



CITY AUDITOR'S OFFICE

Photo Enforcement Contract

June 11, 2015

AUDIT REPORT NO. 1510

CITY COUNCIL

Mayor W.J. "Jim" Lane
Suzanne Klapp
Virginia Korte
Kathy Littlefield
Vice Mayor Linda Milhaven
Guy Phillips
David N. Smith



June 11, 2015

Honorable Mayor and Members of the City Council:

Enclosed is the audit report for the *Photo Enforcement Contract*, which was included on the Council-approved FY 2014/15 Audit Plan. The Scottsdale Police Department's Photo Enforcement Unit manages this contract and the associated violations.

Our review found that certain contract terms have not been monitored or enforced. Images and video for rejected violations have been retained for 30 days rather than for one year as required by the contract. Additionally, the vendor has not fully complied with processing times required by the contract.

The Contract Administrator has not maintained documentation that would assist with effective and efficient contract administration. Further, photo enforcement information and site locations posted on the City's website should be kept current to facilitate public awareness.

Our audit also recommends that the Police Department work with the vendor to identify other methods of classifying criminal violations and monitoring repeat offenders and other types of traffic violations that are not enforceable through the photo enforcement process.

We appreciate the cooperation and assistance of the Police Department and the contracted vendor during the course of this audit. If you need additional information or have any questions, please contact me at (480) 312-7867.

Sincerely,

A handwritten signature in blue ink that reads "Sharron Walker".

Sharron E. Walker, CPA, CFE, CLEA
City Auditor

Audit Team:

Kyla Anderson, CIA, CLEA - Sr. Auditor
Lai Cluff - Sr. Auditor

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EXECUTIVE SUMMARY

This *Photo Enforcement Contract* audit was included on the Council-approved FY 2014/15 Audit Plan. The audit objective was to review compliance with contractual requirements and contract administration for the City's photo enforcement contract with American Traffic Solutions.

Our review found that the vendor billings were generally accurate, with only minor errors. However, certain contract terms have not been monitored or enforced. Images and video for rejected violations have been retained for only 30 days, rather than for one year as required by the contract. About 29% of violations captured by the photo enforcement cameras are rejected, which means they did not result in Notices of Violation or citations. Without the original images and video, it is more difficult to evaluate whether the vendor appropriately rejected violations. Further, reviewers must then rely on the rejection codes that have been entered in the system. In reviewing 100 randomly sampled violation rejections for which images and video were available, we found some inconsistencies in the classification codes used.

Additionally, the vendor has not fully complied with processing times required by the contract. Violations are required to be provided to the Police Department for review within 5 days of the violation. Of approximately 120,000 violations sent to Police between January 2013 and March 2015, 28% exceeded the 5-day requirement. About 2% exceeded 10 days and a small number were delayed more than 50 days. These longer delays were attributed to vendor staff turnover. We did not observe any specific instances where a citation could not be issued because of the delays.

The Contract Administrator has not maintained documentation that would assist with effective and efficient contract administration. Documentation of equipment malfunctions, technical issues with violation processing and images, decisions impacting the photo enforcement process, and resolution of any complaints regarding the vendor or its process service were not available. As well, the Contract Administrator should document any issues involving invoice reconciliation and seek corroborating information to support the amounts billed. Further, photo enforcement information and site locations posted on the City's website should be kept current to facilitate public awareness.

Our audit also recommends that the Police Department work with the vendor to identify other methods of classifying criminal violations and monitoring repeat offenders and other types of traffic violations that are not enforceable through the photo enforcement process. For example, with the use of additional police resources, the department may be able to identify repeat offenders driving business vehicles.

BACKGROUND

The City of Scottsdale has operated a photo enforcement program since 1997. The current vendor, American Traffic Solutions, has been the City's photo enforcement contractor since 2007 and is currently in the third year of a 5-year contract. The program is managed by the Photo Enforcement Unit (Unit) within the Scottsdale Police Department (SPD).

The Unit is comprised of a Manager and 3 Police Aides. All four employees have a law enforcement background and have authority to issue civil traffic citations. SPD issued nearly 44,000 photo enforcement citations during calendar year 2014. Additional assistance is sometimes needed to keep up with the volume of violations, and the SPD may authorize compensatory time or assign officers on light duty. The photo enforcement police aides are also scheduled once a week to meet with defendants prior to testifying in the related court hearings.

Photo Enforcement Cameras

The City's photo enforcement contract includes red light and "speed on green" intersection cameras, left turn on red cameras, and fixed mid-block, mobile (van), and portable tower speed cameras. As of May 2015, SPD deploys 18 fixed cameras, two mobile speed cameras and two portable towers. The mobile speed camera locations usually change weekly and they can be redeployed based upon need. The portable towers are used for school zone enforcement and rotate among Scottsdale school locations on a weekly basis. The Photo Enforcement Program Manager approves the locations for mobile and portable units, and the current schedules are posted on the SPD website. Figure 1 on page 4 shows the fixed camera locations as of April 2015.

