



TRURO POLICE DEPARTMENT

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POLICY & PROCEDURE

TRAFFIC ENFORCEMENT, INVESTIGATION DIRECTION AND CONTROL

Policy Number: OPS-6.12

Effective Date: June 1, 2000

REFERENCE:

Revised Date: June 25, 2011

Accreditation Standards: 82

Mass. Gen. Law:

Chap. 85, Sec. 11B, Chap. 89, Sec. 7, 7A, & 7B, Chap. 90, Sec. 1B & 1C, 7, 18A, 22C, 26, Chap. 90B, Sec. 20-34, Chap. 263, Sec. 5A, Chap. 266, 120D, Chap. 268, Sec. 32-32A, Chap. 268A, Sec. 2-3

M.G.L 266 § 120D; Comm v. Brinson, 440 Mass. 609, 800N.E. 2nd 1032 (2003)

Other:

Cape Cod Regional Law Enforcement Council Attachments

POLICY:

It is the policy of the Truro Police Department to attain safety goals through traffic law enforcement, investigation, direction, and control. Among these goals is the reduction of traffic collisions, fatalities, and injuries. Another goal is to facilitate the safe and expeditious movement of vehicular and pedestrian traffic, accomplished through the public's voluntary compliance with traffic regulations. It is the policy of this department to meet this goal through a combination of education, enforcement, engineering, and public support.

With the ever-increasing number of vehicles and operators on the roadways, traffic accidents will continue to occur. In an effort to limit the likelihood of accidents, it is essential to understand the importance of accident investigation and reporting. Data from such are the prime source of information for accident prevention programs. It is therefore imperative that proper information be gathered for use in planning, evaluating, and implementing efforts to achieve highway safety goals. Officers of this department shall familiarize themselves with the correct procedures for both reporting and investigating traffic accidents.

PROCEDURES:

- 1. ENFORCEMENT:** The Truro Police Department is definitely and unequivocally opposed to preferential treatment pertaining to adjudication of traffic cases in any manner by any agency, official, or person.

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.

A. SELECTIVE ENFORCEMENT/ASSIGNMENT OF PERSONNEL:

- 1. SELECTIVE ENFORCEMENT:** To ensure maximum reduction of accidents, enforcement pressure should be applied in proportion to need to the locations, and at the hours of greatest accident expectancy. Traffic laws will be enforced at a level sufficient to ensure the safe and expeditious movement of traffic. Enforcement activities will be conducted in a consistent and uniform manner, and will not give preference to either local residents or non-residents. It should be directed against the violations which cause the largest number of accidents and against the group of drivers who are responsible for the majority of the violations and constitute the greatest hazard to the community. The Truro Police Department will not conduct roadside safety checks. *(Revised April 6, 2005)*
- 2. ASSIGNMENT:** Assignment of personnel will be based on principles of selective enforcement. Resources will be directed toward specific violations, in specific locations, based primarily on statistical data of traffic accident experience. Enforcement efforts shall be evaluated to ensure that enforcement action is reducing accidents.

- B. MOTOR VEHICLE STOPS:** 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. Stops not characterized as high risk stops are unknown risk stops. High risk stops are characterized as when the officer(s) have some knowledge about a crime, threat, conduct or information that places the stop at a higher risk. In this case, a backup officer will be called to assist. As such, every precaution should be taken in stopping a motor vehicle as described below: *(revised April 20, 2008)*

- 1.** Notify the dispatcher of the following:
 - a.** Location of the stop
 - b.** Registration number and state of issuance
- 2.** Select a suitable location for making the stop, preferably a well-lit area.
- 3.** In stopping the suspect vehicle, guard against any evasive action by its operator.

4. Approach the vehicle with extreme caution after signaling the driver to stop
5. Leave the emergency lights of the police vehicle flashing to warn traffic and to assist any back-up officers responding to the scene.

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 him, officer/violator relations are activated. Officers should conduct themselves in a professional manner, keeping in mind use of proper language, bearing, and emotional stability. Officers should be certain of their observations of the alleged violation, have the necessary forms and equipment to deal with the situation, greet the violator with the appropriate title in a courteous manner when requesting driver and vehicle identification, and explain to the violator the reason for his being stopped. 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 to relieve them of any anxiety. Traffic enforcement action will be taken without regard for such factors as attitude, intent, or frivolous excuse. Upon completion of the required forms, officers must ensure that the violator safely re-enters the flow of traffic. 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.**
2. **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 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.

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.
4. **ARREST:** Officers may effect 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.

Whenever an arrest results from the issuance of a motor vehicle citation, the "Arrest" box on the citation shall be checked.

The arrestee's vehicle shall be inventoried and secured in one of the town's designated tow company lots when circumstances warrant that the vehicle be towed as allowed by the Towing and Inventory Policy.

- D. ISSUANCE OF CITATIONS:** Whenever legally and practically possible, officers of this department shall issue citations where circumstances dictate the creation of deterrents to unsafe conduct by users of the roadway. Before releasing the traffic violator, the officer should make him aware of the correct procedures, administrative action, payment of fines, and court appearances. This dialog should be as quick as possible, to avoid any conflicts or problems. *(Revised April 6, 2005)*

1. **NONRESIDENTS:** Enforcement activities shall be consistent and in a uniform manner, that does not give preference to local residents or non-residents.
2. **JUVENILES:** There are no special procedures dealing with juvenile offenders of the traffic laws and in the issuance of citations. Special procedures come into play only if there is an arrest of a juvenile. When this occurs, officers are to be guided by the policies and procedures outlined in the Juvenile section of the Truro Police Department Manual.

3. **STATE LEGISLATORS:** The Massachusetts Constitution (Part 2, Chap. 1, Sec. 3, Article 10) stipulates that state legislators while attending, going to, or returning from a session of their respective houses shall be exempt from physical arrest. They are NOT exempt from receiving a summons, criminal complaint or citation.
4. **DIPLOMATIC AND CONSULAR OFFICERS:** These officials should be accorded their respective privileges, rights, and immunities as directed by international law and federal statute. These officials should be treated with the courtesy and respect that befit their distinguished positions.
 - a. **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.
 - b. **Consular officers** are entitled to limited immunity and are not liable to arrest or detention pending trial, except, as above, for the commission of a grave crime. Family members of consular officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdictions as do consular officers. However, they should be accorded appropriate courtesy and respect. In regards to moving traffic violations by a Consular Officer, mere issuance of a traffic citation does not constitute arrest or detention in the sense referred to above.
 - c. Immunity from physical arrest shall also apply to United States **Senators and Representative** of Congress while attending, going to, or returning from a session of their respective houses.
5. **MILITARY PERSONNEL** - When dealing with military personnel and a physical arrest is made the investigating officers supervisor shall cause the liaison officer of the nearest armed forces investigative headquarters division to be notified.

E. OPERATING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS - ENFORCEMENT PROCEDURES: Many traffic accidents, particularly those involving a fatality or personal injury, are directly attributable to persons driving under the influence of alcohol and/or drugs. In all contacts with violators, the officer should be aware of the possibility the driver may be under the influence alcohol or drugs. If the officer determines that the operator is under the influence of alcohol or drugs, appropriate enforcement action shall be taken. 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 effect an arrest. **Officers should be aware, though, that arrest should be a priority for this offense.** The department will ensure that sworn 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. “Melanie’s Law” was signed into law on October 28, 2005. Its purpose is to enhance the penalties and administrative sanctions for **Operating Under the Influence (OUI)** offenders in Massachusetts. The information below highlights the new penalties under the law and those sections that pertain to RMV suspensions. **Operating Under the Influence of Alcohol While Already Suspended for OUI** Melanie’s Law establishes a new offense of **Operating Under the Influence of Alcohol** and **Operating After Suspension for Drunk Driving**. This means that a driver, who was driving under the influence of alcohol while his/her license was already suspended for OUI, can be charged with two crimes at once: 1.) OUI and 2.) OUI with a suspended license. This additional offense carries a minimum of a 1-year mandatory jail sentence. The following conditions shall also be met in regards to those arrested for driving under the influence of alcohol or drugs: *(revised April 20, 2008)*

- 1. BREATHALYZER OPERATION:** Breathalyzer operation 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 above .05% but less than .08% there shall be no presumption, and if the reading is .08% or above there shall be a presumption that the person is under the influence of intoxicating liquor.

