

**ANALYSIS OF PHOTO SPEED ENFORCEMENT'S IMPACT ON ARIZONA LIMITED
JURISDICTION COURTS**

**Institute for Court Management
Court Executive Development Program
Phase III Project
May 2009**

**Daniel R. Sosa, Jr.
Operations Review Specialist
Arizona Supreme Court
Administrative Office of the Courts**

ACKNOWLEDGEMENTS

I would first like to thank Dave Byers, Administrative Director of the Courts, Mike Baumstark, Deputy Director, Janet Scheiderer, Director of the Court Services Division, and Julie Dybas, Deputy Court Administrator for the Scottsdale City Court (formerly the Manager of the Court Operations Unit) for their support and affording me with the opportunity to pursue my educational goals with the Court Executive Development Program.

I am also indebted to Janet Cornell, Court Administrator for the Scottsdale City Court, Nancy Rodriguez, Deputy Court Administrator for the Tempe City Court, Elsa Lynch, Court Administrator for the Paradise Valley City Court, Abril Ruiz-Ortega, Court Administrator for the Avondale City Court and Summer Dalton, Judicial Office Supervisor for the Apache Junction Justice Court for their time and valuable assistance with this project. Without their help, this research project could not have been possible.

I would also like to thank Geoff Gallas, Toni Grainer, as well as the entire staff from the National Center for State Courts, Institute for Court Management for their patience and tireless efforts in putting forth an excellent program. A special thanks also goes out to Don Cullen for his review and insightful edits of this report.

Finally, I would especially like to thank my beautiful wife, Cassandra, and my three lovely daughters, Brittnie, Brooke and Bree, for their unwavering support, and for serving as a perpetual source of inspiration in my life.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	2
LIST OF TABLES	4
ABSTRACT	5
INTRODUCTION	7
LITERATURE REVIEW	13
FINDINGS	24
CONCLUSIONS AND RECOMMENDATIONS	40
APPENDICES	47
APPENDIX A: Exploratory Survey	48
APPENDIX B: Interview Questions.....	52
REFERENCES/BIBLIOGRAPHY.....	55

LIST OF TABLES

TABLE A: Courts Selected for Exploratory Survey.....21

TABLE B: Exploratory Survey Data Summary - Questions 1, 5 and 6.....25

TABLE C: Exploratory Survey Data Summary – Questions 7 through 13.....26

TABLE D: Comparison of Filings to Non-Judicial FTEs.....28

TABLE E: Scottsdale City Court – Key Workload Measures.....30

TABLE F: Exploratory Survey Data Summary - Questions 14 and 15.....33

TABLE G: Exploratory Survey Data Summary - Questions 2 through 4.....37

TABLE H: Exploratory Survey Data Summary - Questions 16 through 18.....40

ABSTRACT

This research is dedicated to evaluating the impact photo speed enforcement programs have had on the limited jurisdiction courts in Arizona. Understanding that photo speed enforcement programs are in fact not court initiated programs, but rather initiated by either the executive or legislative branches, this research set out to measure and assess the full impact these programs have had on *all* the operational aspects of the courts. The operational aspects considered included a review of the courts' caseload statistics, staffing needs (case processing and customer service), equipment needs (additional PCs, monitors or other equipment), and changes necessarily made to a court's internal practices and procedures in order to adapt to any changes in demand attributed from the deployment of photo speed enforcement efforts.

The data collection methods were employed in two different stages and manners. First, an exploratory survey was prepared and sent to eleven limited jurisdiction courts in Arizona known to be participating in some form of photo speed enforcement. Next, follow up interview questions were developed based on the responses provided in the survey, and four of the participating courts were contacted and agreed to provide responses to the interviews, in addition to sharing data reports where available. Interview meetings were conducted at three courts while the fourth court was able to provide written responses to the interview questions, in addition to reports for review analysis.

The findings show that all participating courts experienced caseload increases resulting from the implementation of the photo speed enforcement program within the respective courts'

jurisdictions. Correspondingly, court staff activity sharply increased in order to meet the caseload and customer service demands, even when the projected caseload figures were not met. The findings further show that although the courts were all directly impacted by the deployment of photo speed enforcement programs, they were not consistently brought in as planning partners by the initiating agencies. As a result, in these instances, the court administrators did not have a voice and were unable to address any concerns they might have had regarding the impact to the court, court staff, and the public in general. Furthermore, project planners (in most instances) did not give the courts much time to prepare for the introduction of the photo speed enforcement citations to the court's pre-existing caseloads.

Finally, the findings show the self-sustainability of the photo speed enforcement programs varied among the eight jurisdictions, and that court administrators monitored or evaluated the productivity and performance figures of the photo speed enforcement programs on varying levels. Careful planning and constant monitoring of case filings generated from the program are necessary to ensure the court has the appropriate staffing and equipment needs necessary to meet the caseload and customer service demands created by the program.

Consequently, the following six recommendations were made for the findings addressed above:

- Court administrators should become involved in the planning process as soon as they learn of the plans for the implementation of a photo speed enforcement program.
- The vendor must be responsive to the court's needs.
- Court administrators must evaluate the court facility to ensure it will meet the demands of the program.

- Court administrators should utilize staffing projection formulas to determine the number of staff members needed to meet the projected caseload increases.
- Court administrators must track and monitor the performance of the photo speed enforcement program.
- Court administrators must be mindful of the impact that increased productivity and other demands have on their staff.

INTRODUCTION

Under the Arizona Constitution, the Chief Justice of the Arizona Supreme Court is vested with the authority to provide administrative supervision “over all of the courts of the state.”¹ The Arizona Constitution further states the Arizona Supreme Court shall appoint an administrative director and staff to assist the Chief Justice in discharging her administrative duties.² The Administrative Office of the Courts (AOC) is comprised of an administrative director, deputy director and several staff members performing a variety of functions to assist the Chief Justice to this end. The Court Services Division is one such unit within the AOC body providing support services to the Arizona court community in a myriad of areas, including, but not limited to: assistance with automated case management systems; statistical information about the Arizona courts; and court operational reviews.

¹ Az. Const. Art. 6 § 3.

² Az. Const. Art. 6 § 7.

The purpose of this project is to determine the level and degree of impact that photo speed enforcement programs have had on the limited jurisdiction courts in Arizona.³ The project will focus on court operations with respect to the influence of increased caseloads generated by this new procedure, including: staffing needs (case processing and customer service), equipment needs (additional PCs and monitors), and changes to internal procedures and practices.

The data for the research was gathered from limited jurisdiction courts in Arizona, and was collected through the use of exploratory surveys, discussions and interviews with court administrators and court staff, AOC statistics, and by review of data reports and other statistical data made available by the participating courts. Once the data was compiled, it was analyzed to find trends and patterns of commonality between the courts experiences with photo speed enforcement, in addition to identifying the experiences and circumstances that may have been unique to a particular court. The information was further reviewed to determine the net affect that photo speed enforcement had on the courts overall operations.

It is the intent of the author to share the wealth of information and collective experiences from those administrators that so graciously agreed to participate in this research project. From these experiences, the author further hopes the information will provide some assistance and guidance to those court administrators suddenly faced with the prospect of adding photo speed enforcement cases to their docket.

³ Limited Jurisdiction Courts in Arizona are divided into two categories: Municipal and Justice of the Peace courts. Municipal courts have jurisdictional boundaries within a city or town, while Justice of the Peace courts have jurisdictional boundaries, known as precincts, within a particular county.

What is Photo Speed Enforcement?

