



Traffic Safety Committee White Paper

Adopted by the GACP Executive Board on July 12, 2008

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Director W. Dwayne Orrick*

Georgia Traffic Safety Committee

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EXECUTIVE SUMMARY

The Georgia Association of Chiefs of Police formed the Traffic Safety Committee to evaluate traffic safety in Georgia. The Committee's initial work resulted in the completion of a paper, which includes the recommendations detailed below. The Committee's work will continue with the goal of facilitating the implementation of the recommendations and working toward a coordinated effort for statewide data driven traffic enforcement.

The number one cause of death for Georgians between the ages of one and 34 is motor vehicle accidents. In that age group, more Georgians die from motor vehicle accidents than from any other cause of death, including homicide, suicide, congenital anomalies, cancer and heart problems. Changing that statistic requires more focused and aggressive traffic enforcement and a coordinated effort among all levels of law enforcement.

Four agencies are highlighted for their success with traffic enforcement. Each agency implemented a methodical approach to traffic enforcement, which included analysis of accident data. Their experiences and results are included as a resource for other agencies and an example of the effectiveness of data driven enforcement.

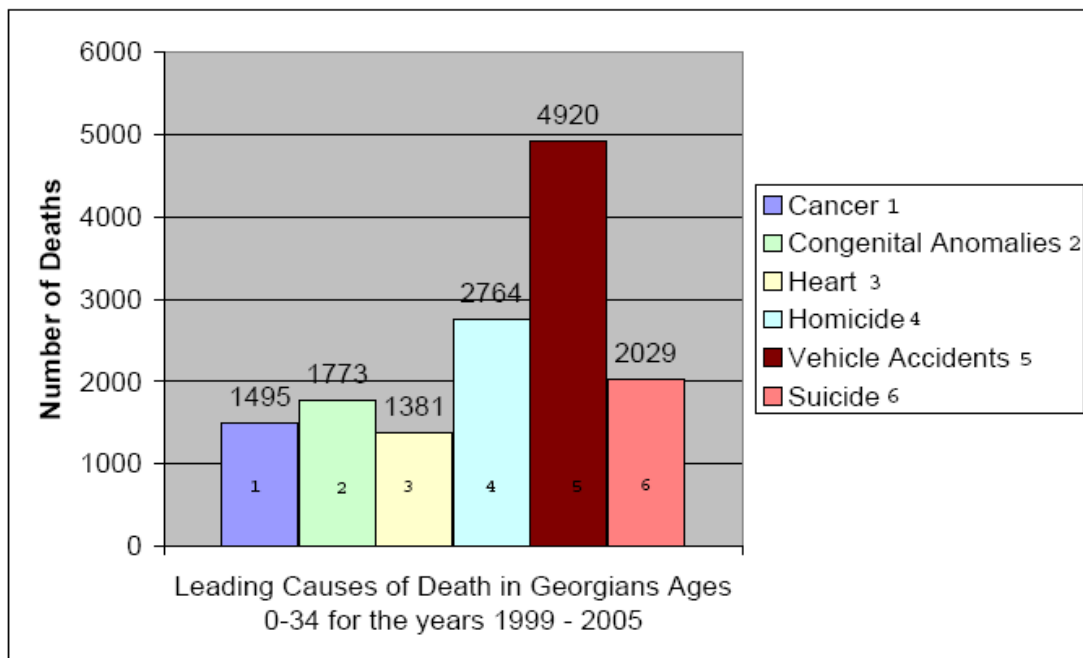
Traffic enforcement for the purpose of generating revenue is wrong. State law provides an effective procedure to sanction agencies which engage in this practice. To improve traffic safety, officers must be able to observe true driving behavior. Of 39 states responding to a survey regarding unmarked or "slick top" enforcement, Georgia was one of only three states which reported restrictions on unmarked enforcement.

The Committee recommends the following actions:

- Legislation to allow traffic enforcement in unmarked vehicles without roof-mounted lights and to remove the limitations on the use of speed detection devices
- Rule changes to allow longer speed detection device permits and to allow electronic submission of speed detection device permit applications
- Implementation of state certification standards regarding the use of speed detection devices and promoting data driven traffic enforcement
- Education of officers regarding professionalism and accountability in traffic enforcement
- Promotion of data driven traffic enforcement by agencies and cooperation among all levels of law enforcement to obtain funding for technology to allow the use of data necessary for a statewide data driven traffic enforcement model
- Educate the public regarding traffic safety issues.

I. Introduction

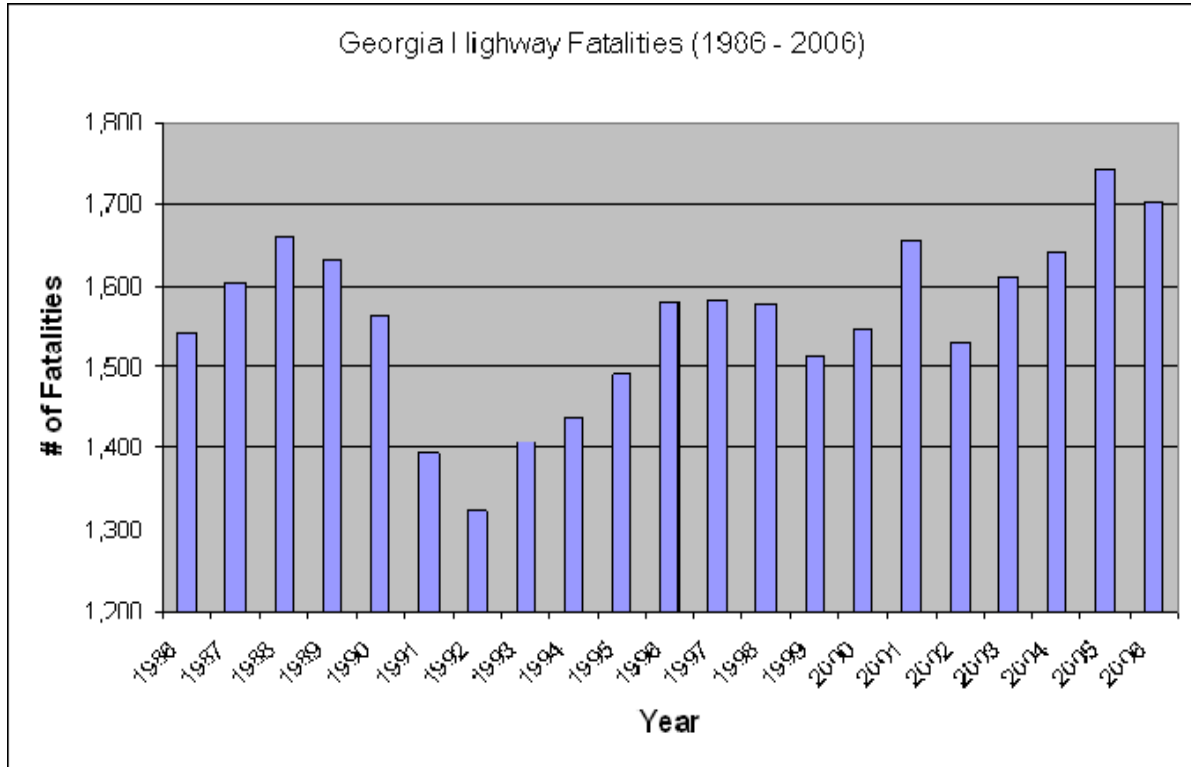
As Georgia's population continues to grow, traffic safety becomes more of a concern for law enforcement officers and the public. The number one cause of death for Georgians between the ages of one and 34 is motor vehicle accidents.¹ The number of deaths resulting from automobile accidents is greater than the number of deaths resulting from cancer, heart attacks and suicide combined.



Georgia has experienced significant growth in population, while the number of law enforcement officers in the state has not risen in the same manner. While law enforcement agencies attempt to deal with personnel concerns, they must be creative and aggressive in all areas, particularly traffic safety. Georgia's Highway Safety goal is to

¹ <http://webappa.cdc.gov/sasweb/ncipc/leadcaus10.html>

continuously reduce crashes, serious injuries, and fatalities by 41 deaths a year beginning in 2007 through 2012.²

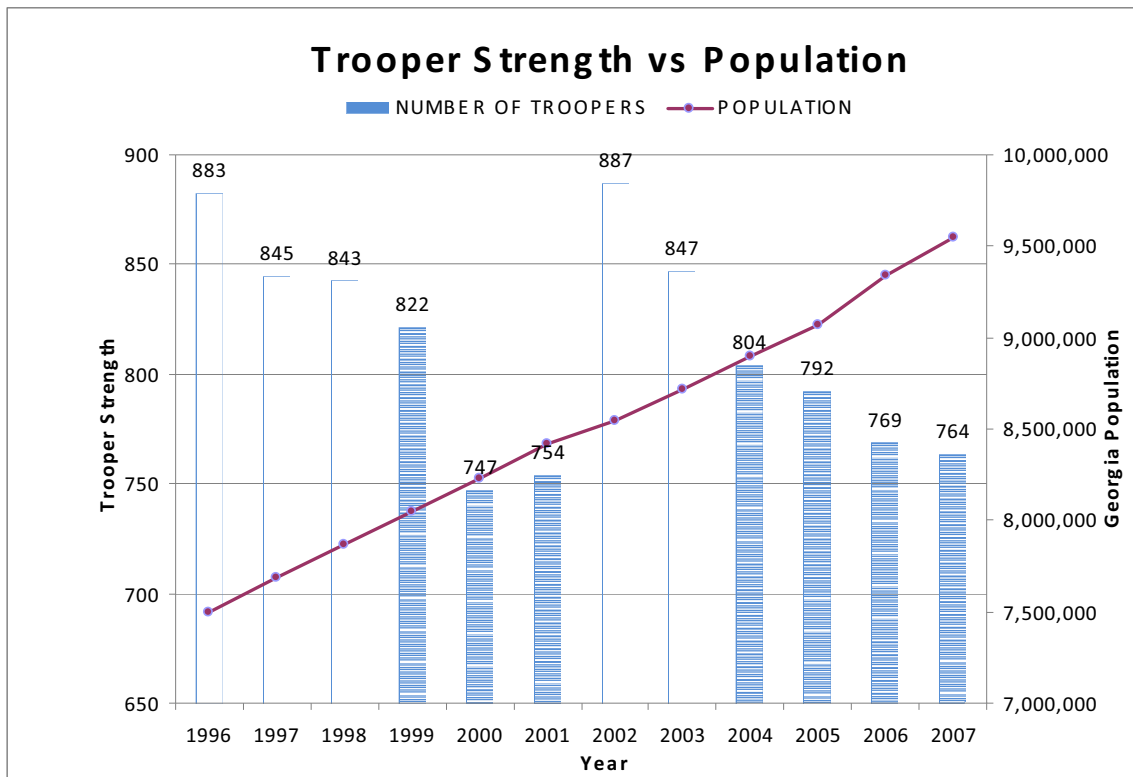


The chart above shows fatalities from 1986 through 2006. Source: Georgia Governor's Office of Highway Safety.

Law enforcement agencies nationwide are experiencing personnel shortages. In 2007, USA Today reported on the national shortage of police in all levels of government and highlighted shortages of state troopers in Georgia, North Carolina, Michigan, Oklahoma, Nevada and Louisiana. In Georgia, some state patrol posts close from 11 p.m. to 7 a.m. North Carolina has posted unmanned patrol cars on the highways during holiday periods and Oklahoma has had to cancel trooper academies due to budget

² Source: 2008 Strategic Highway Safety Plan

shortfalls.³ The chart comparing the number of Georgia troopers to the rising population illustrates a common theme for law enforcement officials statewide: the inability to hire and retain sufficient officers to keep up with the increase in population. Agencies statewide are faced with doing more with fewer personnel.



Between 1996 and 2007, the Georgia population increased from 7,501,069 to 9,544,750 while the number of troopers decreased from 883 to 764. The Georgia State Patrol increased its trooper strength temporarily with the addition of 234 new troopers in 2001 and 2002, but the number of troopers has consistently decreased since then.

According to a study commissioned by Allstate Insurance Company and released in May of 2008, Atlanta was identified as one of the top ten “deadliest hotspots” for teen driving in the nation. The study examined federal statistics and Allstate claim data to determine the frequency of fatal crashes involving teen drivers. “Hotspots” were defined

³ Larry Copeland, *Shortages Leave Roads without a Trooper*, USA Today, June 25, 2007.

as those cities where fatal crash rates involving teen drivers are highest. Of the top ten identified hotspots, seven are in the south. ⁴

The fatality rate in Georgia remains highest among young drivers. In 2006, the crash rate per 100,000 licensed drivers ages 16 and 17 was 184 percent higher than the rate for drivers over age 24.

In May of 2007, Chief Dwayne Orrick formed the Ad Hoc Committee (“Committee”) to evaluate traffic safety in Georgia. The Committee is comprised of law enforcement professionals from cities, counties and the state, traffic safety experts and attorneys. Suwanee Police Chief Mike Jones, Second Vice President for the Georgia Association of Chiefs of Police, was appointed to chair the Committee.

The purpose of this paper is to develop a strategic plan for traffic enforcement in Georgia, with the end result being the implementation of a coordinated strategic plan for traffic enforcement. To accomplish this purpose, the paper will review the history of traffic safety in Georgia, identify the issues which hinder public safety officers from performing their duties related to traffic enforcement, highlight success stories from law enforcement agencies, recommend actions to enhance public safety and develop a plan to implement a coordinated strategic traffic enforcement model.

II. History

“Speed Trap” is often used in today’s vernacular to describe genuinely legitimate efforts by law enforcement officers to enforce laws passed by the state legislature.

⁴ Allstate Insurance, 2008. Allstate America’s Teen Driving Hotspots Study. Available at: <http://media.allstate.com/categories/6/releases/4403>.

Justices of the appellate courts have used the term disparagingly⁵; media outlets use the phrase as a negative buzz-word, and the public banters the term about with ease without understanding. The term dates back to the beginning of the twentieth century⁶, shortly after police departments began enforcing speed laws on automobiles.⁷ Georgia's most infamous dealing with the term dates back to 1970 and the issues that made Ludowici a household name. The traffic enforcement in the seat of Long County, Georgia, became the source of so much controversy that then-Governor Lester Maddox had billboards erected at the city limits at the suggestion of Georgia Bureau of Investigation Agent W. C. Herndon⁸ that warned motorists they were approaching a "speed trap." Time magazine, in its April 27, 1970, edition, wrote of the controversy in Ludowici in non-flattering style. The writer, Joseph Kane, wrote:

*Consider the speed trap, that once ubiquitous feature of Crossroads, U.S.A., now largely and mercifully extinct, the victim of interstate highways and perhaps even some slight evolution in civic if not human nature. One malignant exception to progress, however, is the southeastern Georgia town of Ludowici...it is one of the last remaining speed traps in the country.*⁹

The manner in which local law enforcement officers enforced speed laws was apparently a contentious issue prior to the April 1970 erection of the billboards. In 1961, the Georgia Legislature passed laws restricting the use of timing or radar devices. The

⁵ See examples at Wiggins v. State, 249 Ga. 302 (1982), Darden v. Rapkin, 148 Ga. App 127 (1978), State v. Vickery, 184 Ga. App. 468 (1987), and Yield, Inc. v. Atlanta, 241 Ga. 593 (1978).

⁶ Online Etymology Dictionary (<http://www.etymonline.com/index.php?l=t&p=18>)

⁷ "World's First Speeding Ticket", Ohio History Central, July 27, 2006, <http://www.ohiohistorycentral.org/entry.php?rec=2599>

⁸ <http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-2279>

⁹ <http://www.time.com/time/magazine/article/0,9171,909123-2,00.html>

law only allowed such devices to be used by members of the Georgia State Patrol or within municipal city limits.¹⁰ In 1962, the use was further limited to only the State Patrol, and making use by any other a misdemeanor.¹¹ The current regulations came about in 1968¹², prior to the issues in Ludowici, which reportedly began with officers manually changing traffic signals to make red light charges.

Scrutiny of law enforcement efforts to enforce traffic laws did not stop in the 1970's. Media sites on the internet are replete with stories of local agencies and their traffic enforcement efforts. Even in recent years, the efforts of law enforcement have been called into question.¹³ Public perception becomes reality regardless of the facts of the cases. It is much easier to blame law enforcement and government for wrongdoing rather than assign blame to the actions of the public. In cases such as these, every enforcement action can be perfectly and solidly within all legal bounds; however, the amount of enforcement is seen as revenue-driven regardless of the intent and procedures followed. Many people in today's society are convinced that officers have a quota of tickets to write every month. A recent news story carried by the Atlanta CBS affiliate claims to have learned that a metro Atlanta police department "may have instituted a quota system."¹⁴ In their internal Guided Achievement Plan, which was unveiled by the CBS affiliate, the department in question set achievement standards for their officers. This is a tricky subject in the court of public opinion. Many agencies evaluate the job performance of traffic officers by looking at the number of enforcement actions taken by

¹⁰ Ga. L. 1961, p. 161 (SB162)

¹¹ Ga. L. 1962, p. 8 (HB802)

¹² Ga. L. 1968, p. 425

¹³ <http://www.cbs46.com/print/14317413/detail.html>.

