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August 25, 2005

The Honorable 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 Aver, Jr., dated May 25, 2005, the City of San Juan Capistrano was identified as one of the respondents to findings and recommendations extracted from that report. The following is our response to the cited findings and recommendations:

Finding 6.1 Camera Revenues

"The five cities in Orange County using RLCs (Red Light Cameras) 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."

Response: The City of San Juan Capistrano agrees with the Grand Jury finding. Historically, statistics provided by the Orange County Superior Court to the City of San Juan Capistrano gave a dollar amount received for red light citations. These statistics did not differentiate between red light citations issued in the field and RLC citations nor did they indicate which citations were paid and which remained outstanding. Additional revenue from RLCs was mingled with other citation revenue in a second category titled "Motor Vehicles." This data did not afford the ability to isolate or accurately determine RLC revenue.

San Juan Capistrano: Preserving the Past to Enhance the Future

August 25, 2005

Finding 6.2 Unpaid Citations

“Approximately 33 percent of all Red Light Camera 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.”

Response: The City of San Juan Capistrano agrees with, or at least cannot dispute, this Grand Jury finding. Statistics from the City of San Juan Capistrano in May 2005 show only 20% of citations had no response through August of this year. The City continues to be diligent in following up on unpaid citations and adheres to the Orange County Superior Court Policy for the filing and processing of RLC citations. However, revenue in response to a Department of Motor Vehicles hold may take up to a year to be collected. In addition, the City does not have access to the statistics from all five cities and it is not clear if citations adjudicated by the court, without fines, were included in the 33 percent.

Recommendation 7.1 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.)”

Response: As recommended, the City of San Juan Capistrano sought to resolve accounting/reporting issues so they could accurately determine the net operating effects of their RLCs and recover any lost revenues.

The Orange County Superior Court was contacted to reference the accounting and reporting issues outlined in Findings 6.1 and 6.2. They have since supplied reports that include the following information:

- Defendant’s Name
- Citation Identification
- Date Filed
- Disposition
- Paid Amount
- Date Paid

While this information gives a much clearer picture of both the accounting and reporting of RLC revenue and identifies unpaid citations it still falls short of giving exact figures in either category due to variance in “Paid Amounts”, court issued extensions and fees collected in response to Department of Motor Vehicle holds.

San Juan Capistrano Police Services provided by the Orange County Sheriff’s Department already follows the Orange County Superior Court Policy for the Filing and

August 25, 2005

Processing of Photo Red Light Citations. Citations without a response are returned to the San Juan Capistrano Police Services 60 days after the filing date of the citation. A Soundex (DMV Driver's License photograph) photograph comparison of the alleged violator with the driver image captured during the original RLC violation is performed. In such cases where a Soundex photograph can be matched with the driver's image from the RLC violation, the Soundex photograph is returned along with a signed affidavit in support of a Request for a DMV hold on Driver's License with the court. The court may then process the matter pursuant to California Penal Code Section 1214.1 (Civil Assessment for Failure to Appear). Should the violator fail to respond to the Court's subsequent notice (CPC 1214.1), the Court may impose a \$250 civil assessment and a California Department of Motor Vehicles Driver's License hold pursuant to California Vehicle Code Section 40509.5(a) (Notice to Department: Failure to Appear).

The Orange County Superior Court is continuing to refine their reports in an attempt to provide the information necessary to quantify RLC revenue and to assist with the recovery of any lost revenue due to unpaid citations. The City is also considering upgrading the existing RLC system to digital which may improve photo quality improving the odds of positively identifying the violator. The City of San Juan Capistrano is committed to obtaining an accurate accounting of both RLC revenue and unpaid citations. The City will continue to work closely with the Orange County Superior Court and Orange County Sheriff's Department towards this common goal.

Recommendation 7.2 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."

Response: As recommended, the City of San Juan Capistrano has explored 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 tasks, as regards San Juan Capistrano.

The training and use of non-sworn law enforcement personnel for RLC duties would not be beneficial at this time. Current RLC duties for the four approaches in the City of San Juan Capistrano only account for approximately 50% of the Administrative Deputy's time. The current contract with the Orange County Sheriff's Department does not include any non-sworn law enforcement personnel that could be used for this purpose. San Juan Capistrano Police Services currently has no support, clerical or secretarial staff aside from a Lieutenant assigned as the Chief of Police Services and the Administrative Deputy. All other staff members are committed to operations in the field.

The Honorable Frederick P. Horn
Re: City of San Juan Capistrano
Page 4 of 4

August 25, 2005

The City of San Juan Capistrano will continue to explore the feasibility of using non-sworn personnel for RLC duties as more Sheriff's contract cities employ their use. The Sheriff's Department has a history of regionalizing services that can be shared by several of our contract partners and currently utilizes non-sworn personnel for regional traffic duties where sworn personnel are not required. The City of San Juan Capistrano recognizes the benefit of the utilization of non-sworn personnel when appropriate and will continue to look for opportunities to do so in the future.

It is our sincere hope that we have addressed the findings and recommendations made in the Grand Jury report. If you have any additional questions please contact Lieutenant Mike Betzler at (949) 443-6371 or mbetzler@sanjuancapistrano.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Adams", with a stylized flourish at the end.

Dave Adams
City Manager