



# ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Traffic		
POLICY & PROCEDURE # 5.01	DATE OF ISSUE: 2/14/2024	EFFECTIVE DATE: 2/21/2024
SUBJECT: TRAFFIC ENFORCEMENT	ISSUING AUTHORITY: Chief James Cogan	
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## I. PURPOSE

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.

As a component of behavior modification, enforcement must be applied where it can best target the type of driving behavior that needs to be affected. Through the use of collision/crash statistics, traffic patterns, and volumes, police can target the times and locations where enforcement resources will do the most good.

Traffic enforcement operations pose a number of challenges to officers. One of these is determining the appropriate officer safety precautions that should be taken in circumstances where little, if anything, is known about the operator and/or passengers prior to the stop. Another is determining the appropriate enforcement response necessary to modify driving behavior. Some of these contacts may result in citizen complaints being filed against officers. It is important that officers conduct themselves in a professional manner at all times during traffic stops. Officers should always be certain they have at least a reasonable suspicion of criminal conduct, or a motor vehicle violation, before initiating a motor vehicle stop.

## II. POLICY

It is the policy of this department to:

- A. Use traffic enforcement as one of several methods to reduce traffic collisions/crashes, fatalities, and injuries;
- B. Make motor vehicle stops based solely on the violations observed, not on the profile of the vehicle's occupants; and
- C. Maintain and account for traffic records and citations.

### III. PROCEDURES

#### A. Traffic Enforcement

##### 1. GENERALLY

- a. The objective of traffic enforcement is to favorably alter the violator's future driving behavior, fostering a climate of safe driving throughout the community.
- b. Officer performance appraisals shall not be based solely upon the number of traffic citations issued. The quality of the citations, i.e., accidents and injury-causing types of violations, quality of citizen contacts, and other elements will also be considered in an overall documented annual review. Citation volume will only be one of the annual review components.
- c. Preferential treatment pertaining to adjudication of traffic cases in any manner by any agency, official, or person is prohibited.
- d. Enforcement activities will be conducted in a consistent and uniform manner and will not give preference to either local residents or non-residents.
- e. **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. See the department policy on **Racial Profiling**.
- f. Unmarked vehicles may be used when overt enforcement efforts have proven ineffective, where specific violations must be addressed (such as passing school buses, speeding vehicles, stop sign violations, etc.), and when authorized by a supervisor.

2. **PATROL ENFORCEMENT MEASURES:** Patrol officers are responsible for traffic enforcement efforts during their normal tour of duty. Officers should:
  - a. Take action against observed violations during normal patrols;
  - b. Direct enforcement activities at violations that negatively affect the officer's patrol area;
  - c. Augment the efforts of officers assigned to traffic duties; and
  - d. Enforce traffic laws at a level sufficient to ensure the safe and expeditious movement of traffic.

### 3. SELECTIVE ENFORCEMENT

#### a. Identifying Enforcement Locations

- 1) The Patrol Division Commander, hereinafter “Patrol Lieutenant”, shall regularly review and analyze collision/crash data generated through citizen reporting and officer investigations. **[61.1.1(a)]**
- 2) The Patrol Lieutenant shall regularly review and analyze enforcement activity records, traffic volume, citizen complaints, and traffic conditions. **[61.1.1(b)]**
- 3) Using such data and analysis, the Patrol Lieutenant shall identify selective enforcement locations, times, and violations for enforcement efforts. **[61.1.1(c)]**.
- 4) The Patrol Lieutenant will communicate such target locations and violations for selective enforcement activities to the patrol shift supervisor(s).
- 5) When an officer engages in selective enforcement, he/she shall call the area where they are in to dispatch so it is properly recorded in the log.

