

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 367-T

REFERENCE STANDARDS:

SUBJECT: Automated Traffic Law Enforcement System

POLICY: It is the policy of the Hanover Park Police Department to utilize the Automated Traffic Law Enforcement System for the purpose of increasing compliance with traffic lights thereby reducing motor vehicle collisions at intersections.

PURPOSE: The purpose of this order is to establish departmental guidelines for utilizing the Automated Traffic Law Enforcement System.

- I. **DEFINITIONS.** The following words, terms and phrases, when used in this directive, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- A. Automated Traffic Law Enforcement System. A device within the Village with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a steady or flashing red signal indication in violation of Section 11-306 of the Illinois Vehicle Code (IVC), 625 ILCS 5/11-306, or similar violation of the Hanover Park Municipal Code (HPMC).
 - B. Disregarding a Traffic Control Device. Failure to stop and remain stopped before an intersection that is controlled by a red signal as provided for in section 11-306 of the IVC or a similar violation of HPMC.
 - C. No Turn on Red. Failure to stop and remain stopped, and not proceeding to turn right at, an intersection controlled by both a sign indicating "No turn on red," or other similar language, and a red signal as provided for in section 11-306 of the IVC or HPMC.
 - D. Recorded Images. Images produced by the automated traffic law enforcement system, which consist of either two or more photographs; two or more microphotographs; two or more electronic images; or, a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.
 - E. Traffic Compliance Administrator. The Strategic Enforcement and Prevention unit officer(s) assigned as having traffic responsibilities, or other sworn officer appointed by

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the chief of police who shall have the authority and responsibility for the management of the Automated Traffic Law Enforcement System.

- F. Vendor. For purposes of this directive, the term vendor shall apply to the company or corporation who holds a valid contract to provide Automated Traffic Law Enforcement services to the Village of Hanover Park

II. NOTICE OF VIOLATION. When the automated traffic law enforcement system records a motor vehicle entering an intersection in violation of HPMC section 62-19-002:

- A. The vendor shall issue a written notice of violation to the registered owner or lessee of the vehicle, which shall be delivered by first class mail, postage prepaid.
1. This written notice shall be delivered within 30 days after the Illinois Secretary of State notifies the village of the identity of the registered owner or lessee of the vehicle.
 2. The village shall only be required to notify a lessee if the leasing company/lessor provides the lessee's name by an affidavit and a copy of the lease within 60 days of the notice's issuance. If the driver information is not provided within 60 days, the leasing company/lessor may be found liable.
 3. If any notice to an address is returned as undeliverable, a second notice shall be sent to the last known address recorded in a United States Post Office approved database of the owner or lessee of the cited vehicle. The second notice shall be made by first class mail postage prepaid.
 4. 2nd Notice of Determination of Liability will be issued 21 days after 1st Notice.
 5. Notice of Final Determination will be issued 14 days after 2nd Notice
 6. Each notice of violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions and shall be prima facie evidence of a violation, subject to rebuttal on the basis of the defenses established in this article.
- B. A notice of violation associated with an automated traffic law violation shall require a review of the associated recorded image by the traffic compliance administrator or other authorized review personnel, who shall inspect the image and determine whether the motor vehicle was being operated in violation HPMC section 62-19-002, or whether one of the defenses enumerated in HPMC section 62-19-004 is visibly applicable upon inspection.

