

## NEWARK POLICE DEPARTMENT GUIDELINES FOR SCREENING VIOLATIONS

Section 21455.5(c)(1) of the California Vehicle Code states, in part; **Only a governmental agency, in cooperation with a law enforcement agency, may operate an automated enforcement system. As used in this subdivision, "operate" includes all of the following activities:**

- (1) **Developing uniform guidelines for screening and issuing violations and for the processing and storage of confidential information, and establishing procedures to ensure compliance with those guidelines.**

A mandate has not been established requiring these "guidelines" be written or dated. For courtroom testimony purposes, authorized police employee's apply the following screening considerations when reviewing red light camera violation:

### Suggested Considerations When Screening Violations

1. Does the incident contain all 4 required photographs?
2. Are the traffic signals in the Scene A & Scene B (pre & post violation) photographs in their red phase?
3. Does Scene A (pre-violation) photo clearly show the vehicle placement before the limit line or crosswalk?
4. Does Scene B (post-violation) photo clearly show the vehicle entered the intersection?
5. Is the driver's photo clear enough to identify the driver, either in person or with a soundex photo from DMV?
6. Is the license plate photo clear?
7. Is the data bar information complete?
8. Does the video (if exists) corroborate the photographic evidence?
9. Is the Registered owner information (name, address) for the driver/vehicle complete? If not, complete the information by conducting a DMV search.

After evaluating an incident, the authorized police employee may accept the incident and issue a citation or reject it for any deficiencies listed in items 1 through 9 or any other mitigating circumstances. The decision to accept or reject an incident is at the discretion of the viewing employee.

When the reviewing employee accepts a violation a notice to appear is generated and mailed by our vendor Redflex Traffic Systems, Inc. Upon notification of a court trial, a court package is generated by Redflex. Upon receipt of the court package from Redflex, the evidence is presented & the violator prosecuted in court. Upon completion of a court trial, the court package is retained and filed in a secured location at the Newark Police Department for up to a maximum of 6 months. Unless an appeal is pending, the court package is destroyed by a Newark police employee in a manner that protects the confidentiality of the person included in the record. All citations that do not go to trial are destroyed by Redflex 6 months after final disposition.



# CITY OF NEWARK

REDFLEX TRAFFIC SYSTEMS

## BUSINESS RULES

### Court Procedures

1. The following information shall be included on all citations unless otherwise agreed to:
  - a. Registered owner and address
  - b. License plate of vehicle
  - c. Violation and description
  - d. Date, time and location of offense
  - e. Location and respond-by date
  - f. Physical description
  - g. DOB or CDL
  - h. Issuing officer's name and ID number
2. The registered owner's name on the citation will read Last name first, First name last, Middle name with no commas.
3. Redflex will use the Notice to Appear template approved by the Judicial Council of California.
4. The date of issue on the citation is the date Redflex printed and mailed the citation. This is different from the date of the violation. Both dates are included on the citation.
5. Citation numbering format will be N123456A.
6. Affidavit of Non-Liability citation numbering format will be N123456B, C.
7. A courtesy notice will be mailed by the Court.
8. Bail amount of will NOT be printed on the back of the citation.
9. There is only one Notice to Appear that will be issued per violation. No additional Notices to Appear will be sent to the violator unless so requested by the court or police.
10. The "respond by" date shall be 60 calendar days from the date of issue, excluding holidays.
11. Adult defendants will be cited into the listed court:

Alameda County Superior Court  
Fremont Hall of Justice  
Alameda County Traffic Court  
39439 Paseo Padre Parkway  
Fremont, CA 94538

Phone: 510-818-7602

Web address: [www.alameda.courts.ca.gov/courts](http://www.alameda.courts.ca.gov/courts)

12. Juvenile defendants will be cited into the same court as indicated in # 11.
13. Failure to appear on a photo enforced citation may result in a civil sanction, e.g., declaration of judgment, referral to a collections agency, suspension of driver's license or license plates, lien on motor vehicle title or whatever other sanctions are authorized by the presiding court.
14. The Alameda Court is in the process of migrating to a new court system. At this time, Redflex will place an electronic file containing printed original and nominated citation information on the Redflex FTP site each day for court retrieval.
15. Juvenile citations will be placed on the FTP site the same as adults.
16. Redflex will receive a file transfer from the court listing court dispositions. NPD to select the "hold box" in police authorization for those records that are to be maintained for longer than six months.
17. Redflex programmer will contact the following court person to obtain sample file layout, establish file transfer protocol, and work out a test environment.