#### b. Selective Enforcement Strategy Implementation

- 1) The Patrol Lieutenant will identify education and enforcement strategies for each target area, such as: **[61.1.1(d)]**
  - a) Speed Trailers;
  - b) Radar and LIDAR;
  - c) Unmarked vehicles;
  - d) Enforcement teams; and
  - e) Motorcycles if applicable.
- 2) The Patrol Lieutenant shall coordinate the deployment of dedicated traffic officers, as well as patrol officers, with shift supervisors. **[61.1.1(e)]**
- 3) Enforcement officers should target the violations specified by the selective enforcement assignment. However, other dangers or blatant violations should also receive the attention of these officers.

#### c. Documented Annual Review: The Patrol Lieutenant shall compare pre- and post-enforcement levels of accidents, violations, and citizen complaints to evaluate the effectiveness of selective traffic enforcement efforts. **[61.1.1(f)]**

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

**CAUTION:** If a determination is made to stop a motor vehicle, great care must be exercised. Many officers have been seriously or fatally injured making vehicle stops. Traffic law violators, suspicious vehicles, and criminals present an unknown risk to the officer making the stop. Reasonable precautions should always be taken in stopping a motor vehicle, being cautious of traffic, and dealing with the occupants.

### **1. INITIATING THE STOP**

- a. Prior to stopping the vehicle, notify the dispatcher of the following:
  - 1) Location of the stop;
  - 2) Description of the vehicle; including registration number and state; and
  - 3) If possible, the number of occupants.
- b. Select a suitable location for making the stop. Officers should consider:
  - 1) Lighting;
  - 2) Traffic Flow;
  - 3) Severity of the violation;
  - 4) Weather Conditions; and
  - 5) Characteristics of the roadway.
- c. Officers may follow the vehicle a short distance prior to initiating a stop to make additional observations of the operation of the vehicle or to ensure a safe location for the stop.
- d. In stopping the suspect vehicle, guard against any evasive action by its operator.
- e. Park the patrol vehicle to the rear of the stopped vehicle with emergency lights on to warn traffic and to assist any backup officers responding to the scene.
- f. The use of takedown lights and or spotlights should be used when they would not pose a hazard to oncoming traffic, to enhance occupant and officer safety.

## 2. APPROACHING THE VEHICLE

- a. The officer should approach the vehicle with caution, checking the trunk and rear seat.
- b. Officers may approach the vehicle from either the operator's or passenger's side of the vehicle at the officer's discretion

## 3. DEALING WITH VIOLATORS **[61.1.8]**

- a. Officers should conduct themselves in a professional manner, keeping in mind the use of proper language, bearing, and emotional stability. Officers should, in a manner they deem appropriate:
  - 1) Explain to the violator the reason for the stop.
  - 2) Be certain of their observations of the alleged violation;
  - 3) Have the necessary forms and equipment to deal with the situation;
  - 4) Maintain tactical awareness, and be observant for signs of impairment, criminal activity, or criminal intent;
  - 5) Initiate the conversation with the violator with a friendly greeting using an appropriate title in a courteous manner;
  - 6) Request the required documents, identification, etc.; and
  - 7) When obtaining documents, do not accept wallets, purses, or folders. Have the violator remove the document from the container.
- b. Officers must keep in mind that some violators encountered will show signs of emotional distress. Officers should deal with these individuals in a calm, courteous manner to help reduce that anxiety.
- c. If occupants are removed from the vehicle, they should be directed to a location relatively safe from traffic. Officers and violators should not stand between the violator's vehicle and police vehicles.
- d. Officers may briefly listen to the violator's explanation. However, officers should not become engaged in a debate over the merits of the stop. Violators who wish to contest a citation should be courteously advised that it is unsafe to do so at the roadside and to request a Clerk Magistrate Appeal.
- e. If citing the driver, officers should briefly explain the violator's options and point out that those options are printed on the back of the citation.  
**[61.1.4]**

- 1) Written warnings have no fine.
- 2) Civil Citations: The violator may pay by mail or request a hearing.
- 3) Criminal Citation: Violator shall be advised of their right to request a show cause hearing within four (4) days.
- f. Upon completion of the enforcement action, officers must ensure that the violator safely re-enters the flow of traffic.

