


NORTHAMPTON POLICE DEPARTMENT Administration & Operations Manual		
Policy: Traffic Law Enforcement		AOM: O-300
Massachusetts Police Accreditation Standards Referenced: [61.1.1], [61.1.1.a,b&c], [61.1.1.c&d], [61.1.1.f], [61.1.1.e], [61.1.7], [61.1.8], [61.1.2.c], [61.1.1.b], [61.1.2.a], [61.1.4.a], [61.1.3.a], [61.1.3.b], [61.1.4.c], [61.1.4.b], [61.1.4.d], [61.1.12], [61.1.5.b]		Issuing Authority <hr/> Jody Kasper Chief of Police
Dissemination Date: 8/18/2000 Effective Date: 9/01/2000	Amended: 5/01, 9/08, 12/08, 2/09, 7/18, 6/20*, 5/23, 9/23 Reviewed: 2/03, 2/05, 2/07, 2/08, 9/08, 12/08, 1/09, 2/09, 10/09, 3/11, 4/11, 4/13, 4/14, 7/14, 7/15, 7/16, 7/17, 7/18, 7/19, 6/20, 6/21, 5/22, 5/23	

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I. Introductory Discussion

The Northampton Police Department's ultimate objective of traffic enforcement is to foster a climate of safe driving throughout the community. With this in mind, the Department has developed the following guidelines for the use of proper judgment and discretion when enforcing the motor vehicle laws of the Commonwealth.

II. Policy

It is the policy of the Northampton Police Department to facilitate the safe and expeditious movement of vehicular, bicycle, and pedestrian traffic, accomplished through the public's voluntary compliance with traffic regulations. It is further the policy of this department that except in "*suspect specific incidents*," officers are prohibited from considering the race, gender, national or ethnic origin of members of the public, in deciding to detain a person or stop a motor vehicle and in deciding upon the scope or substance of any law enforcement action.

III. Definitions

A. Racial and Gender Profiling:

The practice of detaining or stopping a suspect based on a broad set of criteria which cast suspicion on an entire class of people without any individualized suspicion of the particular person being stopped.

B. Suspect Specific Incident:

An incident in which an officer is lawfully attempting to detain, apprehend, or otherwise be on the lookout for one or more specific suspects who have been identified or described in part by national or ethnic origin, gender, or race.

IV. Selective Enforcement [61.1.1]

A. Responsibilities of Traffic Supervisor: To ensure maximum reduction of collisions, enforcement pressure should be applied at a level sufficient to ensure the safe and expeditious movement of traffic. Additionally, enforcement should be directed against the violations which cause the largest number of collisions and against the group of drivers who are responsible for the majority of the violations and constitute the greatest hazard to the community. With respect to selective traffic enforcement, it shall be the responsibility of the Traffic Supervisor to:

1. Ensure that the deployment of personnel is based upon an analysis of traffic collisions and traffic-related services. [61.1.1,a,b,c]
2. Implement selective enforcement programs in response to analysis of causal factors in collisions, complaints of unsafe conditions, and traffic patterns/volume. [61.1.1,c,d]
3. Evaluate the effectiveness of selective enforcement activities and adjust departmental traffic priorities as required. [61.1.1,f]

B. Assignment of Personnel: Special assignment of traffic enforcement personnel will be based upon principles of selective enforcement. Resources will be directed toward specific violations, in specific locations, based primarily on statistical data of traffic collision experience. Enforcement efforts shall be evaluated to ensure that enforcement action is reducing collisions.[61.1.1.e]

C. Responsibilities of Patrol Officers: Officers assigned to regular patrol areas will utilize their knowledge of specific locations of traffic safety problems and direct their enforcement efforts accordingly throughout the course of their shifts.

V. Motor Vehicle Stops [61.1.7]

- A. Exercise Caution: If a determination is made to stop a motor vehicle, great care must be exercised. Many officers have been seriously injured, even fatally, in making vehicle stops. Thus, Northampton Police Officers should take every precaution in stopping a motor vehicle as prescribed in *AOM 0300tb2 Motor Vehicle Stops*.
- B. Notify Dispatcher: The officer shall notify the dispatcher of the following:
 - 1. Location of the stop;
 - 2. Description of the vehicle;
 - 3. License plate number; and
 - 4. A description of its occupants, if possible.
- C. Procedures for Dealing with Violators: All sworn officers shall exercise their good judgment and discretion by taking appropriate enforcement action for each violation of the law witnessed or reported to them. Officers should keep in mind that once they have stopped the violator and are about to communicate with them, officer/violator contacts are activated. Officers should conduct themselves in a professional manner that is consistent with the procedures and guidelines set forth in *AOM 0300tb2 Motor Vehicle Stops*. [61.1.8]
- D. Exit Orders: An officer is required to have a reasonable belief that their safety or the safety of others is in danger before ordering a driver out of a motor vehicle (*Com. v. Gonsalves*, 429 Mass. 658, 711 N.E. 108 (1999)).

