



Administrative Office of the Courts

GUIDELINES FOR PROCESSING PHOTO ENFORCEMENT CITATIONS *in Limited Jurisdiction Courts*

BACKGROUND INFORMATION

Law enforcement may begin discussion with a court regarding initiation of photo enforcement program at any time. However, all photo enforcement complaints have been deemed “substantial variations” to the standard Arizona Traffic Ticket and Complaint (ATTC), and therefore, require approval by the Director of the Administrative Office of the Courts prior to the initiation of a photo enforcement program. Information about submitting complaints for approval may be obtained at:

<http://supreme.state.az.us/courtserv/ATTC>

A photo enforcement complaint may be either a civil traffic or criminal traffic violation. The complaint is usually filed electronically at the court through the contracted vendor. Once a law enforcement agency decides to use photo enforcement and file at your court, they should be communicating with the court throughout the process. The court must determine what days and times are available for scheduling photo enforcement arraignments (see Scheduling Arraignments section). At the same time, the court must work with the law enforcement agency, vendor, and AOC staff to determine how photo enforcement hearings will be scheduled. The options on the citation must clearly indicate where the defendant should send the payment. The information packet should direct the waiver of service to the Court and the affidavit of non-driver should be sent to law enforcement. Additionally, law enforcement or the vendor must identify where the defendant can view the actual enforcement photos. Usually this can be done online through the vendor’s website or through select viewing times at an alternative location.

DPS PHOTO ENFORCEMENT SETUP INFORMATION

If you are an AZTEC court, prior to implementing the Arizona Department of Public Safety (DPS) Photo Enforcement Program, AOC staff will contact your court and complete a checklist, with the court’s assistance telephonically, to begin the set up process. The checklist provides the information necessary to set up the tables in AZTEC properly, and provides the vendor with information that must be included in the citation, e.g., arraignment date, calendar event code for arraignment, etc. A request is then sent to the AOC support center for the initiation of an ecitation project in your court.

When the AOC support center receives the request to set up the ecitation project, a test database will be created and the AZTEC setup will begin. Once your AZTEC system is set up, the citation will be transmitted from law enforcement to the court through an automated batch process involving AOC. The citation will be automatically calendared on the dates given by the court to law enforcement and the vendor. (Note: it might be helpful for your court to identify different dates for civil traffic arraignments and criminal traffic arraignments, and to verify any holidays or court closure days.)

For photo enforcement programs other than the DPS photo enforcement project, please go to the website mentioned in the Background Information section (above) and review the ecitation cookbook.



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The following must occur prior to implementation of DPS photo enforcement in AZTEC courts:

1. A remedy ticket will be initiated with the AOC Support Center requesting the "Initiation of an e-citation Project." The remedy should include the name of the court contact for the project as well as phone and email information.
2. All citations filed under the project will be assigned the citation prefix of "D" (DPS)
3. A new series of citation numbers will be reserved for the project to ensure there is no duplication of numbers with citations already filed in your court.
4. AZTEC system parameters will be set to enable Batch/Import Posting and auto calendaring
5. Customized charges will be created in the court database for the statute codes that DPS has indicated they will use for photo enforcement citations.
6. A specific case category and numbering will be set for this project.
7. The AZTEC "New" Calendar will be set up for the court.
8. Officer codes for DPS officers reviewing the tickets will be added to your database.
9. The court assigns a specific staff member to perform the batch processing and citation fix each day.

Training documentation on AZTEC processing can be found at:

<http://supreme22/acap/Training/Documents/0200Citations/0202.pdf>

(Note: For DPS photo enforcement, AOC has already received any necessary officer codes to insert into the AZTEC tables when setting up your court. However, if you are implementing photo enforcement through an agency other than DPS, you may likely need the officer codes for input into the tables in your automation system.)

DOCKET EVENTS – DPS PHOTO ENFORCEMENT*

If you are an AZTEC court and implementing DPS Photo Enforcement, there are specific event codes you will need to use for statistical and action-related purposes. For example, 6 docket events will stop personal service once docketed (see below).

<u>EVENT</u>	<u>EVENT CODE</u>
1. Civil Traffic Arraignment Continued	5691 DPE-CV TRAFFIC ARRN CONT
2. Continued for DDS	5690 DPE-CONT FOR DDS ATTENDANCE
3. Acknowledgement Received (for telephone calls, correspondence received, etc.)	5692 DPE-ACKNOWLEDGEMENT REC'D
4. Hearing Set	5693 DPE-HEARING SET
5. Trial Set	5695 DPE-CR TRAFFIC TRIAL SET
6. Affidavit of Service Filed	5684 DPE-AFFDVT OF SERVICE FILED

**Note: While these codes were initially designed for the DPS Photo Enforcement Program, your court may use these event codes for all types of photo enforcement cases, not just DPS photo enforcement cases.*