When dealing with a person under 21 years of age, the breathalyzer operation remains the same regarding the percentages of alcohol. If a person under the age of 21 has a reading of at least .02%, his drivers license shall be taken by the arresting officer and said person shall be processed according to law.

When dealing with a person who has a CDL (Commercial Driving License) operating a CDL vehicle, and has said person a reading of .04%, this shall be sufficient to establish a violation of operating under the influence of alcohol. Said person's license shall be taken by the arresting officer, and said person shall be processed according to law.

2. **BLOOD ALCOHOL TESTS:** Blood alcohol tests shall conform to Mass. Gen. Law, Chap. 263, Sec. 5A, as well as departmental guidelines. A Prima Facie Certification Form C in accordance with (Mass. Gen. Law, Chap 90, Sec. 24 (1)(f)(2) shall be used.

F. OTHER ENFORCEMENT VIOLATIONS:

1. **SPEED VIOLATIONS:** Speed is one of the main causes of accidents. Officers shall take appropriate enforcement action for speeding violations. Officers shall use the verbal warning, written warning, and citation to have motorists voluntarily comply with traffic laws and regulations to ensure maximum reduction of accidents.
2. **EQUIPMENT VIOLATIONS:** Equipment required on motor vehicles is covered under Mass. Gen. Law, Chap. 90, Sec. 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. Example of this would be horn removal, parking brake disconnected, light fixture removed, etc.
3. **OTHER NON-HAZARDOUS VIOLATIONS:** With other non-hazardous violations of law, ordinances, 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.
4. **MULTIPLE VIOLATIONS:** Generally one citation will be issued in the case of related multiple, non-hazardous violations stemming from the same operation, unless space necessitates more than one.
5. **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.

6. **OTHER HAZARDOUS MOVING VIOLATIONS:** A hazardous moving violation shall mean violation of any law, ordinance, or regulation affecting the use or protection of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians. There are two general types:
- a. **Unsafe Behavior:** An action or omission in traffic which is hazardous even when vehicles, streets or highways, and people involved are in legal condition.
 - b. **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.

7. **PROCEDURES FOR ISSUANCE OF CITATIONS FOR USE OF FALSE IDENTIFICATION - VIOLATION OF DRUG OFFENSES - AND/OR 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, DATE OF EXPIRATION OF LICENSE.

Also recorded on the citation shall be the offense and its chapter and section. The officer will keep his copy of the citation, and the Police Department copy will be submitted to the District Court.

The District Court, upon a guilty finding, will submit the officer's citation to the Registry of Motor Vehicles, who will in turn suspend the defendant's Motor Vehicle License.

- G. **HANDLING LICENSE SUSPENSIONS/REVOCATIONS:** 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, he should effect a physical arrest.
 - a. If the operator of the vehicle is the owner and the sole occupant in the vehicle, the vehicle will be towed and the plates confiscated.

I. ENFORCEMENT ACTION/ACCIDENTS:

1. **GENERAL ACTION:** Officers are expected to take enforcement action whenever their traffic accident investigation or reporting activities produce probable cause to believe that a violation of law or ordinance has occurred.
2. **SPECIFIC ACTION:** Enforcement action arising from traffic accident investigation or reporting (e.g., physical arrest, citation, written warning, etc.) will be consistent with the nature of the alleged violation and with all of this department's written directives concerning traffic law enforcement.
3. **VIOLATIONS NOT WITNESSED BY AN OFFICER:** Violations that the officer has not personally witnessed must be established through investigation, which may include but not be limited to:
 - a. Statements or admissions made by the alleged violator.
 - b. Statements of witnesses.
 - c. Accident scene measurements.
 - d. Physical evidence.
4. **ACCIDENTS OCCURRING ON PRIVATE PROPERTY - NO RIGHT OF ACCESS:** Accidents occurring on private property which is not normally open to the public, such as a private residence, involving injury or excessive property damage will require a report of the incident.
5. **ACCIDENTS OCCURRING ON PRIVATE PROPERTY - PUBLIC HAS RIGHT OF ACCESS:** Accidents occurring on private property where the public has a right of access and meeting the reporting requirements of Chap. 90-26 will be processed as if they had occurred on a public street and the necessary forms completed.
6. **GENERATED REVENUES:** Traffic law enforcement will not be used as a means to generate revenue for the department or the Town of Truro.

- J. RADAR:** Officers using speed measuring devices (Radar) shall be fully trained and certified before being authorized to use such devices for traffic law enforcement. This training shall be coordinated through the Chief of Police, or his designee. Maintenance and calibration records of Radar units shall be kept by the Prosecutor/Investigator. *(12-27-01)*
- 1. PLACEMENT:** The placement of Radar equipment at fixed posts shall be determined through both selective enforcement data analysis and prior knowledge.
 - 2.** In cases where conventional traffic enforcement (marked visible cruisers) is unsuccessful, unmarked units should be utilized. Unmarked vehicles may be used where specific violations must be addressed, such as passing school buses, speeding vehicles, stop sign violations, etc. Covert enforcement should be utilized where overt enforcement has failed.
- K. USE OF SPEED MEASURING DEVICES IN TRAFFIC LAW ENFORCEMENT:** All members of this department shall adhere to the following guidelines which govern the use of speed measuring devices in traffic law enforcement:
- 1. EQUIPMENT SPECIFICATIONS:** Members of this department shall use mobile traffic Radar units. Specific information on these units may be found in the operators manual which accompanies each unit.
 - 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 operators manual for this unit.
 - 3. PROPER CARE AND UPKEEP:** All officers using the Radar 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.
 - 4. PROGRAMMED MAINTENANCE:** The Chief of Police, or his 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 unit shall be maintained by the Chief of Police and/or the Prosecutor/Investigator. *(12-27-01)*

5. **MAINTENANCE AND CALIBRATION RECORDS:** Each Radar unit shall be calibrated as needed, and at least once a year. Each officer shall check the calibration of the Radar unit each time it is used during his tour of duty. A record of all such calibrations shall be kept by the Prosecutor/Investigator. (12-27-01)
 6. **OPERATOR TRAINING AND CERTIFICATION:** All members of the Patrol Division shall receive the full training outlined by the MPTC prior to using the equipment.
- L. REPORTS:** Accurate, timely, and complete reports are fundamental to the department's efficient and effective operation, as these form the basis for prosecution and ultimate adjunction 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, and before their tour of duty ends.
- M. ACCOUNTABILITY OF CITATIONS:** Traffic citations are received from the Registry of Motor Vehicles, and each book number is recorded by the Administrative Assistant before issuance. These citations are accounted for from the point of issuance to the time they are recorded and sent to the Registry or court for disposition.
1. **CITATIONS:** Motor vehicle citation books are kept in the records room and are available if needed. Others are secured by the Administrative Assistant. When taking a new citation book, all officers shall Sign the numbered citation book cover, date the cover, remove the cover from the book and forward it to the Administrative Assistant.
 2. **CITATION BOOK MASTER LOG:** A motor vehicle citation index log is also kept on file, and is computer generated.
 3. **AUDIT SHEET:** An audit sheet is prepared by computer, 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 filled is sent to the Registry of Motor Vehicles.
 4. **LOST CITATIONS:** Officers shall notify the Administrative Assistant concerning lost citations or when requesting that a citation be voided. In the case of voiding citations, the violator should be given the corrected copy.

