

5.01 TRAFFIC ENFORCEMENT



TRAFFIC ENFORCEMENT

POLICY & PROCEDURE NO. 5.01	SECTION TRAFFIC	PAGES: 14
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 41.4.5, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.7, 61.1.8, 61.1.9, 61.1.12, 61.1.13, 61.3.1, 61.3.2, 61.3.3, 61.4.1, 61.4.2, 61.4.3, 82.3.3, 82.3.4		ISSUE DATE: December 18, 2023
ISSUING AUTHORITY: 		EFFECTIVE DATE: January 1, 2024
Chief Nathan C. Hagglund		REVISION DATE:

I. GENERAL CONSIDERATIONS AND GUIDELINES

The regulation of traffic, for the safety of the community, is a primary objective and responsibility of the department. All police officers are trained in traffic laws and regulations and are expected to take enforcement action in a firm, fair, impartial, and courteous manner.

While being a critical portion of the department's responsibilities, traffic stops often pose a dangerous situation for officers where they can be injured or killed. It is of the utmost importance to balance the public's need, the department's objectives, and the safety of department employees.

II. POLICY

The West Brookfield Police Department conducts traffic enforcement as a regular function of patrol activities and will focus on problem areas by assigning directed patrols. Officers are expected to take action when they witness a violation of the traffic laws, particularly when assigned to directed patrol. They shall use procedures that provide a safe environment for the violator, the general public, and themselves. Officers may use discretion in the

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enforcement option used when addressing a violation of the traffic laws.
[41.4.5]

III. DEFINITIONS

IV. PROCEDURES

The following procedures for stopping and approaching a traffic violator are intended to provide maximum safety for police officers, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular road, the urgency to stop the violator, and the existing volume of traffic, may require adjusting or altering these procedures.

MAKING A MOTOR VEHICLE STOP [61.1.7(A)(B)]

When stopping a vehicle for a motor vehicle infraction or non-violent crime, officers should wait to activate the emergency lights and siren on their vehicle until they are in a safe location. Once they have activated the lights and siren, officers should ensure that the violator stops in a safe location on the roadway. The officer should then position their cruiser at a safe distance and location behind the violator's vehicle. At the beginning of a traffic stop officers shall notify C8 dispatch of the location of the stop, the vehicle's registration number, state of origin as well as make and model of the vehicle.

Police officers operating unmarked, semi-marked, and specialty police vehicles should be aware that motorists might not recognize them as police officers and may be reluctant to stop. Assistance from a marked cruiser should be requested if a motor vehicle stop is made in an unmarked vehicle.

When approaching a vehicle, police officers should be aware of their environment and alert to oncoming traffic. Officers should ensure that their portable radio is in the "on" position, approach cautiously and in a manner that affords maximum protection and remain alert for any sudden or suspicious movement within the vehicle.

Officers should speak to the operator from a safe position, informing them of the reason for the stop and requesting their license and registration. Officers should speak in a professional manner and refrain from engaging in conversation that is argumentative or may lead to a verbal confrontation. Officers should not interact with the passengers of

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the motor vehicle except for reasons involving officer safety or to enforce a violation. **[61.1.8]**

After receiving the requested documentation officers should complete any investigation or required paperwork, while remaining cognizant of their surroundings. An appropriate enforcement action should then be taken, at the discretion of the officer. See the policy on **Arrest** for additional information.

The operator's license and registration should be returned with a citation or written warning. If a citation or criminal complaint application is issued, appropriate information relative to the appeal or hearing of any civil fine or criminal charge should be given to the violator in a professional, non-confrontational manner. **[61.1.8]**

The vehicle stopped should be assisted in safely reentering traffic at the conclusion of the stop.

FELONY STOPS [61.1.7(B)]

Police officers making high risk or felony stops shall conduct the stop in accordance with established training, guidelines, and if practicable:

1. Position the cruiser in a manner that provides protection and cover;
2. Contact C8 dispatch providing the location, description of the vehicle and occupant(s), the reason for the stop, and the direction of travel for any fleeing occupants;
3. Request to clear frequency for emergency radio traffic **only** (code 1); and
4. Make an effort to wait for additional personnel before approaching.

Additional officers should not give commands, unless necessary for officer safety. They should remain in position to cover the arresting officer(s) and provide assistance as needed.

