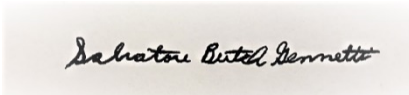



<h1>MALDEN POLICE DEPARTMENT</h1> <h2>TRAFFIC SAFETY</h2>		
<p>Massachusetts police accreditation standards referenced: 41.2.4; 41.4.0; 41.4.5; 61.1.1; 61.1.2; 61.1.3; 61.1.4; 61.1.5; 61.1.6; 61.1.7; 61.1.8; 61.1.9; 61.1.10; 61.1.11; 61.1.12; 61.1.13; 61.2.1; 61.2.2; 61.3.2; 61.4.1; 61.4.2; 61.4.4; 74.3.1; 82.2.4; 82.3.3;</p>		<p>GENERAL ORDER GEN 2023-008 POLICY NUMBER: TRA-005</p>
<p><u>Effective Date:</u> 01/12/2023 Total Pages: 26</p>	<p style="text-align: center;"><i>ISSUING AUTHORITY</i></p> <hr/> <p style="text-align: center;"><i>Salvatore Gennetti</i></p> <div style="text-align: center;">  </div> <p style="text-align: center;">Police Commissioner</p>	

I. GENERAL CONSIDERATIONS & GUIDELINES:

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

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

Police departments attain safety goals through traffic law enforcement, investigation, direction & control and education. Among these goals is the reduction of traffic crashes, fatalities, and injuries. Another goal is to facilitate the safe and expeditious movement of vehicular & pedestrian traffic, accomplished through the public's

voluntary compliance with traffic regulations. Departments meet these goals through a combination of education, enforcement, engineering, and public support.

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

II. POLICY:

It is the policy of this Department to:

- a. Reduce traffic collisions, fatalities, and injuries;
- b. Facilitate the safe & expeditious movement of vehicular & pedestrian traffic;
- c. Report and respond to traffic accidents according to this policy; and
- d. Conduct motor vehicle stops based on violations observed, not on the profile of the vehicle's occupants. **41.4.0**

III. PROCEDURES:

A. General Traffic Enforcement

1. Enforcement

This Department is opposed to preferential treatment pertaining to adjudication of traffic cases.

- i. The objective of enforcement is to favorably alter the violator's driving behavior, thus fostering a climate of safe driving.
- ii. Traffic enforcement will not be used to generate revenue.
- iii. The number of citations issued shall not be the sole basis of determining an Officer's enforcement efforts. The quality of the citations (*i.e. - accidents & injury causing types of violations and other elements*), will also be considered.
- iv. Safety/Sobriety checkpoints are utilized to increase public safety by removing intoxicated motorists from roadways. This Department does not unilaterally conduct sobriety checkpoints,

but shall assist the Massachusetts State Police, (*when staffing permits*) in this function when requested to do so.

- a. A Supervisor from this Department shall be assigned to any safety/sobriety checkpoint in which Officers from this Department have been authorized to assist in.
- b. Officers from this Department participating in a State Police safety/sobriety checkpoint shall strictly follow the approved written plan of the Massachusetts State Police.
- c. All Officers from this Department assisting the State Police with a safety/sobriety checkpoint shall be briefed on the written plan.

61.1.6

2. Assignment of Personnel (*Selective Enforcement*)

- i. Selective Enforcement pressure should be applied in proportion to need at the locations, and at the hours of greatest accident expectancy. **61.1.1 (e)**
- ii. The Chief or his/her designee will periodically compile, review, compare, & analyze collision data, selective enforcement activity records, traffic volume, and traffic conditions. This analysis shall be documented and used to assign personnel, implement selective enforcement techniques & procedures, and plan enforcement activities. **61.1.1 (a), (b), (c), (d), (e), (f)**
- ii. Traffic laws shall be enforced at a level sufficient to ensure the safe and expeditious movement of traffic.
- iii. Enforcement activities will be conducted in a consistent and uniform manner, and will not give preference to either residents or nonresidents. It should be directed against the violations that cause the largest number of accidents and against the group of drivers who are responsible for the majority of the violations and constitute the greatest hazard to the community.

Race, age, gender, and any other type of profiling is strictly prohibited as a justification for any 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 or occupants.* **41.4.0**

- iv. The deployment of patrol personnel will be based on an analysis of traffic accidents and residents' perceptions of traffic related problems in their area. **61.1.1 (d)**

When staffing levels permit, Selective Enforcement at specific locations shall be based primarily on statistical data of traffic accident experience.

