

TRAFFIC ENFORCEMENT & ASSISTANCE

GREAT BARRINGTON POLICE DEPARTMENT POLICY & PROCEDURE NO. 5.07	EFFECTIVE DATE: <u>06/01/2009</u>
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I. GENERAL CONSIDERATIONS AND GUIDELINES

Traffic enforcement, assistance, 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 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, fatalities, and injuries;
- B. Make motor vehicle stops based solely on the violations observed, not on the profile of the vehicle's occupants;
- C. Maintain and account for traffic records and citations and;
- D. Render assistance to roadway users that will ultimately ensure their safety and the safety of others. Officers will provide reasonable assistance to the public, including checking disabled vehicles, assisting stranded motorists, providing information and directions, and identifying and correcting roadway hazards.

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. Preferential treatment pertaining to adjudication of traffic cases in any manner by any agency, official, or person is prohibited.
 - c. Enforcement activities will be conducted in a consistent and uniform manner and will not give preference to either local residents or non-residents.
 - d. **PROFILING PROHIBITED:** Racial, age, gender, and any other type of profiling is strictly prohibited as a justification for any police officer to conduct any type of stop or seizure of a citizen. Traffic enforcement shall be based solely on the basis of the violation observed and not the profile of the operator and/or occupants. See the department policy on ***Biased Based Policing***.
 - e. 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;

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- b. Direct enforcement activities at violations that negatively affect the officers' patrol area;
 - c. 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 chief of police shall regularly review and analyze collision data generated through citizen reporting and officers' investigations. **[61.1.1(a)]**
 - 2) The chief of police 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 chief of police shall identify selective enforcement locations, times and violations for enforcement efforts. **[61.1.1(c)]**
 - 4) The chief of police will communicate such target locations and violations for selective enforcement activities.
 - b. Selective Enforcement Strategy Implementation
 - 1) The chief of police will identify education and enforcement strategies for each target area, such as: **[61.1.1(d)]**
 - a) Speed trailers;
 - b) Radar;
 - c) Unmarked vehicles; and
 - d) LIDAR (Laser Technology TruSpeed)
 - 2) The chief of police shall coordinate the deployment of dedicated patrols with shift supervisors. **[61.1.1(e)]**
 - 3) Dedicated patrols 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. Evaluation: The chief of police 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(a)(b)]

- 1. 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 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.

2. 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;
 - 3) If possible, a description of its occupants; and
 - 4) Direction of travel.
- 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 back-up 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.

3. 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.

4. DEALING WITH VIOLATORS **[61.1.8]**

- a. Officers should conduct themselves in a professional manner, keeping in mind use of proper language, bearing, and emotional stability. Officers should:

- 1) Be certain of their observations of the alleged violation;
 - 2) Have the necessary forms and equipment to deal with the situation;
 - 3) Maintain tactical awareness, and be observant for signs of impairment, criminal activity or criminal intent;
 - 4) Initiate the conversation with the violator with a friendly greeting using an appropriate title in a courteous manner;
 - 5) Request the required documents, identification, etc.;
 - 6) When obtaining documents, do not accept wallets, purses, or folders. Have the violator remove the document from the container; and
 - 7) After obtaining the required documents or identification, explain to the violator the reason for the stop.
- 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 violators and police vehicles.
- d. Officers should not show violators speeds on radar units.
- e. 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.
- f. 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: Mandatory court appearance. Violator will be notified of the court date if no action is taken or may request a show cause hearing within four (4) days.
- g. Upon completion of the enforcement action, officers must ensure that the violator safely re-enters the flow of traffic.

5. FELONY/HIGH RISK 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 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, home, businesses, and traffic down range of the suspect vehicle; and
 - b) The position of backup officers to avoid initiating a cross fire 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 back-up officers and the offender that it is seen. Do not permit the offender to touch it.
 - 5) Order the offender to walk backwards toward the officers and then to lay face down on the ground with feet and arms extended.
 - 6) A back up 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.

6. ENFORCEMENT ACTION [1.2.7]

- 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 four methods:

- 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, 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.

- 2) **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.
 - d) Written warnings will be placed in the citation box in the Communication Center.
- 3) **CIVIL CITATIONS:** 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.

- f) Civil citations are to be placed in the citation box in the Communication Center.
- 4) **CRIMINAL COMPLAINT:** Officers may issue a criminal citation for violations of criminal motor vehicle laws. **[61.1.2(b)]**
- 5) **ARREST:** Officers may effect the physical arrest of any person in violation of those traffic laws allowing an arrest. Officers also have the discretion to issue a criminal citation for an arrestable offense under the guidelines of department policy. **[61.1.2(a)]**
 - a. Criminal citations are to be placed on the court clip, with appropriate reports, in the Communication Center.

