

**MINISTRY OF ATTORNEY GENERAL
PUBLIC SAFETY AND REGULATORY BRANCH
PHOTO RADAR TERMINATION
BRIEFING NOTE**

I. TOPIC:

The new government's election platform calls for terminating photo radar within 90 days after being sworn into office.

II. ISSUES

Three key issues must be addressed in meeting this commitment

- 1. What action must government take to end photo radar?**
 - ☐ Repeal the relevant sections of the Motor Vehicle Act Regulation that approve the use of photo radar equipment as a speed monitoring device.
 - ☐ Repeal the authority to use the related evidentiary forms.
- 2. What actions, if any, will be taken to enforce photo radar tickets and convictions once the program has ended?**
 - ☐ Ticketing will cease once the repealing regulation is deposited.
 - ☐ A decision is required either by the Criminal Justice Branch or the Attorney General whether to proceed with tickets issued prior to that date.
- 3. How will resources (police, Ministry staff, vehicles, assets) which supported photo radar be redeployed or disposed once the program ends?**
 - ☐ Police can return to their home agencies immediately while a replacement or redeployment strategy is developed or they can be used to conduct conventional traffic enforcement during the strategy development period (estimate one year).
 - ☐ Ministry staff will be laid off or transferred to existing vacancies. Vehicles, assets and leases will be disposed to maximize savings.
 - ☐ ICBC is not responsible for any wind down costs incurred once photo radar ends.

III. BACKGROUND

Photo Radar Operations

- Photo radar commenced in 1996. The program is operated by the Integrated Traffic Camera Unit ("ITCU") under the command of a RCMP Inspector.
- The ITCU is headquartered in Richmond with six offices across the province: Kamloops, Prince George, Victoria, Richmond, Nelson and Cranbrook. It operates 30 photo radar vans and 30 intersection safety cameras rotated amongst 120 selected intersections throughout the province.
- As of May 1, 2001, the ITCU had 59 RCMP and 23 municipal police, 9 federal administrative support positions and 11 Ministry of Attorney General charging officers who lay charges involving both photo radar and intersection safety cameras. In addition, 30 ICBC staff work in the Traffic Camera Ticket Administration Department processing photo radar and intersection safety camera tickets.
- Criminal Justice Branch has 4.5 FTEs to support photo radar prosecutions. Court Services Branch has 14.3 FTEs to support photo radar prosecutions which are heard by 5.5 judicial positions (JJs) province wide.

Expenditures and Revenues:

- For 2000, ICBC expended \$15.6m on photo radar operations. Total ICBC expenditures from 1994 to December 31, 2000 was \$79.8m.
- Since 1999, ICBC has reimbursed the Ministry for all costs in operating the ITCU. Those costs are approximately \$11m/year. Of this, \$7.5m is for police costs.
- The Ministry costs (non-recovered) for other photo radar activity (e.g., prosecutions) is approximately \$1.8m/year.
- Ticket fine revenue to government from 1996 to December 31, 2000 was \$80.1m
- Victims of Crime Act revenue from photo radar tickets was \$2.3m in 2000/01 fy.

Tickets and Prosecutions:

- 1,105,652 photo radar tickets had been issued as of April 30, 2001 since the program began. Of these approximately 250,600 have no disposition primarily because the offender has not been personally served.
- In 1999, 210,883 photo radar tickets were issued, compared to 324,544 conventional speeding tickets.
- In 2000, 16,400 disputes were entered on photo radar tickets. The dispute rate for photo radar is 7.8% compared to a 13.5% dispute rate for conventional violation tickets.
- There are approximately 7000 photo radar ticket disputes backlogged in provincial court.

IV. DISCUSSION

- The December 2000 “Safe Roads, Safe Communities” report completed for the Director of Police Services found that photo radar had not reduced speeds on a province-wide basis. The report also questioned whether the program had reduced speed related crashes at locations other than where vans are deployed.
- ICBC has directly conducted or contracted several research studies on the impact of photo radar. Its most recent analysis (2001) concludes that there was a net benefit to the province of \$52.9m (\$117m benefits in reduced claims and \$64.1m in costs) from the start of the program in 1994 up until December 31, 1999.
- There is no recent data on the impact of photo radar on reducing fatalities and injuries.
- It is difficult to isolate the impact of photo radar because of other road safety enforcement initiatives introduced since 1996 such as intersection safety cameras, enhanced speed enforcement (Targeted Traffic Enforcement Partnership) and enhanced CounterAttack.
- The “Safe Roads, Safe Communities” report illustrated the heavy reliance by police on speed enforcement relative to other factors in deaths, injuries and collisions, e.g., occupant restraints and intersection crashes.¹
- There is widespread agreement by police that all high risk driving behaviours must be targeted. Police also agree this is best achieved by linking timely and reliable road safety data to police traffic units. This would give police the tools to deploy resources to where and when crashes are occurring. This data is not currently available to police.
- A committee of the BC Association of Chiefs of Police is mandated to implement the recommendations of the “Safe Roads, Safe Communities” report. That committee has made improved road safety data quality and access its top priority.

