
Follow-Up Audit of the Orange County Red Light Camera Program



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www.occompt.com



**Report 483
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Orange County Comptroller's Office

Mission

The mission of the Orange County Comptroller's Office is to serve the citizens of Orange County and our customers by providing responsive, ethical, effective, and efficient protection and management of public funds, assets, and documents, as specified in the Florida Constitution and Florida Statutes.

Vision

The vision of the Orange County Comptroller's Office is to be recognized as a highly competent, cohesive team leading the quest for continuing excellence in the effective safeguarding and ethical management of public funds, assets, and documents.



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February 18, 2020

Jerry L. Demings, County Mayor
And
Board of County Commissioners

We have performed a follow-up audit of the Orange County Red Light Camera Program (Report 443). The original audit, issued August 2014, included the period February 2011 through June 2013. Testing of the status of the previous recommendations was performed for the period from October 2017 through March 2018.

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.

The accompanying Follow-Up to Recommendations for Improvement summarizes the previous audit's findings and recommendations. Following each recommendation is a summary of the current status as determined in this review. A response to our recommendation was included from the Director of Public Works.

We appreciate the cooperation of employees from Public Works and the Orange County Sheriff's Office during the course of the audit.

Phil Diamond, CPA
County Comptroller

- c: Byron Brooks, County Administrator
Chris Testerman, Deputy County Administrator
Joe Kunkel, Director, Public Works Department



INTRODUCTION

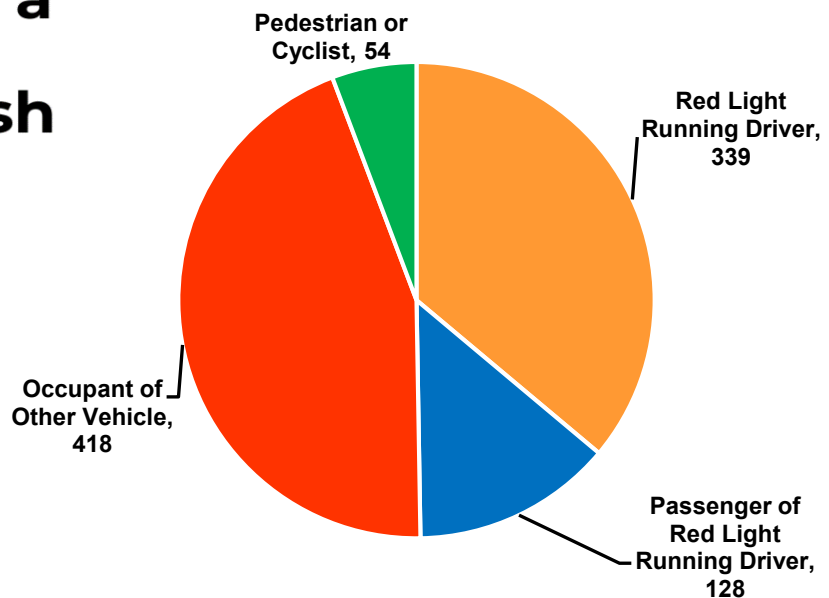
Background

Red light running is one of the most common factors in urban crashes. According to red light running crash reports, 939 fatalities were reported in the United States in 2017 from red light running crashes—more than two people every day¹. Of the 939 fatalities, 99 (over 10%) occurred in Florida.

Further analysis showed that just 36% (339 of 939) of the fatalities were the red light running drivers themselves. The remaining 64% of fatalities were other victims.

