

<b>Somerville Police Department</b> 	<b>TYPE:</b> <b>GENERAL ORDER</b>		<b>POLICY NUMBER:</b> <b>500</b>	<b>VERSION:</b> <b>4.00</b>
	<b>Subject:</b> <b>Traffic Safety</b>			
	<b>Issuing Authority:</b> <b>Charles Femino</b> <b>Chief of Police</b>		<b>Signature:</b>  <b>Number of Pages:</b> <b>Page 1 of 25</b>	<b>Effective Date:</b> <b>January 6, 2022</b>
<b>Accreditation Standards (5<sup>th</sup> Edition) 1.2.7 1.2.9a, 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</b>		<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised <input type="checkbox"/> Amended		
<b>Revision &amp; Reissued Dates:</b>	<b>5/21/15</b>	<b>6/09/16</b>	<b>5/20/2019</b>	

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itself does not create unnecessary risk to the public. The Shift Commander or Officer in Charge (OIC) of Traffic Bureau shall review and approve all requests for escorts or relay..... 24

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3. Stranded Motorists: The overall danger to a stranded motorist can potentially be a dangerous traffic 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 a police vehicle, the officer shall first obtain permission from the Street Supervisor or the Shift Commander. [61.4.1(c)] ..... 26

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  - 1. The Department will place in the public lobby, brochures and other material on traffic safety. The Department will also make available driver education and driver licensing materials.
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## 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 in Somerville. Enforcement and education programs are designed to change illegal and dangerous driving behavior and to promote voluntary compliance with the laws of the Commonwealth. The purpose of this policy is to ensure the safety of all citizens.

## Policy

It is the policy of the Somerville Police 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 crashes.
- D. Make motor vehicle stops based solely on the violation observed, not on the profile of the vehicle's occupants.

## Procedures

### A. General Traffic Enforcement

- 1. Enforcement:
  - a. The Somerville Police Department is unequivocally opposed to preferential treatment pertaining to adjudication of traffic cases in any manner by any agency, official, or persons.
  - 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 city.
  - 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 volume, as well as the quality of the citations, i.e., crash and injury-causing types of violations and other elements, will also be considered in the Officers overall job performance.
- e. In cases where conventional traffic enforcement (marked, visible cruisers) is ineffective, unmarked units should be used. 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 used where overt enforcement has proved ineffective and as determined by the Chief of Police or his/her designee.

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

- a. To ensure maximum reduction of crashes, enforcement pressure should be applied in proportion to need at the locations and at the hours of greatest accident expectancy.
- b. The Crime Analyst will periodically compile and analyze collision data, enforcement activity records, traffic volume, and traffic conditions. This analysis will be forwarded to the Chief and Traffic Lieutenant and it shall be used to assign personnel and plan enforcement activities. This comparative analysis of enforcement efforts and changes in crashes, violations, and driver behavior will be used as a basis for evaluating selective traffic enforcement effectiveness. [61.1.1(a)(b)(c)(e)(f)]
- 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. It should be directed toward the violations that cause the largest number of crashes and to the group of drivers who are responsible for the majority of the violations and who constitute the greatest hazard to the safety of the community.
- e. Profiling Prohibited: Race, age, gender, and any other type of unlawful profiling are 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. [1.2.9(a)]
- f. Deployment: The deployment of patrol personnel will be based on an analysis of crashes and resident's complaints of traffic related problems in their area. [61.1.1(d)]
- g. 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 crashes. [61.1.1(d)]