Primary Court Contact:

Name: Bill Ward  
Title: Systems Analyst  
Phone: (510) 272-3684  
Mailing Address: 1221 Oak Street, Room 17, Oakland, CA 94612  
E-mail: [bill.ward@acgov.org](mailto:bill.ward@acgov.org)

Alternate Contact

Name: Nancy Sanchez  
Title: Division Chief II  
Phone: 510-818-7604  
E-mail: [nsanchez@alameda.courts.ca.gov](mailto:nsanchez@alameda.courts.ca.gov)

**Redflex Programming Contact:**

Name: Mike Schmidt  
Title: Manager, Software Development  
Work Phone: (480) 998-8115  
Mailing Address: 23751 N. 23<sup>rd</sup> Ave. Ste. #150,  
Phoenix, AZ 85085  
E-mail: [mschmidt@redflex.com](mailto:mschmidt@redflex.com)

**Redflex Project Contact:**

Name: Gail Sankey Title: Project Manager  
Work Phone: (310) 743-1203 (office) or (310) 350-8790 (cell)  
Mailing Address: 5835A Uplander Way,  
Culver City, CA 90230  
E-mail: [gsankey@redflex.com](mailto:gsankey@redflex.com)

**Contract Details**

18. The Contract details are for:

- a. Up to 10 approaches.
- b. City will be responsible for power at each photo enforced intersection.
- c. Redflex will be responsible for the installation and monthly service fees for the high speed Internet connection at each intersection.
- d. Redflex will be responsible for the fabrication, installation and maintenance of all required Advisory Signs in compliance with the Department of Transportation's Traffic Manual.
- e. Redflex to provide and City will be responsible for the installation of LEDS.
- f. The city will be responsible for assuring that the yellow signal light intervals conform to prevailing authority requirements. See Appendix A, Cal Trans phasing interval chart.
- g. The city will be responsible for all hardware and software necessary to authorize citations. See Item 40 for recommended specifications.

19. Prior to issuing citations a 30-day warning period must commence (CVC 21455.5 (a) (2) (b)). The warning period program will be the responsibility of the city.

- a. The City will be responsible for all Public Announcements to be made in compliance with California Vehicle Code (CVC 21455.5 (a) (2) (b)). Appendix B, all CVC sections relevant to Automated Enforcement.

- b. The statute for red light running in California is CVC 21453 (a). This statute applies to a driver facing a steady circular red signal regardless of the movement the driver makes in violation of the provisions of this section. The statute for violating a steady red arrow is CVC 21453 (c).
- c. Additional camera installations will be required to undergo a separate warning period.
- d. Advisory signs will be posted at each photo enforced intersection.