**More than
2 people killed
every day in a
red light
running crash**

**Identity of People Killed in
Red Light Crashes**

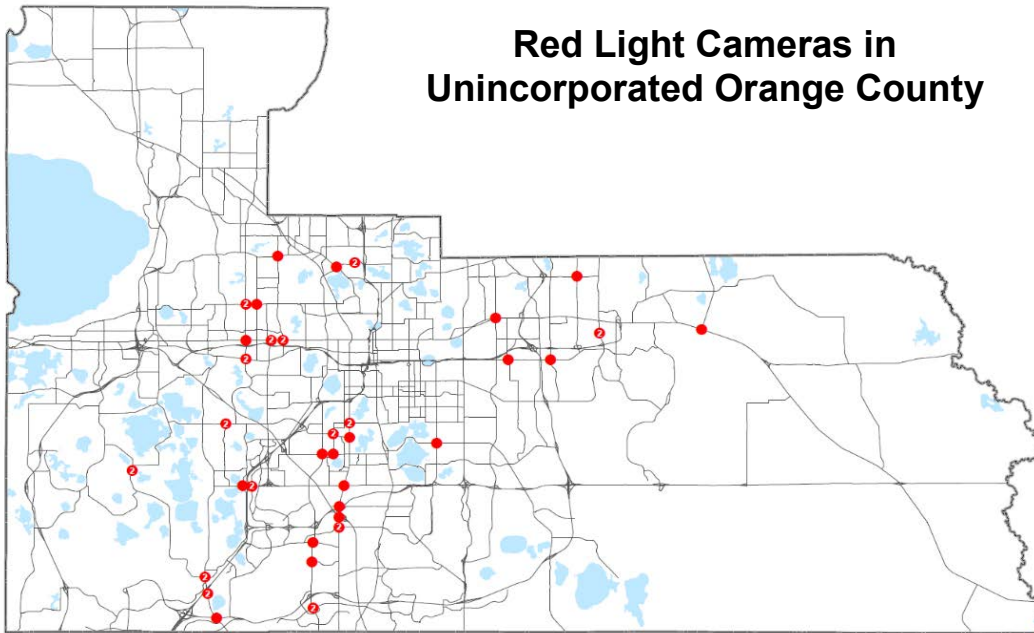


Orange County created a program to reduce red light running by installing cameras at 11 traffic intersections in February 2011. The program is managed by the Public Works Department's Traffic Engineering Division (Division). Red light cameras are currently installed at 35 intersections within unincorporated Orange County as shown below:

¹ NHTSA FARS data, analyzed by the AAA Foundation for Traffic Safety
<https://newsroom.aaa.com/2019/08/red-light-running-deaths-hit-10-year-high/>

INTRODUCTION

Red Light Cameras in Unincorporated Orange County



Camera Placement as of January 2019

A private contractor installs and maintains the red light cameras. The contractor also provides video evidence of all suspected red light running violations. Shown below is a sign notifying drivers of photo enforcement cameras. Also shown is a picture of an installed camera.



After the contractor completes their review, the Orange County Sheriff's Office Traffic Infraction Enforcement Officer (officer) review the video footage. The officers determine if there is sufficient evidence showing that the vehicle entered the intersection after the light turned red. If there is sufficient evidence, a Notice of Violation (NOV) is issued to



INTRODUCTION

the vehicle's registered owner. If the NOV is not paid or protested within 60 days, an officer reviews the film footage to confirm that a red light running violation occurred². If so, that officer will issue a Uniform Traffic Citation (UTC) to the vehicle owner.

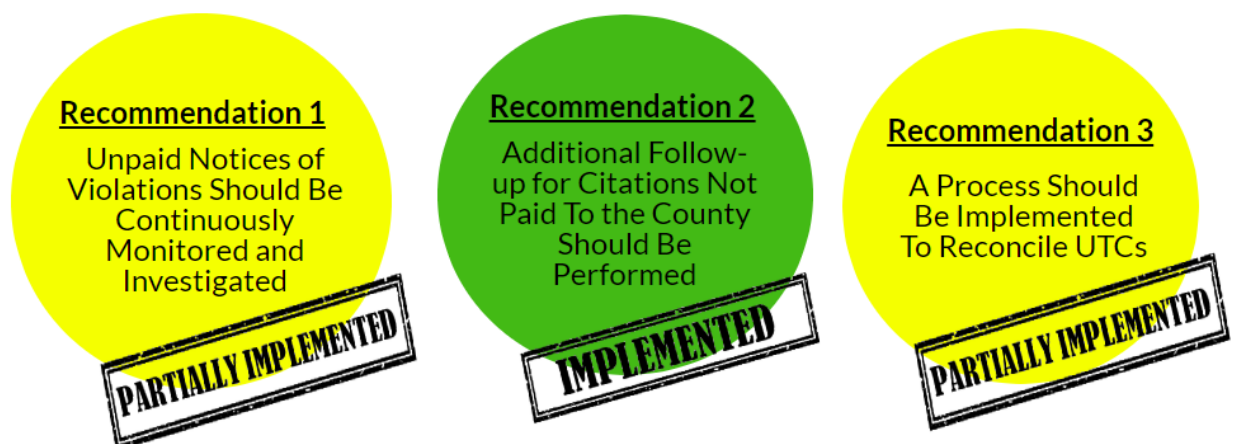
Audit Scope, Objective, and Methodology

We have conducted a follow-up of the August 2014 Audit of the Orange County Red Light Camera Program (Report No. 443). The prior audit report can be viewed at www.occompt.com/county-audit/audit-reports/. The audit scope and objective were to determine whether the recommendations issued in the prior audit report have been implemented. The audit period for the follow-up audit was October 2017 through March 2018.

