

independent visual observation and estimate of the speed and included in that handout is material from the manufacturer of the K-55 which is the radar unit used by the Nebraska State Patrol. The K-55 manufacturer gives a brief summary of the cases existent at the time their manual came out and among the things that it states specifically is that he should have made a visual observation of its apparent excessive speed. Then there are cases that were cited in the handout that I gave you which require a visual observation. Now the Nebraska case, because Senator Hoagland may be interested in it, was Peterson v. State, 163 Nebraska 669, and here is the language actually quoted from that Supreme Court decision. "And the court is talking to the officer. The Court: Do you have an opinion independent of the radar as to the speed of the car? Answer: Yes. The Court: In your opinion what was the speed? Answer: 70 miles an hour." On recross examination the officer testified that his estimate was based on his observation of the vehicle and that his opinion was not influenced by the reading made by the radar. What has been shown, and I tried to explain that in my first offering of the bill, is that there is a way to dial up a set of numbers on the radar device. These numbers represent the speed that will set off a buzzer. So if an officer is not paying attention and the buzzer goes off, he does not know whether there was a vehicle which will be called the target vehicle which caused it to go off, interference, a reflected signal or any of other thirteen errors that could occur. So the requirement in this case is similar to what you call probable cause. The officer has to have a reason to intrude into a person's privacy in a vehicle, on the highway. The only way an officer has of being somewhat certain that the vehicle he intends to ticket is the one that set off his alarm is to have been observing that vehicle, be aware roughly of the range of his unit so that he will know when the buzzer goes off if that car was even within range to be read. And, Senator Hoagland, if they set the radar so it will read to three to four hundred feet or yards down the highway, they are in a greater danger of having an error at that time because the handout that I gave you was from Popular Science. It has no ax to grind with radar. They were giving technical explanations of how radar operates and they showed a drawing to demonstrate how errors can occur. It shows a string of vehicles of different sizes and the radar will probably read the largest vehicle regardless of whether or not it is the fastest. So the officer has got to make the visual observation. His radar can be going all the time but before he decides to ticket a specific car he has to have made a determination that that car, in fact, is probably exceeding the