Photo enforcement fixed locations are determined in collaboration with the City's Traffic Engineering department. According to traffic engineers, the site selection goal is to reduce the number of collisions and related fatalities. Traffic Engineering reviews data on intersection collisions resulting from red light violations. Sites are selected based on collision history, citizen complaints, and its location relative to other existing photo enforcement sites. In 2013 and 2014, seven new units were added to the program and four were deactivated.

(Continued on next page.)

Photo Enforcement Contract
2012-190-COS
1/1/2013 - 12/31/2017

American Traffic Solutions (ATS)
Photo Enforcement vendor

AAA Photo Safety
Vendor's process service

Figure 1. Photo Enforcement Fixed Site Locations



Fixed Location (North to South)	Type		
	Red Light	Speed	Left Turn
1 EB/WB Dynamite Blvd @ Alma School Rd		X	
2 NB/SB Pima Rd @ Hualapai Dr		X	
3 NB Scottsdale Rd @ Frank Lloyd Wright Blvd	X	X	
4 EB Frank Lloyd Wright Blvd @ Greenway Hayden Loop	X	X	
5 SB Frank Lloyd Wright @ Cactus Rd	X	X	
6 SB Scottsdale Rd @ Shea Blvd	X	X	
7 EB Shea Blvd @ 90 th St	X	X	
8 EB/WB Shea Blvd @ 120 th -124 th St		X	
9 NB Hayden @ Chaparral	X	X	
10 NB Scottsdale Rd @ Thomas Rd	X	X	X
11 EB Thomas Rd @ Hayden Rd	X	X	
12 EB McDowell Rd @ Scottsdale Rd	X	X	X
13 SB Scottsdale Rd @ McDowell Rd	X	X	

SOURCE: Auditor analysis of camera listings as of 4/23/2015 provided by management.

All current photo enforcement sites are on City streets. Since 2012, state law has prohibited municipalities from placing photo enforcement systems on state highways unless the municipality proves the system is necessary for public safety.¹

Photo Enforcement Process

The vendor's technicians review each event captured by the photo enforcement cameras at least two times before they are provided to SPD. The vendor's system creates review queues at each stage of the review process. Events that pass vendor review are moved to the Police Review queue.

The Photo Enforcement Unit reviews the violations in the Police Review queue, examining the evidence and verifying driver information.

¹ Arizona Revised Statutes, Laws 2012, Chapter 75.

Events captured by photo enforcement cameras have several potential outcomes:

- **Rejection** – The vendor or the SPD may reject violations for various reasons, including camera malfunctions, blurry images and obstructed driver faces.
- **Notice of Violation (NOV)** – These are issued when the registered owner of the vehicle is a business or the driver’s image does not match the description or photo associated with the vehicle’s registered owner. NOV recipients are not required by Arizona law to name the driver, but may respond. After receiving a response, driver information is updated for SPD review.
- **Civil Citation** – After reviewing the evidence, the Photo Enforcement Unit may issue a citation. By state law, civil traffic citations must be issued within 60 days of the violation date. Once authorized, the vendor files citations with the Scottsdale City Court, and the vendor’s subcontractor prints and mails the citations to drivers. The citation recipient has 30 days to take one of these actions:
 - Pay the assessed fine
 - Sign a declaration of non-driver denying being the photographed driver
 - Request a hearing
 - Acknowledge the complaint and waive process service
 - Attend defensive driving course (if eligible)

Citation responses return to the City Court, and if the recipient denies being the driver, that response is sent back to the Photo Enforcement Unit. The recipient may choose to identify the driver when signing the declaration of non-driver.

- **Criminal Citation** – Speeding violations that are more than 20 miles per hour over the speed limit may be referred to the SPD motorcycle unit. Officers contact the violators and write criminal speeding citations, which can be issued up to one year after the violation date.

The photo enforcement vendor also provides the following services:

- Telephone support – The vendor’s call center answers citation recipient questions regarding the citation. Other types of questions are directed to SPD or Scottsdale City Court.
- Secure web access to the citation recipient’s violation images and video.

