

# TRAFFIC SAFETY

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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <b>61.1.1; 61.1.2; 61.1.3; 61.1.4; 61.1.5; 61.1.7; 61.1.8; 61.1.9; 61.1.11; 61.1.12; 61.1.13; 61.3.2; 61.3.3; 61.4.1; 61.4.2; 61.4.3; 61.4.4</b>	REVISION DATE:

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Traffic enforcement, education and engineering are elements of an overall traffic safety program to promote the safe, efficient, and orderly movement of motor vehicles over the roads and highways in each community. Enforcement and education programs are designed to change illegal and dangerous driving behavior and to promote voluntary compliance with the laws of the Commonwealth. Effective traffic safety programs:

- Maximize the presence of personnel and equipment at locations and times conducive to enhancing traffic safety and flow;
- Maximize the utilization of traffic data, accident reports, and citations information as key identifiers for personnel deployment and selective traffic enforcement; and
- Maximize partnerships for sharing information and knowledge with other law enforcement agencies, transportation, researchers and educators to focus attention on prevention programs and problem solving activities.

Police departments attain safety goals through traffic law enforcement, investigation, direction and control, and education. Among these goals is the reduction of traffic collisions, fatalities, and injuries. Another goal is to facilitate the safe and expeditious movement of vehicular and pedestrian traffic, accomplished through the public's voluntary compliance with traffic regulations. Departments meet these goals through a combination of education, enforcement, engineering, and public support.

With the ever-increasing number of vehicles and operators on the roadways, traffic crashes will continue to occur. In an effort to limit the likelihood of accidents, it is essential to understand the importance of accident investigation and reporting. Data from such are the prime source of information for accident prevention programs. It is therefore imperative that proper information be gathered for use in planning, evaluating, and implementing efforts to achieve highway safety goals.

## **II. POLICY**

It is the policy of this department to:

- A. Reduce traffic collisions, fatalities, and injuries;
- B. Facilitate the safe and expeditious movement of vehicular and pedestrian traffic;
- C. Report and respond to traffic accidents according to this policy; and
- D. Make motor vehicle stops based solely on the violation observed, not on the profile of the vehicle's occupants.

## **III. PROCEDURES**

### **A. General Traffic Enforcement**

#### ***1. Enforcement***

- a. The department is definitely and unequivocally opposed to preferential treatment pertaining to adjudication of traffic cases in any manner by any agency, official, or person.

- b. The ultimate objective of enforcement is to favorably alter the violator's future driving behavior, thus fostering a climate of safe driving throughout the community.
- c. Traffic law enforcement will not be used as a means to generate revenue for the department.
- d. The number of citations issued by an officer shall not be the sole basis of determining an officer's traffic enforcement efforts. The quality of the citations, i.e., accidents and injury-causing types of violations and other elements, will also be considered in an overall evaluation. The number of citations issued will only be one part of the total picture that goes to the overall evaluation.
- e. In cases where conventional traffic enforcement (marked visible cruisers) is unsuccessful, unmarked units should be utilized. Unmarked vehicles may be used where specific violations must be addressed, such as passing school buses, speeding vehicles, stop sign violations, etc. Covert enforcement should be utilized where overt enforcement has failed and as determined by the Chief of Police or his/her designee.

## **2. *Selective Enforcement/Assignment of Personnel***

- a. To ensure maximum reduction of accidents, enforcement pressure should be applied in proportion to need at the locations, and at the hours of greatest accident expectancy.
- b. The chief or his/her designee will periodically analyze collision data, enforcement activity records, traffic volume, and traffic conditions. This analysis shall be used to assign personnel and plan enforcement activities. [61.1.1(a)(b)(c)(e)]
- c. Traffic laws will be enforced at a level sufficient to ensure the safe and expeditious movement of traffic.
- d. Enforcement activities will be conducted in a consistent and uniform manner, and will not give preference to either local residents or non-residents. It

should be directed against the violations that cause the largest number of accidents and against the group of drivers who are responsible for the majority of the violations and constitute the greatest hazard to the community.

- d. **PROFILING PROHIBITED:** Racial, age, gender, and any other type of profiling is strictly prohibited as a justification for any police officer to conduct any type of stop or seizure of a citizen. Traffic enforcement shall be based solely on the basis of the violation observed and not the profile of the operator and/or occupants.
- e. **DEPLOYMENT:** The deployment of patrol personnel will be based on an analysis of traffic accidents and residents perceptions of traffic related problems in their area. [61.1.1(d)]
- f. **ASSIGNMENT:** Assignment of traffic enforcement personnel will be based on principles of selective enforcement. Resources will be based primarily on statistical data of traffic accident experience. Enforcement efforts shall be evaluated to ensure that enforcement action is reducing accidents.

### **3. *Motor Vehicle Stops* [61.1.7]**

- a. If a determination is made to stop a motor vehicle, great care must be exercised. Many officers have been seriously injured, even fatally, in making vehicle stops. Reasonable precautions should be taken in stopping a motor vehicle as described below.
- b. Notify the dispatcher of the following:
  - i. Location of the stop;
  - ii. Description of the vehicle; and
  - iii. If possible, a description of its occupants.
- c. Select a suitable location for making the stop, preferably a well-lit area.

- d. In stopping the suspect vehicle, guard against any evasive action by its operator.
- e. Approach the vehicle with extreme caution after signaling the driver to stop.
- f. Leave the emergency lights of the police vehicle flashing to warn traffic and to assist any back-up officers responding to the scene. The use of takedown lights and or spotlights should be used when they would not pose a hazard to oncoming traffic and there is an articulable need for the extra lights (i.e. officer safety).

