

61.0 TRAFFIC

61.1.1 Directive Governing the Agency's Selective Enforcement Activities

In order to facilitate the effective allocation of resources to traffic enforcement, the Assistant Patrol Commander will conduct an annual analysis of traffic collisions and traffic enforcement activities.

This analysis will include:

- Compilation and review of traffic collision data;
- Compilation and review of traffic enforcement activities data;
- Comparison of collision data and enforcement activities data;
- Implementation of selective enforcement techniques and procedures;

The report will include:

- Recommended deployment of traffic enforcement personnel, and
- an evaluation of selective traffic enforcement activities.

This evaluation will include the opinion of the Assistant Patrol Commander as to the effectiveness of selective enforcement activities. This report will be provided to the Sheriff via the chain of command and to the Accreditation Section.

61.1.2 Procedures for Taking Enforcement Actions

A. Traffic Arrests

1. A deputy may arrest a person without a warrant for a violation of the Maryland Motor Vehicle Law, including rules or regulations adopted under it, or for a violation of any traffic law or ordinance of any local authority of this State if:
 - a. The person has committed or is committing the violation within the view or presence of the officer, and either:
 1. The person does not furnish satisfactory evidence of identity; or,
 2. The officer has reasonable grounds to believe that the person will disregard a traffic citation.
 - b. The deputy has probable cause to believe that the person has committed the violation, and the violation is any of the following offenses:
 1. Driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, or in violation of an alcohol restriction.

2. Driving or attempting to drive while under the influence of a combination of drugs/alcohol or a controlled dangerous substance.
 3. Failure to stop, give information, or render reasonable assistance in the event of an accident resulting bodily injury or death to another person.
 4. Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked.
 5. 20-103 through 20-105: Failure to stop or give information in the event of an accident resulting in damage to vehicle or another's property.
 6. Any offense that caused or contributed to an accident resulting in bodily injury or to death of any person.
 7. Fleeing or attempting to elude a law enforcement officer.
 8. Driving without a License.
- c. The person is an out-of-state resident and the deputy has probable cause to believe that:
1. The person has committed the violation; and, the violation contributed to an accident.
- d. The deputy has probable cause to believe that the person has committed the violation and subject to the procedures set forth in 26-203, the person is issued a traffic citation and refuses to acknowledge its receipt.
2. If a deputy makes a traffic arrest, they may release the defendant without a District Court Commissioner's hearing if the arrestee meets the following criteria:
 - a. The deputy has no information, which would lead him to believe the defendant will not appear for scheduled trial.
 - b. The defendant is cooperative and signs all citations.
 3. While deputies have the option of releasing or holding, for an appearance before a District Court Commissioner, defendants arrested on traffic charges, common sense decisions should be made based upon the seriousness of the offense, the defendant's prior record, and the totality of the circumstances.

4. Defendants arrested and not released, will be transported to Central Booking as soon as possible. Deputies will, in addition to completing appropriate citations and any accompanying forms, complete a “Statement of Probable Cause” form, prior to the defendant’s appearance before a District Court Commissioner.
 - a. If a subject is arrested on traffic and criminal charges, all charging documents, (minus law enforcement and defendant’s copies), will be sent with the defendant to Central Booking.
5. Defendant’s Vehicle
 - a. If a violator is arrested and his vehicle is in the traveled position of the roadway, the deputy may:
 1. With permission of the defendant, have a licensed passenger move the vehicle to a desired location; or,
 2. The vehicle, with permission of the defendant, may be left on the road shoulder as long as no safety hazard is involved. The defendant should be advised, however, as to what constitutes an abandoned vehicle.
 3. Tow the vehicle in accordance with current departmental policy.
 - b. If the vehicle is occupied by passengers when the defendant is arrested, the deputy will take reasonable steps to arrange alternative transportation. Factors such as time of day, weather conditions, location of arrest, age, sex, sobriety, and physical condition of the passengers should be used as a guideline when considering alternatives for transportation.
6. Reporting Requirements for Must Appear Traffic Citations.
 - a. Agency members will complete an incident report in Police Mobile for all must appear traffic citations. The deputy will attach the appropriate documentation to the incident report to assist in the prosecution of the case. This includes but not limited to Maryland driver’s license and registration records or requests for certified copies of out of state license and registration records. The timeline for submission of the incident report is listed in 82.0 Central Records.
 - b. In serious or complicated traffic cases; i.e., manslaughter by auto, it is the investigating deputy’s responsibility to establish contact with the State’s Attorney Office prior to charges being filed.

B. Traffic Citation

1. A law enforcement officer may conduct a traffic stop and may issue a citation for a violation of the Maryland Motor Vehicle Law, including rules or regulations adopted under it, or for a violation of any traffic law or ordinance of any local authority of this State

C. Traffic Warning

1. Warnings are an important component of the overall traffic enforcement program. Deputies have the discretion to issue written warnings. Rather than imposing sanctions or ignoring a minor violation, deputies should consider stopping the driver and calling their attention to the violation by issuing a Traffic Warning.
2. This procedure increases the total number of deputy / violator contacts and contributes to the overall accident prevention program. **In all deputy initiated traffic stops when no Traffic Citation or SERO is issued or an arrest is made, a Traffic Warning shall be issued.**

D. Uniform Procedures for Enforcement Action

1. Each time a law enforcement deputy makes a traffic stop, (excluding Etix users) he will complete a "Traffic Stop Report". That report will be submitted to his shift supervisor on a daily basis by the end of his tour of duty.
2. Shift supervisors will review the reports submitted by subordinates on a daily basis to ensure completeness, sign the forms and forward them to the Patrol Administrative Assistant.
3. The Assistant Patrol Commander is hereby designated as the liaison to the Maryland Justice Analysis Center and will:
 - a. Compile the required information for a calendar year and submit the report (on an MJAC approved form) to the MJAC no later than March 1 of the following year, and
 - b. Review the reports submitted to ensure compliance with this order and Maryland law and to ascertain any patterns of prohibited conduct, and
 1. If any pattern of prohibited conduct is found, the Sheriff will be immediately notified
4. The Assistant Patrol Commander may appoint personnel to assist him with compliance of this order.

- E. Law Enforcement Deputies will not use an individual's race or ethnicity as the sole justification to initiate a traffic stop.
 - 1. The only exception to this section would occur if one or more characteristics were part of a lookout for a specific suspect. This applies to passengers as well as drivers.
- F. Nothing in this policy shall be construed to alter the authority of a law enforcement deputy to make an arrest, conduct a search or otherwise fulfill the law enforcement deputy's obligations.

61.1.3 Special Status Violators

- A. Non-Residents
 - 1. Non-Jailable Traffic Offense: Non-residents will receive a traffic citation and acknowledge receipt to the same extent as a Maryland resident.
 - 2. Jailable Traffic Offense: Non-residents may be arrested and held for appearance before a District Court Commissioner in accordance with this order. Defendants arrested and held will be taken to Central Booking without delay.
- B. Juveniles
 - 1. Juveniles who are properly licensed are issued citations in the same manner as adults when the charge is a payable offense (non-must-appear). Juveniles who are not properly licensed and commit traffic violations that are payable offenses will not be issued traffic citations. The violation will be recorded on an Incident Report and subject to the requirements listed in General Order 44.0 Juvenile Operations.
 - 2. Incidents involving juveniles who commit must-appear traffic violations will be recorded on an Incident Report and subject to the requirements listed in General Order 44.0 Juvenile Operations.
- C. Maryland State Legislators: There is no provision in Maryland Law exempting State or Local officials, appointed or elected, from Federal, State, or Local laws. The issuance of a traffic citation, warning, or a physical arrest, when appropriate, is permitted.

United States Congress: Members of the Congress are immune to arrest under Article 1, Section 6, of the United States Constitution, while going to and coming from sessions of Congress, except in cases of Treason, Felonies, or Breaches of Peace. A citation, however, is not in and of itself a physical arrest and may be issued, if appropriate.
- D. Foreign Diplomats

1. When a driver, believed to have diplomatic immunity, is stopped for a moving traffic violation and has proper and valid identification indicating immunity, the deputy may still issue a citation that does not, in and of itself, constitute a physical arrest. The diplomat, however, does not have to sign the citation and cannot be arrested for refusal to sign or accept the citation.
2. When a deputy stops a diplomat entitled to immunity for Driving While Intoxicated, (DWI), the deputy will request that the diplomat not drive and provide assistance in parking the vehicle or securing another driver. If the diplomat refuses assistance, he is free to leave, but may not operate the vehicle. The appropriate diplomatic mission will be notified of the incident and directed to make disposition of the vehicle and its contents.
3. The official, if entitled to diplomatic immunity, shall not be compelled to take any sobriety or other mandatory test, and except in extreme cases, should not be restrained. Force must not be used except when necessary to prevent injury to the diplomat or others and then only the absolute amount necessary will be applied. (Sobriety Tests may be offered but may not be required.)
4. The property of a person having full immunity, including his vehicle, may not be searched or seized. Vehicles may not be impounded but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety. If a diplomat's vehicle is suspected of being stolen or used in the commission of a crime, the occupants may be required to present vehicle documentation to permit verification of the vehicle's status through a computer check. If the vehicle is verified to have been stolen or to have been used by unauthorized persons in the commission of a crime, it may be searched. (U. S. Department of State, Office of Foreign Missions; Guidance for Law Enforcement Officers: February 1988)
5. Contacts for Diplomat Verification
 - a. Diplomatic Security Command Center - (202) 647-7277

E. Military Personnel

While military personnel are required to obey the rules of the road while operating private vehicles in Maryland, they are exempt from certain licensing/vehicle registration requirements. (Refer to Transportation Article, Title 16, subtitle 102 and Title 13, subtitle 402.1)

61.1.4 Driver charged with a violation

- A. Deputies are to fully explain charges being placed against the violator to include the location of the offense, pre-set fine (if applicable) for the

offense, and the procedure for requesting a court date for non-must-appear charges.

- B. Deputies are to explain that a must-appear citation will require a court appearance and that the District Court will summons the violator by mail.
- C. Deputies will explain whether the driver can enter a plea and / or pay the fine by mail and will further explain that additional citation and court information can be found on the driver's copy of the citation.
- D. Other information that shall be provided to the driver as soon as safely possible is the deputy's rank and name and an explanation of why the traffic stop was initiated.

61.1.5 Uniformed enforcement procedures for traffic law violations

Appropriate uniform enforcement action for traffic violations is important if motorists are to enjoy safe driving in Washington County. Good judgment by the deputy in consideration of the circumstances and conditions at the time of the violation will ensure appropriate action and gain the public confidence in traffic enforcement.

The ultimate aim of traffic law enforcement is to achieve voluntary compliance with traffic laws and regulations.

- A. It is the policy of the Sheriff's Office to actively enforce the law pertaining to driving under the influence of alcohol and/or drugs. Deputies will arrest any driver found to be in violation of this law. Arrests will be determined by the driver's observed operations on the roadway or involvement in a collision or field sobriety tests. The Duty Officer must approve any deviation from this policy.
- B. It is the policy of the Sheriff's Office to actively enforce the law pertaining to driving suspended or revoked. Deputies will cite or arrest any driver found to be in violation of this law. Arrests will be determined by the driver's record, prior FTA, and under which section of the law the driver has violated.
- C. Procedures for Speed Law Violations
 - 1. Deputies will exercise discretion when deciding if a warning or citation is appropriate. Consideration will be given to the weather conditions, traffic volume, pedestrian traffic and location. At all times, deputies will remember there is a direct correlation between excessive speeding and collisions.
- D. Reckless or Negligent Driving Offenses

It shall be the practice of the Sheriff's Office to issue citations for hazardous moving violations. Deputies will issue citations for negligent or reckless driving when conditions exist to do so.

Consideration to all other Transportation Article sections will be given for a more concise charge though before using either of these two charges.

