



# Fitchburg State University Police Department

<b>Subject: MOTOR VEHICLE ENFORCEMENT</b>	
Reference: <b>MPAC:</b> 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.7, 61.1.8, 61.1.9, 61.1.11, 61.1.12, <b>IACLEA:</b> 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6	
<b>Effective Date:</b> July 6, 2020	<b>Review Date:</b>
<b>By Order of:</b> Michael J Cloutier, Chief of Police	

## General Order

# 10.1

### PURPOSE:

To establish guidelines which the sworn police officers of the Fitchburg State University Police Department will use when enforcing Massachusetts motor vehicle laws on and about the Fitchburg State University campus.

### POLICY:

It is the duty of the sworn members of the Fitchburg State University Police Department to provide the university community a safe environment through a combination of enforcement, education, engineering and public support. Included in this mission is the safe movement of motor vehicle and pedestrian traffic. As such, officers are required to enforce motor vehicle laws for all motor vehicles operating or located on the property of Fitchburg State University.

### STATUTORY AUTHORITY

**Massachusetts General Law Chapter 90C § 2A:** The authority for police officers appointed by the trustees of the commonwealth's state universities and community colleges under section 22 of chapter 15A to issue citations under this chapter **shall be limited** to the issuance of citations for violations occurring on the property of state universities and community colleges. Separate record-keeping and data collection, including, but not limited to, racial or gender profiling data collection and analysis required under chapter 228 of the acts of 2000, shall be performed by such campus police departments, separate from those conducted by any municipal police department or the state police.

**Massachusetts General Law Chapter 15A § 22 (b):** Each board of trustees of a community college or state university shall be responsible for establishing those policies necessary for the administrative management of personnel, staff services and the general business of the institution under its

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authority... establish all fees at said institution subject to guidelines established by the council. Said fees shall include fines and penalties collected pursuant to the enforcement of traffic and parking rules and regulations. Said rules and regulations shall be enforced by persons in the employ of the institution who throughout the property of the institution shall have the powers of police officers, except as to the service of civil process.

### **PROCEDURE:**

#### A. Motor Vehicle Stops:

1. If a police officer determines to stop a motor vehicle for a legally justifiable reason, the officer should use great care and caution. Many police officers are seriously injured, even fatally in making motor vehicle stops. The police officer should use every precaution when initiating the stop. When stopping a vehicle for either a "normal" traffic stop or an unknown traffic stop the following methods should be followed:
  - a. Notify the dispatcher of the location of the stop;
  - b. The description of the vehicle stopped, this will include the registration number of the vehicle as well as the color and make and model of the vehicle if known to the police officer;
  - c. The number of occupants inside the stopped vehicle and if possible a physical description of the occupants (gender, clothing description, race);
  - d. The police officer may also want to notify the dispatcher of the reason for the stop. If a suspected criminal action on the part of the operator is the reason the dispatcher may want to automatically send another police officer to the location of the stop, if one is available.
2. The police officer should select a suitable and safe location for the stop, preferably in a well-lit area.
3. When initiating the stop and after the suspect motor vehicle has stopped, the police officer should observe the occupant(s) of the stopped vehicle and guard against any evasive or furtive movements.
4. Police officers should approach the suspect vehicle with extreme caution after the vehicle has stopped. The police officer should be aware not only of the actions of the occupant(s) of the suspect vehicle but also of passing and oncoming motor vehicle and pedestrian traffic. Proper positioning of the police officer's vehicle will help create a safer approach avenue for the police officer. When stopping a vehicle for either a "normal" traffic stop or an unknown traffic stop the following methods should be followed:
  - a. Activate emergency lights (front and rear);
  - b. Position cruiser one (1) or two (2) car lengths behind violator vehicle. The center of the cruiser hood is aligned with the left tail light of the violator vehicle.
  - c. Ensure both vehicles are off the travel part of the road, when possible;
  - d. Make sure the spotlight is shining in the rearview mirror of the violator vehicle;

