



# The Aberdeen Police Department Policies & Procedures Manual Chapter Contents



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GO 18-047, 06/26/2018  
Supersedes GO 18-029

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### A. Policy

1. The Department must enforce traffic laws; investigate traffic accidents, and direct traffic to facilitate the safe and expeditious movement of vehicle and pedestrian traffic.
2. Traffic enforcement is a discretionary function, the decision rests with the individual officer, and any decision must be objective and justifiable. (1.2.7)
3. Officers will accomplish enforcement actions in a firm, fair, impartial and courteous manner using one of the following methods:
  - a. Written Warnings (61.1.2c)
  - b. Citations (notice to appear) (61.1.2b)
  - c. Physical arrest (61.1.2a)

### B. Written Warnings (61.1.2c)

1. In every instance where an officer stops a driver of a vehicle to warn the driver for a violation of the Motor Vehicle Law, the officer shall issue a written warning.
2. Officers shall not use verbal admonitions as substitutes for written warnings.
3. Instruction
  - a. The officer shall fill in the Section and Sub Section of the Transportation Article.
  - b. The officer shall fill in the written charge.
4. E-TIX Warning
  - a. The officer will enter the E-TIX information appropriately.
  - b. The officer will print out a paper E-TIX warning and give the printout to the violator.
5. Paper Warning
  - a. The officer will submit the original written warning to the Records Clerk the same day the warning was issued.
  - b. The officer will give copy #3 to the violator.
  - c. The officer will retain copy #2 in the book.

### C. Citations (61.1.2b)

1. The officer will issue a citation to a violator who jeopardizes the safe and efficient flow of vehicular traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.
2. The officer shall complete the Citations appropriately.
3. Distribution of paper citation with Notice to Appear
  - a. The officer will give copy #5 to the violator.
  - b. The officer will submit the remaining copies to the Records Clerk.
4. Distribution of paper citation with no notice to appear
  - a. The officer will give copies #4 and #5 to the violator.
  - b. The officer will submit the remaining copies to the Records Clerk.



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5. E-TIX Citation
  - a. The officer will enter the E-TIX information appropriately.
  - b. The officer will print out a paper E-TIX citation and give the printout to the violator.

### **D. Physical arrest (61.1.2a)**

1. Officers will make a physical arrest in cases including, but not limited to:
  - a. Violators of traffic law pertaining to Driving under the Influence of Alcohol or other Intoxicants.
  - b. Whenever a felony has been committed involving a vehicle.
  - c. When the officer has reason to believe that the person will not comply with the summons issued.
2. If a physical arrest is made, the officer will complete the appropriate reports.

### **E. Enforcement Actions for Traffic Law Violations**

1. Operation of a vehicle after driving privileges have been suspended or revoked (61.1.5b)
  - a. The officer will issue the appropriate citation.
2. Speed violations (61.1.5c)
  - a. The officer will issue a written warning or the appropriate citation, using his/her discretion and taking into consideration existing conditions.
3. Hazardous violations (61.1.5d) and public carrier/commercial vehicle violations (61.1.5e)
  - a. The officer will issue a written warning or the appropriate citation, using his/her discretion and taking into consideration existing conditions.
  - b. The officer should contact directly or have the PCO contact a neighboring jurisdiction to report hazardous commercial vehicle violations.
4. Off-Road Vehicle violations
  - a. The officer will issue a written warning or the appropriate citation, using his/her discretion and taking into consideration existing conditions.
  - b. Officers will attempt to identify violators and file appropriate charges resulting from citizen complaints regarding excessive noise, trespassing, and/or property damage.
  - c. Officers should take appropriate enforcement action, which may include criminal charges, for traffic law violations committed by juvenile drivers.
5. Equipment violations (61.1.5d)
  - a. The officer should issue a SERO (Safety Equipment Repair Order) to drivers of Maryland-registered vehicles for all equipment violations.
  - b. The officer should issue a citation or a written warning to drivers of out-of-state-registered vehicles for all equipment violations.
6. Non-hazardous violations (61.1.5d)
  - a. The officer will issue a written warning or the appropriate citation, using his/her discretion and taking into consideration existing conditions.



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7. Multiple violations (61.1.5f)
  - a. The officer will issue a written warning or the appropriate citation if other violations are discovered after the officer stopped the driver for the original violation.
8. Newly enacted laws and/or regulations (61.1.5g)
  - a. The officer will issue a written warning or the appropriate citation, using his/her discretion and taking into consideration existing conditions.
9. Violations resulting in traffic collisions (61.1.5h)
  - a. The officer will issue a written warning or the appropriate citation, using his/her discretion and taking into consideration existing conditions.
10. Pedestrian and bicycle violations (61.1.5i)
  - a. The officer will issue a written warning or the appropriate citation, using his/her discretion and taking into consideration existing conditions.

### **F. Traffic Enforcement Activities and Practices**

1. To the extent that resources are available, supervisors should assign officers to:
  - a. Observe and report on traffic flow.
  - b. Look for improper driving behavior.
  - c. Be alert for hazardous environmental conditions.
  - d. Identify and act on emergency and other service needs.
  - e. Implement appropriate enforcement action.
2. Officers may use visible patrols to target specific locations, sections, or areas to deter traffic violations and reduce traffic accidents. (61.1.6a)
  - a. Area Traffic Patrol - driving an area or roadway for the purpose of providing protection, security and service to the public; patrol or stationary observation in an area that includes a number of streets, roads, or sections of highway.
  - b. Line Traffic Patrol - moving patrol or stationary observation on a specified route between two points usually on one street or a section of highway.
  - c. Directed Traffic Patrol - selective traffic enforcement (61.1.1d) or the assignment of personnel to traffic enforcement activities (61.1.1e) at times and locations where hazardous or congested conditions exist.
    - 1) Such assignments are usually based on such factors as traffic volume, collision experience, frequency of traffic violations, citizen complaints and emergency and service needs.
3. Officers may use stationary observation, covert or overt, to enforce motor vehicle law violations. (61.1.6b)
  - a. Stationary Observations - Traffic observation at a selected place, usually one with an unfavorable collision experience or traffic flow problem, for traffic law enforcement purposes-especially to detect violations and deter possible violators.



