GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE INSPECTOR GENERAL

Report of Special Evaluation

PARKING AND AUTOMATED TRAFFIC ENFORCEMENT TICKETS – PART I: TICKET ISSUANCE PRACTICES

September 2014

BLANCHE L. BRUCE
INTERIM INSPECTOR GENERAL

OIG No. 14-I-0063 **September 2014**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General

September 8, 2014

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Washington, D.C. 20001

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Washington, D.C. 20009

Matthew Brown
Interim Director
District Department of Transportation
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Washington, D.C. 20003

Dear Chief Lanier, Mr. Howland, and Mr. Brown:

Enclosed is our final ***Report of Special Evaluation: Parking and Automated Traffic Enforcement Tickets – Part I: Ticket Issuance Practices*** (14-I-0063). All written comments submitted by your agencies on the special evaluation team's findings and recommendations are included in this report. This report will soon be available publicly at http://oig.dc.gov; I encourage you to share it with your employees.

We will send each of you *Compliance Forms* on which your respective staffs should record and report to this Office the actions taken on each recommendation pertaining to your agency. These forms will assist each of you and the OIG in tracking compliance with recommendations in the report. Where the form asks for "Agency Action Taken," please report actual completion, in whole or in part, of a recommendation rather than "planned" action. Please ensure that the *Compliance Forms* are returned to the OIG by the response date noted on the forms.

We appreciate the cooperation shown by you and your employees during the special evaluation and look forward to your continued cooperation during the upcoming follow-up period.

If you have questions or comments concerning this report or other matters related to the special evaluation, please contact me at (202)727-2540.

Sincerely,

Blanche L. Bruce
Interim Inspector General

BLB/ef

Enclosure

cc: See **Distribution List**

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The Inspections and Evaluations (I&E) Division of the Office of the Inspector General is dedicated to providing District of Columbia (D.C.) government decision makers with objective, thorough, and timely evaluations and recommendations that will assist them in achieving efficiency, effectiveness and economy in operations and programs. I&E's goals are to help ensure compliance with applicable laws, regulations, and policies, identify accountability, recognize excellence, and promote continuous improvement in the delivery of services to D.C. residents and others who have a vested interest in the success of the city.

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ACRONYMS & ABREVIATIONS

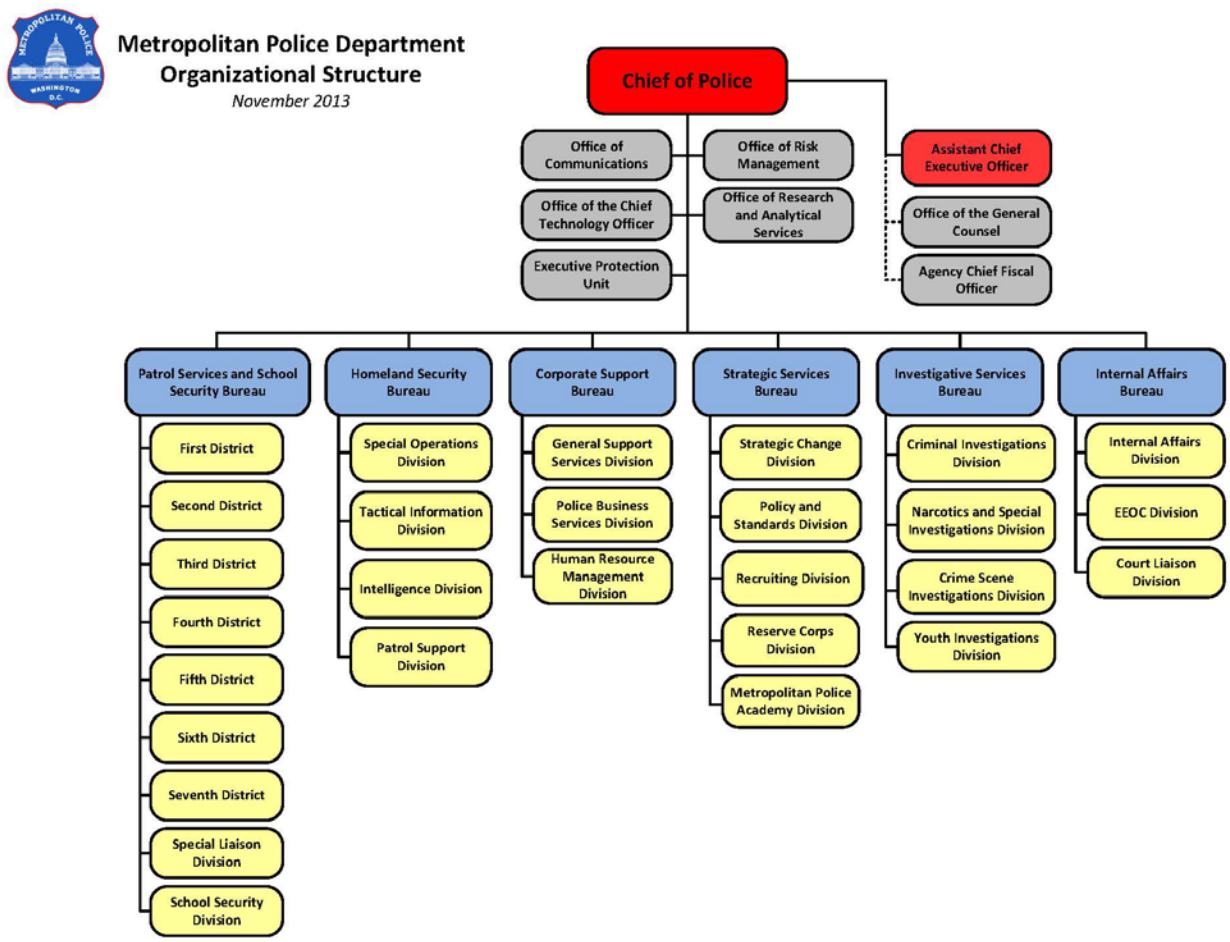
ACRONYMS AND ABBREVIATIONS

ATE	Automated Traffic Enforcement
ATES	Automated Traffic Enforcement System
ATS	American Traffic Solutions
CY	Calendar Year
DCMR	D.C. Municipal Regulations
DDOT	District Department of Transportation
DMV	Department of Motor Vehicles
DPW	Department of Public Works
eTIMS	Electronic Ticketing Information Management System
FTE	Full-Time Equivalent
FY	Fiscal Year
I&E	Inspections and Evaluations Division (OIG)
IIHS	Insurance Institute for Highway Safety
ITSA	Information Technology Staff Augmentation
MOU	Memorandum of Understanding
MPD	Metropolitan Police Department
NHTSA	National Highway Traffic Safety Administration
NLETS	National Law Enforcement Telecommunications System
OAG	D.C. Office of the Attorney General
OCFO	Office of the Chief Financial Officer
OCP	Office of Contracting and Procurement
OCTO	Office of Chief Technology Officer
OIG	Office of the Inspector General

PEMA	Parking Enforcement Management Administration (DPW)
PEO	Parking Enforcement Officer (DPW)
QA	Quality Assurance
RFP	Request for Proposals
ROSA	Registration of Out-of-State Automobile
RPP	Residential Permit Parking
SOP	Standard Operating Procedure
TCO	Traffic Control Officer (DDOT)
TOA	Transportation Operations Administration (DDOT)
WALES	Washington Area Law Enforcement System

ORGANIZATIONAL CHARTS

MPD Organizational Charts



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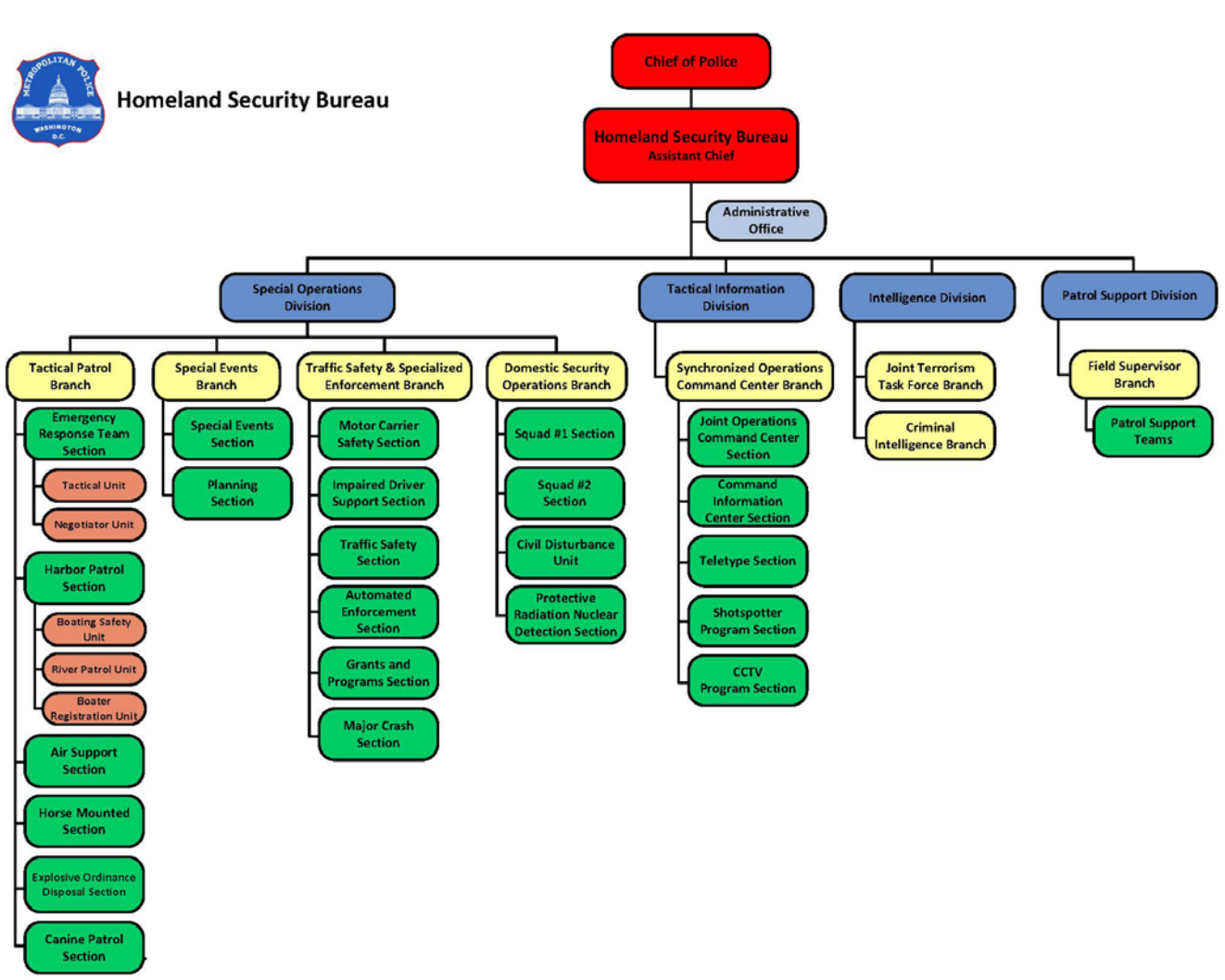
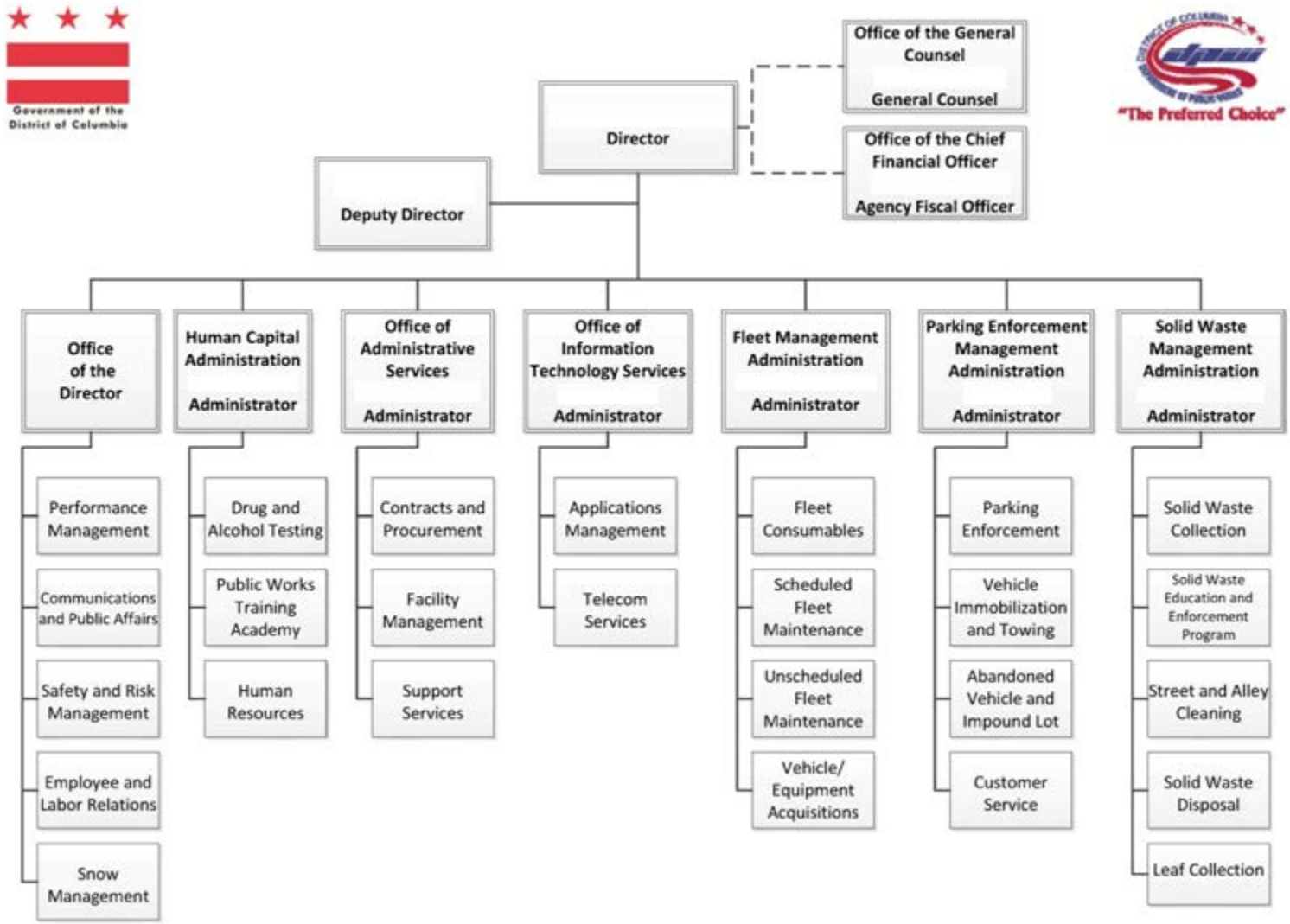


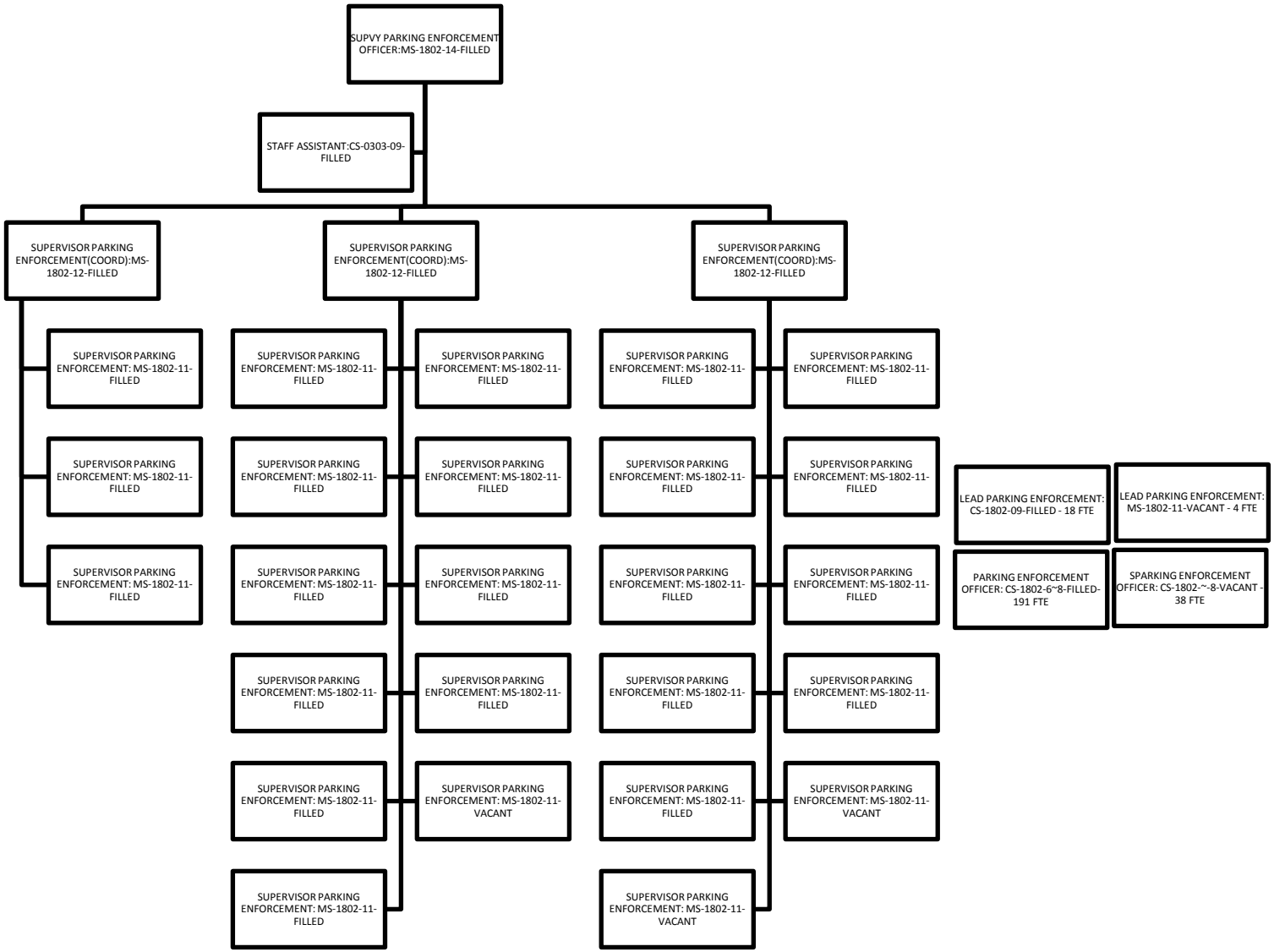
Source: Http://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD_Org_Charts_111813.pdf (last visited Dec. 16, 2013).

DPW Organizational Charts



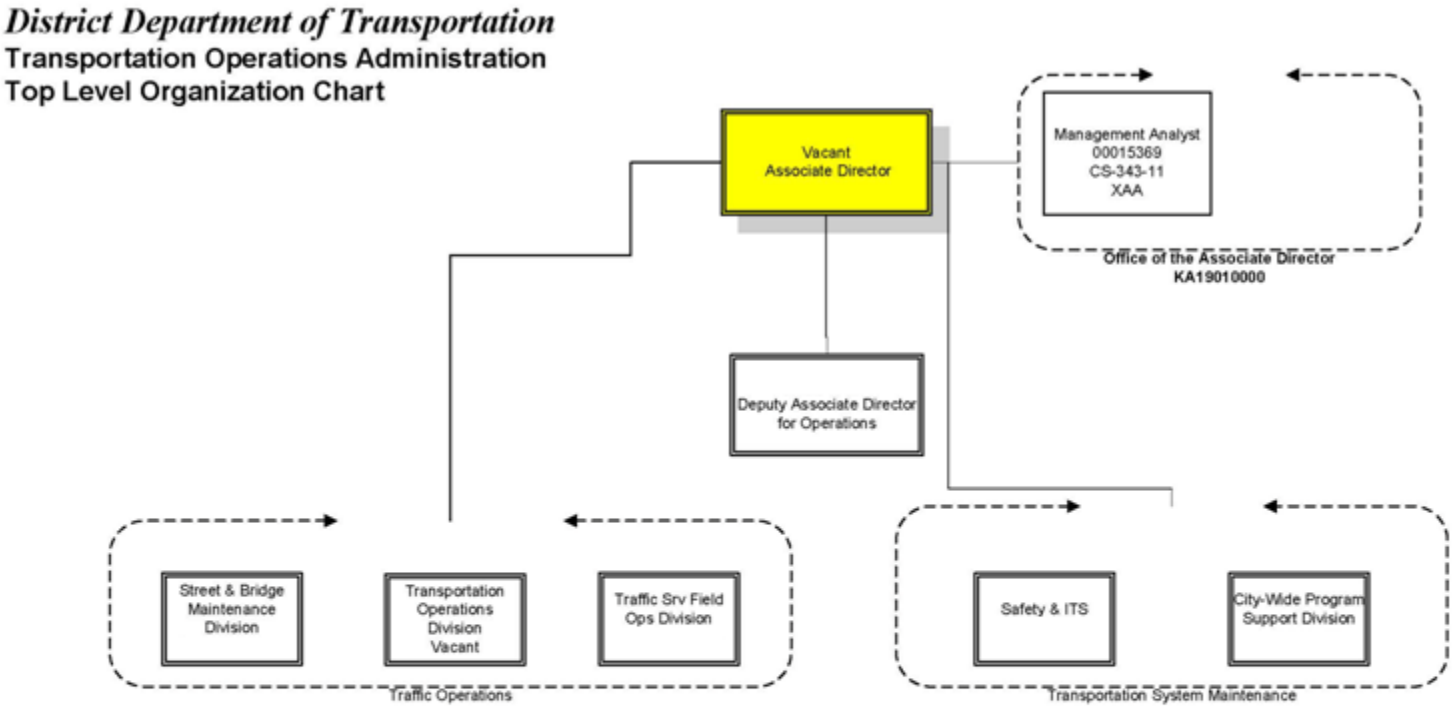
Source: DPW email from December 24, 2013.

DPW Parking Enforcement Division



Source: DPW email from December 24, 2013.

DDOT Organizational Charts



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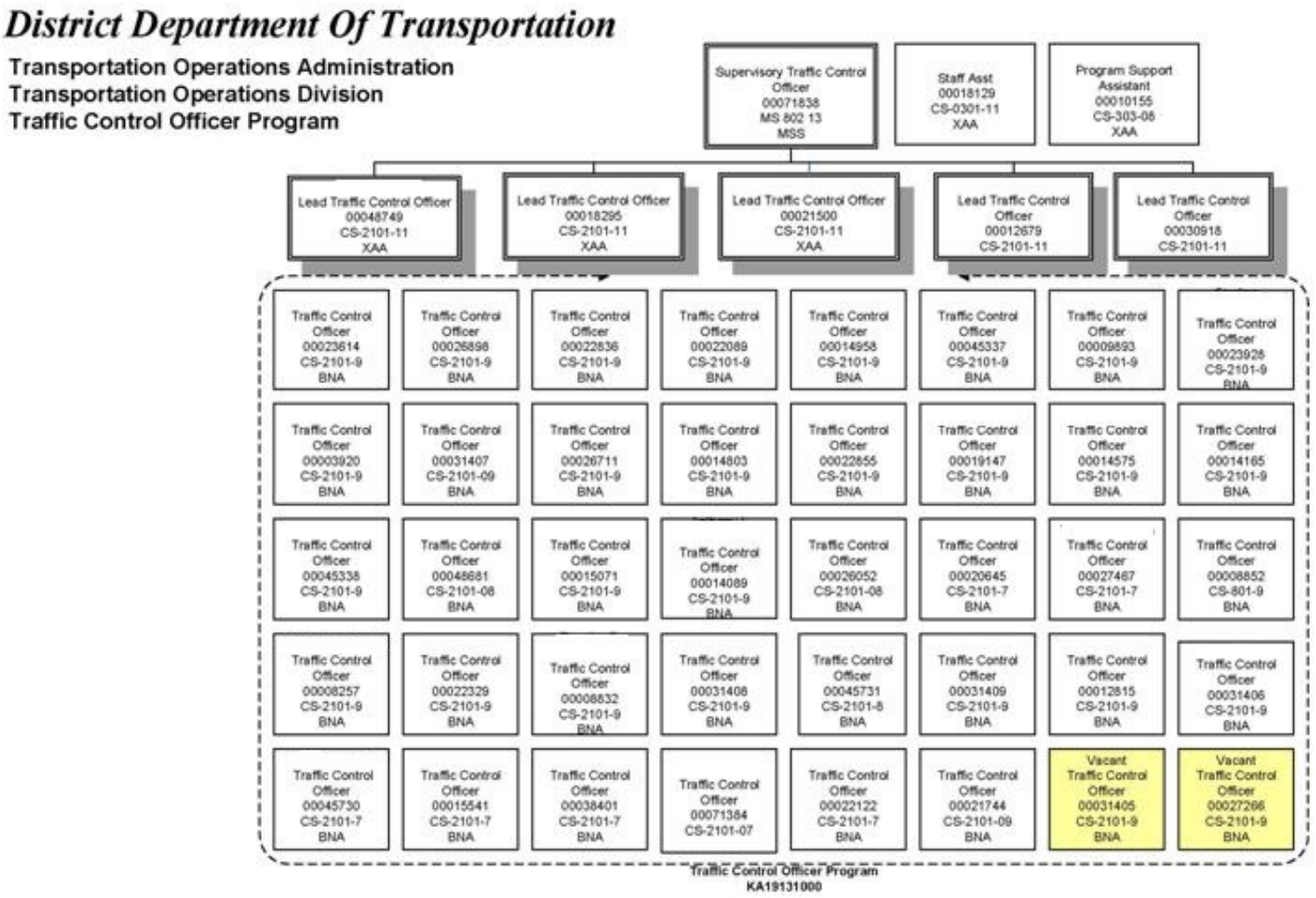

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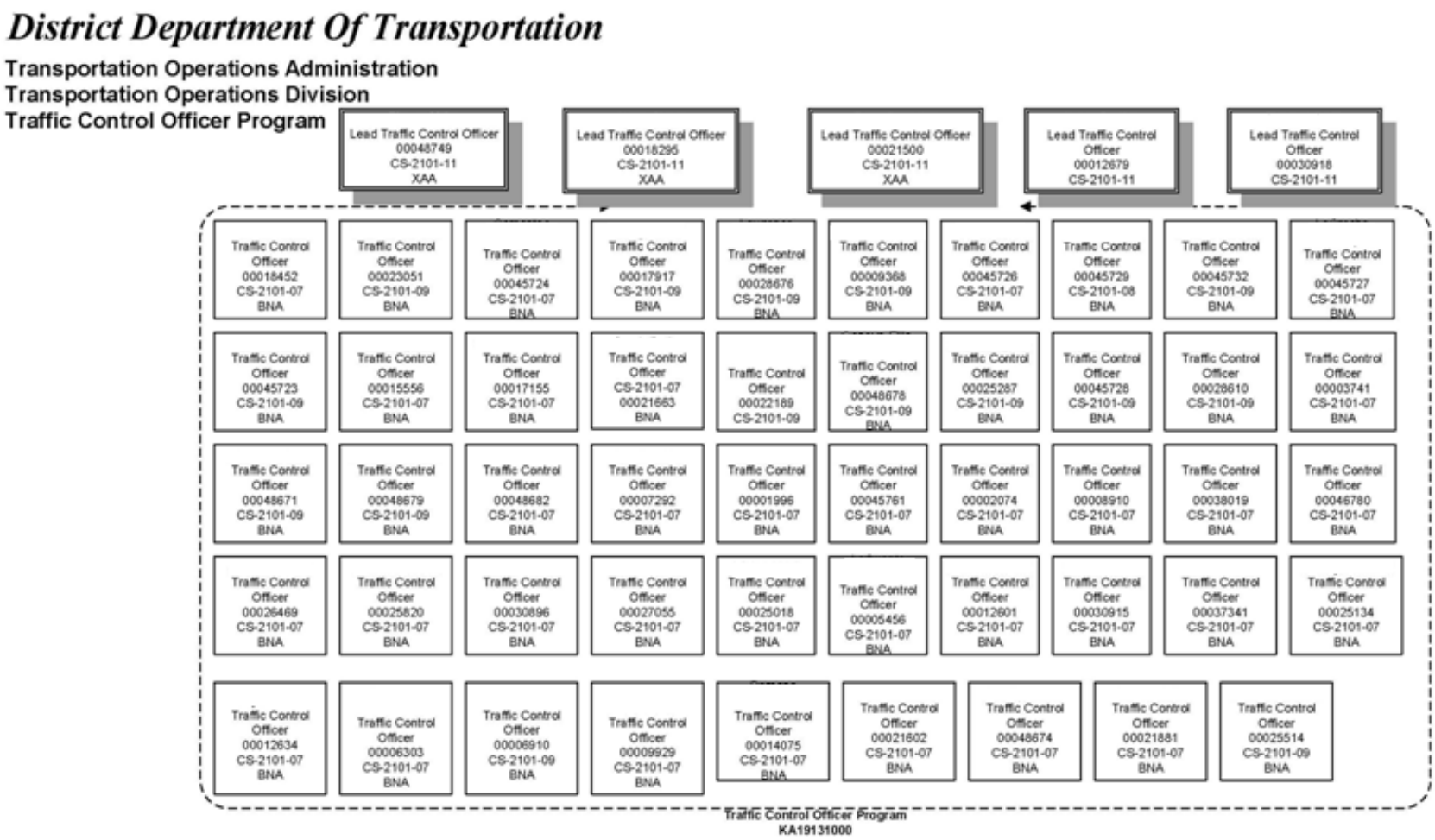

Source: Http://dccouncil.us/files/user_uploads/budget_responses/Appendix_A_OrgCharts_TOA.pdf (last visited Dec. 16, 2013).

EXECUTIVE SUMMARY

Table 1: Flowchart – Overview of Ticketing and Adjudication Entities

Primary Issuers of Tickets: Department of Public Works (DPW), Metropolitan Police Department (MPD), District Department of Transportation (DDOT)

MPD

- Automated enforcement cameras.
- Primary contractors: American Traffic Solutions (camera equipment, initial violation processing); Reflex; Sensys.

DPW

- Parking Enforcement Management Administration: 358 FTEs (actual FY 2013), including 209 enforcement officers.
- Parking tickets only.
- Budget: $26 million (approved FY 2014)

DDOT

- Manages D.C.'s 17,000 parking spaces.
- Contracts with Xerox (meter maintenance); Parkmobile (mobile payment).
- Parking and moving violation tickets.

Data Processing: Xerox State & Local Solutions (contract administered by DMV)

- Xerox manages eTIMS (Electronic Ticket Information Management System), the District's depository of parking and moving violation ticket data.
- December 2012: the District solicited bids for new vendor to replace eTIMS; no bids received – the District is considering bringing data processing in-house.
- Xerox contract value: $11 million/year (CY 2013).

Ticket Payment, Adjudication (DMV)

- DMV's Adjudication Services Division: 51 employees (actual FY 2013).
- 18 hearing examiners, whose average annual case load was 11,514 in FY 2013.

Appeals Process

- Three Traffic Adjudication Appeals Boards, each of which consists of one DMV employee; one Office of the Attorney General (OAG) attorney; and one appointed resident, who is paid a wage rate equivalent to a DS14 government salary ($87,661).
- Each board meets weekly; collectively they issued 1,668 decisions in FY 2013; average time required to close a case: 22 months.

