



## **SMI ADVISORY COMMITTEE**

**Charlotte-Mecklenburg PD (Training Academy)  
December 03, 2015 – 1:00 P.M.**

### **MINUTES**

*(Proposals contained in these minutes are subject to approval by the North Carolina Criminal Justice Education and Training Standards Commission)*

#### **WELCOME**

Dan welcomed everyone to the December meeting of the SMI Advisory Committee, and thanked Member Joe Carey for hosting and providing a great location for the meeting.

#### **ROLL CALL**

##### Members Present:

Chris Gaddis	Ryan Weeks by proxy of Tony Hancock
Billy Bradshaw	Stevie McMillan by proxy of Ben Miller
Dub Bridges	Anthony Locklear by proxy of Josh Legan
Joe Carey	Fred McQueen
Dan Worley	

##### Members Absent:

Bob Stevens  
Steve Warren  
Bob Overton

##### Guest Present:

None.

#### **APPROVAL OF MINUTES**

An electronic copy of the September meeting minutes was provided to the Committee for review. Dan asked the members if there were any revisions to be made. There was none proposed. Member Billy Bradshaw made a motion to accept the September meeting minutes as provided without revision. Member Chris Gaddis seconded the motion, and it carried unanimously.

#### **NC JUSTICE ACADEMY ITEMS – CURRICULUM/TRAINING**

Administrator Introduction

Dan advised the members that Member Robert “Bob” Overton was hired and is now in place as the Administrator for SMI at the Criminal Justice Standards Division (CJSD). By rule, he is also appointed as an ex-officio member of the SMI Advisory Committee. Dan advised the members that Bob regretfully couldn't make the meeting, but anticipated him being present at the March meeting to introduce himself to the Committee. Dan advised the members that Bob is retired from the Chapel Hill Police Department as the Deputy Chief, and is in the process of learning all the twists and turns of our complicated SMI program, in addition to the many other tasks he will be challenged with. Therefore, Dan asked of everyone, please welcome Bob to the Committee, and extend patience during this time of transition for him at CJSD.

#### Applied Concepts Inc. Request

Dan first reminded the Committee that this process is atypical from our standard evaluation and approval process, because the request does not apply to a new instrument entering the market with the technology. As a courtesy to the manufacturers and in the best interest of our program, the SMI Advisory Committee accepts and reviews new technology at any time throughout the year. Should new technology be recommended for approval by the SMI Advisory Committee, however, a final approval is still required by the Criminal Justice Education and Training Standards Commission. Also, unlike the standard evaluation process, a manufacturer may submit new technology for review at any time throughout the year. Dan advised the Committee that due to the absence of several members, he would like to table the decision until the March meeting when more of the membership was present due to the significance of the vote. There was no dissent among the attending members/proxies to tabling the technology/features.

With that in mind, Dan advised the Committee that a formal request has been submitted by Applied Concepts Inc. (ACI) concerning new technology that they wish to add to existing approved instruments. The new technology is; Bluetooth function, Data Logging, and Following-Too-Close.

With the “Bluetooth feature”, the internal operation of the instrument would allow wireless communication between the instrument and a secondary device – in most cases a printer. Dan advised the Committee that through communication with ACI, this would be used as a communications transmission through the I/O port, meaning that a secondary device could not control or manipulate the device operation or its measurements. It also would not require a new button, but it will add an option to the existing menu. There was no discussion by the Committee on this feature. Dan asked the Committee to take this feature under consideration and be prepared to vote for or against the technology in March

With the “Data Logging feature”, Dan advised the Committee that this is a form of internally storing target speed data for recall by the operator in some cases. Steve Hocker had advised Dan that there are two forms of this feature. First is referred to as “Chase mode” where the instrument stores date/time/speed/distance information internally and allows the operator to recall this speed on the rear panel plus the number of the reading to prevent confusing with another clock. Second is referred to as “Stats mode” where the instrument stores date./time/speed/direction to memory to be downloaded to a spread sheet later, but cannot be displayed on the rear display. Dan advised the members that historically the Committee has been very suspicious of the ability to store data, such as speeds, on instruments for recall by the operator on the rear display at a later time. Should the Committee agree to this technology, it would be setting precedent by the Committee. Member Fred McQueen stated that he was very concerned with the ability for an operator to store data for recall at a later time. Member McQueen felt this could provide just another avenue for argument in Court. Several members agreed with Member McQueen. Dan asked the Committee to take this feature under consideration and be prepared to vote for or against the technology in March.

