GUIDELINES FOR THE ADJUDICATION OF RADAR SPEEDING CASES

Michigan Speed Measurement Task Force
Revision October 13, 2000

The goal of these guidelines is to provide recommendations to members of the Michigan judicial system regarding the adjudication of radar speeding cases.

The Michigan Court of Appeals ruled that in order to avoid any violation of the due process rights of a defendant, seven guidelines must be met in order to allow into evidence speed readings from a "moving radar speedmeter" [PEOPLE V. FERENCY, 133 MICH APP 526 (1984)]. Moreover, in its ruling, the Court of Appeals encouraged the Michigan Office of Highway Safety Planning (O.H.S.P.) to establish a set of recommendations that would be useful in the adjudication of radar speeding cases. As a consequence of this ruling, O.H.S.P. directed the Michigan Speed Measurement Task Force to develop a comprehensive set of recommendations that would be useful throughout the Michigan criminal justice system regarding speed-measuring radar devices and their application to speed law enforcement.

As a result of this directive, the following set of Michigan Speed Measurement Task Force recommendations were developed for the judicial system:

1. The Michigan Speed Measurement Task Force recommends that the guidelines listed in the Court of Appeals ruling be considered valid for both stationary-mode and moving-mode radar citations.
2. The Michigan Speed Measurement Task Force recommends that speed-measuring radar evidence be admissible in court only if the radar device used was certified, as determined by the Michigan Speed Measurement Task Force.
3. The Michigan Speed Measurement Task Force recommends that it is not necessary to have radar devices periodically recertified because a properly trained radar operator will be able to determine when a specific device is malfunctioning.
4. The Michigan Speed Measurement Task Force recommends that speed measuring radar device evidence be admissible in court only if the radar operator was certified the Michigan Commission On Law Enforcement Standards at the time the radar speed reading was made.
5. Only if the radar device and radar operator were each properly certified should issues related to this particular case be addressed in order to determine if the specific facts warrant that the defendant be held responsible. Specific points that should be covered, once the certification issues have been dispensed with, include:
    a. Was the radar device in proper working order? And when was this verification done?
    b. Was the patrol vehicle's speedometer independently calibrated? And, if so, when was it last calibrated?
    c. What mode of operation was used (e.g., stationary or moving)?
    d. Was the radar device being used in an area where road conditions or environmental conditions might have led to spurious display readings?
    e. What was the nature of the roadway (i.e., type of roadway, general visibility, terrain, visual obstructions, and volume of traffic flow)?
    f. What was the target-tracking history (i.e., visual observations of the target, operational area of the radar beam, characteristics of the Doppler-audio signal, display readings, and correlation between the patrol speed display window reading and the reading from the patrol vehicle's speedometer -- the latter only being needed during moving-mode operation).

In summary, the Michigan Speed Measurement Task Force recommends that the defendant be held responsible for the speeding infraction if the following three conditions are met: first, the radar device was certified as determined by the Michigan Speed Measurement Task Force; second, the radar operator was certified by the Michigan Commission On Law Enforcement Standards; and, third, the preponderance of the forensic evidence related to this specific case indicates that the speeding infraction did occur as stated by the radar operator.

For additional information regarding the adjudication of radar speeding cases, contact the Michigan Judicial Institute (see Appendix).