

#8

October 25, 2001

MEMORANDUM

TO: Ald. Michael J. Murphy
FROM: Richard Pfaff, Legislative Research Analyst
RE: Traffic Photo Enforcement Systems

You had requested that the Legislative Reference Bureau provide information relative to traffic photo enforcement systems. Information relative to the usage of the technology, the number of cities and states that have implemented the program and the associated costs is provided below.

Traffic photo enforcement systems, whose use are supported by the Insurance Institute for Highway Safety, are increasingly being used to help communities enforce traffic laws by automatically photographing vehicles whose drivers deliberately run red lights, violate public highway rail crossings or speed. The camera records the date, time of day and the time elapsed since the beginning of the red signal or the speed of the vehicle. Upon review of photographic evidence and depending on state law requirements, tickets are issued by mail to either vehicle owners or to drivers at the time of the offenses.

Police have used the cameras for decades in Europe, where they were developed in 1958 by a Dutch race car driver wanting a better way to time a race. Initially, the cameras were slow to catch on in the United States, but in the 7 years since cameras went up in New York City, there are now 345 cameras in use in 50 cities in 12 states and the District of Columbia. Conversely, 11 states have banned the cameras. States where such video cameras have been authorized include:

Arizona	Illinois	Oregon
California	Maryland	Virginia
Colorado	New York	Washington
Delaware	North Carolina	Washington, D.C.
Hawaii		

At the 1999 U.S. Conference of Mayors, a resolution was adopted supporting state enactment of legislation enabling cities to implement photo enforcement programs for red light running, speed and public highway rail grade crossing violations (copy attached). A partial list of the cities, counties and agencies that have some form of traffic photo enforcement system in operation includes:

Arlington County, VA	City of Oxnard, CA
City & County of Denver, CO	City of Phoenix, AZ
City & County of San Diego, CA	City of Portland, OR
City & County of San Francisco, CA	City of Poway, CA
City of Alexandria, VA	City of Sacramento, CA
City of Baltimore, MD	City of Santa Rosa, CA
City of Beaverton, OR	City of Tempe, AZ
City of Beverly Hills, CA	Clark County, WA
City of Boulder, CO	Los Angeles County MTA, CA
City of Charlotte, NC	Metrolink - Southern California Regional Rail
City of El Cajon, CA	Minnesota Department of Transportation
City of Fairfax, VA	Texas Department of Transportation
City of Mesa, AZ	

In Wisconsin, tickets can now be mailed only to owners of cars that run through school crossing zones, fail to yield for emergency vehicles or pass stopped school buses that have their flashing lights on. Using cameras to catch red-light violators and speeders in Milwaukee would require a change in the state law, which usually demands that police ticket the driver of the car and not the owner. The state would have to authorize enforcement agencies to make the vehicle owner responsible for the ticket and to cite violators by mail.

Because the cameras shoot pictures of license plates, not drivers, most jurisdictions make the violation a civil matter, meaning the driver is only fined and does not face further punishment by the department of motor vehicles or insurance companies (sample photo and citation attached). Some states, like Virginia, allow registered owners to avoid citations by filing affidavits swearing they weren't driving when the violations occurred. California is unusual among states that use red light and radar photo enforcement technology because it chose to make the ticket a criminal violation, like when a ticket is issued in person by a police officer. A criminal violation for running a red light or speeding means that motorists caught by the camera get points assessed against their driving records and the violation is reported to insurance companies.

West Hollywood, California has cameras photographing oncoming cars, recording the front license plate and the driver. In that city, both the car and the driver must be identified before the ticket can be issued. As a result, between 40 and 50 percent of the violations don't result in tickets because either the car or the driver can not be identified.

Using photo enforcement technology costs between \$50,000 and \$60,000 per camera. Although the systems are offered for lease or purchase, many cities that have implemented the program have privatized it and allowed vendors to incur the start-up costs and manage all aspects of the program. Companies like Lockheed Martin IMS, which is being bought out by Dallas-based Affiliated

Computer Services Inc., will fund the start-up and operational cost in return for a monthly fixed fee, a per citation issued fee or a percentage of the proceeds for every ticket paid, which can be somewhere between 30% and 90%. The terms of the contracts and the level of service seem to be negotiable as they vary from city to city, even within states.

