

CHAPTER 4 ADDITIONAL CONSIDERATIONS

CASE PREPARATION AND PRESENTATION

We have, to this point, discussed several elements essential to the successful prosecution of a speeding offense. When preparing a case presentation, it may be helpful for you to keep in mind that:

- A. The officer must establish the time, place, and location of the RADAR device; the location of the offending vehicle when the violation took place; that the defendant was driving the vehicle; and that State law regarding the posting of speed limits and RADAR signs had been complied with.
- B. The officer must state his qualifications and training.
- C. The officer must establish that the RADAR device was operating normally.
- D. The officer must establish that the RADAR device was tested for accuracy, both before and after its use, using a certified tuning fork or other accepted method.
- E. The officer must accurately identify the vehicle.
- F. The officer must have seen that the vehicle appeared to be speeding and estimated how fast.
- G. The officer must have gotten a RADAR reading that agreed with the visual estimate of the target vehicle's speed.
- H. If a Doppler audio feature is present on the RADAR device, the officer is strongly encouraged to establish that the audio Doppler pitch emitted correlated with both the visual estimate and the RADAR reading.
- I. If moving RADAR is used, the officer must testify that the patrol vehicle's speed was verified at the time the speed measurement was obtained.

These elements should be incorporated into a clear and concise account of the incident. A sample of in court testimony that includes all these elements is shown on the following page.

When testifying, an officer should say only what she or he is sure is true. Under no circumstances should an officer be drawn into a technical discussion of the Doppler Principle or a RADAR unit's internal workings. Remember, the Honeycutt case established that an officer need only be familiar with the operating procedures of a RADAR unit, not be an expert on RADAR.

INSTRUMENT LICENSING

A RADAR unit is composed of a radio transmitter and a receiver; as such it must be licensed by the FCC. A RADAR instrument for vehicle speed measurement is classified by the FCC as a "pushbutton" device, and therefore only a "station license" is required. This means that the police agency owning the RADAR unit(s) is issued the license and the actual RADAR operators do not need to be licensed individually.

All RADAR equipment that is the property of DPS is licensed under a blanket authorization under call sign KC4107. Any non-DPS owned RADAR sets used by DPS personnel should be licensed by the owner of the equipment. (See General Manual 08.40.00.)

GENERAL OPERATIONAL CONSIDERATIONS

Most of the RADAR devices currently on the market require similar preparatory procedures: The device components are assembled and installed, and the required tests for accuracy are performed. Manufacturer's instructions will detail the exact procedures for the specific RADAR(s) you will use (there are differences among the various

manufacturers' units in the exact procedures involved). However, certain procedures are common for all RADAR devices; this section will deal with those procedures.

Instrument Component Assembly

RADAR units fall into two categories: one-piece and multi-piece. A one-piece unit has the RADAR antenna and the counting unit housed in a single component. Multi-piece units have separate components for antenna(s) and counting unit.

Obviously, a one-piece unit requires no component assembly. The unit is merely plugged into a power source (typically the cigarette lighter) to be ready for use. However, always be sure that the unit's power is turned off before plugging in the unit. Leaving the switch on during plug-in can result in a blown fuse or damage to the unit.

Multi-piece units require some component assembly. First, the antenna(s) must be attached to the counting unit. This in turn is connected to the power source. The RADAR device may then be turned on. As with one-piece units, failure to follow this sequence can result in a blown fuse or possible instrument damage. A good method to recall this procedure is to think of it as the "A-B-C" of RADAR assembly:

A - antenna
B - box (counting unit)
C - current

It then becomes Antenna to Box to Current.

RADAR Installation Considerations

Police traffic RADAR comes in a variety of shapes and sizes. The RADAR unit's structure (one-piece, multi-piece) and the manufacturer's recommendations will in large part determine how and where it will be installed in the patrol car. The safety of the patrol car driver and passengers should be the paramount consideration: A poorly secured RADAR unit can become a dangerous missile in the event of any sudden change of patrol car speed or direction. Since a multi-piece RADAR unit creates the most problems in installation, some time must be spent discussing proper mounting of the counting unit and antenna.

Mounting the Box Counting Unit

The size and shape of the counting unit component is likely to dictate where in the patrol car it may be mounted. Usually it is mounted on the dash or console. In any case the safety of the mount, the visibility of the RADAR speed display(s), and whether or not the counting unit is obstructing the operator's vision are all factors to consider in mounting.

Antenna Mounting

The antenna may be provided with mounting brackets allowing inside dash mounting, outside window mounting, or sometimes both. The operator should be aware of the advantages and disadvantages of each type of antenna mounting. Again, the size and shape of the antenna will affect its mounting.

The primary advantage of mounting the antenna outside is that it is away from the potential areas of interference that may be generated inside the patrol car. Its primary disadvantage is that the antenna may be exposed to inclement weather, which can cause increased maintenance problems. Few, if any, current antennas can be classified as weatherproof, although many are reasonably weather resistant. It is strongly recommended that the antenna not be left outside in wet weather. Deviations in temperature do not affect the antenna significantly. The possibility of the antenna being either accidentally or deliberately damaged when mounted outside must also be considered. The antenna should be placed inside if the patrol vehicle will be unattended for any significant length of time.

The primary advantage of inside mounting is that you need not worry about inclement weather. The chances of vandalism and accident damage are also minimized. The disadvantage of mounting the antenna inside is that there is more potential for interference within the patrol car. Dash-mounting the RADAR as close to the windshield