3. Motor Vehicle Stops: **61.1.7**

If a determination is made to stop a motor vehicle due to a traffic violation, care must be exercised. Many Officers have been seriously injured, or killed, making vehicle stops. Every precaution that would be utilized in stopping a felony suspect, must be used in stopping a motor vehicle as described below: **61.1.7 (a), (b)**

- i. Select a suitable location for making the stop, if at night preferably a well-lighted area. If on the highway, attempt to have the operator pull off the highway and into a parking lot, if possible.
- ii. Provide Dispatch with the following information:
 - a. Color, Make, Model & Plate of vehicle stopped;
 - b. Location of the stop;
 - c. Number of occupants;
- iii. For **FELONY** or **UNKNOWN/HIGH RISK** motor vehicle stops: **61.1.7 (a), (b)**
 - a. Both vehicles should be parked as far to the right as possible and out of the path of moving traffic;
 - b. The police vehicle shall be to the rear of the suspect's vehicle and slightly to its left to provide a safety corridor against passing traffic;
 - c. The emergency lights of the police vehicle should be flashing to warn traffic and to assist any back-up Officers responding. The use of takedown lights or a spotlight should be used when they do not pose a hazard to oncoming traffic and there is a need for extra lights (*i.e. - Officer Safety*).

- d. The driver of the suspect vehicle may be ordered to turn the engine off and toss the keys outside the vehicle;
 - e. When the Officer leaves the police vehicle he or she shall:
 1. Carefully watch all occupants for any unusual movements or change of position;
 2. Position themselves to ensure that all occupants are clearly visible;
 3. Every vehicle stop presents an unknown risk. If the vehicle has been stopped for a serious UNKNOWN/**HIGH RISK FELONY** and/or there is reason to expect the occupant(s) may be **ARMED**, the Officer should: **61.1.7 (a), (b)**
 - Draw his/her weapon in readiness to defend themselves;
 - Instruct the operator to turn the engine off and toss the keys outside the vehicle;
 - Instruct all occupants to keep their hands in plain view (*on top of their heads or out of the windows*);
 - Position themselves behind the open driver's door of their cruiser to afford a shield; and
 - Wait for a back-up unit if alone.
 - iv. If more than one Officer is present, the accompanying Officer(s) shall remain to the rear of the vehicle as a protective cover; and when approaching the stopped vehicle, the Officers should position themselves so that the vehicle doors will not make contact with them if they are suddenly opened.
4. Dealing with Violators: **61.1.8**
- i. Officers shall exercise good judgment and discretion by taking appropriate enforcement action for each violation of the law witnessed or reported to them. **41.4.5**

- ii. Officers should conduct themselves in a professional manner, keeping in mind use of proper language, bearing, and emotional stability. **61.1.8**
- iii. Officers should:
 - a. Be certain of their observations of the alleged violation;
 - b. Address the violator in a professional manner and request the operator's license and registration;
 - c. Have the necessary department forms & equipment;
 - d. Explain the reason for the stop.
 - Some violators will show signs of emotional distress. Officers must deal with these individuals in a calm, courteous manner.
 - Traffic enforcement action should be taken without regard to such factors as driver's attitude, intent, or frivolous excuse.
 - Upon completion of the stop, Officers must ensure that the violator safely reenters the flow of traffic.
 - All enforcement actions will be accomplished by using one of the following four (4) methods: **41.4.5**
 1. A **Verbal Warning** is appropriate when a violator commits an act, which may be due to ignorance of a particular law (*i.e. - operator approaches a stop sign and instead of coming to a complete stop, slows to a speed slower than walking*). A verbal warning is also appropriate for minor equipment violations (*i.e. - license plate not illuminated*).
 2. A **Written Warning** is a proper alternative in response to a minor traffic infraction. It is also appropriate for those violations, which occur within the tolerances generally allowed by the courts. If used properly, warnings can effectively be used as a means of educating the public. Excessive use of warnings should be avoided because it could create a feeling of a lack of commitment by the

Department to enforce motor vehicle safety. **41.4.5; 61.1.2 (c), 61.1.8,**

3. **Citations** are the backbone of the Department's traffic enforcement effort. An Officer's discretion plays a big part in the decision to take punitive action against a violator. This discretion should be based on a combination of experience, training, & common sense. A traffic citation should be issued to violators who jeopardize the safe & efficient flow of vehicular /pedestrian traffic, including hazardous moving violations, multiple violations, and operating unsafe and/or improperly equipped vehicles. **41.4.5; 61.1.2 (b); 61.1.8**
4. Officers may **Arrest** any person who violates a traffic law allowing an arrest, and shall arrest anyone that violates a traffic law mandating arrest. When an arrest results from a motor vehicle violation, a citation must be filled out and the "arrest" box on the citation shall be checked. **41.4.5; 61.1.2 (a), 61.1.8**
- e. Vehicles shall be inventoried, towed, and secured in the designated tow company lot when circumstances warrant that the vehicle be towed. Refer to *Motor Vehicle Inventory and Towing & Abandon Vehicles policies*.

