

Purpose

To establish guidelines for conducting constitutionally valid investigative and enforcement traffic stops when traffic laws are violated and, taking enforcement action in an impartial and courteous manner using written warnings, citations, and/or physical arrests. To establish a record system to track investigative and enforcement traffic stops.

Policy

It is the policy of the Cecil County Sheriff's Office, to promote the safe and efficient movement of traffic within the county, and utilize selective enforcement techniques for reducing traffic collisions, traffic violations, and community complaints. Generally, sworn deputies are responsible for traffic law enforcement, unless a specific situation dictates otherwise.

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I. Guidelines for Traffic Enforcement

- A. A traffic stop is defined as any instance when a law enforcement officer detains the driver of a motor vehicle for any period of time for a suspected violation of the Maryland Vehicle Law.
- B. Deputies have discretion in the enforcement of traffic laws. In some instances, a warning may be appropriate, and in other instances, the issuance of a citation may be justified. More serious violations may require a physical arrest.
- C. Multiple Violations

Deputies are not limited as to the number of citations that may be issued to a single violator. Deputies should use sound judgment in deciding how many charges to place and should avoid citing numerous separate charges that the courts may tend to consolidate.

 - 1. When a single incident results in the issuance of multiple citations to a single violator, those traffic citations must be related by placing the appropriate citation number in the “Related Citation” box on each of the citations to insure they are all set for trial on the same date. The proper method of relating citations is:
 - 2. Each citation issued in a series must be related to the next numerically succeeding citation in the series. The last citation in the series must be related to the first citation in the series.
- D. Traffic law enforcement is a continuing program of driver/passenger/pedestrian safety education. There are occasions when a deputy may determine that the goal of traffic safety may be achieved through the issuance of a written traffic violation warning rather than a citation. Written warnings contribute to public safety in the traffic enforcement program; however, their issuance must be carefully monitored.
- E. In every instance where a driver of a vehicle is stopped for a violation of the Motor Vehicle Law, a written Warning, Maryland Uniform Complaint Citation, or Safety Equipment Repair Order shall be issued. Verbal admonitions will not be made as a substitute for a written warning.
- F. A citation is an important enforcement tool in removing unsafe drivers from our roadways. 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.

- G. Deputies may affect a physical arrest for those violations listed in Section 26-202 of the Maryland Transportation Article. The decision to make a physical arrest should be based upon sound legal justification.

II. Deputy/Violator Contacts

A. Procedures for initiating the Traffic Stop

1. Deputies should use their emergency equipment when stopping a violator. After the stop has been made, deputies should continue to use their emergency lights. The proper use of emergency equipment can increase safety for the deputy, the public, and the violator. Whenever possible, deputies should direct the violator to move their vehicle off the traveled portion of the roadway. This ensures the continued safe and orderly flow of traffic.
2. When making a traffic stop, deputies will notify dispatch of their location and the make, model, color, the license number and the number of occupants of the vehicle being stopped.
3. During hours of darkness, deputies should use both their takedown lights and spotlights. Deputies should focus their spotlight on the violator's rear view mirror.
4. These procedures should also be followed when stopping to render assistance to a motorist.

B. Position of the Patrol Vehicle

1. The patrol vehicle may be positioned in several different ways during a traffic stop. The individual deputy will determine which method is used. This decision should be based on the deputy's preference, location of the stop, type of vehicle stopped, the deputies training and any other pertinent factors relating to that specific traffic stop.
2. Before exiting the patrol vehicle, observe the occupants of the stopped vehicle for any unusual movements or actions.
3. To conceal deputies' movement from the violator at night, and for visibility inside the stopped vehicle, high headlight beams, spotlight and takedown lights should be used, if available.
4. A violator should be ordered to re-enter their vehicle if they exit prior to a deputy's approach.

5. Consider firearm readiness on every stop.
6. The vehicle P.A. should be considered for use to communicate with a driver when the danger presented by the violator threatens approaching the vehicle safely. The P.A. 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.

C. Approaching the Violator

Officer safety is the prime consideration when approaching a violator and deputies are encouraged to take all reasonable precautions. When approaching a traffic violator, deputies will:

1. Approach in a cautious and alert manner, which enhances deputy safety
2. Be certain of the alleged violation
3. Present a courteous and professional demeanor
4. Have the necessary equipment available, e.g., flashlight, pen, etc.
5. 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.
6. Avoid arguing with the violator about the validity of the violation.
7. Observe the violator for signs of physical impairment, emotional distress, and alcohol and/or drug use.
8. Before making a physical arrest 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. Exception – E-Tix citations do not require a signature.

