



CITY OF FULLERTON

Office of the Mayor and City Council

CITY COUNCIL

Mayor, Shawn Nelson
Mayor Pro Tem, Leland Wilson
Don Bankhead
F. Richard Jones, M.D.
Sharon Quirk

June 22, 2005

Frederick P. Horn
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

RE: Response to Grand Jury Report: Red Light Cameras: Automated Traffic Cops in Orange County

Dear Judge Horn:

I have reviewed the Orange County Grand Jury's report, "Red Light Cameras: Automated Traffic Cops in Orange County." In a letter from Mr. B. Lewis Avera, Jr., dated May 25, 2005, the City of Fullerton was identified as one of the respondents to findings and recommendations extracted from that report. The following paragraphs contain our responses to cited findings and recommendations:

Finding 6.1

Finding No. 6.1 reads, "Camera Revenues: The five cities in Orange County using RLCs are unable to determine through existing accounting systems how much revenue the cameras are producing. Cities should have this information to make informed decisions about RLCs."

The Fullerton Police Department is committed to working with the City of Fullerton Fiscal Services Department, the Traffic Division of North Justice Center and Nestor Traffic Systems, Inc., to establish a mechanism to capture revenues received solely as a result of the City's automated red light camera system. By capturing that information, the City of Fullerton will be better equipped to make informed decisions about the cost effectiveness of this program.

Currently, Nestor Traffic Services, Inc. is receiving monthly RLC citation status reports from the North Justice Center and inputting that information into a citation disposition spreadsheet. That spreadsheet can then be used to track each individual RLC citation issued and record the final disposition as well as the bail amounts received. Final citation dispositions from the court can vary in timeliness by several months based on a wide variety of circumstances from court granted continuances to appeals of guilty verdicts. However, even with the shortcomings inherent with the timeliness of the spreadsheet, this data should be able to provide us enough information to make informed decisions about the effectiveness and trends in our RLC system.

Finding 6.2

Finding No. 6.2 reads, "Unpaid Citations: Approximately 33 percent of all RLC citations issued by the five cities in 2004 were not paid, leading to potentially significant, but unknown, losses in revenue to the cities, the county, and the state."

In researching the number of unpaid citations issued, we have learned that Fullerton is averaging just under a 15% unpaid or no response rate. We contacted the Traffic Division of the North Justice Center and learned that they have a policy dealing with the filing and processing of photo red light citations. Within that policy is a procedure for drivers who fail to respond to their citations. The issuing police agency is required to complete an affidavit and a soundex (electronic photograph obtained from the Department of Motor Vehicles) for each citation, or a notice of certified mail restricted delivery. The court would then issue a DMV hold pursuant to CVC 40509.5 and add a \$250.00 civil assessment fee. We are currently in the process of establishing a Traffic Bureau procedure to follow-up on these cases. Once established, we are confident that we will be able to address a large percentage of our "failures to respond" and decrease the percentage of violators failing to pay for their violation.

Recommendation 7.1

Recommendation No. 7.1 reads, "Camera revenues and unpaid citations: The five cities in Orange County using RLCs should seek, independently or jointly, to resolve accounting/reporting issues so they can accurately determine the net operating effects of their RLCs and recover any lost revenues. (See Findings 6.1 and 6.2)"

The Fullerton Police Department is committed to working with the City of Fullerton Fiscal Services Department, the Traffic Division of North Justice Center and Nestor Traffic Systems, Inc., to establish a mechanism to capture revenues received solely as a result of the City's automated red light camera system. By capturing that information, the City of Fullerton will be better equipped to make informed decisions about the cost effectiveness of this program.

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Recommendation 7.2

Recommendation No. 7.2 reads, "Police officers: The five cities in Orange County using RLCs should explore the possibility of training and using non-sworn law enforcement personnel for the task of determining which RLC citations to issue to reduce costs and return sworn officers to more critical assignments. (See Finding 6.3.)"

The Fullerton Police Department is currently utilizing a volunteer from the Department's Retired Senior Volunteer Program (RSVP) to conduct automated red light video reviews. These video reviews are being shown to defendants who have received automated red light citations and have requested a viewing appointment to review their specific red light video prior to their court appearance date. These reviews are scheduled by appointment only, two days per week at 15 minute intervals. Recently, we have been averaging approximately 15 to 20 reviews per week which multiplies out to a total weekly video viewing time of 4-5 hours.

Additionally, the police department was just advised by our City Attorney that we can now use these same RSVP volunteers, as well as other non-sworn personnel, to conduct the initial RLC video reviews of potential red light violators to determine if a RLC citation is warranted. No decision on this potential change has been reached; however, Traffic Officers would still be responsible for testifying in court on any RLC citation issued.

I hope I have adequately addressed the issues raised in the Grand Jury report. If you require any additional information please contact Captain Geoff Spalding at (714) 738-6841 or gspalding@fullertonpd.org. He will gladly assist you.

Sincerely,



Shawn Nelson
Mayor

SN:GS:dja

cc: City Manager
City Council
Chief Pat McKinley
Capt. Geoff Spalding