



MEDFIELD POLICE DEPARTMENT

POLICY NO. 5.01

TRAFFIC MANAGEMENT AND ENFORCEMENT

MASSACHUSETTS POLICE ACCREDITATION STANDARDS

REFERENCED: **1.2.7, 61.1.1, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.6, 61.1.7 61.1.9, 61.1.12, 61.1.13, 61.3.3, 61.4.1, 61.4.2, 61.4.3, 61.4.4**

ISSUING AUTHORITY:

Michelle Guerette
Chief of Police

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BACKGROUND:

The regulation of traffic, for the safety of the community is a primary objective and responsibility of the Medfield Police Department. All police officers are trained in traffic laws and regulations. All uniformed patrol officers are expected to enforce traffic laws and regulations in a firm, fair, impartial, and courteous manner. The Department's goal is the reduction of traffic collisions through the use of selective enforcement in order to change the motoring public's driving behaviors.

Traffic stops are often dangerous, and officers can be injured or killed while conducting them. It is of the utmost importance to balance the public's need, the Department's objectives, and the safety of the Department's employees while managing and enforcing traffic laws.

POLICY:

The Medfield Police Department conducts traffic enforcement as a regular function of patrol, and will focus on problem areas by assigning directed patrols to solve problems.

Uniformed officers are expected to take action when they witness a traffic violation, particularly when assigned to directed patrol. They shall use procedures that provide a safe environment for the violator, the general public, and themselves. Officers may use their discretion when deciding how to enforce a traffic violation. Traffic enforcement shall never be used as a pretense to generate revenues for the Department or the Town of Medfield.

PROCEDURES:

The following procedures for identifying traffic problems, managing traffic flow, and enforcing traffic laws are intended as an outline of how the Department may provide services to the community, and to provide maximum safety for the police officers, the violator, and the motoring public during these encounters. Varying conditions regarding the engineering of the particular road, the urgency to stop the violator, and the existing volume of traffic, may require adjusting or altering these procedures.

Selective Enforcement Activities [61.1.1]

Selective Enforcement: To ensure maximum reduction of collisions, enforcement pressure should be applied in proportion to need, locations, and at the hours of greatest collision expectancy. Selective enforcement assignments shall be at the discretion of the shift commander.

1. **Deployment:** The deployment of selective enforcement patrol personnel will be based on an analysis of traffic collisions, traffic volume, citation volume, citizen complaints, and officer's knowledge. The Department shall analyze, on a quarterly basis, vehicle collision sites and traffic enforcement activity by time and geographic location, compare that data to enforcement activities, and will distribute this information to shift commanders on a regular basis and by special request. [61.1.1 (a)(b)(c)] These locations and factors should serve as a basis for assignment of motor vehicle enforcement efforts.
2. **Assignment:** Assignment of traffic enforcement personnel will be based on principles of selective enforcement. Resources will be directed toward specific violations, in specific locations, based primarily on statistical data of traffic collision experience. [61.1.1 (d)(e)]
3. **Evaluation:** The Chief of Police or his designee shall evaluate the results of the selective enforcement efforts. The evaluation should include, but not be limited to, a review of citation times, locations, offenses, and collision locations. [61.1.1 (f)]

Making a Motor Vehicle Stop [61.1.7(a)(b)]

When stopping a vehicle for a motor vehicle infraction, or non-violent crime, officers should wait to activate the emergency lights, and if necessary their siren until they are in a safe location. Once they have activated the lights and siren, officers should ensure that the violator stops in a safe location on the roadway. The officer should then position his/her cruiser at a safe distance and location behind the violator's vehicle. At

the beginning of a traffic stop officers shall notify Dispatch of the location of the stop, the vehicle's registration number and, state of origin. For officer safety reasons officers should consider using a passenger side approach when making initial contact with the driver.

Police officers operating unmarked and specialty police vehicles should be aware that motorists might not recognize them as police officers and may be reluctant to stop. Assistance from a marked cruiser should be requested if a motor vehicle stop is made in an unmarked vehicle.

When approaching a vehicle, police officers should be aware of their environment and be alert to oncoming traffic. Officers should ensure that their portable radio is in the "on" position, approach cautiously and in a manner that affords maximum protection, and remain alert for any sudden or suspicious movement within the vehicle.

Officers should speak to the operator from a safe position, introduce themselves by rank and name, inform the operator of the reason for the stop, and request their license and registration.

After receiving the requested documentation, officers should complete any investigation or required paperwork while remaining cognizant of their surroundings. An appropriate enforcement action should then be taken, at the discretion of the officer. See the policy on Arrest for additional information.

