S201443

In the Supreme Court of the State of California

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff & Respondent,

v.

GOLDSMITH
Defendant & Appellant.

After a decision by the Court of Appeal, Second Appellate District, Div. Three, Case No. B231678,

Transferred from a decision of the Appellate Division of the Los Angeles County Superior Court, Case No. BR048189, Hon. Patti Jo McKay, Anita H. Dymant and Sanjay Kumar; Trial Court Case No.102693IN, Hon. John Johnson, Commissioner

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APPLICATION FOR PERMISSION TO FILE AMICUS CURIAE BRIEF; BRIEF OF AMICUS CURIAE REDFLEX TRAFFIC SYSTEMS, INC. IN SUPPORT OF PLAINTIFF AND RESPONDENT PEOPLE OF THE STATE OF CALIFORNIA

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APPLICATION FOR PERMISSION TO FILE BRIEF OF AMICUS CURIAE

Pursuant to Rule 8.520, subdivision (f) of the California Rules of Court, proposed amicus curiae Redflex Traffic Systems, Inc. ("Redflex") respectfully submits the enclosed brief in support of Plaintiff and Respondent People of the State of California ("The People"). This brief offers a unique perspective from the manufacturer and operator of automated traffic enforcement systems ("ATES") on the technology used as it affects the issues presented by this case. In accordance with Rule 8.520, subdivision (f)(2) of the California Rules of Court, Redflex has filed this application no later than thirty (30) days after all briefs have been filed.

I. INTEREST OF AMICUS

Redflex is the largest and longest-established photo enforcement technology provider in the United States. Redflex has been operating for over 20 years and has over 1,200 photo enforcement systems in more than 240 communities in 22 states, including California. As the industry leader, Redflex pioneered the expansion of fixed and mobile red light cameras. Consistent with its mission to reduce the risk of tragedy on the road by making an impact on dangerous driving behavior, Redflex has innovated photo enforcement technology that provides unsurpassed accuracy and reduces red light-related automobile collisions.

Redflex has an interest in the outcome of this case because it manufactured and maintained the ATES that photographed Appellant Goldsmith ("Appellant") failing to stop at the subject red light, which led to Appellant's conviction and appeal. The lower courts affirmed Appellant's conviction on the basis of the photographs and videos taken by Redflex's ATES. Redflex can provide specific information regarding the ATES evidence at issue in this case.

Further, Redflex has a broader interest in the outcome of the legal issues presented by this case because a ruling in favor of Appellant would harm Redflex's business and impact public safety. Numerous studies have shown that photo enforcement systems deter the running of red lights, thereby improving safety on the road and reducing the social costs associated with automobile collisions. To make red light photo enforcement programs possible, California cities with limited resources must operate photo enforcement systems in conjunction with private companies like Redflex.

Redflex is uniquely positioned to assist this Court in deciding the important legal issues involved in this case. As California's leading provider of red light photo enforcement systems in California, Redflex can explain in detail the technical aspects of the ATES, aiding this Court in its decision as to whether the testimony in this case was required as a prerequisite to admission of ATES evidence and whether ATES evidence was hearsay.

II. ISSUES IN NEED OF FURTHER BRIEFING

Redflex supports the arguments submitted by The People and does not seek to merely repeat the arguments submitted therein. Rather, by its amicus brief, Redflex explains how the technology at issue works, establishing the accuracy and reliability of that technology, which will assist the Court in evaluating the important legal issues presented by this case.

III. CONCLUSION

For the aforementioned reasons, amicus curiae Redflex respectfully requests that the Court accept the enclosed brief for filing and consideration.

DATED: April 15, 2013

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By [signature]
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CERTIFICATE OF COMPLIANCE WITH CRC 8.520(f)(4)

Amicus Curiae hereby certifies under provisions of California Rules of Court 8.520(f)(4)(A) that no party or counsel for any party authored the proposed brief in whole or in part or made any monetary contributions intended to fund the preparation or submission of the brief. Amicus Curiae further certifies under California Rule of Court 8.520(f)(4)(B) that no person or entity other than Amicus Curiae, its members, and its counsel made any monetary contribution intended to fund the preparation or submission of the brief.

DATED: April 15, 2013

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By ______________________

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BRIEF OF AMICUS CURIAE REDFLEX TRAFFIC SYSTEMS, INC. IN SUPPORT OF PLAINTIFF AND RESPONDENT PEOPLE OF THE STATE OF CALIFORNIA

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I. INTRODUCTION

Amicus curiae Redflex Traffic Systems Inc. ("Redflex") has been operating for over 20 years and has over 1,200 photo enforcement systems in more than 240 communities in 22 states, including California. Redflex manufactured and maintained the automated traffic enforcement system ("ATES") that photographed Appellant Goldsmith ("Appellant") failing to stop at the subject red light, which led to Appellant's conviction and appeal. The lower courts affirmed Appellant's conviction on the basis of the photographs and videos taken by Redflex's ATES.

This Court granted review to decide: (1) What testimony, if any regarding the accuracy and reliability of the automated traffic enforcement system ("ATES") is required as a prerequisite to admission of ATES-generated evidence; and (2) Is the ATES evidence hearsay and, if so, do any exceptions apply?

The briefing on the merits by the parties herein presented legal arguments in response to those issues. This brief by Redflex provides a factual understanding of the ATES technology which clarifies that the ATES is just like any other computer system and that the ATES evidence is machine-generated without human manipulation. As such, the facts support the position taken by Plaintiff and Respondent People of the State of California ("The People") that because ATES evidence is machine-generated, the presumptions of accuracy and reliability of Evidence Code sections 1552 and 1553 apply, and ATES evidence is not a "statement" under the hearsay rule.