4. FELONY/HIGH RISK STOPS **[61.1.7]**

- a. During high-risk felony stops, officers must use extreme caution, employing tactics to minimize the exposure of officers, offenders, and the public to danger.
- b. Preparing for the Stop:
  - 1) Officers shall advise the dispatcher of all pertinent information using the radio.
  - 2) Whenever possible, have adequate backup before initiating the stop.
  - 3) Conduct the stop in a safe location away from people, vehicles, and hazards.
- c. Conducting the Stop:
  - 1) Place the police vehicle in an advantageous position and use it as cover. Be mindful of:
    - a) Persons, homes, businesses, and traffic down range of the suspect vehicle; and
    - b) The position of backup officers to avoid initiating a crossfire in the event that the use of firearms becomes necessary.
  - 2) Order the operator to shut off the vehicle, turn on the interior light, roll down the operator's window, and put the keys on top of the vehicle.
  - 3) Order the occupants to place their hands in plain view.
  - 4) Order each occupant, one at a time, to slowly exit the vehicle with their hands in the air. Order them to slowly make a complete turn with their hands in the air and make a cursory check for weapons. If a weapon is spotted, tell backup officers and the offender that it is seen. Do not permit the offender to touch it.
  - 5) Order the offender to walk backward toward the officers and then to lay face down on the ground with feet and arms extended.

- 6) A backup officer should check the vehicle for hidden occupants and then take a cover position on the suspects.
- 7) Handcuff and then search each suspect in view of the cover officer.

## 5. ENFORCEMENT ACTION **[41.4.5]**

- a. All officers shall exercise their good judgment and discretion in taking appropriate enforcement action for each violation of the law witnessed or reported to them.
- b. Traffic enforcement action will be taken without regard to such factors as attitude, intent, or frivolous excuse.
- c. All enforcement actions will be accomplished by using one of the following methods:
  - 1) ARREST: Officers may effect a physical arrest of any person in violation of those traffic laws allowing an arrest, and shall effect 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. **[61.1.2(a)]**
  - 2) CITATIONS (CRIMINAL/CIVIL): An officer's discretion and experience should be used in the decision to take punitive action against a violator. The officer should consider this course of action for: **[61.1.2(b)]**
    - a) Violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic;
    - b) Hazardous moving violations;
    - c) Multiple violations (multiple violations consist of infractions listed on the same citation);
    - d) Operating unsafe and/or improperly equipped vehicles; and
    - e) Repeat offenders.
  - 3) VERBAL WARNINGS: A verbal warning may be appropriate when the violator commits an act that may be due to ignorance of a particular law, a minor equipment violation, or when enforcing a new traffic law or regulation. **[61.1.2(c)]**

NOTE: A WRITTEN WARNING SHOULD USUALLY BE USED INSTEAD OF A VERBAL WARNING BECAUSE IT

EXERTS A MORE EFFECTIVE INFLUENCE ON THE DRIVER.

- 4) WRITTEN WARNINGS: A written warning is a proper alternative by officers in response to a minor traffic infraction. **[61.1.2(c)]**
  - a) It is also appropriate for those violations which occur within the tolerances generally allowed by the courts.
  - b) 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.
  - c) Written warnings result in the operator's identification being added to the records management system.