See the policy on **Arrest** for additional information.

ENFORCEMENT OPTIONS

Traffic enforcement is an integral part of the daily patrol function. Officers are routinely assigned directed patrols in areas where new traffic

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controls are in place, where there have been numerous collision/crashes, or in areas of concern for citizens. Officers are expected to address violations of the traffic laws and have four (4) enforcement options to use in a manner to best address each violation based on their discretion.

[41.4.5] [61.1.7(A)]

VERBAL WARNING [61.1.2(C)]

The department discourages the use of verbal warnings as a standard enforcement option. It is preferred that a violation is documented with a written warning; however, a verbal warning may be issued in a situation where it is not practical to issue a written warning and logged in IMC.

WRITTEN WARNING [61.1.2(C)]

For minor violations and at the discretion of the officer, written warnings may be issued. Written warnings, documented on Massachusetts Uniform Citation forms, shall be deposited in the administrative assistant paperwork receiving area at the end of the tour of duty. This is only required for handwritten citations, others will be store digitally.

CITATION [61.1.2(B)]

Citations may be issued for civil infractions and/or criminal complaint applications. Citations for civil infractions, documented on Massachusetts Uniform Citation forms, shall be forwarded to the Administrative Assistant are for receiving paperwork at the end of the tour of duty. Citations for criminal complaint applications, documented on Massachusetts Uniform Citation forms, shall be entered into the IMC system and then forwarded to the East Brookfield District Court with the criminal complaint package.

When issuing a citation, it is essential that officers fully explain the specific violation or charge and motorist's rights and requirements. Officers shall verbally advise the violator of their rights and that they are outlined on the back of the citation, along with any other information or procedure that must be provided to the motorist prior to release. Specifically, officers shall explain one of the two following procedures:

[61.1.4(1)]

1. In the case of a non-criminal citation the motorist can either pay the fine, by mail or online at the Registry of Motor Vehicles, or the motorist has the option to request a hearing, which will require a court appearance by the motorist. **[61.1.4(2-A,B)]**

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2. In the case of a criminal citation the motorist will have a mandatory court appearance and can either wait to receive a court date or request a hearing via the instruction on the back of the citation. **[61.1.4(2-A,C)]**

ARREST [61.1.2(A)]

Citations may be issued in conjunction with an arrest. Citations tied to an arrest, documented on Massachusetts Uniform Citation forms, shall be entered into the IMC system and then forwarded to the East Brookfield District court with the arrest package. In those cases involving multiple violations, an officer may cite all violations if deemed necessary, or cite the most serious of violations and provide a written or verbal warning on the others.

PREFERRED OPTIONS FOR UNIFORM ENFORCEMENT

Officers shall, as uniformly as possible, enforce Mass General Laws and West Brookfield Town By-Laws in an effort to achieve operator compliance with motor vehicle laws and regulations. In an effort to utilize enforcement options in a uniform manner the following guidelines should be referenced when taking enforcement action:

Operating Under the Influence – If an officer has probable cause to believe that an individual is operating under the influence of drugs or alcohol, the preferred response is to place the individual under arrest. This may not always be practical due to a need for hospitalization, in which the suspect may be summonsed. For specific OUI procedures see the policy on **Operating Under the Influence. [61.1.5(J)]**

Operating with Suspended or Revoked License - If an officer verifies the suspension or revocation of an individual's right to operate (with information provided by the Registry of Motor Vehicles) and observes operation on a public way, the officer has the discretion to issue a criminal complaint or make an arrest. In situations where the license was suspended or revoked due to alcohol related offenses or motor vehicle homicide, the preferred response will be to arrest. In no circumstances shall an officer allow an unlicensed operator to continue operation of a motor vehicle. **[61.1.5(I)]**

Speed Violations - Speed is often a contributing factor in motor vehicle collision/crashes. Officers shall take appropriate enforcement action for speeding violations based on the overall circumstances of the violation. Citations for speeding should be issued when the speed clearly causes an elevated danger, and may to some extent depend on location of the violation (congested area, downtown, school zone, etc.). **[61.1.5(C)]**

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Hazardous Moving Violations - A hazardous moving violation refers to the violation of any law, by-law, or regulation used to regulate the safe movement of vehicles and pedestrians. Officers shall take appropriate enforcement action for hazardous moving violations based on the overall circumstances of the violation. In serious cases officers may utilize an immediate threat form and agency report forwarded to the Registry of Motor Vehicles. **[61.1.5(C,K)]**

Off-Road Vehicle Violations - Officers shall take appropriate enforcement action against operators of off-road recreational vehicles (e.g., snowmobiles, dirt bikes, ATV's) committing violations that are either observed by them or reported to them. All rules pertaining to Recreational and Snow Vehicles can be found in G.L. c. 90B, § 20-34 inclusive.