#### **4. *Dealing with Violators***

- a. All officers shall exercise their good judgment and discretion by taking appropriate enforcement action for each violation of the law witnessed or reported to them.
- b. Officers should keep in mind that once they have stopped the violator and are about to communicate with him/her, officer/violator relations are activated. Officers should conduct themselves in a professional manner, keeping in mind use of proper language, bearing, and emotional stability. [61.1.8]
- c. Officers should: [61.1.8]
  - i. Be certain of their observations of the alleged violation;
  - ii. Have the necessary forms and equipment to deal with the situation;
  - iii. Greet the violator with the appropriate title in a courteous manner when requesting driver and vehicle identification; and
  - iv. Explain to the violator the reason for the stop.
- d. Officers must keep in mind that some violators encountered will show signs of emotional distress. Officers must deal with these individuals in a calm,

courteous manner and help relieve them of any anxiety.

- e. Traffic enforcement action will be taken without regard to such factors as attitude, intent, or frivolous excuse.
- f. Upon completion of the required forms, officers must ensure that the violator safely re-enters the flow of traffic.
- g. All enforcement actions will be accomplished by using one of the following four methods: [61.1.2]
  - i. **VERBAL WARNINGS:** A verbal warning is appropriate when the violator commits an act which may be due to ignorance of a particular law. Examples of this type could be where the operator approaches a stop sign and, instead of coming to a complete stop, slows to a speed slower than walking. If such movement is made with reasonable safety and the driver is accustomed to driving in those jurisdictions where this action is permissible, a verbal warning may be appropriate. Similarly, a verbal warning is appropriate for equipment failure (i.e., license plates not illuminated) of which the driver was unaware. **HOWEVER, A WRITTEN WARNING SHOULD USUALLY BE USED INSTEAD OF A VERBAL WARNING BECAUSE IT EXERTS A MORE EFFECTIVE INFLUENCE ON THE DRIVER.**
  - ii. **WRITTEN WARNINGS:** A written warning is a proper alternative by officers in response to a minor traffic infraction. It is also appropriate for those violations which occur within the tolerances generally allowed by the courts. These tolerances would include speeds in excess of the legal limit, but less than a speed for which a citation or arrest would result. If used properly, warnings can effectively be used as a means of educating the public because they involve less emotional stress, and are also considered to be an effective public relations tool. However, the excessive use of warnings should be avoided because they could create a feeling of lack of

commitment by the department to enforce motor vehicle safety within the community.

- iii. CITATIONS: Citations are the backbone of the department's traffic enforcement effort. An officer's discretion plays a big part in the decision to take punitive action against a violator. However, this discretion should be based on a combination of experience, training, and common sense. The traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, multiple violations (multiple violations consist of infractions listed on the same citation), violations of new laws and/or regulations, and operating unsafe and/or improperly equipped vehicles. The citation issued would not be a warning in these cases.
- iv. ARREST: Officers may affect the physical arrest of any person in violation of those traffic laws allowing an arrest, and shall affect an arrest of any law mandating such. Whenever an arrest results from a motor vehicle violation, a citation must be filled out and the "Arrest" box on the citation shall be checked. The departmental policy on **Arrest** and **Transporting Prisoners** shall be followed.
- h. Vehicles shall be inventoried, towed, and secured in the designated tow company lot when circumstances warrant that the vehicle be towed. See departmental policy on **Motor Vehicle Inventory**.

## **B. Citations**

### **1. General**

- a. Whenever legally and practically possible, officers shall issue citations where circumstances dictate the creation of deterrents to unsafe conduct by users of the roadway.

- b. Before releasing the traffic violator, the officer shall provide him/her the following information as appropriate: [61.1.4]
  - i. Court appearance schedule;
  - ii. Optional or mandatory nature of court appearance;
  - iii. Payment of fines; and
  - iv. Any other procedures.
- c. Officers shall fully explain the motorist's rights and requirements upon arrest or issuance of a citation.

## **2. Categories of Drivers**

- a. NONRESIDENTS: Enforcement activities shall be consistent and in a uniform manner that does not give preference to local residents or non-residents.  
[61.1.3(a)]
- b. JUVENILES: When a citation is issued to a juvenile, each copy of the citation shall be marked on the top left corner with the words "A Juvenile". There are no special procedures dealing with juvenile offenders of the traffic laws and in the issuance of citations. Special procedures come into play only if there is an arrest of a juvenile. When this occurs, officers are to be guided by the departmental policy on **Handling Juveniles**. [61.1.3(b)]
- c. STATE LEGISLATORS: The Massachusetts Constitution (Part 2, Chap. 1, Sec. 3, Article 10) stipulates that state legislators, while attending, going to, or returning from a session of their respective houses shall be exempt from physical arrest. However, citations may be issued as appropriate.  
[61.1.3(c)]
- d. U.S. SENATORS & REPRESENTATIVES: United States Senators and Members of the House of Representative are immune from physical arrest while attending,



going to, or returning from a session of their respective houses. [61.1.3(c)]

- e. DIPLOMATIC AND CONSULAR OFFICERS: These officials shall be accorded their respective privileges, rights, and immunities as directed by international law and federal statute. These officials shall be treated with the courtesy and respect that befit their distinguished positions. [61.1.3(d)]
  - i. Diplomatic officers, their families, official staff and servants, and consular officers are protected by unlimited immunity from arrest (except for the commission of a felonious crime where public safety is endangered), detention, or prosecution with respect to any civil or criminal offense.
  - ii. Traffic citations may be issued, however the subject may not be compelled to sign the citation. (Whether it is paid is another matter.)
  - iii. Any citations issued shall be reported to the U.S. Department of State. The State Department maintains driver histories and assesses points for moving violations. Drivers who demonstrate a pattern of driving infractions are subject to having their license suspended or revoked.
  - iv. DUI: When such person with full immunity from arrest is, in the officer's opinion, too impaired to drive safely, the officer may:
    - [a] With the individual's permission, take him/her to the police station or other location until [s]he recovers sufficiently to drive;
    - [b] Summon, or allow the individual to summon a friend or relative to drive; or
    - [c] Call a taxi.
- f. MILITARY PERSONNEL: When dealing with military personnel and a physical arrest is made, the investigating officer's supervisor shall cause the liaison

officer of the nearest armed forces investigative headquarters division to be notified. [61.1.3(e)]

