

# CHARLOTTESVILLE POLICE DEPARTMENT



Note: This directive is for internal use only and does not enlarge an officer's liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the Charlottesville Police Department and then only in a non-judicial administrative setting.

Type of Directive: GENERAL ORDER	Number: 76-99
<b>TRAFFIC - SPEED ENFORCEMENT</b>	Date: June 18, 2018
VLEPSC Number: OPR.07.03	Manual Number: 541.20
	Effective Date: 06/18/18
Authorization: Chief R.M. Brackney <i>Rm Brackney</i>	Follow-up Date: Annually

## I. POLICY

It is the policy of this agency that each radar operator follows the operational guidelines set forth by state law and the National Highway Traffic Safety Administration (NHTSA)

## II. PURPOSE

The purpose of this policy is to establish procedures and guidelines for the operation of speed measuring devices.

## III. PROCEDURE

### A. RADAR

1. The tolerance policy concerning speed violations will be closely followed when a summons is issued or an arrest is made whether the violator is either checked by RADAR or by a pace method.
2. The summons should reflect the exact speed indicated by the RADAR. If a summons is issued as the result of a speed checked by RADAR, it should reflect the following examples:
  - a. Stationary Mode – Speeding 61/45 MPH Zone (RADAR); and
  - b. Moving Mode - Speeding 61/45 MPH Zone (M-RADAR)
3. Each officer may complete a radar enforcement activity log that identifies the radar set operated and the vehicle utilized in the enforcement. This document should reflect two entries as to the testing of the radar set; at the beginning of the shift enforcement and at the conclusion of the shift enforcement. If a radar log is not used, it is the responsibility of the user to document the vehicle operated, radar unit number, and tuning fork numbers for court purposes.
4. RADAR, when used in the moving mode or stationary mode, will be checked for accuracy by the operator with the tuning forks provided before and after each traffic stop. Additionally, at the beginning and end of each shift, the operator will also check the following:

- a. internal circuit test;
  - b. light segment test;
  - c. 35-MPH tuning fork in the stationary mode;
  - d. 65 MPH tuning fork in the stationary mode;
  - e. both tuning forks in the moving mode; and
  - f. speedometer comparisons in verify mode at speeds of 25, 35, 45, 55 MPH.
5. The antenna (RF head assembly) of the RADAR, when used in the stationary mode, will be placed so that the path of the RADAR beam is unobstructed over the effective range of the instrument. If the antenna shall be positioned so that consistent and stable readings will be displayed when vehicles pass through the area covered by the beam.
  6. RADAR equipment when used in the stationary mode may be used to check the speed of vehicles traveling in :
    - a. either direction on two lanes;
    - b. either direction of three lane highways;
    - c. the same direction in no more than four adjacent lanes of a divided highway; and
    - d. the same direction in two adjacent lanes of a four lane undivided highway.
  7. RADAR equipment, when used in the moving mode, may be used to check the speed of a vehicle approaching/receding:
    - a. on two lane highways;
    - b. in either lane of three lane highways;
    - c. in either lane of four lane undivided highways; and
    - d. in either lane of divided highways, if conditions permit.

The antennas of all radar sets will be aimed straight ahead.

8. The automatic lock, manual lock, and highest speed lock features on the RADAR units will not be used when the speed of a violator is displayed or while the RADAR is being used for enforcement purposes.
9. The RADAR equipment will not be operated for enforcement purposes when the low voltage indicator is visible.
10. Care should be exercised when handling and transporting the RADAR devices. Display units will be left on the dash of each patrol vehicle and antennas that have window mounts will not be left outside when not in use.
11. Positive identification of a target vehicle and visual confirmation of the speed displayed by the RADAR is imperative. Whenever a doubt arises concerning the

correct speed or identification of a vehicle that is checked by RADAR, the case should be handled as any other case where the evidence is insufficient to warrant an arrest.

12. If the RADAR fails to pass the test for accuracy as set forth in III.A.4 or if it fails to perform satisfactorily, it shall be removed from service and notification shall be made to the Traffic Unit supervisor in writing containing the following information:
  - a. Unit Identification Number; and
  - b. specific problem.
13. No arrest will be made when a target vehicle speed is obtained under the following conditions:
  - a. the patrol vehicle is exceeding the posted speed limit;
  - b. the patrol car is obviously accelerating or slowing down;
  - c. the RADAR is not set in the proper mode for the operation being conducted;
  - d. the audio feature on the RADAR is not being used; and
  - e. while any radio transmitter in the vehicle is being operated.
14. Power to RADAR equipment will not be turned “off” and then “on” when a target vehicle is approaching in an effort to defeat radar detection.
15. If a technical or expert testimony is needed for court, the officer should notify the Traffic Unit supervisor at least three (3) weeks prior to the trial date. Arrangements will be made to have an expert testify in court.
16. RADAR tuning forks are submitted for calibration test every six months. Vehicle calibrations are conducted every six months. The Traffic unit supervisor shall be responsible for maintaining certificates of accuracy, and maintenance records on all radar equipment.
17. During falling precipitation the antenna (RF head assembly) of the RADAR will be removed from the outside of the vehicle and placed inside the vehicle safeguarding it until weather conditions permit the mounting of the antenna outside the vehicle.
18. No member shall operate RADAR without having completed a Department approved training course, which meets the minimum standards required by the Commonwealth of Virginia.