The operator's license and registration should be returned at the conclusion of the stop. If a citation or criminal complaint application is issued the appropriate information relative to the appeal or hearing of any civil fine or criminal charge should be given to the violator. In most cases that information is on the back of the citation and the officer should ensure that the operator is aware of it prior to terminating the stop.

The vehicle stopped should be assisted in safely reentering traffic at the conclusion of the stop.

Felony Stops [61.1.7(c)]

Police officers making high risk or felony stops shall conduct the stop in accordance with established training, guidelines, and if practicable:

1. Position the cruiser in a manner that provides protection and cover;
2. Contact Dispatch providing the location, description of the vehicle and occupant(s), the reason for the stop, and the direction of travel for any fleeing occupants;
3. Request to clear the air for emergency radio traffic only; and
4. If practicable wait for additional personnel before ordering the occupants out of the vehicle.

Additional officers should not give commands, unless necessary for officer safety. They should remain in position to cover the arresting officer(s) and provide assistance as needed.

See the policy on Arrest for additional information.

Enforcement Options

Traffic enforcement is an integral part of the daily patrol function. Officers are routinely assigned directed patrols in areas where new traffic controls are in place, where there have been numerous collisions, or in areas of concern for citizens. Officers are expected to address violations of the traffic laws and have four (4) enforcement options to use in a manner to best address each violation based on their discretion. Officers have discretion in individual cases to issue a warning or a citation charging a fine. However, officers are expected to use judgment in applying that discretion. Factors that officers are expected to consider include, but are not limited to, the severity of the violation, the extent to which the particular violation plays a role in motor vehicle crashes, and the operator's driver history. [61.1.7(a)] [1.2.7]

Verbal Warning [61.1.2(c)]

Verbal warnings are not the preferred method of issuing warnings. It is preferred that a violation is documented with a written warning; however, a verbal warning may be issued in a situation where it is not practical to issue a written warning, or where an officer using his discretion feels it is the best option.

Written Warning [61.1.2 (c)]

For minor violations and at the discretion of the officer, written warnings may be issued. Written warnings, documented on Massachusetts Uniform Citation forms, shall be entered into IMC and placed into the secure box in the report room within a reasonable time of being issued.

Citation [61.1.2 (b)]

Citations may be issued for civil infractions and/or criminal complaint applications. Citations for civil infractions, documented on Massachusetts Uniform Citation forms, shall be entered into IMC and placed into the secure box in the report room within a reasonable time of being issued. Citations for criminal complaint applications, documented on Massachusetts Uniform Citation forms, shall be entered into the IMC system and then forwarded to the Court Prosecutor with the criminal complaint package.

Before releasing the traffic violator, the officer shall provide him the following information as appropriate [61.1.4]

1. Notice that the motorist can either pay the fine by mail/phone/internet or contest the citation at a hearing;
2. Notice that if he chooses to request a hearing he will have to appear in court and can expect to receive notice of that appearance directly from the court; ;
3. Optional or mandatory nature of court appearance; and

4. Mailing envelope provided with citation.

5. It is essential officers fully explain the motorist's rights and requirements upon arrest or issuance of a citation. The officer should advise the violator that these rights are outlined on the back of the citation.

All Officers shall comply with G.L. c. 90C, which enumerates the uniform procedure for handling motor vehicle offenses.

Arrest [61.1.2 (a)]

Citations may be issued in conjunction with an arrest. Citations tied to an arrest, documented on Massachusetts Uniform Citation forms, shall be entered into the IMC system and then forwarded to the Court Prosecutor with the arrest package. In those cases involving multiple violations, for an arrest or a civil violation, an officer may cite all violations if deemed necessary, or cite the most serious of violations, and provide a written or verbal warning on the others.

Special Categories of Drivers [61.1.3]

1. Nonresidents: Enforcement activities shall be consistent and in a uniform manner that does not give preference to local residents or non-residents.

2. Juveniles: There are no special procedures dealing with juvenile offenders of the traffic laws and in the issuance of citations. When an arrest of a juvenile is warranted, officers are to be guided by the policy outlined in Handling Juveniles.

3. Legislators: State Legislators are immune from arrest while attending, going to, or returning from a session of their respective houses pursuant to the Massachusetts Constitution.

4. Diplomatic and Consular: These officials should be accorded their respective privileges, rights, and immunities as directed by international law and federal statute.

a. Diplomatic officers, their families, official staff and servants 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.

b. Traffic citations may be issued.

c. Any citations shall be reported to the U.S. Department of State. The State Department maintains driver histories and may subject these subjects to license suspensions or revocations.

d. Consular officers are entitled to limited immunity and are not subject to arrest or detention pending trial, except, as above, for the commission of a grave crime. Family members of consular officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdictions as do consular officers.

Military Personnel: When an active duty military member is arrested, a supervisor shall notify the liaison officer of the nearest armed forces investigative headquarters.