The violation at issue occurred before January 1, 2013. Therefore, this brief does not address Senate Bill 1303, which became effective on January 1, 2013. Senate Bill 1303 added subsections to Evidence Code sections 1552 and 1553 to expressly state that the evidentiary presumptions of accuracy apply to the photos and video generated by an automated red light camera system, and added a subsection to Vehicle Code section 21455.5 to expressly state that ATES evidence is not hearsay.

II. STATEMENT OF ATES TECHNOLOGY

A. <u>The Photographs and Video</u>

The ATES at an intersection consists of a computer, digital cameras, a video camera, and sensors in the ground of each lane. As explained in greater detail below, when sensors detect a vehicle about to enter the intersection in the red light phase, the ATES is programmed to obtain four digital photographs and a 12-second video. The photos consist of: (1) a pre-violation photo showing the vehicle behind the limit line; (2) a post-violation photo showing the vehicle in the intersection; (3) a photo of the vehicle's license plate; and (4) a photo of the driver's face. The 12-

second video shows the approach and progression of the vehicle through the intersection.

When the light at the intersection turns red, the computer monitors the two "loop" detectors in each lane of the intersection and starts measuring the time that has lapsed since the light turned red. When the front of a potentially violating vehicle triggers each of the two loops in its lane of travel, the computer calculates the approximate speed of the vehicle using time and distance. If the calculated speed of the vehicle is at or above a programmed threshold, the computer immediately directs the camera and strobe light to take a picture of the vehicle and the video buffer to save the streaming video. The computer also stores how long the light was red when the picture was taken. If the speed of the vehicle is under the threshold, the computer stops processing the incident and returns to monitoring the loop detectors in each lane of the approach. The threshold is determined by the local agency and is based upon the speed that is likely to allow a vehicle to safely stop before passing the limit line.

When the back of the vehicle triggers the detection loop, the computer calculates how much time will pass before the back of the vehicle is at the ideal spot to activate the license plate high resolution digital camera and strobe light. The computer uses that calculation to determine when to direct the camera and strobe light for the photo of the vehicle in the intersection and the high resolution digital camera and strobe light to capture the face of the driver.

The very fact that the ATES is able to capture face shots, license plates, and other depictions demonstrates that the ATES is properly functioning. The cameras are fixed. They do not rotate. Yet they manage to obtain face shots of drivers who often-times are traveling over the speed limit. If the timing was off by even a tenth of a second, the photos would not be able to capture these high speed images. Instead, they would capture photos depicting asphalt or, less frequently, other portions of vehicles (e.g., roofs, side panels, etc.). As the photos and videos the ATES captures confirm that the system works, the functionality of the ATES is truly self-corroborating.

The computer is also equipped with alarms that are triggered if the authentication is invalid, the computer memory capacity is exceeded, the software program malfunctions, or the internal time-clock is invalid. If none of these alarms are triggered, the ATES was working properly at the time of the incident. The photos, video, and alarm status data for each incident are automatically embedded with a digital signature and saved on the computer's hard drive in a folder that is assigned a unique incident number. The creation of this evidence is completely automated by the ATES equipment, without any human involvement. The equipment does not require technical calibration because it would not be able to photograph vehicles in an intersection on a red light if it were not functioning properly.

B. The Databar

At the time of capture, the computer at the intersection automatically embeds each of the four photos with a data bar, which contains the following information: (1) the location of the recorded information by site name and description; (2) the site computer address and revision of software being used; (3) the date and time each photo was taken; (4) the posted speed limit for the area; (5) the lane of traffic in which the violation took place; (6) the calculated speed of the vehicle photographed; (7) the length of time the light had been red when the photo was taken; (8) the length of time the light was amber before turning red; and (9) the total elapsed time between the start of the incident (*i.e.*, when the first photo was taken) and when the subject photo was taken.

All of this information is automatically measured and recorded by the ATES after it has been triggered by a vehicle passing over the sensors. The speed of the vehicle as it passes over the sensors is used by the computer to calculate whether the vehicle will stop before reaching the limit line and to time the photos to capture the appropriate views.

C. Storage and Maintenance of Violation Data

The computer at the intersection gives the four photographs and the buffered video files a unique file name that includes embedded digital signature information that enables the ability to verify, in the future, that the content of the file has not been altered in any way. The files are stored on the computer's hard drive in a folder that is assigned a unique incident number.

A master server at the Redflex facility in Arizona automatically connects to the computer at the intersection periodically, from 20 to 60 minute intervals on average, through a secure virtual private network (VPN). The incident folders containing the photos, video, and alarm status data are encrypted and uploaded from the local intersection computer to the server through the VPN to ensure there is no unauthorized access to the information. Upon receipt of the incident folders, the server reads the digital signature to verify that the contents are valid and have not been tampered with in any way. Any attempt to change the contents would result in an invalid digital signature. The folders and contents are then stored on a protected "read only" drive on the server. The contents on the "read only" drive cannot be altered or changed.

When the Redflex server in Arizona is in contact with the local intersection computer, it also re-synchronizes the internal clock of the computer at the intersection to maintain accuracy. The internal clock of the server computer is verified to be accurate by comparison to secondary time standards multiple times each day.

D. **Issuance of Citations**

Following specific mandatory guidelines established by the police departments, authorized Redflex employees prepare an incident file for a police officer to review and determine whether to issue a citation. The incident folder with its contents, including the photos and video, that was created by the ATES is copied into a private database. The alarm status data is electronically imported onto a form called a Certificate of Correct Functioning. A copy of the vehicle owner's registration information and/or owner's driver's license, electronically obtained from the Department of Motor Vehicles, is also copied into the record file reviewed by the officer.

