

**TESTIMONY OF BLANCHE L. BRUCE,  
INTERIM INSPECTOR GENERAL**

**BEFORE THE  
COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEES ON TRANSPORTATION & THE ENVIRONMENT  
AND THE JUDICIARY & PUBLIC SAFETY**

**JOINT PUBLIC OVERSIGHT ROUNDTABLE ON  
THE OFFICE OF THE INSPECTOR GENERAL'S REPORT OF SPECIAL  
EVALUATION ON PARKING AND AUTOMATED TRAFFIC  
ENFORCEMENT TICKETS – PART 1: TICKET ISSUANCE PRACTICES**

**SEPTEMBER 24, 2014**

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GOOD MORNING CHAIRPERSON CHEH, CHAIRPERSON WELLS, AND MEMBERS OF THE COMMITTEES. I AM BLANCHE L. BRUCE, INTERIM INSPECTOR GENERAL FOR THE DISTRICT OF COLUMBIA, AND I AM PLEASED TO SPEAK THIS MORNING ABOUT THE OFFICE OF THE INSPECTOR GENERAL'S (OIG) REPORT ON, *PARKING AND AUTOMATED TRAFFIC ENFORCEMENT TICKETS – PART ONE: TICKET ISSUANCE PRACTICES*. WITH ME TODAY IS EDWARD FARLEY, INTERIM ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATIONS.

**BACKGROUND**

SINCE PUBLICATION OF THIS REPORT EARLIER THIS MONTH, THE DISTRICT'S AUTOMATED TRAFFIC ENFORCEMENT (ATE) AND PARKING ENFORCEMENT PRACTICES HAVE BEEN WIDELY DISCUSSED. INFORMED DIALOGUE ON THESE ISSUES IS CONSTRUCTIVE AND CAN HELP IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF VARIOUS DISTRICT AGENCIES' OPERATIONS. I WANT TO USE THIS OPPORTUNITY TO REITERATE SOME OF THE CRITERIA, BEST PRACTICES, CONCLUSIONS, AND RECOMMENDATIONS PRESENTED IN THE REPORT.

THIS PROJECT WAS IN OUR FY 2013 AUDIT AND INSPECTION PLAN BECAUSE THE OIG RECEIVED CITIZEN COMPLAINTS REGARDING INACCURATE OR IMPROPERLY ADJUDICATED VIOLATIONS, AS THE DISTRICT'S USE OF TECHNOLOGY TO DETECT AND RECORD PARKING AND MOVING VIOLATIONS INCREASED. THE

REPORT IDENTIFIES AREAS WHERE THE METROPOLITAN POLICE DEPARTMENT (MPD), THE DEPARTMENT OF PUBLIC WORKS (DPW) AND THE DISTRICT DEPARTMENT OF TRANSPORTATION (DDOT) CAN IMPROVE CONSISTENCY ACROSS THEIR OPERATIONS AND ENSURE THAT EVIDENCE USED TO SUPPORT THEIR TICKETS IS CLEAR.

ACCORDING TO STATISTICS FROM THE DEPARTMENT OF MOTOR VEHICLES (DMV), ONE (1) OUT OF EVERY THREE (3) PHOTO-ENFORCED TICKETS ADJUDICATED IS DISMISSED. THE PERCENTAGE IS HIGHER, OR 50%, FOR ADJUDICATED PARKING TICKETS THAT ARE DISMISSED. THE AVERAGE CASELOAD FOR A DMV ADJUDICATOR IN FY 2013 WAS OVER 11,000 CASES. THE OIG BELIEVES THAT BY IMPROVING THE ACCURACY OF TICKETING PRACTICES AND THE EVIDENCE PRESENTED TO MOTORISTS, DISTRICT AGENCIES CAN STEM THE ANNUAL INCREASE IN THE NUMBER OF TICKETS THAT ARE ADJUDICATED AND DISMISSED. GIVEN THE EXPENSE (FOR THE DISTRICT) AND THE TIME-CONSUMING NATURE OF THE ADJUDICATION AND APPEALS PROCESSES (FOR THE MOTORIST), THE DISTRICT SHOULD EXPLORE ALL REASONABLE METHODS TO INCREASE THE ACCURACY WHEN TICKETS ARE ISSUED.

## **REPORT HIGHLIGHTS**

**JURISDICTIONAL COMPARISON.** THE REPORT COMPARES THE DISTRICT'S ATE PROGRAM TO FIVE OTHER JURISDICTIONS. THE COMPARISON ENABLES READERS TO UNDERSTAND THE DISTRICT'S ATE PROGRAM IN RELATIONSHIP TO OTHER JURISDICTIONS, AND TO IDENTIFY DISTRICT POLICIES AND PRACTICES THAT MAY WARRANT FURTHER PUBLIC DISCUSSION. UNLIKE OTHER JURISDICTIONS, THE DISTRICT'S ENABLING LEGISLATION IS SILENT ON: LIMITATIONS ON THE NUMBER AND TYPES OF CAMERAS DEPLOYED AND THEIR OPERATION; POSTING NOTIFICATION SIGNAGE AT EVERY LOCATION WHERE ATE EQUIPMENT IS BEING USED; AND THE USE, RETENTION, AND EVENTUAL DESTRUCTION OF IMAGES CAPTURED BY ATE EQUIPMENT. THE REPORT RECOMMENDS THAT THE COUNCIL OF THE DISTRICT OF COLUMBIA (COUNCIL),