E. Off-Road Vehicle violations

1. When investigating the use of recreational vehicles on private property, attempts will be made to contact the property owner to determine if permission has been granted to operators of recreational vehicles to operate on the owner's property. If the owner's permission is not granted, the operators will stop using the property and be advised to keep written permission with them along with the name and phone number of property owner so they can be contacted to verify permission. If misuse of private property occurs while operating a recreational vehicle, such as reckless operation, DWI/ DUI, hit and run or destruction of property enforcement will be taken by deputies.
2. Any recreational vehicle driven upon public roadways will fall in accordance with registration laws and driver's license laws, as would any other motor vehicle driven upon public roadways.
3. Towing of recreational vehicles will be in accordance with established general orders.
4. Juvenile offenders will be handled in the same manner as adult offenders. Seriousness of the violation will be taken into consideration when determining if a custodian should be contacted.
5. Collision investigations of off road vehicles on private property or public roadways will be investigated in the same manner, as would any other vehicle in accordance with established general orders. Deputies will ensure that all parties exchange pertinent information.

F. Equipment Violations

1. Safety Equipment Repair Order (SERO) - is utilized for equipment violations on vehicles registered in the State of Maryland. The SERO is not applicable to foreign-registered vehicles; a written warning or a citation will be utilized when dealing with foreign-registered vehicles with equipment violations.

G. Commercial Vehicle Violation

1. Commercial carriers will be treated as the general motoring public. Uniform enforcement policies and procedure delineated in this directive are applicable to the commercial carrier.

2. Assistance from a certified motor vehicle inspector will be requested with a truck inspection or when a serious equipment violation(s) is located.

H. Non-Hazardous Violations

Non-hazardous violations or minor traffic infractions may be resolved by a written warning.

I. Multiple Violations

1. Enforcement of hazardous violations will follow established arrest and warning tolerances in multiple violations as well as in the single violations. It is the exception rather than rule or policy for a deputy to refrain from issuing a citation for a second hazardous violation when the violation is serious enough to fall within the charging tolerances.
2. The exceptions referred to are those situations where the two violations under consideration are similar to the extent that one law exists for the purpose of compliance with the other law. For example: This would apply to some right of way violations. When a driver has failed to stop as required and his/her actions result in a right of way violation, the stop sign citation would be issued and no action would be taken for failing to yield as required.
3. On the other hand, if a motorist fails to stop where required and pursuit reveals a speeding violation, both charges will be considered appropriate action taken based on the established tolerance for each violation.
4. Generally, one citation will be issued in the case of related, multiple, non-hazardous violations stemming from the same operation. In cases such as this where the elements of one offense are closely related to the element of the second offense, only one citation will be written.
5. In all instances, multiple violations found which can be classified separately as hazardous and non-hazardous will be dealt with independently. A motorist stopped for following too closely and subsequently found to be operating without a license will be issued separate citations if seriousness of the first violation warrants arrest. If the hazardous violation falls within the warning tolerance, a warning may be issued even when a citation is being issued for unrelated violations.

J. Newly Enacted Laws and / or Regulations

Whenever a deputy finds a motorist in violation of a newly enacted law, the deputy should use their discretion in issuing a citation or written warning for the violation of this new law. The deputy should use this stop

to inform the driver of the new law and should be seeking voluntary compliance.

K. Violation Resulting in Traffic Collisions

Whenever a deputy assigned to investigate a motor vehicle collision has probable cause to believe the collision was caused by a violation of Maryland Vehicle Law, the deputy will take appropriate enforcement action by issuing a citation or written warning.

L. Pedestrian and Bicycle Violations

1. Deputies will take appropriate enforcement action when and where pedestrian violations are observed.

a. Pedestrian Enforcement

- 1) Deputies will concentrate their efforts on pedestrian violations in those areas where pedestrian violations have been frequent and severe.
- 2) With regard to pedestrian traffic laws, the spirit of the law will supersede the letter of the law and application will be made accordingly.

2. Deputies will take appropriate enforcement action when and where bicycle traffic law violations are observed.

a. Bicycle Enforcement

- 1) In those areas where congestion and the frequency of traffic collision experience involving bicycles has been predominant, those laws pertaining to the proper operation of bicycles will be strictly enforced.
- 2) On those arteries with a substantial flow of vehicular traffic and where hazardous moving violations are observed involving persons operating bicycles, the applicable laws will be enforced.
- 3) In those areas where traffic flow is minimal, visibility is unobstructed and traffic collision experience low, deputies will exercise discretion in the application of those laws regarding safe operation of bicycles.

61.1.6 Traffic Enforcement

Based on the premise that patrol in a marked vehicle is the most effective deterrent to traffic law violators, officers will be alert to the occurrence of violations while engaged in routine patrol duties and will devote a portion of their

duty tours to selective traffic law enforcement through the utilization of the following patrol techniques:

A. Visible traffic patrol:

1. *Area traffic patrol* - Consists of driving an area or roadway for the purpose of providing protection, security, and service to the public; moving or stationary observation in an area that includes a number of streets, roads, or sections of highway.
2. *Line traffic patrol* - Moving patrol or stationary observation on a specified route between two points, usually on one street or a section of a highway.
3. *Directed traffic patrol* - Selective traffic enforcement or the assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on such factors as traffic volume, accident experience, frequency of traffic violations, citizen complaints, emergency/service needs, and statistical data.

B. Stationary observation: Traffic observation at a selected place, usually one with an unfavorable accident experience or traffic flow problem, for traffic law enforcement purposes - especially to detect violations and deter possible violators.

1. *Covert stationary patrol*: In which the observer uses ordinary powers of observation and is not visible to persons from the roadway being observed.
2. *Overt stationary patrol*: By an observer in full view but so located, such as on a side street, that effort is required by those in the traffic stream to discover the observer.
3. In all cases, the patrol tactics adopted should be suited to the enforcement objective.
4. When utilizing stationary patrol tactics, officers will park in such a manner so as not to impede, interfere with, or be a hazard to the traffic flow.

C. Unmarked cars/unconventional vehicles may be used for traffic patrol. The traffic patrol vehicle must be fully equipped as an emergency vehicle.

D. Checkpoints will be utilized within the parameters of case law and Maryland State Police guidelines for checkpoints. Checkpoints will only be utilized based upon proven need through statistical analysis of traffic violations and/or accidents. These checkpoints will only be conducted with Division or Bureau Commander approval.

A. Traffic Violator Stops

No two traffic stops are exactly alike. This procedure is a guide as to how to conduct stops of traffic law violators. Deputies will act in a courteous and prudent manner as dictated by the circumstances of the particular stop.

Suggested procedure for initiating the stop:

1. Choose the stop location carefully, avoiding curves, hillcrests and intersections. Consider stop locations where adequate cover is available should its use become necessary.
2. Inform the dispatcher of the vehicle registration number (include state and type) and stop location.
3. Activate emergency equipment.
4. Position of the Patrol Vehicle: The patrol vehicle may be positioned in several different ways during a traffic stop. It is up to the individual deputy to determine which method is used. This decision should be based on the deputy's preference, location of the stop, type of vehicle stopped, the deputy's training and any other pertinent factors relating to that specific traffic stop.

B. Unknown Risk Vehicle Stops

Unknown-Risk vehicle stops involve the action of deputies contacting a vehicle during the normal course of duties under circumstances, which do not immediately indicate an immediate threat to the deputy. All vehicle stops should be considered to have some type of risk. Deputies should use heightened awareness when approaching all vehicles, and should also keep in mind the dangers that are posed by other vehicles in the area.

C. High-Risk Vehicle Stops

Deputies shall use high-risk vehicle stop procedures when it is necessary to apprehend a suspect, who is an actual or potential danger. High-risk vehicle stops are vehicle contacts that, by their nature, increase the probability of violence usually associated with armed suspects or violent criminal activity. Any deputy conducting a high-risk stop should consider the following:

1. Known Violator:
 - a) In cases where the violator is known and it is determined ahead of time that the stop will be conducted 'felony stop' style, the initiating deputy will be the control deputy. He/she will dictate where other units will be positioned and the location of the stop. The control deputy will also be

responsible for communicating orders to the violators within the vehicle.

- b) The control deputy should request radio silence from dispatch, so that the only radio traffic will relate to the stop.
- c) The control deputy should maintain radio communications with his/her cover deputy(s), and coordinate the stop. The control deputy should decide the place of the stop based upon terrain, lighting, traffic volume, weather conditions, etc.
- d) If other cover units are available, they may be used to block or divert traffic.
- e) Once all units are in place, the control deputy will then order the occupants from the vehicle, one at a time, in accordance with their training.

D. Unknown Violator

In those situations where the violator is not known to the deputy, and where the dispatcher or some other person advised the deputy of the violator's status (such as a known felon, stolen vehicle, etc.) after the stop has been made, the deputy should attempt to freeze the action and request enough cover units to deal with the situation.

61.1.8 Contact with the traffic violator

- A. The deputy will greet the violator in a courteous and professional manner. The deputy will identify himself and request the violator's driver license and vehicle registration.
- B. The deputy will advise the violator the reason for the stop, make record checks as deemed necessary, then choose an enforcement option.
- C. When a violation is observed, a deputy has several options of enforcement. He may make a physical arrest depending upon the circumstances; issue a citation, issue a written warning, or equipment repair order. The use of discretion in choosing an option should be based upon the seriousness of the violation and the action most likely to enhance public safety or result in future compliance.
 - 1. Under no circumstances will a "verbal warning" be issued to the operator of a motor vehicle.
- D. Deputies will complete traffic citations in accordance with procedures set forth by the Motor Vehicle Administration.

61.1.9 Speed Measuring Devices

A. Equipment Specifications:

1. Departmental Vehicle Speedometer

- a. The speedometer may be used as a device to measure violator speed. The speedometer of any vehicle used for this purpose will be calibrated by a certified operator of a speed-measuring device prior to the issuance of citations. The speedometer will be calibrated at a minimum once every three months.

b. Radar and Laser Speed Measuring Devices

The Departmental Personnel will only use approved speed measuring devices. Devices that show sufficiency of evidence that the equipment has been properly tested and checked. The Device shall only be manned by a competent operator who has completed agency approved training using the device and that proper operative procedures were followed and that proper records were kept.

The Radar Supervisor will maintain an approved list of the agencies Radar and Laser speed measuring devices.

2. Use of Speed Detection Instruments

a. Radar

The precise method for using a radar unit and the enforcement of those laws applying to speed will vary in accordance with the type of radar equipment used. Generally, the following procedures are applicable:

- 1) The radar unit must be properly installed and connected to the appropriate power supply.
- 2) The effective range of the particular radar unit must be thoroughly understood by the operator so visual observations can support the indicated speed-readings.
- 3) Deputies must ensure that both assigned and spare radar units are properly maintained. Any discrepancies in unit performance must be immediately reported to the on-duty supervisor.

- 4) The operator must choose an appropriate location that is conducive to the effective and safe operation of radar.
- 5) A Doppler radar unit will be checked for proper calibration to ensure accuracy in checking speed. Most manufacturers recommend specific methods of checking calibration. These should be followed without exception.
- 6) Sheriff's Office radar units will be certified annually by a competent vendor with the necessary expertise.
- 7) Radar certifications and maintenance records will be maintained by the Radar Supervisor.

B. Use of Radar

1. Prior to use, equipment will be checked for accuracy by using approved methods as provided by the manufacturer of the instruments. The equipment will be tested periodically during extended operations and at the end of each operation.
2. Primary location for use of speed measuring devices will be heavily influenced by accident rate, statistics from prior operations or surveys, citizen complaints, and knowledge of violations on a particular roadway by deputies.
3. When manpower and the frequency of calls for service allows, shift supervisors will make specific traffic enforcement assignments based on information in "2." above.
4. Traffic enforcement will not be conducted during inclement weather or at locations, which present an unsafe working environment for the deputy or public.
5. Any device failing the test procedure will not be used. Malfunctioning equipment should be so noted and turned in to the Radar Supervisor as soon as possible along with a written description of the problem observed.
6. The hand held device will be held outside the vehicle when activating the trigger device.