Equipment Violations - Equipment required on motor vehicles is covered under M.G.L., Ch. 90, § 7. Whenever a fixture is missing and it is obvious that the owner is aware of the defective equipment, a citation or written warning should generally be issued even though this may be the only violation on the vehicle. If however, the equipment violation is not obvious, the officer should stop and inform the violator of the defect equipment and give a verbal warning or a written warning. **[61.1.5(B)]**

Public Carrier/Commercial Vehicle Violations - Officers should enforce commercial motor vehicles in the same manner as passenger vehicles. Special attention should be given to equipment violations. Officers may consult or enlist the assistance of the State Police Truck Team for commercial vehicle issues and/or hazmat compliance. **[61.1.5(E)]**

Non-Moving Violations - Violations of laws, 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 should be issued warnings unless repetitive or flagrant. **[61.1.5(A)]**

Multiple Violations - Generally, only one citation should be issued in the case of multiple violations stemming from the same incident. The citation should focus on the most serious violations and may omit minor violations if it would require a second citation. **[61.1.5(D)]**

Newly Enacted Laws and/or Regulations - New traffic laws, new traffic by-laws, and areas with new traffic controls should be a focus for enforcement; however, written warnings are the preferred response for such violations. **[61.1.5(L)]**

Violations Resulting in Traffic Collision/crashes - Officers should take an enforcement action whenever their traffic crash investigation or reporting activities produce probable cause to believe that the violation of a law or a by-law has occurred.

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Enforcement action arising from traffic crash investigation or reporting (e.g., physical arrest, citation, written warning, etc.) will be consistent with the nature of the alleged violation and with all other directives concerning traffic law enforcement. **[61.1.5(F)]**

Pedestrian and Bicycle Violations – Pedestrian and/or bicycle regulations may be enforced in accordance with the provisions of M.G.L. Ch. 90, §18A or the Town of West Brookfield. **[61.1.5(G,H)]**

CITATION MANAGEMENT MACCS

Officer will utilize their CJIS log on to access the electronic citation system. When issuing citations, Officers shall use the “MACCS” System (Motor Vehicle Automated Citation and Crash System. This system securely stores issued citations via password protections. **[82.3.3(C)]** In the circumstances the system is not working for any reason, Officer may use citations in issued citation books.

Voided citations must be forwarded to the Chief of **Police** or his designee with a Void Citation Form. Once the reason for voiding the citation has been approved by the designee the citation and form will be forwarded to the Court Liaison Officer.

The records clerk will monitor the citations in the MAACS system and will enter them into the department’s information systems computer. The Court Liaison Officer who will maintain and have access to all completed citations. **[82.3.3(C)] [82.3.4]**

MANUAL CITATION MANAGEMENT

Traffic citations are received from the Registry of Motor Vehicles. Officers shall be issued one book at a time. A new book will be issued once their original issued book is completed. **[82.3.3(A)]**

Completed arrest citations will be electronically entered into the department computer system by the arresting officer and then attached to the arrest report in the arrest folder. Criminal citations will be electronically entered into the department computer system by the filing officer and then attached to the complaint application. All warnings and civil citations will be placed in the administrative assistant receiving area located on the Administrative Assistant’s desk. They will then be forwarded to the Court Liaison Officer who will maintain all completed citations. **[82.3.3(C)] [82.3.4]**

Voided citations must be forwarded to the Chief of **Police** or his designee with a Void Citation Form. Once the reason for voiding the citation has

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been approved by the designee the citation and form will be forwarded to the Court Liaison Officer.

