

Audit of the Orange County Red-Light Camera Program

**Report by the
Office of County Comptroller**

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August 28, 2014

Teresa Jacobs, County Mayor
And
Board of County Commissioners

We have conducted an audit of the Orange County Red-Light Camera Program. The audit was limited to a review of the oversight and monitoring performed by the Traffic Engineering Division of the Public Works Department. The period audited was February 28, 2011 through June 30, 2013.

We conducted this audit in accordance with generally accepted government auditing standards. 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.

Responses to our Recommendations for Improvement were received from the Director of the Public Works Department and are incorporated herein.

We appreciate the cooperation of the personnel of the Public Works Department during the course of the audit.

Martha O. Haynie, CPA
County Comptroller

c: Ajit Lalchandani, County Administrator
James Harrison, Assistant County Administrator, Office of Regional Mobility
Mark Massaro, Director, Public Works Department
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EXECUTIVE SUMMARY

Executive Summary

Red-light running is a serious safety concern for intersections across the nation. The National Highway Traffic Safety Administration reported that red-light running crashes injure approximately 165,000 people each year and were responsible for 762 deaths in 2008. In 2006, the County began methodically studying the possibility of developing a program of detecting and citing red-light running violators. As a result of this process, the Traffic Engineering Division (Division) of the Public Works Department instituted the Red-Light Camera Program (Program), beginning operations in February 2011.

The Division is responsible for overseeing the Red-Light Camera Program. The Division utilizes a private contractor (Contractor) to monitor the selected intersections, provide the necessary video evidence to the Division of all suspected violations, and mail Notices of Violations (NOVs) for all confirmed violations. The Contractor also is responsible for mailing Uniform Traffic Citations (UTCs) to the violator if the NOV is not paid or successfully protested within Program guidelines. The Orange County Comptroller's Office (Comptroller's Office) is responsible for collecting the fines for NOVs, and the Orange County Clerk of Courts Office (Clerk's Office) is responsible for collecting fines for the UTCs and forwarding the County's portion of the fine to the Comptroller's Office.

The scope of the audit was limited to reviewing the oversight and monitoring of the Program by the Division. The audit period was from February 28, 2011 through June 30, 2013.

Based on the results of our testing, we found the Division is effectively monitoring the Program and Contractor's performance; assessing if the Program is achieving its goal of reducing red-light running violations, crashes, and injuries as well as accurately reporting the results; and, complying with the legal requirements of the Program. Opportunities for improvement are discussed herein. Specifically, we noted the following:

The Division does not have a process in place to periodically review unpaid NOVs that are not issued a UTC by the Contractor. In 2012, the Division investigated unpaid NOVs and the Contractor agreed to provide a credit of \$14,940 for the 212 unpaid NOVs questioned by the Division. We reviewed the period subsequent to the period reviewed by the County and noted additional cases where UTCs were not issued for unpaid NOVs.

The Division has not established procedures to track whether all citations issued (and forwarded to the Clerk of the Courts for processing and collection) have been paid, dismissed, sent to a collection agency if unpaid, or otherwise disposed of and closed. A comparison between the UTCs issued by the Contractor to the UTCs reported as paid in the files received from the Clerk's Office found 4,039 UTCs that were issued but not paid to the County. We

further researched a sample of 414 of the unpaid UTCs in the Clerk's Office online system to determine why the UTC was not paid to the County. This review found that 10 of the UTCs were recorded as paid to the Clerk's Office but were not paid to the County, and 13 remained unpaid beyond the period usually afforded to a violator before the fine is submitted to a collection agency. In addition, we noted that 40 of the UTCs not paid to the County reflected that a hearing was held and fees were paid in full. The Clerk's office stated that if a hearing is held and fees paid, no amounts collected are paid to the County (fines and court costs assessed and paid exceeded the UTC fine for 37 of these). We were unable to locate any legal basis for the Clerk's Office not paying the portion due to the County.

Neither the County nor the Comptroller's Office has been successful at balancing the UTCs included in the Clerk's Office's files of monthly agency payments to the monthly amounts paid by the Clerk's Office. Our analysis found \$5,800 more was paid to the Comptroller's Office than the files reflected were paid.

Recommendations for Improvements were developed and discussed with the Public Works Department personnel, who concurred with our recommendations. As noted in this report, corrective action has begun or is planned.

