IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

City of Akron, *et al.*	)	Case No. CV-2015-02-0955
	)	
Plaintiffs,	)	Judge Thomas Teodosio
	)	
v.	)	
	)	
State of Ohio, *et al.*	)	
	)	
Defendants.	)	
	)	

AFFIDAVIT OF LT. RICHARD DECATUR

STATE OF OHIO)
) ss
COUNTY OF SUMMIT)

After being duly sworn, Lieutenant Richard Decatur deposes and states as follows:

1. My name is Lieutenant Richard Decatur. I have been employed by the Akron Police Department since May 8, 1989. I presently hold the rank of Lieutenant. I am currently the Commander of the Akron Traffic Bureau and have been assigned to the Akron Traffic Bureau since 2007.

2. As a Lieutenant in the Akron Traffic Bureau, I am in charge of Akron's automated traffic camera enforcement program. I bear sole responsibility for the assignment and deployment of automated traffic cameras in Akron's school zones. I have personal knowledge of all matter set forth in this affidavit.

3. In 2005, a hit and run accident killed a ten year old Akron boy in a school crosswalk, who died pushing his six year old sister to safety. In response to this tragedy, the

Akron City Council passed Emergency Ordinance 461-2005 (the "Akron Emergency Ordinance") on September 12, 2005, enacting Akron's automatic traffic camera enforcement program. On September 19, 2005, Akron's mayor signed the Akron Emergency Ordinance into law.

4. I am aware that the Akron City Council enacted the Akron Emergency Ordinance "to reduce the danger from vehicle operators speeding in and around school zones" because "frequent incidents of speeding cause a substantial risk to the safety of children in school zones and crosswalks." The Akron City Council concluded that "an automated mobile speed enforcement system will assist the Akron Police Department by alleviating the need for conducting extensive conventional traffic enforcement in and around school zones." This legislative history is well documented, and my memory is in accord with it.

5. Akron uses six traffic cameras that rotate among the city's 68 school zones. Akron currently contracts with a private company, Plaintiff American Traffic Solutions, Inc. ("ATS") to administer the automatic traffic camera enforcement program. ATS supplies the camera equipment used for Akron's program. Each day, an ATS technician sets up the camera equipment, tests the equipment including the traffic radar, and takes down the camera equipment before and after each morning and afternoon restricted period. An Akron police officer examines the photos that are taken and the speed data that is collected by the automatic traffic cameras and makes a determination whether a citation should be issued.

6. The Akron automatic traffic camera enforcement program is a civil program. The Akron Emergency Ordinance provides for civil enforcement imposing monetary liability upon the owners of vehicles that do not comply with posted speed limits in school zones within Akron. Offenders are not issued criminal traffic citations. Offenses are not enforced by the Akron

criminal courts. Points for violations are not assessed against vehicle owners' driving records. Akron has implemented an administrative hearing process for those who want to appeal a ticket. The fine for a violation is $100.

7. In November 2012, Akron entered into a contract with ATS for ATS to continue administering and operating Akron's automatic traffic camera enforcement program, replacing another vendor. The contract between ATS and Akron consists of an initial term and renewal terms and is not set to expire until the end of the 2014-2015 school year.

8. Pursuant to the Akron Emergency Ordinance, the proceeds that Akron generates through its automatic traffic camera enforcement program are required to be put into a Safety Fund. The Safety Fund has been used to pay for the installation of yellow flashing lights at hazardous intersections and to pay the salaries of crossing guards and police officers assigned to the Akron schools.

9. I understand it to be the judgment of Akron's city officials and police officers involved in Akron's automatic traffic camera enforcement program that the program has reduced speeding in school zones and has increased its residents' safety. This is certainly my judgment.

10. The Akron Police Department uses it police force to enforce the criminal laws and protect its citizens. Police officers are deployed to maximize the deterrent effect and in response to community needs, as determined by local law enforcement most familiar with local situations. The Akron Police Department does not have a sufficient number of police officers to permit Akron to deploy an officer at the location of each photo speed camera in accordance with the Amended Senate Bill 342 requirement that an officer be "present," but not necessarily involved in any activity. It is my judgment that if the new state law is upheld, the police department's ability to deploy its forces as it deems necessary will be restricted. When Akron adopted its

ordinance, City Council concluded that "an automated mobile special enforcement system will assist the Akron Police Department by alleviating the need for conducting extensive conventional traffic enforcement in and around school zones." The wisdom of City Council has been demonstrated on a daily basis, as the cameras compliment and supplement conventional police presence. To require an officer's presence at each camera location as the new law does, defeats that purpose.

11. It is my understanding that the new state law provides that no civil citation may be issued as a result of a traffic law photo monitoring device unless "the vehicle involved in the violation is travelling at a speed that exceeds the posted speed limit by not less than six miles per hour." This provision serves to encourage drivers to drive over the speed limit in school zones since the driver would know he/she cannot be cited if the camera is present unless the driver is driving six miles over the limit. The purpose of designated school zones is to cause drivers to reduce their speeds and the new state law seems to defeat that purpose. There seems to me no reason to have different effective speed limits in school zones with cameras and school zones without cameras.

Further affiant sayeth naught.

Richard Decatur

Richard Decatur

Subscribed to and sworn before me this 12th day of March 2015

Karol E. Hatch

Notary Public

My Commission Expires 8/16/19

NOTARY PUBLIC STATE OF OHIO

KAROL E. HATCH
Resident of Summit County
Notary Public, State of Ohio
My Commission Expires