The private database is accessed by a police officer certified to operate the ATES program and assigned an exclusive password. The officer then determines whether the elements of the infraction are present and visible, and whether the photo of the driver's face taken by the ATES matches the photo on the owner's driver's license. The officer either approves the incident for issuance of a citation or rejects the incident and then sends that decision to Redflex. The police department has exclusive discretion and authority in determining whether a citation should be issued.

Upon the approval and direction of the police department, Redflex processes the data of the incident and prints and mails a Notice of Traffic Violation to the registered owner/driver of the vehicle, with copies of the four photos and the vehicle registration and/or driver's license information. A digital record of the Notice of Traffic Violation is also transmitted to the Superior Court, where it becomes an active case.

E. **ATES Maintenance**

Even though the city operates and supervises the ATES, it is owned and maintained by Redflex. Maintenance of the system is monitored regularly by a three-step process by Redflex to ensure that it is functioning reliably. The first step is the verification of operation, which means that when the remote location is contacted by the server, the server detects system power, incidents to be processed, and communication between the vehicle detection system and the camera computer, confirming that all systems are functioning.

The second step comes from the processing of the incident photos and video and the quality of said items. Each incident is reviewed for clarity, lighting, traffic signal phasing, vehicle location in the pictures, camera orientation, etc. The last step of the maintenance program is a monthly data analysis that is used to identify any trends that would indicate a problem. Onsite maintenance is performed by a Redflex technician, which includes routine proactive checks of physical condition, camera glass cleaning, verification that loop grounding is secure and within specification, and voltage level checks, etc. This activity is recorded in a maintenance log and can be obtained through discovery.

F. **Officer Training**

Once a city contracts with Redflex to provide photo enforcement systems and services, the city's police officers receive extensive training from Redflex. California officers typically receive 16 hours of on-site training at the Redflex facility in Arizona, where the server computer, incident processing employees, and security checks are located, as well as an additional eight hours of field training back in their local area. Officers are trained on the methods, function, and operations of the ATES and citation processing. They are taught how the computer system works, how the ATES evidence is generated and how to understand its contents, how to access the secure database to view incidents for approval or rejection, how to monitor and report proper functioning and maintenance of the ATES, and other details.

Cities oversee maintenance of the ATES through routine audits of maintenance logs and regular observations of maintenance work being done. Officers are also instructed to personally take action to verify that the system is working properly on a regular basis. Officers can do this by visiting ATES approaches with the Redflex maintenance technician or watch maintenance occur remotely, and compare their observations to the maintenance log entries to ensure accuracy. Officers can also conduct independent audits of the ATES by observing the triggering of the cameras, the images and video associated with the triggers, and the automatic, computer-generated creation of the data bar information via a secure connection to the ATES computer via a program called "SuperScreen."

Officers are also instructed to physically check each location, observing that the signal timing and signage meet or exceed regulations and that the equipment is functioning. Officers can do this by using a stopwatch to time the amber phase and checking the traffic approach from all directions to ensure that signs notifying drivers of the ATES are clearly visible. Officers can also personally test the system by triggering a red light incident in their vehicles while noting the time (shutting down the intersection to ensure safety), and comparing their actions to the photos, data bar, and video evidence generated by the ATES of their incident for accuracy.

III. APPELLANT MISCONSTRUES THE EVIDENCE

A. <u>The Evidence is Machine-Generated and Cannot be Manipulated</u>.

Appellant fails to understand how the ATES functions and, consequently, misconstrues its reliability and accuracy to this Court. Appellant attempts to distinguish the digital photographs generated by the ATES from traditional photographs in an inference that digital photographs are less reliable and accurate than traditional photographs. [Opening Brief on the Merits ("OBM"), pp. 13-15.] However, the manner in which the ATES photographs are generated, stored, and processed ensures that there is no manipulation of the digital evidence, so the authentication requirements for ATES-generated photographs should be no different than the authentication requirements for traditional photographs.

As described in detail above, the entire process of taking the photographs and video, recording the incident information and embedding the data on the photographs, transferring the evidence from the local intersection computer to the server computer, and storing the evidence is completely automated and machine-generated without any human involvement. The connection between the local and server computers is a secure VPN, the evidence is embedded with a digital signature that would cause the server computer to reject the evidence if it had been tampered with, and if there had been any malfunction of the equipment, systematic alarms would identify them and a Certificate of Proper Functioning would not be issued. Further, access to the copies of the files is password-restricted.

The processes and security measures described above require the rejection of Appellant's unsupported argument that the ATES evidence is untrustworthy because unidentified computer hackers can somehow access and manipulate the evidence. [See OBM, p. 32.]

Further, the data bar is not "superimposed" on the photos by Redflex technicians who have to adjust the images "to fit the reduced space on the photo" "to create enough space to imprint the data bar." [See OBM,

p. 32; Reply Brief on the Merits ("RBM"), p. 17.] Rather, the incident information is electronically imbedded on the digital photos automatically by the ATES computer at the intersection before it ever even reaches a human being. The computer is programmed to format the photos with the data bar.

Contrary to Appellant's assumption, there is no compression of the digital image. [See OBM, pp. 14-15.] Rather than store a great number of images and discard data contained in the original image, the local intersection computer runs continuously but only stores data when triggered by a red light incident, and then that data is transferred every 20-60 minutes to the server computer, where the contents are stored in their original, unaltered form. Citing a journal, not a case, Appellant states that, "[b]ecause digital images are highly susceptible to undetectable manipulation, evidence that the image has not been manipulated is crucial to a showing that the image is authentic." [OBM, p. 15.] Even if Appellant's statement of the law was accurate and properly supported (it is not), it is beyond fair debate that Redflax has appropriate safeguards to prevent the manipulation of ATES evidence and ensure the authenticity of the digital images.