Finally, with the “Following-Too-Close feature”, an operator can measure the span between two vehicles and document the amount of time between the two cars to establish a potential following-too-close charge. Dan provided an example that an officer may be atop a bridge and observe two vehicles approaching with a following vehicle being too close behind. The officer would first be required to shoot a straight measurement to the center of the lane for which the two vehicles are traveling. Then, the officer would conduct a normal speed measurement of the lead vehicle, followed by another speed measurement of the following vehicle. Through a button command, the instrument would then display the “time” of separation between the lead and following vehicle. Dan advised the Committee that ACI chose the default data displayed as “time” of separation and not “distance” of separation because, through informal discussions with Judges from around the United States, ACI determined that the Judges polled preferred to know the time and not the distance. However, ACI has advised Dan that they can just as easily change it to read distance instead of time if the Committee so elected. Member McQueen advised the Committee that this seems to be an unnecessary feature because there is no relevant clause in state law concerning what constitutes a following-too-close charge. Proxy Josh Legan agreed with Member McQueen on that point, stating that it is primarily used in connection with the officer's ability to articulate the relationship between stopping/reaction and the vehicle speeds involved. There was no further discussion on the feature. Dan asked the Committee to take this feature under consideration and be prepared to vote for or against

the technology in March.

#### Kustom Signals Inc. Request

Dan advised the Committee that a formal request has also been submitted by Kustom Signals Inc. (KSI) concerning new technology that they wish to add to existing approved instruments. The new technology is; an annual test for accuracy notice/reminder feature, “Guided Tuning Fork” feature, and the “Time-Trak” feature.

With the Annual Test for Accuracy notice/reminder feature, the “Raptor RP-1” and “ProLaser 4” would be equipped with a feature that would notify the operator of the expiration date for the annual test for accuracy for that instrument. The feature can also be programmed to prohibit operation of the instrument if the expiration date is exceeded. Dan advised the Committee that these features were first presented by Kent Hayes from Kustom Signals Inc. at the June meeting in Morganton. Dan reminded the Committee that this feature was initially suggested to show upon power up of the instrument, but that he advised Mr. Hayes at the meeting that any such display during the power up or manual test would invalidate the instrument as only the light test and internal circuitry test may show. Dan inquired if the message, should the technology be approved, could be provided as an additional option in the menu and Mr. Hayes agreed it could if requested. Dan expressed concern that if by approving this feature we could potentially be locking agencies into annual tests for accuracy by one location – Kustom Signals Inc. Mr. Hayes advised the Committee that they could receive the annual test for accuracy from any location, and that any “authorized” location could reset the software. Dan inquired if there would be costs associated with the authorization of a location and Mr. Hayes stated possibly. Member Billy Bradshaw stated that he was concerned with the costs this could potentially place on agencies, having no definite impact estimations on what it would cost to be an authorized location. Member Fred McQueen agreed, stating that the basic principle in this technology is certainly good and would be helpful, but the cost is what we need to avoid for our agency heads in the field. Dan asked the Committee to take this feature under consideration and be prepared to vote for or against the technology in March.

Next, Dan reminded the Committee that the “guided-tuning fork” feature is a software system that will, as the name implies, guide the operator through the fork test. This software would require a correct tuning fork test to be completed at the beginning tour of duty. There would be messages that appear on the “Raptor RP-1” display during the tuning fork test sequence advising the operator which fork to utilize, mode, etc. Dan stated that this would need to be considered heavily as it would provide the operators testing with this feature on the Raptor RP-1 an advantage – since the instrument would step them through the tuning fork test. An additional question was also considered as to how this would affect follow-up tuning fork testing, since North Carolina requires fork testing to occur after each enforcement action. Dan asked the Committee to take this feature under consideration and be prepared to vote for or against the technology in March.