Automated photo enforcement programs are divided into two types: red light photo enforcement and photo speed enforcement. Red light photo enforcement programs focus on the safety at intersections, as they attempt to reduce the number of serious accidents (sometimes resulting in fatalities) caused by red light violators. In contrast, photo speed enforcement programs focus on reducing speeds both on the highways and surface streets. Some jurisdictions implement both programs (red light and speed); however, a majority of the jurisdictions in the United States focus almost exclusively on red light photo enforcement. The Insurance Institute for Highway Safety reports that over 300 jurisdictions utilize red light photo enforcement programs, which is a stark contrast to the 30 jurisdictions currently using photo speed enforcement programs.⁴

There are essentially two types of photo speed enforcement systems: fixed camera and mobile camera systems.⁵ In a fixed camera system, the cameras are placed in strategically planned areas within a jurisdiction, and are mounted in a protective box on a pole or stand to continually monitor traffic speeds without the need of a human operator. By contrast, mobile units require the need for a human operator to position the van or other automobile type. The obvious advantage in the mobile system is the ability to move the camera to newly desired locations, while the advantage of the fixed camera system is the deterrent effect, even when the camera is not in use.⁶

⁴ Institute of Highway Safety. IIHS Research Communities Using Red Light and/or Speed Cameras. http://www.iihs.org/research/topics/auto_enforce_cities.html. 2008. (Accessed August 3, 2008)

⁵ Decina, Lawrence E., Libby Thomas, Raghavan Srinivasan, Ph.D., Loren Staplin, Ph.D. *Automated Enforcement: A Compendium of Worldwide Evaluations of Results*. National Highway Traffic Safety Administration. Office of Research and Technology, Behavioral Technology Research Division. Washington D.C. DOT HS 810 763. http://www.trb.org/news/blurb_detail.asp?id=8218. 2007. Page 17. (Accessed June 30, 2008)

⁶ *Loc. Cit.*

According to the Arizona Department of Public Safety, their automated mobile speed van system measures the presence and speed of oncoming traffic through the use of two separate image radars. As motor vehicles are detected to be in violation of the posted speed limit, one camera is activated to snap a shot of the driver's face as the vehicle approaches, while a second camera snaps a shot of the same vehicle's license plate after it passes by the mobile unit.⁷

The camera system then records the "violation date, time, location, detected vehicle speed and posted speed limit . . . which is displayed on the top of the images." The system then encrypts the image evidence so that it cannot be altered or tampered with.⁸ The images are then transferred to a complaint form to be served upon the defendant, and copies are provided to the court (electronically or in hard copy) to initiate the case. As you will find in the pages that follow, the State of Arizona is embarking on a new program, created through enabling legislation that is the first of its kind in the nation. Under this new program, the process of delivery and service of the citation to the defendant and the court differs from typical model described above.

History of Photo Speed Enforcement in the United States

Photo speed enforcement (also commonly referred to as automated speed enforcement) was initially used in Massachusetts in 1910. A device called a "photo speed recorder" was used to capture images of speeding automobiles through the utilization of a camera and stopwatch.⁹ These photographic images were used as evidence in the courts, and the legality of the use was

⁷ Arizona Department of Public Safety.

http://www.azdps.gov/safety/photoenforcement/PE/Documents/Photo_Enforcement_Technology_01.03.08.pdf. (Accessed June 14, 2008)

⁸ *Loc. Cit.*

⁹ Savage, Melissa. *Automated Traffic Enforcement*, National Conference of State Legislatures. <http://www.ncsl.org/programs/transportation/0700trnrvt.htm>. 2004. (Accessed June 14, 2008)

upheld by the Massachusetts Supreme Court in *Commonwealth v. Buxton*¹⁰.¹¹ However, the use of photographic technology was not used again in the United States (by law enforcement) until 1987 in Paradise Valley, Arizona.¹²

According to the Insurance Institute for Highway Safety, the use of photo speed enforcement is currently used in more than 30 jurisdictions within the United States. This includes jurisdictions in: Arizona, California, Colorado, Washington D.C., Illinois, Iowa, Louisiana, Maryland, Massachusetts, New Mexico, Ohio, Oregon, Tennessee and Washington.¹³ However, in some States, the use of photo enforcement is prohibited, as is the case in New Jersey, New Hampshire, West Virginia and Wisconsin.¹⁴

While Paradise Valley was the first city to employ the use of photo speed enforcement, many jurisdictions in Arizona have since become involved with the program. Furthermore, as you will learn in the pages to follow, with the implementation of the Arizona Governor's Budget Plan, many other jurisdictions have become involved in the state.

The Impact of Legislation and other Government Initiatives on the Courts

While the judiciary is one of the three “independent” branches of government, the courts’

¹⁰ *Commonwealth v. Buxton*, 91 N.E. 128 (Mass. 1910).

¹¹ Morris, Lisa S. *Photo Radar: Friend or Foe?* 61 UMKC L. Rev. 805, University of Missouri-Kansas City School of Law. 1993. Page 2.

¹² Rodier, Caroline J., Susan A. Shaheen, Ellen Cavanagh. *Automated Speed Enforcement for California: A Review of Legal and Institutional Issues*. California PATH Research Report, UCB-ITS-PRR-2007-14. http://path.berkeley.edu/~cychan/Research_and_Presentation/TO6212_ASE/PRR-2007-14.pdf. 2007. Page 2. (Accessed June 30, 2008)

¹³ Institute of Highway Safety. IIHS Research Communities Using Red Light and/or Speed Cameras. http://www.iihs.org/research/topics/auto_enforce_cities.html. 2008. (Accessed August 3, 2008)

¹⁴ Institute of Highway Safety. IIHS Research Automated Enforcement Laws. http://www.iihs.org/laws/automated_enforcement.aspx. 2008. (Accessed June 14, 2008)

workload is not determined by the courts themselves, but rather is dictated by laws created by the legislative branch, and can further be impacted by initiatives driven by the executive branch (that may also lead to enacted legislation). As legislation evolves and changes over time, it can have a measureable impact on the workload of judges and court staff. Photo speed enforcement is but one example of a program initiated by the other branches that can greatly influence the judiciary's caseload, tax its resources and increase its overall productivity.

The Governor's Budget Plan

The Governor for the State of Arizona, in the Executive Budget for Fiscal Year 2009, urged for the creation of a "Highway Photo Radar" enforcement program to be employed on the state's highways. In addition to improving the safety of Arizona's highways, the budget plan stated that if the legislation were "enacted and implemented properly", the \$90 million dollars in anticipated revenue would go toward funding the Department of Public Safety, and to offset "expenditures previously requiring General Fund monies."¹⁵ These expenditures include such items as border security and public safety assistance on state highways.¹⁶ The budget plan called for the addition of 100 cameras to the state's highways, and further stated that at full implementation, the cameras are expected to generate \$120 million dollars in new revenue for Arizona.¹⁷

Following the Governors call, the Arizona legislature enacted laws creating a photo speed enforcement program that is the first of its kind in the United States. As with most first time projects, the controversial legislation, as seen by some, has been met with resistance in both the public and private sectors and really is the subject matter for another research paper. In addition,

¹⁵ *The Executive Budget (Detail), Fiscal Year 2009*. State of Arizona. Janet Napolitano, Governor. Page 147.

¹⁶ See Note 15 *supra*, Page 3.

¹⁷ See Note 15 *supra*, Page 147.

the impact of this legislation on the courts is indeterminable at this time, and will not be fully known by the conclusion of this paper.

LITERATURE REVIEW

The literature review was predominately performed in June 2008,¹⁸ with the intent of procuring a broad history and perspective on photo enforcement efforts in general, in addition to the pursuit of a narrowed and more refined research focus on the impact photo speed enforcement has had on courts over time. Although the author could find very little research material analyzing the relational aspects of photo speed enforcements' impact on court operations, two Court Executive Development Program research papers were discovered and found to be on topic. Consequently, the CEDP reports, in conjunction with other research materials, shaped the foundation for the focus of this paper.

Legality of Use of Photo Speed Enforcement

Some contend there are significant constitutional issues surrounding the implementation of photo speed enforcement, such as concerns over privacy, due process, the right to present a defense, equal protection, as well as concerns with statutory provisions.¹⁹ This in fact has dissuaded some jurisdictions from moving forward with plans for implementing automated enforcement

¹⁸ One CEDP research paper (Ms. Dunn's in particular) was not discovered in the June 2008 research period, as it was not found in the ICM's library research database. It is therefore presumed the paper had not been scanned into the database until sometime after June 2008, as the paper was subsequently uncovered and accessed in February 2009.

¹⁹ See Note 11 *supra*, Pages 4-10.

programs, as was the case in Kansas City, Missouri.²⁰ Meanwhile, others claim that legal scholars have generally found that the programs do not violate any constitutional rights.²¹

Legal issues have also been raised on procedural grounds, and on some occasions, parties have prevailed. One such procedural challenge was upheld in the Arizona courts. In *Tonner v. Paradise Valley Magistrate's Court*²², the Arizona Court of Appeals affirmed a decision from the Superior Court, stating that a civil traffic sanction entered against Tonner by the Paradise Valley Magistrate's Court was void "for lack of personal jurisdiction." As such, the court found that personal service of the traffic complaint is required, and that the mailing of speed camera ticket to a defendant was found to be in violation of Arizona law.