Appellant also makes much of Officer Young's testimony that the ATES was not "calibrated." [See OBM, pp. 5, 31-32.] This is merely an issue over word choice. To "calibrate" in this context means to determine the correct range for the camera by observing where the photograph is taken when triggered. See Webster's College Dict. (2nd ed. 1999), p. 188 [a copy is attached hereto]. The ATES-generated evidence itself shows that the equipment was properly calibrated because it would not be able to photograph vehicles in an intersection on a red light if it were not functioning properly.

Appellant mistakenly implies that Officer Young's testimony means that the equipment was not maintained to ensure proper functioning. As described in detail above, the ATES equipment receives regular maintenance and monitoring by Redflex technicians, which is overseen by police officers, and officers can run their own tests to ensure the equipment is functioning properly.

Finally, Appellant's unexplained assertion that the ATES evidence is here is somehow untrustworthy because a Redflex notary supposedly failed to comply with the requirements of notary statutes in another state is not only baseless, but also irrelevant. [See OBM, p. 30; Appellant's Motion for Judicial Notice; RBM, p. 6.] Put simply, Appellant's allegation has absolutely nothing to do with the accurate and reliable functioning of the computer systems that generated the evidence of Appellant's red light violation.

B. <u>The Description of Technology in *People v. Gray* is Taken Out of Context.</u>

Appellant purports to describe the ATES-generated images based on the court's summary of the testimony in *People v. Gray* (2012) 204 Cal.App.4th 1041. [See RBM, p. 16.] First of all, this Court granted review of *Gray* on June 20, 2012 (S202483); therefore, *Gray* is unciteable. Cal. Rules of Court, Rules 8.1105(e)(1), 8.1115(a).

Second, Appellant quotes a portion of the opinion where the issue is whether the term "system" in California Vehicle Code section 21455.5, subdivision (b), means only the ATES computer at the local intersection or both the local computer and the server computer at the Redflex facility in Arizona. [See RBM, p. 16.] See *Gray*, *supra*, 204 Cal.App.4th at p. 1049. In that context, the court sought to explain that the term "system" referred to both the local and server computer because the ATES equipment at the intersection creates the digital photographs, video, and data, but the server computer is necessary to create physical output of that evidence. *Gray*, *supra*, 204 Cal.App.4th at p. 1049.

Likewise, the Answer Brief on the Merits filed in *Gray* merely explains that computers communicate with each other through digital codes. 2012 WL 6569404 at *14. As embodied in Evidence Code sections 1552 and 1553, all information and images existing on a computer consist of digital codes representing that information or image, and it is not until it is printed that it becomes a physical representation of that information or image. Thus, *Gray*'s reference to the conversion of ATES evidence does not suggest that the original digital images taken by the ATES equipment at the intersection are altered, but only that they exist in a digital form on the computer.

IV. PUBLIC POLICY SUPPORTS ADMISSIBILITY

A. California Has a Compelling Public Policy Interest in Improving Traffic Safety.

The California Legislature authorized the implementation of red light camera programs "to improve enforcement and safety at high crash or other high-risk locations where on-site traffic enforcement personnel cannot be utilized." Assem. Com. on Transportation, Analysis of Assem. Bill No. 1022 (2003-2004 Reg. Sess.) Apr. 21, 2003, p. 3. Moreover, the Legislature has recognized that various studies have found that red light camera programs improve public safety. *Id.* at pp. 3-4. For instance, the Legislature cited a 2001 Insurance Institute for Highway Safety ("IIHS") study finding significant crash reductions after the City of Oxnard, California implemented red light cameras. *Id.* at p. 3. That study found that red light cameras in Oxnard resulted in a 29% reduction in crashes at intersections equipped with red light cameras, with front-into-side crashes decreased by 32% overall and front-into-side crashes resulting in injuries decreased by 68%. *Ibid.*

California courts have firmly established that the State of California has a substantial public policy interest in maximizing safety on California roadways. Due to this important public policy consideration, California courts have validated the use of streamlined regulatory and judicial procedures in various settings in order to improve traffic safety. See, e.g., *Ingersoll v. Palmer* (1987) 43 Cal.3d 1321, 1335 (holding that sobriety checkpoints are constitutional even though they are not based on reasonable suspicion because the primary purpose of the checkpoints is to "promote public safety"); *People v. Wells* (2006) 38 Cal.4th 1078, 1083-84 (finding that an anonymous and uncorroborated tip may itself create reasonable suspicion that a driver is operating a vehicle under the influence of alcohol in part because of the grave public safety threats caused by drunk drivers); *Lowry v. Gutierrez* (2005) 129 Cal.App.4th 926, 942-43 (same). For the reasons detailed below, red light camera systems and the procedures used in adjudicating traffic offenses based on evidence generated by such systems constitute a vital component in the State of California's effort to improve traffic safety.

1. Red Light Camera Systems Have Been Proven to Improve Public Safety.

Various studies have proven that red light camera systems improve safety on the road and thereby reduce the social costs associated with automobile collisions.

a. **2011 Insurance Institute for Highway Safety Study**

Most recently, in February 2011, the Insurance Institute for Highway Safety ("IIHS") published its findings from an intensive study ultimately finding that red light camera systems have reduced fatalities from red light running crashes. See Hu, et al., *Effects of Red Light Camera Enforcement on Fatal Crashes in Large U.S. Cities* (2011) Insurance Institute for Highway Safety <http://www.trafficsafetycoalition.com/public_ftp/Full%20IIHS%20Study.pdf> [as of Apr. 12, 2013]. The IIHS identified 14 cities with red light camera programs during 2004-2008 but not during 1992-1996, and 48 cities without such programs during either period, and compared the per capita rate of fatal red light running crashes during the two periods. *Id.* at p. 1.