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 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. Violator will be notified of the court date if no action is taken or may request a show cause hearing within four (4) days.¹
 - 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. When this occurs, officers are to be guided by the department policy on ***Handling Juveniles***. **[61.1.3(b)]**
- c. **STATE LEGISLATORS:** The Massachusetts Constitution (Part 2, Chap. 1, Sec. 3, Article 10) stipulates that state legislators, while attending, going to, or returning from a session of their respective

houses shall be exempt from physical arrest. However, citations may be issued as appropriate. **[61.1.3(c)]**

- d. U.S. SENATORS & REPRESENTATIVES: United States Senators and Members of the House of Representative are 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 statute. 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 person with full immunity from arrest is, in the officer's opinion, too impaired to drive safely, the officer may:
 - a) With the individual's permission, take him/her to the police station or other location until [s]he recovers sufficiently to drive;

- b) Summon, or allow the individual to summon a friend or relative to drive; or
- c) Call a taxi.
- f. **MILITARY PERSONNEL:** When dealing with military personnel and a physical arrest is made, the investigating officer's supervisor shall cause the liaison officer of the nearest armed forces investigative headquarters division to be notified. **[61.1.3(e)]**

3. CITATIONS

- a. **Accountability:** Traffic citations are received from the Registry of Motor Vehicles. Each book number shall be recorded by the chief of police 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) **OBTAINING CITATIONS:** Motor vehicle citation books are kept by the chief of police or designee and shall be issued to officers as needed. **[82.3.4(a)]**
 - 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. **VOIDED CITATIONS:** When an officer needs to void a citation, the violator should be given the corrected copy. The original citation shall be signed and turned in to the records division with a report for proper administrative disposal.
 - 2) **ISSUING CITATIONS**
 - a) **Timeliness:** Failing to give the violator a citation at the time and place of the violation shall constitute a defense unless:²
 - 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 is justified.
 - iv. **NOTE:** This does not apply to M.G.L. c. 90 §§§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.³

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.
- 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 to any person charged with a drug offense. No association with a vehicle or operator’s license is necessary. The citation serves as a vehicle for the court to notify the Registry in the event of a conviction. On a citation separate from any others issued for the incident, enter the charge for possession of the drug, intention to distribute, or traffic, etc., and cite M.G.L. c 90 §22(f). Do not give the violator a copy. Submit the agency copy to the department and the remaining copies to the court with the other court documents.

3) SUBMITTING CITATIONS

- a) OFFICER’S COPY: The issuing officer shall retain the officer copy and store in a secure location (such as their locked lockers).
- b) AGENCY COPY: The issuing officer will submit the agency copy of the citation, along with an audit sheet, to the Chiefs Executive Administrative Assistant to be filed and stored in a secure cabinet for future reference.
- c) ISSUED CITATIONS: All citations issued during an officer’s tour of duty shall be deposited in the traffic citation locker slot located above key rack in the dispatch center. This shall be completed by the end of their tour of duty. **[82.3.4(c)]**

- d) LOST CITATIONS: Officers shall submit to the chief of police a written report explaining the circumstances surrounding the lost citations.
 - e) 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 chief of police.
 - f) AMENDMENTS TO CITATIONS: Amendments to criminal or arrest citations shall be processed by the chief of police. Non-criminal citations may not be amended after issue. An additional citation must be issued to the violator.
 - g) The chief of police will review the citations, noting any irregularities. **[82.3.4(c)]**
- 4) Processing Citations: The chief of police or designee shall collect the submitted citations and sort them according to type:
- a) Arrests: The Court copies are the charging instrument for motor vehicle citations linked to an arrest. They shall accompany the arrest reports and any other arrest documents to court.
 - b) Civil Citations: The RMV copy shall be submitted by mail to the Registry of Motor Vehicles twice each week 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 any other related documents, to court.
 - 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 court.
 - e) Voided: All copies shall be retained by the chief of police and submitted periodically to the Registry.
 - f) Warnings: The RMV copy shall be submitted by mail to the Registry of Motor Vehicles twice each week in the supplied RMV envelope. The agency copies shall be retained by the department. The Court Copy shall be destroyed.
- 5) Audit Sheets: A Registry of Motor Vehicles Uniform Citation audit sheet will be prepared by police officers in the IMC

software in compliance with Registry guidelines and submitted to the Chief's Executive Administrative Assistant who will then submit to the Registry. **[82.3.4(b)]**

6) Retention

- a) Completed warnings and non-contested civil citations shall be retained for at least one year.⁴
- b) Arrest and criminal citations shall be retained until completion of prosecution and exhaustion of appeals.