Enabling legislation is generally required to give jurisdictions the legal authority to mail traffic citations (to defendants) generated from photo speed enforcement programs.²³ By way of example, Arizona passed a budgetary bill into law (H.B. 2210), part of which requires the Department of Public Safety to "enter into a contract or contracts with private vendors to establish a State photo speed enforcement system . . . relating to vehicle traffic and speed."²⁴ According to the new law, the process will not require personal service upon the person, as the civil traffic violation will be issued "pursuant to notice of violation prior to a citation being filed in a court."²⁵ However, if the person "fails to respond to the notice of violation or contests

²⁰ See Note 11 *supra*, Page 10.

²¹ See Note 12 *supra*, page 6.

²² *Tonner v. Paradise Valley Magistrate's Court, et al*, 831 P.2d 448. (1992)

²³ Turner, Shawn, Amy Polk. *Overview of Automated Enforcement in Transportation*. Prepared for Publication in the ITE Journal. <http://safety.fhwa.dot.gov/intersections/docs/turner.pdf>. 1998. Page 3. (Accessed August 4, 2008)

²⁴ Amended Fact Sheet for H.B. 2210. Arizona State Senate, Forty-eighth Legislature, Second Regular Session. http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/48leg/2r/summary/s.2210approp-hed_aspassedbyenate.doc.htm. (Accessed July 15, 2008)

²⁵ *Loc. Cit.*

responsibility,” a uniform traffic compliant citation will be served upon the person and filed in a court.²⁶ Furthermore, the notice of violation will be issued directly from the system (not through local law enforcement) to the alleged violator. Under the new law, if a person enters a plea of responsible, they will only be required to pay the full amount of the fine for the violation, and the traffic violation will not be reported on the person’s driving record.²⁷

The Department of Public Safety issued a press release on July 17, 2008, stating that it will implement the statewide photo speed enforcement program on September 26, 2008. As prescribed by the Governor’s Budget Plan, this will include a total of 100 systems comprised of 60 stationary cameras and 40 mobile speed units. The program’s goal was to have all 100 fully operational by January 2009.²⁸ As of April 2009, the department reports having 36 fixed camera locations in addition to 42 mobile units.²⁹

The Impact of Photo Speed Enforcement on Courts

The overwhelming majority of research conducted has focused on the correlation of photo speed enforcement and its impact on traffic safety. However, perhaps not too surprisingly, not much was found on the relationship between the implementation of photo speed enforcement and its subsequent impact on court operations, which is the primary focal point of this report. However, the author was able to find two research papers written by Fellows of the Court Executive Development Program of the Institute of Court Management discussing this very issue.

²⁶ *Loc. Cit.*

²⁷ *Loc. Cit.*

²⁸ Arizona Department of Public Safety. Press Release for Thursday, July 17, 2008. <http://www.azdps.gov>. (Accessed July 17, 2008)

²⁹ Arizona Department of Public Safety. Photo Enforcement Camera Locations. <http://photoenforcement.azdps.gov/Cameras/> (Accessed April 8, 2009)

The first paper discussed below, written by Patricia Dunn, was more directly on point for this research project, as it discussed the impact of *photo speed* and photo red enforcement on the city court in Scottsdale Arizona. Although less on point, the second paper written by Kathie M. O’Connell discussed the issues encountered during the implementation of the photo red light enforcement program in the Citrus Court in Los Angeles County, California.

Patricia Dunn’s report entitled “Managing a Photo Radar Program in the Scottsdale City Court” reviewed the impact that the implementation of an automated enforcement program had on this particular court.³⁰ The report noted that the city council approved the funding and personnel for a three year pilot project in August 1996, which included the use of mobile units for photo speed enforcement and stationary units for red light photo enforcement at city intersections.³¹

Ms. Dunn indicated that after the award of a contract to a photo vendor in September 1996, an implementation committee was formed and comprised of representatives from the city police department, the city prosecutor’s office, the vendor and the court.³² Ms. Dunn stated the goal of the committee was to “identify the critical issues that needed to be addressed when implementing such a program and begin the process of creating the program.”³³ This committee identified eight major issues associated with the implementation of the program, including:

1. The form of the citation/complaint;³⁴
2. Issues with the case and financial management database for photo enforcement;³⁵

³⁰ Dunn, Patricia. *Managing a Photo Radar Program in the Scottsdale City Court*. NCSC. CEDP 1998.

³¹ See Note 30 *supra*, page 7.

³² See Note 30 *supra*, page 8.

³³ *Loc. Cit.*

³⁴ *Loc. Cit.*

³⁵ See Note 30 *supra*, page 9.

3. The actual method for filing complaints with the court;³⁶
4. The necessity of reports to monitor program performance;³⁷
5. The critical issue of identifying the driver;³⁸
6. The court space required to accommodate the increase of hearings;³⁹
7. Additional counter space needed and improvements to the current signage to assist in directing the public;⁴⁰
8. Reporting dispositions to the Arizona Motor Vehicle Division.⁴¹

Ms. Dunn further indicated that although there were many unknown factors yet to be encountered, the court reviewed and discussed several policies and procedures that may need to be changed or implemented in preparation for the photo enforcement programs.⁴² This included a change to procedures due to the unique circumstance presented by the programs, including changes in procedures requiring the timely and accurate identification of the driver⁴³ and processing cases where the defendant may elect to take the defensive driving⁴⁴ option.⁴⁵

Finally, Ms. Dunn's report identified seven issues that had impacted the court after the implementation of the program, some of which were completely unanticipated.⁴⁶ Those seven

³⁶ *Loc. Cit.*

³⁷ See Note 30 *supra*, page 10.

³⁸ *Loc. Cit.*

³⁹ *Loc. Cit.*

⁴⁰ See Note 30 *supra*, page 11.

⁴¹ See Note 30 *supra*, page 12.

⁴² See Note 30 *supra*, page 13.

⁴³ *Loc. Cit.*

⁴⁴ Under Arizona law, qualified defendants have the option to attend defensive driving courses for eligible violations. If defendants successfully and timely complete the course, the court will dismiss the charge on one qualifying offense.

⁴⁵ See Note 30 *supra*, page 16.

⁴⁶ See Note 30 *supra*, page 18.

issues most effecting the court's operations included increases in: the number of case filings⁴⁷; counter services activity⁴⁸; telephone services activity⁴⁹; mail processing activity⁵⁰, payment processing and receipting⁵¹; courtroom activity⁵²; and record request processing activity resulting from high media exposure.⁵³

In contrast, Kathie M. O'Connell's report entitled "Los Angeles County Red Light Photo Enforcement Pilot Program"⁵⁴ reviewed the first few months of a pilot program for red light photo speed enforcement. The pilot program consisted of four intersections within the county, two of which were within the jurisdictional boundaries of Ms. O'Connell's court (Citrus Court).⁵⁵ Although the report focused solely on red light photo enforcement, there are parallels that can be drawn concerning the impact that this pilot program had on her particular court operations.

In particular, Ms. O'Connell's court operations were not impacted by a sharp increase in the number of filings, but in fact fell well short of the projected filing goals of the program.⁵⁶ Conversely, the two intersections outside of her court's jurisdiction exceeded the projected goals of the pilot program.⁵⁷ As a result, pilot project planners were faced with the issue of choosing

⁴⁷ See Note 30 *supra*, page 17.

⁴⁸ *Loc. Cit.*

⁴⁹ *Loc. Cit.*

⁵⁰ *Loc. Cit.*

⁵¹ See Note 30 *supra*, page 18.

⁵² *Loc. Cit.*

⁵³ See Note 30 *supra*, page 19.

⁵⁴ O'Connell, Kathie M. *Los Angeles County Red Light Photo Enforcement Pilot Program*. NCSC. CEDP 2000.

⁵⁵ See Note 54 *supra*, page ii.

⁵⁶ See Note 54 *supra*, page iii.

⁵⁷ *Loc. Cit.*

alternative locations within the jurisdiction for the fixed cameras in the hope of increasing the number of filings for the court.⁵⁸

Although the stated goal of the program was to improve the overall safety of intersections within the county, Ms. O'Connell touched on the importance and necessity to generate revenues to sustain the program.⁵⁹ She also stressed the need for good communication between the court, the vendors, law enforcement and the Department of Motor Vehicles.⁶⁰ Ms. O'Connell also mentioned the need for good research and planning, such as selecting the best locations for the placement of the cameras.⁶¹ As evidenced in her report, this may require courts to balance the sometimes conflicting needs of improving overall safety and generating enough revenue to sustain the program.

In recapitulation, both Dunn's and O'Connell's reports illustrated that courts are likely to face, and must overcome, a number of complicated issues when automated enforcement programs are introduced into a court's jurisdiction.

METHODS

As previously stated, the purpose of this project is to determine the level and degree of impact that photo speed enforcement has had on the limited jurisdiction courts in Arizona. The project focused on court operations with respect to the influence of increased caseloads, including but

⁵⁸ See Note 54 *supra*, page 16.