V. PHOTO RADAR TERMINATION OPTIONS

Four options for police resources are:

1. Cancel photo radar. Immediately redeploy all police to their home agencies. RCMP members will be temporarily assigned until the 85 provincial RCMP positions are canceled.
2. Cancel photo radar. During a one year wind down period use all police to conduct conventional traffic enforcement. 85 RCMP provincial positions are canceled.
3. Cancel photo radar and redeploy provincial RCMP positions to other provincial policing priorities on a permanent basis.
4. Cancel photo radar and replace with permanent conventional traffic enforcement.

Two options for outstanding tickets are:

1. Terminate all outstanding tickets.
2. Allow outstanding tickets to proceed through the courts.

¹ In 1998, 85% of all police enforcement activity was focussed on speed enforcement, when 19% of crashes were attributed to speed.

V. ACTION REQUIRED FOR CANCELLATION OF THE PHOTO RADAR PROGRAM (OPTIONS 1 AND 2)

Legislative

- Repeal the relevant sections of the Motor Vehicle Act Regulation which approve the use of photo radar equipment as a speed monitoring device. And repeal the authority to use the related evidentiary forms.

Police

- Notice would be given to the Commanding Officer of the RCMP "E" Division and the Chief Constables of the independent municipal departments to terminate the secondments of police to the ITCU. 59 RCMP members would be transferred to vacant or surplus positions in the provincial police force. 23 municipal police officers would return to their respective independent municipal departments. These police would be deployed based on the needs of the police agency.
- Under Options 1 and 2, the 85 RCMP positions at the ITCU would be cancelled reducing the provincial police force, in total, from 1,694 to 1,609.

Criminal Justice

- The approach taken on outstanding tickets will determine what actions are required.

Courts

- Action is dependent on the position adopted by the Criminal Justice Branch.

ICBC

- ICBC will require advice from the Ministry of Attorney General on whether to continue to ticket process serving once the program is canceled.

VI. FINANCIAL IMPACTS

- Estimated Ministry costs for Option 1 in 2001/02 is \$9.77m with \$2.30m recovered from ICBC.
- Estimated Ministry costs for Option 2 in 2001/02 is \$11.02m with \$2.28m recovered from ICBC.
- Under Options 1 and 2, the province would be obligated to pay the cost of the 85 RCMP positions for up to one year from the time of the cancellation notice.
- Impacted Ministry staff would be laid off or transferred to existing vacant positions. Estimated number of impacted staff is 7.5 FTEs.
- Vehicles, other assets and leases would be disposed during the year.
- Based on ICBC research, the cancellation of photo radar without an effective alternative strategy will result in \$60m in additional claims over a five year period.
- The province will lose about \$20m/year in revenue from photo radar tickets. The program savings is equal to about \$16m/year (both ICBC and Ministry costs).
- The province will lose about \$2.3m in revenues for the victim services.

- Estimated Ministry costs for Options 3 and 4 cannot be determined until the redeployment or replacement programs are developed.
- Retaining the 85 RCMP positions in the provincial police force will cost the province approximately \$8.5m/year.

VII. REDEPLOYMENT (OPTION 3)

- The potential benefits are dependent upon the redeployment option.
- This would allow government to meet policing priorities using existing resources.
- Some examples of redeployment are: 1) transfer 85 RCMP positions to address some of the 120 provincial positions sought by the RCMP (e.g., adding a 3rd member to existing 2 member detachments); 2) transfer 65 of the 85 positions to meet First Nations policing requirements; or 3) transfer some positions to address new initiatives, e.g., enhanced police surveillance on high risk sex offenders.

VIII. PERMANENT CONVENTIONAL TRAFFIC ENFORCEMENT (OPTION 4)

- Effectively aligning police resources with all collision-causing behaviours by using data analysis and community input could have a significant impact on reducing all types of crashes.
- In a 1999 public opinion poll, British Columbians identified traffic as a top policing priority.
- A replacement strategy to photo radar will offset any degradation to road safety which may arise from the cancellation of the program.