3. Traffic Law Violators [61.1.7(a)] [1.2.7]
- a. All officers shall exercise good judgment and discretion by taking appropriate enforcement action for each violation of the law witnessed or reported.
  - b. 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]
    - (1). Be certain of their observations of the violation
    - (2). Have the necessary forms and equipment
    - (3). Greet the violator in a courteous manner
    - (4). Explain to the violator the reason for the stop
  - d. Officers must keep in mind that some violators will show signs of emotional distress. Officers must deal with these individuals in a calm, courteous manner and help minimize anxiety.
  - e. Traffic enforcement action will be taken without regard to such factors as attitude, intent, or excuse.
  - f. Upon completion of the enforcement action, officers must ensure that the violator safely reenters the flow of traffic.
  - g. All enforcement actions will be accomplished by using one of the following four (4) methods: [61.1.2] [1.2.7]
    - (1). Verbal Warnings: A verbal warning may be appropriate when the violator commits an act which may be due to ignorance of a particular law or when enforcing a new traffic law or regulation. An example of this type could be where the operator approaches a stop sign and, instead of coming to a complete stop, slows. 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. Written warnings also result in the operator's identification being added to the records management system.

- (2). 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 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. The use of warnings should be avoided, with repeat offenders.
- (3). Citations: Citations are the backbone of the department's traffic enforcement effort. An officer's discretion plays a big role in the decision to take punitive action against a violator. 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), and operating unsafe and/or improperly equipped vehicles. The citation issued should not be a warning in these cases.[1.2.7]
- (4). Arrest: Officers may affect the 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 issued and the "Arrest" box on the citation must be checked. If multiple citations are issued to an operator for the same incident involving an arrest, they should all be marked "Arrest". The department policies on Arrest Procedures 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 department policy on Motor Vehicle Inventory.
- 4.** Unknown Risk Motor Vehicle Stops [61.1.7(b)]
- a.** If a determination is made to stop a motor vehicle, caution must be exercised. 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:
- (1). Location of the stop
  - (2). Description of the vehicle including, registration number and state
  - (3). If possible, the number of occupants

- c. Select a suitable location for making the stop, preferably a well-lit area.
- d. In stopping the 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.

#### 5. High Risk Motor Vehicle Stops [61.1.7(c)]

- 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 dispatch, via radio, the vehicle plate, the vehicle description and any occupant info. Officers shall also communicate to dispatch and other units, via radio, they are effecting a high risk motor vehicle stop.
  - (2). Whenever possible, have adequate backup before initiating the stop. One Officer shall be designated the contact Officer and a second Officer the cover Officer.
  - (3). If possible, conduct the stop in a pre-planned safe location, away from people, vehicles, and hazards.
- c. The Stop:
  - (1). The contact Officer shall give clear and concise commands to all occupants of the vehicle.
  - (2). Approach the vehicle in a manner that reduces risk.
  - (3). Contact officer shall effect all detentions if possible.

### B. Citations

#### 1. General

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

- (1). Before releasing the traffic violator, the officer shall provide him/her the following information as appropriate: [61.1.4]
- i. The optional or mandatory nature of court appearance, civil versus criminal citation [61.1.4(b)]
  - ii. Notice of whether the motorist is allowed to enter a plea (appeal) or pay the fine by mail, online, or by phone and not at a traffic violations bureau or the Somerville Police station. [61.1.4(c)]
  - iii. Officers should inform recipient that: [61.1.4(d)]
    - a) For civil citations, they should read instructions A on the reverse of the citation and must either pay or appeal the citation within 20 days. They must sign either option 1 or 2 on the reverse side of citation and mail it to Citation Processing Center, Box 55890, Boston, MA 02205-5890 in the provided envelope. Or:
    - b) For criminal citations, they should read instructions B on the reverse of the citation, must sign the citation and mail it to Somerville District Court 175 Fellsway, Somerville, MA 02145.
  - iv. Any other procedures that must be followed by the traffic violator must be provided to the motorist prior to release. [61.1.4(d)]

