CHAPTER 7

SPEED ENFORCEMENT

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1. INTRODUCTION.

a. Need Established. Since excessive speed is a major cause of accidents, much of an officer's time and effort will be directed toward the enforcement of speed laws. In addition, the public has come to expect adequate and uniform enforcement of speed laws.

(1) History has shown citizens do not expect and will not tolerate speed enforcement through the use of speed traps or hiding (Sections 40801 - 40805 California Vehicle Code).

(2) As a result, the Legislature has made the use of speed traps unlawful and the Department has established a policy of visible enforcement (Highway Patrol Manual [HPM] 100.68, Enforcement Policy Manual).

b. Hazard. The apprehension of speed violators is a hazardous duty. Driving at high speed requires the officer to be extremely alert and to employ defensive driving tactics constantly.

(1) Since there is less time to maneuver or stop a vehicle at high speeds, a greater chance exists for the officer to become involved in a collision.

(2) The patrol vehicle must be driven at a greater speed to overtake and stop the violator. Driving in this manner requires extreme caution on the part of the officer.

2. SPEED ENFORCEMENT POLICY. Speed enforcement policies and tolerances are contained in HPM 100.68, Chapter 3, Highway Enforcement.

3. ESTABLISHMENT OF A VIOLATOR'S SPEED.

a. Estimating a Violator's Speed.

(1) While an estimated speed, based on the officer's judgment, is admissible in court, estimating should be minimized until the officer has had sufficient experience and/or training. However, this should

not prevent an officer from taking an appropriate enforcement action if presented with a flagrant violation.

(2) The most commonly used and accepted method of speed estimation is apprehension of a violator who overtakes a patrol vehicle which is maintaining the speed limit. (HPM 100.68, Chapter 3, prohibits increasing the patrol vehicle's speed to pace from in front of the violator's vehicle.)

b. Pacing a Violator's Vehicle. The pacing of speeding vehicles is not required as a matter of law; however, most courts prefer it. If a violator's speed is accurately verified, the possibility of an argument is minimized.

(1) Ensure the patrol vehicle's speedometer is properly calibrated. The officer should use measured mile checks on major highways if there is any doubt as to the accuracy of the patrol vehicle's speedometer.

(2) The best method of pacing is to allow the violator to pull away.

(a) Under these circumstances, the officer sets the patrol vehicle at the estimated speed of the violator in increments of five miles per hour (mph). If the violator increases the distances between the two vehicles, the violator is exceeding the speed of the patrol vehicle.

(b) If the violator pulls rapidly away from the patrol vehicle, the need for pacing at a higher estimated speed is apparent.

(3) There are several techniques that may be employed to ascertain when a violator's vehicle is increasing the distance from the patrol vehicle.

(a) The officer may obtain a position and distance where heads can be counted in the vehicle being pursued. When the occupants in the vehicle are no longer distinguishable, it is obvious that the distance has increased.

(b) The ability and subsequent inability to distinguish color of the license plate is also a useful tool during daylight.

(c) At night, closely mounted clearance and side marker lights on trucks will tend to merge, as will multiple rear lights on

passenger cars, as distance increases. The officer should be aware of a possible loss of depth perception at night.

(4) To support the contention of excessive speed, the officer should note the speed of the vehicle while traversing intersections or restricted zones and also its speed in relation to other traffic; that is, the number of vehicles overtaken and passed. Additionally, the officer should be able to relate the conditions actually present (e.g., pedestrians, children playing, cross traffic, crosswalks).

c. Odometer Pacing. Odometer pacing of speed is a simple means of determining the relative change in distance at a known speed between the patrol vehicle and the violator's vehicle. The primary purpose of odometer pacing is to provide an accurate method of pacing vehicles when there is any significant distance involved. This method employs the patrol vehicle odometer, as well as the speedometer. This method of pacing lends itself more readily to open highways with less congested traffic flows.

