

District Attorney's Office

State of North Carolina

26th Prosecutorial District

Mecklenburg County

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NEWS RELEASE

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District Attorney

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DA's Office responds to City of Charlotte disclosure on speed detection certification

CHARLOTTE, N.C. – The following statement is offered in response to a media briefing held by the City of Charlotte earlier today:

On Tuesday, February 14, the District Attorney's Office learned that speed detection devices, such as radar and lidar equipment, used by some local law enforcement to track motorists' speeds have not been properly certified. State law requires that this equipment is tested and certified by someone who is certified by the Federal Communications Commission, and although the equipment in question was tested by City of Charlotte employees and believed to be functioning appropriately, that testing was not conducted by employees who were properly certified under the requirements of North Carolina law.

The results of speed detection devices are used in court to corroborate the opinion of a trained officer as to the speed of a motor vehicle. By state law, the devices are used only to corroborate. It is the opinion of the trained officer that serves as the primary evidence for the prosecution of speeding cases, however, the DA's Office recognizes the important role that corroborative evidence by these units plays in its ability to prosecute speeding charges.

Upon receiving this information, the DA's Office immediately began speaking with CMPD personnel to understand the scope and reach of the issue. That work is ongoing, but the DA's Office took action in court as early as Tuesday afternoon. During the afternoon trial session in District Court on Tuesday, our prosecutors began to screen for cases that relied upon equipment-based corroboration. Prosecutors sought to continue those cases to allow more time to assess the situation. When the continuance was denied, our prosecutors disclosed the evidence to defendants and then proceeded on those cases without the use of radar/lidar evidence. Even after disclosure of that evidence, some defendants were ultimately convicted of crimes charged.

The DA's Office is still in the midst of the fact-finding process to determine the extent of this issue. We anticipate that we will be able to proceed on many of these cases in the absence of corroborative equipment-based evidence, but in other instances, cases may ultimately be dismissed.

The DA's Office will review pending speeding cases as they appear in court, as well as other cases that arose from traffic stops in which lidar or radar equipment is relevant, and take whatever action is appropriate.

While these issues related to device certification arose from a department within the City of Charlotte, CMPD is not the only agency affected. The DA is reaching out to other law enforcement agencies to determine which and to what extent any additional agencies are impacted.

If you have been charged with a speeding citation in Mecklenburg County, you or your attorney should appear in court on your court date to discuss available options. You should not pay for your speeding citation online to resolve the citation, as the DA's Office is unable to review a case to determine whether it was affected by this issue if you use that online service.

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