



Boulder Police Department



Aurora Police Department



Greenwood Village Police Department



Denver Police Department



Cherry Hills Village Police Department



Pueblo Police Department



Littleton Police Department



Lonetree Police Department



Sheridan Police Department

# Photo Enforcement Working Group 2014



Commerce City Police Department



Fort Collins Police Department

# Purpose and Background

*Photo Enforcement Working Group*

## **Background**

According to the Insurance Institute of Highway Safety, red-light running is the leading cause of urban crashes, which injures more people than any other categorized crash. In 2011, there were 645 fatal red-light running crashes in the United States that killed 712 people. Resulting from this were more than \$3.8 billion dollars in medical bills, property damage, emergency services, etc. Across the United States photo enforcement emerged as a safety and traffic enforcement tool for public safety. Eleven municipalities in Colorado currently utilize photo enforcement programs to enhance traveler safety, protect pedestrian traffic, and reduce accidents. To date, there is strong evidence of there being a direct correlation between photo enforcement and a reduction in side-impact collisions.

## **Purpose**

In early 2014 legislation was introduced in the Colorado Senate in an attempt to ban the use of photo enforcement programs. Although the bill did not pass, controversy lingered around due process concerns for violators captured on video/photos and the decision making processes used to place red light cameras. Following this legislative session, Chief John Jackson of the Greenwood Village Police Department established a photo enforcement working group comprised of representatives from all eleven jurisdictions statewide currently utilizing these technologies. The group met to identify Colorado local best practices, codify lessons learned, and address both in a way that increases the safety and enforcement benefits provided by the photo red light radar systems statewide.

# Primary Areas of Focus

*Photo Enforcement Working Group*

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## **Expectation of Participating Agencies**

Photo enforcement working group members sought to compile best practices and lessons learned from their prospective jurisdictions. To this end, the working group asked each agency to contribute their local photo red light and photo radar data to a consolidated report which is included here.

# Meeting Dates

*Photo Enforcement Working Group*

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<u>Group</u>	<u>Date</u>	<u>Location</u>
PRL	June 16th, 2014	Greenwood Village
PRL	June 24 <sup>th</sup> , 2014	Greenwood Village
PRL	July 21 <sup>st</sup> , 2014	Greenwood Village
PRL	September 24 <sup>th</sup> , 2014	Greenwood Village

# Working Group Leadership

Photo Enforcement Working Group

6/24/14

Zoster 6-16-14

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possibly STEVE HERSEY (DOT)		
Cherry Hills Village	303-761-8711	Emp Pat Weathers
Lone Tree	Sgt. Scott Caveman	720-509-1166
Pueblo	Pepper Whiteleaf (DOT)	719-553-2702
	Sgt. Chris Noeller	719-553-2926

✓ DPD  
✓ PUPPET

P.R.L. meeting/working group. Zoster

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DAVE BURICE	Shelton PD	dburice@sheltongov.org	303-323-3238
JOHN REYNOLDS	Cherry Hills PD	JREYNOLDS@cherryhillsnvils.org	
Alazar Tesfaye	C.DOT	alazar.tesfaye@dot.state.co.us	3199-7980
JANISSA BLEVENS	Commerce City PD	Jblevens@ccgov.com	720-232-2885
Chuck Baker	"	CBaker@C3GNV.com	303-641-3656

# Working Group Leadership

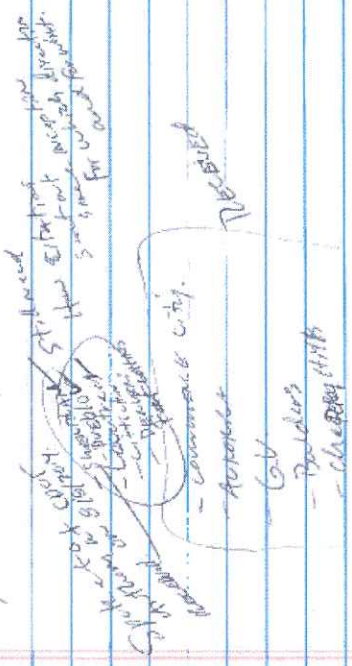
Photo Enforcement Working Group

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7/20/14

Key

- Alisa Babler - C DOT
- Anthony W - C DOT
- Chuck Baker - Commerce City
- David Jackson - ATSOI
- Dave Ruvico - Silverton
- Dustin Varney - Greenwood
- JEFF TOMER
- Blevens Commerce City
- M radtke Cml
- m storme Cml
- P whittier Pueblo
- Robert Hendry Boulder
- M Hoopner Atsol
- John Reynolds Cheery Hills
- S Noeller Pueblo
- M Tombley Fort Collins
- Pat Phelan Denver P.O.
- Ted Torres Denver PD.



