



CITY OF GARDEN GROVE

October 19, 2005

Bette A. Flick
Foreperson
Orange County Grand Jury
700 Civic Center Drive W
Santa Ana, CA 92701

714.741.5379

William J. Dalton
Mayor

Mark Rosen
Mayor Pro Tem

Harry J. Krebs
Council Member

Mark Leyes
Council Member

Janet Nguyen
Council Member

Subject: RESPONSE TO AUTOMATED RED-LIGHT CAMERA REPORT FROM
THE 2004-2005 GRAND JURY STUDY

Dear Ms. Flick,

This letter is in response to the various findings stated in the 2004-2005 Grand Jury report entitled "Red-Light, Automated Traffic Cops in Orange County".

The City of Garden Grove responds as follows:

Item 6.1 Page 10:

The respondent agrees with the finding:

The city staff is currently working through the Orange County, CTS application development section to develop a system whereby the courts can provide a complete breakdown by citation as to the disposition of each citation.

Currently, the courts can provide the cities with the photo enforcement program a report of the citation. However, the amount paid to the cities for these citations cannot be determined.

Item 6.2 Page 10:

The respondent agrees with the finding:

Currently, the California Vehicle Code (CVC) does not provide a mechanism that allows a hold on vehicle registration or any other means of forcing violators to acknowledge or pay for a photo enforcement citation.

City staff is working through our legislative people and through the Chief of Police Association to have some type of legislation introduced to provide a method of forcing violators to pay or appear at court.

The City believes the best solution would be to have the vehicle owners responsible not the drivers of the vehicles and if the citation were ignored, then a hold on the vehicle registration would be in place, the same method that parking citations are collected.

Item 6.3 Page 10

The respondent disagrees wholly or partially with the finding:

The Garden Grove Police Department has researched the possibility of having trained, non-sworn police department employees review and approve photo enforcement red light violations as a way to reduce personnel costs associated with operating the automated red light camera program.

The Garden Grove police Department checked with other agencies in both Northern and Southern California. The department also sought the opinion of the Traffic Commissioner for West Orange County Municipal Court, since these cases will be brought before him.

After completing this research, it was learned that the Northern California Courts allow civilians to review and testify in court on photo enforced red light citations. They consider a qualified person as an employee with several years of experience in the police department; this could be a dispatcher, civilian manager or reserve police officer. Northern courts will not accept the testimony of a newly hired civilian employee. The key in the Northern court's opinion is the level of experience of staff appearing in court.

In Southern California, two agencies were contacted that have used civilian employees to testify in photo enforcement red light violations: Oceanside and Los Angeles. Oceanside Police Department allows civilians to testify with prior police experience, such as a reserve or retired police officer. This was recognized by Oceanside's court as being an acceptable practice. In the Los Angeles area, agencies tried using non-sworn staff to testify on photo enforcement red light violations, however, it was reported that there were credibility problems with the judges in these local courts.

After seeking the opinion of the Traffic Commissioner, the consensus is that it will be acceptable to have civilian employees review the violations and accept or reject the violation. These civilians will not however, be acceptable for testimony in the courtroom. A sworn officer will have to again review any violation requiring a court appearance. The civilian reviewers will be required to attend specialized training in the photo enforcement system.

It is the opinion of the Garden Grove Police Department that the system has not grown to a level that will require additional allocation of civilian personnel to assist the sworn officer assigned to the unit.

In the future, if the testimony of properly trained civilians were accepted in the courtroom or the system became too large for one officer to manage, the door will be open for civilian personnel to assist in the operation of the photo enforcement program.

Item 7.1 and 7.2 Page 11:

Responses to these items are covered under items 6.1, 6.2, and 6.3.

Staff agrees that the Grand Jury report is very thorough and can be used to validate the request for accounting and also to support better legislation to improve the operation and collection of unpaid citations, which in itself will make the program more effective.

The City of Garden Grove appreciates the efforts of the Orange County Grand Jury to evaluate and support the Photo Enforcement Program.

Sincerely,


Keith G. Jones
Public Works Director


Joe Polisar
Chief of Police
BY IGR.

ga/rj