

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: March 21, 2013**

SUBJECT: Photo Speed & Red Light Enforcement Program Review

SUBMITTING DEPARTMENT: Management

PREPARED BY: Larry Tarkowski, Town Manager

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: a) Jul 27, 2006 Redflex Agreement, b) Oct 13, 2011 PD Presentation, c) Mar 5, 2013 Wintersteen Report, and d) Mar 7, 2013 PD Special Order Updated Photo Enforcement Procedures

SUMMARY/BACKGROUND: Arizona POST forwarded to the Town an anonymous complaint it had received dated November 26, 2012 which alleged that the sergeant in charge of Prescott Valley photo enforcement and the Chief were dismissing speeding tickets of PD employees and their family members. In response, the Town Manager arranged for retired police Chief John Wintersteen (Paradise Valley) to conduct a review of the Town's photo enforcement program. Wintersteen is an expert in photo enforcement in Arizona. His report was released on March 5, 2013 and includes findings and recommendations. [Attached]

Wintersteen found that no tickets had been dismissed as alleged. Rather, over a period of four years there had been seven incidents reported in the photo enforcement system where a vehicle registered to the photo enforcement sergeant was being driven by his wife. Based on the gender mismatch, these incidents would normally have produced a Notice of Violation that would have been mailed to the sergeant so that he could choose whether to nominate or not nominate another driver (just like any other vehicle owner. Such notices state that the law does not require nomination. Rather than have an NOV be mailed, the sergeant (and on two occasions his supervisor and on two occasions other officers reviewing such incidents) rejected these incidents in SmartOps before a mailing occurred. Wintersteen determined that the Chief was not aware of these seven incidents or this practice.

In response to the report, a Special Order has been prepared that adds to current photo enforcement procedures to ensure that such photo enforcement incidents involving PD personnel or their families are not rejected early in SmartOps but are handled exactly as any other incidents are handled (and never by the officers involved). [Attached] Appropriate disciplinary action under relevant Town Personnel Policies and General Orders will also be taken.

Media reports on Wintersteen's review have mentioned at the same time recent national news about Redflex officials in America being sacked because of alleged involvement in bribing a Chicago employee. By implication, bloggers have been quick to suggest a connection between Redflex and this Prescott Valley matter. However, nothing in the anonymous complaint or in the Wintersteen review suggests any issue with Redflex or the Town's agreement with Redflex. The photo enforcement incidents were sent to the Town by Redflex following standard procedure for follow-up handling by Town personnel. The decisions in question were made by Town personnel without Redflex involvement.

On October 13, 2011, a presentation about the status of the photo enforcement program was made to the Town Council. The PowerPoint is attached for reference. The Redflex Agreement is also attached. I was approved on July 27, 2006 and the initial term ran for 5 years from the date the first mobile van was operational (October 3, 2006). There were also two options for 1 year extensions which the Town has already exercised. Therefore, the Agreement terminates on October 3, 2013. A question has been asked if the Agreement could be terminated sooner. Under Subsection 6.1 this could occur only if state statutes prohibit or substantially change the operation of the photo enforcement system, a court finds photo evidence to be inadmissible, or Redflex commits a material breach of the Agreement (not remedied in 45 days after notice).

OPTIONS ANALYSIS: N/A

ACTION OPTION: N/A

RECOMMENDATION: N/A

FISCAL ANALYSIS: As has been explained previously, the photo enforcement system (including the Redflex Agreement) was intended to focus on public safety and was not intended to be a revenue maker.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____