Finally, Dan reminded the Committee of a feature that KSI would like to add to the ProLaser4 called the “time-trak” feature. This feature creates a timer window that will display the accumulated time that the trigger is pulled for each clock. It does not account for the pre-clock period of time such as visual estimation. Dan stated that KSI considered this a feature to assist in testimony for evidentiary purposes. Several members stated they are concerned with the negative impact of having evidence of a partial tracking history. Member Dub Bridges agreed stating that by approving this feature we could potentially be opening ‘Pandora’s box’ for many different reasons, but primarily because we would be introducing partial evidence to an event that a defense attorney could use against the officer during cross examination. Several members agreed with Member Bridges. Dan asked the Committee to take this feature under consideration and be prepared to vote for or against the technology in March.

Dan reminded the Committee that there was additional features and new technology that applied to the “LaserCam 4,” but we were still waiting on that to be determined, or not, a photo-speed measuring instrument prior to accepting for evaluation.

#### Supplement Revision Discussion

Dan presented the Committee with an electronic draft version of Appendix A from the Supplement for SMI Training. Dan reminded the Committee that the yellow highlighted language was language previously discussed at the September meeting. The blue highlighted language was new language added pursuant to our discussion in September. [See Attachment 1] Dan first asked the members to review line item 1 a. to provide feedback. There was no dissent on the language provided, however, Member Joe Carey stated that he felt the Committee should include that the instrument possesses a button or procedure that will shut off the power to the instrument. Member Carey stated that during his evaluation of a new instrument seeking approval, he discovered that the instrument does not have a power off button

requiring an operator or instructor to remove the batteries in order to ‘restart’ the instrument. He stated that this would be troubling during training courses, as we commonly do the power-up test, manual test, and sight alignment/range accuracy tests back-to-back for each student in the class. Dan advised the Committee that if this was considered an issue, this would be time to add it to the language, but that it would only apply to instruments submitted for approval after the effective date of this revised appendix. Dan asked the Committee if Member Carey’s concern was held by any of the others. Several members agreed with Member Carey that the instrument should be equipped with an off button, and that it has always been taken for granted that eh manufacturers would provide an on/off button or feature. Member Dub Bridges stated that if some solid state device batteries were required to be removed and reinserted frequently, that it could potentially cause failures in the nomenclature over time as well. Dan suggested to the Committee that since this was a nomenclature issue at heart, to create an additional line item requiring the nomenclature have an on/off feature. This could be accomplished by creating line item 1 o. to read “Instrument must have a feature to cut the instrument on and off as a button or function of the nomenclature.” The members agreed that this was acceptable. Dan advised the Committee the draft version provided in March would have this new language included.

Line items containing draft or new language in 1 b., 1 d., 1 f., and 1 l. provided no dissent or discussion among the Committee.

There was no further discussion had concerning the revision to Appendix A. Dan asked the Committee to take this draft revision under consideration, and be prepared to vote for or against the revision in March.

#### Approval/Deletion Rules Revision

Dan advised the members that the provided language was as the result of the confusion held by DragonEye Technology due to the current version of our approval/deletion policy being vague. The approval and deletion policy remains unchanged, but the new language acts to establish a set procedure for denials, and changes the title of the policy to the approval/denial/deletion policy. [See Attachment 2] There was no discussion on the policy revision. Dan asked the Committee to take this revision under consideration and be prepared to vote for or against the revision in March.

### **CJ STANDARDS DIVISION ITEMS – STANDARDS**

#### C.J. Standards Update

Dan reiterated that new Administrator/Member Overton could not be present, and did not have anything he wished to be added to the agenda for discussion.

### **INFORMATIONAL ITEMS**

#### SMI Committee Meeting Dates

Dan distributed a list of revised meeting dates for the SMI Committee due to several members expressing conflicts with the previous set dates. No members expressed dissent to the new dates. Therefore, the dates for 2016 – 2017 as provided will be published as the effective meeting dates.

### **OTHER BUSINESS**

#### Term Renewals:

Dan advised the Committee that there are no terms up for renewal during this cycle.

#### Next Meeting Date:

Dan announced with the acceptance of the new dates, our March Meeting will be held on 10 March, 2016 at the North Carolina Justice Academy in Salemburg. The host for the meeting will be Dan Worley. Dan advised the members that due to the anticipation of an extended meeting, he would contact the members via e-mail approximately one month prior to establish a beginning time.