D. During the Stop

1. Check the vehicle operator through the MVA/METERS/NCIC computer for license validity, driving record and wants or warrants.

2. Write the citation in a strategic location where eye movement permits observation of the vehicle and its occupants.

E. Re-Contacting the Violator

1. When returning to the stopped vehicle to issue the appropriate violation documents, observe again for changes within the vehicle; and:
2. Explain the procedures for either paying the citation and/or requesting a court date.
3. Ensure that the violator knows where to appear if the enforcement action requires a court appearance.
4. When a violator is released on citation for a “Must Appear” traffic offense, Deputies will provide the violator with the District Court of Maryland, “Notice to Appear for a Preliminary Inquiry” instructing the violator to appear before a District Court Commissioner within seven (7) days for a preliminary inquiry.
5. Deputies should constantly monitor actions within the stopped vehicle when approaching and returning to their vehicle.
6. If necessary, assist the violator in safely reentering the traffic flow.
7. Turn off emergency and auxiliary lights before re-entering traffic. Notify the dispatch of the stops completion and the appropriate disposition code.

F. Procedures for High Risk Stops

While safety is the primary concern with every traffic stop, certain factors may indicate a heightened risk which warrants a more cautious response. A high risk vehicle stop is indicated when the circumstances surrounding the vehicle indicate unusually high dangers to either the deputy or the public. While specific actions will be based on available personnel, location of the stop, and the specific dangers indicated by the circumstances, deputies should consider:

1. Multiple Units – The primary unit should consider delaying the initiation of the stop until back-up units are present.
2. Care will be taken to protect the rights of all persons involved. Deputies are cautioned to use only that force necessary and reasonable to affect their lawful action;

3. Due to the potential hazards to the public, consideration should be given to blocking traffic in both directions until the potential danger is mitigated. This is especially true if the vehicle occupants are believed to be armed;
4. If possible, align two (or more) Patrol Vehicles next to each other, utilizing overhead emergency lights, spotlights, etc;
5. If possible, utilize verbal commands to have the driver exit the vehicle. Commands should then direct the driver back to a location where he/she can safely be detained;
6. All other occupants should be brought out of the vehicle in the same manner, one at a time until the vehicle is unoccupied;
7. Once all occupants are secured, the vehicle should be visually checked to verify safety;
8. If possible, reopen the roadway once the scene is secure and the danger mitigated.

III. Uniform Enforcement

A. Driving Suspended/Revoked

Generally, licenses are suspended or revoked for serious prior offenses, including failing to appear in court. When deciding what enforcement action to take in these cases, deputies should check the driving record of the violator. In those cases where a violator is suspended or revoked for failing to appear in court, they should be arrested in accordance with Maryland Transportation Article 26-202 (3), IV. If a violator is not arrested, but released on a citation, the operator shall not be permitted to drive the vehicle, and:

1. Deputies will provide the violator with the District Court of Maryland, "Notice to Appear for Preliminary Inquiry" instructing the violator to appear before a District Court Commissioner within seven (7) days for a preliminary inquiry.

B. Excessive Speed Violations

1. Drivers who disregard posted speed limits cause a large number of motor vehicle accidents in Cecil County. As a result, the Sheriff's Office regards violations of the speed limit laws as serious and hazardous violations warranting enforcement action.

C. Hazardous Violations

1. Many violations of the traffic codes are hazardous and are responsible for a large number of traffic accidents in Cecil County. Some hazardous violations are: disregarding a traffic control device (signal and/or sign); failure to yield to a vehicle and/or a pedestrian; careless driving; reckless driving; and aggressive driving. The Cecil County Sheriff's Office will take enforcement action when hazardous violations occur.

D. Commercial Vehicle Violations

1. All public and commercial vehicle regulations will be enforced in accordance with the Maryland Vehicle Law. The Deputy's discretion, training, experience, and knowledge will determine the action to be taken for violations of public and/or commercial violations.

E. Non-Hazardous Violations

1. The type of enforcement necessary in non-hazardous violations will be at the discretion of the Deputy. It is impossible to foresee every situation regarding traffic violations; therefore, the Deputy's discretion, training, experience, and knowledge will determine the action to be taken. Any willful or wanton violation should be handled with appropriate action.

F. Pedestrian & Bicycle Violations

1. Deputies will monitor pedestrian and bicycle movements to ensure compliance with Maryland Vehicle Laws, especially regarding improper highway crossings by pedestrians. Enforcement action may be taken to curtail pedestrian / bicyclist movements that impede traffic and lead to accidents.

G. Off-Road Vehicles

1. The use of off-road vehicles is governed by the Criminal Law Article, Sections 6-404 and 6-405, of the 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.