B. Citations:

1. General

- i. When possible, Officers should issue citations where circumstances dictate the creation of deterrents to unsafe conduct by users of the roadway is necessary.
- ii. Before releasing a traffic violator, the Officer shall provide him/her the following information as appropriate. **61.1.4**

- 1) Optional or mandatory nature of court appearance by the motorist; **61.1.4 (a), (b)**
- 2) Notice of whether the motorists is allowed to enter a plea/and or pay the fine by mail or at the registry of motor vehicles. **61.1.4 (c)**
- 3) Other information that must be provided to the motorist prior to release. **61.1.4 (d)**

2. Categories of Drivers:

Established procedures for handling traffic violations committed by;

- i. Nonresidents: Enforcement activities shall be consistent and in a uniform manner that does not give preference to residents or nonresidents. **61.1.3 (a)**
- ii. 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 of a juvenile. When this occurs, Officers are to be guided by the departmental policy on *Handling Juveniles* **61.1.3 (b)**
- iii. State Legislators: The Mass. Constitution (*part 2, c.1, s. 3, and Article 10*) stipulate 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)**
- iv. US Senators & Representatives: Are **immune** from physical arrest while attending, going to, or returning from a session of their respective houses. **61.1.3 (c)**
- v. Diplomatic & Consular Officers: Shall be accorded their respective privileges, rights, and immunities as directed by International Law & Federal Statute. These officials shall be treated with the courtesy and respect that befit their distinguished positions. *Refer to Consular Notification & Access Policy*). **61.1.3 (d)**
 - a. Diplomatic Officers, their families, official staff & servants, and Consular Officers are protected by **unlimited immunity** from arrest (*except for the commission of a*

Felonious crime where public safety is endangered), detention, or prosecution with respect to any civil or criminal offense.

- b. Traffic citations may be issued; however, the subject may not be compelled to sign the citation.
 - c. Any citations issued shall be reported to the US State Dept. The State Department maintains driver histories and assesses points for moving violations.
 - d. OUI: When such person with full immunity from arrest is, in the Officer's opinion, too impaired to drive safely, the Officer may:
 - With the individual's permission, take him/her to the police station or other location until he/she recovers sufficiently to drive;
 - Summon, or allow the individual to summon a friend or relative to drive; or
 - Call a Taxi.
 - vi. Military Personnel: When dealing with military personnel and an arrest is made, the arresting Officer's Supervisor should cause the liaison Officer of the nearest armed forces investigative headquarters to be notified. **61.1.3 (e)**
3. Accountability of Citations **82.3.3**
- i. Traffic citations are received from the RMV. Each book number shall be recorded before being issued to an Officer. Citations are accounted for from the point of issuance to the time they are recorded and sent to the RMV or court. **82.3.3 (a)**
 - ii. Motor vehicle citation books are kept in the Traffic Supervisor Office and shall be issued to Officers as needed. **82.3.3 (b)**
 - iii. All completed citations shall be deposited in a locked citation box located outside the Traffic supervisor Office prior the end of an Officers tour of duty. Once processed by the traffic clerk, they will be filed in Records

and later shredded according to the Municipal Records Retention Schedule. **82.3.3 (c)**

- iv. A motor vehicle citation book index log is kept in the Traffic Supervisor Office with all citation books. Officers shall record their name, date of issue, and number of the citation book issued on the index log. **82.3.3 (a)**
- v. An audit sheet is maintained by the Traffic Supervisor, which corresponds with each citation issued. It shall contain the citation number and the Officer's name. This audit sheet, when filled out, is sent to the RMV. **82.3.3 (b)**
- vi. If an Officer **LOSES** or must **VOID** a citation, he/she shall forward a report, (*email*) to the Officer in Charge and Traffic Supervisor. The report shall be dated and identify the citation number and if voided the reason for it.
 - If an Officer must **VOID** a citation, traffic supervisor shall complete a **Citation Void Form** and will notify the Merit Rating Board (MRB). The form can be found on Sharepoint under "Forms."
 - An explanation on why the citation must be voided shall be provided on the form (*i.e. - filled out incorrectly, wrong operator etc.*). The specific citation number being voided must be identified on the form for auditing purposes.
 - The voided citation and a copy of the **Citation Void Form** shall be forwarded to the Traffic Supervisor for correct administrative disposal, including notice to the Merit Rating Board.
- vii. Amendments to citations or dismissal of charges shall be processed by the Police Prosecutor through the DA's office.