## C. Citations

### 1. GENERALLY

- 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 law violator, the officer shall provide him/her the following information as appropriate: **[61.1.4]**
  - 1) Written warnings have no fine or court appearance
  - 2) Civil Citations: The violator may pay by mail or request a hearing
  - 3) Criminal Citation: Mandatory court appearance. The violator will be notified of the court date if no action is taken or may request a show cause hearing within four (4) days.
  - 4) All options are explained on the back of the citation.
  - 5) Officers shall explain the motorist's options 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: 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 or criminal citation issued to a juvenile, such as designating a citation for Framingham Juvenile Court. When this occurs, officers are to be guided by the department policy on Handling Juveniles (1.15). **[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 Representatives are also 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 statutes. These officials shall be treated with the courtesy and respect that befit their distinguished positions. **[61.1.3(d)]**
  - 1) Diplomatic Agents: Ambassadors and other diplomatic officers enjoy complete immunity from the laws of the host country. They may not be handcuffed (except in extraordinary circumstances), arrested, detained, or searched, nor may their property or vehicles be searched.
  - 2) Family Members of Diplomatic Agents: Spouses, children to age 21 (age 23 if a full-time college student), and other persons agreed to by the U.S. Department of State. If family members are U.S. citizens, they enjoy no immunity.
  - 3) Administrative and Technical Staff members enjoy the same immunity as Diplomatic Agents for criminal matters and civil matters connected to their official duties. Family members enjoy the same immunity as their sponsors but have no civil immunity.
  - 4) Service Staff members enjoy immunity related to their official acts only. Family members have no immunity.
  - 5) Traffic citations may be issued; however, the subject may not be compelled to sign the citation. (Whether it is paid is another matter.)
  - 6) 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 licenses suspended or revoked.
  - 7) OUI: When such a 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 patrol shift supervisor shall cause the liaison officer of the nearest armed forces investigative headquarters division to be notified. **[61.1.3(e)]**

### 3. **CITATIONS [82.3.3(1)]**

- a. **Accountability:** Paper 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.
- b. The Acton Police Department participates in the Massachusetts Department of Criminal Justice Information Systems (DCJIS) Motor Vehicle Automated Citation and Crash System (MACCS) program. This system utilizes a mounted in-vehicle printer with the capacity to issue electronic citations. This is the preferred method of issuing citations and should be utilized unless circumstances dictate the use of a paper citation. **[82.3.3(3)]**
  - 1) **OBTAINING PAPER CITATIONS:** Motor vehicle citation books are kept in a file cabinet in the report writing room. Officers shall sign the citation books out as needed with the approval of the patrol shift supervisor. **[82.3.3(2A)]**
    - a) The receiving officer shall inspect the citation book to ensure that it is not defective and that all citations are present. Problems should immediately be brought to the attention of the issuing person.
    - b) The name, badge number, and date of issue shall be recorded in a citation book issue log when an officer is issued a citation book.
  - 2) **ELECTRONIC CITATIONS:** E-citation numbers are automatically generated by the MACCS program at the time the Officer enters the violation information and issues a citation. **[82.3.3(3A)]**
  - 3) **ISSUING CITATIONS**

- a) Timeliness: Failing to give the violator a citation at the time and place of the violation shall constitute a defense unless:
  - i. The violator could not have been stopped.
  - ii. Additional time is reasonably necessary to determine the nature of the violation or the identity of the violator.
  - iii. The court finds the failure justified.

NOTE: This does not apply to M.G.L. c. 90, s.24, 24G, or 24L if the violation of automobile law resulted in death.

- b) Issuing Citations Not In-hand: Citations not given to the violator at the time and place of the violation, or given after an investigation, must be written as soon as possible and may be delivered to the violator or mailed to the violator's residential or mail address, or to the address appearing in Registry records.
- c) Types of violations
  - i. Arrest: If a citation was issued in conjunction with an arrest, it should be marked "Arrest" and processed as an arrest. The violator should be given the "violator copy" and the remaining copies submitted to the department, pursuant to this policy.
  - ii. Civil: The violator should be given the "violator copy" and the remaining copies submitted to the department, pursuant to this policy.
  - iii. Criminal: If any violations indicated on a citation are criminal, the citation should be marked "criminal." The "violator copy" should be given to the violator, the "court copies" submitted to the court along with the incident report and statement of facts, and the agency copy submitted to the department.
  - iv. Warning: The violator should be given the "violator copy" and the remaining copies submitted to the department.
  - v. Drug Offenses: A citation may be issued in conjunction with drug distribution or a trafficking charge.

#### 4) SUBMITTING CITATIONS

- a) OFFICER'S COPY: The issuing officer shall retain the officer copy.

