

**MARICOPA COUNTY JUSTICE COURTS PHOTO ENFORCEMENT
PROGRAM – A POST MORTEM**

**Institute for Court Management
Court Executive Development Program**

Phase III Project

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Stephen L. Ramsbacher

Organizational Development Analyst

Maricopa County Justice Court Administration

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ABSTRACT

This project is dedicated to the impact that a photo speed enforcement program has had on the operations of the justice courts in Maricopa County Arizona. The program was not a court initiated program, but one that was initiated by the legislative branch and enforced by the executive branch. It was left to the judicial branch to process the resulting new photo speed enforcement citations and incorporate them into their existing case management system. For an overview of the operational effects this program has had on the justice courts, this project reviews:

- the impact to court staff
- increased case processing demands
- case management system upgrades
- court staff workspaces
- court space planning, including architectural use of public areas
- financial expenditures and revenue collection

The methods used for data collection were divided into three categories. First, interviews were conducted with both internal and external program participants. These interviews consisted of e-mail requests for information and statistical data on photo speed enforcement in the justice courts. For the second phase, the author conducted personal interviews of court staff and court administrators to gather additional data and to verify relevant statistical facts. The third and final category included searches of reference

library materials and on-line web sources, by topic, for additional information and archival facts.

The findings show that all impacted courts had issues with increased case load, the need for additional staff, a demand for more workspace, training to understand the system upgrades made to the existing case management system, new payment options and challenges to their customer service demands at the public counter and on the phones.

In conclusion the following recommendations were made from the findings above:

- Court administrators need to be involved, early on, in the planning stages of a photo enforcement program
- Technical support needs to work closely with the vendor to understand the acceptable methods offered for data delivery, for a seamless integration into the courts current case management system
- Court administration needs to adequately project staffing level requirements to meet increased case processing demands, including funding for additional staff, available hiring options and training needs of the new program
- Court administration needs to assess the demands that will be placed on existing staff by an increase in case processing, customer service demands at the public counter and on the telephone, case management system modifications, training and overcrowded work areas

Introduction

Article 6, Section 1 of the Arizona Constitution firmly establishes the judicial power for courts as follows:

“Section 1. The judicial power shall be vested in an integrated judicial department consisting of a supreme court, such intermediate appellate courts as may be provided by law, a superior court, such courts inferior to the superior court as may be provided by law and justice courts.”¹

In Maricopa County, with a population of 4,023,132², there are currently twenty-five Justice’s of the Peace. Each Justice of the Peace is elected to a four year term. While these Judges preside over a variety of case types, the focus for this project will be on the photo speed enforcement citation specifically. The author will show the impact it had on the court calendars, the judges and the civil traffic hearing officers. This project will also provide examples of case flow management used for handling the increased volume of these photo speed enforcement citations.

In addition to the judicial impact, the purpose of this project will be to present photo speed enforcement’s influence on the operations of the twenty-five Maricopa County Justice Courts staff members. Although it should be noted that because of the placement locations of the fixed unmanned cameras on the counties freeways, not all of the twenty-five justice courts were directly impacted by this program. By using available statistical

¹ Az. Const. Art. 1

² U.S. Census Bureau 2009

data, this project will provide a unique overview of the “before, during and after” perspectives of these courts operations, as it was specifically impacted by photo speed enforcement.

For the research of this project, data was collected from external sources as well as internal interviews and discussions with Justice Court managers, Justice Court administrative staff, and Court Technology Services. Also, most participants in the photo speed enforcement project published statistical data, which is used throughout this project to support and reinforce the information being presented. These published statistics will also be used by the author to demonstrate the impact such a program had on Justice Court processes and procedures.

This entire project will present a full outline of what it takes to implement; process and adjudicate a photo speed enforcement program in a limited jurisdiction court system. By reviewing the information contained in this project, it will help provide an architectural implementation blueprint for any court system needing to integrate a photo speed enforcement program into its organization.

Taken a segment at a time, the author will provide an overview of all components of the program. A short historical perspective will be provided to show the evolution of safety methods used to provide safer roads and highways and to protect citizens from speeding motorists. This project will include a review of the unmanned photo speed enforcement technology that was used in Maricopa County. There are many areas where photo speed

enforcement is used, however for this project; the target will only be on those fixed unmanned cameras, placed on the county's freeways. Following the photo speed enforcement technology specifications, this project will examine the process of capturing an image, how it becomes a valid traffic citation and how it is defended in court, by both the plaintiff (state of Arizona) and the vendor, Redflex Traffic Systems. Next, a review of the methods of enacting service of the photo speed enforcement citation on the defendant and the rights under due process will be examined. Finally, in order to process the citation at the court, an overview of the case flow management process, including system changes, arraignment date calendars, adjudication and final dispositioning will be presented.

Also, key financial data will be included as an integral part of this project, to reflect the costs of supporting such a program. This data will include costs of hiring and training new court staff members, providing additional workspace, the dollar value associated with the collection of fines and fees, necessary system upgrades and case file storage needs.

This paper will be devoted to the issues of handling the volume of photo enforcement civil traffic citations in the twenty-five Maricopa County Justice Courts. During the researching of this project it became clear how speed enforcement technology, while definitely state of the art, still required intensive hours of court staff to process the volumes of citations, calendar arraignments and seek assistance for the bench in adjudicating those appearing for civil traffic hearings. For the Justice Courts, the logistics

to accomplish this task were staggering and will be fully outlined in this project, along with a brief review of some historical technological data regarding camera safety on the freeways and a review of the program by the Office of the Auditor General, state of Arizona.

The author's intent is to present the information from all the various contributors and participants, in such a manner that it will hopefully be helpful in guiding court administrators needing to incorporate photo speed enforcement citations into their current court processes.

LITERATURE REVIEW

The literature review for this project was conducted in October 2010. While there is an extensive volume of information on photo enforcement programs and technology, most areas of discussion focus on municipal courts and red light photo enforcement cameras. The author did find one Court Executive Development paper³ and two papers in the NCSC research library⁴ on this topic that helped focus the research on analyzing the issues and problems facing court staff and the impact of incorporating the processing of photo enforcement citations into their case flow management practices.

³ Sosa, Daniel R. Sosa Analysis of Photo Speed Enforcement's Impacts on Arizona Limited Jurisdiction Courts.(2009)

⁴ Cornell, Janet G. Photo Enforcement Traffic Cases in Scottsdale's Municipal Court.(2007), Dunn, Patricia, Managing a Photo Radar Program in the Scottsdale City Court (1998)

For background and historical purposes information is presented on the beginnings of the technology of speed enforcement, which provides an interesting look at the foundation for today's application of photo speed enforcement cameras. The author found an archival article from a 1905 Popular Mechanics magazine that describes the infancy of a time recording device to trap speeding motorists. It describes the physical components used to track and record a moving object's speed, including the use of photography in capturing images. Mentioned in this article is the filing, in England, of the first patent of such a speed recording and tracking device. This article leads to a web search of the company founded in 1958 on speed enforcement technology or "speed tracking technology" as it was once referred to and the man behind the company, Dutch rally driver Maurice Gatsonides. In the continuing area of background research, information is provided on the hardware vendor⁵, chosen by Arizona's Department of Public Safety (DPS) to install, maintain and monitor their fixed unmanned photo enforcement program.

For the Justice Courts statistical and operational research presented in this project, information was collected from published reports and interviews of impacted court staff, Administrators and Judges. This information includes case processing changes needed for processing the photo enforcement citations, staff work areas, technology upgrades to the existing case flow management system, iCIS (Integrated Court Information System), training and court calendaring.

⁵ REDFLEXspeed®

Additional information presented in this project was compiled from a report published on January 19, 2010, by the Office of the Auditor General, state of Arizona, Debra Davenport. This report reviewed the Department of Public Safety's photo enforcement program.

METHODS

Previously, in the Introduction section, the author stated that this project would provide an overview of the impact photo enforcement has had on court operations and the necessary components of successfully implementing such a program into existing case processing procedures. While the impact to court operations was the focus for the development of this project regarding space planning, equipment needs and the increase to court case management and customer service, the author also found it relevant to provide supporting documentation, statistical data, financial information and historical background specific to photo speed enforcement.

For the data collection methods the author contacted and, in some cases, interviewed participants of the photo speed enforcement program. Administrators and court staff were publishing data and statistics that provided information supporting the operational issue questions needing answers for this report. The author also began interviewing, both via e-mail and in meetings, court managers and court administrators in the fall of 2010.

Financial staffing statistics were available from the cost analysis and payroll reports that court administration was producing and tracking for forecasting future growth needs.

Impacted courts had a separate payroll tracking system for their contract on-call

employees, which resulted in the ability to gather the data into one report to support the staffing costs presented in this project. These reports were internal to the justice courts, but were available for use via an excel spreadsheet being produced monthly for justice court administration to track expenditures for staff supporting photo speed enforcement. Relevant information for this project for work space needs, costs and forecasts, along with PC installations and other equipment needs was found in documentation funding reports produced by various financial organizations within the county Office of Management and Budget, Justice Court Administration and the Facilities Management organization.

System information specific to the courts case flow management system (iCIS) was gathered from training materials provided by the courts technical support (CTS) organization. All pertinent materials relating to system modifications that were needed to integrate photo enforcement citations into the case management system are presented in this project.

For issues relating to the camera technology used by the Department of Public Safety (DPS) and the specific freeway camera locations, information was gathered from published reports by the Department and the vendors (Redflex) websites. Historical background relating to speed tracking devices and patents was also obtained using internet web sources.

History of Photo Enforcement Technology

Doing research for this project provided a perspective, both past and present, of photo enforcement applications and technology. To understand the application I thought it a key point to start with the history of the technology. The first mention of speed camera technology is found in an article that appeared in a national magazine in 1905.