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- e. Just before exiting the cruiser, check the rear and side-view mirrors to ensure it is safe to do so;
  - f. Carry your flashlight in non-gun hand;
  - g. Quietly close cruiser door and ensure it latches.
  - h. Begin approach. Push down on the trunk of the violator vehicle to make sure it is closed;
  - i. If heavily tinted windows are present, have the operator roll down the windows before reaching a window;
  - j. Stop at the violator vehicle door-post and keep your firearm side away from the operator to present the thinnest possible profile;
  - k. Be polite.
5. The police officer initiating the stop should leave the police vehicle's emergency lights activated to alert traffic and to assist any potential back-up officers of the location of the stop.
  6. In addition to the steps listed above, in the event of a high-risk stop officers shall utilize the felony stop procedures as trained by academy staff, (vehicle position, commands and directions). Officers should exercise extreme caution when initializing a felony stop. Reasons for a felony stop may include but not be limited to felonies where violence was a part of the crime, stops where an operator or passenger is known to have a warrant and is a flight or flight risk and/or interactions with a known offender who has a history of violence and non-cooperation. Officer must be aware of their surroundings when initiating, and during the stop. Officer's should not initiate a felony stop until they have at least one other officer for backup unless it is necessary to do so. In that case, officers should not approach until another unit or officer has arrived on scene. In addition the following steps will be used:
    - a. The officer may draw their weapon in readiness to defend themselves or others;
    - b. Instruct the motorist to turn off the engine and drop the keys on the ground;
    - c. Instruct all occupants to keep their hands in plain view (on top of their heads or out of the window);
    - d. Position themselves behind the open driver's door of their vehicle to provide cover and concealment; and
    - e. Await assistance if not already present.
- B. Interacting with the Traffic Violator:
1. All sworn Police Officers shall exercise their good judgment and discretion when dealing with traffic violators. Officers must display and maintain a professional attitude during the traffic stop and especially while communicating with the traffic violator. Officers should keep in mind the use of proper language both verbal and non-verbal and emotional stability.

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2. To avoid citizen complaints and to stop the majority of road side arguments officers may want to use the following approach when conducting a traffic stop:
  - a. Greeting ("Good morning, afternoon," etc.);
  - b. Identify yourself and the department;
  - c. Inform the operator of the reason they were stopped;
  - d. Ask the operator if there is a legal or justified reason for their action;
  - e. Request the operator's license;
  - f. Request the vehicle's registration and/or insurance card if vehicle is registered out of state;
  - g. Make a decision (verbal or written warning, citation, or arrest.);
  - h. Close, informing the operator of your decision and any instructions.

*IACLEA 10.1.5 / MPAC 61.1.7*

3. Enforcement actions will be accomplished by using the following methods:
    - a. Verbal Warnings;
      - (1) A verbal warning may be appropriate when the operator committed the offense that may be due to the ignorance of a particular law or is unfamiliar with the area in which they are driving (parents, relatives, visiting guests). In the case of an equipment failure of which the operator was not aware, a verbal warning may also be appropriate. This department strongly urges officers to issue written warnings instead of verbal warnings, due to the need to comply with the racial/gender profiling requirements that were put into effect by the Commonwealth of Massachusetts.
    - b. Written Warnings:
      - (1) A written warning is a proper alternative response for an officer in response to a minor traffic violation. Officers should also be aware that a written warning may also be appropriate where the courts have shown a heightened tolerance for certain offenses. If used properly a warning can be used to educate the offender and have a positive effect for the issuing officer as well the department. However, the excessive use of written warnings should be avoided. Officers should issue citations when appropriate; the excessive use of warnings may send a message to the community that the police department is lax in the enforcement of motor vehicle laws.
- IACLEA 10.1.1 c / MPAC 61.1.2 c*
- c. Citations:
    - (1) Citations are the mainstay in a police officer's effort to enforce traffic and motor vehicle laws. Officers do have discretion when determining whether to take a

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punitive civil action against an offender. This discretion should be based on experience, training and common sense. Traffic citations should be issued to all offenders who risk the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, multiple violations, and violations of new laws/regulations and operating unsafe and or improperly equipped vehicles. Before releasing the offender from the stop, the officer should inform the offender of the correct procedures in responding to the citation. Instructions are on the back of the citation form given to the offender; this will also apply to citations given to those individuals that have been arrested.