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SECTIONS

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A. ACCEPTING THE ELECTRONIC COMPLAINTS

In an effort to reduce the anticipated workload for court staff when implementing a photo enforcement program, AOC has created a batch process that automates case initiation in AZTEC. The process eliminates the need to manually enter the citation. However, in order to accept electronic photo enforcement filings in an AZTEC court, the court must do the following on a DAILY basis:

1. From the Citation menu go to Batch/Import Posting
2. Enter Deputy Code designated for Batch Processing
3. After posting the batch AZTEC will ask if you wish to print a report to view all citations that rejected and did not post, answer "Yes"
4. From the Citation Menu go to Citation Fix screen to review/fix those citations that did not post
5. Enter full citation number and scroll to bottom of screen and click save. The error message will display identifying the cause of the rejection.
6. Fix error as appropriate with correct data, such as officer code.
7. After fixing the error save the updated citation and the system will assign a case number.

If you have any questions regarding this portion of the document, please contact Carol Ashton at (602)452-3366, or cashton@courts.az.gov.



B. SCHEDULING ARRAIGNMENTS

Once the complaint is filed at the court, each case will be scheduled for a photo enforcement arraignment date and time. Ideally, this should be scheduled approximately 60 days from the date of filing, to comply with Rule 4.1 of the Arizona Rules of Civil Procedure. If the court does not schedule arraignments for 60 days from the date of filing, then the court could end up setting the arraignment twice to comply with the rules. More specifically, the defendant has first 30 days to decide whether or not he or she will accept the complaint and waive service, pursuant to Rule 4.1(c)(2)(f). If the defendant waives service, he or she has another 30 days to decide how to plea. If the defendant fails to waive service within 30 days and is served personally in Arizona, the defendant has 20 days from the date of service to decide how to plea. Therefore, it is recommended the arraignment is scheduled at least 60 days from the date of filing in order to comply with the rule, reduce court staff workload and preserve judicial economy.

C. CORRESPONDENCE

The correspondence the court receives regarding photo enforcement may vary, depending upon the specific processes used by law enforcement and the vendor. Generally, correspondence will concern one or more of the following:

(Note: These all constitute acceptance of service, and acknowledgment of the complaint under Rule 4(f), Arizona Rules of Civil Procedure)

1. Person cited was not the person driving
2. Person wants to go to DDS, or already signed up for DDS
3. Person wants a hearing
4. Person is filing a motion of some type (usually concerns process server, sufficiency of complaint, etc.)
5. Person wants to pay

Note: The judicial officer of your court should decide whether telephone calls will be considered acknowledgment of the complaint. If the judicial officer decides that this is acknowledgment and you are an AZTEC court, docket the event code 5692 – Acknowledgment Rec'd.

◆ **Option C1 – Person cited was not the person driving**

Docketing for AZTEC Courts:

5692 DPE – ACKNOWLEDGMENT REC'D and
5691 DPE – CV TRAFFIC ARR CONT

The court has some options:

1. If the defendant provided a copy of their government issued photo ID, the court could forward it to law enforcement on behalf of the defendant.
2. If the defendant did not provide their government issued photo ID, the court could write a letter to the defendant instructing him/her to forward a copy of their ticket AND a copy of their ID to the law enforcement agency.

◆ **Option C2 – Person cited wants to go to DDS, or already signed up for DDS**

Docketing for AZTEC Courts:

5692 DPE – ACKNOWLEDGMENT REC'D and



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5690 DPE – CONT FOR DDS ATTENDANCE

Civil Traffic - The court should enter a docket event indicating the defendant is attending DDS, and reschedule the arraignment date if necessary. Sometimes the court will need to give an extension for the person to attend DDS. If this is the case, be sure to notify the defendant in writing of the new arraignment date.

Criminal Traffic – The court will need to require the defendant to appear in court, and ask the judge for permission to attend DDS. The court will most likely need to continue the arraignment date for the defendant to attend DDS. The court’s form should include language that indicates the defendant must complete DDS or appear by a date certain.

◆ **Option C3 – Person wants a hearing/trial**

Docketing for AZTEC Courts:

5692 DPE – ACKNOWLEDGMENT REC'D and
5693 DPE – HEARING SET (for civil traffic) or
5695 DPE – CR TRAFFIC TRIAL SET (for criminal traffic)

Civil Traffic - The court should schedule the defendant for the earliest available hearing date and time (approximately 30 days), the hearings should be set at a predetermined time as agreed to with law enforcement’s schedule. The court should use a hearing notice that informs the defendant of certain rights they have and that they give up the ability to go to DDS by having a hearing. The court must provide notice of the hearing to the officer and defendant, and defense attorney (if applicable). Notice to the prosecutor is not necessary, unless the prosecutor filed notice that they will be prosecuting the case. Please see the Civil Traffic Procedures Manual for further instruction on scheduling civil traffic hearings.