5. AMENDMENTS TO CITATIONS: Amendments to citations or dismissal of charges shall be processed by the prosecutor's office.

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

The Commission has addressed what they believe is a widespread practice of police departments arranging for the dismissal of traffic citations as an accommodation to fellow police officers.

The State Ethics Commission has ruled that ticket fixing is an unwarranted privilege that violates Mass. Gen. Law, Chap. 268A, Sec. 23, the Conflict Law. They have stated that *The ability of a police officer to seek special treatment for somebody because of that persons relationship to a police officer is the kind of conduct that offends and troubles people. It demonstrates that there is one standard for the public, but a different standard for those with private connections to the police. In the area of law enforcement, the standards must be clear and be administered in an evenhanded way.*

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

Members of this department are hereby informed that this activity is unlawful.

2. TRAFFIC ACCIDENT INVESTIGATIONS:

A. ACCIDENTS REQUIRING POLICE RESPONSE, INVESTIGATION, AND REPORTS: *All motor vehicle accidents and crash incidents reported to the Truro Police shall be responded to and fully investigated. A full RMV Crash Report Form shall be completed on every incident, regardless of the amount of damage or seriousness. Some accidents will require more investigation than others: (12-27-01)*

1. All those involving death or personal injury
2. All hit and run accidents.
3. Those involving operator impairment due to alcohol or drugs

4. Those involving any vehicle carrying materials, which could ordinarily be considered hazardous or dangerous (i.e., vehicles carrying toxic liquid or gaseous material, gasoline, or other combustible products)
5. Those which appear to have been caused by a flagrant moving violation on the part of one or more of the operators, or by defective equipment on or in a vehicle, or by any other circumstances which impeded the safe operation of a vehicle

B. DUTIES OF THE FIRST OFFICER ON THE SCENE - MOTOR VEHICLE ACCIDENTS:

1. **ON ARRIVAL:** The first officer arriving shall secure and protect the scene, be attentive to proper cruiser placement and light activation, and placement of traffic flares/cones if necessary, and also the following:
 - a. If necessary, request assistance of other patrol units, including those from other jurisdictions, emergency medical personnel, and/or the fire department. (*See attachment 1, Truro Fire Department SOP*)
 - b. Determine the extent of injuries, if any, and treat the most serious until assistance arrives
 - c. In the event of hazardous material incidents, officers shall isolate the hazard area and evacuate nonessential personnel. The officers shall then be responsible for preliminary hazard identification (spill, leak, fire) and identification of vehicle and container placards, as stipulated in the Hazmat identification book located in each cruiser, until the arrival of the fire department
 - d. Officers will arrange for the removal of damaged vehicles from the roadway, when it will not impede or interfere with the investigation (such as cases when the Accident Reconstruction officer is assigned). When officers are required to handle accident victims personal property (such as for identification purposes), they shall do so, whenever possible, in the presence of witnesses, who shall be identified in the officers report. If property is to be held, it shall be logged, tagged, and turned into evidence.

- e. The assigned investigating officer shall be in charge of the scene unless relieved, and shall conduct a thorough investigation of the accident by interviewing operators, passengers, and/or any witnesses. When appropriate, he shall contact the Photo/Reconstruction officers.

The Reconstruction officers shall be called in all cases involving: fatalities; serious personal injury which may result in death; or, if in the opinion of the officer on scene, the expertise of the Reconstruction Team is necessary.

The senior officer or supervisor on the scene shall make this decision. If a reconstructionist is needed, officers shall contact our reconstructionist personnel first. If ours is not available, check with the neighboring towns. If not available, officers shall contact the CCRLEC Collision Investigation Team through the Barnstable Sheriffs Office. This information is located in the Communications Center Tactical Handbook and as an attachment to this policy (Call out Procedures) If the team is not available, the state police should be called. *(Revised June 25, 2011)*

- f. In cases where the ambulance has transported an injured person to the Cape Cod hospital, the officer will make every effort to contact the transported party after the event to obtain information on the accident.
- g. Take measurements, photographs, etc., in an attempt to determine cause or fault.
- h. File a complete report upon completion of the investigation. In addition to above mentioned situations, this department shall also assign officers to respond to traffic accidents involving any of the following circumstances:

C. OTHER ACCIDENT CIRCUMSTANCES REQUIRING A RESPONSE: In addition to above mentioned situations, this department shall also assign officers to respond to traffic accidents involving any of the following circumstances:

1. Damage to public vehicles or property
2. Major traffic congestion because of the accident
3. Damage to any vehicle that requires it to be towed

4. When any person advises the station via telephone or other means that an accident has occurred at a certain location.

D. CRASH REPORTING: DATA AND CRASH FORM USE:

(12-27-01)

1. **ACCIDENT DATA:** Provides information to Chief of Police, which will allow him to utilize enforcement procedures for the purpose of reducing accidents within the community. The analyzed information should be based on accident data by:

- a. Location
- b. Time and violation factors
- c. Fluctuations caused by seasonal variations that result in increases or decreases in traffic volume
- d. Injuries

2. **ACCIDENT INVESTIGATION FORM:** Whenever an officer investigates an accident in which there is personal injury and/or property damage in any amount to any one vehicle, or any other property damage in any amount, the officer shall be required to complete a *Commonwealth of Massachusetts Motor Vehicle Crash Report*. (Revised June 25, 2011)

3. **SUPPLEMENTAL REPORT FORM:** A supplemental report form shall be attached when appropriate (such as when a citation is issued or when the officer feels it is necessary to further explain actions taken).

4. **ROUTE 6:** When an officer is assigned to an accident on Route 6 and State Police have begun an investigation, the officer shall assist the State Police as needed. A supplemental report shall be submitted if any action is taken stating the extent of assistance rendered and the following information:

- a. Location of accident
- b. Name of State Police or other agency officer investigating

If no Truro Police action is taken and the State Police investigated, the dispatcher shall record this information:

- a. Location of accident
- b. Name of State Police or other agency officer investigating

- E. RECORDING AT-SCENE INFORMATION:** As soon as reasonably possible under the circumstances, a preliminary investigation shall be conducted and the following actions taken:
1. Interview principals and witnesses
 2. Examine and Record Vehicle damage
 3. Examine and Record effects of accident on the roadway
 4. Take Measurements, as appropriate
 5. Take Photographs, as appropriate
 6. Collect and preserve evidence
 7. Collect and record operator and vehicle information for report and exchange among principals
 8. Complete the *Commonwealth of Massachusetts Motor Vehicle Crash Report. (12-27-01)*
- F. FOLLOW-UP ACCIDENT INVESTIGATION:** The department shall perform follow-up traffic accident investigation services in support of on-going or anticipated criminal prosecution whenever necessary. The discretionary authority of a supervisor or prosecutor generally activates the use of this type of investigation.
1. When warranted, this follow-up information should include, but be not limited to:
 - a. Collecting off-scene data.
 - b. Obtaining/recording formal statements from witnesses and suspects.
 - c. Reconstructing accidents.
 - d. Preparing formal reports to support criminal charges arising from the accident.
 2. Expert and Technical Assistance:
 - a. The department maintains a number of officers who receive special training in follow-up accident investigation techniques. Officers shall be assigned to carry out follow-up investigations when necessary and appropriate.

