

 Lexington Police Department	<u>Subject:</u> Traffic Safety				<u>Policy Number:</u> <h1>61</h1>	
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<u>By Order of:</u> Mark J. Corr, Chief of Police						

The Municipal Police Institute, Inc. (MPI) is a private, nonprofit charitable affiliate of the Massachusetts Chiefs of Police Association. MPI provides training and model policies and procedures for police agencies. This policy is an edited version of MPI Policy 5.01 "Traffic Enforcement."

GENERAL CONSIDERATIONS AND GUIDELINES

Traffic enforcement, education, and engineering are elements of an overall traffic safety program the Lexington Police Department uses to promote the safe, efficient, and orderly movement of motor vehicles over the roads and highways in town. Enforcement and education programs are designed to correct illegal and dangerous driving behavior and to promote voluntary compliance with the Massachusetts General Laws and the Bylaws / Code of Lexington. Effective traffic safety programs:

- Maximize the presence of personnel and equipment at locations and times conducive to enhancing traffic safety and flow;
- Maximize the utilization of traffic data, crash reports, and citation information as key identifiers for personnel deployment and selective traffic enforcement; and
- Maximize partnerships for sharing information and knowledge with other law enforcement agencies; as well as transportation, researcher and education communities to focus attention on prevention programs and problem solving activities.

The Lexington Police Department attains traffic safety goals through law enforcement, investigation, direction and control, education, and partnerships with town engineering staff and others in the community. Among these goals is a reduction in the number of crashes, fatalities, and injuries and to facilitate the safe and expeditious movement of vehicular and pedestrian traffic. This is accomplished through the public's voluntary compliance with traffic regulations. The Department can meet these goals through a combination of education, enforcement, engineering, and public support.

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

It is the policy of the Lexington Police Department to:

- Reduce traffic collisions, fatalities, and injuries;
- Facilitate the safe and expeditious movement of vehicular and pedestrian traffic;
- Respond to and document traffic crashes according to this policy; and
- Make motor vehicle stops based solely on the violation observed, not on the profile of the vehicle's occupants.

PROCEDURES

A. General Traffic Enforcement

1. Enforcement

- a. The Department is definitely and unequivocally opposed to preferential treatment pertaining to adjudication of traffic cases in any manner by any agency, official, or person.
- b. The ultimate objective of enforcement is to favorably alter the violator's future driving behavior, thus fostering a climate of safe driving throughout the community.
- c. Whereas traffic enforcement does involve a punitive monetary punishment, the Department will not endorse any traffic enforcement initiative where the purpose is to generate revenue.
- d. The number of citations issued by an officer shall not be the sole basis of determining an officer's traffic enforcement efforts. The quality of the citations, i.e., collisions and injury-causing types of violations and other elements will be considered. The number of citations issued will only be one part of the total picture that goes to the overall evaluation.
- e. Primary enforcement of traffic laws, rules and regulations will be accomplished overtly; that is with the assistance of marked units including cruisers, motor units and by officers on foot patrol. Generally speaking the Lexington Police Department will not engage in covert enforcement although, when overt enforcement activity does not accomplish objectives, covert enforcement through the use of an unmarked unit or thru the use of an unmarked unit in conjunction with a marked unit may be authorized by the Chief of Police or his/her designee.