### **3. Accountability of Citations**

- a. Traffic citations are received from the Registry of Motor Vehicles. Each book number shall be recorded in the records division before issuance to individual officers. These citations are accounted for from the point of issuance to the time they are recorded and sent to the Registry or court for disposition.
  - i. CITATIONS: Motor vehicle citation books are kept in the records division and shall be issued to officers as needed.
  - ii. CITATION INDEX LOG: A motor vehicle citation index log is also kept in the records division where the officer shall record his/her name, date of issue, and number of the citation book issued.
  - iii. AUDIT SHEET: An audit sheet is prepared in the records division, which corresponds with each citation issued. It shall contain the citation number, date issued, defendant's name and address, the violation, and the officer's name. This audit sheet, when filled out, is sent to the Registry of Motor Vehicles.
  - iv. LOST CITATIONS: Officers shall write a report concerning lost citations or when requesting that a citation be voided. In the case of voiding citations, the violator should be given the corrected copy. The original citation shall be signed and turned in to the records division with the report for correct administrative disposal.
  - v. AMENDMENTS TO CITATIONS: Amendments to citations or dismissal of charges shall be processed by the Court Officer through the District Attorney's office.

**b. *Interfering with the Citation Process***

- i. Members of the department are prohibited from ticket fixing. The State Ethics Commission has ruled that requests by police officers for a consideration or a dismissal of traffic citations based on the violator's personal connection with a police officer violate the conflict of interest law.
- ii. The State Ethics Commission has ruled that ticket fixing is an unwarranted privilege that violates the Conflict of Interest Law.<sup>1</sup> They have stated that the ability of a police officer to seek special treatment for somebody because of that person's relationship to a police officer is the kind of conduct that offends and troubles people. It demonstrates that there is one standard for the public, but a different standard for those with private connections to the police. In the area of law enforcement, the standards must be clear and be administered in an evenhanded way.
- iii. Section 23 of the Conflict of Interest Law prohibits public employees from using their official position to secure substantial privileges for themselves or anyone else, and also prohibits employees from acting in a manner that would cause an objective observer to conclude they would act biased in their official capacity.

**C. Violations****1. *Operating Under the Influence of Alcohol or Drugs [61.1.5(a)]***

- a. Many traffic accidents, particularly those involving a fatality or personal injury, are directly attributable to persons driving under the influence of alcohol and/or drugs. In all contacts with violators, the officer should be aware of the possibility the driver may be under the influence of alcohol or drugs.

- b. If the officer determines that the operator is under the influence of alcohol or drugs, appropriate enforcement action shall be taken.
- c. Appropriate enforcement action consists of immediate arrest or, if circumstances do not allow for an arrest, issuance of a citation (for example, if an operator is admitted to a hospital and the officer has no means to effect an arrest). Officers should be aware that arrest should be a priority for this offense. Refer to the department policy on ***Detainee Processing*** for procedures when handling persons charged with operating under the influence. [61.1.11]
- d. The department will ensure that sworn officers are trained in all aspects of driving under the influence of alcohol or drug enforcement procedures, and will cooperate fully with other agencies and community groups to reduce and control this problem.
- e. The following conditions shall also be met in regards to those arrested for driving under the influence of alcohol (also see departmental policy on ***Detainee Processing***):
  - i. BREATHALYZER OPERATION: Breathalyzer operation shall be administered by a trained and certified operator. Examinations shall be according to departmental procedure and Massachusetts law on persons arrested for operating a motor vehicle under the influence of intoxicating liquor. A blood alcohol reading of .05% or below mandates that the arrestee shall be released from custody forthwith. If the reading is above .05% but less than .08% there shall be no presumption and if the reading is .08% or above there shall be a presumption that the person is under the influence of intoxicating liquor.
  - ii. BREATHALYZER FOR PERSONS UNDER 21: When dealing with a person less than 21 years of age, the breathalyzer operation remains the same regarding the percentages of alcohol. If a person under the age of 21 has a reading of at least .02%, his/her driver's license shall be

taken by the arresting officer and said person shall be processed according to law.

- iii. BREATHALYZER FOR CDL: When dealing with a person who has a CDL (Commercial Driving License) operating a CDL vehicle, and said person has a reading of .04%, this shall be sufficient to establish a violation of operating under the influence of alcohol. Said persons license shall be taken by the arresting officer, and said person shall be processed according to law.
- iv. BLOOD ALCOHOL TESTS: Blood alcohol tests shall conform to G.L. c. 263, s. 5A, as well as departmental guidelines.