## 2. Categories of Drivers

- a. Nonresidents: Enforcement activities shall be consistent and in a uniform manner that shows no preference to local residents verses non-residents. [61.1.3(a)]
- b. Juveniles: There are no special procedures dealing with juvenile offenders of traffic laws and in the issuance of citations. Special procedures are a factor only if there is an arrest. When this occurs, officers are to be guided by policy [108 - Responding to Juveniles](#). [61.1.3(b)]
- c. State Legislators: [The Massachusetts Constitution \(Part 2, Chapter 1, Section 3, Article 10\)](#) stipulates that state legislators while attending, going to, or returning from a session of their respective houses, shall be exempt from physical arrest. Citations may be issued as appropriate. In cases involving impaired operation, alternative transportation should be arranged and a criminal complaint issued. [61.1.3(c)]
- d. U.S. Senators and Representatives: United States Senators and Members of the House of Representatives are also immune from 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 courtesy and respect. [61.1.3(d)]
- (1). Diplomatic officers, their families, official staff, 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.
  - (2). Traffic citations may be issued, however the subject may not be compelled to sign the citation.
  - (3). 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.
  - (4). OUI: When a person with full immunity from arrest is in the officer's opinion too impaired to drive safely, the officer may:
    - i. With the individual's permission, take him/her to the police station or other location until he/she recovers sufficiently to drive.
    - ii. Summon, or allow the individual to summon, a friend or relative to drive.
    - iii. Call a taxi.
- f. Military Personnel: When dealing with military personnel and an arrest is made, the investigating officer's supervisor shall request 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 Traffic Bureau 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.
- (1). Citations: Motor vehicle citation books are kept in the Traffic Bureau and shall be issued to officers as needed.
    - i. Lost Citations: Officers shall file a Station Report concerning lost citations or when requesting that a citation be voided.

- ii. In the case of voiding citations, the violator should be given the corrected citation. The original citation shall be signed and turned in to the Traffic Division.
- iii. Amendments to Citations: Amendments to citations or dismissal of charges shall be processed by the Court Prosecutor through the District Attorney's Office.

**b. Interfering with the Citation Process**

- (1). Members of the department are prohibited from “ticket fixing.” The State Ethics Commission has ruled that requests by police officers for consideration or a dismissal of traffic citations based on the violator's personal connection with a police officer violates the conflict of interest law.
  - (2). The State Ethics Commission has 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 the public. 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.
- i. Section 23 of the Conflict of Interest Law [M.G.L. c.268A § 23](#) 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.

**4. Violations**

**a. Operating Under the Influence of Alcohol or Drugs [61.1.11]**

- (1). Many traffic crashes, 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 or both.
- (2). If the officer determines that the operator is impaired by alcohol or drugs, appropriate enforcement action shall be taken.
- (3). Appropriate enforcement action for Operating under the Influence consist of immediate arrest or, if circumstances do not allow for an arrest, issuance of a criminal citation as in cases where an operator is admitted to a hospital and the officer has limited means to affect an arrest. Officers should be aware that arrest should be a priority for this offense. [61.1.5(a)][1.2.7]

- (4). The department will ensure that officers are trained in all aspects of driving under the influence of alcohol/drug enforcement procedures, and will cooperate fully with other agencies and community groups to control this problem.
- (5). The following conditions shall also be met for those arrested for operating under the influence of alcohol:
- b.** **Breath Test Operation:** A breath test 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 .06% or .07%, there shall be no presumption of intoxication and the arrest and booking process shall continue. If the reading is .08% or above there shall be a presumption that the person is under the influence of intoxicating liquor.
  - c.** **Breath Tests for Persons under 21:** When dealing with a person under 21-years-of-age, the blood alcohol content threshold remains the same as for an adult. Additionally, if a person under the age of 21 has a reading of .02% or higher, his/her driver's license shall be taken by the arresting officer and the right to operate subjected to an administrative suspension by the Registry. As with an operator age 21 or older, he/she must be released. If the operator is a juvenile, see department policy [108 - Responding to Juveniles](#).
  - d.** **Breath Tests for CDL:** When dealing with a person who has a CDL (Commercial Driving License) operating a CDL vehicle and the person has a reading of .04%, or higher, this shall be sufficient to establish a violation of operating under the influence of alcohol. The person's license shall be taken by the arresting officer, and the person shall be processed according to law.
  - e.** **Blood Alcohol Tests:** Blood alcohol tests shall conform to [M.G.L. c.263, §5A](#), as well as department guidelines.
  - f.** On October 28, 2005 the State of Massachusetts passed "Melanie's Law," which added a number of new, harsher penalties to the drunken driving laws in the state. The harsher penalties include longer loss of license for breath test refusals, successive suspensions of licenses, interlocking ignition devices for persons with multiple convictions and more. Vehicles must be impounded for a minimum of 12 hours. [61.1.11]
  - g.** **Operating Under the Influence of Drugs:** Massachusetts law does not provide an implied consent statute for operating under the influence of drugs and has no statutory authority to request any type of drug testing. An officer may request a blood sample to test for impairment (a drug in urine implies use). The operator may consent or