4. INTERFERING WITH THE CITATION PROCESS: Members of the department are prohibited from ticket fixing. The State Ethics Commission has ruled that requests by police officers for a consideration or a dismissal of traffic citations based on the violator's personal connection with a police officer violate the conflict of interest law.⁵

D. Violations

1. OPERATING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS
[61.1.5(A)]

- a. Many traffic accidents, particularly those involving a fatality or personal injury, are directly attributable to persons driving under the influence of alcohol and/or drugs. In all contacts with violators, the officer should be aware of the possibility the driver may be under the influence of alcohol or drugs.
- b. If the officer determines that the operator is under the influence of alcohol or drugs, appropriate enforcement action is warranted. For further information, see the department policy on ***Impaired Drivers***.

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

- a. If the officer is certain of the suspension/revocation and observes operation, an arrest is the preferred action.
- b. A criminal citation may be issued at the discretion of the officer.

3. SPEED VIOLATIONS

- a. Officers shall use verbal warnings, written warnings, and citations to encourage motorists to voluntarily comply with traffic speed laws and regulations.
- b. 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)]**

4. OTHER HAZARDOUS MOVING VIOLATIONS **[61.1.5(D)]**

- a. A hazardous moving violation is a violation of any law, ordinance, or regulation affecting the use or protection of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians.
- 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. **[61.1.12]**

In addition to reports concerning the original incident, it is incumbent upon police officers to notify the Registry of Motor Vehicles through an **Immediate Threat** form #20385. The form can be found on the booking room shelf.

This form will only be submitted with the approval of a supervisor. The form shall be filled out and submitted to the RMV via fax to (857) 368-0013. A copy of the police officer's incident report shall be attached to the form.

When deciding to submit an Immediate Threat form, officers may consider various circumstances such as:

- Operator involvement in multiple accidents
 - Incoherence of motor vehicle operator
 - Knowledge from other officers of dangerous operation
 - Other factors that create concern for the public by continued operation
- 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.⁶ **[61.1.5(e)]**

5. EQUIPMENT VIOLATIONS: **[61.1.5(F)]**

- 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 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(G)]**

- a. When encountering these types of vehicles, all patrol and traffic enforcement officers should enforce traffic 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.

- b. 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(h)]**
 8. MULTIPLE VIOLATIONS **[61.1.5(I)]**
 - 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: These cases should be treated on a case-by-case basis depending on the severity and nature of the offense. **[61.1.5(J)]**
 10. VIOLATIONS RESULTING IN COLLISIONS **[61.1.5(K)]**
 - a. GENERAL ACTION: Officers are expected to take enforcement action whenever their traffic accident investigation or reporting activities produce probable cause to believe that a violation of law or ordinance has occurred. See the department policy on ***Traffic Collisions***.
 - 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 **[61.1.5(L)]**
 - a. BICYCLES: Officers may use their discretion enforcing laws relating to bicycles. Hazardous operation should be cause for police action.⁷
 - b. PEDESTRIANS: Officers may use their discretion in enforcing laws relating to pedestrians, concentrating on dangerous or suspicious activities.

E. Speed Measuring Devices

1. EQUIPMENT SPECIFICATIONS
 - a. Members of the department shall use mobile or stationary traffic radar units provided by the department. **[61.1.9(a)]**
 - b. Decator Genesis, LIDAR (Laser Technology TruSpeed) and/or Stalker radar units.
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. Inoperative or malfunctioning units should be taken out of service.
 - 3) Use radar units to quantify officer's estimations of vehicle speed.
3. PROPER CARE AND UPKEEP **[61.1.9(C)]**
 - a. Speed measuring 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.

F. PROGRAMMED MAINTENANCE

1. The chief of police shall be responsible for coordinating the repair and schedule maintenance of radar units. Units should be serviced and calibrated annually. **[61.1.9(d)]**
2. MAINTENANCE AND CALIBRATION RECORDS: A record of all maintenance and calibrations of radar units shall be kept in the accreditation file cabinet. **[61.1.9(d)]**
3. OPERATOR TRAINING AND CERTIFICATION: All members of patrol, and any other officer wishing to use the radar equipment, shall receive training specified by the Municipal Police Training Committee prior to using the equipment. **[61.1.9(e)]**

G. 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. See the department policy on ***Incident Reporting***.

H. Great Barrington Police Department Traffic Enforcement Plan

NEEDS IDENTIFICATION

To ensure the safety and well-being of Great Barrington residents and visitors, it is necessary to enforce traffic laws. Disregard for traffic signals, signs, and safe driving behavior creates an unsafe environment for motorists and non-motorists alike. Safety near schools is of particular concern.