¹⁴ <http://www.cbs46.com/print/14317413/detail.html>

the officer. Regardless of the semantics of performance expectations versus quota, the public looks at it squarely as a quota, and they couple that with revenue generation.

The connection between a police agency's budget and speeding revenues fuels poor public perception. The state legislature, in 1999, created a rebuttable presumption that an agency that derives over 40% of its revenue from speeding cases (excluding fines for speeding violations exceeding 17 miles per hour) is operating speed detection devices for purposes other than for the public health, welfare and safety.¹⁵ This restriction could operate contrary to the efforts toward public health, welfare and safety. Theoretically, a department could be forced to suspend traffic enforcement efforts based on this arbitrary figure for fear of having their speed detection permit revoked. The arbitrary figure does not account for small agencies with small budgets that have a large highway in their jurisdiction. The law enforcement agency receives pressure from local lawmakers and the public to slow traffic down on the highway, but they must be careful they do not make too many cases, regardless of the number of persons violating the law, as the fines could quickly add up to 40% of their small budget. The law effectively makes a reverse-quota.

In addition to the number of citations written, there is an outcry over the amounts of fines being levied by jurisdictions. Many news stories have been authored that compare the cost of a certain violation over a broad base of courts. They also look at the increase these fines have seen over the past several years. One item rarely taken into account is the amount of fine add-ons required by the legislature to go to certain projects, groups, or causes. A recent report in the Atlanta Journal and Constitution compared fines

¹⁵ O.C.G.A. § 40-14-11

and property taxes. The reporter was questioned on the study, as it did not take into account the difference in mil rate or revenues derived from other sources such as city operated utilities.¹⁶

Other Georgia statutes that have apparently been enacted with the goal of limiting Ludowici style abuses are many. For example, one statute provides that warning signs must be placed on highways where speed detection devices are used and such devices cannot be utilized within 500 feet of the warning signs.¹⁷ Another statute provides that speed detection devices may not be utilized unless the vehicle from which the device is operated is visible from at least 500 feet.¹⁸ The statutes apply to county, municipal, college and university police departments.

Speed detection devices and revenue amounts are not the only contentious issues facing law enforcement efforts. In 2000, the legislature passed laws relating to blue lights on police vehicles and how they must be mounted.¹⁹ This law was made more cumbersome by an amendment in 2006.²⁰ This amendment requires that blue lights be mounted on the exterior of the vehicle and continues to limit the number of vehicles a police agency has that are “slick-top” to one.²¹ It further provides that such “slick-top” vehicles have an “illuminating agency identifier” that is visible to the violator being stopped.²²

III. Identification of the Problem

¹⁶ Smith, B (2006, March 12). Speeding tickets are big money. *Atlanta Journal-Constitution*, p. J1

¹⁷ O.C.G.A. § 40-14-6

¹⁸ O.C.G.A. §40-14-7

¹⁹ Ga. L. 2000, p. 1313 § 1

²⁰ Ga. L. 2006, p. 231 (SB 64)

²¹ O.C.G.A. § 40-1-7

²² O.C.G.A. § 40-1-7

Key public safety professionals from across the state were polled to determine the top hindrances to public safety. The Committee identified three major issues: 1) the restrictions on unmarked and slick-top traffic enforcement, 2) the restrictions on the use of speed detection devices by local agencies, and 3) the speed detection device permitting requirements for local agencies. Each of the hindrances is discussed in detail below. Finally, the related issue of regulation of speed detection device usage is included in this section.

Prohibition on traffic enforcement by unmarked or slick top vehicles

Motor vehicles used for traffic enforcement (other than Georgia State Patrol vehicles) are required to be “distinctly marked on each side and the back with the name of the agency responsible therefore, in letters not less than five inches in height.”²³ Failure to comply with the marking requirements contained in O.C.G.A. § 40-8-91 does not invalidate an otherwise lawful arrest.²⁴ The requirement for distinct vehicle markings for traffic enforcement vehicles was an expression of the public policy of the state that vehicles used for the purpose of traffic arrests needed to be identified.²⁵

Georgia law further requires law enforcement officers “assigned routinely or primarily to traffic law enforcement” to equip the vehicle with a visible blue light on the roof of the vehicle if the vehicle is not equipped with permanent exterior mounted roof blue lights. A limited exception was added in 2006 at the urging of law enforcement. When vehicles are marked as required by O.C.G.A. § 40-8-91, equipped with flashing or

²³ O.C.G.A. § 40-8-91(a)

²⁴ O.C.G.A. § 40-8-91, *State v. Carter*, 215 Ga. App. 647 (1994).

²⁵ *Ross v. City of Lilburn*, 114 Ga. App. 428 (1966).

revolving colored lights visible for a distance of 500 feet from the front and rear of the vehicle and equipped with an illuminating agency identifier which is reasonably visible to a driver subject to a traffic stop, the exception allows agencies to conduct traffic enforcement without roof mounted lights. Sheriff's and police departments which provide law enforcement services 24 hours a day, seven days a week and meet the requirements stated above may have one vehicle per agency without roof mounted lights. The Georgia State Patrol is limited to two vehicles per State Patrol post without exterior roof mounted lights.²⁶

The requirements of the Code section do not apply to officers assigned to "special operations activities" or responding to an immediate threat to public safety as the result of an emergency. Like the marking requirements, an otherwise lawful arrest is not invalidated in any manner by failure to comply with the Code section.²⁷

The Georgia Department of Public Safety conducted two surveys of state highway patrol agencies regarding the requirements for vehicle markings and roof mounted lights.²⁸ As indicated on the following chart, 36 of the 39 states responding do not have a restriction on the use of unmarked or "slick top" police vehicles for traffic enforcement.

²⁶O. C.G. A. § 40-1-7

²⁷ O.C.G.A. § 40-1-7

²⁸ See Attachments A and B

Does your state have a restriction on the use of unmarked or “slick top” police vehicles for traffic enforcement?

Alabama	
Arizona	
California	
Delaware	
Florida	
Hawaii	
Idaho	
Illinois	
Iowa	
Indiana	
Kansas	
Kentucky	
Louisiana	
Maine	
Maryland	
Minnesota	
Missouri	
Montana	
New Hampshire	
New Jersey	
New Mexico	
New York	
North Carolina	
North Dakota	
Pennsylvania	
Rhode Island	
South Carolina	
South Dakota	
Tennessee	
Texas	
Utah	
Vermont	
Virginia	
Washington	Georgia
Wisconsin	Nebraska
Wyoming	Ohio

NO (36)

YES (3)

Opponents of unmarked and slick top enforcement cite the fear of “blue light bandits” or police impersonators as the reason for the restrictions and visibility requirements. The Georgia Association of Chiefs of Police conducted a survey of approximately 1,040 members to determine whether there has been a significant problem with police impersonators in Georgia.²⁹ The members were asked whether the jurisdiction had experienced problems with non-law enforcement persons deploying blue lights to make traffic stops. If the response was yes, they were asked how many reports of non-law enforcement individuals attempting to make traffic stops were received in the jurisdiction. If there had been reports, they were asked whether arrests were made as the result of the reports.³⁰

Of the 1,040 officials receiving the email, 127 police agencies responded. Nine agencies reported incidents in their jurisdiction. From the nine agencies, 13 incidents were reported. Of the 13 incidents, two agencies reported that arrests were made.³¹ One respondent stated, “I personally support the use of slick top vehicles. It seems to me that most of the impersonator incidents occur at night and I don’t think the general public could distinguish between a roof mounted light and a dash light in the dark.”³²

The photographs which follow were taken by the Department of Public Safety Public Information Office. Two marked Georgia State Patrol cars were photographed in a rural area at night. The first photo is a “slick top” vehicle equipped with an illuminating agency identifier. The second photo is a vehicle with exterior roof mounted lights.

²⁹ Membership consists of Active, Life and Professional agencies and includes municipal, county and consolidated police agencies, sheriff’s departments, state agencies, prosecutor’s offices and more.

³⁰ See Attachment C.

³¹ Some agencies responding did not offer details regarding the disposition of the incidents.

³² See Attachment D.



Slick top Georgia State Patrol car equipped with illuminating agency identifier.



Georgia State Patrol vehicle equipped with exterior roof mounted blue lights.

Restrictions on use of speed detection devices

The statutory scheme governing use of speed detection devices imposes restrictions on use of the devices by counties, municipalities, colleges and universities.³³ The Committee identified three provisions which hinder traffic safety: 1) the visibility requirement³⁴, 2) the ten mile per hour over the posted speed “allowance” for speeding cases³⁵, and 3) the restriction on the use of the device on a hill.³⁶

1. Visibility Requirement

“No stationary speed detection device shall be employed by county, municipal, college, or university law enforcement officers where the vehicle from which the device is operated is obstructed from the view of approaching motorists or is otherwise not visible for a distance of at least 500 feet.”³⁷ Failure to comply with the visibility requirement will result in the exclusion of the evidence of the speed detected by the device.³⁸ As drivers have become more aggressive and speeds on the highways have increased, law enforcement needs to be less visible in order to observe true driving behavior.

2. Ten mile per hour speeding “allowance”

“No county, city, or campus officer shall be allowed to make a case based on the use of any speed detection device, unless the speed of the vehicle exceeds the posted speed limit by more than ten miles per hour and no conviction shall be had thereon unless such speed is more than ten miles per hour above the posted speed limit.” There are

³³ O.C.G.A. § 40-14-1 - 17

³⁴ O.C.G.A. § 40-14-7

³⁵ O.C.G.A. § 40-14-8

³⁶ O.C.G.A. § 40-14-9

³⁷ O.C.G.A. § 40-14-7

³⁸ Taylor v. State, 205 Ga. App. 84 (1992).

exceptions for marked school zones during and one hour before and after normal school hours, historic districts and residential zones.³⁹ Among those traveling through Georgia, there is a belief that this law makes it acceptable to drive 10 miles per hour over the posted speed limit. One example is found on the Yahoo Answers website, where someone posted the following:

I know in Georgia you get 10 over except from state patrol. What about South Carolina? It seems like somebody told me they give you 9 over, but I can't remember. Oh, and I don't want to hear any of that junk about "you're breaking the law if you speed" or "you're endangering lives" or anything else like that. If you know the answer, please answer the question. Otherwise, please leave me alone.⁴⁰

Law enforcement should be authorized to use their discretion to enforce a violation of exceeding the posted speed limit at any speed.

3. Restriction on the use of speed detection devices on a hill

“No speed detection device shall be employed by county, municipal, or campus law enforcement officers on any portion of any highway which has a grade in excess of 7 percent.”⁴¹ Failure to prove that the speed detection device was not used on a highway with a grade in excess of 7 percent will result in the device results being excluded from evidence.⁴² There does not appear to be a reason for the limitation on use of the devices on a hill, but the result is that drivers are not required to lower their speed to remain within the allowed speed limit on a hill.

³⁹ O.C.G.A. § 40-14-8

⁴⁰ Retrieved from <http://answers.yahoo.com/question/index?qid=20080308071155AAfBQ3P>

⁴¹ O.C.G.A. § 40-14-9

⁴² Carver v. State, 208 Ga. App. 405 (1993).

Speed Detection Device Permitting Requirements

Georgia law requires a permit for the use of speed detection devices before counties, municipalities, colleges and universities can use speed detection devices. The Department of Public Safety is the agency charged with issuing permits and investigating complaints of misuse.⁴³ The Department has enacted regulations relating to speed detection device permits.⁴⁴ Permits are valid for three years, and the permit application process is handled through the mail. The Committee identified two issues to simplify the permit process: longer permits and an electronic application and approval process.

Regulation of Speed Detection Device Use

“Upon a complaint being made to the commissioner of public safety that any county, municipality, college, or university is employing speed detection devices for purposes other than the promotion of the public health, welfare, and safety or in a manner which violated this chapter or violates its speed detection device permit, the commissioner or the commissioner’s designee is authorized and empowered to conduct an investigation into the acts and practices of such county, municipality, college, or university with respect to speed detection devices.” Upon a finding of use violating the Code section, the commissioner of public safety is authorized to revoke the speed detection device permit. In 1999, the law was amended to impose a “rebuttable presumption” that the agency is employing speed detection devices for the prohibited purposes if the speeding fines based on the use of speed detection devices “are equal to or greater than 40 percent of that law

⁴³ O.C.G.A. §§40-14-2, 40-14-3, 40-14-11

⁴⁴ Ga. Admin. Comp. Ch. 570-7

enforcement agency’s budget.” Fines for speed violations which exceed 17 miles per hour over the speed limit are excluded from the calculation of total speeding revenue.⁴⁵

Records gathered from the Department of Public Safety show that investigations have led to few suspensions and revocations, particularly in recent years. There are currently 500 speed detection device permits in effect⁴⁶. Of those, for the 12 year period between 1995 and 2007, only nine permits (6 percent of all complaints) were suspended or revoked.⁴⁷ It is important to note that there is no screening mechanism in place before an investigation is conducted. The statutory requirement is simply that a complaint be made.

Resolution of Speed Detection Device Investigations

Year	Number of Complaints	Sustained	No action/ corrected	Warning	Suspended/ Revoked
2007	6	2	1		1
2006	12	3		2	1
2005	*13	0			
2004	2	0			
2003	9	2	1		1
2002	4	2		2	
2001	10	0			
2000	5	1	1		
1999	7	1		1	
1998	14	4		4	
1997	11	5		4	1
1996	16	9		6	3
1995	*22	6		4	**2
Totals	131	35	3	23	9
<i>Notes:</i> * 3 files unavailable for review ** One Department found to be operating w/o permit while awaiting approval. Permit denied.					

⁴⁵ O.C.G.A. § 40-14-11

⁴⁶ Source: Georgia Department of Public Safety Special Investigations Division

⁴⁷ Information provided by Georgia Department of Public Safety Special Investigations Division

The 2007 suspension was because the Department did not provide law enforcement services by certified peace officers 24 hours a day, seven days a week as required by O.C.G.A. § 40-14-2. The 2006 suspension was based upon improper placement of warning signs and failure to document that law enforcement services were provided 24 hours a day, seven days a week. After correcting the violations and providing documentation of the same to DPS, the permit was reinstated.

The Department of Public Safety conducted a survey of state law enforcement agencies to determine whether other state laws required a permit for the use of speed detection devices. Of 21 states responding, only four states require a permit.⁴⁸

Does state law require a permit for the use of speed detection devices?

Alabama	
California	
Hawaii	
Idaho	
Kansas	
Kentucky	
Louisiana	
Maryland	
Minnesota	
Missouri	
Montana	
New Jersey	
New Mexico	
New York	Georgia
North Dakota	Pennsylvania
Ohio	Virginia
Tennessee	Wisconsin

NO (17)

YES (4)

⁴⁸ See Attachment B.