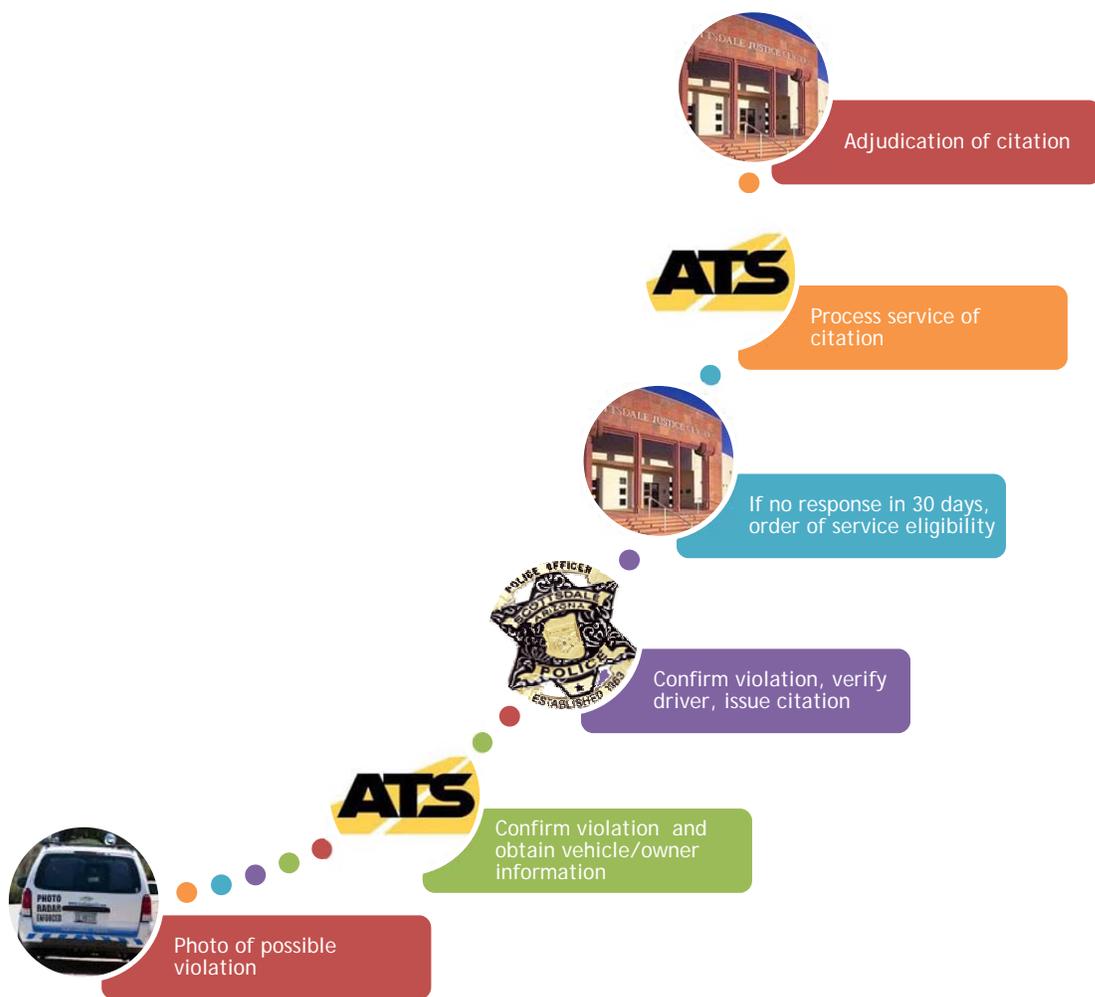
Process Service

When a citation recipient does not respond within 30 days to a mailed citation, it may be served by the vendor’s process server. The City Court system tracks each citation’s process service eligibility, and notifies the vendor through the daily data transfer. The vendor’s process server provides regular updates directly to the City Court, including citations served data and service affidavit images. After successful completion, the vendor bills SPD for process service fees and the Court assesses the violator a process service fee. When the citation has been acknowledged or fines have been paid, the Court sends an electronic “stop service” notice to the process server. In addition to process service, the subcontractor performs skip tracing to locate drivers when mailed citations are returned for bad addresses.

After three attempts at process service when there is evidence the driver lives at the address, the City Prosecutor’s Office may request the Court to authorize alternative service.² If approved, the process server may serve the citation using an approved alternate method such as attaching the citation to the residence’s front door. According to the Photo Enforcement Unit, the City of Scottsdale is currently the only Arizona municipality using alternative service for photo enforcement citations.

The Photo Enforcement process is summarized in Figure 2.

Figure 2. Photo Enforcement Process



SOURCE: Auditor interviews with Police and vendor personnel, observations of system.

² Alternative service is authorized though Rule 4.1 of the Arizona Rules of Civil Procedure.

Program Revenues and Associated Direct Costs

The City Court collects photo enforcement fines as it does with other cases. In FY 2013/14, the Court collected about \$4 million in photo enforcement fines and related fees, with about half of this going to the City's General Fund. Another 10% of this revenue goes to the Court's special revenue fund and 1% to the Police Safety Equipment special revenue. The remaining 37% represents surcharges paid to the County and State, fees typically assessed with all court fines.

Without any indirect overhead costs included, the resulting General Fund revenues cover the direct photo enforcement operating costs. In addition to operating costs for the Photo Enforcement Unit, the photo enforcement vendor is paid a fixed monthly amount per camera and a per-citation amount for those with a successful Court disposition. The City also pays the vendor's process server a per-citation rate for successful process service.³

As shown in Table 1, in FY 2013/14 the City's vendor payments totaled about \$1.3 million and other operating costs reported for the Photo Enforcement Unit totaled nearly \$330,000. Therefore, in FY 2013/14 the City's General Fund netted about \$437,000 after recovering costs directly attributable to the photo enforcement program.

Table 1. Photo Enforcement Program Revenues and Direct Costs, FY 2013/14

	General Fund	Special Revenue	Non-City Funds*
Photo Enforcement Revenues to General Fund	\$2,057,679		
Court Special Revenue		\$398,745	
Police Safety Equipment Surcharge		\$48,209	
State and County Surcharges			\$1,449,364
Photo Enforcement Unit Costs:			
Personnel & Other Operating Costs	(\$328,702)		
Contract Fees	(\$1,291,727)		
Total	\$437,250	\$446,954	\$1,449,364

*State and county portion of photo enforcement fines and fees.