Other Enforcement Violations [61.1.5]

1. **Equipment Violators:** When a vehicle is found to be in violation officers should consider issuance of a citation for any essential equipment defects. [61.1.5 (f)]
2. **Public Carrier/Commercial Vehicle Violation:** Officers should enforce infractions involving commercial motor vehicles in the same manner as passenger vehicles. Special attention should be given to equipment violations. [61.1.5 (g)]
3. **Other Hazardous Moving Violations:** The citation is preferred for these violations. [61.1.5 (d)] There are two general types:
 - **Unsafe Behavior:** An action or omission which is hazardous even when vehicles, streets or highways, and people involved are in legal condition.
 - **Unsafe Condition:** Causing or permitting an illegal and possibly hazardous condition of a driver or vehicle.
4. **Non-Hazardous Violations:** Officers may consider warnings unless repetitive or flagrant. [61.1.5 (h)]
5. **Multiple Violations:** Generally one citation will be issued in the case of multiple violations stemming from the same operation. The exception is when a warning and citation are issued as a result of the same traffic stop. If an officer issues a warning and a civil citation on the same form the officer shall place a clearly written W in the space on the citation where the money fine is supposed to appear. [61.1.5 (h)]
6. **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)]
7. **Bicycles/Motorized Scooters:** Officers should exercise discretion in the application of the laws regarding the safe operation of bicycles/scooters. Where frequency of collisions involving bicycles/scooters has been common, the laws and or town bylaws laws pertaining to their safe operation should be enforced. [61.1.5 (l)]
8. **Pedestrians:** The Pedestrian Control Regulations in accordance with the provisions of G.L. c. 90, §18A. Officers may enforce these pedestrian control regulations. [61.1.5 (l)]
9. **Recreational and Snow Vehicles:** Officers shall take appropriate enforcement action against operators of offroad recreational vehicles (e.g., snowmobiles, dirt bikes, ATVs) committing violations that are either observed by them or reported to them. All rules pertaining to Recreational and Snow Vehicles can be found in G.L. c. 90B, § 2034 inclusive. [61.1.5 (e)]
10. **License Suspensions/Revocations [61.1.5 (b)]:**

- Verified: (through RMV): If the officer has probable cause that the operator's license is suspended or revoked and observes operation he may arrest the operator. The vehicle shall be handled in accordance with the policy on towing of motor vehicles.
- Not Verified: If the officer is unsure of the actual status (RMV records not available), a written citation for operation without license in possession may be issued to the violator and the officer may consider seeking a complaint if he can verify the license status at a later time.
- Under no circumstances shall an officer allow an unlicensed operator to continue operation of a motor vehicle.
- Request a certified copy of the suspension or revocation from the RMV and attach a printed receipt to the case report.

Speed Violations [61.1.5 (c), 61.1.9]

Speed is one of the main causes of accidents. Officers shall take appropriate enforcement action for speeding violations. Officers should use the written warning, or citation to have motorists voluntarily comply with traffic laws and regulations to ensure maximum reduction of accidents.

All members of this Department shall adhere to the following guidelines which govern the use of speed measuring devices in traffic law enforcement:

1. Covert enforcement (unmarked or semi marked vehicles): may be utilized where overt enforcement has failed and as determined by the Shift Commander.
2. Equipment Specifications: Members of this Department shall use mobile radar and handheld radar/lidar units. Specific information on these units may be found in the operator's manual which accompanies each unit.
3. Operations: The operational procedures for these units shall be adhered to as provided in the operator's manual for this unit.
4. Care: All officers using the radar/lidar units belonging to the Department 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.
5. Maintenance: The Administrative Sergeant shall conduct inspections of each radar and lidar unit at least as often as the units are calibrated. A record of all maintenance on each radar and lidar unit shall be maintained by the Administrative Sergeant. Officers should notify the Administrative Sergeant of any defects and the he should schedule maintenance for any repair. The bills for repairs are sent to Administrative Assistant to Chief who shall maintain those records.
6. Calibration: Each radar/lidar unit shall be calibrated as needed, and at least once a year. A record of calibrations shall be kept by the Administrative Sergeant. Each officer shall check the calibration of the radar unit each time it is used during his tour of duty.

7. Training: All members of the Patrol Division, and any other officer wishing to use the radar/lidar equipment, shall receive the full training outlined by the Massachusetts Criminal Justice Training Council, prior to using the equipment..

Problem Drivers [61.1.12]

1. Driver incompetence or those who pose an immediate threat.
 - a. Routine enforcement, collision investigation, and related activities frequently lead to the discovery of drivers who have displayed a suspected incompetence or pose an immediate threat. This condition may 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 designee prior to notifying the Registry.