## **2. Other Enforcement Violations**

- a. SPEED VIOLATIONS: Speed is one of the main causes of accidents. Officers shall take appropriate enforcement action for speeding violations. Officers shall use verbal warnings, written warnings, and citations to have motorists voluntarily comply with traffic laws and regulations to ensure maximum reduction of accidents. Speeding citations should be a clearly convictable speed in court, and may to some extent depend on location of violation (congested area, downtown, school zone, etc.). [61.1.5(c)]
- b. EQUIPMENT VIOLATIONS: Equipment required on motor vehicles is covered under G.L. c. 90, s. 7. When a vehicle is found to be in violation, officers should consider issuance of a citation for any essential equipment defects. Whenever a fixture is missing and it is obvious that the owner is aware of the defective equipment, a citation should generally be issued even though this may be the only violation on the vehicle. Examples of this would be headlight removal, parking brake disconnected, rear light fixture removed, etc. If however, the equipment violation is not obvious, the officer should stop and inform the violator of the defect and give a verbal warning or a written warning. [61.1.5(f)]

- c. PUBLIC CARRIER/COMMERCIAL VEHICLE  
VIOLATION: Particularly in the downtown area, consider congestion, lack of parking, and carrier needs for delivery access. Repetitive violators should be cited. *[61.1.5(g)]*
- d. OTHER NON-HAZARDOUS VIOLATIONS: With other non-hazardous violations of law, ordinances, by-laws, or regulations affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles and pedestrians, consider warnings unless repetitive or flagrant. *[61.1.5(h)]*
- e. MULTIPLE VIOLATIONS: Generally one citation will be issued in the case of related multiple, non-hazardous violations stemming from the same operation. *[61.1.5(i)]*
- f. NEWLY ENACTED LAWS AND/OR REGULATIONS: These cases should be treated on a case-by-case basis depending on the severity and nature of the offense. *[61.1.5(j)]*
- g. OTHER HAZARDOUS MOVING VIOLATIONS: A hazardous moving violation means the violation of any law, ordinance, or regulation affecting the use or protection of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians. There are two general types: *[61.1.5(d)]*
  - i. UNSAFE BEHAVIOR: An action or omission in traffic which is hazardous even when vehicles, streets or highways, and people involved are in legal condition.
  - ii. UNSAFE CONDITION: Causing or permitting an illegal and possibly hazardous condition of a driver or pedestrian in traffic, streets or highways used by traffic, or vehicle used in traffic.
- h. USE OF FALSE IDENTIFICATION; A VIOLATION OF DRUG OFFENSES; AND/OR A SALE OF DRUGS WITHIN A SCHOOL ZONE: Any police officer who makes an arrest or a request for a criminal complaint to be issued relative to the above offenses shall, along

with the criminal complaint application, submit a written citation with the defendant's information recorded on it. EXAMPLE: name, date of birth, address, license number, and date of expiration of license.

- i. Also recorded on the citation shall be the offense and its chapter and section. The officer will keep his/her copy of the citation, and the department copy will be submitted to the Court Officer who shall bring it to the District Court.
- ii. The District Court, upon a guilty finding, will submit the officer's citation to the Registry of Motor Vehicles, who will suspend the defendant's Motor Vehicle License.

### **3. *License Suspensions/Revocations* [61.1.5(b)]**

- a. VERIFIED: If the officer is certain of the suspension/revocation and observes operation, [s]he should effect a physical arrest. The vehicle shall be handled in accordance with the departmental policy on ***Motor Vehicle Inventory***.
- b. NOT VERIFIED: If the officer is unsure of the actual status, a written citation for operation without license in possession should be issued to the violator, with consideration of future complaint amendment.

### **4. *Special Enforcement***

- a. The primary responsibility for the enforcement of traffic laws and regulations rests with the patrol officers. However, all sworn officers, while on duty, shall take appropriate enforcement action for violations of traffic laws and regulations they observe.
- b. BICYCLES: In those areas where traffic flow is minimal, visibility is unobstructed, and traffic accident experience is low, officers should exercise discretion in the application of those laws regarding the safe operation of bicycles. Conversely, where congestion and the frequency of accident experience involving bicycles has been predominant, those laws pertaining

to the safe operation of bicycles shall be strictly enforced.<sup>2</sup> [61.1.5(l)]

- c. RECREATIONAL AND SNOW VEHICLES: Officers shall take appropriate enforcement action against operators of off-road recreational vehicles (e.g., snowmobiles, dirt-bikes, mini-bikes) committing violations that are either observed by them or reported to them.<sup>3</sup>  
[61.1.5(e)]

## **5. Accidents** [61.1.5(k)]

- a. GENERAL ACTION: Officers are expected to take enforcement action whenever their traffic accident investigation or reporting activities produce probable cause to believe that a violation of law or ordinance has occurred.
- b. SPECIFIC ACTION: Enforcement action arising from traffic accident investigation or reporting (e.g., physical arrest, citation, written warning, etc.) will be consistent with the nature of the alleged violation and with all written directives concerning traffic law enforcement.
- c. VIOLATIONS NOT WITNESSED BY AN OFFICER: Violations that the officer has not personally witnessed must be established through investigation, which may include but are not limited to:
  - i. Statements or admissions made by the alleged violator;
  - ii. Statements of witnesses;
  - iii. Accident scene measurements; and
  - iv. Physical evidence; and
- d. ALTERNATIVE ENFORCEMENT: Citizens have the ability to fill out a motor vehicle offense form regarding the actions of another motorist that have not been witnessed by the police. The Station Officer will take this form and forward it to Dispatch where a registration check will be done if possible. If the



registration check is successful, a letter will be sent to the offender and a meeting will be scheduled where the offending operator may receive a warning or a further investigation initiated.

- e. ACCIDENTS OCCURRING ON PRIVATE PROPERTY – NO RIGHT OF ACCESS: Accidents occurring on private property which is not normally open to the public, such as a private residence, involving injury or excessive property damage will require a complete report of the incident.
- f. ACCIDENTS OCCURRING ON PRIVATE PROPERTY - PUBLIC HAS RIGHT OF ACCESS: Accidents occurring on private property where the public has a right of access will be processed where appropriate as if they had occurred on a public street and the necessary forms completed.