IV. Success Stories

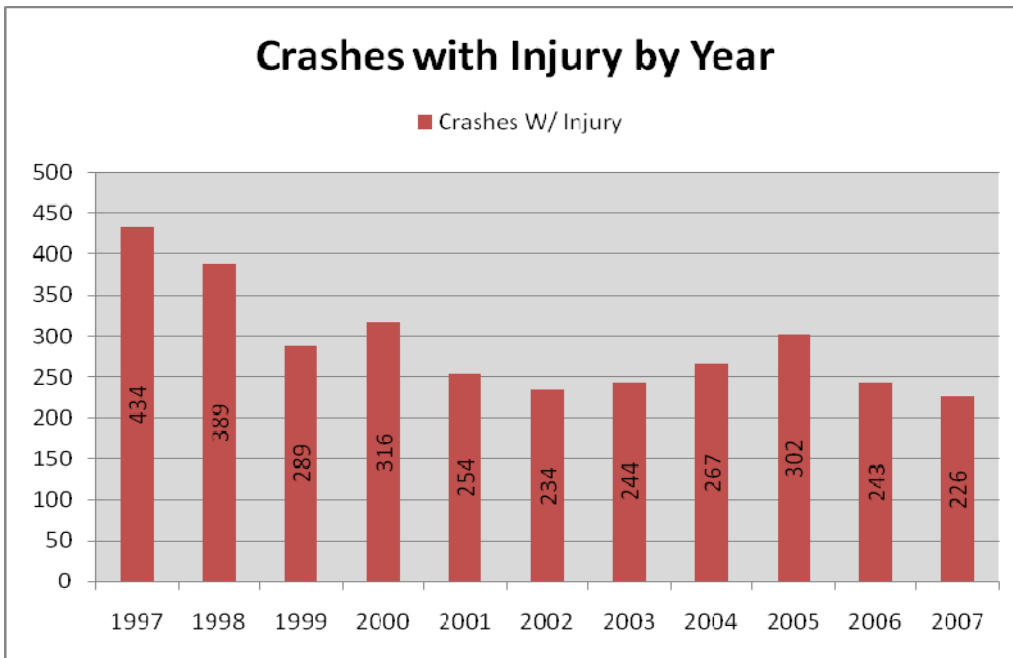
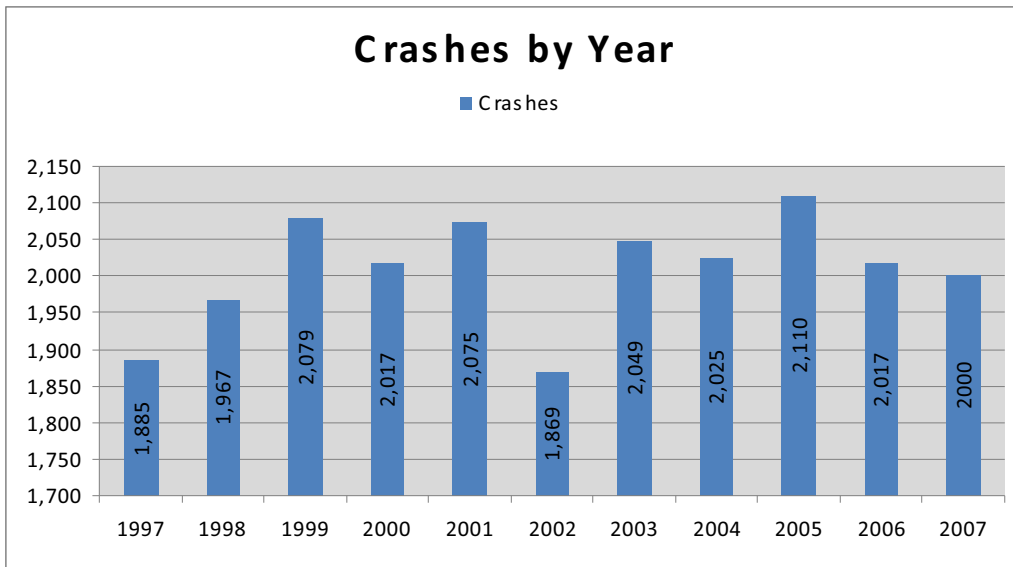
The Committee selected four law enforcement agencies to highlight traffic enforcement successes. The agencies selected were the LaGrange Police Department, the Cherokee Sheriff's Office, the Gainesville Police Department and the Suwanee Police Department.

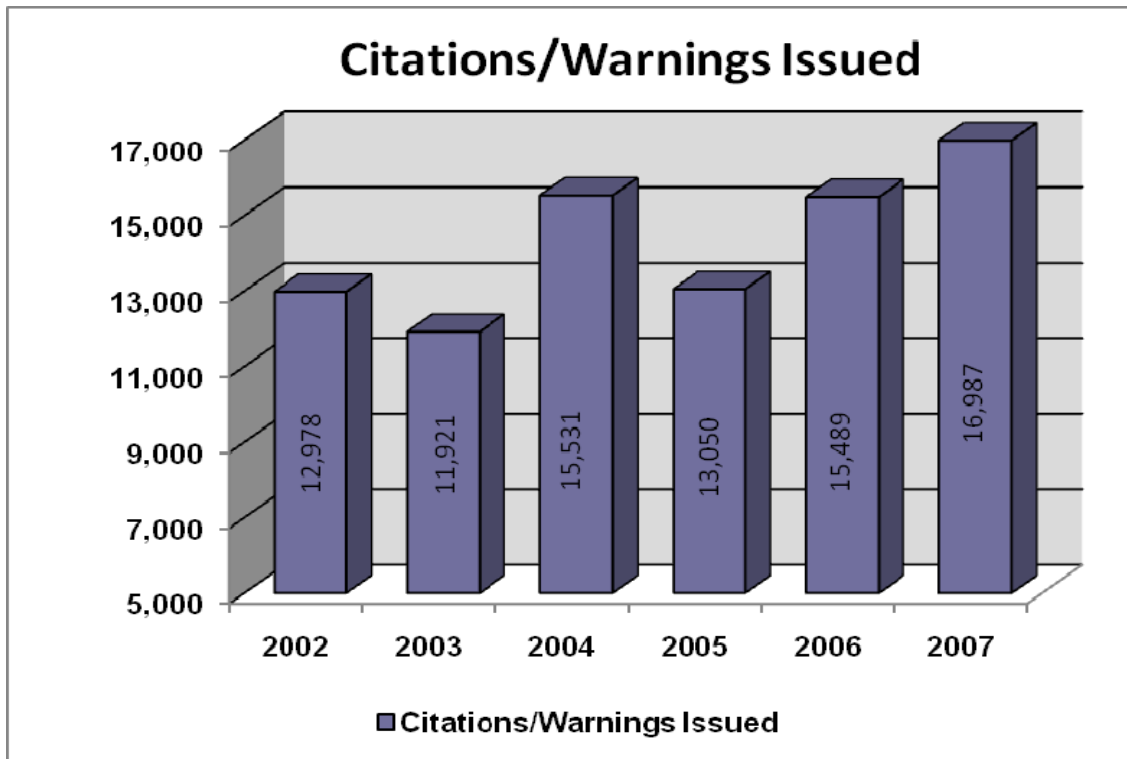
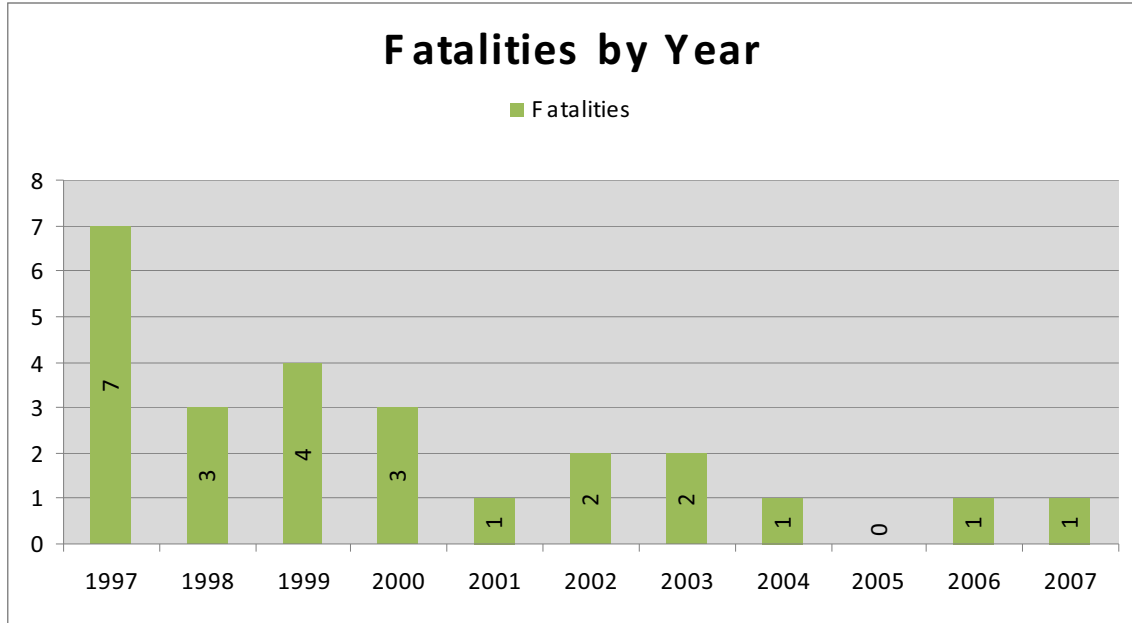
LaGrange Police Department

While the population of Troup County and the City of LaGrange, Georgia, has increased in the past ten years, the number of traffic crashes has remained static. A methodical approach to traffic enforcement, education, and engineering by the City of LaGrange Police Department from 1997 through 2007 has also reduced the frequency of fatality and injury crashes by as much as 86% and 48% respectively during this ten year period. By reinforcing the importance of issuing traffic citations and warnings not only where citizen complaints are received but also in collision prone areas, officers are more apt to have a direct impact on the city's collision, injury, and fatality trends. Of particular importance is a need for a concerted effort by officers in the enforcement of occupancy protection, seatbelt and child restraint laws; the effect of this focused enforcement is a 90% voluntary compliance rate, substantially above state and national averages.

The LaGrange Police Department recognized the importance of collecting, reviewing, and disseminating sound collision data on a daily, weekly, and monthly basis so as to manage traffic enforcement resources in the most effective manner. Whether it be through the placement of a traffic hotspot board and collision pin board in areas where officers receive their daily briefing or through the completion and review of not only a

monthly traffic report but also other reports that serve to track officer enforcement actions in collision prone areas, the agency's holistic approach to traffic enforcement has produced consistent results. The use of a data driven process by the LaGrange Police Department has effectively reduced serious injury and fatality crashes and thus made the roadways safer for individuals that travel to and from the LaGrange community.





Cherokee Sheriff's Office

The Cherokee Sheriff's Office began using Harley Davidson Motorcycles in 2002 as a tool for traffic enforcement. Motorcycles are more effective than patrol vehicles in congested areas because of their versatility and maneuverability. The motorcycles are used in high complaint areas where numerous crashes have occurred. The Deputies assigned to operate the motorcycles have received extensive training in police motorcycle operation.

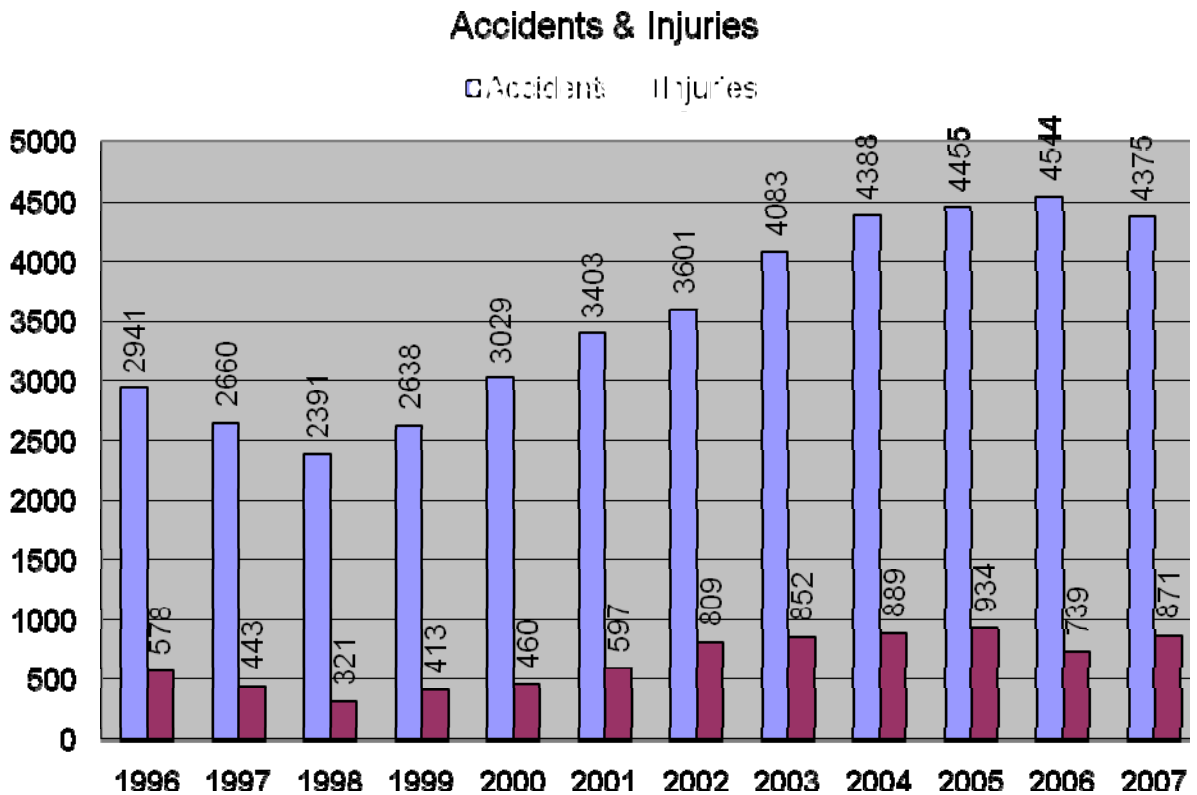
The Traffic Enforcement Unit (TEU) is focused on motor vehicle crash investigations and speed deterrence. Officers assigned to this unit receive hundreds of hours of training in accident reconstruction, which helps officers determine the cause of crashes.

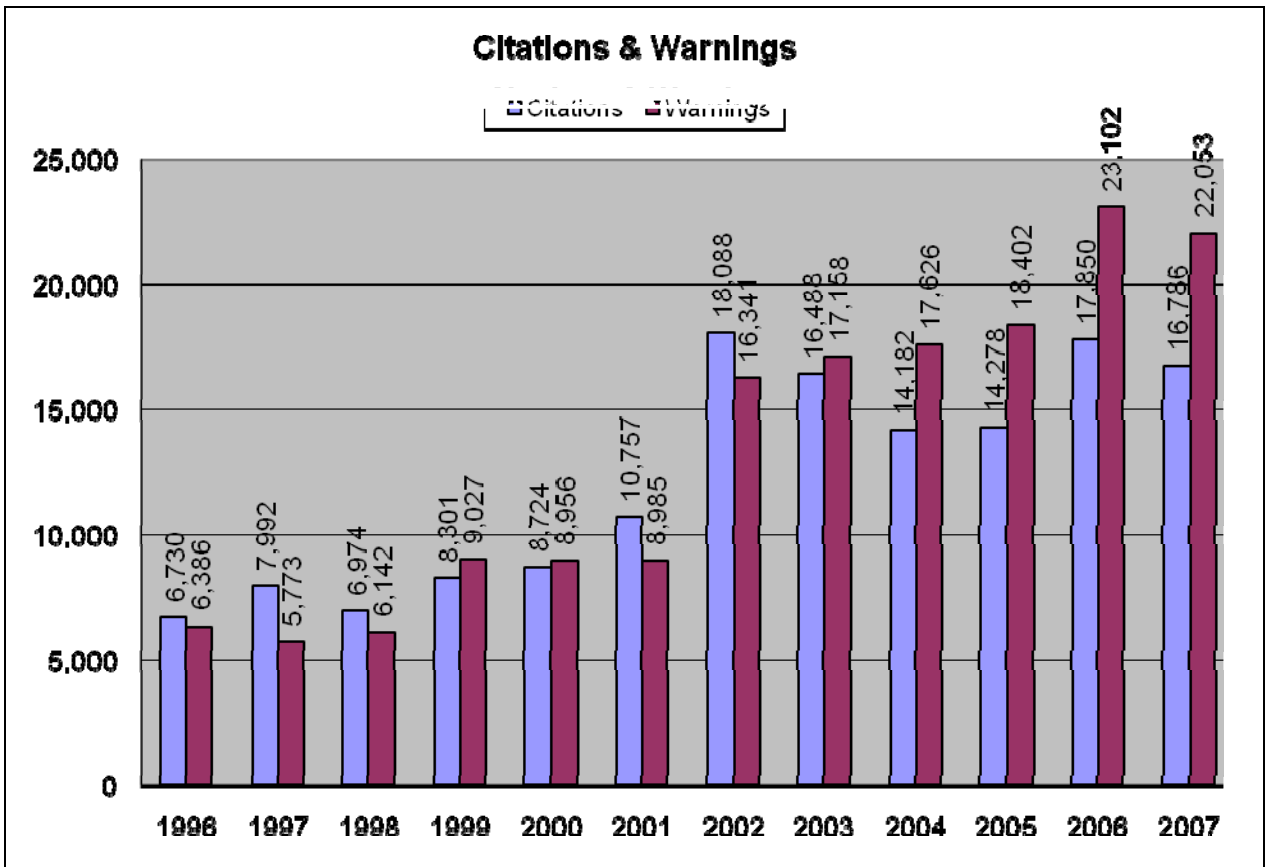
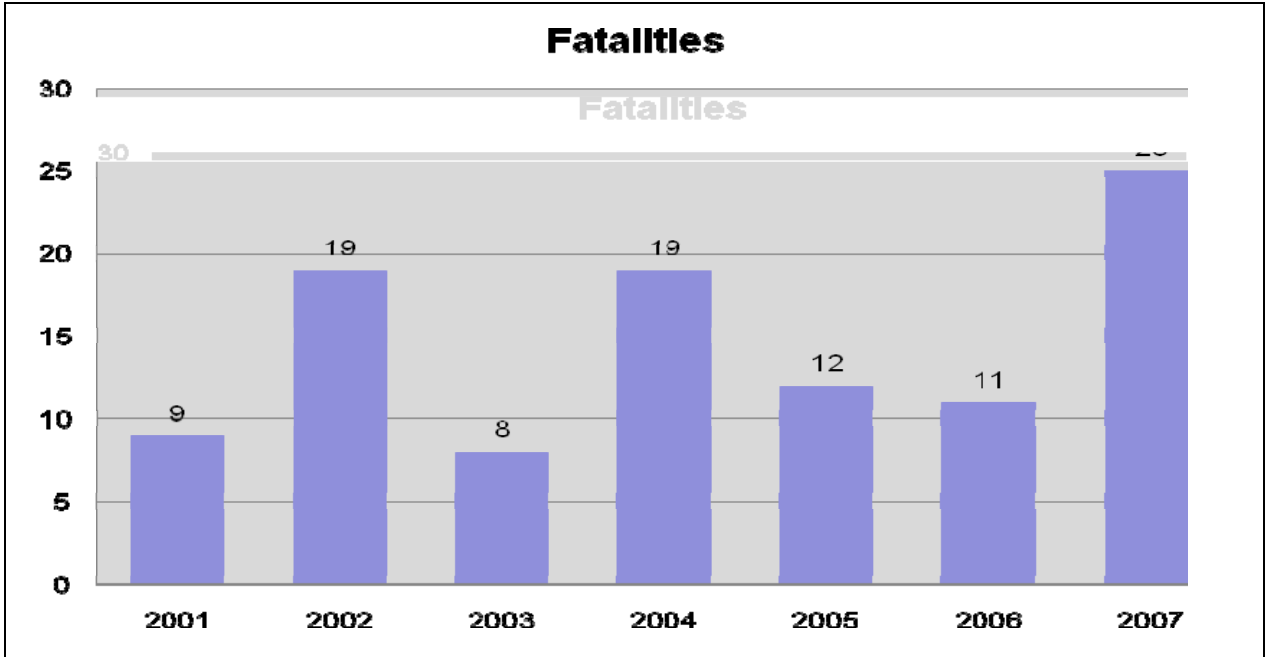
The traffic unit is also responsible for other events such as holiday enforcement details, community and business presentations and managing the school crossing guard assignments. Additionally, the TEU works with the County Engineering Department providing crash data and making requests for the improved safety of our roads. This includes the request for road signs and highway design to enhance the flow of traffic.

