



**CHEVY CHASE  
VILLAGE  
POLICE  
DEPARTMENT**

  
Police Chief: John Fitzgerald

**GENERAL ORDER: 5-17 TRAFFIC ENFORCEMENT**

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**I. POLICY**

The overarching goal of traffic enforcement is to change behavior to improve safety for pedestrians, bicyclists and motorists. It is Department policy to increase traffic safety by focusing our traffic enforcement efforts on the problems and locations where we can have the most significant impact for the benefit of the community while treating suspected violators with courtesy, respect, and fairness.

**II. Priority Violations and Locations**

A. Although any violation of traffic law have the potential to create a hazard, the following violations that are often the cause of collisions and create a particularly high level of risk to the public. Officers should focus their efforts on preventing, detecting and charging motorists strictly for these offenses:

1. Distracted driving;
2. Stop sign/yield sign/right-of-way offenses;
3. Seat belt/child safety seat offenses;
4. Oversized trucks;
5. DUI and related offenses;
6. Speeding;
7. Aggressive driving.

B. Whether assigned by a supervisor or choosing an enforcement location on their own initiative, officers will focus their enforcement efforts at locations that are selected based upon:

1. Citizen complaints;
2. Collision experience; or
3. Officer knowledge/observations.

**III. PROCEDURES**

**A. Making Traffic Stops**

Officers should use the police vehicle's emergency lights/siren to stop the violator's car. The emergency lights should remain on for the duration of the stop. Officers

shall adhere to the following procedures:

1. As early in the process as possible (even before the violator has pulled over), use the police radio to notify Communications of the stop to include the location and the make, model, color and registration number of the violator's vehicle.
2. Introduce themselves verbally by name and agency and greet the individual pleasantly with the appropriate time of day (for example: "Good morning, sir, I am Officer Johnson with the Chevy Chase Village Police Department. How are you, today?");
3. Immediately after introducing themselves and greeting the person as described above, inform the person of the violation/reason why the officer stopped them;
4. Direct the motorist move to a side street (or another appropriate location) if the motorist has stopped on a main roadway (Connecticut Avenue or Brookville Road).
5. Be courteous, respectful and fair to all persons;
6. Listen to the motorist's explanation or 'side of the story,' and, within reason, patiently provide explanations and answer questions;
7. Tell the motorist what he/she plans to do before returning to the police car (issuing a warning, citation, SERO; verifying information; etc.).
8. Take action in a timely fashion. The longer the stop lasts, the more agitated the violator becomes.
9. Provide the his/her business card to the motorist before the traffic stop is concluded; and
10. If necessary, assist the motorist in safely reentering the traffic flow.

**B. Documenting Traffic Stops**

The Department utilizes computerized citation systems for traffic citations and parking citations (the systems are separate from one another). Each police car is equipped with a mobile printer and

e-citation software.

1. Officers should use the e-citation application to issue tickets unless the application is unavailable for some reason; in that case, the officer should default to a handwritten citation.
2. Unless one of the below exceptions applies, officers should document every traffic stop with the issuance of a warning, a citation, or an ERO as appropriate. Exceptions include:
  - Circumstances when an officer must abruptly leave the traffic stop (e.g. the officer must respond to a priority call, etc.), or
  - The officer becomes aware of other circumstances that would make it unreasonable to prolong the traffic stop in order to issue one of the above documents (the motorist is dealing with a legitimate emergency; the officer determines that there was no violation, etc.).
3. If the officer does not issue a document (warning, citation, ERO) to the driver, the officer must either note their reasons in writing within CODY, or they must state, on the police radio, why they did not issue a document.
4. If the officer uses the police radio to state his/her reasons for not issuing a document, dispatchers shall note the officer's stated reasons in the comment field in CODY.

#### C. Written warnings.

1. Written warnings may be issued to a violator whenever a non-incarcerable traffic or parking violation has been committed and the officer believes that, based on the circumstances known to him/her at the time, a warning will suffice to change the driver's behavior. No verbal warnings will be issued.
2. A warning by its nature, is intended to educate the violator and when properly issued, can be more effective than any other type of enforcement action.