- b. ACCIDENT RECONSTRUCTION OFFICERS:** The Accident Reconstruction Officers shall:
1. Be able to compute speed from skid marks and vehicle crush damage.
 2. Establish positions of vehicles and pedestrians.
 3. Determine which occupant was driving.
 4. Determine how road, driver, and vehicle conditions contributed to the accident.
 5. Compute energy losses and momentum exchanges in stopping vehicles.
 6. Analyze movements of vehicles and bodies in collisions.
- c.** From time to time, follow-up accident investigations may require special skills and technical assistance beyond that available from department personnel. When necessary, the department shall utilize outside expert and technical assistance (i.e., photographers, surveyors, mechanics, physicians, and accident specialists). The Reconstruction officers shall make the decision when to call in an outside crime scene specialist.

G. HIT AND RUN INVESTIGATION: The objective of a hit and run investigation is to determine responsibility for the collision and to identify both the offender and the vehicle involved. This is often a difficult task because the very elements of the crime include flight from the scene. Hit and run accidents may involve property, persons, or both. As the circumstances are more serious when a human life is involved, these procedures are primarily directed at hit and run investigations involving persons.

DEFINITION: Hit and Run - Elements: The defendant goes away having operated a motor vehicle upon any way, or in any place to which the public has a right of access, or any place to which members of the public have access as invitee or licensee, after knowingly colliding with, or otherwise causing, injury to any person, or injury to any other vehicle or property, without stopping and making known his name, residence, and the registration number of his motor vehicle.

1. **ON-SCENE DUTIES:** Shall be in accordance with Section 2B of this policy, *Duties of first officer on scene of motor vehicle accidents*. In addition to this, officers shall also:
 - a. Obtain the best possible description of the operator and the vehicle from the victim and available witnesses. The following information about the vehicle is important:
 1. Make
 2. Model
 3. Year
 4. Color
 5. Extent and location of damage
 6. License plates (including partial numbers or letters)
 7. Unusual markings or equipment (including school, fraternal, or organizational signs or stickers)
 8. Direction of travel before and after collision
 9. Number of passengers, if any, and their descriptions
 - b. Descriptive information shall immediately be communicated to the dispatcher.
 - c. Officers shall search the area around the scene of the crash, the automobile or other property which was struck, and the clothing of any victim for physical evidence including:
 1. Personal property left behind by the offender.
 2. Glass fragments or paint chips; in the event a pedestrian is struck and injured, officers should meet the ambulance at the hospital, if possible, to secure any such evidence which may have dislodged from the victims clothing during transport. Also, hospital personnel should be requested to give the victims clothing and any associated paint chips or glass fragments to the officer.
 3. Pieces of chrome or grillwork.
 4. Hub caps.
 5. Tire marks.
 6. Oil, gas, or water marks leading away from the scene.
 7. Mud or dirt dislodged on impact.
 - d. Photographs and measurements shall be taken at the scene when required.

- e. Officers shall examine the person and clothing of the victim. Articulatingly important are traces of paint or parts of the vehicle. If necessary, any officer may take and preserve articles of clothing or other samples of evidence, such as hair, blood, etc. Outer clothing should be examined for indentations left by impact points of the suspect auto, as these

may serve to identify the vehicle. If such indentations exist, the clothing should be carefully preserved to prevent their obliteration.

- f. Officers should be observant for persons at the scene who are behaving in a suspicious manner.
- g. Where appropriate, officers should conduct a door-to-door canvas of residences and businesses in the vicinity of the hit and run scene. Often persons who did witness some aspect of the incident are reluctant to come forward and must be sought.
- h. A preliminary search for the suspect car and driver shall be conducted as soon as possible. Because of the great distance a fleeing vehicle can travel even in a short time, all police on patrol, the State Police, and neighboring police departments should be notified and given as complete a description as is available, also utilizing the teletype and Barnstable County Radio 376. If an investigating officer feels this accident could result in a motor vehicle homicide charge, or if the victim is in critical condition, the Truro Police Department Reconstruction

Officers shall be notified, and shall make the decision if an outside agency/specialist should be called. A decision will also be made to possibly contact the District Attorneys office and the media to alert the public and enlist their aid in locating the suspect vehicle and operator.

2. HIT AND RUN-FOLLOW UP INVESTIGATION:

- a. In-depth or follow-up investigation shall be conducted upon the direction of proper authority, either by the investigating officer, or other individual assigned
- b. The follow-up investigation, if any, shall include the following types of activity:
 - 1. Checks and records of stolen cars

2. Communication of information relative to the description of the offender and vehicle to other members of the department, to police departments in surrounding communities, and the State Police
 3. A second search of the accident scene covering a wider area
 4. Repeated visits to and surveillance of the scene at the same time of day that the accident occurred
 5. Visits to garages, auto parts dealers, auto glass dealers, car dealers, auto body repair shops, car wash facilities, etc.
- c. If the vehicle involved is located, it shall be carefully examined.
1. Dents and body damage should be measured as to width, depth, and pattern, taking photographs if possible.
 2. Obtain samples of paint chips, broken glass, pieces of clothing, dirt, evidence of blood, hair, flesh, etc.
 3. Inspect the interior for personal articles which may identify the offender.
 4. Observe and note any signs of recent repair or any broken or missing parts.

NOTE: The above steps must be taken in accordance with the departmental policy and procedure regarding search and seizure. In the event a search warrant is sought, the vehicle should be kept under surveillance until a warrant is obtained.

The identity of any persons attempting to enter the vehicle or to destroy evidence should be established.

- d. If the operator of the suspect vehicle is located, he should be questioned promptly. If applicable, the Miranda procedures must be followed. Prompt interrogation of the suspect driver is important. For example, if he cannot provide an alibi or if he provides an alibi that is later discredited, these will be critical factors contributing to a successful prosecution.

- e. In conducting a hit and run investigation, it should be noted that a hit and run driver is not necessarily the operator responsible for the accident, but he may be fleeing from the scene of a crime, there may be a warrant for his arrest, he may

be intoxicated, he may not have a valid drivers license, or his license may be revoked. It is also not unusual for a hit and run driver to abandon his vehicle as soon as possible and then report it to the police station as stolen in order to escape his responsibility for the accident.

- f. A full and complete report shall be made of the accident and the particulars of any follow-up investigation in accordance with departmental procedures.

3. SUSPECTED DRIVER INCOMPETENCE: Routine enforcement, accident reporting, and investigation activities frequently lead to the discovery of drivers who have suspected incompetencies. These incompetencies might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In addition to reports concerning the original incident, it is incumbent upon the officer to notify the Registry of Motor Vehicles regarding the removal of that person from the roadway.

4. DRIVERS THAT POSE AN IMMEDIATE THREAT TO THE PUBLIC: The Registry of Motor Vehicles stands ready to quickly suspend and revoke the license of bad drivers for bad driving behavior that constitutes an immediate threat to the driving public.

Aggressive driving constitutes bad driving behavior. It is defined as operating a motor vehicle in an offensive manner, which is likely to endanger, threaten or otherwise intimidate other operators by engaging in any series of violations. These violations include, but not limited to:

A. Chapter 85-2 State D.P.W. Rules (Regulations & By-Laws):

1. Chapter 85-2 Weaving (from lane to lane)
2. Chapter 85-2 Following Too Close (tailgating)
3. Chapter 85-2 Failing to use caution in stopping turning, starting (e.g.; cutting someone off)
4. Chapter 85-2 Failing to obey traffic markings & signs (lane markings & regulatory signs)
5. Chapter 85-2 Failure to yield at intersections

B. Chapter 89 Rules of the Road

1. Chapter 89-2 Improper Passing (passing on right)
2. Chapter 89-4A Lane violation (failing to be in marked land)
3. Chapter 89-4B Operating in breakdown lane
4. Chapter 89-8 Right of Way at intersection and turns at red lights
5. Chapter 89-9 Failure to stop & yield at intersection and designated throughways

C. Chapter 90 Motor Vehicle Laws:

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

D. Documenting Aggressive Driving: Officers should note the violations and any other pertinent characteristics associated with aggressive driving behavior so as to better fully substantiate the charge. The officer will then submit the immediate threat request to the Registry of Motor Vehicles for action.