#### Other Business to Address?

Member Joe Carey proposed to the Committee that a revision was necessary to Appendix C of the Supplement for SMI Training. Member Carey’s proposal was the result of his discovery that multiple instruments are either not clear as to

which mode must be active when conducting a manual test of the circuitry, or is incorrect in the current language. Member Carey provided Dan with a list of the instruments he had found deficiencies with in Appendix C, and Dan advised the Committee that he would take Member Carey's list and develop a revised/draft version of Appendix C for their review and approval at the March meeting. Dan thanked Member Carey for his careful attention to detail.

#### Evaluation Instrument Re-Distribution

Dan reminded the Committee that if they brought an instrument, to switch out the instrument with another meeting. However, Dan asked the members to be extremely careful with documenting who possessed the instrument prior to the switch, and who is receiving the instrument at this meeting so we can update the log in March. All members agreed.

#### **ADJOURNMENT**

With no further business to address, Dan accepted a motion to adjourn by Member Dub Brides. The motion was properly seconded by Member Joe Carey and carried unanimously at 3:01P.M.

Attachment 1; Appendix A Draft Revision

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NORTH CAROLINA APPROVED SPEED MEASURING INSTRUMENT LIST

1. In addition to other restrictions listed in this document, all speed measuring instruments approved for use after **Effective Date Entered Here** are made subject to and restricted as follows:
  - a. Instrument must be constructed in a manner that is **user friendly** and rugged enough to meet the rigors of law enforcement demands. Instruments with moving mode capabilities must be designed to offer minimal distraction to the operator while operating in a moving mode. **(Examples of user friendliness include, but is not limited to; presence of a simplified menu [if necessary for operation], ease of tuning fork testing and obtaining results, displays that are easily read by the operator in day and night condition, etc.)**
  - b. All instrument light segment tests must display only “8” or “8.” in **each segment of each display window for a minimum of three seconds. Each segment of each window must be uniform with one another.** **(For example; an appropriate light test for a three segment speed or range window can only show either “888” in the ‘window’, or, “8.8.8.” in the ‘window’.)** During or after the 8’s appear, all icons, lights, and indicators on the control box must also illuminate/display. No other words, numbers, or indicators shall display or appear prior to, during, or upon completion of, the light segment test.
  - c. Instrument must perform a test of all light segments and internal circuitry during power up (see b & e).
  - d. Instrument must have only one button/switch which allows the operator to manually test all light segments and the internal circuitry at any time during operation. This test must be an exact duplication of the power up test **(as specified in b and e).**
  - e. An internal circuitry test must immediately follow all light segment tests. All instrument internal circuitry tests must only display “PAS” or “PASS” upon completion of the test to indicate the instrument passed the test. If the instrument does not pass the test, only “FAIL” or “ERR” must appear in the target display window(s). No other words, numbers, or indicators shall display or appear prior to, during, or upon completion of, the internal circuitry test.
  - f. Instrument must not be capable of clocking front and rear targets simultaneously, lock more than one speed at a time, or have more than three speed display windows. **(For example, only one target speed window, one target lock speed window, and one patrol speed window is permitted on the display for the instrument.)**
  - g. Instrument must not have a fastest vehicle mode feature or any indicator of same on the instrument or remote.
  - h. RADAR and LIDAR instruments must not have a time-distance/stopwatch mode feature or any indicator of same on the instrument or remote
  - i. Instrument must not have an automatic mode switching feature.
  - j. Instrument must default to off if the power is lost during operation.
  - k. RADAR and LIDAR Instruments shall have a volume control which must not be capable of being muted.
  - l. If an instrument possesses a mode or feature, which has not been previously reviewed and approved for use in North Carolina, such instrument is subject to be recommended for approval only after the mode or feature receives a favorable review by the SMI Advisory Committee. **A “mode” or “feature” is defined as having any technology programmed into the software or operating system, or, built onto the instrument hardware that can be utilized during the operation of the instrument by the operator and/or instructor. A manufacturer must notify the Chairman of the SMI Advisory Committee to clarify if a “mode” or “feature” must first be tested and approved, and shall arrange a testing session of the new “mode” or “feature” prior to submitting the instrument for evaluation and/or approval to the Program Administrator. Additionally, any instrument already approved for use after January 1, 2006 that wishes to modify, revise, and/or add a “mode” or “feature” must first seek approval prior to marketing or selling any instrument as it changes the operation of the instrument initially tested and approved for use. The manufacturer may seek approval by contacting the Chairman of the SMI Advisory Committee and seeking further guidance.**