“The concept of the speed camera can be dated back to at least 1905; Popular Mechanics reports on a patent for a *Time Recording Camera for Trapping Motorists* that enabled the operator to take time-stamped images of a vehicle moving across the start and endpoints of a measured section of road. The timestamps enabled the speed to be calculated, and the photo enabled identification of the driver.⁶”

Time-Recording Camera for Trapping Motorists

“A time-recording camera has been patented in England with which is proposed to trap motorists who exceed the speed limit. The camera will take a photograph of any rapidly passing object and at the same instant photographs a watch also. The watch is in a special case which has an opening for inserting a card bearing the date. To trap motorists, the over-speedy car is photographed by an officer with a time-camera at each end of a predetermined stretch of boulevard and on the difference in the recorded time and the distance traversed the speed is determined, while the occupants of the car may be identified

⁶ Wikipedia search on History of Photo Enforcement;
http://en.wikipedia.org/wiki/Traffic_enforcement_camera

by photograph also. Each watch has a registered number, and is sealed in its case, making a trustworthy record for court use.⁷

As the author continued researching photo speed enforcement, using on-line internet searches for the history of photo speed enforcement, this led to the discovery of the person who is credited with advancing camera speed tracking technology, Maurice Gatsonides. Quoted below is a brief biographical sketch of Mr. Gatsonides:

“Then in 1958, the Dutch company Gatsometer BV was founded by rally driver Maurice Gatsonides, which produced the 'Gatsometer'. The device was described as "a revolutionary speed-measuring device". There is an anecdotal story that Gatsonides wished to better monitor his speed around the corners of a race track and came up with the device in order to improve his time around the circuit. The company later started supplying these devices as police speed enforcement tools. They demonstrated the first red light camera in 1965 which used tubes that were stretched across the road. They developed the first radar for use with road traffic in 1971 and the world's first mobile speed traffic camera in 1982; it has been stated (though not verified) that the company is currently the world's largest supplier of speed

⁷ Popular Mechanics, Sept. 1905 Vol. VII. N.09, pg 926: “Time-Recording Camera for Trapping Motorists”

camera systems. The name "Gatso" has through colloquial usage become synonymous with all brands of speed cameras.⁸ (For illustration, see Appendix A)

Gatsometer was founded in 1958 in the Netherlands as a small family business and has since then developed to become a company with over one hundred employees. The founder, Maurice Gatsonides, was a famous rally driver and winner of the Monte Carlo in 1953. He was also the inventor of the 'Gatsometer', the first reliable speed-measuring device in the world. The company continued to develop new and improved technologies and selling them all over the world, in more than forty countries today.

Gatsometer Timeline of Achievements

1958

Gatsometer is founded, the 'gatsometer' is born; a revolutionary speed-measuring device.

1965

The red light camera (RLC) is first presented on the market; it operated by means of tubes that were stretched across the road.

1966-1980

The Gatso swimming timers were the first in the world. The Gatso swimming timers were used at the European Swimming Championships in the Netherlands. Gatsometer timers were used to measure speed for a large variety of sports. Among the sporting events where the timers were used, were The Olympics in Munich in 1972.

⁸ Wikipedia search for photo speed enforcement history
http://wiki.answers.com/Q/Who_designed_first_speed_camera

1967

Export takes off, initially to South Africa and Luxembourg.

1971

The first radar equipment (in the world) is sold. The red light camera system (RLC) with loop detecting system is also brought on the market.

1980

First moving speed control with radar and camera built in a vehicle.

1982

The first mobile radar speed control.

1988

The first user software for the so-called "Memory Card" becomes available on the market.

The first Gatso RLC 36 with speed control is sold.

1997

Years of research and development lead to the first digital red light camera.

1998

The company made its mark on an international level in the United Kingdom by winning the prestigious Prince Michael of Kent's Road safety Award 1998.

The Gatso GLD4-2S detector-system is launched.

2001

Gatsometer wins the first Dutch-European tender.

2002

Gatso Total Offence Processing System for rapid (digital) processing of images and offence details. Gatso Handheld Control for problem-free programming of radar cameras.

2004

Gatso Integrated Digital Camera enables to capture both the license plate and the face of the driver.

Today

Gatsometer is determined to remain an innovative market leader in the field of traffic control and traffic management⁹ (Gatsometer BV is ACS State & Local Solutions, Inc. in Arizona)

The speed camera has moved from the English patent of 1905 to the 1958 Gatsometer to the present day.

“The first systems introduced in the late 1960s used film cameras to take their pictures. From the late 1990s, digital cameras began to be introduced. Digital cameras can be fitted with a network connection to transfer images to a central processing location automatically, so they have advantages over film cameras in speed of issuing fines, maintenance and operational monitoring. However, film-based systems may provide superior image quality in the variety of lighting conditions encountered on roads, and are required by courts in some jurisdictions. New film-based systems are still being sold, but digital pictures are

⁹ Gatsometer; http://www.gatsometer.com/web_en/about_us

providing greater versatility and are now significantly more popular with law enforcement agencies.¹⁰»

Maricopa County accepted a bid from REDFLEXspeed® as the vendor to provide the photo enforcement equipment used in their freeway fixed unmanned camera speed enforcement program. The following excerpt is from their corporate website that provides an overview of their photo speed enforcement technology:

REDFLEXspeed®

REDFLEXspeed® is the leading speed violation monitoring system in the road safety camera industry. It provides moment-by-moment situational awareness of problem traffic areas, as well as applications for achieving the most effective responses. And it provides a superior level of data that is consistently recognized and accepted in United States judicial systems. For illustration, see Appendix B.

Within the industry, only REDFLEX has developed a fully automated secondary speed verification system that corroborates the system's accuracy automatically with the use of third-party speed measuring devices. Using proprietary software developed by REDFLEX, the system produces digital evidence packages only when both the independent speed measurements match within a defined tolerance.

REDFLEXspeed® features a primary detection system, which uses their patent-pending measurement algorithms to obtain multiple speed measurements,

¹⁰ Wikipedia search; http://en.wikipedia.org/wiki/Traffic_enforcement_camera

wheelbase measurements, axle count, and vehicle classification. It also features a secondary verification system, patented by REDFLEX, to provide each city with a custom solution based on the architecture of the intersection and the city's unique requirements. The result is unsurpassed accuracy within the industry.¹¹

The features of the RedFlex fixed cameras operating system are listed as follows:

- Ability to combine speed monitoring with REDFLEXred® for multi/combo monitoring systems at traffic intersections
- Can be installed mid-block and along freeway/highway in city and rural locations for 24/7 speed monitoring
- Fully automated primary and secondary speed measurements utilizing different technologies provide irrefutable speed measurement data. Tertiary speed measurements are also possible with the use of SmartScene Redline™
- Small footprint allows for “cabinet-less” type installations
- Can monitor up to four lanes of traffic simultaneously
- Provides remote system access for adjustments, maintenance, and transfer of incident data and statistics
- Utilizes all broadband methods of communication, including cable, DSL, ISDN, wireless broadband (EVDO), point-to-point, and fiber networks
- Cisco VPN hardware, managed by trained staff to ensure high security
- Secure onsite storage and continuous operation during communication outages
- A variety of vehicle detection systems available for primary and secondary speed monitoring. These include inductive loop, piezo, infrared, and LIDAR technologies

¹¹ Redflex; <http://www.redflex.com/html/usa/>

- CA vehicle code-compliant, ultra-fast visible strobe for full-color imaging. IR capabilities also available
- SMARTcam™ software, industry-leading functionality, stability and flexibility. Provides multiple auxiliary camera capabilities to gain multiple fields of view (rear, front, multi-front photography)
- SMARTscene™ subsystem for full-motion video provides situational awareness before and after incident. Patent-pending combination of high-resolution digital stills with full-motion video produces irrefutable evidence
- SMARTscene Live!™ provides live streaming video to browsers, using high-performance compression algorithms and multiple simultaneous camera views. Also provides video recording capabilities
- Dynamic Pixel Utilization – more pixels are used in areas where they are more effective through the use of multiple cameras and multiple fields of view
- Health monitoring system ensures proactive maintenance to resolve potential field operation issues
- Multiple digital still camera options are available to suit multiple applications, including 2M, 6M, 10M, 11M and 12M pixels with wide dynamic range, fully automatic iris/aperture, gain and lightmetered override functions
- Traffic data packages provide all the types of vehicle count statistics that can be obtained online

Redflex Traffic Systems, Inc.

23751 North 23rd Ave., Suite 150

Phoenix, AZ 85085-1854

Toll Free: 866.703.8097

salesteam@redfl ex.com

Photo Enforcement in Maricopa County-FINDINGS

This project review report identifies eight findings from an extensive review of available data. These research findings included information and data reviewed from published reports and statistics from the Auditor Generals office, state of Arizona, the Department of Public Safety, the AOC and court administration, along with comprehensive interviews with court staff and court administrators, including case flow processes and various technological data, were all used to present the impact photo speed enforcement has had on the justice courts.

Finding #1

Camera Placement, support and operation

As the freeways get fitted with speed tracking photo equipment the Justice Courts have yet to be impacted, but the program is kicked off by an announcement in the local Phoenix newspaper The Arizona Republic, quoted in the following article:

DPS kicks off photo enforcement

Sept. 26, 2008 04:23 PM

The Arizona Republic

“The Arizona Department of Public Safety kicked off its photo speed enforcement program Friday, snapping hundreds of photos of speeding cars throughout the day.

DPS deployed three photo radar vehicles around the Valley, and plans to add more vehicles each week until there are 40 by the end of November.

Lt. James Warriner said one vehicle recorded between 100 and 110 citations by about 8:30 a.m.

The first fixed photo radar camera should be operating by late October, and the program calls for a total of 100 fixed and mobile cameras throughout the state.

Arizona is the first U.S. state to implement a state-wide photo radar system, though similar programs have been used in other countries.