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 leading to more potentially serious incidents.

To facilitate this process, when officers determine that circumstances warrant immediate action, a *Request for Immediate Threat License Suspension Form (Commonwealth of Massachusetts Form # 20385)* will be filled out and submitted to the Chief for his signature.

The Officer will then forward the "Request Form" to the Registry of Motor Vehicles.

In all cases, a copy of the officer's report shall be attached to the *Request Form*.

5. HAZARDOUS ROADWAY OR ENVIRONMENTAL CONDITION: 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. Examples of this includes wires down, water main breaks, telephone and cable wires down, potholes, debris in the roadway, etc.

- A. HAZARD IDENTIFICATION:** 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), he shall inform the station of the situation. He 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.
 - B. HAZARD DETECTION:** When a hazard is detected that represents a potential accident situation but the threat of such is not immediate, the officer shall notify the station. (This notification 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 as soon as possible.
- 6. TRAFFIC CONTROL:** The department shall perform traffic direction and control functions to ensure the safe and efficient movement of vehicles and pedestrians when necessary, which will include accident scenes.
- A. HIGH VISIBILITY CLOTHING:**

 - 1. Officers are to have high-visibility outerwear in accordance with the Truro Police Department Manual when assigned to perform manual traffic direction and control functions. All officers shall wear such high-visibility outerwear, in addition to the full prescribed uniform, whenever conducting manual traffic direction and control.
 - 2. Personnel conducting unscheduled manual traffic direction and control in response to unforeseen contingencies, such as foul weather, will wear high-visibility outerwear, provided that conditions make it practical to wear the high-visibility outerwear before initiating manual traffic direction and control.
 - B. POINT TRAFFIC CONTROL DEFINITION:** The control of vehicular and pedestrian movement in a particular place on a roadway, such as an intersection.
 - C. MANUAL DIRECTION OF TRAFFIC - DETERMINATION OF LOCATION:**

 - 1. Times and locations identified as requiring point traffic control will be analyzed to determine whether manual direction of traffic is necessary.
 - 2. Factors to be considered in the analysis will include, but not necessarily be limited to:

- a. Traffic volume and speed.
 - b. Number of pedestrians present.
 - c. Duration of congestion period.
 - d. Presence and types of traffic control devices.
 - e. Special circumstances of the location (e.g., disabled pedestrians) and other pertinent factors.
3. The decision to assign personnel to carry out traffic direction and control will be made only if the analysis indicates that unmanned signals/devices cannot adequately ensure the safe and efficient movement of traffic.

D. TEMPORARY TRAFFIC CONTROL DEVICES:

1. The department will have use of temporary traffic control devices, including movable barriers, portable signs, and other apparatus intended for temporary deployment, to assist the safe and efficient movement and control of vehicular and pedestrian traffic.
2. As soon as practical following termination of the need for the temporary traffic control device, the supervisor authorizing deployment of the device will see to its removal. The department shall not use portable or part-time stop signs as temporary traffic control devices except in an emergency.

E. TRAFFIC CONTROL AT FIRE SCENES: The department shall continue to work closely with the fire department and other emergency services organizations in order to maintain access and egress at fire scenes by emergency vehicles. Officers responding to fire scenes will adhere to the following procedures:

1. **Officers are to be certain not to park cruisers in a manner that will hamper fire department operations.**
2. No vehicles, including those of **volunteer firemen**, will be allowed to drive into the block where fire apparatus is parked and operating.
3. No vehicle, will be allowed to cross fire hoses without the approval of the fire departments officer in charge.
4. Vehicles that are parked and interfere with fire operations may be towed as needed.

5. Applicable laws and ordinances, which may apply, include, but are not limited to:
 - a. Mass. Gen. Law, Chap. 89, Sec. 7A, 7B
 - b. Mass. Gen. Law, Chap. 268, Sec. 32, 32A

G. TRAFFIC CONTROL DURING ADVERSE ROAD AND WEATHER CONDITIONS:

1. Adverse weather or road conditions include, but are not limited to:
 - a. Accidental hazards, such as debris and wires that has fallen onto the roadway. Examples: debris from another motor vehicle, power lines, trees, etc.
 - b. Acts of nature, such as fog, ice, snow, etc.
 - c. Engineering hazards, such as exposed guardrail end, potholes, drain covers missing, or other objects that may cause unnecessary additional damage or injury should a vehicle, for any reason, impact upon the object.
2. The Shift Commander shall notify the local public works, Mass Highway, and fire department of the adverse road condition(s) that will affect the response of emergency vehicles and/or the motoring public, as appropriate.
3. The Shift Commander may close a street, if, in his opinion, the surface conditions and terrain creates an unusually hazardous condition. He shall also request assistance from the Department of Public Works.
4. The Shift Commander shall ensure the proper utility company or construction company is also notified, and assign officers as needed to direct traffic and safeguard the public.

H. MANUAL TRAFFIC DIRECTION: While carrying out manual traffic direction and control, officers shall at all times give due consideration to their own safety and the safety of the public. Personnel shall employ uniform procedures (signals, gestures, etc.) to enhance driver and pedestrian recognition and response to their direction as follows:

1. When an officer is directing traffic, it is necessary that the people using the highway know that he is there for that purpose, and that the officer knows and utilizes standardized, appropriate gestures and audible signals to stop, start, and turn traffic.
2. To indicate that the officer is present for the purpose of directing traffic, he should:
 - a. Turn the signal light (if there is one) to blinking or flashing
 - b. Position himself so that he can be seen clearly by all, usually in the center of the intersection or street
 - c. Allow his hands and arms to hang easily at his sides except when gesturing
 - d. Stand facing or with his back to traffic which he has stopped and with his sides to traffic he has directed to move

3. HOW TO STOP ONCOMING TRAFFIC:

- a. To stop traffic, the officer should first extend his arm and index finger toward and look directly at the person to be stopped until that person is aware, or it can be reasonably assumed that he is aware, of the officer's gesture.
- b. The pointing hand is raised at the wrist so that its palm is toward the person to be stopped, and the palm is held in this position until the person is observed to stop. To stop traffic from both ways on a two-way street, the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.

4. HOW TO START TRAFFIC:

- a. The officer should first stand with shoulder and side toward the traffic to be started, extend his arm and index finger toward and look directly at the person to be started until that person is aware, or it can be reasonably assumed that he is aware, of the officer's gesture.

- b.** With the palm up, the pointing arm is swung from the elbow only through a vertical semi-circle until the hand is adjacent to the chin. If necessary, this gesture is repeated until the traffic begins to move. To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.

5. RIGHT TURN MOVEMENT:

- a.** If the driver is approaching from the officer's right side, his extended right arm and index finger and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn.
- b.** If the driver is approaching from the officer's left side, either the same procedure may be followed utilizing the left arm extended, or the extended left forearm may be raised to a vertical position from the elbow while closing the fingers so that the remaining extended thumb points in the direction of the driver's intended turn.

6. LEFT TURN MOVEMENT:

- a.** Left turning drivers should not be directed to effect their movement while the officer is also directing oncoming traffic to proceed. Therefore, the officer should either direct opposing vehicles to start while avoiding left turn gestures directed at turning drivers, which will lead them to complete their turn only when there is a gap in the oncoming traffic, or to stop or hold oncoming drivers, after which the left turning driver can be directed into his turn. The officer's right side and arm should be toward the oncoming traffic, and the left side and arm should be toward the left turning driver. After stopping oncoming traffic by using the right arm and hand, the right hand should remain in the halt position, then the extended left arm and index finger and officer's gaze is directed toward the driver who intends to effect a left turn. When the left turning drivers attention has been gained, the extended left arm and index finger are swinging to point in the direction the driver intends to go.