C. Proper Care and Upkeep

1. When a radar unit is not installed in the vehicle, it will be returned to its protective case with the tuning forks assigned to the unit.
2. Radar units must be turned off in the vehicle when not in use.

3. Tuning forks must be kept in their protective sheaths when not in use.

D. Repairs and Calibrations

1. The Radar Supervisor will periodically inspect equipment to ensure proper care and upkeep. An authorized maintenance technician must perform all maintenance activities on the equipment.
2. An authorized maintenance technician will calibrate each device and its assigned tuning forks annually. The Radar Supervisor will maintain written documentation of each calibration or repair.

E. Training

1. Before conducting enforcement by speed measuring device, deputies must complete a training program conducted by an agency-approved instructor in speed measuring devices. At the completion of the training, each deputy must pass a written examination.
2. After passing the written examination, each deputy must use the speed-measuring device in a field setting for a minimum of ten hours. No citations will be issued during this period unless under the supervision of agency approved instructor or a certified speed measuring device operator. Five of the ten hours must be under the direct supervision of a certified speed measuring device operator.
3. At the completion of the training period, each deputy must demonstrate proficiently with the equipment to an agency-approved instructor prior to certification.
4. Each qualified speed measuring device operator will be issued a certification card.

61.1.10 Enforcement Countermeasures Against Alcohol and Drug Impaired Traffic Offenders

To establish guidelines for conducting traffic checkpoints within Washington County with the goal of reducing various traffic violations. Appropriate enforcement action will be taken if a criminal violation is observed while checking for traffic law violators.

A. Site Selection for Traffic Checkpoints

1. The Supreme Court has upheld the validity of traffic checkpoints when they meet these criteria:

- a. The checkpoint is designed to advance a legitimate State interest.
 - b. There is data to show that the checkpoint system would advance the interest.
 - c. The methods and practices of the checkpoint are consistently followed, resulting in a brief intrusion.
2. The Supreme Court has upheld checkpoints used to enforce Drunk Driving laws and to check for illegal aliens. In these cases, it was shown by empirical data, that the purpose of the checkpoint was to protect an important State interest and that checkpoints would be effective in enforcing such laws.
3. In *Delaware v. Prouse*, the Supreme Court disapproved random stops made by police in order to enforce license requirements and unsafe vehicles. In that case, there was no evidence that such stops would be effective in promoting safety or in preventing unlicensed drivers, in light of the fact that such a small percentage of the population drove without licenses.
4. Checkpoints utilized for any purpose other than enforcing drunk driving laws will be substantiated by research that the purpose was a compelling one that could be effectively enforced by checkpoints.
5. Sites selected for traffic checkpoints will not be chosen at random, but only after consideration of several factors to include:
 - a. Checkpoint sites will be selected in areas known from past enforcement experience or from citizen complaints to have high occurrences of vehicular accidents, driving while intoxicated activity, speeding, or other traffic violations that pose a threat to safety.
 - b. The safety of law enforcement personnel, as well as that of the public, must be a primary concern in selecting a site for a traffic checkpoint. Therefore, the construction and geography of the area must be considered to include:
 - 1) Road construction/geography must be such that oncoming traffic will have ample time to see warnings of the checkpoint and be able to stop. Checkpoints will not be conducted on curves, on hills, or in other areas where first possible warning of the checkpoint for oncoming traffic is below one mile.
 - 2) The construction of the road must support adequate parking, both for law enforcement vehicles and for

those being checked, so that traffic is not hampered more than necessary.

- c. Days of the week and times of known high occurrences will be considered in choosing checkpoint sites.

B. Checkpoint Plan of Operations

1. All checkpoint operations must be approved by the Sheriff, or his designee, before implementation. A detailed plan as to the operations of the checkpoint will be submitted to the Sheriff through the administrative chain of command for approval. The plan will include, at a minimum, the following information:
 - a. Dates/times of the checkpoint.
 - b. Location of the checkpoint to include a description of the physical layout.
 - c. Equipment to be devoted to the checkpoint; i.e., vehicles, cones, lighting if at night, signs, reflective equipment of personnel, etc.
 - d. Proposed number of personnel to be used.
 - e. Tactical plan as to traffic flow, placement of equipment, duties of personnel, etc.
 - f. Supervisor of the operation. Checkpoint operations will be supervised by personnel with the rank of Sergeant or above.

The checkpoint plan will be submitted for approval at least ten (10) days before the proposed date of implementation.

C. Checkpoint Personnel

1. A sufficient number of personnel capable of using PBT instruments will be selected to comprise each operation. All personnel assigned will be trained in detection and apprehension of intoxicated/drugged drivers. All personnel assigned will be NHTSA certified in standardized field sobriety testing.
2. Personnel Equipment: If the checkpoint is to be conducted at night, all personnel involved in checking vehicles will be equipped with a reflective safety vest and flashlight.

D. Pre-Operation

1. To ensure coordination between different departmental units, as well as personnel involved in the operation, the site supervisor will:
 - a. Ensure the Duty Officer has been briefed in advance of the operation. This will allow the Duty Officer the opportunity to plan for the additional computer requests and radio traffic associated with such an operation. A departmental radio frequency will be designated as the tactical frequency. Any departmental components, who normally use the frequency, will be notified of the operation.
 - b. The site supervisor will conduct a briefing of the assigned personnel prior to the actual operation. All personnel assigned to the operation will attend the briefing. A checkpoint operation form, detailing the operation, will be distributed to each member involved.

E. Checkpoint

1. Signs warning motorists they are approaching a checkpoint will be erected a minimum of one half mile in advance of the checkpoint.
2. If the checkpoint is conducted at night, the site supervisor will ensure that adequate lighting is on hand to illuminate the area where vehicles are to be stopped and drivers checked.
3. Traffic cones and flares will be utilized to establish channelization of traffic at the checkpoint.

Sufficient area will be made available to permit parking of vehicles while testing operators for sobriety or conducting further checks of any type.

4. One member assigned the operation will be designated to be stationed at a location to pursue and identify vehicles taking evasive action to avoid the checkpoint.
5. When more than one lane is used in the checkpoint, personnel will be evenly distributed to permit checking an equal number of vehicles simultaneously. All vehicles approaching the checkpoint will be stopped as long as severe traffic congestion does not occur.
6. Drivers will be detained no longer than is necessary to check for sobriety, license, etc. If further checks are necessary, the vehicle will be moved to a parking area.
7. If severe congestion should occur, the checkpoint will be temporarily suspended by the site supervisor, until traffic is flowing, or until additional personnel are available to handle the additional traffic.

8. The site supervisor, if traffic becomes congested, will instruct deputies to stop every second or every third car to facilitate better traffic flow. Stops must be systematic and cannot be at random; i.e., stopping every third car, then every second car, and so on. Such actions could lead to accusations of selective enforcement.
9. All legal rights will be afforded to those found to be in violation of a law. Procedures for arrest and the need for tow trucks will be in accordance with established policy.

F. Post Checkpoint Actions

1. A report of all checkpoint activities will be submitted to the Patrol Commander by the site supervisor on a "Report of Checkpoint Activities" form, at the completion of the operation.
2. All equipment used during the operation will be returned.

61.1.11 Driving while under the Influence - Arrest Procedures

In accordance with requirements of the Maryland Transportation Article Sections 16-205.1 and 21-902, deputies of the Washington County Sheriff's Office shall enforce all offenses of driving or attempting to drive a motor vehicle while under the influence of alcohol or other drugs.

The detection and arrest of impaired drivers differs from that of other traffic law violators. There are specific legal limits of impairment. Specific statutes govern driving while under the influence of alcohol or drugs and administrative Per Se Laws. This directive outlines the procedures to be followed by deputies in the detection and arrest of persons operating or attempting to operate a motor vehicle while under the influence of alcohol or other drugs.

The Maryland Vehicle Law defines "Under the Influence of Alcohol per se" as a alcohol concentration at the time of the testing of 0.08 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

- A. Detection is the first step in any DUI/DWI enforcement action. In this stage, probable cause to arrest is established. Detection includes the following steps:
 1. Recognize and identify specific driving behaviors that signify the driver may be impaired by alcohol or other drugs.
 2. Use caution in pursuing suspected impaired drivers and be alert for unpredictable reactions.
 3. Avoid prolonged pursuit and apprehend as soon as practicable in a safe location.
 4. Advise dispatch of location and vehicle description.

5. Recognize and identify specific behaviors occurring during vehicle stops that provide evidence or suspicion that the driver may be under the influence or impaired.
6. Note all observations, which led the deputy to believe that the driver is DUI/DWI.
7. Do not allow the driver to move the vehicle once the driver is suspected to be impaired. Secure the keys to the vehicle when impairment is suspected.
8. Request the subject exit the vehicle and move to a safe location to conduct field sobriety tests. The three Standardized Field Sobriety Tests currently endorsed by NHTSA shall be administered in conjunction with any that the deputy deems necessary.
 - a. Horizontal Gaze Nystagmus - HGN
 - b. Walk and Turn
 - c. One Leg Stand
 - d. The Preliminary Breath Test (PBT) can also be administered by a certified operator. This test should not be used to establish sole probable cause. It is used as a tool in instances of suspected low blood alcohol content where a suspect may be released if the PBT reading is sufficiently low. The PBT may also assist in cases where the operator may be under the influence of other drugs. The PBT may show a very low or "00" reading for alcohol thus raising suspicion for other drug influence. Deputies should be reminded that a PBT test is not admissible in court.
 - 1) Only the Preliminary Breath Test (PBT) equipment approved by the Maryland Toxicologist's Office will be used.
 - 2) Only those persons approved by the toxicologist will be authorized to administer PBT's. A copy of the class certificate or the PBT card must be on file with the Training Sergeant prior to operation.
 - 3) Each PBT must be calibrated once each month.
 - 4) PBT's, though primarily acquired to aid in identifying suspected drinking drivers, may also be utilized effectively in other instances. For example, a passenger in a vehicle in which the driver has been arrested for DUI/DWI may be requested to

voluntarily submit to a PBT if the passenger intends to drive the vehicle from the scene and there are reasonable grounds to believe the passenger is under the influence of alcohol.

PBT's may also be used to test a suspect or victim of a crime who is suspected to be under the influence of alcohol. These tests - both taken and refused - shall also be logged.

- 5) PBT results can and should be included in the "Reasonable Grounds" section of MVA Form DR-15A, as supporting documentation.
9. Formulate appropriate arrest decisions based on all evidence accumulated.
- B. Arrest and Processing is the next step in the process. In all arrests for violation of Motor Vehicle Law, Section 21-902, the DR-15 form "Advice of Rights" will be executed. All blanks must be filled in and the completed form read to the defendant giving the defendant an opportunity to sign the form acknowledging receipt. If the defendant refuses to sign, enter "refused" in the space designated "Driver's Signature." The original (white copy) will be forwarded to Records with the arrest file, a copy (pink copy) given to the defendant and a copy (yellow copy) included in the envelope of documents sent to the MVA Administrative Per-Se Unit if applicable.
- C. Article 24 of the Maryland Declaration of Rights requires that a person detained for a violation of Motor Vehicle Law, section 21-902 must, on request, be permitted a reasonable opportunity to communicate with counsel before submitting to the chemical test for breath. Defendants may also elect to submit to their attorney's BAC test prior to submitting to the required test, however the two-hour time limit for the required test is not affected. Deputies should observe the administration of the attorney test. Refusal will be noted if the two-hour time limit passes while awaiting the attorney's test.
- D. Arresting deputies have no responsibility to suggest a detained person contact counsel at this point in processing. If a request is made by the defendant prior to conducting the required test deputies shall:
1. Note the time of request.
 2. Allow use of a telephone to the detained person.
 3. Note number of calls attempted.
 4. Provide the Office of the Public Defender's phone number if defendant so requests.