AFTER CONFERRING WITH MPD AND DDOT, CONSIDER INSERTING LANGUAGE IN THE D.C. CODE TO CODIFY KEY ATE PROGRAM ELEMENTS EMPLOYED IN OTHER JURISDICTIONS. THE OIG DOES NOT ADVOCATE ANY SPECIFIC ATE PROGRAM IMPLEMENTED BY OTHER JURISDICTIONS.

**FEBRUARY 2014 DDOT SPEED CAMERA STUDY.** IN THE DISTRICT, THE REQUIREMENT OF SITE-SPECIFIC TRAFFIC STUDIES PRE- AND POST- ATE DEPLOYMENT DIFFERS FROM OTHER JURISDICTIONS. WITH REGARD TO SPEED ENFORCEMENT CAMERA SYSTEMS, THE FEDERAL HIGHWAY ADMINISTRATION WRITES:

PUBLIC REACTION TO FIXED AUTOMATED SPEED ENFORCEMENT (ASE) 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.** (EMPHASIS ADDED.)

COUNCIL’S FY 2014 BUDGET SUPPORT ACT OF 2013 REQUIRED DDOT AND MPD TO SUBMIT A JOINT REPORT ANALYZING EXISTING AND PROPOSED LOCATIONS FOR AUTOMATED SPEED ENFORCEMENT EQUIPMENT. THE OVERALL OBJECTIVE OF THE JOINT STUDY, CALLED SAFETY NEXUS, WAS TO “INSTILL PUBLIC TRUST THAT SPEED CAMERAS ARE INSTALLED BY THE D.C. GOVERNMENT TO IMPROVE SAFETY AND NOT JUST INCREASE LOCAL REVENUES.” THE OIG’S CRITIQUE OF THE SAFETY NEXUS STUDY IS NOT A BLANKET INDICTMENT OF THE DISTRICT’S USE OF AUTOMATED TRAFFIC ENFORCEMENT EQUIPMENT. INSTEAD, THE OIG’S FINDINGS AND RECOMMENDATIONS, WHICH ARE ROOTED IN NATIONALLY-RECOGNIZED CRITERIA, ARE INTENDED TO PROMPT ACTIONS THAT WILL

BOLSTER PUBLIC TRUST IN AND THE EFFECTIVENESS OF THE DISTRICT'S ATE PROGRAM.

IN EXAMINING THE SAFETY NEXUS STUDY, OUR REPORT *EXCLUDED* EXISTING SPEED CAMERA LOCATIONS FROM ITS ANALYSIS, AND THEN ANALYZED THE DATA THAT SUPPORTS THE STUDY. IN THE END, THE OIG QUESTIONED THE STUDY'S CONCLUSION THAT THE DEPLOYMENT OF SPEED CAMERAS WAS JUSTIFIED AT ALL 241 *PLANNED AND PROPOSED* LOCATIONS.

THE OIG'S PRIMARY RECOMMENDATION TO THE SAFETY NEXUS STUDY WAS THAT MPD AND DDOT "CRITICALLY EVALUATE THE 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." GIVEN LIMITED PROGRAM RESOURCES, MPD AND DDOT SHOULD MAKE INFORMED DECISIONS ABOUT WHERE TO DEPLOY ATE EQUIPMENT AND PRIORITIZE THOSE LOCATIONS WHERE SPEEDING IS A DOCUMENTED PROBLEM.

**MPD'S REVIEW OF POTENTIAL SPEEDING VIOLATIONS WHEN MULTIPLE VEHICLES ARE PRESENT.** SPEED CAMERA TECHNOLOGY USED IN THE DISTRICT CANNOT INDICATE THE TRAVEL LANE WHEN MULTIPLE VEHICLES ARE ON THE ROADWAY. THAT IS THE PROBLEM. WHEN A SPEED CAMERA IS MONITORING TWO OR MORE LANES OF TRAFFIC MOVING AWAY FROM THE CAMERA, MPD CONTRACTORS AND OFFICERS MUST USE ONE OR TWO IMAGES, OR PHOTOS, CAPTURED BY THE EQUIPMENT TO DECIDE WHETHER A VIOLATION WAS COMMITTED AND DETERMINE WHICH VEHICLE, IF ANY, SHOULD BE TICKETED. ABSENT METHODS TO DETERMINE WHICH VEHICLE WAS SPEEDING OR THAT TWO VEHICLES WERE TOO CLOSE TOGETHER TO JUSTIFY ISSUANCE OF A TICKET, THE OIG BELIEVES THE VIOLATION REVIEW PROCESS HAS LIMITED ACCURACY. OUR REPORT RECOMMENDS THAT MPD INSTRUCT REVIEWERS TO NOT ISSUE A SPEEDING TICKET IN ANY INSTANCE WHERE THE IMAGES CAPTURE MORE THAN ONE VEHICLE, AND TO COLLABORATE WITH ITS TECHNOLOGY

VENDORS TO DETERMINE WHETHER ANY OF THE DISTRICT'S EXISTING SPEED ENFORCEMENT EQUIPMENT CAN BE RECONFIGURED TO MORE PRECISELY IDENTIFY VIOLATING VEHICLES, SUCH AS TARGETING ONLY ONE LANE OF TRAVEL AT A MULTI-LANE ENFORCEMENT LOCATION.