H. Newly Enacted Laws & Regulations

1. Unless otherwise directed, Deputies may use discretion in issuing warning notices for newly enacted vehicle laws.

- I. Legislators
 - 1. While U.S. Senators and Representatives enjoy some immunity while Congress is in session, they are not exempt from compliance with ordinary criminal laws, including the Maryland Motor Vehicle Laws. Legislators including those at the State level, may be warned, cited or arrested for motor vehicle law violations.
- J. Non-Residents & Military Personnel
 - 1. Violations of Maryland Motor Vehicle Laws by non-Maryland residents and military personnel will be handled in the same manner as those by Maryland residents. That is, they may be warned, cited or arrested, in the deputy(s) discretion.
- K. Seatbelt and Child Safety Seat Enforcement:
 - 1. The use of properly worn safety belts and child restraint devices, such as child safety seats or booster seats, as required by law prevent the serious injury or death to operators and passengers involved in a motor vehicle collision. As a result, the Sheriff's Office is committed to enforcing seatbelt and child safety laws and will take enforcement action when such violations are observed.

IV. 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 on a State of Maryland Motor Vehicle Administration Request for Re-Examination of Driver (MVA DC91).
- B. To preclude deputies 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 deputy and the on-duty supervisor must sign the form.
 - 2. Supervisors will forward re-examination requests to MVA and retain the file copy for three years.

V. Safety Equipment Repair Order (MSP 157)

- A. Safety Equipment Repair Order (MSP 157) 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 a Safety Equipment Repair Order (MSP 157) for defective equipment.
- B. The issuance of a Safety Equipment Repair Order (MSP 157) 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 Maryland State Police Quartermaster Division.

VI. Citation Control

- A. Maryland Uniform Complaint Citation (DR-49) books are secured in the Duty Officer Area and will be signed out by a supervisor when needed.
- B. Supervisors issuing Maryland Uniform Complaint Citation (DR-49) books will complete the Cecil County Sheriff’s Office Citation Accountability Log (CCSO Traffic Log Book), documenting the issue date, receiving deputy and citation numbers issued.

VII. E-Tix – Electronic Traffic Information Exchange

E-Tix Software was developed by the Maryland State Police as an electronic method of issuing Maryland Uniform Complaint and Citations, Warnings, and State Equipment Repair Orders. The E-Tix system includes the Delta+ Software installed on the Mobile Data Terminals.

- A. Only deputies who have attended an approved Maryland State Police training program are authorized to use E-Tix. Completion of Uniform Complaint and Citations, Warnings, and State Equipment Repair Orders will be in compliance with this training.
- B. No modifications or alterations may be made to any piece of the E-Tix system. This includes both the software and the hardware.

VIII. Data Collection Guidelines

- A. Traffic stops, field contacts, asset seizures, and forfeitures based on a person's race, ethnic background, gender, sexual orientation, religion, age, cultural group or any other identifiable is strictly prohibited by the Cecil County Sheriff's Office. All law enforcement actions will focus on the person's conduct or specific information. This also includes the arbitrary use of the fact that an individual rides a motorcycle, or wears motorcycle related clothing as a factor in deciding to stop, question, take enforcement action, arrest, or search the individual or vehicle. Personnel found to be in violation of this policy will be subject to disciplinary procedures.
- B. All traffic stops as defined by Section 25-113 of Maryland Vehicle Law will be reported by the involved deputy in Delta+ using the Reportable Stop Data Entry section.
 - 1. If multiple citations, warnings or SEROs (in any combination) are issued to the same driver, one Reportable Stop Data Entry submission will be completed.

IX. Reportable Stop Data Entry

- A. The Reportable Stop Data Entry section is found in the Delta+ framework under the "Reporting" tab (Data Entry).
- B. The Reportable Stop Data Entry section of Delta+ consists of three sections: Traffic Stop Data, Search Data, and Arrest Data.
- C. The following is an explanation for completion of captions on the Reportable Stop Data Entry section:
 - 1. OFFICER ID – the deputy will provide his / her ID number
 - 2. CASE NUMBER – if the stop will generate an Offense Report, the deputy will provide the DR number of the incident
 - 3. DATE OF STOP - the deputy will provide the date of stop, MM, DD, YY.
 - 4. TIME OF STOP - the deputy will provide the time of stop in military time, HR, MN.
 - 5. DURATION OF STOP - indicate the duration of the stop. This will begin with the actual stop of the vehicle and continues until all necessary law enforcement action related to the stop has been completed. Prisoner

processing or any subsequent investigation will not be included in the duration of the stop.