# Participating Agencies Due Process Procedures

## Photo Enforcement Working Group

RED LIGHT CAMERA PROCEDURES	Boulder	Commerce City	Cherry Hills Village	Greenwood Village
Images Captured Video Clips	2 Rear, 1 Front Yes	2 Rear, 1 Front Yes	2 Rear, 1 Front Yes	2 Rear, 1 Front Yes
Line of Demarcation definition: Where does camera trigger / violation occur? Behind Stop Line	No	Yes	Yes	Yes
Behind Prolongation of Curb Line	Yes	Yes when snow covers stop line	No	No
Behind Crosswalk	No	No	No	No
Whichever line tires hit first	No	No	No	No
Violations Enforced:				
Straight Thru	Yes	Yes	Yes	Yes
Right Turns	No	Yes	No	Yes
Left Turns	No	Yes	Yes	Yes
Stop Partially over demarcation line enforced	PD Review	PD Review	PD Review	PD Review
City provided walk-in public internet access to those unable to view the video or images at home Is Appointment Required	Yes - Court No	Yes - PD No	Yes - Court Yes	Yes - PD No
Fine Amount - Per C.R.S. 42-4-110.5 (4.5)	\$75	\$75	\$75	\$75
Court Fee	None	Yes - if guilty @trial	None	None
Phone-in Customer Service Y/N	Yes	Yes	Yes	Yes
Handled by	Vendor/PD	Vendor/PD	Vendor	Vendor
Walk-in Customer Service Y/N	Yes / PD	Yes	Yes	Yes
Handled by	Court	PD	Court	Court or PD
Are affidavits allowed from individuals claiming non-responsibility?	Yes	Yes	Yes	Yes
RED LIGHT CAMERA PROCEDURES				
Hearings - Citizens will contact court for a hearing. Court Schedules	Boulder Yes. In-person	Commerce City Yes. In-person	Cherry Hills Village Yes	Greenwood Village Yes-Option for PD review first or schedule court
Defendant can review evidence prior to setting trial	Yes	Yes	Yes	Yes
Process Service Vendor/ Pvt Co / PD	Yes PD	No n/a	No n/a	No n/a
Photo Radar / Mobile Speed Van	Yes (2)	No	No	No
Collections referral - only after court judgement	Yes	No	No	No