DPS contracted Redflex Traffic Systems, Inc. to provide the cameras, which are tested daily for accuracy.”¹²

In reviewing the Auditor General's report of January 2010, which provides background information regarding the cameras and the shared responsibilities between agencies impacting the citation process, we find that the Department of Public Safety (DPS) and its photo enforcement system vendor (Redflex) share responsibility for monitoring the system. According to the Department's contract, the vendor is responsible for providing, installing, operating and maintaining the equipment, including mobile unit vehicle

¹² The Arizona Republic September 2008

maintenance. Photo enforcement equipment should be capable of operating twenty-four hours per day, seven days per week, except when maintenance or repair is being performed, and each mobile unit must be deployed a minimum of 425 hours each quarter. The vendor must provide weekly and monthly statistics to the Department regarding equipment failures. According to the department officials, the vendor's employee's check speed detection calibration of the fixed units monthly and on the mobile units at the beginning and end of each shift.

“In 2008, Arizona Revised Statutes (A.R.S.) §41-1722 established the Department's (Department of Public Safety) photo enforcement program with the stated purpose of enforcing speed requirements and providing traffic control.”¹³

This same report goes on to state that “As of December 2009, there were 36 fixed photo enforcement units on freeways, all of which are located in Maricopa County.”¹⁴ The next sections provide the distribution of cameras by freeway, with each court's name listed after the cameras assigned number for tracking purposes. This list was based on the DPS website, also provided as an example for reference of Justice Court venue for thirty-six fixed camera locations.

With twenty-five Justice Courts in Maricopa County, thirteen of them were impacted by the Department of Public Safety's photo enforcement program. As the camera locations are listed, it is important to remember that, as previously stated, each camera works

¹³ State of Arizona, Office of the Auditor General, January 19, 2010

¹⁴ Ibid. page 2

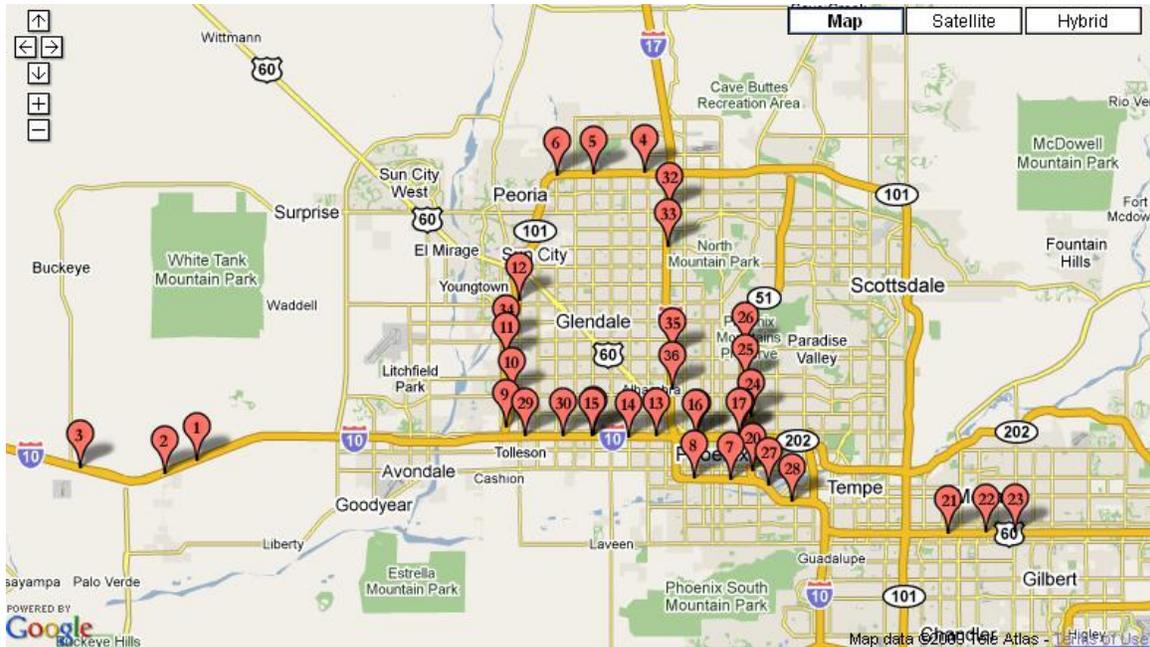
twenty-four hours a day seven days a week, creating a continuous stream of potential speeding citations that can only be processed through the Justice Courts in Maricopa County. Cameras were placed strategically along the county's freeways based on specific criteria as discussed below. Knowing the camera locations allowed sufficient planning to assist impacted courts and court administration in determining where to allocate resources, necessary to successfully process the civil traffic photo enforcement citations.

“The Department, in collaboration with the Arizona Department of Transportation, determined the location of the fixed units based on several factors, including placing fixed units in areas where collision data showed a high number of speed-related injury and fatal collisions; and in transition areas where two or more freeways merge in order to slow traffic and reduce stopping distances and to allow motorists to more safely react to lane changes and merging traffic. The Department eliminated areas with current or pending construction as potential sites to avoid having to move the cameras during the construction process. A.R.S. §28-654 requires that at least two warning signs be placed ahead of a photo enforcement unit: one at more than 300 feet before the unit, and another at approximately 300 feet before the unit.”¹⁵

These cameras take photos of vehicles exceeding the speed limit by 11 mph or more.

¹⁵ Ibid. pg.2

Illustration 1



Source: DPS Website

Photo Enforcement Stationary Cameras – Location Descriptions from

Illustration 1

Court

Interstate 10 (I-10)

1 Estrella Mountain Justice Court

I-10 EB at Mile Marker 117 (Watson Rd)

2 Estrella Mountain Justice Court

I-10 EB at Mile Marker 114 (Miller Rd)

3 Estrella Mountain Justice Court

I-10 EB at Mile Marker 109 (287th Ave)

13 **West McDowell Justice Court**

I-10 EB at Mile Marker 142 (31st Ave)

14 **Maryvale Justice Court**

I-10 EB at Mile Marker 140 (43rd Ave)

15 **Maryvale Justice Court**

I-10 EB at Mile Marker 138 (59th Ave)

16 **Encanto Justice Court**

I-10 EB at Mile Marker 144 (15th Ave)

17 **Downtown Justice Court**

I-10 EB at Mile Marker 146 (16th St)

18 **Encanto Justice Court**

I-10 WB at Mile Marker 144 (15th Ave)

19 **Downtown Justice Court**

I-10 WB at Mile Marker 146 (16th St)

20 **South Mountain Justice Court**

I-10 WB at Mile Marker 149 (Buckeye Rd)

27 **Downtown Justice Court**

I-10 WB at Mile Marker 150 (24th St)

28 **Downtown Justice Court**

I-10 WB at Mile Marker 152 (40th St)

29 **Agua Fria Justice Court**

I-10 WB at Mile Marker 134 (91st Ave)

30 Agua Fria Justice Court

I-10 WB at Mile Marker 136 (75th Ave)

31 Maryvale Justice Court

I-10 WB at Mile Marker 138 (59th Ave)

Court

State Route 101 (SR-101)

4 North Valley Justice Court

SR101 EB at Mile Marker 22 (35th Ave)

5 Arrowhead Justice Court

SR101 EB at Mile Marker 19 (59th Ave)

6 Arrowhead Justice Court

SR101 EB at Mile Marker 27 (75th Ave)

9 Agua Fria Justice Court

SR101 SB at Mile Marker 2 (McDowell Rd)

10 Agua Fria Justice Court

SR101 SB at Mile Marker 4 (Indian School Rd)

11 Estrella Mountain Justice Court

SR101 SB at Mile Marker 5 (Bethany Home)

12 Arrowhead Justice Court

SR101 SB at Mile Marker 9 (Olive Ave)

34 Estrella Mountain Justice Court

SR101 NB at Mile Marker 7 (Glendale Ave)

Court

State Route 51 (SR-51)

24 **Arcadia Biltmore Justice Court**

SR51 SB at Mile Marker 2 (Thomas Rd)

25 **Arcadia Biltmore Justice Court**

SR51 SB at Mile Marker 3 (Highland Ave)

26 **Arcadia Biltmore Justice Court**

SR51 SB at Mile Marker 5 (Bethany Home Rd)

Court

US-60

21 **Highland Justice Court**

US60 WB at Mile Marker 178 (Alma School Rd)

22 **Highland Justice Court**

US60 WB at Mile Marker 180 (Mesa Dr)

23 **East Mesa Justice Court**

US60 WB at Mile Marker 182 (Gilbert Rd)

Court

Interstate 17 (I-17)

7 **South Mountain Justice Court**

I17 SB at Mile Marker 195 (12th St)

8 Downtown Justice Court

I17 SB at Mile Marker 197 (15th Ave)

32 Moon Valley Justice Court

I17 NB at Mile Marker 212 (Bell Rd)

33 Moon Valley Justice Court

I17 NB at Mile Marker 210(Thunderbird Rd)

35 West McDowell Justice Court

I17 SB at Bethany Home Rd

36 West McDowell Justice Court Justice Court

I17 SB at Indian School Rd¹⁶

From the fixed unmanned cameras location on each freeway the breakdown total for each Justice Court was:

Estrella Mountain Justice Court	5 fixed unmanned cameras	Stand alone court
Downtown Justice Court	5 fixed unmanned cameras	DTJC Regional court
Agua Fria Justice Court	4 fixed unmanned cameras	Stand alone court
West McDowell Justice Court	3 fixed unmanned cameras	DTJC Regional court
Maryvale Justice Court	3 fixed unmanned cameras	Stand alone court
Arrowhead Justice Court	3 fixed unmanned cameras	NW Regional court
Arcadia Biltmore Justice Court	3 fixed unmanned cameras	DTJC Regional court
Encanto Justice Court	2 fixed unmanned cameras	DTJC Regional court

¹⁶ Department of Public Safety Website

South Mountain Justice Court	2 fixed unmanned cameras	DTJC Regional court
Highland Justice Court	2 fixed unmanned cameras	Stand alone court
Moon Valley Justice Court	2 fixed unmanned cameras	NE Regional court
East Mesa Justice Court	1 fixed unmanned camera	Stand alone court
North Valley Justice Court	1 fixed unmanned camera	NW Regional court

DTJC=Downtown Regional Court Center 5 Justice Courts in a co-located facility

NW=Northwest Regional Court Center 4 Justice Courts in a co-located facility

NE=Northeast Regional Court Center 4 Justice Courts in a co-located facility

Maricopa County Justice Courts have regionalized some of their courts into one building, which allows co-located facilities to pool resources where appropriate, while still operating independently. This pooling of resources became an important factor when workspace became an issue. Some courts in the regional centers agreed to shift workstations into (or out of) spaces that could accommodate an on-call staff member work station. One regional center (Downtown Regional Court Center) created an on-call work area from a seldom used hearing office, which accommodated eight on-call photo enforcement staff work stations. The preceding chart reflects stand alone and co-located courts, which represents the need for an on-call not based solely on the total amount of cameras in their precinct, but with the ability to share on-call staff employee's from the on-call pool as needed.

