

SAFETY RESTRAINT USE

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| WILLIAMSTOWN POLICE DEPARTMENT POLICY & PROCEDURE NO. 5.07 | EFFECTIVE DATE: 03/31/2022 |
| | REVISION DATE: 03/31/2022 |
| MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 41.3.3, 71.2.1 | REVIEW DATE: 03/31/2023 |

I. PURPOSE

The Town of Williamstown Police Department shall require officers to use department owned motor vehicles during their course of duty. These motor vehicles shall be equipped with safety belts in compliance with Federal Motor Vehicle Standards.

All department personnel who operate Williamstown Police Department vehicles shall use, and ensure that all passengers use, the available safety belt equipment. This policy includes, but is not limited to, marked patrol units and unmarked patrol units.

II. POLICY

It is the policy of this department to:

- A. Insure that all department personnel use the available safety belt equipment while operating a department motor vehicle.
- B. Insure that all passengers, including prisoner transports, use the available safety belt equipment while operating a department motor vehicle.

III. PROCEDURES

A. Statutory Guidelines

1. M.G.L. Chapter 90, Section 13A states:
 "Section 13A. No person shall operate a private passenger motor vehicle or ride in a private passenger motor vehicle, a vanpool

vehicle or truck under eighteen thousand pounds on any way unless such person is wearing a safety belt which is properly adjusted and fastened; provided, however, that this provision shall not apply to:

- (a) any child less than twelve years of age who is subject to the provisions of section seven AA;
- (b) any person riding in a motor vehicle manufactured before July first, nineteen hundred and sixty-six;
- (c) any person who is physically unable to use safety belts; provided, however, that such condition is duly certified by a physician who shall state the nature of the handicap, as well as the reasons such restraint is inappropriate; provided, further, that no such physician shall be subject to liability in any civil action for the issuance or for the failure to issue such certificate;
- (d) any rural carrier of the United States Postal Service operating a motor vehicle while in the performance of his duties; provided, however, that such rural mail carrier shall be subject to to department regulations regarding the use of safety belts or occupant crash protection devices;
- (e) anyone involved in the operation of taxis, liveries, tractors, trucks with gross weight of eighteen thousand pounds or over, buses, and passengers of authorized emergency vehicles.

Any person who operates a motor vehicle without a safety belt, and any person sixteen years of age or over who rides as a passenger in a motor vehicle without wearing a safety belt in violation of this section, shall be subject to a fine of twenty-five dollars. Any operator of a motor vehicle shall be subject to an additional fine of twenty-five dollars for each person under the age of sixteen and no younger than twelve who is a passenger in said motor vehicle and not wearing a safety belt. The provisions of this section shall be enforced by law enforcement agencies only when an operator of a motor vehicle has been stopped for a violation of the motor vehicle laws or some other offense.

Any person who receives a citation for violating this section may contest such citation pursuant to section three of chapter ninety C. A violation of this section shall not be considered as a conviction of a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section one hundred and thirteen B of chapter one hundred and seventy-five.”

2. Department personnel shall insure that all occupants of department vehicles are using safety belts/shoulder harnesses prior to operating the vehicle.

3. When arriving at an emergency call, the operator may remove the safety restraint device prior to stopping to allow for a prompt exit from the vehicle should the need arise.

4. Department personnel may remove the safety restraint device just prior to making a traffic stop.
5. Department personnel shall restrain prisoners in the rear of patrol units equipped with a safety cage by utilizing the lap and shoulder belt provided.
 - A. Exceptions to prisoner transports shall be made if the prisoner is so combative as to create a potential for injury to the officer, prisoner, or both, and therefore, the safety restraint system need not be used.
6. Department personnel will adjust the safety restraint device so that they are comfortable and yet provide maximum protection in the event of an accident. Department personnel at the start of each tour shall inspect all safety restraint systems.

B. Violation of Policy

It is the specific intent of this policy to be non-punitive in nature. In essence, no disciplinary actions for violations of this policy will be proposed unless the employee actually refuses to wear the safety belt. It is recognized occasionally it will be impracticable to secure the occupant safety system, however, those occurrences should be the exception rather than the rule.