ACTION PLAN

**AUDIT OF THE ORANGE COUNTY RED-LIGHT CAMERA PROGRAM
ACTION PLAN**

NO.	RECOMMENDATIONS	MANAGEMENT RESPONSE			IMPLEMENTATION STATUS	
		CONCUR	PARTIALLY CONCUR	DO NOT CONCUR	UNDERWAY	PLANNED
1.	We recommend the Division develops a procedure to periodically review unpaid NOVs greater than 30 days to ensure a UTC is issued in a timely manner. Any instances where a UTC cannot be issued should be adequately documented.	✓			✓	
2.	We recommend the Division explore system changes that would enable them to periodically review the payment status of each UTC reported as issued to ensure all payments are received. In addition, we recommend the Division works with the County's legal department to determine whether the Clerk's Office should distribute civil penalty payments to the County from red-light infractions for which hearings were held.	✓				✓
3.	We recommend the County work with the Comptroller's Office and Clerk of the Court's Office to reconcile the monthly list of UTC payments remitted to the County to the actual amount deposited from the Clerk's Office.	✓				✓

INTRODUCTION

Background

Red-light running is a serious safety concern for intersections across the nation. The National Highway Traffic Safety Administration's Fatality Analysis Reporting System (FARS) reports that red-light running crashes caused 762 deaths nationwide in 2008. Furthermore, they estimate 165,000 people are injured annually by red-light runners.

In March 2006, the Orange County Board of County Commissioners (Board) authorized the Traffic Engineering Division (Division) of the Public Works Department to conduct a red-light running pilot study. During this initial study, the selected contractor installed video cameras to collect data at five intersections with high traffic volume and a high number of crashes. The video camera footage was collected and used to examine the extent of red-light running at all approaches of the five intersections. The results of this pilot study were presented to the Board on February 13, 2007. Subsequently, the Board approved a six-month Red-Light Running Photo Enforcement Pilot Program with eight cameras installed at three County intersections (W. Colonial Drive at Hiawassee Road, Orange Blossom Trail at Holden Avenue, and Central Florida Parkway at John Young Parkway). The Division contracted with the same vendor for these eight cameras. This expanded Pilot Program included sending a Courtesy Warning Notice to the registered owner of the red-light running vehicle. No fines were issued.

The Board decided not to proceed with a Red-Light Photo Enforcement Ordinance until the State of Florida adopted a photo enforcement law. Additionally, the Board decided not to use State road approaches of an intersection without first having approval from the Florida Department of Transportation.

On July 1, 2010, the Florida Legislature authorized counties, municipalities, and the state to install specialized vehicle detectors and cameras at intersections to identify and capture images of red-light running vehicles. Florida Statute, Section 316.0083, states that the Florida Department of Highway Safety and Motor Vehicles, a county, or a municipality may authorize a traffic infraction enforcement



officer to issue a traffic citation for a failure to stop at a red-light (violation of Section 316.074(1) or Section 316.075(1)(c)1).

As a result of the Statute change allowing counties to institute a red-light citation process, the Division issued an Invitation for Bid and entered into a three-year contract with two one-year renewals with a vendor (Contractor) for red-light infraction services. The contracted services include assistance with intersection selection, hardware, software, installation, maintenance, operation, and all back-office processing of violations such as processing of data and providing access to potential violations on the secure website.

The following 10 intersections were approved by the Board for placement of the equipment to detect and record red-light running violations:

Camera Number	Intersection
1	NB John Young Pkwy at Central Florida Pkwy
2	NB Dean Rd at University Blvd
3	WB Lake Underhill Rd at Dean Rd
4	EB Oak Ridge Rd at Texas Ave
5	NB Hiawassee Rd at Clarcona Ocoee Rd
6	NB Hiawassee Rd at Old Winter Garden Rd
7	EB Oak Ridge Rd at John Young Pkwy
8	NB Alafaya Trail at Lake Underhill Rd
9	EB University Blvd at Rouse Rd
10	SB Chickasaw Trail at Lake Underhill Rd

The Red-Light Camera Program (Program) began operations on February 28, 2011. The Contractor initially processes the images and video and uploads any suspected violations to a secure online portal. This online portal is accessible by both the Division and the Orange County Sheriff's Office's Traffic Enforcement Infraction Officers who reside at the Division's offices and make the final determination to approve or reject each violation.