The Sheriff's Office prepares a monthly Traffic Analysis Report, which is based upon statistical data extracted from crash report information supplied by precinct commanders. The monthly report includes the following information: percentage of crashes taking place on each day of the week, percentage of crashes taking place on each of the three shifts worked, percentage of crashes taking place on the interstate, east of I-575 and west of I-575, cause of crash by percentage, percentage of crashes involving

commercial vehicles, percentage of crashes involving injuries, and percentage of crashes involving a fatality. The report identifies locations with the highest percent of injury crashes so that each precinct can increase patrol functions in those areas. In addition, the report identifies concentrated patrols, talks or presentations and enforcement activities by violation.

The Cherokee Sheriff's Office TEU has identified Highway 20 East and West as a roadway with a high number of accidents and accidents with fatalities. Therefore, the majority of the TEU's enforcement efforts are serving to lower the speed on this main through way in Cherokee County. The TEU has made a significant impact by maintaining concentrated patrols on this roadway and keeping the speeds reduced.





Gainesville Police Department

In the year 2002, Sergeant Keith Lingerfelt of the Gainesville Police Department Police Traffic Services Unit (PTSU) noticed that there had been an increase in accidents within the boundaries of the City of Gainesville. Sergeant Lingerfelt developed a plan to work with the Public Works Department of the city to identify the number of crashes inside the city limits and their locations.

The information compiled included location, time, injuries, contributing factors, teenage drivers and whether restraints were used. This information was kept on file and recorded for each month of the year. Completed accident reports were then sent to Public Works where they identified the top ten accident locations inside the city of Gainesville. After the top ten locations were identified by Public Works, they were sent to Sergeant Lingerfelt for enforcement purposes. The top ten locations were then distributed to officers of the Police Traffic Services Unit (PTSU) so that they could monitor and take enforcement actions as necessary.

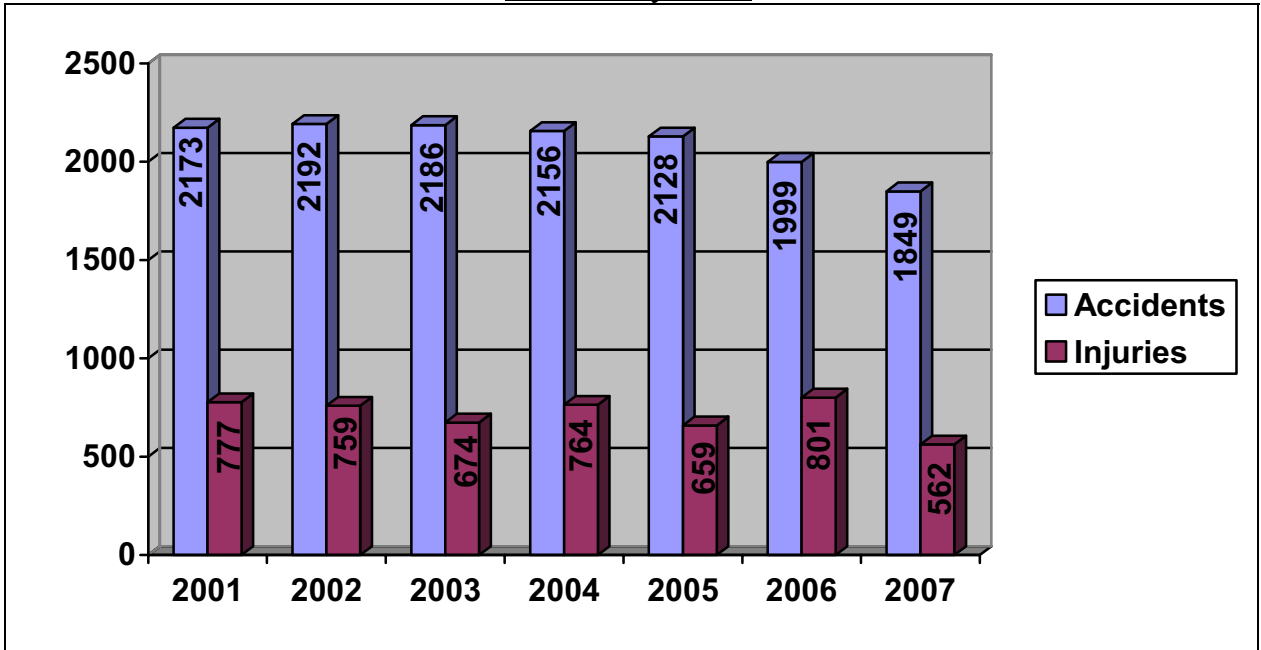
This program has continued until the present. In compiling the data for crashes from 2002 through 2006, there was a slight decrease in the number of collisions each year. After reviewing all of the compiled data, the overall number of crashes and injuries were reduced during 2007. There was a reduction in spite of the fact that traffic flow through the City increased each year. There was a 7.5 % reduction in the number of crashes and a 29 % reduction in the number of crashes with injuries throughout the City of Gainesville from 2006 to 2007. There was a total decrease of 10% of crashes in the top ten crash locations.

PTSU Officers were instructed to conduct enforcement activities in and around the high crash areas and record their results on a traffic complaint log. The causal factors in the majority of these accidents were Following Too Close, and Failure To Yield. Therefore, officers were told to concentrate on speeding, lane violations, and failure to obey traffic control devices in an effort to reduce the crash numbers. Officers spent approximately 1,200 hours conducting enforcement activities in these areas and issued 2,571 citations. It should be noted that PTSU was operating one person short for the first six months of the 2007 calendar year.

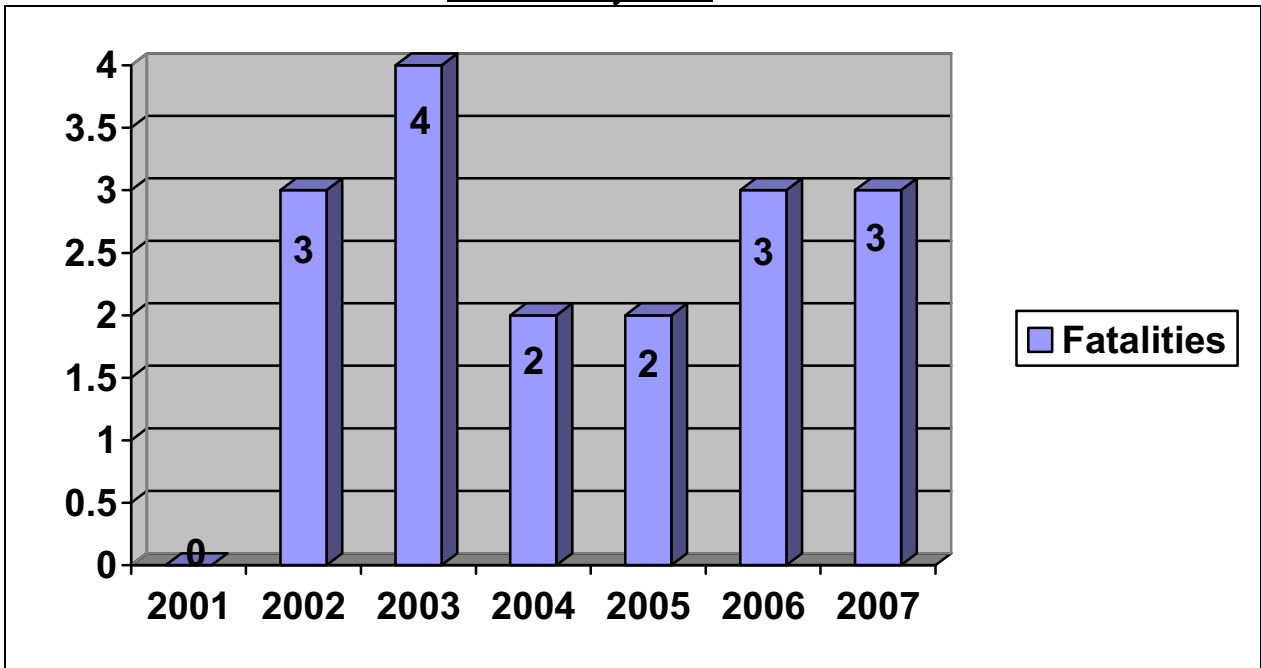
These numbers were reduced by the concentrated efforts of the officers of the PTSU. Because of the number of patrol hours spent monitoring these locations, the Department was able to successfully decrease the numbers of accidents as well as injuries.

The Gainesville Police Department has also been proactive in the enforcement of seatbelt and child restraint laws over the past decade. The Department was a pilot agency for the Governor's Office of Highway Safety in the monitoring and posting of signage along the city's roadways which identify the seatbelt usage percentage. The City has maintained an average usage rate of above 90% for several years and reached an all time high of 95% during one period. The Police Department also offers free child safety restraint (car seat) inspections to the public each Friday at police headquarters. The number of safety restraint violations has decreased each year as the usage rate has increased. The increased usage rate and continued maintenance thereof has also corresponded with the decrease in the number of injuries in motor vehicle accidents.