Speeding, disregard for traffic control devices, and red light running specifically, are key issues related to traffic enforcement. Residents feel negatively impacted by speeding due to safety concerns and additional noise. Disregard for traffic control devices can compromise the efficiency of the transportation system. Constant red light running, for example, causes delay in traffic flow as motorists must wait for intersections to clear. Enforcement of traffic laws throughout the community and, in specific problem areas, improves motorist and non-motorist safety and supports quality of life issues. However, individual driver behavior and attitude are critical in both improving safety and improving traffic flow. People need to take it upon themselves to follow traffic laws; this is the most effective method of traffic enforcement.

The following policies, practices, and programs address key issues. These ideas include investigating innovative enforcement techniques and providing educational programs.

POLICIES

The following policies support the Great Barrington Police Department's effort to enforce traffic laws:

- Develop and carry out traffic enforcement programs (as described below) that address traffic enforcement issues.

PRACTICES

Below are practices, methods used by Great Barrington Police Department to provide enforcement services that address traffic enforcement issues:

- Patrol town streets to discourage violations.
- Enforce existing transportation laws and ordinances.

- Evaluate the potential for using traffic mitigation/calming techniques to address locations with recurring issues.
- Investigate innovative traffic enforcement techniques.
- Review and analyze enforcement activities, complaints, and traffic conditions.
- Use data to identify enforcement locations, time and types of violations for enforcement efforts.
- Regularly review and analyze collision data through citizen reporting and officers investigations
- Communicate target locations and violations for selective enforcement activities.

PROGRAMS

The following programs support the Great Barrington Police Department policies regarding traffic enforcement.

The Great Barrington Police Department programs are comprised of several tools that are intended to save lives, reduce crashes, improve the efficiency of the traffic flow, and address quality of life issues. These tools specifically address problems of speeding and disregard for traffic control devices. An education program is proposed to inform citizens of enforcement efforts.

Speed Monitoring Awareness Radar Trailer

Another tool being utilized to combat speeding vehicles is the Speed Monitoring Awareness Radar Trailer (SMART). This is a self-contained trailer that monitors motorists' speeds by radar and displays the speed for the motorist to see. This trailer is being used primarily in residential neighborhoods to gain voluntary compliance with the neighborhood speed limit. This has been favorably received by the residents and is used regularly in areas that have generated significant complaints.

Speed Spy Measurement Device

Another tool being utilized to combat speeding vehicles is the Speed Spy Monitoring Radar device. This is a self-contained device, owned by the department, that monitors motorists' speeds by radar and records the speed for analysis. It is equipped with a computer that is capable of recording vehicular traffic at a given time during a 48-hour period. This has been favorably received by the residents and is used in areas that have generated significant complaints.

Similar to Speed Spy, the Department of Public Works owns two "Radar Signs" which also collect various traffic data and can be accessed by the police department via computer.

Radar

All police vehicles are equipped with the latest technology in radar enforcement. Radar is continually monitoring vehicle speeds, both while

moving or from the sides of the roadways. The police department also uses handheld radar.

Directed Traffic Enforcement Program

The department has two phases of selective enforcement patrols.

SELECTIVE ENFORCEMENT

- a. *Identifying Enforcement Locations*
 - 1) The chief of police shall regularly review and analyze collision data generated through citizen reporting and officers' investigations.
 - 2) The chief of police shall regularly review and analyze enforcement activity records, traffic volume, citizen complaints and traffic conditions.
 - 3) Using such data and analysis, the chief of police shall identify selective enforcement locations, times and violations for enforcement efforts.
 - 4) The chief of police will communicate such target locations and violations for selective enforcement activities.
- b. *Selective Enforcement Strategy Implementation*
 - 1) The chief of police will identify education and enforcement strategies for each target area, such as:
 - a) Speed trailers;
 - b) Radar; and
 - c) Unmarked vehicles;

The chief of police shall coordinate the deployment of dedicated patrols with shift supervisors.

