



**RED LIGHT PHOTO ENFORCEMENT PROGRAM
ADMINISTRATIVE HEARING PROCESS
FACT SHEET**

An administrative hearing system is a local method to adjudicate municipal violations. In Naperville's case, the new administrative hearing system, which was approved by the Naperville City Council, will handle only red light photo enforcement violations.

What are the steps in the administrative hearing process?

The city's red light photo enforcement vendor, Redflex, will administer a significant portion of the administrative hearing system by creating and maintaining files and hearing dockets, tracking payments and issuing notices, among other things.

Once Redflex receives the video of a purported violation, they will review the video. If it is determined the motorist has committed a violation, the video will be sent to the Naperville Police Department. Specially trained officers will further review the video. If NPD officers determine the motorist has committed a violation, they will notify Redflex, which in turn will send a notice of a red light photo enforcement violation in the mail to the registered owner.

In some instances, the violator will simply pay the \$100 fine. If no response is received, Redflex will send a second notice of violation to the individual and an additional \$100 late penalty will be assessed. Should no response be received at that point, the violation will be handed to the administrative hearing officer to make a final determination.

Violators may challenge the violation either in person or via mail. If the violation is challenged, the violator will be assigned an administrative hearing date and the citation will be judged through the local administrative hearing process, which will take place once a month on a Saturday afternoon beginning at 1 p.m. in the Lower Level Meeting Rooms B and C of the Naperville Municipal Center, 400 S. Eagle St. Those individuals who do not appear at their administrative hearing date and time will be in default and the administrative hearing officer will make a determination on their case.

The administrative hearings will be presided over by an impartial and independently contracted hearing officer also known as an administrative law judge. This hearing

officer is an attorney who is trained and certified as a hearing officer. The hearing officer will have access to the violator's citation and a video of the incident.

The hearing officer will make a determination of "liable" or "not liable" on each citation. The determination is able to be appealed to DuPage County Circuit Court. Prosecutors will not be present at the hearings, as the citation is considered the evidence of a violation. A \$25 administrative hearing fee will be assessed to a violator only if the violator is found liable.

Are there any benefits to this system?

Yes, there are several benefits to having an administrative hearing process in place versus sending individuals to DuPage County Circuit Court in Wheaton. These benefits include:

- Times and locations of hearings that are more convenient to community members

Instead of community members needing to be present for court in Wheaton on a weekday, community members instead must be present for a hearing in Naperville on a weekend afternoon

- Reduced costs:

In DuPage County Circuit Court, approximately \$50 is assessed on each case. This fee is retained by DuPage County and does not offset any of the city's costs. With the administrative hearing process, a \$25 fee is assessed on each case. This fee is retained by the city and offsets all of the city's costs, including costs for staff and the hearing officer.

- Avoiding the overburdening of an already busy court system

DuPage County has never handled automated red light enforcement contests, whereas automated red light enforcement vendors, such as Redflex, are familiar with administrative hearings.

- 100 percent local retention of the total assessment (fines and additional costs) versus approximately 45 percent retention of the total assessment in the Circuit Court system

- Cost savings and staff time savings

The cost of providing two police officers for approximately four hours once per month in Naperville will be less than the cost of providing multiple officers to the Circuit Court in Wheaton over multiple court dates per month. Also, no prosecutors will be needed for the administrative hearings, while prosecutors are required to attend court.