#### **D. Speed Measuring Devices**

- 1. EQUIPMENT SPECIFICATIONS: Members of the department shall use mobile traffic Radar units. Specific information on these units may be found in the operator's manual which accompanies each unit. *[61.1.9(a)]*
- 2. OPERATIONAL PROCEDURES: The operational procedures for these units concerning (if applicable) stationary mode, moving mode, range control, interference, audio and squelch, tracking, and locking display readings shall be adhered to as provided in the operator's manual for the unit. Unless otherwise specified, moving radar enforcement is discouraged and should be utilized only after it has been authorized by a superior officer. *[61.1.9(b)]*
- 3. PROPER CARE AND UPKEEP: All officers using the Radar units are responsible for the proper care and upkeep of the unit(s) they use. Such care and upkeep shall be done in accordance with the directions given them during their original training in the use of the equipment. *[61.1.9(c)]*
- 4. PROGRAMMED MAINTENANCE: The Officer in Charge of Operations, or designee, shall schedule maintenance inspections of each Radar unit at least as often as the units are calibrated. A record of all maintenance on each Radar

unit shall be maintained by the Records Department.  
*[61.1.9(d)]*

5. MAINTENANCE AND CALIBRATION RECORDS: Each Radar unit shall be calibrated as needed, and at least once a year. Each officer shall check the calibration of the Radar unit each time it is used during his/her tour of duty. A record of all such calibrations shall be kept by the Officer in Charge of Operations or designee. *[61.1.9(e)]*
6. OPERATOR TRAINING AND CERTIFICATION: All members of Patrol, and any other officer wishing to use the Radar equipment, shall receive full training prior to using the equipment. *[61.1.9(f)]*
  - a. The training standards shall be equivalent to the model standards promulgated by the National Highway Traffic Safety Administration (NHTSA). Training shall include the requirement that all persons must demonstrate their competence with each device under varying conditions in supervised field performance tests.

## **E. Use of In-Cruiser Video and Audio Recording**

1. SHIFT PREPARATION: The shift supervisor is responsible for preparing new tapes and storing used tapes prior to each shift.
2. All patrol officers shall have an in depth working knowledge of the system. It shall; be the individuals responsibility to activate the microphone every time [s]he exits the cruiser.
3. Upon initial contact with any person being recorded, e.g. motor vehicle stops, the operator shall state the following statement:

"GOOD (MORNING/AFTERNOON/EVENING) I AM (CHIEF, CAPTAIN, LT., SGT., OFFICER,) OF THE \_\_\_\_\_ POLICE DEPARTMENT, I MUST INFORM YOU THAT YOU ARE BEING RECORDED".

Modification of this statement is not authorized. The operator must inform the person that their statements and comments are being recorded.

4. The officer shall ensure the cruiser is positioned correctly during each motor vehicle stop, realizing the importance of capturing the widest possible angle on tape to ensure nothing happens outside the field of view of the camera.
5. Every time the unit is activated, the officer shall activate the belt pack transmitter and narrate the reason for the stop. Upon stopping the vehicle, the operator shall temporarily extinguish the headlights and activate the auto zoom feature from the control head. This will automatically capture a clear picture of the automobile and the license plate.
6. At no time during a stop shall the system be taken out of the record mode.
7. At the end of the shift, officers assigned to cruisers with video recording device shall discuss with their Shift Commander events recorded by the camera. The Shift Commander will determine if anything recorded could be considered "critical evidence". All information pertinent to the system and tape will be written on the daily log. Should the operator record a "critical evidence" event (e.g. DUI, pursuit, accident, the log shall indicate the same and the tape shall be removed and immediately bagged and marked as evidence.
8. This procedure allows for operator discretion and judgment. There is however, no allowance for the failure to record each motor vehicle stop. The limits of discretion are established relative to the use of the microphone and the ability to record events prior to a motor vehicle stop (e.g. recording a vehicle crossing the yellow line).

## **F. Problem Drivers [61.1.12]**

### **1. Suspected Driver Incompetence**

- a. Routine enforcement, accident reporting, and investigation activities frequently leads to the discovery of drivers who have displayed a suspected incompetence in driving a motor vehicle. This incompetence might prevent the person from exercising reasonable and ordinary care over a motor vehicle.

- b. In addition to reports concerning the original incident, the officer shall notify the Registry of Motor Vehicles regarding the removal of that person from the roadway. A copy of this report will be approved by the Chief or his/her designee prior to notifying the Registry.

## **2. *Drivers that Pose an Immediate Threat to the Public***

- a. The Registry of Motor Vehicles will suspend and revoke the license of bad drivers for bad driving behavior that constitutes an immediate threat to the driving public.
- b. Aggressive driving constitutes bad driving behavior. It is defined as operating a motor vehicle in an offensive manner, which is likely to endanger, threaten or otherwise intimidate other operators by engaging in any series of violations. These violations include:
  - i. Chapter 85-2 State Department of Public Works Rules:
    - [a] Chapter 85-2 Weaving (from lane to lane)
    - [b] Chapter 85-2 Following Too Close (tailgating)
    - [c] Chapter 85-2 Failing to use caution in stopping turning, starting (e.g.; cutting someone off)
    - [d] Chapter 85-2 Failing to obey traffic markings & signs (lane markings & regulatory signs)
    - [e] Chapter 85-2 Failure to yield at intersections
  - ii. Chapter 89 Rules of the Road:
    - [a] Chapter 89-2 Improper Passing (passing on right)

