

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

Traffic Citations

Distribution:	All Personnel	Index:	OPS 0904
Responsible Unit:	Special Operations Division - Traffic	Rescinds:	
DLI Program:	Pending	MD Code:	See reference

Issued:	7/15/17	Revised:	7/15/17	Reviewed:	7/15/17	Next Review:	7/15/18
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1. Purpose

To provide deputies with guidance when issuing traffic-related charging documents.

2. Policy

Deputies will issue traffic citations in accordance with Maryland law and Harford County Sheriff's Office (HCSO) policy.

3. Definitions

CITATION: a written charging document issued by law enforcement ordering the violator to appear before a judge to defend against the stated charge; in certain cases, the violator may take other action (e.g., pre-payment of a fine) to avoid the need to appear in court; the violator is required to sign a citation to acknowledge receipt.

4. References

FINE OF PENALTY DEPOSIT SCHEDULE (DC/CR-90).
MD. CODE ANN., TRANSP. §§ 26-201–§ 26-203.

5. Procedures

A. Authorization

1. The issuance of traffic citations and summonses is authorized by TRANSP. § 26–201.

B. Completing the Citation or Summons

1. Hand-Written Citation

- a. Deputies who are not equipped with or trained in E-TIX must issue a hand-written, Maryland Uniform Complaint and Citation.
- b. Instructions for completing the citation are in the DC/CR-90, Fine of Penalty Deposit Schedule, issued by the district court.

2. Electronic Summons

- a. Deputies who have completed the appropriate training and are issued the equipment will use E-TIX to issue traffic summonses, warnings, and Safety Equipment Repair Orders.
- b. E-TIX is designed to ensure that all required information is included based on the type of document that is being issued.

C. Issuing the Summons

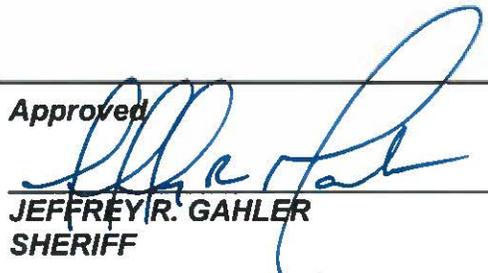
1. When a summons is complete, the deputy must issue the appropriate copies of the document to the violator.
2. For a hand-written citation:
 - a. TRANSP. §26-203 requires the violator's signature on the citation in certain instances.
 - b. The signature is not an admission of guilt; it is an acknowledgement of receipt and an agreement to comply with the terms in the citation.
 - c. If a violator refuses to sign a citation, the deputy will inform the violator that refusal to sign may result in arrest; the arrest is discretionary, not mandatory, however if an arrest is made for refusing to sign the citation when required, a citation for the refusal will be issued.
 - d. After obtaining the required signatures for each citation, the deputy must issue Copy #4 (Return to Court Copy) and Copy #5 (Defendant's Copy) to the violator.
3. For an electronic summons:
 - a. Violators are not required to sign a summons issued via E-TIX.
 - b. Deputies still have discretion to arrest the violator should they have reason to believe the violator will disregard the summons.
4. Equipment Malfunctions
 - a. Deputies must not submit an E-TIX stop more than once.
 - b. Deputies must not issue a hand-written citation once an electronic stop has been submitted.
 - c. If a deputy is unable to print an electronic summons after it has been submitted due to equipment malfunction, the deputy will:
 - (i) request that another deputy, trooper, or officer equipped with E-TIX respond to the scene to print the summons from another computer;
 - (ii) request that the violator respond to the precinct and print the summons there;
 - (iii) print the summons later and personally deliver it to the violator; or
 - (iv) only if the other options were unsuccessful, print the summons and send it to the violator via certified mail.

D. Informing the Violator

1. When issuing a summons, the deputy must inform the defendant:
 - a. of each charge;
 - b. of the method and timeline for complying with the summons;
 - c. whether or not a court appearance is mandatory (i.e., "must appear" violations);
 - d. that court dates are scheduled automatically through the Maryland Automated Traffic System and must be requested by the violator; and
 - e. of any other pertinent information regarding the stop.
2. The instructions on how to comply with the summons are listed on the summons itself.

E. Arrest for Traffic Offenses

1. TRANSP. §§ 26-202 and 26-203 lists the circumstances in which a deputy may arrest a violator for a traffic violation.
2. The violator must be immediately taken before a District Court commissioner.
3. In general, Miranda warnings must be provided prior to questioning violators who are:
 - a. arrested for traffic violations; or
 - b. otherwise in custody, which means generally whether a reasonable person in that situation would have felt free to end their interaction with police and leave.

<p>Approved </p> <hr/> <p>JEFFREY R. GAHLER SHERIFF</p> <p>DATE <u>7/10/17</u></p>
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