- 3) Dedicated patrols should target the violations specified by the selective enforcement assignment. However, other dangers or blatant violations should also receive the attention of these officers.
 - a. Evaluation: The chief of police shall compare pre- and post-enforcement levels of accidents, violations, and citizen complaints to evaluate the effectiveness of selective traffic enforcement efforts.

TRAFFIC ENFORCEMENT PLAN

Education Program

In an effort to address resident concerns regarding traffic violations, the Great Barrington Police Department will educate the public about existing traffic laws and traffic enforcement techniques used by the Great Barrington Police Department. This program includes information regarding the procedures for making complaints. The program also includes positive reinforcement efforts to

encourage adherence to traffic laws. Another component of the program is to make the public more aware of the repercussions of violating traffic laws. Additional information from brochures will be available for the public at the Great Barrington Police Department lobby, on the police department webpage, and also distributed through the Citizen's Police Academy.

Additionally, the department uses signs and banners from the Governor's Highway Safety Bureau to educate the public. "Buckle Up" green fluorescent signs are erected throughout the town's major intersections as well as other appropriate locations, such as schools. Banners from the Governor's Highway Safety Bureau, with various messages are used at appropriate times and events.

I. Traffic Assistance Procedure

A) General Assistance [61.4.1 a]

Officers shall, at all times, conduct themselves in a professional manner and cordially provide information and service to the best of their ability. Officers should provide general assistance to the motoring public at any time, to include:

- Giving directions and information if needed
- lockouts
- Summoning a tow truck for disabled vehicles
- Offering appropriate first aid and summoning an ambulance for medical emergencies

B) Mechanical assistance and towing [61.4.1b]

Whenever a disabled vehicle is observed, officers shall stop and offer their services unless a call or assignment prohibits them from doing so. Whenever possible, an officer shall stand by with emergency lights on to assist with traffic control and to ensure the vehicle is removed without incident.

If the officer is required to direct traffic around a disabled vehicle, a reflective vest should be used. Officers should take precautions to insure the safety of the occupants and ensure they remain off the roadway.

A disabled vehicle will be towed from the roadway if it poses a traffic hazard or danger to the public. The towing company of the town's choice shall be utilized. Another tow company can be used if no road hazard exists and the time frame for their response will not be excessive.

Officers are not required to push vehicles, change tires or make mechanical repairs, but will give transportation to the station or another location to allow the occupants to call for assistance. We do not provide fuel.

Occupants will be allowed to remain in a police vehicle or at the station for safety and warmth while awaiting help. If a disabled vehicle must be towed from a roadway, officers will follow the guidelines of **Policy 5.06 Towing and Abandoned Vehicles.**

C) Assistance to Stranded persons **[61.4.1 c]**

Stranded motorists should not be abandoned when exposed to hazardous situations. Consideration should be given to traffic hazards, weather conditions, time of day, and the necessity of the officer to respond to other calls.

Officers may provide transportation to a local residence or business, to the police station where arrangements can be made for transportation or lodging, or to the garage where the vehicle was towed. Officers will call in starting and ending mileage.

D) Emergency Assistance **[61.4.1 d]**

Officers shall provide appropriate emergency assistance to motorists.

In the case of a medical emergency, officers shall notify the dispatcher that an ambulance is needed, and provide first aid until the ambulance arrives. We do not provide medical transportation.

For a vehicle fire, the Fire Department will be called. The officer will assist in removing occupants from the vehicle, keep bystanders away, use a fire extinguisher if appropriate, and divert traffic away from the vehicle. **See department policy on Vehicle Fires.**

E) Hazardous roadway conditions **[61.4.2]**

Upon discovery of a hazardous roadway condition officers shall notify a dispatcher of the situation and the type of assistance that will be needed. The officer will protect bystanders, direct traffic, and take any action necessary to correct the situation.

If necessary, the officer should stand by to protect the area until the hazard is removed or corrected, or until relieved. In cases which would consume an extended amount of time, the shift supervisor may arrange for a detail officer.

F) Notifications [41.2.4, 61.4.2]

When applicable, the dispatcher shall notify the appropriate Town of Great Barrington Departments for their assistance. In certain situations, the dispatcher shall notify the state police or other state departments that are required to assist.

