



GENERAL ORDER

**DURHAM POLICE DEPARTMENT
DURHAM, NC**

NUMBER:

4047 R-3

SPEED MEASURING DEVICES / DRIVING PRIVILEGE VIOLATIONS / DRIVER RE-EXAMINATIONS

Effective Date: 12/15/1995

Revision Dates: R-1 05/15/1996; R-2 04/28/2004; **R-3 05/29/2017**

INTRODUCTION

It is the policy of the Durham Police Department (DPD) to address and maintain certain guidelines regarding very specific, yet not unusual, circumstances addressed herein, and to maintain adherence to these policies and rules while still maintaining the necessary amount of discretion and judgment on the part of the officer.

NO DRIVING PRIVILEGES PROCEDURES

During a traffic stop or crash investigation, an officer should check the current status of the vehicle operator's driving privileges. If the driver has a valid license, then the officer's actions should be dictated by the initial violation or contact.

If the vehicle operator does not have a valid driver's license, the officer should determine if the driver was issued a license through this state or their state of residency. If it can be determined no license has been issued, the officer should cite for no operator's license, unless circumstances warrant a physical arrest (e.g., no supporting identification, out-of-state resident).

If the violator was issued a license in this state or their state of residence and the violator's driving privileges have been revoked or suspended, the officer should cite or arrest for operating a motor vehicle during a period of suspension or revocation.

In either case, the driver should not be allowed to drive from the location of the traffic stop, and other arrangements for operation of the vehicle should be made (e.g., another licensed driver in the vehicle, or someone who can pick the vehicle up). Unless the driver is arrested and unable to make arrangements for movement of the vehicle, the vehicle need not be towed unless it is obstructing traffic or unlawfully parked.

If there is doubt about the validity of the driver's license and verification cannot be gained within a reasonable period of time, the officer may release the driver until verification is gained. A citation may be issued at a later time once confirmation of the license suspension or revocation is received.

SPEED MEASURING DEVICES

The effective use of speed measuring devices and their evidentiary value in court is dependent upon the operator's complete understanding of these devices, adequate training and the initial certification combined with

periodic re-certification to demonstrate the operator's proficiency, as well as maintenance and calibration of the devices, and properly maintained records to demonstrate accuracy.

This department will use speed measuring devices in high or potentially high collision locations when speed is a factor, in areas where speed limit violations are prevalent, in response to citizen complaints concerning speeding motorists, and in other locations where traffic safety problems exist.

CONSIDERATIONS AFFECTING THE USE OF SPEED MEASURING DEVICES

Prior to utilizing a speed measuring device, an officer must successfully complete a basic operator program and receive certification by the North Carolina Criminal Justice Education and Training Standards Commission. The officer must maintain certification in order to continue operating the speed measuring device. The Training Division will coordinate and provide for operator basic and refresher training as necessary.

Officers who operate speed measuring devices shall ensure that all manufacturer's recommended maintenance, calibration and operational record systems (suitable for introduction as evidence in court and consistent with rules adopted by the North Carolina Criminal Justice Education and Training Standards Commission) are developed and maintained.

Department members who recommend or approve the purchase or use of speed measuring devices shall ensure that the device is approved by the North Carolina Criminal Justice Education and Training Standards Commission.

USE OF SPEED MEASURING DEVICES

The precise method for using a speed measuring device will vary in accordance with the type of equipment used. All methods of use shall be in compliance with state law and procedures set forth by the North Carolina Criminal Justice Education and Training Standards Commission. Generally, the following procedures are applicable:


- The speed measuring device must be properly installed.
- The operator must choose an appropriate location that is conducive to the effective and safe operation of the speed measuring device.
- The effective range of the particular speed measuring device must be thoroughly understood by the operator so visual observations may support the speed readings.
- The speed measuring device shall be properly calibrated to ensure accuracy in checking speed.

A secondary method used to measure violator speed is a certified speedometer. Whenever a speedometer is used as a basis for issuing a citation for a speeding violation, it shall be in a police vehicle that is up to date on all maintenance requirements and is equipped with a calibrated speedometer.

REQUEST FOR RE-EXAMINATION OF DRIVER

Routine enforcement, collision reporting and investigation activities frequently lead to the discovery of drivers who have suspected incompetence, through physical or mental disability, disease or other condition, which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Officers detecting such a person should complete a request for a re-examination on the DMV form titled, "Medical Request for Driver Reexamination", and submitted to the Records Section after completion. Records personnel will submit the request to the DMV. The information to be entered is self-explanatory and the officer must be able to

articulate the reason for the recommendation of re-examination by checking the appropriate problem or explaining one that is not listed.


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