2. Selective Enforcement/Assignment of Personnel

- a. To achieve maximum reduction of motor vehicle crashes, enforcement pressure should be applied in proportion to need at the locations, and at the hours of greatest crash expectancy. [61.1.1(c)] Equally important, the Department will be responsive to neighborhood and business district complaints of commonly occurring traffic violations.
- b. Speed enforcement will be regularly performed on a broader scale to encourage motorists to operate at reasonable and proper speeds.
- c. The Chief or his/her designee will periodically analyze collision data, community complaints, enforcement activity records, traffic volume, and traffic conditions. This analysis shall be used to assign personnel and plan enforcement activities. Analysis of enforcement efforts and changes in collisions, violations, and driver behavior will be used as a basis for evaluating selective traffic enforcement effectiveness. [61.1.1(a) (b) (c) (e) (f)]
- d. Traffic laws will be enforced at a level sufficient to support the safe and expeditious movement of traffic. The Patrol Supervisor, Shift Commander, and Captain of Operations will assist in determining the appropriate level.
- e. Enforcement activities will be conducted in a consistent and uniform manner, and will not give preference to either local residents or non-residents.
- f. Profiling Prohibited: Traffic enforcement shall be based solely on the basis of the violation observed or, if not observed by the officer, the reasonable grounds to believe a civil traffic violation have occurred. Racial, age, gender, and any other type of profiling are strictly prohibited as a justification for any police officer to conduct any type of stop or seizure. [1.2.9(a)]
- g. Deployment: The deployment of patrol personnel will be based on an analysis of traffic crashes (resources will be based primarily on statistical data of traffic crash experience); speed surveys; complaints of traffic related problems; and officer observations. Officer feedback, feedback from complaining parties and Department documentation (citations, crash reports, and complaints) will be evaluated post deployment to determine effectiveness. [61.1.1(e)]

3. Motor Vehicle Stops [61.1.7(a) (b)]

- a. 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, passing motorists, 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.
- b. Officers are expected to notify the dispatcher of the following information at the time of the stop
 - i. Location of the stop;
 - ii. Description of the vehicle including registration number and state; and
 - iii. If possible, a description of the occupant(s).

- c. Select a suitable location for making the stop. Consider lighting, sightlines and, wider pavement to create a buffer for officer safety walking to and from the car stopped. Officers should not unnecessarily impede traffic and as needed may be empowered to ask the motorist to move to a location safer for the officer and motorist as well as allowing traffic to flow.
- d. In stopping the suspect vehicle, guard against evasive action by its operator.
- e. Approach the vehicle with caution. Varying approach (i.e. passenger side) can make the officer less predictable and safer. This should especially be considered if occupants are moving inside the vehicle stopped.
- f. Leave emergency lights of the police vehicle flashing to warn traffic and to assist back-up officers (if any) in responding to the scene. Takedown lights and or spotlights should be used when they do not pose a hazard to oncoming traffic and there is an articulable need for the extra lights (i.e. officer safety).
- g. Emergency lights and wig-wag/ high beam headlights will often blind oncoming traffic, and officers must be aware of this problem. Officers should consider dimming takedown lights and/or spotlights to ease sight issues with oncoming traffic as long as they feel it does not compromise their safety during the stop.
- h. Position the police cruiser so that it overlaps the stopped vehicle and creates a safety zone for the officer standing at the driver's door. Turning the wheels of the cruiser may help control the direction the cruiser would move if struck from behind.

4. 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:
 - i. Officers shall advise the dispatcher of all pertinent information using the radio.
 - ii. Whenever possible, have adequate backup before initiating the stop.
 - iii. Conduct the stop in a safe location away from people, vehicles, and hazards.

5. Dealing with Violators

- a. All officers shall exercise their good judgment and discretion by taking appropriate enforcement action for each violation of the law witnessed or reported to them.
- b. Discretion is defined as the process of evaluation of information available to the officer in taking enforcement action that is appropriate to the offense or violation, to the history of the operator and to the circumstances involved. Officer discretion is not indiscriminate.