Background

Between August 2013 and April 2014, the Inspections and Evaluations (I&E) Division of the Office of Inspector General (OIG) conducted fieldwork for a special evaluation of the District's parking and automated traffic enforcement (ATE) ticketing practices.[1] While a total of 31 District and federal agencies have the authority to issue moving violation tickets (e.g., cell phone use while driving, illegal turns, failure to use a seatbelt) and/or parking tickets, this report focuses on the three agencies that issue the most tickets: (1) the Metropolitan Police Department (MPD), which administers the District's ATE program (i.e., the radar/camera installations that record vehicles that violate red light, speed limit, and certain pedestrian safety regulations) and whose officers issue both parking and moving violation tickets; (2) the Department of Public Works (DPW), whose Parking Enforcement Officers (PEOs) issue only parking tickets; and (3) the District Department of Transportation (DDOT), which manages a corps of Traffic Control Officers (TCOs) who are deployed throughout the District to manage traffic flow at intersections and construction sites and during special events, but who also have authority to issue parking and moving violation tickets. In calendar year 2012, these three agencies accounted for approximately 98% of the parking and ATE/moving violation tickets issued in the District: DPW (51%), MPD (38%), and DDOT (9%).

Parking tickets are a significant source of revenue to the District. In FY 2013, these three agencies issued 1,731,861 parking tickets. Revenue from parking tickets that same year totaled $82,847,664. Similarly, MPD[2] issued 666,275 ATE tickets in FY 2013; revenue from ATE tickets totaled $88,832,976 that year.

[1] A second report will assess the District's administration of the ticket payment, adjudication, and appeals processes. See Table 1 on the previous page.

[2] According to MPD's website:

> To enhance the safety of the District's residents and visitors, the Metropolitan Police Department has developed an automated photo enforcement program designed to reduce the number of drivers who violate traffic regulations. The cameras help enforce traffic laws and reduce violations by automatically photographing the license plates of vehicles whose drivers violate the regulations.

Http://mpdc.dc.gov/node/216212 (last visited Feb. 6, 2014).

Table 2: Parking and ATE Tickets Issued by the District and Related Revenue – FYs 2011 to 2013

FY	Number of Parking Tickets Issued	Revenue From Parking Tickets	Number of ATE Tickets Issued	Revenue From ATE Tickets	Total Ticket Revenue
2011	1,984,682	$91,362,271	420,818	$60,105,091	$151,467,362
2012	1,850,776	$90,671,066	1,018,953	$91,806,356	$182,477,422
2013	1,731,861	$82,847,664	666,275	$88,832,976	$171,680,640

Objectives

There were two primary objectives to this part of the special evaluation: (1) to assess the adequacy and clarity of District government entities' and contractors' policies and procedures governing the issuance of parking and ATE tickets; and (2) to present actionable recommendations for improving the accuracy and efficiency of the District's ticket issuance processes. Part Two of this special evaluation, which will result in publication of a separate report, will focus on the District's administration of the ticket payment, adjudication, and appeals processes.

Scope and Methodologies

The team conducted approximately 50 interviews that included employees of the Office of Contracting and Procurement (OCP), the Department of Motor Vehicles (DMV), MPD, DPW, DDOT, American Traffic Solutions (ATS),[3] Xerox State and Local Solutions (Xerox), and Parkmobile.[4] The team also observed the software programs and processes through which ATS and MPD personnel review images of possible ATE violations. I&E also interviewed and observed DPW PEOs and DDOT TCOs. The team visited the neighboring jurisdictions of Arlington County (VA), Prince George's County (MD), and Baltimore, MD to observe elements of their ATE programs and interview knowledgeable employees about quality assurance practices. I&E analysts also reviewed a random sample of 250 parking tickets issued by DPW to determine the frequency with which motorists who receive tickets are provided photographic evidence of their violations; the results of this review are found on page 54 of this report.

[3] According to its website: "American Traffic Solutions, Inc. is [] the leading provider of traffic safety, mobility and compliance solutions for state & local governments, commercial fleets and rental car companies." Http://www.atsol.com/our-company/ (last visited Feb. 6, 2014).

[4] Per its website, "Parkmobile is the leading global provider of seamlessly integrated end-to-end solutions for mobile payments and parking guidance using business analytics and parking." Http://us.parkmobile.com/members/company-info (last visited Nov. 12, 2013).

General Assessments of MPD, DPW, and DDOT Ticketing Operations

MPD

MPD and its primary contractor, ATS, administer a multi-step violation review process (see Appendix 3 for diagrams) that ensures several reviewers/approvers look at each potential red light or speed limit violation before a ticket is issued. The number of levels of review in this process exceeds recommended quality assurance practices; however, much of the speed camera technology currently deployed on District streets cannot indicate the lane of travel of a violating vehicle, which introduces an element of uncertainty at any location where a speed camera is monitoring two or more lanes of traffic moving away from the camera. Therefore, MPD contractors and sworn officers must decide whether a violation was committed and which vehicle, if any, should be ticketed. The OIG learned that in those instances when multiple vehicles appear in the violation image(s), MPD reviewers decide, with what the OIG believes is a lack of precision and certainty, (1) which vehicle was speeding and (2) whether there is sufficient distance between the violating vehicle and others in the images to justify issuance of a ticket. (See page 31 for this finding.) Earlier this year, MPD deployed speed camera technology that it says is able to positively identify the violating vehicle. While this new technology sounds like a positive enhancement to the District's ATE program, the reality is that the District often issues speeding tickets without conclusive identification of the violating vehicle. The OIG strongly encourages MPD to be more rigorous and precise in its review of ATE speeding violation images that capture multiple vehicles as current MPD decision-making practices in certain review situations appear somewhat arbitrary.

MPD's ATE training manual also instructs reviewers to accept violations and issue tickets in certain instances where the type of vehicle captured in the ATE images does not comport with information obtained through MPD's search of vehicle registration databases. (See page 39.) The OIG believes that MPD should discontinue this practice because it leads to the issuance of erroneous tickets, which then puts a recipient of such a ticket in the challenging and frustrating position of trying to prove to a hearing examiner—without having vehicle registration information that MPD has access to or an understanding of how his or her vehicle was identified—that he or she is not the owner of the subject vehicle.

DPW

In FY 2013, DPW PEOs issued nearly 1.4 million tickets for roughly 130 types of parking violations. Procedures and training materials distributed to PEOs provide useful instructions on a wide range of topics, including customer service and fundamental ticket-writing procedures, but provide very few specifics for handling commonly encountered situations, such as the ticketing of federal and District government vehicles or what to do when a motorist drives off before the PEO has printed the ticket. DPW cites the importance of its TicPix program, which allows motorists to view pictures of the violations for which they received a ticket so that they better understand why tickets are issued. However, after reviewing randomly selected tickets of the 10 most common parking violations, the OIG concluded that DPW far too often fails to make images available through TicPix. Violation images are the only assurance a motorist has that his or her ticket was correctly issued and are important evidence to hearing

examiners and appeals boards tasked with adjudicating contested tickets. Therefore, the OIG recommends that DPW implement a policy that any parking ticket for which the motorist is not given clear photographic evidence of the violation shall be dismissed, unless the motorist is given an adequate explanation. (This finding begins on page 54.)

DDOT

DDOT TCOs' main responsibility is to direct traffic in the District, but they also have the authority to write both parking and moving violation tickets, of which they issued 316,687 and 3,389, respectively, in FY 2013. The number of tickets written annually by DDOT TCOs falls far short of the 1.4 million tickets written by DPW PEOs in FY 2013, but DDOT's lack of comprehensive ticketing procedures, which has resulted in inconsistent ticketing practices among TCOs, is a significant concern. (See page 64.) Ironically, the question that drew the most varied responses from DDOT employees was whether a District motorist may park legally at a broken meter. DDOT should act immediately to issue clear guidance not only to its TCOs, so that ticketing operations are more consistent, but also the public. Skeptical members of the public might believe that the District's failure to inform them on this subject is intentional: without clear criteria of the District's ticketing policy, a ticketed motorist is unable to prove that DDOT enforcement officers failed to follow proper procedure.

Conclusions Regarding the District's ATE Program and Ticketing Practices

D.C. Code and D.C. Municipal Regulations (DCMR) are silent in a number of areas that deserve greater scrutiny by stakeholders, such as the confidentiality, retention, and destruction of images and videos captured by the District's ATES. There are essentially no statutory restrictions on the District's burgeoning network of speed, red light, and pedestrian safety enforcement cameras. Other jurisdictions have imposed specific limits on the numbers and uses of cameras, and even the hours of the day during which they may be in operation.

Earlier this year, DDOT delivered to the D.C. Council a study that was intended to "instill public trust that speed cameras are installed by the D.C. government to improve safety and not just increase local revenues;" however, the study created the opposite effect when it concluded that deployment of automated speed enforcement equipment was justified at every one of over 300 existing, planned, or proposed locations that were studied. With the District's deployment of ATE equipment expanding this year to some stop signs and crosswalks, coupled with a growing library of still images and videos of violating vehicles, the D.C. Council should consider whether the D.C. Code and DCMR thoroughly address key elements of the District's ATE program.

Motorists deserve reasonable assurances that District entities and contractors involved in issuing parking and moving violation tickets emphasize diligence and accuracy over volume and revenue, which is why this report aims to identify processes and decision points where MPD, DPW, and DDOT can enhance their respective operations, improve consistency, and ensure that the evidence used to support their tickets is clear and obvious. Agency-specific recommendations to that end are found throughout this report and should help to improve the consistency of operations within each agency. Problems identified in this report should also

inform public debate of the City Council's proposal earlier this year to centralize the ticketing and adjudication processes into a new Department of Parking Management.[5] The OIG also believes that by improving the accuracy and irrefutability of their ticketing practices and evidence provided to motorists, District agencies can stem the annual increase in the number of tickets contested and adjudicated in the District each year. In FY 2013, the mean caseload per DMV hearing examiner was 11,514 tickets, an increase of 24% from the previous year.

One of the most insightful and provocative comments made to the OIG team came from a senior District official: **"One of the beauties of parking, it's like the [Internal Revenue Service]. If you get a parking ticket, you are guilty until you have proven yourself innocent…. That has worked well for us."** The attitude behind this twist on accepted jurisprudence – that the burden of proof rests with the ticketed motorist – is also seen in a number of the key findings of this report:

- MPD's issuance of tickets even in those instances when it cannot conclusively identify the speeding vehicle;
- MPD's issuance of tickets when vehicle information gleaned from violation images does not match registration information linked to the license plate;
- DPW's issuance of parking tickets even when "required" photographic evidence is not available to motorists; and
- DDOT's failure to require TCOs to capture images of violations.

Not having tested the assumption, the OIG must believe that the majority of parking and ATE tickets issued each year in the District are accurate. However, public frustration with a system that imposes monetary penalties unless one is able to prove himself or herself innocent is understandable. Enhancements to the D.C. Code and DCMR that explain to motorists (1) each agency's ticketing procedures and (2) the motorist's right to specific, reasonable evidence supporting a parking or ATE ticket, will lighten the difficult burden of having to prove oneself innocent (or that proper procedure was not followed) in situations where a ticket was issued erroneously or assigned to the wrong vehicle.

[5] *See* http://www.marycheh.com/release/cheh-proposes-fundamental-reorganization-of-transportation-agencies/ (last visited May 29, 2014).

COMPARISON OF THE DISTRICT'S AUTOMATED TRAFFIC ENFORCEMENT SYSTEM (ATES) TO OTHER MUNICIPALITIES' ATES

Jurisdictional Comparison

According to the Insurance Institute for Highway Safety's (IIHS)[6] Highway Loss Data Institute, as of December 2013, 502 communities in the United States had red light camera programs and 136 communities had speed camera programs. Using information presented by the IIHS, the OIG researched the enabling legislation, procedures, and practices of several jurisdictions and states with established ATE programs and statutes. The objective of the research was to note both similarities and differences between the District's ATE program and those in other jurisdictions, to not only understand the District's program within a larger context, but also to identify facets of the District's policies and practices that may warrant further scrutiny, debate, and clarification. The chart on the following page identifies similarities and some key differences between the District's ATE program and laws and practices in other jurisdictions.

[6] According to its website: "The Insurance Institute for Highway Safety (IIHS) is an independent, nonprofit scientific and educational organization dedicated to reducing the losses — deaths, injuries and property damage — from crashes on the nation's roads." Http://www.iihs.org/iihs/about-us (last visited Dec. 19, 2013).

Table 3: Comparison of the District's ATE Program Elements to Other Jurisdictions

	D.C	Virginia	Maryland	Illinois	California	New York City
Types of Cameras in Use	Speed, Red Light[7]	Red Light	Speed, Red Light	Red Light	Red Light	Speed, Red Light
Statutory Limitations on Cameras?	None	Speed cameras not authorized[8]	Speed camera use restricted to school/road work zones[9]	Speed cameras prohibited	Speed cameras prohibited	Speed camera use restricted to school zones
Limitations on Number, Operation of Cameras	None	Only 1 covered intersection for every 10,000 residents of the proposing (Arlington County)	Speed cameras in school zones may only operate M-F, 6 a.m.- 8 p.m.	Statistical analysis of impact on safety at each intersection required to be made public	"Finding of fact" proving system is needed at location for safety reasons	Limits on numbers of both types of cameras, and hours of operation of speed cameras[10]
Notification signage required at each ATES location?	No	Yes	Speed – Yes[11] Red Light – Yes (State roads)[12]	Yes	Yes	No
Use/Retention of Violation Images Addressed in Law?	Not addressed in the D.C. Code or DCMR	Images purged within 60 days of final disposition of ticket	Not addressed in MD Code §§ 21-809 or 21-202	Images are confidential, only for government uses	Records are confidential, destroyed after final disposition of ticket	Images shall not identify driver, passengers, or vehicle contents

[7] In 2014, the District introduced new ATE technologies at some stop signs, crosswalks, and intersections.
[8] The Virginia Code does not list cameras as a permissible device for determining speed of motor vehicles traveling on Virginia roads. VA. CODE ANN. § 46.2-882 (LexisNexis current through the 2013 Regular Sessions of the General Assembly and Acts 2014, c. 1.).
[9] In Montgomery County, speed cameras are permitted in both residential districts and school zones; in Prince George's County, speed cameras are permitted only in school zones. Other than work-zone enforcement, Maryland law provides that any local speed monitoring system must first be authorized via local legislation.
[10] Red light camera usage is limited to 150 intersections. The City of New York may only deploy speed violation monitoring systems at up to 20 school zones at one time. School zone speed limits may be in effect from 7:00 a.m. to 6:00 p.m.
[11] A sign must be installed when automated speed enforcement (ASE) of a school zone is on a state highway and is recommended when the zone is on a local road. A sign is required in all work zones where automated speed enforcement is being used. ASE in Montgomery County residential districts does not require signage.
[12] Maryland's State Highway Administration does not require a sign at each camera location; "[i]n certain cases, area-wide signing is appropriate and acceptable." Http://www.roads.maryland.gov/Index.aspx?PageId=782 (last visited May 6, 2014).

Observations From Jurisdictional Comparison

The OIG team concluded that the District's enabling legislation is silent on a number of topics addressed in other jurisdictions, a condition that puts virtually no restrictions on the District's burgeoning ATE program. For example, in some jurisdictions, there are specific limits on the number of cameras that may be installed. Limits on the number of cameras take several forms; the number of cameras permitted can be either a specific number (as is done in New York City) or tied to the jurisdiction's population (which is how Arlington County (VA) defines its limit). Elements of programs in other jurisdictions clearly emphasize safety as the primary objective. For example, some programs limit the use of speed cameras to designated school zones and tie the cameras' hours of operation to the school day. California's vehicle code explicitly states that a government agency cannot consider revenue generation as a factor (beyond recovering its actual costs of operating the system) when installing an ATES; camera placements must be motivated by safety concerns.[13]

Requirements in ATE-enabling legislation regarding the use of notification signage is another way in which other jurisdictions prioritize the element of safety and differ from the District's. Neither the District Code nor DCMR addresses the issue of ATES signage at individual enforcement locations. Maryland, California, and Oregon, for example, have specific requirements for signage to notify motorists that they are approaching an intersection or other location where ATE equipment has been deployed. Oregon requires that speed camera radar equipment be operated out of a marked police vehicle (i.e., unmarked vehicles may not be deployed) and that a motorist be shown his or her vehicle's actual speed within 150 feet of the ATES unit, thereby giving motorists obvious indicators of the need to slow down at a particular location.[14] If the primary objective of ATE is to alter motorists' driving behaviors at a particular location, signage advertising the use of ATE at each location clearly supports that mission. Therefore, the D.C. Council should consider a requirement that signage be posted at every location where ATE equipment is deployed.

The OIG's review of best practice guidance and other programs identified another element of the District's ATE program that is not as well-defined as in other jurisdictions: requirements to document safety concerns prior to the installation of ATE equipment at a specific location and study the impact of ATE equipment on safety after its installation. Public acceptance of an ATE program is bolstered when the need for enhanced enforcement is studied and documented, along with its positive impact on motorist behaviors and safety at a particular location.

The next two findings address specific areas of the District's ATE program that should be addressed by District stakeholders and decision makers, in part to increase public acceptance of the District's escalating deployment of ATE technology.

[13] CAL. VEH. CODE § 21455.5(h)(3) (Deering current through Chapter 19 of 2014 Regular Session of 2013-2014 Legislature).
[14] OR. REV. STAT. §§ 810.439(1)(a)(B)-(C) (LexisNexis current through 2013 Legislative Session).

1. A January 2014 report to the D.C. Council, which was intended to "instill public trust that speed cameras are installed by the D.C. government to improve safety and not just increase local revenues," justified the need for speed cameras at all 241 planned/proposed locations that were studied. However, at nearly half of those locations, the 85th percentile speed–a common traffic engineering benchmark–was at or below the posted speed limit.[15]

The U.S. Department of Transportation, Federal Highway Administration *Speed Enforcement Camera Systems Operational Guidelines* state:[16]

> The first step in planning the operations of an ASE [automated speed enforcement] program is to identify the speeding-related safety problems and attitudes that the ASE program will be designed to address. Measures that reflect a speeding problem include speeding-related crashes, excessive speeds, speed variance, and citizen complaints.
>
> Speeding-related crashes are the most direct indicator of a safety problem at a particular location . . . . Excessive speed is also an indicator of a potential safety problem because there are direct relationships between speed and crash probability . . . and between speed and level of injury in a crash . . . .

In other jurisdictions, authorizing statutes or regulations mandate traffic safety studies before installation of an ATES. The OIG team noted such traffic study requirements in Maryland, Virginia, and California.[17] In California, "[p]rior to installing an [ATE] system…, the governmental agency shall make and adopt a finding of fact establishing that the system is needed at a specific location for reasons related to safety." CAL. VEH. CODE § 21455.5(c)(2)(A) (Deering current through Chapter 19 of 2014 Regular Session of 2013-2014 Legislature). Some jurisdictions also require study of the impact of the ATES following installation. Oregon requires biennium evaluations of the cameras' effect on traffic safety, public acceptance of the cameras, and administration of the use of the cameras.[18] Illinois law states that a municipality or county operating an ATES "shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection following installation of the system," and make the analysis available to the public on its website. 625 ILL. COMP. STAT.

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[15] The 85th percentile speed is the speed at or below which 85% of vehicles travel. According to the U.S. Department of Transportation: "[It] is used extensively in the field of traffic engineering and safety. Since the majority of drivers are considered reasonable and should be accommodated, some numerical definition for this segment of the driver population is needed. Over time, the 85th percentile driver (or speed) has been used to characterize reasonable and prudent behavior." Http://safety.fhwa.dot.gov/speedmgt/ref_mats/fhwasa10001/ (last visited June 25, 2014). *See* http://safety.fhwa.dot.gov/speedmgt/ref_mats/fhwasa10001/ (last visited June 11, 2014).

[16] Http://www.nhtsa.gov/Driving+Safety/Enforcement+&+Justice+Services (last visited Aug. 27, 2014).

[17] For example, prior to installation of a red light camera on a state road, Maryland requires that "[t]he jurisdiction, not its contractor, must send a request for approval of a camera installation to the appropriate [State Highway Administration] District Traffic Engineer…. The request must … provide documentation of the traffic safety issue . . . ." Http://www.roads.maryland.gov/Index.aspx?PageId=782 (last visited June 25, 2014).

[18] *See* OR. REV. STAT. § 810.438(3) (LexisNexis current through 2013 Legislative Session).

ANN. 5/11-208.6(k-7) (LexisNexis current through Public Act 98-627 of 2014 Legislative Session). Illinois law further provides:

> If the statistical analysis … indicates that there has been an increase in the rate of accidents at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents at that intersection.

Id.

Requiring safety studies as part of the statute that authorizes the ATES accomplishes two objectives: it emphasizes to the public that the primary goal of such a program is to increase motorist and pedestrian safety, and it forces the entity managing the ATES to collect and analyze data that prove (or disprove) achievement of that goal.

There are no such safety study provisions in District law, but the Fiscal Year 2014 Budget Support Act of 2013 required DDOT and MPD to submit a joint report to the D.C. Council analyzing existing and proposed locations for automated speed violation enforcement equipment. The study was intended to "instill public trust that speed cameras are installed by the D.C. government to improve safety and not just increase local revenues."[19] The OIG believes, however, that the study resulted in the opposite effect with its conclusion that conditions at every one of the existing, planned, and proposed locations studied justified the use of speed camera equipment.

DDOT contracted a consulting firm to collect and study safety data to determine whether there was a "technical justification" for a speed camera at each of the existing, planned, and proposed speed camera locations.[20] According to the report's Executive Summary,

> DDOT provided draft copies of each location report to MPD for their staff review. MPD staff reviewed the results and recommendations related to [the] nexus between traffic safety and speed camera installation and provided comments on the draft reports.
>
> * * *
>
> At locations where the speed data or the crash data did not provide sufficient background information, engineering judgment was used

[19] *See* http://ddot.dc.gov/node/766092 (last visited May 8, 2014).

[20] Prior to the publication of this study, the team asked interviewees how speed camera locations were chosen. An MPD official said that camera locations were based on citizen requests because "[t]hey live and work in the neighborhoods and know what the traffic patterns and violations are like . . . ." When a request is received, an MPD employee will observe the potential site and an MPD manager ultimately decides whether a camera should be placed at the location.

> to determine if any elements in the field assessments – such as the proximity to school zones and the presences of bicycle and pedestrian activity – provided additional information for safety considerations. Overall, all of the results supported the nexus between traffic safety and the speed camera at all 295 existing, planned, and proposed locations.[21]

The OIG team reviewed the site specific reports for the 241 planned and proposed locations that were studied.[22] At 194 of the 241 (**80%**) planned or proposed speed camera locations, the average speed of the vehicles observed during the DDOT-commissioned study was at or below the posted speed limit. Average vehicle speed at a location can be a misleading figure, however, because important outliers in the data, i.e., those vehicles traveling well above the speed limit, "get lost" in the average. Even after applying a more stringent comparison, i.e., the 85th percentile speed against the posted speed limit, the study's conclusion that there is a safety justification for a speed camera at every planned/proposed location is still questionable. As shown in the table below, at 63% of the planned/proposed sites studied, the 85th percentile speed was no more than 4 mph above the posted speed limit.

Table 4: 85th Percentile Speeds at 241 Planned/Proposed Speed Camera Sites

85th Percentile Speed of Observed Vehicles	Percent of Sites Studied
At or Below Posted Speed Limit	**46%**
1-4 MPH Above Posted Speed Limit	**17%**
5 MPH or More Above Posted Speed Limit	**37%**

It is also important to note the distribution of speeds at those locations where the 85th percentile speed exceeded the speed limit by 5 mph or more. At 10 of those locations, even though the 85th percentile speed exceeded the speed limit by more than 5 mph, that speed was still 30 mph or slower.

[21] Tables in the Executive Summary of the DDOT report identify 295 locations, but supporting documents presented site analysis data for nearly 330 locations. At a number of locations, data were collected and analyzed for both directions of travel (e.g., northbound and southbound). The study was not consistent in its presentation of these data. In some instances, both directions of travel were considered one location; in others, each direction of travel was considered a separate location. For the purpose of its analysis, the OIG team counted each direction of traffic studied as a separate location.

[22] The OIG team excluded the existing speed camera locations from its analysis due to the fact that the presence of the cameras likely affected the speeds of the vehicles observed during the traffic studies.

Table 5: Distribution of 85th Percentile Speeds At Sites Where Speed Was 5 MPH or More Above the Speed Limit

85th Percentile Speed	Number of Sites
0-25 MPH	1
26-30 MPH	9
31-35 MPH	31
36 MPH or faster	48

A number of the sites where 85th percentile speeds exceeded 35 mph are located on major thoroughfares, such as Interstates 295 and 395 and the Suitland Parkway, however, most were not. For example, at locations such as the 6600 block of 16th Street, N.W., and 2500 block of North Capitol Street, N.E., 85th percentile speeds exceeded 55 mph, which clearly justify the need for enhanced speed enforcement and other traffic control measures.

Other information in some of the site-specific reports, however, did little to justify the need for automated speed violation enforcement. Take, for example, the proposed speed camera location at 4800 Texas Ave., S.E. The speeds of approximately 3,200 vehicles were observed over a 24-hour period. The average speed of these vehicles was 12 mph; 85% of the vehicles observed were travelling 17 mph or slower. Only 1 vehicle exceeded 25 mph. The study, an excerpt of which is found at Appendix 4, also indicates that the site averaged two injury-related accidents per year from 2010-2012, which it considered an "elevated number." The study for this particular site concluded (at page W7-412):

> Although the speed data analysis showed the mean and 85th percentile speeds to be lower than the posted speed limit, due to the elevated number of injury-related crashes, the specific site characteristics, the proximity of schools to the site, and other pedestrian generators, there is a nexus between traffic safety and the speed camera at this location.

Similarly questionable is the justification for a proposed speed camera in the 700 block of 26th Street, N.E., where during a 24-hour period in January 2014, 1.6% of the nearly 400 vehicles observed exceeded the 25 mph posted speed limit. Only one vehicle was recorded traveling more than 30 miles per hour. The study for a camera planned for 27th and K Streets, N.W. notes that there are three schools in the area: Georgetown University, Georgetown Montessori, and the Fashion Institute of Design. To get to either of the first two schools, which are located nearly ½ and over 1 mile from the planned camera location, respectively, motorists must pass through multiple traffic lights or stop signs. The "Fashion Institute of Design" is not a campus attended by students, but rather a small administrative office located in an office complex several blocks from the planned camera location. In the 6500 block of Western Avenue, a location studied in November 2013, not a single vehicle was recorded traveling 11 mph or more over the speed limit, the threshold at which the District's equipment is set to capture images of speeding

vehicles. The "Crash Data Analysis" of the study states (at page W3-245): "there were zero crashes at this location;" yet, the report concludes (on page W3-246): "Although the speed data analysis showed the travel speeds as being lower than the posted speed limit, the residential nature of the location as well as the pedestrian generators of the [M]etrobus stops support a nexus between traffic safety and the speed camera at this location."

The OIG team does not dispute that safety concerns may exist at some or many of the 241 planned and proposed locations for automated speed enforcement, but questions why the study found a justification to deploy speed cameras at every location. As DDOT notes in the Executive Summary of its study, "the District uses automated speed enforcement as one of several tools to promote safety." However, without more conclusive data, the OIG is somewhat skeptical that use of this particular speed enforcement tool is justified at every one of the over 300 existing, planned, and proposed locations that was studied, and encourages DDOT and MPD to devise and apply a more robust methodology for determining whether automated speed enforcement is warranted and appropriate for a particular location. The current methodology, which to some members of the public could appear to be a "rubber stamp" approval of all locations proposed by MPD, does little to increase public trust in the District's ATE program. When asked about a recent public announcement of the deployment of automated speed limit enforcement equipment at locations not identified in the DDOT study, a District official reiterated that MPD's use of ATE equipment is not restricted to those locations assessed during the study. MPD's response not only raises additional questions about the utility of the January 2014 study but also MPD's seemingly unbridled authority to deploy equipment anywhere in the District without the need for justification, public input, or a demonstrated safety nexus.

Recommendations:[23]

(1) That the Chief of MPD (C/MPD) and the Director of DDOT (D/DDOT), to bolster public trust in the District's automated speed enforcement program, critically evaluate the January 2014 traffic safety study protocol and its results, and request and document further justification prior to installing ATE equipment at any of the planned or proposed locations addressed in the study.

Agree _____ **Disagree** **X**

MPD/DDOT August 2014 Response, As Received:

Disagree. The methodology used in the 2014 Safety Nexus Study was thorough and accurately reflects the findings of traffic safety experts. Moreover, the Report fundamentally misunderstands the role of the 85th percentile speed analysis in determining whether a specific location should have an ATE camera.

[23] On June 30, 2014, MPD, DPW, and DDOT received draft copies of this report. The OIG asked each agency head to review the draft's findings and recommendations and provide written comments. DPW sent its response on August 15, 2014; MPD and DDOT submitted a joint response on August 20, 2014. MPD/DDOT comments appear verbatim in the body of this report below the corresponding recommendation. The entire MPD/DDOT response document, which contains additional commentary that does not appear in the body of this report, is included as Appendix 5 of this report. Similarly, DPW's comments appear following each applicable recommendation, and its complete response appears as Appendix 6.

While the District does use vehicular speed as a factor in its determination of whether to place an ATE camera at a location, this is not the sole factor in making traffic safety determinations. Instead, the study conducted a comprehensive review of speed data, accident data, injuries and fatalities resulting from collisions, speed-related crashes, site characteristics, bicycle and pedestrian traffic generators, and overall traffic operations.

The Report is critical about the presence of ATE cameras at locations where the average roadways speeds are at or below the 85th percentile.[24] *This is a curious complaint since any driver complying with the posted speed limits at that location does not run the risk of being ticketed for speeding. The Report fails to appreciate that a location with an ATE camera and vehicles traveling at the speed limit is evidence of modified driver behavior, which has resulted in lower- and safer- speeds on roadways. This is a clear indication that the ATE program is working as intended.*

OIG Comment: **The MPD/DDOT response states: "The Report is critical about the presence of ATE cameras at locations where the average roadway … speeds are at or below the 85th percentile," further commenting in a footnote, "[o]f the 241 locations studied, 87 already had an ATE camera." Those statements misinterpret the OIG's finding. The 241 locations cited in this finding were "planned" or "proposed" according to DDOT. As already noted in this report, the OIG team excluded the existing speed camera locations from its analysis due to the fact that the presence of the cameras likely affected the speeds of the vehicles observed during the traffic studies. The OIG's analysis in this finding focuses solely on the DDOT study's assessment of planned and proposed ATE enforcement locations. Therefore, the OIG stands by its analysis and recommendation.**

Given finite program resources, MPD and DDOT should use traffic study data to inform its decisions about where to deploy ATE equipment and prioritize those locations where speeding is a documented problem. As stated in the report, the OIG concurs that safety concerns may exist at some or many of the planned locations for automated speed enforcement, but questions how the study found a justification to deploy speed cameras at every planned and proposed location.

In their response to the draft, the entirety of which is at Appendix 5, MPD and DDOT wrote, "[a]though the Report purports to be concerned about the need to 'instill public trust' and 'increase program acceptance' in the ATE program, it ignores an April 2013 survey that found District residents support the ATE program by huge margins." That "need" was articulated by the D.C. Council in its FY 2014 Budget Support Act of 2013.

(2) That the D.C. Council, following collaboration with MPD, DDOT, and outside subject matter experts, amend the D.C. statute that authorizes the use of ATE to: (1) require a robust justification, accompanied by traffic data, of the need for an ATE device at a planned location; (2) within a reasonable period following installation of the device, require a statistical analysis of the impact of the device on traffic safety at the location; and (3) make all of these documents readily available to the public on DDOT's website.