- b.** Street width permitting, in order to clear the lane occupied by a driver who intends to make a left turn but cannot because of oncoming traffic, he can be directed into the intersection and stopped adjacent to the officer's position until the left turn can be safely completed.

The driver should be directed into the intersection by pointing toward him with the extended arm and index finger, which is then swung to point at the position at which the officer wishes the driver to stop and wait for clearing traffic. In the alternative, the driver may be directed to move with one arm and hand gesture while the other arm and hand are utilized to

point to the position at which the driver is to stop. After the driver is positioned within the intersection, the officer may either halt oncoming traffic and direct the completion of the turn or permit the driver to effect the turn during a natural break in the oncoming traffic.

7. SIGNALING AIDS:

- a.** The whistle is used to get the attention of the drivers and pedestrians. It is used as follows:
 - 1.** One long blast with a STOP signal
 - 2.** Two short blasts with the GO signal
 - 3.** Several short blasts to get the attention of a driver or pedestrian who does not respond to given signal
 - 4.** The whistle should be used judiciously. It should not be used to indicate frustration, and the volume should be just sufficient to be heard by those whose attention is required. Therefore, whistle blasts directed at pedestrians should be moderate in volume. The whistle should be used only to indicate stop, go, or to gain attention, and when its purpose had been achieved, the officer should cease sounding the whistle. If the whistle is utilized continuously, it ceases to hold meaning for drivers and pedestrians

b. The voice is seldom used in directing traffic. Arm gestures and the whistle are usually sufficient. There are numerous reasons why verbal commands are not used. Verbal orders are not easy to give or understand and often lead to misinterpretations which are dangerous. An order which is shouted can antagonize the motorist. Occasionally a driver or pedestrian will not understand the officer's directions. When this happens, the officer should move reasonably close to the person and politely and briefly explain his directions. No officer should exhibit loss of temper by shouting or otherwise indicate antagonism toward those who do not understand or who do not wish to obey the officer's direction

c. **The use of flashlight with illuminated cone or baton:**

1. To stop a driver with the baton, the officer should face the oncoming traffic, hold the baton in the right hand, bend the right elbow, hold the baton vertical, then swing the baton from left to right through an arc of approximately 45 degrees.

2. The "GO" and "LEFT" turn direction are the same gestures as those previously described, except that the baton acts as an extension of the hand and index fingers. Signals and directions given with the aid of the baton should be exaggerated and often need to be repeated because of poor visibility. The baton light should be turned off when it is not being actively utilized to give directions.

d. A flashlight alone can also be used to halt traffic, but less effectively and safely than with cone attachment. To stop traffic, slowly swing the beam of the light across the path of oncoming traffic. The beam from the flashlight strikes the pavement as a elongated spot of light. After the driver has stopped, arm signals may be given in the usual manner, as the vehicle's headlights provide illumination.

7. PARKING CONTROL: Parking regulations shall be enforced with reasonableness and impartiality in all areas of the town.

A. Parking control activities are essential to the safe and efficient movement of vehicles.

B. The Truro beach Commission is responsible for parking controls at beaches.

8. PARKING ENFORCEMENT:

- A. ENFORCEMENT - SEASONAL VARIANCE:** Officers must be aware that parking problems within the Town of Truro vary as the seasons change. During the winter months, enforcement efforts should be limited, but concentration should be made in situations involving snow plowing on public ways, situations necessary to ensure safe passage of fire, ambulance, and police vehicles. As the summer months approach, enforcement efforts change. Officers should direct their attention to violations which are hazardous to the public welfare and appropriate for summer enforcement, such as:
1. Wrong direction parking
 2. Within ten (10) feet of a hydrant
 3. Double parking
 4. Parking on crosswalk
 5. Handicap parking

9. ESCORTS:

- A.** The department shall recognize that there are legitimate and reasonable requests for police escort services to ensure safe, orderly, and efficient movement of special traffic or to expedite delivery of special items. The department shall make every effort to honor such requests to the extent practical and consistent with the need to ensure that the act of escorting or emergency relay itself does not create unnecessary risk to the public. The Chief of Police or his designee shall review and approve all requests for escorts or relay.
- B.** Officers shall not initiate emergency escorts without first obtaining permission from the Shift Commander.
- C.** Requests that may be obliged may include, but are not limited to, the following:
1. Funerals
 2. Motorcades
 3. Public officials and dignitaries
 4. Oversized vehicles
 5. Highway construction and maintenance vehicles
 6. Hazardous or unusual cargo
- D.** Emergency vehicles, particularly ambulances, shall not be escorted by officers, except under specific circumstances, unless a patient is under arrest or is violent.
- E.** Officers shall not escort civilian vehicles.

1. The driver of a civilian vehicle requesting an escort should be directed to proceed to the emergency medical facility at normal speed in compliance with all traffic regulations.
 2. If, in the officers opinion, delay or transfer would jeopardize the patients life, the officer should contact the Truro Rescue Squad.
- F. Officers shall not escort funerals without permission of officer in charge. Directing traffic at funeral processions at strategic locations is of greater assistance and will be performed by officers when necessary.

10. DISABLED MOTOR VEHICLES: If a vehicle is disabled, and the vehicle is safely off to the side of a public way, free from any anticipated obstruction or danger, it may be left for a reasonable period of time to allow the owner to obtain assistance on his/her own. A DMV tag shall be affixed on all standing motor vehicles.

The public, when utilizing public highways, may encounter mechanical or other difficulties requiring assistance from the police.

Officers notify dispatcher of:

A. TYPE OF SERVICE NEEDED:

1. Tow trucks
2. Traffic
3. Road repair/service

B. GIVE LOCATION THAT SERVICE IS TO BE DISPATCHED TO:
Officers shall give street name and number.

C. REASON FOR REQUEST:

EXAMPLE:

1. **TOW** - Type of car, plate, problem, whether hook or flatbed is needed.
2. **AMBULANCE** - Medical problem requiring attention so that proper life support units can be assigned.
3. **ROAD REPAIR/SERVICE** - Whether it is a flat tire, out of gas, fan belt, etc.

- D. 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.

E. OBTAINING ASSISTANCE ON HIGHWAYS/ROADS/ETC:

1. **FIRE SERVICE ASSISTANCE:** When a call for a fire is received the dispatcher will notify the Fire Department immediately.

Officers dispatched shall notify the dispatcher immediately upon arrival at the scene of the fire of:

- a. Location, including street and number.
- b. Type of vehicle involved; for example, car, bus, truck, van, etc.
- c. Status of fire; for example, fully involved, passenger compartment fire, engine fire, etc.

11. ABANDONED MOTOR VEHICLE:

DEFINITIONS:

ABANDONMENT - A vehicle left parked and unattended for 72 hours or more .

JUNK CAR - Has no salvage value. Before disposal it must be stripped of tires and batteries; oil, gas, transmission fluid, and radiator fluids must be drained; stuffing or fill-in seats must be removed, as well as papers or foreign debris; the gas tank must also be removed.

- A. **PUBLIC PROPERTY ABANDONMENT:** A motor vehicle shall be deemed abandoned by its owner if it is left parked and unattended for 72 hours or more on public/private property (Mass. Gen. Law, Chap. 90, Sec. 22C).

B. PRIVATE PROPERTY ABANDONMENT:

1. **CONDITIONS ALLOWING TOWING ON PRIVATE PROPERTY:** In order to have an abandoned motor vehicle removed from private property under Mass. Gen. Law, Chap. 266, Sec. 120D, it is necessary to show that the owner of the vehicle has been forbidden to park on the property either directly or by a posted notice (i.e., No Parking - No Trespassing sign). There is no 72-hour requirement on private property.