1. Upon determination that the recorded image captures a violation and that no defense applies, the notice of violation shall be served upon the registered vehicle owner in the manner provided for above.
2. The vendor shall retain a copy of all violation notices, recorded images and other correspondence mailed to the owner of the vehicle.
3. Each notice of violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions and shall be prima facie evidence of a violation, subject to rebuttal on the basis of the defenses established in this article.
4. The notice of violation shall include the following information:
 - a. The name and address of the registered owner or lessee of the vehicle, as indicated by the records of the Secretary of State, or, if such information is outdated or unattainable, then the last known address recorded in a United States Post Office approved database;
 - b. The registration number of the motor vehicle involved in the violation;
 - c. The violation charged with specific references to the section allegedly violated;
 - d. The location where the violation occurred;
 - e. The date and time of the violation;
 - f. A copy of the recorded images;
 - g. The amount of the civil penalty and the date by which the penalty should be paid (21 days from the date of issuance), if a hearing is not requested, and a statement that the payment of the fine shall operate as a final disposition of the violation;
 - h. A statement that a failure to pay the civil penalty by the date noted may result in an additional late fee being assessed against the owner or lessee;
 - i. The amount of the late fee;
 - j. A statement that the failure to pay by the date specified will result in a final determination of liability and may result in the suspension of driving privileges for the registered owner of the vehicle;
 - k. A statement that the recorded images constitute prima facie evidence of a violation;
 - l. A statement that the person may elect to proceed by paying the fine or challenging the charge in an administrative hearing; and
 - m. A statement of how an administrative hearing may be requested.

III. DEFENSES. The following shall be the only defenses available for an alleged violator contesting liability for a violation of a red light signal, which shall be weighed by the hearing office and shall only rebut the prima facie case established by the notice of violation insofar as one or more of the following defenses are established by a preponderance of the evidence:

- A. The motor vehicle and/or registration plates were stolen before the violation occurred and were not under the exclusive control of or in the possession of the owner at the time of the red light signal violation, which defense may be demonstrated through the submission of a certified copy of a report concerning the stolen motor vehicle or registration plates filed with a law enforcement agency prior to the time of the alleged violation;
- B. The driver of the vehicle passed through the intersection in spite of a red light either to yield the right-of-way to an emergency vehicle, or as part of a funeral procession; and
- C. The driver of the vehicle passed through the intersection in spite of a red light at the direction of a police officer acting within the scope of his/her duties; or
- D. The operator of the vehicle received a Uniform Traffic Violation from a police officer, which citation is determined to be a moving violation reportable to the Illinois Secretary of State.

IV. **HEARING.** The owner of a violation vehicle may request a hearing by the respond-by date on the notice of violation to challenge the evidence or set forth an applicable defense.

- A. The Police Department shall provide a police officer as required to present photo enforcement cases to the hearing officer.
- B. The vendor shall store and maintain all notice of civil violation evidence. The still images, video and accompanying data evidence shall be made available to the Police Department for review and use in court.
- C. The owner's failure to appear at the hearing will result in a finding of liability. In the event of a failure to appear, a "Findings, Decision, and Order" letter will be sent to the owner.
- D. The owner's failure to pay the amount by the date specified in that letter will result in a final determination.

V. **NONRESIDENT.** Where the registered owner or lessee of the cited vehicle is not a resident of the village but seeks to contest the merits of the alleged violation:

- A. Such person may contest the charges using the same available defenses as stated above, but rather than attend the administrative hearing, they may submit any and all documentary evidence to the traffic compliance administrator no later than the hearing date, together with a written statement reflecting that they are nonresidents of the village.

- B. The traffic compliance administrator shall forward all timely-submitted materials to the hearing officer for review and determination.

VI. POLICE PROCEDURES

A. Operating Procedure

1. Video *monitoring* at the intersection is continuous; video *recording* only occurs when there is a violation.
2. A violation is defined as a vehicle that is behind the stop line when the traffic light changes to red and the vehicle continues to travel through the intersection under red. The reference point of the vehicle will be the front tires regarding whether or not it was behind the stop line when the light changed to red.
3. Once a violation occurs, technicians from the vendor will review the images and video to confirm the violation and obtain the registered owner / vehicle information from the Illinois Secretary of State.
4. The violation package (images and video) is then electronically forwarded to the Hanover Park Police Department for a final review to confirm the violation and that the registered vehicle information provided by the vendor matches the violation vehicle that is pictured in the violation package.
5. Once the violation and registered vehicle information is confirmed by the Hanover Park Police Department, the vendor, will mail a notice of civil violation to the registered owner of the violation vehicle as reported by the Illinois Secretary of State.