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- b. Covert Stationary Patrol - Stationary observation in which the observer is not visible to persons, using ordinary power of observation, from the roadway being observed.
- c. Overt Stationary Patrol - Stationary observation 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. In all cases, the patrol tactics adopted should be suited to the enforcement objective.
- d. Officers as Examples: Officers will drive patrol vehicles in compliance with existing laws and in such a manner as to demonstrate exemplary driving behavior.
  - 1) When utilizing stationary patrol tactics, officers will park in such a manner so as not to impede or interfere with the traffic flow.
4. Officers may use unmarked Department vehicles to enforce motor vehicle laws. (61.1.6c)
  - a. Officers will enforce motor vehicle laws using their assigned unmarked vehicles.
  - b. Officers who are assigned marked vehicles will not use unmarked vehicles to enforce motor vehicle laws unless a Patrol unmarked vehicle is temporarily available.
5. Certified Traffic Officers will conduct roadside safety checks as dictated by the North American Standard and the FMCSA (Federal Motor Carrier Safety Administration). (61.1.6d)

## **G. Alcohol Countermeasure Enforcement Activities (61.1.9)**

1. When analyses show that a significant number of violations and/or collisions involving impaired drivers have occurred, officers may be assigned to perform such duties as: (61.1.1d)
  - a. Selective surveillance to ascertain the characteristic violation profile of the problem drinker who drives.
  - b. Selective alcohol-related collision investigations and analyses of findings.
  - c. Selective roadway checks to deter impaired drivers.
  - d. Selective enforcement of drinking driving laws.
2. The Traffic Unit shall assign enhanced DUI saturation patrols (grant-funded) to supplement Patrol Enforcement. (61.1.1e)
3. The Traffic Unit shall implement enforcement programs (grant-funded) to coincide with state and national enforcement and awareness programs. (61.1.1d)

## **H. Traffic Enforcement Data**

1. The Traffic Unit shall be responsible for tracking and reviewing the following traffic enforcement data:
  - a. Yearly compilation and review of traffic crash data (61.1.1a)
    - 1) The Traffic Officer will email the statistics and analysis to all APD personnel; and
    - 2) May recommend changes or improvements, if any.
  - b. Yearly compilation and review of traffic enforcement activities data (61.1.1b)
    - 1) The Traffic Officer will compare the data to the prior year and recommend changes or improvements, if any; and



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- 2) Present the report to the Chief of Police, Command Staff, and Supervisors at Staff Meetings.
- c. Monthly comparison of collision data and enforcement activities data (61.1.1c)
  - 1) The Traffic Officer will compare the data to the prior year, evaluate the results, recommend changes or improvements, if any; and (61.1.1f)
  - 2) Present the report to the Chief of Police, Command Staff, and Supervisors at the monthly Staff Meetings.

### **I. Receiving Traffic Violation Complaints from School Bus Operators**

1. The officer will issue a written warning or the appropriate citation, using his/her discretion and taking into consideration existing conditions.
2. When a violation of the Maryland Vehicle Law, Sec. 21-706, ( passing a stopped or stopping school bus with flashing warning lights activated ) is reported to the Department by the operator of a school bus, the following procedures will be followed:
  - a. The Police Communications Officer will obtain enough information from the operator of the school bus as to:
    - 1) the time and location of the alleged violation.
    - 2) the license number and complete description of the vehicle involved in the violation.
    - 3) a description of the operator of the vehicle.
  - b. The PCO will dispatch the information to the area Patrol Officer.
3. The officer should issue a citation to the registered owner if all the information was received.
4. If the operator of the vehicle at the time of the violation cannot be established, the officer will issue a Motor Vehicle Warning to the registered owner of the vehicle.
5. The officer will advise the registered owner of the following information:
  - a. A violation of the Maryland Vehicle Law, Sec. 21-706 was reported to this Department describing the owner's vehicle as the one committing the violation; and
  - b. The warning is being issued because there is insufficient information as to the identity of the operator to issue a traffic citation.

### **J. Stopping and Approaching the Violator**

1. For all traffic stops, the officer should notify Communications of the intended location of the traffic stop, the license number, and the number of occupants of the vehicle.
2. The officer will signal the violator to stop, using "overhead" lights and siren (if needed).
3. Traffic Violator/Officer Contacts (61.1.9)
  - a. Officers will use a standard verbal approach to violators to minimize conversation and keep potential verbal altercations to a minimum.
  - b. Officers will take proper enforcement action and attempt to favorably alter the violator's future driving habits.



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- c. Officers should attempt to minimize conflict through professional interaction with a violator by using any or all of the following:
  - 1) Greeting (good morning/afternoon/evening);
  - 2) Introduce yourself and identify the Department;
  - 3) Explain the reason for the stop;
  - 4) Direct the violator to remain in the vehicle;
  - 5) Ask for the driver's license/insurance card/vehicle registration;
  - 6) Determine the enforcement action to be taken; and,
  - 7) Provide an explanation of any action taken, especially if a traffic citation is issued, including how the violator may resolve the matter.
4. The officer should approach from the rear of the violator's car.
5. Traffic stops conducted with back-up officers
  - a. The Stopping Officer will be in command and will give all instructions to the driver and passengers.
  - b. The Back-up Officer during the traffic stop should exit the vehicle and cover the Stopping Officer.
  - c. The two officers should not approach the violator together.

### **K. Unknown Risk Stop/Felony Stop**

1. When a vehicle driven or occupied by a known or suspected felon is located by an officer, the officer shall: (61.1.7a-b)
  - a. Immediately notify the Communications Section and give the location of the vehicle and a description of the vehicle and the vehicle occupants
  - b. Keep the suspect vehicle in view; and
  - c. Request back-up officers to help conduct the felony stop.
2. Felony Stop Procedures (61.1.7b)
  - a. When the suspect's vehicle is stopped, the officer will position the patrol vehicle in a tactical position, keeping the suspect in view.
  - b. Back-up officers, upon arrival, position their vehicles tactically and will stay out of the line of fire.
  - c. The Stopping Officer will remain at his/her vehicle to give commands to the driver.
  - d. When the driver has exited the vehicle and is secured, the Stopping Officer will give commands to the remaining occupants to exit the vehicle.
  - e. When all occupants have been removed and secured from the vehicle, then officers can search and clear the vehicle.
  - f. When the driver and the occupants have been searched and secured, and the stopped vehicle has been cleared, the entire traffic stop will be complete.



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### **L. Confiscation of M.V.A. Documents**

1. Officers may confiscate driver's licenses, certificates of title, registration cards, or registration plates when these items are required as evidence in support of specific charges.
  - a. Officers will not confiscate these items solely for the purpose of returning them to the Motor Vehicle Administration (M.V.A.).
2. Registration documents and/or plates may be confiscated based on the following criteria:
  - a. The M.V.A. registration listing must indicate:
    - 1) the registration is flagged for the Maryland State Police; and
    - 2) a confirmed tag pick-up order has been issued.
3. Officers shall place all confiscated tags and a copy of the METERS printout, including the pick-up number, into Evidence & Property control prior to the end of the officers' shifts.

### **M. Re-Examination of a Driver (61.1.11)**

1. The officer may request the reexamination of a driver who appears to be mentally or physically incapable of safely operating a motor vehicle.
2. The officer will establish reasonable grounds for a re-examination.
3. The officer will complete MVA Form DC-039 or the E-TIX E-Referral and describe the reason the officer believes the driver needs to be re-examined.
4. The officer may explain the reexamination process to the driver.