- E. Deputies shall not allow this request to interfere with the mandated two-hour time limit for conducting the chemical test. If it appears that notification of counsel will exceed the time limit, remind the defendant of the administrative penalties imposed on the DR-15 form for exceeding the time limit. If the two-hour time limit is reached while awaiting counsel the deputy shall initiate a DR-15A form noting a refusal and continue to process as directed in paragraphs A through K of this section. The two-hour time limit begins at time of arrest.
- F. Remain with the defendant during the twenty minute waiting period prior to the test and witness the administration of the test to provide corroborating testimony if necessary. Do not allow the defendant to have anything by mouth from the time of arrest to execution of the breath test.
- G. If the defendant refuses the test, the DR-15A will be executed. A properly prepared DR-15A is a necessary condition for the exercise of the Administrative Per-Se Law by the MVA. The form shall be completed per Administrative Per-Se guidelines issued to all deputies.
- H. If defendant agrees to submit to the test, the test for breath will be administered unless the defendant is injured in a collision and will not be able to take a breath test within the two-hour time limit or the test for breath test equipment is not available.
- I. Charges will be placed by issuing a Maryland Uniform Complaint and Citation or a Safety Equipment Repair Order (SERO) for the probable cause and a Citation for the DUI/DWI charge. Issuance of citations will be in accordance with this general order.
- J. If the defendant is a Maryland resident with transportation home by a sober adult and there is no concern regarding the defendant's appearance in court, the defendant need not be taken before a District Court Commissioner when DUI/DWI is the most serious charge and there are no other associated charges which require appearance. If the defendant is allowed to leave without seeing a Commissioner, a copy of the Alcohol Influence Report submitted will be sent to the States Attorney's Office for prosecutorial purposes by a Records Section Member. The arresting deputy will issue the District Court Notice to Appear form to the defendant before they are released. This action must be approved by the Duty Officer in accordance with this general order.
- K. Should a full custody arrest be necessary, the defendant will be transported to the Central Booking Unit at the Washington County Adult Detention Center for processing and bond hearing.
- L. Chemical Tests for Alcohol
 - 1. The chemical test for alcohol will be the test administered. The blood test may be used only in any of the below circumstances:

- a. If the defendant is unconscious or otherwise incapable of refusing the breath test.
- b. Injuries to the defendant require removal to a medical facility.
- c. A breath test instrument is not available.

2. Breath Test Guidelines

- a. Notify dispatch to ascertain if a Sheriff's Office Intoximeter Operator is on duty, if not then the dispatcher will contact the Maryland State Police or Hagerstown City Police to ascertain if they have an intoximeter operator on-duty.
- b. Deputies shall respond to the appropriate operator location from the scene of the arrest completing as much of their paperwork at the scene as possible.
- c. If WCSO, MSP, nor HPD have an operator on-duty, the dispatcher can check with a neighboring County closest to the scene of the arrest. If none are still available, the blood test will be offered.
- d. Secure the MSP-33 form (Results of Test for Alcohol Concentration) and the accompanying result receipts ensuring that the administering officer signs all appropriate forms.
- e. Secure signature of administering officer on the DR-15A, Officers certification and order of suspension, if the BAC result is .08 or greater.
- f. If the results are .00, an indication that no alcohol is present, the defendant will be checked by a certified Drug Recognition Expert if available or transported to the closest emergency room for examination if one is not available.
- g. If the defendant exhibits symptoms of alcohol poisoning or other conditions that require immediate medical attention, the defendant will be transported to the closest emergency room for examination.

3. Blood Test Guidelines for when criteria for a blood test have been met.

- a. The arresting deputy shall obtain a self-addressed, pre-stamped blood alcohol kit from patrol and if the defendant is not already in a hospital, transport the defendant and the kit to the hospital in accordance with the following:

- 1) Meritus Medical Center: The deputy shall report to the emergency room, request the test and advise the receptionist of the time remaining before the test becomes invalid due to expiration of the two hour limit.

DEPUTIES SHALL INFORM HOSPITAL PERSONNEL THAT THE DEFENDANT IS TO BE BILLED FOR SERVICES AND TREATED AS AN OUTPATIENT.

- 2) Any other hospital: Contact emergency room personnel for proper procedures.
- b. The arresting deputy shall witness the withdrawal of blood and immediately take possession of the containers and package them according to below guidelines.
 - c. Only the blood test kit approved by the Maryland State Toxicologist will be used for the withdrawal of blood. The arresting deputy will check the expiration date on the blood kit to assure it hasn't expired prior to use. The forms contained in the blood kit will be completed as follows:
 - 1) The consent form included in the blood kit is to be completed by the arresting deputy, signed by defendant and sent with specimen to MSP-CTAU.
 - 2) Complete the included blood collection report and include it with the specimens.
 - 3) Complete all four white seals attaching two to the tubes (one each) placed over the rubber stoppers.
 - 4) The MSP-34 form will be completed only in the section entitled "Arrest Information." All areas are self-explanatory except for the following:
 - a) Case number is WCSO local case number.
 - b) Time refers to time of arrest.
 - c) Send results to: the deputy at current address of Patrol Headquarters.
 - d) Place all blood kit paperwork in the cardboard mailer, beneath the plastic box containing the blood vials.

- 5) Attach the two blue integrity seals on either end of the clear plastic box as indicated on the box.
 - 6) Attach the two red integrity seals placing them over the locking tabs of the cardboard mailer.
 - 7) The State's Attorney's Office also requires that the arresting deputy direct the medical personnel drawing blood to complete and sign the Qualified Medical Personnel Certificate to be included in the case file.
 - 8) Subsequent to sealing of the blood kit it is to be mailed from a mailbox by the end of the shift where a daily pick up is made.
- d. The MSP-CTAU will notify the deputy by mail of test results based upon submitted information from MSP-34. Once the deputy has made a supplement to their report, they will forward the results to the Records Section for placement in the appropriate file. The Record Section will provide the defendant with the blood test results by mailing, the defendant a copy of the letter by registered mail, return receipt requested, if necessary.

The original of the letter will be placed in the case file as well as the returned receipt. All original paperwork relating to the blood test will then be placed in the arrest case file.

4. Unconscious Persons:

- a. When an operator of a motor vehicle is unconscious or otherwise incapable of refusing to take a chemical test for alcohol, and probable cause exists to make an arrest the investigating deputy shall:
 - 1) Obtain prompt medical attention for the person and if necessary, arrange transportation to the nearest medical facility.
 - 2) If a chemical test for alcohol by blood withdrawal will not jeopardize the individual's health or wellbeing, the deputy will obtain a court order directing the hospital to release the results of defendant's blood alcohol content to the investigating deputy.
 - 3) If the individual regains consciousness or otherwise becomes capable of refusing the test prior to the withdrawal of blood the investigating deputy will

proceed with processing as indicated in above sections.

5. Drivers Involved in Fatal Collisions:

- a. "If a person is involved in a motor vehicle accident that results in the death of, or a life threatening injury to, another person and the person is detained by a police officer who has reasonable grounds to believe that the person has been driving or attempting to drive while under the influence of or while impaired by alcohol, while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while under the influence of a controlled dangerous substance, or in violation of §16-813 of this title, the person shall be required to submit to a test, as directed by the officer. "(§16-205.1.c.1, Maryland Transportation Article)."
 - 1) If a police officer directs that a person be tested, then the provisions of §10-304 of the Courts and Judicial Proceedings Article shall apply. "(§16-205.1.c.2, Maryland Transportation Article)."
 - 2) Any medical personnel who perform any test required by this section are not liable for any civil damages as the result of any act or omission related to such test not amounting to gross negligence." (§16-205.1.c.3 , Maryland Transportation Article)."
 - 3) The on-call States Attorney will be called when charges are anticipated in a fatal collision.
 - 4) Complete the DR-15, ensuring that the detained person is aware that when involved in a fatal collision the detained person is required by law to submit to a chemical test as directed by the deputy. Record the detained person's decision on the chemical test on the DR-15 form.
 - 5) If the breath test is selected, the deputy will follow the procedures previously set forth in this directive. Refusal of the detained person to cooperate will require transport to the hospital for a blood test.
 - 6) If the blood test is selected, the deputy will witness the withdrawal of blood and immediately take possession of the containers. Blood samples obtained under this procedure will be forwarded to the Chemical Test for Alcohol Unit as indicated in earlier directives.

6. Deceased Persons

- a. When the operator of a motor vehicle dies as a result of injuries sustained in an automobile collision, the Forensic Investigator will take custody of the body.
- b. The Forensic Investigator will as a matter of policy take a blood sample from the decedent and have it analyzed for BAC by the State Toxicologist. The results of the analysis will be made available to the investigating deputy upon request.

M. Defendant's Vehicle

1. If the defendant is alone and stops the vehicle in an unsafe or illegal location, or the vehicle is impeding or will impede traffic, the deputy shall have the vehicle towed in accordance with established towing policy.
2. If the defendant stops the vehicle in a safe and legal location, the deputy shall ensure that the vehicle is locked and left at the scene. The keys may be turned over to a sober adult possessing a valid driver's license who responds to take custody of the defendant if applicable.
3. If the vehicle is occupied by passengers, when the defendant is taken into custody, deputies may release the vehicle to them under the following conditions:
 - a. The defendant has an ownership interest in the vehicle and grants permission to a sober, licensed adult passenger to operate the vehicle.
 - b. One of the passengers has an ownership interest in the vehicle and is licensed and sober: or this person grants permission to another licensed and sober adult to operate the vehicle.
 - c. If the passengers do not meet the above criteria, the vehicle and keys will not be released. The vehicle will then be towed or parked as is and locked. The deputy will retain the keys releasing them to the defendant upon completion of the arrest process, warning defendant against driving for twenty-four hours or until sober.
 - d. The deputy should take reasonable steps to arrange alternative transportation for the passengers. Factors such as time of day, adverse conditions, arrest location, age, sex, and physical condition of passengers should be used as

guidelines when weighing alternatives for the disposition of the passengers.

- e. Deputies will search the vehicle and note the presence of any arrest related material. Search will be conducted following departmental policy and current case law.

N. Summation of Forms Needed for DWI/DUI Arrest:

1. DR-15, Advice of Rights
2. DR-15A, Officers Certification and Order of Suspension as needed
3. If blood test is given:
 - a. MSP-34 sent with kit
 - b. Qualified Medical Personnel Certification
 - c. All forms included in blood kit
4. If breath test is given:
 - a. MSP-33, Results of Test for Alcohol Concentration
 - b. Receipts indicating actual reading of BAC
5. Alcohol Influence Report
6. Maryland Uniform Complaint and Citations or printed copy of etix citation (as appropriate), or SERO as probable cause for initial contact.
7. Arresting deputies shall place the above documents in a case file for court presentations.

61.1.12 Request for Re-Examination of Driver

- A. Routine enforcement, collision reporting and investigation activities frequently lead to the discovery of drivers who are suspected of incompetence, through physical or mental disability, disease or other condition, which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Officers detecting such a person will complete the appropriate forms to request a re-examination by the Motor Vehicle Administration.
- B. A request for Re-Examination will be made on the State of Maryland MVA Request for Re-Examination of Driver, form number AJ-39. (excluding Etix users)

- C. Most information requested is self-explanatory; however, certain portions must be specifically addressed.
 - 1. The physical defects must be described in detail.
 - 2. The summary of the incident must be written in such detail that reasonable grounds for the re-examination are conclusively established.
- D. The Re-Examination form can be filed electronically through Etix.

61.1.13 Parking Enforcement

The Washington County Commissioners, through authority granted them under Article 25, Section 2, of the Annotated Code of Maryland, revised the parking resolution on December 15th, 1992, for the enforcement of violations of parking or stopping in designated prohibited areas, on or along the public highways within Washington County.

The Washington County Commissioners amended the previous resolutions to include enforcement of violations of parking or stopping in prohibited spaces designated by signs as “Handicapped Parking”.

Sworn departmental personnel will enforce the county parking resolution by issuance of a Washington County Parking Citation, when a vehicle is parked or stopped on or along a public highway, (certain exceptions will apply), where such parking or stopping is prohibited by designated sign. Also, action is to be taken when vehicles are found in designated handicapped parking spaces within Washington County, and not displaying handicap tags or a handicapped parking permit placard, issued by the Motor Vehicle Administration.