\* 2nd Notice mailed to R/O with 5/10 Calendar in

# Participating Agencies Due Process Procedures

## Photo Enforcement Working Group

	Littleton 2 Rear, 1 Front Yes	Denver 2 Rear, 1 Front Yes	Lone Tree 2 Rear, 1 Front Yes	Pueblo 2 Rear, 1 Front Yes	Aurora 2 Rear, 1 Front Yes
RED LIGHT CAMERA PROCEDURES					
Images Captured	Yes	Yes	Yes	Yes	Yes
Video Clips					
Line of Demarcation definition: Where does camera trigger / violation occur?					
Behind Stop Line	No	Yes	Yes	Yes	No
Behind Prolongation of Curb Line	No	No	No	No	No
Behind Crosswalk	No	No	No	No	No
Whichever line tires hit first	Yes	No	No	No	Yes
Violations Enforced:					
Straight Thru	Yes	Yes	Yes	Yes	Yes
Right Turns	No	Yes	Yes	Yes	Yes
Left Turns	Yes	Yes	Yes	Yes	Yes
Stop Partially over demarcation line enforced	PD Review	Yes	PD Review	PD review	PD review usually no
City provided walk-in public internet access to those unable to view the video or images at home	No **	No**	Yes-PD/Court	Yes	Yes
Is Appointment Required	N/A	N/A	Yes	No	No
Fine Amount - Per C.R.S. 42-4-110.5 (4.5)	\$75	\$75 (thru) / \$40 crosswalk	\$75	\$75	\$75
Court Fee	None	None	None	None	None
Phone-in Customer Service Y/N	Yes	Yes	Yes	Yes	Yes
Handled by	Vendor	PD	Vendor	Vendor	Vendor/PD
Walk-in Customer Service Y/N	No	Yes	No	No	Yes
Handled by	n/a	PD/Court	n/a	n/a	PD
Are affidavits allowed from individuals claiming non-responsibility?	Yes	Yes	Yes	No	Yes
RED LIGHT CAMERA PROCEDURES					
Hearings - Citizens will contact court for a hearing - court Schedules hearing	Littleton Yes	Denver Yes	Lone Tree Yes	Pueblo Yes	Aurora Initial court date provided. Def. can change w/ court Yes
Defendant can review evidence prior to setting trial	Yes	No / Discovery	Yes	Yes	Yes
Process Service	No	Yes	No	No	Yes*
Vendor/ Pvt Co / PD	n/a	Vendor	n/a	n/a	Process service if in area/registered mail if out of area
Photo Radar / Mobile Speed Van	No	Yes ( 5 )	No	No	No
Collections referral - only after court judgement	No	Yes	No	No	Yes
* 3rd Notice mailed to R/O with \$40 Served in Person fee attached and a court date per Colo. Municipal Court Rules, Rule 204 (e) which allows for service via certified mail.					
** Instruct violator to go to public library for internet access					



# Participating Agencies Due Process Procedures

## Photo Enforcement Working Group

	Fort Collins 2 Rear, 1 Front Yes	Sheridan 2 Rear, 1 Front Yes
RED LIGHT CAMERA PROCEDURES		
Images Captured		
Video Clips		
Line of Demarcation definition: Where does camera trigger / violation occur?		
Behind Stop Line	No	No
Behind Prolongation of Curb Line	No	Yes
Behind Crosswalk	Yes	No
Whichever line tires hit first	No	No
Violations Enforced:		
Straight Thru	Yes	Yes
Right Turns	No	No
Left Turns	Yes	Yes
Stop Partially over demarcation line enforced	No	PD Review
City provided walk-in public internet access to those unable to view the video or images at home	Yes/Court	Yes
Is Appointment Required	No	No
Fine Amount - Per C.R.S. 42-4-110.5 (4.5)	\$75	\$75
Court Fee	\$35 (fine lowered by judge so Def. only pays \$75)	None
Phone-in Customer Service Y/N	Yes	Yes
Handled by	Court/Vendor/PD	Vendor
Walk-in Customer Service Y/N	Yes	Yes
Handled by	Court/PD	PD (if available)
Are affidavits allowed from individuals claiming non-responsibility?	Yes	Yes
RED LIGHT CAMERA PROCEDURES		
Hearings - Citizens will contact court for a hearing, Court Schedules	Fort Collins Yes	Sheridan Yes
Defendant can review evidence prior to setting trial	Def. can request to view evidence prior to trial	Yes w/ City Prosecutor
Process Service	Pvt. Co	Pvt. Co/Vendor
Vendor/ Pvt Co / PD		
Photo Radar / Mobile Speed Van	Yes (2)	Yes (1)
Collections referral - only after court judgement	Yes	Yes
* 3rd Notice mailed to R/O with \$40 Served in Person fee attached and a court date per Colo. Municipal Court Rules, Rule 204 (e) which allows for service via certified mail.		
** Instruct violator to go to public library for internet access		

## Participating Agencies Agreed Upon Best Practice Implementation Procedures

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*Photo Enforcement Working Group*

The photo enforcement working group determined that participating agencies utilize State guidelines in determining placement of photo enforcement systems. Agencies however, must also retain the authority and discretion to place photo enforcement systems based on both agency needs and crash data driven decisions.