### **N. Parking Enforcement Procedures (61.1.12)**

1. Officers will use discretion in the issuance of all parking citations.
2. Officers are expected to aggressively enforce parking violations, and they are also expected to be aware of certain conditions which affect citizens who reside in those areas.
3. Citations for Parking Violations
  - a. Officers will issue citations for enforcement of parking ordinances, as appropriate.
  - b. Officers will ensure that all citations they write will be legible and written in black ink.
4. Handicapped Parking Enforcement
  - a. The Maryland Vehicle Law and City Code have laws that provide for handicapped parking and the issuance of handicapped plates, placards or stickers.
  - b. Before issuing a citation to a vehicle that appears to be in violation, officers will:
    - 1) Determine if the vehicle has proper registration plates;
    - 2) Very carefully inspect the front and rear windows and dashboard to determine if "handicapped" signs are in these locations.
    - 3) After checking the vehicle thoroughly, then issue the citation, as appropriate.

### **O. Impounding Illegally Parked Vehicles**

1. Officers shall not routinely impound vehicles for parking violations.
2. When possible, the officer will give the owner/operator a reasonable opportunity to remove the vehicle.





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3. Impoundment is authorized:
  - a. If a vehicle is parked or standing in a location that:
    - 1) impedes the movement of traffic or blocks a driveway or entrance; or
    - 2) is unattended on any road, highway, alley or parking lot, in a position that constitutes a threat to public safety; or
    - 3) is posted "No Parking Parade Route."
  - b. In 48-hour violations the vehicle may be impounded following the issuance of a written warning or citation, under the following conditions:
    - 1) Additional complaints are received relative to the vehicle; and
    - 2) The registered owner of the vehicle does not reside on an adjacent residential property and there are no other violations other than the 48-hour violation; and
    - 3) The officer has supervisor approval.
  - c. Exigent circumstances exist that endanger public safety (Example: leaking gas);
  - d. When assisting Public Works with enforcement and/or impoundment of vehicles in violation of official "No Parking" signs during street construction or leaf collection, only after consulting with the Patrol Supervisor and obtaining authorization.
4. Officers will obtain authorization from the supervisor before impounding any vehicle for a parking violation.
5. The supervisor will ensure that the vehicle impoundment meets the requirements of this procedure.

### **P. Voiding Parking Citations**

1. Officers are prohibited from voiding parking citations.
2. The Chief of Police can administratively void parking citations for the following reasons:
  - a. If an officer issues a citation in error, such as, failing to see a valid handicapped sticker or residential parking permit displayed on the vehicle.
  - b. If an officer makes an error while writing a citation.
  - c. If an unused citation has copies that are lost or stolen.
  - d. If a citation has become unsuitable for issuance due to accidental exposure to rain, snow, etc.



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Section 02 Direction and Control

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GO 18-030, 04/03/2018  
Supersedes GO 16-014

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### A. Policy (61.3.2a)

1. The Department will strive to direct appropriate enforcement efforts toward frequent violations and traffic-related needs in the community.
2. Officers will direct traffic when unusual events occur that impede the regular flow of traffic.
3. Officers will direct traffic to:
  - a. Expedite free flow of opposing traffic streams;
  - b. Control turning movements;
  - c. Control pedestrian movement; and
  - d. Expedite the movement of emergency equipment.

### B. Manual Direction and Control Instructions

1. Officers shall wear reflective vests every time they are directing or controlling traffic. (61.3.2e)
2. Officers shall use uniform hand signals and gestures for manual traffic direction and control.
3. Officers will use flashlights or highway flares while manually directing traffic during the hours of darkness or under conditions of limited visibility due to weather conditions.
4. Uniform Hand Signals
  - a. To Stop Traffic
    - 1) The officer/crossing guard should first extend his/her arm and index finger toward, and look directly at, the person to be stopped until that person is aware, or it can be reasonably assumed that the person is aware, of the officer's gesture.
    - 2) Second, the pointing hand is raised at the wrist so that the palm is toward the person to be stopped.
    - 3) The palm is then held in this position until the vehicle has stopped.
    - 4) To stop traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.
    - 5) The same procedure applies to stopping vehicles from intersecting roadways.
  - b. To Start Traffic
    - 1) The officer/crossing guard should first stand with shoulder and side toward the traffic to be started, extending the arm and index finger toward, while looking directly at the driver until that driver is aware of the officer's gesture.
    - 2) Second, with palm toward the officer, the pointing arm is swung from the elbow through a vertical semi-circle until the hand is adjacent to the chin.
    - 3) If necessary this gesture is repeated until traffic begins to move.
    - 4) To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.
    - 5) The same procedure applies to starting vehicles from intersecting roadways.



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c. Right Turns

- 1) If the driver is approaching from the officer's right side, the extended right arm, index finger, and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn.
- 2) If the driver is approaching from the officer's left side, either the same procedure may be followed or the extended left forearm may be raised to a vertical position from the elbow while closing the fingers so that the remaining extended thumb points in the direction of the driver's intended turn.

d. Left Turns

- 1) To start left turning drivers, the officer's left side and arm should be toward the left turning driver.
- 2) The officer should then extend the left arm and index finger and then gaze toward a left turning driver.
- 3) When the left turning driver's attention has been gained, the extended left arm and index finger are swung to point in the direction the driver intends to go.
- 4) The officer should not direct his/her gaze, nor turn his/her body toward a left turning driver unless he/she is prepared for the driver to complete the left turn.

5. Driver Confusion

- a. When a driver or pedestrian misunderstands or misinterprets an officer's directions, the officer will move reasonably close to the person and politely and briefly explain the officer's directions.
- b. The officer will allow the driver to proceed when it is safe to do so.
- c. If there is a deliberate and flagrant failure to heed an officer's directions, the officer should consider the necessary enforcement action.

**C. Adverse Road and Weather Conditions (61.3.2b)**

1. Officers will provide scene protection and traffic control, appropriately, in adverse road and weather conditions.
2. Officers may direct the PCO to initiate a Regional Broadcast about the specific road conditions, visibility, location, and other appropriate information.

**D. Hazardous Roadway Conditions (61.4.2)**

1. Upon discovery of a hazardous roadway condition, the officer shall request that the appropriate state/local agency to take corrective action.
  - a. The officer will contact the Communications Section and the supervisor about the situation.
  - b. The PCO will notify the appropriate department or agency.
  - c. The officer will follow up to determine that the appropriate action was taken and the hazard was removed from the roadway.
2. The officer may remove lightweight debris from the roadway, determined on a case-by-case basis.