Parking Citation Distribution and Administration

- A. The Patrol Commander shall appoint a Parking Citation Coordinator to perform the duties as stated in this order.
- B. Each parking citation book contains twenty-five (25) citations. Each citation consists of four (4) copies:
 - 1. Court Copy - White
 - 2. Defendant Copy - White
 - 3. Department Copy - Yellow
 - 4. Deputy Copy - Pink

Upon issuing a citation, copies one and three will be forwarded to the Parking Citation Coordinator by the issuing deputy before his duty tour ends. The only exception to this will be on the approval of the Duty Officer when the registration information is not available due to the

MILES System going out of service. The Court Copy (#1 - White) and Departmental Copy will be filed in numerical order.

C. Voiding Citations:

1. If a citation (excluding ETIX citations) is issued in error, it will be the responsibility of the issuing deputy to personally contact the individual or business representative as soon as possible to inform them of the error. The issuing deputy will forward all copies of the citation issued in error along with completed WCSO Form C14 "Request to Void Citation" explaining the reason for the request to their Lieutenant or highest ranking group supervisor who will then decide if voiding is in order. If the Lieutenant or highest ranking group supervisor concurs with the request to void the citation, it will be forwarded to the Patrol Commander. If the Patrol Commander concurs with the request to void the citation, the citation will be voided. Requests to void a citation due to grammatical errors will be processed in the same manner. If voided, all copies and related paperwork shall be forwarded to the Parking Citation Coordinator for filing.

D. Voiding ETIX Citations:

1. If a deputy wants to void an ETIX citation, the issuing deputy will forward a copy of the citation along with a complete Form C14 "Request to Void a Citation" explaining the reason for the request to the Patrol Commander within 24 hours.
2. Upon the Patrol Commander approving / disapproving the request to void the citation, it will be returned to the issuing deputy.
3. If the request to void is approved, the issuing deputy must contact the SAO and request the citation be set for Nolle Pros in District Court.
4. Once a Nolle Pros has been entered by the District Court on the citation, the issuing deputy to obtain a copy (electronic format or hardcopy) of the disposition from the District Court.
5. The issuing deputy will then forward all documents (Form C14, ETIX citation, and disposition sheet) to the ETIX Administrator for ECITATION deletion.
6. Once the citation has been deleted from the ECITATION system, the ETIX Administrator will attach the confirmation to the void packet and submit all documents to the Patrol Commander for filing.
 - a. It is the sole responsibility of the issuing deputy to complete this process.

- b. The entire process should be completed within a two week time period.

E. Payment of Parking Citation Fines:

1. Fines may be paid to the Parking Citation Coordinator, at the Sheriff's Office, before the indicated payment date, Monday through Friday, 8:00 A.M. to 4:00 P.M., except weekends and holidays. The Parking Citation Coordinator will issue a receipt to the violator and make proper entries on a "Transmittal Sheet" form. Upon receipt of payment, all assorted copies will be disposed of.
2. As need dictates, a transmittal sheet and all currency collected will be forwarded to the County Treasurer's Office by the Parking Citation Coordinator. Personnel in the Treasurer's Office will acknowledge receipt of the money, by signature in the appropriate spaces of the Transmittal Sheet form and return it to Central Records.

F. Flagging System

1. The Motor Vehicle Administration has the capability of "flagging" Maryland vehicle registration for non-payment of parking fines. As a result, the vehicle owner will be denied a registration renewal until the fine(s) are paid.
2. The Parking Citation Coordinator will maintain a list using the "Flagging Request" form, indicating registration number, month/year of expiration, of those vehicles for which the owner has failed to pay a parking citation within 30 days from issuance. Once notified of the request for flagging, the Motor Vehicle Administration will notify the owner, by mail, of the "flag" and the procedure to be followed before a removal is issued. The owner will be required to appear at the Sheriff's Office to pay the fine. The Parking Citation Coordinator will issue an MVA VR-119 receipt to be used at the Motor Vehicle Administration as proof of payment in acquiring the registration renewal. After the payment is received, the Parking Citation Coordinator will request the flagged registration be purged.
3. The flagging request will be entered into the Maryland Parking Violation Flag System by the 15th of each month by the Parking Citation Coordinator. In order for this procedure to be effective, it is essential the information entered on the Parking Citations be complete, accurate, and legible.

61.2 Traffic Collision Investigation

61.2.1 Collision Reporting and Investigation

The Sheriff's Office defines a motor vehicle collision as "any time one or more motorized vehicles unintentionally comes into contact with another vehicle, person, animal, or object, causing property damage or injury".

Deputies responding to or locating a motor vehicle collision within Washington County will advise communications of the seriousness of the collision, request appropriate assistance, and determine if a written collision report is required.

- A. Collisions involving human death or injury will require a formal investigation and an Automated Crash Reporting System (A.C.R.S.).
 - 1. The Sheriff will be notified immediately when there is a fatality or serious injuries that could potentially result in a fatality.
 - 2. Sheriff's Office vehicles involved in collisions resulting in human death or serious bodily injury of others will be investigated by an Allied Agency.
- B. Property Damage Accidents:
 - 1. Minor in nature, no vehicle requires towing from the scene, both drivers are valid to drive, and facts of the accident are not disputed, do not require a formal investigation or an A.C.R.S. Report.

Deputies will make sure the operators exchange their driver's license, vehicle registration, and vehicle insurance information as required by Maryland Transportation Article 20-104 by completing a Washington County "Accident Information Exchange" form or by utilizing the ETIX information exchange.
 - 2. All property damage accidents, which do not fit the criteria above will have an investigation conducted and an A.C.R.S. report completed.
- C. Hit and Run Accidents:
 - 1. If there are no witnesses and only physical evidence at the scene, the collision will not be investigated. The complainant will be provided a case number for insurance purposes and pertinent information will be given to Communications for entrance into the CAD System event information.
 - 2. If there are witnesses and physical evidences at the scene, the collision will be investigated and an A.C.R.S. report completed.
 - 3. If it is a serious collision where there are no witnesses and only physical evidence at the scene, the collision will be investigated and an A.C.R.S. report completed.
- D. Collisions involving Impaired Drivers

1. All accidents involving impaired drivers will be investigated, and an A.C.R.S. report completed.

E. Collisions involving Hazardous Materials

1. All accidents involving the release or possible release of hazardous material will be investigated, and an A.C.R.S. report completed.

F. Collisions on Private Property

1. Motor vehicle collisions, which occur on private property, not open for use by the public in general, do not require a formal collision investigation (A.C.R.S.) or written report unless it involves:
 - a. Human death
 - b. Hit and run
 - c. Intoxicated driver
 - d. Reckless operation
 - e. Seriously injured pedestrian

61.2.2 Response to and while at the Scene of Collisions

A. Injured or Dead Persons at the Scene

1. When a responding deputy is first on the scene of an accident with personal injury, the actions of the deputy should include:
 - a. Survey injured, to determine, as much as possible, the most seriously injured.
 - b. Administer appropriate first aid, if necessary. Deputies will not attempt to treat injured persons beyond their capabilities. Persons, without training, will not be allowed to treat injured persons.
 - c. If any injury is evident or if a party involved in the accident indicates a possible injury in any way, an ambulance will be requested through Communications to respond.
 - d. See that the needs of the injured are met before commencing with the accident investigation.

B. Hit and Run

1. The Deputy in Charge shall review the scene, any evidence, and if there is information that would possibly identify the striking vehicle. If so, an A.C.R.S. report shall be completed, and an investigation shall be conducted to identify the vehicle and driver.
2. If there is no evidence to identify the striking vehicle, the Deputy in Charge shall inform the victim, and shall provide an event number to the victim and provide the necessary information to Communications for entrance into the CAD System event information.

C. Impaired Drivers

There shall be a formal investigation and an A.C.R.S. report completed on all collisions involving impaired drivers, this report may be necessary in preparing for trial of the suspect.

D. Damage to Public Vehicle or Property

1. Formal investigations and an A.C.R.S. report will be completed on the following types of vehicle collisions:
 - a. Collisions involving school buses or school buses insured by the Washington County Board of Education (In minor collisions the report can be waived, if the on-scene Board of Education, Transportation representative advises that a report is not required.)
 - b. Collisions involving Washington County Government vehicles or those insured by Washington County. (i.e. Fire equipment owned by individual fire companies but insured by Washington County)
 - c. Collisions involving any government vehicle
 - d. Collisions involving damage to any traffic control devices, warning signs, guardrail, etc., or to any government property.

E. Hazardous Materials:

All Patrol personnel are issued a copy of the Hazardous Material Emergency Response Guidebook to help in the identification, and reaction to hazardous materials. Deputy's basic responsibilities with regards to hazardous materials are:

1. Notifying Communications of any known hazardous material incident and requesting appropriate assistance if fire/rescue personnel are not on the scene.

2. Isolation of the scene to all persons except qualified personnel. This includes the deputy also. Personnel will not rush into hazardous materials scenes. Departmental personnel are not trained or equipped to deal with such matters. Public safety can best be served by blocking traffic and/or evacuating civilians, if necessary, an appropriate distance from the incident. Fire/Rescue personnel should be consulted in decision making as to evacuations. Deputies will serve as support personnel during hazardous material incidents, limiting themselves to traffic control and assistance with evacuation when necessary.

F. Security at the Scene of a Collision

One of the responsibilities of the deputies at the scene of all accidents is to resolve the disputes between the drivers, passengers and owners of the involved vehicles. The deputy shall provide an explanation of their findings to all parties at the scene of the accident.

G. Scene Stabilization and Traffic Congestion

Traffic Direction and Control at Accident Scenes: The following actions should be taken by responding deputies to protect the scene, emergency workers, and victims.

1. Departmental vehicles should be parked at accident scenes in such a way as to offer maximum visibility to oncoming traffic, without posing a traffic hazard themselves. Each marked vehicle is equipped with an emergency light bar as well as emergency flashers.
2. If necessary, request assistance from Communications in the form of additional deputies or Washington County Fire Police, (if they have not yet responded).
3. Deputies shall wear their issued traffic safety vest at all times when on the scene of an accident.
4. Each vehicle carries a supply of flares, (minimum of 12). This equipment may be used to direct traffic flow around or away from the accident scene. Electronic flare pucks can also be utilized if they are equipped in the inventory of the departmental vehicle.
5. Close road to isolate the accident scene if the road is a busy traffic way, and traffic congestion is creating safety concerns.

Advise Communications of the road closure and request additional support if necessary.

6. Deputies will not manually operate a traffic signal. Should the need arise, the State and/or County Highway Departments must be apprised of the situation and approve the Deputy's actions beforehand.

7. Conduct traffic control at selected intersections to relieve traffic congestion.

H. Vehicle Towed from the Accident Scene

1. Refer to ECC policy for towed vehicles.

61.2.3 Collision Scene Responsibilities

A. Deputy in Charge at Accident Scene: Operational charge of departmental activities at an accident scene will rest with personnel as follows:

1. Unless relieved of the responsibility, the deputy assigned the accident will be in charge at the scene.
2. If an Accident Reconstructionist is called to the scene, he will be in charge of the scene.
3. If a Criminal Investigator is called to the scene because of apparent suspicious circumstances, he will be in charge of the scene.

B. Identification and Helping Injured Persons

It shall be the responsibility of the responding deputies to review the accident scene and assess the injured parties. Deputies shall aid and shall request Fire and Rescue to respond to assist the injured.

C. Identification and Notification of Fire and Hazardous Material Issues

It shall be the responsibility of the responding deputies to review the accident scene and assess the potential of Fire or Hazardous Material release. If information is obtained by reviewing the vehicles and interviewing the drivers, these conditions exist, the deputy shall evacuate the area, and notify Fire and Rescue personnel.

D. At Scene Information Collection

1. Interviewing Drivers, Occupants, Witnesses
 - a. Question parties separately and individually if, at all possible, concerning the accident. Request discussion among witnesses or principals not be held until after interviews are complete.
 - b. If the questioning is aimed at a party in custody, or who might reasonably believe he/she is not free to leave, give Miranda warning before questioning.