Contact: Alison MacPhail
A/Deputy Minister
387-5131

Gillian P. Wallace
Deputy Attorney General
387-1578

June 1, 2001

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
PUBLIC SAFETY AND REGULATORY BRANCH
POLICE SERVICES DIVISION
BRIEFING NOTE**

ISSUE: Amendments to Division 41 of the Motor Vehicle Act Regulations –
Repealing Photo Radar Enforcement

KEY POINTS:

- The amendments to Division 41 of the Motor Vehicle Act Regulations will repeal photo radar as an authorized speed enforcement tool.
- Additional legislative and regulatory housekeeping amendments may be required in the future to completely remove redundant references to photo radar speed monitoring systems and related enforcement procedures. These housekeeping amendments are not required now to rescind the legal authority of using photo radar as an enforcement tool.
- This Order allows the Criminal Justice Branch and ICBC to proceed in dealing with tickets which were issued before the program terminated.
- This Order in Council does not amend sections in Division 41 which authorize the use of Intersection Safety Cameras for enforcement purposes.

BACKGROUND:

- Division 41 of the Regulations was created to authorize the use of Photo Radar for enforcement purposes.
- The Intersection Safety Camera related sections of Division 41 were added to authorize the use of Intersection Safety Cameras for enforcement purposes.
- The Ministry has developed a comprehensive plan for terminating the Photo Radar program, which is described in other briefing material.

OTHER BRANCHES/MINISTRIES/GOVERNMENTS:

- Insurance Corporation of British Columbia
- Criminal Justice Branch
- Court Services Branch
- AG Communications

Contact: Kevin Begg
Director of Police Services
Police Services Division

Telephone: 250-387-6943

Date: June 11, 2001

MINISTRY OF ATTORNEY GENERAL PHOTO RADAR PROGRAM - TERMINATION

Proposal: July 1, 2001 termination date: Federal Solicitor General notified to reduce Provincial Police Service by 25 positions; members willing to resign vacant positions in Provincial Police Service or independent departments will carry out conventional traffic enforcement activities as part of the Provincial Police Service or independent department. 25 members from independent police departments will be returned to their home department.

The costs to terminate the Photo Radar Program assume that RCMP will be reassigned within one year and independent police within 24 months.

Description	FTEs	2001/02 Costs	Recoveries	Net Cost	FTEs	2002/03 Costs	FTEs	2003/04 Costs	Comments
Public Safety and Regulatory Branch - Police Services Division									
Photo radar charging officers, support staff and managers - salaries, benefits and travel	3.0	180,000	(40,000)	120,000	1.0	80,000			For 01/02, two M44s and business are bargaining unit (same are secondary). All other charging officers (currently 8) will be transferred to the intersection safety carnival program.
RCMP		5,585,000	(1,405,000)	4,180,000		1,054,000			As of May 1, 2001: 59 RCMP. Assumes that all officers would be reassigned at end of 12 months (i.e. by June 30, 2002), dependent on vacancy pattern and geography of available positions.
Municipal Police		1,901,000	(475,000)	1,426,000		966,000		240,000	As of May 1, 2001: 23 Muni officers. Assumes that members would be redeployed as soon as possible, up to 24 months.
Leased Vehicles		18,000	(18,000)	0					Lease costs for 12 vehicles, required to June 30, 2001. Additional Ministry costs dependent upon the lease being transferred to another government program or the sale proceeds if vehicles are sold.
Vehicle Operating Costs		75,000	(75,000)	0					Operating and maintenance costs for 36 vehicles to June 30, 2001. Sale of 24 government-owned vehicles (Year 1996). Total black book value: \$0.250 million. Vehicles are expected to go to Motor Transport.
Owned Vehicles		(250,000)	0	(250,000)					Assumes notice will be given immediately after announcement and all facilities will be vacated by March 31, 2002.
Building Leases		526,000	(172,000)	354,000					Costs prorated to winddown time frame.
Information Systems		123,000	(82,000)	41,000					
Office, Business Expenses, General		52,000	(33,000)	19,000					
Supplies									
Total Public Safety and Regulatory									
FTEs, Personnel and Recoveries	3.8	8,200,000	(2,300,000)	5,900,000	1.0	2,100,000	0.0	240,000	Costs prorated related to winddown activity. Only costs to July 1, 2001 can be recovered from ICBC. Costs after July 1 require funding in the ministry base.