- m. Instruments approved for use after January 1, 2006 will be marked by an “\*” on the approved list.
  - n. Instruments marked with double asterisks “\*\*” indicate the instrument is on the staggered deletion list. Refer to section 8 of this Appendix for removal date of the instrument.
2. All approved RADAR/LIDAR speed measuring instruments are made subject to and restricted as follows:
- a. The instrument shall not have any automatic violation alarms (audio and/or visual) or automatic locking functions that occur prior to the instrument being manually locked by the operator. This does not include “auto-test” features.
  - b. The instrument shall not have a high speed lock function.
  - c. The instrument shall not have an external control that would permit the adjustment or correction of the zero or calibration readings.
  - d. The instrument shall not have a feature and/or function which compensates for any angle (cosine effect) that may be present between the target vehicle and the RADAR antenna or LIDAR.
  - e. RADAR instruments shall be capable of being tested for accuracy by use of a tuning fork.
  - f. RADAR instruments shall have a squelch control.
  - g. RADAR instruments shall have a radio frequency interference feature that disables the instrument when radio frequency interference is present.
  - h. The instrument shall have a low voltage feature/indicator.
  - i. The instrument shall be designed to be manually activated, by the operator, upon the presence of a violator vehicle.
3. All approved time-distance speed measuring instruments are made subject to and restricted as follows:
- a. The instrument shall not be capable of accepting double time or double distance into the computer.
  - b. The instrument shall be designed to be manually activated, by the operator, upon the presence of a violator vehicle.
4. The following modes, functions, and/or configurations shall not be used on RADAR, LIDAR, or time-distance instruments unless the operator is certified in its use by the North Carolina Criminal Justice Education and Training Standards Commission:

- a. Single Antenna
- b. Stationary Mode (RADAR and/or LIDAR)
- c. Dual Antennae
- d. Moving-Opposite Direction Mode
- e. Moving-Same Direction Mode
- f. Basic configuration Time-Distance clocks

\* “Time-Distance and/or Stopwatch” features, “Fastest Vehicle” mode, “Automatic Mode Switching” feature, “Safety Zone” on RADAR/LIDAR shall NOT be used; “Obstruction” mode, “Windshield” mode, and “Anti-jamming” mode on LIDAR instruments shall NOT be used.

\* “Ranging” technology is approved for use effective June 1, 2011.

\* For moving mode operations, a “certified” patrol vehicle speedometer is not required effective June 1, 2012.

5. North Carolina Approved RADAR Speed Measuring Instruments (Revised: June 1, 2015)  
**(Note: See section 8 of this appendix.)** The following RADAR instruments are approved for use provided they are operated in compliance with (1) and (2) above:

<u>Manufacturer</u>	<u>Model</u>	<u>Mode</u>
1. Applied Concepts, Inc.	Stalker DUAL SL	M/S
2. Applied Concepts, Inc.	Stalker DUAL DSR	M/S
3. Applied Concepts, Inc.	Stalker Dual DSR-E*	M/S
4. Applied Concepts, Inc.	Stalker Basic	M/S
5. Applied Concepts, Inc.	Stalker II SDR*	S
6. Applied Concepts, Inc.	Stalker II MDR*	M/S
7. Applied Concepts, Inc.	Stalker Dual E*	M/S
8. Applied Concepts, Inc.	Stalker Patrol*	M/S
9. Decatur Electronics, Inc.	Genesis II Select-Directional*	M/S
10. Decatur Electronics, Inc.	Genesis II Select*	M/S