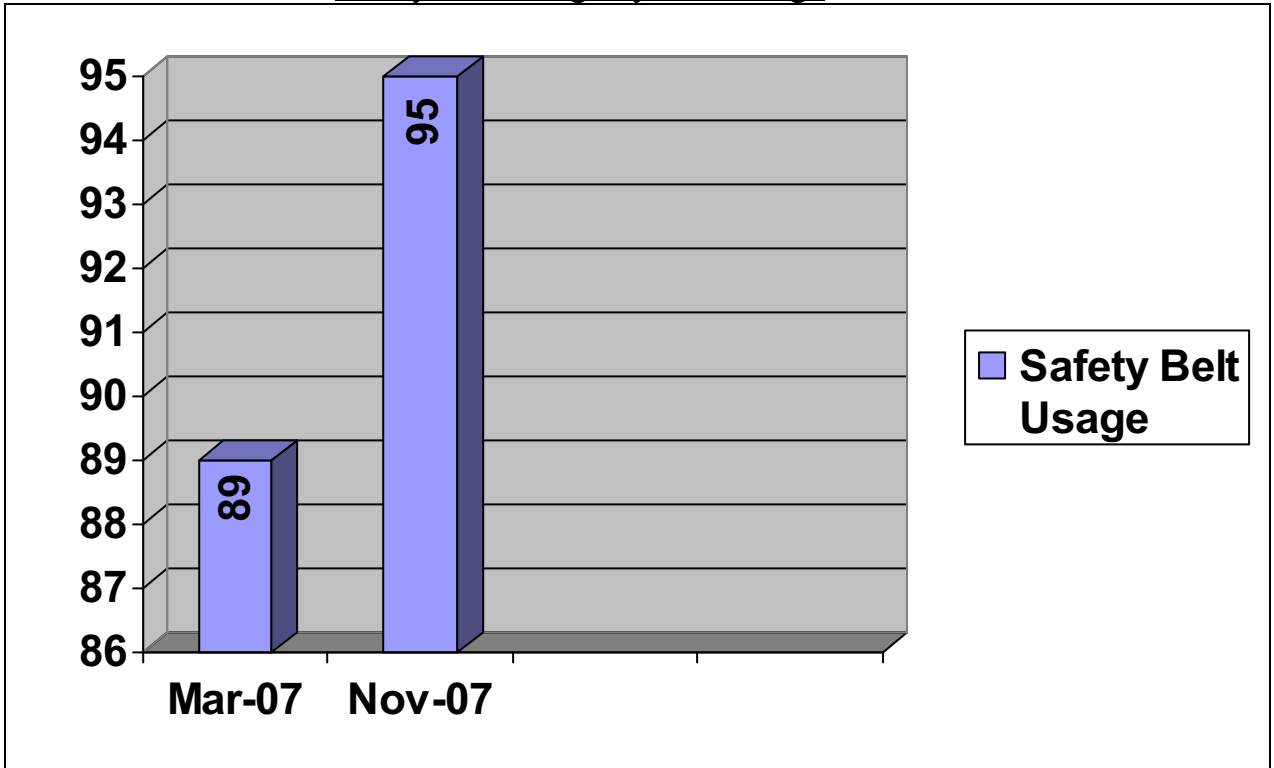
Crashes by Year



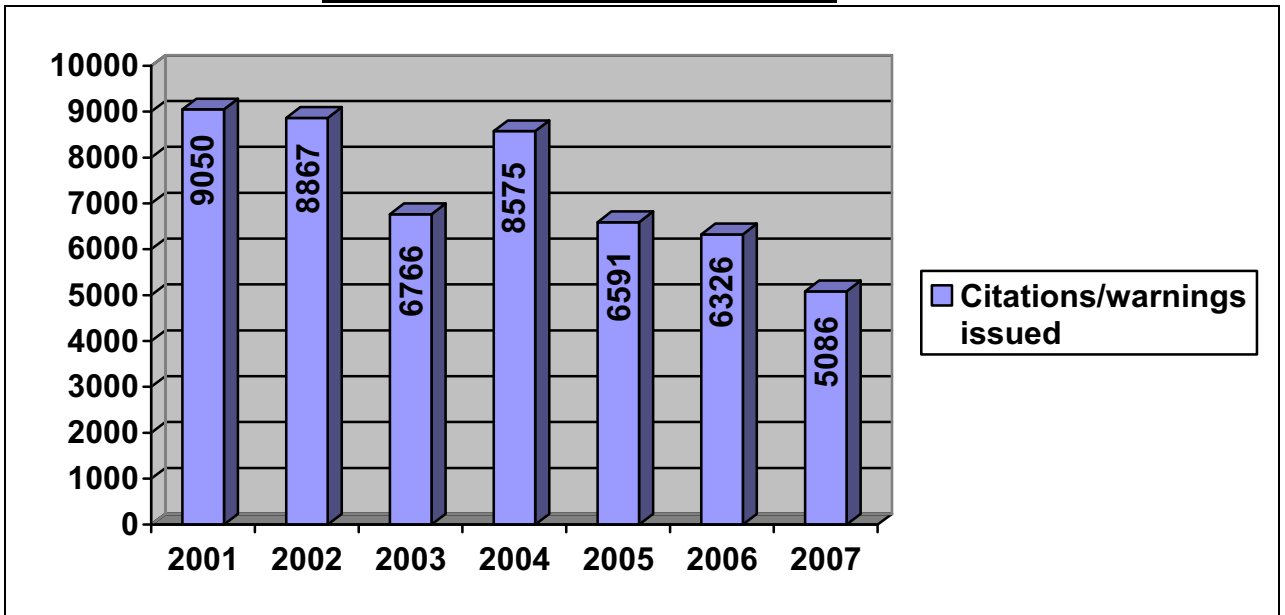
Fatalities by Year



Safety Belt Usage by Percentage



Traffic Enforcement Statistics



Suwanee Police Department

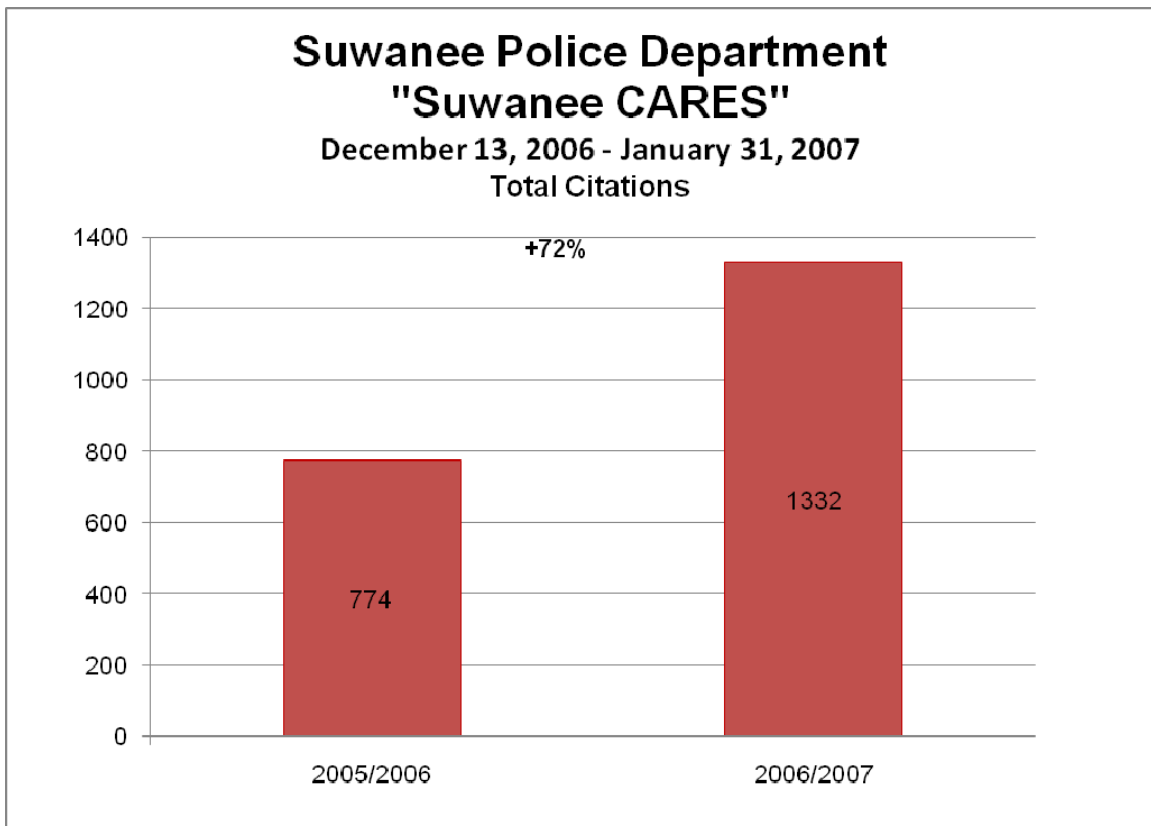
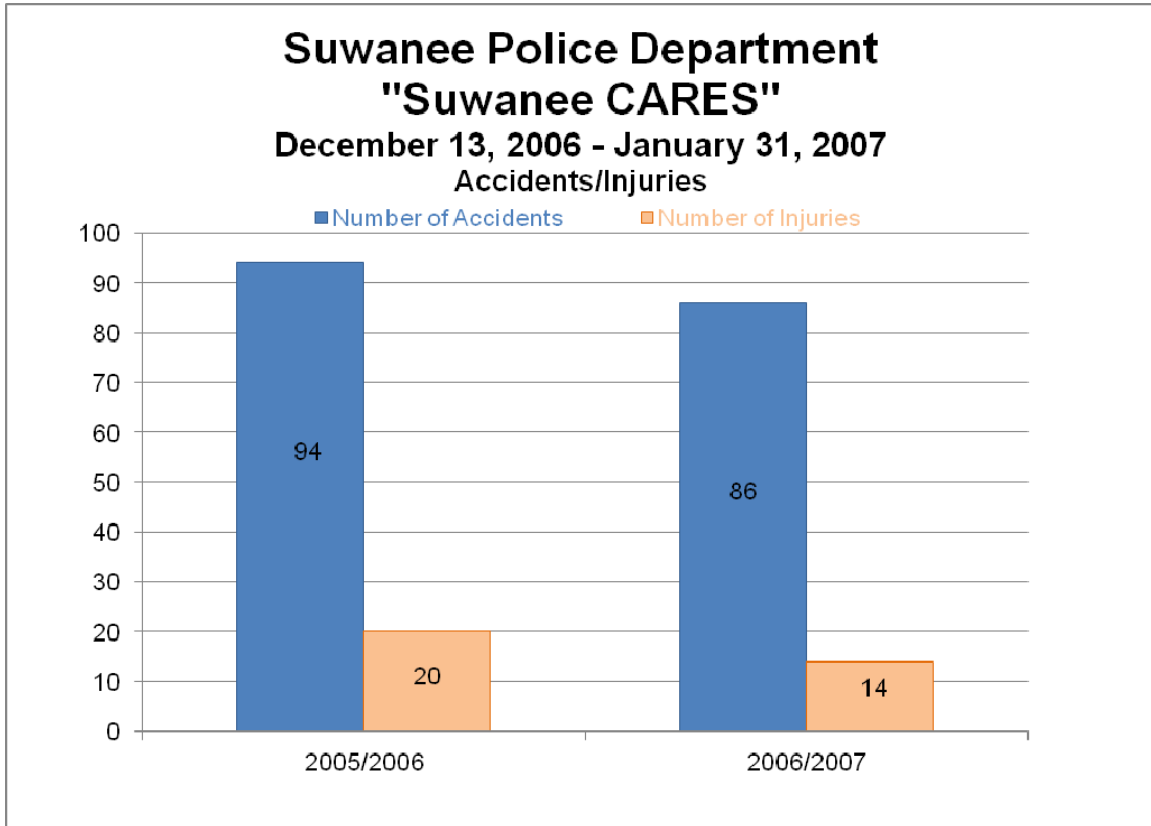
In response to a traffic crash that killed three high school students, the Suwanee Police Department developed a traffic enforcement program called Suwanee CARES (Suwanee Corridor 317 Accident Reduction and Enforcement Strategy). After making the public aware of their efforts, the Department held concentrated patrols on Lawrenceville-Suwanee and Suwanee Dam Roads in Suwanee. Lawrenceville-Suwanee Road, which provides access to parks and schools, is where 56 percent of the crashes in Suwanee have occurred.⁴⁹

After six weeks, the Department compared the number of crashes for the same time period during the prior year and saw a nine percent reduction. Number of injuries for the same period was reduced seven percent. Finally, citations were increased 72 percent. The comparison did not account for change in traffic flow in the area.

Following the program, the Gwinnett Daily Post ran an article titled, “Suwanee wrecks decrease after enforcement effort.” The article reported that the program successfully reduced the number of crashes, and quoted Chief Mike Jones saying, “Unfortunately, some people got citations....(but) it was not our goal to bring in revenue.”⁵⁰

⁴⁹ See Attachment E

⁵⁰ Heather Darenberg, *Suwanee wrecks decrease after enforcement effort*, Gwinnett Daily Post, February 14, 2007



V. Recommended Actions

The Committee recommends the following actions:

- Legislation to remove the limitations on vehicle markings and roof mounted lights for law enforcement
- Legislation to remove the limitations on the use of speed detection devices
- Rule changes to allow longer speed detection device permits
- Allow electronic submission of speed detection device permit applications
- Implement a state certification standard regarding the use of speed detection devices
- Implement a state certification standard promoting data driven traffic enforcement
- Through professional law enforcement associations, educate and encourage officers regarding professionalism and accountability in traffic enforcement
- Educate the public regarding traffic safety issues
- Promote data driven traffic enforcement
- Cooperative effort among all levels of law enforcement to obtain funding for technology to allow the use of data necessary for statewide data driven traffic enforcement model.

Legislation

The Committee recommends two legislative initiatives and one administrative regulation change. The first priority is to authorize law enforcement to conduct unmarked, slick top traffic enforcement.⁵¹

⁵¹ See Attachment F

Second, the speed detection device law should be rewritten to remove limitations on usage.⁵² Finally, the administrative regulations regarding speed detection device permits should be amended to allow for longer permits and electronic submission of applications.

Law Enforcement Responsibility

The Committee believes that traffic enforcement for the purpose of generating revenue is wrong. In order to overcome the negative perception regarding the use of speed detection devices and traffic enforcement, law enforcement agencies and officers should be professional and accountable. To this end, the Committee recommends that the following certification standards regarding the use of speed detection devices be adopted:

- The agency shall have a written directive that establishes the steps to be followed in determining the times and locations for the use of speed detection devices and data analysis methodology to include:
 - Supervisory approval;
 - Officer qualifications; and
 - Officer's uniform requirements.
- If the traffic enforcement vehicle is equipped with a speed detection device, the vehicle must also be equipped with video equipment. The agency must establish guidelines regarding the mandatory use of video equipment and the officer must follow the guidelines.
- The agency shall maintain a record of speed detection device usage to include the dates, times, officers involved, equipment testing, type of enforcement vehicle used, and the results of each enforcement effort.

The Committee encourages traffic data analysis to provide current, useful information to aid law enforcement in meeting tactical traffic control and accident objectives by identifying high accident locations, aggressive driving patterns and

⁵² See Attachment G

speeding pattern recognition. Analyzing this data can be useful to an agency's long-range planning effort by providing estimates of traffic trends and assisting in the identification of enforcement priorities.

Knowledge of traffic hazards within a community assists law enforcement in performing more effectively. Although hazards may be permanent or temporary and may vary hourly, daily or seasonally, agencies should attempt to identify as many hazards as possible. Identification and understanding contribute to the development of traffic enforcement techniques to most effectively counteract the hazards.

The Committee recommends that the following certification regarding data driven traffic enforcement be adopted:

- The agency shall have a written directive establishing traffic data analysis procedures.

The Committee recommends a uniform effort among law enforcement to educate the public regarding traffic safety issues. In addition to press conferences relating to holiday travel and routine traffic issues, the public should be educated on what to expect during a traffic stop.

Statewide Data Driven Traffic Enforcement Model

Data plays a fundamental role in the realm of highway safety. Problem identification, monitoring trends and evaluation of interventions/countermeasures are all common uses of crash data. The Georgia Governor's Office of Highway Safety and Department of Transportation focus considerable resources towards a better understanding of the highway safety problem in Georgia. These offices produce plans

and documents including Georgia's Strategic Highway Safety Plan⁵³ and Georgia's top five percent of dangerous intersections.⁵⁴

The discussion of data in this white paper will pertain primarily to crash data as a surveillance tool: the ongoing and systematic collection and analysis of crash data leading to action being taken to address highway safety issues. There are numerous other sources of non-crash data that could also be explored, and such data sources are also used in highway safety. These include data for licensed drivers, registered vehicles, hospital records, Emergency Medical Services and crimes and citations. Although this discussion will be limited to crash data, it provides a template for expansion to a wider range of non-crash data.

Critical to the goal of improving traffic safety is the implementation of a multi-jurisdictional, data driven traffic safety model statewide. If law enforcement incorporates essential safety components of enforcement, engineering, and education into all traffic safety programs in Georgia and targets areas where problems exist, law enforcement can have a powerful impact while working with the limited available resources. The Committee recommends developing and implementing a data driven traffic enforcement model for Georgia. To date, however, there has been no implementation of this format.

In Georgia, a statewide data driven traffic enforcement model for highway safety is a viable strategy to reduce fatalities and serious injuries on our roadways. Additionally, it has been proven that effective high visibility traffic enforcement not only reduces traffic fatalities, but also reduces the incidences of crime as well. Data driven traffic enforcement will track and prove those results. The process would utilize data to

⁵³ <http://www.gahighwaysafety.org/shsp/>

⁵⁴ <http://safety.fhwa.dot.gov/fivepercent/07ga.htm>

determine locations of high occurrences of traffic related fatalities, identify the stakeholders of that jurisdiction to include law enforcement, traffic engineering, emergency management, traffic officials and elected officials, and will develop strategies, action plans, and implementation, follow up and evaluation. The process would be ongoing throughout the state in the identified jurisdictions with strategy meetings and follow up evaluations.

To be effective, this model will require coordination among professional law enforcement associations and agencies, including the Georgia Association of Chiefs of Police, the Georgia Sheriffs Association and the Georgia Department of Public Safety.

Implementation of an effective model will include the following:

- Developing and identifying a data source and process;
- Identifying stakeholders to be included in the process;
- Identifying target jurisdictions or regions;
- Data driven traffic enforcement meetings;
- Strategy and Action Plan development;
- Follow up and evaluation.

Data to be utilized will include crash and fatality, enforcement and crime statistic data from each of the participating jurisdictions.

Data Collection

In the late 1990s, Georgia organized the Traffic Records Coordinating Committee (TRCC) to bring together the traffic records stakeholders. The TRCC developed Strategic Plans and provided annual progress and updates until 2003. In 2004, the TRCC was reconstituted under the Governor's Office of Highway Safety (GOHS). Georgia has

continued to plan, design and develop the implementation of a new crash data system based on electronically transmitted crash data.

Since its inception in the late 1990's, the TRCC has focused on improving the Crash Reporting System. For instance, in 2003, the TRCC recommended an overhaul of the system to allow agencies to send in reports electronically and easily retrieve ad-hoc statistical crash reports. As of today, this goal hasn't been accomplished.

A 2004 goal of locating crashes using GIS-enabled latitude and longitude instead of linear reference has not been met. By not using a GIS-enabled system, agencies, other than GDOT, can't accurately determine the location and frequency of crashes and map those instances to the statewide GIS system.

There are approximately 600 law enforcement jurisdictions responsible for crash data collection in Georgia. While there is considerable variation in size and scope of these agencies, they are all required to send data (i.e. crash reports) to the Georgia Department of Transportation (GDOT). Additionally, GDOT receives information from vital statistics (e.g. highway related fatalities occurring up to 30 days after a crash) and crime labs (e.g. blood-alcohol-content test results); these data elements come to GDOT at various times and then must be paired with the crash report data. As of June 2008, GDOT only accepts hard copies of crash reports which are then entered into the crash database; however, they may soon begin accepting these reports in electronic format. There are already a couple of large jurisdictions (e.g. Cobb County Police Department) that collect reports electronically and will soon be able to submit those directly to GDOT in a more seamless fashion.

Typically, GDOT will release a year's dataset approximately seven months after that year has closed out. This time lag has to do with collecting and managing the data from all of the state's approximately 600 jurisdictions and other reporting agencies (e.g. vital statistics). Preliminary data, especially limited data pertaining to crash fatalities, is more readily accessible and is kept as a running total. However, even this limited data is typically not complete for around six months after the close of the year. Obviously, such a time lag is a barrier to rapid response. GOHS has developed a fatality surveillance tool (Fatality Analysis and Surveillance Tool: <http://www.gahighwaysafety.org/fss.html>) and GDOT is in the process of providing more real-time fatality data on their website. Both of these projects are forming the basis of a more timely surveillance system that should be able to incorporate additional components over time.

In addition to weaknesses in regards to the timeliness of data collection, other areas of concern include the flexibility of the data collection system (how easily the system can be modified to account for changing resources and/or needs of the state) and quality of data collected (e.g. missing values, data errors).

Development continues toward Georgia's goal of a comprehensive electronic traffic records system. The two major components of the system will be the capacity for crash reports and citations to be created and submitted electronically. The crash report system is being developed by GDOT's IT and Crash Reporting units, with funding from both GDOT and NHTSA Section 408 funding obtained through GOHS. At this time, XML transfer specifications for crash reports have been developed, and the hardware and software interface that will support the system is in place and is being refined. This phase will be followed by implementing the system in two pilot locations, and then

making it available to any interested law enforcement agencies and the software vendors they use.