- [b] Chapter 89-4A Lane violation (failing to be in marked lane)
- [c] Chapter 89-4B Operating in breakdown lane
- [d] Chapter 89-8 Right of Way at intersection and turns at red lights
- [e] Chapter 89-9 Failure to stop and yield at intersection and designated throughways
- iii. Chapter 90 Motor Vehicle Laws:
  - [a] Chapter 90-14B Failure to give signal
  - [b] Chapter 90-16 Offensive or illegal operation (unnecessary use of a warning device, e.g.; horn)
  - [c] Chapter 90-18 Speed (above posted speed limits)

**c. *Documenting Aggressive Driving***

- i. Officers should note the violations and any other pertinent characteristics associated with aggressive driving behavior so as to better fully substantiate the charge.
- ii. A report and a "Request for Immediate Threat License Suspension Form (Commonwealth of Massachusetts Form # 20385) will be filled out and submitted to the Chief outlining the incident.
- iii. After review, the Chief will determine if the incident as outlined constitutes an immediate threat. If so, the Chief will then submit the immediate threat form to the Registry of Motor Vehicles for action.
- iv. All officers are encouraged to fully assess each situation when deciding to file an Immediate Threat Form so as not to indiscriminately

penalize the motoring public. This procedure is simply an additional tool designed to correct poor driving behavior before it leads to more potentially serious incidents.

- v. In all cases, a copy of the officer's report shall be attached to the Request Form.

## **G. Hazardous Roadway or Environmental Conditions**

[61.4.2]

1. Upon discovery of a hazardous highway or environmental condition, which sometimes are related, the officer shall notify the station and request that the appropriate agency be contacted.
2. IMMEDIATE HAZARD: When a hazard is identified and, in the officer's opinion, such hazard requires immediate correction (such as a fallen tree or electrical wires across any part of the traveled portion of the highway), officers shall inform dispatch of the situation. The officer will identify assistance or special equipment needed, if possible, or describe the situation if not able to do so. The officer will protect bystanders, the scene, direct traffic, and/or take any action necessary to correct the situation.
3. POTENTIAL HAZARD: When a hazard is detected that represents a potential accident situation but the threat of such is not immediate, the officer shall submit a report noting the hazard prior to the end of his/her shift. (This report shall be made available to the proper agency responsible and request that the department be notified of the actual or intended correction of the hazard within ten (10) working days.)

## **H. Traffic Control [61.3.2(a)]**

1. The department shall perform traffic direction and control functions to ensure the safe and efficient movement of vehicles and pedestrians when necessary, which will include accident scenes.

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## **2. *High-Visibility Clothing* [61.3.2(g)]**

- a. Officers are to have high-visibility outerwear in accordance with department uniform specifications when assigned to perform manual traffic direction and control functions. All officers shall wear such high-visibility outerwear, in addition to the full prescribed uniform, whenever conducting manual traffic direction and control.
- b. Personnel conducting unscheduled manual traffic direction and control in response to unforeseen contingencies, such as foul weather, will wear high-visibility outerwear, provided that conditions make it practical to wear the high-visibility outerwear before initiating manual traffic direction and control.

## **3. *Manual Direction of Traffic - Location***

- a. Times and locations identified as requiring point traffic control will be analyzed to determine whether manual direction of traffic is necessary.

NOTE: point traffic control is the control of vehicular and pedestrian movement in a particular place on a roadway, such as an intersection.

- b. Factors to be considered in the analysis will include, but are not necessarily be limited to:
  - i. Traffic volume and speed;
  - ii. Number of pedestrians present;
  - iii. Duration of congestion period;
  - iv. Presence and types of traffic control devices; and
  - v. Special circumstances of the location (e.g. , handicapped pedestrians) and other pertinent factors.
- c. The decision to assign personnel to carry out traffic direction and control will be made only if the analysis indicates that unmanned signals/devices cannot

adequately ensure the safe and efficient movement of traffic.

**4. *Manual Operation of Traffic Control Devices***  
***[61.3.2(e)]***

- a. On occasion, officers must manually operate traffic control signal lights, normally to direct traffic flow, attempt to recycle a signal light, or to place the signal lights on flash or blink. Some intersections have manual control devices located in the service box, and if an officer can gain entrance, [s]he shall manually control traffic control devices only in the following situations:
  - i. When a traffic light malfunctions;
  - ii. To facilitate movement at the scene of a traffic accident or other emergency;
  - iii. To provide a thoroughfare for a motorcade, funeral procession, etc.; and
  - iv. To alleviate congestion resulting from use of automatic controls, particularly during planned special events.
- b. Any officer who is not familiar with the manual operation of traffic controls shall be trained by a responsible officer regarding their use before using manual traffic controls. It shall be a part of the Field Training Process.

**5. *Temporary Traffic Control Devices*** ***[61.3.2(f)]***

- a. The department will have use of temporary traffic control devices, including movable barriers, portable signs, and other apparatus intended for temporary deployment, to assist the safe and efficient movement and control of vehicular and pedestrian traffic.
- b. As soon as practical following termination of the need for the temporary traffic control device, the supervisor authorizing deployment of the device will see to its removal. The department shall not use portable or



part-time stop signs as temporary traffic control devices except in an emergency.

**6. Traffic Control at Fire Scenes [61.3.2(c)]**

- a. The department shall continue to work closely with the fire department and other emergency services organizations in order to maintain access and egress at fire scenes by emergency vehicles. Officers responding to fire scenes shall follow the departmental policy on **Structure Fires**.