B. Department Review Process

1. The Strategic Enforcement and Prevention section officer(s) assigned as having traffic responsibilities shall serve as the traffic compliance administrator.
2. Other Authorized Review Personnel shall be:
 - a. Deputy Chief of Operations
 - b. Patrol Lieutenant
 - c. Patrol Sergeants
 - d. Other Designated Officers
3. Authorized Review Personnel shall be assigned as the primary reviewing officer(s). Violations shall be reviewed on a daily basis.

4. All confirmed violations with valid registration information shall be approved and electronically forwarded back to the vendor for processing as a notice of civil violation.
5. The supervisor of the Strategic Enforcement and Prevention Unit shall perform periodic checks of reviewing staff to ensure compliance with this directive.

C. Exempt Violation Vehicles

1. Violation vehicles moving through the intersection to avoid or clear the way for an emergency vehicle.
2. The violation vehicle is participating in a funeral procession, if the vehicle is granted the right of way by opposing traffic.
3. The violation vehicle proceeded into the intersection pursuant to the direction of an authorized traffic control official manually directing traffic at the intersection.
4. If the reviewing officer determines the violation vehicles license plate or traffic light is unclear as depicted in the video. Note: Violation vehicles towing trailers (i.e. boats) that are not citable due to an obstructed plate shall be sent to the Hanover Park Police Department for further research and possible citing.
5. The violation vehicle was stolen at the time of the violation.
6. The registration information provided by the vendor does not match the violation vehicle depicted in the video.
7. The violation vehicle was forced into the intersection as a result of a collision or to avoid a collision.
8. Emergency vehicles not making use of a visual signal shall not automatically be presumed to be exempt.
 - a. Violations by vehicles owned by the Village of Hanover Park will not be issued a violation. The Department Head of the village department operating the vehicle shall be notified of the violation for the purpose of determining if the vehicle was being operated in a manner that constitutes an exemption pursuant to 625 ILCS 5/11-205 and taking necessary corrective action if a violation occurred.
 - b. Violations by emergency vehicles not owned by the village of Hanover Park will be issued a violation. The violation will be cancelled upon receipt of official notice from the vehicle owner to the Traffic Compliance Administrator that the vehicle is an authorized emergency vehicle and was being operated in a manner that constitutes an exemption pursuant to 625 ILCS 5/11-205.

- c. The Deputy chief of Operations shall be the only authority to determine “exempt violation vehicles” under section C.8. of this directive, and to cancel a violation.

D. Scheduled Hearings

1. Registered owners shall have the option to make a request for a hearing. The vendor shall schedule the hearing with dates provided from the municipality. Municipal personnel shall have access to the hearing schedule report.
2. The vendor shall maintain all notice of civil violation evidence. The evidence package (images and specific violation videos) will be available via computer at the Hanover Park Police Department for review and use in court.
3. The authority to cancel a hearing rests in the office of the Chief of Police. Should a hearing be cancelled the vendor will be notified by the Traffic Compliance Administrator. The reason for the cancellation shall be conveyed to the vendor and the vendor will send notices of the new hearing date assigned to those previously scheduled.

E. Routine Red Light Enforcement at Automated Traffic Law Enforcement System Equipped Intersections

1. Officers shall refrain from routine red light enforcement at these intersections or notify Traffic Compliance Administrator in the case that a Uniformed Traffic Citation was issued.
2. In the event a motor vehicle collision occurs within an Automated Traffic Law Enforcement System Equipped Intersection, the officer shall handle the collision as usual, issuing the appropriate Uniform Traffic Citation which shall override any notice of civil violation. The reporting officer shall notify the vendor to see if additional information can be obtained.
3. The officer issuing the Uniform Traffic Citation shall make entry into the “Red Light Camera” intersection enforcement log and e-mail the Traffic Compliance Administrator of the citation. The Traffic Compliance Administrator in turn will verify the information and notify the vendor.

