

Speed Enforcement	Amended	Inspection and Enforcement New Brunswick	3.1.8
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1. Purpose

- A. To provide officers with policy and direction in the application and use of speed measuring devices/systems, RADAR (Radio Detection And Ranging) as well as LIDAR (Light Detection And Ranging).
- B. These radar measuring devices/systems will assist in the enforcement of speed restrictions imposed on provincial highways and for those with equipment or DTI related speed restrictions. This will aid in I.E.N.B's mission of providing public safety as well as protection for both highway users and provincial infrastructure.

2. Definitions (for the purposes of this policy)

“Authorized Radar and Lidar training course” means a course selected and approved by the Chief or designate for providing instructions in the function and operation of a Radar/Lidar system.

“Bus” means any motor vehicle designed for carrying ten or more passengers and used for the transportation of persons. (Ref: Section 1 of the [Motor Vehicle Act](#))

“Commercial vehicle” means a motor vehicle designed or adapted for the carrying of freight, goods, wares, or merchandise. But does not include a passenger vehicle. (Ref: Section 1 of the [Motor Vehicle Act](#))

“LIDAR System” (Light Detection And Ranging unit) means a speed measuring device/system designed to measure the speed of an object.

“Non-commercial vehicle” means any vehicle not defined as a “commercial vehicle”.

“Radar Device/System” (Radio Detection And Ranging) means a speed measuring device/system designed to measure the speed of an object. For this policy the term radar includes both the front and the rear facing antenna.

“Radar Detector” means a radar warning device as defined in Section 143.1(1) of the [Motor Vehicle Act](#).

“Imminent public safety risk” Any conditions or practices of an individual(s) that could or may cause death or serious injury to the public, requires officers to conduct an immediate risk assessment to determine whether to proceed or not proceed with enforcement. Should the officer determine enforcement must take place the officer shall adhere to policy.

3. Directives

- A. Officers with proper approved training will be authorized to use the Radar and Lidar device approved by the department of Justice and Public Safety to conduct speed enforcement.
- B. Officers trained in Radar and Lidar device shall review policy prior to operating devices.
- C. To keep proper certification on all department approved equipment on speed enforcement, all officers will have to handle and work with the equipment once every six months.
- D. Certificates issued after the completion of a radar course shall be retained by officers and they shall ensure that a copy of their certificate is forwarded to the I.E.N.B Training Coordinator.

4. Maintenance, Care and Repair

- A. Officers are responsible for ensuring that radar units; including antennas, cables, connectors, display unit, remote control, and tuning forks, are maintained in an operational mode by providing adequate maintenance and care.
- B. Adequate maintenance will include checking that all displays are functioning properly, that units are secured in mounting brackets and all other vital parts of the unit are in their casings and mounts designed for this purpose.
- C. Care and up keep on continual basis shall include cleanliness of the unit.
- D. Should the radar unit malfunction, officers are to perform a preliminary check of any in-line fuse(s) and ensure the power supply is functioning.
- E. Officers shall immediately inform their Sergeant, both verbally and in writing (via e-mail), if the preliminary check fails to resolve the issue with the radar unit.
- F. Radar units not functioning properly shall immediately be removed from service.
- G. Sergeants shall advise their Inspector, immediately in writing and verbally of a malfunctioning radar unit.
- H. The Inspector, will provide direction as to procedure to be followed, to obtain repairs for malfunctioning radar units.
- I. Head Quarters will maintain a record on each Radar/Lidar unit within the region, ensuring that a history of all preventive maintenance, and any defects or repairs are noted, utilizing Form 78-9686; Radar Unit Record (Appendix A), for this purpose.

- J. The Chief, will determine requirements of any manufacturers' recommendations to be followed in regard to preventive maintenance to be performed on radar units and or tuning forks.

5. Calibration of Radar/Lidar Units By Officers:

- A. Officers at the beginning of their shift and after each violation encountered shall perform the necessary calibration test on the radar unit to assure accuracy of the instrument.
- B. Calibration test results shall be recorded, in the officer's notebook.

6. Speed Enforcement:

- A. Officers are governed by a yearly work plan that guides officers on different aspects of their daily responsibilities and one of those is speed enforcement.
- B. Officers are directed that all the proper procedures must be followed in accordance with their radar training, so as to achieve proper enforcement practices and to obtain successful prosecutions.
- C. When conducting speed enforcement in a stationary mode, Officers are to ensure that there is no obstruction of entry or exit to private property, to railway crossings, to highway signs, and to other vehicles, etc.
- D. Officers shall not utilize private property without the permission of the property owner or their agent.
- E. When conducting speed enforcement in a moving mode, Officers are to ensure that all safety precautions concerning, turn-a-rounds, overtaking, and stopping violator are followed.

7. Speed Enforcement on Non-commercial vehicle :

- A. When intercepting a non-commercial vehicle because of perceived imminent public safety, I.E.N.B. Officers must immediately conduct a risk assessment on the consequence of engaging and stopping the vehicle as well as the consequences of failing to take appropriate enforcement action.
- B. I.E.N.B. Officers that determine enforcement is necessary shall intercept and deal with the imminent public safety risk according to the authorities vested in them by appointment(s).

8. Procedures to be followed In all vehicle stop:

- A. If a charge under the *Criminal Code of Canada* must be laid during the interception of a vehicle stop, Officers are to adhere to branch policy.
- B. Should the agency or jurisdiction decline to pursue with charges then I.E.N.B Officers shall proceed with prosecution.

9. Radar Detectors:

- A. While carrying out speed enforcement duties, Officers may encounter violations of Section 143.1, of the *Motor Vehicle Act*, concerning vehicles equipped with radar warning devices.
- B. Officers have the authority under Section 143.1 (3), *MVA* to seize such device.
- C. Any seizures of such device will be handled like any other seizures as per the chain of custody procedure and a full report of the seizures will be entered into Versadex. Items will be properly handled and stored in the regional bond room until no longer needed for court procedures where it will be sent for destruction.

10. Road Checks:

- A. I.E.N.B Officers when requested/directed are to participate in multi-agency or their own JFO's (Joint Force Operations). By appointment as Special Constable under the *Criminal Code of Canada*, as well as Peace Officers under *New Brunswick Motor Vehicle Act*, all I.E.N.B Officers have the legal authority to conduct check points to ensure drivers comply with the *Motor Vehicle Act* as well as sections of the *Criminal Code of Canada*.
- B. When conducting or organizing joint force operations, I.E.N.B Officers must have an operational plan completed and approved by the Sergeant in charge of the geographical area prior to commencement of the operation. Generally, these events are conducted on major highways.
- C. Impromptu JFO's or I.E.N.B alone road checks on secondary highways do not necessarily require an operational plan, however all officers and public safety precautions must be considered.

11. Tactical Traffic Enforcement Unit

Peace officers assigned to the Tactical Traffic Enforcement Unit shall be under the direction of the RCMP. The TTEU are exempt from section 7, 8 and 10 of this policy.