Finding #2

Fiscal Year 2009 highlights of case filings, revenue collection, asset allocation and staffing projections

Statewide Photo Enforcement Program and Workload.

While FY09 was a record setting year for the Maricopa County Justice Courts, with new case filings totaling 445,608 and revenue collections of nearly \$53M, new photo enforcement citations for speeding added another 279,508 filings in Civil Traffic cases. This new state-wide program began in the fall of 2008 with the installation and use of a significant number of stationary speed cameras, and mobile van-mounted speed cameras, throughout the freeway system in Maricopa County. This excessive increase in citation workload for many already over-burdened Justice Courts has significantly strained the justice system. In addition, the courts do not currently share in any revenues generated by these photo enforcement citations, so the state of Arizona and the private sector camera operator are the only benefactors from these newly generated revenues. The Justice Courts are currently reviewing the program to determine how best to allocate scarce resources within the courts to better handle this new and very significant workload issue. ¹⁷

Projected revenue for the program's first year was \$90 million, but only \$37 million in fines was collected. Reasons include that detections decrease as motorists become aware of the program and change their driving behavior. Monies collected are used

¹⁷ Maricopa County Justice Court 2009 Annual Report

for program operations, and some revenue is deposited in the State General Fund- \$19 million as of October 2009.¹⁸ These revenue projection figures included both stationary and mobile photo speed enforcement cameras on all the Arizona states freeways, when in fact only Maricopa County freeways had fixed unmanned photo speed enforcement cameras operational during the programs existence.

Civil traffic photo enforcement citations processed in the thirteen affected Justice Courts was shown in a report of statistical data for FY 2010, which was provided by Justice Court Administration as follows:

Table 1

<i>July 2009</i>	Filings	50,192
	Terminations	18,016
<i>August 2009</i>	Filings	34,460
	Terminations	16,964
<i>September 2009</i>	Filings	30,296
	Terminations	14,422
<i>October 2009</i>	Filings	28,702
	Terminations	13,869
<i>November 2009</i>	Filings	23,119
	Terminations	9,842
<i>December 2009</i>	Filings	35,938
	Terminations	12,515

¹⁸ State of Arizona, Office of the Auditor General, January 19, 2010

<i>January 2010</i>	Filings	31,885
	Terminations	13,120
<i>February 2010</i>	Filings	34,945
	Terminations	14,775
<i>March 2010</i>	Filings	33,081
	Terminations	19,178
<i>April 2010</i>	Filings	29,359
	Terminations	15,004
<i>May 2010</i>	Filings	36,789
	Terminations	13,389
<i>June 2010</i>	Filings	63,846
	Terminations	14,163
GRAND	Filings	432,612
TOTALS	Terminations	175,257
	<i>clearance</i> <i>rate</i>	40.5%

Source: Justice Court Administration FY2010 Report

The unmanned fixed camera photo enforcement program ended on the freeways in Maricopa County in July of 2010. Below is the data for that last month:

Table 2

July 2010	Filings	73,933
	Terminations	20,061
GRAND TOTALS	Filings	73,933
	Terminations	20,061
	clearance rate	27.1%

Source: Justice Court Administration FY2010 Report

Note: total monthly filings vs. terminations (and terms include dismissed for lack of service, as well as paid).

After reviewing these statistics one has to ask “how many justice court staff members were needed to process this increase in civil traffic filings due solely to photo enforcement citations?” Best (and easiest) way to calculate justice court staff hours used to process photo enforcement citations, is to project the total dispositions times 10 minutes (which was the agreed upon average case weight in the staffing study for PE).

Total FY10 dispositions = 441,549

Minus dismissed (not served) = 281,223

Equals 160,326

Times 10 minutes per citation = 1,603,260 divided by 60 = 26,721 hours divided by 2080 (FTE annual hours)

Equals 12.85 FTE staff doing nothing but processing PE citations in FY10

We know from earlier data that there were thirteen Justice Courts that were affected by the photo enforcement program. Though not all needed extra staff, all had to provide at least one person in these thirteen courts dedicated to processing these photo speed enforcement citations. With the volume of citations being higher in some Justice Courts than in others the impact was of course greater. But in all the courts these citations were non-existent prior to the program and every staff member already had a task assigned to them. There was not 12.85 extra FTE staff available. And there was a county wide hiring freeze that prevented the justice courts from hiring any new full time employees.

For assisting court staff in processing these photo enforcement citations, an on-call program was implemented through the services of an outside contract employee vendor.

What follows is sample data from the justice court on-call employee resource program:

Justice Courts were utilizing 18 full time photo enforcement (PE) on-call positions since Nov. 30, 2009 (to present, July 30, 2010 = 8 months) to help process PE cases in the busiest courts. The on-call staff employees were paid \$16.00 per hour – but, with the contract agency commission, their rate actually costs the justice courts \$20.96 per hour.

If during this period every on-call photo enforcement staff position was filled 100% of the time and if each on-call employee worked 40 hours every week:

For each photo enforcement on-call employee working full time hours (2080 work hours in a year) – Justice Court Administration estimated it would cost \$43,597.00 X 18 photo enforcement on-call staff employees = \$784,746.00 per year.

If this annual figure was broken out by month, that would be \$65,396.00 per month (for 18 full time photo enforcement on-call employee). \$65,396.00 x 8 months (utilized 11/30/09 to 7/30/10) would be \$523,168.00

The reality was however, that there were vacancies in the photo enforcement pool & time taken off by photo enforcement on-call employees, so below are the actual expenditure figures by month:

- Dec, 2009 = **\$58,415.20**
- Jan, 2010 = **\$51,545.23**
- Feb, 2010 = **\$55,285.28**
- March, 2010 = **\$68,998.68**(5 pay weeks rather than 4)
- April, 2010 = **\$53,327.49**
- May, 2010 = **\$54,704.29**
- June, 2010 = **\$77,624.39**(5 pay weeks rather than 4)
- July, 2010 = **\$45,280.16**

The actual total was \$465,180.72, for the eight months provided in the example above.

Additionally, prior to Nov. 30, 2010 Justice Court Administration designated five of the “regular” on-calls to be specifically assigned to help the Arcadia Biltmore, Downtown, South Mountain, Encanto & West McDowell Justice Courts process photo enforcement cases. They were paid along with the other “regular” on-calls; therefore they were not paid from a separate fund. However, Administration did track how much was spent each week/month specifically for the 5 “regular” clerks to process photo enforcement cases:

\$134,060.00(for the eight month period of March 30, 2009 – Nov. 30th 2009) divided by five clerks = \$26,812.00 per clerk

From another perspective, if you divide the total (\$134,060.00) by eight months you get an average of \$16,758.00 per month.

To get an idea of how many civil traffic hearings were held in the Justice Courts, the author found totals that were broken out specifically to photo enforcement. This data was important in its relevance to the number of civil traffic hearing officers that were used more extensively than in previous years. In some of the Justice Courts the Judge would normally handle the civil traffic arraignment calendar without a hearing officer. Below are the civil traffic hearing statistics for FY 2010:

<u>Justice Court</u>	<u>PE Civil Traffic Hearings Held</u>
Agua Fria	5,561
Arcadia Biltmore	10,519

Arrowhead	603
Downtown	3,317
East Mesa	47
Encanto	2,035
Estrella Mountain	5,173
Highland	2,974
Maryvale	2,234
Moon Valley	1,014
North Valley	1,845
South Mountain	4,573
West McDowell	14,590

Finding #3

Photo Enforcement Citation Processing

The photo speed enforcement process involves multiple steps and interfaces with agencies external to the justice courts. By understanding the steps taken in capturing information on each camera issued citation, court staff, hearing officers and judges become well prepared to process and adjudicate these citations. Though these new citations increased the courts case work load, it also provided insight into the large volume of rejected citations and what could have happened had all the citations been valid. Again, this author uses information contained in the Auditor Generals report from January 2010, which includes information on the photo enforcement process with the vendor (Redflex) and the Department of Public Safety.

“The process begins when one of the fixed unmanned photo enforcement units is triggered by a driver who has exceeded the posted speed limit by 11 mph or more. The system photographs the vehicles driver and the rear license plate. Then the photo enforcement vendor ensures the photos are clear. If either the driver or license plate photo is not clear because of issues such as sun glare or another vehicle obstructing the picture, the process stops. During the program’s first year of operation, according to vendor data, more the 785,000 (or 47 percent) of the nearly 1.7 million detections were rejected.

If both the driver and license plate photos are clear, the Department of Public Safety and the vendor (Redflex) use driver’s license information, including photos and/or registration information from Arizona and others states’ motor vehicle departments, to identify the vehicle’s driver, who may or may not be the registered owner. If a driver is identified, the vendor mails him/her a notice for either a civil traffic offense, which is used when the driver is traveling at least 11 mph over the posted speed limit, or a criminal traffic citation, which is used when the driver’s speed is considered excessive as outlined in law. In the program’s first year, according to vendor data, approximately 3,500, or 0.4 percent, of the nearly 898,000 photo enforcement violations were for criminal violations. Criminal traffic offenses committed in Maricopa County require the Department of Public Safety to personally interview and provide individuals with criminal citations”.