refuse. If a blood sample is obtained, send the blood sample and a copy of the report to the State Police Lab for analysis. See the department policy on Collection and Preservation of Evidence. Preferably, a Drug Recognition Expert, if available, should be called to perform an evaluation. [61.1.11]

## 5. Other Enforcement Violations

- a. **Speed Violations:** Speed is a major cause of crashes. Officers shall take appropriate enforcement action for speeding violations. Officers shall use verbal warnings, written warnings, and citations to encourage motorists voluntarily compliance with traffic laws and regulations to ensure maximum reduction of crashes. Speeding citations should be for 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. **Seat Belt Violations:** Safety belts stop you from being thrown around or out of your vehicle in a crash. The wearing of safety belts in Massachusetts is governed by [M.G.L. c.90 §13A](#). Although the provisions of this chapter and section shall be enforced only when an operator of a motor vehicle has been stopped for a violation of the motor vehicle laws or some other offense, officers are encouraged to use verbal warnings, written warnings, and citations to encourage motorists to voluntarily comply with the seat belt law.
- c. **Equipment Violations:** Equipment required on motor vehicles is covered under [M.G.L. c.90 §7](#). When a vehicle is found to be in violation, officers should consider issuance of a citation for any essential equipment defects. Whenever equipment is missing and it is obvious that the owner is aware of the defect, 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 the equipment violation is not obvious, the officer may stop and inform the violator of the defect and give a verbal warning or a written warning. [61.1.5(f)]
- d. **Public Carrier/Commercial Vehicle Violation:** Particularly in the retail areas, consider congestion, lack of parking, and carrier needs for delivery access. Repetitive violators should be cited. [61.1.5(g)]
- e. **Other Non-Hazardous Violations:** With other non-hazardous violations of law, ordinances, 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 violation is repetitive or flagrant. [61.1.5(h)]
- f. **Multiple Violations:** Generally one (1) citation will be issued in the case of related multiple, violations stemming from the same incident. Officers have discretion to cite for one, some, or all of the violations and warning for others. [61.1.5(i)]

- g.** 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. Generally there will be a 30 day period of informational enforcement following a new traffic law where warnings will be the preferred method of enforcement [61.1.5(j)]
- h.** Other Hazardous Moving Violations: A hazardous moving violation is the violation of any law or regulation affecting the use or protection of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians. In the case of hazardous moving violations, the preferred method of enforcement will be to issue a citation. There are two general types: [61.1.5(d)]
- (1). Unsafe Behavior: An action or omission in traffic which is hazardous even when vehicles, streets or highways, and people involved are in legal condition.
- (2). 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.
- i.** 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.
- (1). 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. The operator's copy and court copies will be submitted to the Police Prosecutor who shall bring it to the District Court. Do Not Give The Violator A Copy. This is for Registry reporting purposes only.
- (2). 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 driver's license.
- 6.** License Suspensions/Revocations [61.1.5(b)]
- a.** Verified: If the officer is certain of the suspension/revocation and observes operation, the officer may affect an arrest. The vehicle shall be handled in accordance with policy [129 - Motor Vehicle Inventory](#).
- b.** Administrative Suspensions: If the suspension is for payment defaults, or another similar administrative suspension, the preferred response is the issuance of a criminal complaint unless an arrest would serve other law enforcement purposes.

- c. 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.