[24] The MPD/DDOT response footnoted: *"Of the 241 locations studied, 87 already had an ATE camera."*

Agree X **Disagree** _____

MPD/DDOT August 2014 Response, As Received:

(1) & (2) Agree in part. The 2014 Safety Nexus Study is a comprehensive technical report that identified factors between planned ATE locations and ensuring traffic safety.[25] *The methodology used to create the 2014 Safety Nexus Study was thorough and accurately reflected the findings of traffic safety experts, who utilized accepted standards and practices outlined in the following:*

a) *Federal Highway Administration (FHWA) Manual on Uniform Traffic Devices;*
b) *American Associate of State Highway and Transportation Officials (AASHTO) Green Book;*
c) *Transportation Research Board/FHWA Highway Capacity Manual;*
d) *Institute of Transportation Engineers Standards and Guidance Documents;*
e) *AASHTO Highway Safety Manual; and*
f) *DDOT Engineering/Design Manuals, Crash Statistics Report, Commercial Vehicle Crash Statistic Report, Traffic Count Data and Speed Studies.*

DDOT and MPD agree that it would be helpful to provide the public with additional documentation for each of the proposed and planned ATE locations to more thoroughly explain the various traffic and safety engineering factors used in such analyses. MPD is working with the Office of the Chief Technology Officer (OCTO) to provide additional information for each of the ATE locations listed on OCTO's GIS webpage, which is publicly available at http://atlasplus.dcgis.dc.gov, including numbers of tickets issued.

However, the need to deploy resources to ensure public safety must continue to rest with the Chief of Police and transportation safety experts. Mandating burdensome and time-consuming reports, analyses, and additional layers of bureaucracy will not protect users of the District's roadways. Residents expect and demand safe streets, not a never-ending series of hyper-technical reports before any action can be taken. ATE cameras are public safety resources that are deployed in real time as the need arises and based on a review of community requests, history of traffic collisions, speeding factors, and safety considerations such as proximity to schools, parks or recreation centers, bike lanes, and crosswalks.

As we have repeatedly stated, the goal of the ATE program is not a one-time or short-term stationing of ATE equipment at a single location to operate for a few hours a day; the point is to modify driver behavior throughout the entire city by constant and effective enforcement of traffic violations. The simplest way for a driver to avoid a ticket for speeding, red light running, or running a stop sign is to just not do it.

(3) Agree. Both agencies agree that all existing documentation be made publicly available online – and this is currently done. The 2014 Safety Nexus Study is available on the

[25] The MPD/DDOT response footnoted: *"The Report is available on the DDOT website: http://ddot.dc.gov/node/766092."*

DDOT website[26] *and MPD provides information on the type and location of every ATE camera in the District on its website.*[27]

OIG Comment: Before dismissing this recommendation as simply an endorsement of "burdensome and time-consuming reports, analyses, and additional layers of bureaucracy" and "a never-ending series of hyper-technical reports," MPD and other stakeholders, including the City Council, should consider the following guidance from the Federal Highway Administration's (FHA) "Speed Enforcement Camera Systems Operational Guidelines:"

> Public reaction to fixed ASE [automated speed enforcement] may be more negative than reaction to mobile ASE. First, fixed units are often derided as "speed traps" or "revenue machines" installed in locations where speed limits are perceived to be unreasonably low. In this case it is important to explain the site selection process and support site selection with safety statistics.
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> * * *
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> Site evaluations and speed surveys should be conducted to determine whether sites identified by citizens warrant speed enforcement.
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> * * *
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> A speed survey should be conducted at each candidate site to assess speeds and the potential of various countermeasures to mitigate excessive speeds…. Data should be analyzed to determine the factors associated with the safety problem, and enforcement should be adapted according to these factors…. If countermeasures other than ASE are deemed more appropriate and feasible, they should be implemented and the site should be reevaluated before implementing ASE.[28]

The pre-deployment study of a potential ATE site as well as a post-installation assessment of the impact of the ATE equipment on safety at the location should be codified as recommended to ensure these important program activities occur routinely and consistently. Without codification, key ATE program evaluations could be suspended without explanation or justification.

Also, in their response to the OIG, MPD and DDOT opined, "the indisputable facts show the ATE program is working: In addition to far fewer collision-related fatalities and injuries, speed-related traffic collisions are on a clear downward trend over the past three

[26] The MPD/DDOT response footnoted: "*http://ddot.dc.gov/node/766092.*"
[27] The MPD/DDOT response footnoted: "*http://mpdc.dc.gov/page/dc-streetsafe-automated-traffic-enforcement*"
[28] *Id*. at 15, 17, and 19, *available* at http://www.nhtsa.gov/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/810916.pdf (last visited Sept. 3, 2014).

years." While that trend is certainly a positive one, the traffic safety statistics report[29] cited by MPD and DDOT also shows increases during that same period in the numbers of "total collisions," "injury collisions," and "total pedestrians involved" in traffic crashes.

The reader should also note that the MPD/DDOT response did not cite improvement in safety at any specific site or group of sites where ATE equipment has been deployed, but instead presents broad, District-wide safety improvements. As the FHA guidance advises, "[p]rogram evaluators are cautioned to avoid oversimplifying the effects of ASE. The evaluation should encompass more than just a simple comparison of data before ASE was implemented versus data during ASE activity."[30]

2. The D.C. Code and DCMR are silent with regard to other important ATE program issues that should be addressed in the statute or regulations, such as the confidentiality and retention of violation images, as well as limitations on camera operations and the information captured by them.

The team reviewed applicable D.C. Code and DCMR provisions pertaining to ATE and determined that they were silent on a number of important topics, including the: 1) confidentiality and investigative use of images and videos captured by ATE equipment; 2) timeframes for the retention and destruction of ATE images; 3) number of cameras that can be placed in the District and whether there should be any restrictions on their placement (e.g., limited to school zones); 4) need for signs at ATE equipment locations; and 5) need for a law enforcement officer to review or certify a ticket captured by ATE equipment. Overall, the team found legal and regulatory references to ATE in the D.C. Code and DCMR to be sparse, which is problematic given the District's well-established and steadily increasing network of speed and red light enforcement cameras and the recent introduction of automated stop sign, crosswalk, and gridlock enforcement technologies.

Confidentiality, Use, and Retention of ATE Images and Videos

The team reviewed a number of other jurisdictions' laws and found that some were more specific than the District's in a number of areas. Virginia, Illinois, California, Washington, and New York have legislative provisions limiting the use/retention of recorded images, for example, allowing them to be used only for the purposes of adjudicating violations, for statistical purposes, or other governmental purposes.[31] Virginia and California codes also provide specific guidance about retaining images, requiring records to be purged after a period of 60 days (Virginia) or 6 months (or until final disposition of the case) (California).[32] New York City and Washington

[29] *See* http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/2014-07-16%20Final%20Crash%20Report%202010%20to%202012.pdf (last visited, Aug. 27, 2014.)
[30] *Id*. at 44.
[31] *See* 625 ILL. COMP. STAT. ANN. 5/11-208.6(g); *see also* CAL. VEH. CODE § 21455.5(f)(1); N.Y. VEH. & TRAF LAW § 1180-b(a)(5)(ii) (Consol. current through 2014 released chapters 1-25, 50-58); VA. CODE ANN. § 15.2-968.1(H); WASH. REV. CODE ANN. § 46.63.170(1)(g) (LexisNexis current through 2013 3rd special session).
[32] VA. CODE ANN. § 15.2-968.1(H); CAL. VEH. CODE § 21455.5(f)(3).

further restrict images by only allowing photographs of a vehicle, not its driver or passenger(s).[33] The District lacks any comparable DCMR or D.C. Code section.

The OIG team recognizes that there may be legitimate, investigative purposes for these images, but acceptable uses of these images have not been mandated by the D.C. Council and, therefore, the full scope of private and public use of these images remains unclear. The team is also concerned that District law does not mandate any retention/destruction requirements for ATE images and videos. Given its well-established use of red light and speeding enforcement technologies, the District and its contractors continue to accumulate a library of still images and videos of license plates and violating vehicles. With the addition of enforcement technologies aimed to protect pedestrians, the District has begun to collect still images and videos of people, which presumably could be used to identify specific individuals. Lacking privacy, retention, and destruction requirements, District statutory provisions and regulations leave open to speculation a number of issues:

- Could these images and videos be requested by either the prosecution or the defense and/or reviewed in conjunction with a criminal investigation?
- Could insurance companies request access to specific images and videos to make determinations of insurability?
- Could someone request and be given access to these images and videos as part of a civil case, such as a divorce or child custody proceeding?
- Could the District (or one of its contractors) be held liable in the event of a data security breach that results in the public disclosure of images in which vehicles or pedestrians are easily identifiable?

This list of potential issues is not exhaustive and, given the sheer number of images the District has collected and will continue to collect through automated speed, red light, and pedestrian safety enforcement technologies, the privacy, use, and destruction of the images and videos are matters the D.C. Council is well-advised to consider and address clearly in amendments to the legislation that authorizes ATE.

Recommendation:

That the D.C. Council, after conferring with MPD and DDOT, consider inserting language in the D.C. Code to codify key ATE program elements, including, but not limited to: 1) the confidentiality of and limitation on uses of all images and other information collected by the District's ATE program; 2) guidelines and timeframes for the retention and destruction of all images and videos captured by the District's program equipment; 3) limitations on the number of cameras that can be placed in the District and their hours of operation; 4) the requirement for a site-specific safety study prior to each new camera placement; and 5) the requirement for a sign at every location where ATE equipment is deployed.

[33] *See* N.Y. VEH. & TRAF. LAW § 1180-b(a)(5)(i); *see also* WASH. REV. CODE ANN. § 46.63.170(1)(d).

Agree 1, 2 – "In Part" **Disagree** 3, 4, 5

MPD/DDOT August 2014 Responses, As Received:

(1) Agree in part. MPD is respectful of an individual's privacy and recently hired a Privacy Officer who will coordinate and manage the creation of strong privacy policies and protocols to implement new technological tools. The Department follows federal regulations[34] *on the retention of images with personally-identifiable information. Under these federal provisions, such images are destroyed after 90 days if there are no pending administrative hearings or any other matter involving a criminal predicate. MPD's Privacy Officer will review ATE policies to ensure it is in compliance with federal requirements.*

(2) Agree in part. As noted in the previous response, MPD's policy on the retention of images with personally-identifiable information is governed by federal requirements. In situations where no citation is issued by MPD's ATE program staff, the ATE camera images are deleted after approximately 60 days. For situations where a citation is issued to a vehicle owner for traffic violations, the images of the violation are maintained by the Department of Motor Vehicles pursuant to its own retention policies. Additionally, while the ATE images are under the control of MPD, only ATE program staff and the program vendors have password-protected access to them. This protects confidentiality and limits access to the images by any non-ATE program personnel.

OIG Comment: During fieldwork for the special evaluation, the OIG asked American Traffic Solutions (ATS) where ATE system images are stored, for how long, and whether they are eventually destroyed. ATS officials told the team that while MPD owns all the images, they are stored in an ATS data center in Tempe, AZ for a period of 7 years, and that ATS has not destroyed any images since it began its involvement in the District's ATE program. The OIG will discuss this issue with MPD's Privacy Officer during the compliance phase of this special evaluation.

(3) Disagree. MPD and DDOT disagree with the OIG recommendations on limiting the number of ATE camera locations or hours of operation. We believe that this recommendation demonstrates a fundamental misunderstanding of the ATE program and how to effectively and consistently ensure traffic safety. As has been noted, the goal of the ATE program is not to reduce traffic violations at a single location or time of day; the goal is to modify driver behavior throughout the District so that pedestrians, bicyclists, and other motorists are safer while using all roadways. And the facts show the ATE program is working. The District has experienced significant reductions in collision-related fatalities and injuries, and speed-related collisions are on a clear downward trend.

(4) Disagree. As noted in the response to OIG Finding #1, the need to deploy resources to ensure public safety rests with the Chief of Police and transportation safety experts. While a site justification can be produced, mandating that the District government simply take no enforcement action until such a report is requested, procured, reviewed, released for public comment, revised further, and then released in final format would be a severe impediment to the

[34] The MPD/DDOT response footnoted: *"28 CFR Part 23."*

timely and necessary deployment of a public safety resource.

(5) Disagree. MPD and DDOT adhere to the requirements of D.C. Official Code§ 50-2201.31, which require signs posted throughout the District to give notice to motorists that the District is a strict traffic enforcement zone and uses ATE cameras for moving violations. In addition to there being signs warning motorists of photo enforcement posted on many speed limit signs throughout the city, at each location where an ATE speed enforcement camera is deployed, there is a sign adjacent to the speed limit sign giving notice of automated enforcement.

OIG Comment: The purpose of the jurisdictional comparison is to present stakeholders and decision makers with context and information to assess the thoroughness and efficacy of the administration of the District's ATE program. The OIG stands by its recommendations as stated and believes the D.C. Council should consider whether ATE program elements and restrictions implemented by other jurisdictions are necessary in the District, and work to revise the D.C. Code and DCMR accordingly.

MPD

Background

MPD is the District's primary law enforcement agency and its mission includes traffic safety and reducing unsafe and aggressive driving.[35] The Fiscal Year 1997 Budget Support Emergency Act of 1996 (D.C. Act 11-302) first authorized the use of automated photo enforcement of moving violations. Red light cameras were first deployed in 1999, while the District's first speed violation cameras were activated in 2001. In the early years of its ATE program, the District purchased cameras prior to their installation and paid a contractor to process and prepare the images for review. In 2006, the District altered its approach to procuring cameras. Under more recent contracts with equipment vendors, the District owns the equipment at the conclusion of the contract period, while continuing to rely on contractors to prepare violation images for MPD's review. As of January 2014, the District was operating a total of 87 fixed, mobile, and portable speed cameras and 48 red light cameras. At that time, the District was also in the process of activating a new generation of enforcement equipment, which includes crosswalk, stop sign, and gridlock enforcement cameras. Additionally, the District plans to activate more speed and red light violation enforcement locations this year.

Types of Tickets Issued

The tables below detail the numbers and types of tickets MPD issued in FYs 2011, 2012, and 2013, and the associated revenues.[36]

Table 6: Automated Tickets Issued by MPD – FYs 2011-2013[37]

FY	Automated Red Light Violation Tickets Issued	Automated Speed Violation Tickets Issued	Total Automated Tickets Issued	Revenue From Automated Tickets
2011	81,680	339,138	420,818	$60,105,091
2012	96,223	922,730	1,018,953	$91,806,356
2013	84,300	581,975	666,275	$88,832,976

Table 7: Parking Tickets Issued by MPD – FYs 2011-2013

FY	Parking Tickets Issued Using Handheld Device	Handwritten Parking Violation Tickets	Total Parking Tickets Issued	Revenue From Parking Tickets
2011	12,623	50,955	63,578	$4,996,064
2012	9,531	36,690	46,221	$4,026,292
2013	7,679	36,810	44,489	$3,751,113

[35] *See* http://mpdc.dc.gov/page/traffic-safety-0 (last visited Feb. 6, 2014); *see also* http://mpdc.dc.gov/page/dc-streetsafe-automated-traffic-enforcement (last visited Feb. 6, 2014).
[36] The revenue dollars reported are based on payments processed within each of the three FYs, independent of when the tickets associated with those payments were issued.
[37] The numbers reported include voided and warning tickets.

Table 8: Moving Violation Tickets (Non-Automated) Issued by MPD – FYs 2011-2013

FY	Moving Violation Tickets Issued Using a Handheld Device	Handwritten Moving Violation Tickets	Total Moving Violation (Non-Automated) Tickets Issued	Revenue From Non-Automated Moving Violation Tickets
2011	57,563	55,627	113,190	$9,440,570
2012	44,441	39,346	83,787	$8,447,162
2013	42,228	37,372	79,600	$6,961,756

Best practices recommend that to increase program acceptance, revenue generated by an ATE program should be placed in a highway safety fund.[38] At the time of fieldwork for this special evaluation, automated ticket revenue was deposited into the District's General Fund.[39] Additionally, the team reviewed the FY 2014 Budget Support Act and found other uses for ATE revenue earmarked by the Council, e.g., the End Homelessness Fund.[40]

Operations Overview

Automated Red Light Violation Enforcement

In the District, the driver of a vehicle may not enter an intersection when facing a solid red light. A typical red light violation camera system consists of a camera mounted on a pole 70'- 90' before the intersection, which is activated by vehicle detection sensors embedded in the pavement near the intersection. These sensors indicate the lane of travel of the violating vehicle, unlike most of the District's automated speed enforcement equipment, which does not identify the lane of travel. For each potential violation, two still images are captured, and depending on the type of equipment at the location, a short video may also be recorded.[41]

Intersections with red light enforcement equipment are marked with a crosswalk and a white stripe located before the crosswalk, called a stop bar, or in some instances just the stop bar. If a vehicle is before the crosswalk/stop bar in the first violation image, and its rear tires have cleared the crosswalk/stop bar in the second image, a ticket may be issued. According to MPD's training manual (page 47), a right turn on red following a complete stop is permitted, but a "clear

[38] *See, e.g.*, http://www.ghsa.org/html/issues/auto_enforce.html (last visited Nov. 14, 2013).
[39] As stated on the District's website: "The General Fund, which is the principal operating fund of the District, is used to account for all financial resources except those required to be accounted for in another fund." Http://budget.dc.gov/glossary-of-terms (last visited Dec. 23, 2013).
[40] In 2013, "the Council directed all automated traffic enforcement revenues over $88 million to the Office of Unified Communications' Emergency and Non-Emergency Number telephone Calling Systems Fund ('E-911 Fund'). The E-911 Fund resources are dedicated to defraying technology and equipment costs incurred by the District in providing a 911 system and costs incurred by wireless carriers in providing wireless E-911 service." Http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FIS%20-%20Fiscal%20Year%202014%20Budget%20Support%20Act%20of%202013.pdf (last visited Jan. 29, 2014). The Fiscal Year 2014 Budget Support Act of 2013 repealed the dedication of ATE revenues to the E-911 Fund "so that all automated traffic enforcement revenues are deposited into the local fund." *Id.* (Note: The General Fund consists of the local fund, dedicated funds, and special purpose funds.)
[41] For those red light cameras with video capability, MPD reviews the video to confirm whether the violating vehicle stopped before turning right.

stop must be made by the vehicle before the stop bar …. If the vehicle does not stop[,] no matter how slow it is going[,] a violation has occurred and a ticket should be issued."[42]

Red light camera images are prima facie evidence[43] of violations. MPD reviewers analyze still images and videos to determine whether violations occurred; in certain instances where motorists commit a violation for a valid reason (e.g., moving to allow an emergency vehicle to pass, or at the direction of a traffic control or MPD officer), tickets are not issued. Even a District emergency vehicle can be issued an automated red light violation ticket, provided its emergency lights are not illuminated in the violation images, i.e., an indication that the vehicle was responding to a call for assistance.

Automated Speed Limit Enforcement

Automated speed limit violations[44] consist of either one or two captured images, depending on the type of equipment used at a particular location. Pole-mounted units and portable units set up on the side of the road both capture two images of potential violations; cameras mounted to MPD vehicles only capture one image of each potential violation. (For the latter category, a second image is unnecessary because the MPD officer in the vehicle witnessed the violation and verified the violating vehicle's speed.) While capable of monitoring both approaching and receding traffic, MPD's speed camera units monitor only those vehicles traveling away from the unit.

Typically, video is not used to record speeding violations in the District.[45] Photographs of speeding violations are not prima facie evidence; therefore, speeding tickets require a deployment log indicating that the equipment was set up, tested, and operating properly. Per the District's regulations, fixed-site speeding detection equipment needs to be tested every 4 days by an MPD officer or technician. 18 DCMR § 1035.2(b).

Roles of Contractors

ATS

The majority of MPD's photo enforcement equipment is maintained under a contract with American Traffic Solutions (ATS).[46] Each month, ATS is paid a fixed, per unit fee for maintaining the equipment and the initial processing of the images captured by their equipment:

[42] MPD Photo Enforcement Violation Review Training Manual, April 2013, p. 47.
[43] "Evidence that will establish a fact or sustain a judgment unless contradictory evidence is produced." BLACK'S LAW DICTIONARY 598 (8th ed. 2004).
[44] The Maryland Transportation Code defines a "speed monitoring system" as "a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit[,]" which implies that jurisdictions in Maryland do not issue automated speeding violations unless a vehicle exceeds the posted speed limit by at least 12 miles per hour. MD. CODE ANN. TRANSP. § 21-809(a)(8) (LexisNexis current through emergency legislation effective May 15, 2014, and legislation effective June 1, 2014, 2014 General Assembly Regular Session). Neither the District Code nor DCMR specifies a "cushion" range for an automated speeding violation, but an MPD manager told the OIG that it does not process violations unless the vehicle is traveling at least 11 miles per hour above the posted limit.
[45] Some speeding cameras are able to record video. According to an MPD manager, video capability was added because of a fatal hit-and-run incident that occurred at one camera location several years ago.
[46] ATS has been the District's primary ATE vendor since 2006. The estimated total costs of ATS' current contract

- $3,192 for each red light camera;[47]
- $4,788 for each fixed or portable speed unit,and
- $6,385 for each mobile speed enforcement camera.[48]

ATS's contract also contains cost reimbursement provisions for repairing/replacing equipment ($600,000); public information materials ($5,000); and facility lease expenses ($300,000). ATS is paid the same amount of money per camera regardless of how many violations are processed or tickets issued.[49] ATS is expected to send all potential violations to MPD for review within 10 days after the photograph is taken because tickets must be issued within 25 days;[50] according to an MPD manager, ATS consistently meets this standard.

Sensys and Redflex

In 2011, MPD began the process to acquire new ATE technologies by issuing a request for proposals (RFP) for new photo enforcement equipment with a 5-year warranty. MPD, not the new equipment vendor(s), would be responsible for maintenance and processing the images and other information captured by this "second-generation" equipment. Two vendors won the contracts: Sensys provides most of the requested components (intersection speed and traffic control, portable speed, gridlock, stop sign, and pedestrian safety enforcement technologies);[51] while Redflex provides oversize and overweight vehicle restriction enforcement equipment.[52] Sensys and Redflex furnish the equipment, train MPD employees on its use, and provide technical support. The contracts with Sensys and Redflex are 1-year contracts with four, 1-year options. In late 2013, MPD began deploying the new technologies and, in February 2014, the District started issuing tickets for violations captured by the new equipment.

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are:

- Base Year: $6,386,179;
- Option Year 1: $6,599,942; and
- Option Year 2: $6,822,041.

[47] These are the "base year" prices, the option year prices vary slightly.

[48] These cameras are mounted to both marked and unmarked vehicles. According to an MPD manager, vehicle-mounted speed enforcement cameras require more maintenance than the other types of cameras because they require ATS employees to be available 24 hours a day, 7 days a week to assist with downloading images, making sure vehicles are ready to go out for the next shift, and responding to any issues with vehicles or the equipment.

[49] ATS also subcontracts with Bazilio Cobb Associates to provide employees who process images.

[50] Title 18 DCMR § 3003.5 states: "When a violation is detected by an automated traffic enforcement device, any resulting ticket shall be mailed to the owner and the relevant information transmitted to the Department of Motor Vehicles within twenty-five (25) days after the date the violation was detected."

[51] The costs for the Sensys contract are:

- Base Year 1: $9,726,552;
- Option Year 1: $7,584,688;
- Option Year 2: $6,751,632;
- Option Year 3: $6,855,424; and
- Option Year 4: $6,959,232.

[52] The costs for the Redflex contract are:

- Base Year 1: $887,224;
- Option Year 1: $1,783,020;
- Option Year 2: $1,793,644;
- Option Year 3: $1,808,872; and
- Option Year 4: $1,824,096.

Xerox

Xerox State and Local Solutions (Xerox) uses two systems, CiteNet and CiteWeb,[53] to process and store the photographs and videos captured by MPD's ATE equipment and prepare potential violations for review. For those violations verified and approved by MPD, a subcontractor prints the tickets and mails them to the vehicles' registered owners. The Department of Motor Vehicles (DMV) administers the contract with Xerox, and MPD has a memorandum of understanding (MOU) with DMV pertaining to processing tickets. Therefore, MPD is not a party to the Xerox contract for ticket processing, but pays DMV via MOU to administer the ticketing process, collect payments, and adjudicate tickets challenged by motorists.[54]

ATS, MPD Quality Assurance and Oversight Methods

The team assessed MPD's quality assurance and oversight methods to determine whether appropriate diligence is applied to minimize the issuance of erroneous tickets. ATS and MPD apply a multi-step review process during which several different people[55] look at each potential violation to confirm both the existence of a violation and the issuing state and number on the license plate of the violating vehicle.

The U.S. Department of Transportation, Federal Highway Administration's ***Speed Enforcement Camera Systems Operational Guidelines*** state (on page 38): "Ideally, all violations should be reviewed and certified by at least two individuals." ATS's and MPD's combined practices exceed this standard, with three to four people reviewing each potential violation. (See Appendix 3 for an overview of the review processes.) This multi-step review process helps minimize errors and increase accuracy within the ticketing process.

In addition to multiple reviews of all potential violations, MPD uses a number of reports to monitor and administer automated ticketing processes. A number of these reports are detailed in Table 9 :

[53] The new photo enforcement equipment acquired by the District sends images directly to MPD contract employees who use CiteNet to (1) determine whether there was a violation and (2) crop the images so that the license plates can be enlarged and presented clearly. Once cropped, the images are uploaded to CiteWeb where they are reviewed again by contract employees and MPD sworn officers. Potential violations captured by MPD's first-generation photo enforcement equipment are reviewed and prepared by ATS and then sent via file transfer protocol to Xerox where they are put into CiteWeb for MPD to review.

[54] The MOUs between MPD and DMV were valued at:

- $4,761,847 (FY 2011);
- $4,697,022 (FY 2012); and
- $6,200,000 (FY 2013).

According to a DMV employee, "[t]he large increase in FY13 assumed hiring of additional hearing examiners or reimbursement for overtime to reduce photo ticket hearing backlogs and increased photo ticket issuance. The latter did not occur so a sizeable portion of that money has been/will be returned by DMV to MPD as part of year-end reconciliation."

[55] All MPD civilian employees performing photo enforcement work are Information Technology Staff Augmentation (ITSA) contractors, managed by the Office of the Chief Technology Officer (OCTO). ITSA is a hiring program for technical civilians managed by OCTO; this program was designed to allow District managers to hire staff quickly. MPD is in the process of converting contractors who passed an MPD background investigation to full-time MPD employees.

Table 9 - Reports Used by MPD to Review Automated Ticketing Processes

- **Status Analysis Report**: contains information that is transmitted from the front-end vendor (ATS) to the back-end vendor (Xerox) and details the number of tickets mailed, tickets rejected or accepted, and license plates without registered addresses.
- **First-Level Review Approval Report**: compiles data from initial ATS contractor review; identifies the reviewer, how many hours he/she worked, how many tickets were accepted or rejected, and types of rejected tickets.
- **Initial Approval Productivity Report**: compiles data from initial MPD contractor approval of tickets, prior to the sworn officer review; identifies the reviewer, how many hours he/she worked, how many tickets were accepted or rejected, and the types of rejected tickets.
- **Location Performance Detail and Summary Report**: provides a summary of each camera location, including how many images were processed, how many images were rejected, and whether images were rejected for controllable or uncontrollable reasons.
- **Approval Productivity Report**: compiles data from the MPD sworn officers' review; identifies the reviewer, how many hours he/she worked, how many tickets were accepted or rejected, and the types of rejected tickets.
- **Sensys and Redflex Site Report**: details whether a camera is in alignment. When a camera is set up, its settings are documented. When an employee is reviewing a ticket in CiteWeb, this report allows him or her to look at sample images to see if the camera is in alignment.

There are a number of other processes that further support MPD's quality assurance (QA) activities:

- **Reject review** - An MPD contractor reviews all rejected violations to ensure that they were properly rejected.[56] ATS also conducts its own reject review.
- **Spot checking** - According to an MPD manager and an MPD contractor, an MPD contractor spot checks tickets almost daily. During these spot checks, the employee ensures that violations were accepted or rejected based on MPD's business rules.[57] Additionally, an MPD manager is automatically sent one ticket from every "batch"[58] to verify such things as image quality and the accuracy of the citation.
- **Updated business rules** - According to an MPD manager, MPD's business rules are revised "all the time." For example, when a new license plate type is added by a state, the manual is updated.

[56] If there is a violation that should have been issued, but was rejected, it will be corrected. If the reviewer assigned to the reject review queue sees a pattern of rejections issued by the same processor that should not have been rejected, the processor is notified and the issue is discussed so that it does not happen again.
[57] MPD's business rules dictate the protocols for when to accept or reject a potential ATE violation and are documented in MPD's *Photo Enforcement Violation Review Training Manual*.
[58] A batch includes as many as 400 tickets.

- **Training** - MPD contractors and sworn officers receive regular on-the-job training. When mistakes/issues occur, re-training occurs. For example, when needed, a reminder will be sent to all employees not to issue tickets when tag images are "fuzzy."
- **MPD QA process document** - This report details every step in the photo enforcement process including what the step is, how success is defined, what can go wrong, and how to mitigate problems.

Although MPD performs QA steps in reviewing photographic evidence, the OIG team identified additional ways MPD could improve its oversight of automated ticketing processes, including the following:

- **Reject review queue report** - No report is generated for the reject review queue, although MPD requested one from Xerox. This report could be used to identify a reviewer who is wrongly rejecting a disproportionately large number of tickets;
- **CiteNet queue report** - An MPD manager told the team that this report is in development. This report would display information on the work conducted by reviewers in CiteNet, including who worked, how many hours he/she worked, how many tickets were accepted and rejected, and the types of rejects.
- **Reference guide** - An MPD manager informed the team that a reference guide has not yet been implemented but that it would be helpful to have a process "cheat sheet" for new employees.

An MPD manager said that although "a few things [e.g., incorrect tickets] slip through," most errors are caught through the multi-step review process. The team agrees that many potential errors are contained because of MPD's QA processes. For example, without a reject review, MPD might be at risk of fraudulently rejected tickets (e.g., MPD contractors or officers rejecting violations committed by friends or family members). Similarly, because of MPD's multiple review process, improperly approved tickets can be detected by other reviewers.

The team recognizes that despite the QA processes in place, there remains a chance of human error, especially with the volume of violations reviewed. Processors may make typographical errors, e.g., transposing numbers and letters, that may be repeated and/or not caught by future reviewers. Accordingly, the team noted additional ways that MPD could improve its processes, which are addressed in the following findings and recommendations.

OIG Assessment of MPD's Ticketing Operations

Are MPD violation review policies and procedures clear and complete?

Violation review and approval/disapproval procedures, commonly referred to as MPD's "business rules" for violation processing, are documented in MPD's *Photo Enforcement Violation Review Training Manual*. The manual provides basic explanations of red light and speed violation enforcement technologies, and uses actual images captured by ATE cameras to illustrate various instances when it is appropriate to issue a ticket, as well as situations where violations should be dismissed without issuing a ticket. MPD interviewees generally described

the manual as adequate. MPD reviewers also said they received 1-2 weeks of training, either from a manager or another reviewer, that covered topics such as identifying license plates and using the image review/preparation software, and felt the initial training and ongoing training they receive from MPD's ATE program manager were sufficient.

Unlike red light violation detection equipment, which has sensors embedded in the pavement at the enforcement site, the District's speed camera technology does not indicate the lane in which the violating vehicle was traveling.[59] Therefore, MPD reviewers must rely on on-the-job training and the MPD training manual to decide whether a speeding violation has occurred and to identify the violating vehicle. Based on a review of the training manual and interviews with MPD reviewers, the OIG team came away with two overriding impressions of the speed violation review process: (1) decisions on whether to issue a speeding ticket can be arbitrary; and (2) reviewers' decisions were not consistent in certain situations, such as what to do when there are multiple vehicles in the images or when the vehicle in the violation images does not match the vehicle cited on the registration information linked to the photographed license plate.

3. Guidelines used by MPD reviewers to decide whether a speeding violation occurred lack precision and, in certain situations (e.g., when multiple vehicles are captured in an image), reviewers' decisions are arbitrary and inconsistent, which raises a concern that some photo-enforced speeding tickets are issued without a conclusive determination of the violating vehicle or that a violation has occurred.

One of the primary decisions that MPD reviewers must make is whether a speeding violation is clearly documented. On multi-lane roads where speed cameras have been deployed, it is common for a camera to capture images where two or more vehicles are traveling in the same direction, either in the same lane or adjacent lanes. In these situations, the reviewer must determine which vehicle, if either, was in violation. This is commonly referred to as the "multiple vehicles rule" and the slides and captions below, which appear in MPD's training manual, exemplify the types of decisions that reviewers make each day.