4. Interfering with the Citation Process;

- i. Members of this 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 violate the conflict-of-interest law.
- ii. The Ethics Commission has ruled that ticket fixing is an unwarranted privilege that violates the Conflict-of-Interest Law.¹ They have stated that

the ability of a police Officer to seek special treatment for somebody because of that person's relationship to an Officer offends & troubles people. It demonstrates that there is one standard for the public, but a different standard for those with police connections.

- iii. **Section 23 of the Conflict-of-Interest Law** prohibits public employees from using their official position to secure substantial privileges for themselves or anyone else, and also prohibits employees from acting in a manner that would cause an objective observer to conclude they would act biased in their official capacity.

C. Violations

1. Operating Under the Influence (OUI) of Alcohol or Drugs:
61.1.5 (a); 61.1.11; 61.2.1 (c)
 - i. Many traffic accidents require reporting, particularly those involving a **fatality or injury**, or 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. **61.2.1 (c)**
 - ii. If the Officer determines that the operator is under the influence of alcohol or drugs, appropriate enforcement action shall be taken.
 - iii. Appropriate enforcement countermeasure against alcohol and drug impaired traffic offenders consists of immediate arrest or, if circumstances do not allow for an arrest or issuance of a citation, for example, if an operator is admitted to a hospital and the Officer has no means to affect an arrest. **41.4.5; 61.1.10; 74.3.1**
 - iv. Officers should be aware that arrest is the established method and should be a priority for these offenses. **41.4.5**
 - iv. The Department will ensure that sworn Officers are trained in driving under the influence of alcohol or drug enforcement procedures.
 - v. The following conditions shall be noted in a police incident or arrest report when individuals are arrested for driving under the influence of alcohol:
 - Breathalyzer Operation (BT):

BT operation shall be administered by a trained & certified operator. Exams shall be according to departmental procedure and Mass. law on persons arrested for operating a motor vehicle under the influence of intoxicating liquor.

- A blood alcohol reading of **.05% or below** mandates that the arrestee shall be released from custody forthwith.
- If the reading is above **.05%, but less than .08%** there shall be no presumption.
- If the reading is **.08% or above** there shall be a permissible inference that the person is under the influence of intoxicating liquor.

- Breathalyzer For Persons Under 21:

When dealing with a person less than 21 years of age, the breathalyzer operation remains the same regarding the percentages of alcohol.

- If a person **under the age of 21 has a reading of at least .02%**, his/her driver's license shall be taken by the arresting Officer and said person shall be processed according to law.

- Breathalyzer For CDL:

When dealing with a person who has a CDL operating a CDL vehicle, and said person has a **reading of .04%**, this shall be sufficient to establish a violation of operating under the influence of alcohol. Said persons license shall be taken by the arresting Officer, and said person shall be processed according to law.

- Blood Alcohol Tests:

Blood alcohol tests shall conform to *MGL c. 263, s. 5A*, as well as departmental guidelines.

2. Impoundment of a Motor Vehicle Pursuant to Melanie's Law: **61.1.5(a); 61.1.11; 61.2.1 (c); 61.2.2 (c)**

Any motor vehicle operated by a defendant at the time of an arrest for operating under the influence of alcohol, directs Officers to ***impound the***

vehicle driven by the defendant at the time of arrest, for a period of twelve (12) hours, if the defendant refuses a breathalyzer test. There are two (2) important points to remember under this circumstance:

- i. It does not matter who the vehicle is owned by. The vehicle must be impounded if it was driven by the defendant.
- ii. The mandate only refers to vehicles being driven by operators who refuse the Breathalyzer.

** This is a problem since Officers normally impound vehicles before a defendant decides to submit to a BT. The DA recommends Officers be instructed to impound any vehicle operated by a defendant at the scene and adhere to the following guidelines. (Special Bulletin issued to all MPTC Instructors on 02/14/06 by the Massachusetts District Attorney's Association).*

- Any operator who refuses or fails a BT: Hold the vehicle for a minimum of twelve **(12) hours**.
- Any operator twenty-one **(21) or older**: Release the vehicle if they submit and have a reading of **.05** or less.
- Motorists **under twenty-one (21)**: If they submit and have a reading of **.02** or above, hold the vehicle for a minimum of twelve **(12) hours**.