11. Decatur Electronics, Inc.	Genesis-VP Directional**	S
12. Decatur Electronics, Inc.	Genesis Handheld Directional (GHD)*	S
13. Decatur Electronics, Inc.	Scout*	S
14. Kustom Signals, Inc.	HR-12	M/S
15. Kustom Signals, Inc.	Falcon	S
16. Kustom Signals, Inc.	Talon**	M/S
17. Kustom Signals, Inc.	Pro-1000**	M/S
18. Kustom Signals, Inc.	Golden Eagle	M/S
19. Kustom Signals, Inc.	Golden Eagle II*	M/S
20. Kustom Signals, Inc.	Directional Golden Eagle**	M/S
21. Kustom Signals, Inc.	Directional Golden Eagle II*	M/S
22. Kustom Signals, Inc.	Raptor RP-1*	M/S
23. Kustom Signals, Inc.	Directional Talon*	M/S
24. Kustom Signals, Inc.	Talon II*	M/S
25. Kustom Signals, Inc.	Falcon HR*	M/S
26. MPH Industries, Inc.	BEE III	M/S
27. MPH Industries, Inc.	Enforcer	M/S
28. MPH Industries, Inc.	Z-25 / Z-35	S
29. MPH Industries, Inc.	Python-Series II**	M/S
30. MPH Industries, Inc.	Python-Series II FS**	M/S
31. MPH Industries, Inc.	Python III*	M/S
32. MPH Industries, Inc.	Speedgun	M/S
33. MPH Industries, Inc.	Ranger EZ*	M/S

6. North Carolina Approved LIDAR Speed Measuring Instruments (Revised: September 1, 2015)

(Note: See section 8 of this appendix.) The following LIDAR instruments are approved for use, provided they are operated in compliance with (1) and (2) above:

<u>Manufacturer</u>	<u>Model</u>	<u>Mode</u>
1. Applied Concepts, Inc.	Stalker LIDAR LR	S
2. Applied Concepts, Inc.	Stalker LIDAR XS*	S
3. Applied Concepts, Inc.	Stalker LIDAR XLR*	S
4. Kustom Signals, Inc.	ProLaser III	S
5. Kustom Signals, Inc.	ProLaser 4	S
6. Laser Technology, Inc.	Ultralyte 200 LR*	S
7. Laser Technology, Inc.	Ultralyte LR B*	S
8. Laser Technology, Inc.	TruSpeed LR*	S

7. North Carolina Approved Time-Distance Speed Measuring Instruments (Revised: June 1, 2014)

(Note: See section 8 of this appendix.) The following time-distance instruments are approved for use, provided they are operated in compliance with (1) and (3) above:

<u>Manufacturer</u>	<u>Model</u>	<u>Mode</u>
1. Kustom Signals, Inc.	Tracker	M/S

8. North Carolina is committed to providing law enforcement agencies with various instrument choices that are standardized, available for repair, and has the latest cutting-edge technology proven to be reliable during testing. Due to this commitment, it requires us to revise the “Approved for Use” list as necessary on occasion to ensure the instruments meet our objective. (Revised: June 1, 2015)

The following speed measuring instruments will be automatically removed from the “Approved for Use” list on the effective date shown for that particular instrument.

<u>Manufacturer</u>	<u>Model</u>	<u>Mode</u>	<u>DATE OF REMOVAL</u>
1. Decatur Electronics, Inc.	Genesis VP Directional	S	<b>06/01/2017</b>
2. Kustom Signals, Inc.	Directional Golden Eagle	M/S	<b>06/01/2017</b>
3. Kustom Signals, Inc.	Talon	M/S	<b>06/01/2017</b>
4. Kustom Signals, Inc.	Pro-1000	M/S	<b>06/01/2017</b>
5. MPH Industries, Inc.	Python Series II	M/S	<b>06/01/2017</b>
6. MPH Industries, Inc.	Python Series II (FS)	M/S	<b>06/01/2017</b>

## Attachment 2: Approval/Deletion Policy Draft Revision

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Effective: **DATE HERE**

### POLICY ON ADDITION/**DENIAL**/DELETION OF SPEED MEASURING INSTRUMENTS TO THE NORTH CAROLINA APPROVED SPEED MEASURING INSTRUMENT LIST

#### PURPOSE

To outline the responsibilities of the North Carolina Justice Academy, the Criminal Justice Standards Division, Speed Measuring Instrument (SMI) Advisory Committee, the Education and Training Committee, the North Carolina Department of **Crime Control and** Public Safety, and the North Carolina Criminal Justice Education and Training Standards Commission (Commission) regarding addition/**denials**/deletions to the North Carolina approved speed measuring instrument list.