Initiating the use of data driven traffic enforcement has proven to be one of the most successful tools available for law enforcement agencies. However, municipal, county and state agencies cannot pool their resources in a regional effort because of the lack of coordinated data.

Implementation of the electronic transfer and analysis can potentially be one of the most effective tools for reducing accidents, injuries and fatalities on Georgia's streets and highways.

State agencies have been working on this program for five years and still do not have a product to allow the electronic transfer of reports and the prompt compilation/analysis and production of findings. Therefore, the Committee recommends state legislation requiring that the process be expedited and funding for the same.

ATTACHMENTS

ATTACHMENT A

**GEORGIA DEPARTMENT OF PUBLIC SAFETY
COVERT VEHICLES SURVEY (MAY 2008)**

STATE	Are you required to have roof lights on the tops of vehicles when conducting routine traffic enforcement or operating a speed detection device?	Can you conduct traffic enforcement or operate a speed detection device using a completely unmarked vehicle (no lights or markings on the car)?	Do you have any statistical information regarding the effect of using unmarked vehicles for traffic enforcement?
Alabama	NO	YES	NO
Arizona	NO	YES	NO
California	NO	NO	NO
Delaware	NO	YES	NO
Florida	NO	YES	NO
Hawaii	NO	NO*	NO
Idaho	NO	NO	NO*
Illinois	NO	YES	YES - see '05 survey
Iowa	NO	YES	NO
Indiana	NO	YES	NO
Louisiana	NO	YES	NO
Maine	NO	YES	NO
Maryland	NO	YES	NO
Minnesota	NO	YES*	NO
Missouri	NO	YES	NO
Montana	NO	YES	NO
Nebraska	YES	YES	NO
New Hampshire	NO	YES	NO
New York	NO	NO	NO
North Carolina	NO	YES	NO
North Dakota	NO	YES	NO
Ohio	YES	NO*	NO
Pennsylvania	NO*	YES	NO
Rhode Island	NO	YES	NO
South Carolina	NO	YES	NO
South Dakota	NO	NO*	NO
Tennessee	NO	YES	NO
Texas	NO	NO	NO
Utah	NO	YES	NO
Vermont	NO	YES	NO
Virginia	NO	YES	NO
Washington	NO	YES	YES* - see attached
Wisconsin	NO	YES	NO
Wyoming	NO	NO	NO

*Responses which have changed since Survey conducted in 2005.

ADDITIONAL COMMENTS BY STATE (2008)

Alabama – None.

Arizona - “We have no statistical data for the individual cars other than officers saying they are quite effective. They notice a lot of obvious violations to include criminal violations in addition to traffic related violations.”

California – “Our state vehicle code requires our vehicles to be distinctively marked and most of our vehicles are black/white with roof-mounted lights. Incidental enforcement does occur with undercover cars.”

Delaware – None.

Florida – None.

Hawaii – 1: “By Hawaii law, all emergency operations vehicles are required to have visual and audible warning devices. Our Department's marked patrol vehicles have roof lights and sirens. Our unmarked vehicles have slimliner (hidden) type lights, wigwags and sirens. From a legal perspective, the answer would be "no" we are not required to have roof lights to conduct routine traffic enforcement or operate a speed detection device. Yet, operationally, only our patrol sections conduct routine traffic enforcement and operate speed detection devices, which uses marked patrol vehicles with roof lights. Our unmarked vehicles are usually used in emergency vehicle operation mode when responding to crime scenes or when conducting special operations such as vehicle take-downs during undercover operations, search warrants...etc. 2: The correct answer to this question would be "no". Any vehicle used in conducting traffic enforcement must meet the legal requirements of an emergency operations vehicle which must have both visual and audible warning devices. 3: We do not have any statistical information since we do not use unmarked vehicles for traffic enforcement.”

Idaho – “1: No, many of our marked units have inside lights. 2: State police vehicles are required by statute to be marked cars (city and county agencies may use unmarked cars, however). The statute is very specific about the markings, and may be viewed at this link. <http://www3.state.id.us/cgi-bin/newidst?sctid=490240027.K> ; 3: Since we are prohibited by law from using unmarked vehicles, we do not have any such statistical information.”

Illinois – None.

Indiana – None.

Iowa - None.

Louisiana – None.

Maine – “Our unmarked, which consist of Crown Vics and a couple of Mustangs, have been very successful and have received high marks from the troopers.”

Maryland – None.

Minnesota – #2-“MN LAW DOES NOT RESTRICT ENFORCEMENT AUTHORITY TO MARKED SQUADS. MN LAW REQUIRES “SPECIALLY MARKED” VEHICLES IF THE VEHICLE IS “FOR PRIMARY USE IN THE ENFORCEMENT OF HIGHWAY TRAFFIC LAWS AND ORDINANCES” (MSS 169.98 SUBD 2, 2a). WHAT THIS MEANS IS THAT IF THE VEHICLE IS REGULARLY USED FOR TRAFFIC ENFORCEMENT, IT MUST BE MARKED WITH A SHIELD ON THE PASSENGER SIDE DOOR AND MUST BE OPERATED BY A UNIFORMED OFFICER. COMPLETELY UNMARKED CARS MAY MAKE TRAFFIC STOPS BUT IF THE VEHICLE IS REGULARLY USED IN TRAFFIC ENFORCEMENT, IT MUST BE “SPECIALLY MARKED”. THESE “SPECIALLY MARKED” VEHICLES MAY NOT EXCEED TEN PERCENT OF THE DEPARTMENT’S FLEET. OUR UNMARKED CARS THAT ARE REGULARLY USED FOR TRAFFIC ENFORCEMENT (ASSIGNED TO ROAD PATROL TROOPERS) ARE EQUIPPED WITH A PERMANENT DECAL ON THE PASSENGER DOOR.

<p>OUR UNMARKED CARS THAT ARE ASSIGNED TO SUPERVISORS, STAFF AND MANAGEMENT PERSONNEL ARE EQUIPPED WITH A MAGNETIC DOOR SHEILD THAT IS USED WHENEVER THE TROOPER IS WORKING A TRAFFIC CONTROL OR ENFORCEMENT DETAIL;</p> <p>#3-OUR ANECDOTAL INFORMATION SHOWS THAT THEY ARE EFFECTIVE IN SOME VIOLATIONS THAT ARE SURPRESSED BY THE VISIBILITY OF A MARKED CAR. THESE INCLUDE STOPSIGN AND SEMAPHORE VIOLATIONS, TAILGATING, AGGRESSIVE DRIVING ETC. WE THINK THAT A DEPARTMENT MUST BALANCE THE USE OF UNMARKED CARS WITH THE VISIBILITY AND DETERRENT EFFECT OF THE MARKED PATROL CAR.”</p>
<p>Missouri – None.</p>
<p>Montana – 2: (voice mail) “...true, but lights are required inside the vehicle w/no other markings...”</p>
<p>Nebraska – None.</p>
<p>New Hampshire – None.</p>
<p>New York – “Question 1 has changed insofar as roof lights are concerned. We have about 100 "slick roof" cars without light bars that we use for traffic enforcement, primarily on Interstate highways. These are otherwise fully marked vehicles that have grill lights and light bars mounted in the rear windows;</p> <p>Question 2: We cannot make actual stops with an unmarked vehicle except in exigent circumstances. We have a few unmarked vans assigned to special "road rage" patrols. Occasionally we will use these to operate stationary radar in conjunction with fully marked patrol vehicles to make the actual stops further down the road. They also have video cameras mounted and operate as moving enforcement vehicles, but only in conjunction with a marked patrol car that actually makes the stop when a violation is observed;</p> <p>Question 3 still is No.”</p>
<p>North Carolina – “That is always a debatable item. Some believe marked cars serve as a consistent deterrent while unmarked serve only as a deterrent when the lights are activated during a traffic stop.”</p>
<p>North Dakota – None.</p>
<p>Ohio - “Nothing has changed here in years so our intitial response to #2 is in error. Ohio law requires any police vehicle that is primarily used for traffic enforcement to be clearly marked with at least one light on the top. So our hands are tied.”</p>
<p>Pennsylvania – “The answer to number one is NO. And as far as I know, has always been NO (for my 16 years with the agency). however, you do not emergency lighting to initiate a traffic stop...it does not need to be on the top of the vehicle.”</p>
<p>Rhode Island – None.</p>
<p>South Carolina – None.</p>
<p>South Dakota – “1: SUFFICIENT LIGHTING TO BE VISIBLE....BUT NOT SPECIFICALLY ROOF LIGHTS 2: WE CANNOT CONDUCT THE ACTUAL TRAFFIC STOP WITH OUT PATROL VEHICLE LIGHTS, ALTHOUGH SPEED AND TRAFFIC ENFORCEMENT IS DONE WITH TOTALLY UNMARKED UNITS (LIDAR, AIRCRAFT, ETC) WHO RELAY INFO TO A MARKED/LIGHTED VEHICLE TO CONDUCT A STOP. 3: NO SPECIFIC STATS, BUT WE DO SEE AN ADVANTAGE WITH USING "SLICK TOPS" FOR SPEED AND DRUG ENFORCEMENT”</p>
<p>Tennessee – None.</p>
<p>Texas - None.</p>

Utah – None.
Vermont – None.
Virginia - None.
Washington – “The answer to the questions remain the same with a caveat for #3 - we do track outputs toward outcomes as part of our Strategic Advancement Forum (Compstat style accountability meetings) We have an Aggressive Driving Apprehension Team (ADAT) program, with 44 unmarked patrol cars assigned throughout the State that contribute toward reducing Fatality and Injury Collisions on Interstates and States Routes. The purpose of the ADAT program is discussed the following website: http://www.wsp.wa.gov/traveler/roadrage.htm I have attached the latest Aggressive Driving slide for Field Operations Bureau Headquarters for review.” *See attached spreadsheet.
Wisconsin – None.
Wyoming – None.

ATTACHMENT B

1. Does state law require a permit for use of speed detection devices?

Yes	No
Georgia	Alabama
Pennsylvania	California
Wisconsin	Hawaii
Virginia	Idaho
	Kansas
	Kentucky
	Louisiana
	Maryland
	Minnesota
	Missouri
	Montana
	North Dakota
	New Jersey
	New Mexico
	New York
	Ohio
	Tennessee

a. If yes, what agency issues the permits?

Georgia	Department of Public Safety
Pennsylvania	No permits. State Police use radar. Municipal Police use other detection devices, but NO radar
Wisconsin	(No Response)
Virginia	Operator Training- Virginia Department of Criminal Justice Services; Equipment Standards- Virginia Dept of General Services

2. Are there restrictions on use of speed detection devices?

Yes	No
California	Alabama
Georgia	Hawaii
Louisiana	Idaho
Minnesota	Kansas
Montana	Kentucky
Pennsylvania	Missouri
Tennessee	North Dakota
Virginia	New Jersey
Wisconsin	New Mexico
Wisconsin	New York
Maryland	Ohio

a. If yes, please list the restrictions and to whom the restrictions apply.

California	If radar is used, the prima facie speed limit must be statutorily justified with an engineering and traffic survey conducted in an appropriate manner. Also, speed traps are prohibited (time and distance calculations).
Georgia	1) Permit required for use, not authorized where officers paid on fee system, must be registered or certified peace officer, must provide law enforcement services by certified peace officers 24 hours/day, 7 days/week on call or on duty or by only peace officers employed full time by the applicant (O.C.G.A. Sect. 40-14-2); 2) Device must comply with FCC rules and be certified annually (40-14-4); 3) Device must be tested for accuracy and record maintained at beginning and end of each duty tour and must meet manufacturers minimum accuracy requirements (40-14-5); 4) Warning signs required by each county, municipality, college and university, device not to be used within 500 feet of any such sign (40-14-6); 5) Stationary devices not to be used by county, municipal, college or university law enforcement where the vehicle is not visible for a distance of at least 500 feet (40-14-7); 6) No county, city or campus officer allowed to make case based on speed device unless speed exceeds 10 mph above posted limit (40-14-
Louisiana	Illegal for commercial motor carriers.
Minnesota	Standards of evidence are contained in statute 169.14 Sub 9,10,11 Officer must be trained Officer must testify how the device was set up and operated. Officer must testify that the device was used with a minimum of interference. Officer must testify that the device was tested by external means.
Montana	Unit must be operated by a trained and certified operator. Unit calibration must be verified by use of tuning forks. Unit must have certification documents on file.
Pennsylvania	State Police - Radar. Municipal Police - other devices.
Tennessee	(No Response)
Virginia	Operators have to meet minimum state training standards and equipment has to meet or exceed minimum specifications established by the state. Only certain designated local jurisdictions and state police can operate VASCAR. All operators must be in uniform when using devices to apprehend speeders.
Wisconsin	The restrictions are in the form of Case Law and purchasing specifications which require RADAR/LASER units that are purchased must be on the Consumer Products List established by IACP and NHTSA.

3. Is there a state law regarding “speed traps”?

Yes	No
Alabama	Hawaii
California	Idaho
Georgia	Kansas
Missouri	Kentucky
	Louisiana
	Minnesota
	Montana
	New Jersey
	New Mexico
	New York
	North Dakota
	Ohio
	Pennsylvania
	Tennessee
	Virginia
	Wisconsin

4. Who investigates allegations of misuse of speed detection devices or allegations of “speed traps”?

Alabama	Attorney General
California	No separate investigations other than in citation adjudication.
Georgia	Department of Public Safety
Missouri	There have been no investigations other than Federal Motor Carrier violations that can be enforced by any law enforcement officer familiar with the enforcement of Federal Motor Carrier Regulations through 307.400 RSMo.

5. What is the punishment for improper use of speed detection devices?

Georgia	The permit to operate the device is suspended, the period of suspension or revocation being consistent with the action taken by POST (O.C.G.A. Sect. 40-14-11).
Pennsylvania	Depends-could be criminal charges or could require a mandated review board or oversight.
Missouri	This varies with each judge and jurisdiction.
Kentucky	Internal Affairs classifies all complaints according to our standards of conduct. Any discipline would be adjusted to the classification of the complaint.
Louisiana	Civil Penalty of \$150.00 levied against the driver. The device is not seized.
Ohio	Agency Specific
New Mexico	There aren't any specific laws concerning speed traps or speed detection devices...
California	Citations are dismissed.
Kansas	Set by the Colonel.
Minnesota	If officer is unable to provide foundation for the evidence, the evidence (radar

	reading) is excluded and your case gets thrown out of court
New Jersey	For the NJSP, discipline (or training) would be determined by the Intake and Adjudication Bureau at the conclusion of an Internal Affairs Investigation depending on the findings (Level of culpability, i.e. Knowing misuse vs. inefficiency).
Wisconsin	That would be an internal Police Department decision.
Tennessee	Unknown
Montana	Administratively handled by the agency. Progressive discipline according to agency policy.
Virginia	Cases are dismissed. State sanctions could be imposed on an agency using untrained personnel.

6. What is the punishment for operating a “speed trap”?

Alabama	Imposed by the Attorney General's office (enforced on interstates only for municipalities under 19,000 in population)
California	I suppose a jurisdiction could be sued. I've never heard of that happening.
Georgia	See above (also O.C.G.A. Sect. 40-14-11).
Missouri	Per 302.341 RSMo., if any city, town or village receives more than forty-five percent of its total annual revenue from fines for traffic violations occurring on state highways, all revenues from such violations in excess of forty-five percent of the total annual revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county.
Montana	Same as above.
New Jersey	The NJSP does not operate 'speed traps'. There is no punishment for the operation of stationary radar for speed enforcement.
Wisconsin	That would be an internal Police Department decision.

7. Does your state have a restriction on the use of unmarked or ‘slick-top’ police vehicles for traffic enforcement?

Yes	No
California	Alabama
Georgia	Hawaii
Idaho	Kansas
Louisiana	Kentucky
Minnesota	Missouri
New York	Montana
Ohio	New Jersey
	New Mexico
	North Dakota
	Pennsylvania
	Tennessee
	Virginia
	Wisconsin

ATTACHMENT C

From: GACP [gacp@gachiefs.com]
Sent: Monday, May 12, 2008 6:11 PM
To: jmoon@suwanee.com
Subject: Traffic Committee Request
May 12, 2008

Attention Deputy Chief Janet L. Moon:

As you will recall, I appointed a Traffic Safety Committee several months ago to review several issues related to traffic enforcement. One issue that's frequently mentioned as a detriment to effective and efficient traffic enforcement is the requirement that all traffic enforcement vehicles must be equipped with roof-mounted blue lights (OCGA 40-1-7). The logic behind this Georgia law has been to prevent non-law enforcement individuals from deploying blue lights to stop motorists (OCGA 40-8-90). The safety of the driving public is usually cited as the reason for this law. Nevertheless, many law enforcement officials contend that the roof mounted blue lights make traffic enforcement more difficult. Since impersonating a police officer is already a felony (OCGA 16-10-23), some have questioned the need for all traffic enforcement vehicles to have roof mounted blue lights.