Not surprisingly, the study found that red light cameras save lives. All but two of the 14 cities with red light camera programs during 2004-2008 experienced reductions in the rate of fatal red light running crashes, and all but three experienced reductions in the rate of all fatal crashes at signalized intersections. *Id.* at p. 6. Across the 14 cities, the average annual rate of all red light running crashes declined by about 35%, and the average annual rate of all fatal crashes at signalized intersections decreased by about 14%. *Id.* at pp. 6, 13. Of those cities that experienced reductions in both fatal crash rates, all but one had percentage reductions for fatal red light running crashes that were larger than those for all fatal crashes at signalized intersections. *Id.* at p. 6.

The study found that the implementation of red light camera programs improved roadway safety even in those cities without such programs. About half of the 48 cities without red light camera programs during either period experienced reductions in fatal red light running crashes during the period of 2004-2008, and about one-third of such cities experienced reductions in the rate of all fatal crashes at signalized intersections. *Id.* at p. 6. The average annual rate of all red light running crashes declined by about 14% across the 48 cities. *Id.* at pp. 6, 13.

The IIHS study also utilized a Poisson regression model taking into account the effects of other predictors on the per capita rate of fatal crashes. *Id.* at pp. 7, 13. The Poisson model concluded that the rate of fatal red light running crashes during 2004-2008 in cities with cameras was 24% lower than would have been expected without cameras. *Ibid.* The Poisson model also concluded that the annual per capita rate of all fatal crashes at signalized intersections in 2004-2008 was 17% lower than what would have been expected without the cameras. *Ibid.*

b. 2005 U.S. Federal Highway Administration Study

In April 2005, the U.S. Federal Highway Administration published the results of a study assessing the safety benefits of red light cameras. See Council et al., *Safety Evaluation of Red-Light Cameras* (2005) Federal Highway Administration <http://blog.chron.com/cityhall/files/legacy/archives/Federal%20Highway%20Administration%20study.pdf> [as of Apr. 12, 2013]. The objective of this study was to identify the effect of red light cameras on the frequency of right-angle side impact crashes, left-turn crashes, rear end crashes and other types of crashes. *Id.* at p. 29. The study analyzed many intersections with an average pre-camera period of six years and average post-camera period of 2.76 years. *Id.* at p. 41.

The study found that right-angle crashes decreased by an average of about 25% (but rear-end crashes increased by about 15%) in the post-camera period at intersections equipped with red light cameras. *Id.* at p. 63. At nearby intersections not equipped with cameras, the study found that right-angle crashes decreased by an average of about 9% in the post-camera period, and rear-end crashes increased nominally by about 1.8%. *Ibid.* Because right-angle crashes are generally more severe and costly than rear-end collisions, the study concluded that each red light camera system results in an economic benefit of between $39,000 and $50,000 per year. *Id.* at pp. 67, 76.

c. 2002 California Bureau of State Audits Study

In July 2002, the California Bureau of State Audits ("BSA") issued the results of its study on red light camera programs. See Howle, *Red Light Camera Programs: Although They Have Contributed to a Reduction in Accidents, Operational Weaknesses Exist at the Local Level* (2002) Cal. Bureau of State Audits <http://www.bsa.ca.gov/pdfs/reports/2001-125.pdf> [as of Apr. 12, 2013]. The BSA analyzed accident data from January 1995 through September 2001, and found that the average number of accidents caused by red light running declined by 10% statewide in cities with red light cameras compared to no change in the number of such accidents in cities without cameras. *Id.* at p. 47. The number of red light accidents decreased between 3% and 21% after installation of red light cameras in five of the jurisdictions sampled, and increased by 5% in one. *Ibid.* Accident rates at individual intersections actually equipped with red light cameras decreased by as much as 55%. *Ibid.* Moreover, the study found that after San Diego suspended its red light camera program in June 2001, accidents caused by red light violations increased city-wide by 14% and by 30% at intersections where red light cameras had previously been in place. *Ibid.*

The California Legislature has relied on the results of the BSA study in amending the CVC section authorizing the use of red light cameras. See Analysis of Assem. Bill No. 1022, *supra*, at p. 3. The

Legislature noted that the BSA study found that the number of accidents reduced by as much as 21% after implementation of red light cameras. *Ibid.*

The statistics set forth above demonstrate the success that red light cameras have had in furthering California's public policy interest in enhancing public safety on California roads. Indeed, the studies show that red light cameras have dramatically decreased the number of fatal crashes caused by red light running. The presence of red light cameras thus functions as a successful deterrent to drivers who would ordinarily run red lights.

V. CONCLUSION

For the aforementioned reasons, Redflex respectfully requests that the Court affirm the Court of Appeal's decision in this case.

DATED: April 15, 2013

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By ______________________

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CERTIFICATION OF WORD COUNT

Amici Curiae Redflex Traffic Systems, Inc. hereby certifies that the text of its brief, to be filed on April 15, 2013, contains 4,604 words as counted by Microsoft Word, the word processing program utilized to generate the brief.

DATED: April 15, 2013

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By [signature]

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RANDOM HOUSE WEBSTER'S COLLEGE DICTIONARY

RANDOM HOUSE
NEW YORK

The first Random House college dictionary, the *American College Dictionary*, was published in 1947 to critical acclaim. The first edition of the *Random House Webster's College Dictionary* was published in 1991. Subsequent revisions were published in 1992, 1995, and 1996. A second, completely redesigned, revised, and updated edition was published in 1997, with updates published annually thereafter.

