

CAMBRIDGE POLICE DEPARTMENT

Title: ***TRAFFIC ENFORCEMENT***

Procedure: 4.615

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PURPOSE:

To establish general guidelines for the Department's traffic law enforcement program.

POLICY:

The primary purpose of traffic law enforcement is to reduce crashes through active police patrol and violator contacts. Patrol visibility, consistency of effort, education, engineering and public support will facilitate the safe and expeditious movement of vehicular and pedestrian traffic.

PROCEDURE:

ENFORCEMENT RESPONSIBILITY

1. All members of the Department have a responsibility to provide for a fair and reasonable approach to traffic law enforcement, and enforce the same laws in the same manner.

2. Enforcement policies cannot and should not supplant officer judgment. Officer discretion on the proper enforcement action to be taken is based on a combination of the officer's training, experience, and common sense. The intent of this procedure is to set forth general guidelines for uniform enforcement action for routine traffic situations. It is not the intent of this procedure to limit discretion, but to encourage each officer to use his/her training and experience to the fullest extent.

GUIDELINES FOR ROUTINE TRAFFIC ENFORCEMENT

1. EXCEEDING POSTED SPEED LIMIT

Legally there is no defense for exceeding the posted limit or for driving faster than conditions safely permit. However, drivers stopped

for speed violations may indicate certain factors unknown to the officer before the stop that may have contributed to the violation.

Officers should exercise discretion when deciding if a verbal warning, written warning or a citation is appropriate. Consideration should be given to such factors as weather conditions, traffic volume, pedestrian traffic and location, while always being mindful that excessive speed correlates directly with high incidents of crashes.

2. HAZARDOUS VIOLATIONS

Hazardous violations are defined as those violations that pose a direct hazard to the safe and efficient flow of traffic. In addition, these violations contribute substantially to crashes. For the purpose of this procedure hazardous violations fall into the following categories:

Unsafe Behavior - driver actions are direct violation related to moving violations i.e., violating traffic control devices, signs and other crash related violations.

Unsafe Condition - vehicles that are improperly equipped, i.e., no headlights, worn tires, overweight trucks and any other violation that renders a vehicle unsafe.

Officers are to take immediate enforcement action based on sound judgment upon viewing or detecting hazardous violations.

3. VIOLATIONS BY PUBLIC OR COMMERCIAL CARRIERS

Public/Commercial carriers who violate traffic laws will be treated in the same manner as the general public. Uniform enforcement policies and procedures outlined in those traffic related procedures are applicable.

4. NEWLY ENACTED TRAFFIC LAWS

When new traffic laws are enacted, the Chief of Police will review them to determine the level and schedule of enforcement action to be taken by Department personnel. At his discretion, the Chief of Police, may authorize warning tickets as the Department's primary enforcement action until the provisions of the new laws are better known to the public.

5. D. W.I. VIOLATIONS
Refer to the Department D.W.I. Enforcement procedure.

6. MULTIPLE VIOLATIONS
When multiple violations are committed by a single individual and arise from a continuous activity, the enforcement action adopted will be predicated on the most serious offense committed.

In all cases of multiple violations, the enforcement action taken will be sufficient to support a comprehensive and complete case for the prosecution.

7. NON-HAZARDOUS VIOLATION
Enforcement efforts for non-hazardous traffic violations will be guided by officer discretion. Officers are reminded that voluntary compliance is the goal of enforcement actions for minor violations.

TYPES OF ENFORCEMENT ACTION

1. Officer discretion is important to an effective traffic law enforcement program. Emphasis should be placed on the principles of selective enforcement with resources directed toward specific areas and violations

deemed important to the Department's traffic enforcement program.

2. Enforcement action shall be carried out by all Department personnel in a fair, impartial and courteous manner. The officer's actions should demonstrate a positive and professional demeanor at all times.

3. Sworn officers shall take the appropriate enforcement action for each violation of the law reported or observed. Enforcement actions will be accomplished using one of the following methods.

VERBAL WARNING -A verbal warning is appropriate when the violator commits an act that may be due to ignorance of a local ordinance, the Vehicle Code or in the case of a condition of which the driver may not be aware.

WRITTEN WARNING - A written warning may be appropriate for a minor infraction where crash experience is minimal. For example, passing a stop sign at a speed slower than walking when other traffic is not affected.

CITATION - The citation should be issued to violators who jeopardize the safe movement of pedestrian or vehicular traffic. This includes operating unsafe or improperly equipped vehicles, and serious license and registration violations.

CUSTODIAL ARREST - Officers will effect the arrest of any person in violation of traffic laws of a serious nature. Officers shall use sound legal principles and comply with the provisions established in the Vehicle Code.

JUVENILES - If a juvenile is arrested for a jailable Vehicle Code violation or the juvenile is under the age of sixteen the juvenile will be detained at headquarters and an arrest report will be completed. A "Juvenile Motor Vehicle Complaint Form" will also be completed and forwarded to Juvenile Justice. The

juvenile will be released only to a parent or guardian.

2. Juvenile traffic violators arrested for jailable offenses or who are under the age of 16 will be notified by Juvenile Justice when to appear in Court.

3. Juveniles 16 or 17 years of age charged with a non jailable traffic offense will be issued a traffic citation.

SUSPENDED/REVOKED OR NO VALID DRIVER'S LICENSE

1. If the officer has received verification that the driver's license has been suspended or revoked, he will issue the proper citation and the vehicle may be towed if it is not legally parked and/or a subject with a valid license is not present. The officer must indicate in the report that the defendant has given permission for another party to remove the vehicle.