To ascertain whether or not there is a problem with non-law enforcement individuals using blue lights to make vehicular stop and if so to determine the extent of the problem, the Traffic Safety Committee is seeking your assistance. Please answer the questions below and forward your response to Chief Lou M. Dekmar of LaGrange Police Department.

Chief Dekmar's email address is: ldekmar@lagrange-ga.org

1. Has your jurisdiction had any problems with non-law enforcement person(s) deploying blue lights to make traffic stops? ____ If yes, see next question.
2. During the previous 12 months, how many reports of non-law enforcement individuals attempting to make traffic stops have you received within your jurisdictions? _____
3. If the answer to question # 2 is yes, were any arrest made as a result of the reports. ____ If so, how many arrest? _____

Thank you for your assistance. The Traffic Safety Committee plans to provide the membership with the results of their work at our Summer Training Conference.

Chief Dwayne Orrick
President, GACP
Cordele Police Department

ATTACHMENT D

NON-LAW ENFORCEMENT USE OF BLUE LIGHTS (BLUE LIGHT BANDIT)			
AGENCY	YES	NO	COMMENTS
Adel Police Department		X	The answer to both questions is No.
Adel Police Department		X	In reference to your inquiry, we have not had an incident of someone impersonating a police officer using blue lights.
Albany State University		X	
Albany State University		X	
Alpharetta Police Department		X	
Americus Police Department		X	We did have one issue with blue lights being used by non-law enforcement and it was a private probation company employee. That company has been revoked through the state review committee. I see no problem with slick topped units making traffic stops if they are otherwise marked.
Andrew College Police Dept.		X	
Arlington Police Department		X	I have not had any problems.
Ashburn Police Department		X	
Ballground Police Department		X	Check with Cherokee SO. They've had several incidents that have been relayed to us about the "imposters". We had one reported imposter attempted traffic stop in Ball Ground, some time ago but that too was handled by the SO. We don't run any slick top vehicles and at this time have no inclination to do so.
Baxley Police Department		X	The answer to your question is no. We've had no problems with non-law enforcement matters. I believe that all traffic units should have top lights. I see no reason behind us having to hide to catch someone. I believe the more visible you are the more of a deterrent you become. Or is law enforcement now becoming a money making device. If this is so then we have gone down the wrong path.
Berlin Police Department		X	
Bloomington Police Dept.		X	We have had not incidents either reported or investigated concerning impersonating a police officer in the five years I have been Chief of Police. I strongly agree that this law is counterproductive to public safety.
Blythe Police Department		X	
Brooklet Police Dept.		X	
Butler Police Department		X	

Cairo Police Department		X	
Callaway Gardens Security Department			Callaway's jurisdiction is private but the Pine Mountain Police Department handles any traffic issues for us. I know that Chief David White could better answer your questions. Thank you for including us in your correspondence.
Camilla Police Department		X	Our agency has not had any problems or reports involving blue light incidents.
Canton Police Department		X	
Carrollton Police Department		X	
Cartersville Police Dept.		X	
Cherokee County DA Office	X		One Incident
City of Tybee Police Department		X	
Cleveland Police Department		X	
Coastal Georgia Community College Police		X	We have had not response of, or arrests for impersonating a police officer due to the misuse of blue lights. Of course, we are somewhat different as our campus environment restricts drive through traffic to a degree.
Cochran Police Department		X	
Cohutta Police Department		X	
College Park Police Department		X	
Columbia County Police Department	X		Yes – jurisdiction has had problem. 2 incidents within the last 12 months. No arrest resulted from these reports.
Columbia County Sheriffs Office		X	
Columbus Police Department		X	
Commerce Police Department		X	
Conyers Police Department		X	
Cordele Police Department		X	
Cordele Police Department	X		1 or 2 incidents.
Covington Police Department		X	There were some reported at the Newton County Sheriff's Office.
Danielsville Police Department		X	
Dawson Police Department		X	
Decatur Police Department		X	We have not had any incidents of this nature in the City of Decatur.
Dekalb Technical College		X	Mp reports of non-law enforcement deploying blue lights with traffic stops.

Donalsonville Police Dept.		X	We have not had any problems with non-law enforcement persons making traffic stops. We have one investigator in a plain car, who uses stick on signs, along with interior blue lights, who at times works traffic. Having worked with the GSP for 34 years, I have never recognized this as a problem.
Dougherty County Police Department		X	We have had no documented incidents of unauthorized use of blue lights or of police impersonation. I am speaking only for unincorporated Dougherty County, but I am not aware of any in the City of Albany either.
Dublin Police Department		X	In the past several years we have not had a problem with non-law enforcement attempting to make traffic stops for criminal reasons. We did have a problem with teenagers putting blue lights in their vehicles to look cool and to mess with friends. We simply enforced the Georgia law concerning flashing lights and the fad soon went away. I have read several reports concerning this problem and support this study.
Early County Sheriffs Dept.		X	
East Ellijay Police Department		X	In response to the email sent concerning the use of blue lights by non-law enforcement personnel, there have been no incidents of this nature during the past five years in the city limits of East Ellijay.
East Point Police Department		X	
East Point Police Department		X	
Eatonton Police Department	X		One incident.
Ellijay Police Department		X	We have not had any complaints within the last year about impersonators in vehicles. I personally support the use of slick top vehicles. It seems to me that most of the impersonator incidents occur at night and I don't think the general public could distinguish between a roof mounted light and a dash light in the dark. I would suggest a requirement that a patrol vehicle be equipped with a minimum number of front blue lights. This would do away with the one single light on the dash problem.
Emerson Police Department	X		None within the last 12 months.
Emory Police Department		X	
Fairburn Police Department		X	
Fayetteville Police Dept.		X	In response to the GACP traffic enforcement survey question #1. No, we have not experienced a problem (or a single incident that I am aware of in the past 18

			months) with non law enforcement individuals using blue lights to pull unsuspecting people over.
Floyd County Police Department		X	The answer to your question for our jurisdiction is none. Several years ago we had one or two complaints but the drivers did not stop and no one was ever arrested. At that time we had several units without top lights. All of our marked units have top lights now.
Forrest Park Police Department		X	We have not had any problems (other than Sheriff) with persons deploying blue lights to make traffic stops
Forsyth County Police Department		X	I know of no reports of anyone within our jurisdiction employing blue lights to make a traffic stop in the past 12 months.
Fort Valley Police Department		X	
Fulton County Police Department		X	We have not had any reported incidents.
Fulton County Police Department		X	
Ga. Institute of Technology Police		X	
Ga. Ports Authority Police Department		X	No, but I do have an observation, however. I prefer the top mounted lights because of their deterrent effect. Police make their cars east to spot in order for the public to readily recognize officers and deter offenders. To me, that's the whole idea. If semi marked cars are needed to enforce traffic laws, it just seems like the goal is to write more citations. Effective officers can both deter traffic offenders by their conspicuous presence and still cite plenty of offenders. I think we are better off with high visibility police cars with overhead mounted lights as opposed to some type of semi stealth mode. Our mission is to obtain voluntary compliance from motorists and enforce laws. Its much like the lighthouse argument. People who heed the warning from the lighthouse are difficult to count. We tend to only focus on the ship wrecks that are easily identifiable.
GACP PR Specialist		X	We did have one incident of impersonating an officer, but no blue lights were involved.
Gainesville Police Department		X	
Georgia Insurance and Safety Fire Commissioner's Office		X	
Georgia State University Police Department		X	
Gwinett County Police			

Department			
Hahira Police Department		X	
Hampton Police Department		X	
Hapeville Police Department		X	The City of Hapeville has not seen any problem with non-law enforcement deploying blue lights to make traffic stops. No reports of this type activity within the last twelve months.
Hapeville Police Department		X	
Henry County Police Department	X		4 incidents. 1 arrest was made as a result of this type stop.
Hinesville Police Department		X	
Hiram Police Department		X	
Hiram Police Department		X	
Holly Springs Police Department		X	We have not had an instance where non-law enforcement persons deployed blue lights to make a traffic stop.
Hoschton Police Department		X	
Jonesboro Police Department		X	
Keysville Police Department		X	
LaFayette Police Department		X	
LaGrange Police Department		X	
Lake City Police Department		X	We have not had any problems involving non-law enforcement making traffic stops with blue lights in the past year.
Lake City Police Department		X	
Lake Park Police Department		X	
Leary Police Department		X	
Life University		X	
Loganville Police Department		X	The answer to the question regarding non-law enforcement attempting traffic stops is “no” but we have recently had reports of retired FBI agents that live in the area using blue lights to pass round traffic, through redlights, etc. It’s not quite the same but a little FYI.
Louisville Police Department		X	
Marietta Police Department		X	Our department recently converted all of our STEP units to slick tops under the exception of this rule. All of our marked Uniform cars have roof-mounted blue lights. Although slick tops are more effective at traffic enforcement, it is more important for our department to be highly visible while we patrol our streets and answer calls for service. I believe cars with roof-mounted lights are more visible.
Marshallville Police Department		X	

McDonough Police Department		X	In the past 12 months we have not had this issue arise in the City of McDonough.
Medical Center of Central Georgia Police		X	
Medical College of Georgia Police Dept.		X	I have here in Augusta for 13 years. During that time I have never heard of anyone in Augusts, Richmond County, or any of the surrounding areas impersonating an Officer by using blue lights or making traffic stops and impersonating a police officer.
Milledgeville Police Department	X		The incident in my jurisdiction happened about three years ago.
Milton Department of Public Safety		X	
Milton Police Dept.		X	
Montezuma Police Department		X	
Moultrie Police Department		X	My jurisdiction has not had any problems with non-law enforcement persons deploying blue lights to make traffic stops.
Mount Airy Police Department.		X	
Mount Vernon Police Department		X	
Nashville Police Department		X	We had one case where a repo man impersonated a peace officer by saying he was “Deputized” and showed the defaulting party that he had a plug in kojak light (which he did not illuminate) to “show a little muscle to avoid trouble with the repo.” The vehicle he was using was a wrecker modified pick up truck, which was parked at the time... he was not attempting a traffic stop. I personally made the arrest on the repo case and we were successful in getting a conviction. To date, it is the only case of this nature on record at our department in the past 5 years.
Newnan Police Department		X	
Norcross Police Department	X		(1) incident in 2007.
Oglethorpe Police Department		X	
Patterson Police Department		X	
Peachtree City Police Department		X	
Peachtree City Police Department		X	
Pembroke Police Department		X	
Perry Police Department		X	
Pooler Police Department		X	Regarding the survey questionnaire by GACP President

			Orrick dated May 12, 2008, our agency has had no problems with individuals deploying blue lights to make traffic stops.
Port Wenworth Police Dept.		X	
Poulan Police Department			The Poulan Police Department has not reports of non-law enforcement vehicles using blue lights to stop people.
Register Police Department		X	
Richland Police Dept.		X	
Richmond Hill Police Department		X	
Rincon Police Department		X	The City Rincon has not receive any such reports involving any person being stopped by non police officers. I have recently been appointed as Chief of Police In Rincon and was a Senior Sergeant with the Newport News Police Department in Commonwealth of Virginia prior to my recent appointment. While in Virginia for 17 years, I never had a report on non police officer related traffic stops. In Virginia we have unmarked police units and they are extremely effective.
Roberta Police Department		X	
Rome Police Department		X	
Rome Police Department		X	
Roosevelt Facility Police Department		X	We did have one incident of impersonating an officer, but no blue lights involved.
Roswell Police Department		X	
Royston Police Department		X	
Savannah Police Department		X	Negative for our agency. Our main problem is getting violators to stop period. Fleeing has become a sport in Chatham County.
Savannah Police Department		X	We have not had any reported issues in the past 12 months. In fact, its been several years since our last incident, which turned out to be a security guard. We are seeing a large number of "old" police cars on the streets these days here in Savannah. Auctions sales must be good. No longer just "taxi" vehicles. When I see the "spot light" or push bumper still attached, it draws my attention, so I'm sure the motoring public as well.
Savannah State Police Department		X	
Snellville Police Department		X	WE have never had a case to my knowledge in Snellville.
Springfield Police Department		X	As I retired about three years ago and during my time as Chief for 18 years I had maybe three reports about blue lights and there was no witness other than the victims.
Stapleton Police Department		X	We have not had any problem.

Suwanee Police Department		X	
Suwanee Police Department		X	
Sylvester Police Department		X	
Thomaston Police Department		X	
Thomaston Police Department		X	We at the City of Thomaston have not had any instances in which a police officer has been impersonated using a vehicle with blue lights mounted on the roof or inside of a car to illegally stop citizens.
Thomasville Police Department		X	
Thomson Police Department		X	
Thunderbolt Police Department		X	
Tignall Police Department		X	The Tignall Police Department has no record of such activity in recent years.
Toccoa Police Department	X		On incident during the previous 12 months and one arrest was made.
Trenton Police Department		X	Our agency has not had any problems with non law enforcement persons using the blue lights to stop vehicles.
Tyrone Police Department		X	
Tyrone Police Dept.		X	We have had no incidents in our jurisdiction of any civilians making traffic stops. I agree that it may be a problem, but the answer is not to restrict the use of slick tops, but to address the problem by aggressive traffic enforcement.
University of West Georgia Police Dept.		X	
Waverly Hall Police Department		X	
Waycross Police Department		X	
Windstream Police Department		X	

ATTACHMENT E

About Suwanee

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Click logo below to access
Suwanee's S.E.E. Online
Citizen Request System



News Releases

December 8, 2006

SUWANEЕ CARES ABOUT SAFE DRIVING

The Suwanee Police Department hopes that a lot of drivers will resolve to drive more safely as we approach the new year. To help ensure that they do, at least within the Suwanee City limits, the police department will implement Suwanee CARES, a traffic enforcement program targeted for Highway 317 from Horizon Drive west to Moore Road. Suwanee CARES, which stands for Suwanee Corridor 317 Accident Reduction and Enforcement Strategy, will be implemented beginning Wednesday, December 13.

"The 317 corridor accounts for 56 percent of the crashes and injuries that occur in Suwanee," says Lt. Cass Mooney. "We want to let everyone know that we're going to be more strictly enforcing the speed limit and other traffic laws this holiday season and through the month of January, particularly along Lawrenceville-Suwanee/Suwanee Dam Road, in an effort to reduce the number of accidents."

Through November, 894 vehicular crashes have occurred on Suwanee streets this year; 501 of them along the Highway 317 corridor. Of the 270 crash-related injuries in Suwanee this year, 152 happened along Lawrenceville-Suwanee/Suwanee Dam Road. In October, three teenagers were killed in an accident on that roadway.

Aggressive driving behaviors account for 78 percent of crashes along the 317 corridor, according to the police department. Such dangerous driving behaviors include following too closely, turning in front of oncoming traffic, and making erratic or improper lane changes, all of which are compounded by excessive speeds.

As the main east-west corridor through the City of Suwanee, Highway 317 provides access to several high-traffic locations, such as City parks, two elementary schools, and North Gwinnett High School, where children are likely to be in vehicles.

"We want to bring the number of crashes, injuries, and deaths on Suwanee roadways down," says Mooney. "To do so, we'll be beefing up enforcement along Highway 317. We hope that drivers will assist us in this effort by easing up a little on the gas pedal and paying attention to other traffic laws. Taking measures to make the roadways safer sounds like a good new year's resolution for all of us."

December 1, 2006

LEND A HAND, SCORE A TICKET TO ATLANTA VISION'S SUWANEЕ NIGHT

Those in attendance at the December 16 Atlanta Vision home game will witness something they're not likely to ever see again: Suwanee Mayor Nick Masino playing professional basketball. Masino will be the "celebrity 11th man" as the Vision celebrates Suwanee Night and takes on the Palm Beach Imperials at 7:30 p.m. at Suwanee Sports Academy, 3640 Burnette Road.

