

## AERIAL SPEED ENFORCEMENT PROGRAM

### 6.01 PURPOSE

The purpose of this regulation is to establish guidelines for the State Police Aerial Reconnaissance and Enforcement Program (Operation SPARE).

### 6.02 BACKGROUND

Operation SPARE was initiated in October 1978 to provide enhanced violator detection capabilities in the enforcement of the 55-MPH National Maximum Speed Limit. Through Operation SPARE, Department aircraft provide an aerial platform from which trained aerial observers clock vehicles as they travel through measured sets of lines painted on the roadway.

### 6.03 GENERAL INSTRUCTIONS

- A. Aerial Observer: Only members who have volunteered for assignment and who have received training in the functional responsibilities of the program shall be assigned as aerial observers. Training shall consist of familiarization with timing devices (stopwatches), techniques for spotting and timing violators from aircraft, time-distance computations, courtroom testimony, and case law.
- B. Aerial Speed Enforcement Areas: Locations for aerial speed enforcement shall be established on selected **highways of the Commonwealth, with speed limits of 55-MPH and higher**, where speeding violations and crash-related data are determined to be a primary causal factor in crashes. Established sites on highways other than the Pennsylvania Turnpike shall be measured and certified by registered surveyors from the Pennsylvania Department of Transportation. Established sites on the Pennsylvania Turnpike shall be measured and certified by registered surveyors from the Pennsylvania Turnpike Commission. Each speed check site shall consist of one or more .3-mile-long zones, through which vehicles shall be timed.

- C. Time-Distance Computation: A mathematical operation which computes elapsed time required to travel a known distance shall be used to determine vehicle speed in miles per hour.

#### 6.04 RESPONSIBILITIES

- A. Selection of Aerial Speed Enforcement Areas: The Director, Bureau of Patrol, shall approve enforcement areas based on the recommendations of Troop Commanders. Troop Commanders shall consider traffic volume, frequency of speed-related crashes, type of roadway, and visual access from the aircraft when making a recommendation for an enforcement area.
- B. Equipment: Patrol Section/Station Commanders shall ensure that SPARE operations are conducted in compliance with the following provisions:
  - 1. Stopwatches shall be maintained at the Station level and shall be utilized by aerial observers when assigned to the SPARE Program.
  - 2. Stopwatches have been tested at an Official Stopwatch Testing Station in accordance with Section 3368(d) of the Vehicle Code.
  - 3. A Certificate of Stopwatch Accuracy, Form MV-444B, (Appendage A) has been properly completed with no typographical errors, concerning the following information:
    - a. Name and number of the Official Stopwatch Testing Station.
    - b. Make, model, and serial number of the stopwatch.
    - c. Date of accuracy certification.
    - d. Make, model, and serial number of the test equipment used to certify the stopwatch.
    - e. Signature, in ink, and address of the person conducting the accuracy certification.

- C. Training: Troop Commanders shall forward requests for aerial observer training to the Director, Bureau of Patrol. Training shall be conducted periodically, based on need. Troop Commanders shall ensure that members selected for training are volunteers, proficient in testifying in court, and sincerely interested in the enforcement program.

## 6.05 OPERATIONS

- A. Scheduling Operation SPARE: Department aircraft shall be scheduled for Operation SPARE in accordance with FR 6-1, Department Aircraft.
- B. Enforcement: Aerial observers shall view traffic traveling through a speed enforcement site. Vehicles appearing to exceed the maximum speed limit shall be timed with a certified stopwatch as they pass through the measured zone(s). Nothing prohibits the observation of other violations, such as those associated with aggressive driving and inappropriate driver behavior.
  - 1. Time-distance computations shall be utilized to determine vehicles' speed.
  - 2. Descriptions of violating vehicles shall be provided by radio to intercepting Patrol Unit members.
  - 3. Prosecution shall not be initiated in those cases where the violator's vehicle cannot be positively identified.
- C. Certificate of Stopwatch Accuracy: A new Certificate of Stopwatch Accuracy (Appendage A) shall be obtained from the testing station each time the stopwatch is tested. The original shall be filed at the Station/Aviation Patrol Unit where the stopwatch is assigned. A copy of the certificate shall be forwarded to the Director, Bureau of Patrol, upon completion of the testing.
  - 1. In Commonwealth v. Cummings, 487 A.2D 897 (Pa Super, 1985) (Appendage D), the Pennsylvania Superior Court decided that the original Certificate of Stopwatch Accuracy for stopwatches must be presented into evidence instead of a photostatic copy.

2. The original Certificate of Stopwatch Accuracy shall be presented at court proceedings. A copy shall then be requested to be admitted into evidence to protect the original document and allow it to be available for additional court presentations.
- D. Aircraft Observed Violation Data Sheet, Form SP 6-114: An Aircraft Observed Violation Data Sheet (Appendage B) shall be prepared by the assigned aerial observer to record pertinent data. The form shall be completed in ballpoint pen in original only. The report shall be filed at the Station where the aerial observer is assigned.
- E. Approved Speed Timing Device Certificate, Form MV-473B: An Approved Speed Timing Device Certificate (Appendage C) indicates that a particular stopwatch is approved for use as a speed timing device. Certificates shall be maintained at each Station for all stopwatches assigned to that Station.

The original Approved Speed Timing Device Certificate shall be presented at court proceedings. A copy shall then be requested to be admitted into evidence to protect the original document and allow it to be available for additional court presentations.