Once DPS and the vendor have a valid citation the driver has several options, most of which involved the justice courts. To get the photo enforcement citation to the justice courts a delivery method, using file transfer protocol (FTP), had to be worked out and a way to validate the data contained in each file that would be transmitted from the vendor to the justice courts, using the courts technical support organization, Court Technology Services (CTS). Meetings held with outside groups to ensure that the files containing photo enforcement citation data was usable to the justice courts, met time frames set by statute and could be placed into the courts case flow management system which is called the Integrated Court Information System or iCIS. From the time a speeding motorist was captured on the photo speed enforcement cameras, to sending it to the justice courts, the vendor had ninety days. This process delivery timeframe to the justice courts also included personal service of the photo enforcement citation on the cited driver. The feed contained information that had to be applicable to the case management system, including proper acceptance of the civil traffic codes listed in the Arizona Revised Statutes or A.R.S. bond schedules. The most common civil traffic violation found on photo speed enforcement citations was A.R.S. 28-701A PE. Prior to the photo speed enforcement program, officer cited civil traffic violations were 28-701A. The iCIS system was not designed to recognize this as a photo speed enforcement violation and apply the correct fine amount and surcharges. Therefore, the case management system had to be modified to accept a photo enforcement citation violation and apply the new fine amount, including all applicable surcharges. Justice Courts, working with the technology group, agreed that any violation cited on a photo enforcement citation would be modified to add the "PE" suffix following the A.R.S. code. The financials had to be

changed from \$155.00 for an officer cited speed violation under 28-701 to \$181.50 (prior to December 2009) for a camera generated photo speed enforcement citation under 28-701 PE. Any citation dated after 12/2009, would have an additional \$20.00 fee added to it, making the amount rise to \$201.50.

For any court needing to incorporate photo speed enforcement citations into their court operations, specifically their financial areas, this author provides an inside look at what was done in the Maricopa County Justice Courts. Outlined below are the instructions provided to justice court staff, when the upgrade was made to the payment processing section of their case management system financial screens, for photo speed enforcement citations:

iCIS is now programmed to automatically add the \$20.00 as a receivable if the violation date is 12/01/09 or later.

Justice court staff should enter \$181.50 in the sentencing screen, and when they are finished and click on “Save/Receipt”, they will notice the additional \$20.00 amount, and iCIS will be ready to accept the single check payment for \$201.50.

In preparing for processing photo speed enforcement traffic citations, a sample of some of the technical issues that needed to be worked through is presented here:

On Friday, September 04, 2009 the technical team needed input from the Justice Court Administration photo enforcement task force, to determine the level of data validation that needed to be applied when processing the feed from the vendor. The information that was communicated between the technical support organizations (CTS) and court administration is presented below to assist court administrators needing to have insight into these processes and how the technical issues were approached, tested and resolved.

In the data feed, the vendor is actually providing a dollar amount for the process server fee. When a receivable is created, should the programmers ALWAYS use \$26 for fee code 27, regardless of what the feed says? Justice Court Administrations reply was: Yes. (Note: this would later change to \$40.00 and again amend the process)

Some errors/validations can be “soft” warnings (still import/process the data to justice courts, who will resolve the issues after receipt of the citation) and some will be “hard” errors (can’t import the data stopping it from going to the justice courts, which are issues unable to be resolved if the citation were received in the justice courts).

Here are some of the conditions technical support programmers think they should check for in the file and they asked court administration operations staff to provide direction.

Can you tell the programmers which errors should be soft or hard?

- Text contains “?” marks. JCA reply; Soft warning
- Hearing Appearance Date falls on Weekend or Holiday. JCA reply; Soft warning.
- Defendant First Name is blank/null. JCA reply; Soft warning.

- Defendant DOB in future or invalid date. JCA reply; Soft warning
- Duplicate Citation # exists. JCA reply; Hard error do not process.
- Citation # doesn't exist Hard error do not process.
- Offense Date/Time is in future or invalid date. JCA reply; Soft warning.
- Defendant Last Name is blank/null. JCA reply; Soft warning.
- Court # must match valid Court # within our database. JCA reply; Hard error do not process.
- No charges specified. JCA reply; Soft warning.
- Defendant is a juvenile – or even under 16. JCA reply; Soft warning.¹⁹

Other questions/concerns from the technical support group in their information request for direction from Justice Court Administration in September 2009 were:

1. What if the Defendant/Case has already been terminated or dispositioned when we receive a feed that the party has been served? JCA reply; Do not import it. Create a report of exceptions for justice courts to investigate.
2. Report Column “Served By” represents the Company Name where DPS wants an abbreviation for each vendor. JCA reply; Justice Courts will need a list of all Vendors that are serving photo speed enforcement citations and the approved abbreviation (example HELP = Hawkins E-Z Messenger) and AAA = AAA Photo Safety, Inc.

¹⁹ Court Technology Services request for input from JCA, Sept. 2009

3. When creating a “New Hearing” event in the notes section of the Chronology screen in iCIS and there are other hearing(s) (Past or Future), that exist without a “Result” method, closing out the event:
 - a. Do we program to auto “Vacate” those Hearing(s) events? JCA reply; No.
If yes then what is the Result Reason. N/A
 - b. Or Error as FAILURE. JCA reply; No.
 - c. Or Do Nothing? JCA reply; Yes.

While administration and technical support were working out the language specific to photo speed enforcement citation processing, information was received from the Department of Public Safety that would also need to be incorporated into the case management processing system.

Finding #4

Photo Citation Process Service issues

DPS had informed Justice Court Administration that the process service fee had been increased from \$26.00 to \$40.00. The new fee was effective September 3, 2009. The DPS Photo Enforcement Processing training documentation was updated and was posted to the ACAP training website.

Also, when a person is served with a DPS photo enforcement citation, the citation now lists the service fee due plus the fine amount. This should eliminate the need for the court to waive the service fee because the person wasn't aware of the fee.

Prior to the September programming issues, both court technology services and justice court administration staff were dealing with service of complaint issues. Captured below are the task force committee's recommendations to the programmers that would auto-create an EVENT note in the courts' case management system (iCIS).

Monday, August 03, 2009

“SERVICE HALTED EVENT” - CTS (Court Technology Services) reports to the vendor (Redflex) not to serve the complaint.

This event is auto generated by CTS and creates an event in the courts NOTES section of the CHRONOLOGY screen if any of the following have occurred:

Hearings that HALT Service:

Administrative Hearing

Appeal Case

Arraignment Hearing set for future date

Bond Forfeiture Hearing

Change of Plea

Civil Hearing

Civil Traffic Hearing

Evidentiary Hearing

ID Hearing

Oral Argument

Order to Show Cause

Pretrial Conference

Restitution Hearing

Sentencing

Status Conference

Trial

All Events to HALT Service with the exception of:

Affidavit of Attempted Service

Telephone Call

Undesignated

Event Requirement for subsequent updates for service:

Sent for Service

Any dispositions entered into Sentence/Disposition Screen

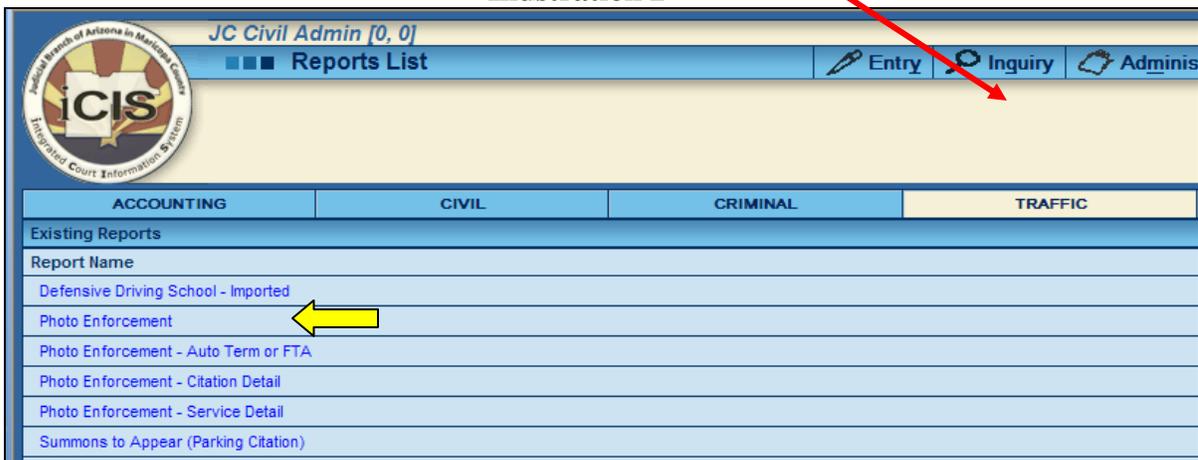
Any payment made to the case (there could be a possibility of a payment made to the case such as DDS (Defensive Driving School) fees where the case may not be dispositioned in error)

Court Technology Services (CTS) created reports, one which dealt with being able to determine which defendants had been served from those that had not yet been served. For an example of the Photo Enforcement Service Detail report created by CTS for justice courts to view violators that had been served and the actual affidavit of service, and for a look at the amount of detail that was provided to train court staff, see the instructions provided as follows:

Photo Enforcement Service Detail Report

From the Reports Screen select the TRAFFIC Tab and click on the Photo Enforcement – Service Detail hyperlink.

Illustration 2



Source: Court Technology training instructions for photo enforcement citation data retrieval

Select court name from the Court Dropdown Menu, then select Load Successful from the Report Type Dropdown Menu, and enter the Start and End Dates (date range of no more than thirty days). Hit the Enter key or Click the Generate button.

Illustration 3

The screenshot shows a web-based form titled "Report Parameter" for the "CIS" (Court Information System). The form is specifically for "Report Inputs For: Photo Enforcement - Service Detail". It contains the following fields and values:

- Court:** Arcadia Biltmore Justice Court (selected from a dropdown menu)
- Report Type:** Load Successful (selected from a dropdown menu)
- Start Date:** 12/02/2009
- End Date:** 12/07/2009

At the bottom of the form, there are two buttons: "Generate" and "Return".