- b) ISSUED CITATIONS: All citations issued during an officer's tour of duty shall be submitted to the officer's patrol shift supervisor at the end of that tour of duty.
- c) LOST CITATIONS: Officers shall submit to the patrol shift supervisor a written report explaining the circumstances surrounding the lost citations. This report will be submitted to the Patrol Lieutenant who will file it in records.
- d) VOIDED CITATIONS: When an officer needs to void a citation, the violator should be given the corrected copy. The officer shall submit a written report explaining the reasons for voiding the citation, along with the voided citation, to the shift supervisor, who shall submit the same to the administrative assistant who will file it in records. E-citations must be voided using the same reporting procedure and shall be voided in the MACCS system by a shift supervisor.
- e) AMENDMENTS TO CITATIONS: Amendments to criminal or arrest citations shall be processed by the department prosecutor. Non-criminal citations may not be amended after issue. An additional citation must be issued to the violator.
- f) The supervisor will review the completed paper citations, noting any irregularities, and shall place them in a locked citation deposit box located in the roll call room for the Department's Court Prosecutor to access. Completed paper Warnings and Civil citations will be kept with the Court Prosecutor in a secured file cabinet for a minimum of two (2) years before being moved into the secured records room. Criminal and Arrest citations will be kept with the case file in the Court Prosecutor's locked cabinet.  
**[82.3.3(4)]**
- g) The electronic nature of MACCS eliminates the need for the Records Clerk to file or mail any electronic citations. The electronic citations are immediately accessible by the RMV and will be accessible by the department via MACCS **[82.3.3(4)]**

## 5) PROCESSING CITATIONS

- a) Arrests: The Court copies are the charging instrument for motor vehicle citations linked to an arrest. They shall accompany the arrest reports and the criminal complaint.
- b) Civil Citations: The RMV copy is automatically submitted using the MACCS system and paper citations shall be submitted by mail to the Registry of Motor Vehicles as soon as practical in the supplied RMV envelope. The agency copies shall be retained by the department.

- c) Criminal: The Court copies are the charging instrument for criminal motor vehicle citations. They shall accompany the incident report, along with the criminal complaint application.
- d) Drug Possession: Citations issued under M.G.L. c. 90 §22 are a vehicle for RMV reporting purposes only. The agency copy shall be retained. All remaining copies (other than the officer's copy) shall accompany the criminal charging instruments and other documents to the court.
- e) Voided: All paper copies shall be retained by the records office and submitted periodically to the Registry. Voided E-Citations are maintained within the MACCS system.
- f) Warnings: The RMV paper copy shall be submitted by mail to the Registry of Motor Vehicles as soon as practical in the supplied RMV envelope. The agency copies shall be retained by the department. The Court Copy shall be destroyed.

6) AUDIT SHEETS: A Registry of Motor Vehicles Uniform Citation audit sheet is prepared by each officer in compliance with Registry guidelines and submitted to the Registry by the records office when all citations in that book have been issued. E-citations are maintained within the MACCS system and are immediately accessible to the department. **[82.3.3(2B)(3B)]**

7) RETENTION:

- a) Completed warnings and non-contested civil citations shall be retained for at least 3 years.
- b) Arrest and criminal citations shall be retained until completion of prosecution and exhaustion of appeals.

4. INTERFERING WITH THE CAUTION PROCESS:

Members of the Acton Police Department are prohibited from ticket fixing. The State Ethics Commission has ruled that requests by police officers for consideration or dismissal of traffic citations based on the violator's personal connection with a police officer violate the conflict of interest law.

**D. VIOLATIONS**

1. OPERATING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS: **[61.1.5(J)]**

- 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 is warranted. For further information, see the department policy on Impaired Operators (5.04).

2. LICENSE SUSPENSIONS AND REVOCATIONS: **[61.1.5(I)]**

- a. If the officer is certain of the suspension/revocation and observes operation, it is the officer's discretion to arrest based on the nature of the suspension/revocation, and the totality of the circumstance.
- b. A criminal citation may be issued at the discretion of the officer.