- c. Officers must conduct themselves in a professional manner, keeping in mind use of proper language, bearing, and emotional stability. Officers have a professional obligation to demonstrate superior patience and calmness than the motorist they are stopping. [61.1.8]
- d. Officers should: [61.1.8]
 - i. Document their observations of the violation;
 - ii. Have the necessary forms and equipment to deal with the situation;
 - iii. Greet the violator with the appropriate title in a courteous manner; and
 - iv. Immediately identify himself/herself as a Lexington Police Officer, giving the reason for the motor vehicle stop, before requesting a license or registration.
 - v. Note: A motor vehicle stop is a seizure. The motorist has a right to know by what authority the stop is being made and the lawful basis for the stop.
- e. Officers must keep in mind that some violators encountered will show signs of emotional distress. Officers must deal with these individuals in a calm, courteous manner and help relieve them of any anxiety.
- f. A motorist's attitude or frivolous comments or excuses should not have bearing on whether a citation is issued.
- g. Upon completion of the enforcement action, officers must ensure that the violator safely re-enters the flow of traffic.
- h. All enforcement actions will be accomplished by using one of the following four methods: [61.1.2]
 - i. VERBAL WARNINGS: A verbal warning may be appropriate when the violator commits an act which may be due to ignorance of a particular law or when enforcing a new traffic law or regulation. Examples of this type could be where the operator approaches a stop sign and, instead of coming to a complete stop, slows to a speed slower than walking. If such movement is made with reasonable safety and the driver is accustomed to driving in those jurisdictions where this action is permissible, a verbal warning may be appropriate. Similarly, a verbal warning is appropriate for equipment failure (i.e., license plates not illuminated) of which the driver was unaware. **However, a written warning is preferred since this is more influential to a motorist and better documentation of the motor vehicle stop.** Written warnings also result in the operator's identification being added to the records management system, and makes information available to other officers for future enforcement action. [61.1.2(c)]
 - ii. WRITTEN WARNINGS: A written warning is a proper alternative by officers in response to a minor traffic infraction. It is also appropriate for those violations, which occur within the tolerances generally allowed by the courts. These tolerances would include speeds in excess of the legal limit, but less than a speed for which a citation would result. If used

properly, warnings can effectively be used as a means of educating the public because they involve less emotional stress, and are also considered to be an effective public relations tool. The excessive use of warnings should be avoided because they can create a sense of or lack of commitment by the Department to enforce motor vehicle safety within the community. [61.1.2(c)]

- iii. CITATIONS: Citations (Civil Motor Vehicle Infractions and Criminal Complaint Applications) should make up a majority 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. However, this discretion should be based on a combination of experience, training, common sense and information available to the officer like the nature and location of the violation and the driving history of the operator. Traffic citations are issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, multiple violations (multiple violations consist of infractions listed on the same citation), and operating unsafe and/or improperly equipped vehicles. [61.1.2(b)]
- iv. ARREST: Officers may affect the physical arrest of any person in violation of those traffic laws authorizing an arrest. Whenever an arrest results from a motor vehicle violation, a citation must be completed and the "Arrest" box on the citation shall be checked. If multiple citations are issued to an operator for the same incident involving an arrest, they should all be marked "Arrest". See Policies **41A–Arrest and 71A–Transporting Detainees**. [61.1.2(a)]
- v. Vehicles shall be inventoried, towed, and secured in the designated tow company lot when circumstances warrant towing. See departmental policy **61C–Towing Motor Vehicles and 83C–Motor Vehicle Inventory**

6. Recording Citation – Racial Profiling Forms

- a. On the back of each citation, officers will record a short summary of the conditions and reasons for issuing a citation (this includes civil infractions and warnings). This summary will be used, if necessary, by the Police Prosecutor to present the Department's case in the event the citation is appealed.
- b. The information from a citation, through computer automation, will tabulate a profiling data base. The written record on the back of the citation (including warnings) provides important situational information.

B. Citations

1. General

- a. Officers observing violations will issue citations when it is legally allowed. Massachusetts General Law Chapter 90C, section 2 states is pertinent part:

“...any police officer assigned to traffic enforcement duty shall, whether or not the offense occurs within his presence, record the occurrence of automobile law violations upon a citation, filling out the citation and each copy thereof as soon as possible and as completely as possible...”