An audit sheet is prepared by the administrative assistant once an officer completes a citation book. The audit sheet is produced electronically and contains the citation number, date issued, citation code, and the officer's name. Audit sheets are sent to the Registry of Motor Vehicles by the Administrative Assistant. **[82.3.3(B)]**

ROADSIDE SAFETY CHECKS

The department may participate in roadside safety check points in conjunction and coordination with MA State Police or The Registry of Motor Vehicles. Such checks may include, but not limited to, sobriety check points, school bus stop enforcement, and vehicle safety inspection points. Areas of enforcement shall be predetermined and approved prior to the implementation of the check point. When choosing a check point location, consideration shall be given to the area to include the volume of traffic, adequate space for stopping vehicles (parking lots), and the safety of officers and motorists. **[61.1.6]**

MOTORIST CATEGORIES

Non Residents - Enforcement activities shall be consistent in a manner that does not give preference to local residents or non-residents. **[61.1.3(A)]**

Juveniles - There are no special procedures for dealing with juvenile traffic law offenders and in the issuance of citations. When the arrest of a juvenile is warranted for traffic offences, officers should refer to the policy on **Handling Juveniles**. **[61.1.3(B)]**

Legislators - Massachusetts and United States legislators are immune from arrest while attending, going to, or returning from a session of their respective houses. However, citations may be issued as appropriate. Enforcement activities shall be consistent and with those for the general public. **[61.1.3(C)]**

Diplomatic and Consular Officers - Enforcement activities shall be consistent and with those for the general public. However, these officials must be accorded their respective privileges, rights, and immunities as directed by international law and federal statute.

Diplomatic officers, their families, official staff and servants 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.

Traffic citations may be issued.

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Any citations shall be reported to the State Department. The State Department maintains driver histories and may subject diplomats to license suspensions or revocations.

Consular officers are entitled to limited immunity and are not subject to arrest or detention pending trial, except, as above, for the commission a felonious crime where public safety is endangered . Family members of consular officers do not enjoy the same privileges and immunities.

[61.1.3(D)]

For further information see the policy on **Consular Notifications**.

Note: When such person with full immunity from arrest is, in the officer's opinion, too impaired to drive safely, the officer may call a cab, allow the individual to summon a friend or relative to drive, or transport the individual to a location of their choosing.

Military Personnel – Military personnel on active duty and their spouses are considered properly licensed when in possession of a license to operate a motor vehicle issued by the state where they hold permanent residence. If returning from active duty outside of the United States, possession of a license to operate a motor vehicle issued by the armed forces in a foreign country shall be sufficient, but only for a period of forty five days after returning to the United States. If an active duty military member is arrested, a supervisor or designee shall notify the member's unit of such arrest. **[61.1.3(E)]**

IMMEDIATE THREAT SITUATIONS

Traffic enforcement and crash investigations often lead to the discovery of drivers who display incompetence while operating a motor vehicle. This incompetence might prevent the person from exercising reasonable and ordinary care over the operation of a motor vehicle, constituting an immediate threat to public safety.

The Registry of Motor Vehicles has the ability to suspend and/or revoke the license of drivers whose behavior constitutes an immediate threat to the public and can do so upon receiving a completed Immediate Threat form from an officer.

Officers shall fully assess each situation before deciding to file an Immediate Threat form to insure a fair and reasonable application of the process. Immediate Threat forms must be signed by the a supervisor, who is acting as the Chief's designee. The form shall then be faxed to the RMV with any corresponding reports and/or documents supporting the immediate threat assessment. **[61.1.12]**

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RADAR AND LIDAR

Officer operations of radar/lidar 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 by certified training and guided by manufactures operators manual for that particular unit. Specific information on these units may be found in the operator's manual, which accompanies each unit.

[61.1.9(2-A,B)]

Officers using the radar/lidar units of this department are responsible for the proper care and upkeep of the unit(s) 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(2-C)]**

The Sergeant or designee is responsible for maintaining the calibration for each radar/lidar unit as needed, but at least once a year. Every officer shall insure that the internal calibration of the radar unit is operational prior to use during their shift or on a specialized assignment. In the event that a radar/lidar unit is found to be malfunctioning, it shall be removed from service and forwarded to the sergeant or designee for service. A copy of each calibration certification is on file in the administrative assistant files. **[61.1.9(2-D)]**

Officers shall receive initial radar and/or lidar training at the police academy. Additional training demonstrating competence with each device used by the West Brookfield Police Department will be conducted under varying conditions during field training. Officers may obtain additional training by certified instructors as necessary for the performance of their duties. **[61.1.9(2-E)]**

The training standards used shall be equivalent to the model standards promulgated by the National Highway Traffic Safety Administration.

