

# Speedometer calibration

7 messages

Dan Schouman <dschouman@gmail.com>  
Reply-To: madcm@googlegroups.com  
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Fri, Nov 3, 2017 at 12:00 PM

Dear magistrates:

I just had an informal hearing where a trooper on a motorcycle paced a car. No other speed measuring device was used. I asked the trooper if the speedo on his bike was ever checked or calibrated, and he said they don't ever do anything with speedometers unless the vehicle was in a major accident. I know Ferency is a radar case and that it's basic due process requirements also apply to Lidar, but shouldn't some basic requirements of Ferency also apply to speedometers used to measure speed? A county deputy was in the courtroom at the time and he confirmed that nothing is ever done with checking the accuracy of speedos. Does anybody require officers to establish that their speedometer was properly working? If so, what type of evidence do they produce?

Thanks and happy Friday,

Dan Schouman  
52-2 District Court

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James Patrick Brennan <jbrennan@ferndalecourt.com>  
Reply-To: madcm@googlegroups.com  
To: madcm@googlegroups.com

Fri, Nov 3, 2017 at 12:18 PM

Hi Dan: Part of the problem is that pacing predates Ferency and is rarely used since it was so unreliable. You are correct, they should be required to testify as to the last calibration date, IF it is brought up at the hearing. Additional questions such as the length of time and distance covered while pacing. I have a new officer, under oath, say he followed the vehicle 150 feet. I dismissed the ticket since the testimony was unreliable. As a practical matter, a few dismissals preserves the integrity of the Court and encourages the use of more reliable instruments such as radar or lidar; especially since the MSP training and certification can be accomplished by video training. Have a great weekend and looking forward to seeing you at the magistrate dinner.

Sent from my iPad  
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Dan Schouman <dschouman@gmail.com>

Fri, Nov 3, 2017 at 1:33 PM

Reply-To: madcm@googlegroups.com  
To: madcm@googlegroups.com

Thanks. Looking forward to see you as well.

Dan

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**Wiewiora, John** <WiewioraJo@co.muskegon.mi.us>  
Reply-To: madcm@googlegroups.com  
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Fri, Nov 3, 2017 at 2:02 PM

I agree. Pacing is less accurate than other speed measurements, and even less so without speedometer calibration. When it is used, the officers usually will only write for 1-10 over regardless of the paced speed. I will also let them "strengthen" their testimony if they are radar certified and thus have some training regarding estimating speed. We used to have officers write tickets only based on visual estimations after radar training, but we would usually give more weight to the defendant's speedometer reading than an officer's educated guess. Overall, it is just up to each magistrate to weigh all factors and determine if the plaintiff has met their burden. An officer's short pacing using an uncalibrated speedometer might win out over a defendant who does not know what speed they were going, but not necessarily over a person who sets the cruise at 5 under.

**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Dan Schouman  
**Sent:** Friday, November 03, 2017 1:34 PM  
**To:** madcm@googlegroups.com  
**Subject:** Re: Speedometer calibration

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**Liz Stankewitz** <liz@cheboygancounty.net>  
Reply-To: madcm@googlegroups.com  
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Fri, Nov 3, 2017 at 3:09 PM

Let's not forget that the standard for a finding of responsibility is a preponderance of the evidence. If a certified police officer does an adequate job of testifying as to the facts, then a finding of responsible is made. We rely on officers testimony all the time without a "gadget" of some sort to verify their rendition of events. It is rare to get a ticket that's written based upon pacing. If it was a completely unreliable method, officers would be prohibited from using it as a basis to write a ticket.

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**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Wiewiora, John  
**Sent:** Friday, November 03, 2017 2:03 PM  
**To:** 'madcm@googlegroups.com'  
**Subject:** RE: Speedometer calibration

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**Jessica Testolin** <testolij@co.huron.mi.us>  
Reply-To: madcm@googlegroups.com  
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Fri, Nov 3, 2017 at 4:08 PM

Agreed with Liz. I have used this method before and relied on testimony.

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**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Liz Stankewitz  
**Sent:** Friday, November 3, 2017 3:09 PM

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**James pahl** <jbpahl0824@gmail.com>  
Reply-To: madcm@googlegroups.com  
To: madcm@googlegroups.com

Sat, Nov 4, 2017 at 11:44 AM

I always required the speedometer to have been checked within the past year. One department told me they were glad I required this - one of their squad cars developed a 7 mph error one year.

Jim  
55th

Sent from my iPad

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