2. **OWNERS RESPONSIBILITY:** In order to have the abandoned motor vehicle removed, the owner or the person having lawful control must provide the Chief of Police or his designee with the following information:
 - a. The address from which the motor vehicle is being removed.
 - b. The address to which the motor vehicle will be moved
 - c. The registration number (plate)
 - d. The name of the owner or person in lawful control of the property
 - e. The name of the person or tow company that will be towing the motor vehicle
 - f. The towed vehicle shall be stored in a convenient place and the owner of the property shall be liable for the tow and storage charges, unless a trespassing violation has occurred. If a violation has occurred, said vehicle will be removed at the vehicle owners expense, and charges sought.
3. Abandoning a motor vehicle on private property does not prevent police from charging the owner of the motor vehicle with Abandonment (Mass. Gen. Law, Chap. 90, Sec. 22C).

12. INVESTIGATION OF ABANDONED/ JUNK MOTOR VEHICLES:

- A. **OWNERSHIP DETERMINATION:** Determining ownership and attempt to notify the owner by checking:
 1. Registration Plate.
 2. Vehicle Identification Number (VIN).
 3. Visible stickers, inspection or other type.
 4. Interior of vehicle for notes, letters, papers, materials, or other types of identification of owner.

If any of the above results in the determination of the owner, that information shall be given to the tow facility, so that the tow facility may contact the owner also.

- B. **VEHICLE CONDITION:** If vehicle has physical conditions indicating abandonment, pictures of the vehicles should be taken for evidence.
- C. **INVESTIGATION OF AN ABANDONED MOTOR VEHICLE:**
 - 1. A police officer may search an abandoned motor vehicle for evidence in attempt to determine the owner.
 - 2. The officer will monitor the vehicle during the next three days
- D. **IF OWNER CONTACTS DEPARTMENT:** If within 3 days the owner contacts the department, he will be ordered to remove the vehicle. The department's involvement is ended if the vehicle is removed.
- E. **IF OWNER CANNOT BE LOCATED:** If the owner cannot be located within three days, the person who had last registered the vehicle will be issued a town of Truro ticket for abandonment of a motor vehicle. The ticket will be sent to the Parking Clerk for processing.

VEHICLE NOT MOVED AFTER 72 HOURS: If after seventy-two hours the vehicles position hasn't moved and the value of the vehicle is less than the tow and storage charge, a report of the preceding shall be forwarded

PRIVATE PROPERTY TOW

Name of property owner		
Name of person requesting tow		
Address		
Telephone		
Vehicle Make/Model	Registration	Color
VIN		
Location of tow		
Tow Company and location vehicle removed.		

I _____, have read and understand Massachusetts General Law c.266 s.120D, and agree to abide by the conditions set forth.

Signature of property owner

Signature of Officer

Incident _____

Date _____

Chapter 266: Section 120D.

Removal of motor vehicles from private ways or property; procedure; penalties; liability for removal and storage charges; release of vehicle.

Section 120D. No person shall remove a motor vehicle which is parked or standing on a private way or upon improved or enclosed property unless the operator of such vehicle has been forbidden so to park or stand, either directly or by posted notice, by the person who has lawful control of such way or property. No vehicle shall be removed from such way or property without the consent of the owner of such vehicle unless the person who has lawful control of such way or property shall have notified the chief of police or his designee in a city or town, or, in the city of Boston the police commissioner, or a person from time to time designated by said police commissioner, that such vehicle is to be removed. Such notification shall be made before any such vehicle shall be removed, and shall be in writing unless otherwise specified by such chief of police or police commissioner and shall include the address from which the vehicle is to be removed, the address to which the vehicle is to be removed, the registration number of the vehicle, the name of the person in lawful control of the way or property from which such vehicle is being removed, and the name of the person or company or other business entity removing the vehicle. Vehicles so removed shall be stored in a convenient location. Neither the city or town nor its chief of police or police commissioner or his designee shall be liable for any damages incurred during the removal or storage of any such vehicle removed under this section. Any person who, without notifying the chief of police or his designee, or the police commissioner or his designee, or without obtaining the consent of the owner, removes a vehicle from a private way or from improved or enclosed property as aforesaid shall in addition to any other penalty of law be punished by a fine of not more than one hundred dollars. The employer of such person if any, shall also be punished by a fine of not more than one hundred dollars.

Any person who purports to authorize the removal of a vehicle from a way or property as aforesaid without having fully complied with the provision of this section shall be punished by a fine of not more than one hundred dollars.

In addition to any other penalty provided by law, the registered owner of a vehicle illegally parked or standing on a private way or upon improved or enclosed property shall be liable for charges for the removal and storage of such vehicle provided however that the liability so imposed shall not exceed the following, and provided, further, that the vehicle has been removed after compliance with the provisions of this section:

[(1) of the third paragraph effective until November 25, 1997 effective November 25, 1997 see below]

(1) the maximum amount for towing or transportation of motor vehicles established by the department of public utilities for motor vehicles towed away when such towing is ordered by the police or other public authority under the provisions of six faster one hundred and fifty—

(1) the maximum amount for towing or transportation of motor vehicles established by the department of telecommunications and energy for motor vehicles towed away when such tow is ordered by the police or other public authority under the provisions of section six B of chapter one hundred and fifty-nine B; and (Amended by 1997, 164, Sec. 288 eM. 11-25-97.)

(2) the maximum charge for storage of non-commercial passenger motor vehicles with a maximum capacity of nine persons, shall be not more than the maximum storage charge allowed under the provisions of said section six B of said chapter one hundred and fifty-nine B.

A person lawfully holding a vehicle removed under the provisions of this section may hold such vehicle until the registered owner pays the removal and storage charges.

Any person who is called to remove by towing a vehicle illegally parked or standing on a private way or upon improved or enclosed property may, at his discretion, if the owner appears to remove said vehicle before the towing is completed, charge said owner one half of the fee usually charged for such towing.

Any person who removes a vehicle illegally parked or standing on a private way or upon improved or enclosed property, or holds such a vehicle after its removal, and who has not complied in M with the provisions of this section, shall release such vehicle to its owner without assessing any charges for its removal or storage.

ATTACHMENT A

Cape Cod Regional law enforcement council
Regional Traffic Crash Reconstruction Team***Operational Plan***

Effective: July 1, 2006
Revised: November 12, 2008

Background

Motor vehicle collisions result in one of the highest causes of property damage, personal injury, and death in the United States. The proper investigation of these incidents is not only mandated by *Massachusetts General Law*, they are considered one of the most expected public safety services provided by law enforcement agencies. Resulting investigations form the foundation for criminal and civil litigation. As the complexity of the incident, severity of injuries, and damage increase, the requirement for technical crash reconstruction by professionally trained officers is necessary.

Purpose

The purpose of the Regional Traffic Crash Reconstruction Team (RTCRT) is to identify and coordinate the personnel and resources of Cape Cod Law Enforcement Council (CCRLEC) member agencies to properly investigate serious and/or complex collisions when personnel expertise or equipment needs exceed the capabilities of the individual department. To accomplish this objective, the RTCRT will:

1. Develop open communication and exchange of information between crash reconstruction investigators from CCRLEC agencies through regularly scheduled meetings and debriefings of major investigations.
2. Compile, continue to update, and distribute a roster of crash reconstruction investigators to member agencies, including levels of training, and areas of expertise (Appendix A).
3. Maintain a current list of specialized equipment and its location for potential utilization under existing mutual aid agreements (Appendix B).
4. Develop response availability on a 24/7/365 basis to provide technical crash investigation and reconstruction of police department motor vehicle crashes and other serious/fatal crashes requiring additional resources and/or abilities.