⁵⁹ See Note 54 *supra*, page 20.

⁶⁰ *Loc. Cit.*

⁶¹ See Note 54 *supra*, page 23.

not limited to: staffing needs (docketing and customer service), equipment needs (additional PCs and monitors), training, and changes to internal procedures and practices.

The data collection methods were employed in two different stages and manners. First, an exploratory survey was prepared and sent to eleven limited jurisdiction courts in Arizona known to be participating in some form of photo speed enforcement. Next, follow up interview questions were developed based on the responses provided in the survey, and four of the participating courts were contacted and agreed to provide responses to the interviews, in addition to sharing data reports where available.

Methods for Exploratory Survey

To ensure the data integrity of the document, a draft exploratory survey was prepared and sent to two court administrators (Janet Cornell, Court Administrator for the Scottsdale City Court, and Nancy Rodriguez, Deputy Court Administrator for the Tempe City Court) for the purpose of pre-test and review analysis. The finalized survey contained 18 questions, a copy of which can be found at Appendix A. Eleven limited jurisdiction courts were invited to participate in the survey by email, of which eight (73%) agreed to participate. In particular, six completed and returned the survey (by email) within one week from the time the surveys were sent, while another court declined the invitation to participate within this same time frame. A subsequent request was sent two weeks after the original request to the remaining four courts, wherein two courts replied within one week, and two courts did not reply at all.

As previously mentioned, all of the selected courts were involved in processing photo speed enforcement cases; however, some courts were specifically invited to participate based on their

long and unique histories with the program. Additional selection criterion included consideration of the number of civil traffic cases initiated in the courts, in order to ensure that a good cross-section of higher and lower volume courts were represented in the initial court sample. Table A below identifies the specific type of jurisdiction for each of the courts selected for the sample, in addition to the total number of civil traffic case filings reported for FY2007.

TABLE A		
Courts Selected for Exploratory Survey		
COURTS SELECTED	COURT TYPE (JUSTICE VS. MUNICIPAL)	TOTAL CIVIL TRAFFIC FILINGS (FY2007)*
Court A	Justice	7,341
Court B	Municipal	12,596
Court C	Justice	5,007
Court D	Justice	5,378
Court E	Municipal	96,347
Court F	Municipal	33,465
Court G	Justice	4,056
Court H	Municipal	194,408
Court I	Municipal	180,621
Court J	Municipal	56,845
Court K	Municipal	118,723

Source: 2007 Annual Data Book from the Arizona Supreme Court, Administrative Office of the Courts

Methods for Interviews and Additional Data Research Analysis

The information gathered from the exploratory surveys was used to prepare detailed follow-up interview questions based on the courts' responses. This information was also used to determine which of the courts would be selected for follow-up review. This was driven in part by the courts use of data reports, in addition to the size and volume of civil traffic cases filed with the courts. The goal being once again, to get a representative sample of both higher and lower volume courts.

Understanding there is a process to the implementation of any project or program; the interview questions were developed and driven by the various stages in which a program is developed. As such, the 24 questions were divided into six distinct sections: Program Details; Planning and Development; Role Out and Implementation; Initial Program Evaluation; Routine Program Evaluation and Monitoring; and, Statistical Reporting on Photo Speed Enforcement. A copy of the interview questions can be found at Appendix B.

The “Program Details” section sought to find out the total number and type of units (mobile vs. fixed) used to initiate the citations, as this will have a relational value on the number of citations filed with the court. (Under the premise that more photo speed enforcement units will result in more cases filed with the court.) The “Planning and Development” section sought to find out a number of things related to the planning, including:

1. The governmental agency or body responsible for initiating the program;
2. All of the agencies involved in the planning and development (and if the court was brought in early as a partner to the planning);
3. The point at which the vendor was brought into the process;
4. The amount of time the court had to prepare prior to the implementation of the program.

The “Role Out and Implementation” section inquired into the biggest obstacles the courts faced both prior to and after the implementation of the program, in addition to those areas of the court’s operations most impacted by the implementation of photo speed enforcement. The “Initial Program Evaluation” section sought to find out if the courts had engaged in any

preliminary evaluations within a certain time period after the implementation of the program; and if so, what types of things were analyzed by the court. The “Routine Program Evaluation” section sought to determine if and how the courts were monitoring and evaluating the program on a continual basis. Finally, the “Statistical Reporting on Photo Speed Enforcement” sought to determine if and how the courts were analyzing the data attributed to photo speed enforcement. For instance, it inquired if the court tracked photo speed enforcement cases separately from other civil traffic cases, and if the court tracked the various disposition outcomes of photo speed enforcement.

Of the eight courts agreeing to participate in the exploratory survey, four courts were selected and graciously agreed to provide responses and other valuable documentation adding to the discussion and review. The four courts included the Apache Junction Justice Court, the Avondale City Court, the Paradise Valley City Court and the Scottsdale City Court. Interview meetings were conducted at three court facilities to discuss and review data reports and other information provided by the court. Although a meeting could not be arranged with the Apache Junction Justice Court, the court provided written responses to the interview questions, in addition to reports for review analysis.

The information collected from the courts in the exploratory surveys and subsequent interviews was used to formulate the Findings and Recommendations that follow in this paper. It is the intent of the author to share the wealth of information and collective experiences from those administrators that so graciously agreed to participate in this research project. From these experiences, the author further hopes the information will provide some assistance and guidance

to those court administrators suddenly faced with the prospect of adding photo speed enforcement cases to their docket.

FINDINGS

This project review report identifies seven findings from the comprehensive data review. The data evaluation included the review of eight exploratory surveys, three meeting interview discussions, one written completed interview response, AOC statistics, and various reports and other court data provided by the courts to determine the impact that photo speed enforcement has had on the operations of the participating courts.

FINDING #1: All courts experienced in an increase in caseload production resulting after the implementation of photo speed enforcement. In addition, court staff members were impacted by the increase in caseload demands.

The results of the exploratory surveys showed each of the eight courts experienced an overall increase in caseload production resulting after the implementation of photo speed enforcement. Corresponding to the increased caseload production, as illustrated in Table B on the following page, 7 out of 8 (88%) courts reported they encountered the need to hire new staff to make up for staffing deficiencies. On average, the seven courts hired three new employees within the first six months of deployment of the program, ranging from one to six new employees. Furthermore, three courts were required to hire an average of two additional new employees after the first year of deployment. Table C, found on page 26, shows the exploratory survey data for these two results. (Questions 7 and 8 respectively.)

Table B Exploratory Survey Data Summary Questions 1, 5 and 6					
#	QUESTION	YES	NO	N/A	UNKNOWN
1.	Has the court evidenced an increase in caseload since the introduction of photo speed enforcement?	8	0	0	0
5.	Did the court encounter a need to increase staffing after the deployment of photo speed enforcement?	7	1	0	0
6.	Did the court encounter a need to hire new staff to make up for the staffing deficiency?	7	1	0	0

In addition to hiring new staff, some courts also found the need to reassign existing staff to assist in the processing of photo speed enforcement cases. In particular, three courts we required to reassign at least one person to assist with photo speed enforcement cases after the first six months of deployment of the program. Moreover, two courts (one of which already had to reassign one employee after the first six months) were also required to reassign two and three employees respectively, after the first year of deployment. (See Table C, Questions 9 and 10.)

The exploratory survey data further revealed that at the time the survey was completed, only one court indicated it had full-time employees assigned to work exclusively on photo speed enforcement cases. Whereas the seven remaining courts indicated full-time employees performed work in photo speed enforcement in addition to other assigned duties. Three courts further indicated that part-time employees were also needed to assist with the photo speed enforcement workload. (See Table C, Questions 11-13.)

Table C
Exploratory Survey Data Summary
Questions 7 through 13

#	QUESTION	Number of Courts (Requiring a Change in Staffing)	Average Number of Employees (For Courts Requiring Change)	Range of Employees (For Courts Requiring Change)
7.	If yes (to Question #6), how many new employees were hired in the first 6 months?	7	3	1-6
8.	How many additional new employees were hired after the first year of deployment? (Not including those brought on in the first six months.)	3	2	1-2
9.	If the court required some reallocation of human resources, how many employees were reassigned to process speed enforcement cases after the first six months of deployment?	3	1	1-2
10.	How many employees were reassigned to process speed enforcement cases after the first year? (Not including those brought on in the first six months.)	2	2.5	2-3
11.	To date, how many FTE employees do you have assigned to working exclusively on photo speed enforcement cases? (Dedicate 100% of their time toward these cases.)	1	3	3
12.	How many FTE employees do you have that split their duties between this and other case types or matters for the court?	7	13	1-62
13.	How many PTE employees do you have working on photo speed enforcement cases?	3	3	2-4

*FTE = Full-Time Employees; PTE = Part-Time Employees.

