

rec'd by fax - this is 1st pg

1. Proposed Statement of Daly City Officer Terry Chew dated April 26, 2010 with the attached packet and DVD that were also submitted into evidence at trial.
2. Proposed Statement of Defendant dated April 14, 2010 and copy of brief submitted by Defendant on March 5, 2010 at trial.
3. Transcription of notes taken by Commissioner Jakubowski at the time of trial on March 5, 2010.

Transcription of Notes taken March 5, 2010

Court Trial Held – Defendant appeared, and Daly City Police Officer Chew appeared.

Daly City Police Officer Chew testified that he is one of the project administrators for the City of Daly City's Red Light Photo Enforcement Program. He testified that he has been trained by Redflex systems in the operation of the program, and has inspected the facilities for the program and received his certificate of training on March 19, 2008. He explained how the red light camera system works and that the program meets the requirements of California Vehicle Code §§ 21455.5 and 21455.6 for automated photo-enforcement. He presented a packet and a DVD to the court that was prepared by Redflex Systems, the company who Daly City contracts with and explained that the packet meets the requirements of Evidence Code §1271 and that he is a qualified witness under Evidence Code §1271(c) who is able to testify about the validity of the packet and about the identity of the records contained therein and their method of preparation. He further explained the security measures outlined in the packet that are taken to ensure the trustworthiness and reliability of the evidence and that the system was operating properly. He testified that the red light violation occurred at the intersection of Junipero Serra and Washington Street in Daly City in San Mateo County on November 5, 2009 at 17:47 hours and that he was familiar with this intersection and had personally reviewed the evidence in the packet that he was presenting. He stated that he had personally inspected the locations of each camera and also testified that warning signs about the cameras are posted through out the city. Officer Chew testified that he had personally reviewed the citation and the photos in the Defendant's matter and that he did not see any other cars traveling close to Defendant to cause a rear end accident should a sudden stop have occurred.

He explained the items contained in the packet which he was presenting to be admitted into evidence. Chew identified several photos contained in the packet and identified the Defendant as the person in the photos through her DMV photo. He testified that the red light violation occurred on November 5, 2009 at 17:47 hours at the intersection of Junipero Serra and Washington Street and there are 4 lanes at this location that are monitored. The Defendant was in the #3 northbound lane of Junipero Serra and the speed limit on this road is posted at 35 mph. The Defendant was behind the limit line when the light was red and had been red for .77 seconds. He testified the Defendant's speed was 36 mph and that the defendant was at least 19 feet from the intersection when the light turned red and that the Defendant went through the intersection when the light was red without stopping. Chew further testified that the intersection has a 3.6 second yellow which complies with Caltrans recommendations for a 35 mph roadway.

The Defendant objected to the admission of the packet and the DVD. She submitted a brief to the court for review that stated her objections. Although the brief had not been served on the District Attorney, the court took a recess and reviewed it in chambers. In her brief the Defendant specifically objected on two grounds. The first was that the evidence was inadmissible because the city did not comply with the requirements of Vehicle Code §21455.5 (g) (1) as its contract with Redflex is based on the number of citations issued or as a percentage of the revenue generated. Her second ground was that the red light enforcement system is not operated by a government agency which is a violation of Vehicle Code §§ 21455.5(c)(2) and 21455.5(d).

After reviewing the Defendant's brief the court asked Officer Chew who maintained the system and the signs. The officer testified that the signs are inspected on a quarterly basis by the Daly City Police. The police department decides where the signs will be posted and maintains control over them and the system but the actual signs and system are maintained by Redflex.

The court overruled the Defendant's objections to the evidence and admitted the packet and the DVD into evidence.

No other evidence or testimony was presented by the Defendant.

Rulings and Findings

Based on the officer's testimony, the photographs and the DVD the court found Defendant guilty of the violation of Vehicle Code § 21453A.

Superior Court County of San Mateo Case No: N709239 Cite # DC04258

Defendant's Name: Chew, [REDACTED]

Citing Agency: Daly City Police Department

Date/Time: 11-05-09 @ 17:47Hours

Place of Violation: Junipero Serra Blvd. at Washington Street

C.V.C. Section(s) Charged: 21453(a) Failure to stop for a red light.

I am Officer Terry Chew I have been employed by the City of Daly City as a full time police officer since 08-02-1983 and am currently assigned to the Traffic Division. I am also the Red Light Photo Enforcement Program Administrator. I have been specially trained in the operation, installation and procedural aspects of this system. During my training, I have inspected the current Red Light Camera location in the city and the Redflex Traffic Systems facility in Phoenix Arizona. I am familiar with all phases of the Red Light Camera operation. I received my certificate of training on 03-19-2008 from Redflex.

On 11-05-09 at 17:47 hours, the system captured a violation at the intersection of Junipero Serra Blvd. at Washington St., involving a Gray toy 4 dr Ca. Lic [REDACTED]. At that location there are four lanes that are monitored. All lanes are in the north bound direction of Junipero Serra Blvd. The #1 lane is a left turn only lane. The number 2 lane is north bound only. The number 3 lane is north bound and NB Hwy 280. The number 4 lane is NB 280 and right turn to Washington St. Washington St. intersects this roadway. The limit line is clearly marked as a crosswalk. Junipero Serra is posted 35MPH.

In this instance, the violator was traveling in the number 3 northbound and NB 280 on ramp lane. The violator was photographed behind the limit line as seen in scene A. The next photo scene B shows the vehicle entering the intersection against a red light that had been red for .77 seconds. The photograph indicates a speed of 36 mph for the violator vehicle.