### **Enforcement Procedures**

- 20. Passengers' face shall be masked on the citation.
- 21. Incidents where driver DMV information is not available, Redflex will process and make available in police authorization. The name field will read "NOF," the address line will read "123 Any Street" and Redflex will mark incident as Incomplete Details." If police are unable to provide complete details, Redflex will issue a **Notice of Violation** (the court will not be notified). If police are able to retrieve full details, they will make the appropriate updates and return the completed information to Redflex for the processing of a **Notice to Appear**.
- 22. Redflex will reject violations for obvious mitigating events, i.e., funeral procession, officer - controlled intersection, parade, etc.
- 23. Incidents where the driver's gender appears to be different than the registered owner's name will be placed in police authorization for disposition by police.
- 24. Incidents involving traffic collisions will be placed in police authorization for disposition by police. This includes all accidents captured by the system not just violation incidents.
- 25. When the face is partially obstructed (sunglasses, motorcycle helmets, visor, etc.) police will determine if the violator's identity is sufficient to issue a Notice to Appear.
- 26. A nomination is when the registered owner identifies the driver of the vehicle at the time of the violation. The registered owner will have the ability to nominate another driver by completing and returning the Affidavit of Non-Liability included with the Notice to Appear.
- 27. Redflex will receive the Affidavit of Non-Liability, update the information, process the new citation and send it to the Police for approval. Once approved, the original citation will be placed on the Police Dismissal Report.
  - a. Incomplete Affidavit of Non-Liability and/or other correspondence concerning a violation received by Redflex will be forwarded to police department for disposition.
  - b. It will be the responsibility of the Police to retrieve the dismissal list from the on-line reports link and deliver to the court for final disposition.
- 28. Citations returned to Redflex with no forwarding address will not be placed on the Police dismissal list and will proceed as originally issued.

29. Citations returned to Redflex with a forwarding address will be immediately re-addressed and mailed to the new address. Citation will not be altered or amended.
30. The description of the offense on the citation will be "Failure to Stop at Red Light."

### **Timelines**

31. Redflex shall place offenses on police authorization within 6 days of violation.
32. Police will authorize violations within 4 days of receipt from Redflex.
33. Redflex will mail the citation on or before the 11th day from the date of the violation in order to meet proof of service requirements (CVC §40518 (a)).

### **Trial Information**

34. Police will notify Redflex of upcoming court hearings via e-mail at least two (2) weeks prior to the court date to allow sufficient time to prepare court evidence packages. E-mail will be sent to: [courtpacks@redflex.com](mailto:courtpacks@redflex.com)
35. Redflex will mail court packages to the Police Project Manager at:  
Attn: Traffic Section-Photo Enforcement Officer  
Newark Police Department  
37101 Newark Blvd.  
Newark, CA 94560
36. The court evidence package will consist of the following and will comply with Civil Code of Procedure §2015.5:
  - a. Evidence package checklist
  - b. Color copy of citation four enlarged color photos of violation images
  - c. Image log

### **Photo Viewing**

37. Pursuant to CVC §21455.5 (f) the registered owner or any individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review the photographic evidence of the alleged violation.
38. The NPD shall offer image viewing to notice recipients where they may view the violation images and video from Redflex's on-line application, WebOps. Redflex will host a website whereby notice recipient may view the violation video on-line at <http://www.PhotoNotice.com> (city code: NEWRK). Citizens may use computers in public libraries to access the website.

Citizens can view their video on Thursdays from 9:00am – 12:00pm or on other days and times with an appointment.

Newark Police Department  
37101 Newark Blvd.  
Newark, CA 94560  
Phone: (510) 578-4713

## **Records Retention/Confidentiality**

39. Any and all photographic records made by Redflex Traffic Systems automated enforcement system and any confidential information obtained from the Department of Motor Vehicles will be retained for a maximum of six months from the date the information was first obtained, except as follows:
- a. Any individual incident captured by a red light camera system may be retained beyond the original six month period provided Redflex Traffic Systems is notified by a Law Enforcement Officer who is authorized to access the WebOps system and has a legal reason to do so.
  - b. Except for court records described in Section 6815.2 of the Government Code, the confidential records and information described in paragraphs (1) and (2) may be retained for up to six months from the date the information was first obtained, or until final disposition of the citation, whichever date 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 (CVC §21455.5 (e) (3)).
  - c. Notwithstanding Section 6253 of the Government Code, any other provision of law, photographic records made by an automated enforcement system shall be confidential, and shall be made available only to governmental agencies and law enforcement agencies and only for the purposes of this article. Confidential information obtained from the Department of Motor Vehicles for the administration or enforcement of this article shall be held confidential, and may not be used for any other purpose (CVC §21455.5 (e) (1) and (2)).
    1. Citations with disposition records at three (3) years
    2. Citations with nominations at four (4) years
    3. Citations with no history of activity for four (4) years
    4. Corporate notices for three (3) years