#### B. Laser Speed Enforcement

1. Laser Speed Determination Devices are to be utilized by Department personnel for patrol functions and selective enforcement actions.
2. Officers utilizing the laser must have a current laser certification.
3. The device will be operated in compliance with the manufacturer’s instructions.

4. The operator of the laser will not use the device if the operator has a concern for his/her safety. Safety of the operator will at all times outweigh the need to deploy the laser speed determination device.
5. Officers shall conduct a tracking history to include:
  - a. visual estimate of speed;
  - b. audio tracking; and
  - c. laser's digital display of speed.
6. When Driving, the laser unit shall be secured to prevent damage.
7. TESTING
  - a. The laser test site in the Police Department parking garage has two pillars that have been surveyed by a licensed surveyor and the notarized certificate will be placed and secured, in the traffic unit office
  - b. Each laser will be tested every 6 months and the certificate will be placed and secured, in the traffic unit office.
  - c. The Laser instrument shall be tested at the beginning and end of the operator's shift.
  - d. Testing procedures vary according to manufacturer. If the manufacturer's testing instructions differ from the testing procedures listed, then the manufacturer's instructions will be followed.
  - e. Unless the manufacturer's testing instructions differ, the following testing procedures for the laser speed instrument will be followed:
    - I. the operator will observe the self-test at power-up and ensure the unit passes;
    - II. the operator shall ensure that all segments of the LCD are functioning;
    - III. the operator shall perform a Distance Check Test by performing the following test, chosen from the test menu;
    - IV. stand at the position at the police parking garage entrance marked for the Laser distance calibration check and place the instrument in the marked position on the door frame;
    - V. the operator shall aim the laser at the farthest marked pillar in the garage and note the distance. The reading shall be accurate to within one foot, plus or minus; and
    - VI. the operator shall then aim the laser at the nearest marked pillar in the garage and note that distance. The reading shall be accurate to within one foot, plus or minus as well.

- f. If the device fails any of the above tests or demonstrates other apparent malfunctions, it shall be taken out of service until it is serviced and returned to working order.

### C. RADAR Detectors

1. Virginia Code Section 46.2-1079 makes it unlawful for any person to operate a motor vehicle on the highways of the Commonwealth of Virginia when the vehicle is equipped with a RADAR detector.
2. An Attorney General's Opinion rendered June 13, 1978, identifies the minimum action that should be taken by the police officer that observes a RADAR detection device in a motor vehicle being operated on the highways in order to prove his or her case. These actions include the following:
  - a. determine that the vehicle has an available power source to which the detector can be connected, i.e., adapted cigarette lighter or other electrical connection;
  - b. determine that the detector device was available (not disabled operationally or locked in a trunk or elsewhere unavailable for use);
  - c. plug the detector into the power source and determine that it is activated;
  - d. test the device in front of RADAR, preferably at the scene, if possible, but if it is not possible at the scene, test the device in front of active RADAR before the trial date to determine that the RADAR activates the detector device; and
  - e. present the foregoing proof along with any other pertinent facts necessary to establish that the accused operated a motor vehicle equipped with a device to detect police RADAR that is used for measuring the speed of motor vehicles.

All Officers should follow the above RADAR detector procedure when enforcement action is taken for violation of Virginia Code Section 46.2-1079.

### D. Vehicle Pace Method of Speed Enforcement

1. Officers who take enforcement action in the moving mode without the assistance of RADAR shall observe the excessive speed infraction, pace the speeding vehicle and make an independent estimate of the vehicle's speed.
2. The officer, keeping pace with the speeding vehicle, shall compare his independent visual speed estimate with the speed that is displayed on the police vehicle's calibrated speedometer.
3. The officer may initiate enforcement action when the calibrated speedometer reading confirms the officer's independent visual estimate of the speeding violation.
4. Officers shall not take enforcement action when their patrol vehicle is not equipped with a calibrated speedometer.