6. LOCATION - indicate the intersecting streets or street address where the stop was made.
7. GENDER – indicate the gender of the driver, Male, Female.
8. DOB - indicate the driver’s date of birth, MM, DD, YY.
9. RACE / ETHNICITY – indicate the race of driver. Asian, Black, White, Hispanic, Other. The deputy will use their best judgment and presented documentation to complete this caption. The deputy is not required to ask the driver their race.
10. RESIDENCE STATE - indicate the appropriate state in which the operator’s driver’s license was issued.
11. RESIDENCE COUNTY – indicate the Maryland County of Residence from the driver’s operator’s license. If out state resident indicate N/A.
12. REGISTRATION - indicate the registration plate information for the stopped vehicle.
13. REGISTRATION STATE - indicate the appropriate state in which the vehicle registration was issued.
13. STOP REASON – indicate the initial reason for the stop, i.e. Transportation Article Section, Sub-Section, Equipment SERO Code, and the Action taken, i.e. Citation, Warning, SERO. Note: Verbal Warnings are not authorized.
14. OUTCOME – indicate the most serious violation type, i.e. Arrest, Citation, Warning, or SERO
15. SEARCH CONDUCTED – indicate whether a search was conducted. If “yes” is indicated, complete the remainder of the fields in the “Search” box.
16. SEARCH TYPE – indicate the type of search, i.e. person, property, or both.
17. DISPOSITION – indicate the disposition of the search, i.e. contraband or other property was seized, no contraband/property seized.

18. SEARCH REASON – indicate the reason for the search, i.e. Consensual, Arrest, Exigent Circumstances, K-9 Alert, Probable Cause, or Other.
19. ARREST MADE – indicate if the driver was physically arrested, not merely the issuance of a must appear citation. If “yes” is indicated, complete the remainder of the fields in the “Arrest” box.
20. REASON - indicate if the arrest was based on the Search, the Stop, or Other.
21. CHARGE PROMPTING ARREST – indicate the appropriate Traffic/Criminal Article, Section, Sub-Section which results in physical arrest.

X. Responsibility

- A. It is the deputy’s responsibility to:
 1. Obtain all required information for all traffic stops, regardless of enforcement action.
 2. Accurately enter all required data in the Reportable Stop Data Entry section of Delta+, if not automatically collected through E-Tix.
 3. When Citations, SEROs, or Warnings are completed outside of the E-Tix / Delta+ system, submit all forms, originals and copies, to their supervisor on a daily basis at the conclusion of their tour of duty.
- B. It is the supervisor’s responsibility to:
 1. Ensure deputies are collecting and submitting the required data for all traffic stops.
 2. Review the submitted paperwork completeness and accuracy to ensure that deputies are properly recording the data.
 3. Issue corrective action to subordinates as needed.
- C. Voiding a Uniform Complaint Citation (DR-49)
 1. Maryland Uniform Complaint Citation(s) (DR-49) may be voided due to error, damage or loss. In these circumstances, deputies shall submit through their immediate supervisor to the Operations Commander (Captain), a memorandum (CCSO Form SO-134) detailing the necessity to void the citation.

2. Deputies shall make no marks or notes on the citation(s) to be voided, submitting all copies of the citation to be voided with the detailed memorandum for final endorsement by the Captain.
3. Citations issued through E-Tix cannot be voided, this must be done at the District Court in Cecil County.

XI. Speed Measuring Devices

All RADAR and LIDAR devices used by the Cecil County Sheriff's Office for speed measurement and enforcement will comply with the standards set forth by the International Association of Chiefs of Police and National Highway Transportation Safety Administration. For the purposes of this directive, LIDAR and LASER have the same meaning.

- A. Operations – Deputies will conduct operational tests as detailed in training for that specific device prior to enforcement activity. Any device which fails these operational tests will not be used until corrective action has been taken and the device is operating properly. Acceptable use of Speed Measuring Devices includes, but is not limited to:
 1. Public Safety Education and Enforcement of traffic complaints
 2. Speed reduction efforts in high traffic collision areas, as identified in the Traffic Collision and Enforcement Analysis
 3. Traffic enforcement in areas where speed violations are known to be prevalent
 4. Development of probable cause to investigate other potential criminal activity.
- B. Maintenance/Calibration
 1. All speed measurement devices will be calibrated annually.
 2. Calibrations will be scheduled by the RADAR/LIDAR Supervisor. Deputies with RADAR units installed in their assigned departmental vehicles are responsible for complying with all instructions from the Supervisor regarding delivery of the unit for calibration.
 3. Calibration records will be maintained by the RADAR/LIDAR Supervisor. Copies of the Calibration Records will be available for court testimony upon request.