A vehicle traveling at 36 mph has a velocity of approximately 52 feet per second. The light had been red for .26 seconds, indicating the vehicle was behind the limit line approximately 19 feet when the light turned red.

This intersection has a 3.6 second yellow phase, which complies with Caltrans recommended time for a 35 mile per hour roadway. Our program exceeds the minimum requirements set forth by the state.

I have reviewed the 12-second digital video of the violation and could plainly see the vehicle approach the red signal, enter the intersection against the red signal and continue through the intersection, without stopping.

I am familiar with this particular intersection and of the requirements of 21453 CVC.

The defendant's DMV photo to me appears to be the same person as in the photographic evidence.

It is my opinion that Ms. [REDACTED] Chew was operating said vehicle. The vehicle entered the intersection in violation of 21453(a) CVC based on the information obtained from the photographic evidence. The red light camera system was operating correctly at the time of the violation.

EXECUTED UNDER PENALTY OF PERJURY AT: DALY CITY, CALIFORNIA

DN: 4/26/2010

Officer Terry Chew #152 SIGNED: 

STATEMENT OF FACTS/RED LIGHT CAMERA CITATION

Camera enforcement of red light violations is used to assist law enforcement in the detection and prosecution of drivers violating 21453(a) and 21453(c) of the California Vehicle Code (CVC).

There are several systems in use throughout the United States. The system used by the Daly City Police Department is the Redflex "Smartcam" Camera system.

A basic description of the system is that when the signal turns red, and a vehicle passes over sensors in the roadway at a predetermined speed, prior to the limit line, the system photographs the incident. The sensors are placed a specific distance from the limit line. If the speed of the vehicle is at or above the predetermined speed, mathematically the vehicle can not stop prior to the limit line. The violations captured are then presented to a law enforcement agency for review. If a violation is determined to be valid and the driver is identified, a citation is issued.

The Redflex system is connected to the traffic signal controller, red light function only. It is inactive during the green and amber signal phases.

The camera system inductor loops for the intersection of north bound Junipero Serra Blvd. at Washington St. are imbedded in the roadway and placed between the city traffic signal loops.

After the signal turns red, there is a 1/10th second delay before the system will capture a violation. A vehicle must be traveling at 15mph or greater for the system to capture a left turn or straight through violation.

During the red phase, when the roadway sensors detect a violation, the system activates, and three digital cameras record four separate images. The date, time, time into the red cycle, location, detected vehicle speed and posted speed limit are encrypted and embedded into the images via a data bar shown at the top of each image.

The four images consist of:

Scene A, showing the vehicle behind the limit line with the traffic signal red.

Scene B, showing the vehicle through the intersection the light still red.

A face image, showing the operator of the vehicle.

A plate image, showing the license number of the vehicle.

Additionally, the system is equipped with a digital video camera. At the time the violation is detected, the video camera stores approximately 12 seconds of 25 frames per second video of the violation. The video sequence is encrypted and filed with the still photo evidence.

Pursuant to 21455.6(a) CVC

- A public hearing was conducted by the City Council of Daly City on Monday, September 25, 2006 at 1900 hours.

Pursuant to 21455.5(a) CVC

- A program to issue only warning notices for 30 days commenced on March 10th, 2008
- Public announcements were made in the form of radio, television and newspaper articles prior to commencement of the Red Light Photo Enforcement Program. March 11, 2008
- Signs clearly indicating the system's presence are visible at the camera enforced intersection and 23 locations at the entrances to the city.

Pursuant to 40518(a) CVC

- After review, and approval, of the violation, a notice to appear was issued within 15 days of the violation.

Through the Chief of Police and the City of Daly City, Redflex Traffic Systems has been authorized to obtain registration information from the Department of Motor Vehicles. License plate information retrieved from DMV is used to determine owner information from which a violation authorization is prepared.

After the above criteria have been met and the vehicle identified, an electronic document is sent containing information regarding each identifiable violator from a VPN. This information includes the incident number, registered owner, license plate number and state, violation date/time/location, the vehicle's speed, and the time the light was red when the vehicle entered the intersection.

I reviewed the photos and video. I compared DMV photo to the photo taken at the time of the violation the photos matched. I also reviewed the video images accompanying this file. The video clearly shows the above vehicle entering the intersection on a red light. It also shows no vehicle behind the suspect's vehicle that was a hazard. I send the record of the incident back to Redflex Traffic Systems for issuance of a citation.

I have a Court Evidence Package from Redflex Traffic Systems containing 9 pages:

Page 1: Court, Defendant, Violation and Exhibits Information

Page 2: Copy of Notice to Appear

Page 3: Copy of rear of Notice to Appear

Page 4: Redflex Redlight Image Log

Page 5: Declaration of Custodian of Records

Page 6-9: Four enlarged photos of all scenes shown on Page 2, Notice to Appear

The entire court package is sealed at Redflex Traffic Systems in Phoenix, Arizona, it is sent via FedEx. When I receive the packet I placed the packet in a locked file cabinet where it remained secure until court today.

At this time I would like to submit the following exhibits as evidence.

- Exhibit #1 Court Evidence Package
- Exhibit #2 Approximately 12 seconds of video at 25 frames per second in an mpeg file showing the described vehicle committing the violation.
- Exhibit #3 Color DMV photo of the defendant.
- Exhibit #4 Distance calculation.

There is a court packet binder on file with the court containing all documents required by 21455.5 and 21455.6 CVC