TRAFFIC CONTROL

Officers shall perform traffic direction and control functions to ensure the safe and efficient movement of vehicles and pedestrians when necessary due to traffic congestion, disabled motor vehicles, collision/crash scenes, critical incidents, construction, or other adverse road/weather conditions. Procedures for directing and controlling traffic may include temporary road closures, lane closures and/or manual directing and controlling the flow of traffic. When directing traffic by hand, all personnel shall wear high visibility/reflective clothing that meets or exceeds ANSI/ISEA 207-2006 Requirements and employ obvious, decisive and uniformed signals or gestures to allow easy driver and pedestrian recognition and response to their direction. Exceptions

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to the wearing of high visibility/reflective clothing are permissible in the case of emergency situations where the application of such clothing is not practical. **[61.3.1] [61.3.2(A-E)]**

Officers shall work with the fire department and other emergency services in order to maintain access and egress by emergency vehicles at collision/crash scenes or other critical incidents. During unplanned incidents involving short term road closures, lane closures, or the need for manual traffic control officers should use their cruisers, in conjunction with physical hand traffic, to direct motorists and pedestrians around the incident. During pre-planned incidents temporary traffic control devices, such as traffic cones, traffic barrels, and/or saw horses should be used in conjunction with advisory signs (detour, road closed, etc) or message boards. Any officer of the West Brookfield Police Department has the authority and shall arrange for the necessary temporary traffic control devices to be provided by the West Brookfield Highway Department or Massachusetts Department of Transportation (Mass DOT). **[61.3.2 (F)]**

A West Brookfield police officer shall determine when a request to call in personnel and/or equipment from the West Brookfield Highway Department or Mass DOT is made during adverse weather conditions. In addition, a supervisor or there designee may notify local media outlets and traffic services of the adverse road conditions, traffic problems, or road closures. **[61.3.2(D)]**

Officers have the ability to manually operate traffic control signal lights at their discretion as necessary. Traffic lights may be operated manually to facilitate the movement of traffic when the lights are not operating properly, or the automatic timing sequence is not adequately addressing the traffic needs of the intersection. C8 dispatch should be notified anytime a traffic signal is going to be removed from its automatic cycle and run manually. **[41.4.5] [61.3.2(E)]**

POLICE ESCORTS

The department recognizes that there are legitimate and reasonable requests for police escort services to ensure the safe, orderly, and efficient movement of vehicles through traffic in specific instances. A supervisor shall review and approve all requests for escorts. Officers may initiate legitimate escorts without prior approval. Escorts that may receive approval include, but are not limited to: **[61.3.3(1)]**

1. Funerals

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2. Parades
3. Public officials and dignitaries
4. Hazardous material
5. Oversized vehicles

Officers shall not escort other emergency vehicles, particularly ambulances, unless approved by a supervisor. Civilian vehicles should never be escorted using lights and/or sirens except in exceptional circumstances approved by a supervisor. Civilians requesting an escort for a medical emergency should be directed to proceed to the closest emergency medical facility in compliance with traffic regulations or be assisted in contacting the ambulance to respond to their location.

In rare and exceptional cases where delay or transfer would jeopardize the patient's life, an officer may escort a civilian vehicle to the nearest emergency medical facility. During such escort all emergency equipment will be utilized and the officer will not proceed through traffic control devices without first stopping and ensuring that both vehicles can safely proceed. **[61.3.3(2)]**

HAZARDOUS ROADWAY CONDITIONS

Officers may come upon hazards in the roadway on their own or as the result of a call to C8 dispatch. When a hazard is identified by an officer, the officer must determine if the hazard causes a safety issue that needs to be addressed immediately or if the hazard is more of a nuisance that does not constitute an emergency. Safety issues that need to be addressed immediately may include but are not limited to: debris in the roadway, downed telephone poles and/or electrical wires, traffic light failures, or flooded roadways.

