

Safety Equipment Repair Orders (SERO), Traffic and Parking Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing Safety Equipment Repair Order (SERO), traffic and parking citations.

505.2 POLICY

It is the policy of the University of Maryland, Baltimore Police Department to enforce traffic laws fairly and equally. Authorized members may issue a SERO, traffic citation, parking citation, written, or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

505.3 RESPONSIBILITIES

The Quartermaster shall be responsible for the supply and accounting of all SERO, traffic and parking citation books (hard copies to be handwritten) issued to members of this department using Motor Vehicle Administration (MVA) inventory withdrawal forms (COMAR 11.17.18.01; COMAR 11.17.18.02) or a Departmental inventory tracking system; this is not applicable to electronic copies of citations, parking citations and SERO books will be kept in a secure location and issued to members by the Quartermaster staff. Quartermaster may obtain SERO forms (MSP Form 157) from the Maryland State Police (MSP) Automotive Safety Enforcement Division (ASED).

Members will sign for the SERO or citation books when issued to them. A traffic citation book may not be reassigned to another member or another law enforcement agency without the prior authorization of the MVA. Members may not lend, borrow or share traffic citations (COMAR 11.17.18.03).

The Chief of Police or the authorized designee shall submit a report on official letterhead advising the MVA within five days of any lost, stolen, mutilated or destroyed traffic citation (COMAR 11.17.18.04(B)).

Upon request, the Chief of Police or the authorized designee shall account for the disposition of hard copy traffic citations in a format and within the time required by MVA (COMAR 11.17.18.04(D)).

505.3.1 E-TIX SERO, TRAFFIC CITATIONS, AND TRAFFIC WARNINGS

Members who have completed E-TIX training may use it to issue an electronic SERO, traffic citation or traffic warning. Members who are not equipped with or trained in E-TIX will issue a handwritten SERO, traffic citation or traffic warning. For electronic traffic citations, the violator is not required to sign it.

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505.3.2 WRITTEN OR VERBAL WARNINGS

Warnings provide an alternative to a citation for minor traffic violations. Written or verbal warnings may be issued when the department member believes it is appropriate. The Records Section shall maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

505.4 TRAFFIC CITATIONS

505.4.1 ISSUANCE

Upon issuing a written traffic citation, members shall ask the person to acknowledge receipt of a copy of the citation and advise the person that failure to acknowledge receipt may lead to the person's arrest (Md. Code TR § 26-201(b); Md. Code TR § 26-203).

Members who have completed the appropriate training for E-TIX may use it to issue an electronic citation.

Upon issuing a traffic citation, members shall ask the person to acknowledge receipt of a copy of the citation and advise the person that failure to acknowledge receipt may lead to the person's arrest (Md. Code TR § 26-201(b); Md. Code TR § 26-203).

Following issuance of a traffic citation, members shall promptly file an electronic or written copy of the citation with the District Court. If the person acknowledges receipt on a written copy of the citation, members shall keep that copy to produce as evidence if required in court and dispose of the other copies of the citation in accordance with the regulations adopted by the MVA (Md. Code TR § 26-407(b)).

505.4.2 CORRECTION

When a written traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Records Section. The Records Manager or the authorized designee shall prepare a letter of correction to the District Court having jurisdiction and notify the citation recipient in writing.

505.4.3 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the citation and a request (e.g., memorandum or Form 95) shall be submitted through the chain of command to the Chief of Police or authorized designee to be voided.

505.4.4 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to his/her supervisor. The request must be in writing and shall include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor shall forward the request through the

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chain of command to the Chief of Police to dismiss the citation, if approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal (Md. Code TR § 26- 407(c); Md, Code TR § 26-407(g)).

Any request from a recipient to dismiss a citation shall be referred to the District Court (Md. CodeTR § 26-408).

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation.

505.4.5 DISPOSITION

For written citations, the court and file copies issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Records Section.

Upon separation from appointment or employment with this department, all members who were issued traffic citations books shall return any unused citations to the Quartermaster.

505.4.6 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a citation.

505.4.7 DATA COLLECTION

Whenever an officer conducts a traffic stop and detains the driver for any period of time for a violation of the Maryland Vehicle Law, he/she shall document the stop as required by law (Md. Code TR § 25-113(d)).

The following are exempt from the reporting requirement:

- Checkpoint or roadblock stops
- Stops of multiple vehicles due to a traffic accident or emergency situation requiring vehicles to stop for public safety purposes
- Stops based on the use of radar, laser or Visual Average Speed Computer and Recorder (VASCAR) technology
- Stops based on the use of automated license plate reader (ALPR) technology

Traffic stop data shall be reported and reviewed as specified in the Bias-Based Policing Policy 401.

505.5 PARKING ENFORCEMENT PROGRAM

A UMBPD parking citation or warning will be issued impartially and with reasonableness by a police officer for a violation of University parking rules and regulations and/or Baltimore City ordinance where concurrent jurisdiction exists. The violation must be personally observed by the police officer issuing the parking citation.

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Parking citations may be appealed in accordance with local and state law. An appeal of a parking citation must be received by this department at least five days prior to the date of payment set forth on the citation. The Records Section shall forward a copy of the notice of intention to stand trial and a copy of the parking citation to the District Court (Md. Code CJ § 7-302(d); Md. Code TR § 26-303(a)).

If the presence of the member who issued the parking citation is required at trial and the Department has received notice, the member shall appear at trial. Absent proper notice, the member need not appear at the trial and the copy of the citation bearing the certification of the member is prima facie evidence of the facts stated in it (Md. Code TR § 26-303(b)).

505.6 SERO

An officer may issue a SERO for defective safety equipment on all classes of Maryland registered motor vehicles, trailers, and semi-trailers except those vehicles displaying historic license plates, interchangeable license plates and temporary registration plates. Specific equipment violations subject to a SERO is maintained by the MSP and are included on the SERO form (Md. Code TR § 23-105(a)).

An officer shall complete a visual inspection and certification upon contact by a member of the public or as assigned (Md. Code TR § 23-105(c)).

505.7 RECORDS

For each written citation issued, this department shall keep:

- (a) Every citation, or a record of every citation, for at least three years after issuance (COMAR 11.17.18.04).
- (b) A record of the disposition of the charge by the District Court (Md. Code TR § 26-407(e)).