In a recent San Diego Superior Court ruling, the judge found that the City of San Diego had surrendered almost complete control of the system to Lockheed Martin IMS, the private company that installed and operated the city's photo enforcement system. The employees of Lockheed Martin IMS installed and maintained the system, reviewed the photographs, printed the citations with little or no direct oversight by the police department and moved the sensors that trigger the cameras in the street without informing the city. Judge Ronald Styn said that the case went far beyond a normal contracting out of government work and violated the state's Vehicle Code that requires the city to exercise more daily control over the functioning of the cameras.

Furthermore, because the company received \$70 for every \$271 citation, the judge ruled that the arrangement amounted to an unauthorized agreement that undermined the company's neutrality. The terms of the contract and Lockheed Martin's high level of operational involvement was said to have violated the due-process rights of citizens accused of violations. As a result, evidence from red light cameras was not admitted, which caused 292 of the tickets written under the system to be thrown out.

However, Judge Styn did not invalidate the city's photo enforcement program entirely. He ruled that the program is generally constitutional and legal under state law and does not inherently violate a driver's rights to privacy and due process. Legal experts following San Diego's photo enforcement case felt that concerns over neutrality and due process could be addressed by having the city pay the company a flat fee rather than a percentage of every citation.

Attachments

LRB01393

RESOLUTION ADOPTED

at the

67TH ANNUAL CONFERENCE OF MAYORS New Orleans, LA • June 11-15, 1999

PHOTO ENFORCEMENT PROGRAMS

WHEREAS, drivers who run red lights were responsible for and estimated 460,000 crashes in 1996, of which 2,600 were fatal, according to the Federal Highway Administration; and

WHEREAS, fatal motor vehicle crashes at traffic signals increased by 19 percent between 1992 and 1996, far out pacing the 6 percent rise in all other fatal crashes, according to the Insurance Institute for Highway Safety; and

WHEREAS, all red light running crashes increased by 15 percent between 1992 and 1996, according to the Insurance Institute for Highway Safety; and

WHEREAS, in 1997 626,000 people received minor injuries in speeding-related crashes; an additional 75,000 received moderate injuries, and 41,000 received critical injuries, according to the National Highway Traffic Safety Administration; and

WHEREAS, the costs of speeding related crashes were estimated to be \$28.9 billion in 1997, according to the National Highway Traffic Safety Administration; and

WHEREAS, there are some 160,000 public grade crossings in the United States, of which 66,000 have active warning devices; and

WHEREAS, there were more than 4,100 collisions at public highway rail crossings with ten people killed and eleven injured in 1997, according to the Federal Railroad Administration; and

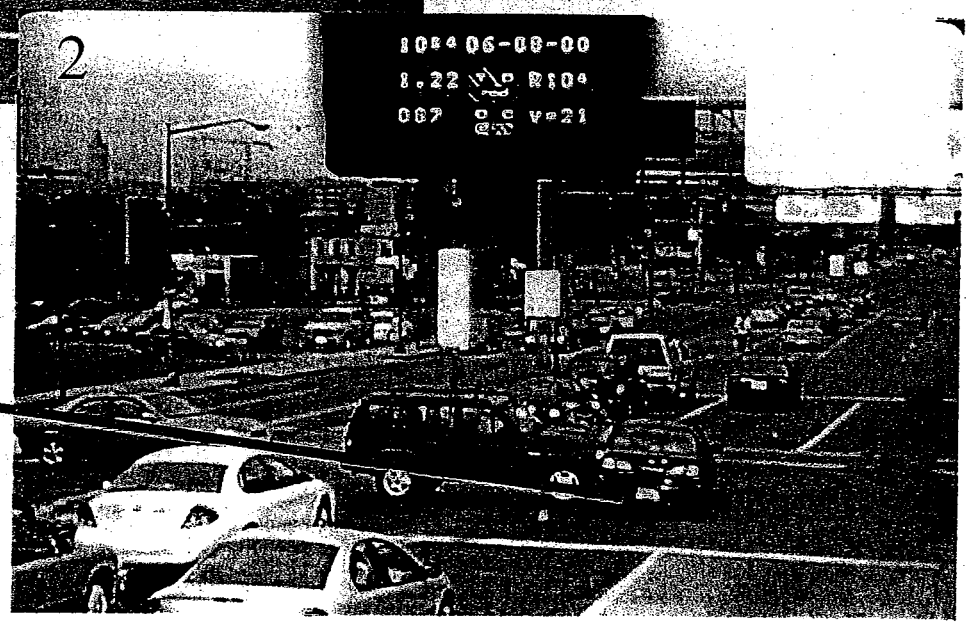
WHEREAS, the use of photo enforcement for grade violations on the Los Angeles Metropolitan Transportation Authority's Blue Line, connecting the cities of Los Angeles and Long Beach, has reduced violations by 92 percent; and