- c. If the accident is of a serious nature, get basic information at the scene, then take a formal statement at a more suitable location; i.e., the department.
 - d. Question parties as soon as possible after medical needs have been met.
 - e. Be objective and reflect both a professional attitude and demeanor.
 - f. Be alert for impairments that may have caused the accident, while questioning drivers. This may be physical impairments or those caused by drugs/alcohol.
 - g. Question drivers as to emotional state before accident, evasive action taken, and what the driver was doing at first perception of danger.
 - h. Establish exact locations of witnesses when they saw the accident, what they were doing at the time, what called their attention to the accident, and what they saw, heard, or performed as a result of the accident.
2. Examining/Recording Vehicle Damage
- a. Check tires for inflation, tread, and indications of blow out. Check sidewalls for scrapes, cuts, etc., which might indicate a sideward sliding action of the vehicle.
 - b. Check lights of vehicle for position of switch, and to determine if they are functional.
 - c. Check vehicle for proper visibility; i.e., glass, impairments due to ice, fog, or frost. Check for discoloration, cracks or stickers that may have caused an obstruction.
 - d. Check interior of vehicle for material/articles, which may have interfered with driver.
 - e. Check rear view mirrors for presence and function.
 - f. In serious accidents, have MSP ASED check frame and body for indications of alterations or malfunctions in frame, suspension, or steering mechanism, if there is probable cause to suspect same.
 - g. Check mechanical controls for proper operation; i.e., horn, visors, seat belts.

- h. If it appears the accident may have been caused by vehicle defect, place a hold on the vehicle and store it for examination by MSP ASSED.
 - i. Photograph position and damage of vehicles. In serious accidents, request investigator with advanced photographic equipment respond, if necessary. Overview photographs of the accident should be taken, with a permanent fixed object included to establish a point of reference. Photographs should be taken from 360 degrees of the scene. Evidence that is perishable in nature; i.e., skid marks, fade marks, spillage from vehicles, etc., should be photographed. Photographs should include view obstructions, impact damage to vehicles, traffic control signs, etc.
 - j. Check damage to vehicles as a result of the accident against accounts of the accident from principals and witnesses.
 - k. Make field notes of observations.
- 3. Examining Effects of Accident on Roadway
 - a. Deputies will observe and record any adverse effects the accident had on the roadway itself, any substantial damage to the road or to the property in the roadway system. (i.e., guardrails, traffic device controls, debris/other substances on the roadway). Notify the appropriate agency to have corrective actions or repairs completed.
- 4. Measurements of Events of the Accident
 - a. Measurements should be taken in serious traffic accidents, or in accidents where locations of vehicles or evidence may be critical to prosecution. Measurements should document final resting places of vehicles, location of recovered evidence, significant events during the accident etc.
- 5. Collecting/Preserving Evidence
 - a. Evidence at an accident scene is often perishable. Preserving, collecting, and recording evidence with a short life span must be a priority. The accident scene should be photographed, as soon as possible; in order to record the scene as close as possible to the way it was at the conclusion of the accident. Photographs should be taken before disturbing vehicles or evidence and before paint or other markings are added to the roadway. Skid marks and fade marks will fade from sight within a matter of days. Liquids will evaporate, soak into the ground, or be adsorbed by cleanup activities rapidly. Debris from

accidents must be moved from the roadway and will be removed during cleanup activities.

- b. If necessary, additional personnel may be requested to assist so that evidence may be recovered as quickly as possible. Evidence that cannot be collected; i.e., skid marks, liquid spills should be measured for location and photographed. Evidence that can be collected will be processed in accordance with policy.

E. Protecting the Accident Scene/Clearing Roadway

1. Use vehicle emergency lights, flares, or cones, as necessary to protect the scene, especially if vehicle(s) or debris is in the roadway, block off / reroute traffic, if necessary.
2. Assist in removing vehicles from the roadway as soon as possible, especially when no injury is involved, and the vehicle is capable of moving under its own power. Doing so will prevent unnecessary traffic congestion and perhaps another accident. However, in serious accidents, ensure that the scene is processed before clearing the roadway.
3. Request emergency vehicles are moved, as soon as possible, to prevent congestion. Direct other vehicles at the scene to be parked safely off the roadway, as soon as practicable.
4. Direct onlookers, not involved in the accident, to leave the scene if their presence is causing congestion or is hampering rescue, clean up, or investigatory efforts.
5. Deputies will be alert to actual or potential dangers such as fire hazards, spilled gasoline, etc.
6. Deputies will collect/photograph perishable evidence as soon as possible after safety considerations have been fulfilled. Photograph the scene, as soon as possible, before vehicles or evidence is moved or destroyed, or the scene is changed.

F. Collision Victims Property

1. The scene and vehicle shall be surveyed. Any property with significant value shall be collected.
2. The property shall be returned to the owner, at the scene or at the hospital.
3. If the property cannot be returned to the owner, the property shall be returned to a family member.

4. If the property cannot be given to the owner or a family member the property shall be placed in property and it is the responsibility of the Deputy in Charge to return the property as soon as possible to one of the above-identified persons.

61.2.4 Follow-up Accident Investigations:

Follow-up investigations are done to gather information that will be beneficial in a prosecution for violation of law. While follow-up investigations are not necessary in every traffic accident, they are often required in order to accurately portray events leading to and involved in the accident. Such activities in follow-up investigations include, but are not limited to:

- A. Collection of off-scene data.
- B. Obtaining and recording formal statements from witnesses and principals.
- C. Reconstruction of serious accidents
- D. Preparation of formal reports to support charges arising from the accident.
- E. Consultation with State's Attorney personnel in strategy planning for the prosecution of serious cases.
- F. Expert and Technical Assistance in Accident Investigations
 1. Expert and technical assistance may be necessary during investigations of complex accidents, or accidents involving serious criminal charges. The department maintains Accident Reconstructionists among sworn personnel. Assistance will be requested from the Reconstructionists in the investigation of accidents with more than one involved vehicle, more than one person in a single vehicle, or where there are concerns regarding the circumstances of the accident, resulting in fatalities, in accidents where death appears imminent, and in departmental accidents involving serious personal injury. Reconstructionists will complete their report within thirty (30) working days from assignment. Times for submission may be extended by the Patrol Commander for legitimate cause. When investigating accidents with serious injuries, which could result in a fatality at some later date, personnel should take accurate measurements and collect/photograph all available evidence in such a manner to allow the Reconstructionist to reconstruct the accident at a later date, if necessary.
 2. Experts in the ASED Section, of the Maryland State Police, may be of assistance in determining if a defect in the vehicle contributed to the accident. ASED assistance should be requested in examining vehicles involved in fatal accidents.

3. Experts in other fields may be utilized, if necessary; i.e., in the fields of photography, surveying, laboratory, etc. If any of these experts are in the commercial realm, permission will be obtained from the Patrol Commander before utilization.

61.2.5 Maryland's Yellow Alert Program

PURPOSE:

To establish policy for Maryland's Yellow Alert Program.

POLICY:

This Agency in conjunction with the Maryland State Police (MSP) will establish a statewide Yellow Alert Program in Washington County, Md. to provide a system for rapid dissemination of information to assist in locating and apprehending a missing suspect who fails to remain at the scene of a traffic accident that might result in serious bodily injury or death.

DEFINITIONS:

MISSING SUSPECT: an individual whose whereabouts are unknown; who is suspected of a violation of the Transportation Article relating to failing to remain at the scene of a traffic accident that might result in serious bodily injury or death; and whose vehicle the reporting law enforcement agency is able to describe, including any information about the vehicle's registration plate.

SERIOUS BODILY INJURY: an injury that creates a substantial risk of death; causes serious permanent or serious protracted disfigurement; causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty; or causes serious permanent or serious protracted impairment of the function of any bodily member or organ.

PROCEDURES:

A. Background

1. Maryland has a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent bulletin in cases of critically missing juveniles (AMBER Alerts), vulnerable adults (Silver Alerts) and serious attacks on law enforcement officers (Blue Alerts).
2. Such alerts involve the use of the Emergency Alert System (EAS), State Highway Administration (SHA) overhead Dynamic Message Signs, notification to local 911 centers and the media to air a description of the known facts.
3. Expanding on this partnership, and to assist in the investigation of certain hit and run accidents, Maryland has enacted a Yellow Alert Program.

B. Requesting an Alert

1. Law enforcement agencies investigating hit and run accidents involving a missing suspect who fails to remain at the scene of a traffic accident that might result in serious bodily injury or death will promptly request an activation of a Yellow Alert.
2. Requests for an activation of a Yellow Alert will be routed through the Headquarters Duty Officer at 410-653-4200.
3. Yellow Alerts will only be activated when there is enough descriptive information about the missing suspect's vehicle to enable law enforcement to assist in the suspect's apprehension.
4. A Yellow Alert will not be activated when releasing information to the media / public would compromise the integrity of the investigation.

C. Headquarters Duty Officer's Responsibilities

1. The Headquarters Duty Officer will initiate a Yellow Alert activation for any qualifying incident.
2. When there is a missing suspect of a hit and run accident, involving serious bodily injury or death, the Headquarters Duty Officer will promptly gather the information and complete a Yellow Alert activation request using the Yellow Alert Notification Form on the Google Drive.
3. The form may be found by searching "Yellow Alert Notification Form" while signed into the Drive of an MSP Google Account.
4. The Yellow Alert Notification Form is automatically emailed to the following:
 - a. Maryland Joint Operations Center (MJOC) at mjoc.mema@maryland.gov.
 - b. Maryland Coordination and Analysis Center (MCAC) at mdwatch@leo.gov.
 - c. MSP Office of Media Communications at msp.media@maryland.gov.
 - d. SHA Statewide Operations Center at sha_socho@sha.state.md.us.
5. Immediately after submitting the form, the Headquarters Duty Officer will call:
 - a. the barrack where the incident occurred (if the barrack is not the investigating agency);
 - b. MJOC at 877-636-2872 to confirm activation of the Yellow Alert.
 - c. MCAC at 800-492-8477 to ensure registration information is entered into the License Plate Reader (LPR) database, if applicable.

D. Duty Officer Responsibilities

1. MSP Barrack duty officers will ensure the MSP Headquarters Duty Officer is promptly notified of all qualifying incidents investigated by MSP.
2. WCSO duty officers will provide assistance to MSP and local law enforcement agencies, as necessary, to assist in the location and apprehension of a missing suspect.
 - a. A BOLO will be broadcast on the barrack's radio channel/talk group as well as by the Emergency Communications Center (ECC) to WCSO personnel and local law enforcement agencies within Washington County, MD.
 - b. If available, deputies and/or troopers will be dispatched to any area within Washington County, MD. to assist with the apprehension of the missing suspect.

E. Deactivating an Alert

1. A law enforcement officer or agency that locates a missing suspect or vehicle that is the subject of a Yellow Alert will immediately notify the MSP Headquarters Duty Officer and the investigating law enforcement agency that the missing suspect or vehicle has been located.
2. Upon learning a Yellow Alert should be cancelled, the Headquarters Duty Officer will immediately complete a cancellation request using the Yellow Alert Notification Form.
3. If the missing suspect or vehicle has not been located within 24 hours, the alert is self-canceling; however, the Headquarters Duty Officer will be required to submit a Yellow Alert Notification Form to ensure the alert has been cancelled.

61.3 Traffic Direction and Control

61.3.1 Sheriff's Office relation to Traffic Engineering

- A. The Sheriff is a member of the Traffic Advisory Committee; they meet monthly and discuss traffic concerns throughout the County, including engineering deficiencies.
- B. The Sheriff's Office shall provide at least the annual analysis of traffic collisions and traffic enforcement activities to the Traffic Advisory Committee. The Assistant Patrol Commander shall keep the Sheriff informed so the Sheriff may keep the T.A.C informed of any new trends or traffic issues.