Criminal Traffic – The court should schedule the defendant for the soonest trial date and time. The court will need to notify the prosecutor and defendant of the trial date and time.

Note: the court cannot withhold disposition of the case due to unpaid process server fees.

◆ **Option C4 – Person is filing a motion**

Docketing for AZTEC Courts:

5692 DPE – ACKNOWLEDGMENT REC'D* and
Docket the appropriate event for motion filed in your court

Civil Traffic – The court should docket the motion filed and forward to the hearing officer/judicial officer within 24 hours for the hearing officer/judicial officer for a ruling.

Criminal Traffic – The court should docket the motion filed and forward to the judge within 24 hours for the judge for a ruling.

*A motion attacking jurisdiction/venue is not an appearance and should NOT be docketed using the 5692 event code. Instead, docket the appropriate event for the motion filed in your court, and forward to a judicial officer.

◆ **Option C5 – Person wants to pay**

Docketing for AZTEC Courts:

5692 DPE – ACKNOWLEDGMENT REC'D and
Refer to the AZTEC Desk Reference for how to receipt monies



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Civil Traffic - The person sends in payment, indicating they want to plead responsible. The court should disposition the case with an 11 or 12 and receipt all applicable monies. The court will need to send notice to MVD of the disposition of the charge, either electronically or manually within 10 days.

***AZTEC courts may use the Plea/No Appearance screen to disposition the case and receipt monies; however, tables must be set up appropriately to use the functionality of these screens.**

Note: the court cannot withhold disposition of the case due to unpaid process server fees.

Criminal Traffic – The person sends in payment, indicating they want to plead guilty. The court will need to make sure BEFORE receipting monies to the applicable fines/surcharges/fees that the defendant signed a statement that stated the following, in accordance with Rule 8(b), Rules of Traffic Cases and Boating Cases:

By signing below, I consent that I am waiving my right to trial, and enter a plea of guilty to the offense described in the complaint and consent to judgment imposing the prescribed fine.

The court will need to send notice to MVD of the disposition of the charge, either electronically or manually within 10 days.

If the defendant did not sign the above statement, the court should send a letter to the defendant that includes the above statement from Rule 8(b), instructing him or her to read, sign, and return the form within 30 days. Court then reschedules the arraignment for 30 days. In the meantime, the court should receipt the money as bond. When the defendant returns the signed statement to the court, the court should then apply the bond money to the fines, surcharges, fees, etc. and close the case.

Note: the court cannot withhold disposition of the case due to unpaid process server fees.

◆ **Option C6 – Dismissal**

Docketing for AZTEC Courts:

Docket the appropriate event for motion filed in your court [and](#)

If dismissal is at request of the prosecutor, use disposition code 44.

If dismissal is due to an Administrative Order by the court, use disposition code 43.

During implementation of the Title 28 rewrite, both the Limited Jurisdiction Court Committee and the Arizona Judicial Council considered whether law enforcement had the ability to request dismissal of a traffic citation once it was filed. Both committees determined that law enforcement lacked standing to make this type of motion. With that in mind, the court will need to be aware of the proper way to allow for dismissal of photo enforcement cases.

The defendant has 90 days from the date of filing to be served with the citation, pursuant to A.R.S. § 28-1592(B)(2). After 120 days, the court shall dismiss the citation, pursuant to Rule 4(i), Arizona Rules of Civil Procedure. One of several things may occur in the time period between the 90 and 120 days, such as:

1. Prior to the end of the 90 day period for service, the prosecutor may file a motion with the court to extend the time for service.
2. The court can create a local Administrative Order that allows the court to dismiss any



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photo enforcement case not served or acknowledged after 90 days from the date of filing.
3. The prosecutor can file a standing motion with the court to dismiss any photo enforcement case not served or acknowledged after 90 days from the date of filing.

Courts should not implement an automated dismissal process without judicial direction or a proper motion from the prosecutor.

For AZTEC courts, there is currently not an automated batch dismissal process available; however, a court could generate a Crystal report to list all cases that meet the criteria for dismissal.

In addition, if a new driver needs to be cited for the offense, the original citation would need to be dismissed on request of the prosecutor. At which point law enforcement may file a new citation citing the newly identified driver.

◆ **Option C7 – Affidavit of Service Filed**

Docketing for AZTEC Courts:

5684 DPE – AFFDVT OF SERVICE FILED and
9875 – through CASE FINANCIAL DOCKET (see below)

The affidavit of service form is filed with the court after the defendant is personally served. The form should indicate the actual cost of service. The court should docket the affidavit of service to avoid further attempts at personal service. In addition, the court should enter the monies indicated on the form into the automation system. AZTEC courts will need to enter the process server monies as follows:

Assess the process server fee using CASE FINANCIAL DOCKET, adding event code 9875 WITHOUT THE “P” ACTION CODE, and add the amount of process server fee in the adjustment amount field.

