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## Automated Red Light Enforcement System

### 508.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the Department policy and procedure for overall operations of the City of Napa's Automated Red Light Enforcement System (ARLES) and related equipment.

The Automated Red Light Enforcement System is designed to supplement conventional law enforcement efforts to reduce vehicular collisions and red-light violations at selected intersections by accurately identifying red light violations on a 24-hour basis. Incidents are then reviewed and verified by designated Napa Police staff prior to any citations being issued.

This policy provides procedures for utilizing photo enforcement red light camera systems in the City of Napa in accordance with and under authority of sections 21455.5 through 21455.7 of the California Vehicle Code.

### 508.2 BACKGROUND

Management of operations and administrative functions of the Automated Red Light Enforcement System shall be the responsibility of the Patrol Lieutenant. ARLES Staff shall be designated by the Chief of Police and shall be supervised by the Traffic Unit Supervisor.

The Napa Police Department contracts with Conduent State and Local Solutions (Conduent) to provide equipment, maintenance, and data processing of potential red-light violations at designated intersections. Conduent sends data to the Napa Police Department via a secure web server, utilizing proprietary software pursuant to the contract between the City and Conduent.

The Napa Police Department maintains overall control and supervision of ARLES and is the sole entity with authority to issue automated red-light enforcement citations.

### 508.3 PHOTO ENFORCEMENT CAMERA LOCATION SELECTION

The decision to place an automated enforcement system at a particular intersection/approach requires a finding of fact by the Napa City Council that the system is needed at the location for reasons related to safety. The city hereby adopts the following factors to be considered when determining the ARLES locations:

- (a) Number of head on and broadside collisions
- (b) Frequency of red-light violations
- (c) Volume of traffic
- (d) Speed of traffic
- (e) Volume and speed of mainline vs side street approaches
- (f) Number of accidents with a primary collision factor of signs, signals and right of way violations.

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Napa Police Department Administration and Napa City Council should be informed of any additional cameras sought to be added to intersections or any movement of currently installed cameras. This information should include the capabilities of the systems and the current configurations for enforcement. Authorization shall be provided prior to any movement or addition of cameras in accordance with this policy and the factors listed above.

### **508.4 ARLES IMPLEMENTATION PROCESS**

Once a new intersection to be part of the ARLES has been selected in accordance with established guidelines, the procedure listed below will be followed:

- (a) Intersections equipped with red light photo enforcement camera systems will be properly posted as defined by section 21455.5(a)(1) in the California Vehicle Code, with signs posted within 200 feet of an intersection where a system is operating.
- (b) A 30-day "warning period" shall commence with the activation of any new intersections; during which period the violator at the new intersection will receive a warning letter, rather than a citation.
- (c) Each new intersection chosen for inclusion shall cause a press release to be issued by the Traffic Unit, which shall include the following information:
  1. Name of the intersection.
  2. Date the intersection will begin photo enforcement operation.
  3. First day (date) and last day (date) of warning period.
  4. Date (day) the enforcement period becomes effective with citations to be issued.

### **508.5 ARLES PROGRAM STAFF**

**ARLES assigned Lieutenant:** Manages the ARLES staff and oversees the overall operations of the program as well as ensures program staff are trained to properly use the system per vendor specifications and in accordance with this policy in order to conduct day to day operations, issue citations and testify in court.

**Traffic Sergeant:** Supervises and oversees the day-to-day operations of the ARLES system and the staff assigned responsibilities per this policy.

**ARLES Officers / Staff:** Authorized by the Chief of Police and trained to review incident activations, verify red light violations captured by the automated red-light cameras, and conduct the day-to-day operations of the program. Authorized to use discretion to issue or take any other enforcement action, when appropriate, including issuing a citation for violations of California Vehicle Code Sections 21453(a) or 21453(c) as deemed necessary. This position can be a Community Services Officer (CSO) and all officers and staff will be on a full-time assignment to the traffic unit. Initial Training is provided by Conduent staff with subsequent training conducted by ARLES staff.

