



*City of Cambridge  
Police Department*

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**Robert C. Haas**  
*Police Commissioner*

**Richard C. Rossi**  
*City Manager*

To: Richard C. Rossi, City Manager  
From: Robert C. Haas, Police Commissioner  
Date: July 20, 2015  
Ref.: City Council Order #9, dated April 27, 2015

Dear Sir:

As requested, I am responding to the above council order regarding “suggested language for either a Home Rule petition or a change to general state law that requires all individuals involved in a collision, to include dooring, to give everyone else involved written contact information, not just to offer it.”

As you know, this issue is currently controlled by M.G.L. c. 90, § 24(2) (a½) (1). That statute states in relevant part: “Whoever operates a motor vehicle upon any way or in any place to which the public has right of access, or upon any way or in any place to which members of the public shall have access as invitees or licensees, and without stopping and making known his name, residence and the registration number of his motor vehicle, goes away after knowingly colliding with or otherwise causing injury to any person not resulting in the death of any person, shall be punished . . . .” Four elements are required to prove a criminal violation of this statute: (1) The defendant operated a motor vehicle; (2) on a public way; (3) that the defendant knowingly collided with or otherwise injured another person; and (4) That after such collision or injury, the defendant did not stop and make known (his) (her) name, home address, and the registration number of (his) (her) motor vehicle.

The purpose of this statute is to enable anyone who has been injured by a motor vehicle to obtain immediate and accurate information about the person in charge of that motor vehicle. It imposes an active and positive duty on the driver to immediately stop at the scene and offer the specific information required, in order to identify him/her and to make it simple to find him/her later. The statute is not satisfied by stopping at some remote place or by being passively willing to answer inquiries. By plain implication, the statute requires that the specified information must be given to the person who has been injured, if reasonably possible, and if not, to someone acting in their interest or to some public officer or other person at or near the place at the time of the injury.

As a matter of course, Cambridge police officers are also called to a large number of motor vehicle versus pedestrian/bicyclist accidents, even in cases that initially appear de minimis in nature. When an officer responds to the scene of such an accident, no matter the severity of the injury or whether the parties have already exchanged information, the officer is required to document the identifying information of the parties involved and any potential witnesses.

Given the current state of the law and the Department's internal procedures, I do not have any suggested language to offer on this topic at this juncture. If further information is required please contact me.

Sincerely,



Robert C. Haas  
Police Commissioner

*RCH/kb*