Note: AZTEC courts, when receipting monies for process server fees, use the Automatic Allocation screen.

D. FAILURE TO APPEAR – CIVIL TRAFFIC

Similar to other civil traffic cases, when a defendant fails to appear for the scheduled arraignment date on a civil traffic photo enforcement case, the court has the authority to default the defendant **IF ONE OF THE FOLLOWING OCCURS:**

1. The court **MUST** have a document signed by the defendant that indicates the defendant is waiving service of the complaint, **OR**
An affidavit of service was filed with the court stating the defendant was personally served with the complaint.
2. The defendant signed up to attend DDS but failed to attend.
3. The defendant failed to appear for a hearing after receiving written notice of the civil traffic hearing date/time/place **and** signed either a waiver of service or signed for the civil traffic hearing date.

In any of these instances, the court has the authority to impose default judgment.



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To impose default judgment, refer to the Civil Traffic Procedures Manual, and Rule 22, Rules of Civil Traffic, regarding failure to appear. Court staff should enter the correct disposition codes, monetary penalties, and report to MVD within 10 days.

Note: A motion to continue or correspondence received by the court is sufficient to issue a default judgment without having a signed waiver, because this is considered acknowledgement of the complaint. (Rule 4f, ARCP)

If there is a motion attacking jurisdiction/venue, the court cannot act until the judicial officer has ruled on the motion. (A.R.S. § 22-202E)

E. FAILURE TO APPEAR – CRIMINAL TRAFFIC

Similar to other criminal traffic cases, when a defendant fails to appear for the scheduled arraignment date on a criminal traffic photo enforcement case, the court has the authority to issue a warrant for the defendant's arrest **IF ONE OF THE FOLLOWING OCCURS:**

The defendant failed to appear AND:

1. The court **MUST** have a document signed by the defendant that indicates the defendant is waiving service of the complaint **OR** An affidavit of service was filed with the court stating the defendant was personally served with the summons and complaint.
2. The defendant failed to appear for a trial after receiving written notice of the criminal traffic trial date/time/place **and** signed either a waiver of service or signed for the trial date
3. After the defendant requested an extension of time and received permission to attend DDS and failed to complete DDS, by the court's next arraignment date

In any of these instances, the court has the authority to enforce its order, through the issuance of a warrant.

When proceeding with the warrant, **DO NOT** issue a warrant for A.R.S. §§ 13-3904, 13-2810

You may issue a warrant pursuant to the following:

1. Rule 3.1(a) (requires no complaint by court or prosecutor)
2. A.R.S. § 13-2506 (only can issue this if prosecutor filed a complaint charging this with the court)

If there is a motion attacking jurisdiction/venue, the court cannot act until the judicial officer has ruled on the motion. (A.R.S. § 22-202E)

F. FAILURE TO PAY – CIVIL TRAFFIC

Similar to other civil traffic cases, when a defendant fails to pay the amount on the date required, the court has the authority to declare the entire civil penalty due and notify MVD to suspend the driver license.



The court cannot default the case for failure to pay process server fees alone. The court should send the fees to collection or enforce a civil judgment pursuant to A.R.S. §§ 22-405 and 406. Refer to the Civil Traffic Procedures Manual regarding failure to pay. Court staff should enter the correct disposition codes, monetary penalties, and report to MVD within 10 days.

G. FAILURE TO PAY – CRIMINAL TRAFFIC

Similar to other criminal traffic cases, when a defendant fails to pay the contracted amount on the date required for a criminal traffic case, the court has the authority to issue a warrant for the defendant **IF ONE OF THE FOLLOWING OCCURS:**

1. The defendant was found guilty and sentenced to pay a fine but did not pay the fine and did not appeal
2. The defendant did not comply with the terms of the court’s payment schedule

The court cannot issue a warrant or default the case for failure to pay process server fees. The court should send the fees to collection or enforce as a civil judgment pursuant to A.R.S. §§ 22-405 and 406.

Note: It is recommended you send a summons to the defendant before proceeding with a warrant unless the court has reason to believe the defendant will not appear, such as a history of the defendant failing to appear.

When proceeding with the warrant, DO NOT issue a warrant for A.R.S. §§ 13-3904, 13-2810

You may issue a warrant pursuant to Rule 26.12, Arizona Rules of Criminal Procedure.

H. QUESTIONS?

Department	Area of Knowledge	Name	Email	Phone Number
Information Technology	Technical	Ridge Franks	rfranks@courts.az.gov	(602)452-3567
Automation Services	AZTEC	Pat McGrath	pmcgrath@courts.az.gov	(602)452-3335
Court Services	Business	Sharleen Decker	sdecker@courts.az.gov	(602)452-3183