Subsequent discussions and interviews with court administrators and staff from the Avondale, Apache Junction, Paradise Valley and Scottsdale courts further supported this finding, as all four courts encountered staffing and workload challenges related to the increase in case filings. For example, Elsa Lynch, Court Administrator for the Paradise Valley City Court, reported the

court's urgent need to immediately hire staff as a result of the abrupt and overwhelming caseload increases experienced by that court after the implementation of photo speed enforcement in 1987. It is important to note the experiences and circumstances of the Paradise Valley court are inimitable, when you consider its true pioneer status as the first court in contemporary United States court history to venture down the path of photo speed enforcement, at a time when courts were still processing dockets on paper ledgers.

Back in 1987, the Paradise Valley court had only one full-time clerk position and a *total* caseload not exceeding 2,000 filings per year. Ms. Lynch reported the court's caseload surprisingly increased to over 25,000 cases within five years of the implementation of the program. By way of comparison, Table D on the following page provides details of the civil traffic case filing activity for all four courts, including the Paradise Valley City Court, for fiscal year 2007, in relationship to the reported non-judicial staffing figures for the same fiscal timeframe.

In order to respond the rather drastic and unanticipated increase in filings, the Paradise Valley City Court was required to hire two full-time positions within the first year of implementation, just to keep up with caseload demands. However, even after hiring the additional employees, Ms. Lynch indicated that the court had to do its best to avoid staff burnout, caused by the increase in case filing productivity coupled with the monotonous nature of processing large volumes of the same case type.

TABLE D Comparison of Filings to Non-Judicial FTEs Total Civil Traffic Case Filings – Fiscal Year 2007			
COURT NAME	FY2007 FILINGS	TOTAL NON- JUDICIAL FTEs*	FILINGS PER NON-JUDICIAL FTE
Apache Junction	7,341	9	817
Avondale	12,596	10.5	1,200
Paradise Valley	33,465	5.5	6,085
Scottsdale	180,621	71	2,544

Source: 2007 Annual Data Book, AOC of the Arizona Supreme Court

*Full-Time positions were calculated as “1”, while Part-Time position were calculated as “.5”.

As you can see in Table D, the Paradise Valley court still maintains a high number of filings in relationship to the number of non-judicial full-time employees. Moreover, Ms. Lynch reported that an astounding **90%** of the 33,465 total civil traffic violations filed are attributed directly to the city’s photo speed enforcement program. This is especially remarkable when you consider the filings per non-judicial full-time employee ratio (6,085 per full-time employee).

The Scottsdale City Court also encountered staff productivity challenges as it related to the increase in filings resulting from photo speed enforcement, but of a different sort than that experienced in Paradise Valley. The Scottsdale City Court has a very long and unique history with photo speed enforcement as well. As previously discussed, the first program was launched in 1996 in Scottsdale, with the speed enforcement effort focusing on the surface streets within the city. The Scottsdale court also experience a huge increase in case filings within the first year of implementation, as Patricia Dunn’s Court Executive Development Program research paper reported, the court experienced an increase of 11,696 filing within the first four months alone, as compared to the previous year’s figures. Ms. Dunn’s paper also indicated that three temporary court staff positions and one part time hearing officer were added to the court’s staff in

anticipation of the court's increased caseload. However, in spite of the addition of these positions, the court saw productivity increases affecting all aspects of the courts operations.

The city then launched a new pilot project in 2006, where photo speed enforcement cameras were added to a stretch of freeway (Loop 101) contained within the city's jurisdictional boundaries. Janet Cornell, Court Administrator for the Scottsdale City Court, reported two temporary staff members were initially brought on board in anticipation of a projected increase of 300,000 filings (within the life of the nine month pilot project). Although the project did not yield the projected filings figures (just over 90,000), the court found some difficulty in retaining the employees due to their temporary employment status with the court. Furthermore, as was experienced in the prior implementation in 1996, the court once again encountered a significant increase in productivity in all operational aspects of the court.

For instance, Ms. Cornell reported that staff productivity for processing written correspondence received by the court increased by 561%, as compared to productivity figures from the same timeframe from the previous year.⁶² Among other increases, the court also encountered a 41% productivity increase in answering phone calls, an 83% increase in the processing of receipts for payments, and a 42% increase in processing of defaulted cases.⁶³ Table E, shown on the following page, is a replica of a table Ms. Cornell presented in *The Court Manager*, published by the National Association for Court Management, which provides a comprehensive view and further detail of the impact photo enforcement had on the court's customer service productivity.

⁶² Cornell, Janet G. *Photo Enforcement Traffic Cases in Scottsdale's Municipal Court*, Court Manager, Summer 2007, Vol. 22, No. 2, National Association for Court Management (NACM).

⁶³ See Note 62 *supra*.

These sharp increases in customer service activity, driven by the city’s photo enforcement program, clearly had a measurable impact on the Scottsdale’s court staff productivity. Conversely, as customer service and case processing demands reportedly increased in some areas, the court’s productivity decreased in other areas. For instance, readers will note the court’s clearance rate productivity decreased from one period to the next, which is likely the result of the court staffs’ focus on the areas where customer service and processing demands markedly increased.

The Avondale City Court also experienced a huge increase in court staff productivity after the introduction of the photo enforcement program in June 2007. Ms. Abril Ruiz-Ortega, Court Administrator for the Avondale City Court, reported civil traffic cases increased 19% within the

Table E			
Scottsdale City Court – Key Workload Measures			
Court Customer Service Activity	March 1, 2005 to November 30, 2005	March 1, 2006 to November 30, 2006	Increase or Decrease
Phone Calls – Staff Answered	9,849	13,877	+41%
Correspondence Processed	2,314	15,285	+561%
Courtroom Walk-in Hearings	4,137	4,881	+18%
Civil Traffic Hearings	1,641	2,330	+42%
Cases Defaulted	8,872	12,617	+42%
Clearance Rate	119%	90%	-24%
Process Service Completed	6,509	12,039	+85%
Defensive Driving Class Attended	14,451	28,876	+100%
Appeals Filed	215	250	+16%
Receipts Issued for Payment	62,914	114,969	+83%

- (1) The Demonstration Program began February 22, 2006. Six citations were file with the court February 22-28, 2006. The program terminated on October 23, 2006, but high volumes of activity continued into November 2006. As such, for statistical comparison purposes, the period of March 1 to November 30, 2006, was used.
- (2) Unfortunately full tracking of staff-answered calls was incomplete due to overwhelming volume of incoming customer calls. Staff was required to respond to the next call simply to keep pace, and thus avoided full data entry to record incoming calls. The court’s interactive voice response (IVR) system answered more than 50 percent of all incoming calls and was heavily taxed to assist with the volume.
- (3) Volumes of receipts issues are a measure of workload activity generated, and are not intended to provide a financial or revenue success assessment.

first year of implementation of the photo enforcement program. Ms. Ruiz-Ortega also estimated that 53% of the civil traffic cases filed in the first year were attributed the implementation of photo enforcement.

Ms. Ruiz-Ortega further indicated the court had an increase in all aspects of operational productivity, but most especially in customer service related activity, including customer service activity at the front counter, written correspondence received and a drastic increase in incoming telephone calls. In fact, as a result of the increase in telephone calls received, the court was required to procure an automated telephonic service to assist in meeting the increase in demand in this area.

The Avondale City Court also experienced significant increases in the number of scheduled initial appearance and arraignment hearings resulting from the implementation of photo enforcement. In particular, Ms. Ruiz-Ortega stated the increase in hearing activity required the court to shift its workload priorities to meet hearing demands on the days the court had scheduled hearings. This in turn also had an impact on the court security officers, as the volume of incoming defendants visiting the court increased from previous levels.

Finally, the Apache Junction Justice Court also encountered a 66% increase in total civil traffic case filings, which had an impact on that court's operations as well. Summer Dalton, Judicial Office Supervisor for the Apache Junction Justice Court reported that prior to the implementation of the program, one of the court's primary concerns related directly to worries

about the staff's ability to keep up with the case processing demands resulting from the introduction of photo speed enforcement in that court. Furthermore, Ms. Dalton reported that after the implementation of the program, the courts biggest challenges involved staffing and training issues.