#### D. A traffic or parking citation should be issued to violators who:

1. Jeopardize the safe and/or efficient flow of traffic, or
2. Engage in hazardous moving violations, or
3. Have a history of traffic violations, or
4. Operate unsafe and/or improperly equipped vehicles.

#### E. Mandatory citation for at-fault drivers in collisions.

1. When an officer investigates a collision (PDC or PIC) and determines that a driver has committed a violation causing the collision, the officer shall issue a citation to the at-fault motorist.
2. If the officer does not issue a citation, the officer's narrative must describe the circumstances which made fault less clear (differing accounts from motorists; both drivers contributed, etc.), and the narrative must assign primary fault whenever the investigation supports that conclusion.

#### F. Providing Explanations and Answering Questions

Unless the recipient does not want the officer to explain the citation (charges and how to handle the ticket), issuing officers will provide the recipient with information about the citation, including, but not limited to:

1. Whether the violation requires the recipient to appear in court ("Must Appear"), and
2. The various ways a recipient may resolve the citation to include:
  - How to request a trial;
  - The optional ways to pay;
  - How to request a waiver hearing (pleading 'guilty with an explanation').
3. Providing officer safety is not compromised, and the flow of traffic is not impeded, officers should make a reasonable effort to answer the recipient's questions about the citation or violation.

#### G. Physical arrests for traffic violations. The power to make arrests for traffic violations is found in section 26-202 of the Transportation Article of the Annotated Code of Maryland. 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:**

1. 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:
  - A violation of Title 21-1411 or Title 22-409 of the Transportation Article relating to vehicles transporting hazardous materials; or,

- A violation of Title 24-111 or Title 24.111.1 of the TA relating to the failure or refusal to submit a vehicle to a weighing or to remove excess weight from it.
2. The person has committed or is committing the violation within the view or presence of the officer, and either:
- The person does not furnish satisfactory evidence of identity; or,
  - The officer has reasonable grounds to believe that the person will disregard a traffic citation.
3. The officer has probable cause to believe that the person has committed the violation and the violation is any of the following:
- Driving or attempting to drive while intoxicated, while under the influence of alcohol, or in violation of an alcohol restriction;
  - 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;
  - 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;
  - Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked;
  - Failure to stop to give information as required by TA 20-103 through TA 20-105, in the event of an accident resulting in damage to a vehicle or property;
  - Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person;
  - Fleeing or attempting to elude a police officer.
  - Driving or attempting to drive a vehicle in violation of §16-101 of this article (driving without a license);
  - A violation of § 14-110(b), (c), (d), or (e) of this article (altered or forged documents and plates); or

- A violation of § 21-1116(a) of this article that results in serious bodily injury to another person (race or speed contest).

4. The person is a non-resident and the officer has probable cause to believe that the person has committed the violation and it contributed to an accident.

- H. An adult physically 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.

When a physical 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.

- I. A juvenile may be taken into custody for a traffic offense; however, he/she will not be transported to the Court Commissioner.
1. Juveniles will be transported to a processing facility (2nd District Station) and their parent/guardian contacted and advised of the circumstances under which the juvenile was taken into custody.
  2. If a juvenile's parent/guardian refuses to accept custody, the arresting officer will notify the Department of Juvenile Services [REDACTED] during business hours or contact ECC and have them contact the on-call Intake Officer after business hours.

#### IV. TRAFFIC CITATION BOOKS

- A. To ensure security and accountability, state traffic citation books will be securely stored in the Property/Evidence Room. The Lieutenant and the Property/Evidence Custodian will have keys to the Property/Evidence Room.
- B. Officers needing citation books will request them from the Lieutenant.

#### V. PROCESSING ISSUED CITATIONS

- A. To maintain security of issued citations, before the end of the issuing officer's tour of duty, he/she will turn in all citations issued during that tour of duty. The citations will be placed in the mailbox marked "citations" located in the Report Room.
- B. Communications personnel shall:
  1. Enter data from the citation into the CODY RMS.

2. For handwritten citations, list each issued citations on a District Court Citation Transmittal Sheet and send the sheet and the citations to the District Court (electronically-generated citations do not need to be transmitted to the court; data from these citations is automatically entered into the court database as soon as the citation is generated).
3. File the “Station Copy” of the citation in the station files located in the Communications Center.
4. Enter disposition information into CODY for each citation when the District Court provides it.