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#### **508.6 PROGRAM RESPONSIBILITIES**

ARLES staff is primarily responsible for reviewing and verifying all red-light camera enforcement activations to determine whether there is a preponderance of evidence that a traffic violation has occurred. Additionally, ARLES staff will ensure the violator was not already issued a citation for the same infraction by an officer or other local agency. Once the violation has been verified, staff issues the citation. Program Staff duties shall also include, but are not limited to the following:

- (a) Maintaining records involving the day-to-day operation, such as:
  - 1. Current contract with Conduent;
  - 2. Copy of Intersection selection criteria;
  - 3. Current policy regarding the review and issuance of citations;
  - 4. Copy of prior year's annual audit report of Conduent's facilities; and
  - 5. List of current yellow light settings for each camera approach.
- (b) Appear as a Witness when a Notice to Appear or subpoena is issued by the Superior Court on behalf of the City of Napa/State of California to present evidence associated with a violation.
  - 1. Upon notification of a court trial, a "court package" shall be requested by the ARLES staff, from Conduent Traffic Systems, Inc. and includes the following:
    - (a) Video of violation.
    - (b) Associated original photographs of violation.
    - (c) Driver at time of violation.
    - (d) Vehicle before the limit line, with red light showing.
    - (e) Vehicle past limit line, with light showing "red."
    - (f) Vehicle license plate.
- (c) A case file is generated by ARLES staff and includes:
  - 1. DMV driver photo
  - 2. Subpoena from courthouse
  - 3. "Court package" from Conduent
  - 4. Vehicle Registration information
  - 5. Driver/Owner information
  - 6. Any discovery obtained or provided to the defendant
  - 7. Any additional information customarily requested by the court
- (d) Conduct annual site audit of Conduent's facilities (See: "Vendor Audit" of this Policy for details).

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### **508.7 CITATION REVIEW AND ISSUANCE CRITERIA**

(a) CITATION REVIEW:

Automated red light camera activations are only reviewed and verified by ARLES staff after having completed the required training, which will consist of technical training for system specifications and this Policy. The training will be properly documented.

The Notice to Appear will be issued on the template approved by the Judicial Council of California when data is captured showing a violation of California Vehicle Code Sections 21453(a) or 21453(c). The citation shall contain the following information, pursuant to CVC 40518(a) and (b) of the California Vehicle Code:

1. Registered Owner name and address
2. License plate of the vehicle (specify commercial if applicable)
3. Violation and description (CVC 21453a or 21453c)
4. Date, time, and location of offense
5. Date, time, and location of court appearance
6. Issuing Napa Police Department employee's name and ID number
7. Date citation was printed and mailed to provide proof of service

(b) CITATION ISSUANCE CRITERIA:

ARLES staff will review and verify violations by the 10th day following activation of enforcement cameras. This will include verification the driver was not already issued a citation by an officer for the same traffic violation. Citations shall be mailed by the 11th day, following activation of an incident in order to meet the proof of service requirements of California Vehicle Code 40518(a).

1. At red light enforced intersection approaches, the following photographic/video evidence must exist for a red-light violation to be verified:
  - (a) The incident contains all required photographs/videos
  - (b) The traffic signals in Scene A and Scene B (pre & post violation) are visible
  - (c) The photographs show the red phase of the signal lights
  - (d) Scene A (pre-violation) photo/video clearly shows the vehicle placement before the limit line or crosswalk
  - (e) Scene B (post-violation) photo/video clearly shows the vehicle past the limit line with the red light showing
  - (f) The driver photo is clear enough to identify the driver, either in person or with a photo from DMV
  - (g) The vehicle license plate is clear
  - (h) The data bar is complete and the video corroborates the photographic evidence

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- (i) The Registered Owner information (name, address) for the vehicle is complete. If not, complete the information by conducting a DMV search.
2. After evaluating an incident, the ARLES staff may verify the incident and issue a Notice to Appear or reject the incident if any deficiencies listed in the above listed items exist or there are any other mitigating circumstances. The decision to accept or reject an incident is at the discretion of the authorized ARLES staff.