WHEREAS, the introduction of photo enforcement has reduced red light running and reduced related injuries by 10 percent,

NOW, THEREFORE, BE IT RESOLVED, that The U.S. Conference of Mayors supports state enactment of legislation enabling cities to implement photo enforcement programs for red light running, speed, and public highway rail grade crossing violations.

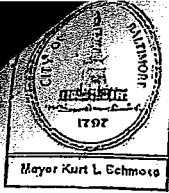


Sample Red Light Photos



Red Light Camera Violation Data Box

Time →	16 48 21-09-95	← Date
Yellow Time at Violation →	1Y3 ⁹ T D R 07 ²	← Red Time at Violation
Violation Number →	001 red 1211	← Location Code
Data Box for 1st Photo		
Time →	16 48 21-09-95	← Date
Interval Time Between Photographs →	1.50 T D R 08 ⁷	← Red Time at Violation
Violation Number →	001 red V = 25	← Speed
Data Box for 2nd Photo		



CITATION

Intersection Safety Signal

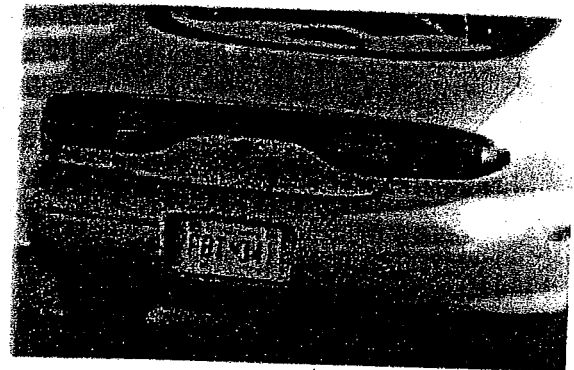
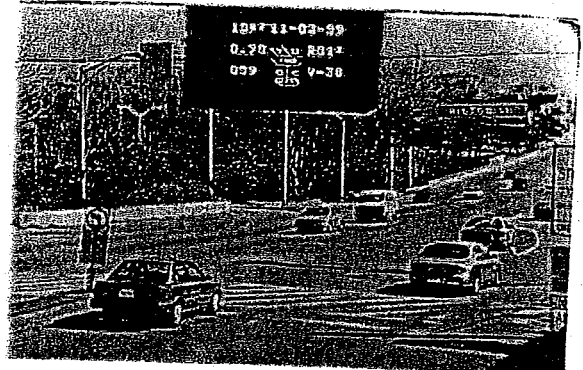
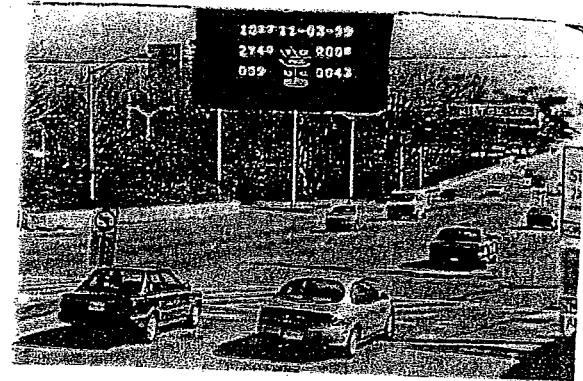
To:

Please take notice that the vehicle described and pictured herein did not stop for the red traffic signal at the place, date, and time specified. Therefore, under Maryland State Law TA 21-202.1, as the registered owner(s) or lessee (six months or more) you are liable for the violation. Unless you elect to go to court, a civil penalty in the amount of \$75.00 must be paid by the date shown on this notice.