#### POLICY

**Additions, denials, and deletions** to the North Carolina approved speed measuring instrument list will be formulated **by the NC SMI Advisory Committee** and presented for approval to the Education and Training Committee.

The manufacturer shall be notified in writing of the Commission's decision to delete an instrument from the approved list or to refuse to add an instrument to the approved list. **A manufacturer is encouraged to review and be familiar with the policies and procedures that follow.** ~~may appeal this decision by availing itself of the appellate procedures set forth in Chapter 150B of the North Carolina General Statutes, the North Carolina Administrative Procedures Act.~~

**Due to logistics of managing a statewide program of evidence,** if an instrument is submitted for evaluation and receives an unfavorable review, it may not be resubmitted during the same evaluation cycle, but may be submitted during the next evaluation cycle.

#### PROCEDURE

##### A. Instrument Additions:

1. The manufacturer/vendor will make a written request to the SMI Program Administrator requesting that an instrument be evaluated and approved for use in North Carolina. The SMI Program Administrator will provide a copy of this policy to the manufacturer/vendor and verify the appropriate prerequisites required for inclusion on the Approved List.
2. The manufacturer/vendor of the instrument shall certify in writing to the Criminal Justice Standards Division that the instrument meets or exceeds the applicable standards set out in the "Model Performance Specifications for Police Traffic Radar Devices" or any other applicable standards as published by the National Highway Traffic Safety Administration (NHTSA), United States Department of Transportation and is listed as in production on the International Association of Chiefs of Police (IACP) most current Consumer Product List. This will verify that all speed-measuring instruments under consideration have been successfully tested against the NHTSA standards.
3. The manufacturer/vendor of the instrument shall guarantee in writing to the Criminal Justice Standards Division that the manufacturer/vendor has the capability to repair the instrument for a period of seven (7) years from the date the instrument is removed from production.
4. The instrument shall meet the certificate of accuracy and standards requirements as listed on Commission forms. The forms shall be completed in full by the manufacturer/vendor and provided to the Criminal Justice Standards Division prior to evaluation.

5. The manufacturer/vendor shall submit four (4) of each type of instrument to the SMI Program Administrator for evaluation purposes and include; (1) technical and/or operator's manuals, (2) mounting brackets for a full sized patrol vehicle, and (3) tuning forks for each radar instrument under consideration. These instruments shall be returned to the manufacturer/vendor at the expiration of their use for training purposes.
  - a. The four (4) instruments shall be submitted to the SMI Program Administrator and received between March 1<sup>st</sup> and September 1<sup>st</sup> of each year. Each instrument will be stamped with a "date/time received" by the office of the SMI Program Administrator.
  - b. Instruments received prior to September 1<sup>st</sup> of each year will be considered for approval during the following (2<sup>nd</sup> quarter) Commission meeting.
  - c. Instruments received after September 1<sup>st</sup> of each year will not be considered for approval during the following (2<sup>nd</sup> quarter) Commission meeting, but will carry forward into the next evaluation cycle which will start March 1<sup>st</sup>.
6. The SMI Program Administrator shall distribute the four (4) instruments as follows:
  - a. Two (2) of each type of instrument will be forwarded to the representative for the North Carolina Department of Crime Control and Public Safety (State Highway Patrol).
  - b. Two (2) of each type of instrument will be forwarded to the designated school director for SMI instructor training at the North Carolina Justice Academy who will forward one (1) of the instruments to the SMI Advisory Committee.
7. Each of the above evaluators shall make a written report, including recommendations, to the SMI Program Administrator.
8. The SMI Program Administrator shall review the reported findings, present these findings, and make recommendations to the Education and Training Committee.
9. After approval, the SMI Program Administrator will notify the Chiefs of Police, Sheriffs' and manufacturers/vendors.
10. Each entity will return the instruments and accessories to the SMI Program Administrator who will return them to the appropriate manufacturer/vendor, except that the manufacturer may make available two (2) of the four (4) instruments to the North Carolina Justice Academy for SMI Instructor training purposes. Shipping cost will be paid by the manufacturer/vendor.
11. The North Carolina Justice Academy will make the appropriate changes in Appendix "A" and "C" of the Supplement for Speed Measuring Instrument Training Courses.
12. Upon approval of a specific instrument, all future instrument(s) of the type approved which are sold and/or distributed in North Carolina must meet the same criteria and description as the original instrument. Instrument(s) shall not be substantially modified after approval.