Trademarks

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ing: computation. **2.** the result of calculating. **3.** an estimate based on the known facts; forecast. **4.** forethought; prior or careful planning. **5.** scheming selfishness. [1350–1400; ME < LL] —**cal/cu•la/tion•al,** *adj.* —**cal/cu•la/tive** (-lā/tiv, -lə tiv), *adj.*

cal•cu•la•tor (kal/kyə lā/tər), *n.* **1.** a small, hand-operated electronic or mechanical device that performs calculations. **2.** a set of tables that facilitate calculation. **3.** a person who calculates. [1375–1425]

cal•cu•lous (kal/kyə ləs), *adj.* characterized by the presence of calculus, or stone. [1400–50; late ME < L]

cal•cu•lus (kal/kyə ləs), *n., pl.* -li (-lī/), **-lus•es. 1.** a method of calculation, esp. one of several highly systematic methods of treating problems by a special system of algebraic notations, as differential or integral calculus. **2.** a stone, or concretion, formed in the gallbladder, kidney, or other part of the body. **3.** a hard, yellowish to brownish black deposit on teeth formed largely through the calcification of dental plaque; tartar. **4.** calculation: *the calculus of political appeal.* [1610–20; < L: pebble, small stone (used in reckoning)]

Cal•cut•ta (kal kut/ə), *n.* the capital of West Bengal state, in E India, on the Hooghly River: former capital of British India. 9,166,000.

Cal•der (kôl/dər), *n.* **Alexander,** 1898–1976, U.S. sculptor.

cal•de•ra (kal der/ə, kôl-), *n., pl.* **-ras.** a large, basinlike depression resulting from the explosion or collapse of the center of a volcano. [1860–65; < Sp *Caldera* lit., cauldron < LL *caldāria*]

Cal•de•rón de la Bar•ca (kal/də rōn/ del/ə bär/kə), *n.* **Pedro,** 1600–81, Spanish playwright and poet.

Calderon Sol *n.* **Armando,** born 1949, president of El Salvador since 1994.

cal•dron (kôl/drən), *n.* CAULDRON.

Cald•well (kôld/wel, -wəl), *n.* **Erskine,** 1903–87, U.S. novelist.

Ca•leb (kā/ləb), *n.* a Hebrew leader, sent as a spy into the land of Canaan. Num. 13:6.

ca•lèche (kə lesh/), *n.* CALASH (def. 1). [1660–70; < F; see CALASH]

Cal•e•do•ni•a (kal/i dō/nē ə), *n. Chiefly Literary.* Scotland. —**Cal/e•do/ni•an,** *n., adj.*

Caledo/nian Canal/, *n.* a canal in N Scotland, extending NE from the Atlantic to the North Sea. 60½ mi. (97 km) long.

cal•en•dar (kal/ən dər), *n.* **1.** a table or register with the days of each month and week in a year. **2.** any of various systems of reckoning time, esp. with reference to the beginning, length, and divisions of the year, as the Gregorian calendar or the Julian calendar. **3.** a list or register, esp. one arranged chronologically, as of appointments, cases to be tried in court, or bills to be considered by a legislature. **4.** *Obs.* a guide or example. —*v.t.* **5.** to enter in a calendar; register. [1175–1225; ME *calender* < AF < L *calendārium* account book, der. of *Calend(ae)* CALENDS (when debts were due)] —**ca•len•dri•cal** (kə len/dri kəl), **ca•len/dric,** *adj.*

cal/endar year/, *n.* See under YEAR (def. 1). [1900–10]

cal•en•der (kal/ən dər), *n., v.,* **-dered, -der•ing.** —*n.* **1.** a machine in which cloth, paper, or the like is smoothed, glazed, etc., by pressing between rotating cylinders. **2.** a machine for impregnating fabric with rubber, as in the manufacture of automobile tires. —*v.t.* **3.** to press in a calender. [1505–15; < MF *calandre*] —**cal/en•der•er,** *n.*

cal•ends or **kal•ends** (kal/əndz), *n.* (*often cap.*) (*usu. with a pl. v.*) the first day of the month in the ancient Roman calendar. [1325–75; ME *kalendes* < L *kalendae* (pl.), perh. akin to *calāre* to proclaim]

ca•len•du•la (kə len/jə lə), *n., pl.* **-las.** a composite plant, *Calendula officinalis,* with many-rayed orange or yellow flowers. [1870–75; < ML, = L *calend(ae)* CALENDS + *-ula* -ULE]

cal•en•ture (kal/ən chər, -chŏŏr/), *n.* a violent fever with delirium, affecting persons in the tropics. [1585–95; earlier *calentura* < Sp: fever]

calf¹ (kaf, käf), *n., pl.* **calves** (kavz, kävz). **1.** the young of the domestic cow or other bovine animal. **2.** the young of certain other mammals, as the elephant, seal, and whale. **3.** calfskin leather. **4.** *Informal.* an awkward, silly boy or man. **5.** a mass of ice detached from a glacier, iceberg, or floe. [bef. 900; OE *cealf, calf*]

calf² (kaf, käf), *n., pl.* **calves** (kavz, kävz). the fleshy part of the back of the human leg below the knee. [1275–1325; < ON *kalfi*]

calf's-foot/ jel/ly, *n.* jelly from the stock of boiled calves' feet.

calf•skin (kaf/skin/, käf/-), *n.* **1.** the skin or hide of a calf. **2.** leather made from this skin. [1580–90]

Cal•ga•ry (kal/gə rē), *n.* a city in S Alberta, in SW Canada. 710,677.

Cal•houn (kal hōōn/, kə-), *n.* **John Caldwell,** 1782–1850, vice president of the U.S. 1825–32.

Ca•li (kä/lē), *n.* a city in SW Colombia. 1,718,871.