*IACLEA 10.1.1 b / MPAC 61.1.2 b*

d. Arrest:

- (1) Police officers may affect the arrest of any person in violation of those traffic laws allowing physical arrest. Officers may criminally summon an offender if they feel that the circumstances warrant such an action, However, officers will affect a physical arrest if the law mandates such an action. Arrestable offenses include the following:
  - (a) Operating unlicensed. Massachusetts General Law, Ch.90 Sec. 10;
  - (b) Leaving the scene of an accident involving personal injury without making known their name, residence, and the registration number of their motor vehicle according to Massachusetts General Law, Ch.90 § 24;
  - (c) Operating a motor vehicle under the influence of alcohol or narcotics. An arrest may be made for this violation based upon probable cause. Massachusetts General Law, Ch.90 § 24 ;
  - (d) Knowingly using a motor vehicle without the authority to do so.
  - (e) Refusing to obey a police officer according to Massachusetts General Law, Ch.90 §. 25;
  - (f) Operating after the suspension or revocation of an operator's license. Massachusetts General Law, Ch.90, § 23 ;
  - (g) Whenever a police officer has probable cause to believe that a felony has been committed, is being committed, or is about to be committed;
  - (h) Whenever a person commits a misdemeanor in the police officer's presence which carries that statutory right to arrest or commits a misdemeanor in the police officer's presence and the act amounts to a breach or anticipatory breach of the peace.

*IACLEA 10.1.1 a / MPAC 61.1.2 a*

- e. A police officer must arrest anyone with a valid warrant against them. This is when such a person has been confirmed to have a valid warrant against them. Massachusetts General Law, Ch.276, § 23.

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- f. Officers have the discretion to issue a Massachusetts Uniform Citation or a Fitchburg State University Ticket, which are issued through the T2 system, for selected motor vehicle offenses. The discretion in issuing either, and the enforcement level (warning or monetary) should be based on location, severity of offense, and other articulated facts.

### C. Information for Motorist / Violators

1. It is essential that officers fully explain verbally the rights and requirements imposed on motorists upon arrest or issuance of a citation for a traffic violation. MGL 90 § 2 states officer must give a copy of the citation to the violator at the time and place of the violation unless:
  - a. Violator could not be stopped
  - b. Additional time was needed to identify the violator or the nature of the violation
  - c. Violation resulted in death
  - d. The court finds reasonable circumstances to justify the delay.
2. If a citation is issued as a summons or an arrest, officer will explain to the violator the following:
  - a. Whether court appearance by the motorist is mandatory; and if so;
    - (1) Court appearance date, time and location, if known at time of the offense;
  - b. Whether the motorist may be allowed to enter a plea/and or pay the fine by mail or otherwise;
3. If a citation is issued for a civil motor vehicle infraction (CMVI), the officer will
  - a. Inform the violator the right to either pay the stated fine or request a hearing
  - b. Indicate payment instruction is on the back of the citation, as well as their option to request a hearing
4. If a university ticket is issued, explain the process to both pay the stated fine or appeal the ticket.

*IACLEA 10.1.3 / MPAC 61.1.4*

### D. Special Circumstances when issuing citations/arresting traffic violators:

1. Non-residents:
  - a. Enforcement activities will be the same regardless of the offender's residence. Preference will not be given to local or state non-residents. Additionally, preference shall not be given to those who are members of the Fitchburg State University community, bearing in mind that additional administrative actions are available to those who are members of the university community (referral to student conduct and human resource).

*MPAC 61.1.3 a*

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### 2. Juveniles:

- a. There are no special procedures in dealing with juvenile traffic offenders and the issuance of citations. The only time special procedure would go into effect is if the police officer affects an arrest of a juvenile offender. If a citation is issued to a juvenile, the issuing police officer may want to enter that information into the narrative section of the computer citation recording system so the information would be available to the court. *IACLEA 10.1.2 a / MPAC 61.1.3 b*

### 3. State Legislators:

- a. The Massachusetts Constitution (Part II, Chapter I, Sec. III, Article X) states the following "And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from, or his attending the general assembly." However, officers may still issue citations both civil and criminal to the traffic offender. *IACLEA 10.1.2 b / MPAC 61.1.3 c*

### 4. Diplomatic and Consular Officers:

- a. Under the best of circumstances interacting with a foreign diplomat or consular official is a very sensitive situation. Police officers should always treat these officials with the courtesy and respect they are due. These officials should be accorded their respective privileges, rights and immunities as directed by international and federal law. Police officers should also constantly communicate to the official that their primary responsibility is the care and the safety of the official as well as others.

#### b. Diplomatic Officers:

- (1) Diplomatic Officers, their families, servants and official staff are protected by unlimited immunity from arrest, (except in the commission of a felonious crime where there is a threat to public safety) detention, or prosecution with respect to any civil or criminal offense.