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Supersedes GO 16-014

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### **E. Temporary Traffic Control (61.3.2d)**

1. Officers may use the following temporary traffic control devices when situations require traffic to be diverted.
  - a. Officer
    - 1) Utilized to divert or control traffic in lieu of other regulatory device;
  - b. Marked Vehicle
    - 1) Generally utilized to block a particular area or street
    - 2) Officers shall activate emergency lighting equipment whenever a police vehicle is used to block or control traffic
  - c. Barricade, Rope
    - 1) Same uses as vehicle
  - d. Traffic Cones
    - 1) Utilized to gradually channel traffic from a situation or hazard
  - e. Highway Safety Flares (Chemical or Electronic)
    - 1) Ignite or turn on (electronic) flares and place as warning devices, such as:
      - a) Temporary cones until traffic cones arrive;
      - b) Temporary barrier to close a street until traffic barrier or cones arrive; or
      - c) Place the lit flares on the roadway a safe distance from the police vehicle (with emergency equipment activated) as an additional alert to oncoming motorists that the police vehicle ahead is stationary.
2. Officers should use temporary traffic control devices in emergency conditions including but not limited to:
  - a. Accidents; (61.3.2d)
  - b. Large holes in the road;
  - c. Fires;
  - d. Hostage situations; and
  - e. Other incidents that indicate the need for immediate traffic control.
3. Officers shall use their judgement to determine the type of control device to use in a situation.
4. Officers may use temporary traffic control devices in non-emergency situations including but not limited to:
  - a. Parades;
  - b. Sporting events;
  - c. Dignitary protection; and
  - d. Traffic Enforcement activities.



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5. Officers shall remove Police Department initiated temporary traffic control devices as soon as the situation allows.

### **F. Escort Services (61.3.3)**

1. Medical Emergency Escorts
  - a. The first officer on the scene shall initiate First Responder procedures.
  - b. The officer shall notify Communications to dispatch an ambulance.
  - c. Officers are prohibited from escorting civilian vehicles in medical emergencies.
2. Funeral Escorts
  - a. The PCO will receive the request from the funeral home and will advise the supervisor about the request and the route of the procession.
  - b. The available officer will respond to the request, approved by the supervisor.
3. Other Escorts
  - a. Requests received in Writing - Communications will forward requests directly to the Patrol Lieutenant.
  - b. Requests received by Phone - The PCO will contact the supervisor, who will notify the Patrol Lieutenant.
  - c. The Patrol Lieutenant will approve or deny the request and notify the supervisor.
  - d. The Supervisor will assign officers, if approved; or notify the requestor that escort was not approved.

### **G. Traffic Engineering**

1. Complaints or suggestions concerning traffic engineering deficiencies (61.3.1a)
  - a. Non-Emergency – Officers who observe or receive a citizen’s complaint regarding traffic engineering shall notify the Division Commander, advising of the complaint, type, and location.
  - b. Emergency – Officers who observe or received a citizen’s complaint that constitutes an emergency shall notify the Communications Section, who will notify the appropriate department or agency, and the supervisor.
  - c. The officer shall document all problems found and any corrective action taken.
2. Transmitting collision and enforcement data to local or regional traffic engineering authorities.
  - a. The Patrol Lieutenant shall submit any significant and appropriate traffic accident analyses and enforcement data to local/regional traffic engineering authorities, through the chain of command to the Chief of Police. (61.3.1b)



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Section 03 Citation Control

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GO 14-044, 06/05/2014  
Supersedes GO 13-002

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### **A. Policy**

1. Issuing and accounting for traffic citations is rigidly controlled by Maryland Department of Transportation Motor Vehicle Administration and this Department.
2. Citation Books and issued citations are kept secured in the Records Section. (82.3.4c)

### **B. Uniform Complaint and Citation Book Distribution (82.3.4a)**

1. Records Clerk will issue citation books.
2. The Records Clerk will complete the Talley Uniform Complaint & Citation Book form for each citation book issued, entering:
  - a. POLICE DEPARTMENT - Aberdeen Police Department;
  - b. DATE - Date of receipt; and
  - c. ISSUED TO - Officer's name and ID.
3. Upon receiving the citation books, officers will verify the numerical sequence of the control numbers indicated in the citation book.

### **C. Accounting for Citations (82.3.4b)**

1. Officers will account for every citation, whether it is:
  - a. Issued;
  - b. Damaged;
  - c. Destroyed; or
  - d. Lost.
2. Upon receiving from officers their issued or damaged citations, the records clerk will record the citations on the Tally Uniform Complaint and Citation Book form.

### **D. Reporting Requirements**

1. The records clerk will ensure that the issued citations are recorded, in numerical sequence, on the Uniform Traffic Citation Transmittal (Form DC-CR/95) and forwarded to District Court for processing.
2. After the records clerk has recorded the citations and signed the transmittal sheet, the original and copies, two, four and five of the transmittal sheet, plus the court copy of the citation, will be forwarded to the District Court.
3. The Department employee making the delivery to the District Court will have the transmittal sheet signed by the court employee accepting the traffic citations.
  - a. The court retains the original and copies two and four of the daily transmittal sheet.
  - b. The receipt (copy five of the daily transmittal sheet) is returned to the installation and filed.
4. The law enforcement copy of the citation and the third copy of the daily transmittal sheet will be placed in the appropriate OPS file.



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### **E. Voidance of Citations**

1. If an error is made while writing a citation, if an unused citation has copies lost or stolen, or, if citations have become unsuitable for issuance due to accidental exposure to rain, snow, etc., they may be administratively voided by the Chief of Police.
2. Officers requesting the voiding of a citation will forward all copies of the citation, along with a Buck Slip (APD Form 37) requesting a citation voidance to his immediate supervisor for transmittal to the Chief of Police.
3. The Chief of Police may void a citation by inserting the void date in the violation date area of the citation, entering all officer information and signing the citation. The word "VOID" shall be printed in bold letters across the front of the citation.
  - a. NOTE: Any time the defendant receives his/her copy of the citation, it cannot be voided and the defendant must follow the normal procedure for citations issued by officers.
4. The #1 and #4 copies of a voided citation, or photocopies of those copies if the #1 and/or #4 copy was lost or stolen, and appropriate daily transmittal sheets shall be forwarded to the District Court for accountability.
5. All other copies of a voided citation (#2, and #3), and appropriate daily transmittal sheet will be retained in accordance with the Department's established records retention schedule.
  - a. The word "VOID" shall be entered on the Tally sheet for the corresponding numbered citation.
  - b. The Citation Voidance Request (APD Form 37) will be filed in the personnel file of the employee requesting the voidance for a period of one year and then destroyed.

### **F. Loss or Theft of Citations**

1. In the event all copies of a citation or a citation book are lost or stolen, the employee to whom it was issued will follow the procedure outlined in Chapter 22, Section IV lost or damaged department equipment.
2. Upon review and approval of the required report by the Chief of Police, a copy of the report will be forwarded to the records clerk.
3. The records clerk will notify the State Motor Vehicle Administration in writing concerning such loss or theft in order that they may adjust their records accord

### **G. Disposition of Citations upon Resignation or Retirement**

1. Citations books cannot be transferred from one officer to another.
  - a. If an officer terminates employment with the Department, all citation books issued to the employee will be returned to the Administrative Lieutenant or his designee.
  - b. That individual will then forward the unused citation books to the Motor Vehicle Administration for disposition.
2. When an officer resigns or retires, every effort will be made by that employee to make a final disposition on every open traffic citation prior to separation from the Department.



