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Government of the District of Columbia



Metropolitan Police Department

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Testimony of  
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***The Office of the Inspector General's  
Report of Special Evaluation on Parking and Automated  
Traffic Enforcement Tickets –  
Part I: Ticket Issuance Practices***

Committee on the Judiciary & Public Safety  
Tommy Wells, Chairperson  
Committee on Transportation and the Environment  
Mary M. Cheh, Chairperson  
Council of the District of Columbia

September 24, 2014

John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

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Good morning, Chairperson Wells and Chairperson Cheh, members of the Council, staff and guests. Thank you for the opportunity to provide testimony on the recent report from the Office of the Inspector General (OIG), *Report of Special Evaluation: Parking and Automated Traffic Enforcement Tickets – Part I: Ticket Issuance Practices*. The text of my prepared testimony is posted on the Department’s website, [www.mpdc.dc.gov](http://www.mpdc.dc.gov).

While I agree with and will implement some of the recommendations in the OIG report, I was frustrated with the unsubstantiated speculation and confusion present throughout. More importantly, the report simply ignores the strong support among District residents for a program that ensures the safety of all roadway users.

As an initial matter, it’s important to recognize that the District’s automated traffic enforcement (ATE) program follows applicable Federal Highway Administration guidelines on the deployment of cameras. Indeed, the OIG report found MPD’s quality assurance and oversight methods that minimize erroneous tickets are higher than the federally-recommended standards.<sup>1</sup>

Let me be absolutely clear on the intent of the District’s automated traffic enforcement (ATE) program and traffic safety enforcement in general: The goal is not to reduce traffic violations at a single location or during a few hours a day; the goal is to modify driver behavior throughout the District so that pedestrians, bicyclists, and other motorists are safer while using the roadways. Of course, the easiest way for a person to avoid receiving a ticket for speeding, running a red light or stop sign is to just not do it. But we also need an enforcement system that is both accurate and fair. Although I disagree with several of the policy conclusions in the OIG report, I appreciate the opportunity to review the issues identified so that we can fortify the integrity of our traffic safety program.

Indeed, we are revising several practices—some in response to the OIG report and some already underway—to strengthen our traffic safety program and to provide vehicle owners with additional information on why they received a ticket. Among those changes, we agree that requiring officers to take photos when using digital handheld ticketing devices is reasonable and will be required by Department policy. We also agree that on the rare occasion where an ATE camera captures a tag that doesn’t match the registered vehicle description, we will not issue a citation. And although we feel confident that tickets were being issued appropriately in multi-lane speed images, we have replaced our speed enforcement equipment with video analytics that clearly mark which vehicle is captured by the radar in multi-car images.

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<sup>1</sup> OIG Report, page 29 (Referring to the Federal Highway Administration’s *Speed Enforcement Camera Systems Operational Guidelines*, the Report concludes that “MPD’s combined practices exceed this standard with three to four people reviewing each potential violation.”).

For those who believe that this program is designed to generate revenue, I should point out that MPD gets no financial benefit from the fines it issues for traffic violations. In fact, over the past six years, the MPD local budget has increased by just 0.1 percent, which was not even enough to cover increases in salaries.

During the decade in which the ATE program has been in operation, the District's population has increased by 13 percent while fatalities from traffic collisions have plummeted by more than 70 percent and injuries have dropped by more than one-third. These numbers are more dramatic when you factor in recent Census data that indicates 13.6 percent of all commuters in the District now walk and another 4.5 percent commute by bicycle. Additionally, speed-related traffic collisions are on a clear downward trend over the past three years. This is essential to ensuring public safety because although speed accounts for only three percent of all traffic crashes in the District, it accounts for 21 percent of all fatalities and nine percent of all injuries. According to the National Highway Traffic Safety Administration, nationwide pedestrians account for 27 percent of traffic fatalities, but in the District, due its purely urban environment, pedestrians account for one out of every two traffic fatalities

During my career in law enforcement, I have been at the scene of dozens of traffic fatalities involving pedestrians. Very often, the pedestrian is hit with such force that they're knocked out of their shoes. Imagine that for a moment: That is someone's parent, grandparent, spouse, or child. And the force of the impact with the car was so strong that it knocks them out of their shoes.

Having drivers moderate their speed by just a few miles per hour increases pedestrian survival rates significantly. An adult pedestrian hit by a car going 30 miles per hour (mph) has an 80 percent chance of living. If the car is going just 10 mph faster, that pedestrian has more than an 80 percent chance of being fatally injured.

Last January, the District Department of Transportation released the results of a study they commissioned to determine the nexus between traffic safety and speed cameras in the District. The study looked at the data from existing, planned, and proposed locations for ATE speed cameras. I believe a significant amount of confusion has resulted from both OIG and the news media misunderstanding some of the terms used in that DDOT study. A "planned" speed camera location was one where MPD or DDOT had investigated the site conditions and believed a speed camera could help with reducing excessive vehicular speeds. A "proposed" location was one that members of the community had suggested to MPD, but that hadn't been approved for the placement of a speed camera. Additionally, the term "nexus" is a broad term which can indicate that there are road design or engineering challenges or vulnerable roadway users in the area.

So, for example, when the OIG report questions why the District was proposing to install a speed camera on the 6500 block of Western Avenue, NW when the location had no recent history of crashes or excessive speeding, the simple answer is: We aren't. That location was proposed to MPD by community members. On the other hand, the 5700 block of Western Avenue, where we actually did install a speed camera, had a history of several crashes, excessive vehicular speeds, and a nearby elementary school on the Maryland side of the street.