4. When deputies discover problems with the speed measuring equipment or its operation, the use of that equipment will be discontinued and the problem brought to the attention of the RADAR/LIDAR Supervisor as soon as practical. Maintenance records will be maintained by the Supervisor.
- C. Training – Deputies will receive training and certification in speed measuring devices prior to being authorized to utilize the equipment for traffic law enforcement purposes. Proficiency with the device is demonstrated through both written examination and observed performance evaluations. Deputies will not write Maryland Uniform Complaint Citations (DR-49) for violations whose probable cause was derived from the use of the device unless they have been certified to do so through training.
1. Deputies will maintain copies of their certificate and/or certification card for court testimony purposes.
 2. Handheld LIDAR units will only be signed out to deputies who have successfully completed training in LIDAR devices and are certified in their operation.
 3. Deputies will use speed measuring devices in conformance with their training.

XII. Traffic Direction & Control

The purpose of manual traffic control is to ensure an orderly flow of traffic, prevent congestion, and ensure the safety of all motorists, pedestrians, and other highway users. To ensure public safety it may be necessary for a member to manually regulate the flow of traffic. Any member manually directing traffic will wear the issued reflective vest.

- A. Situations in which a member may be required to manually regulate traffic flow include:
1. Traffic accident scenes;
 2. Fire scenes;
 3. Special law enforcement operations;
 4. Hazardous situations on or near the roadway;
 5. Special events (parades, special assignments, sporting events, etc.)

B. Traffic Direction & Control Procedures

The circumstances warranting traffic control are diverse and differ widely from incident to incident. In order to provide the most effective traffic control services, members engaged in manual traffic control will consider the following procedures:

1. Evaluate the scene and establish appropriate traffic control; and, if necessary use:
2. Flares
3. Traffic cones;
4. Warning signs and/or barricades;
5. Patrol vehicle with emergency equipment activated.
6. Members will use clear and easily understood hand signals when directing traffic.
7. Traffic Control Devices
8. Traffic Safety Vest shall be worn while conducting traffic control

C. When a traffic signal malfunctions or a stop sign is found to be missing or damaged the member should take appropriate action to ensure adequate warning to motorists; providing manual traffic control if necessary until the signal or sign has been repaired or other arrangements have been made for traffic control.

1. In the event a temporary traffic control device is required, members will advise the dispatch of the type and quantity of traffic control devices requested and the location needed. The dispatcher will notify the appropriate agency and request that the sign(s) be provided at the specified location.
2. Fire & Collision Scenes, traffic control at the scene of a fire or, a collision involving a response from Fire/Rescue personnel will be coordinated with the fire police, who are under the direction of the officer-in-charge of the responding fire company.
3. Adverse Weather & Roadway Conditions, when adverse weather conditions occur causing hazardous driving and/or roadway conditions, the member will evaluate the situation and arrange for appropriate traffic control or maintenance. A deputy may temporarily close a roadway when it is hazardous due to snow, ice, debris, or water over the roadway, or

other hazard, after notifying the County or State Highway Administration through dispatch.

4. During all traffic control functions, care should be taken to ensure that private vehicles, including volunteer fire personnel, are not parked in a manner that could interfere with the emergency operations or access of emergency vehicles.

XIII Stop Sticks

- A. The following procedures will be followed in deploying the stop stick:
 1. Only Deputies trained in the use of the stop stick may deploy it.
 2. Stop Sticks are to be deployed in accordance with Stop Stick Training.
 3. Stop Sticks will only be deployed with approval of the Shift Commander or designee.
 4. When the stop stick has been deployed, the Deputy deploying it will announce the deployment location via radio and move to a safe location.
 5. Stop Sticks are only to be used on motor vehicles, cars, trucks, etc. They are not to be used on motorcycles, all-terrain vehicles (ATV's), etc.
 6. The stop stick will be removed from the roadway immediately after the suspect vehicle contacts it.
 7. Pursuing Deputies should be prepared to take evasive action, as the suspect vehicle should start to slow rapidly after contacting the stop stick.
 8. Stop Sticks are not to be used on gravel roads or roadways with loose debris.
 9. The patrol Vehicle will not be occupied while Stop Sticks are deployed.
- B. After Deployment
 1. After the successful use of the Stop Sticks, the CCSO Vehicle Pursuit and Review Form (CCSO Form SO-055), will be completed prior to completion of the Deputy's tour of duty
 2. Deputy shall turn in used Stop Sticks to the Stop Stick supervisor to be issued a new set.