## The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic  
Section 03 Citation Control

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GO 14-044, 06/05/2014  
Supersedes GO 13-002

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3. If open traffic citations remain after an employee leaves the Department, the employee's former supervisor will consult with the State's Attorney to discuss the disposition of such cases.
  - a. No request will be made to dismiss cases unless there are extremely extenuating circumstances.
4. If a summons is issued for the appearance in court of a former employee, that individual is required to do so, or sanctions can be imposed by the court.
5. When a former employee is to appear as a witness for the prosecution, arrangements should be made to provide the appropriate documents or evidence needed for court.
6. All unissued traffic citations assigned to officers who resign or retire will be immediately forwarded to the records clerk for forwarding to the Motor Vehicle Administration.

### **H. Officer's Certification and Order of Suspension Form DR-15A Control**

1. Motor Vehicle Administration Form DR-15A (Officer's Certification and Order of Suspension) will be issued and controlled in the following manner:
  - a. DR-15A books will be controlled and issued by the Records Clerk.
  - b. The officer to whom the book is issued will complete the DR-15A book receipt and submit it to the records clerk immediately upon issuance.
  - c. The Records Clerk will
    - 1) Record the issuance of a DR-15A
    - 2) Mail the DR-15A receipts and any completed tally sheets to MVA, Administrative *Per Se* Unit
  - d. If it is necessary to void a DR-15A, the Chief of Police will be responsible for forwarding the "MVA" copy (number 1 copy) to the MVA Administrative Per Se unit, with the word "Void" written across the face of the form, and accompanied by a brief explanation as to the reason for voiding the form.
    - 1) The Chief of Police will also be responsible for destroying all subsequent copies of the voided DR-15A.





# The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic  
Section 04 Violators Requiring Special Processing

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GO 14-044, 06/05/2014  
Original Policy

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## **A. Policy**

1. Traffic law violations committed by persons described in this section may require special processing.
2. The constitutional rights and privileges of all people will be recognized and respected by all officers.

## **B. Nonresidents of Aberdeen (61.1.3a)**

1. Officers shall implement enforcement activities in a uniform manner that does not give preference to local residents or non-residents.
2. Officers shall issue citations and/or written warnings on the severity of the traffic violation, and not on the basis of residency.

## **C. Juvenile Traffic Offenders (61.1.3b)**

1. Officers shall issue citations and/or warnings, to juveniles sixteen years or older.
2. Officers shall not issue citations to juveniles under eighteen who have committed a violation that has a penalty of incarceration.
3. Officers shall follow policy and procedures of the Juvenile section of this manual.
4. A JDR (APD Form 3) will be completed for juveniles who are charged with jail-able offenses.

## **D. The Lieutenant Governor and Members of Legislature (61.1.3c)**

1. Officers shall not take into custody except for treason, a felony or a breach of the peace the Lieutenant Governor, a member of the General Assembly, or the Clerk and their assistants during the session of the General Assembly and for five days before and after the session.
2. Officers may issue a traffic summons for a moving traffic offense, or make an arrest in the case of an offense involving a DWI.

## **E. Foreign Diplomats, Families, Servants, and Other Consular Officials (61.1.3d)**

1. Officers may issue citations and/or warnings even when drivers are believed to have diplomatic immunity and have proper and valid identification indicating immunity.
2. The supervisor may request the Communications Section to verify Diplomatic status.
3. Officers should give strong consideration to issuing a warning rather than a citation when coming in contact with a driver with diplomatic immunity.
4. DWI (61.1.11)
  - a. The official, if entitled to criminal immunity, should not be subjected to any sobriety or other mandatory test, and, except in extreme cases, should not be restrained.
  - b. The driver should be told that the officer's primary responsibility is to care for the safety of the official and the safety of others.
  - c. Force must not be used, except when necessary to prevent injury to the official or others, and then only to the absolute minimum.
  - d. Preventive steps may include
    - 1) taking the subject to another location to permit sufficient recovery to drive safely,



## The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic

Section 04 Violators Requiring Special Processing

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GO 14-044, 06/05/2014

Original Policy

- 2) providing transportation, or
  - 3) taking other appropriate corrective action while respecting any immunity that may apply.
- e. Access to a telephone must be provided.
  - f. Papers, documents or archives of a person entitled to immunity or in a vehicle bearing valid federal diplomatic plates are immune, even if the driver is restrained or the vehicle removed or immobilized.

### **F. Military Personnel (61.1.3e)**

1. Officers shall issue citations and/or warnings in the same manner as any other citizens, except for special administrative situations that arise from their having been recently stationed out of the country or out of the state.



# The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic  
Section 06 Traffic Warrant

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Original Policy

## A. Procedures

1. Any time a motor vehicle summons or bench warrant is issued by the court and forwarded to this department for service, it will be immediately recorded in a Warrant Control Ledger and will have one copy of the Warrant/Summons Progress Report (APD Form 63) attached to it.
  - a. The required warrant information will be entered into METERS and NCIC.
2. If a summons or bench warrant is received by an employee directly from an official of the court or a warrant is served immediately after being issued, the records clerk will be given Department's copy or a photocopy of the summons or bench warrant.
  - a. The employee receiving the copy shall make an appropriate log entry in the Warrant Control Ledger and shall open a file for the documents provided.
3. Not less than each thirty-day period, an inventory will be made of all open warrants.
  - a. When a warrant has been assigned for service longer than thirty days and not yet served, the assigned patrol supervisor will submit a detailed report to the Chief of Police explaining the specific reason why service has not been affected.
4. Warrants which require service in another jurisdiction will be entered into METERS/NCIC. Notification to the appropriate jurisdiction will be made.
5. If the warrants are for misdemeanor cases, they will be retained in the file until they are subject to the administrative destruction according to the Department Inventory and Retention Schedule.
  - a. At that time, the warrants will be returned by endorsement to the originator for review and destruction, if warranted, as provided by Section 1-605 (7) of Courts and Judicial Proceedings, Annotated Code of Maryland.
    - 1) In the case of warrants issued for felony offenses, the warrants will be retained by the Department until such time the originator requests its return.
    - 2) A request for return of a warrant will be accomplished by the initiation of a "recall" METERS message to where the warrant was forwarded.
6. A resume concerning warrants served or returned un-served will be included in the return endorsement.
  - a. Warrants received from outside this Department will be directed to the records clerk for initial endorsement.
  - b. Returns will be made by second endorsement.
7. Whenever a warrant is served, such fact shall be immediately transmitted by initiating a "locate" message through METERS/NCIC.
  - a. If applicable, the originator will be responsible for immediately initiating a "recall" METERS message to the department to which the warrant was forwarded.
8. Supervisors will ensure that a wanted person's name is immediately withdrawn from METERS/NCIC.
9. All open warrants on file shall be checked on a quarterly basis to ensure they are presently in the open warrant file, or accounted for, and that all others have been closed.