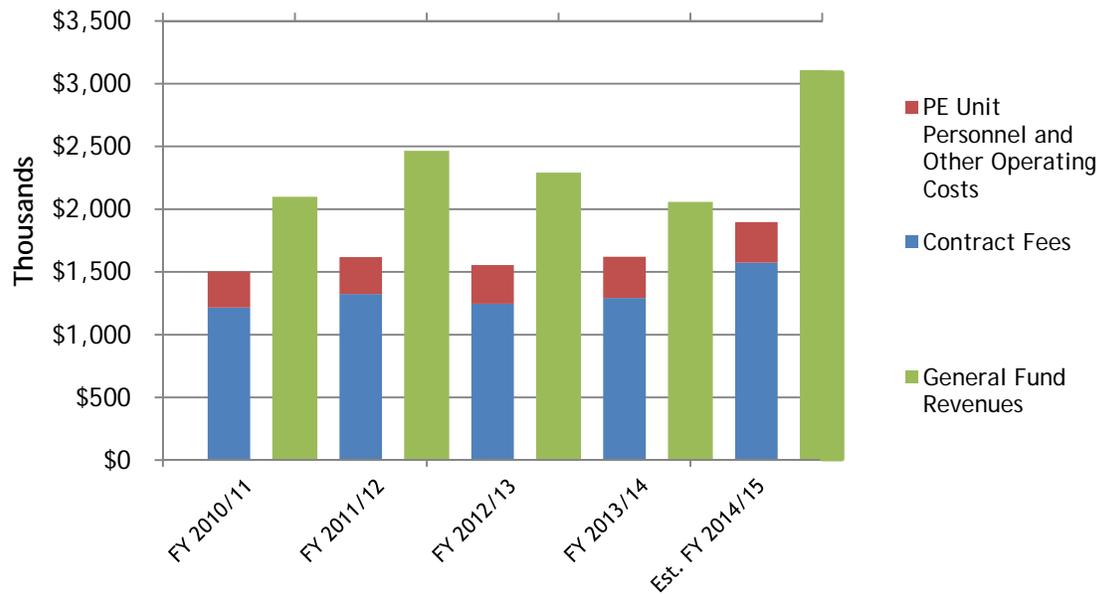
SOURCE: Auditor analysis of City Court deposit allocation reports and SmartStream expenditure reports.

³ Successful Court disposition includes paying the violation fines, attending defensive driving class, pleading responsible in court, or a judge ruling of responsible. Successful process service means the citation was served within the legal time frame and before any stop service issued by the Court, and required documentation is filed with the Court.

According to management, program costs and associated revenues are expected to increase in FY 2014/15 because of the additional photo enforcement sites added in late 2013 and 2014. As of March 2015, photo enforcement revenues were projected to exceed the prior year by about 50% and contractor fees are projected to exceed budgeted amounts by 25%.

The 5-year trend of photo enforcement revenues and related direct costs is shown in Figure 3.

Figure 3. Photo Enforcement Program Revenues and Direct Costs, 5-Year Trend



Note: FY 2014/15 is estimated based on 9 months of available data.

SOURCE: Auditor analysis of City Court deposit allocation reports and SmartStream expenditure reports.

OBJECTIVES, SCOPE, AND METHODOLOGY

An audit of the *Photo Enforcement Program* was included on the City Council-approved fiscal year (FY) 2014/15 Audit Plan. The audit objective was to review compliance with contractual requirements and contract administration for the City's photo enforcement contract with American Traffic Solutions.

To gain an understanding of photo enforcement program requirements, we reviewed:

- Contract #2012-190-COS between the City of Scottsdale and American Traffic Solutions (ATS) dated December 12, 2012, along with the associated Request for Proposal #12RP018 and American Traffic Solutions related proposal dated August 2, 2012.
- Arizona Revised Statutes Title 28 *Transportation*, Chapter 3 *Traffic and Vehicle Regulation*.
- Arizona State Senate Issue Brief, *Photo Traffic Enforcement*, December 18, 2013.
- Administrative Regulation 215, *Contract Administration*.

To gain an understanding of photo enforcement citation processes, we interviewed the Photo Enforcement Unit staff, observed the Unit's procedures for processing violations. We also toured the ATS's Tempe headquarters, met with account representatives and observed their processing procedures. We attended a monthly stakeholder's meeting involving representatives from the Scottsdale Police Department, City Traffic Engineering, American Traffic Solutions and AAA Photo Safety. In addition, we interviewed a Principal Traffic Engineer regarding site selection for photo enforcement and the Lead Systems Integrator for the Scottsdale City Court regarding data updates involving the contractor and subcontractor.

