

CHAPTER 7
AUDIT PROCEDURES
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CHAPTER 7

AUDIT PROCEDURES

1. AUDIT PROCEDURE REQUIRED. Adherence to policy and procedures contained in this manual will assist in maintaining the success of departmental radar/lidar programs. The audit process is designed to test each point of evidence (or issue) which may be subject to examination in a court trial involving radar/lidar. These issues can include operator training, vehicle speedometer calibration, laboratory certification of device accuracy, and operator calibration checks of equipment.

2. RADAR/LIDAR PROGRAM BIENNIAL AUDIT. This is a maintenance audit performed on every Area. This Area radar/lidar program audit is required to be performed at intervals of no longer than 24 months after the last audit for the Area. Audits may be conducted at a more frequent interval, at the discretion of the Division commander. Headquarters may require more frequent audits when a perceived or noted discrepancy exists.

3. AUDITOR PERSONNEL. Audits of Area programs shall be conducted by the Division coordinator unless the Division assigns an Area coordinator to perform the function for the Division. Area coordinators shall not audit their home Area.

4. HEADQUARTERS AUDITOR. Upon request of the Office of Assistant Commissioner, Field (ACF), a Division or Area radar/lidar program may be audited by Research and Planning Section (RPS).

5. HEADQUARTERS EQUIPMENT INVENTORY. Prior to conducting a biennial audit, a current headquarters' inventory of Division or Area equipment may be requested from RPS. The inventory is needed to complete the CHP 99H, Radar/Lidar Program Audit. A new headquarters' inventory should be requested if local copies of these records are not current.

6. BIENNIAL AUDIT PROCEDURE. This procedure shall also be used for any interim audits of radar/lidar programs.
 - a. The auditor shall select a minimum of five radar/lidar citations from Area files at random.

 - b. Selected citations shall then be examined for the following:

- (1) Was the issuing officer's radar/lidar training current according to policy?
- (2) Was the radar/lidar unit properly identified on the citation?
- (3) Was the daily calibration check log for the device completed by the officer on the day the citation was issued?
- (4) Was the radar/lidar unit properly certified by an independent certified laboratory and do documents of proof exist?
- (5) Was the vehicle speedometer calibrated in accordance with Highway Patrol Manual 31.1, Fleet Operations Manual, at the time the CHP 215, Notice to Appear, was issued and do documents of proof exist?
- (6) If the roadway, upon which the violation occurred is required to have an Engineering and Traffic Survey (ETS) on file:
 - (a) Is the ETS current (within the previous five, seven, or ten years of the CHP 215)?
 - (b) Was the ETS in compliance with the 2012 California Manual on Uniform Traffic Control Devices?
- (7) Were roadway signage policy requirements met for the roadway upon which the violation occurred?

7. COMPLETION OF THE CHP 99H.

- a. The date, Area name, Area number, audit type, Area radar/lidar coordinator name, Area radar/lidar coordinator ID number, auditor name, and auditor ID number categories may be completed in advance to create a master copy of an audit form prior to the CHP 215 photocopy process.
- b. Five radar/lidar-based citations shall be randomly selected from the Area file for the past six-month period and photocopied onto individual audit forms (three radar and two lidar citations).
 - (1) The arresting officer's name will be entered at the top of Column One, and each element of the officer's training will be confirmed.
 - (2) The serial number of the involved radar/lidar equipment will be entered at the top of Column Two, and each element of the unit's certification and calibration shall be checked. If the CHP 99F, Radar/Lidar Unit Record, reflects that the involved unit has undergone a repair, the Radar/Lidar History File shall

be checked for copies of all repair and transmittal documents. The automated radar/lidar inventory for the Area, provided to the auditor by RPS, will then be verified against the device along with the accuracy of all antenna and tuning fork serial numbers.