INTRODUCTION



The Division is responsible for overseeing the Program and the Contractor. The Contractor is responsible for mailing Notices of Violations (NOVs) and Uniform Traffic Citations (UTCs). The Orange County Comptroller's Office is responsible for collecting the fines for NOVs, and the Orange County Clerk of Court is responsible for collecting fines for the UTCs and forwarding the County's portion of the fine to the Comptroller's Office.

As a way to evaluate if the presence of red-light cameras decreases a driver's propensity to run red-lights and thus increase safety at monitored intersections, the Division periodically tracks the number of issued violations, as well as the number of crashes. The following tables, compiled from data obtained from the Division and the Florida Highway Patrol, display both the decrease/increase in NOVs issued as well as crashes:

Camera Number	NOVs Issued July 2011 - June 2012	NOVs Issued July 2012 - June 2013	Percentage Change
1	1,586	1,014	-36.07%
2	1,037	1,011	-2.51%
3	646	450	-30.34%
4	3,177	2,240	-29.49%
5	1,043	1,323	26.85%
6	2,414	2,205	-8.66%
7	729	559	-23.32%
8	2,008	1,607	-19.97%
9	2,136	1,673	-21.68%
10	1,040	923	-11.25%
Totals	15,816	13,005	-17.77%

*Note: This data does not take into account traffic volume.



Camera Number	Number of Crashes July 2011 - June 2012	Number of Crashes July 2012 to June 2013	Percentage Change
1	72	70	-2.78%
2	67	76	13.43%
3	71	62	-12.68%
4	34	29	-14.71%
5	29	16	-44.83%
6	57	57	0.00%
7	76	61	-19.74%
8	51	39	-23.53%
9	56	42	-25.00%
10	39	27	-30.77%
Totals	552	479	-13.22%

*Note: This data does not take into account traffic volume. Additionally, number of crashes includes data from entire intersection, including approaches without red-light cameras.

Scope, Objectives, and Methodology

The scope of the audit was limited to reviewing the oversight and monitoring of the Program by the Division. The audit period was from February 28, 2011 through June 30, 2013. The scope of the audit did not include a review to determine whether the images and video constitute a violation.

The objectives of this audit were to determine whether the Division is:

1. Effectively monitoring the Program and the Contractor's performance;
2. Assessing if the Program is achieving its goal of reducing red-light running violations, crashes, and injuries and accurately reporting the results; and,
3. Complying with the legal requirements of the Program.

To determine whether the Division is effectively monitoring the Program and the Contractor, we performed the following:

- Obtained all dismissed violations from the Contractor's secure online portal that occurred between February 28, 2011 and June 30, 2013, and analyzed for reasonableness.
- Tested whether the Contractor invoiced and was paid the proper amounts according to contract.
- Obtained all of the Orange County Clerk of the Court's electronic data received by the Division. This data detailed the County's portion, as well as other agencies' portions, of paid UTCs. We performed a reconciliation of this data to both the County's accounting system data and the Contractor's data.

To determine whether the Division is assessing if the Program is achieving its goal of reducing red-light running violations, crashes, and injuries as well as accurately reporting the results, we performed the following:

- Obtained each intersection's issued number of NOVs and vehicle counts data from the Contractor's secure online portal for the period February 28, 2011 through June 30, 2013, and concluded as to whether the instances of red-light running have increased or decreased on a year-to-year basis. Also examined duplicate/repeat red-light running vehicles.
- Obtained crash data from the Florida Highway Patrol from February 28, 2011 through June 30, 2013 and compared the data to the Division's reported data.
- Examined the Division's process for selecting the future intersections to receive red-light cameras and determined if the methodology resulted in high risk intersections being chosen.

To determine whether the Division is complying with legal requirements, we performed the following:

- Tested to ensure notices and citations were mailed timely according to rules outlined by Florida Statutes.

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- Ensured the correct amounts were posted to the correct funds in the County's accounting system, as outlined by Florida Statute.

Overall Evaluation

Based on the results of our testing, we found the Division is effectively monitoring the Program and Contractor's performance; assessing if the Program is achieving its goal of reducing red-light running violations, crashes, and injuries as well as accurately reporting the results; and, complying with the legal requirements of the Program. Opportunities for improvement are discussed herein.