#### c. Consular Officers:

- (1) Consular Officers are entitled to limited immunity and are not subject to arrest or detention-pending trial, except as stated above in the commission of a felonious crime where the issue of public safety arises. Family members of consular officers do not share the same privileges as the officers themselves. However, they should still be treated with the utmost respect and courtesy. In regards to traffic citations, the issuing of a citation does not constitute an arrest or detention in the sense referred to above.

*IACLEA 10.1.2 c / MPAC 61.1.3 d*

#### d. Military Personnel:

- (1) Military personnel may only operate military equipment on an Armed Forces Operator's License. They are not allowed to operate private vehicles on the same license nor are they allowed to operate private vehicles on an expired license, whether it is a Massachusetts issued license or not. However, this rule is waived when the member of the Armed Services is returning from overseas duty within the previous thirty days and is in possession of their

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military license. In the event of an arrest resulting from a motor vehicle offense of an active duty member of a branch of the Armed Forces, the shift supervisor should contact the closest Armed Forces Liaison Officer.

*IACLEA 10.1.2 d / MPAC 61.1.3 e*

### E. Use of RADAR/LIDAR in traffic enforcement:

1. Only those police officers trained and certified are allowed to use department RADAR/LIDAR units. The department follows the training standards that have been established by the National Highway Traffic Safety Administration. Police officers will also have to demonstrate their competence with the unit to a supervisor that is already certified.
2. The Chief, or his designee, will be responsible for ensuring that the RADAR/LIDAR used by the department is properly maintained and calibrated. The Chief or his/her designee will also be responsible for maintaining the records of all maintenance/calibration tests performed on the RADAR/LIDAR unit(s). The specific operator's manual for the unit to be used by the members of the department may be obtained from the Chief or his designee.
3. Police officers will follow the operational procedures (stationary/moving modes, range control, interference, audio and squelch, tracking, locking, and display readings) as they were instructed during their training. Police officers utilizing the RADAR/LIDAR equipment will conduct the proper internal and external tests before and after the use of the equipment by that police officer.
4. Any police officer certified to use the RADAR/LIDAR unit is responsible for reporting any damage, abnormalities in the test readings, or abnormalities in the function of the unit while it is operating. Any of the above listed problems, or any not listed will be reported immediately to the Chief or his designee.
5. RADAR/LIDAR units will be assigned to officers at the discretion of the shift commander.

*IACLEA 10.1.6 / MPAC 61.1.9*

### F. Operating under the influence of Alcohol or Narcotics; Enforcement Procedures:

1. Many traffic accidents, particularly those involving personal injuries or fatalities are a result of individuals operating a motor vehicle under the influence of alcohol and/or narcotics. Police officers must always be aware that the operator they are interacting with may be under the influence of alcohol or narcotics. This is especially true on a university campus. This department will ensure that all its sworn police officers are properly trained in all aspects of driving under the influence of alcohol/narcotic procedures, to include the administration of standardized field sobriety testing (SFST). Each sworn police officer has been issued a card with the SFST Instructions on them. These cards will be used if an officer suspects that an operator may be under the influence of alcohol or drugs. Police officers will use a minimum of three standardized field sobriety tests to further support his/her suspicions. The officer, after administering the first three SFSTs, will offer to the operator the option of submitting to a preliminary breath test (PBT). These tests will be conducted outside the vehicle in the safest location for both the individual and the police officer.



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2. If a police officer determines that an operator is under the influence of alcohol or a narcotic, they will take the appropriate enforcement action. Appropriate enforcement action will include affecting an arrest as the first option. However, if an arrest is not possible, (operator in the hospital, officer has no means to affect an arrest) other options do exist, including the issuing of a criminal citation. The following procedures will also be met in regards to those individuals that have been arrested for driving under the influence of an alcoholic beverage or narcotic.
3. On October 28, 2005 Melanie's Law was signed. Its purpose is to enhance the penalties and administrative sanctions for operating under the influence offenders. New portions of the law include enhanced penalties for refusing to submit to a chemical test, vehicle forfeiture and registration cancelation. New laws include child endangerment while operating a MV under the influence of alcohol, operating under the influence of alcohol while already suspended for OUI and employing or allowing an unlicensed operator to operate a motor vehicle, manslaughter by motor vehicle and ignition lock devices.