To test the vendor's compliance with contractual requirements related to violation processing, we requested data on all violations since the inception of the contract (January 2013). We calculated vendor review times and tested rejected violations for appropriate handling. We obtained access to the vendor's online violation processing system to verify violation processing logs, images and video for a selection of violations, including:

- Random selection of 100 rejected violations from March 2015.
- Random selection of 30 violations with vendor review time exceeding 10 days.
- All vendor-rejected violations occurring more than 40 days after the violation date.
- Notices of Violations issued within 1 to 2 weeks of the 60-day citation expiration.

We also reviewed by-camera trends in violations captured and rejected to evaluate the existence of potential equipment malfunctions.

To verify the accuracy of amounts billed, we obtained the most recent year's data from the City Court on photo enforcement case dispositions and process service to compare against reports of billed citations from the vendor. Additionally, vendor repair and maintenance records were reviewed and compared against invoice credits.

This audit found that contract terms regarding rejected violations and vendor processing times have not been monitored or enforced, the Contract Administrator has not maintained adequate documentation, and potential process improvements could assist Police in monitoring certain types of violations.

We conducted this audit in accordance with generally accepted government auditing standards as required by Article III, Scottsdale Revised Code §2-117 et seq. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Audit work took place from March through May 2015.

FINDINGS AND ANALYSIS

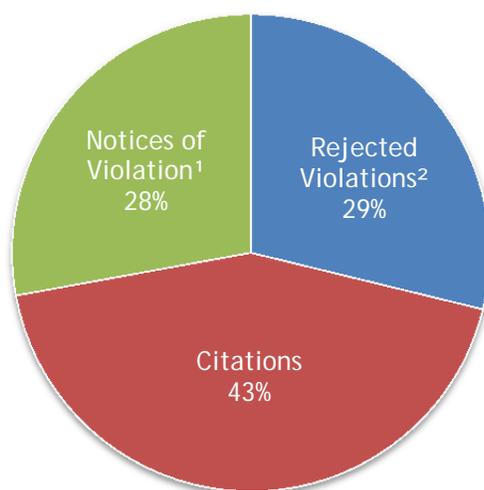
1. Contract terms regarding rejected violations and timely processing have not been monitored or enforced.

Evaluation of vendor-rejected violations is made more difficult because violation images and video are not retained for the contract-required one-year period and reason codes are not consistent. Also, although we did not note any citations that could not be issued, violations were not consistently submitted to the Photo Enforcement Unit within the required time frame.

- A. For rejected violations that did not result in a citation or Notice of Violation, the associated images and video were deleted after 30 days. These accounted for approximately 55,000 photo enforcement events, or 29%, during the 27-month period shown in Figure 4. However, the contract's Scope of Work (RFP section 26.5) states that all voided, not actionable, and unusable digital images and video must be maintained for one year from the date of occurrence.

According to vendor representatives, the retention period for rejected violation images was discussed during a stakeholders' meeting early in the contract term and the retention period adjusted to 6 months. However, this agreement was not formalized and the vendor did not change its retention practice from 30 days to 6 months. Further, the new Photo Enforcement Unit manager, who serves as Contract Administrator, was not aware of either the agreed-upon 6-month retention period or the contract's one-year retention requirement.

Figure 4. Photo Enforcement Violation Outcomes, January 2013 through March 2015



¹NOVs that resulted in citations or were later rejected are shown in the other applicable categories.

²Both vendor-rejected (25%) and police-rejected violations (4%) are included in this amount.

SOURCE: Auditor analysis of vendor provided violation data.

Without images or video, reviewers have to rely on the rejection code entered by the vendor's technicians to support why the violation was not actionable. In several instances when we asked for more specific details, the vendor could not elaborate on the rejection reasons because images and video were not available. The photo enforcement contract Scope of Work, section 20.16, further requires that the vendor "provide an audit trail of all unusable and unattainable images with documentation regarding why the photograph was unusable and/or a citation was not generated." To further emphasize its importance, the contract stipulates that failure to maintain these images and video may result in liquidated damages at a minimum of \$100 for each instance of noncompliance.

- B. Rejections should be periodically reviewed for compliance with established procedures. The vendor rejects approximately 25% of violations captured by photo enforcement cameras because of unusable images or video, technical issues with equipment or data transfers, or events that do not qualify as speeding or red-light violations. During the vendor's review process, technicians review the images and violation data to verify that they meet the criteria set by Scottsdale Police. Violations that do not meet those criteria or contain errors are rejected.

To evaluate whether vendor employees appropriately reject violations, we randomly selected 100 of the violations rejected during March 2015 and compared the data and images to the rejection reasons. Of the 100 rejected violations reviewed, 15 had a rejection reason that appeared inconsistent with the images or they should have been forwarded to Police for review. While some inconsistencies may be minor distinctions (e.g., poor image because of bad weather vs. low lighting), others were more clearly errors (e.g., obstructed driver face vs. rear-axle activation of the camera). Rejection code accuracy can impact how well management can monitor and address certain issues. Rejections can be caused by events outside of the vendor's control, such as bad weather or traffic signal outages. However, it is important to properly identify rejection reasons within the vendor's control, such as poor camera focus or lighting, video errors, or incorrect data.