Although the photo speed enforcement program was introduced to the Apache Junction court in 2007, the program for the county jurisdiction was abruptly terminated as of January 2009. The newly elected sheriff for the county was strongly opposed to photo speed enforcement, and as a result, terminated the contract with the photo vendor. The county manager's office then subsequently approached the court and requested the termination of the photo enforcement position. At this time this was written, the Apache Junction court has not had to dismiss any staff following the termination of the program. However, this does illustrate yet another possible challenge courts may face, as the initiating governmental agencies outside of the judiciary introducing these programs to the courts, can just as quickly decide to eliminate the programs without much advanced warning, leaving the court with little or no time to plan or prepare for the consequences of that decision.

FINDING #2: The courts also encountered deficiencies in other resources, resulting from the increase in caseload demands created by photo speed enforcement.

In addition to the various staffing resource issues, the exploratory survey responses further indicated that five courts encountered other resource deficiencies and needs resulting from the increased caseload processing demands. However, this did not appear to have the same level of

impact as the demands on the staffing resources. In particular, as shown in Table F, only three courts reported the need to procure new equipment (e.g., computers, monitors, printers, etc.), while two courts indicated the need to rededicate equipment for processing of photo speed enforcement cases.

Table F Exploratory Survey Data Summary Questions 14, 15					
#	QUESTION	YES	NO	N/A	UNKNOWN
14.	After the deployment of photo speed enforcement, was the court required to procure any new equipment for the processing of these cases? (i.e., computers, monitors, printers, etc.)	3	5	0	0
15.	Was the court required to rededicate any equipment for the processing of these cases?	2	6	0	0

FINDING #3: Project planners did not consistently bring the courts in as planning partners to the programs, and in some cases, planners did not give the courts much time to plan or prepare for the introduction of these cases to the court’s current caseload.

Although the photo speed enforcement programs directly affected the courts, only two of the four courts interviewed reported they were brought into the planning phases for the introduction of photo speed enforcement programs. In particular, the Apache Junction and Paradise Valley courts each indicated that the program planners did not bring the court into the planning phases. For instance, program planners did not bring the Apache Junction court in until after the contract had already been formed with the vendor, and planners did not inform the court until six week

prior to implementation of the program. Consequently, the Apache Junction Justice Court was not given much time to prepare or plan for the affect of the program on its operations. This likely contributed to the court's earlier stated concerns with its staff's ability to keep up with the case processing demands resulting from the introduction of photo speed enforcement in that court.

On the other hand, the Scottsdale and Avondale City courts both indicated their respective initiating agencies brought the courts into the planning phases, but each attributed this to experiences with the introduction of other photo enforcement programs in the past. For instance, Ms. Ruiz-Ortega indicated the road for preparation and planning had been somewhat paved by the Avondale court's relationships and experiences with its planning partners with the introduction of the photo red light enforcement program that had been introduced to the court years earlier.

Ms. Ruiz-Ortega stated the court became involved with the planning for the photo speed enforcement program about six months prior to implementation. This allowed the court to provide valuable input to the vendor prior to implementation; however, this process was somewhat facilitated by the fact that the city used the same vendor operating the city's photo red light enforcement program, so the court had the advantage of already having a working relationship with the vendor.

The Scottsdale City Court also reported that the court and other agencies had become involved much earlier on into the planning and development process for the introduction of the Loop 101

program in 2006. Ms. Cornell reported the court had approximately 10 months lead-time before the implementation of the program. However, even with this advanced time for planning, the court still encountered a number of issues with the implementation of the Loop 101 photo speed enforcement program, as mentioned earlier in this report.

For instance, Ms. Cornell indicated that the project planners' workload projections for the Loop 101 pilot were inflated. Specifically, project planners estimated 300,000 new citations would be filed with the court within the nine-month pilot project period. However, the court actually received only 90,514 citations, or 209,486 less than what was originally projected. Yet, in spite of not meeting the filing projections for the program, the court still experienced a massive increase in staff activity, as discussed earlier in this report.

FINDING #4: The courts did not use formulas to make staffing projections.

In preparation for the anticipated increase in case filings, none of the four courts utilized staffing formulas to make projections as to how many staff members should be added to meet projected caseload increases. Admittedly, this can be a very tricky area, as the staffing projections will only be accurate if the caseload projections made by the planning committee are sound or scientifically based.

FINDING #5: A majority of the courts did not perform a program evaluation after the implementation of photo speed enforcement.

A majority of the courts interviewed did not perform a program evaluation after the implementation of the photo speed enforcement program. In particular, only one of the four courts (the Scottsdale City Court) indicated it engaged in an initial program evaluation within the first year of implementation of the program.

FINDING #6: The levels at which the courts monitored photo speed enforcement varied from court to court.

Although the exploratory survey showed 7 of the 8 (88%) courts reported they statistically track photo speed enforcement cases separately from other civil traffic cases, only five (63%) of these courts reported they track the various disposition outcomes of these cases. (*See* Table G on the following page.) Furthermore, subsequent interviews revealed that while all four courts review statistics on some level, only two courts review statistical data to monitor and measure the court's photo speed enforcement case processing performance. In particular, the Avondale and Apache Junction courts indicated they review statistical data for the purposes of sharing revenue figures with their executive bodies of government. However, the Scottsdale and Paradise Valley courts indicated they perform a deeper review of the statistical data to determine the impact that photo enforcement cases has on the court's caseflow management performance.

Table G Exploratory Survey Data Summary Questions 2 through 4					
#	QUESTION	YES	NO	N/A	UNKNOWN
2.	Does the court statistically track photo speed enforcement statistics separate from other traffic violation cases?	7	1	0	0
3.	Does the court statistically track photo speed enforcement separate from red light photo speed enforcement? (If applicable)	6	0	2	0
4.	Does the court track the various stages and outcomes of a speed enforcement cases, such as the percentage of: dismissals, plea of responsible, contested citations and hearings held before a judicial officer?	5	3	0	0

Court administrators also articulated that environmental factors had an impact on their abilities to effectively evaluate and monitor the statistical data. For instance, the Court Administrator for the Avondale City Court indicated that one of the biggest obstacles she initially encountered after the implementation of the photo speed enforcement program related directly to her inability to evaluate and monitor the data, given the limitations of the court’s case management system. However, Ms. Ruiz-Ortega further indicated she was able to overcome some of these limitations by working with the AOC to create codes and reports to evaluate this data.

In addition to case management system limitations, an administrator’s ability to simply find or make the time to evaluate the data can be a large hurdle to overcome. For instance, Janet Cornell indicated that one of the biggest challenges she encountered after the implementation of the Loop 101 photo enforcement program involved the amount of time she spent reviewing statistical

reports and attending weekly meetings, in order to continually assess and monitor the workload demands created by the program.

Court administrators were able to provide some examples of why it is important for a court to monitor the flow of photo speed enforcement citations filed with the court. In particular, Elsa Lynch indicated that through careful monitoring of the caseload management of these particular cases, she was able to determine that the Paradise Valley court was dismissing 30% of the cases due to poor quality control by the vendor. More specifically, the court was dismissing cases for such reasons as the defendant was not the driver of the vehicle at the time of the violation, and the court's inability to positively identify the driver due to the poor quality of the photo taken at the time of the infraction. Consequently, after discussing the quality and performance issues with the vendor, Ms. Lynch reported the court saw a 33% reduction in the number of cases filed after the issue was reported to the vendor.

Another example comes from the Scottsdale City Court. In particular, Janet Cornell indicated the court data showed the vendor would file photo speed enforcement citations sporadically in large batches at time, which was having the "clogging effect" on the court's photo enforcement case processing efforts. As a result of the observation of this filing pattern, the court worked with the vendor to set filing cap restrictions on the number of cases to be filed with the court on any given day, so that the court could better handle the flow and productivity to avoid case processing backlogs.

Ms. Cornell further indicated the Scottsdale City Court made several changes to the internal operations of the court to meet the demands caused by an increase of visitor traffic volume at the court. For instance, the court utilized a criminal courtroom to assist in the overflow of contested photo enforcement hearings. In addition, senior court managers engaged in weekly workload analysis meetings to determine if the courts staffing levels were meeting visitor demands. The court also added other self-service features to assist customers, such as the addition of two computer kiosks (for fine payment) and a distribution center for informational brochures and court materials.⁶⁴

FINDING #7: The self-sustainability of the photo speed enforcement programs reportedly varied among the eight jurisdictions.