[59] In February 2014, MPD deployed new speed camera technology at some locations that assists with identifying the violating vehicle. According to MPD, the radar used with Sensys's cameras determines which vehicle was speeding and identifies it by imposing a green bar in the violation images. MPD officials indicated that the cameras are set—on a site-by-site basis—to not photograph situations where multiple vehicles are present and unseparated by a minimum distance (e.g., 10' - 15'). However, MPD also stated that if images taken by these new cameras capture more than one vehicle and the vehicles are "too close," reviewers will not issue a ticket. The fact that reviewers must still decide whether to reject violations due to "multiple vehicles" underscores an ongoing lack of precision and conclusiveness in the District's ability to identify speeding vehicles in certain instances.

Multiple vehicles (Examples)

It is not clear which of the vehicles is being targeted and hence this should be disapproved.

It is not clear which of the vehicles is being targeted and hence this should be disapproved.

27

Multiple vehicles (Examples)

The vehicle on the right hand side is hidden in the image and hence is not considered Multiple vehicles. This should be approved.

The vehicle on the right hand side is hidden in the image and hence is not considered Multiple vehicles. This should be approved.

28

Multiple vehicles (Examples)

The vehicle on the right hand side is hidden in the image and hence is not considered Multiple vehicles. This should be approved.

The vehicle on the right hand side is hidden in the image and hence is not considered Multiple vehicles. This should be approved.

30

Multiple vehicles (Examples)

It is not clear which of the vehicles is being targeted and hence this should be disapproved.

It is not clear which of the vehicles is being targeted and hence this should be disapproved.

31

MPD intends for these images to clearly illustrate situations where reviewers should confirm or dismiss violations. However, without specificity for defining a "hidden vehicle" and a method for precisely concluding that two vehicles are too close together, the OIG believes that in certain instances the process for conclusively identifying the violating vehicle depends too much on an individual reviewer's judgment and, therefore, is not sufficiently precise. This belief was reinforced by comments made by ATS and MPD interviewees:

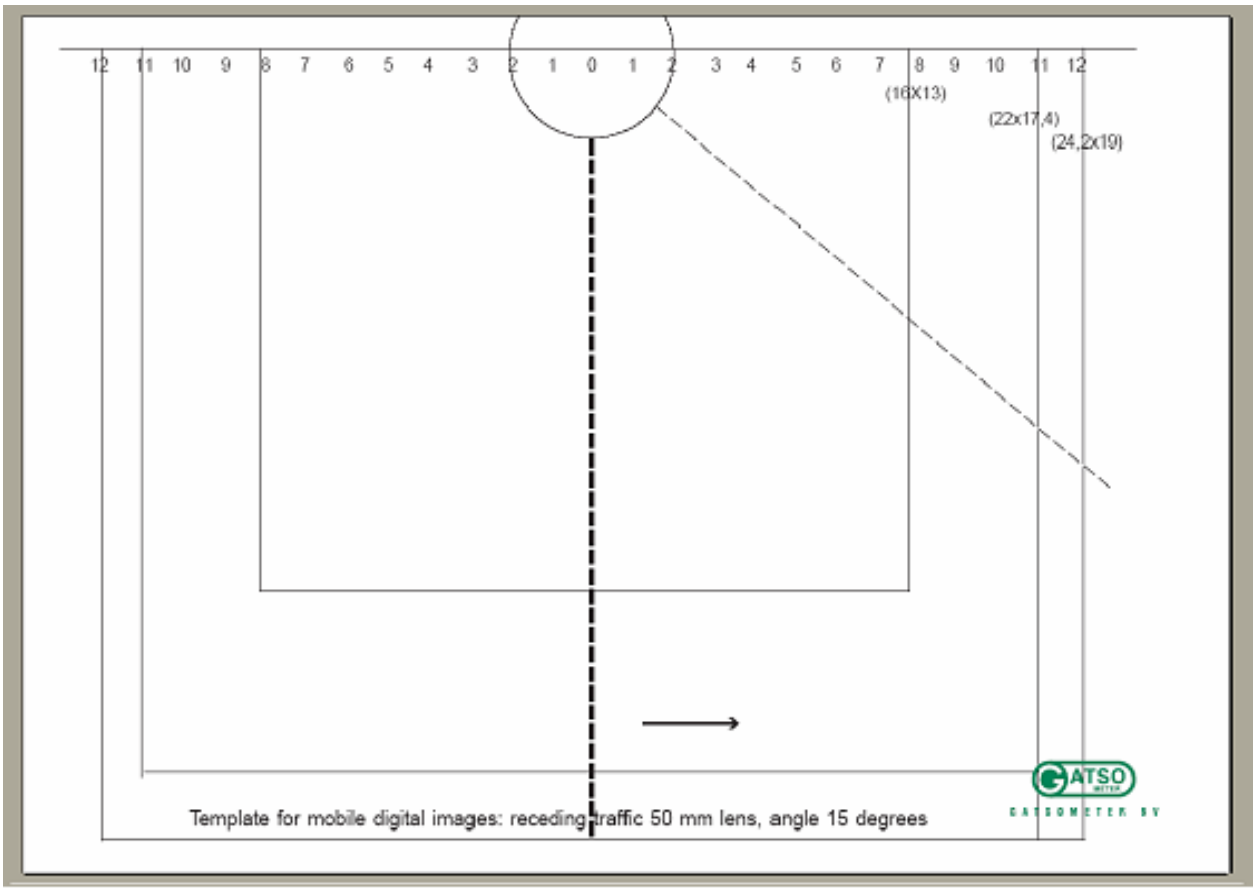
- One initial reviewer said that while the data bar in a potential speeding violation image will indicate the speed of the vehicle that triggered the camera, if there are two pictures of a violation "there [has to be] enough movement [of the vehicle] to show that the speed was accurate."

- A supervisory reviewer opined that processing speeding violations is easier than red light violations, the only "hard" part being determining which vehicle "was actually speeding" when there are multiple vehicles. According to this reviewer, the violating vehicle is "usually the closer one," based on where the camera is positioned.

An MPD reviewer admitted that the multiple vehicles rule can be confusing and described how instructions given to reviewers have changed several times, which has had the effect, intentional or not, of reducing the number of violations rejected due to "multiple vehicles." Several years ago, reviewers were told not to issue a ticket for any violation image(s) in which more than one vehicle was visible. Then, reviewers were instructed to reject violations only if the license plate of another vehicle appeared in an image with the vehicle suspected of speeding. The guidance was revised again as reviewers were told that if only a portion of a second vehicle (and not its license plate) is visible, the violation should not be dismissed due to "multiple vehicles." This reviewer said that, currently, the multiple vehicles rule is based on the distance between the two vehicles captured in the image(s), which s/he described as needing to be "a decent amount of distance … a significant amount of distance." MPD's business rules do not define a method for precisely determining this distance, or when a violation should be dismissed because multiple vehicles appear in the image(s).

Until August 2013, the DCMR contained a precise methodology for identifying which vehicle was targeted by the District's automated speed enforcement cameras. Title 18 DCMR § 1035.5 previously stated:

> A vehicle traveling in the direction being tested and whose image is entirely or partially within the two diagonal lines of a cone shown on an official overlay transparency, when the hearing examiner places that transparency over a photo of the violation provided by the Metropolitan Police Department, is the vehicle whose speed was detected by the photo radar device. The dimensions of the cone and the overlay transparency are depicted below.



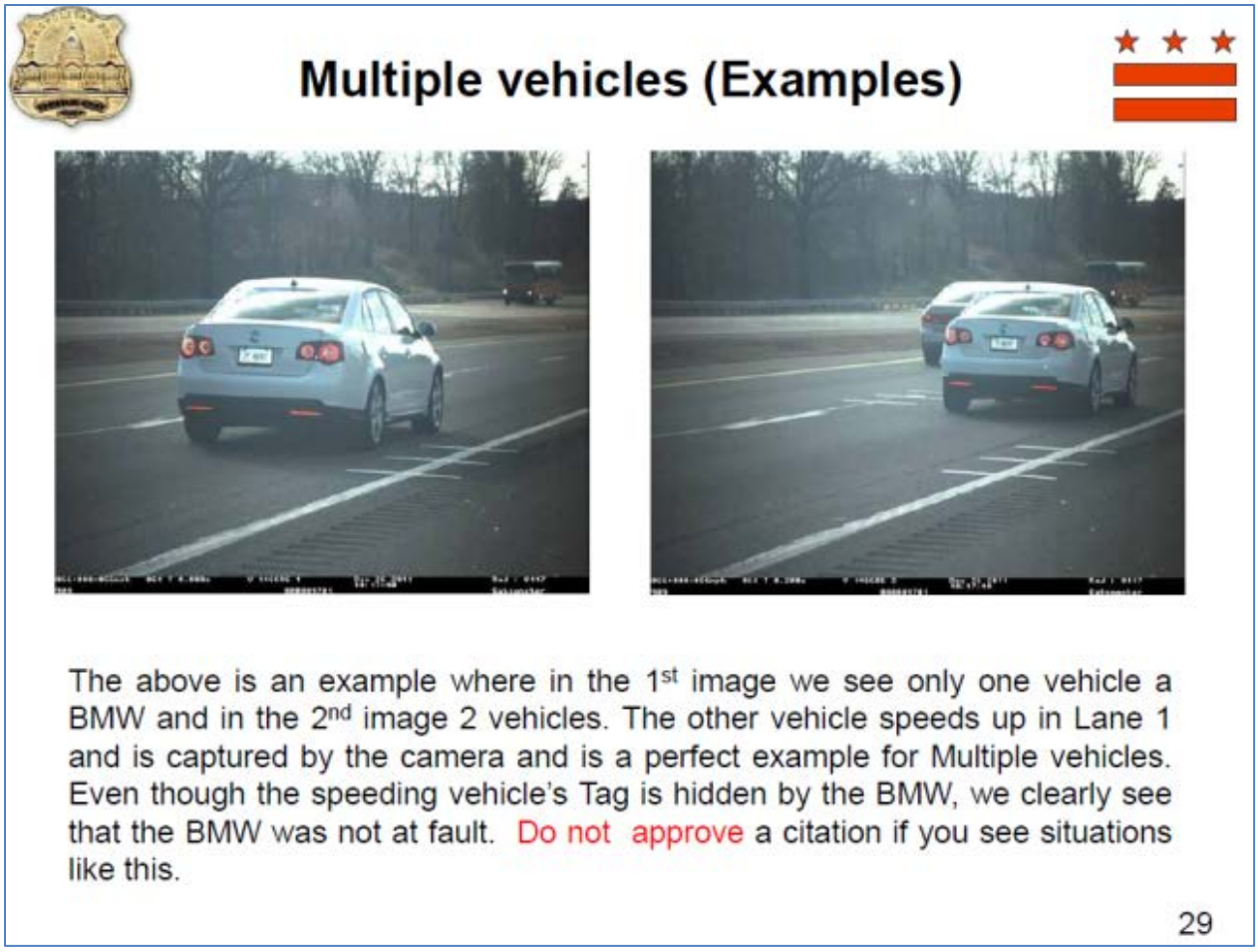
The cone depicted above was previously used to show which car was targeted by the speed camera. However, in August 2013, 18 DCMR § 1035.5 was changed to read:

> The images captured by the photo radar device shall enable identification of the vehicle whose speed was detected by the radar unit.

Illustrations of How Tickets Could be Issued in Error

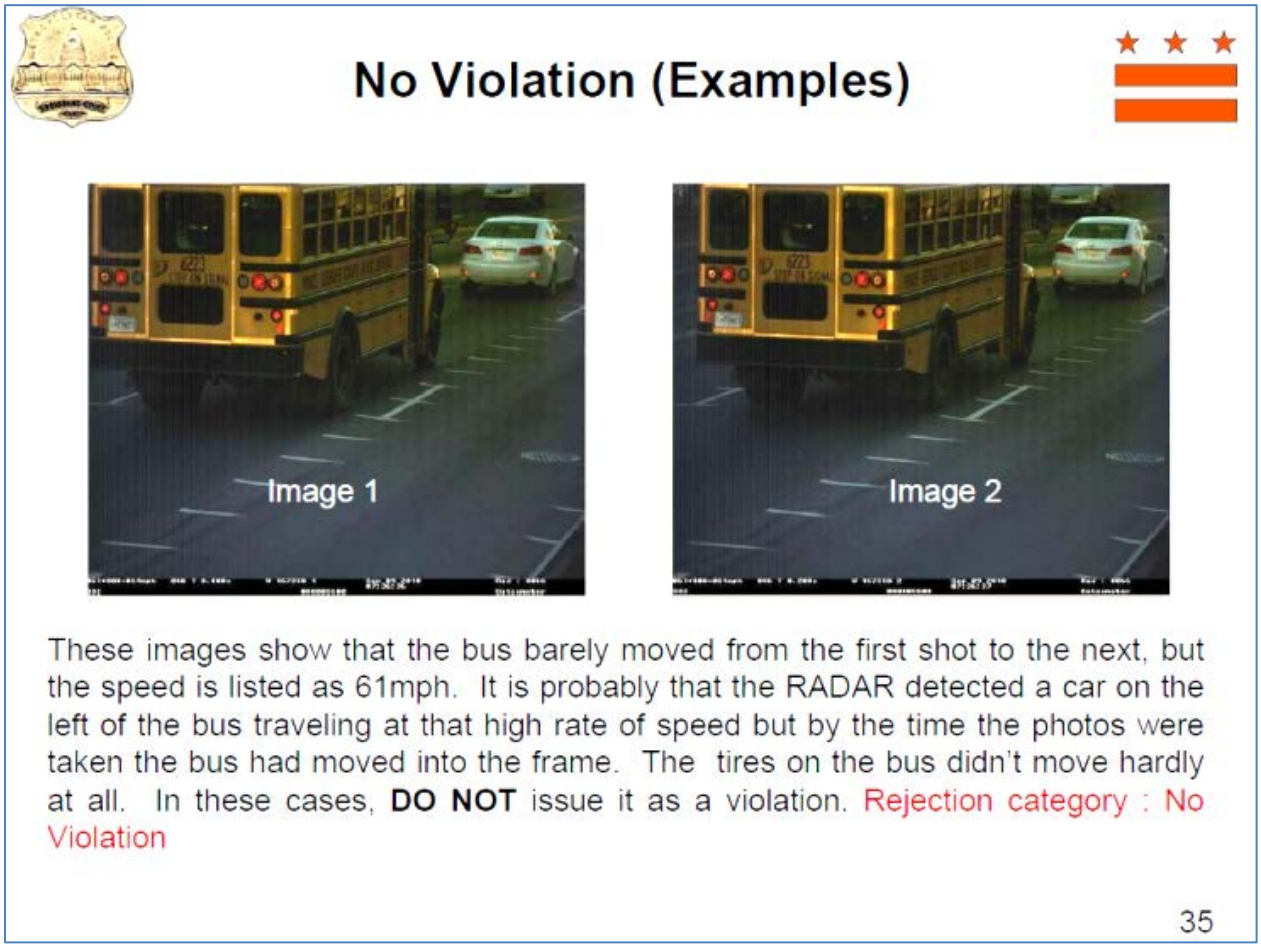
Other slides in MPD's business rules, though presented in that document as examples of when a ticket should **not** be issued, also demonstrate how tickets could be issued in error. In the first example on the following page, the business rules state that a vehicle in the left lane (which is not visible in the first image but is partially visible in the second) triggered the camera. However, it is conceivable that a reviewer, who is processing 100 or more potential violations an hour,[60] could (1) conclude that the vehicle in the foreground is the offending vehicle, (2) decide that the hidden vehicle did not trigger the camera, and (3) approve issuance of a ticket.

[60] Employees self-reported that they reviewed between 100 and 200 violations per hour. (One employee even noted that he/she could review up to 500 violations in 1 hour.)



There is another scenario that cannot be discounted: that the vehicle in the left lane is fully obscured in the first image and partially obscured in the second, and that the vehicle closest to the camera was the violating vehicle. Given that much of the District's speed camera technology does not conclusively identify the lane of travel of the speeding vehicle, it is conceivable that one reviewer would reject this violation, while another would issue a ticket to the vehicle closest to the camera.

The images below of a school bus are another illustration of how an erroneous ticket could be issued due to either faulty technology, or because the vehicle that may have been speeding is blocked from view.



Rightly so, MPD's business rules clearly state that a ticket should not have been issued in this instance. However, what is interesting is the explanation: "It is probably that the RADAR detected a car on the left of the bus traveling" at 61 miles per hour. That is possible, but given that neither the bus nor the two vehicles in the top right of the images have moved, it does not seem likely that another vehicle in the vicinity was able to reach that speed. That implausible explanation highlights the limitations of the technology: in many situations, one or two speed camera images cannot tell an accurate story, and when such situations are left to a reviewer's interpretation and judgment, arbitrary and erroneous ticketing decisions will result. Once the ticket is issued, however, the onus is on the recipient to disprove an erroneous interpretation of events, or simply pay the fine.

Most of the District's automated speed enforcement equipment, unlike its red light violation equipment, does not identify the violating vehicle's lane of travel, hence the need for the "multiple vehicles" rule, which is neither clearly defined nor precise. As long as the District continues to deploy equipment that requires reviewers to decide which vehicle was speeding, judgments using imperfect information will continue. To minimize the issuance of erroneous

speeding tickets in the District, MPD should explore ways to make deployments of existing enforcement technology more precise and clarify the "multiple vehicles" rule.

Recommendation:

That the C/MPD: 1) instruct violation reviewers to not issue a speeding ticket in any instance where the violation images capture more than one vehicle traveling in the same direction; 2) write and implement a more precise "multiple vehicles" business rule that clearly documents this policy; and 3) confer with ATS and its other technology vendors to determine whether all currently deployed speed enforcement equipment can be used more precisely, e.g., to target only one lane of travel at an enforcement location.

Agree _____ **Disagree** _____

[**Note:** The MPD/DDOT response did not indicate "agree" or "disagree" for this recommendation.]

MPD/DDOT August 2014 Response, As Received:

First, it is important to note that the ATE program staff carefully reviews any images containing multiple vehicles before approving the issuance of a citation. Citations are issued to vehicle owners only when the program staff can identify the vehicle they believe has committed a traffic law infraction.

Second, in a highly urbanized jurisdiction like the District, there are often multiple vehicles traveling on the same roadway. The Report urges the prohibition of any citations if any ATE camera photographs more than one vehicle in its frame. But if the District followed the Report's recommendation, it would become nearly impossible to enforce traffic violations against any vehicle unless that vehicle was the only vehicle on the roadway.[61]

MPD agrees on the need to use the best technology and to have sufficient quality control mechanisms in place to ensure accuracy and consistency. But not every instance of multiple vehicles in an image should automatically result in ticket dismissal. Instead of a blanket amnesty policy as recommended by the Report, new technology being deployed at ATE camera locations clearly shows which vehicle is the one detected speeding when more than one vehicle is captured in the image. MPD is deploying these ATE cameras at locations with more than one lane of traffic in either location, which will address the Report's concerns about "multiple vehicles" without providing a free pass to drivers committing traffic violations. For ATE cameras using the older technology, they are deployed at locations with one lane of traffic in either direction. MPD believes this change in technology and policy addresses the Report's concerns about "multiple vehicles."

OIG Comment: The OIG stands by its recommendation as stated. When asked about the new speed camera technology, an MPD official said that even when other vehicles are recorded by a violation image, the technology identifies a single speeding vehicle. However, the official also said that these new cameras are configured to not capture images if

[61] The MPD/DDOT response footnoted: "*Presumably, the Report's same logic would apply to any officer that observes traffic violations where there are multiple vehicles traveling close to one another.*"

multiple vehicles are present and are "too close" to each other. This "threshold" is site-specific and determined by factors such as camera position and roadway design. When asked whether MPD reviewers rely solely on the technology's indication of the speeding vehicle before approving issuance of a ticket, the MPD official acknowledged that reviewer discretion is still involved: if multiple vehicles are captured in an image and are deemed "too close," the reviewer will not approve issuance of a ticket. Again, the fact that (1) camera "thresholds" vary from site to site, and (2) MPD reviewers must still decide in some instances whether to reject possible violations due to the presence and positioning of "multiple vehicles," underscores the new technology's limitations and an ongoing lack of precision and conclusiveness in the District's ability to identify speeding vehicles in certain instances.

The OIG's concerns regarding "multiple vehicles" remain and are reinforced by an interviewee's explanation of a "rule of thumb" applied by MPD: "If a member of the public received the notice of violation in the mail, would he or she contest it saying it was not his or her car?"

Are MPD's other quality assurance practices sufficiently stringent?

Once a reviewer concludes that a speeding or red light violation has occurred, the next step prior to issuing a ticket is to identify the owner of the vehicle captured in the violation image(s). Page 38 of the Federal Highway Administration's *Speed Enforcement Camera Systems Operational Guidelines* state: "Once registration information has been received, violation processors should perform a second check to ensure that the make and model of the vehicle reported in the registration information matches the vehicle in the violation photo." The OIG team was surprised to learn that some MPD reviewers will approve the issuance of a ticket even if the type of vehicle captured in the violation differs from the type of vehicle described in registration information. To minimize the issuance of erroneous tickets, MPD should discontinue this practice.

4. <u>MPD issues a moving violation ticket even if the vehicle make and model information on the registration does not match the vehicle captured in the violation images. This practice can lead to the issuance of erroneous tickets; in similar instances, other jurisdictions do not issue tickets.</u>

During the first review of a potential violation (which is conducted by either MPD or ATS, depending on which equipment captured the violation images), the reviewer manually enters the violating vehicle's license plate number and issuing state into one of several systems.[62] Through an interface with the Washington Area Law Enforcement System (WALES),[63] which

[62] MPD reviews and processes violations in CiteNet or CiteWeb while ATS processors initially review violations in Axsis.

[63] WALES is the "front door" to a system called the National Law Enforcement Telecommunications System (NLETS). For example, if an individual with a Montana license is pulled over by an MPD officer in the District, the officer would enter the individual's information into WALES, which then interfaces with NLETS to search the

searches other states' motor vehicle registration information, one of MPD's vendors sends batches of information through WALES to identify the registered owner of each violating vehicle, his or her address, and information about the vehicle to which the plate was issued. If this search returns registration information, i.e., WALES obtains a "hit," another reviewer will look at the violation images and manually enter the license plate number and issuing state and conduct a second search for registration information. CiteWeb will then indicate whether the state and license plate entered the second time matches the information entered by the first reviewer. This redundancy is one of several intended to ensure accuracy in the ticketing process. (See Appendix 3 for illustrations of MPD's violation review processes.)

The Virginia[64] and Maryland[65] Codes are silent as to whether tickets are issued in such instances, but in practice, both Arlington County, VA and Prince George's County, MD do not issue a ticket if the make and model of the vehicle in the violation images do not match information obtained through the registration search.

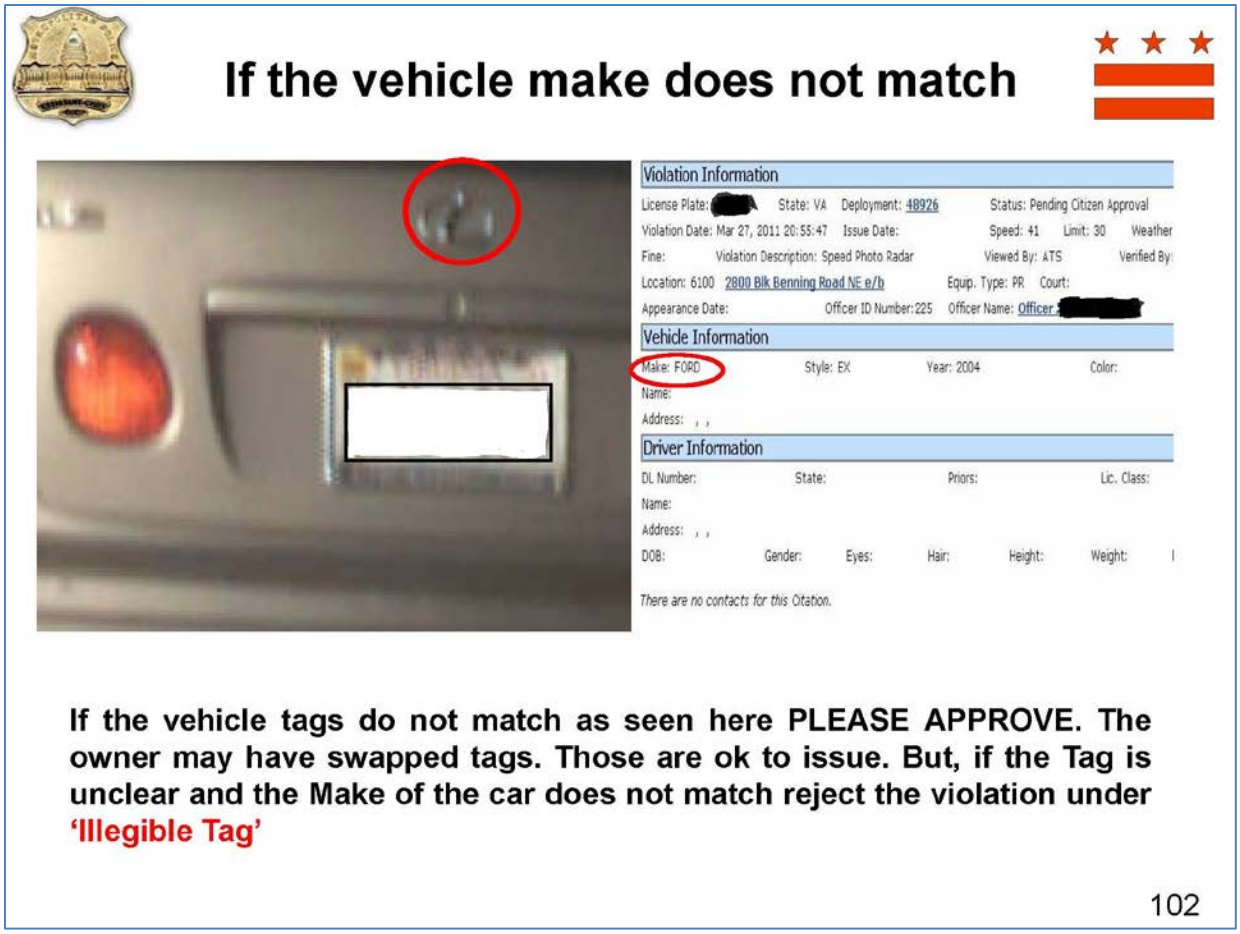
Unclear Business Rules, Differing Decisions by Reviewers

With regard to instances where vehicle registration information does not comport with what is in the violation images, instructions in MPD's written business rules are not clear, stating:

- "Make sure the vehicle make from the registry return matches the vehicle make in the picture." (page 101)
- Under "Other Disapproval Reasons," it states, "Wrong Tag in Image: The tag does not match the vehicle that is in violation." (page 44)

MPD's training guide also contains this slide:

Montana DMV's database.
[64] *See* VA. CODE ANN. § 15.2-968.1.
[65] *See* MD. CODE ANN. TRANSP. § 21-809.



The OIG team interviewed violation reviewers to determine whether, despite unclear written guidance, reviewers' handling of these instances were consistent. Their comments are paraphrased:

- **MPD manager** – *If the violating vehicle's license plate is clear in the image, a ticket may be issued if the make and model of the vehicle do not match the registered make and model of the car as reported to MPD through WALES.*
- **MPD reviewer** – *I do the final review. I'm looking for a clear, legible tag, making sure I see the make and model of the vehicle, that the tag matches the vehicle, and that the violation was committed…. A ticket is not issued if the make and model of the vehicle shown in the image do not match the registration information.*
- **MPD reviewer** – *If the make and model of the violating vehicle do not match the registered make and model, I will reject the ticket. I never approve such tickets.*

Issuing a ticket when the violating vehicle's information does not match registration database search results leads to the issuance of erroneous tickets, which may explain the fact that the OIG frequently receives correspondence from out-of-state motorists insisting that their vehicle is not the violating vehicle. The motorist is then in a difficult and uninformed position of having to figure out and prove how the District or another jurisdiction erroneously linked his or her vehicle to the license plate in the violation image. The onus in these instances should be on

the District – to make issued tickets irrefutable – not on vehicle owners to prove how the District erred when it issued the tickets.

Recommendations:

(1) That the C/MPD instruct MPD reviewers to not issue a ticket unless both the vehicle make and model in the violation images match the make and model information obtained through MPD's license plate search procedures.

Agree _____ **Disagree** _____

(2) That the C/MPD ensure that MPD's violation review business rules and all training materials clearly articulate this policy.

Agree _____ **Disagree** _____

(3) That the D.C. Council insert language into the D.C. Code and/or DCMR stating that if the make and model of a violating vehicle captured by ATE equipment does not match the make and model of the vehicle identified by license plate search procedures, then the District will not issue a ticket.

Agree _____ **Disagree** _____

[**Note:** The MPD/DDOT response did not indicate "agree" or "disagree" for any of these three recommendations.]

MPD/DDOT August 2014 Response, As Received:

Agree in part. On some occasions, ATE program staff may issue citations to a vehicle whose tags, make and model in the image do not match the make and model information in a vehicle registration database. In issuing citations for "mismatched" tags, the experience of MPD officers and ATE program staff has been that vehicle owners may switch their vehicle tags from one vehicle to another, often to avoid the consequences of driving an unregistered vehicle.

Although the Report states that it "frequently receives correspondence from out-of-state motorists insisting that their vehicle is not the violating vehicle", ATE program managers are unaware of any of these "frequent" complaints having been forwarded to them for review and resolution. Additionally, the Report fails to quantify the frequency with which OIG has received these types of complaints or how OIG has attempted to resolve them.

MPD will amend its ATE policy to require that when an image captures a vehicle with tags, make and model that do not match the information in the vehicle registration database, it shall be subject to a second level of review before a citation is issued to the vehicle owner. During the second level of review, staff will seek to determine the reason for the mismatch. If the cause of the mismatch can be identified and corrected (such as, for example, an erroneous recording of the tags or the vehicle's make or model, or the tags belong to the same owner as vehicle in the image), the citation will be issued. However, if the cause of the mismatch cannot be identified, then the citation will be dismissed by ATE program staff and not issued to the vehicle owner.

OIG Comment: While the planned changes to MPD's violation review practices are a positive development, the OIG still encourages the D.C. Council to insert language into the D.C. Code and/or DCMR stating that if the make and model of a violating vehicle captured by ATE equipment does not match the make and model of the vehicle identified by license plate search procedures, then the District will not issue a ticket.

Is available technology being used fully to properly document non-automated parking and traffic violations (i.e., those tickets given to motorists by MPD patrol officers)?

Implementation of ATE equipment in the District has resulted in a decline in the number of moving violation tickets issued annually by MPD patrol officers: 30% fewer moving violation tickets in FY 2013 (79,600) compared to FY 2011 (113,190). The data in Table 7 on page 28 also show that by a ratio of 5:1, handwritten parking violation tickets still outnumber parking tickets officers issued from a handheld electronic device, while the number of handwritten moving violation tickets officers issued each year is roughly equal to the number of handwritten parking violation tickets officers issued.[66] While the numbers of both parking and moving violation tickets issued by officers on patrol are steadily declining, either by circumstance or due to an intentional shift in MPD officers' priorities while they are on duty, the number of tickets issued annually by MPD officers is still substantial: over 110,000 in FY 2013. The OIG did not determine the frequency with which motorists appeal parking and moving violation tickets issued by MPD officers (and whether motorists appeal automated moving violation tickets less frequently than they appeal tickets issued by an officer), but it is reasonable to assume that an increased use of images and audio notes to document and support tickets would help officers provide conclusive evidence of a violation (e.g., an image of a vehicle parked in a bus zone), and thereby reduce the likelihood that a motorist will contest a ticket. Given the large number of District parking and moving violation tickets that are appealed each year,[67] and the costly, time-consuming adjudication process, the District should explore all reasonable efforts to increase the irrefutability of issued tickets.