Additionally, 7 of the 15 rejected violations should have gone to the Police for review and included images that were slightly blurry but still distinguishable. They also included two instances where the vehicle entered the intersection after the red light. One red-light runner reversed but almost caused an accident; the other slowed but proceeded through the intersection. The vendor's documented business rules for Scottsdale indicate that images of vehicles that stop after the violation line but before completely crossing the intersection should be rejected. However, Photo Enforcement staff agreed that they would have wanted to see these two violations.

- C. The contract's Scope of Work section 20.19 requires that the vendor provide the violation and associated photographs and video for Police review within 5 days of the violation. Of approximately 120,000 violations sent to Police for review between January 2013 and March 2015, 28% exceeded the 5-day requirement. Of these, about 2% exceeded 10 days.

We reviewed a sample of 30 violations that exceeded 10 days and found the following types of delays:

Cause	Delay
• Delayed response from state Motor Vehicle Division regarding vehicle owner information	3 to 5 days
• First review by technicians did not occur promptly	8 to 10 days
• Speed verification or camera focus issue	5 to 19 days
• Video did not match violation - delay to correct video	6 to 23 days
• Violation placed in vendor's supervisor review queue	8 to 46 days

In expanding our review, we found instances of long delays pending the vendor's supervisor review, some as long as 53 days around January 2013. Violations are sent for supervisor review when the vendor technician has a question about whether a violation should be sent to Police for review based parameters established by Photo Enforcement. According to the vendor's representative, there were some internal communication issues resulting from staffing changes during this time and this was an isolated situation. The vendor's expectations are that the supervisory review be completed within 2 days.

While we did not observe any instances of it occurring, processing delays may result in the Police Department not being able to issue a civil traffic citation within the statutorily required 60-day timeframe. For example, during January 2013, Photo Enforcement issued several Notices of Violations at 56 to 58 days after the violation following vendor delays of more than 50 days. This means that if the registered owners had responded with the needed information on who was driving the vehicle, civil citations likely could not have been issued.

Recommendations:

The Police Chief should require the Contract Administrator to:

- A. Ensure the vendor begins retaining the applicable violation images and videos for the contract-required one-year period.
- B. Conduct a periodic review of vendor-rejected violations to ensure compliance with contract terms and established procedures.
- C. Require the vendor to comply with the contract-required processing timeframe and request additional reporting to help assess vendor compliance on an ongoing basis.

2. The Contract Administrator has not maintained documentation that would assist with effective and efficient contract administration.

Administrative Regulation 215 requires that contract administrators maintain written documentation of discussions and instructions related to performance issues, and other correspondence pertinent to the contract. According to the Contract Administrator, emails and other contract issue documentation were discarded after the issue was resolved. Further, there were no records left by the prior Contract Administrator.

- A. The photo enforcement contract requires the vendor to notify the Contract Administrator within 24 hours of any equipment problems, and all equipment malfunctions are required to be repaired within 48 hours. While both the Contract

Administrator and the vendor reported that notifications are properly made, documentation was not maintained to assist with invoice reconciliation. The contract is silent on the requirement for invoice credits; however, the vendor stated that credits are provided when repairs are not made within the required 48 hours.

When comparing vendor-provided maintenance records and violation data with invoices from January 2013 through March 2015, we noted credits for equipment malfunctions, units knocked down by car collisions and one unit out of service for almost a year due to City street construction. However, for some of these instances, the City was not credited for each of the relevant months. These billing errors totaled about \$3,000.

During this period, we identified 72 instances when particular photo enforcement equipment recorded zero violations for more than 2 days in a row. The Contract Administrator does not have a review process in place to identify these or obtain documentation of whether these were situations where a credit should have been applied.

- B. In addition to information on equipment malfunctions, the Contract Administrator has not been retaining other documentation that is significant to this contract, including:
- Decisions impacting the photo enforcement process, including site-selection process for the cameras and direction from the City Court or City Prosecutor on the handling of Photo Enforcement violations.
 - Significant correspondence with the vendor and subcontractors.
 - Technical issues with the photo enforcement violations or images.
 - Complaints regarding process servers and the subcontractor's resolution of these complaints.
 - Bill reconciliations and related discussions.
 - Performance evaluations such as violation rejection reviews recommended in Finding 1.

During the audit, the current Contract Administrator started a file for contract-related documentation.

- C. The Contract Administrator can improve the billing review process and related documentation.

Based on our comparison of the number of citations billed as having successful dispositions to the Court's records of photo enforcement citation dispositions, the vendor billings appear to be accurate. However, the supporting documentation that the vendor provided to the Contract Administrator was not accurate, and had the Contract Administrator used these reports, the billings would have appeared incorrect. For example, contract terms pay the vendor a different per-citation rate for speeding violations caught by fixed sites than for speeding violations through mobile or portable enforcement sites. The vendor reports labeled some portable towers as fixed speed units although invoices show they were properly billed as mobile speeding violations. Additionally, vendor reports did not distinguish between red light violations and left-turn-on-red violations, which are billed at different rates. This resulted in minor billing errors totaling less than \$200 over six months.