- b. Before releasing the traffic violator, the officer shall provide him/her the following information as appropriate: [\[61.1.4\]](#)
 - i. Optional or mandatory nature of court appearance, civil vs. criminal;
 - ii. Payment of fines; and
 - iii. Any other procedures.
- c. Officers shall fully 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 departmental policy **44B - Handling Juvenile**. [\[61.1.3\(b\)\]](#)
- c. STATE LEGISLATORS: The Massachusetts Constitution (Part 2, Chapter 1, Section 3, and 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 and 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\(d\)\]](#)
 - i. Diplomatic officers, their families, official staff and 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.
 - ii. Traffic citations may be issued, however the subject may not be compelled to sign the citation.

- iii. Any citations issued shall be reported to the U.S. Department of State. The State Department maintains driver histories and assesses points for moving violations. Drivers who demonstrate a pattern of driving infractions are subject to having their license suspended or revoked.
- iv. Operating Under Influence: 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 he/she recovers sufficiently to drive;
 - (b) Summon, or allow the individual to summon a friend or relative to drive; or
 - (c) Be driven by taxi with someone responsible accompanying them.
- f. MILITARY PERSONNEL: When dealing with active military personnel and a physical arrest is made, the Commanding Officer will notify the Security Force Squadron HQ at Hanscom Air Force Base. [\[61.1.3\(e\)\]](#)
- g. FOREIGN NATIONALS: Officers should be sure to check the U.S. State Department guidelines for notifications required.

3. Accountability of Citations

- a. Traffic citations are received from the Registry of Motor Vehicles. Each book number shall be recorded in the Traffic Office before issuance to individual officers. **Each citation** is accounted for from the point of issuance to the time they are recorded and sent to the Registry or court for disposition.
 - i. CITATIONS: Motor vehicle citation books are kept in the Traffic Office and shall be issued to officers as needed.
 - ii. CITATION INDEX LOG: A motor vehicle citation index log is also kept in the Traffic Office where the officer shall record his/her name, date of issue, and number of the citation book issued.
 - iii. When an officer issues that last citation in a citation book, the book with all "Officer" copies must be turned into the Traffic Office. After the audit sheet is prepared, the book will be returned to the officer.
 - iv. AUDIT SHEET: An audit sheet is prepared in the Traffic Office, which corresponds with each citation issued. It shall contain the citation number, date issued, defendant's name and address, the violation, and the officer's name. This audit sheet, when completed, is sent to the Registry of Motor Vehicles.
 - v. LOST CITATIONS: Officers shall write a report concerning lost citations or when requesting a citation be voided. In the case of voiding citations, the violator should be given the corrected copy. The original citation shall

- be signed and turned in to the Traffic Office with the report for correct administrative disposal.
- vi. AMENDMENTS TO CITATIONS: Amendments to citations or dismissal of charges shall be processed by the Court Officer and/or through the District Attorney's office.

b. Interfering with the Citation Process

- i. 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 violates the conflict of interest law.
- ii. The State Ethics Commission has ruled that ticket fixing is an unwarranted privilege that violates the Conflict of Interest Law.ⁱ It states that the ability of a police officer to seek special treatment for somebody because of that person's relationship to a police officer is the kind of conduct that offends the public and violates public trust.
- iii. Section 23 of (MGL 268A) the Conflict of Interest Law, prohibits public employees from using their official position to secure substantial privileges for themselves or anyone else, and prohibits employees from acting in a manner that would cause an objective person to conclude biased behavior on the part of the Law Enforcement Officer.

C. Violations

1. Operating Under the Influence of Alcohol or Drugs [\[1.2.7\]](#) [\[61.1.5\(a\)\]](#) [\[61.1.10\]](#) [\[61.1.11\]](#)

- a. Many traffic collisions, 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 shall be taken.
- c. Appropriate enforcement action consists of immediate arrest or, if circumstances do not allow for an arrest, issuance of a citation (for example, if an operator is admitted to a hospital and the officer has no means to affect an arrest before the operator is removed from the officer's jurisdiction). Officers should be aware that arrest should be a priority for this offense. Refer to the Department policy **72A – Booking Procedures** for procedures when handling persons charged with operating under the influence. [\[61.1.11\]](#)
- d. The Department will ensure that officers are trained in all aspects of driving under the influence of alcohol or drug enforcement procedures, and will cooperate fully with other agencies and community groups to reduce and control this problem.