5. MPD officers who use handheld electronic devices to issue parking and moving violation tickets need written guidance on capturing photographic evidence.

Instead of handwriting tickets for parking and moving violations, some MPD officers carry electronic devices that can record up to four images and 2 minutes of audio for each infraction.[68] The team reviewed the handheld user guide and determined that the types of

[66] It is also interesting to note that the numbers of parking tickets issued by MPD patrol officers have declined steadily over the last 3 years. From FY 2011 to FY 2013, the total number of parking tickets issued by officers decreased 30%.

[67] In calendar year 2012, motorists contested nearly 100,000 moving violation tickets and over 200,000 parking, standing, stopping, and pedestrian safety violation tickets. (See Appendix 2.)

[68] MPD's handheld devices are provided by Symbol Technologies, a subsidiary of Motorola. MPD purchased its handheld units with federal grant funds. MPD developed software for the units with DMV's vendor, Xerox. The devices are programmed to document various violations, such as parking, speeding, registration, and taxicab licensure violations. MPD currently has about 275 of these units, and some were being prepared for deployment at the time of this special evaluation. According to an MPD manager, there were about 180 units in the field at the time of this special evaluation; however, the cost of each device prohibits wider deployment.

images and other information that officers should capture for different violations are not discussed. As a result, officers may not know what photographic evidence should be captured to document a violation.

There is no District or MPD requirement that an MPD officer take pictures or record voice notes to document a parking or moving violation, and MPD does not give officers instructions on using the devices. Requiring officers to take photographs of license plates when issuing moving and parking violations would help prevent tag recordation errors. Images of a violation would also afford the District and the motorist evidence in the event the motorist chooses to contest the ticket. Violation images would also be useful to motorists who receive notices of unpaid tickets for violations they did not commit. For example, if an officer incorrectly transcribes a license plate and, as a result, the unpaid ticket is linked to another vehicle, a difficult onus is placed on an innocent motorist to prove that his or her vehicle was not the violating vehicle. If officers were to capture images of the violation and the vehicle's tag, make, and model, both MPD and the public would certainly benefit.

Recommendation:

That the C/MPD: 1) mandate MPD officers' increased use of handheld devices to photograph and document parking and moving violations; 2) submit proposed rulemaking to amend the DCMR to include provisions for when officers should capture photographic evidence to document parking and moving violations; 3) create and promulgate internal policies and procedures for capturing images and other information with the handheld devices to better document parking and moving violations; and 4) train officers on any new policies and procedures.

Agree "In Part" **Disagree** _____

MPD/DDOT August 2014 Response, As Received:

Agree in part. MPD does not agree that the Report's recommendation for mandating the use of handheld electronic devices to all officers is in the public interest or a responsible use of public funds.

For moving violations, mandating that an officer take a photograph of the violation as it is occurring while using a handheld device is neither feasible nor necessary. It would be impractical to expect an officer to be able to properly photograph speeding or red light running as the infraction is occurring. In addition, any ticket issued by an officer would be to the vehicle driver and would be based on the information contained on the individual's driver license; this negates concerns about incorrectly identified plates or the vehicle's make or model.

For parking violations, MPD will review the ATE program policy on the use of handheld electronic devices by MPD officers.

Additionally, the use of photographic evidence program is simply a courtesy to vehicle owners. It does not - and should not - change the evidentiary requirements for establishing a prima facie case for parking violations.

OIG Comment: The report does not recommend mandating the use of handheld devices by all officers as MPD states. The OIG is advocating the increased use of these devices to increase the accuracy and thoroughness of the evidence that underpins parking and moving violations because, as stated in Tables 7 and 8, MPD officers handwrote nearly 75,000 parking and moving violation tickets in FY 2013.

In their response, MPD/DDOT wrote: *"It would be impractical to expect an officer to be able to properly photograph speeding or red light running as the infraction is occurring."* **The OIG agrees and did not recommend that officers capture photographic evidence of all violations. As stated in the report, requiring officers to take photographs of license plates when issuing moving and parking violations would help prevent tag recordation errors. The voice notes function could be used to efficiently capture additional details of all violations.**

Furthermore, a review of 18 DCMR 2600 ("Civil Fines for Motor Vehicle Moving Infractions") yields a number of moving violations that the OIG believes could be more efficiently and thoroughly documented using the handheld devices' imaging features. Examples of such violations include:

- **Commercial vehicle, spilling load**
- **Covering tags**
- **Failure to display current inspection sticker**
- **Operating with expired inspection sticker or expired rejection sticker**
- **Altering tags**
- **Expired tags**
- **Improper display of tags**
- **Vision – front or side obstructed**
- **Windshield, defective or obstructed**

DPW

Background

DPW's Parking Enforcement Management Administration's (PEMA) 358 employees (actual, FY 2013) constitute the District's largest ticketing entity. PEMA's 195 parking enforcement officers (PEOs), 20 supervisors, and 3 shift coordinators monitor the District's approximately 17,000 metered parking spaces and 3,500 blocks of residential zoned parking.[69] PEOs patrol designated areas (also referred to as "beats") 7 days a week with the following purpose: "To improve public safety, quality of life and economic competitiveness by enforcing parking regulations and vehicular safety, providing smooth traffic flow and increased access to short-term parking at meters and residential streets."[70] The DCMR grants DPW the authority to issue tickets only for parking infractions; PEOs do not issue tickets for moving violations.[71]

All PEOs must complete a 9-week training course, which includes a final exam, before they may issue tickets. The training covers, *inter alia*: 1) violation types; 2) how to interpret parking signs; 3) how to operate the equipment they carry (i.e., handheld device, printer); 4) ethics; and 5) safety. In addition to parking enforcement, PEMA manages the District's booting and towing program and assists with removal of abandoned and dangerous vehicles.

Types of Tickets Issued

In FY 2013, DPW PEOs issued nearly 1.4 million tickets for approximately 130 types of violations. The most commonly cited violations pertained to:

1. an **expired meter** (231,305 tickets issued);
2. parking in a **residential permit parking** (RPP)[72] zone without a proper permit (145,182 tickets issued);
3. **disobeying an official sign** (124,969 tickets issued);
4. **no parking – street cleaning** (95,678 tickets issued); and
5. **no parking or standing – evening rush hour** (66,897 tickets issued.)

On average, each PEO issues 30 to 40 tickets per day. However, this figure may increase or decrease depending on the day of the week, such as weekends, with reduced vehicular traffic, where ticket writing volume drops significantly; time of year (e.g., during the holiday shopping season); or when a special event is taking place in the city. DPW's *Parking Control Branch Training Manual* (Training Manual) cites responsiveness to citizen requests for parking enforcement and residential permit parking service as well as the percentage of daily block coverage of RPP enforcement as key customer service measures.

[69] Http://dpw.dc.gov/page/about-dpw (last visited Jan. 14, 2014).
[70] DPW *Parking Control Branch Training Manual*, Section 1, Parking Enforcement Overview at 10.
[71] By contrast, District Department of Transportation Traffic Control Officers have the authority to issue tickets for both parking and moving violations.
[72] Motorists are only permitted to park in RPP zones for designated timeframes. Once the timeframe has elapsed, motorists must display an RPP or visitor's pass in the windshield of their vehicle. Motorists who do not comply with this requirement may receive a ticket. Http://dpw.dc.gov/service/ticketing (last visited Jan. 8, 2014).

Operations Overview

DPW PEOs use electronic handheld devices to capture violation information and generate tickets, formally known as Notices of Infraction, while on patrol. PEOs manually enter violation information into the handheld, such as the vehicle license plate number and issuing state, the vehicle's make and body type (e.g., 2 door, 4 door), and the location and type of violation. Additional fields in the handheld's software are programmed to populate automatically. Data fields for ticket date, ticket time, and fine amount autocomplete and appear on the ticket when it is printed. There is also a "Notes" section in the software that allows PEOs to document additional violation information, such as approximations of distance (e.g., 5 feet from an intersection) or the time that the PEO first observed and began timing the vehicle and the time limit exceeded by a vehicle parked longer than permitted. The handhelds allow PEOs to create tickets but they do not have printing capabilities; therefore, PEOs also carry a small printer. At the conclusion of their work day, PEOs connect their handheld devices to a docking station and the data from the devices are uploaded into the District's electronic ticket information management system (eTIMS), a system that is managed by Xerox under a contract administered by DMV.

Using DPW's TicPix application, motorists can view images of the violation for which they received a ticket.

> A picture is worth a thousand words, so [DPW] is posting images of parking tickets and the violations that led to the tickets being issued by DPW. The images are being posted so that motorists will better understand why tickets are issued.
>
> * * *
>
> Images, if any, will be posted 72 hours after a ticket is issued and only DPW-issued tickets will have associated images. Images will be posted for no more than 90 days.[73]

Motorists may pay DPW-issued tickets (as well as DDOT- and MPD-issued parking and moving violation tickets) through the District DMV website, or by mailing payment. If a motorist does not pay (i.e., admit to committing the violation) or would like to contest the ticket, DMV also administers those processes.[74]

Role of Contractor

In 2011, the Office of Contracting and Procurement, on behalf of DPW and PEMA, awarded a 4½ year fixed-price contract totaling $2,726,735 to EZTag[75] for support services for

[73] Http://www.eztag-dcdpw.com/ticpixportal/DCCustomerPortal.jsp (last visited May 21, 2014).
[74] Part II of this special evaluation will focus on the payment, adjudication, and appeals processes applied to parking and moving violation tickets issued by the District.
[75] EZTag maintains and supports the mobile enforcement system including the software (EZTag/GTECHNA's "Officer Command" application), computer networking equipment and wireless services, and the handheld devices.

PEMA's existing parking enforcement activities, and maintenance and enhancements to the existing EZTag system, including the TicPix website.

Quality Assurance and Oversight Methods

To monitor productivity and minimize issuance of erroneous tickets by PEOs, PEMA managers are expected to conduct various reviews. At the end of a shift, each PEO must complete a daily activity report to document, among other things:

- hours on patrol;
- tickets issued;
- tickets voided;
- vehicle tows authorized; and
- data on vehicles observed/timed in residential areas.

A PEMA official said information from these reports is used to conduct weekly reviews. PEMA officials use a *Tickets by Officer – Average* report to identify PEOs with below-average activity.[76] Once identified, the names of those PEOs are sent to their respective supervisors who then meet with them individually to discuss their ticketing practices and determine whether additional training is needed. PEMA also uses a *Voids – Reasons by Officers* report[77] to highlight weaknesses or suspicious patterns in the ticketing process. DPW supervisors also conduct an annual beat analysis to determine how well enforcement efforts are working in particular locations and identify others that may require more or less frequent enforcement. A DPW representative attends monthly meetings with DDOT, MPD, and DMV counterparts where ticketing practices and performance information are discussed and potential solutions to problems are addressed. Each month, DPW receives a report from DMV detailing tickets voided by DMV hearing examiners. When reviewing the reports, DPW officials identify which PEOs' tickets were contested, and which PEOs' tickets were dismissed and why. Officials assess the data to determine whether: additional training is needed for a specific PEO, the error that caused the dismissal is being committed by other PEOs, or there is a systemic issue, e.g., a problem in the handhelds' software.

[76] DPW's PEOs are not instructed to issue a minimum number of tickets each shift as there are no quotas. However, DPW does monitor PEOs' productivity.

[77] This report contains the reasons cited by each PEO for tickets they voided. Common reasons include "Drove Off – Refused," data entry errors, and printer malfunctions. PEMA standard operating procedures (SOPs) recommend that PEOs not void tickets while in public; instead, a PEO should print the ticket and submit it to his/her supervisor as part of the end-of-day reporting. If the PEO determines the ticket is invalid and wishes to void it immediately, s/he may push a "void" button on the handheld, which prevents the device from sending the ticket to a printer.

OIG Assessment of Operations

Are DPW's ticket writing policies and procedures clear and complete?

6. PEMA's procedures and training materials are outdated and incomplete, and in some instances the information/instructions in them do not comport with DCMR parking enforcement regulations.

The team reviewed PEMA's *Standard Operating Procedures for Parking Officers and Supervisory Parking Officers* (dated 2011), the *Parking Control Branch Training Manual*, and a *Comprehensive Listing of Parking Control Violations* document that defines the number and types of photos required for each type of parking violation. Overall, the team found that these documents provide useful instructions and information on a wide range of topics, including customer service, personnel policies (e.g., ethics and workplace conduct), using DPW-issued communications equipment, and fundamental ticket writing procedures. Interviewees echoed this sentiment and said that PEMA officials also keep them abreast of policy and procedural changes through conversation and during daily roll call. With regard to providing explicit, documented guidance on ticketing procedures, however, the SOPs and Training Manual provide very few useful specifics. Below are several examples of key operational areas where PEOs need written procedures.

Parkmobile – Parkmobile is the system that enables motorists to pay for parking using an application on their mobile phone or an Internet-connected device. When a motorist pays for parking using Parkmobile, there is no obvious indication that he did so (unlike a meter that indicates the paid time remaining, or a parking kiosk receipt placed in the front windshield). Procedures for determining whether a motorist paid for parking through Parkmobile are important because there is no visual evidence that a PEO could capture with a photograph (e.g., a photo of an expired parking meter or of a dashboard without a parking receipt from a District kiosk) to document a violation. Neither PEMA's SOPs nor the *Training Manual*, however, mentions the Parkmobile application and how a PEO should query the system prior to issuing a parking ticket.

"Drove Off – Refused Ticket" – One of the most commonly cited reasons for voiding a ticket is that the motorist drove away before the PEO could complete it. Again, SOPs and the Training Manual are silent as to what a PEO should do in this situation. Without clear written guidance, PEOs' handling of common situations (e.g., a motorist returns to his or her vehicle while the PEO is entering violation data into the handheld; a motorist returns to his or her vehicle after the ticket was printed and the PEO is placing it on the vehicle; or a motorist removes the ticket from the vehicle and throws it on the ground) will be inconsistent and possibly subject to influence by motorists.

Ticketing federal and District government vehicles, utility vehicles – Explicit procedures on this topic would seemingly be a vital source of information for PEOs that should be updated regularly. PEMA's SOPs are silent on this topic, and its Training Guide wholly inadequate.

Title 18 DCMR § 2404.11 states:

> Whenever a vehicle identified by license plates as being owned, rented, or leased by the federal or District government is being used on official business and is parked in a parking meter zone, the operator of the vehicle is not required to deposit payment to park in the parking meter zone.

Likewise, according to 18 DCMR § 2420.3, an Advisory Neighborhood Commissioner (ANC), when displaying the proper vehicle placard and on official business, may park: (1) at a meter without paying the fee; (2) in a timed-limit curbside space including an RPP area; or (3) in an official government-reserved parking space. Commissioners are not exempted from any other parking violations. The OIG found no other government vehicle exemptions from parking enforcement in the DCMR.

Limited guidance in PEMA's *Training Manual* with respect to ticketing "Government. Congressional, City Council [and] ANC vehicles" creates inconsistent parking enforcement practices: "These vehicles ***may be excused*** [emphasis added] from parking infractions incurred during the course of urgent government business if there are no other legal spaces available, and if the parking violation does not block traffic or cause a safety problem . . . ."[78] Aside from the exemption from paying for metered parking, the OIG team found no basis, either in the D.C. Code or DCMR, for broadly exempting government vehicles from parking violation enforcement. And, because neither the SOPs nor the Training Manual references government vehicles' exemption from payment requirements at metered parking, the OIG team doubts whether that one permissible exemption is consistently applied. One PEO being observed and interviewed by the team seemed unaware of even the scant written guidance on government vehicles, saying PEOs are instructed to "use their judgment" when deciding whether to ticket government vehicles.

The PEMA Training Manual further states that utility vehicles, especially those used by employees conducting repairs, should be treated like law enforcement vehicles: with the presumption that their business is urgent and their duties may require them to violate parking laws. However, the PEO we observed and interviewed issued a ticket to a utility vehicle that was parked in a "No Parking" zone. With thousands of federal and District government and utility vehicle motorists competing every day for a place to park in the District, PEMA, as part of a comprehensive update of its SOPs and *Training Manual*, should disseminate detailed procedures for ticketing these vehicles. Further, to increase public awareness of ticketing procedures and reduce perceptions that some of the District's ticketing practices are arbitrary, DPW should propose additions to DCMR Title 18, including more information about its fundamental operations and how motorists may expect common ticketing situations will be addressed, e.g., when a motorist returns to his vehicle when the PEO is entering violation information.

[78] *Id.* at 77. The manual states that there are nine types of violations from which these vehicles will not be excluded: no standing anytime, rush hour, crosswalk, fire hydrant, loading zone, blocking a driveway or alleyway, sidewalk, bus stop or bus zone, and school zone violations. *Id.*

Recommendations:

(1) That the D/DPW direct a comprehensive review and update of PEMA's SOPs and Training Manual.

Agree X **Disagree** _____

DPW August 2014 Response, As Received:

PEMA's revision of the training manual and SOPs began in November 2013 and is ongoing. In addition to the manual and the SOP's, PEO's receive timely updates through roll calls, in-service training, and one-on-one meetings.

OIG Comment: DPW's response meets the intent of the OIG's recommendation. The OIG will consider this recommendation "closed" once the SOPs are completed and DPW has provided the OIG with an electronic copy of the new documents.

(2) That the D/DPW use the updated documents as the basis for proposed changes to the DCMR that incorporate more specific guidance on topics including, but not limited to: (1) ticketing federal and District government and utility vehicles, and (2) PEOs' authority to void tickets while on patrol, so that District motorists and other stakeholders better understand PEOs' discretion while on patrol and the ticketing procedures they are expected to follow.

Agree _____ **Disagree** X

DPW August 2014 Response, As Received:

DPW will work with DDOT, the regulatory authority, regarding amending necessary parking regulations. However, no further clarity is needed regarding the issuance of tickets to the federal and District governments. As stated above, the traffic regulations state that federal and District government vehicles are exempt from paying for metered parking. If the PEO observes any other violation, he or she is required to issue a ticket. The operator of the federal or District government vehicle can then adjudicate the ticket through the DMV.

DPW will not give PEO's the authority to void tickets while on patrol. In years past, DPW had a problem with paper tickets and the ease with which they could be voided by PEOs. DPW's current policy is a substantial step towards increasing accountability and integrity in the ticket issuing system. If a PEO in the field had the the authority to void a parking ticket he or she may be tempted to accept a bribe in exchange for this action. Requiring the approval of a supervisor ensures that the PEOs are operating ethically. Further, requiring supervisory approval is an important element of quality control and will help ensure consistency in this area. Finally, the message that PEO's have no discretion in these matters can be clearly conveyed to motorists and other stakeholders.

OIG Comment: The OIG is not recommending that PEOs be given the authority to unilaterally void tickets while on patrol. As stated in the finding, without clear written guidance, PEOs' handling of common situations (e.g., a motorist returns to his/her vehicle while the PEO is entering violation data into the handheld) will be inconsistent and possibly subject to influence by motorists. Rather, the OIG is recommending that DPW both update its SOPs and propose language for inclusion in DCMR so that those situations where it is appropriate for a PEO to void a ticket while in the field (with or without subsequent supervisory review), as well as those where PEOs have no discretion and are required to generate a ticket, are "clearly conveyed to motorists and other stakeholders."

In its response, DPW wrote: "PEO's are aware that a ticket must be voided when a motorist drives off before the ticket is placed on the vehicle[.]" Given the frequency with which PEOs request ticket voids because the motorist drove off, the OIG believes DPW should explore the feasibility of mailing the notice of violation to the vehicle's registered owner following such an incident.

Also, the OIG stands by its recommendation and disagrees with DPW's opinion that "no further clarity is needed" regarding the ticketing of federal and District government vehicles and utility vehicles. Based on our observations of and interviews with PEOs, their ticketing of such vehicles appears uninformed and inconsistent. Again, this is an area of the District's ticketing operations where additional language in DCMR would help inform the public and other stakeholders, and possibly reduce the volume of tickets being contested and requiring adjudication.

Since September 2011, motorists who commit a parking violation have been able to access online images of the violation and the resulting ticket using TicPix. There are obvious benefits to the TicPix program. The OIG believes that when presented with clear evidence of a violation, a motorist better understands the infraction for which s/he was cited and therefore may be less inclined to challenge the validity of the ticket with an "I've got nothing to lose" attitude. Capturing images of the violating vehicle and its license plate also increases PEOs' accuracy when recording the violation in the handheld device. But if a data entry mistake does result in the issuance of an erroneous ticket, the images of the violating vehicle allow DPW to void the ticket upon detection of the error either through DPW quality assurance activities, or by the DMV after the motorist or registered owner challenges the ticket. The requirement to capture images of violations also reduces the likelihood that a PEO will issue false tickets to give the appearance of productivity while not actually being on patrol or to inflate his or her performance.[79] According to DPW employees, they review photographs for their utility in illustrating the violation, and only those of good quality are posted to TicPix.

[79] While DPW's PEOs are not instructed to issue a minimum number of tickets each shift (i.e., there is no quota), there are general expectations regarding their productivity. In 2013, a parking enforcement employee in Prince George's County, MD was found to have issued false tickets for fire lane violations. Ticket writers in Prince George's County were encouraged (but not required) to capture images of the violations. While investigating complaints from motorists, MD officials found the ticket writer had no images to support the tickets he issued. The false tickets were also discovered due to discrepancies between information on the tickets and registration information for the vehicles. According to news coverage of the investigation, the parking officer "issued the tickets to meet unofficial quotas because he thought his supervisors weren't happy with his performance."

Given the obvious benefits of the TicPix program to both DPW and motorists who receive tickets, the OIG team looked at a sample of tickets to determine the frequency with which images of violations are available through the TicPix website.

7. <u>After reviewing a sample of 250 PEMA-issued tickets, the OIG concluded that DPW's TicPix program too often fails to present motorists with the images required by PEMA guidelines. These images are not only evidence of the violation for which motorists were ticketed, but also the only assurance to the public that errors were not made during the ticketing process.</u>

PEMA's SOP 13.19 instructs PEOs to "take up to four (4) pictures to support the violation . . . ." The number and type of images depend on the violation and are defined in PEMA's *Comprehensive Listing of Parking Control Violations*. The vast majority of parking violations (approximately 90%) require PEOs to capture at least one image documenting the violation. For example, to document a "No Parking – 7:00 a.m. – 6:30 p.m." violation, PEMA requires three images: (1) from the front or rear showing the violating vehicle and the "No Parking" sign; (2) of the vehicle's driver or passenger side; and (3) from the front or rear showing the vehicle and its license plate.

To conduct its analysis, the OIG team first identified the 10 most common types of violations according to the numbers of tickets issued in FY 2013. For each of the 10 violation types, the team randomly selected 25 tickets using DPW's Officer Command System.[80] Once the 250 tickets were selected, the team used DPW's TicPix website to observe the number and type(s) of images available for each ticket, then compared the number of photos available for each ticket to the number required by PEMA's *Comprehensive Listing of Parking Control Violations*. The team's observations are presented in Table 10 on the next page.

Http://www.wtop.com/index.php?nid=1035&sid=3355407 (last visited May 19, 2014.)

[80] All of the reviewed tickets were issued between January 1, 2013, and February 28, 2014.

Table 10: Photographic Evidence Available in TicPix for Samples of DPW's 10 Most Frequently Issued Parking Tickets[81]

Type of Violation	Tickets Issued by PEMA in FY 2013	Initial Fine	Number of Photos PEOs Must Take	Results of OIG Sampling of Tickets (For each violation type, the OIG team reviewed 25 tickets.)				
				Number of Tickets With No Photo	Number of Tickets With Fewer Than Required Photos	Number of Tickets With Required Photo(s) or More	Portion of Sample With No Photo	Portion of Sample With No Photo or Fewer Than Required
Expired Meter	231,305	$25	2	7	1	17	**28%**	**32%**
Residential Parking	145,182	$30	2	14	0	11	**56%**	**56%**
Disobeying Official Sign	124,969	$30	2	14	1	10	**56%**	**60%**
No Parking – Street Cleaning	95,678	$45	2	9	6	10	**36%**	**60%**
No Parking/ Standing PM Rush	66,897	$100	2	9	1	15	**36%**	**40%**
Failure to Display Multi-Space Receipt	58,752	$25	2	2	1	22	**8%**	**12%**
Failure to Display Current Tags	54,072	$100	1	3	0	22	**12%**	**12%**
No Parking Anytime	46,211	$30	3	0	8	17	**0%**	**32%**
No Standing Anytime	40,964	$50	3	7	10	8	**28%**	**68%**
No Parking/ Standing AM Rush	38,243	$100	2	9	4	12	**36%**	**52%**

[81] Three of the 10 most commonly tickets issued by DPW require no photographic evidence per PEMA policy: "Overtime at Meter" (48,926 issued in FY 2013), "Registration of Out-of-State Automobiles" (45,950), and "Failure to Secure District Tags" (41,569). For this analysis, they were replaced by the next most commonly issued tickets requiring photographic evidence.

Overall, 30% of the tickets sampled did not have photographs available through TicPix. For certain types of violations, the percentage of tickets posted to TicPix without photographic evidence was even higher. For example, 56% of the "Disobeying Official Sign" tickets reviewed by the OIG team lacked photographs, even though PEMA requires two: (1) one of the front or rear of the violating vehicle and the sign, and (2) one from the front or rear of the vehicle showing the make and license plate. **Of the 250 tickets reviewed, 106 (42%) either had no photograph available or the number of photographs available through TicPix was less than the number required by PEMA policy.**

Requiring PEOs to capture images of violations and making them available to motorists through the TicPix website are vital quality assurance mechanisms. Not only do these photos help to ensure PEOs' accuracy and thwart the issuance of false tickets, but they are also crucial to the District's ability to successfully adjudicate tickets and motorists' efforts to seek dismissal of incorrectly-issued tickets. As a senior District official candidly said during an interview,

> **One of the beauties of parking, it's like the [Internal Revenue Service]. If you get a parking ticket, you are guilty until you have proven yourself innocent…. And that's worked well for us.**

Making photographs available to motorists through TicPix is key evidence for motorists attempting to "prove" their innocence in the District, as well as to hearing examiners and appeals boards. DPW must do a much better job of making clear evidence of violations available to motorists who receive tickets. The District should, through more consistent use of its current technologies and improved quality assurance mechanisms, strive to make parking tickets as accurate and irrefutable as possible, instead of challenging motorists to prove their innocence.

Recommendations:

(1) That the D/DPW take immediate steps to improve PEOs' compliance with PEMA's requirements for capturing photographic evidence of parking violations.

Agree X **Disagree** _____

DPW August 2014 Response, As Received:

The TicPix program is considered internal guidance, and is not an agency requirement for issuing tickets. At this time, the photographs are posted on-line for at least one year. The OIG review of 250-issued tickets over a period of more than one year is thus not an accurate assessment of the number of photographs taken during that time frame. The TicPix Program has been undergoing business process improvements during the past 120 days. Considerable improvements have begun through more robust training and closer managerial monitoring. This process will be an on-going priority until the error factor is reduced by use of new equipment and daily PEO training.

OIG Comment: The OIG notes DPW's concurrence with the recommendation to improve PEOs' compliance with PEMA requirements for capturing photographic evidence of parking violations. However, the OIG requests a more detailed explanation of the steps being taken to improve PEO performance in this regard before this recommendation will be considered "closed."

(2) That PEMA implement a written policy that any parking ticket for which the required number of photographs is not available through DPW's TicPix website shall be dismissed due to lack of evidence (unless the motorist is given a reason why the required number of photos was not available in TicPix).

Agree _____ **Disagree** **X**

DPW August 2014 Response, As Received:

The TicPix program was instituted mainly as a courtesy to motorists. It was not intended to change the evidentiary requirements for establishing a prima facie case for a parking violation. Once a motorist challenges the ticket, he or she may rebut the prima facie case by evidence that the violation was issued in error through the adjudication process. As far as we are aware, there is no jurisdiction in the country that requires parking officers to take pictures as part of the ticketing process.

OIG Comment: The OIG stands by its recommendation and believes the TicPix program is more significant than simply a "courtesy" to ticketed motorists. The program provides evidence of a violation and therefore greatly reduces the possibility of fraud in a system where PEOs are expected to write large quantities of tickets daily. Photographic evidence of violations also deters frivolous requests for adjudication and enhances the efficiency of the adjudication and appeals processes. Regardless of whether other jurisdictions require enforcement officers to capture images of parking violations, DPW's PEOs already capture images of violations.

(3) That the D/DPW propose amendments to the DCMR that: 1) enumerate the number and type(s) of photographs required for issuance of each type of parking violation and made available through the TicPix website; and 2) document PEMA's policy of dismissing any parking ticket for which the required number of photographs is not available through TicPix.

Agree _____ **Disagree** **X**

DPW August 2014 Response, As Received:

For the reasons discussed above, DPW disagrees with the proposal to require photographs as part of the ticketing process.

OIG Comment: **The OIG stands by its recommendation as written and hopes that other District stakeholders continue to discuss the matter and, as appropriate, encourage DPW to reconsider its position.**

DDOT

Background

DDOT's Transportation Operations Administration (TOA) is responsible for maintaining the District's parking meters and parking signage, but also possesses substantial enforcement authority. Unlike DPW PEOs, who only have authority to issue parking violation tickets, DDOT's 85 Traffic Control Officers (TCOs) are authorized to issue both parking violation tickets and moving violation tickets (see Tables 11 and 12).[82] The TCOs' primary responsibility is to manage incidents and intersections, e.g., directing traffic at assigned intersections during the morning and afternoon rush hours, at accident or construction sites, and in conjunction with special events that may increase traffic volume in the District or necessitate the closing of intersections and roadways, such as the Fourth of July.[83] One of TOA's Key Performance Indicators is the number of tickets issued annually per TCO; for FY 2013, that measure was 3,200 tickets (or roughly 66 per week assuming a TCO is on duty 48 weeks out of the year.) Productivity reports from October 2013 show that most TCOs were averaging 20 to 40 tickets per day. Some TCOs during that period issued 100+ tickets on some days.[84]

Table 11: Parking Violation Tickets Issued by DDOT – FYs 2011, 2012, and 2013

FY	Parking Tickets Issued Using a Handheld Device	Handwritten Parking Tickets Issued	Total Parking Tickets Issued	Revenue From Parking Tickets[85]
2011	99,508	161,600	261,108	$10,782,662
2012	263,749	20,790	284,539	$12,400,723
2013	312,653	4,034	316,687	$12,223,503

[82] Examples of common moving violations are: no left turn; turning right on a red light where prohibited; failure to wear a seat belt; distracted driving – using a cell phone; and failing to yield right-of-way to a pedestrian. DDOT senior managers said that TCOs rarely go into residential neighborhoods to enforce parking regulations; DPW is primarily responsible for residential parking enforcement.

[83] The TCO program was established in 2004 to manage critical intersections and prevent gridlock. According to DDOT's TCO training manual:

> The program began as a joint project of [DDOT], [DPW], and [MPD]. The TCO[]s were initially a part of DPW's parking enforcement program. DDOT contributed funds and selected the locations where traffic congestion was a major factor in efficiently moving vehicles and people. Training was also a joint DDOT/MPD/DPW effort. The TCO[]s put into service were trained at the MPD Training Academy. On October 1, 2007, DDOT took over the operation and management of the [TCOs] from [DPW].

[84] TCO training procedures state that DDOT "currently deploys TCO[]s to write parking citations, full time. There is a deployment strictly for citation writing. The remainder of the TCO[]s write citations when they are not in their intersections controlling vehicular and pedestrian traffic." In May 2014, DDOT officials told the OIG team that statement is no longer accurate, and that the agency was in the process of updating their procedures to reflect current operations.

[85] The revenue dollars presented in the table reflect payments processed within each of the three FYs (e.g., revenue reported for FY 2013 could include payments of fines for tickets issued in FY 2012).