VI. Considerations Relative to Enforcement Action

- A. Traffic enforcement action will be taken without regard for such factors as the operator's attitude, intent, or frivolous excuse. All enforcement actions will be accomplished by using one of the following four methods:
 - 1. Verbal Warnings: A verbal warning is appropriate when the violator commits an act which may be due to ignorance of a particular law. 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 feasible. Similarly, a verbal warning is appropriate for equipment failure (i.e., license plates not illuminated) of which the driver was unaware. However, a written warning should usually be used instead of a verbal warning because it exerts a more effective influence on the driver and it documents the stop. [61.1.2,c]
 - 2. Written Warning: 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 or arrest 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. However, the excessive use of warnings should be avoided; otherwise, it could create a feeling of lack of commitment by the police department to enforce motor vehicle safety within the community. [61.1.2,c]

- a. When a police officer issues a written warning, no further action needs to be taken by the violator. The Records Bureau will submit the appropriate copy of the citation to the Registry of Motor Vehicles. If the Registrar receives three written warnings for the same offender within any twelve-month period, the offender's license may be suspended.
3. Citations: Citations are the backbone of the police 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, and common sense. The traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, multiple violations (multiple violations consist of infractions listed on the same citation), violations of new laws and/or regulations, and operating unsafe and/or improperly equipped vehicles. The citation issued would not be a warning in these cases. [61.1.2,b]
4. Arrest: Officers may affect the physical arrest of any person in violation of those traffic laws allowing an arrest, and shall effect an arrest of any law mandating such (Refer to M.G.L c. 90, §21). [61.1.2,a] [61.1.4,a]
- B. Exercising Discretion: In considering which of the aforementioned enforcement actions will be taken or whether a verbal warning is sufficient, the officer must consider the totality of circumstances. These circumstances include but are not limited to the following:
 1. The severity of the violation
 2. The state of mind and intent of the motorist
 3. The conditions in the area (i.e. weather, traffic volume, road surface, etc.)
 4. Whether an collision resulted
 5. The threat the violator poses to the public
 6. The prior record of violations or warnings
 7. Whether the violation merits court action
 8. Whether the violation resulted from a recently enacted and possibly unfamiliar law
 9. The number of violations committed by the offender
 10. The credibility of mitigating circumstances offered by the violator
- C. Non-compliant Operators: Officers may encounter operators who are argumentative and/or non-compliant and who refuse to produce their license and registration after being requested to do so by an officer. This is a violation of Chapter 90 § 25 and is an arrestable offense. However, officers should make every

effort to gain voluntary compliance by using effective communication and de-escalation skills. An officer should only use physical force to remove a driver as a last resort. If the identity of the operator is known, officers may choose to summons an individual for the criminal offense. Officers may also complete a *Request for Immediate Threat License Suspension/Revocation* form and submit it to a supervisory officer for review.

D. 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]

1. The Commonwealth of Massachusetts is a member of the *Non-Resident Violator Compact (1988)* as authorized by M.G.L. Chapter 90 §30B. Members of this compact agree to reciprocally suspend or revoke the licenses of any of their residents who have been convicted for a motor vehicle violation by other member states, provided that suspension or revocation of the offender's license would be the action taken by the home state for that particular offense if committed within its own jurisdiction.

E. Juveniles: The Junior Operator's Law was modified effective March 31, 2007. A summary of the updated Junior Operator's Law and procedures regarding the enforcement of such are as follows: [61.1.3, b]

1. **Junior Operator Licensee Passenger Restriction Violation:** No holder of a Junior Operator License may have a passenger under the age of 18, except immediate family members (i.e. sibling) in the motor vehicle with them, unless there is a licensed driver over the age of 21 with at least 1 year of driving experience in the front passenger seat. This restriction is for the first 6 months the junior operator holds the license.