*Notes:

- 2001/02 assumes costs to July 1, 2001 will be recovered from ICBC

10/20-20/PR

Subject: Photo Radar Options Submission

Date: Tue, 26 Jun 2001 17:24:39 -0700

From: Nancy Lane <nancy.lane@ag.gov.bc.ca>


Organization: Ministry of Attorney General

To: Joy Illington <joy.illington@gems5.gov.bc.ca>,

Joan L Dick <Joan.Dick@gems7.gov.bc.ca>,

Gail Dawson <gail.dawson@gems2.gov.bc.ca>

Jill asked me to forward the attend Photo Radar Options Submission!!

 Cab Sub Photo Radar June 26.doc	Name: Cab Sub Photo Radar June 26.doc Type: Winword File (application/msword) Encoding: base64 Download Status: Not downloaded with message
---	--

PROVINCE OF BRITISH COLUMBIA

Photo Radar Options Submission

June 27, 2001

MINISTERS: Honourable R.T. (Rich) Coleman, Minister of Public Safety and Solicitor General;

Honourable Geoff Plant, Attorney General and Minister Responsible for Aboriginal Treaty Negotiations; and

Honourable Judith Reid, Minister of Transportation.

DATE: June 27, 2001.

TITLE: Actions required by government to end the Photo Radar Program within 90 days of taking office.

BACKGROUND:

- Photo radar commenced in 1996. The Integrated Traffic Camera Unit ("ITCU"), under the command of a RCMP Inspector, operates 30 photo radar vans and 30 intersection safety cameras.
- Currently, the ITCU has 59 RCMP and 23 municipal police, 9 federal administrative support positions, 11 Ministry of Public Safety and Solicitor General ("MPSSG") charging officers who lay charges, and 16 ICBC staff who work in the Traffic Camera Ticket Administration Department processing tickets.
- The Ministry of Attorney General has a total of 24.3 FTEs to prosecute photo radar tickets.
- In 2000, ICBC expended \$15.6m, including an \$11m reimbursement to MPSSG. In that same year, the program generated revenue of \$20m.
- Victims of Crime Act revenue from photo radar tickets was \$2.3m in 2000/01 FY.
- There are an estimated 222,578 outstanding tickets, with an anticipated revenue of \$11.8m.

CONSIDERATIONS:

- The December 2000 "Safe Roads, Safe Communities" report completed for the Director of Police Services found that photo radar had not reduced speeds on a province wide basis. The report also questioned whether the program had reduced speed related crashes at locations other than where vans are deployed.
- In 1998, 85% of all police enforcement activity was focussed on speed enforcement, when only 19% of crashes were attributed to speed.
- The government's election platform pledges that photo radar will be terminated within 90 days of the government being sworn into office.

- The MPSSG is obligated to cover wind-down costs as ICBC does not have a contractual obligation to pay these costs.
- Notice is required to police, Ministry staff and ICBC staff. Vehicles, other assets and leases would be disposed during the year.
- Repealing the relevant sections of the Motor Vehicle Act Regulation, which approve the use of photo radar equipment, will terminate the program, and an Order-in-Council amending the Regulation is required if government decides not to proceed on outstanding tickets.

OPTIONS FOR POLICE RESOURCES:

Option 1:

- Cancel photo radar. Immediately redeploy all police to detachments/departments and request them to conduct conventional traffic enforcement pending placement due to vacancies.
- The Ministry would require an additional \$5.9m in FY 2001/2002 and \$2.4m in FY 2002/2003 based on present vacancy patterns to cover wind-down costs.

Option 2:

- Cancel photo radar. Retain all or some 85 RCMP positions to be used for ongoing conventional traffic enforcement.
- In addition to costs identified in Option 1, MPSSG would require an additional \$8.5m annually.

OPTIONS FOR OUTSTANDING TICKETS:

Option 1:

- Allow outstanding tickets to proceed through the courts.

Option 2:

- Terminate outstanding tickets.

CONSULTATIONS:

- ICBC, Ministry of Transportation, and police have been made aware of this initiative.

RECOMMENDATION:

Cancel police resources with requirement to conduct conventional traffic enforcement, and process outstanding violation tickets.