Dispatchers shall notify the Department of Public Works in the event of any of the following:

- Downed electric wires
- Tree across the roadway,
- Roadway flooding
- Debris in road,
- Malfunctioning traffic signal,
- Missing stop sign.
- Large pothole,
- Damage to light pole

Whenever conditions necessitate that a roadway be closed, or a detour established, officers will utilize cones, detour signs, or barriers to inform the public. Dispatchers shall notify the following:

- A supervisor
- Local fire department
- Other local police departments that may be affected
- Department of Public Works

The Fire Department will be notified for:

- Spills involving gasoline, motor oil, or antifreeze
- Hazardous material spill

G) Hazardous Materials [61.4.1.d, 61.4.2]

Officers will be extremely cautious when a situation is discovered which may involve hazardous materials. If any kind of hazardous material is spilled or dumped on a roadway, they will immediately make provisions for shutting off traffic flow into the area. Officers will attempt to identify the materials involved by obtaining information from the container placards and giving this information to the dispatcher.

The immediate area around the scene must be secured and bystanders must be kept far enough away so that removal operations will not be impeded and the potential danger from the materials will be minimized. Officers will

maintain an outer perimeter and direct traffic away from the scene. If the material is toxic, flammable or explosive, arrangements may have to be made for evacuations of buildings.

J. Police Escorts [61.3.3]

This policy outlines the procedures for providing police escorts. It will set forth the departments policy on providing escort services in neutral and emergency situations.

Routine Law Enforcement Escorts

1. Parades
2. Funerals
3. Public Officials & Dignitaries
4. Oversized Vehicles
5. Moving Houses
6. Hazardous and Unusual Cargo
7. Special events
8. Bank escorts
9. Any other escort deemed appropriate by the Chief of Police or designee.

Escorts will be provided using only marked police vehicles and will not go outside the town without approval from the Chief of Police.

The Department recognizes that there are legitimate requests for police escort/relay services to ensure the safe, orderly and/or efficient movement of specific traffic or expedite delivery of special items. The Department will honor such requests to the extent practical, consistent with the need to ensure that the act of escorting or emergency relay itself does not create unacceptable risk to the public.

Officers shall not initiate emergency escorts or relays without first obtaining specific authorization from a shift supervisor.

Normally, requests for escorts shall not be granted to any person for the purpose of expediting his journey or to provide publically or personal convenience.

Emergency Escorts

Emergency vehicles, particularly ambulances, shall not be escorted by officers except under special circumstances. One exception will be to escort an emergency vehicle from the city limits to a hospital when the driver of the emergency vehicle is not familiar with the location of the hospital.

Officers shall not escort civilian vehicles in medical emergencies.

If an officer encounters a motorist requesting an emergency escort to the hospital, the officer will offer to summons an ambulance. If the offer is refused, the officer will allow the vehicle to proceed with instructions to obey all traffic laws.

Officers should provide whatever aid is necessary. They must carefully evaluate the situation, considering the following; is the medical emergency stabilized?; is the motorist in a condition to continue to safety alone?; is the medical emergency life threatening? and is immediate on scene aid and stabilization necessary?

Other facts surrounding each individual case may be the determining factor in considering whether to request a medic or allow the driver to continue in a safe manner (the officer is to always offer to have a medic sent.)

If an officer encounters a situation that he/she determines to be life threatening and the above provisions are not adequate to meet the need, the officer may transport the victim to the hospital.

Emergency Relays

Request for relays other than routine must be approved by the shift supervisor prior to acceptance. Before authorizing an emergency relay, the supervisor must verify the urgency with the requesting person or agency.

When practical, officers involved in a relay should not be required to transport beyond their patrol area.

K. Hands Free / Data Collection Law

Governor Charlie Baker signed the **Hands Free / Citation Data Bill into Law on Monday, November 25, 2019**. The new statute becomes effective on February 25, 2020. See Training Bulletin in PMAM for details.

¹ M.G.L. c. 90, §3.

² M.G.L. c. 90c, §2.

³ M.G.L. c. 90c, §2.

⁴ Guidelines of the Office of the Secretary of the Commonwealth, Police Department Records Disposal Schedule 14-81, Series 14.20.

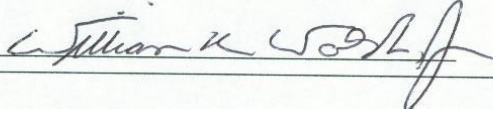
⁵ M.G.L. c. 268A, §23.

⁶ M.G.L. c. 90B, §§20-34.

⁷ M.G.L. c. 85, §11B regulates the use of bicycles, and M.G.L. c. 90, §§1B and 1C regulates the use of mopeds.

ISSUING AUTHORITY:

Chief William R. Walsh Jr.:

A handwritten signature in black ink, appearing to read "William R. Walsh Jr.", is written over a horizontal line within a rectangular box.