## **System Requirements**

40. The following hardware and software specifications are minimum requirements:

### Computer

Intel Pentium 4 2.0GHz / AMD Athlon XP 2400+ or better  
32MB Graphics card or better  
256MB RAM or better  
40 Gb Hard drive space or better

### Monitor

17" screen size or better  
1024 x 768 resolution or better

### Operating System

Microsoft Windows XP SP1 or better

Microsoft Internet Explorer 6.0 or better  
Microsoft Windows Media Player 9.0 or better

ISP  
512kb/s download speed or better

### **Knockdown Procedures**

41. In the event any Redflex equipment is damaged and/or becomes non-functional due to a traffic collision or other similar cause it will be the responsibility of the police department to take the following steps:
  - a. Notify the Customer Representative by phone
    - i. If unable to make personal notification, notify the Help Desk by phone or e-mail
  - b. Document the incident on an official police report
    - i. CHP 555 or other appropriate form
  - c. Record the damage photographically (preferably digital)
  - d. Secure the damaged poles, enclosures or other Redflex equipment
  - e. Forward all appropriate reports of the incident to Redflex

### **Miscellaneous**

42. Lane numbering will be in accordance with state DOT standards, if applicable. Otherwise lane numbering will be as follows: all lanes to be numbered sequentially from left to right, from median to curb. All lanes are to be numbered sequentially from left to right; from median to curb, i.e., 1, 2, 3, 4, 5. A lane that provides for either straight through or a turn will be numbered as a straight through lane.
43. A secure password will be issued to each person authorized entry into the on-line application, called WebOps.

The standard police rejection options are as follows:

- a. Safe turn on red
- b. Funeral Procession
- c. Unclear images
- d. Incorrect plate
- e. Authorized emergency vehicle
- f. Driver unidentifiable
- g. Incorrect violation details
- h. Incomplete DMV information
- i. No video

Note: Custom reject codes may be added if necessary.

The following standard reports are available to those persons with user names and passwords:

- a. Customer Management Report
- b. Customer Violation Report
- c. Dismissal Report



d. Incident “look up”

44. Redflex will provide a toll free number (**877-847-2338**) whereby a live operator will be available for answering **citizen** inquiries during normal business hours which are from 6:00am to 5:00pm (MST). If further assistance is needed, the notice recipient is to contact the Police Department at 510-578-4713, Attn: Traffic Section-Photo Enforcement Officer
45. Redflex’s toll free Help Desk number is (**800-568-8405**) whereby a live operator will be available for answering **customer** inquiries during normal business hours which are from 7:00am to 5:00pm (MST) or by e-mail at [helpdesk@redflex.com](mailto:helpdesk@redflex.com).
46. An appropriate training program, of up to sixteen (16) hours, will be provided to as many attendees as deemed necessary by the City. The session will be held either at Redflex Corporate Offices in Scottsdale, AZ, or within the local area, whichever is most feasible. Travel, lodging and per diem, if required, is the responsibility of the City. Mutually agreeable dates and times will be arranged at a later date.

## Attachment A

### Cal Trans Yellow Change Interval Chart

#### Yellow Change Intervals

The purpose of the yellow signal indication is to warn traffic approaching the signal that the related green movement is ending or that a red indication will be exhibited immediately thereafter and traffic will be required to stop when the red signal is exhibited.

The length of the yellow change interval is dependent upon the speed of approaching traffic.

Suggested yellow intervals are shown below are calculated by using the formula as shown in Table

9-1:

Approach Speed Yellow Interval

mph (km/h) (seconds)

25 or less (40 or less).....3.0

30 (48).....3.2

35 (56).....3.6

40 (64).....3.9

45 (72).....4.3

50 (80).....4.7

55 (89).....5.0

60 (97).....5.4

65 (105).....5.8

Taken from the California Department of Transportation, Traffic Manual, Chapter 9-04.5 Yellow Change Intervals <http://www.dot.ca.gov/hq/traffops/signtech/signdel/trafficmanual.htm>