**DPW'S ADMINISTRATION OF THE TICPIX PROGRAM.** IN SEPTEMBER 2011, DPW ANNOUNCED IMPLEMENTATION OF ITS TICPIX PROGRAM, WHICH ALLOWED MOTORISTS, WHO RECEIVED A DPW TICKET, TO SEE IMAGES OF THE VIOLATION AND THE TICKET. THE BENEFITS WERE OBVIOUS: A MOTORIST UNDERSTANDS THE INFRACTION AND MAY BE LESS INCLINED TO CHALLENGE THE TICKET; HELPS PREVENT TICKETING ERRORS; REDUCES THE OPPORTUNITY FOR FRAUD IN A SYSTEM WHERE PARKING ENFORCEMENT OFFICERS (PEOS) ARE EXPECTED TO WRITE LARGE NUMBERS OF TICKETS DAILY; AND IMPROVES THE EFFICIENCY OF THE ADJUDICATION AND APPEALS PROCESSES. THE OIG TEAM IDENTIFIED THE 10 MOST FREQUENTLY ISSUED DPW TICKETS FOR WHICH PEOS ARE REQUIRED TO CAPTURE IMAGES, AND THEN RANDOMLY SAMPLED 25 OF EACH TYPE OF TICKET. THE OIG FOUND THAT 30% OF THE TICKETS SAMPLED DID NOT HAVE ANY IMAGES AVAILABLE THROUGH THE TICPIX SITE. FORTY-TWO PERCENT (42%) OF THE 250-TICKET SAMPLE EITHER HAD NO IMAGE OR THE NUMBER OF IMAGES ON TICPIX WAS LESS THAN THE NUMBER REQUIRED BY DPW POLICY. DPW AGREED WITH THE RECOMMENDATION TO IMPROVE PEOS' COMPLIANCE WITH REQUIREMENTS THAT THEY CAPTURE PHOTOGRAPHIC EVIDENCE OF PARKING VIOLATIONS.

**DDOT TRAFFIC CONTROL OFFICERS' TICKETING PRACTICES.** THE OIG CONCLUDED THAT DDOT'S TRAFFIC CONTROL OFFICERS (TCOS) ARE NOT CONSISTENT IN HOW THEY TICKET VEHICLES PARKED AT A BROKEN METER. SOME TCOS BELIEVE THAT TO PREVENT GETTING A TICKET, A MOTORIST MUST REPORT THE BROKEN METER TO THE DISTRICT'S 311 CALL CENTER AND THEN DISPLAY A CONFIRMATION NUMBER. OTHER TCOS BELIEVE THAT A MOTORIST MAY PARK AT A BROKEN METER, BUT MUST FIRST PAY FOR PARKING THROUGH

THE PARKMOBILE APPLICATION. WHILE OTHERS WILL TIME THE VEHICLE AND ISSUE A TICKET IF IT EXCEEDS THE MAXIMUM AMOUNT OF TIME ALLOWED AT THE METER. THE REPORT RECOMMENDED THAT DDOT ACT IMMEDIATELY TO ISSUE CLEAR GUIDANCE NOT ONLY TO ITS TCOS, SO THAT TICKETING OPERATIONS ARE CONSISTENT, BUT ALSO TO THE PUBLIC, SO THAT MOTORISTS UNDERSTAND THE CONDITIONS UNDER WHICH THEY MAY PARK AT A BROKEN METER.

IN CONCLUSION, AS PREVIOUSLY STATED, THE OIG REPORT IS NOT A BLANKET INDICTMENT OF THE DISTRICT'S USE OF AUTOMATED TRAFFIC ENFORCEMENT TECHNOLOGY. AUTOMATED TRAFFIC ENFORCEMENT TECHNOLOGY IS HERE AND WILL BE AROUND FOR YEARS TO COME. THE TAKE-AWAY FROM THE REPORT SHOULD BE THAT MOTORISTS AND THE PUBLIC DESERVE REASONABLE ASSURANCES THAT DISTRICT ENTITIES AND CONTRACTORS INVOLVED IN ISSUING PARKING AND MOVING VIOLATION TICKETS EMPHASIZE DILIGENCE AND ACCURACY OVER VOLUME AND REVENUE. I ENCOURAGE EVERYONE TO RE-READ (OR READ) THE REPORT, WHICH IS ONLINE AT [HTTP://WWW.OIG.DC.GOV](http://www.oig.dc.gov).

THIS CONCLUDES MY TESTIMONY AND I WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.