PAYMENT OF THE PENALTY AMOUNT FOR THE VIOLATION WILL NOT RESULT IN POINTS AND CANNOT BE USED TO INCREASE YOUR INSURANCE RATES.

WARNING: FAILURE TO PAY THE PENALTY SHOWN OR CONTEST THE LIABILITY DESCRIBED IN THE NEXT PARAGRAPH MAY RESULT IN THE REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.

If you wish to contest this citation, your request for a court date must be received at least five days prior to the payment due date shown below. If you appear in court, the maximum amount you can be charged is a \$100.00 fine and court costs. Recorded images are evidence of a violation of the Maryland Law prohibiting travel through a red light.



Date and Time of Violation:	Location of Violation:	Vehicle Tag:
03/11/1999 10:27:10	Edmondson Ave. & Hilton	FBT341
Violation Number:	Amount Due:	Date Due:
40016859	\$75.00	04/03/1999

A Public Safety Program of the
City of Baltimore
Parking Fine Section, Collections Div
(410) 396-4080

Certificate

I am a duly authorized officer of the Baltimore City Police Department. Based on inspection of the recorded images shown above, the motor vehicle was operated in violation of TA 21-202.(h), as evidenced by the above images.
Sworn to or affirmed by:

ID # _____



Send Check or Money Order Payable to:
Director of Finance, City of Baltimore
Post Office Box 13327
Baltimore, Maryland 21203

REMITTANCE ADVICE - RETURN WITH PAYMENT

VIOLATION NUMBER 40016859	DATE 04/03/1999	FINE AMOUNT NOW DUE \$75.00
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ME & ADDRESS OF REGISTERED OWNER OF VEHICLE:

0020103400168590007500000750000075009

MEMO

TO: Ald. Michael J. Murphy
 FROM: Jim Owczarski, Legislative Research Analyst
 DATE: October 24, 2001
 RE: Term of office for police chiefs in other communities

The following is in response to your request for information regarding the term of office for police chiefs in other communities. I contacted the police departments in the 15 cities with populations nearest that of the City of Milwaukee. Thirteen responded in a timely fashion.¹ My findings are as follows:

- ◆ Only 4 of the 13 cities surveyed currently have a fixed term of office for their chiefs of police or equivalent.
- ◆ Of the 9 cities where the chiefs of police have no fixed term, 6 serve at the pleasure of the mayor, 2 serve at the pleasure of a city manager and one (Baltimore) serves at the pleasure of the mayor and Common Council.
- ◆ Among those cities with fixed terms for their chiefs, the terms break down as follows:

City	Term of Office (Years)	Maximum # of Terms
San Francisco	4	2
Jacksonville	4	No Maximum
Boston	5	No Maximum
Columbus	5	2

- ◆ Jacksonville is an unusual case. The head law enforcement officer for the City is actually the sheriff of Duval County who is chosen by election every 4 years.
- ◆ Columbus is currently in transition with respect to this issue. As of this writing, the chief of police is serving out a **lifetime** appointment to the office. On July 19, 1999, however, the City Council enacted an ordinance ending this lifetime appointment and instead authorizing a 5-year appointment, with an option for a single extension, at the discretion at the Director of Public Safety.

¹ San Jose, Indianapolis, San Francisco, Jacksonville, Columbus, Austin, Baltimore, Memphis, Boston, Nashville-Davidson, El Paso, Seattle and Denver

Should you have further questions, please feel free to contact me at your convenience. I am at extension x2299.

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