When comparing 12 months of the process server's billings to City Court records of process service, we noted a few minor errors, such as two citations being billed twice in separate months. Additionally, in a small number of instances the City Court was not able to assess its process service fee to the defendant due to vendor or process server documentation delays. The City Court's Information Technology staff stated they will work with the vendor to address these timing issues.

The Contract Administrator's current approach of reviewing monthly billings relies on his general perception of the number of citations issued and the vendor's reports. However, these practices do not ensure that only eligible citations are billed for successful disposition or process service. Instead, City Court information on successful citation dispositions and process service would provide a more authoritative, independent verification of vendor billings.

- D. The purpose of Scottsdale's photo enforcement program is to reduce traffic collisions and related fatalities. Driver awareness of photo enforcement locations is part of the program's effectiveness. To this end, SPD provides fixed site, mobile and portable unit locations on the City's website. However, some of the information is outdated, such as multiple references to changes that will occur in 2013 and 2014. For example, the webpage refers to the planned deployment of portable towers although they have been in service since August 2013. As well, a map of fixed locations includes sites that are no longer in service and one never-deployed location. And there are directional errors, such as a site identified as eastbound Hayden at Thomas Road although the location is actually on eastbound Thomas at Hayden Road.

Recommendations:

The Police Chief should require the Contract Administrator to:

- A. Maintain a listing of all identified and reported equipment malfunctions including related outages. This information should be reviewed while performing the monthly bill reconciliation to ensure credits are applied correctly. In addition, the Contract Administrator should periodically request and review the equipment maintenance and repair logs from the vendor.
- B. Gather and retain all other pertinent documentation for at least six years past the contract period as required by AR 215.
- C. Seek corroborating information to support amounts billed, such as requesting City Court reports for successful dispositions of photo enforcement citations and process service reports.
- D. Correct outdated photo enforcement information on the City's website and periodically review the website to ensure the information remains correct.

3. Process improvements could assist Police in monitoring certain types of violations.

The photo enforcement violation processing system facilitates moving violations through the review process to ensure that citations are issued when applicable. However, some additional options may help Police monitor certain types of violations where photo enforcement citations may not be the appropriate resolution.

- A. Because they are not authorized to issue criminal citations, the Photo Enforcement Unit refers certain violations to police officers for further review, such as criminal speeding, driving on a revoked license, and other criminal violations.

Since the Photo Enforcement Unit cannot issue these citations, the vendor's system classifies them as rejected. Because the vendor only retained rejected violation images and video for 30 days, the Photo Enforcement Unit has developed other methods to keep this information in the system for further action. For criminal speeding violations, staff moves the violation to the Police Supervisor queue with an explanatory note so that they can work on the violation when there is time available.⁴ The Photo Enforcement Unit staff compiles a printed document file and issues a Notice of Violation addressed to the Police Department so that the images will remain in the system.

During the audit, we found that when violations stayed in the Police Supervisor queue longer than 60 days after the violation date, the system automatically rejected them because a civil citation could no longer be issued. According to the Unit manager, they were not aware that this occurred and thought the violations had been processed by staff since they were no longer in the queue. Between January 2013 and March 2015, we found 16 violations that had been automatically rejected for this reason.

The Photo Enforcement Unit may also leave other types of violations in the Supervisor queue for future reference, such as emergency vehicles that exceed 20 mph over the speed limit. Although state law exempts all emergency vehicles responding with lights and sirens from photo enforcement, SPD general orders prohibit, with a few exceptions, emergency vehicles from traveling greater than 20 mph over the posted speed limit. Therefore, such violations by Scottsdale emergency personnel are provided to management for review. These would also be deleted based on the system rejection criteria.

- B. Instances where violations cannot be issued may still present opportunities for accomplishing public safety objectives.

- 1. *Unidentified drivers with repeated violations* - Notices of Violations are issued when the vehicle is registered to a business name. For example, during our audit, we noted that a vehicle registered to a local church committed 8 violations within one year and another vehicle registered to a business had 44 violations over 3 years. The drivers in many of these two sets of violations appear to be the same individuals, but Photo Enforcement cannot issue a citation unless the vehicle owner provides the driver's information. While the Photo Enforcement Unit manager indicated he does not always have the staff resources to research these occurrences, repetitive violators could be referred to other police units for review.

Responses to Notices of Violation

Vendor reports indicate that only about 45% of NOV's issued to corporate vehicle owners are returned with driver information and only about 4% of non-corporate owners respond. The vendor has agreements with major vehicle rental companies to obtain driver information for their NOV's.

⁴ The motorcycle unit requires a packet of information for each criminal citation including violation photographs. These packets are created as time permits since criminal citations can be issued up to one year after the violation date.

2. *Other types of traffic violations* - Several red light violations were rejected because the drivers were turning left from the through lane adjacent to the left-turn lane. Although the vehicle triggered the red light camera, the turn lane arrow was green. According to Photo Enforcement, this is not a legal vehicle movement, but the drivers cannot be identified because of the angle of the cameras. These violations are generally classified as "False Trigger" by the vendor and never reviewed by Photo Enforcement. In March 2015 violation data, we identified 45 instances of these "illegal left turns" labeled as false triggers and found that they were occurring primarily at 4 intersections. While not enforceable by Photo Enforcement, such issues could be referred for review by another police unit or Traffic Engineering for possible solutions.