3. Other Enforcement Violations:

- i. Speeding Violations: Speed is one of the main causes of accidents. Officers shall take appropriate enforcement action for speeding violations. Officers shall use verbal warnings, written warnings, and citations to have motorists voluntarily comply with traffic laws and regulations to ensure maximum reduction of accidents. Speeding citations should be a clearly convictable speed in court, and may to some extent depend on the location of violation (*congested area, school zone, etc.*). **61.1.5 (c)**
- ii. Equipment Violations: Equipment required on motor vehicles is covered under **MGL c. 90, s. 7**. When a vehicle is found to be in violation, Officers should consider issuance of a citation for any essential equipment defects. Whenever a fixture is missing and it

is obvious that the owner is aware of the defective equipment, a citation should generally be issued even though this may be the only violation on the vehicle. **61.1.5 (b)**

Examples of this would be headlight removal, parking brake disconnected, rear light fixture removed, etc. If, however, the equipment violation is not obvious, the Officer should stop and inform the violator of the defect and give a verbal or written warning. **61.1.5 (b)**

- iii. Public Carrier/Commercial Vehicle Violation: Particularly in the Malden Square and Malden Center area, consider congestion, lack of parking, and carrier needs for delivery access. Repetitive violators should be cited. **61.1.5 (e)**
- iv. Non-Hazardous Violations: With other non-hazardous violations of law, ordinances, by-laws, or regulations affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles and pedestrians, consider warnings unless repetitive or flagrant. **61.1.5 (a)**
- v. Multiple Violations: Generally, one citation will be issued in the case of related multiple, non-hazardous violations stemming from the same operation. **61.1.5 (d)**
- vi. 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 (l)**
- vii. Hazardous Moving Violations: A hazardous moving violation means the violation of any law, ordinance, or regulation affecting the use or protection of streets and highways enacted primarily to regulate safe movement of vehicles and pedestrians. There are two general types: **61.1.5 (d), (k)**
 - Unsafe Behavior: An action or omission in traffic which is hazardous even when vehicles, streets, highways, or people involved are in legal condition.
 - 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.

viii. Use of False ID; Drug Violation Offenses; and/or Sale of Drugs

within a School Zone: A Police Officer who makes an arrest or a request for a criminal complaint to be issued relative to the above offenses should, along with the criminal complaint application, submit a written citation (*when applicable*) with the defendant's information recorded on it.

- Also recorded on the citation shall be the offense and its chapter & section. The Officer will keep their copy of the citation, and the Department copy will be submitted to the Court Prosecutor who shall bring it to District Court. **82.2.4**
- The District Court, upon a guilty finding, will submit the Officer's citation to the Registry of Motor Vehicles, who will suspend the defendant's Motor Vehicle License.

4. License Suspensions/Revocations: **61.1.5 (i)**

- i. Verified: If the Officer is certain of the suspension/revocation and observes operation, he/she should effect a physical arrest. The vehicle shall be handled in accordance with the departmental policies on *Motor Vehicle Inventory*.
- ii. Not Verified: If an Officer is unsure of the actual driver license status, a written citation for operation without license in possession should be issued to the violator, with consideration of future complaint amendment.

5. Special Enforcement:

The primary responsibility for the enforcement of traffic laws and regulations rests with the Patrol Officers. However, all sworn Officers, while on duty, shall take appropriate enforcement action for violations of traffic laws and regulations they observe.

- i. Bicycles: In those areas where traffic flow is minimal, visibility is unobstructed, and traffic accident experience is low, Officers should exercise discretion in the application of those laws regarding the safe operation of bicycles. **41.4.5** Conversely, where congestion and the frequency of accident experience

involving bicycles have been predominant, those laws pertaining to the safe operation of bicycles should be strictly enforced.² **61.1.5 (h)**

- ii. Pedestrians – Officer may use their discretion in enforcing laws relating to pedestrians, concentrating of dangerous or suspicious activities. **41.4.5; 61.1.5 (g)**
- iii. Recreational & Snow Vehicles: Officers shall take appropriate enforcement action against operators of off-road recreational vehicles (*e.g., snowmobiles, dirt-bikes, mini-bikes*) committing violations that are either observed by them or reported to them.³ **61.1.5 (l)**

6. Accidents: **61.1.5 (f), (k)**

- i. 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.
- ii. 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.
- iii. Violations Not Witnessed By An Officer: Violations that the Officer has not personally witnessed must be established through investigation, which may include but are not limited to:
 - 1) Statements or admissions made by the alleged violator;
 - 2) Statements of witnesses;
 - 3) Accident scene measurements; and
 - 4) Physical evidence

7. Accidents Occurring on Private Property (No Right of Access): Accidents occurring on private property which is not normally open to the public, such as a private residence, involving injury or excessive property damage will require a complete report of the incident. *Refer to Traffic Crashes Policy.* **61.2.1 (a), (b), (c); 61.2.2 (g)**

8. Accidents Occurring On Private Property (Public Has Right of Access): Accidents occurring on private property where the public has a right of access will be processed where appropriate as if they had occurred on a public street require a complete report and the necessary forms completed. **61.2.1 (a), (b), (c); 61.2.2 (g)**