Exception:           Manufacturers may disable or enable the rear antenna port on radar instruments which have dual antenna capabilities.
13. The manufacturer shall disable all modes, functions, and/or configurations which are not approved for use in North Carolina prior to submitting any instrument for sale.
  - a. Modes, functions, and/or configurations which currently are approved for use in North Carolina are as follows:
    - 1)       Stationary Mode
    - 2)       Moving-Opposite Direction Mode
    - 3)       Moving-Same Direction Mode

- 4) Dual Antennas
- b. Modes, functions, and/or configurations which currently are not approved for use in North Carolina are as follows:
  - 1) Fastest Vehicle Mode
  - 2) Time-Distance/Stopwatch Mode on Radar/Lidar Instruments
  - 3) Automatic Mode Switching
- c. Certain features on instruments/systems are prohibited for sale in North Carolina pursuant to the approved list of speed measuring instruments as listed in "Appendix A" of the Supplement for Speed Measuring Instrument Training Courses. A copy of "Appendix A" is attached for review.

**B. Instrument Denials:**

1. Upon discovery that an instrument has failed to meet any performance expectation, the SMI Advisory Committee shall recommend denial of such an instrument to the Education and Training (E&T) Committee of the Criminal Justice Education and Training Standards Commission. The Chairman of the SMI Advisory Committee shall provide the Criminal Justice Standards Division SMI Program Administrator with the written findings, and such findings of denial will be presented by the SMI Program Administrator to the E&T Committee. Once acceptance of the denial has been confirmed by the E&T Committee, the Criminal Justice Standards Division SMI Program Administrator will notify the manufacturer of the denial in writing.
2. A speed measuring instrument manufacturing representative wishing to discuss the findings of denial may contact the Criminal Justice Standards Division SMI Program Administrator, or the Chairman of the SMI Advisory Committee, for further information concerning the denial. Informal discussions may occur between these parties as a conveyance to reaching a solution for the denial. If no solution is achievable between the parties during informal discussion, the manufacturer may seek formal grievance by availing itself of the appellate procedures set forth in Chapter 150B of the North Carolina General Statutes, the North Carolina Administrative Procedures Act. However, once a manufacturer files a formal grievance under these procedures, all discussions will be required to occur between the manufacturer and the North Carolina Department of Justice; Office of the Attorney General. No further discussion is permitted directly between the SMI Program Administrator, or the Chairman of the SMI Advisory Committee, once a formal grievance is filed.

**C. Instrument Deletions:**

1. SMI instrument(s) may be deleted from the approved speed measuring instrument list for any of the following reasons:
  - a. Instrument is removed from the Consumer Product List as published by the International Association of Chiefs of Police.
  - b. Instrument is listed as no longer in production on the Consumer Product List as published by the International Association of Chiefs of Police.
  - c. Service of the instrument is no longer available by the original manufacturer.
  - d. Instrument is not currently in use by any Law Enforcement Agency in North Carolina.
  - e. The approved instrument is sold and/or distributed in North Carolina after being modified and no longer meets the same criteria and description as the original instrument type.

Exception: Manufacturers may disable or enable the rear antenna port on radar instruments which have dual antenna capabilities.
  - f. Instrument is subsequently found to be unreliable for speed measuring purposes by any agency involved in the initial approval of such instrument.

g. Any other reason deemed by the Commission to be in violation of this policy.

An authorized manufacturer/vendor representative must sign this policy and return a copy (for file) to the SMI Program Administrator prior to consideration of an instrument for evaluation.

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Signature of authorized manufacturer/vendor representative

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Date Signed