## The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic  
Section 06 Traffic Warrant

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Original Policy

### **B. Administrative Destruction of Warrants**

1. The Annotated Code of Maryland, Courts and Judicial Proceedings, Section 1-605 (7), provides for the destruction of certain warrants following three years after issuance.
2. The Chief Judge of the District Court, on the recommendation of the Administrative Judge of any district, shall approve in writing the invalidation and destruction of certain warrants for arrest, if the Administrative Judge certifies to the Chief Judge that:
  - a. each of the warrants are more than three years old.
  - b. the warrant was properly delivered to an authorized law enforcement department for execution and service, which was not affected.
  - c. each of the warrants was issued by a judicial officer of the court for:
    - 1) the arrest of the defendant in order that the defendant might stand trial on a misdemeanor offense.
    - 2) the failure of the defendant to appear for trial for a misdemeanor offense, as directed by the court.
    - 3) the failure of the defendant to make a deferred payment of a fine or costs as ordered by the court for a misdemeanor offense, or
    - 4) a violation of a probation order of the court entered in a misdemeanor offense.
3. During the month of January of each year, it will be the responsibility of Communications to check all active warrants which fall under the guidelines enumerated above.
4. When a determination has been made to request administrative destruction of a warrant that meets established criteria, a Warrants Recommended for Invalidation and Destruction form (DC-9) will be completed and forwarded to the Administrative Judge of the appropriate district court.
5. When correspondence is received from the court indicating that the warrants may be invalidated, the warrants will then be removed from file and the entry removed from METERS/NCIC.
  - a. The warrant will be forwarded to the Administrative Judge of the appropriate district for destruction.
  - b. The Warrant/Summons Progress Report (APD Form 63) will then indicate that the warrant has been invalidated and destroyed.
  - c. It will be the responsibility of Communications to immediately remove the wanted person's name from METERS/NCIC when the warrants are destroyed through the judicial administrative process.
6. Once the warrant has been invalidated and destroyed, the "Police Department" copy of the warrant, along with accompanying forms and correspondence, will be placed in the File, Warrants Closed, for the indicated retention period.
  - a. The Warrant Case Assignment Log File will reflect the date of closure.
  - b. If applicable, a supplemental report to the original investigative case will be submitted, closing the case by exceptional clearance.
7. Before any warrants are administratively destroyed, a final attempt will be made to serve the warrant.



## The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic

Section 06 Traffic Warrant

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Original Policy

- a. Additionally, consideration will be given for retaining those warrants issued for defendants against whom property is being held, e.g., motor vehicles, firearms, or other similar property.
8. In those instances when warrants do not qualify for the administrative destruction outlined above, i.e., felony warrants, and it is determined by the Chief of Police that the warrant should be quashed, the State's Attorney's office in the particular jurisdiction shall be contacted.
- a. The State's Attorney's office can provide the proper guidance and instructions as to the procedures for quashing the warrant.
  - b. It will be the responsibility of Administration to ensure that the wanted person's name is withdrawn from METERS/NCIC immediately upon receiving the decision to quash the warrant.



# The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic  
Section 08 Vehicle Equipment Violations Enforcement

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GO 16-001, 01/05/2016

## A. Policy

1. Enforcing vehicle equipment violations promotes traffic safety with the goal of reduction in traffic accidents.
  - a. Officers shall enforce vehicle equipment violations. (61.1.5f)

## B. Maryland Registered Motor Vehicles

1. The SERO (Safety Equipment Repair Order, MSP Form 157) and the ERO (Electronic Repair Order) are applicable to Maryland registered motor vehicles only. (61.1.5f) (61.1.5g)
2. Officers shall issue as SERO or an ERO to the operator of a Maryland (61.1.5f) (61.1.5g)
  - a. Registered motor vehicle,
  - b. Trailer, or
  - c. Semi-trailer;
  - d. Except when the operator of the vehicle is using
    - 1) Interchangeable Maryland registration such as dealer, wrecker, special mobile equipment, etc.;
    - 2) Temporary registration;
    - 3) Historic registration if vehicle is a 1985 model or older; or
    - 4) Mobile home registration
3. Distribution of ERO
  - a. The officer shall scan the ERO into the DELTA System.
  - b. The officer shall give the printed receipt to the equipment operator.
4. Distribution SERO Paper Copies
  - a. No. 1 copy –Automotive Safety Enforcement Division (ASED) of the Maryland State Police, by the end of the officer’s tour of duty
  - b. No. 2 copy – Issuing Officer
  - c. No. 3, 4, and 5 –Equipment Operator
    - 1) The Driver must be told of the 10-day rule on repair and that \*violation can be certified by a Police Department other than Baltimore City or Federal.

## C. Visual Certification by Police Officer

1. An Officer may visually inspect and certify corrected defects noted on the SERO that do not require
2. An Officer may visually inspect and certify only those corrected defects that are designated with a star on the SERO.

## D. Visual Certification Procedure

1. The officer shall notify Communications of a call for service, and then conduct the inspection.



## The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic

GO 16-001, 01/05/2016

Section 08 Vehicle Equipment Violations Enforcement

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2. SERO - The officer shall write the required entries on the SERO and submit the Officer's copy to the Records Section prior to the end of the officer's tour of duty.
3. ERO - The officer shall scan in the ERO, electronically transmit the ERO, and give the driver the receipt.
4. An Officer shall not inspect corrected defects if the defects must be certified by the use of testing equipment.
  - a. The officer should instruct the operator to take the vehicle to an Authorized Inspection Station for certification.

### **E. Duplicate Repair Orders**

1. A duplicate Repair Order may be issued from the issuing officer's copy, from information obtained from the Automotive Safety Enforcement Division (if the Repair Order number is known), or from a Notice of Suspension received by the vehicle owner, which will contain the information needed to issue a duplicate Repair Order.
2. When a duplicate is requested from the Department and the person does not have a Notice of Suspension, contact the Automotive Safety Enforcement Division by phone and if the Repair Order number is known, the necessary information will be furnished from the ASED file copy.
3. If the Repair Order number is not known, the person will be advised to the contact ASED for disposition.
4. If an ERO was issued, the repair order may be located via "Search Traffic" in the DELTA System by entering the Vehicle Registration.

### **F. Release of Registration Suspension**

1. Officers shall not release registrations.
2. Officers shall refer citizens needing releases to the Maryland State Police Automotive Safety Enforcement Division (ASED).



# The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic  
Section 09 Assistance to Motorists

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GO 15-054, 03/18/2015  
Supersedes 14-044

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## **A. Policy**

1. Officers will assist, as needed, any motorists who are stranded due to an accident or mechanical problem; or are in need of emergency assistance.
2. All requests for assistance will be called into the Communications Section.