The results of the exploratory survey showed the self-sustainability of the photo speed enforcement programs varied among the eight jurisdictions. In particular, as shown in Table H on the following page, 4 of the 8 (50%) participating courts indicated the programs within their jurisdictions are self-sustaining. However, it should be noted that one of these four courts further indicated the city's finance department believes the program operates at a loss to the city.

Furthermore, of the four remaining courts, three courts indicated the programs operating in their jurisdiction were not self-sustaining. One of these three courts further added that the court incorporates the cost labor into its analysis of the program, by which the court determined the program has operated at a loss since its inception. Lastly, the final remaining court indicated it

⁶⁴ See Note 62 *supra*

Table H Exploratory Survey Data Summary Questions 16 through 18					
#	QUESTION	YES	NO	N/A	UNKNOWN
16.	Is the program self sustaining?	4	3	0	1
17.	Does the court collect any fines or fees to assist in sustaining the program?	3	5	0	0
18.	Does the court rely on other financial resources to sustain the program?	2	6	0	0

was unclear if the program is self-sustaining; however, the court further indicated the program-generated revenues do in fact pay the salaries for the additional staff members hired because of the program.

In addition, three courts further indicated they collect fines and/or fees assisting to sustain the program. For example, one court indicated it collects personal service fees for process service, which the court deposits into the city's general fund. Finally, as indicated in Table H, only two courts reported the program relies on other financial resources for sustainment.

CONCLUSIONS AND RECOMMENDATIONS

All participating courts experienced caseload increases resulting from the implementation of photo speed enforcement programs. Correspondingly, court staff activity sharply increased in order to meet caseload and customer service demands, even when the projected caseload figures were not met. Consequently, the data and testimony from the court administrators indicates the implementation of a photo speed enforcement program within a court's jurisdiction will have a measurable impact on all operational aspects of the court.

Although the courts were all directly impacted by the deployment of a photo speed enforcement program, they were not consistently brought in as planning partners. As a result, in these situations, the court administrators did not have a voice, and as such were unable to address the concerns they might have had regarding the impact to the court, court staff, and the public in general. Furthermore, project planners in many cases did not give courts much time to prepare for the introduction of the photo speed enforcement citations to the court's pre-existing caseloads.

Moreover, program self-sustainability reportedly varied among the jurisdictions. In fact, half of participating courts indicated that the program was either running in the red, or they were unsure of the self-sustainability of the program. So far, none of the programs within these jurisdictions has been terminated by the initiating agencies despite the lack of revenue generating success of the programs. This could depend, in part, on the intended goal or focus for the program. For instance, the initiating agency may not terminate the program based on the success of the generated revenue if the goal is to promote safety within the community. However, court administrators should recognize that programs operating at a loss could be terminated, most especially in difficult budgetary times, with little or no warning from the initiating agency. As such, the court's operations could be impacted by reductions in staff, for as the data in this report has shown, the majority of staff members perform a variety of functions for the court, in addition to processing photo speed enforcement workloads.

Finally, court administrators were found to monitor photo speed enforcement productivity and performance figures on varying levels. Careful planning and constant monitoring of case filings

generated from the program are necessary to ensure the court has the appropriate staffing and equipment needs to meet the caseload and customer service demands created by the program.

RECOMMENDATION #1: Court administrators should become involved in the planning process as soon as they learn of the plans for the implementation of a photo speed enforcement program.

Court administrators must become involved in the early planning phases of the program in order to ensure the court has a voice. Understanding that the program is in fact not the court's own, this study clearly shows that the program will influence the court's operations on many levels. As such, the administrator must effectively communicate to the other planning partners the likely impact the program will have on the court facility, court staff, and the public in general.

Furthermore, this may afford the court a little more time to plan and prepare for the introduction of the photo speed enforcement cases to the court's pre-existing caseload, as the court administrator will be able to provide realistic deadlines for the implementation of the program, based on the courts readiness to process these cases.

RECOMMENDATION #2: The vendor must be responsive to the court's needs.

As part of the vendor selection process, the court and project planners must ensure the vendor will be responsive to the court's needs and input. The court administrator will also need to develop open lines of communication with the vendor, as this will help to ensure the

administrator can effectively communicate any issues it may be having with the vendor's performance, and/or to effectively manage the flow of cases filed with the court.

Furthermore, the court administrator should have a voice in the contract negotiations with the vendor. For instance, the contract should be written expressly stating the vendor will not be paid until after the court receives the payment from the defendant. This clause will create more accountability on the vendor's part, as the vendor will undoubtedly ensure the quality of the output provided to the court is good, so as to improve its own prospects for receiving payment.

RECOMMENDATION #3: Court administrators must evaluate the court facility to ensure it will meet the demands of the program.

The administrator will need to evaluate the court's facility, both prior to and continually after the implementation of the photo speed enforcement program to ensure the court is meeting the increased customer service demands. For instance, the court will likely see increases in visitor volume at the court facility in the customer service areas and in the courtroom(s). To meet these demands, the court may need to improve the signage in the courthouse, or add some self-service features (similar to those employed by the Scottsdale City Court.) Furthermore, administrators should meet with court security to develop a plan and continually monitor the flow of visitors at the facility.

The court is also likely to see an increase of external customer service demands, such as increases in telephone calls and/or the receipt of written correspondence from the defendants.

The administrator may find a need to shift staffing resources or invest in equipment upgrades, such as automated telephonic services, to meet the increase in customer service demands in these areas.

RECOMMENDATION #4: Court administrators should utilize staffing projection formulas to determine the number of staff members needed to meet the projected caseload increases.

Staffing projection formulas are commonly used in such professions as the medical and education fields, and the retail industry, to ensure the appropriate number of staff members are in place to meet public demands. This same concept should be applied by the courts as well; most especially when introducing programs such as photo speed enforcement, where the court may be faced with sharp increases in workload demands.

One example of where staffing projections would have been useful is in the case of Scottsdale's Loop 101 pilot project. Readers will recall that the city project planners estimated the project would yield an increase of 300,000 citations filed with the court in the nine-month period, yet while at the same time, only provided the court with two *temporary* staff members to handle the massive projected caseload increase. Although city project planners grossly overestimated the filing projections for that project, the court no doubt would have benefited from the use of a staffing projection formula.

RECOMMENDATION #5: Court administrators must track and monitor the performance of the photo speed enforcement program.

Court administrators must track and monitor the caseflow management performance of photo speed enforcement cases. Furthermore, performance monitoring of the program should be integrated with other case types, so administrators will understand current trends to ensure court staff are meeting the case processing demands in all areas of the court, including the demands created by the photo speed enforcement citations. As the productivity in some case processing areas increases, the administrator can make educated decisions for reallocating staff from other case processing assignments to meet the current caseload demands of the court.

Furthermore, the court could identify key external issues affecting the court, such as vendor quality control issues. By identifying these issues, the court could avoid any unnecessary work performed by court staff before it ever reaches the court. Moreover, the court may be able to work with the vendor to effectively control the flow of cases filed into the court, to ensure against batch filing leading to case processing backloads. Last, and certainly not least, by performing this analysis, a court administrator can share the process improvements with the project committee and/or funding authority, and may be able to justify the need for additional court staff to meet the increasing caseload demands, based on the productivity figures.

RECOMMENDATION #6: Court administrators must be mindful of the impact that increased productivity and other demands have on their staff.

Amid the flurry of activity, court administrators must not lose sight of the impact that the increases in productivity will have on the court's staff. In particular, staff may become overwhelmed with the increases in workload demands and/or frustrated with the training on the new process. In order to avoid employee burnout, the court administrator will need to ensure staff receive excellent training, and are provided with a variety of work in their weekly routines. Furthermore, administrators must ensure the court is adequately staffed to meet the incoming caseload demands (both through the use of staffing projection formulas and caseload management monitoring) to ensure court staff do not become overburdened in their work.

APPENDICES

Exploratory Survey

I am conducting an exploratory study to determine more about the impact that photo speed enforcement has on court caseloads, staffing and other resources. Information will eventually be published on the internet in a research paper for the Court Executive Development Program.

The purpose of this project is to determine the level and degree of impact that photo speed enforcement will have on the limited jurisdiction courts in Arizona. The project will focus on court operations with respect to the influence of increased caseloads generated by this procedure, including but not limited to: staffing needs (docketing and customer service), equipment needs (additional PCs and monitors), training, and changes to internal procedures and practices. The project will also explore and examine if the revenues generated by this new procedure will be self-sustaining.

It is my hope that in gathering and presenting this data, courts not already participating in photo speed enforcement will be able to learn from your experience and use this information when preparing for the implementation of photo speed enforcement.