3. MOVING / NON-MOVING VIOLATIONS **[61.1.5(A)(C)]**

- a. Officers shall use verbal warnings, written warnings, and citations to encourage motorists to voluntarily comply with moving/non-moving violation laws and regulations.
- b. Speeding citations should be for a clearly convictable speed in court, and may to some extent depend on the location of violation (congested area, town center, squares, school zone, etc.). **[61.1.5]**

4. RECKLESS/AGGRESSIVE DRIVING VIOLATIONS: **[61.1.5(K)]**

- a. A reckless/aggressive driving violation is a violation of any law, ordinance, or regulation affecting the use or protection of streets or highways enacted primarily to regulate the safe movement of vehicles and pedestrians.
- b. Officers should stop and investigate hazardous violators.
- c. Violators found to be intentionally engaged in hazardous operations should be cited or charged.
- d. Violators found to be in medical distress or incompetent should be addressed appropriately. Contact should be with the Registry of Motor Vehicles if, in the opinion of the officer, continued operation by this operator would be so seriously improper as to constitute him / her an immediate threat to public safety. Immediate threat forms can be found on the Department's P-Drive as well as online at Mass.gov. Forms should be reviewed and signed by a supervisor before being emailed to the Registry

at the email address located on the top of the Immediate Threat form.

**[61.1.12] [82.2.1]**

e. RECREATIONAL, OFF-ROAD, 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 the officers or reported to them. **[61.1.5]**

5. EQUIPMENT VIOLATIONS **[61.1.5(B)]**

- a. Officers should consider issuance of a citation for any essential equipment defects.
- b. Whenever a fixture is missing and it is obvious that the owner is knowingly aware of the defective equipment, a citation should generally be issued.
- c. If the equipment violation is not obvious, the officer may stop the violator, warn of the defect, and give a verbal or written warning.

6. PUBLIC CARRIER / COMMERCIAL VEHICLE VIOLATION **[61.1.5(E)]**

- d. When encountering these types of vehicles, all patrol and traffic enforcement officers should enforce laws that relate generally to all classes of vehicles (speed, turning movements, traffic control signals, etc.) and safety laws specific to these vehicles, such as having an uncovered load. Patrol officers may enforce non-safety violations as well.
- e. Officers trained in commercial vehicle enforcement shall enforce such violations.

7. 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 the violations are repetitive or flagrant. **[61.1.5(C)]**

8. MULTIPLE VIOLATIONS: **[61.1.5(D)]**

- a. Generally a violator may receive a single charge for each type of violation observed in an incident for non-hazardous violations stemming from the same operation.
- b. For instances where, in the opinion of the officer, multiple violations are intentional, flagrant, or hazardous, officers may charge violators for each violation.

9. NEWLY ENACTED LAWS AND/ OR REGULATIONS: Officers shall be aware of newly enacted laws and/or regulations, and shall use their discretion when enforcing such new laws and/or regulations. **[61.1.5(L)]**

10. VIOLATIONS RESULTING IN COLLISIONS/CRASHES **[61.1.5(F)]**

- 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. See the department policy on Traffic Collisions / Crashes (5.02).
- 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.

11. SPECIAL ENFORCEMENT

- a. BICYCLES: Officers may use their discretion to enforce laws relating to bicycles. Hazardous operations should be cause for police action. **[61.1.5(H)]**
- b. PEDESTRIANS: Officers may use their discretion in enforcing laws related to pedestrians, concentrating on dangerous or suspicious activities. **[61.1.5(G)]**

**E. Towing Motor Vehicles**

1. Maintaining Records: Officers shall cause to be made a computer log entry for all vehicles removed, stored, or towed. **[61.4.3(E)]**
2. Definitions:
  - a. ABANDONMENT – a vehicle left parked and unattended for 72 hours or more.<sup>1</sup>
  - b. JUNK CAR – A vehicle with no salvage value.
3. Towing Abandoned Motor Vehicles from Public Property or a Public Way **[61.4.3(A)(B)]**
  - a. When an officer has initially noticed a vehicle that may be abandoned or when a citizen complains that a vehicle may be abandoned on public property or a public way, officers shall monitor the 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 the vehicle indicating the offense.