One of the issues I raised repeatedly with the OIG as we reviewed their report was the vagueness of some of the allegations and the speculation about the fairness of holding drivers accountable for speeding or running red lights. Most notably, although the report alleges that "the District often issues speeding tickets without conclusive identification of the violating vehicle,"<sup>2</sup> it doesn't quantify what it means by "often." And it's disappointing to read media reports that just repeated this line without reviewing the rest of the report and seeing that no attempt was made by OIG to determine exactly what "often" meant. As the ATE technology has advanced, the ability of ATE program staff to collectively analyze footage of a possible traffic violation ensures a greater level of review than in the instance of an officer issuing a traffic ticket on the street.

Likewise, the report asserts that the OIG "frequently receives correspondence from out-of-state motorists insisting that their vehicle is not the violating vehicle."<sup>3</sup> However, our ATE program staff is unaware of these supposedly "frequent" complaints being forwarded to them for review and resolution. Once again, the report fails to quantify the frequency of the problem. Indeed, in our response to the OIG, we asked how many of these complaints the OIG received and what it did with them. There was no response from the OIG.

We have seen several media reports that build on these unsubstantiated assertions to call for the complete halt to the ATE program. That is analogous to demanding that a newspaper not publish any further stories because nearly every edition carries a list of corrections of errors in previous stories. The goal should be to correct mistakes when they happen and to have a framework in place that minimizes errors as much as possible.

One thing that is important to keep in mind: District residents are strongly supportive of the ATE program. An April 2013 survey conducted by the Insurance Institute for Highway Safety found that 87 percent of District residents supported red light cameras and 76 percent supported speed enforcement 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. For example, complaining about getting a ticket for not taking a few seconds to come to a complete stop at a red light or stop sign may be a good way of trolling for sympathy, but it disregards

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<sup>2</sup> OIG Report, page 5.

<sup>3</sup> OIG Report, page 42.

pedestrian safety and District law. The reason is simple: pedestrians are particularly vulnerable to drivers that break the law by not stopping before the crosswalk. Before making a right on red or simply rolling through the intersection, a driver usually looks left to identify any oncoming vehicles, and might not see the pedestrian stepping into the crosswalk. By coming to a complete stop, drivers are able to scan the immediate area to identify any pedestrians, as well as bicyclists and other drivers at the intersection. It literally takes only a few seconds to avoid endangering another person's life.

We know the ATE program is supported by the public because we have received hundreds of requests for cameras at specific locations submitted by Councilmembers, Advisory Neighborhood Commissions, neighborhood associations, and community groups. And there is much widespread support – including from *The Washington Post* and the *Current Newspapers* – because residents know the ATE program is the most efficient method of traffic safety enforcement, with no concerns that the cameras are biased against a vehicle driver based on race, ethnicity, or type of car. The ATE cameras look only at whether a traffic violation has occurred.

The OIG report focuses on two main issues with ATE cameras: multiple vehicles in the same image and “mismatches” when the license plates don't match the vehicle's make and model. On both issues, we have taken steps to address the concerns.

In an urbanized jurisdiction like the District, there are often multiple vehicles traveling on the same roadway. The OIG 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 for either ATE cameras or MPD officers to enforce traffic violations against any vehicle unless that vehicle was the only vehicle on the roadway.

Instead of a blanket amnesty policy as recommended by the OIG, we have deployed new technology at ATE camera locations that highlights the speeding vehicle when more than one is captured in the image. While this will provide the vehicle owner with additional information about the violation, we disagree with the report's conclusion that the previous technology and the number of reviewers that exceeds federal quality assurance guidelines were insufficient to determine which car committed the speeding violation. It's worth remembering that an officer enforcing speeding violations would be using the same analysis as used by the ATE program staff – in a split second, using handheld radar – without the benefit of video that can be reviewed.

The second issue of “mismatched” tags is one that we face on occasion, but that in no way is as “frequent” an occurrence as the OIG report makes it out to be. Our experience in dealing with mismatched tags is that vehicle owners sometimes switch their vehicle tags from one vehicle to

another, usually to avoid the consequences of driving an unregistered vehicle or a vehicle that has a number of unpaid parking tickets.

In our response to the report, we said we would amend our ATE program policy to require that when an image captures a vehicle with tags, make and model that do not match information in the vehicle registration database, it would be subject to a second level of review to try to determine the reason for the mismatch. If the cause could not be identified, no citation would be issued. However, after further discussions with staff, the number of “mismatched” tag is so low that it is not a productive use of MPD resources to conduct additional research. Instead, our ATE program policy will be changed to not issue a citation where the vehicle make in the image does not match the information in a vehicle registration database.

In making these modifications to the ATE program, we seek to ensure the accuracy of citations being issued to the right person and to reduce the likelihood of erroneous citations. Currently, we are drafting a policy to clarify when MPD officers using handheld ticketing devices for parking violations would have to take photos of the vehicle and the violation. Additionally, we will be upgrading the software on our handheld ticketing units to require the license plates be entered twice before a ticket is printed; if the same plate information isn't entered each time, an error message alerts the officer of the discrepancy that must be corrected before the parking ticket can be printed.

In closing, the public deserves a traffic safety program that is fair and consistent in identifying and enforcing violations. We believe the ATE program does just that. Our residents are entitled to roadways that are safe. Although roadway engineering is the best way to permanently ensure safety, the ATE program plays an essential role in modifying driver behavior. We are already seeing citywide reductions in speeding along our roadways. And as the statistics make clear, slower speeds improve safety for everyone who uses the roadways.

I thank you again for the opportunity to appear before you and am happy to address your questions at this time.