Source: Court Technology training instructions for photo enforcement citation data retrieval

The following report will display.

Illustration 4

Maricopa County Justice Courts, State of Arizona					
Photo Enforcement Service Detail					
Report is for 12/02/2009 to 12/07/2009					
LOAD SUCCESSFUL					
Court: Arcadia Biltmore Justice Court					
Citation Number	Case Number	Served By	Defendant Name	Service Date	Arraignment Date
50438918	CT2009569075000	AAA		12/02/2009	01/21/2010
50442225	CT2009602510000	AAA		12/03/2009	02/18/2010

Source: Court Technology training instructions for photo enforcement citation data retrieval

This report will display the Citation Number, Case Number, Process Service Company, Defendant Name, Service Date and Arraignment date. This report can be used to locate a certain service company, service date and upcoming arraignment date.

Viewing an Affidavit of Service

When an Affidavit of Service is e-filed, the following information will display in the Chronology Screen in iCIS.

Illustration 5

01/21/2010 09:00 AM	Hearing	Arraignment Hearing - Citation , at 9:00 AM Scheduled Before: Steve Sarkis Result:
12/07/2009	Event	Affidavit of Service - Photo Enforcement Result: Filed 12/07/2009
	Note	Event Note: Affidavit of Service
12/02/2009	Service	Affidavit Service Date for JOHN DOE

Source: Court Technology training instructions for processing photo enforcement citations in the iCIS case management system

An event “Affidavit of Service – Photo Enforcement” will be auto-generated by the system to include the “date of service”. The event note will display a hyperlink that will take you directly to the affidavit of service on the process server company website.

The new Arraignment Hearing will also be automatically set.

Click on the [Affidavit of Service](#) hyperlink and the Affidavit of Service document will display.

Illustration 6

Arcadia Biltmore Justice Court
 In And For The County Of Maricopa, State of Arizona

Declaration Of Service
Arizona Traffic Ticket and Complaint

Defendant	Arraignment Date	Complaint Number
	01-21-10 9:00am - 9:30am	

I, DONA. REVILLE JR., being qualified under ARCP, 4(d) and 4(e), to serve legal process within the State of Arizona and having been so appointed by Maricopa County Superior Court, did receive on Mon, Nov 6 2009 from Department of Public Safety, an Arizona Traffic Ticket and Complaint.

On, Dec 2 2009 at 01:34 PM I personally served true copies of these documents upon the Defendant, by leaving true copies at the Defendant's place of Residence with the Defendant(s) personally. The person receiving these documents verbally confirmed their identity. The person receiving these documents appears to match the driver in the citation photo. The defendant's vehicle, a CHEV, Arizona license; observed at the service address at the time of service.

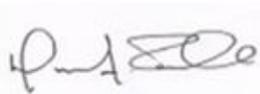
Description of Person Served:

Additional Description:	Race	Gender	DOB or Approx Age	Height	Weight	Hair	Eyes

Documents Were Served At The Following Residence:

I declare under penalty of perjury that the foregoing is true and correct and was executed on 12/02/2009.
 The Fee for service of these documents is \$40.00

AAA Photo Safety, Inc.
 480.668.5953 Office, 480.668.7425 Fax


 DONA. REVILLE JR., Deponent
 An Officer Of Maricopa County Superior Court

Source: Court Technology training instructions for photo enforcement citation document retrieval

iCIS will also auto-create the Photo Enforcement Process Service Fee in Receivables including the name of the process service company in the Financial Comments field.

Illustration 7

Receivable List					
Charge	Fine/Fee Type	Amount	Paid	Balance Due	Financial Comments
	27 - Photo Enf Proc Serv	40.00	0.00	40.00	AAA Photo Safety, Inc.
TOTALS		40.00	0.00	40.00	

Source: Court Technology training instructions for photo enforcement citation case processing

Finding #5

Violation actions, fines and fees

Now that some of the background detail for processing the photo speed enforcement citation has been presented, a review of the sequence of events affecting the violator can now be outlined.

The driver may pay the fine. If the defendant merely wants to admit responsibility by paying the fine the Administrative Office of the Courts contracted with a vendor to collect and process all of the fines. Depending on court jurisdiction, the fine can be paid in person, by telephone, on the internet, or through the mail. A civil traffic violation costs \$181.50, which includes a ten percent surcharge for the Clean Elections Commission, and it does not add any points to the driver’s license. However, effective on September 30, 2009, for commercial driver’s license holders, the court shall transmit records of these violations to the Arizona Department of Transportation, which uses this information to add points to the driver’s license and subsequently to determine whether to suspend or

revoke the license. The Justice Courts received instructions for an enhancement to their case processing procedures from the AOC, regarding commercial driver's license holders;

“Monday, December 07, 2009

This enhancement is from current legislation SB1320 (ARS 41-1722 D) effective for photo enforcement violations with offense date 9-30-09 and after.

ARS 1722D -Notwithstanding any other law, if a person is found responsible for a civil traffic violation or a notice of violation pursuant to a citation issued pursuant to this section, the department of transportation shall not consider the violation for the purpose of determining whether the person's driver license should be suspended or revoked. A court shall only transmit abstracts of records of these violations to the department of transportation for **commercial driver license holders.** END STATUTE”

The following Photo Enforcement charges for **commercial drivers license (CDL) holders** are reportable to MVD (Note that “PE” would be added in the examples below):

ARS 28-645A1A

28-645A1B

28-645A3A

28-645A3B

28-645A3C

28-701A

28-702.01A

28-702.01C

28-702.04B

According to statute, an accumulation of eight or more points within a 12-month period shall result in requiring the driver to attend traffic survival school or his/her driver's license being suspended. For non commercial driver's license holders there was no advantage to attending a traffic diversion or defensive driver traffic school program, since no points were assessed against their driving records and the cost of attending could be about the same as the cost of paying the fine. However, some non-commercial driver's license holders chose this option. This caused the courts to have to maintain the photo enforcement citation for at least thirty days to track compliance of attendance at the diversion program.

According to statute, a criminal speed traffic citation has a base fine of up to \$500.00, is subject to surcharges, which in some cases can more than double the base amount, and will add points to the driver's license if the violation results in conviction or judgment. In Maricopa County, the current fines, including surcharges, range from \$235.00 to \$460.00 depending on the miles per hour over the posted speed limit. The base fine amounts for photo enforcement criminal citations are processed in the same manner as criminal speed complaints issued by a law enforcement officer and according to statute are deposited

with the County Treasurer in the county where the violation occurred. The surcharges are also distributed according to statutory requirements.

In the program's first year, according to vendor data, of the almost 653,000 payable notices of violations sent, approximately 246,000 individuals paid the fine. According to a DPS official, it does not consider all of the notices sent to be payable. For example, notices sent to registered owners whose information did not match the driver's, such as notices sent to rental car companies, are not considered payable because the registered owner has the option but is not required to report who the driver is.

Justice Courts Photo Enforcement Statistics as of June 26, 2009

Table 3

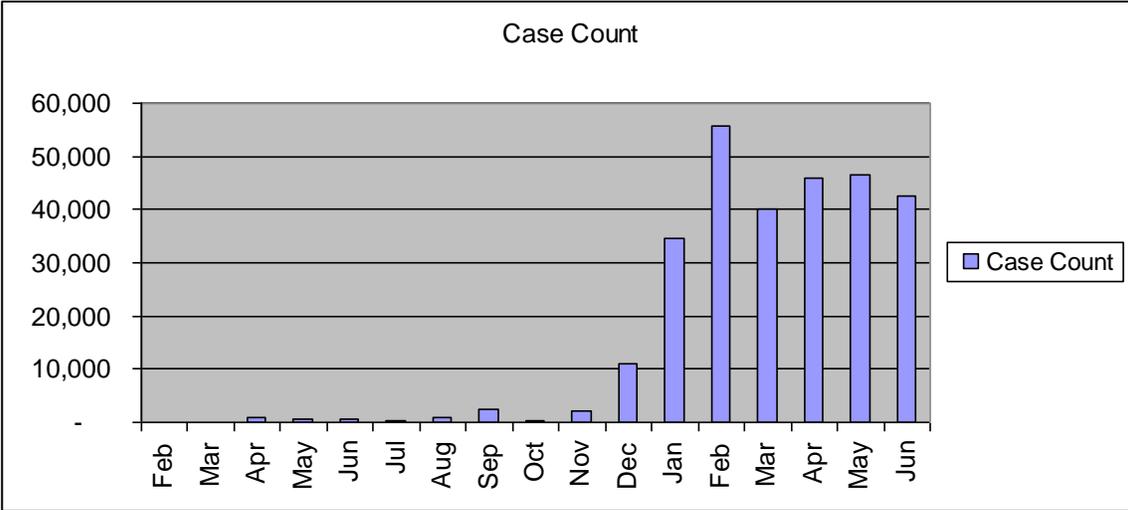
Month	Year	Case Count
Feb	2008	36
Mar	2008	35

Apr	2008	784
May	2008	599
Jun	2008	605
Jul	2008	431
Aug	2008	999
Sep	2008	2,388
Oct	2008	221
Nov	2008	2,120
Dec	2008	11,172
Jan	2009	34,598
Feb	2009	55,712
Mar	2009	40,130
Apr	2009	45,945

May	2009	46,531
Jun	2009	42,440
Total		284,746

Source: FY 2009 JCA statistical data report

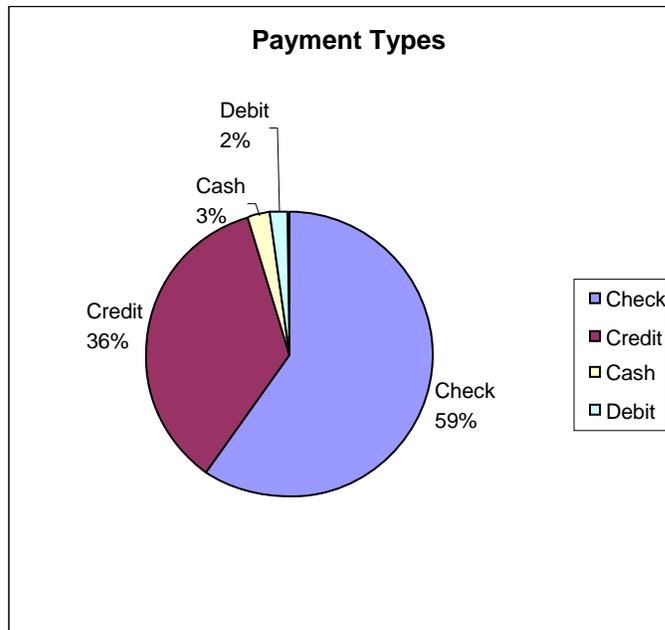
Illustration 8



Source: FY 2009 JCA statistical data report

Methods of payment for photo enforcement citations:

Illustration 9



Source: FY 2009 JCA statistical report

If an individual receiving the notice believes he/she was not the driver, he/she can send an affidavit stating he/she was not the driver along with a copy of his/her driver's license. Arizona is one of three states that hold the driver liable for the violation and not the owner of the vehicle. The individual receiving the notice also has the option of notifying the Department who the driver was so the Department can send the civil notice or criminal citation to the driver. During the program's first year, according to vendor data, of the more than 550,000 notices sent to registered owners, who could have been the driver, almost 349,000 individuals identified other drivers. Of the more than 347,000

registered owners whose information did not match the drivers, more than 102,000 identified the driver. If the Department confirms that the individual is not the driver based on the information submitted, and the individual does not indicate who the driver was, the process stops. However, if the Department confirms that the individual is the driver based on the information submitted, the process will continue, and the individual will have to pay the fine or go to court. In the program's first year, according to vendor data, the Department rejected the claims of 765, or 0.2 percent, of the nearly 349,000 individuals who could have been the driver but declared they were not.

The individual can request a hearing to contest the civil or criminal traffic offense. The justice court in the county where the speeding violation occurred will hold the hearing. During the program's first year of operations, according to vendor data, more than 348,000 individuals requested hearings or ended up in court by not taking any action. (Note that the vendor's data does not separately track those individuals who requested a hearing from those who ended up in court by not taking any action.) If at the hearing the court determines that the individual is not responsible, the process stops. On the other hand, if the individual is found responsible for a civil violation, he/she must pay the fine, and may have his/her license revoked or suspended if he/she holds a commercial driver's license. In addition, the court has other options available for criminal citations, including adding points to or suspending the individual's driver's license, and in some cases allowing the driver to attend defensive driving school. Once the fine is paid and other court requirements are met, the process stops. However, if the individual fails to appear at the court hearing or pay the fine, the court can take other actions, such as suspending the

driver's license, or issuing an arrest warrant if the individual fails to appear for the criminal citation hearing. Further, the court may attempt to collect the fine through a collection agency or in cooperation with the Motor Vehicle Division by placing a hold on an individual's vehicle registration until he/she pays any unpaid traffic violation fees to the court or the court waives those fees.

If the individual does not take any of the previously listed actions, either the Department or the court will take additional actions.

If the individual does not respond to a civil traffic offense notice within 60 days of the photo enforcement speeding incident, the Department of Public Safety will send a civil citation. A civil citation requires the individual to now respond to the court. If the individual ignores the citation, the court will notify the Department that the individual needs to be process served (i.e., have the citation delivered to a responsible person at the individual's address of record by a contracted process server). By law, civil citations have to be served within 90 days after the citation is mailed or they are dismissed.

However, if the individual requests a hearing or is process served, but fails to appear in court, the court can take further actions such as automatically finding the driver responsible for the violation, suspending his/her driver's license for failure to appear, or sending the amount owed to collections. In addition, if the individual was process served, he/she would be subject to paying a \$40.00 process service fee. In the program's first year according to vendor data, nearly 184,000 drivers were eligible to be process served

because they had ignored the civil citation. Of those eligible to be served almost 34,000, or 18 percent, were served.

If the individual does not respond to an initial criminal citation, the Department will attempt to process serve (i.e., deliver directly to) the individual the criminal citation up to a year, after which time it will be dismissed. If the individual has been served and ignores the criminal citation, the court may issue a warrant for his/her arrest and suspend his/her driver's license. In addition, the individual is subject to paying the \$40.00 process service fee if successfully served, whether or not he/she is found guilty. In the programs first year, according to vendor data, nearly 1,100 drivers, or 31 percent, of the almost 3,500 individuals issued criminal citations ignored the citations. Of those eligible to be process served, 163, or 15 percent, were served by a process service vendor. A department official reported that if the criminal speed violator fails to appear in court for up to one year from the date of the violation, the photo enforcement officers will continue to locate, serve, and possibly arrest him/her.²⁰

During the time a file is not closed out the justice courts must maintain the case in their file management system and in their file room. Both take up valuable space and require tracking and follow-up. Maintaining cases with active warrants and driver's license suspensions reflects on their financial reports and open/closed case reports. Court staffs try diligently to adjudicate and close out as many case files as possible. There is a Case

²⁰ Ibid. pg.6

Aging report that is published monthly and photo speed enforcement open cases contributed to a spike in open case files.

Finding #6

Financials; distribution and collection

Monies collected from civil photo enforcement violations and citations are deposited in the Photo Enforcement Fund. The Department distributes monies from the Fund to the photo enforcement program vendor, the Administrative Office of the Courts, and itself, according to legislative appropriations. A 10 percent surcharge on the fines goes to the Clean Elections Commission, and monies remaining in the fund in excess of \$250,000 at the end of each calendar quarter are deposited in the State General Fund. County justice courts are not appropriated monies directly from the Fund, but receive some fund monies through the Administrative office of the Courts to help cover the costs they incur if drivers dispute the citations in court.

According to A.R.S. §41-1722, monies resulting from the civil traffic violations and citations issued through the state photo enforcement program are deposited in the Fund, and are subject to legislative appropriation, and are to be used for program administration and personnel costs. The Department is responsible for distributing fund monies to the entities involved in operating the program. According to the Department, because the program is new and does not have a history of revenue and expenditures, the Department distributes a percentage of all incoming revenues to each entity. The Department

determined these percentages based on estimated program revenue, appropriation amounts, and contract requirements. In fiscal years 2009 and 2010, three entities received appropriations for their responsibilities related to operating the program.

The Administrative Office of the Courts was appropriated \$4 million from the Fund in fiscal year 2009 to assist the court in processing photo enforcement cases, and received approximately \$3.1 million of that appropriation. Although the appropriation was based on a projected number of citations that would be processed by the courts, a large amount of money was expended during the first year to set up the photo enforcement program process within the courts. According to the Administrative Office of the Courts, it expended approximately \$2.4 million of \$3.1 million that it received as follows:

- Almost \$1.1 million was used to upgrade network lines to accommodate electronic filing and disposition of photo enforcement;
- \$745,000 was paid to a vendor for development and maintenance of a Web site and interactive voice response system to be used by motorists to pay their fines, and for vendor processing of payments that are mailed ;
- \$82,000 was utilized for program administration including establishing new court rules and court training, negotiations and oversight of vendor services, and collaboration with the Department, the vendors, and local courts to implement the program; and
- More than \$472,000 was distributed to local courts to assist with their workload. According to the Administrative Office of the Court, based on data provided by the Department, in fiscal year 2009 the photo enforcement program added

approximately 283,000 citations to the courts' current caseloads, with 98 percent of those being in Maricopa County where all of the Departments fixed photo enforcement units were located.

The Administrative Office of the Courts' appropriation for fiscal year 2010 remained the same as for fiscal year 2009. According to the Administrative Office of the Courts, it will distribute funds to local courts at a rate of \$2 per filed citation and anticipates that at the current rate of citations being filed, by the end of fiscal year 2010 it will have distributed more than \$1 million to local courts. In addition, to help cover its justice courts' citation processing costs, estimated at \$21.60 per case, Maricopa County has established a court fee for photo enforcement citations. In November 2009, the Maricopa County Board of Supervisors voted to assess a photo enforcement fee of \$20, effective December 1, 2009. Individuals who pay notice of violation fines through the designated court Web site or by mail to the Department without filing a court complaint, and defendants found not responsible for a citation by the justice courts, will not be assessed the \$20 fee. Individuals who pay fines through the justice courts either in person or by mail will be assessed the \$20 fee. The monies resulting from this increase will be deposited in a justice courts photo enforcement fund to be used to support the direct and indirect costs associated with processing photo enforcement cases filed in Maricopa County Justice Courts.

Approximately 246,000 of the nearly 653,000 payable photo enforcement violations sent, or 38 percent, were paid in the programs first year of operations. (Note:

According to a department official, it does not consider all of the notices sent to be payable. For example, notices sent to registered owners whose information did not match the driver's. Approximately 246,000 of the nearly 653,000 payable photo enforcement violations sent, or 38 percent, were paid in the programs first year of operations. (Note: According to a department official, it does not consider all of the notices sent to be payable. For example, notices sent to registered owners whose information did not match the driver's, such as notices sent to rental car companies, are not considered payable as the registered owner has the option but is not required to report who the driver is.) The number of paid violations is impacted by the following factors:

Instead of paying the fines, the individual who receives the photo enforcement violations has other options available for resolving it. For example, in Arizona the driver is held liable for the violation, so if the individual receiving the notice is not the driver he/she can indicate the he/she was not the driver and can (but does not have to) identify the driver so the citation can be sent to the driver. During the programs first year of operations, according to the Department's photo enforcement vendor's data, of the more than 550,000 notices sent to registered owners who could have been the driver, almost 349,000 individuals identified other drivers. Of the more the 347,000 registered owners whose information did not match the driver's, more that 102,000 identified the driver. The individual can also request a court hearing to dispute the violation and more than 348,000 individuals requested a hearing or ended

up in court by not taking any action. According to vendor data, as of January 4, 2010, almost 60,000 civil court cases are still pending.

