

	<p>PRESCOTT VALLEY POLICE DEPARTMENT GENERAL ORDERS Photo Enforcement Internal Review</p>	<p style="text-align: center;"> Volume 4 Line Procedures Photo Enforcement/ Internal Review GO Vol. 4/305.10 DATED 12-13 -5</p>
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To: All Department Personnel

Subject: Special Order; PE 12-13
Department General Order
Volume 4; Section 305.10
Photo Enforcement Internal Review

From: Bill Fessler; Chief of Police

This Special Order; PE 12-13, **Effective 12-13** at 0001 supersedes earlier Special Order; PE 10-01 (10/15/10) which originally established a Photo Enforcement Internal Review. This Special Order will be incorporated into General Orders Vol. 4/305.10 at a future date. This Special Order adds additional procedures regarding the Photo Enforcement Program.

I. PURPOSE

The purpose of this policy is to establish a review process for issuance of notices and citations as part of the Photo Enforcement Program (Program).

II. POLICY

The objective of the Program is to reduce vehicle accidents and complaints of speeding within the corporate limits of Prescott Valley.

III. OPERATIONAL OVERVIEW

- A. Video monitoring at the designated locations will be continuous. Data and images will only be captured when there is a violation.
- B. Speed and red light violations will be issued through the chosen vendor (Vendor). Any other violations will be issued by a Prescott Valley police officer.
- C. When a violation occurs, technicians from the Vendor will review the images and video to confirm there was a violation. The technicians will obtain the registration information on the vehicle and obtain the owner information from the issuing state.
- D. The Vendor will electronically forward the information obtained to the Prescott Valley Police Department (Department) for review. The Department review will confirm or deny that a violation has occurred and that the registration information provided by the Vendor matches the vehicle that is photographed.
- E. When the violation, registration, registered owner’s information and vehicle information is confirmed by the Department, the Primary Review Officer (PRO) will issue a citation via the

Vendor's website.

- F. When the PRO cannot determine, based on the information in Subsection E above, that the registered owner of the vehicle is the operator of the vehicle, (i.e.: when the vehicle is registered in the name of a corporation; in instances when the gender of the registered owner does not match that of the driver; or obvious age mismatches) the PRO will direct the Vendor to mail a Corporate Notice or a Notice of Violation to the registered owner as reported by the state in which the vehicle is registered.

IV. REVIEW PROCESS

- A. The Traffic Lieutenant (or his/her designee) shall serve as the Photo Enforcement Program Manager (PEPM).
- B. The Traffic Sergeant will serve as the Photo Review Coordinator (PRC). PROs shall be Department personnel assigned to the Program and trained by the PRC.
- C. PROs and PRCs will review violations for approval on a daily basis during their regular shift as part of their assigned duties. They will also process nomination and dismissals as needed.
- D. ON-DUTY PERSONNEL:
 - 1. If an officer responds to a call for service or has observed an activity that warrants driving in a manner that triggers a photo enforcement capture, the officer shall notify his/her supervisor via e-mail or memo. *NOTE: E-mails or memos generated by officers shall include the following information: 1) Date/time; (2) Vehicle License Plate Number; (3) Location of photo enforcement capture; (4) Nature and location of call or incident to which the officer was responding. If the officer is unaware of the photo enforcement capture evidenced by the officer not having sent the notification, the PRO will notify the PRC who will notify the employee via his/her chain of command to request an e-mail or memo.*
 - 2. If a driving violation occurs outside the town limits of Prescott Valley (and the officer is aware a photo capture has occurred) the officer shall notify his/her supervisor via e-mail or memo using the same criteria as listed above.
 - 3. The officer's supervisor shall evaluate the circumstances.
 - a. If the supervisor determines the violation was justifiable, the supervisor will initial or sign the e-mail or memo and forward it to his/her division commander through the chain of command. The Division Commander shall review the incident and if he/she deems the incident within policies the Division Commander will send the information to the PRC. The PRC will then reject the incident and retain the e-mail or memo.
 - b. If the supervisor determines the violation was not justifiable under Department policies and formal discipline is warranted, an Administrative Review or Personnel Complaint shall be initiated by that supervisor. All documentation concerning the photo capture shall be forwarded through the officer's chain of command to the PRC who shall then issue a citation in the name of the officer.
 - c. If the PRO reviews an incident involving an on-duty officer that was not previously disclosed, he/she shall flag the violation for review by the PRC or the PEPM. The PRC or PEPM shall send a memo to the officer and his/her supervisor advising them of the violation and request an

evaluation of the circumstances surrounding the incident and a determination as to whether the violation was justifiable or not justifiable.

4. Photo-enforcement notices from other public safety organizations

- a. If a violation is deemed justifiable, the PEPM shall notify the enforcing agency via the traffic notice form and telephonically that the violation was justifiable under ARS Title 28.
- b. If a violation is deemed not justifiable, the PEPM shall forward the appropriate information to the issuing agency for the initiation of the citation.

5. Off-duty employees are held to the same obligation to obey traffic laws as are all members of the public. An off-duty officer captured via photo enforcement shall notify his/her supervisor via e-mail or memo. With regard to such off-duty captures, Department employees are entitled to the same legal options and remedies available under the law and agency practice as are available to other members of the public.

V. PRO RESPONSIBILITIES

1. Any time that a PRO reviewing violations and notices under the Program has a conflict of interest (actual or perceived), said PRO shall mark the same in the Vendor database queue as “flagged for supervisor.” Such conflicts of interest occur when the owner or driver is a friend, family member (spouse, partner, child, parent, sibling, sibling’s spouse, niece or nephew), co-workers, or others with whom the PRO has (or may reasonably be perceived to have) a close relationship other than simple acquaintance, on-duty contact in a law enforcement setting, or similar occasional contact.
2. The PEPM shall review the incident and approve or reject per guidelines set forth in this policy. If the PEPM is the owner or driver, the Chief of Police shall review the incident.
3. Incidents involving a conflict of interest that are subsequently deemed by the PEPM as another violation shall be issued in accordance with the Prescott Valley Program Guidelines.
4. Incidents involving a conflict of interest in which the PEPM determines that a speed or red-light violation cannot be confirmed due to a bad photo or other defect in the capture, the violation may be rejected. The reason for all such rejections shall be fully documented in the Vendor’s system and maintained according to applicable records retention schedules.

VI. RETENTION OF PAPERWORK

1. All nominations and dismissal paperwork will be maintained in the traffic office. Applicable records retention schedules shall apply to the Photo Enforcement Program.

Bill Fessler, Chief of Police