(3) The full license number of the involved California Highway Patrol enforcement vehicle will be entered at the top of Column Three. The CHP 227, Speedometer Calibration Chart, from the vehicle, or copy from the Radar/Lidar History File, will be checked for accuracy at the time of the citation, along with a serial number confirmation that moving-mode enforcement radar was not used for calibration.

(4) The CHP 99E, Radar/Lidar Target Roadway Record, for the involved roadway will be checked for the requirement of, or exemption from, an ETS. If required, the lower portion of Column Three shall be completed with all data elements taken directly from the ETS. This check may require travel to the location where the ETS is maintained.

(5) The final check will be of the width and proper sign posting of the involved roadway. This check is not required for maximum speed or ETS-exempt roadways.

c. Audit forms shall be maintained by the Division radar/lidar coordinator with copies forwarded immediately to the involved Area for addition to the Radar/Lidar History File.

8. EVALUATION OF THE AUDIT.

a. Review of CHP 99H. The CHP 99H shall be reviewed for each of the five citations examined. All applicable boxes should be checked on the form.

(1) Forms marked in this manner indicate the citation reviewed on this particular form has passed the audit process. When all five citations reviewed satisfy the audit process, an Area will have successfully passed its biennial audit.

b. Discrepancy Procedure. If any of the five CHP 99H forms indicate there is a discrepancy, another five citations (or five CHP 99H forms for Initial or Conversion Audits) shall be audited from the Area's files. These citations should be selected from different officers' citation records than those evaluated in the first audit procedure. Auditors can use the information gained from these citations to determine if further examination by Division of Area's records or procedures is necessary.

(1) Any officer with a discrepancy in their training or certification records shall immediately be removed from radar/lidar speed enforcement duties until the discrepancy is corrected.

(2) Any equipment with a discrepancy in its certification, calibration, or repair records shall immediately be removed from service until the discrepancy is corrected.

(3) Any roadway with a discrepancy in its ETS or posting requirements shall immediately be removed from the Area's target roadway list until the discrepancy is corrected. Radar/lidar speed enforcement may continue on prima facie roadways with an expired ETS for maximum speed violations only.

(4) If a major discrepancy is identified, Division commanders should consider conducting a broader audit or suspending the radar/lidar enforcement program within the Area. Both ACF and RPS shall be notified immediately if an Area's radar/lidar program is suspended.

NOTE: Withhold of Radar/Lidar Enforcement. Division commanders are responsible to ensure that radar/lidar enforcement in violation of any policy or legal requirement does not continue.

c. Correction of Discrepancies. Division commanders shall ensure discrepancies are corrected. Correction may be as simple as removing a piece of equipment from enforcement service until recertification information is obtained from the contracted laboratory.

d. Headquarters Audit Reporting - Passing Programs. Divisions will report the results of each successful Area audit to headquarters via e-mail, to CHP-RADAR@chp.ca.gov, within ten calendar days from the date the audit is completed. The report consists of copies (both sides) of each CHP 99H completed for the Area and an up-to-date copy of the CHP 99G, Radar Program Record. These documents shall be maintained in the Division's Radar/Lidar History File.

e. Headquarters Audit Reporting - Programs with Discrepancy. For Areas where a discrepancy has been identified, the Division's report shall be routed to RPS as necessary. This report shall be forwarded within 20 calendar days of the audit and shall contain the following:

- (1) A copy of each of the ten (or more) CHP 99H forms.
- (2) An up-to-date copy of the CHP 99G for the Area.
- (3) A memorandum which includes the following information:

- (a) The methods implemented to correct the discrepancies.
- (b) The estimated date when the discrepancies will be corrected.

f. Dismissal of Citations. A previously issued citation shall not be voided merely due to its failure in the audit process. Section 40500(d) California Vehicle Code (CVC) makes this practice illegal. Future enforcement should be withheld as specified above. Where a citation is clearly unwarranted, a request for dismissal may be filed with the court of jurisdiction pursuant to Section 40500(d) CVC.

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