Table 12: Moving Violation Tickets Issued by DDOT – FYs 2011, 2012, and 2013

FY	Moving Violation Tickets Issued From Handheld Devices	Handwritten Moving Violation Tickets Issued	Total Moving Violation Tickets Issued	Revenue From Moving Violation Tickets
2011	1,335	3,083	4,418	$297,091
2012	3,820	167	3,987	$230,937
2013	3,261	128	3,389	$189,668

Ticketing Overview

TCOs receive 8 weeks of training that cover both their traffic control duties as well as ticket issuance. Primary topics addressed during 3 weeks of classroom training include: Codes of Conduct; Operating Government Vehicles; Controlling Intersections and Directing Traffic; Traffic, Parking and Vehicle Regulations; and How to Issue Tickets. At the completion of classroom training, TCOs spend time in the field learning more about traffic control and ticketing procedures by "shadowing" more experienced TCOs. DDOT TCOs use handheld Motorola devices[86] and PocketTix software to create and print tickets and can capture photographs of violating vehicles.

The PocketTix software used by DDOT TCOs on their handheld devices is not the application used by DPW PEOs, but their functionality is similar. TCOs log into their handheld by entering digits from their DDOT badge number. Once they print a test ticket, TCOs are able to start issuing tickets. Using various callout buttons and drop-down menus in the PocketTix application, a TCO is able to perform such tasks as: enter license plates of vehicles that they need to "time" (e.g., note the time he or she first observed the vehicle in a 2 hour parking zone so that the TCO knows when that vehicle has exceeded the limit); query the Parkmobile application (see below for more information about Parkmobile) to determine whether observed vehicles have paid for parking; and conduct a "plate query" to find out whether a particular vehicle has multiple outstanding tickets or been reported stolen.

Clearly laid out screens and drop-down menus in PocketTix assist TCOs with documenting parking and moving violations and printing tickets. For a moving violation, TCOs capture information about the driver, which can also be autocompleted using a scanner function in PocketTix if the driver's license contains an information barcode. The "Image Capture" feature allows TCOs to take pictures that will then be "connected" to a particular violation and ticket. Images are automatically saved after they are captured, and a maximum of four can be saved per ticket.[87] An "internal remarks" screen allows TCOs to enter comments that are not printed on the ticket (e.g., "driver used foul language") but are saved with the violation record.

[86] DDOT deployed its handheld devices as part of the 2011 implementation of Parkmobile. Under that contract, Parkmobile provided the handhelds at no cost to DDOT. DDOT currently has about 70 handheld devices in use.
[87] DDOT training materials state that image resolution affects the number of pictures that can be taken, i.e., if higher resolution pictures are taken, the device may only be able to capture three images or fewer.

TCOs also use their handheld devices to record changes in their shift status (e.g., when they are "active," at lunch, or performing administrative duties) and print an end-of-shift report to document their activity and productivity.

Violation information from the TCOs' handhelds is uploaded daily into eTIMS, the system administered by Xerox (under a contract with DMV) that also serves as MPD's and DPW's depository for ticket information. A DDOT-issued parking or moving violation ticket instructs the motorist to go to http://mpdc.dc.gov/tickets to view associated images; from there, the motorist is redirected to https://wmq.etimspayments.com/pbw/include/image_access_service/input.jsp. Motorists are able to pay for DPW-issued tickets online through DMV's website.

Roles of Primary Contractors

Parkmobile – With Parkmobile, District motorists can pay for parking using a smartphone or over the Internet.[88] The District launched a 1,000 parking space pilot program in July 2010, and full service was implemented in June 2011.[89] Motorists must first register through Parkmobile's website, by phone, or by downloading and providing information using Parkmobile's smartphone application. At the time of this special evaluation, a Parkmobile employee reported that it was processing over 25,000 parking transactions a day for the District.

Xerox – In addition to maintaining the eTIMS system, Xerox is the District's primary contractor with respect to parking meter installation, testing and maintenance, storage and removal, and overseeing meter revenue. DDOT monitors Xerox's performance through reports provided by Xerox and the work of 4 meter inspectors who test 250-500 meters per week. Xerox tracks and reports various data to DDOT—such as the number and types of meter failures, payment methods (coins versus credit cards), and revenues (including parking revenue collected by Parkmobile)—which DDOT uses to manage and make decisions regarding its meter operations.

Quality Assurance and Oversight Methods

The team believes that DDOT should do more to monitor TCOs' ticket-writing practices. For example, a DDOT lead TCO informed the team that while he/she reviews the numbers of tickets TCOs write, he/she does not review the types of tickets written by each TCO. One DDOT employee is responsible for compiling weekly ticket reports (encompassing all tickets TCOs write each week), spot checking TCOs' tickets, and investigating tickets when there is a citizen complaint. However, there did not appear to be an organized or documented system to quantify and track TCO errors or citizens' complaints.

[88] Motorists are alerted to Parkmobile parking zones by signs and stickers bearing the five-digit Parkmobile zone number. Users pre-register their license plates with Parkmobile and can then pay for parking in a particular zone using Parkmobile's smartphone application or website. When a TCO needs to determine whether a motorist has paid for parking, he or she enters the corresponding zone number to access a list of all vehicles that have parking time remaining in that zone.

[89] The first year of DDOT's contract with Parkmobile ran April 7, 2011, through April 6, 2012, and includes four 1-year options.

OIG Assessment of Operations

Are existing DDOT ticketing policies and procedures clear and complete?

8. TCOs lack written instructions about key facets of ticketing operations, foremost being how they should take photographs of violating vehicles, which has led to glaring inconsistencies in TCOs' ticketing practices. The OIG team also noted numerous inconsistencies between DDOT's and DPW's ticketing operations.

With regard to ticketing operations, DDOT's TCO training materials and other documents reviewed by the OIG team provide useful detail in numerous areas, such as the District's municipal regulations pertaining to parking and moving violations, and use of the handheld ticketing device and PocketTix application. In particular, a 50+ page *Handheld Device Ticket Writing Guide*, last updated in December 2012, presents TCOs with numerous screen shots from PocketTix that clearly illustrate, step-by-step, various ticketing and accountability functions. Though nearly 3 years old, another document clearly explains the interface between PocketTix and Parkmobile and key functions, such as how to access up-to-date payment information for vehicles parked in a particular Parkmobile zone. DDOT training and procedures appear to adequately address the technology elements of TOA's ticketing operations, but absent were policies and procedures pertaining to commonly encountered situations, such as, what a TCO should do when he or she observes a vehicle parked at a broken meter, or when a motorist drives away before the TCO can put the ticket on the vehicle. A DDOT manager explained that there are no procedures in place for a number of topics, although there are "unwritten rules" and TCOs receive instruction on them during training.[90]

May a Motorist Legally Park at a Broken Meter?

Through interviews with and observations of TCOs, the OIG team concluded that TCOs are not consistent in how they ticket violating vehicles. The strongest illustration of these inconsistencies was found in TCOs' comments with regard to a vehicle parked at a broken meter. The reader should first note that Title 18 DCMR Chapter 24 ("Stopping, Standing, Parking, and Other Non-Moving Violations") provides no answer to the question of whether a motorist may park at a broken meter, which is somewhat surprising given that this DCMR chapter addresses comparatively minor issues, e.g., that unexpired time at a parking meter may be used by another vehicle. Guidance at DMV's website regarding how to contest a parking ticket only ***implies*** that a motorist may park at a broken meter: "You must only claim one of the following defenses if you deny the violation…. The relevant meter was broken through no fault of your own."[91] Not finding an authoritative answer in the DCMR, the team turned to DDOT procedures, and was again surprised by the lack of a clear procedure for dealing with this situation. Interviews with DDOT employees confirmed that the absence of written guidance has led to TCOs handling the

[90] Interviewees also reported the need for more training. DDOT employees said Xerox training is adequate and provided frequently (including refresher training). However, DDOT-provided training is not adequate because the information is outdated, greater emphasis should be placed on writing accurate tickets, and refresher training is not held frequently enough. A DDOT manager said that DDOT is in the process of developing a quarterly retraining program for TCOs to make sure they are "up to speed" on new parking regulations and to address trends (e.g., repeated mistakes made by TCOs), but it had not been implemented at the time of the team's fieldwork.

[91] Http://dmv.dc.gov/service/contest-parking-ticket (last visited May 23, 2014).

situation based on what they have been told to do, and even what they think is "fair." The following are paraphrased responses provided by DDOT TCOs and supervisors as to whether a motorist may park at a broken meter, evidencing the confusion among TCOs and DDOT managers alike:

- *I will not issue a ticket to a vehicle just because it is parked at a broken meter. I will only issue a ticket if it is parked for longer than the posted limit. This is how I've done it for all the years I've been at DDOT and DPW. I think it's fair – if it was my car, I would not want a ticket for parking at a broken meter. That said, there is a chance that a TCO will not know that a meter is broken if the TCO does not check it. I do not know whether a written protocol exists for this, but there should be one.*

- *To park at a broken meter, the motorist should call 311 or 727-1000 to report it. The operator will give the driver a confirmation number, which the driver should write on a note that he or she leaves on the dashboard to show that the broken meter was reported. If the motorist does not do this, he or she risks getting a ticket. I will not give a ticket if I know the meter is broken. Before writing a ticket, sometimes I will check to see if the meter is broken by depositing a coin, but I don't always check to see if the meter is broken.*

- *When I started at DDOT, I was told that we should time a vehicle parked at a broken meter. If a vehicle is parked at a 2-hour meter, it can stay there for up to 2 hours without getting a ticket. Now, because motorists can use the pay-by-phone system [Parkmobile] as well as report broken meters to DDOT, I've heard that someone can get a ticket for parking at a broken meter. I don't ticket vehicles parked at broken meters, though. Some DDOT supervisors tell TCOs to immediately write tickets for vehicles parked at broken meters, others tell TCOs not to write tickets until after they have timed the vehicle and documented that it exceeded the posted time limit. I'm not aware of any policy or procedure that says what to do.*

- *A customer cannot get out of a parking ticket just because he or she parked at a broken meter. The customer needs to call DDOT, report the broken meter, and move off of the meter. The rule that an individual cannot park at a broken meter is not stated on the meter itself and DDOT has been thinking about adding this warning to meters because not everyone knows this rule.*

- *There is no specific policy or procedure in place for the TCO to follow if they encounter a broken meter. The unwritten rule is the TCO should check [Parkmobile] to determine if the citizen paid via [Parkmobile.] Citizens [have] the capabilities to pay via [Parkmobile] at a broken meter. If the citizen did not pay via [Parkmobile], the TCO would issue the citizen a citation.*

The confusion among TCOs and managers is evident, so is the impact upon District motorists: inconsistency in ticketing operations. Depending on which TCO observes the vehicle parked at the broken meter, he or she may take one of several approaches: do nothing; issue a ticket immediately, with or without querying the Parkmobile system; check for a note confirming

the motorist reported the broken meter and issue a ticket if he or she does not see one; or start timing the vehicle and return later to issue a ticket if the vehicle exceeded the posted time limit. DDOT should act immediately to issue clear guidance to not only its TCOs, so that ticketing operations are consistent, but also the public, so that motorists understand the conditions under which they may park at a broken meter. Some skeptical members of the public might assert that the District's failure to inform motorists (through parking meter signage, information at ticketing agencies' websites, and clear language in applicable DCMR chapters) on this subject is intentional: without clear criteria of the District's ticketing practices, a ticketed motorist is unable to prove that proper procedure was not followed.

Inconsistencies Between DDOT and DPW Issuance of Parking Tickets

As discussed beginning on page 50 of this report, written guidance provided to DPW Parking Enforcement Officers (PEOs) regarding ticketing government and public utility vehicles is vague, affords PEOs unnecessary discretion, and in some instances contradicts the DCMR (i.e., with respect to ticketing ANC vehicles). Similarly, the OIG found little written procedure at DDOT pertaining to ticketing government vehicles. The clearest articulation of DDOT ticket policy that the team found was a January 2013 memorandum from DDOT's training officer to "All Members D.D.O.T", which reads:

> Vehicles that are displaying current Congressional, City Council and Advisory Neighborhood Commission [sic] are responsible for only the following violations:
>
> 1. AM and PM Rush hour
> 2. Bus stop or zone
> 3. Fire Hydrant
> 4. Loading Zone.
>
> **DO NOT ISSUE ANY OTHER VIOLATION EXCEPT WHAT IS LISTED ABOVE….**
>
> ***CITY COUNCIL PERSONS AND ADVISORY NEIGHBORHOOD COMMISSION (ANC) WILL ALSO HAVE THE SAME PRIVILIDGES [SIC] AS CONGRESS WHILE DISPLAYING ANC TAGS OR PLACARDS.*** [Emphasis in the original.]

The OIG team finds this instruction problematic for several reasons:

1. Similar to the guidance issued to DPW PEOs, the OIG could find no basis in the D.C. Code or DCMR for such broad exemptions;
2. The exemptions afforded ANC members are clearly prohibited by the DCMR;[92] and

[92] Title 18 DCMR § 2420.3 states that an ANC commissioner while on official business and displaying the proper placard may park at a meter without paying the fee, in a timed-limit space including RPP areas, or in an official government-reserved parking space. Further, 18 DCMR § 2420.4 states: "Nothing in § 2420.3 shall … exempt the holder from the observance of any traffic regulation other than those mentioned in 2420.3."

3. Instructions given to TCOs are inconsistent with those given to DPW PEOs, i.e., TCOs are instructed not to write tickets for violations for which PEOs may write tickets.

While DPW provides its PEOs with *some* guidance with regard to ticketing law enforcement (work under the presumption that their business is "urgent") and public utility vehicles,[93] DDOT does not appear to have issued any written instructions on these topics. Ticketing such vehicles is another instance where (1) TCOs have developed individual decision-making criteria, and (2) DPW and DDOT ticketing procedures are inconsistent.

Recommendation:

That the D/DDOT promulgate new, comprehensive policies and procedures that address situations commonly encountered by TCOs, including but not limited to: writing a ticket for a vehicle parked at a broken meter; documenting a violation after a motorist drives away before the TCO has finished writing the ticket; testing a meter before issuing a parking ticket; and reporting a broken parking meter.

Agree X **Disagree** _____

MPD/DDOT August 2014 Response, As Received:

Agree. Although DDOT's current Training Manual addresses all aspects of ticket-writing, including, but not limited to, photographing of violating vehicles; writing a ticket for a vehicle parked at a broken meter; documenting a violation after a motorist drives away before the Traffic Control Officer (TCO) has finished writing the ticket; testing a meter before issuing a parking ticket; and reporting a broken parking meter, an update of the TCO Training Manual and Standard Operating Procedures (SOP) has been initiated to provide a higher degree of standardization in procedures. This initiative will promote uniformity, streamline operations, and improve the quality of service to the public. The project, which started on May 30,2014, has a seven-month schedule. Final SOPs are scheduled to be delivered to DDOT in late January 2015.[94]

As the recommendation pertains to photographing parking violations, it should be noted that the photographic evidence program was instituted mainly as a courtesy to motorists. It was not intended to change the evidentiary requirements for establishing a prima facie case for a parking violation. Once a motorist challenges the ticket, he or she may rebut the prima facie evidence by proving that the violation was issued in error through the adjudication process. As

[93] Per the PEMA Training Manual (Section 6, page 78), "Utility vehicles are treated as though they were government vehicles. The actual work vehicle is treated in much the same manner as a law enforcement vehicle."
[94] The MPD/DDOT response footnoted: *"Additionally, the Report indicates that certain exemptions for ticketing government vehicles have no basis in law or regulation. However, Traffic Control Officers (TCOs) follow D.C. Official Code§ 50-2201.03 (which regulates Councilmember and Congressional parking), 18 DCMR § 2420.3 (which regulates ANC parking), and the DDOT memorandum, which is referenced in the Report and provides appropriate guidance for Congressional and Council member vehicles. DDOT is currently updating the TCO Training Manual and Standard Operating Procedures (SOP) to provide additional guidance to TCOs."*

far as DDOT and DPW are aware, there is no jurisdiction in the country that requires parking officers to take pictures as part of the ticketing process.[95]

DDOT will work with DPW to ensure uniformity with DPW when applicable.

OIG Comment: The response meets the intent of the recommendation and the OIG will consider this recommendation "closed" when it receives electronic copies of the updated TCO Training Manual and Standard Operating Procedures.

Again, photographic evidence of a parking violation is more than a "courtesy" to ticketed motorists. It prevents ticketing errors and aids in their detection, greatly reduces the possibility of fraud in a system where TCOs write large numbers of tickets daily, and improves the efficiency of the adjudication and appeals processes.

9. TCOs are not required to take photographs that document parking and moving violations, nor do they have written procedures describing the types and number of photographs that would best support the violations they encounter.

DDOTs use of handheld devices to capture images of violating vehicles has been informal and inconsistent. TCOs began taking photographs of violations when they first started using handheld devices to write parking and moving violation tickets (around August 2011). According to TCOs, however, during the early implementation of the handhelds, data storage capacity posed a significant problem. Storing photographs to the devices caused them to malfunction, thus hampering TCOs' productivity while in the field. Therefore, the TCOs were instructed to only take photographs of violations in certain instances (e.g., when a vehicle was parked too close to a fire hydrant, or other violations where an approximation of distance or the position of the vehicle was necessary to document a violation). Then, in 2013, DDOT supervisors apparently verbally instructed TCOs to take photographs of all parking violations using their handheld devices.

TCOs have not received any written instructions about photographing violating vehicles. A DDOT manager informed the team that DDOT is in the process of developing policies and procedures for taking photographs of parking violations, but they were not yet available during the team's fieldwork. Through interviews with DDOT employees, it became apparent to the team that protocols for what these photographs should show and how many photographs should accompany each violation are not clear and uniform practices are not followed by TCOs in the field.

[95] The MPD/DDOT response footnoted: "*On page 7 of the Report, it states that '[v]iolation images are the only assurance a motorist has that his or her ticket was correctly issued.' However, the ticket itself provides adequate details regarding the elements of the violation. In addition, a ticketed motorist should be able to determine without photographs whether or not he or she violated a parking regulation because the ticket is placed on his or her vehicle, with the details of the violation, and he or she can then clearly see whether the citation is accurate.*"

Recommendation:

That D/DDOT promptly write and implement policies and procedures, and train TCOs on them, for photographing parking and moving violations. Further, to improve consistency and uniformity between DDOT's and DPW's ticket writing processes, D/DDOT should coordinate a review of the new policies and procedures by DPW's Parking Enforcement Management Administration. That way, regardless of whether the ticket for a particular parking violation is issued by DDOT or DPW, the photographic evidence presented to the motorist will be consistent.

Agree X Disagree

MPD/DDOT August 2014 Response, As Received:

Agree. DDOT will take corrective action to address training issues. DDOT is in the process of implementing a refresher training course as a performance goal for TCOs. Under the new TCO Performance Measurement Plan, when a supervisor identifies a deficiency in TCO performance, refresher training will be mandatory for that TCO.

In regards to photographing violations, each TCO is currently trained on how to take appropriate pictures in conjunction with writing tickets. When errors are found, the individual is counseled on how to take appropriate and accurate photographs through a retraining process. DDOT is currently working on updating TCO SOPs and training manual to address this issue. However, it needs to be reiterated yet again that the parking photographic evidence program was instituted mainly as a courtesy to motorists; it was not intended to change the evidentiary requirements for establishing a prima facie case of a parking violation. DDOT will work with DPW to ensure that uniformity of procedures is in place in regards to parking enforcement where appropriate.

Are other DDOT quality assurance and management oversight practices sufficiently stringent?

10. DDOT does not closely monitor transaction fees paid to Parkmobile, or track and analyze Parkmobile complaint data.

DDOT's primary mechanism for overseeing Parkmobile's work is to monitor the revenue reported by Parkmobile.[96] According to the Parkmobile contract, the District's contract administrator is responsible for overseeing its performance, including: "G.9.1.4 Reviewing invoices for completed work and recommending approval by the CO [Contracting Officer] if the Contractor's costs are consistent with the negotiated amounts and progress is satisfactory and commensurate with the rate of expenditure[]." The contract also states: "C.5.3 The contractor shall transfer all the funds collected through the program including the transaction fees to the District and invoice the District monthly for the user fees collected during the month . . . ."

[96] A DDOT employee noted that Parkmobile's revenue is reviewed through reporting that Xerox submits daily to DDOT. Xerox provides a daily report of coin deposits and credit card charges at meters in the District. It also provides a separate report for Parkmobile pay-by-phone credit card collections.

Although DDOT reviews the amounts of revenue collected from customers paying through Parkmobile, according to a DDOT employee, DDOT has not audited the transaction fees paid to Parkmobile.[97] DDOT should assess what is included in Parkmobile's transaction fee invoices to ensure that the District is being charged appropriately. DDOT's contract with Parkmobile originally estimated transaction fees in the amount of $600,000 per year being paid to Parkmobile, but over time the level of electronic payment transactions increased substantially and required the passage of emergency legislation by the Council to address the situation.

In addition to improved auditing of transaction fees, DDOT could better monitor Parkmobile's work by tracking and analyzing customer complaints about the system. If someone is dissatisfied with Parkmobile, he or she will likely call 311, DDOT, or Parkmobile to complain. A complaint made to 311 or DDOT is documented in DDOT's IQ system and then forwarded to the employee whose duties are applicable to the complaint, e.g., parking rates or signage. Though the individual issue behind the complaint may be resolved, no one at DDOT tracks or analyzes Parkmobile complaint data. One DDOT employee noted this gap in their oversight, while another said a robust Parkmobile complaint tracking system is unnecessary because DDOT does not receive a lot of complaints about the system. Furthermore, Parkmobile maintains its own customer service line, so DDOT does not have access to any complaints that are reported directly to Parkmobile.

Recommendation:
That the D/DDOT establish systems and assign responsibility for monitoring on a monthly basis: (1) the transaction fees paid to Parkmobile and (2) the number and types of complaints lodged with both the District's and Parkmobile's customer service entities.

Agree X **Disagree** _____

MPD/DDOT August 2014 Response, As Received:

(1) Agree. Since the release of the Report, DDOT has established a specified reporting arrangement with the OCFO to review revenue deposit statements, automatically delivered from Parkmobile's Merchant of Record, Heartland Services. On a monthly basis, the Merchant of Record will be required to deliver a reconciliation report verifying that all associated transaction fees from Parkmobile meter payment services match daily deposit totals. The OCFO has assigned an Accounting Officer to closely monitor Parkmobile's reporting and will advise DDOT on activities and discrepancies.

(2) Agree. DDOT will coordinate with the Parkmobile and the District's customer service divisions (i.e., 311) to develop a schedule and procedure for documenting all complaints.

[97] Xerox is DDOT's "merchant of record" and therefore deposits all coin and credit card payments, including those from Parkmobile, into the District's general fund. Xerox also remits transaction fees to Parkmobile.

APPENDICES

APPENDICES

Appendix 1: List of Findings and Recommendations

Appendix 2: DMV Annual Statistical Report to the D.C. Council

Appendix 3: Overview of Automated Photo Review Processes

Appendix 4: DDOT-commissioned *Speed Limit and Safety Nexus Study* for 4800 Block Texas Ave., S.E. (excerpt)

Appendix 5: August 20, 2014, DDOT/MPD Response to Draft Report

Appendix 6: August 15, 2014, DPW Response to Draft Report

APPENDIX 1

List of Findings and Recommendations Presented in This Report

1. A January 2014 report to the D.C. Council, which was intended to "instill public trust that speed cameras are installed by the D.C. government to improve safety and not just increase local revenues," justified the need for speed cameras at all 241 planned/proposed locations that were studied. However, at nearly half of those locations, the 85th percentile speed–a common traffic engineering benchmark–was at or below the posted speed limit.

(1) That the Chief of MPD (C/MPD) and the Director of DDOT (D/DDOT), to bolster public trust in the District's automated speed enforcement program, critically evaluate the January 2014 traffic safety study protocol and its results, and request and document further justification prior to installing ATE equipment at any of the planned or proposed locations addressed in the study.

(2) That the D.C. Council, following collaboration with MPD, DDOT, and outside subject matter experts, amend the D.C. statute that authorizes the use of ATE to: (1) require a robust justification, accompanied by traffic data, of the need for an ATE device at a planned location; (2) within a reasonable period following installation of the device, require a statistical analysis of the impact of the device on traffic safety at the location; and (3) make all of these documents readily available to the public on DDOT's website.

2. The D.C. Code and DCMR are silent with regard to other important ATE program issues that should be addressed in the statute or regulations, such as the confidentiality and retention of violation images, as well as limitations on camera operations and the information captured by them.

That the D.C. Council, after conferring with MPD and DDOT, consider inserting language in the D.C. Code to codify key ATE program elements, including, but not limited to: 1) the confidentiality of and limitation on uses of all images and other information collected by the District's ATE program; 2) guidelines and timeframes for the retention and destruction of all images and videos captured by the District's program equipment; 3) limitations on the number of cameras that can be placed in the District and their hours of operation; 4) the requirement for a site-specific safety study prior to each new camera placement; and 5) the requirement for a sign at every location where ATE equipment is deployed.

3. Guidelines used by MPD reviewers to decide whether a speeding violation occurred lack precision and, in certain situations (e.g., when multiple vehicles are captured in an image), reviewers' decisions are arbitrary and inconsistent, which raises a concern that some photo-enforced speeding tickets are issued without a conclusive determination of the violating vehicle or that a violation has occurred.

That the C/MPD: 1) instruct violation reviewers to not issue a speeding ticket in any instance where the violation images capture more than one vehicle traveling in the same direction; 2) write and implement a more precise "multiple vehicles" business rule that clearly documents this policy; and 3) confer with ATS and its other technology vendors to determine whether all currently deployed speed enforcement equipment can be used more precisely, e.g., to target only one lane of travel at an enforcement location.

4. MPD issues a moving violation ticket even if the vehicle make and model information on the registration does not match the vehicle captured in the violation images. This practice can lead to the issuance of erroneous tickets; in similar instances, other jurisdictions do not issue tickets.

Recommendations:

(1) That the C/MPD instruct MPD reviewers to not issue a ticket unless both the vehicle make and model in the violation images match the make and model information obtained through MPD's license plate search procedures.

(2) That the C/MPD ensure that MPD's violation review business rules and all training materials clearly articulate this policy.

(3) That the D.C. Council insert language into the D.C. Code and/or DCMR stating that if the make and model of a violating vehicle captured by ATE equipment does not match the make and model of the vehicle identified by license plate search procedures, then the District will not issue a ticket.

5. MPD officers who use handheld electronic devices to issue parking and moving violation tickets need written guidance on capturing photographic evidence.

That the C/MPD: 1) mandate MPD officers' increased use of handheld devices to photograph and document parking and moving violations; 2) submit proposed rulemaking to amend the DCMR to include provisions for when officers should capture photographic evidence to document parking and moving violations; 3) create and promulgate internal policies and procedures for capturing images and other information with the handheld devices to better document parking and moving violations; and 4) train officers on any new policies and procedures.

6. PEMA's procedures and training materials are outdated and incomplete, and in some instances the information/instructions in them do not comport with DCMR parking enforcement regulations.

(1) That the D/DPW direct a comprehensive review and update of PEMA's SOPs and Training Manual.

(2) That the D/DPW use the updated documents as the basis for proposed changes to the DCMR that incorporate more specific guidance on topics including, but not limited to: (1) ticketing federal and District government and utility vehicles, and (2) PEOs' authority to void tickets while on patrol, so that District motorists and other stakeholders better understand PEOs' discretion while on patrol and the ticketing procedures they are expected to follow.

(7) After reviewing a sample of 250 PEMA-issued tickets, the OIG concluded that DPW's TicPix program too often fails to present motorists with the images required by PEMA guidelines. These images are not only evidence of the violation for which motorists were ticketed, but also the only assurance to the public that errors were not made during the ticketing process.

(1) That the D/DPW take immediate steps to improve PEOs' compliance with PEMA's requirements for capturing photographic evidence of parking violations.

(2) That PEMA implement a written policy that any parking ticket for which the required number of photographs is not available through DPW's TicPix website shall be dismissed due to lack of evidence (unless the motorist is given a reason why the required number of photos was not available in TicPix).

(3) That the D/DPW propose amendments to the DCMR that: 1) enumerate the number and type(s) of photographs required for issuance of each type of parking violation and made available through the TicPix website; and 2) document PEMA's policy of dismissing any parking ticket for which the required number of photographs is not available through TicPix.

(8) TCOs lack written instructions about key facets of ticketing operations, foremost being how they should take photographs of violating vehicles, which has led to glaring inconsistencies in TCOs' ticketing practices. The OIG team also noted numerous inconsistencies between DDOT's and DPW's ticketing operations.

That the D/DDOT promulgate new, comprehensive policies and procedures that address situations commonly encountered by TCOs, including but not limited to: writing a ticket for a vehicle parked at a broken meter; documenting a violation after a motorist drives away before the TCO has finished writing the ticket; testing a meter before issuing a parking ticket; and reporting a broken parking meter.

(9) TCOs are not required to take photographs that document parking and moving violations, nor do they have written procedures describing the types and number of photographs that would best support the violations they encounter.

That D/DDOT promptly write and implement policies and procedures, and train TCOs on them, for photographing parking and moving violations. Further, to improve consistency and uniformity between DDOT's and DPW's ticket writing processes, D/DDOT should coordinate a review of the new policies and procedures by DPW's Parking Enforcement Management Administration. That way, regardless of whether the ticket for a particular parking violation is issued by DDOT or DPW, the photographic evidence presented to the motorist will be consistent.

(10) <u>DDOT does not closely monitor transaction fees paid to Parkmobile, or track and analyze Parkmobile complaint data</u>.

That the D/DDOT establish systems and assign responsibility for monitoring on a monthly basis: (1) the transaction fees paid to Parkmobile and (2) the number and types of complaints lodged with both the District's and Parkmobile's customer service entities.

APPENDIX 2

Calendar Year 2012 Parking and Traffic Enforcement Annual Report to the Council of the District of Columbia

Submitted Pursuant to D.C. Official Code § 50-2301.08

June 30, 2013

Prepared by the District Department of Motor Vehicles on behalf of the Mayor of the District of Columbia

TABLE OF CONTENTS

INTRODUCTION

The following data is provided to the Council of the District of Columbia by the District Department of Motor Vehicles (DMV) pursuant to D.C. Official Code § 50-2301.08. The data is collected and maintained by DMV in coordination with applicable District agencies.

SECTION 1. HEARING EXAMINERS

The District hired two persons as hearing examiners during the 2012 calendar year. The level of compensation for each hearing examiner is within the pay range of $77,884 to $100,357.

The following chart lists each hearing examiner who was employed during 2012 and the length of time each hearing examiner has served in that capacity:

Last Name	First Name	Hired	Length of Time
Ali	Valerie	2000	12 years
Boyd	Sharon	2007	5 years
Carter	Albert	2005	7 years
Collins	Christopher	1998	14 years
Dansby	Tania	2003	9 years
Davis	Remigia	2009	3 years
Harris	Mark	1993	19 years
Lawson	Stephen	2002	10 years
Matthews	Desiree	2005	7 years
Musonye Smith	Rose	1999	13 years
Nelloms	Roxanne	2012	Less than 1 year
Reichert	Stephen	2001	11 years
Roshell	Alicia	2008	4 years
Ruffin	Marvin	2011	1 year
Shepherd	Lilian	2011	1 year
Simpson	Jason	2002	10 years
Uzukwu	Matthew	1988	24 years
Walton	Gina	2002	10 years

Qualifications to be hired as a hearing examiner are specified in each job announcement. Position vacancy announcements list several preferred knowledge and skill areas, including knowledge and experience working with relevant statutes and regulations; skill and experience in interpreting and applying District of Columbia administrative orders, municipal regulations, statutes, rules of law, and court opinions, to relevant facts and assertions on matters such as those

that may be presented for a hearing; and proficiency in the use of personal computers to draft and finalize written products and the use of specialized databases.

