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TO: South Dakota Law Enforcement Agency Administrators & Training Officers
FROM: SSA Hank Prim, Law Enforcement Training Administrator
DATE: November 12, 2024
RE: Updated State RADAR Speed Enforcement Training Protocol

This memorandum updates the Office of Law Enforcement Training's RADAR training structure. This memorandum rescinds previous guidance on the topic, to include the 2019 memorandum issued by former Training Administrator Chad Mosteller.

BACKGROUND

Law Enforcement Training has historically provided basic and advanced instruction in RADAR operation, to include instructor courses. In 2019, the Law Enforcement Officers Standards and Training Commission adopted a new framework for the RADAR program, specifically:

1. Law Enforcement Training provided an 8-hour block of instruction on RADAR principles in the basic law enforcement certification course (academy). This block of instruction satisfied the NHTSA classroom instruction recommendation for RADAR operators and included a highly technical review of RADAR concepts, science, and methods. Completion of this course alone did not satisfy NHTSA RADAR operator qualification recommendations.
 - a. All officers in the academy—regardless of whether their agency utilizes RADAR or is authorized to utilize RADAR—were required to pass a highly-technical written examination. This written examination was required for certification. If an individual did not pass this written examination, they were dismissed from the program.
2. Each individual law enforcement agency was generally responsible for conducting and managing their own field training before/after the academy as well as evaluating operators on agency specific equipment. NHTSA recommended 32 hours of field training to accomplish this component.
3. After completing the basic law enforcement certification course or other classroom instructional block *and* the field training component, an individual was deemed to be proficient and qualified in RADAR operation in accordance with NHTSA recommendations.
4. The Office of Law Enforcement Training agreed to host a minimum of one RADAR instructor course per year to assist agencies statewide with maintaining RADAR operator proficiency.
5. Contrary to the prevailing understanding across the state, there existed *no* state RADAR certification.

LEGAL AUTHORITIES FOR RADAR OPERATION

As cited by NHTSA in their most recent instructor manual, most courts follow the reasoning of the Kentucky Court of Appeals in *Honeycutt v. Commonwealth* and require only evidence that the operator knew basic operational procedures. As stated in by the Court in *Honeycutt*:

"It is sufficient to qualify the operator that [he/she] have such knowledge and training as enables him to properly set up, test, and read the device; **it is not required that [he/she] understand the scientific principles of R.A.D.A.R. or be able to explain its internal workings**; a few hours' instruction normally should be enough to qualify an operator."

In sum, proof that the operator knew how to activate, read, and test the speed- measuring device, and followed its standard operating procedures, is usually sufficient for training purposes.

UPDATED PROTOCOL

To account for the differences in RADAR and speed monitoring equipment across South Dakota law enforcement agencies, as well as the training preferences of each individual agency, effective with the 187th and 188th basic law enforcement certification courses the Office of Law Enforcement Training has been piloting and implementing the following protocol which respects the individuality of each agency while providing recommended best-practices to law enforcement officers:

1. Each South Dakota law enforcement agency is encouraged to draft and adopt an internal policy regarding RADAR operator training. The policy is recommended to—at a minimum—demonstrate an operator is trained to “...properly set up, test, and read the [agency’s] device,” as well as is proficient in those areas. This training may take place pre- or post-academy.
2. Each trainee at a basic law enforcement certification course (academy) will receive a 4-hour block of instruction on RADAR legal principles and best practices. Students will no longer be required to pass a RADAR-specific test to gain basic certification, nor will receive advanced technical instruction on the scientific principles of RADAR.
3. Law Enforcement Training will host RADAR instructor training courses as needed to meet the needs of South Dakota law enforcement agencies, as well as provide RADAR training materials to support agency training.

RESOURCES

As agencies develop their own speed enforcement/ RADAR policy and deliver training in accordance with that policy, Law Enforcement Training has identified the following resources to aid agencies:

- National Highway Traffic Safety Administration Speed Measuring Device Resources
<https://www.nhtsa.gov/enforcement-justice-services/speed-measuring-device-resources>
- University of North Florida Institute of Police Technology and Management
<https://iptm.unf.edu/>

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Although this protocol marks a departure from past precedence, Law Enforcement Training is confident this model best respects the individuality of each law enforcement agency to prepare their officers in a manner that comports with best regional practices as well as provides officers training most appropriate to each officer’s role. Research conducted by Law Enforcement Training indicates this model has been similarly followed by other states. Regardless, Law Enforcement Training is committed to providing quality, comprehensive educational opportunities to advance and credential subject matter experts in the area of speed enforcement.