Officers shall inform C8 dispatch of the situation and identify the assistance or special equipment needed. C8 dispatch shall contact the appropriate agency responsible for repairing the hazard and notify them as to whether an immediate response is needed. If the Shift Commander and/or the officer on scene determines the hazard is unsafe to leave unattended **Traffic Control** procedures shall be followed until the hazard has been repaired. **[61.4.2]**

MOTORIST ASSISTANCE

Officers shall provide all reasonable assistance to roadway/highway users within the department's jurisdiction. General assistance may

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include providing information or directions, moving a disabled vehicle from a hazardous location, providing emergency lights behind a disabled vehicle, transporting individuals to a safe location, or contacting another service to facilitate help. **[61.4.1(2-A)]**

The police department does assist on a case by case service for lock-outs such as if the vehicle is running and/or a child/animal is locked inside. If the vehicle is not running and does not have any occupants and the West Brookfield Police Department is unable to assist the owner may make their own arrangements to have it unlocked or the responding officer may have the duty tow contacted on the owner's behalf. **[61.4.1(2-A)]**

Officers providing assistance to a disabled motor vehicle must assess the ability to move the vehicle as well as any hazards caused by the vehicle's location. Disabled vehicles may require mechanical assistance or a towing service. Vehicles that are located in, or can be moved to, a safe location may be allowed to remain there for a reasonable period of time while the vehicle's owner makes arrangement to remove it. If a disabled vehicle is in a hazardous location or the vehicles owner does not have alternative arrangements, then the duty towed should be contacted on behalf of the vehicle's owner to remove the vehicle as soon as possible. **[61.4.1(2-B,C)]**

Officers may also come upon motorists in need of emergency assistance due to vehicle fires or medical emergencies. In both of these cases C8 dispatch should be notified as soon as possible in order to obtain fire and EMS services. An officer's primary concern in such instances is the safety of the scene and the care of the motorist(s) until assistance arrives. Officers shall provide medical assistance consistent with their training until relieved by someone certified with an equal or hire standard of care. When practical, officers may employ the use of fire extinguishers from their patrol vehicles. **[61.4.1(2-E)]**

Officers shall offer reasonable assistance transporting stranded motorists to a place of safety. A place of safety may include, but is not limited to, a local train station, a local business, a local residence, or the police station. C8 dispatch shall be notified of the transport of motorists and given the mileage and location for the beginning and ending of the transport. **[61.4.1(2-C)]**

TOWING VEHICLES

Companies authorized to perform towing services at the request of the department will be approved by the Chief of Police.

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Officers may order the towing of any vehicle from public or private land for legitimate law enforcement purposes. Legitimate purposes may include, but are not limited to: following a police action (citation or arrest) which would result in the vehicle being left without an authorized licensed driver, for a vehicle that is not properly registered, following an OUI arrest, where the vehicle is evidence of a crime, where the vehicle is previously stolen, where the vehicle is a hazard to safe travel, where the vehicle has been abandoned, or where the vehicle is trespassing.

[61.4.3(B,C)]

Prior to towing an unoccupied vehicle causing a hazard or an abandoned vehicle the investigating officer will attempt to contact the owner and have the vehicle removed, if practical. If a vehicle is believed to be abandoned, it shall be removed in accordance with M.G. L. c. 90 § 22. A motor vehicle inventory will be completed on all officer ordered tows and the incident will be documented in an incident report or an arrest report.

[61.4.3(A,D,E)]

Vehicles towed from private property by the order of, or through the arrangement of, the person in control of such property must comply with M.G.L c. 266 § 120D, which requires notification to the police department. Upon receiving notification of a trespass tow from a private business C8 dispatch shall create a log entry. The log entry shall contain the name, address and telephone number of the tow company, along with the description of the vehicle to be towed, to include the license plate information. **[61.4.3(C)]**

PARKING ENFORCEMENT

The police department parking enforcement efforts as necessary, particularly for handicap violations, fire lane violations, overnight parking violations, and other restricted parking violations.

Parking enforcement may be assigned in response to a call received by C8 dispatch or as a function of directed patrol for areas of concern. General violations should be handled reasonably, at the discretion of the officer, based on the circumstances of the violation unless specifically directed by the Shift Commander. Handicap violations, fire lane violations, and violations within common complaint areas should be ticketed when observed. **[61.1.13]**