- 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:
  - 1) The owner may respond upon seeing the parking ticket;
  - 2) More time is allowed (72 hours) to ascertain ownership; and
  - 3) 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. Towing Motor Vehicles from Private Property **[61.4.3(C)]**

- 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:
  - 1) The address from which the motor vehicle is being removed;
  - 2) The address to which the motor vehicle will be moved;
  - 3) The registration number (plate);
  - 4) The name of the owner or person in lawful control of the property; and
  - 5) 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.

5. Investigations of Abandoned/Junk Vehicles

- a. OWNERSHIP DETERMINATION: Officers shall determine ownership and attempt to notify the owner by checking:
  - 1) Registration plate;
  - 2) Vehicle Identification Number (VIN);
  - 3) Visible stickers, inspection or other type; and
  - 4) Interior of vehicle for notes, letters, papers, materials, or other types of identification of the 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 a vehicle has physical conditions indicating abandonment, pictures of the vehicle 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.

## **F. Speed Measuring Devices [61.1.9(3)]**

### **1. EQUIPMENT SPECIFICATIONS [61.1.9(A)]**

- a. Members of the department shall use mobile or stationary traffic radar units, or LIDAR provided by the department.

### **2. OPERATIONAL PROCEDURES [61.1.9(B)]**

#### **a. Radar**

- 1) Prior to using radar, inspect the unit for damage and operability.
- 2) Upon turning the unit on, conduct a unit test using the built-in equipment test and/or tuning fork. Inoperable or malfunctioning units should be taken out of service.
- 3) Use radar units to quantify officer's estimations of vehicle speed.

**b. LIDAR**

- 1) Before using LIDAR, inspect the unit for damage and operability.
- 2) Upon turning the unit on, conduct a unit test using the built-in equipment test. Inoperable or malfunctioning units should be taken out of service.
- 3) Aim the LIDAR at a specific target and use the units to quantify the speed and distance of an officer's estimations of vehicle speed.

**3. PROPER CARE AND UPKEEP [61.1.9(C)]**

- a. Speed measurement equipment should be protected against liquids and impacts.
- b. Vehicle-mounted systems should be securely fastened to the vehicle.
- c. Handheld units should be protected from damage while inside of the vehicle. Unused units should be cased and stored in the police facility.

**G. PROGRAMMED MAINTENANCE**

1. The Patrol Division Commander in charge of the Traffic Unit or his/her designee shall be responsible for coordinating the repair and scheduled maintenance of Radar and LIDAR units. Units should be serviced and calibrated annually.
2. MAINTENANCE AND CALIBRATION RECORDS: A record of all maintenance and calibrations of Radar and LIDAR units shall be provided to the court prosecutor by the traffic officer. A copy shall also be provided by the traffic officer and filed accordingly in the records department. [61.1.9(D)]
3. OPERATOR TRAINING AND CERTIFICATION: All members of patrol, and any other officer wishing to use the Radar and LIDAR equipment, shall receive training specified by the Municipal Police Training Committee (MPTC) prior to using the equipment. [61.1.9(E)]

**H. DIRECTING OR CONTROLLING TRAFFIC**

1. As soon as practicable, all officers shall put on and wear a department-approved high visibility traffic vest or high visibility jacket while directing or controlling traffic. Refer to Department policy *1.10 Approved Uniforms, Equipment, Appearance* for approved high visibility clothing [61.3.1]

**I. REPORTS**

1. Accurate, timely, and complete reports are fundamental to the department's efficient and effective operation, as they form the basis for prosecution and ultimate adjudication of traffic offenses.
2. Officers shall complete all traffic citations and reports and submit them in a timely manner.

## **TRAFFIC ENFORCEMENT INFORMATION**

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**History:** **Manual I, Section II & III.**

**Policy 5.01 Traffic Enforcement**