Fans can score a free ticket to the game with the purchase of an adult

ATTACHMENT F

§ 40-1-7. Blue light required for officers enforcing traffic; exception

(a) Whenever pursuing a person in violation of a traffic related offense, a uniformed law enforcement officer's vehicle must be equipped ~~who is assigned routinely or primarily to traffic law enforcement or other traffic safety duties on the roadways or highways of this state must place a visible blue light on the roof of his or her vehicle if such vehicle is not equipped with permanent exterior mounted roof blue lights; provided, however, that the provisions of this Code section shall not apply to law enforcement officers operating vehicles manufactured prior to 2001. This Code section shall not apply to any officer assigned to special operations activities or responding to an immediate threat to public safety as a result of an accident or other emergency. This Code section shall not apply to vehicles of the Georgia State Patrol or of a sheriff's office or police department which office or police department provides law enforcement services by certified peace officers 24 hours a day, seven days a week where the vehicles are marked in accordance with Code Section 40-8-91, with flashing or revolving blue colored lights visible under normal atmospheric conditions for a distance of 500 feet from the front and rear of such vehicle, and which also has an illuminating agency identifier reasonably visible to a driver of a vehicle subject to a traffic stop; provided, however, that the Georgia State Patrol shall not be permitted to have more than two vehicles per post without such exterior mounted roof lights; and provided, further, that a sheriff's office or police department shall not be permitted to have more than one vehicle per agency without such exterior mounted roof lights.~~

(b) This Code section shall not apply to any officer responding to an immediate threat to public safety as a result of an accident or other emergency.

(c) An otherwise lawful arrest shall not be invalidated or in any manner affected by failure to comply with this Code section.

§ 40-8-91. Marking and equipment of law enforcement vehicles; motorist allowed to continue to safe location before stopping for law enforcement officer vehicles

(a) Except as provided in subsections (b) and (c) of this Code section, any motor vehicle which is used on official business by any person authorized to make arrests for traffic violations in this state, or any municipality or county thereof, shall be distinctly marked on each side and the back with the name of the agency responsible therefor, in letters not less than four inches in height.

(b) Motor vehicles used for traffic enforcement may be completely unmarked as long as the vehicles are equipped with blue lights as required by 40-1-7 and the officer is in full compliance with the uniform requirements as required by 40-1-6.

~~(b)~~ (c) Any motor vehicle, except as hereinafter provided in this subsection, used by any employee of the Georgia State Patrol for the purpose of enforcing the traffic laws of this state shall be distinctly painted, marked, and equipped in such manner as shall be prescribed by the commissioner of public safety pursuant to this Code section. The commissioner in prescribing the manner in which such vehicles shall be painted, marked, or equipped shall:

(1) Require that all such motor vehicles be painted in a two-toned uniform color. The hood, top, and the top area not to exceed 12 inches below the bottom of the window opening thereof shall be a light gray color and the remaining portion of said motor vehicle shall be painted a dark blue color;

(2) Require that any such motor vehicle be equipped with at least one lamp which when lighted shall display a flashing or revolving colored light visible under normal atmospheric conditions for a distance of 500 feet from the front and rear of such vehicle; and

(3) Require that any such motor vehicle shall be distinctly marked on each side and the back thereof with the wording "State Patrol" in letters not less than six inches in height of a contrasting color from the background color of the motor vehicle.

Notwithstanding the above provisions, it shall be permissible for the commissioner to allow ~~not more than five motor vehicles per State Patrol post~~ to be employed in traffic law enforcement which are painted any solid color designated by the commissioner and are completely unmarked as long as the vehicles are equipped with blue lights as required by 40-1-7 and the officer is in full compliance with the uniform requirements of by 40-1-6.

~~_marked with "State Patrol" in six inch high letters of a contrasting color.~~

~~(e)~~ (d) It shall be unlawful for any person, except persons lawfully entitled to own vehicles for law enforcement purposes, to paint, mark, or equip any motor vehicle in the same manner prescribed by this Code section or by the commissioner for law enforcement vehicles.

~~(d)~~ (e) When a law enforcement vehicle is disposed of, or is not in use for law enforcement, the lettering and colored lights must be removed. Any person using such vehicle for personal use prior to removing colored lights and lettering shall be guilty of a misdemeanor.

~~(e)~~ (f) Whenever a motorist driving on the roadways of this state is directed to stop by a law enforcement officer in a law enforcement vehicle marked as required under this Code section, the motorist may continue to drive until a reasonably safe location

for stopping is reached. Such motorist shall indicate to the officer his or her intent to proceed to a safe location by displaying the vehicle's flashing lights or turn signal. In proceeding to a safe location, the motorist shall observe the posted maximum speed limit.

~~(f)~~ (g) An otherwise lawful arrest shall not be invalidated or in any manner affected by failure to comply with this Code section.

ATTACHMENT G

§ 40-14-1. Definitions

As used in this chapter, the term:

(1) "Campus" means the grounds owned or occupied by a college or university.

(2) "Campus law enforcement agency" means the campus agency charged with the enforcement of the laws of this state.

(3) "College or university" means an accredited public or private educational institution of higher learning.

(4) "Speed detection device" means, unless otherwise indicated, that particular device designed to measure the speed or velocity of a motor vehicle and marketed under the name "Vascar" or any similar device operating under the same or similar principle and any devices for the measurement of speed or velocity based upon the Doppler principle of radar or the speed timing principle of laser. All such devices must meet or exceed the minimum performance specifications established by the Department of Public Safety.

§ 40-14-2. Permit required for use; use not authorized where officers paid on fee system; operation by registered or certified peace officers

(a) The law enforcement officers of the various counties, municipalities, colleges, and universities may use speed detection devices only if the sheriffs of such counties, or the governing authorities of such counties, or the governing authorities of such municipalities, or the president of such college or university shall approve of and desire the use of such devices and shall apply to the Department of Public Safety for a permit to use such devices in accordance with this chapter.

(b) No county sheriff, county or municipal governing authority, college, or university shall be authorized to use speed detection devices where any arresting officer or official of the court having jurisdiction of traffic cases is paid on a fee system. This subsection shall not apply to any official receiving a recording fee.

(c) A permit shall not be issued by the Department of Public Safety to an applicant under this Code section unless the applicant provides law enforcement services by certified peace officers 24 hours a day, seven days a week on call or on duty or allows only peace officers employed full time by the applicant to operate speed detection devices. Speed detection devices can only be operated by registered or certified peace officers of the county sheriff, county, municipality, college, or university to which the permit is applicable. Persons operating the speed detection devices must be registered or certified by the Georgia Peace Officer Standards and Training Council as peace officers and certified by the Georgia Peace Officer Standards and Training Council as operators of speed detection devices.

§ 40-14-3. Application for permit; use of device while application pending

(a) A county sheriff, county or municipal governing authority, or the president of a college or university may apply to the Department of Public Safety for a permit to authorize the use of speed detection devices for purposes of traffic control within such counties, municipalities, colleges, or universities on streets, roads, and highways, provided that such application shall name the street or road on which the device is to be used and the speed limits on such street or road shall have been approved by the Office of Traffic Operations of the Department of Transportation. Law enforcement agencies are authorized to use speed detection devices on streets and roads for which an application is pending as long as all other requirements for the use of speed detection devices are met. Nothing in this subsection shall be construed to affect the provisions of Code Section 40-14-9.

(b) The Department of Public Safety is authorized to prescribe by appropriate rules and regulations the manner and procedure in which applications shall be made for such permits and to prescribe the required information to be submitted by the applicants. The Department of Public Safety may deny the application or suspend the speed detection device permit for failure to provide information or documentation at the department's request.

§ 40-14-4. Compliance with rules of Federal Communications Commission; certification of devices

No state, county, municipal, or campus law enforcement agency may use speed detection devices unless the agency possesses a license in compliance with Federal Communications Commission rules, and unless each device, before being placed in service and annually after being placed in service, is certified for compliance by a technician possessing a certification as required by the Department of Public Safety

§ 40-14-5. Testing; removal of inaccurate radar devices from service

(a) Each state, county, municipal, or campus law enforcement officer using a radar device shall test the device for accuracy and record and maintain the results of the test at the beginning and end of each duty tour. Each such test shall be made in accordance with the manufacturer's recommended procedure. Any radar unit not meeting the manufacturer's minimum accuracy requirements shall be removed from service and thereafter shall not be used by the state, county, municipal, or campus law enforcement agency until it has been serviced, calibrated, and recertified by a technician with the qualifications specified in Code Section 40-14-4.

(b) Each county, municipal, or campus law enforcement officer using a radar device shall notify each person against whom the officer intends to make a case based on the use of the radar device that the person has a right to request the officer to test the radar device for accuracy. The notice shall be given prior to the time a citation and complaint or ticket is issued against the person and, if requested to make a test, the officer shall test the radar device for accuracy. In the event the radar device does not meet the minimum accuracy requirements, the citation and complaint or ticket shall not be issued against the person, and the radar device shall be removed from service and thereafter shall not be used by the county, municipal, or campus law enforcement agency until it has been serviced, calibrated, and recertified by a technician with the qualifications specified in Code Section 40-14-4.

§ 40-14-6. Warning signs required

(a) Each county, municipality, college, and university using speed detection devices shall erect signs on every highway which comprises a part of the state highway system at that point on the highway which intersects the corporate limits of the municipality, the county boundary, or the boundary of the college or university campus. Such signs shall be at least 24 by 30 inches in area and shall warn approaching motorists that speed detection devices are being employed. No such devices shall be used within 500 feet of any such warning sign erected pursuant to this subsection.

(b) In addition to the signs required under subsection (a) of this Code section, each county, municipality, college, and university using speed detection devices shall erect speed limit warning signs on every highway which comprises a part of the state highway system at that point on the highway which intersects the corporate limits of the municipality, the county boundary, or the boundary of the college or university campus. Such signs shall be at least 24 by 30 inches in area, shall warn approaching motorists of changes in the speed limit, shall be visible plainly from every lane of traffic, shall be viewable in any traffic conditions, and shall not be placed in such a manner that the view of such sign is subject to being obstructed by any other vehicle on such highway. No such devices shall be used within 500 feet of any such warning sign erected pursuant to this subsection.

§ 40-14-7. Visibility of vehicle from which device is operated

~~No stationary speed detection device shall be employed by county, municipal, college, or university law enforcement officers where the vehicle from which the device is operated is obstructed from the view of approaching motorists or is otherwise not visible for a distance of at least 500 feet. Reserved.~~

§ 40-14-8. When case may be made and conviction had

~~(a) No county, city, or campus officer shall be allowed to make a case based on the use of any speed detection device, unless the speed of the vehicle exceeds the posted speed limit by more than ten miles per hour and no conviction shall be had thereon unless such speed is more than ten miles per hour above the posted speed limit.~~

~~(b) The limitations contained in subsection (a) of this Code section shall not apply in properly marked school zones one hour before, during, and one hour after the normal hours of school operation, in properly marked historic districts, and in properly marked residential zones. For purposes of this chapter, thoroughfares with speed limits of 35 miles per hour or more shall not be considered residential districts. For purposes of this Code section, the term "historic district" means a historic district as defined in paragraph (5) of Code Section 44-10-22 and which is listed on the Georgia Register of Historic Places or as defined by ordinance adopted pursuant to a local constitutional amendment. Reserved.~~

§ 40-14-9. Evidence obtained in certain areas inadmissible; use of device on hill

Evidence obtained by county or municipal law enforcement officers in using speed detection devices within 300 feet of a reduction of a speed limit inside an incorporated municipality or within 600 feet of a reduction of a speed limit outside an incorporated municipality or consolidated city-county government shall be inadmissible in the prosecution of a violation of any municipal ordinance, county ordinance, or state law regulating speed; nor shall such evidence be admissible in the prosecution of a violation as aforesaid when such violation has occurred within 30 days following a reduction of the speed limit in the area where the violation took place, except that this 30 day limitation shall not apply to a speeding violation within a highway work zone, as defined in Code Section 40-6-188. ~~No speed detection device shall be employed by county, municipal, or campus law enforcement officers on any portion of any highway which has a grade in excess of 7 percent.~~

§ 40-14-10. Unlawful use of devices generally

It shall be unlawful for speed detection devices to be used in any county or municipality or on any campus for which a permit authorizing such use has not been issued or for which a permit authorizing such use has been suspended or revoked and not reissued. It shall be unlawful for any official of such county, municipality, college, or university to order such speed detection devices to be used. It shall be unlawful for any law enforcement officer of any such county, municipality, college, or university to use any such speed detection devices. Any such official or law enforcement officer violating this Code section shall be guilty of a misdemeanor.

§ 40-14-11. Investigations by commissioner of public safety; issuance of order suspending or revoking permit; ratio of speeding fines to agency's budget

(a) Upon a complaint being made to the commissioner of public safety that any county, municipality, college, or university is employing speed detection devices for purposes other than the promotion of the public health, welfare, and safety or in a manner which violates this chapter or violates its speed detection device permit, the commissioner or the commissioner's designee is authorized and empowered to conduct an investigation into the acts and practices of such county, municipality, college, or university with respect to speed detection devices. If, as a result of this investigation, the commissioner or the commissioner's designee finds that there is probable cause to suspend or revoke the speed detection device permit of such county, municipality, college, or university, he or she shall issue an order to that effect.

(b) Upon the suspension or revocation of any speed detection device permit for the reasons set forth in this Code section, the commissioner of public safety shall notify the executive director of the Georgia Peace Officer Standards and Training Council of the action taken.

(c) Upon receipt from the executive director of the Georgia Peace Officer Standards and Training Council that an officer's certification to operate speed detection devices has been withdrawn or suspended pursuant to Code Section 35-8-12, the commissioner of public safety or the commissioner's designee shall suspend the

speed detection device permit for the employing agency. The period of suspension or revocation shall be consistent with the action taken by the Georgia Peace Officer Standards and Training Council.

(d) There shall be a rebuttable presumption that a law enforcement agency is employing speed detection devices for purposes other than the promotion of the public health, welfare, and safety if the fines levied based on the use of speed detection devices for speeding offenses are equal to or greater than 40 percent of that law enforcement agency's budget; provided, however, that fines for speeding violations exceeding 17 miles per hour over the established speed limit shall not be considered when calculating total speeding fine revenue for the agency.

§ 40-14-12. Administrative hearing upon permit suspension or revocation

Upon issuance by the commissioner of public safety of an order suspending or revoking the speed detection device permit of any county, municipality, college, or university, the county, municipality, college, or university affected shall be afforded a hearing, to be held within ten days of the effective date of the order. The hearing shall be held before the commissioner or deputy commissioner of public safety, and, following the hearing, the county, municipality, college, or university affected shall be served with a written decision announcing whether the permit shall remain revoked or whether it shall be reinstated.

§ 40-14-13. Administrative and judicial appeal of decision suspending or revoking permit

Any county, municipality, college, or university aggrieved by a decision of the commissioner or deputy commissioner of public safety suspending or revoking its speed detection device permit may appeal that decision within 30 days of its effective date to the Board of Public Safety, which shall schedule a hearing with respect thereto before the board. Following a hearing before the board, the county, municipality, college, or university affected shall be served with a written decision announcing whether the permit shall remain revoked or whether it shall be reinstated. An adverse decision of the board may be appealed by the county, municipality, college, or university to the superior court with appropriate jurisdiction, but the municipality, county, college, or university shall be denied the use of the speed detection device until after such appeal is decided by the court.

§ 40-14-14. Petition for reconsideration following permit suspension or revocation

At the expiration of six months following the suspension or revocation of a speed detection device permit by the Board of Public Safety or, if no appeal was taken, by the commissioner or deputy commissioner of public safety, the governing authority of any such county or municipality or the president of any such college or university may, upon a change of circumstances being shown to the commissioner, petition the commissioner for a reconsideration of whether such county, municipality, college, or university should be permitted to use speed detection devices within their respective jurisdictions.

§ 40-14-15. Rehearing or restoration of permit at direction of Governor

The Governor, in his discretion, may direct the commissioner of public safety, or his delegate, to inquire into such change of circumstances and report the same to him together with any recommendations he might have. The Governor, in his discretion, may order a new hearing on the matter before the Board of Public Safety or may, without hearing, issue his order directing the commissioner to grant a permit to such a county, municipality, college, or university to use speed detection devices. If a county, municipality, college, or university shall not be granted a permit to use such devices, it shall not apply for a rehearing until the expiration of six months.

§ 40-14-16. Restrictions on suspension or revocation of drivers' licenses; reports to Department of Driver Services to specify speed

No speeding violation of less than ten miles per hour above the legal speed limit in the county or municipality or on a college or university campus in which a person is given a speeding ticket shall be used by the Department of Driver Services for the purpose of suspending or revoking the driver's license of the violator. No speeding violation report by a county, municipality, or college or university campus to the Department of Driver Services which fails to specify the speed of the violator shall be used by the Department of Driver Services to revoke the driver's license of a violator.

§ 40-14-17. Laser devices; reliability and admissibility of evidence

Evidence of speed based on a speed detection device using the speed timing principle of laser which is of a model that has been approved by the Department of Public Safety shall be considered scientifically acceptable and reliable as a speed detection device and shall be admissible for all purposes in any court, judicial, or administrative proceedings in this state. A certified copy of the Department of Public Safety list of approved models of such laser devices shall be self-authenticating and shall be admissible for all purposes in any court, judicial, or administrative proceedings in this state.