Parking Enforcement [61.1.13]

All officers shall enforce parking regulations with reasonableness and impartiality in all areas of the community.

Escorts [61.3.3]

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 Shift Commander or his designee shall review and approve all routine requests for escorts or relay.

1. Officers shall not initiate routine escorts without first obtaining permission from the Shift Commander.
2. Requests for escorts that may be obliged may include, but are not limited to, the following:
 - a. Funerals;
 - b. Motorcades;
 - c. Emergency vehicles, particularly ambulances, should not be escorted by officers, except under specific circumstances where there is a need for such an escort. One example may be if there is an officer on board with a combative patient or prisoner.
 - d. Parades / Processions: Oftentimes officers are asked to escort religious processions, or groups of busses after a big school win, these requests shall be considered on a case by case basis at the discretion of the Shift Commander.

3. Except in unusual medical emergencies, officers shall not escort civilian vehicles. 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, or the officer should call an ambulance and stand by until that ambulance arrives.

Requests for Service or Assistance [61.4.1]

1. The public, when utilizing public highways or roadways, may encounter mechanical or other difficulties requiring assistance from the police. When outside assistance is needed, the officer shall notify the dispatcher of:
 - a. Type of service needed (i.e. Tow truck, Fuel, Repair/service, Medical)
 - b. Location (street name and number) that service is to be dispatched to; and
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 them decide. However, if the officer feels that there is a safety hazard that needs to be addressed immediately then the officer shall call one of the Department's on call tow companies to provide assistance to clear the hazard.
3. Stranded Motorists: If the officer believes it is necessary to transport a stranded person in his police vehicle the officer shall advise dispatch of his location, destination, and reason for the transport.

Adverse Road and Weather Conditions [61.4.2]

Officers shall notify the Shift Commander of any hazardous road conditions that are, in the opinion of the officer, unusual or in need of immediate action. Hazardous conditions shall include, but not be limited to, road defects, defective traffic control devices, defective lighting, vehicles parked in a hazardous manner or abandoned, missing roadway safety features, and any other factor that may contribute to a road hazard.

1. If the hazard is in need of immediate attention the officer shall stand by and direct traffic if needed or close the road immediately using their discretion, and then notify the Shift Commander.
2. The Shift Commander shall determine whether notifying the local newspapers, radio stations, public works, and fire department of the adverse road condition(s) will help to protect the public from danger, and do so if necessary.
3. The Shift Commander shall determine which conditions may require immediate action such as the closing of a street if, in his opinion, the conditions and terrain create an unusually hazardous condition that needs immediate attention. He may also request assistance from the Department of Public Works, State Highway Department, or other agencies to help rectify the condition.
4. The Shift Commander shall take any other reasonable action he feels necessary to ensure that the hazard has been mitigated.

Abandoned Motor Vehicles [61.4.3]

Abandoned Motor Vehicle - a motor vehicle apparently abandoned by its owner and left standing for more than 72 hours on a public or private way, or on any property without the permission of the property owner or lessee.

All vehicles towed will be documented. Any inventory shall be done in accordance with the departmental policy on Motor Vehicle Inventories. The following procedure shall be followed during an investigation for an abandoned motor vehicle.

Initial Investigation

1. Officer will be dispatched.
2. Officer will attempt to contact owner of vehicle
3. If successful in contacting owner, officer will advise same to have vehicle removed within 72 hours or be charged with abandonment.
4. The investigating officer will transmit the registration number or VIN #, make, model, description, condition and location to the dispatcher. The dispatcher will enter the information into IMC as an abandoned motor vehicle.
5. Citations for abandonment of a motor vehicle may be issued, officers should use their discretion.

Follow- Up Investigation

1. The officer who contacted the owner should follow up after the 72 hour period has elapsed.
2. The officer towing the vehicle will request a case number and document the tow on a standard offense report. The report will include an inventory of the vehicle's contents and damage (if any).
3. A daily log entry will be made at the time of the tow.

Private Property Abandonment

1. The property owner will contact the tow company and arrange to have the vehicle towed off his property.
2. Notification: Before a vehicle can be towed from private property for abandonment the tow company must provide the following information in writing to be entered into the daily log.
 3. The address from which the motor vehicle is being removed;
 - a. The address to which the motor vehicle will be moved;
 - b. The registration number; and

- c. The name of the person or tow company that will be towing the motor vehicle.

Educational Material [61.4.4]

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

Use of Roadside Safety Checks [61.1.6]

The Medfield Police Department conducts roadside safety checks. These checks take the form of temporary operations in which the Department will stop some or all of the traffic to check their sobriety. These checks are always conducted in conjunction with the Massachusetts State Police and are run in conformity with the procedures laid out by the current case law in the Commonwealth of Massachusetts.