**7. Adverse Road and Weather Conditions [61.3.2(d)]**

- a. Adverse weather or road conditions include, but are not limited to:
  - i. Accidental hazards, such as debris that has fallen onto the roadway. Examples include debris from another motor vehicle, power lines, and trees;
  - ii. Acts of nature, such as fog, ice, snow, etc.; and
  - iii. Engineering hazards, such as exposed guardrail end, potholes, missing drain covers, or other objects that may cause unnecessary additional damage or injury should a vehicle, for any reason, impact upon the object.
- b. The officer-in-charge shall determine whether notifying the local newspapers, radio stations, public works, and fire department of the adverse road condition(s) will have a desired effect.
- c. The officer-in-charge shall notify the Chief of Police and advise him/her of the circumstance which may close a street, if, in his/her opinion, the surface conditions and terrain creates an unusually hazardous condition. [S]he shall also request assistance from the Department of Public Works.
- d. The officer-in-charge shall ensure the proper utility company or Construction Company is also notified,

and assigns officers as needed to direct traffic and safeguard the public.

## **8. *Manual Traffic Direction* [61.3.2(b)]**

- a. Officers, while carrying out manual traffic direction and control, shall at all times give due consideration to their own safety and the safety of the public. Personnel shall employ uniform procedures (signals, gestures, etc.) to enhance driver and pedestrian recognition and response to their direction.
- b. When an officer is directing traffic, it is necessary that the people using the highway know that [s]he is there for that purpose, and that the officer knows and utilizes standardized, appropriate gestures and audible signals to stop, start, and turn traffic.
- c. To indicate that the officer is present for the purpose of directing traffic, [s]he should:
  - i. Turn the signal light (if there is one) to blinking or flashing;
  - ii. Position him/herself so that [s]he can be seen clearly by all, usually in the center of the intersection or street;
  - iii. Allow his/her hands and arms to hang easily at his/her sides except when gesturing; and
  - iv. Stand facing or with his/her back to traffic which [s]he has stopped and with his/her sides to traffic [s]he has directed to move.

## **I. *Parked Motor Vehicles***

- 1. **PARKING CONTROL:** Parking regulations shall be enforced with reasonableness and impartiality in all areas of the community.
  - a. Parking control activities are essential to the safe and efficient movement of vehicles.

- b. The local governing authority is responsible for implementing the parking control regulations.

## **2. *Parking Enforcement* [61.1.13]**

- a. SEASONAL VARIANCE: Officers must be aware that parking problems within the community may vary as the seasons change. During the winter months, enforcement efforts are directed at educating the public to park where overnight parking is permitted, which allows ample room for snow plowing necessary to ensure safe passage of fire, ambulance, and police vehicles. Officers should direct their attention to violations which are hazardous to the public welfare and appropriate enforcement, such as:
  - i. Wrong direction parking;
  - ii. Within ten (10) feet of a hydrant;
  - iii. Double parking;
  - iv. Parking on crosswalk; and
  - v. Handicap parking.
- b. OVERNIGHT WINTER PARKING LOG: An Overnight Winter Parking Log will be utilized during the months of December through March for systematic enforcement. Officers will call in to dispatch plates of vehicles that violate the winter parking ordinance. If continual complaints are received for the same location, the sergeant or designee shall investigate the complaint to determine if the complaint is justified. A report shall be submitted by the sergeant or designee with appropriate recommendations
- c. SNOW REMOVAL TOWS: Snow removal tows are tows requested by the Department of Public Works to remove a vehicle to enable them to remove snow/ice from the roadway.
- d. PARKING ON SIDEWALK VIOLATIONS: Violations for parking on the sidewalk are a concern for both the police and the public. Any violations of parking on the

sidewalk where there are formally constructed sidewalks should be strictly enforced. Vehicles parked on areas adjacent to the street where there are no formal sidewalks should not be tagged for parking on the sidewalk, provided that the vehicle does not obstruct access to homes or driveways of other residents or create a hazard to pedestrians or others.

**J. Escorts [61.3.3(a)]**

1. The department recognizes that there are legitimate and reasonable requests for police escort services to ensure safe, orderly, and efficient movement of special traffic or to expedite delivery of special items. The department shall make every effort to honor such requests to the extent practical and consistent with the need to ensure that the act of escorting or emergency relay itself does not create unnecessary risk to the public. The officer-in-charge or his/her designee shall review and approve all requests for escorts or relay.
2. Officers shall not initiate escorts without first obtaining permission from the officer-in-charge.
3. Requests for escorts that may be obliged may include, but are not limited to, the following:
  - a. Funerals;
  - b. Motorcades;
  - c. Public officials and dignitaries;
  - d. Oversized vehicles;
  - e. Highway construction and maintenance vehicles; and
  - f. Hazardous or unusual cargo
4. Emergency vehicles, particularly ambulances, shall not be escorted by officers, except under specific circumstances approved by the officer-in-charge. An example of an escort which may be approved is the escort an emergency vehicle from the city limits to a hospital when the driver of the

emergency vehicle is not familiar with the location of the hospital.

5. Officers shall not escort civilian vehicles except in unusual medical emergencies. *[61.1.3.3(b)]*
  - a. The driver of a civilian vehicle requesting an escort should be directed to proceed to the emergency medical facility at normal speed in compliance with all traffic regulations.
  - b. If, in the officer's opinion, delay or transfer would jeopardize a person's life, the officer may, with the approval of the officer-in-charge, escort the vehicle to the nearest medical facility. During this escort, all emergency equipment (lights and siren) shall be utilized and motor vehicle laws outlined in G.L. c. 89, ss. 7, 7A, and 7B, shall be observed.