61.3.2 Procedure for Traffic Direction and Control

- A. Traffic Collision: When manually directing traffic, it is important for the deputy to use hand signals which are clear, authoritative, and appropriate for stopping, starting, or turning vehicular traffic. The objective of traffic control is to maintain or restore the safe and efficient movement of vehicular and / or pedestrian traffic. In so doing, the person directing traffic is responsible for:

1. Regulation of traffic flow.
2. Controlling turning movements.
3. Coordinating vehicle movements with traffic flow at adjacent intersections.
4. Detouring traffic as needed.
5. Controlling pedestrian movements.
6. Facilitating emergency vehicle movements.

- B. Uniformed Hand Signals and Gestures for Manual Traffic Direction and Control

Manual direction of traffic by a deputy will be handled in a manner that would enable drivers and pedestrians to recognize and respond to verbal and gestured motions.

1. To Stop Traffic: A deputy extends his arm outward with the palm toward the car to be stopped. The deputy may use verbal and/or whistle commands to enhance the physical gesture.
2. To Start: Starting from the stop position, the arm will be moved at the elbow in a manner to indicate that the traffic may now proceed. This is done by swinging the arm upwards (from the elbow down) toward the direction in which traffic is to flow.
3. Right Turns: The deputy shall gesture to the driver of the vehicle turning right to perform the turn by extending the arm toward the direction in which the turn is to be made.
4. Left Turns: These turns are to be made only when there is a gap of traffic or oncoming traffic is completely stopped. The deputy will point in the direction of the turn when such movement can be made safely.
5. Deputies may utilize a flashlight and/or a traffic wand while manually directing traffic. These will be used in a manner to enhance their visibility. At no time should a flare be waived by a deputy to direct traffic.

6. Deputies should remain calm and professional whenever directing traffic. There are times when drivers and pedestrians do not understand deputies or may refuse to obey such directions. The deputy will handle these instances with courtesy and professionalism within the guidelines of accepted procedures.

C. Direction and Control at Critical Incidents

1. Traffic Control and Direction at Hazard Material or Fire Scenes
 - a. The Deputy will assist the Fire Department in making sure the scene is clear for emergency vehicles to enter but restrict entry to unauthorized vehicular or pedestrian traffic.
2. Traffic Control/Direction During Special Events
 - a. Repetitive special events, which the department is involved in; i.e., Antietam Battlefield Fourth of July Concert, Battlefield Christmas Luminaries Drive, have contingency plans for parking, traffic flow, and other circumstances that may arise.
 - b. For other special events of significant magnitude, the Patrol Commander, or his designee, will ensure the preparation / implementation of a specific traffic plan which addresses at a minimum:
 - 1) Movement of vehicles/pedestrians.
 - 2) Parking provisions.
 - 3) Spectator control.
 - 4) Public transportation.
 - 5) Point control direction locations.
 - 6) Alternative traffic routing.
 - 7) Emergency vehicle access.
 - 8) Media coverage, if applicable.

D. Direction and Control during Adverse Weather or Road Conditions

1. The Deputy may close a street or road if:
 - a. In his opinion, circumstances exist constituting a hazard with a high likelihood of causing property damage or injury to parties involved in vehicular traffic on a specific road or

street. In all cases, Communications will be notified of the road closure.

- 1) If the road/street is a County or Municipal thoroughfare, the Duty Officer will immediately notify the applicable road or street department, advise them of the situation, and request assistance in the form of temporary blockades and signs. The Duty Officer, or his designee, will ensure other enforcement agencies with the same jurisdiction are notified of the closing, as well as Fire and Rescue.
- 2) If the road is a State thoroughfare, the Duty Officer will ensure that the State Highway Administration is advised by teletype of the circumstances, and assistance is requested as above. Notifications will be made to other enforcement agencies and Fire and Rescue.
- 3) Communications will notify media sources as soon as possible with the capability of immediately alerting the public to the closing and hazard.
- 4) The Duty Officer will ensure that appropriate utility companies are notified if the hazard involves damage to water, gas, electrical, phone, or cable sources.
- 5) If point control direction is necessary in such a situation, deputies on the scene will use every resource to make motorists aware of the hazard; i.e., emergency vehicle lights, cones, flares, etc.
- 6) All such closings and hazard reports will be documented in the CAD System. Actions and notifications by departmental personnel will be documented in the CAD System.

E. Manual Operation of Traffic Control Signals

1. As a general policy, Deputies will not manually operate a traffic signal. Should the need arise, the State and/or County Highway Departments must be apprised of the situation and approve the deputy's actions beforehand. Circumstances, which may warrant manual operation of the light include:
 - a. Malfunctioning of the signal. If such were the case, Communications will notify the appropriate agency immediately.

- b. Facilitating movement of traffic at large scale accident scenes or other emergencies, if to do so would not create another set of problems.
 - c. To provide free passage for a motorcade.
 - d. To eliminate a possible hazard, such as placing a light on flash at the top of an ice covered hill.
- 2. If such action is necessary, notification will be made to the Maryland State Police and the appropriate agency having maintenance responsibilities over the light.

F. Temporary Traffic Control Devices

As a general policy, temporary traffic control devices will be used only in pre-scheduled special events. The devices will normally be placed and removed by the State and County Highway Departments with the Sheriff's Office coordinating placement of such devices. Flares, portable and temporary stop signs may be used in emergency cases. These would include collisions, natural disaster, etc.

G. High Visibility Clothing

- 1. Uniformed personnel shall wear the issued reflective traffic vest while directing traffic, anytime they are on an accident scene, or anytime they are performing duties where visibility is a concern.

61.3.3 Escorts

- A. Funeral procession escorts may be provided at the direction of the Patrol Commander or higher authority. Deputies escorting a funeral procession will use all emergency lighting on their vehicle and will ensure that all conflicting traffic has stopped at an intersection before leading the procession through. Traffic control will be established, as appropriate, at locations along the scheduled route sufficient to ensure safe passage.

Deputies will not escort another emergency vehicle that has operational emergency equipment.

- B. Deputies will not use emergency equipment while escorting civilians.
- C. Other escorts may be authorized by the Patrol Commander or higher authority on a case-by-case basis; i.e., VIP escort, Security detail, etc.

61.3.4 Adult School-Crossing Guards

No Adult School Guards

61.3.5 Student Safety Patrol Program

No Student Safety Patrol Program

61.4 Ancillary Services

61.4.1 Assistance to Highway Users

A. General Assistance

Deputies who encounter emergencies will request specific needs from the Communications Center for assistance from the appropriate agency. Prior to arrival of the responding personnel, the deputy will provide emergency care consistent with his/her training, equipment available, and level of hazard at the site, using issued equipment.

B. Towing/Mechanical Assistance

1. Refer to the ECC policy for towed vehicles.

When a tow truck is necessary to remove a disabled vehicle, the operator/owner will be given the opportunity to choose a towing service, otherwise the nearest ECC approved towing service will be contacted by the Communications Center. The authorized list will also be utilized when:

- a. The owner's/operator's choice could or would not respond, did not have the proper equipment, or could not be contacted.
- b. The owner's/operator's choice for tow cannot respond in a timely manner and safety considerations make it necessary to remove the vehicle as soon as possible.
- c. The owner/operator is incapable of making a decision and the vehicle must be removed immediately.

2. Deputies should refrain from making a recommendation as to a specific towing service.

3. If the vehicle is not to be towed immediately, the owner/operator may be advised the vehicle will be considered abandoned after 48 hours and appropriate law enforcement action taken.

4. In making a request to the Communications Center for a tow truck, the deputy will advise Communications of all pertinent information; i.e., exact location of the vehicle, any special equipment needed for the tow, location vehicle is to be towed to, if known, and any other important information. The requesting deputy will advise Communications when a specific towing service is the choice of the owner or driver.

C. Stranded Motorists

1. Deputies of the Sheriff's Office will assist stranded motorists in a manner consistent with the mission of preserving the safe welfare of the public. Assistance will be given when possible, with urgency depending upon the total circumstances. If for some reason the deputy cannot furnish assistance because of another more pressing commitment, then a request should be made for assistance from another unit, or from an allied agency. Some forms of assistance which may be given are, but not limited to:
 - a. Relaying appropriate information to the Communications Center requesting the service of a tow truck, mechanic, or another person able to assist.
 - b. Standby and provide a safe environment until assistance arrives.
 - c. Transporting subject(s) to a reasonable location.
 - d. Attempting to find temporary overnight housing for people who may have insufficient funds.
 - e. Providing directions or other information assistance.

D. Emergency Assistance

Deputies shall stop and assist roadway users, which may have fire or medical emergency. Deputies shall summons through the Communication Center fire suppression and emergency medical assists for anyone in need on the roadway. Deputies shall assist and standby during these emergencies.

61.4.2 Hazardous Roadway Conditions

A. Hazardous highway and/or environmental conditions are defined as:

1. Defects in the roadway itself (holes, ruts, or dangerous shoulders).
2. Lack of or defects in highway safety features (e.g., center and roadside striping and reflectors) or improper, damaged, destroyed or visually obstructed traffic control and information signs.
3. Lack of traffic control and information signs (curve and hill warnings, stop and yield signs, speed limit signs, street and highway identification), or improper, damaged, destroyed or visually obstructed traffic control signs or devices.
4. Lack of mechanical traffic control devices or improperly located or malfunctioning traffic control devices.

5. Lack of roadway lighting systems or defective lighting systems.
 6. Natural or man-caused obstructions (fallen trees and rocks, litter, debris, parts of vehicles, broken water mains and electrical wires).
 7. Ice or heavy snow accumulations on roadway surfaces.
 8. Fire and its attendant smoke in areas adjacent to the highway.
 9. Vehicles parked or abandoned on or near the roadway.
- B. The term "roadside hazard" will refer to all physical features of the roadside environment which are such that a vehicle leaving the road surface for any reason, even momentarily, could impact with them, resulting in unnecessary injury to people or damage to property. Roadside hazards are defined as:
1. Rigid non-yielding supports for traffic control devices and lights, or the non-performance of safety installations (i.e., breakaway sign supports that fail to function properly).
 2. Improperly engineered guardrails.
 3. Unshielded bridge railings that may not be able to retain an impacting vehicle and redirect it parallel to the roadway, thereby minimizing damage to the vehicle and danger to traffic below the bridge.
 4. Bridge abutments and other hazardous fixed objects built off the roadway, and into which the vehicle might crash with high injury probability.
 5. Utility poles, trees, ditches, inappropriately steep banks, culverts, rock formations, and other fixed objects built off the roadway, and into which the vehicle might crash with high injury probability.
- C. The following procedures will be followed in identifying, reporting and correcting hazardous roadway, roadside, or environmental conditions.
1. When a hazard is identified and in the deputies opinion such hazard reflects an immediate correction (such as a fallen tree or electrical wire across or on any part of the traveled portion of the roadway), they will immediately inform dispatch of this situation and identify the assistance or special equipment required. The deputy will protect the scene and bystanders, direct traffic, and take any other action deemed necessary to correct the situation.
 2. When a hazard is detected that represents a potential collision situation but the threat of such is not imminent, the deputy will pass this information on to dispatch. Dispatch will notify the County/State Highway Department or other proper authority to

have the situation corrected. If the deputy can correct the situation, the appropriate action will be taken.

61.4.3 Towing - Abandoned Vehicles

Authority: Disposition of abandoned vehicles is regulated by the Maryland Transportation Article, Title 25, Subtitle 2.

Definitions:

Public Property: Any property owned or controlled by a Federal, State, or County Government.

Private Property: Any property not owned or controlled by a Federal, State, or County Government.

- A. Abandoned Vehicle: Any motor vehicle, trailer or semi-trailer that is inoperable and left unattended on public property for more than 48 hours after tagging and has remained illegally on public property for more than 48 hours after tagging.

Or has remained on public property for more than 48 hours, without the consent of the owner or person in charge of the property.

Or has remained on public property for more than 48 hours, and, is not displaying currently valid registration plates, or, is displaying registration plates of another vehicle.

Or has been left unattended on any portion of a controlled access highway for more than 24 hours after tagging (Transportation Article, Section 25-201).

Abandoned Vehicles shall be towed.