RECOMMENDATIONS FOR IMPROVEMENT

1. Unpaid Notices of Violations Should Be Continuously Monitored and Investigated

The Traffic Engineering Division (Division) is responsible for overseeing the Red-Light Camera Program (Program). As part of this responsibility, the Division contracts with a vendor (Contractor) to provide the photographic images and streaming video of vehicles that run a red-light at the monitored intersections. The Contractor is responsible for reviewing the images and forwarding potential red-light running infractions to the Division for final review. After the potential infractions are reviewed by Division personnel, confirmed instances of red-light running infractions are returned to the Contractor for processing. The Contractor then issues the registered vehicle owner a Notice of Violation (NOV), including a fine, for each red-light running infraction. In the event the NOV is not paid within the statutorily designated timeframe of 30 days, the Contractor issues the vehicle owner a Uniform Traffic Citation (UTC) by certified mail.

In March 2012, the Division investigated unpaid NOVs where no UTC was issued for the period September 1, 2011 through January 23, 2012. As a result of this investigation, the Contractor agreed to provide the County a credit of \$14,940 for 212 unissued UTC's (calculated as \$75 for each of the 212 UTCs at a collection rate of 80 Percent).

As part of our testing, we reviewed all unpaid NOVs issued during the audit period subsequent to January 23, 2012 (June 2013 was excluded as the 30-day window to issue a UTC was outside the audit period). This review found 150 NOVs that remained unpaid for over 30 days; however, no UTC was issued by the Contractor. We researched these NOVs in the Contractor's online system, which had the following notes recorded by the Contractor:

RECOMMENDATIONS FOR IMPROVEMENT



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Contractor Notes	Count
No FL Driver's License	85
Returned Mail/Address Issues	58
Other (Unable to Categorize)	6
Stop Payment Record Created (Waiting period after which NOV cannot be paid and before UTC is issued)	1
Total	150

It may be appropriate that the above 150 NOVs were not issued UTCs; however, without a procedure in place to regularly monitor and investigate these instances, the County cannot determine if the Contractor issued all required UTCs.

Exhibit A of the Specifications/Scope of Services section of the contract between the County and the Contractor requires, "...a duly authorized 'traffic citation' will be sent by certified mail to the registered owner of the vehicle involved in the violation when payment of the 'notice of violation' has not been made within 30 days after."

There is no provision in the contract that requires the Contractor to reimburse the County for unissued UTCs. Therefore, we commend the Division for investigating and initiating the previously noted recovery from the Contractor for not issuing UTCs in a timely manner. However, the Division does not have a process in place to periodically (e.g., quarterly or semiannually) review unpaid NOVs that are not issued UTCs. A periodic review process of all NOVs issued and not paid within 30 days could help detect compliance issues and assist in ensuring all unpaid NOVs are carried through to a UTC, if appropriate.

We Recommend the Division develops a procedure to periodically review unpaid NOVs greater than 30 days to ensure a UTC is issued in a timely manner. Any instances where a UTC cannot be issued should be adequately documented.

Management’s Response:

Concur. The Division has started to run monthly reports to ensure all unpaid Notice of Violations (NOV) greater than 65 days old are issued Uniform Traffic Citations (UTC). All unissued UTCs will be processed and sent to the registered owner of the vehicle or named driver.

2. Additional Follow-up for Citations Not Paid To the County Should Be Performed

When a vehicle owner is mailed a UTC, a copy is forwarded to the Orange County Clerk of the Court’s Office (Clerk’s Office). The Clerk’s Office is responsible for the collection of all UTCs issued within the County. When a UTC is collected by the Clerk’s Office, Section 316.0083(b)3.b., Florida Statutes requires \$75 to be remitted to the County to be deposited into the County’s general revenue fund. The Clerk’s Office forwards these amounts monthly to the Orange County Comptroller’s Office (Comptroller’s Office).