# Participating Agencies Agreed Upon Best Practice Implementation Procedures

Photo Enforcement Working Group

## Colorado Department of Transportation Region 6:

### A Policy for Approval and Installation of Red Light Running Cameras

In April of 2006, the Chief Engineer of the Colorado Department of Transportation issued a letter allowing the regions to permit the installation of red light running camera technology on State highways. At that time, the permission document was an interim solution to the plethora of requests received by CDOT from local agency's interested in this technology. The Chief Engineers letter required the requesting agency to demonstrate that the sites they apply for meet the intersection selection criteria, as outlined in the FHWA/NHTSA publication entitled "Red Light Camera Systems Operational Guidelines" (January 2005) (attached).

Agency's interested in applying for red light cameras must provide the region 6 traffic section a document that contains at a minimum:

1. Details of their site selection process.
2. A minimum of (2) years of recent accident data
  - a. Assurance that individual reports were reviewed
  - b. Assurance that all accidents have been properly characterized
  - c. Independent review of accident data by CDOT Staff Traffic Branch
3. Documentation and possible implementation of engineering countermeasures
  - a. Based on FHWA Red Light Camera System Guidelines
  - b. Review of all sites for engineering strategies
  - c. For certain engineering improvements, the Region will require (1) year before reevaluation can be considered.
  - d. Engineering improvements will be the responsibility of the local agency for all SB & signals and the responsibility of CDOT on all other.
4. Optional Supplemental information.
  - a. Supplemental red light violation data
5. Summary of your final site selections based on the above criteria.

If the sites meet the criteria as outlined by FHWA, they may be approved by CDOT Region 6 Traffic Engineer. After approval the local agency must complete the following steps prior to Red Light Camera System installation:

1. Apply for and complete a no-cost Special Use Permit through the Region 6 Permit office at (303) 512-4272.
2. Complete an Intergovernmental Agreement (IGA) between the local agency and CDOT Region 6. An example of that agreement is attached.

After installation is complete, the local agency shall be responsible for providing accident data to the region traffic section on a yearly basis.

Should operational or safety issues arise resulting from the installation of a Red Light Running camera system, the Region 6 Traffic Section reserves the right to remove all equipment at the expense of the local agency. Please address any questions regarding this policy to the Region 6 Traffic Operations Engineer at (303) 757-9511.

## Participating Agencies Agreed Upon Best Practice Implementation Procedures

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*Photo Enforcement Working Group*

During testimony, legislators raised concerns about the legality of participating agencies mailing photo enforcement violations as opposed to personal service. All agencies mail the first and second notices of violation. If there is no response to the notice of violation, the violation may be approved as a summons and complaint and personally served on the defendant. While some Colorado agencies use process servers to effect personal service, others use certified mail which is specifically outlined as a valid and legal proof of service method under Colorado Municipal Court Rules of Procedures, Rule 204.

Therefore, Colorado photo enforcement agencies all operate within Colorado state law to serve photo red light and photo radar violations.

## Colorado Municipal Court Rules of Procedure

*Photo Enforcement Working Group*

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### COLORADO MUNICIPAL COURT RULES OF PROCEDURE CHAPTER 30 COLORADO MUNICIPAL COURT RULES OF PROCEDURE

C.M.C.R. 204 (2014)

Rule 204. Simplified Procedure for Trial of Municipal Charter and Ordinance Violations.

The following simplified procedure shall apply:

**“A copy of a summons or summons and complaint issued pursuant to these rules shall be served personally upon the defendant. In lieu of personal service, service may be made by leaving a copy of the summons or summons and complaint at the defendant's usual place of abode with some person over the age of eighteen years residing therein or by mailing a copy to the defendant's last known address by certified mail, return receipt requested, not less than five days prior to the time the defendant is required to appear.” C.M.C.R. Rule 204 (e).**

# Summary

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- Universally, discussions revealed that all participating Colorado agencies using photo enforcement comply with C.R.S. 42-4-110.5, Automated Vehicle Identification Systems.
- All have similar due process protections in place with slight variations from agency to agency.
- Implementation of photo enforcement systems and placement practices vary amongst agencies. Each agency relies on their local authority and discretion while deploying photo enforcement technologies within Colorado state standards and guidelines, in accordance with Home Rule practices and protocols.