Evidence of Increased Caseloads

1. Has the court evidenced an increase in caseload since the introduction of photo speed enforcement?
 Yes No
2. Does the court statistically track photo speed enforcement statistics separate from other traffic violation cases?
 Yes No
3. Does the court statistically track photo speed enforcement separate from red light photo speed enforcement? (If applicable)
 Yes No
4. Does the court track the various stages and outcomes of a speed enforcement cases, such as the percentage of: dismissals, plea of responsible, contested citations and hearings held before a judicial officer?
 Yes No

Staffing

- 5. Did the court encounter a need to increase staffing after the deployment of photo speed enforcement?
 Yes No

- 6. Did the court encounter a need to hire new staff to make up for the staffing deficiency?
 Yes No

- 7. If yes, how many new employees were hired in the first 6 months?
 1
 2
 3
 4
 5 or more. Please specify:

- 8. How many additional new employees were hired after the first year of deployment? (Not including those brought on in the first six months.)
 0
 1
 2
 3
 4
 5 or more. Please specify:

- 9. If the court required some reallocation of human resources, how many employees were reassigned to process speed enforcement cases after the first six months of deployment?
 0
 1
 2
 3
 4
 5 or more. Please specify:

- 10. How many employees were reassigned to process speed enforcement cases after the first year? (Not including those brought on in the first six months.)
 0
 1
 2
 3
 4
 5 or more. Please specify:

11. To date, how many FTE employees do you have assigned to working exclusively on photo speed enforcement cases? (Dedicate 100% of their time toward these cases.)

- 0
- 1
- 2
- 3
- 4
- 5 or more. Please specify:

12. How many FTE employees do you have that split their duties between this and other case types or matters for the court?

- 0
- 1
- 2
- 3
- 4
- 5 or more. Please specify:

13. How many PTE employees do you have working on photo speed enforcement cases?

- 0
- 1
- 2
- 3
- 4
- 5 or more. Please specify:

Additional Equipment

14. After the deployment of photo speed enforcement, was the court required to procure any new equipment for the processing of these cases? (i.e., computers, monitors, printers, etc.)

- Yes No

15. Was the court required to rededicate any equipment for the processing of these cases?

- Yes No

Self-Sustainment of the Program

16. Is the program self sustaining?

- Yes No

Comments:

17. Does the court collect any fines or fees to assist in sustaining the program?
 Yes No

Comments:

18. Does the court rely on other financial resources to sustain the program?
 Yes No

If yes, please specify:

Interview Questions

PROGRAM DETAILS

Total Number of Units:

Mobile:

Stationary:

Additional Notes and Comments:

PLANNING AND DEVELOPMENT

1. In what year was photo speed enforcement first introduced to your court?
2. Which governmental body or agency was responsible for initiating the program?
3. Was the court brought in early as a partner on the program? Where the judge(s) and administrator brought in at the same time?
4. What other agencies were involved in the planning? (Prosecutor? Police Agency? IT? Human Resources? Others?)
5. At what point was the vendor brought into the planning?
6. How much time did the court have to prepare and plan for the implementation of the program prior to implementation?

7. How much involvement did IT have early on?

ROLE OUT AND IMPLEMENTATION

8. When preparing to move forward with photo speed enforcement, what was your biggest obstacle to overcome before implementing the program?
9. What were your biggest challenges after the implementation of the program? (Say one year after the implementation?)
10. What area of your operations was influenced the most? Staffing? Training? Computer Resources? Other Technological Resources?
11. In preparation for the anticipated increase in case filings, did the court utilize any staffing formulas to make projections as to how many staff members should be added to meet the projected caseload increases?

INITIAL PROGRAM EVALUATION

12. Did the court engage in an initial program evaluation within a certain period of time after the implementation?
13. If yes, how soon after and what were some of the things the court analyzed?
14. Were other entities and/or agencies were also brought in for the program evaluation? (Please list each and discuss their roles.)
15. Within the first year, what was the percentage increase in civil traffic case filings after the implementation of photo speed enforcement?

16. What percentage of these civil traffic cases were attributed directly from photo speed enforcement? (i.e., 40% of the civil traffic cases were attributed directly from photo speed enforcement.)

ROUTINE PROGRAM EVALUATION AND MONITORING

17. What does the court do to monitor and evaluate the program on a continuing basis?
18. Can you give me an example of some factors your court came across that caused some change to the program? (This can be internal and external changes.)
19. Did the court share these findings with other agencies?
20. If yes to #19, did this information have any impact on the way the program operated outside of the court?
21. What effect did these changes subsequently have in turn on your court operations? (i.e., Increase or decrease in filings and/or workload.)

STATISTICAL REPORT ON PHOTO SPEED ENFORCEMENT

22. Does the report separate Photo Speed Violations from other CV TR Violations?
23. Does it separate Photo Speed from Photo Red Light Speed? (if applicable.)
24. How does your court track the various stages and outcomes of photo speed enforcement cases? (Percentage of dismissals, Responsible pleas, FTAs, contested citations and hearings held before judicial officer, FTPs. Others?)

REFERENCES/BIBLIOGRAPHY

Amended Fact Sheet for H.B. 2210. Arizona State Senate, Forty-eighth Legislature, Second Regular Session.

http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/48leg/2r/summary/s.2210approp-hed_adoptedbySenate.doc.htm. (Accessed July 15, 2008)

Arizona Department of Public Safety.

http://www.azdps.gov/safety/photoenforcement/PE/Documents/Photo_Enforcement_Technology_01.03.08.pdf. (Accessed June 14, 2008)

Arizona Department of Public Safety. Photo Enforcement Camera Locations.

<http://photoenforcement.azdps.gov/Cameras/> (Accessed April 8, 2009)

Arizona Department of Public Safety. Press Release for Thursday, July 17, 2008.

<http://www.azdps.gov>. (Accessed July 17, 2008)

Arizona Supreme Court, Administrative Office of the Courts. 2007 Annual Data Book.

Az. Const. Art. 6 § 3

Az. Const. Art. 6 § 7

Commonwealth v. Buxton, 91 N.E. 128 (Mass. 1910).

Cornell, Janet G. *Photo Enforcement Traffic Cases in Scottsdale's Municipal Court*, Court Manager, Summer 2007, Vol. 22, No. 2, National Association for Court Management (NACM).

Decina, Lawrence E., Libby Thomas, Raghavan Srinivasan, Ph.D., Loren Staplin, Ph.D. *Automated Enforcement: A Compendium of Worldwide Evaluations of Results*. National Highway Traffic Safety Administration. Office of Research and Technology, Behavioral Technology Research Division. Washington D.C. DOT HS 810 763.

http://www.trb.org/news/blurb_detail.asp?id=8218. 2007. Page 17. (Accessed June 30, 2008)

Dunn, Patricia. *Managing a Photo Radar Program in the Scottsdale City Court*. NCSC. CEDP 1998.

Institute of Highway Safety. IIHS Research Automated Enforcement Laws.

http://www.iihs.org/laws/automated_enforcement.aspx. 2008. (Accessed June 14, 2008)

Institute of Highway Safety. IIHS Research Communities Using Red Light and/or Speed Cameras. http://www.iihs.org/research/topics/auto_enforce_cities.html. 2008. (Accessed August 3, 2008)

Morris, Lisa S. *Photo Radar: Friend or Foe?* 61 UMKC L. Rev. 805, University of Missouri-Kansas City School of Law. 1993. Page 2.

O'Connell, Kathie M. *Los Angeles County Red Light Photo Enforcement Pilot Program*. NCSC. CEDP 2000.

Rodier, Caroline J., Susan A. Shaheen, Ellen Cavanagh. *Automated Speed Enforcement for California: A Review of Legal and Institutional Issues*. California PATH Research Report, UCB-ITS-PRR-2007-14.

http://path.berkeley.edu/~cychan/Research_and_Presentation/TO6212_ASE/PRR-2007-14.pdf. 2007. Page 2. (Accessed June 30, 2008)

Savage, Melissa. *Automated Traffic Enforcement*, National Conference of State Legislatures. <http://www.ncsl.org/programs/transportation/0700trnriv.htm>. 2004. (Accessed June 14, 2008)

The Executive Budget (Detail), Fiscal Year 2009. State of Arizona. Janet Napolitano, Governor. Page 147.

Tonner v. Paradise Valley Magistrate's Court, et al, 831 P.2d 448. (1992)

Turner, Shawn, Amy Polk. *Overview of Automated Enforcement in Transportation*. Prepared for Publication in the ITE Journal. <http://safety.fhwa.dot.gov/intersections/docs/turner.pdf>. 1998. Page 3. (Accessed August 4, 2008)