SECTION 2. NOTICES OF INFRACTION ISSUED

In calendar year 2012, the District issued 2,822,297 notices of infraction. The notices of infraction were issued as follows:

Moving infractions	104,120
Photo infractions	945,342
Parking, standing, stopping and pedestrian infractions	1,772,835
TOTAL	**2,822,297**

The following chart breaks out the number of notices of infraction issued by each Federal and local agency authorized to issue notices of infraction:

Agency ID	Agency	Number of Infractions Issued
Multiple	D.C. METROPOLITAN POLICE DEPT.	1,070,282
13	D.C. DEPARTMENT OF TRANSPORTATION	266,349
15	D.C. DEPARTMENT OF PUBLIC WORKS	1,433,881
16	D.C. TAXI COMMISSION	9,643
18	D.C. SUPERIOR COURT POLICE	7
19	U.S. SUPREME COURT POLICE	93
22	U.S. PARK POLICE	24,887
23	U.S. CAPITOL POLICE	4,820
24	U.S. NATIONAL ZOOLOGICAL POLICE	88
50	U.S. FEDERAL PROTECTIVE SERVICES	412
51, 56	D.C. DEPT OF GENERAL SERVICES	792
52	U.S. SECRET SERVICE UNIFORM DIVISION	5,259
53	U.S. GOVERNMENT PRINTING OFFICE	43
54	ST.EL1ZABETH HOSPITAL SECURITY GUARDS	50
57	METRO POLICE	1,431
58	UNIVERSITY OF THE D.C. SECURITY POLICE	362
59	U.S. BUREAU OF ENGRAVING AND PRINTING	577
72	FORT MCNAIR	2
75	BOLLING AFB	519
77	D.C. HOUSING AUTHORITY	2,197
80	AMTRAK	166
89	OTHER	437
Total		**2,822,297**

SECTION 3. ANSWERS FILED FOR MOVING INFRACTIONS (INCLUDING PHOTO ENFORCEMENT)

The following chart provides the number of answers filed for moving infractions, including photo enforcement:

3A	The number of "admit" answers filed for moving infractions	653,464 [1]
3A(i)	The number of hearings held for respondents who admit the commission of moving infractions	3,156
3A(ii)	The number of suspensions and revocations of respondents who admit the commission of moving infractions	N/A [2]
3B	The number of "admit with explanation" answers filed for moving Infractions	17,585[3]
3B(i)	The number of suspensions and revocations of respondents who admit with explanation the commission of a moving infraction	N/A [4]
3C	The number of "deny" answers filed for moving infractions	95,114[5]
3C(i)	The number of determinations of liability of respondents who deny the commission of moving infractions	64,065
3C(ii)	The number of dismissals of respondents who deny the commission of moving infractions	47,101
3C(iii)	The number of suspensions and revocations of respondents who deny the commission of moving infractions	N/A [6]
3C(iv)	The number of suspensions for failure to answer notices of infraction (number includes out of state drivers whose privilege to drive was suspended in D.C.)	18,567[7]
3C(v)	The number of suspensions for failure to appear at a hearing.	See 3C(iv)

SECTION 4. ANSWERS FILED FOR PARKING, STANDING, STOPPING AND PEDESTRIAN INFRACTIONS

The following chart provides the number of answers filed for parking, standing, stopping and pedestrian infractions:

4A	The number of "admit" answers filed for parking, standing, stopping and pedestrian infractions	1,328,506[8]
4B	The number of "admit with explanation" answers filed for parking, standing, stopping and pedestrian infractions	18,250[9]
4C	The number of "deny" answers filed for parking, standing, stopping and pedestrian	208,583[10]

1 The total for Item 3A represents the number of "admit" pleas at hearings (3,156) plus the number of moving and photo enforcement tickets paid within 60 days of issuance (650,308). A payment is an admission of liability.
[2] The number of suspensions and revocations is not captured by answer plea.
[3] The total for Item 3B represents the number of "admit with explanation" pleas filed at hearings.
[4] The number of suspensions and revocations is not captured by answer plea.
[5] The total for item 3C represents the number of "deny" pleas filed at hearings.
[6] The number of suspensions and revocations is not captured by answer plea.
[7] The number listed is the total for Items 3C(iv) and 3C(v). These items are not available separately.
[8] The total for Item 4A represents the number of "admit" pleas given during hearings (1,205) plus the number of parking, standing, stopping and pedestrian tickets paid within 60 days of issuance (1,327,301). A payment is an admission of liability.
[9] The total for Item 4B represents the number of "admit with explanation" pleas given during hearings.
[10] The total for Item 4C represents the number of "deny" pleas given during hearings.

	infractions.	
4C(i)	The number of determinations of liability of respondents who deny the commission of parking, standing, stopping and pedestrian infractions	108,019
4C(ii)	The number of dismissals of respondents who deny the commission of parking, standing, stopping and pedestrian infractions	96,320

SECTION 5. SANCTIONS

The following chart provides the number of notices of infraction for which sanctions (liable dispositions) were imposed:

5A	The number of notices of infraction for which a civil fine is imposed	94,089[11]
5B	The number of notices of infraction for which a penalty is imposed	749,143[12]
5C	The number of notices of infraction for which attendance at traffic school is required	696

SECTION 6. FINES AND PENALTIES

The following chart provides the number of notices of infraction for which fines and penalties were imposed:

6A	The number of notices of infraction issued to lessors covered under DC Code § 50-2303.04	92,968
6B	The penalties and fines imposed for infractions under DC Code § 50-2303.04	$4,596,395
6C	The penalties and fines actually paid under DC Code § 50-2303.04	$4,426,707
6D	The number of outstanding infractions under DC Code § 50-2303.04	119
6E	The amount of fines and penalties outstanding under § 50-2303.04	$9,170

SECTION 7. CASES APPEALED TO THE TRAFFIC ADJUDICATION APPEALS BOARD

The following chart provides the number of cases appealed to the Traffic Adjudication Appeals Board:

7A	The number of appeals filed with the Appeals Board	2,918
7B	The number of decisions set aside by the Appeals Board	446
7C	The number of decisions affirmed by the Appeals Board	1,108
7D	The number of decisions remanded to the hearing examiner for further instructions.	0
7E	The list of attorneys available for service on the Appeals Board	N/A[13]

[11] The total for item 5A represents tickets for which a civil fine only (no penalty) has been imposed.
[12] The total for item 5B represents tickets for which a civil fine and penalty have been imposed and include the population of tickets that were deemed liable for failure to answer timely.
[13] No recruitment list is currently maintained

7F	The list of citizens available for service on the Appeals Board	N/A[14]
7G	The appointed members to the Appeals Board:	
	Board 1 community member	Edith Roberts
	Board 1 OAG member	Justin Zimmerman
	Board 1 DMV member	Richard Prunchak
	Board 2 community member	Nadine Robinson
	Board 2 OAG member	Tannisha Bell
	Board 2 DMVmember	Carole Cade
	Board 3 community member	Sheila Kaplan
	Board 3 OAG member	Shermineh Jones
	Board 3 DMV member	Gabriel Robinson

SECTION 8. CASES APPEALED TO SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The following chart provides the number of cases appealed to Superior Court of the District of Columbia:

8A	The number of appeals filed with the Superior Court of the District of Columbia	41
8B	The number of decisions set aside by the Superior Court of the District of Columbia	13
8C	The number of decisions affirmed by the Superior Court of the District of Columbia	30

SECTION 9. CASES APPEALED TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

The following chart provides the number of cases appealed to the District of Columbia Court of Appeals:

9	The number of appeals filed with the District of Columbia Court of Appeals	N/A[15]
9A	The number of decisions set aside by the District of Columbia Court of Appeals	N/A[16]
9B	The number of decisions affirmed by the District of Columbia Court of Appeals	N/A[17]

SECTION 10. NUMBER OF VEHICLES TOWED AND BOOTED

The following chart provides the number of vehicles towed and booted:

10A	The number of vehicles towed	35,686
10B	The number of vehicles booted	15,012
10C	The average cost of each tow	$68.32
10D	The average cost of each booting	$88.19

[14] No recruitment list is currently maintained
[15] Court of Appeals hearing data not captured by DMV
[16] Court of Appeals hearing data not captured by DMV
[17] Court of Appeals hearing data not captured by DMV

SECTION 11. REVENUE

The following chart provides the revenues generated by Chapter 23 of Title 50 in the DC Code:

11A	The total collected in fines and penalties	$205,467,273[18]
11B	The total collected in towing fees (includes storage fee)	$616,793
11C	The total collected in booting fees	$625,338
11D	Total revenue	$206,709,404[19]
11E	Other Fees	$498,576

[18] This number includes photo-enforced tickets.
[19] This number includes photo-enforced tickets and is adjusted for debits and credits against the amount paid.

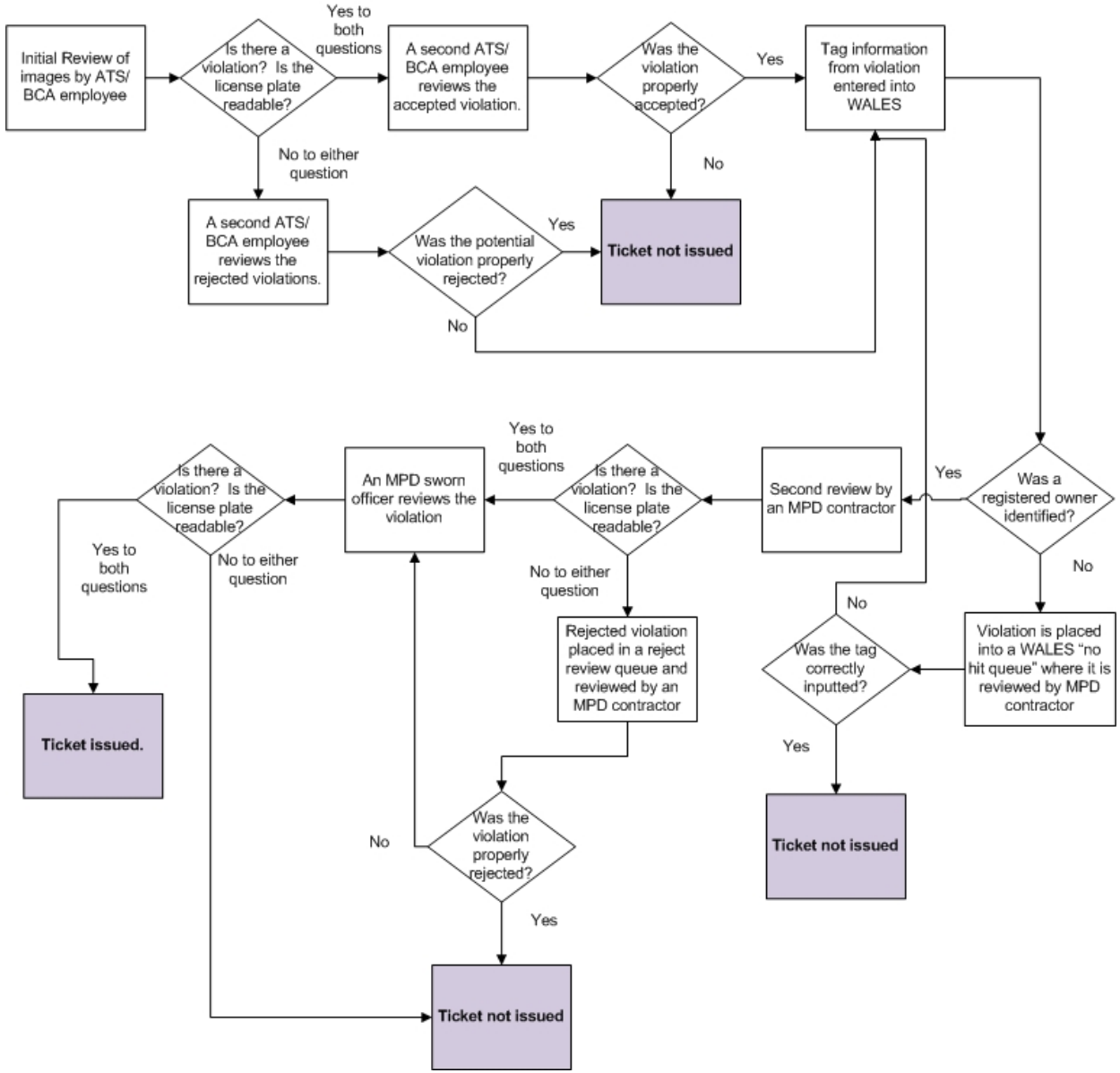
APPENDIX 3

Appendix 3: Overview of automated photo review processes

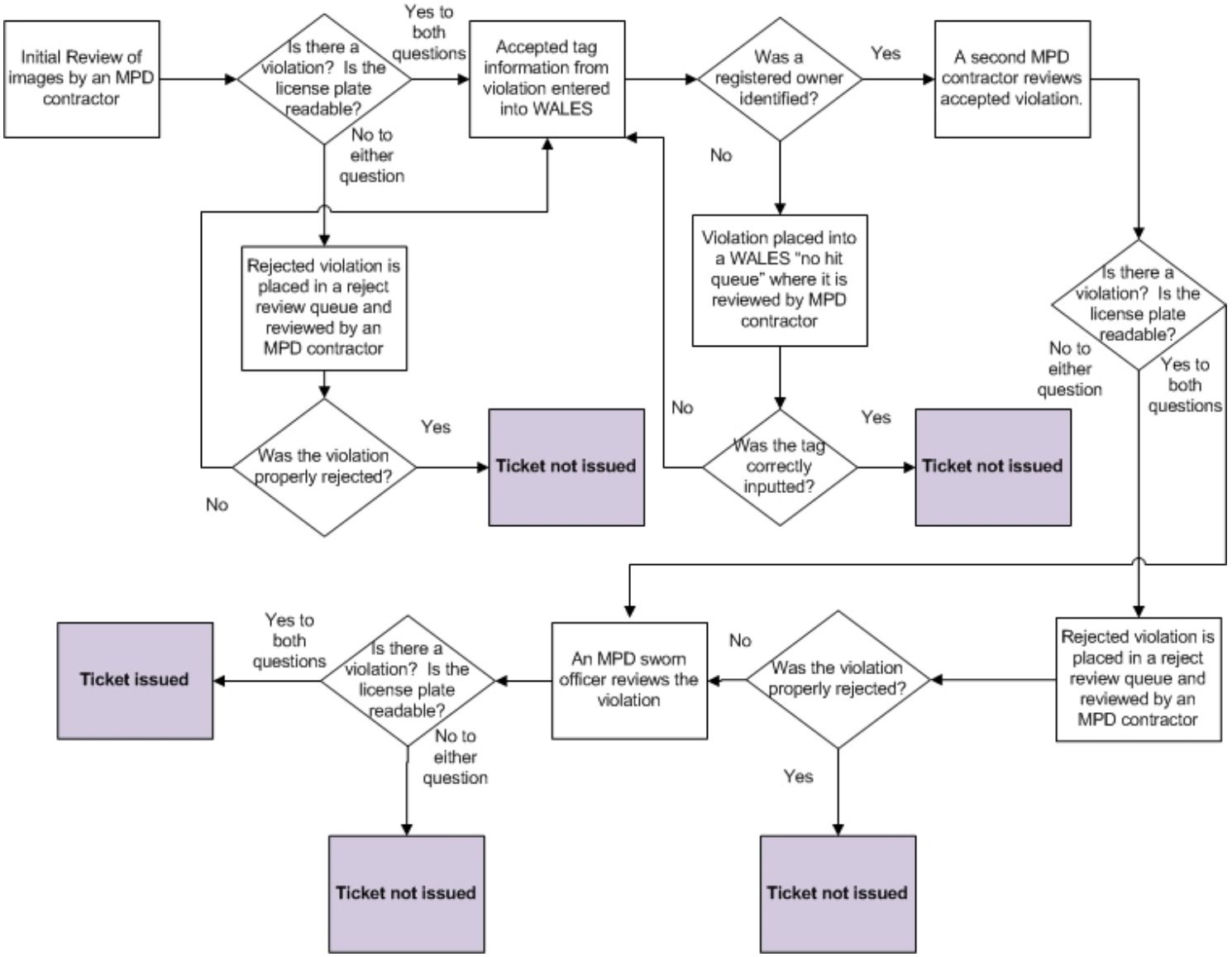
There are two separate processes for reviewing photographic evidence of red light and speeding violations. For MPD's first generation photo enforcement equipment provided through ATS, ATS conducts the first round of review, MPD contractors conduct the second review, and a sworn MPD officer conducts the third review. For MPD's second generation photo enforcement equipment, MPD contractors conduct two reviews followed by a review by a sworn MPD officer. These two processes are explained in the flowcharts on the following pages.[98]

[98] There are a "varying number" of sworn MPD officers who assist with photo review, normally between two and eight officers. These officers are detailed to photo enforcement when they are on "limited duty" or "no contact;" they come from all branches of MPD. Some officers are detailed to the photo enforcement office for a week, others for more than a year.

Review Process for Images Captured by "First Generation" (ATS) ATE Equipment



Review Process for Images Captured by "Second Generation" (Sensys and Redflex) ATE Equipment



APPENDIX 4

District Department of Transportation

Speed Limit and Safety Nexus Studies for Automated Enforcement Locations in the District of Columbia

4800 Block Texas Avenue SE

Study Area and Location

District	PSA	Ward	ANC	Phase	Description
6	603	7	7A	Proposed	4800 Block Texas Avenue Southeast, Northbound

The *proposed* speed camera will be located in Ward 7 at the 4800 block of Texas Avenue Southeast in the northbound direction. Texas Avenue Southeast runs between East Capitol Street Southeast to the north and Ridge Road Southeast to the south. The posted speed limit is 25 MPH.

District Department of Transportation 55 M Street, SE, Suite 400 Washington, DC 20003

District Department of Transportation

4800 Block Texas Avenue SE

Looking Northbound

Speed Data Analysis

	Northbound
Posted Speed Limit (MPH)	25
Mean Speed (MPH)	12
85th Percentile Speed (MPH)	17
10 MPH Pace Speed	7-16
ADT	3,243

The mean speed is lower than the posted speed limit, and the 85th percentile speed is lower than the posted speed limit at this location.

Crash Data Analysis

From the Accident Summary Report provided for the dates between January 1, 2010 and December 31, 2012, there were a total of 12 crashes at this location. A breakdown of number of crashes by collision type can be found in the chart on the next page. The most common types of collision at this location were Rear End (4 crashes), and Right Angle, Left Turn, and Head On with 2 crashes each. The other collision types had 1 crash or less each. Furthermore, the site experienced 6 injury-related crashes.

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www.sammateng.com

4800 block of Texas Ave SE NB Speed

NB

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total
11/25/13	3	18	3	0	0	0	0	0	0	0	0	0	0	0	24
01:00	0	11	4	0	0	0	0	0	0	0	0	0	0	0	15
02:00	3	6	1	0	0	0	0	0	0	0	0	0	0	0	10
03:00	1	8	0	0	0	0	0	0	0	0	0	0	0	0	9
04:00	4	13	0	0	0	0	0	0	0	0	0	0	0	0	17
05:00	1	40	2	0	0	0	0	0	0	0	0	0	0	0	43
06:00	19	83	8	0	0	0	0	0	0	0	0	0	0	0	110
07:00	221	82	5	0	0	0	0	0	0	0	0	0	0	0	308
08:00	128	144	8	0	0	0	0	0	0	0	0	0	0	0	280
09:00	44	118	4	0	0	0	0	0	0	0	0	0	0	0	166
10:00	42	86	3	0	0	0	0	0	0	0	0	0	0	0	131
11:00	37	78	3	0	0	0	0	0	0	0	0	0	0	0	118
12 PM	126	33	1	0	0	0	0	0	0	0	0	0	0	0	160
13:00	67	101	5	0	0	0	0	0	0	0	0	0	0	0	173
14:00	60	95	10	0	0	0	0	0	0	0	0	0	0	0	165
15:00	135	128	4	0	0	0	0	0	0	0	0	0	0	0	267
16:00	180	84	2	0	0	0	0	0	0	0	0	0	0	0	266
17:00	243	0	0	0	0	0	0	0	0	0	0	0	0	0	243
18:00	200	0	0	0	0	0	0	0	0	0	0	0	0	0	200
19:00	167	10	0	0	0	0	0	0	0	0	0	0	0	0	177
20:00	51	89	6	1	0	0	0	0	0	0	0	0	0	0	147
21:00	20	61	3	0	0	0	0	0	0	0	0	0	0	0	84
22:00	15	41	3	0	0	0	0	0	0	0	0	0	0	0	59
23:00	15	55	1	0	0	0	0	0	0	0	0	0	0	0	71
Total	1782	1384	76	1	0	0	0	0	0	0	0	0	0	0	3243
Grand Total	1782	1384	76	1	0	0	0	0	0	0	0	0	0	0	3243

15th Percentile :	5 MPH
50th Percentile :	11 MPH
85th Percentile :	17 MPH
95th Percentile :	19 MPH

Stats

Mean Speed(Average) :	12 MPH
10 MPH Pace Speed :	7-16 MPH
Number in Pace :	1956
Percent in Pace :	60.3%
Number of Vehicles > 25 MPH :	6
Percent of Vehicles > 25 MPH :	0.2%

W7-413

APPENDIX 5

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION
METROPOLITAN POLICE DEPARTMENT

August 20, 2014

Blanche Bruce
Interim Inspector General
Office of the Inspector General
717 4th Street, NW
Washington, DC 20005

Dear Ms. Bruce

We are writing in response to the Office of the Inspector General's (OIG's) DRAFT *Report of Special Evaluation: Parking and Automated Traffic Enforcement Tickets – Part I: Ticket Issuance Practices* (Report). This letter provides the responses to the Report from the Department of Transportation (DDOT) and the Metropolitan Police Department (MPD); the Department of Public Works (DPW) sent its responses in a separate letter.

The Report starts from the premise that the District of Columbia's Automated Traffic Enforcement (ATE) program is an inherently flawed traffic safety strategy, and builds upon that biased premise with editorializing, cherrypicked details, and unsubstantiated speculation that the program is solely about raising revenue. The Report ignores the strong public support for a program that ensures the safety of all roadway users and, instead, reads as if it were written to justify the flouting of traffic laws with impunity.

Indeed, the Report casually mentions the key aspect that clearly demonstrates the actual intent and value of the District's ATE program: In the past decade, while the District's population has increased by 13 percent,[1] fatalities resulting from traffic collisions have plummeted by more than 70 percent and injuries have dropped by one-third.[2] The District's growing population is both bringing more cars into the city, as well as increasing the reliance on travel by foot, bicycle, and scooter.[3] In addition to increased travel on District roadways, new development and entertainment zones are emerging in different areas of the city. Once developed, these areas create more congestion day and night, which is why the safety of all road users is the paramount concern of traffic enforcement.

The Report's basic premise demonstrates a fundamental misunderstanding of the purpose of the ATE program and traffic safety enforcement in general: The goal is not to reduce traffic violations at a single location or time of day; the goal is to modify driver behavior throughout the District so that pedestrians, bicyclists, and other motorists are safer while using the roadways. And the indisputable facts show the ATE program is working: In addition to far fewer collision-related fatalities and injuries, speed-related traffic collisions are on a clear downward trend over

[1] District population in 2000: 572,059 (http://censusviewer.com/city/DC/Washington); District population estimate in 2013: 646,449 (http://www.washingtonpost.com/local/dc-region-continues-population-growth-us-census-finds/2014/03/27/81645516-b5c3-11e3-8020-b2d790b3c9e1_story.html).
[2] Traffic Safety Statistics Report for the District of Columbia (2010-2012), Figures 3.3 and 3.4.
[3] http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/pedestrianmasterplan_2009.pdf

the past three years.[4] This is essential to ensuring public safety because although speed accounts for only three percent of all traffic crashes, it accounts for 21 percent of all fatalities and nine percent of all injuries.[5] And according to the National Highway Traffic Safety Administration, although pedestrians account for 27 percent of traffic fatalities nationwide, in the District, due to its purely urban environment, pedestrians account for almost half of all traffic fatalities.[6]

The ATE program is a highly valuable tool in slowing down drivers without needing a police officer to pull vehicles over, which contributes to traffic congestion and endangers officers and the general public. The value in slowing drivers down is not simply for their own safety, but also for the safety of all other roadway users. Having drivers moderate their speeds by just a few miles an hour increases pedestrian survival rates significantly. For example, an adult pedestrian hit by a car going 30 miles per hour (mph) has an 80 percent chance of living.[7] If the car is going 40 mph, there is more than an 80 percent chance that the pedestrian will be fatally injured. Traffic safety is hugely important with the population and development in the District rising, and a larger number of vehicles, bicycles, and pedestrians sharing the roadways.

Although the Report purports to be concerned about the need to "instill public trust" and "increase program acceptance" in the ATE program, it ignores an April 2013 survey that found District residents support the ATE program by huge margins. In the survey conducted by the Insurance Institute for Highway Safety, some 90 percent of District residents said they considered drivers running red lights and stop signs, speeding, and not yielding to pedestrians to be serious threats to their personal safety.[8] More than 90 percent of residents were aware of the District's ATE program, with 87 percent supporting the red light cameras and 76 percent supporting speed limit ATE cameras. Complaints about the District's ATE program generally come from those relatively few people who feel entitled to speed on District streets or run red lights without being held accountable for their endangerment of pedestrians, bicyclists, and other motorists.

Additionally, the Metropolitan Police Department's (MPD's) ATE program staff regularly receives requests from Councilmembers, Advisory Neighborhood Commissions (ANCs), neighborhood associations, and community groups requesting installation of ATE cameras at specific locations because of traffic safety concerns. The January 2014 *Speed Limit and Safety Nexus Studies for Automated Enforcement Locations in the District of Columbia* ("2014 Safety Nexus Study") submitted by the District Department of Transportation (DDOT) to the Council listed a number of proposed ATE locations that were suggested by District elected officials or the public and which were reviewed to determine if there was a safety nexus. Contrary to the Report's flawed assumption, there is widespread support for the District's ATE program among residents because they know it is the most efficient method of traffic safety enforcement, with no

[4] Traffic Safety Statistics Report for the District of Columbia (2010-2012), pages 59-60.
[5] Traffic Safety Statistics Report for the District of Columbia (2010-2012), pages 61-62.
[6] National Highway Traffic Safety Administration Traffic Safety Facts, District of Columbia 2007-2011, http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/11_DC/2011/11_DC_2011.PDF.
[7] *Killing Speed and Saving Lives*, UK Department of Transportation, London, England.
[8] "D.C. residents agree red light cameras, speed cameras make streets safer in nation's capital, IIHS survey reveals", IIHS News, April 25, 2013 (http://www.iihs.org/iihs/news/desktopnews/d-c-residents-agree-red-light-cameras-speed-cameras-make-streets-safer-in-nations-capital-iihs-survey-reveals).

concerns that the ATE cameras are biased against a vehicle driver based on race, ethnicity, or type of car. The ATE cameras focus solely on whether a traffic violation has occurred.

The Report approvingly cites other jurisdictions' requirements that their ATE programs can only operate at a few locations or during a few hours on a few days of the week.[9] However, the recent Traffic Safety Statistics Report for the District of Columbia (2010-2012), prepared by Howard University's Transportation Safety Data Center, makes clear that the kind of severely-limited ATE program that the Report advocates would be ineffective at ensuring safety in the District. Most traffic collisions in the District occur during the morning and evening rush hours at a variety of locations, as well as late at night on weekends. The traffic safety study also found that 68 percent of all traffic collisions occur at or within 100 feet of an intersection, with 38 percent occurring at or close to a signalized intersection.[10] Limiting ATE cameras to a handful of locations would do nothing to ensure public safety and would instead encourage unsafe driving by significantly curtailing enforcement of traffic laws.

Although the Report raises the specter of "MPD's seemingly unbridled authority" in deploying ATE equipment throughout the District, using that same logic, it should have also recommended that an MPD officer's similar "unbridled authority" to issue citations for moving violations, or reckless driving, or littering from a vehicle, or drunk driving anywhere in the city should also only be done after a public notice and comment period and with sufficient warning signs posted along the roadways. Likewise, when law enforcement officers are deployed to deal with issues such as increases in robberies or burglaries, MPD doesn't first wait for the completion of a long bureaucratic review process; officers are deployed to deal with threats to public safety based on requests for service, data analysis, and expert assessments. The same concept applies to the ATE program and traffic violations.

Additionally, the Report argues that the ATE program's issuance of citations is fraught with uncertainty and arbitrariness, yet it also notes approvingly that the MPD review process exceeds national best practices standards,[11] catches many potential errors, and has evolved to respond to issues like "multiple vehicles" in the photograph. Although most would conclude that this is evidence of the ATE program staff continually refining their quality control processes to ensure consistent and fair enforcement results, the Report instead believes this demonstrates confusion.

While the Report is purportedly concerned with the ATE program's acceptance by the public, MPD's ATE program staff has received hundreds of requests over the past several years from community members asking for ATE camera installation in their neighborhood because of concerns over traffic violations. Some of the recent requests:[12]

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[9] The Report notes that Virginia prohibits ATE cameras that enforce speed limits and significantly restricts ATE cameras enforcing red light violations; Maryland allows speed limit ATE cameras only around schools and road work zones; Illinois and California prohibit speed limit ATE cameras; and New York City allows speed enforcement cameras only around a few school zones for a few hours a day.

[10] Traffic Safety Statistics Report for the District of Columbia (2010-2012), page 56.

[11] See, Report 34-36. Also, the several additional quality assurance reports mentioned on page 36 of the Report are now being done.

[12] For residents who are not elected officials or the heads of organizations, we have used only their initials to protect their privacy.

- "The [Pedestrian Advisory Council] supports expanding the District's photo enforcement program as a way to ensure that drivers comply with speed limits, red lights, stop signs, and crosswalks, thereby creating a safer walking environment. The evidence has shown that this program has worked in incentivizing compliance across the city." – Comments of the Pedestrian Advisory Council on moveDC, DDOT's multimodal long range transportation plan.
- "ANC 6B seeks assistance with any and all measures to improve pedestrian safety at [8th and D Streets, SE]. We appreciate your assistance in quickly implementing the suggested camera." – ANC Chairperson Brian Flahaven, ANC 6B.
- "Thank you for installing the traffic camera on North Portal. Please consider speed cameras along West Beach, Sudbury and Primrose since these are heavily used streets during the rush hour by speeding vehicles. Thank you for your dedicated work and your response to the North Portal neighbors expressed concerns regarding speeding vehicles, safety of our children and neighbors crossing North Portal." – ANC Commissioner Acquenetta Anderson, SMD 4A01.
- "My constituents have a deep concern about speeding on Cathedral Avenue, on the portion of the road immediately west of Connecticut Avenue and up through 29th St., NW. The speeds commuting drivers use on this narrow road is totally unacceptable. I would ask you to consider placing a mobile speed camera on this stretch of road." – ANC Commissioner Jeff Kaliel, SMD 3C03.
- "There is a stop sign at the corner of 28th and R, NW, which is often ignored. This is a busy street, with active vehicle and pedestrian (often with dogs) traffic. There is a hatched cross walk. Still, cars run that stop sign in both directions on a routine basis. The neighbors are concerned. I understand from MPD that the city does use stop sign cameras. Is this so? Can I apply for one on behalf of my constituents?" – ANC Commissioner Ellen Steury, SMD 2E07.
- "Given the number of senior citizens, mobility-impaired, and small children in the area, there is a tremendous amount of support in the community for making RIA-NE a more pedestrian-friendly zone. And yes, there is an automated speed unit at Thayer now. Thank you for that! Is it, by any chance, also catching the cars that ignore the pedestrian crosswalks? That is of equal (if not greater) concern as speed in that particular area." – [redacted], Rhode Island Avenue, NE Main Street.
- "I am writing to let you know that the 150 foot stretch of Nannie Helen Burroughs Ave. NE between Kenilworth Terrace and the southbound exit ramp from the Anacostia Freeway (DC-295) desperately needs photo enforcement to deter drivers from running red lights, blocking the box, and dangerously ignoring pedestrians' right of way. As a pedestrian who walks through all those intersections daily on my [way] to and from the Minnesota Ave Metrorail station, I can tell you it's scary." – [redacted] Eastland Gardens Civic Association.
- "Thanks for installing a camera on South Dakota Ave by the Perry Street and LAMB schools! This morning, the crossing guard told me that 'it's her best friend right now!'" – J.L., Ward 5 resident.
- "I chose my house because I liked the neighborhood and thought it would be safe for my family. Unfortunately, the traffic on Southern Avenue is frighteningly fast. I am afraid to get out of my car when I get home and I am often kept awake at night with the sounds of the speeding traffic including trucks and busses. It sometimes sounds like a drag race. I

also, understand that a child was hit by a car and killed in the past. I have been told by DC Department of Transportation, that it is not possible to install speed bumps on my street because it is a main thoroughfare. I am writing to you to obtain information about having speed cameras installed in my neighborhood. Please advise me of any next steps I need to take in order to start the process for speed camera installation." – M.P., Ward 7 resident.