Cal•i•ban (kal/ə ban/), *n.* the ugly, beastlike slave of Prospero in Shakespeare's *The Tempest* (1611).

cal•i•ber (kal/ə bər), *n.* **1.** the diameter of a circular section, esp. the inside of a tube. **2.** the diameter of the bore of a gun taken as a unit of measurement. **3.** degree of capacity or competence; ability. Also, *esp. Brit.,* **cal/i•bre.** [1560–70, var. of *calibre* < MF < Ar]

cal•i•brate (kal/ə brāt/), *v.t.,* **-brat•ed, -brat•ing. 1. a.** to set or check the graduation of (a quantitative measuring instrument). **b.** to mark (a thermometer or other instrument) with indexes of degree or quantity. **2.** to determine the correct range for (a gun, mortar, etc.) by observing where the fired projectile hits. [1860–65] —**cal/i•bra/tion,** *n.* —**cal/i•bra/tor, cal/i•brat/er,** *n.*

cal•i•ces (kal/ə sēz/), *n.* pl. of CALIX.

ca•li•che (kə lē/chē), *n.* **1.** a surface deposit of sodium nitrate found in South American desert areas: formerly a major source of chemical fertilizer. **2.** a zone of calcium carbonate or other carbonates in soils of semiarid regions. Compare HARDPAN. [1855–60; < Sp: flake of lime]

cal•i•co (kal/i kō/), *n., pl.* **-coes, -cos,** *adj.* —*n.* **1.** a plain-woven cotton cloth printed with a figured pattern, usu. on one side. **2.** *Brit.* plain white cotton cloth. **3.** an animal having a spotted or particolored coat. —*adj.* **4.** made of calico. **5.** motled or variegated in color. **6.** (of a domestic cat) having a variegated white, black, red, and cream coat. [1495–1505; short for *Calico cloth*]

cal/ico bass/ (bas), *n.* the black crappie. See under CRAPPIE. [1880–85, *Amer.*]

cal/ico bug/, *n.* HARLEQUIN BUG. [1885–90, *Amer.*]

cal/ico bush/, *n.* MOUNTAIN LAUREL. [1805–15, *Amer.*]

Cal•i•cut (kal/i kut/), *n.* a seaport in W Kerala, in SW India. 546,000. Formerly, **Kozhikode.**

ca•lif (kā/lif, kal/if), *n.* CALIPH.

Calif., California.

Cal•i•for•nia (kal/ə fôrn/yə, -fôr/nē ə), *n.* **1.** a state in the W United States, on the Pacific coast. 32,268,301; 158,693 sq. mi. (411,015 sq. km). *Cap.:* Sacramento. *Abbr.:* CA, Cal., Calif. **2. Gulf of,** an arm of the Pacific Ocean, extending NW between the coast of W Mexico and the peninsula of Baja California. ab. 750 mi. (1207 km) long; 62,600 sq. mi. (162,100 sq. km). —**Cal/i•for/nian,** *adj., n.*

Cal/ifor/nia con/dor, *n.* See under CONDOR (def. 1). [1825–35]

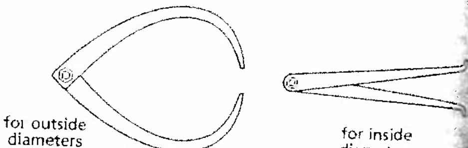
Cal/ifor/nia lau/rel, *n.* a tree, *Umbellularia californica,* of the laurel family, native to the W coast of the U.S., having aromatic leaves, umbels of yellowish green flowers, and hard wood. [1870–75, *Amer.*]

Cal/ifor/nia pop/py, *n.* a poppy, *Eschscholzia californica,* having feathery bluish foliage and orange-yellow flowers. [1890–95, *Amer.*]

cal•i•for•ni•um (kal/ə fôr/nē əm), *n.* a transuranic element. Symbol: Cf; *at. no.:* 98. [1945–50; after CALIFORNIA]

ca•lig•i•nous (kə lij/ə nəs), *adj. Archaic.* misty; dim; dark. [1540–50; < L *cālīginōsus* misty = *cālīgin-,* s. of *cālīgō* mist + *-ōsus* -OUS]

Ca•lig•u•la (kə lig/yə lə), *n.* (*Gaius Caesar*), A.D. 12–41, emperor of Rome 37–41.



calipers

cal•i•per or **cal•li•per** (kal/ə pər), *n.* **1.** Usu., **calipers.** an instrument for measuring thicknesses and diameters, consisting usu. of a pair of adjustable pivoted legs. **2.** a calibrated instrument for measuring thickness or distances between surfaces, usu. having a screw or sliding adjustable piece. **3.** thickness or depth, as of paper or a tree. **4.** the part of a disc-brake assembly that presses the brake pads against the disc. —*v.t.* **5.** to measure with calipers. [1580–90; presumably alter. of CALIBER]

MONTHS OF PRINCIPAL CALENDARS

GREGORIAN				JEWISH				ISLAMIC			
Month	Number of Days	Month	Number of Days	Month	Number of Days	Month	Number of Days	Month	Number of Days	Month	Number of Days
January	31	July	31	Tishri[1]	30	Adar[2]	29	Moharram	30	Shaban	[illegible]
February	28	August	31	Heshvan	29	(in leap years:	30)	Safar	29	Ramadan	[illegible]
(in leap years:	29)	September	30	(in some years:	30)	Nisan[3]	30	Rabi I	30	Shawwal	[illegible]
March	31	October	31	Kislev	29	Iyar	29	Rabi II	29	Dhu 'l-Qa'da	[illegible]
April	30	November	30	(in some years:	30)	Sivan	30	Jumada I	30	Dhu 'l-hijjah	[illegible]
May	31	December	31	Tevet	29	Tammuz	29	Jumada II	29	(in leap years:	[illegible]
June	30			Shevat	30	Av	30	Rajab	30		
						Elul	29				