(1) Method. To determine a gain, loss, or static distance between the patrol vehicle and the violator's vehicle, points of observation are used to determine the exact position of the violator's vehicle in relation to the patrol vehicle. These points may be landmarks or other determining factors. The point used must accurately show the position of the violator's vehicle and must be easily observed when the patrol vehicle reaches the same position. Examples of such points are: overcrossings, signs, overhead lights, hills, turns, and shadows.

(2) Operation.

(a) The officer must first detect vehicle identifiers such as color, make, occupants, and defective lights. This will clearly establish in the officer's mind the correct vehicle has been paced at the end of an odometer pace even though the violator's vehicle may have disappeared from view for a time during the pacing process.

(b) The officer then must make an estimation of the violator's speed and position the patrol vehicle at a distance behind the violator where observation can be made as the violator passes the reference points. In this example, 70 mph will be used.

1 The officer maintains a steady speed of 70 mph and waits for the first checkpoint.

2 As the violator passes a checkpoint, the officer notes the patrol vehicle's odometer reading. Example: The patrol

vehicle shows 24,300.4 miles; the officer notes the last three numbers, 00.4.

3 The officer maintains 70 mph until the patrol vehicle reaches the same reference point. The officer then notes the patrol vehicle's odometer reading, 24,300.9 miles. The last three numbers, 00.9, are noted and by subtracting .4 from .9, the officer will find a 5/10 mile distance between the patrol vehicle and the violator's vehicle.

4 Maintaining 70 mph, the officer continues until the violator passes another reference point and repeats the procedure outlined above. The officer finds the distance between the violator and the patrol vehicle to be 6/10 of a mile.

5 In this case, the distance has increased between the violator's vehicle and the patrol vehicle by 1/10 of a mile at a constant patrol vehicle speed of 70 mph.

(c) A minimum of two odometer paces must be made on a violator for the check to be valid. However, the officer may elect to continue holding 70 mph for additional reference points to confirm the increasing distance before closing to make the stop.

(d) Odometer paces may also be performed at night. However, more attention must be taken to establish identity of the violator's vehicle. Recognition of the violator vehicle's taillight configuration is one of the key factors in maintaining violator identity.

(3) Violator Contact. To avoid lengthy discussion or argument when violators are the subject of odometer pacing, the following guidelines are offered:

(a) After completion of odometer paces, move up close and attempt to obtain a normal pace. (The violator will probably have slowed to the legal speed.)

(b) This will confirm for the officer that the violator's vehicle speedometer is accurate on the basis that the violator will admit to the legal speed and the officer will quickly agree.

(c) Explain the odometer pacing method briefly to the violator.

(4) Defense Challenge.

(a) Patrol vehicle speedometers are calibrated for accuracy, but are still subject to challenge by the defense.

(b) Odometer mechanisms are not usually subject to challenge, but the officer should check them against mile markers for accuracy.

(c) lf an error exists in an odometer, the same error is reflected from point to point; and it is extremely unlikely the instrument will vary in the rate it records miles or tenths of miles. Department policy requires patrol vehicle speedometers be calibrated every 90 days or 30,000 miles using radar or a fifth wheel.

(5) Summary.

(a) The officer will find odometer pacing simple and accurate. This procedure provides a means for the control of hard-to-pace violators and provides demonstrative evidence for the courts.

(b) Officers should become familiar with the possible reference points on their beat and practice the procedure to build confidence. With practice, odometer pacing will become second nature.

d. Aircraft Pacing. Departmental aircraft are used for speed enforcement. Since airspeed is not an accurate representation of ground speed, a series of pavement markings are used in conjunction with a stopwatch to obtain the actual ground speed of the aircraft while the violator's vehicle is being paced. The stopwatch reading obtained is referred to a chart converting seconds to mph for a specific distance (HPM 100.7, Aircraft Services Manual).

e. Radar. The Department has a program, in cooperation with various county governments throughout the state, to employ speed radar on selected roadways. These doppler radar devices give the officer a digital representation of violator speed accurate to within one mph. The speed obtained is used only to verify the officer's visual estimate of the speed. Officers must complete 24 hours of Office of the Academy specialized training and 30 hours of field training before they are certified to operate the equipment for enforcement purposes. The radar devices are required to be calibrated and certified by an independent laboratory. The radar devices are also required to be calibrated and tested at the beginning and ending of each shift by certified radar officers. Certification and calibration logs are required to be maintained and also be made available for the officer to present as evidence in court (HPM 100.4, Radar Speed Enforcement Manual).