Ensuring the vendor complies with the one-year record retention requirement will provide additional time for the Police department to view rejected violations for further action. In addition, working with the vendor to establish those categories may help identify ways to further improve public safety.

Recommendations:

The Police Chief should require the Contract Administrator to:

- A. Work with the vendor to identify methods for categorizing and retaining actionable violations that are not issued civil traffic citations.
- B. Monitor repeat offenders or recurring traffic violations that cannot be cited through the photo enforcement process and determine whether the issue can be addressed by another police unit or should be reviewed by Traffic Engineering.

MANAGEMENT RESPONSE



Police Department
*An Internationally Accredited
Police Agency Since 1994*

Office of the Chief of Police

8401 E. Indian School Rd.
Scottsdale, AZ 85251

PHONE 480-312-1900
FAX 480-312-1969
WEB www.scottsdalepd.com

June 10, 2015

To: Ms. Sharon Walker, City Auditor

From: Alan G. Rodbell, Chief of Police 

RE: Addendum to Management Action Plan Responses to Photo Enforcement Audit 2015

The information below is provided to answer any questions regarding the current status of the audit findings, the status of the Photo Enforcement Unit within the section and to provide follow up as to the direction Scottsdale PD and Photo Enforcement is moving with American Traffic Solutions.

- The Photo Enforcement Contract Administrator and Manager resigned from his position on June 9, 2015. In addition, the Traffic Enforcement Lieutenant who oversaw the Photo Enforcement Contract Administrator retired on May 3, 2015. A new Lieutenant has been put in place and will be the acting contract administrator until a new Photo Enforcement Manager is identified.
- On June 10, 2015 a meeting was held with ATS - Mark Priebe, Vice President of Account Management and MaryJo Hopper, Account Manager, Chief Rodbell, Assistant Chief Walther, Commander Ciolli and Lieutenant Bonnette to discuss contract concerns with regard to the audit findings. This was done without sharing any of the written draft audit findings but rather providing an overview of the contractual issues discovered. These issues will be investigated and addressed as soon as this report is able to be released and provided to ATS.

MANAGEMENT ACTION PLAN

1. Contract terms regarding rejected violations and timely processing have not been monitored or enforced.

Recommendations:

The Police Chief should require the Contract Administrator to:

- A. Ensure the vendor begins retaining the applicable violation images and videos for the contract-required one-year period.
- B. Conduct a periodic review of vendor-rejected violations to ensure compliance with contract terms and established procedures.
- C. Require the vendor to comply with the contract-required processing timeframe and request additional reporting to help assess vendor compliance on an ongoing basis.

MANAGEMENT RESPONSE: Agree

PROPOSED RESOLUTION:

- A. Enforce contract as stated.
- B. Quarterly review to commence with 1st Qtr. FY 15-16.
- C. Quarterly reviews to be required, commencing 2nd Qtr. FY 15-16.

RESPONSIBLE PARTY: Lt. Bob Bonnette, Contract Administrator

COMPLETED BY: 12/15/2015

2. The Contract Administrator has not maintained documentation that would assist with effective and efficient contract administration.

Recommendations:

The Police Chief should require the Contract Administrator to:

- A. Maintain a listing of all identified and reported equipment malfunctions including related outages. This information should be reviewed while performing the monthly bill reconciliation to ensure credits are applied correctly. In addition, the Contract Administrator should periodically request and review the equipment maintenance and repair logs from the vendor.
- B. Gather and retain all other pertinent documentation for at least six years past the contract period as required by AR 215.
- C. Seek corroborating information to support amounts billed, such as requesting City Court reports for successful dispositions of photo enforcement citations and process service reports.
- D. Correct outdated photo enforcement information on the City's website and periodically review the website to ensure the information remains correct.

MANAGEMENT RESPONSE: Agree

PROPOSED RESOLUTION:

- A. Separate files for outages and other communications were constructed during the audit process. They will be continued with the lane usage report to reconcile the invoiced credits (monthly).
- B. Will comply per AR 215.
- C. Will obtain and review the Adjudicated Citation Report from court and review monthly with invoices.
- D. The City's website has been updated to reflect all current information. It is also being restructured to reflect additional information and in a more comprehensive format.

RESPONSIBLE PARTY: Lt. Bob Bonnette

COMPLETED BY: 9/15/2015

3. Process improvements could assist Police in monitoring certain types of violations.

Recommendations:

The Police Chief should require the Contract Administrator to:

- A. Work with the vendor to identify methods for categorizing and retaining actionable violations that are not issued civil traffic citations.
- B. Monitor repeat offenders or recurring traffic violations that cannot be cited through the photo enforcement process and determine whether the issue can be addressed by another police unit or should be reviewed by Traffic Engineering.

MANAGEMENT RESPONSE: Agree

PROPOSED RESOLUTION:

- A. Will work with vendor to identify a solution.
- B. Will work with current PD staffing to identify a solution.

RESPONSIBLE PARTY: Lt. Bob Bonnette

COMPLETED BY: 12/15/2015

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