[1]The beginning of the civil year, corresponding to September—October.
[2]In leap years Adar is followed by the intercalary month of Veadar or Adar Sheni, having 29 days.
[3]The beginning of the ecclesiastical year, corresponding to March—April.

ca•liph or **ca•lif** (kā/lif, kal/if), ... gious and civil rulers of the Islam... Muhammad. [1350–1400; ME *cal*... Ar *khalīf(a)* successor (of Muham... ...iph•al (kal/ə fəl, kā/lə-), *adj.*

cal•iph•ate (kal/ə fāt/, -fit, kā/li-... ernment of a caliph. [1725–35]

cal•is•then•ics or **cal•lis•then•**... with a pl. v.) gymnastic exercises ... and vigor. **2.** (*used with a sing.* ... such exercises. [1840–50; *cali-,* var... + -ics] —**cal/is•then/ic, cal/is•then**...

ca•lix (kā/liks, kal/iks), *n., pl.* **cal•**... [1705–10; < L; see CHALICE]

calk¹ (kôk), *n.* (chiefly in technical...

calk² (kôk), *n.* **1.** a projection on a... ice, pavement, etc. —*v.t.* **2.** to prov... calk. [1580–90]

call (kôl), *v.t.* **1.** to cry out in a loud... to summon or invite to come: *to co... dinner.* **3.** to communicate or try to... **4.** to rouse from sleep, as by a call; ... list) in a loud voice. **6.** to convoke... announce authoritatively, proclaim: ... *call a rehearsal.* **9.** to summon by ... *called to the ministry.* **10.** to summo... *called to the army.* **11.** to cause to co... sode to mind. **12.** to bring under c... *judge called the case.* **13.** to attract o... tating characteristic sounds. **14.** to di... name or address (someone) as. **16.** t... fied: *She called me a liar.* **17.** to think... sider: *I call that a mean remark.* **18.**... ment of a promise, evidence for a stat... *this story.* **19.** to criticize; censure: *She*... guage. **20.** to demand payment or fulf... cast correctly. **22.** (of a sports official)... (a shot, pitch, batter, etc.). **b.** to put a... inclement weather, poor field conditio... (the ball) one intends to drive into a p... (a bet) or equal the bet made by (the ... poker. **b.** to signal one's partner in bri... or suit). —*v.i.* **25.** to speak loudly, as t... *the children.* **26.** to make a short visit... phone a person. **28. a.** to equal a be... bridge. **29.** (of a bird or animal) to utte... back, **a.** to request or demand to retur... phone call of. **31. call down, a.** to requ... *down the wrath of God.* **b.** to repriman... or come to get; pick up; fetch. **b.** to re... demand; need. **33. call forth,** to summo... ence. **34. call in, a.** to request paymen... culation. **c.** to appeal to for consultatio... off, **a.** to summon or take away: *Pleas*... (something planned). **36. call on** or **upo**... visit for a short time. **37. call out, a.** to... **b.** to summon into service or action: *Cal*... **a.** to bring forward or make available fo... to cause to remember; evoke. **c.** to ma... summon for action, esp. military service... the vocal sound of a bird or other anima... tating this sound and luring an animal. **4**... phoning. **43.** a short visit. **44.** a summon... gle, bell, etc. **45.** a summons, invitation, o... fascination or appeal: *the call of the sea.*... divine appointment to a vocation or servi... an invitation to accept a job as pastor, p... occasion: *no call for panic.* **51.** a deman... time. **52. a.** an equaling of the precedin... pass in bridge. **53.** a judgment or decisio... other official of a contest. **54. a.** a noti... mance. **b.** CURTAIN CALL. **55.** a figure or d... announced to the dancers by the caller. **5**... amount of stock at a specified price by a c... lief that the price will rise. Compare PUT (... the shots or **the tune,** to have the authority... call, **a.** payable or subject to return withou... ble for summoning upon short notice. **59.** w... be spoken to or summoned. [1200–50; ME ... out]

cal•la (kal/ə), *n., pl.* **-las.** Also called **cal/la**... belonging to the genus *Zantedeschia,* of ... *aethiopica,* having arrow-shaped leaves and... closing a yellow spike. [1800–10; < NL (Lin...

call•a•ble (kô/lə bəl), *adj.* **1.** capable of b... payment on demand. [1820–30]

cal•la•loo (kal/ə lōō/, kal/ə lōō/), *n.* a thick ... and seasonings. [1695–1700; cf. Jamaican ... soup < AmerSp *calalú,* Pg *caruru,* said to ... leaf)

Ca•llao (kä you/), *n.* a seaport in W Peru, n...

Cal•las (kal/əs), *n.* **Maria Meneghini,** 1923–7...

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STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Orange, State of California. My business address is 650 Town Center Drive, 4th Floor, Costa Mesa, CA 92626-1993.

On April 15, 2013, I served true copies of the following document(s) described as **APPLICATION FOR PERMISSION TO FILE AMICUS CURIAE BRIEF; BRIEF OF AMICUS CURIAE REDFLEX TRAFFIC SYSTEMS, INC. IN SUPPORT OF PLAINTIFF AND RESPONDENT PEOPLE OF THE STATE OF CALIFORNIA** on the interested parties in this action as follows:

See Attached Service List

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 15, 2013, at Costa Mesa, California.

Ami Marston

Ami Marston

SERVICE LIST

THE PEOPLE OF THE STATE OF CALIFORNIA v. GOLDSMITH

California Supreme Court Case No. S201443

Court of Appeal Case No. B231678

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