(1) Parking on freeway ramps for the purpose of observing motorist behavior is normally prohibited. Parking on freeway ramps is restricted to

providing services, investigating traffic collisions, deploying radar/lidar, or taking enforcement action against a violator.

(2) The Area commander may direct the use of selected freeway on-ramps to observe and deploy radar/lidar enforcement by uniformed employees.

(3) An officer shall use sound judgment in the placement of their enforcement vehicle. When determining whether to place the vehicle perpendicular to traffic, sufficient distance from traffic lanes must be a consideration to ensure the safety of the officer and the motoring public. Additionally, an officer should not place an enforcement vehicle on shoulders with insufficient distance between the traffic lanes and the enforcement vehicle.

(4) Radar/lidar devices should not be used in locations where geographic configurations increase the risk of injury to officers or members of the motoring public (e.g., curved roadways, crest of hills, or any location where the safety of proceeding or opposing traffic cannot be assured).

(5) An officer deploying radar/lidar outside of their patrol vehicle should place themselves in a position to allow sufficient time for deployment and safe return to the vehicle.

(6) Deployment locations should have reasonably good sight distances to enable the officer deploying the radar/lidar to observe violations, collect violation data, and observe other traffic approaching.

(7) Commanders shall establish local procedures to incorporate orientation on safe deployment of radar/lidar, with special attention given to unacceptable hazardous locations and practices.

(8) Operators shall recognize and articulate safe deployment locations for radar/lidar in their area. Officers should exercise good judgment while utilized radar/lidar to obtain evidence for speed enforcement and avoid dangerous tactics such as:

(a) Standing in the "V" of the patrol vehicle on the traffic side.

(b) Parking perpendicular to traffic without sufficient space between the patrol vehicle and passing traffic.

4. COURT TESTIMONY.

a. Officer's Notes. To assist with testimony in court, all uniformed departmental personnel shall record information concerning speed enforcement traffic stops on the back of the officer's copy of the citation, This includes, but is not limited to, use of the preprinted guidelines on the back of the form.

b. Courtroom Preparation. Officers should be prepared to use a diagram in the courtroom and explain which method was used to establish the violator's speed.

5. RAIN AND FOG CONDITIONS.

a. Hydroplaning. In rain, collisions due to excessive speed increase as does the difficulty of enforcement of speed regulations. Water becomes a lubricant to varying degrees between rubber tires and roadway surfaces.

(1) Under certain conditions, a vehicle traveling at high speed on a wet surface actually rides on a thin film of water rather than on the pavement. This hydroplane effect, along with the excessive speed for conditions, is the cause of many collisions in wet weather.

(2) Officers must recognize this reduction of the coefficient of friction when enforcing speed regulations both from a violator's standpoint as well as an enforcement driver's (Highway Patrol Guide 70.14, Enforcement Driving Guide).

b. Fog. One of the most hazardous and least enforced conditions relating to speed enforcement is that of excessive speed in fog.

(1) The extreme hazard of traveling at speeds far above sight and stopping distance in fog is evidenced in the increasing number of multiple-vehicle, high-speed collisions on freeways.

(2) Experienced officers working in heavy fog have been successful in the enforcement of speed regulations by driving at the maximum safe speed and citing those motorists who overtake or pass the office's patrol vehicle. This arrest is effectively explained to violators by first asking how far they can see or having the driver pick out the farthest object that can be seen clearly.

c. Common Sense. The enforcement of speed laws is an important and challenging duty. Good common sense is required, not only in arrest and prosecution, but also in the dangerous aspect of high-speed driving.