## **B. Definition**

1. Motorist – Driver of the vehicle.

## **C. General Assistance and Stranded Motorists (61.4.1a) (61.4.1c)**

1. The officer will ascertain whether the motorist needs any assistance.
2. If help is on the way and the motorist wishes to wait in his/her vehicle, the officer will make periodic checks on the motorist.
3. The officer will render appropriate assistance, including but not limited to
  - a. Providing information and directions.
  - b. Having family or friends respond to assist them;
  - c. Assisting the motorist with obtaining fuel, repairs, overnight lodging, or a tow truck;
  - d. Transporting the motorist and/or passengers to a safe location;
4. Officers will ensure that stranded motorists are not unduly exposed to hazardous situations.

## **D. Disabled Vehicles (61.4.1b) (61.2.2h)**

1. The officer will see that the vehicle is moved or towed if any risk to other vehicles is present.
2. If the vehicle owner is present, the owner will be given reasonable time to obtain a private tow
3. The officer will have the vehicle towed if
  - a. The vehicle is unattended, or
  - b. The motorist is not able to have the vehicle towed in a reasonable amount of time.
4. The officer will complete a Vehicle Impound Report (APD Form7) if the officer has the vehicle towed.

## **E. Emergency Medical Situations (61.4.1d)**

1. The officer will call for emergency medical assistance, if needed.
2. The officer may attempt to have a family member contacted, if needed.

## **F. Keys Locked in a Vehicle**

1. The officer will assist the motorist by unlocking the vehicle under the following circumstances only:
  - a. A life threatening situation
  - b. The vehicle is running and a child or disabled person is locked in the car
  - c. A child or animal is in the vehicle and weather conditions require immediate extraction.





# The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic  
Section 10 Speed Checking Devices

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GO 18-094, 12/06/2018  
Supersedes 18-054

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## A. Policy

1. This Department deploys speed checking devices for the following purposes: (61.1.9a)
  - a. For enforcement in high accident areas where speed violations are a causative factor.
  - b. To evaluate complaints concerning speed violations.
  - c. For enforcement in suspected high-speed violation areas.
  - d. To conduct traffic volume and speed percentile surveys.

## B. Department Devices

1. Department-approved devices include: (61.1.8a)
  - a. Hand-held devices
    - 1) LIDAR units
    - 2) RADAR units
  - b. Patrol vehicle-mounted devices
    - 1) RADAR units
  - c. Street-positioned devices
    - 1) Vehicle Message Board
    - 2) Speed Measuring Box

## C. Speed Device Operation and Accountability (61.1.8b)

1. LIDAR and RADAR
  - a. Officers shall be required to have LIDAR and RADAR operator certification prior to use. (61.1.8e)
  - b. Officers shall sign out and sign in for use of a LIDAR unit.
  - c. Supervisors are responsible to:
    - 1) Ensure each LIDAR device is available for sign-out at the beginning of each shift;
    - 2) Ensure officers sign out and sign in the LIDAR devices during each shift; and
    - 3) Ensure each LIDAR device was returned at the end of each shift.
  - d. In-car mounted, or handheld RADAR units are assigned to officers.
    - 1) The officer is responsible to ensure that the units are checked for accuracy daily and to report any malfunctions or problems to the Special Operations Corporal immediately.
2. Vehicle Message Board
  - a. The Special Operations Corporal shall provide a monthly schedule of locations and deploy the Vehicle Message Board according to the monthly schedule or as circumstances dictate.
3. Speed Measuring Box
  - a. The Special Operations Corporal shall coordinate use of the Speed Measuring Box to conduct traffic volume and speed percentile surveys and other uses.



## The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic  
Section 10 Speed Checking Devices

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GO 18-094, 12/06/2018  
Supersedes 18-054

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### **D. Calibration and Repairs**

1. Officers shall test each device according to manufacturer instructions, before and after each use.
2. Officers shall report to the Special Operations Corporal any device deficiencies or malfunctions.
3. Special Operations Corporal, designated by the Administrative Lieutenant, is responsible for:
  - a. Having LIDAR and RADAR serviced and/or calibrated annually; and (61.1.8c)
  - b. Maintaining calibration and repair records and the original calibration certificates. (61.1.8d)



# The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic  
Section 11 Traffic Offenses Involving Alcohol and Drugs

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GO 17-016, 10/11/2017  
Supersedes 16-126

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## A. Policy

1. Officers shall use their training and experience to detect and determine whether a driver is under the influence of alcohol and/or drugs; and
2. Shall gather evidence to show that the driver was the driver of a vehicle, or attempting to drive, while under the influence of alcohol, impaired by alcohol, so far impaired by any drug, any combination of drugs, or a combination of drugs and alcohol, or impaired by a controlled dangerous substance that they could not operate a vehicle safely.

## B. Traffic Stop (61.1.10)

1. While the officer has stopped a driver for a traffic offense, and it appears to the officer that the driver is under the influence of alcohol and/or drugs, the officer will initiate procedures for driving under the influence of alcohol and/or drugs by
  - a. Administering the Standardized Field Sobriety Test (SFST) or appropriate divided attention test; and
  - b. Administering the Preliminary Breath Test (PBT), as appropriate.
2. If the officer has reasonable grounds to believe the driver is, or has been driving or attempting to drive a motor vehicle while intoxicated or under the influence of alcohol; while under the influence of any drug or combination of drugs and alcohol; driving in violation of an alcohol restriction; or, driving in violation of *Section 16-813* (relating to commercial motor vehicles); and, who is not unconscious or otherwise incapable of refusing to take a chemical test for alcohol, the officer shall:
  - a. Arrest the driver.
    - 1) The officer will process a driver, who is intoxicated beyond a condition suitable for release or is displaying a combative or belligerent attitude, by transporting the driver to the Court Commissioner at the Harford County Detention Center.
  - b. Read Motor Vehicle Administration Form DR-15 Advice of Rights, word for word, to the suspected driver.
    - 1) Offer to the driver a test of the driver's blood or breath to determine the alcohol concentration of the driver's body.
    - 2) Advise the driver of the administrative sanctions imposed for refusal to take the test and for test results indicating an alcohol concentration of 0.08 or more at the time of testing.
    - 3) Have the driver sign and date the Advice of Rights after the officer has read the contents to the driver.
  - c. Process the Vehicle as Appropriate
    - 1) Follow the procedures in *Policy 21.10 Vehicle Towing Procedures*.
3. If the driver refuses to take the test or takes a test for alcohol which results in an alcohol concentration of 0.08 or more at the time of testing, the officer shall:
  - a. Confiscate the driver's license issued by this state;
  - b. Personally, serve an order of suspension on the driver;



## The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic

GO 17-016, 10/11/2017

Section 11 Traffic Offenses Involving Alcohol and Drugs

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Supersedes 16-126

- c. Issue a temporary license to drive using MVA Form DR-15A;
  - d. Inform the driver that he/she has ten days to request a hearing to show cause why the driver's license should not be suspended concerning the refusal to take a test or for an alcohol concentration of 0.08 or more.
4. If a driver does not have a license in possession at the time of a DUI apprehension, and the MVA computer is out of service, the officer will not issue a temporary license.
  5. The officer will advise the driver to contact the Administrative Adjudication Office at the MVA headquarters in Glen Burnie, who can confirm the validity of the license and authorize a temporary license if warranted.
  6. If the driver has a license in possession that appears to be valid, but the MVA computer is out of service, the officer will confiscate the driver's license and issue a temporary license using DR-15A.