## **K. Requests for Service Vehicles**

1. The public, when utilizing public highways, may encounter mechanical or other difficulties requiring assistance from the police. When outside assistance is needed, the officer shall notify the dispatcher of: *[61.4.1(b)(d)]*
  - a. Type of Service Needed;
    - i. Tow trucks (Type of car, problem, whether hook or flatbed is needed);
    - ii. Ambulance;
    - iii. Traffic; and/or
    - iv. Vehicle repair/service.
  - b. Location (street name and number) that service is to be dispatched to; and
  - c. Reason for request (e.g., medial problem, flat tire, out of gas).
2. It is the policy of the department not to advise any citizen where to conduct business. When asked, officers should

advise citizens of several businesses in the area and let the citizen decide.

3. **STRANDED MOTORISTS:** The overall danger to the stranded motorist can also be a potentially dangerous condition. The department shall offer reasonable assistance at all hours of the day. If the officer believes it is necessary to transport a stranded person in his/her police vehicle, [s]he shall first obtain permission from the officer in charge. Prior to such transport, the officer shall advise dispatch of his/her location, destination, and reason for the transport. [61.4.1(c)]
4. **DIRECTIONS/INFORMATION:** At the request of a citizen, officers shall provide information and direction consistent with other duties and responsibilities. [61.4.1(a)]

#### **L. Abandoned Motor Vehicles [61.4.3]**

1. All vehicles towed will be documented according to department procedure. Any inventories shall be done in accordance with the departmental policy on **Motor Vehicle Inventories**.

#### **2. Definitions**

- a. **ABANDONMENT** - A vehicle left parked and unattended for 72 hours or more.<sup>4</sup>
- b. **JUNK CAR** – A vehicle with no salvage value.

#### **3. Abandoned Motor Vehicles Left Unattended for Over 24 Hours**

- a. When an officer has initially noticed a vehicle that may be abandoned or when a citizen complains that a vehicle may be abandoned in a particular area, officers shall monitor vehicle for 24 hours or more. A log entry should be made and read at Roll Call. At the conclusion of the 24 hours, a parking violation tag shall be affixed to vehicle indicating the offense and the Department of Public Works (DPW) shall be notified. The Department Head of the DPW can authorize the towing of the vehicle.

- b. Although circumstances may at times dictate that a particular motor vehicle be towed under the guise of being left unattended for over 24 hours, whenever possible, it is preferred that the vehicle be treated as an abandoned motor vehicle. The advantages are:
  - i. The owner may respond upon seeing the parking ticket;
  - ii. More time is allowed (72 hours) to ascertain ownership; and
  - ii. Most importantly, from the tow facility's standpoint, it reduces the amount of time that the vehicle has to remain on the property before abandonment proceedings can commence.

#### **4. *Private Property Abandonment***

- a. **CONDITIONS ALLOWING TOWING ON PRIVATE PROPERTY:** In order to have an abandoned motor vehicle removed from private property under G.L. c. 266, s. 120D, it is necessary to show that the owner of the vehicle has been forbidden to park on the property either directly or by a posted notice (i.e., No Parking - No Trespassing sign). There is no 72-hour requirement on private property.
- b. **PROPERTY OWNER'S RESPONSIBILITY:** In order to have the abandoned motor vehicle removed, the owner or the person having lawful control must provide the department with the following information:
  - i. The address from which the motor vehicle is being removed;
  - ii. The address to which the motor vehicle will be moved;
  - iii. The registration number (plate);
  - iv. The name of the owner or person in lawful control of the property; and

- v. The name of the person or tow company that will be towing the motor vehicle.
- c. The towed vehicle shall be stored in a convenient place and the owner of the vehicle shall be liable for the tow and storage charges.
- d. Abandoning a motor vehicle on private property does not prevent police from charging the owner of the motor vehicle with Abandonment.<sup>5</sup>

## **5. *Investigations of Abandoned/Junk Vehicles***

- a. OWNERSHIP DETERMINATION: Officers shall determine ownership and attempt to notify the owner by checking:
  - i. Registration plate;
  - ii. Vehicle Identification Number (VIN);
  - iii. Visible stickers, inspection or other type; and
  - iv. Interior of vehicle for notes, letters, papers, materials, or other types of identification of owner.

NOTE: If any of the above results in the determination of the owner, that information shall be given to the tow facility, so that the tow facility may contact the owner also.

- b. VEHICLE CONDITION: If vehicle has physical conditions indicating abandonment, pictures of the vehicles should be taken for evidence.
- c. INVESTIGATION OF AN ABANDONED MOTOR VEHICLE: A police officer may search an abandoned motor vehicle for evidence in an attempt to determine the owner and monitor the vehicle during the next three days.
- d. IF OWNER CONTACTS DEPARTMENT: If within 3 days the owner contacts the department, [s]he will be



ordered to remove the vehicle. The department's involvement is ended if the vehicle is removed.

- e. IF OWNER CANNOT BE LOCATED: If the owner cannot be located within three days, the person who had last registered the vehicle will be issued a municipal ticket for abandonment of a motor vehicle.

## **M. Reports**

1. Accurate, timely, and complete reports are fundamental to the department's efficient and effective operation, as these forms the basis for prosecution and ultimate adjudication of traffic offenses.
2. Officers shall therefore, complete all traffic citations and reports (when necessary), as well as arrest reports, to the best of their ability, and submit them through the proper channels as quickly as possible.

## **N. Educational Material**

1. The department should prepare and disseminate traffic safety educational materials to the public. Such materials support enforcement efforts and enhance public understanding of traffic safety programs. [61.4.4]

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<sup>1</sup> M.G.L. c. 268A, s. 23,

<sup>2</sup> M.G.L. c. 85, s. 11B regulates the use of bicycles, and M.G.L. c. 90, ss. 1B and 1C regulates the use of mopeds.

<sup>3</sup> M.G.L. c. 90B, ss. 20-34

<sup>4</sup> M.G.L. c. 90, s. 22C

<sup>5</sup> M.G.L. c. 90, s. 22C