## 7. Special Enforcement

- a. The primary responsibility for the enforcement of traffic laws and regulations rests with the patrol officers. All officers, while on duty, shall take appropriate enforcement action for violations of traffic laws and regulations they observe.
- b. Bicycles and Pedestrians: For the safety of both the pedestrian and the bicycle operator, those laws pertaining to the safe operation of bicycles and pedestrians shall be enforced. [61.1.5(l)]
- c. Off-road recreational and Snow Vehicles: Officers shall take appropriate enforcement action against operators of off-road recreational vehicles committing violations that are either observed by them or reported to them. [61.1.5(e)]

## 8. Motor Vehicle Crashes see [501 - Motor Vehicle Crash Investigations](#) [61.1.5(k)]

- a. Violations may be issued for motor vehicle crashes occurring on:
  - (1). A public way as defined by M.G.L. c90 § 1.
  - (2). A private way in the City of Somerville.
  - (3). Private Property: – No Right of Access: Crashes occurring on private property which is not normally open to the public, such as a private residence.
  - (4). Private Property – Public Has Right of Access: Crashes occurring on private property where the public has a right of access.
- b. General Action: Officers are expected to take appropriate enforcement action whenever their traffic crash investigation or reporting activities produce probable cause to believe that a violation of law or city ordinance contributed to the crash.
- h. Specific Action: Enforcement action arising from traffic crash investigation or reporting will be consistent with the nature of the alleged violation and with all policies concerning traffic law enforcement.
- i. Violations Not Witnessed By An Officer: Violations that the officer has not witnessed must be established through investigation, which may include:
  - (1). Statements or admissions made by the alleged violator

- (2). Statements of witnesses
- (3). Accident scene measurements
- (4). Physical evidence
- j. Alternative Enforcement: Citizens have the ability to file a Registry of Motor Vehicle's Offense Form regarding the actions of another motorist that have not been witnessed by the police.

### C. Speed Measuring Devices

1. Equipment Specifications: Officers shall use mobile or stationary traffic RADAR units, or LIDAR provided by the department. 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 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. [61.1.9(b)]
3. Proper Care and Upkeep: Traffic sergeant is responsible for keeping any Radar/LiDar unit that is in inventory, in a state of operational readiness. All officers using/assigned the Radar/LiDar units are responsible for the proper care and upkeep of the unit(s). This 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)] [17.5.3]
4. Programmed Maintenance: The Traffic Lieutenant or Traffic sergeant shall schedule maintenance & inspection of each Radar/LiDar unit at least as often as the units are calibrated. A record of all maintenance on each Radar/LiDar unit shall be maintained by the Traffic Bureau. [61.1.9(d)]
5. Maintenance and Calibration: Each Radar/LiDar unit shall be calibrated as needed, and at least once a year. Each officer shall verify the calibration of the Radar/LiDar unit each time it is used during his/her tour of duty using manufacturer's procedure. A record of all annual calibrations shall be kept by the Traffic Sergeant. [61.1.9(d)] [17.5.3]
6. Operator Training and Certification: All members of Patrol, and any other officer assigned to use the Radar/LiDar equipment, shall receive training and/or certification before using the equipment. [61.1.9(e)]
  - 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.

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

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

- a.** Routine enforcement, crash reporting, and investigation activities may lead 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 competence in operating a motor vehicle. The Registry of Motor Vehicles may suspend the license of the operator or registration of vehicles after a hearing.
- b.** In addition to reports concerning the original incident, the officer shall notify the Registry of Motor Vehicles by using the Registry's Immediate Threat of Suspension Form. The form must 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 or 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.
- c.** Documenting Aggressive Driving
  - (1). Officers should note the violations and any other pertinent characteristics associated with aggressive driving behavior so as to better substantiate the charge.
  - (2). A report and a Request for Immediate Threat License Suspension Form will be filed and submitted to the Chief outlining the incident.
  - (3). After review, the Chief or his/her designee will determine if the incident constitutes an immediate threat. If so, the Chief, or his/her designee, will then submit the immediate threat form to the Registry of Motor Vehicles.
  - (4). 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.
  - (5). In all cases, a copy of the officer's report shall be attached to the Request Form.