D. Speed Measuring Devices: - Radar/Lidar **61.1.5 (k)**

1. Equipment Specifications: Specific information on these units may be found in the operator's manual accompanying each unit. **61.1.9 (a)**
2. Operational Procedures: The operational procedures for these units concerning (*if applicable*) stationary mode, moving mode, range control, interference, audio and squelch, tracking, and locking display readings shall be adhered to as provided in the operator's manual for the unit. **61.1.9 (b)**
3. Proper Care & Upkeep: Officers using the units are responsible for the proper care and upkeep of the equipment they use. Such care and upkeep shall be done in accordance with the directions given them during their original training in the use of the equipment. **61.1.9 (c)**
4. Programmed Maintenance: The **Traffic Supervisor**, shall schedule maintenance inspections of each Lidar/Radar units as required by manufactures specifications or as needed. A record of all maintenance on each unit shall be maintained by the Traffic Supervisor. **61.1.9 (d)**
5. Maintenance & Calibration Records: Each Lidar/Radar unit shall be calibrated as needed. Each Officer shall check the calibration of each time it is used during his/her tour of duty. **61.1.9 (d)**
6. Operator Training and/or Certification: Officers wishing to use a Lidar/Radar unit, shall receive training or certification when training is available prior to using the equipment. **61.1.9 (e)**
7. The training standards shall be equivalent to the model standards promulgated by the National Highway Traffic Safety Administration (NHTSA). Training shall include the requirement that all persons must demonstrate their competence with each device under varying conditions in supervised field performance tests.

E. Problem Drivers: **61.1.12**

1. Suspected Driver Incompetence:

- i. Routine enforcement, accident reporting, and investigation activities frequently leads to the discovery of drivers who have displayed a suspected incompetence in driving a motor vehicle. This incompetence might prevent the person from exercising reasonable and ordinary care over a motor vehicle.
- ii. In addition to reports concerning the original incident, the Officer shall notify the Registry of Motor Vehicles regarding the removal of that person from the roadway. A copy of this report will be approved by the Chief or his/her designee prior to notifying the Registry. **41.2.4**

2. Drivers that Pose an Immediate Threat to the Public:

- i. The Registry of Motor Vehicles will suspend and revoke the license of bad drivers for bad driving behavior that constitutes an immediate threat to the public.
- ii. Aggressive driving constitutes bad driving behavior. It is defined as operating a motor vehicle in an offensive manner, which is likely to endanger, threaten or otherwise intimidate other operators by engaging in any series of violations. These violations include:
 - a) Chapter 85 State Department of Public Works Rules:
(Refer to 720 CMR s. 9.06 and 720 CMR s. 9.07)
 - Chapter 85-2 - Weaving (*from lane to lane*)
 - Chapter 85-2 - Following Too Close (*tailgating*)
 - Chapter 85-2 - Failing to Use Caution in Stopping, Turning, starting (*cutting someone off*)
 - Chapter 85-2 - Failing to Obey Traffic Markings & Signs (*lane markings & regulatory signs*)
 - Chapter 85-2 - Failure to Yield at Intersections
 - b) Chapter 89 Rules of the Road:
 - Chapter 89-2 - Improper Passing (*passing on right*)

- Chapter 89-4A - Lane violation (*failing to be in marked land*)
- Chapter 89-4B - Operating in Breakdown Lane
- Chapter 89-8 - Right of Way at Intersection and Turns at Red lights
- Chapter 89-9 - Failure to Stop & Yield at Intersection and Designated Throughways

c) Chapter 90 Motor Vehicle Laws:

- Chapter 90-14B - Failure to give signal
- Chapter 90-16 - Offensive or illegal operation (*unnecessary use of a warning device, e.g.; horn*)
- Chapter 90-18 - Speeding (*above posted speed limits*)

F. Documenting Aggressive Driving

1. Officers should note the violations and any other pertinent characteristics associated with aggressive driving behavior so as to better fully substantiate the charge.
2. A report and a "**Request for Immediate Threat License Suspension/Revocation Form**" – (*MasDOT #20385*) will be filled out and submitted to the Shift Commander (OIC) outlining the incident. **61.1.12**
3. After review, the Shift Commander (OIC) will determine if the incident as outlined constitutes an immediate threat. If so, the Shift Commander (OIC) will then sign the Immediate Threat Form and the Officer submitting it will fax it to the Registry of Motor Vehicles for action.
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. A copy of the Officer's report shall be attached to the Immediate Threat Form. **82.2.4**