*IACLEA 10.1.4 a / MPAC 61.1.5 a*

### G. Breathalyzer Operation:

1. The administration of a breathalyzer examination for an individual arrested for operating under the influence of alcohol will only be administered by a trained and certified operator. All examinations and documentation thereof will be administered in accordance with Massachusetts Law and department policy.
2. An operator is considered to be operating under the influence if they have a diminished capacity to safely operate because he/she is under the influence of (1) alcohol; (2) marijuana; or (3) narcotic drugs; or (4) depressants or stimulant substances; or (5) glue vapors. The offense is also proven if the defendant registers a Blood Alcohol Content (BAC) of .08 (*per se law*)
  - a. If an operator BAC is under .08, there is no presumption of intoxication, and the operator may be charged with negligent operation or other applicable charges, **NOT** Operating Under the Influence, unless there are significant signs of impairment by drugs.
  - b. If a person under the age of twenty-one has a blood alcohol reading of at least .02% the police officer administering the test, or the arresting officer will take that individual's operator's license and they will be processed according to the law.
  - c. If the individual that the Officer is interacting with has a CDL (Commercial Driver's License ) and they are operating a CDL vehicle and the same said individual has a blood alcohol reading of .04%, that reading shall be sufficient to establish a violation of operating under the influence of alcohol. The individual will have his license taken by the arresting police officer and they will be processed according to the law.

### H. Blood Alcohol Tests and Urine Tests:

1. Officers requesting blood and urine tests will follow Massachusetts General Law, Chapter 263, § 5A, (Right to a doctor) which states:

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- a. A person held in custody at a police station or other place of detention, charges with operating a motor vehicle while under the influence of intoxicating liquor, shall have the right, at his request and at his expense, to be examined immediately by a physician selected by him. The police official in charge of such station or place of detention, or his designee, shall inform him of such right immediately upon being booked, and shall afford him a reasonable opportunity to exercise it. Such person shall, immediately upon being booked, be given a copy of this section unless such a copy is posted in the police station or other place of detention in a conspicuous place to which such a person has access.

### I. Enforcement of other violations:

#### 1. Speed Violations:

- a. Speed or violation of speed laws is one of the primary causes of accidents. Officers shall take the appropriate action for individuals committing speed violations. Police officers will use verbal warnings, written warnings and citations to enforce speed limits on the Fitchburg State University campus. The goal of enforcing the speed limit is to gain voluntary compliance on the part of the operator, thus reducing the number of accidents.

*IACLEA 10.1.4 c / MPAC 61.1.5 c*

#### 2. Equipment violations:

- a. Police officers should ensure that vehicles operating on the property of Fitchburg State University are in compliance with the equipment standards covered by Massachusetts General Law, Ch.90, § 7. If the equipment defect involves an essential part of the motor vehicle, police officers should consider the issuance of a citation. However, if the defective equipment is minor in nature, the police officer should seek to educate and gain the voluntary compliance of the operator of the vehicle. A written warning is usually the best way to gain this voluntary compliance.

*IACLEA 10.1.4 e / MPAC 61.1.5 f*

#### 3. Multiple Violations:

- a. Usually one citation will be issued in the case of violations, which are related and determined to be non-hazardous. However, police officer discretion plays a large role in the determination of issuing more than one citation for multiple offenses.

*IACLEA 10.1.4 i / MPAC 61.1.5 i*

#### 4. Newly enacted laws and/or regulations:

- a. In the case of any new law or regulation, the public needs appropriate time to become educated to the change in a current law or the addition of a new law. However, the severity of the offense along with its nature should weigh heavily in the police officer's determination in whether or not the operator is issued a warning, a citation, or possibly arrested.

*IACLEA 10.1.4 j / MPAC 61.1.5 j*

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### 5. Non-hazardous violations:

- a. Non-hazardous violations are violations of laws or regulations affecting the use or protection of the streets or highways but not put into effect primarily to govern the safe movement of traffic both vehicle and pedestrian. Police officers should seek to gain voluntary compliance by the offender. This may be accomplished through the use of warnings rather than a citation. However, if the offense is repeated and compliance is not achieved, a citation may be the appropriate action.

*IACLEA 10.1.4 g / MPAC 61.1.5 h*

### 6. Hazardous violations:

- a. Hazardous violations are violations of those laws affecting the use or protection of streets or highways that were enacted with the primary purpose of regulating the safe movement of traffic, both vehicle and pedestrian. Hazardous violations should result in the issuing of a citation to the offender in most circumstances. There are generally two types:

#### (1) Unsafe behavior:

- (a) An action or omission in traffic which is hazardous even when the vehicles, streets, highways or pedestrians involved, are acting in a legal manner.