## **E. Hazardous Roadway or Environmental Conditions [61.4.2]**

1. Upon discovery of a hazardous highway or environmental condition, which are sometimes related, the officer shall notify dispatch and request that the appropriate agency be contacted.
2. Immediate Hazard: When a hazard is identified and in the officer's opinion the hazard requires immediate correction, such as a fallen tree, electrical wires, sinkholes, traffic lights out, debris, roadway defects, and dislodged manhole covers, officers shall inform dispatch of the situation. The officer will identify assistance or special equipment needed, or describe the situation if not able to do so. The officer will protect bystanders, the scene, direct traffic, and/or take reasonable action necessary to correct the situation.
3. Potential Hazard: When a hazard is detected that represents a potentially dangerous situation but the threat of such is not immediate, such as street lights out or potholes the officer shall notify dispatch so to that they can contact the agency responsible for correcting the hazard or to lodge a call with 311. In the meantime, the officer shall take reasonable action to mitigate the risk of injury such as placing cones, barricading lanes, etc.

#### **F. 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 crash scenes.
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 high-visibility outerwear, in addition to the full prescribed uniform, whenever conducting manual traffic direction and control. See department's Uniform Policy.
  - b. Personnel conducting unscheduled manual traffic direction and control in response to unforeseen contingencies, such as bad weather, will wear high-visibility outerwear whenever possible, provided that conditions make it practicable 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:
  - (1). Traffic volume and speed
  - (2). Number of pedestrians
  - (3). Duration of congestion
  - (4). Presence and types of traffic control devices
  - (5). Special circumstances of the location
- 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. If an officer can gain entry, he/she shall manually control traffic control devices only in the following situations:
  - (1). When a traffic light malfunctions.
  - (2). To facilitate movement at the scene of a traffic crash or other emergency.
  - (3). To provide a thoroughfare for a motorcade.
  - (4). 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 familiarized 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. The Shift Commander will direct Dispatch to contact the DPW to direct barrier placement.



standardized, appropriate gestures, and audible signals to stop, start, and redirect traffic.

- c. To indicate that the officer is present for the purpose of directing traffic, the officer should:

- (1). Turn the signal light, if there is one, to blinking or flashing
- (2). Position as to be seen clearly by all, usually in the center of the street
- (3). Allow arms to hang easily except when gesturing
- (4). Stand facing stopped traffic

## **G. 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 seasonally. During the winter months, enforcement efforts are directed at educating the public to park where overnight parking is permitted, allowing ample room for snow plowing necessary to ensure safe passage of fire, ambulance, and police vehicles.
  - b. Other parking issues include 48 hour rule, a vehicle abandoned on private property, temporary no parking for construction, dumpsters, moving, no parking, and vehicles parked in or obstructing bike lanes.
  - c. Officers should direct their attention to violations which are hazardous to public welfare and appropriate enforcement, such as:
    - (1). Wrong-direction parking
    - (2). Within ten (10) feet of a hydrant
    - (3). Twelve (12) foot passage

- (4). Twenty (20) feet from an intersection
  - (5). Blocked driveway
  - (6). Blocking access to a driveway (within 2' of the natural extension of a functional, legal driveway)
  - (7). Double parking
  - (8). Parking or stopping on a crosswalk
  - (9). Handicap parking
- d. **Snow Removal Tows:** Snow removal tows are tows requested by the DPW to remove vehicles to enable them to remove snow/ice from the roadway during a city declared snow emergency.
  - e. **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 should be strictly enforced, such as registered vehicles, mopeds and motorized scooters on a sidewalk or that are chained to city owned property not intended for the purpose of parking (720 CMR 9.04(2) and article V section 5-1 of Somerville ordinances).