- "Please consider this request for a speed/radar car in the 2800 block of Monroe Street NE to monitor speeding vehicles. Due to the traffic lights at the intersection of Rhode Island Avenue, Monroe, and 28th Streets NE, drivers travel in both directions on Monroe and cross RI Ave. at high rates of speeds, mostly in attempts to make the traffic lights even though many cross the intersection when the lights are yellow and/or red. Drivers turn onto Monroe from RI or cross RI onto Monroe at such high speeds, that my neighbors and I are extremely concerned about the safety of the young children playing in our block, and getting into our driveways safely or just parking safely curbside." – P.M.G., Ward 5 resident.
- "The Block Association is requesting complete four way stop sign cameras at the corners of Kansas Ave, NW Hamilton Sts. NW, and the 5100 and 5200 Blocks NW. The morning and evening rush hours have been very dangerous for us, the seniors and children." – W.H., Ward 4 resident.
- "The other location in the neighborhood with absolutely excessive speeding (particularly after rush-hour and late at night) is both inbound (south) and outbound (north) on Michigan Avenue at its intersection with South Dakota. Routine red-light running and speeding to make the light are common, and it is a significant hazard for pedestrians. Both inbound and outbound could use speed cameras." – T.L., Ward 5 resident.

Finally, the Report seems to argue that if only there were more traffic signs in the District, there would be little need for ATE cameras to catch violators. But this unsupported speculation rests on a mistaken belief that compliance without enforcement is a realistic outcome. Instead, the significant reductions in traffic collision-related fatalities and injuries, as well as the reduction in speeding on District roadways, clearly shows increased compliance with traffic laws results from changing driver behavior by ensuring that enforcement is consistent, widespread, and accurate.[13]

The agencies' specific responses to the Report's list of findings and recommendations follow. Please note that the Report's recommendations numbers 6 and 7 were addressed by DPW in its separate response.

1. ***A January 2014 report to the D.C. Council, which was intended to "instill public trust that speed cameras are installed by the D.C. government to improve safety and not just increase local revenues," justified the need for speed cameras at all 241 planned/ proposed locations that were studied. However, at nearly half of those locations, the 85th percentile speed–a common traffic engineering benchmark–was at or below the posted speed limit.***

[13] Attached as an Addendum are responses by DDOT to specific ATE camera locations referred to in the Report.

(1) ***That the Chief of MPD (C/MPD) and the Director of DDOT (D/DDOT), to bolster public trust in the District's automated speed enforcement program, critically evaluate the January 2014 traffic safety study protocol and its results, and request and document further justification prior to installing ATE equipment at any of the planned or proposed locations addressed in the study.***

MPD and DDOT Responses:

Disagree. The methodology used in the 2014 Safety Nexus Study was thorough and accurately reflects the findings of traffic safety experts. Moreover, the Report fundamentally misunderstands the role of the 85th percentile speed analysis in determining whether a specific location should have an ATE camera.

While the District does use vehicular speed as a factor in its determination of whether to place an ATE camera at a location, this is not the sole factor in making traffic safety determinations. Instead, the study conducted a comprehensive review of speed data, accident data, injuries and fatalities resulting from collisions, speed-related crashes, site characteristics, bicycle and pedestrian traffic generators, and overall traffic operations.

The Report is critical about the presence of ATE cameras at locations where the average roadways speeds are at or below the 85th percentile.[14] This is a curious complaint since any driver complying with the posted speed limits at that location does not run the risk of being ticketed for speeding. The Report fails to appreciate that a location with an ATE camera and vehicles traveling at the speed limit is evidence of modified driver behavior, which has resulted in lower – and safer – speeds on roadways. This is a clear indication that the ATE program is working as intended.

(2) ***That the D.C. Council, following collaboration with MPD, DDOT, and outside subject matter experts, amend the D.C. statute that authorizes the use of ATE to:***

- (1) ***Require a robust justification, accompanied by traffic data, of the need for an ATE device at a planned location;***
- (2) ***Within a reasonable period following installation of the device, require a statistical analysis of the impact of the device on traffic safety at the location; and***
- (3) ***Make all of these documents readily available to the public on DDOT's website.***

MPD and DDOT Responses:

(1) & (2) Agree in part. The 2014 Safety Nexus Study is a comprehensive technical report that identified factors between planned ATE locations and ensuring traffic safety.[15] The methodology used to create the 2014 Safety Nexus Study was thorough and accurately reflected the findings of traffic safety experts, who utilized accepted standards and practices outlined in the following:

[14] Of the 241 locations studied, 87 already had an ATE camera.
[15] The Report is available on the DDOT website: http://ddot.dc.gov/node/766092.

(a) Federal Highway Administration (FHWA) Manual on Uniform Traffic Devices;
(b) American Associate of State Highway and Transportation Officials (AASHTO) Green Book;
(c) Transportation Research Board/FHWA Highway Capacity Manual;
(d) Institute of Transportation Engineers Standards and Guidance Documents;
(e) AASHTO Highway Safety Manual; and
f) DDOT Engineering/Design Manuals, Crash Statistics Report, Commercial Vehicle Crash Statistic Report, Traffic Count Data and Speed Studies.

DDOT and MPD agree that it would be helpful to provide the public with additional documentation for each of the proposed and planned ATE locations to more thoroughly explain the various traffic and safety engineering factors used in such analyses. MPD is working with the Office of the Chief Technology Officer (OCTO) to provide additional information for each of the ATE locations listed on OCTO's GIS webpage, which is publicly available at http://atlasplus.dcgis.dc.gov, including numbers of tickets issued.

However, the need to deploy resources to ensure public safety must continue to rest with the Chief of Police and transportation safety experts. Mandating burdensome and time-consuming reports, analyses, and additional layers of bureaucracy will not protect users of the District's roadways. Residents expect and demand safe streets, not a never-ending series of hyper-technical reports before any action can be taken. ATE cameras are public safety resources that are deployed in real time as the need arises and based on a review of community requests, history of traffic collisions, speeding factors, and safety considerations such as proximity to schools, parks or recreation centers, bike lanes, and crosswalks.

As we have repeatedly stated, the goal of the ATE program is not a one-time or short-term stationing of ATE equipment at a single location to operate for a few hours a day; the point is to modify driver behavior throughout the entire city by constant and effective enforcement of traffic violations. The simplest way for a driver to avoid a ticket for speeding, red light running, or running a stop sign is to just not do it.

(3) Agree. Both agencies agree that all existing documentation be made publicly available online – and this is currently done. The 2014 Safety Nexus Study is available on the DDOT website[16] and MPD provides information on the type and location of every ATE camera in the District on its website.[17]

2. ***The D.C. Code and DCMR are silent with regard to other important ATE program issues that should be addressed in the statute or regulations, such as the confidentiality and retention of violation images, as well as limitations on camera operations and the information captured by them. That the D.C. Council, after conferring with MPD and DDOT, consider inserting language in the D.C. Code to codify key ATE program elements, including, but not limited to:***

[16] http://ddot.dc.gov/node/766092.
[17] http://mpdc.dc.gov/page/dc-streetsafe-automated-traffic-enforcement

(1) ***The confidentiality of and limitation on uses of all images and other information collected by the District's ATE program;***
(2) ***Guidelines and timeframes for the retention and destruction of all images and videos captured by the District's program equipment;***
(3) ***Limitations on the number of cameras that can be placed in the District and their hours of operation;***
(4) ***The requirement for a site-specific safety study prior to each new camera placement; and***
(5) ***The requirement for a sign at every location where ATE equipment is deployed.***

MPD and DDOT Responses:

(1) Agree in part. MPD is respectful of an individual's privacy and recently hired a Privacy Officer who will coordinate and manage the creation of strong privacy policies and protocols to implement new technological tools. The Department follows federal regulations[18] on the retention of images with personally-identifiable information. Under these federal provisions, such images are destroyed after 90 days if there are no pending administrative hearings or any other matter involving a criminal predicate. MPD's Privacy Officer will review ATE policies to ensure it is in compliance with federal requirements.

(2) Agree in part. As noted in the previous response, MPD's policy on the retention of images with personally-identifiable information is governed by federal requirements. In situations where no citation is issued by MPD's ATE program staff, the ATE camera images are deleted after approximately 60 days. For situations where a citation is issued to a vehicle owner for traffic violations, the images of the violation are maintained by the Department of Motor Vehicles pursuant to its own retention policies. Additionally, while the ATE images are under the control of MPD, only ATE program staff and the program vendors have password-protected access to them. This protects confidentiality and limits access to the images by any non-ATE program personnel.

(3) Disagree. MPD and DDOT disagree with the OIG recommendations on limiting the number of ATE camera locations or hours of operation. We believe that this recommendation demonstrates a fundamental misunderstanding of the ATE program and how to effectively and consistently ensure traffic safety. As has been noted, the goal of the ATE program is not to reduce traffic violations at a single location or time of day; the goal is to modify driver behavior throughout the District so that pedestrians, bicyclists, and other motorists are safer while using all roadways. And the facts show the ATE program is working. The District has experienced significant reductions in collision-related fatalities and injuries, and speed-related collisions are on a clear downward trend.

(4) Disagree. As noted in the response to OIG Finding #1, the need to deploy resources to ensure public safety rests with the Chief of Police and transportation safety experts. While a site justification can be produced, mandating that the District government simply take no enforcement action until such a report is requested, procured, reviewed, released for public

[18] 28 CFR Part 23.

comment, revised further, and then released in final format would be a severe impediment to the timely and necessary deployment of a public safety resource.

(5) Disagree. MPD and DDOT adhere to the requirements of D.C. Official Code § 50-2201.31, which require signs posted throughout the District to give notice to motorists that the District is a strict traffic enforcement zone and uses ATE cameras for moving violations. In addition to there being signs warning motorists of photo enforcement posted on many speed limit signs throughout the city, at each location where an ATE speed enforcement camera is deployed, there is a sign adjacent to the speed limit sign giving notice of automated enforcement.

3. ***Guidelines used by MPD reviewers to decide whether a speeding violation occurred lack precision and, in certain situations (e.g., when multiple vehicles are captured in an image), reviewers' decisions are arbitrary and inconsistent, which raises a concern that some photo-enforced speeding tickets are issued without a conclusive determination of the violating vehicle or that a violation has occurred.***

> ***That the C/MPD instruct violation reviewers to not issue a speeding ticket in any instance where the violation images capture more than one vehicle traveling in the same direction; write and implement a more precise "multiple vehicles" business rule that clearly documents this policy; and confer with ATS and its other technology vendors to determine whether all currently deployed speed enforcement equipment can be used more precisely, e.g., to target only one lane of travel at an enforcement location.***

MPD Response:

First, it is important to note that the ATE program staff carefully reviews any images containing multiple vehicles before approving the issuance of a citation. Citations are issued to vehicle owners only when the program staff can identify the vehicle they believe has committed a traffic law infraction.

Second, in a highly urbanized jurisdiction like the District, there are often multiple vehicles traveling on the same roadway. The Report urges the prohibition of any citations if any ATE camera photographs more than one vehicle in its frame. But if the District followed the Report's recommendation, it would become nearly impossible to enforce traffic violations against any vehicle unless that vehicle was the only vehicle on the roadway.[19]

MPD agrees on the need to use the best technology and to have sufficient quality control mechanisms in place to ensure accuracy and consistency. But not every instance of multiple vehicles in an image should automatically result in ticket dismissal. Instead of a blanket amnesty policy as recommended by the Report, new technology being deployed at ATE camera locations clearly shows which vehicle is the one detected speeding when more than one vehicle is captured in the image. MPD is deploying these ATE cameras at locations with more than one lane of traffic in either location, which will address the Report's concerns about "multiple vehicles" without providing a free pass to drivers committing traffic violations. For ATE cameras using the

[19] Presumably, the Report's same logic would apply to any officer that observes traffic violations where there are multiple vehicles traveling close to one another.

older technology, they are deployed at locations with one lane of traffic in either direction. MPD believes this change in technology and policy addresses the Report's concerns about "multiple vehicles."

4. ***MPD issues a moving violation ticket even if the vehicle make and model information on the registration does not match the vehicle captured in the violation images. This practice can lead to the issuance of erroneous tickets; in similar instances, other jurisdictions do not issue tickets.***

> ***That the C/MPD instruct MPD reviewers to not issue a ticket unless both the vehicle make and model in the violation images match the make and model information obtained through MPD's license plate search procedures; ensure that MPD's violation review business rules and all training materials clearly articulate this policy; the D.C. Council insert language into the D.C. Code and/or DCMR stating that if the make and model of a violating vehicle captured by ATE equipment does not match the make and model of the vehicle identified by license plate search procedures, then the District will not issue a ticket.***

MPD Response:

Agree in part. On some occasions, ATE program staff may issue citations to a vehicle whose tags, make and model in the image do not match the make and model information in a vehicle registration database. In issuing citations for "mismatched" tags, the experience of MPD officers and ATE program staff has been that vehicle owners may switch their vehicle tags from one vehicle to another, often to avoid the consequences of driving an unregistered vehicle.

Although the Report states that it "frequently receives correspondence from out-of-state motorists insisting that their vehicle is not the violating vehicle", ATE program managers are unaware of any of these "frequent" complaints having been forwarded to them for review and resolution. Additionally, the Report fails to quantify the frequency with which OIG has received these types of complaints or how OIG has attempted to resolve them.

MPD will amend its ATE policy to require that when an image captures a vehicle with tags, make and model that do not match the information in the vehicle registration database, it shall be subject to a second level of review before a citation is issued to the vehicle owner. During the second level of review, staff will seek to determine the reason for the mismatch. If the cause of the mismatch can be identified and corrected (such as, for example, an erroneous recording of the tags or the vehicle's make or model, or the tags belong to the same owner as vehicle in the image), the citation will be issued. However, if the cause of the mismatch cannot be identified, then the citation will be dismissed by ATE program staff and not issued to the vehicle owner.

5. ***MPD officers who use handheld electronic devices to issue parking and moving violation tickets need written guidance on capturing photographic evidence.***

> ***That the C/MPD mandates MPD officers' increased use of handheld devices to photograph and document parking and moving violations; submit proposed rulemaking to amend the DCMR to include provisions for when officers should***

capture photographic evidence to document parking and moving violations; create and promulgate internal policies and procedures for capturing images and other information with the handheld devices to better document parking and moving violations; and train officers on any new policies and procedures.

MPD Response:

Agree in part. MPD does not agree that the Report's recommendation for mandating the use of handheld electronic devices to all officers is in the public interest or a responsible use of public funds.

For moving violations, mandating that an officer take a photograph of the violation as it is occurring while using a handheld device is neither feasible nor necessary. It would be impractical to expect an officer to be able to properly photograph speeding or red light running as the infraction is occurring. In addition, any ticket issued by an officer would be to the vehicle driver and would be based on the information contained on the individual's driver license; this negates concerns about incorrectly identified plates or the vehicle's make or model.

For parking violations, MPD will review the ATE program policy on the use of handheld electronic devices by MPD officers.

Additionally, the use of photographic evidence program is simply a courtesy to vehicle owners. It does not – and should not – change the evidentiary requirements for establishing a prima facie case for parking violations.

8. ***TCOs lack written instructions about key facets of ticketing operations, foremost being how they should take photographs of violating vehicles, which has led to glaring inconsistencies in TCOs' ticketing practices. The OIG team also noted numerous inconsistencies between DDOT's and DPW's ticketing operations.***

That the D/DDOT promulgate new, comprehensive policies and procedures that address situations commonly encountered by TCOs, including but not limited to: writing a ticket for a vehicle parked at a broken meter; documenting a violation after a motorist drives away before the TCO has finished writing the ticket; testing a meter before issuing a parking ticket; and reporting a broken parking meter.

DDOT Response:

Agree. Although DDOT's current Training Manual addresses all aspects of ticket-writing, including, but not limited to, photographing of violating vehicles; writing a ticket for a vehicle parked at a broken meter; documenting a violation after a motorist drives away before the Traffic Control Officer (TCO) has finished writing the ticket; testing a meter before issuing a parking ticket; and reporting a broken parking meter, an update of the TCO Training Manual and Standard Operating Procedures (SOP) has been initiated to provide a higher degree of standardization in procedures. This initiative will promote uniformity, streamline operations, and improve the quality of service to the public. The project, which started on May 30, 2014, has a

seven-month schedule. Final SOPs are scheduled to be delivered to DDOT in late January 2015.[20]

As the recommendation pertains to photographing parking violations, it should be noted that the photographic evidence program was instituted mainly as a courtesy to motorists. It was not intended to change the evidentiary requirements for establishing a prima facie case for a parking violation. Once a motorist challenges the ticket, he or she may rebut the prima facie evidence by proving that the violation was issued in error through the adjudication process. As far as DDOT and DPW are aware, there is no jurisdiction in the country that requires parking officers to take pictures as part of the ticketing process.[21]

DDOT will work with DPW to ensure uniformity with DPW when applicable.

9. ***TCOs are not required to take photographs that document parking and moving violations, nor do they have written procedures describing the types and number of photographs that would best support the violations they encounter.***

> ***That D/DDOT promptly write and implement policies and procedures, and train TCOs on them, for photographing parking and moving violations. Further, to improve consistency and uniformity between DDOT's and DPW's ticket writing processes, D/DDOT should coordinate a review of the new policies and procedures by DPW's Parking Enforcement Management Administration. That way, regardless of whether the ticket for a particular parking violation is issued by DDOT or DPW, the photographic evidence presented to the motorist will be consistent.***

DDOT Response:

Agree. DDOT will take corrective action to address training issues. DDOT is in the process of implementing a refresher training course as a performance goal for TCOs. Under the new TCO Performance Measurement Plan, when a supervisor identifies a deficiency in TCO performance, refresher training will be mandatory for that TCO.

In regards to photographing violations, each TCO is currently trained on how to take appropriate pictures in conjunction with writing tickets. When errors are found, the individual is counseled on how to take appropriate and accurate photographs through a retraining process. DDOT is currently working on updating TCO SOPs and training manual to address this issue. However, it

[20] Additionally, the Report indicates that certain exemptions for ticketing government vehicles have no basis in law or regulation. However, Traffic Control Officers (TCOs) follow D.C. Official Code § 50-2201.03 (which regulates Councilmember and Congressional parking), 18 DCMR § 2420.3 (which regulates ANC parking), and the DDOT memorandum, which is referenced in the Report and provides appropriate guidance for Congressional and Councilmember vehicles. DDOT is currently updating the TCO Training Manual and Standard Operating Procedures (SOP) to provide additional guidance to TCOs.

[21] On page 7 of the Report, it states that "[v]iolation images are the only assurance a motorist has that his or her ticket was correctly issued". However, the ticket itself provides adequate details regarding the elements of the violation. In addition, a ticketed motorist should be able to determine without photographs whether or not he or she violated a parking regulation because the ticket is placed on his or her vehicle, with the details of the violation, and he or she can then clearly see whether the citation is accurate.

needs to be reiterated yet again that the parking photographic evidence program was instituted mainly as a courtesy to motorists; it was not intended to change the evidentiary requirements for establishing a prima facie case of a parking violation. DDOT will work with DPW to ensure that uniformity of procedures is in place in regards to parking enforcement where appropriate.

10. DDOT does not closely monitor transaction fees paid to Parkmobile, or track and analyze Parkmobile complaint data.

> ***That the D/DDOT establish systems and assign responsibility for monitoring on a monthly basis: (1) the transaction fees paid to Parkmobile and (2) the number and types of complaints lodged with both the District's and Parkmobile's customer service entities.***

DDOT Response:

(1) Agree. Since the release of the Report, DDOT has established a specified reporting arrangement with the OCFO to review revenue deposit statements, automatically delivered from Parkmobile's Merchant of Record, Heartland Services. On a monthly basis, the Merchant of Record will be required to deliver a reconciliation report verifying that all associated transaction fees from Parkmobile meter payment services match daily deposit totals. The OCFO has assigned an Accounting Officer to closely monitor Parkmobile's reporting and will advise DDOT on activities and discrepancies.

(2) Agree. DDOT will coordinate with the Parkmobile and the District's customer service divisions (i.e., 311) to develop a schedule and procedure for documenting all complaints.

We appreciate the opportunity to provide this information to you. Should you have additional questions, please feel free to contact us.

Sincerely,

Cathy L. Lanier
Chief of Police
Metropolitan Police Department

Matthew T. Brown
Acting Director
District Department of Transportation

13

Addendum:
DDOT Responses to Specific ATE Camera Locations Referred to in the Report

Report page 20, DDOT Study Intended to "Instill Public Trust" in Speed Cameras Reached:
4800 Texas Avenue, SE

The OIG comments regarding 4800 Texas Avenue SE appear to be critical of the use of non-speed related justifications for ATE placement. The comments fail to recognize that there are numerous variables that are associated with ATE placement. To discount six injury-related accidents over the course of a three-year period demonstrates the Report's fundamental misunderstanding of the 85th percentile speeds as the sole determinant of whether a location merits an ATE camera.

Report page 21, DDOT Study Intended to "Instill Public Trust" in Speed Cameras Reached:
700 block of 26th Street, NE

As mentioned in DDOT Comment #2, the 2014 Safety Nexus Study utilized many factors in making a determination on ATE placement. For this particular location, the following site characteristics provided a weighted finding. There are five (5) schools in the area: Spingarn High School, Browne Education Campus, Phelps ACE High School, Young Elementary School, and Friendship Public Charter School – Blow Pierce Jr. Academy. Schools are known traffic generators and under the Federal Highway Administration (FHWA)'s Safe Routes to School Program,[22] a two-mile buffer from elementary and middle schools are designated Safe Routes.

In addition to being located near schools, the location is in close proximity to the new H Street/Benning Road Streetcar Line. The introduction of this new mode of transportation alone deemed this to be a determination of safety, as all modes of transportation will need to adjust their behaviors to ensure the safe and efficient travel.

Report page 21, DDOT Study Intended to "Instill Public Trust" in Speed Cameras Reached:
27th and K Streets, NW

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[22] *SAFE ROUTES TO SCHOOL PROGRAM* is a federal program that was created to enable and encourage children, including those with disabilities, to walk and bicycle to school; to make walking and bicycling to school safe and more appealing; and to facilitate the planning, development and implementation of projects that will improve safety, and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.
Note: While the SRTS was eliminated by Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141), the Transportation Alternatives Program (TAP) was created and makes eligible SRTS activities and projects. These projects and activities must follow the TAP requirements. However, previously apportioned SRTS funds will continue to be available for their specified period of availability under the same terms and conditions in effect prior to the effective date of MAP-21 until they are obligated, rescinded, or expended.
http://www.fhwa.dot.gov/federalaid/projects.pdf

The audit report cited school distances of more than one mile as being too great of a distance to be considered a factor in ATE placement. Again, it should be noted that FHWA - Safe Routes to School Program defines a safe route as being within two miles of an elementary or middle school. The OIG Report is correct in its assessment of the *"Fashion Institute of Design"* as not a traditional academic campus; however, this revelation does not impact the overall analysis of the site. As this location also had a high crash frequency (nine automobile crashes) that were injury related. There is also significant pedestrian activity in this location due to its proximity to the Rock Creek Park trail system.

Report page 21, DDOT Study Intended to "Instill Public Trust" in Speed Cameras Reached:
6500 block of Western Avenue, NW

The OIG report accurately mentions that speeding and crashes were not major factors at this location; however, the report does not accurately weigh other site specific characteristics associated with traffic safety. These have been outlined in the Executive Summary of the 2014 Safety Nexus Study. This site is residential in nature and there are bus stops nearby, these factors support pedestrian traffic safety. As mentioned previously, although pedestrians account for 27 percent of traffic fatalities nationwide, in the District, pedestrians account for almost half of all traffic fatalities.[23]

[23] National Highway Traffic Safety Administration Traffic Safety Facts, District of Columbia 2007-2011, http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/11_DC/2011/11_DC_2011.PDF.

APPENDIX 6

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PUBLIC WORKS

Office of the Director

August 15, 2014

Blanche L. Bruce
Interim Inspector General
717 14th Street, NW, 5th Floor,
Washington, DC 20005

Re: DPW Response to Parking and Automated Traffic Enforcement Tickets – Part 1: Ticket Issuance Practices

Dear Ms. Bruce:

The Department of Public Works (DPW) has reviewed the "Report of Special Evaluation, Parking and Automated Traffic Enforcement Tickets – Part 1: Ticket Issuance Practices," dated July 2014. Before addressing recommendations that apply to DPW, I would like clarify several points of confusion in the report.

DPW Comment #1, page 55, Background

The mandatory training course for all new parking enforcement officers is described as a 6-week course. In fact, it is a 9-week course. It was noted in a footnote that DPW employees provided conflicting information regarding the length of the training course. The length of the training course has varied over time in response to agency needs. Since 2011, it has been a 9-week course. Prior to 2011, it was a seven-week course.

DPW Comment #2, page 56, Operations Overview

The report states that PEO's have to manually input some information, such as the vehicle license plate number, into the handheld device while some fields populate automatically. To clarify, it should be noted that the fields that populate automatically, such as ticket date, ticket time and fine amount, cannot be changed by the PEO's.

DPW Comment #3, page 60, Parkmobile

The report incorrectly states that DPW does not have a policy on the use of Parkmobile. Parkmobile is not included in PEMA's standard operating procedures (SOPs) because the adoption of Parkmobile was subsequent to the last update of the SOPs. When the District began using Parkmobile, PEOs were trained on the system using the enclosed PowerPoint presentation.

2000 14th Street, N.W., Washington, D.C. 20009 (202) 673-6833

The PowerPoint clearly describes the process for issuing a ticket for an expired meter using that system. Parkmobile information is continuously uploaded to the handhelds operated by the PEOs. If a motorist has paid for parking using Parkmobile, the information is automatically uploaded to the handheld so that the payment status of each vehicle is visible to the PEO as he or she patrols the area.

DPW Comment #4, page 60, Drove Off-Refused Ticket

PEO's are aware that a ticket must be voided when a motorist drives off before the ticket is placed on the vehicle Once the ticket has been placed on the vehicle, subsequent actions by the motorist, such as removing the ticket and throwing it on the ground, do not render it void. To avoid possible influence by motorists, the PEO's are not allowed to void tickets in the field. A PEO seeking to void a ticket must request and receive permission from a supervisor.

DPW Comment #5, page 60, Ticketing Federal and District government vehicles

The report indicates that PEMA lacks guidance on issuing tickets to federal and District government vehicle. PEMA follows the D.C. traffic regulations which are clear in this regard. According to Title 18 DCMR § 2404.11, government vehicles are exempt from the requirement to pay in a metered parking spot. As the report notes, that is the only exemption for federal and District government vehicles. In all other situations, the operators of federal and District government vehicles must obey parking signs by parking legally.

At the time the ticket is issued, PEOs are not aware of the circumstance surrounding the alleged illegal parking. The operator of the vehicle is not present and the PEO must issue the notice of violation based upon his or her observation. The operator of the vehicle can challenge the ticket through DMV's adjudication. At that time, the operators can claim that their business was urgent and that performance of their duties required them to violate the traffic laws.

OIG RECOMMENDATIONS

OIG Recommendation #6

PEMA's procedures and training materials are outdated and incomplete, and in some instances the information/instructions in them do not comport with DCMR parking enforcement regulations.

(1) That the D/DPW directs a comprehensive review and update of PEMA's SOPs and Training Manual.

Agree X **Disagree** _____

2

Comments:

PEMA's revision of the training manual and SOPs began in November 2013 and is ongoing. In addition to the manual and the SOP's, PEO's receive timely updates through roll calls, in-service training, and one-on-one meetings.

(2) That the D/DPW use the updated documents as the basis for proposed changes to the DCMR that incorporate more specific guidance on topics including, but not limited to: (1) ticketing federal and District government and utility vehicles, and (2) PEOs' authority to void tickets while on patrol, so that District motorists and other stakeholders better understand PEOs' discretion while on patrol and the ticketing procedures they are expected to follow.

Agree _____ **Disagree** ___X_____

Comments:

DPW will work with DDOT, the regulatory authority, regarding amending necessary parking regulations. However, no further clarity is needed regarding the issuance of tickets to the federal and District governments. As stated above, the traffic regulations state that federal and District government vehicles are exempt from paying for metered parking. If the PEO observes any other violation, he or she is required to issue a ticket. The operator of the federal or District government vehicle can then adjudicate the ticket through the DMV.

DPW will not give PEO's the authority to void tickets while on patrol. In years past, DPW had a problem with paper tickets and the ease with which they could be voided by PEOs. DPW's current policy is a substantial step towards increasing accountability and integrity in the ticket issuing system. If a PEO in the field had the the authority to void a parking ticket he or she may be tempted to accept a bribe in exchange for this action. Requiring the approval of a supervisor ensures that the PEOs are operating ethically. Further, requiring supervisory approval is an important element of quality control and will help ensure consistency in this area. Finally, the message that PEO's have no discretion in these matters can be clearly conveyed to motorists and other stakeholders.

OIG Recommendation #7

After reviewing a sample of 250 PEMA-issued tickets, the OIG concluded that DPW's TicPix program too often fails to present motorists with the images required by PEMA guidelines. These images are not only evidence of the violation for which motorists were ticketed, but also the only assurance to the public that errors were not made during the ticketing process.

(1) That the D/DPW take immediate steps to improve PEO's compliance with PEMA's requirements for capturing photographic evidence of parking violations.

Agree ___X_____ **Disagree** _____

Comments:

The TicPix program is considered internal guidance, and is not an agency requirement for issuing tickets. At this time, the photographs are posted on-line for at least one year. The OIG review of 250-issued tickets over a period of more than one year is thus not an accurate assessment of the number of photographs taken during that time frame. The TicPix Program has been undergoing business process improvements during the past 120 days. Considerable improvements have begun through more robust training and closer managerial monitoring. This process will be an on-going priority until the error factor is reduced by use of new equipment and daily PEO training.

(2) That PEMA implement a written policy that any parking ticket for which the required number of photographs is not available through DPW's TicPix website shall be dismissed due to lack of evidence (unless the motorist is given a reason why the required number of photos was not available in TicPix).

Agree _____ **Disagree** _____X_____

Comments:

The TicPix program was instituted mainly as a courtesy to motorists. It was not intended to change the evidentiary requirements for establishing a prima facie case for a parking violation. Once a motorist challenges the ticket, he or she may rebut the prima facie case by evidence that the violation was issued in error through the adjudication process. As far as we are aware, there is no jurisdiction in the country that requires parking officers to take pictures as part of the ticketing process.

(3) That the D/DPW propose amendments to the DCMR that: 1) enumerate the number and type(s) of photographs required for issuance of each type of parking violation and made available through the TicPix website; and 2) document PEMA's policy of dismissing any parking ticket for which the required number of photographs is not available through TicPix.

Agree _____ **Disagree** _____X_____

Comments:

For the reasons discussed above, DPW disagrees with the proposal to require photographs as part of the ticketing process.

Through continuing review of business processes, training and technological improvements, DPW's Parking Enforcement Management Administration will continue to provide enforcement of on-street parking laws and regulations to promote pedestrian and vehicular safety, improved traffic flow and increased access to short-term parking at meters and on residential streets.

Should you have further questions, feel free to contact me at (202) 671-6833.

Sincerely,

William O. Howland, Jr.
Director

Enclosure