G. Hazardous Roadway or Environmental Conditions: **61.4.2**

1. Upon discovery of a hazardous roadway or environmental condition, which sometimes is related, the Officer shall notify Dispatch and request that the appropriate agency be contacted. **41.2.4**
2. Immediate Hazard: When a hazard is identified and, in the Officer's opinion, such hazard requires immediate correction (e.g. - *fallen tree or electrical wires across any part of the traveled portion of a roadway*), Officers shall inform Dispatch of the situation. The Officer will identify assistance or special equipment needed, if possible, or describe the situation if not able to do so. The Officer will protect bystanders, the scene, direct traffic, and/or take any action necessary to correct the situation.
3. Potential Hazard: When a hazard is detected that represents a potential accident situation but the threat of such is NOT immediate, the Officer shall notify Dispatch who shall enter a call. The Shift Commander (OIC) shall be notified of the hazard and any notifications made, or inability to make the notification so that the information can be passed on to other shifts.

H. Traffic Control:

1. The Department shall perform traffic direction and control functions to ensure the safe and efficient movement of vehicles and pedestrians, when necessary, which will include accident scenes. **61.3.2 (a), (b)**
2. High-Visibility Reflective Clothing:
 - i. Officers are to have high-visibility reflective outerwear at all times in accordance with department uniform specifications when assigned to perform manual traffic direction and control functions, while on regular duty or paid detail assignments. All Officers shall wear such high-visibility reflective outerwear, in addition to the full prescribed uniform, whenever conducting manual traffic direction and control. ***Refer to Uniform & Equipment Specifications Policy***
 - ii. Officer conducting unscheduled manual traffic direction and control in response to unforeseen contingencies, such as foul weather, will wear high-visibility, reflective outerwear, provided that conditions make it practical to wear the high-visibility outerwear before initiating manual traffic direction and control.

3. Manual Direction of Traffic – Location: **61.3.2**

- i. 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.

- ii. Factors to be considered in the analysis will include, but are not necessarily be limited to:
 - a) Traffic volume and speed;
 - b) Number of pedestrians present;
 - c) Duration of congestion period; **61.3.2 (b)**
 - d) Presence and types of traffic control devices **61.3.2 (e), (f)**
 - e) Special circumstances of the location (e.g., handicapped pedestrians) and other pertinent factors.
- iii. 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)**

On occasion, Officers may have to manually operate traffic control signal lights, normally to direct traffic flow, attempt to recycle a signal light, or to place the signal lights on flash or blink. Some intersections have manual control devices located in the service box, and if an Officer can gain entrance, he/she shall manually control traffic control devices only in the following situations:

- i. When a traffic light malfunctions;
- ii. To facilitate movement at the scene of a traffic accident or other emergency;
- iii. To provide a thoroughfare for a motorcade, funeral procession, etc.; and
- iv. To alleviate congestion resulting from use of automatic controls, particularly during planned special events.

Any Officer who is not familiar with the manual operation of traffic controls shall be trained by a responsible Officer regarding their use before using manual traffic controls. It shall be a part of the Field Training Process.

5. Temporary Traffic Control Devices: **61.3.2 (f)**

- i. 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.
- ii. As soon as practical following termination of the need for the temporary traffic control device, the Supervisor authorizing deployment of the device will see to its removal. The Department shall not use portable or part-time stop signs as temporary traffic control devices except in an emergency.

6. Traffic Control at Critical Incident Scenes: **61.3.2 (c)**

The Department shall continue to work closely with the Fire Department and other emergency services organizations in order to maintain access and egress at fire scenes and critical incidents by emergency vehicles. Officers responding to critical incident scenes should position themselves accordingly.

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

- i. Procedures applicable during periods of adverse road or weather conditions include, but are not limited to:
 - a) Accidental hazards, such as debris that has fallen onto the roadway. Examples include debris from another motor vehicle, power lines, and trees;
 - b) Acts of nature, such as fog, ice, snow, etc.; and
 - c) Engineering hazards, such as exposed guardrail end; potholes, missing drain covers, or other objects that may cause unnecessary additional damage or injury should a vehicle, for any reason, impact upon the object.
- ii. The Shift Commander (OIC) shall determine whether notifying the Public Works or Fire Department of the adverse road condition(s) will have a desired effect. **41.2.4**

