



MAINE STATE POLICE GENERAL ORDER

E-15

SUBJECT: MAINE STATE POLICE POLICY REGARDING SPEED-MEASURING DEVICES

EFFECTIVE DATE: 08.01.2020

EXPIRATION DATE: 08.01.2027

RECENT HISTORY: AMENDED (08.01.2020); AMENDED (10.31.2018); TECHNICAL AMENDMENT (CORRECTED NUMBERING OF PT. IV, SEC. 1(A))(05.09.2014); REVISED (04.16.2014); CONVERTED TO WEB FORMAT ON 06.24.2009 (FORMERLY POLICY #9); POLICY #9 DATED 05.18.1988 WAS AMENDED ON 04.14.1992; POLICY #9 DATED 05.18.1988 REPLACED POLICY #9 DATED 10.04.1985

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: S

SIGNATURE OF COLONEL:

A handwritten signature in black ink, appearing to read "W. B. R.", is written over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is:
 - A. To establish the policy of the Maine State Police regarding the deployment and use of speed-measuring devices; and
 - B. To provide guidance on the enforcement of the motor vehicle speeding laws of the State of Maine.

II. POLICY

1. The policy of the Maine State Police is to deploy and use speed-measuring devices in a uniform and consistent manner, and to ensure that such devices are duly maintained and, when necessary, repaired.

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
 - A. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
 - B. Speed-measuring device. "Speed-measuring device" means a device used to measure the speed of a motor vehicle, including, but not limited to, a radar device, lidar device, and chronometer (either mechanical or electronic) mobile time/distance device.

IV. PROCEDURE

1. GENERAL

- A. The assignment of speed-measuring devices shall be at the discretion of Troop Commanders.
 1. Officers are to be assigned only speed-measuring devices that they have been trained and certified to operate.
 2. Officers should not use a speed-measuring device near speed zone changes.
 3. The Maine State Police shall not conduct speed details within any municipality that has an organized, full-time police department unless:
 - a. Officials of the municipality first have asked the Maine State Police to conduct such details; and
 - b. The Commander of the Troop of jurisdiction first has authorized such details to occur.
 4. Before and after each shift, electronic speed-measuring devices are to be checked for proper calibration in the manner prescribed by the manufacturers of the devices.

- a. Tuning forks used for radar calibration verification must be checked for accuracy by the person or agency assigned that responsibility by the Colonel, at intervals determined by that person or agency.

2. RADAR/LIDAR

- A. Radar/lidar only shall be operated by officers who have met the training standards established by the Maine Criminal Justice Academy to operate such devices.
- B. The radar/lidar audio always must be used to assist the radar/lidar operator in identifying a vehicle and in establishing a "tracking history" of the vehicle.
- C. Radar/lidar operators shall make a visual estimate of speed prior to checking a vehicle with radar/lidar.
- D. Prior to taking enforcement action (i.e., prior to issuing a warning or summons), an officer should consider such factors as the traffic flow, the time of day, the road type and condition, and the weather conditions.
 1. Officers always should use discretion and sound judgment in deciding what, if any, enforcement action to take.
- E. If an officer takes enforcement action and the violator asks to view the radar/lidar reading, then the officer, at the officer's discretion, may allow the violator to do so.
 1. The officer should base this decision on various factors, including, but not limited to, how safe the circumstances at roadside are for such a viewing to occur, the road type and condition, the traffic flow, and the weather conditions.
- F. No enforcement action is to be taken by an officer if:
 1. There is any question of whether the correct vehicle was identified as having committed a speeding infraction; or
 2. There is any question of whether the correct speed was measured by the radar/lidar.
- G. Radar/lidar only should be used as a tool to aid an officer in enforcing motor vehicle speeding laws.
- H. Any radar/lidar device that malfunctions in any manner, or fails to meet calibration checks, immediately must be removed from service and repaired.

1. All maintenance and repair of speed-measuring devices must be conducted by the person or agency assigned that responsibility by the Colonel.
 2. When a device is determined by an officer to need repair, the officer shall notify the officer's Troop Commander, or the Commander's designee.
 3. When a malfunctioning device is received by the person or agency assigned to maintain and repair such devices, that person or agency is to appropriately document the name of the officer delivering the device, as well as any other information relevant to the maintenance and repair of the device.
 - a. When a device is returned to an officer to whom the device is assigned, the person or agency assigned to maintain and repair such devices shall appropriately document that the device was returned to the officer.
 4. All radar/lidar devices must carry a Troop identification number.
 - I. All parts of issued radar/lidar devices (e.g., heads, antenna, mounting brackets, etc.) must be noted with the Troop letter and set number for identification purposes.
 1. Example: A-5 = Troop A, set 5.
3. CHRONOMETER AND OTHER TIME/DISTANCE SPEED-MEASURING DEVICES
- A. Chronometers and other such time/distance speed-measuring devices are used to determine the average speed of a moving vehicle between two spatial points.
 - B. To make such a determination, two factors must be known:
 1. The distance between two given spatial points; and
 2. The time required to travel the distance between those two points at a speed that, at most, is at the posted speed limit.
 - a. The distance between two given spatial points must be accurately measured and known.
 - b. Officers must accurately monitor the time a given vehicle travels between the two spatial points being used to measure speed.

No enforcement action shall be taken if there is any question about the accuracy of either the distance or time factors.

- C. Prior to taking any enforcement action (i.e., the issuance of a warning or summons), an officer should consider such factors as the traffic flow, the time of day, the road type and condition, and the weather conditions.
 - 1. Officers always should use discretion and sound judgment in deciding what, if any, enforcement action to take.
- D. Whenever possible, visual speed estimates and "tracking history" should be established prior to taking a measurement of speed with a time/distance speed-measuring device.
- E. The calibration of time/distance speed-measuring devices must be checked in accordance with manufacturer specifications, whenever applicable.
- F. Chronometers must be checked for accuracy on a yearly basis.
 - 1. Chronometers' accuracy must be checked by certified technicians.
- G. When any time/distance speed-measuring device shows signs of malfunction, or an officer believes a problem exists with the device, the device immediately must be removed from service and repaired.

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.