**VI. ADMINISTRATIVE VOIDANCE OF TRAFFIC CITATIONS**

- A. No police department employee has the authority to void a traffic citation prior to trial. Traffic citations can be administratively voided only by the State’s Attorney for a valid reason.
- B. Any request for voiding a citation must:
  1. Be submitted in writing in the form of a memorandum addressed to the State’s Attorney through the chain of command;
  2. Include the facts of the case and the reasons justifying the voidance request;
  3. Be reviewed by a supervisor;
  4. Be endorsed by the Chief of Police; and
  5. Sent, along with a copy of the citation that is the subject of the voidance request, to the State’s Attorney’s Office.

**VII. RECOMMENDING DRIVERS TO MVA FOR RE-EXAMINATION**

The following procedures will be used when an officer encounters a motorist that the officer reasonably believes is incapable of safely operating a motor vehicle due to a medical, mental or physical condition.

- A. Complete and submit an MVA “Request for Re-Examination” form pursuant to TA 16-207. The can easily be done via the Delta+ platform.
- B. The officer must be specific as to what actions of the driver led the officer to the impression that there was a need for re-examination.
- C. Officers shall document the submission of the Request for Re-Examination in an incident report.

**VIII. PEDESTRIAN AND BICYCLE VIOLATIONS**

- A. By law, pedestrians (TA 21-501) and bicyclists

(TA 21-1202) must obey the traffic laws. When deciding the proper level of enforcement, officers will adhere to the following policy:

1. Traffic violations committed by pedestrians and bicyclists should be addressed with a warning and an explanation of the law unless their behavior was flagrant or they exhibited a willful disregard for their safety and/or that of others.
  2. If the violation was flagrant or repeated, the officers should consider issuing a traffic citation appropriately charging the violator.
- B. The Montgomery County Code applies in the Village and requires children 18 years of age or younger to wear a bicycle helmet while riding or being carried on a bicycle, including bicycles with “training wheels.”
  - C. Parents/guardians must not knowingly permit their children to ride a bicycle without a helmet approved by the Snell Memorial foundation or the American National Standards Institute.
    1. The law applies to bicycles ridden on public streets, rights-of-way (including sidewalks), and bicycle paths.
      - The rider—whether an adult or a minor may be charged with Section 7-2 of the County Code.
      - If the parent of a minor knows that their minor child is riding or being carried on a bicycle without a helmet, the parent may be charged with Section 7-6 of the County Code.
    2. A fine for a violation of the Code may be waived for a first violation if proof is shown that a bicycle helmet has been obtained since the violation was issued. The fine might be waived for a second or subsequent offense.
  - D. Section 7 – 5, which also applies in the Village, requires bicycles to be registered. The Police Department will assist Village residents in registering their bikes.

**IX. 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 unregistered off-road vehicle being operated on the public roadways or rights of way in violation of the law shall take appropriate enforcement action.
- B. State law (§6-404 of the Criminal Law Article) prohibits the operation of off-road vehicles on private property unless the operator possesses

written permission from the owner of tenant of the property.

- If an officer decides to charge the violator, the charge shall be placed by criminal citation (maximum penalty is 90 days and/or \$500).

C. State law (§6-405 of the Criminal Law Article) prohibits the operation of off-road vehicles on property owned or leased by the state or local government.

- If an officer decides to charge the violator, the charge shall be placed by criminal citation (maximum penalty is 90 days and/or \$500).

## **X. ENFORCEMENT OF VEHICLE EQUIPMENT VIOLATIONS**

Officers may enforce vehicle equipment violations by way of a Safety Equipment Repair Order (SERO) or traffic citation.

- A. An SERO may be issued for defective equipment on all classes of vehicles (cars, trucks, motorcycles, trailers, and semi-trailers) that are permanently registered in Maryland except those with historic, dealer, transporter, recycler, or special mobile equipment registration.
- B. Out-of-state registered vehicles and any vehicle with a temporary registration may not be issued an SERO.

This directive voids the previous version dated 8/12/2011.