2. If the officer is unable to determine the status of the driver's license he should issue any appropriate citations. If it is determined later that the driver's license is suspended or revoked, he should contact the driver and charge the driver as appropriate, or seek a warrant.

TRAFFIC PATROL VISIBILITY/OBSERVATIONS

1. The most effective deterrent to traffic law violations is visible patrol in a marked vehicle. Traffic law enforcement activities should be directed toward education and prevention rather than apprehension.

2. Officers shall drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior.

3. In those areas where stationary observation is necessary to maximize the effectiveness of a selective enforcement effort, officers shall park in a conspicuous location and in such a manner that traffic flow is not impeded.

4. Covert traffic enforcement units will be concealed from view of the roadway being observed. The concealment is to the

extent that the observer is not visible to persons using ordinary powers of observations.

5. Unmarked vehicles will not normally be used for traffic enforcement activities. Any use of unmarked vehicles for traffic enforcement requires supervisory approval. Unmarked vehicles may be used for routine patrol in the same manner as marked cars if special enforcement needs exist. Officers are discouraged from enforcing minor traffic violations while in unmarked vehicles. Unmarked vehicles must be equipped with emergency lights and siren.

SPEED ENFORCEMENT/RADAR

1. The use of speed measuring devices can be an effective means of reducing speed.

2. Radar will be assigned to high or potentially high crash locations where speed is a factor; where speed violations are prevalent; in school zones; in response to citizen complaints; and, when conducting traffic volume and speed studies.

3. Department radar equipment shall be manufactured to meet National Highway Traffic Safety Administration specifications.

4. Officer's operating radar equipment will:
inspect the radar unit for visible damage;

check the unit's internal calibration according to manufacturer's guidelines;

check the unit's L.E.D. diodes for proper function; and

by use of the tuning fork, check the unit for accuracy.

5. Officers using radar equipment are responsible for reporting to their supervisor any malfunctions, problems, or damage to the radar equipment and will forward all requests for service or repairs through their supervisor to a Staff Officer.

6. Department radar units will be inspected and certified by the Traffic

Supervisor. If a unit has been damaged or malfunctions it will be repaired and recertified. The Traffic Supervisor will be responsible for maintaining records of all repairs and certification reports.

7. The Department will maintain a training program for patrol officers in radar operations.

REPORTING INCOMPETENT DRIVERS

1. Routine enforcement, crash reporting and investigation activities frequently lead to the discovery of drivers who have a physical or mental condition which might prevent the person from operating a motor vehicle in a safe and reasonable manner.

2. Officers detecting a person who appears to be incompetent, physically or mentally disabled, or suffers from disease or other conditions that prevent him from exercising reasonable and ordinary care over a motor vehicle, will request a reexamination through the Motor Vehicle Administration.

3. When requesting a reexamination the officer must be specific and relate the circumstances that provide the basis for the request by completing and submitting to the Motor Vehicle Administration a RE-EXAMINATION REQUEST.

PEDESTRIAN AND BICYCLE ENFORCEMENT

1. Officers will take appropriate enforcement action when and where pedestrian and bicycle violations are observed.

2. The enforcement action will be commensurate with the pedestrian and bicycle crash experience, and at times and places as determined through analysis of accident reports.

3. The enforcement of traffic laws pertaining to pedestrians and bicyclists requires broad discretion from individual officers. To provide guidance in this discretion the following procedures are established:

Before any substantial increase in the enforcement of pedestrian or

bicycle traffic, sufficient publicity and community awareness programs will be implemented.

Officers shall concentrate their efforts on pedestrian and bicycle violations in those areas where accidents have been frequent and severe.

In those areas where traffic flow is minimal and crashes involving pedestrians and bicycles are low, officers should exercise discretion in the application of the law.

4. The Community Policing Unit shall be responsible for the implementation of bicycle and pedestrian safety programs. These programs should be directed toward those age groups with the highest percentage of involvement with bicycle/pedestrian crashes.

PARKING ENFORCEMENT

1. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the City.

2. Street parking is restricted in various areas to ensure fair access to parking and to expedite the flow of traffic during peak hours.

3. Special restrictions apply to weather emergencies and the type of vehicle class.

4. Officers shall enforce parking violations with discretion, taking into account the seriousness of the violation.

5. Special attention should be given to the following areas:

handicapped parking violations;

fire hydrant parking violations;

business areas during peak hours;

primary snow route violations; and
fire lanes.

6. When vehicles are parked in such a manner as to require their immediate removal, officers shall attempt to locate the

owner. If unsuccessful, the vehicle shall be towed according to Department procedures.

7. Permission may be granted to illegally park certain vehicles in some situations. A Staff Officer or the Chief of Police must approve all major requests for illegal parking in these special circumstances. The Supervisors can approve minor deviations from parking enforcement.

OFF-ROAD VEHICLE ENFORCEMENT

1. Officers shall be alert to off-road vehicles (snowmobiles, dirt bikes, mini-bikes) which are being used in the City illegally, particularly when their use results in citizen complaints of excessive noise, trespassing and property damage.

2. Officers shall take appropriate action for violations committed by operators of off-road vehicles.

3. Officers shall enforce all applicable laws pertaining to the operation and registration of off-road vehicles.

4. Special attention should be made to the following:

- removal of unlicensed vehicles from streets and highways;

- violations of off-road vehicle registration laws;

- misuse of public and private property;

- citizen complaints of noise, trespass and property damage; and

- juvenile offenders.