- e. The following conditions shall also be met regarding those arrested for driving under the influence of alcohol (also see departmental policy **72A – Booking Procedures**):
- i. **BREATH TEST OPERATION:** A breath test shall be administered by a trained and certified operator. Examinations shall be according to departmental procedure and Massachusetts' law on persons arrested for operating a motor vehicle under the influence of intoxicating liquor. A blood alcohol reading of .05% or below mandates that the arrestee shall be released from custody forthwith. If the reading is .06% or .07% there shall be no presumption of intoxication and the arrest and booking process shall continue. If the reading is .08% or above there shall be a presumption that the person is under the influence of intoxicating liquor.
 - ii. **BREATH TESTS FOR PERSONS UNDER 21:** When dealing with a person under 21 years of age, the blood alcohol content threshold remains the same as for an adult. Additionally, if a person under the age of 21 has a reading of .02% or higher, his/her driver's license shall be taken by the arresting officer and the right to operate subjected to an administrative suspension by the Registry. As with an operator age 21 or older, he/she must be released when the reading is .05% or below. If the operator is a juvenile, see the Department policy **44B - Handling Youthful Offenders**.
 - iii. **BREATH TESTS FOR CDL:** When dealing with a person who has a CDL (Commercial Driving License) 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.
 - iv. **BLOOD ALCOHOL TESTS:** Blood alcohol tests shall conform Department guidelines as well as M.G.L. c. 263, s. 5A, which states: *"A person held in custody at a police station or other place of detention, charged with operating a motor vehicle while under the influence of intoxicating liquor, shall have the right, at his request and at his expense, to be examined immediately by a physician selected by him. The police official in charge of such station or place of detention, or his designee, shall inform him of such right immediately upon being booked, and shall afford him a reasonable opportunity to exercise it. Such person shall, immediately upon being booked, be given a copy of this section unless such a copy is posted in the police station or other place of detention in a conspicuous place to which such person has access."*

- (a) On October 28, 2005 the State of Massachusetts passed "Melanie's Law," which added a number of new, harsher penalties to the drunk driving laws in the state. [\[61.1.11\]](#)

- (b) The harsher penalties include longer loss of license for breath test refusals, successive suspensions of licenses, interlocking ignition devices for persons with multiple convictions and more.
 - f. OPERATING UNDER THE INFLUENCE OF DRUGS: Massachusetts' law does not provide an implied consent statute for operating under the influence of drugs and has no statutory authority to request any type of drug testing. An officer may request a blood sample to test for impairment (a drug in urine implies use). The operator may consent or refuse. If a blood sample is obtained, send the blood sample and a copy of the report to the State Police Lab for analysis. See the Department policy **83A - Collection and Preservation of Evidence**. [61.1.11]
 - i. The officer investigating a possible case of operating under the influence of drugs should consider requesting a Drug Recognition Expert (DRE) to the scene of the stop. The dispatch/communications center may be able to ask for this resource over the radio, or phone calls may have to be made to determine availability.
 - ii. The officer shall indicate in his/her report if a DRE assisted with the investigation. If a DRE was not available to respond, that should be noted as well.
 - iii. **In most instances**, the officers questioning and seizure of evidence will be the basis for an OUI drug arrest. Drug Recognition Experts may not be available.
2. Other Enforcement Violations
- a. SPEED VIOLATIONS: Speed is one of the main causes of accidents and often generates citizen complaints in neighborhoods. Officers shall take appropriate enforcement action for speeding violations. Officers shall use verbal warnings, written warnings, and citations to encourage motorists to comply with traffic laws and regulations and to ensure maximum reduction of accidents. Citations issued for speed violations should take into account the location of the violation (congested area, downtown, school zone, etc.). [61.1.5(c)][1.2.7]
 - b. EQUIPMENT VIOLATIONS: Equipment violations are covered under G.L. 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. 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 may stop and inform the violator of the defect and give a verbal warning or a written warning. [61.1.5(f)]