### **C. Accident that results in Death or Life Threatening Injury (61.2.1a)**

1. The officer will arrest the suspected driver and follow standard arrest procedures,
  - a. If the suspected driver is involved in a motor vehicle accident that results in the death or life threatening injury to another person and
  - b. The officer has reasonable grounds to believe that the person has been driving, or attempting to drive, while intoxicated or while under the influence of alcohol.
2. The investigating officer should consult with the State's Attorney for advice in obtaining the required test.
3. If the suspected driver agrees to take a test, the arresting officer shall notify the supervisor of this fact so that qualified test personnel may be notified and be ready to give the test within 2 hours.
4. If the suspected driver fails to take any of the required alcohol tests within two hours or a drug recognition expert (DRE) requested drug test within four hours of the time of apprehension and it is apparent that the failure to comply is intentional, the officer shall obtain a warrant for a blood draw.

### **D. Violators Under 21 Years of Age**

1. The officer will request a Breath Test when a driver under the age of 21 is suspected of operating a motor vehicle after consuming alcoholic beverages.
2. The officer will charge the driver with an alcohol restriction violation, in addition to any other charges, if the driver takes a test with a result of 0.02 or lower.
3. The officer will confiscate the driver's license and process according to the DR 15A procedures, if the driver refuses the test, or takes a test with a result of 0.08 or higher.

### **E. Preliminary Breath Test (PBT)**

1. The PBT officer will document on the Preliminary Breath Test Log (APD Form 74) the results of preliminary breath tests, offered, refused, calibration, and subjects tested.
2. Each PBT device used will be checked once each month by a Department certified Intoximeter Operator.



## The Aberdeen Police Department Policies & Procedures Manual



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GO 17-016, 10/11/2017  
Supersedes 16-126

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### **F. Evidentiary Test (Intoximeter)**

1. The arresting officer will request, a certified Intoximeter Operator to administer the breath test.
2. If a Department Intoximeter Operator is not available, an officer, supervisor, or the PCO will contact neighboring agencies to locate an available operator.
3. Intoximeter Operator from Outside Agency
  - a. The officer, supervisor, or PCO should request that the operator give the test on the Intoximeter at the Aberdeen Police Department.
  - b. If using the APD Intoximeter is not possible, the arresting officer will transport the suspect driver to the location of the Intoximeter the other agency operator does have access to.
  - c. In all cases the Intoximeter test is given at an outside agency, or if the subject refuses the test, the officer shall submit all arrest information to the Aberdeen Police Intoximeter Coordinator for proper entry into the Aberdeen Police Intoximeter and Intoximeter log MSP 36B.
4. The Intoximeter Coordinator shall log and enter into the APD Intoximeter instrument and/or log all DUI arrests.

### **G. Blood Test**

1. If the breath test cannot be administered, and a blood test must be conducted, the arresting officer will transport the suspected driver to the hospital where the blood test will be conducted by certified medical personnel.
2. The arresting officer will take to the hospital the State of Maryland blood alcohol collection kit.
3. The arresting officer should witness the withdrawal of blood to prevent the medical personnel from having to appear in court.
4. The arresting officer will be responsible for properly filling out all forms used in conjunction with the blood alcohol collection kit.
5. The arresting officer will seal the blood kit and place the kit in the Records box.
6. The Records Clerk will forward the sealed kit to the Maryland State Police, Chemical Test for Alcohol Unit (CTAU) via first class U.S. Mail unless the circumstances dictate personal delivery.
7. The arresting officer will complete the MVA Form DR-15A after the results of blood tests are received. The arresting officer will
  - a. Contact the driver
  - b. Serve the driver the suspension notice, and
  - c. Confiscate the driver's license.



# The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic  
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## **H. Required Reports and Documents**

1. Incident Report
2. DR-15 - Advise of Rights to Chemical Test (if applicable)
3. DR-15A - Order of Suspension/Temporary License (if applicable)
4. DR-23 - Refusal to Submit to DRE Blood Test (if applicable)
5. Uniform Complaint and Citation(s)/Juvenile Citation(s) (if applicable)
6. Statement of Probable Cause (if applicable)
7. L09-2 "Notice to Defendant" station release form (if eligible)
8. DR-102 - Commercial Motor Vehicle, Alcohol Test Result (if applicable)
9. DR-103 - Violation of Alcohol Restriction (if applicable)
10. Intoximeter EC/IR Record Printout
11. MSP 33 Chemical Text Result Form
12. APD Observation Sheet
13. MVA Printout Driver's License Record and Vehicle Record
14. Accident Report (if applicable)
15. Docket Card
16. Photographs (if taken)
17. Blood Sample Authorization Form and Blood Kit (if applicable)
18. PBT Advice of Rights Form and Results (if applicable)
19. Confiscated Driver's License (if applicable)
20. Any other related reports

## **I. Discretionary Release of DUI Violators**

1. When feasible, the driver shall be taken to the station where the patrol supervisor will determine the condition of the intoxicated person.
2. The patrol supervisor and the apprehending officer will consider the following in the decision to release:
  - a. The degree of intoxication of the driver
    - 1) Any juvenile or adult driver over .35 or demonstrates signs of extreme intoxication will be transported to a medical hospital by ambulance for treatment of alcohol poisoning.
  - b. Whether the driver has previously been convicted of an alcohol related offense
  - c. Whether the driver is mentally and physically suitable for release to a responsible party
  - d. Utilization of transportation.
    - 1) Any transportation is appropriate, except a public conveyance such as a bus or taxi.



## The Aberdeen Police Department Policies & Procedures Manual



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Chapter 25 Traffic

GO 17-016, 10/11/2017

Section 11 Traffic Offenses Involving Alcohol and Drugs

Supersedes 16-126

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e. Whether the person in whose custody the driver will be released is a sober, responsible person.

3. The driver will be required to sign a citation in every case, prior to being released

### **J. Transporting a Minor While Driving Under the Influence**

1. If the violator is transporting minors, the officer shall document in the Alcohol Influence Report the minor's:

- a. Name;
- b. Address;
- c. Age;
- d. Description; and
- e. Relationship to the Driver.