- iii. The Shift Commander (OIC) shall be notified and advised of the circumstance which may close a street, if, in his/her opinion, the surface conditions and terrain creates an unusually hazardous condition. He/she may also request assistance from the Department of Public Works. **41.2.4**
 - iv. The Shift Commander (OIC) shall ensure the proper utility company or Construction Company is also notified, and assigns Officers as needed to
8. Manual Traffic Direction: **61.3.2 (b)**
- i. Officers, while carrying out manual traffic direction and control, shall at all times give due consideration to their own safety and the safety of the public. Personnel shall employ uniform procedures (*uniform hand signals, gestures for manual traffic direction and control*) to enhance driver and pedestrian recognition and response to their direction.
 - ii. When an Officer is directing traffic, it is necessary that the people using the roadway know that he/she is there for that purpose, and that the Officer knows and utilizes standardized, appropriate gestures and audible signals to stop, start, and turn traffic.
 - iii. To indicate that the Officer is present for the purpose of directing traffic, he/she should:
 - a) Turn the signal light (*if there is one*) to blinking or flashing;
 - b) Position him/herself so that he/she can be seen clearly by all, usually in the center of the intersection or street;
 - c) Allow his/her hands and arms to hang easily at his/her sides except when gesturing; and
 - d) Stand facing or with his/her back to traffic which he/she has stopped and with his/her sides to traffic he/she has directed to move.

I. Parked Motor Vehicles

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

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

2. Parking Enforcement: **61.1.13**

- i. Seasonal Variance: Officers must be aware that parking problems within the Town may vary as the seasons change. During the winter months, enforcement efforts are directed at educating the public to park where overnight parking is permitted, which allows ample room for snow plowing necessary to ensure safe passage of fire, ambulance, and police vehicles. Officers should direct their attention to violations which are hazardous to the public welfare and appropriate enforcement, such as:
 - a) Wrong Direction Parking;
 - b) Within ten (**10**) feet of a Fire Hydrant;
 - c) Within (**20**) feet of an Intersection;
 - d) Double Parking;
 - e) Parking on Crosswalk; and
 - f) Handicap Parking.
- ii. Snow Removal Tows: Snow removal tows are requested by the Department of Public Works to remove a vehicle to enable them to remove snow/ice from the roadway.
- iii. Parking on Sidewalk Violations: Violations for parking on the sidewalk are a concern for both the Police and the public. Any violations of parking on the sidewalk where there are formally constructed sidewalks should be enforced. Vehicles parked on areas adjacent to the street where there are NO formal sidewalks, should not be tagged for parking on the sidewalk, provided that the vehicle does not obstruct access to homes or driveways of other residents or create a hazard to pedestrians or others.

J. Escorts: **61.3.3**

- i. The Department recognizes there are legitimate & reasonable requests for police escort services to ensure safe, orderly, and efficient movement of special traffic or to expedite delivery of individuals or special items. The Department shall make every effort to honor such requests to the extent practical and consistent with the need to ensure that the act of escorting or

emergency relay itself does not create unnecessary risk to the public. *Refer to the Police Escort Policy* for direction on handling requests for a police escort.

K. Requests for Service Vehicles:

1. The public, when utilizing public roadways, may encounter emergency, mechanical or other difficulties requiring assistance from the police. When outside assistance is needed, the Officer shall notify Dispatcher of: **41.2.4; 61.4.1 (b), (d), (e)**
 - i. Type of Service Needed;
 - a) Tow trucks (*Type of car, problem, whether hook or flatbed is needed*);
 - b) Ambulance;
 - c) Traffic; and/or
 - d) Vehicle repair/service.
 - ii. Location (*street name and number*) that service is to be dispatched to; and
 - iii. Reason for request (*e.g., medial problem, flat tire, out of gas*).
2. It is the policy of the Department not to advise any citizen where to conduct business. When asked, Officers should advise citizens of several businesses in the area and let the citizen decide.
3. Stranded Motorists: The overall danger to the stranded motorist can also be a potentially dangerous condition. The Department shall offer reasonable assistance at all hours of the day. If the Officer believes it is necessary to transport a stranded person in his/her police vehicle, he/she shall first obtain permission from the Shift Commander (OIC) or Patrol Supervisor (PS). Prior to such transport, the Officer shall advise Dispatch of his/her location, destination, and reason for the transport. **61.4.1 (c)**
4. Directions/Information: At the request of a citizen for general assistance, Officers shall provide information and direction consistent with other duties and responsibilities. **61.4.1 (a)**

L. Abandoned Motor Vehicles:

1. Abandonment occurs when a motor vehicle has been apparently abandoned by its owner and left standing or more than **(72)** hours on a public or private way, or on

any property without the permission of the property owner or lessee. Refer to ***Towing and Abandoned Vehicles Policy*** for handling abandoned vehicles.

M. Educational Material:

1. Traffic safety material shall be made available to the public on the Malden Police Department Website (*e.g., web links*) or in lobby of the Police Station (*e.g., brochures*). **61.4.4**

MGL. c. 268A, s. 23,

MGL. c. 85, s. 11B regulates the use of bicycles, and M.G.L. c. 90, ss. 1B and 1C regulates the use of mopeds.

MGL. c. 90B, ss. 20-34