#### **H. 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 traffic or to expedite delivery of special items. The department shall make every effort to honor such requests to the extent practicable 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 Shift Commander or Officer in Charge (OIC) of Traffic Bureau shall review and approve all requests for escorts or relay.
2. Officers shall not initiate escorts without first obtaining permission from the Street Supervisor, Shift Commander or the OIC of the Traffic Bureau.
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
  - f. Hazardous or unusual cargo
4. Emergency vehicles, particularly ambulances, shall not be escorted by officers, except under specific circumstances approved by the Street Supervisor or the Shift Commander.
  5. Officers shall not escort civilian vehicles except in unusual medical emergencies. [61.3.3(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.

#### **I. Requests for Service: Vehicles**

1. The public, when using highways and public roadways, 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;
    - (1).Tow trucks
    - (2).Ambulance/medical emergencies
    - (3).Traffic, disabled vehicle
    - (4).Vehicle mechanical breakdown, repair or service needed
    - (5).Lockouts
    - (6).Vehicles running out of gas
    - (7).Driver locked out of vehicle
  - b. Location
  - c. Reason for request
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 a stranded motorist can potentially be a dangerous traffic 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 a police vehicle, the officer shall first obtain permission from the Street Supervisor or the Shift Commander. [61.4.1(c)]
  - a. Before any transport, the officer shall advise dispatch of: location, destination, mileage, and reason for the transport.
  - b. If the vehicle is blocking a roadway or is in an unsafe location and creating a hazard the officer should evaluate the safety concern and call the street supervisor for an authorization to tow the vehicle. In no event will officers be allowed to utilize a cruiser or city owned vehicle to push a vehicle out of the way unless authorized by a supervisor. Somerville
  - c. Officers are not authorized to provide unlock services to motorist.
4. Directions/Information: At the request of a citizen, whenever possible, officers shall provide general assistance with information and directions. [61.4.1(a)]

#### **J. 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 Inventory.
2. Abandoned Motor Vehicles Left Unattended for Over 48 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 48 hours or more. An orange warning tag shall be placed on the vehicle and an entry made into the CAD indicating the vehicle location and registration number. At the conclusion of the 48 hours, a parking violation tag shall be affixed to vehicle indicating the offense and/or the vehicle may be towed.
  - b. Although circumstances may at times dictate that a particular motor vehicle be towed under the guise of being left unattended for over 48 hours, if 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 violation
    - (2). More time is allowed (96 hours) to ascertain ownership

- (3). It reduces the amount of time that the vehicle has to remain on the tow company's property before abandonment proceedings can commence.

### 3. Private Property Abandonment – Citizen Initiated Action

- a. Conditions Allowing Towing On Private Property: In order to have an abandoned motor vehicle removed from private property under [M.G.L. c.266, §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 time 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
  - (4). The name of the owner or person in lawful control of the property
  - (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.

### 4. Private Property Abandonment – Police Initiated Action

- a. Conditions Allowing Towing on Private Property: In order to have an abandoned motor vehicle removed from private property under [M.G.L. c. 266, §120A](#), all that is necessary to show is that the owner of the vehicle trespassed on the land of another. There is no notice requirement. The police can tow the vehicle if:
  - (1). The suspect, without permission, entered the land of another.
  - (2). With a vehicle, machine, or device.
  - (3). That had an internal combustion engine or other source of mechanical power.

(4). If these three (3) conditions have been met, the vehicle can be towed as a “police tow,” and the owner can be cited under Motor Vehicle Trespass.

#### **K. Reports**

1. Accurate, timely, and complete reports are fundamental to the Department's efficient and effective operation, as this 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.

#### **L. Educational Material [61.4.4]**

1. The Department will place in the public lobby, brochures and other material on traffic safety. The Department will also make available driver education and driver licensing materials.
2. When possible, other traffic safety educational materials will be made available to the public by any available media, such as cable, newspapers, websites or social networks. Such materials clearly support enforcement efforts and enhance public understanding of traffic safety programs.

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i M.G.L. c. 268A, s. 23,

ii 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.

iii M.G.L. c. 90B, ss. 20-34

iv M.G.L. c. 90, s. 22 (b)