5. Identify training needs and develop cost efficient, highly professional, certified, and regionalized training opportunities for investigators to increase their capabilities and knowledge.
 - A. All investigators will be afforded the opportunity to obtain Level III Reconstructionist certification.
 - B. Provide continuing education and training opportunities regarding areas of specialization, need, and interest.
 - C. Allow investigators to develop areas of expertise, professionalism, and promote job enrichment through crash reconstruction.
6. Identify equipment needs that would be advantageous for regional deployment to be purchased through the CCRLEC.
7. Explore opportunities for grant funding of RTCRT efforts and expansion regarding training, equipment, and deployment.
8. Develop trainers within the Team to provide basic crash investigation in-service classes to CCRLEC departments.
9. Develop advanced instructor skills to offer regionalized crash investigation and reconstruction certification courses.
10. Enhance interagency communication, cooperation, and support through the RTCRT.

Policy

1. A **reconstructionist** is defined as an officer, irrespective of rank or primary assignment, that has been identified by their department to conduct and be responsible for the technical investigation of serious motor vehicle crashes and has completed, or is in the process of completing, a series of certified professional training courses necessary for this specialization.
2. Department requests for assistance from the RTCRT shall constitute mutual aid under *Massachusetts General Law* and CCRLEC memorandum of agreement guidelines.
 - A. The procedures, guidelines, and restrictions contained within the CCRLEC Mutual Aid Agreement shall be adopted by reference for all RTCRT responses to outside jurisdictions.
 - B. Unless specifically agreed to on a case by case basis, all duty, overtime, vehicle, and related expenses shall be the responsibility of the **sending** department.
 - C. Responding reconstructionists shall have the same law enforcement authority as a regular police officer of the requesting jurisdiction.

- D. The agency being contacted for assistance shall respond as if the person placing the request has the authority of the receiving department to authorize such assistance.
3. The RTCRT should be considered for deployment when a department's available expertise in this area of specialization is limited or would create a perceived conflict of interest in investigating a crash scene.
- A. Incidents where the RTCRT would be properly deployed include but are not limited to:
 - 1) Vehicular or attempted vehicular homicides where technical evaluation of the crash scene would further the successful prosecution of the crime.
 - 2) Crashes involving police vehicles especially related to high speed pursuits or emergency operations.
 - 3) Crashes of suspect vehicles related to a pursuit involving injury, death, and/or severe property damage.
 - 4) Crashes with serious injury or death involving:
 - a. School, public, or private buses;
 - b. Motorcycles;
 - c. Bicycles;
 - d. Pedestrians;
 - e. Large trucks or heavy equipment;
 - f. Trains.
 - 5) Fire department vehicles especially when being operated under emergency response conditions.
 - 6) Evidence where the crash was staged or intentional for suicide, insurance fraud, or other purpose.

- 7) Any crash that the department head or his/her designee deems appropriate to be investigated by a neutral outside agency for political or public perception purpose.
- B. Incidents where the RTCRT should not be deployed include:
- 1) Routine traffic crashes due to lack of available department personnel to respond;
 - 2) Minor or non-injury accidents where there is no indication of unusual or questionable causation.
- C. **Under no circumstances is the response of the RTCRT required or mandated.**
4. Participation in any request by another agency for mutual aid is at the sole discretion of the individual department and must be authorized prior to response.
 5. All CCRLEC departments shall be provided with a current RTCRT roster of qualified reconstructionists which includes: names, department, and telephone numbers.
 6. Requests for assistance from the RTCRT shall be authorized in accordance with the requesting agency's policies and procedures.
 7. Due to the technical and complex nature of crash reconstruction, when possible, two reconstructionists should be assigned to investigate the initial on-scene incident when possible.
 - A. The primary reconstructionist shall be responsible for completing the necessary reports and follow-up activities including but not limited to:
 - 1) Collecting off-scene data;
 - 2) Obtaining/recording formal statements from witnesses; and
 - 3) Preparing formal reports to support criminal prosecution.
 - B. In the absence or unavailability of a second reconstructionist, the Department may need to assign an officer to assist with the on-scene investigation.

8. Training opportunities, access to regional equipment, grants funds, etc. will be distributed equally and consistently throughout all participating departments.

Procedures

1. When a jurisdiction is requesting assistance from an outside agency, neighboring jurisdictions with RTCRT members should be contacted first from the provided list of qualified reconstructionists (see Appendix A).
 - A. Departments may request assistance from any of the participating agencies as deemed appropriate according to individual protocol, policy, and/or discretion.
 - B. If the level of assistance necessary cannot be obtained from a neighboring jurisdiction, members from the team can be contacted for potential response utilizing the paging system established in this policy.
 - C. Nothing in this policy prohibits another reconstructionist from participating in an investigation provided that such involvement complies with individual departmental policies and procedures.
2. If assistance from the RTCRT is deemed necessary and a timely response cannot be obtained from a neighboring or other contacted jurisdiction, the requesting agency can:
 - A. Contact the Barnstable County Sheriff's Department Communications Center and request assistance of the RTCRT (see Appendix A).
 - B. The Barnstable County Sheriff's Department Communications Center will notify all Team members through the established communications system of the following information:
 - 1) Identification of the Department requesting assistance;
 - 2) The type of assistance or response requested;
 - 3) A contact number for the requesting agency or a designated representative where answering team members can obtain current and/or additional information including:

- a. Providing information regarding the type of incident for which assistance or special equipment is necessary.
 - b. Indicate the location and contact person to which the RTCRT member(s) are to report.
 - c. Provide a telephone number for the RTCRT to contact regarding estimated response time and further clarification.
3. When a member of the team is called out for a collision, reconstructionists will have the ability to notify all group members in case the investigating officer requires assistance and/or would like to inform the members group. The latter would be beneficial to member(s) to have hands on experience with a collision and offer their opinions to the investigating officer.
 - A. To call-out a member of the group, the investigating officer and/or their department will notify the Barnstable County Sheriff's Office Communications Center.
 - B. The contacting officer will request the BCSO Communications Center to notify members of the group with the same information as specified above to include a specific contact number.
4. Once a page is received requesting response, the team member shall contact the requesting agency to determine if the need has already been filled by another reconstructionist.
5. The requesting agency shall provide responding team members a method of communication with the on-site incident commander/officer in charge by identifying a mutually available radio frequency, cellular phone number, or other available communication capability.
6. Upon request or assignment, team members shall make proper notifications of their response.
 - A. Team members shall notify their individual departments prior to actually responding to a request for assistance from an outside agency.
 - B. Regardless of method of notification, team members shall comply with all rules, regulations, policies, and procedures of their department regarding mutual aid response.

- C. For the purpose of tracking reconstruction services utilization, **anytime** a team member is called out to conduct a reconstruction investigation, the chief assigned to the team by the Cape Cod Regional Law Enforcement Council shall be notified either by telephone or by e-mail of the assignment.
- 1) Notification shall include the basic information of the assigned investigators, date, time, location of the collision, involvement of public vehicles or conveyance, injuries, fatalities, and any other information the investigator deems appropriate.
 - 2) License numbers, names of operators, specifics of the investigation, etc. are not necessary.
 - 3) Notification of the assigned chief needs to be timely; however, not immediately or during the on-scene investigation unless the assigned investigator is of the opinion that immediate notification is appropriate.

Contributing Personnel:

Cape Cod Regional Traffic Crash Reconstruction Team Members
Cape Cod Regional Law Enforcement Council Members

S.L.E.A.: 2.1.2 – 3, 61.2.4

Cape Cod Regional law enforcement council
Regional Traffic Crash Reconstruction Team
Operational Plan

Appendix A

Team Members and Contact Information

Cape Cod Regional law enforcement council
Regional Traffic Crash Reconstruction Team
Operational Plan

Appendix B

Specialized Crash Reconstruction Equipment