- c. PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATION: Particularly in the downtown area, consider congestion, lack of parking, and carrier needs for delivery access. Repetitive violators should be cited. [61.1.5(g)]
- d. 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 repetitive or flagrant. [61.1.5(h)]
- e. 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(i)]
- f. 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)]
- h. OTHER HAZARDOUS MOVING VIOLATIONS: A hazardous moving violations means the violation of any law, ordinance, or regulation affecting the use of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians. There are two general types: [61.1.5(d)]
 - i. Unsafe Behavior: An action or omission in traffic which is hazardous even when vehicles, streets or highways and people involved are in legal condition.
 - ii. 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.
- g. USE OF FALSE IDENTIFICATION; A VIOLATION OF DRUG OFFENSES; AND/OR A SALE OF DRUGS WITHIN A SCHOOL ZONE: Any police officer who makes an arrest or a request for a criminal complaint to be issued relative to the above offenses shall, along with the criminal complaint application, submit a written citation with the defendant's information recorded on it. EXAMPLE: name, date of birth, address, license number, and date of expiration of license.
 - i. Also recorded on the citation shall be the offense and its chapter and section. The officer will keep his/her copy of the citation and submit the Department copy for data entry. The operator's copy and court copies will be submitted to the Court Officer who shall bring it to the District Court. **DO NOT GIVE THE VIOLATOR A COPY.** This is for registry reporting purposes only.

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.

3. License Suspensions/Revocations [61.1.5(b)]

- a. If the officer has probable cause to believe that an operator is under suspension or is revoked, a Criminal Complaint or an arrest may be appropriate depending on circumstances. The vehicle shall be handled in accordance with the departmental policy **83C - Towing Motor Vehicles and Inventory Procedures**.
 - b. Licenses are suspended for a variety of reasons. Police Officers are expected to use appropriate discretion in determining if an arrest or criminal complaint is appropriate. Clerical or administrative violations that result from non-payment of excise taxes or for other minor violations should generally be handled with the issuance of a summons. Members of the public who are found to be suspended for OUI, Breathalyzer refusal, habitual offender, or other serious violations are appropriate candidates for arrest.
4. Special Enforcement
- a. The primary responsibility for the enforcement of traffic laws and regulations rests with patrol officers. However, all sworn officers, while on duty, should take appropriate enforcement action for violations of traffic laws and regulations when they are observed.
 - b. BICYCLES: In those areas where traffic flow is minimal, visibility is unobstructed, and traffic crash experience is low, officers should exercise discretion in the application of those laws regarding the safe operation of bicycles. However, where there is more congestion and a greater frequency of bicycle crashes, laws pertaining to the safe operation of bicycles shall be strictly enforced.ⁱⁱ This may be done by applying relevant town bylaws and any accepted Massachusetts General Laws. [\[61.1.5\(l\)\]](#)
 - c. PEDESTRIANS: Officers shall take notice of pedestrians not adhering to traffic signals in place to assist in their safe crossing of streets and intersections. Officers shall use discretion in addressing these persons and choose to inform the pedestrians of safety measures or may choose to apply relevant town bylaws and or accepted Massachusetts General Laws for enforcement purposes. [\[61.1.5\(l\)\]](#)
 - d. RECREATIONAL 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 them or reported to them.ⁱⁱⁱ [\[61.1.5\(e\)\]](#)
5. Collisions [\[61.1.5\(k\)\]](#)
- a. GENERAL ACTION: Officers are expected to take enforcement action whenever investigation or reporting activities produce reasonable grounds that a civil motor vehicle infraction has occurred or when probable cause to believe that a violation of Massachusetts criminal law has occurred.
 - b. SPECIFIC ACTION: Enforcement action arising from traffic collision 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.