#### (2) Unsafe condition:

- (a) Causing or permitting an illegal and possible unsafe hazardous condition of a driver or pedestrian in traffic, streets or highways.

*IACLEA 10.1.4 d / MPAC 61.1.5 d*

### 7. Public Carrier / Commercial Vehicle Violations:

- a. In areas where deliveries are made, police officers should be aware of such factors as the amount of congestion being created, the availability or lack of parking, and the company's needs for delivery access. A warning may educate and solve future problems. Repeat offenders should be issued the appropriate parking ticket.

*IACLEA 10.1.4 f / MPAC 61.1.5 g*

### 8. Recreational and Snow vehicles:

- a. All police officers shall take the appropriate enforcement action against the operators of off-road recreational vehicles (snowmobiles, dirt bikes, mini-bikes) who are committing violations that are either observed by the police officer or reported to them.

*IACLEA 10.1.4 h / MPAC 61.1.5 e*

### 9. Violations resulting in traffic collisions:

- a. At the scene of a traffic collision, if the investigating police officer is able to determine that the cause of the collision is the fault of a specific operator that police officer

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should, at a minimum, issue a warning citation to the offending party. If there was more than one party at fault the police officer should, at a minimum, issue a citation warning to any deserving party. In an instance where the violation may be one that allows for the physical arrest of any individual, the police officer may choose to exercise that option.

*IACLEA 10.1.4 k / MPAC 61.1.5 k*

### 10. Operation of a Motor Vehicle under the Influence of Alcohol / Drugs:

- a. See section F of this order.

*IACLEA 10.1.4 a / MPAC 61.1.5 a*

### 11. Operation of a Motor Vehicle after driving privileges have been Suspended or Revoked:

- a. Verified:

- (1) If a police officer is certain that the license of the individual with whom they are interacting is suspended or revoked, and they observed the operation they may affect a physical arrest. A citation summons may also be issued. The police officer should confiscate the license and destroy it unless it is needed for evidence in court.
- (2) In the event that the operator is the sole occupant of the vehicle, the vehicle will be towed.
- (3) In the event that the operator of the vehicle is the owner and there is another passenger in the vehicle, the operator/owner will have the option of letting the other occupant of the vehicle drive the vehicle, or they may still have the vehicle towed. In the event that the operator/owner gives control of the vehicle to another, the police officer will check to ensure that the individual assuming responsibility for the vehicle does have a valid and active license.
- (4) In the event that the vehicle is towed, the police officer will complete a Fitchburg State University vehicle tow and impoundment form. The police officer will also assure that a complete inventory of the vehicle is accomplished.

- b. Unverified:

- (1) If the police officer is unsure of the actual status of an individual's license to operate a motor vehicle, the police officer should issue a citation summons for the offense and allow the individual to leave.
- (2) In the event of an unregistered motor vehicle, with the operator being the owner, the police officer may choose to confiscate the license plate(s) attached to the vehicle and return them to the Registry of Motor Vehicles. R.M.V. form 21188 "Report and Affidavit of an Operating after Suspension/Revocation Incident" should be completed and turned over to the R.M.V. In the event that the operator is not the owner, the plates should not be confiscated, however the above mentioned registry paperwork should still be submitted to the R.M.V.

*IACLEA 10.1.4 b / MPAC 61.1.5 b*

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### J. Pedestrian and Bicycle violations:


1. Police officers may enforce those laws that are applicable to pedestrians and those individuals riding bicycles. These laws can be found in M.G.L. Ch.85, §11B and M.G.L. Ch.90, § 11B.

*IACLEA 10.1.41 / MPAC 61.1.51*

### K. Identification and Referral of Operators recommended for re-examination:

1. During regular law enforcement activities, police officers may encounter persons whom they suspect are incompetent, physically or mentally disabled, or having other conditions that might prevent those persons from performing reasonable and ordinary care over a motor vehicle. In such situations, the police officer may inform the Massachusetts Registry of Motor Vehicles of these suspicions and provide the Registry with the individual's full name, date of birth, operator's license, and a brief description of the disability or condition noted. This will occur along with any enforcement action that the police officer may have taken. The enforcement action will also be included in the report to the Registry.

Approval:

  
\_\_\_\_\_  
Chief of Police

07/06/2020  
Date