- a. Any officer who stops a junior operator who is in violation of this restriction shall issue a citation (cite as Ch. 90 § 8 JOL Pass Restriction) to the operator and shall arrange for the transportation of the passengers.

2. **Junior Operator Time Restriction:** No holder of a Junior Operator's License may operate a motor vehicle between the hours of 12:30 am and 5:00 am unless accompanied by their parent or legal guardian. When an officer stops a junior operator for a violation of the time restriction law, they shall issue a citation to the operator (cite c. 90 §10 JOL Time Restriction).

- a. Secondary Enforcement Law: Between the hours of 12:30 am and 1:00 am, and 4:00 am and 5:00 am, the time restriction law is a secondary enforcement law and the operator must have been stopped for some other violation before they can be cited for a violation of the "time restriction."

F. State Legislators: The Massachusetts Constitution (Part 2, Chapter 1, §3, Article 10) stipulates that state legislators, while attending, going to, or returning from a session of their respective houses, shall be exempt from physical arrest. [61.1.3,c]

- G. Diplomatic & Consular Officials: These officials should be accorded their respective privileges, rights, and immunities as directed by international law and federal statute. Officers shall follow procedures set forth in ***AOM 0110tb3 Diplomatic & Legislative Immunity*** when stopping a foreign diplomat or consular official for a traffic violation. [61.1.3,d]
- H. Military Personnel: Violations involving military personnel that are on active duty status shall be resolved as follows: [61.1.3,e]
 - 1. When a person from the military is responding to an alert or other emergency, the violator should not be detained for an unreasonable period.
 - 2. If an emergency situation does not exist, the violation should be handled according to other sections of this policy.

VII. Notifications to Motor Vehicle Violators

- A. Citations: When a police officer issues a citation, the citation notifies the violator that within twenty (20) days of the date of the citation the violator must, for each civil motor vehicle infraction alleged, either pay the scheduled assessment by mail or contest responsibility for the infraction by requesting a non-criminal hearing before a magistrate of the district court. [61.1.4, c]
- B. Summons: When a police officer has made the decision to summons a violator, they shall complete the appropriate form and explain the following to the motorist:
 - 1. Mandatory/Optional nature of the court appearance. [61.1.4, b]
 - 2. That the court will be contacting them by mail as to the date, time, and place of the hearing. [61.1.4,a]
 - 3. Advise that they may contact the court with any pertinent questions. [61.1.4, d]
- C. Explain Rights & Responsibilities: It is essential that officers fully explain the motorist's rights and responsibilities upon arrest or issuance of a citation. [61.1.4,d]

VIII. Motor Vehicle Driver Re-Examination [61.1.12]

- A. Observation of Motorist Impairments: In the course of an officer's motor vehicle related activities, they may identify certain individuals that have a physical, mental or other condition which prevents that individual from exercising adequate care and operation of a motor vehicle. In addition to reports related to the action or incident for which the motorist was stopped, the actual or suspected impairments should also be brought to the attention of the state licensing authority.
- B. Requesting Administrative Action: In cases where the officer feels it is necessary to request administrative action from the Registry of Motor Vehicles, the following procedures shall apply.

1. The officer should complete a *Request for Immediate Threat License Suspension/Revocation* form and submit it to a supervisory officer for review.
2. Upon approval the supervisory officer shall sign the form and ensure that it is immediately mailed or faxed to the Registry of Motor Vehicles with all supporting documents attached.

IX. Handling License/Registration Suspensions/Revocations

[61.1.5, b]

- A. Suspension/Revocation of MV Licenses: Officers shall familiarize themselves with the correct procedures for handling motorists suspected of operating vehicles after suspension or revocation of their licenses.
 1. Verified: If the officer is certain of the suspension/revocation and observes operation, they may make a physical arrest and an affidavit shall be sent to the registrar.
 2. Not Verified: If the operator does not have their license in possession and the officer is unsure of the actual status, a written citation for operation without a license in possession should be issued with consideration of a future complaint amendment.
- B. Suspension/Revocation of MV Registration: When an officer stops a motorist who is operating a vehicle on a public way with a suspended or revoked registration, they shall have the vehicle towed and should confiscate the plates. A written citation for operating a vehicle with a suspended/revoked registration should be issued to the violator.

X. Reports

Accurate, timely, and complete reports are fundamental to the Department's efficient and effective operation, as these forms are the basis for prosecution and ultimate adjudication of traffic offenses. 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.