- c. 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:
 - i. Statements or admissions made by the alleged violator;
 - ii. Statements of witnesses;
 - iii. Crash scene measurements;
 - iv. Physical evidence; and
 - v. Video recordings (i.e. property security cameras)
 - vi. Other information that may be available
- d. ALTERNATIVE ENFORCEMENT: When a citizen reports an alleged violation that is not witnessed by an officer, officers may conduct a registration check and follow-up with the registered owner of a vehicle to attempt to determine the operator and verbally advise the subject of safety concerns.
- e. COLLISIONS OCCURRING ON PRIVATE PROPERTY – NO RIGHT OF ACCESS: Collisions 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. Citing an operator in these situations for a civil infraction is not an option but criminal violations may be applicable.
- f. COLLISIONS OCCURRING ON PRIVATE PROPERTY - PUBLIC HAS RIGHT OF ACCESS: Crashes 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 and the necessary forms completed. Officers should be familiar with this and the common criminal violations that they are likely to cite for.

D. Speed Measuring Devices

- 1. EQUIPMENT SPECIFICATIONS: Members of the Department shall use mobile or stationary traffic Radio Detecting and ranging units (RADAR), or Light Detecting and Ranging (LIDAR) provided by the Department. Specific information on these units may be found in the operator's manual that accompanies 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. All officers using the Radar units are responsible for the proper use of these units and to report any issues related to maintenance. Use of Radar equipment shall be done in accordance with training provided and in accordance with manufacturer's recommendations. All portable radar and LIDAR units will be

transported in the appropriate carrying case to avoid damage and exposure to hazards. [61.1.9(c)]

4. PROGRAMMED MAINTENANCE: The Captain of Operations, or designee, shall schedule maintenance inspections of each Radar unit at least as often as the units are calibrated. A record of all maintenance on each RADAR and LIDAR unit shall be maintained in the Central Records. [61.1.9(d)]
5. MAINTENANCE AND CALIBRATION RECORDS: Each Radar unit shall be taken out of service for routine maintenance and calibration as needed, and at least once a year. Each officer must check the calibration of the Radar unit each time it is used during his/her tour of duty. The Captain of Operations or designee shall keep a record of all maintenance and service of RADAR/LIDAR units. [61.1.9(d)]
6. OPERATOR TRAINING AND CERTIFICATION: All members of Patrol, and any other officer wishing to use the RADAR (Radio Detection and Ranging) equipment, shall receive full training prior to using the equipment. [61.1.9(e)] 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 officers must demonstrate their proficiency with each device under varying conditions in supervised field performance tests.

E. Problem Drivers [61.1.12]

1. Suspected Driver Incompetence

- a. Routine enforcement, collision 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. The Registry of Motor Vehicles may suspend the license of the operator or registration of vehicles after a hearing. ^{iv}
- b. In addition to reports concerning the original incident, the officer shall notify the Registry of Motor Vehicles by using the Registry's Medical Evaluation form. The form must be approved by the Chief or his/her designee (Commanding Officer) prior to notifying the Registry.

2. Drivers that Pose an Immediate Threat to the Public

- a. The Registry of Motor Vehicles will suspend and/or revoke the license of bad drivers for bad driving behavior that constitutes an immediate threat to the driving public. Aggressive driving falls into this category. 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.
- b. Documenting Aggressive Driving

- i. Officers should note the violations and any other pertinent characteristics associated with aggressive driving behavior so as to better fully substantiate the charge.
- ii. A report and a "Request for Immediate Threat License Suspension Form (Commonwealth of Massachusetts Form # 20385) will be filled out and submitted to the Chief of Police outlining the incident.
- iii. After review, the Chief, or designee, will determine if the incident as outlined constitutes an immediate threat. If so, the report will then be submitted to the Registry of Motor Vehicles for action.
- iv. 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.
- v. In all cases, a copy of the officer's report shall be attached to the Request Form.