- B. Towing of Abandoned Vehicle on Public Property and Private Property:

1. Public Property

When vehicles are found abandoned on public property, the following procedure will be followed:

- a. The investigating deputy will determine if the vehicle is a hazard to other vehicles, stolen, wanted, or has been previously reported as abandoned. If the vehicle is confirmed as stolen or wanted, it will be processed as per established procedures.
- b. If the vehicle is abandoned, the deputy will place an unattended Motor Vehicle tag in a conspicuous place on the vehicle, the tag will indicate the date and time the vehicle

was first checked. The deputy will also make a reasonable effort to contact the owner and advise them to remove the vehicle within 48 hours or it will be removed and stored as an abandoned vehicle.

- c. The deputy will make periodic checks on the vehicle and notify the Communications Center if the vehicle is removed within the 48 hour time period.
- d. If the vehicle has not been removed within 48 hours, the deputy will notify the Communications Center to contact an ECC Approved Tow Service Provider and have the vehicle stored.
- e. The deputy will physically verify the vehicle identification number when a vehicle is towed.
- f. A Towed Motor Vehicle report and release authorization will be submitted to the Duty Officer prior o the end of the agency members tour of duty.
- g. The Duty Officer will place the Towed Motor Vehicle report and release authorization in the Towed Vehicle Master File.
- h. A Certified Copy of Title from the state of last known registration with all lien information will be requested by the towing Deputy.
- i. The towed vehicle officer will be responsible for the abandoned vehicles that are stored at tow facilities. The procedures for the abandoned vehicle to be released to the registered owner or secured parties and the failure to reclaim the vehicle that was stored as abandoned is defined by Maryland vehicle law, Title 25 subtitle 2.
- j. Vehicles will only be towed/stored under this section during the approved tow service's regular business hours.

2. Abandoned Vehicle on Private Property

- a. In response to complaints of vehicles abandoned on private property, the following procedures will be followed:
 - 1) If a vehicle is observed or reported abandoned on private property, the deputy will conduct a stolen check on the vehicle. If the vehicle is not stolen, the property owner will be instructed to contact a Tow Service for removal. Deputies will not store a vehicle from private property unless it is stolen, evidence, or used in the commission of a crime.

3. Vehicles located at Garages/Towing Facilities
 - a. The Patrol Commander will appoint one or more deputies to serve as Towed Vehicle Officers.
 - b. Vehicles that are stored at garages or towing facilities will be disposed of using the following procedures:
 - c. All inquiries from garages/tow services will be referred to a Towed Vehicle Officer. If the vehicle was stored at the direction of this department, the incident will be handled as a follow-up to the report number for the storage of the vehicle.
 - d. Upon contacting the garage/tow service, the Towed Vehicle Officer will check the vehicle for stolen. If it is stolen, the vehicle will be processed as per established guidelines.
 - e. If the vehicle is not stolen, the Towed Vehicle Officer will process the vehicle as defined by Maryland vehicle law, Title 25 subtitle 2.

C. Completion of the Towed Motor Vehicle Report and release authorization.

1. When a motor vehicle is towed at the direction of this department to a Garage / Towing facility the following action will be taken by the investigating deputy prior to the end of his tour of duty:
 - a. A Towed Motor Vehicle report and release authorization will be submitted to the Duty Officer.
 - b. The Duty Officer will place the Towed Motor Vehicle report and release authorization in the open folder of the Towed Vehicle Master File.
 - d. A Certified Copy of Title from the state of last known registration with all lien information will be requested by the towing Deputy.
 - e. Upon receipt, the Towed Vehicle officer will process the vehicle as it is defined by Maryland vehicle law, Title 25 subtitle 2.

2. Release of Stored Vehicles

- a. Persons wishing to retrieve a vehicle stored by this agency will be directed to the Duty Officer.
- b. Release of a vehicle stored at the direction of this department will require the completion of a Stored Vehicle Release Authorization indicating the name and address of the person taking possession of the vehicle, date and time of release, and signature of the releasing deputy. Vehicles may be released under the following circumstances:
 - 1) To the owner if proper identification and proof of ownership is provided.
 - 2) To an authorized agent of the owner possessing a notarized form from the owner granting such authorization. Proof of ownership must also be provided.
 - 3) Upon presentation of a valid Court Order
- c. Vehicles stored at the direction of this department will be released only on authority of the storing deputy or higher authority.
- d. The second copy of the Stored Vehicle Release Authorization will be given to the person authorized to take possession of the vehicle. Upon presentation of the Stored Vehicle Release Authorization to the Tow Service and all fees are paid to the Towing Service, the vehicle may be released.
- e. The releasing deputy will submit a supplement report indicating the vehicle has been released. The supplement report, original Towed Motor Vehicle report, and the completed Stored Vehicle Release Authorization will be filed in Central Records.

4. Inventory of Towed Vehicles

- a. All vehicles stored at the direction of this department will be inventoried by the storing deputy. The vehicle will be inventoried prior to towing by the Tow Service whenever possible. If the vehicle cannot be inventoried prior to towing, the deputy will follow the Tow Service to its destination and then complete an inventory. The inventory will be documented in the Towed Motor Vehicle report. This procedure is an administrative function of the department, designed to safeguard civilian property, and to

protect deputies from potential liabilities or accusations of wrongdoing. If the deputy is unable to access the interior of the vehicle for an inventory. The deputy will document the vehicle was locked on the towed vehicle report and note all items that are visible from outside the vehicle.

- b. All property in a vehicle will be inventoried, including items in unlocked baggage, unsealed cartons, etc. Items in the trunk and glove compartment will be inventoried as will items in locked suitcases or containers, but only if a key is available. Forced entry to a trunk, glove compartment, suitcase, or other item is not permitted to complete an inventory, unless the express permission has been granted and a consent to search form has been signed by the owner. Items such as clothing in a suitcase or tools in a tool kit need not be individually itemized, but can, for example, be described on the Inventory simply as women's clothing or auto mechanic tools.
- c. Limitations are imposed on the scope of an inventory and each inventory must be justified. An inventory may extend to any part of the vehicle where personal property would ordinarily be kept; looking elsewhere will call into question the deputy's motives. Unlocked packages may be opened for the mutual protection of the deputy and the owner. Evidence or contraband discovered in the conduct of the bona fide inventory can be seized and used in a criminal prosecution. The burden is on the deputy, however, to show the inventory was reasonable and pursuant to departmental policy.
- d. Except for evidence, only items of value or those with an obvious attraction that may result in its disappearance should be removed and placed on a property record. Personnel shall consider each item in the vehicle as their obligation to safeguard. An obvious broken CD set has little appeal and/or resale value as compared to a leather briefcase that is empty; or a soldering gun, as compared to a hammer. Personnel are encouraged to use good judgment in light of the circumstances involved. Items not removed will be locked in the vehicle, preferably in the trunk.

5. Assumptions of Liability

- a. Any deputy who willfully, mistakenly, or otherwise wrongfully authorizes the towing, impoundment, or storage of a vehicle, may be responsible for reimbursing the owner for all reasonable towing and storage costs incurred as stated in 26-306 of the Transportation Article.

- A. The Washington County Emergency Communications Center shall be the designated regulatory agency for approved Tow Service Providers.
- B. The Washington County Sheriff's Office will only utilize Tow Service Providers that are on the Washington County Emergency Communications Center Tow List.

Exception:

"Owner's Request" Tow Service Providers with a maximum response time of 30 minutes will be honored by members of this agency.

If conditions exist whereas the arrival of an "owner's request" Tow Service Provider is unreasonable, members may utilize a Tow Service Provider from the ECC Tow List.

- C. Approved Tow Service Providers must meet and agree to policy established by the ECC.

61.4.5 Traffic Safety Educational Materials

- A. Materials and traffic safety presentations are made available to the public, upon written request.
- B. Young Driver Training Program
 - 1. The Crime Prevention Unit provides young driver training twice a year as a community program for all young drivers in Washington County. They are invited through the media to attend this training.

61.4.6 Drug Recognition Experts

POLICY:

The Washington County Sheriff's Office (WCSO) shall utilize certified Drug Recognition Experts when the level of impairment of an arrestee for Driving Under the Influence (DUI) appears inconsistent with the Breath Alcohol Concentration.

CRITERIA:

In order for a Drug Recognition Expert (DRE) to be utilized, the following conditions MUST be met:

- A. The subject agrees to a certified breath test; and,
- B. The subject's level of impairment appears inconsistent with his Blood Alcohol Concentration (BAC); and
- C. The subject's BAC is found to be below .07 (the Duty Officer may waive this

limit with extenuating circumstances) or, the circumstances of the arrest indicate the possible use of a controlled dangerous substance. Under no circumstances will an evaluation be conducted for a subject with a BAC of .08 or above.

RESPONSIBILITIES:

A. Officer Responsibilities

1. When an officer arrests a subject for DUI and his level of impairment appears inconsistent with his BAC, a Drug Recognition Expert evaluation may be requested. This request must be made through the Duty Officer.
2. The arresting officer will advise the subject of his DR-15 rights. If the subject refuses to submit to a breath test, then no DRE evaluation will be conducted.
3. The arresting officer will assist the DRE throughout the course of the entire process. The arresting officer will assist with prisoner security and will have the subject handcuffed during the darkroom examination, if requested to do so by the DRE.
4. If a blood test is ordered and agreed to by the subject, the arresting officer will transport the subject to the hospital for the withdrawal of a blood sample. The DRE will handle the sample in accordance with the Medical Examiner's procedures for blood samples.
5. If a DRE is not located then the arresting officer will proceed with the DUI arrest and issue citations accordingly, following the normal DUI process. The arresting officer will complete an Alcohol Influence Report and document any signs of impairment observed.

B. Drug Recognition Expert Responsibilities

1. All evaluations will be conducted by a certified Drug Recognition Expert, or one in training, under the direct supervision of a certified DRE instructor. All Drug Recognition Experts will be certified by the Sheriff, in accordance with Maryland State Law (TA §16-205.1).
2. The DRE will conduct the evaluation in accordance with the National Highway Traffic Safety Administration (NHTSA) guidelines for conducting DRE evaluations.
3. If, at any time during the evaluation, the DRE observes a medical condition that requires immediate medical treatment, he will:
 - a. Summon emergency medical personnel; and,

- b. Notify the Duty Officer; and,
 - c. Document the incident and forward a report to the Duty Officer and DRE Coordinator; and,
 - d. Ensure that the arresting officer accompanies the subject to a medical facility.
- 4. The DRE will enter the evaluation in his personal DRE log.
- 5. When requested to conduct an evaluation for an allied agency, the WCSO DRE will initiate an incident number for a police assist and document the incident. The evaluation will be entered in the DRE's personal log.
- 6. Upon completion of a Drug Influence Evaluation the DRE Shall:
 - a. Submit the original DRE Face Sheet and the State DRE Data Sheet to the DRE Coordinator by the end of shift.
 - b. If the DRE is off-duty and called out for a Drug Influence Examination, the DRE will submit the original DRE Face Sheet and the State DRE Data Sheet to the DRE Coordinator by the beginning of their next shift.
 - c. Submit original DRE narrative and any supporting paperwork (i.e. Miranda form, MVA DR-23 form, Statement forms, etc.) to the DRE Coordinator within ten (10) days from the date of when the Drug Influence Examination was administered.
 - d. If the subject invokes Miranda or refuses to complete a Drug Influence Examination, the DRE shall still complete a DRE Face Sheet and Narrative detailing the reason for the refusal and document any signs of impairment the DRE observes. Then the DRE should forward the report as referenced above.

C. Duty Officers Responsibilities

- 1. The duty officer may request an on-call Drug Recognition Expert if:
 - a. There is no WCSO DRE on duty; and,
- 2. If there is no on-duty WCSO DRE, the Duty Officer will call out a WCSO DRE.
- 3. If a WCSO DRE cannot be located, the Duty Officer will notify the Maryland State Police Headquarters Duty Officer at 800-525-5555 or 410-653-4200 to request a DRE.