### **508.8 ARTICLES ACTIVATIONS BY PUBLIC AGENCY EMPLOYEES**

In the event of any ARLES activation by any on-duty personnel driving a government agency vehicle, the procedures listed below shall be followed:

- (a) On-duty Napa Police officers and Community Service officers who knowingly activate the ARLES and are not engaged in emergency driving shall, as soon as practical, notify their supervisor of the incident. The supervisor shall then notify the ARLES staff and Patrol Lieutenant via e-mail of the activation, providing the date, time, location and circumstances of the activation.
- (b) Vehicles responding to an emergency with code 3 lights in-use:
  1. ARLES staff will not issue citations for activations by on-duty government safety personnel driving vehicles with lights and/or sirens activated and responding to emergencies.
- (c) On-Duty public safety personnel responding to an emergency without code 3 lights in-use:
  1. ARLES activations by on-duty public safety personnel driving public agency vehicles without lights and/or sirens activated, and responding to emergencies, shall be forwarded to the Patrol Lieutenant to determine whether further action should be taken.
- (d) All other government agency vehicles:
  1. ARLES activations by City of Napa or other government agency employees driving marked or unmarked, other than public safety vehicles, shall be forwarded to the Patrol Lieutenant for review and determination whether further action should be taken.
  2. Activations by City of Napa employees, driving City of Napa vehicles that are determined to be violations of the California Vehicle Code will be forwarded to the employee's supervisor and/or Department Head.
- (e) ARLES activations by off-duty government agency employees:
  1. Special dispensation for California Vehicle Code violations involving off-duty police personnel or any other government agency official or employee shall not be given. Violations involving such personnel will be processed the same as with any other member of the public.

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### **508.9 AUTHORIZED PURPOSES**

In addition to the uses outlined in this policy, the ARLES system contains technology and related equipment that can be used as a surveillance camera. The installed equipment possesses the functionality to pan, tilt, zoom (PTZ) and record images. It is the intent of the Napa Police Department to operate this system strictly as an ARLES system. The functions and equipment related to PTZ will be unavailable to NPD personnel unless one or more of the following conditions exist:

- (a) Locate at risk missing persons.
- (b) Locate victims or suspects of mass casualty incidents.
- (c) Assist in Felony investigations through the Napa County Major Crimes Task Force.
- (d) Assist in the investigation of an incident deemed by Napa Police Command Staff which would cause concern for public safety, that resulted in death or great bodily harm or injury.

The activation of these functions must be approved by a Bureau Lieutenant or higher. In the case this function is utilized, all data recovered will be stored per current evidence procedures and timelines, in accordance with the City's retention schedule. Only ARLES Program Staff will be allowed to access and operate this function. If the PTZ is utilized as authorized herein, the operator shall write a report stating specific dates and times the PTZ function was accessed. This report should be a supplemental report to the original crime report which triggered the use of the PTZ.

The PTZ function shall not be used to target First Amendment activities, such as protests and gatherings at places of worship. The PTZ function also shall not be used for immigration enforcement purposes, including the sharing of information derived from the equipment with federal immigration authorities including Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB) or any out of state law enforcement agencies.

The ALRES system additionally contains technology and related equipment which can be used as an Automated License Plate Reader (ALPR). The Napa Police Department Policy governing the use of all ALPR systems utilized by the Napa Police Department, including ALPRs on the ARLES system shall be followed.

### **508.10 INFORMATION DISSEMINATION**

- (a) INTERNAL:
  1. The Traffic Unit Sergeant will be responsible for educating full time employees of Napa Police Department of Photo Enforcement Red Light Camera approaches. The ARLES Unit will inform all Department personnel of current installations and future installations and can be notified via email.
- (b) PUBLIC:
  1. The Patrol Lieutenant or their designee, shall be responsible for all public notices and media releases as required by section 21455.5 of the California Vehicle Code, including but not limited to:

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- (a) Public announcement 30 days prior to commencement of the enforcement program.
  - (b) Notice of public hearing on the proposed use of any automated enforcement system on a new approach.
  - (c) Press Release for all new approaches and/or program announcements.
  - (d) The ARLES Unit shall maintain and update the Department's web-page for current information about the program.
- (c) INFORMATION REQUESTS:
- 1. All formal/informal requests for information regarding the Red-Light Photo Enforcement Program from both the public and media will be handled per current policy and procedures for release of information.
- (d) DISCOVERY REQUESTS:
- 1. Any citation which includes a discovery request for information shall be retained and filed in a secure location at the Napa Police Department for a maximum of six (6) months, following final disposition of judgment from the court or payment of the citation. After which, the entire case file, along with copies of released discovery documents, be stored on file for six (6) months from date of final disposition.
- (e) RECORDS RETENTION:
- 1. Upon completion of court trial, the following retention schedule, which complies with the California Vehicle Code Section 21455.5, shall be followed:
    - (a) If a case receives a "final disposition", determined by the court, the court file shall be retained and filed in a secure location at the Napa Police Department for six (6) months.
    - (b) Should an "appeal" or "final disposition" be pending from the court, the case file and all contents shall be kept until a final disposition is received and then the file shall be retained for six (6) months after the final disposition is received.
    - (c) Destruction of case files shall be completed by the designated ARLES staff, in a manner that protects the confidentiality of the person included in the record, six (6) months after the information was first obtained or until final disposition of the citation, whichever date is later.
    - (d) All citations that do not go to trial shall be destroyed six (6) months after final disposition.
    - (e) All activations, not resulting in a notice to appear, shall be destroyed sixty (60) days after activation.
- (f) CONFIDENTIALITY:
- 1. Photographic records created by the camera systems shall be confidential and shall be made available only to governmental agencies and law enforcement

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agencies and only for the purpose of automated traffic signal enforcement, per section 21455.5(e)(1) CVC.

2. ARLES Electronic Data Evidence may be requested through a valid search warrant, subpoena or other court order if the enforcement camera information is requested for any purpose other than for automated traffic signal enforcement. If the request is through a search warrant from an outside agency, related to an investigation, then the Patrol or Administrative Lieutenant should review the request.
3. In order to ensure the confidentiality of the information collected by the ARLES, the Department and its contractors shall follow the procedures listed below:
  - (a) Data from the system will only be reviewed by Command Staff and ARLES staff that have been trained and who are deemed to be qualified law enforcement employees.
  - (b) Only persons authorized to review data for citation issuance or dismissal will be assigned a login to the system and they shall not share their username and password with anyone.
  - (c) Pursuant to California Vehicle Code section 21455.5(f)(3), the confidential records and information, except for court records described in Section 68152 of the Government Code, shall be retained for six months from the date the information was first obtained, or until final disposition of the citation, whichever is later. After which time the information shall be destroyed in a manner that will preserve the confidentiality of any person included in the record or information.
  - (d) Unless an appeal is pending, all citations and associated confidential data listed in the citation is to be destroyed six months after final disposition.
  - (e) All incidents and or activations where a citation is not issued, the confidential data shall be destroyed within 30 days.
  - (f) The Napa Police Department shall have the faces of all passengers / pedestrians blocked out so as they are not recognizable in the photographs that are attached to the Notice to Appear.

### **508.11 DAMAGE TO RED LIGHT CAMERA SYSTEM**

Damage as a result of a collision:

- (a) Shall be documented on a CHP #555 form.
- (b) Conduent must be notified with report number and location, in order for repairs to be made as soon as practical.
- (c) Notify the Traffic Unit Supervisor
- (d) Officer/CSO, must remove any equipment from the roadway to the nearest curb in order for Conduent technicians to have access to their damaged property for repair and/or replacement.

Vandalism to Camera Equipment:



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- (a) Shall be documented on an Incident report.
- (b) Should damage to camera equipment affect the operability of the system, officer/CSO shall follow the same notification guidelines listed above.

### **508.12 VENDOR AUDIT**

An annual audit must be completed by the ARLES staff, to inspect and verify that records, procedures and facility security meet the legal and contractual requirements of the ARLES. Inspection verifications should include the following:

- (a) Verify address for Conduent is correct.
- (b) Verify files are maintained in a secure manner.
- (c) Verify files are being archived and/or purged in accordance with this policy, the contract and California law.
- (d) Verify Conduent DMV access files log is current.
- (e) Verify printing and mailing process for citations.
- (f) Verify camera check and maintenance logs.
- (g) Verify Nomination process, storage and purge procedure.
- (h) Verify call center procedures.
- (i) Verify security of on-site server.
- (j) Verify court pack process.
- (k) Verify quality assurance process