F. Hazardous Roadway or Environmental Conditions [\[61.4.2\]](#)

1. Upon discovery of a hazardous highway or environmental condition, which sometimes are related, the officer shall notify the station and request that the appropriate agency be contacted.
2. IMMEDIATE HAZARD: When a hazard is identified and, in the officer's opinion, such hazard requires immediate correction (such as a fallen tree or electrical wires across any part of the traveled portion of the highway), 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 crash situation but the threat of such is not immediate, the officer shall submit a report noting the hazard prior to the end of his/her shift. (This report shall be made available to the proper agency responsible and request that the department be notified of the actual or intended correction of the hazard within ten (10) working days.)

G. Traffic Control [\[61.3.2\(a\)\]](#) (See Department policy **63A – Traffic Direction and Control**)

H. Parked Motor Vehicles

1. PARKING CONTROL: Parking regulations shall be enforced with reasonableness and impartiality in all areas of the community.
 - a. Parking control activities are essential to the safe and efficient movement of vehicles.

- b. The responsibility for enforcing parking regulations rests with every police officer. The Parking Enforcement Officer will be generally responsible for meter maintenance and enforcement in Lexington Center.

2. Parking Enforcement [61.1.13]

- a. SEASONAL VARIANCE: Officers must be aware that parking problems within the community 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 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:

- i. Wrong direction parking;
- ii. Within ten (10) feet of a hydrant;
- iii. Double parking;
- iv. Parking on crosswalk; and
- v. Handicap parking.

- b. OVERNIGHT WINTER PARKING LOG: Lexington prohibits overnight parking all year but it is the police of the Lexington Police Department to enforce this bylaw December 1 through March 30. In some instances, vehicles may be authorized to park on a public way for short periods of time.

- i. Dispatchers will create a log entry each day for the A-shift (Midnight to 0800) indicating vehicles authorized by the Commanding to be on the street.
- ii. The Commanding Officer will consider weather forecast, Department of Public Works operations, reason the resident is requesting to have a vehicle on the street, number of previous requests / efforts to find alternate off-street parking, etc. prior to granting any permission.

- c. SNOW REMOVAL TOWS: Snow removal tows are tows requested by the Department of Public Works to remove a vehicle to enable them to remove snow/ice from the roadway.

- d. 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 strictly 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.

I. Escorts (See department policy **63B – Escort and Relay Services**)

J. Requests for Service Vehicles

1. The public, when utilizing public roadways / highways, may encounter mechanical or other difficulties requiring assistance from the police. When outside assistance is needed, the officer shall notify the dispatcher of: [\[61.4.1\(b\)\(d\)\]](#) See also **61D - Ancillary Motorist Services**.
 - a. Type of Service Needed;
 - i. Tow trucks (Type of car, problem, whether hook or flatbed is needed);
 - ii. Ambulance;
 - iii. Traffic; and/or
 - iv. Vehicle repair/service.
 - b. Location (street name and number) that service is to be dispatched to; and
 - c. 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 Commanding Officer. Prior to such transport, the officer shall advise dispatch of his/her location, destination, starting and ending mileage, and reason for the transport. [\[61.4.1\(c\)\]](#)
4. DIRECTIONS/INFORMATION: At the request of a citizen, officers shall provide information and direction consistent with other duties and responsibilities. [\[61.4.1\(a\)\]](#)

K. Abandoned Motor Vehicles (See Department policy 61C - **Towing Motor Vehicles**)

L. Reports

1. Accurate, timely, and complete reports are fundamental to the Department's efficient and effective operation, as this forms the basis for prosecution and ultimate adjudication of traffic offenses.
2. Officers shall therefore, complete all traffic citations and reports (when necessary), as well as arrest reports, to the best of their ability, and submit them through the proper channels as quickly as possible.

M. Educational Material

1. The Department will place in the public lobby brochures and other material on traffic safety. The Department will also make available driver education and driver licensing materials.
2. When possible, other traffic safety educational materials will be made available to the public by any available media, such as cable, newspapers, websites or

social networks. Such materials clearly support enforcement efforts and enhance public understanding of traffic safety programs. [\[61.4.4\]](#)

ⁱ M.G.L. c. 268A, s. 23,

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

ⁱⁱⁱ M.G.L. c. 90B, ss. 20-34

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