F. Activation of Amber Alert

1. The automated traffic law enforcement system may be diverted to the Amber Alert function under the following circumstances
 - a. Forcible felonies
 - b. Amber Alert Notifications

- c. Any other circumstance where it has been determined that immediate activation is required by a supervisor or designated officer during an initial investigation period where immediate activation may be of assistance in solving a serious crime where the possibility of death or great bodily harm exists.
2. In the event of an Amber Alert or an activation of the Amber Alert function all “Red Light Camera” intersections will be taken off of enforcement mode and placed into full video. The Streamwood Police Department shall be contacted and a request shall be made to their on-duty supervisor to do the same for their “Red Light Camera” intersections. The activation will be evaluated every thirty minutes by the on-duty supervisors of these respective departments. Unless directed to do so the system will automatically return to enforcement mode every thirty minutes.
3. Activation of the Amber Alert through the “Red Light Camera” system is accomplished in the Amber Alert Control Panel. Required information shall be entered and a choice of archived or live stream video must be chosen. In order to receive information from the system an e-mail address must be entered to be notified. The on-duty supervisor may choose to input their village assigned e-mail address or the assigned village e-mail address of one of the on-duty clerks who will monitor this. Should the clerk be assigned they will be responsible for notifying the on-duty supervisor of any updates received through e-mail.
4. Once a decision has been made that there is no longer a need to have the Amber Alert function activated the system shall be put back into enforcement mode manually should this occur prior to the system doing so automatically.

VII. REPORTING REQUIREMENTS

- A. The Strategic Enforcement and Prevention officer(s) assigned as having traffic responsibilities shall complete a monthly report summarizing the automated traffic law enforcement activity. The report will contain the below listed information.
 1. All violations provided by the vendor for the Department to review to include the total number for the month, the daily average for the month, and the year to date totals including the present month’s report.
 2. The violations that are provided by the vendor to the Department that the violation is for right turn on red. This section will also include the total number for the month, the daily average for the month, and the year to date totals including the present month’s report.
 3. All violations approved by the Department to include the total number for the month, the daily average for the month, and the year to date totals including the present month’s report.

4. The collection rate to include the total number of citations issued for the month and year to date, the total citations paid for the month and year to date, and the collection rate for the month and the year to date figure.
 5. Administrative hearing information to include the total number of hearing requested for the month and year to date, the total number of people who appeared at the hearings for the month and year to date, the total number of people who submitted appearance by mail for the month and year to date, and the total number of people found liable at the hearing for the month and year to date.
 6. Amber Alert information to include the total number of Amber Alerts each month, and total amount of time the cameras were on Amber Alert, and the location that the Amber Alert was activated.
 7. Traffic crash information to include the number of traffic crashes in each protected intersection each month, the number of traffic crashes in each protected intersection for the previous year, the number of traffic crashes in each protected intersection year to date, and the number of traffic crashes in each protected intersection from the previous year.
 8. A summary of issues related to the automated traffic law enforcement program to include functionality issues, training of personnel, updates or revisions in software, and incidents where the system was used to resolve a significant event such as identifying an offender in an investigation, etc.
- B. The Strategic Enforcement and Prevention officer(s) assigned as having traffic responsibilities shall complete an annual report summarizing each of the statistical categories identified in the monthly report. The commentary section of the annual report will be used to summarize the major issues related to the automated traffic law enforcement program during the year.
- C. Each monthly report and each annual report will be submitted to the Deputy Chief of Operations. The Deputy Chief of Operations will review and approve the reports, and then forward them to the Chief of Police.
- D. The Strategic Enforcement and Prevention Unit supervisor assigned as having traffic responsibilities shall complete and submit an Evaluation Report to the Illinois Department of Transportation one year after the installation of a Red Light Running, (RLR) Camera System, and then every three years thereafter. The Evaluation Report shall include the following:
1. Intersection location(s).
 2. Date of implementation.

3. RLR camera system manufacturer and contractor name.
4. Crash data specific to the RLR location(s) for the three year period prior to and for the period post RLR camera installation.
5. An analysis of the crash data, including a summary of any increase in crash types.
6. Signal timing and other settings before and after the RLR camera installation.
7. Traffic volumes before and after the RLR camera system installation.
8. Recommendations to further reduce red light violations and severe crashes, and to improve the operations of the intersection(s).
9. Summary of adjudication experience and the results.