator to move their vehicle off the travel portion of the roadway. This will ensure the continued safe and orderly flow of traffic.
2. When making a traffic stop, officers are encouraged to notify ECC of their location and the make, color, and license number of the car being stopped.
3. During hours of darkness, officers should consider using both their take-down lights and spotlights on the violator and determine whether the violator presents no threat, the officer may elect to turn off the spotlight and take-down lights.
4. The police vehicle public address system should be considered for use in order to communicate with a driver when the dangers presented by the violator negates approaching the vehicle safely. It may also be used when unusual conditions exist, such as the roadway being temporarily closed, to alert pedestrians to hazardous conditions and communicating with other persons on the traffic scene.

B. Approaching the Violator

Officer safety is the prime consideration when approaching a violator and officers are encouraged to take all reasonable precautions. Procedures for approaching a vehicle will be in accordance with current training procedures ***disseminated*** by the Training ***and Education*** Division. When approaching a traffic violator, officers will:

1. ***Activate Body Worn Camera System (applies to officers issued a departmental BWCS).***
2. Approach in a manner that enhances officer safety.
3. Present a proper and professional demeanor.
4. Be certain of the alleged violation.
5. Have the necessary equipment available, e.g., flashlight, pen, etc.
6. Greet the violator with the time of day, state your name, inform the individual of the violation for which the violator was stopped and request the violator's license and registration. For example, "Good evening Sir, Officer Glynn, ***this traffic stop is being audio and visually recorded.*** I've stopped you for exceeding the posted 35 MPH speed limit. May I see your license and registration, please."
7. Avoid arguing with the violator over the validity of the violation.
8. Prior to making a physical arrest of the violator for failure to sign a citation, Section 26-203 of the Transportation Article requires that the officer request the violator sign the citation and should they refuse inform them that a refusal to sign the citation may lead to their arrest. The option of a physical arrest should be exercised as a last resort.
9. Observe the violator for signs of physical impairment, emotional distress, and alcohol and/or drug use.
10. Explain the procedures for either paying the citation or requesting a court date.
    a. ***Violators are not required to sign electronic traffic citations (ETIX). Officers will explain the three options for payable fines:***
        i. ***paying the fine;***
        ii. ***pleading "guilty with an explanation" and appearing for a waiver hearing; or***
        iii. ***requesting a trial date and appearing for trial.***
    b. ***Notify the violator, they must comply with the citation by completing one of the following options within 30 days after receipt of the citation.***
11. If necessary, assist the violator in safely reentering the traffic flow.

X. Re-Examination of Drivers

A. A request for the re-examination of a driver who appears to be mentally or physically incapable of safely operating a motor vehicle will be ***made electronically on the Delta (ETIX) program*** or on a form provided by the Motor Vehicle Administration (MVA Form DC91).

B. In order to preclude officers from having to appear at MVA hearings, it is essential that the form be completed carefully and in its entirety.

C. The form is self-explanatory, however, physical defects of the driver must be documented so that reasonable grounds for the re-examination can be conclusively established.
1. The issuing officer and the district commander must sign the form.
2. District commanders will forward re-examination requests to MVA and retain the file copy for three years.

XI. Off-Road Vehicles

The use of off-road vehicles ***(ORV)*** is governed by ***provisions of Natural Resources Article, §5-1301, Annotated Code of Maryland, in addition to any penalties under Criminal Law Article, §6-405, Annotated Code of Maryland***. This section prohibits the use of off-road vehicles on both public and private property unless it is either with the permission of the owner or is specifically permitted by law.

XII. Safety Equipment Repair Order (MSP 157)

A. ***The electronic equipment repair order or*** the MSP 157 may be used to document and correct defective vehicle equipment.

B. ***The Safety Equipment Repair Order (SERO)*** may be issued for defective safety equipment on all classes of permanently Maryland registered motor vehicles, trailers, and semi-trailers, except those bearing historic, dealer, transporter, recycler, any temporary finance, or special mobile equipment registration. Out-of-state registered vehicles and any other vehicle not issued a permanent registration may not be issued an ***SERO*** for defective equipment.

C. The issuance of an ***SERO*** will be in accordance with policies and procedures established by the Maryland State Police. Copies of the "Guidelines for the Issuance and Certification of Safety Equipment Repair Orders" are available from the Central Supply Section.

XIII. CALEA Standards: *1.2.1, 1.2.9, 26.1.1, 41.3.8, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.7, 82.1.1*

XIV. Proponent Unit: *Traffic Division*

XV. Cancellation

This directive cancels Function Code 1000, effective date ***11-09-99*** and ***Headquarters Memorandum 14-02***

Marcus G. Jones
Chief of Police