If an individual does not respond to his/her civil or criminal notice and the Department or its vendor does not successfully serve the individual within the allowed time frame, neither the Department nor the courts can take any further legal action, such as imposing a fine. However, the Department or its vendor will continue to attempt to serve the citation as long as the citation is valid. The Department pays particular attention to those individuals who have not responded to multiple violations (15 or more) or those who were cited for extremely high speeds (100 mph or more). The Department reported that during September through December 2009, there were more than fifty individuals who had active multiple citations ranging from fifteen to sixty-eight citations each, and almost 250 individuals cited for speeding at 100 mph or more.

Finding #7

Highway Safety

Currently there are no statistics available on the improvement to safety on Arizona freeways due to the photo enforcement program. However, a study of Scottsdale city's photo enforcement project found improved safety. Although the study related to the Departments program has not yet been completed, a study related to the city of Scottsdale's loop 101 freeway photo enforcement pilot project found that photo enforcement improved safety in that area. In November 2007, Arizona State University

completed a comprehensive statistical analysis of Scottsdale's photo enforcement pilot project's impact on traffic safety, speed, speeding behavior, and travel time, and found, among other things:

- Average speeds at the photo enforcement sites decreased by approximately 9mph;
- Total number of crashes decreased 44 to 54 percent depending on the type of analysis; (Note: the study looked at the reduction in crashes during nonpeak hours because of the limited expected influence of photo enforcement cameras during slow-moving peak periods.)
- Annual estimated economic benefits of the program ranged from \$16.5 million to \$17.1 million including medical, long-term care, and quality of life costs; and lost productivity and wages;
- Mobility improved through travel time savings and improved travel time reliability, with the annual benefit of travel time savings, ranging from a low of \$20,000 to a high of \$901,000. (Note: Travel time savings were calculated assuming a \$15 per-hour value of travel-time savings for a one-lane collision blockage, and \$20 per hour of value of travel-time savings for a two-lane collision blockage.)

Findings from the study being conducted in Metropolitan Phoenix will be helpful in determining whether the Department's photo enforcement program has been a factor in decreasing fatal and injury collisions. The Department's state-wide data indicates that the number of fatal collisions has decreased in three of the four quarters and injury collisions

have decreased every quarter since photo enforcement was implemented, when compared to the same quarters in the 2 years before the program's implementation. However, similar decreases are evident when comparing quarters within the two years before photo enforcement. In addition, similar to the general downward trend in state data, national data shows a general downward trend in fatal collisions.

Finding #8

Public Opinion

In the first few months that the Justice Courts began seeing the impact photo enforcement citations had on their arraignment dates, lines of defendants circled many of the court locations. Many courts had media outside interviewing those cited and protestors made a visible presence with their signs and anti-photo enforcement petitions, seeking signatures to get the legislature and DPS to stop the program. There were websites devoted to anti-photo enforcement campaigns and formations of local groups opposed to the program as well. Citizens went to extremes to avoid being cited by a photo enforcement camera; some wore masks or lowered their visors to shield their faces while driving; some placed reflective shields over their license plates to prevent the camera from being able to legibly read their license plate numbers. But nothing was as tragic as the episode in August 2009; which is seen in this quote from the vendor:

FYI – (from RedFlex's Annual Report)

August 25, 2009

“As a result of the tragic shooting death of a speed van driver, all Redflex operated speed vans were removed from service while the safety and

security of staff was reviewed and assessed. The vans have subsequently been returned to service in a remotely monitored configuration, but were out of operation for a considerable period while most costs continued to be incurred.”

The RedFlex employee was inspecting the photo enforcement equipment on the freeway when he was shot to death inside his company van.

Just what was the public’s perception of photo enforcement and how did the Department address the public’s questions and concerns?

From the state of Arizona, Auditor’s General Report January 19, 2010:

“In January 2009, a phone survey of 500 registered voters was conducted about photo-based traffic enforcement.²¹ Findings from this study included:

The majority of individuals surveyed support the use of photo enforcement technology, but also think that most Arizonans oppose it. Sixty-seven percent of those interviewed supported the use of photo enforcement technology to catch speeders on city streets, and sixty-one percent supported its use to catch speeders on freeways in the cities. Even though the majority of those interviewed supported photo enforcement, fifty-five percent of those interviewed thought that most Arizonans oppose its use.

²¹ Public Opinion Strategies. (2009). Arizona statewide survey: Key findings from a statewide survey of 500 registered voters in Arizona January 13-14, 2009. Retrieved December 16, 2009, from <http://www.azcentral.com/flash/photoradarsurvey.pdf>

Regardless of whether the individual surveyed had received a photo enforcement ticket, the majority of those surveyed support the Department's continued use of this technology. Sixty-three percent of those interviewed reported that the Department should continue to use speed cameras to ticket drivers exceeding the speed limit by eleven mph or more, in addition, fifty-five percent of those interviewed who had received a speeding ticket as a result of photo enforcement reported that the Department should continue to use speed enforcement cameras.”

The photo enforcement program ended in July of 2010.

Conclusion and Recommendations

Without exception, all the Maricopa County Justice courts were either directly or indirectly impacted by the photo enforcement implementation project. The burden the program placed on court administration, judges and court staff was much greater than projected. Those courts, with cameras within their precinct, needed to have been included in the process at a much earlier stage. Prior to implementation and during the formation of task force committees, representatives from those courts most affected, might have been better prepared for the impact they would sustain to their case processing operations. Indirectly, courts that did not have stationery photo enforcement cameras within their precincts, were still required to understand the modifications made to the court wide case processing system, bond schedule amendments and financial system upgrades that took place. Consequently, after a review of all the data presented in this

project, court administrators will find supporting documentation that there is measureable impact to their courts internal and external operations.

Planning is such a crucial factor in any area of business that it cannot be overemphasized enough, that courts must have an active place on any task force that develops or implements a process, which will ultimately be handled in the courts.

Post implementation, key players need to continue to monitor and review their processes to ensure the highest level of continued support. Flexibility to changing needs as the process ages and modifications or gaps are identified as needing attention is crucial. Evaluating the results of recommendations from all sources will maintain a level of practical sustainability for continued project success. The courts will be able to move from a forecast of projected needs to a needs assessment of what is and isn't working.

Conclusion: Each participant will have their own set of requirements. These individual requirements may not always be compatible to another participants set of requirements, or be so limiting as to prohibit successful implementation of a project. Court Administration, with early intervention and participation can help their partner agencies understand what components of the plan will and will not work inside their current case management processes.

This pre-planning will allow court administration to effectively allocate resources in a much more effective manner. By early participation in the planning stages of a project,

court administration can help other agencies avoid having to make costly and time wasting modifications to their processes.

Recommendation #1: Once a court affecting project is identified, court administration should become involved. By court administration taking a more proactive role, even before task forces or committees are formed, will produce a more beneficial outcome.

Conclusion: Courts should focus on their acceptable methods of data delivery, in this case a citation. Though the vendor may produce documents in a variety of format options, the court should work with their technical support staff to pursue the optimum choice for receiving their information from an outside source. This should help moderate modifications or restrictive reconfigurations that would need to be made after the fact. Technical input to the vendor will also help ensure that the vendor provides reliable data, which meets both organizations preferred methods of delivery and allows for quick processing into the court's current case management system.

Specific to this project, the author presented information that showed the need to identify an officer cited speeding violation from a camera cited photo speeding violation. Though both violations were for the same infraction, neither was identical to the way it was handled in the court, the method of service, nor in the fine amounts imposed at adjudication. The duality of the way this violation could be processed could have caused program issues if court administration had not been proactive in their involvement.

Recommendation #2: Work closely with technical support staff to ensure that the data courts need to process, is in a format that is acceptable for the current case management system in use.

Conclusion: Court administration should consider the impact that adding new cases to their courts will have on existing staff. Most courts are already over burdened with their current case loads. By forecasting projected impacts to existing case filings for civil traffic citations, court administrators should be able to determine the most beneficial method to support the implementation of a photo enforcement program.

The need for additional staff may not allow for the hiring of any new full time employees. Alternative staffing support issues may need to be pursued, such as contract or temporary employees, contract workers or moving employees from one court to another, based on current case filing statistics. Whichever method is chosen, a plan should be drafted at the soonest possible opportunity.

With staff increases comes demand for work space, training and funding issues.

Architectural limitations might restrict a courts ability to hire and train additional support staff for this project. Creative ways of incorporating additional staff may include, retrofitting existing spaces seldom used into work areas, desk sharing for staff working different shifts, moving large office equipment to allow for additional cubicles and off-site work locations.

The court administrators would also need to consider the amount of training that would be required to train a new employee civil traffic case processing methods. Also, the option of FTE versus temporary employee needs to be measured in financial gains or losses. The sooner this plan is worked out the smoother the implementation will go.

Recommendation #3: Review existing staffing levels to determine the feasibility of adding new cases to their current work load, file storage facility and work areas.

Conclusion: Some basic changes will occur to courts existing staff with the implementation of a photo enforcement program. First, will be the need to process additional civil traffic citations created by the project. The demand for processing will also cause customer service issues, both on the telephone and at the counter. By reviewing existing customer contact data court administrators will need to forecast how to best handle the increased customer demands.

Staff may have to learn a new method of payment options being offered on photo speed citations that was not available, prior to the projects implementation. Once familiar payment applications may be modified or a new offering may present itself, presenting new frustrations for both the public and court staff.

The architectural layout of the court may be restrictive on civil traffic arraignment days. What might have been adequate space to handle officer cited civil traffic defendants, may

now cause severe overcrowding, that could cause safety issues and compromise customer service at the public counter.

Recommendation #4: Court administration should assess the demands that will be placed on existing staff and the public.

APPENDIX A

These are photographs of Maurice Gatsonides, the inventor of the gatsometer and founder of GATSOBV.



Maurice Gatsonides 1

http://www.gatsometer.com/web_en/history

Appendix B



This photograph is a representation of the type of camera that was used on the Maricopa County Freeways.

REDFLEXspeed® fixed camera

<http://www.redflex.com/html/usa/solutions/REDFLEXspeed>

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