As part of our review, we compared all of the UTCs issued by the Contractor to the Clerk’s Office’s files of monthly payments to agencies. This comparison found 4,039 UTCs that were issued but not reported in the Clerk’s files as paid to the County. A sample of 414 of the 4,039 was researched in the Clerk’s Office online system. As a result of our research, we noted payments were not remitted to the County for 64 of the 414 UTC’s in our sample as follows:

Status Recorded in Clerk’s Office Online System	Count
Payments made	10
Infraction hearing held – fees paid in full	40
Balance due - no activity from 9 months to over 2 years	13
Not found in Clerk’s system	1
Total	64

As a result of this analysis, we had the following concerns:

- A) Ten UTC’s were recorded in the Clerk’s Office online system with payments made; however, payments for

these UTCs were not remitted to the County. Of these 10, two payments were remitted to a different agency. We analyzed the entire population of 4,039 unmatched UTCs and noted an additional 23 UTCs (totaling \$1,875) recorded as paid to a different agency. The remaining eight UTCs represent an error rate in our sample population of approximately 2 percent (8 of 414). Although not a large percentage of payments as compared to the total, if the percentage of paid and not remitted (excluding the ones remitted to a different agency) is representative of the error rate in the population, an additional \$5,800 should have been paid by the Clerk's Office during the audit period.

- B) We noted 40 cases where the named violator requested and received an infraction hearing and was found to have committed the infraction. For 37 of these cases, fines and court costs were assessed and paid in amounts that exceeded the statutory civil penalty defined in Florida Statute 318.18. When a person elects to appear before a designated official, Florida Statute 318.14(5) permits the official to impose a civil penalty not to exceed \$500 if the commission of an infraction was upheld. According to the Clerk's Office, their legal counsel concluded monies assessed as a result of an infraction hearing are not a civil penalty but are fines and court costs and distributed accordingly (which does not include being paid to the County). We are not aware of any provision in the Florida Statutes that would change the characteristic of the monies assessed when a traffic citation is challenged.
- C) When traffic citations remain unpaid for a specified period of time, the Clerk's Office institutes further collection procedures, including submitting the unpaid citations to a collection agency. Ten of the 13 UTCs, with a balance due in the Clerk's Office online system with no recent activity (such as setting a hearing, license suspension, or forwarding for collection), met the Clerk's Office criteria for forwarding to a collection

agency but were not. The remaining three were noted as pending a hearing for over two years.

- D) One UTC from the sample was not found in the Clerk's online system. Both the citation number and name were searched resulting in no matches. Thus, there was no record at the Clerk's Office of the citation reported as issued by the Contractor.

Current Division procedures to track whether all citations issued have been paid, dismissed, sent to a collection agency if unpaid, or otherwise disposed of have not been established. As noted in Recommendation for Improvement No. 3, the reports provided by the Clerk's Office do not balance to the payments sent to the County, which hampers the Division's ability to perform such a review. It should be noted, the Clerk's Office informed us the reports are not intended to balance to the payments sent. Regardless, the Division should attempt to track each citation issued and the status of the payment. This system could alert the County to issues that could be reported to the Clerk's Office to ensure that all payments made are remitted.

We Recommend the Division explore system changes that would enable them to periodically review the payment status of each UTC reported as issued to ensure all payments are received. In addition, we recommend the Division works with the County's legal department to determine whether the Clerk's Office should distribute civil penalty payments to the County from red-light infractions for which hearings were held.

Management's Response:

Concur. The department plans to work with our Legal Department so staff can periodically review the payment status of each UTC to ensure that the County receives full payment of each penalty payment.

3. A Process Should Be Implemented To Reconcile UTCs

As previously noted, amounts paid for UTCs issued are forwarded from the Clerk's Office to the Comptroller each month. When comparing the amounts paid to the Comptroller's Office to the Clerk's Office files of monthly payments to agencies, we noted the amounts paid did not agree with the amounts reported as paid in the files. The reconciliation of the two amounts found that the Comptroller's Office received \$5,819 more in collections than the amount reported as paid to the County in the Clerk's files. This translates into a difference of approximately 78 UTCs. The Clerk's Office also forwards these reports to the Division each month.

Both the Division and the Comptroller's Office were aware that the amounts did not agree, and we were informed that neither the County nor the Comptroller's Office has been successful at balancing the UTCs included in the Clerk's Office's list of monthly agency payments to the monthly amounts paid by the Clerk's Office. An effective reconciliation system balances amounts deposited to amounts reported as received and provides a mechanism to ensure all amounts due are received.

We Recommend the County work with the Comptroller's Office and Clerk of the Court's Office to reconcile the monthly list of UTC payments remitted to the County to the actual amount deposited from the Clerk's Office.

Management's Response:

Concur. Public Works department plans to work with the Comptroller's Office to assist them with setting up meetings with the Clerk of the Court to establish a process to reconcile the monthly list of UTC payments to the actual amount deposited from the Clerk's office.