Subject: FW: cab sub

Date: Tue, 26 Jun 2001 17:16:48 -0700

From: "Barry Salmon" <barry.salmon@ag.gov.bc.ca>

To: "Nancy Lane (E-mail)" <NANCY.LANE@AG.GOV.BC.CA>

-----Original Message-----


From: Barry Salmon [mailto:barry.salmon@ag.gov.bc.ca]

Sent: Tuesday, June 26, 2001 4:54 PM

To: Gillian Wallace (E-mail); Alison Macphail (E-mail); Ann Ratel (E-mail); Tony. Heemskerk (E-mail); Kevin Begg (E-mail)

Subject: cab sub

Changes incorporated, Coleman had no further changes

 Cab Sub Photo Radar3.doc	Name: Cab Sub Photo Radar3.doc Type: Winword File (application/msword) Encoding: base64 Download Status: Not downloaded with message
--	---

**Ministry of Attorney General
Public Safety and Regulatory Branch
Initiative Impact Summary**

Initiative Termination of Photo Radar Enforcement in BC

Background

- The Photo Radar Program was introduced in 1996. It is operated by the Integrated Traffic Camera Unit.
- In December 2000, government announced that photo radar would be transferred to a police-led strategic enforcement unit. The implementation of that announcement is pending the results of a multiyear financial agreement with ICBC.
- The unit operates two main enforcement activities: speed limit enforcement with photo radar cameras and intersection red light enforcement with intersection safety cameras.
- Photo radar consists of 30 operational vans working out of six offices across the province: Kamloops, Prince George, Victoria, Vancouver, Nelson and Cranbrook. There are 30 intersection cameras rotated between 120 high accident intersections across the province.
- The unit has an authorized strength of 109 police officers, 9 federal public servants, 17 Ministry of Attorney General staff and 30 ICBC staff.
- Criminal Justice Branch has 12.2 fte's delegated to support photo radar prosecutions, Court Services Branch has 17 fte's to handle photo radar ticket disputes and there are 10 judicial positions (7 Justices of the Peace and 3 Provincial Court Judges) to hear photo radar cases.
- The ministry recovers the full cost of operating the unit from ICBC.

Traffic Enforcement Data for 1998

<u>Traffic Violation Tickets Issued*</u>	<u>Tickets Issued</u>
Conventional Traffic Enforcement	312,087
Targeted Traffic Enforcement Program (enhanced speed enforcement on major corridors)	89,886
Photo Radar Program	219,586 (24,298/mth)**
Total Traffic Violation Tickets Issued	693,559

Expenditure and Revenue

1999 total costs = \$17.6 million with revenues of \$20 million

Cumulative costs from 1995 to 1999 = \$65 million with cumulative revenues of \$64.6 million

*"Safe Roads, Safe Communities" report, December 2000, p.11

**In 1999, 210,869 photo radar tickets were issued (17,500/mth)

Summary of Impact and Implications

- The initiative would require an Order-in-Council rescinding Regulation 41.01 of the Motor Vehicle Act Regulations in order to disallow the use of prescribed device for enforcement purposes.
- Terminating photo radar raises some legal issues related to the collection of fine revenue and the processing of traffic tickets after the program ends, such as the status of tickets issued prior to the termination of the program (approximately 30% of all photo radar tickets have no disposition), the status of disputes entered prior to program termination and the status of those convicted prior to the end of the program.
- 17 Ministry staff, the police and 30 ICBC personnel would be impacted by the initiative, as would provincial government assets and leases. ICBC or the Province is legally obligated to pay police costs for up to two years after the program is terminated. It is anticipated that these costs would be mitigated due to placing police in existing vacant positions.

Analysis

Road Safety Impact

- When photo radar was first introduced, studies by ICBC showed a significant impact on speeding and speed-related crashes was evident.
- Since that time a number of other road safety initiatives have been introduced (Enhanced Speed Enforcement Program), which have made it difficult to measure with any certainty the impact of photo radar.
- Without the ability to isolate on program, it is difficult to estimate whether speed related crashes would increase with the termination of photo radar.
- Without a specific initiative to compensate for the end of photo radar, road safety could be compromised.

Police Impact

- It is anticipated that police personnel will return to their respective agencies within one year from program termination due to existing vacancies. This may result in reduced traffic service delivery by police.

Public Support Impact

- 42% of drivers surveyed in a 1999 BC public opinion poll indicated that photo radar had changed their driving behaviour very much or somewhat.
- The same poll indicated that 58% of British Columbians indicated that they have more confidence in education to increase road safety than enforcement.
- British Columbians rate impaired driving as a high priority for police, higher than speed enforcement.

Contact: Kevin Begg, Director, Police Services Division
Phone: (250) 356-5483
Date: May 8, 2001