During the audit, we performed tests necessary to verify if the prior recommendations were implemented. We have described the specific methodologies utilized later in this report.

Implementation Status of Prior Audit Recommendations

There were three recommendations in our earlier report.



² The same officer could have reviewed the footage to determine whether an NOV should originally have been issued.

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

The Contractor performs an initial review of the videos for potential red light violations. The suspected violations are then forwarded to a Traffic Infraction Enforcement Officer (officer) supervised by the Orange County Sheriff's Office. The officer reviews the videos to ensure:

- 1) The vehicle failed to stop at a red light; and,
- 2) The vehicle owner can be identified by the license plate and vehicle make/model.

If the officer determines the driver ran a red light, a Notice of Violation (NOV) is issued to the registered vehicle owner. The owner has 60 days to pay the fine, request a hearing, or submit an affidavit protesting the NOV.

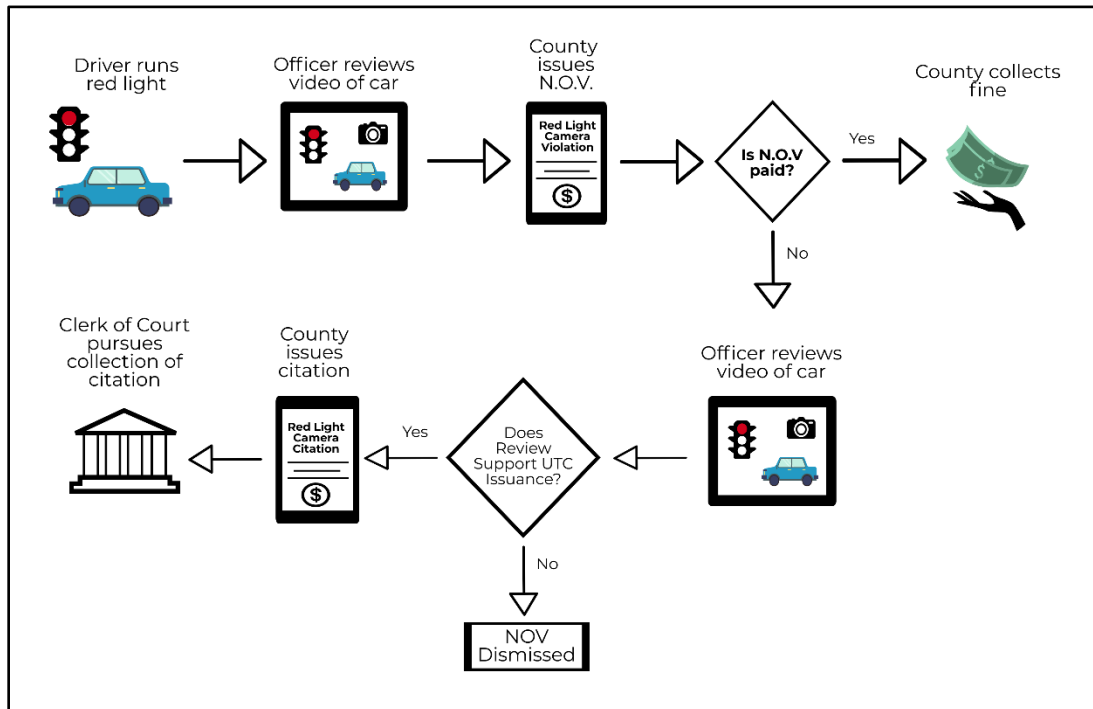
If the NOV remains unpaid after 60 days and has not been protested, the video is reviewed again by an officer. If the officer determines a violation occurred, a Uniform Traffic Citation (UTC) will be issued. If the officer concludes the evidence does not support the original determination, the NOV will be cancelled.

Sample - Notice of Violation

 Orange County Florida Intersection Safety Program P.O. Box 22091 Tempe, AZ 85285-2091		View your video, images and pay online at www.ViolationInfo.com	
NOTICE OF VIOLATION		NOTICE #: 0821000012345 PIN: 1234	
		Amount Due: \$158.00 Due Date: Issue date + 30 days	
John H Smith 123 Main Street Orlando, FL 32839			
ONV (Date) 3/9/2009	AT TIME 4:07:00 PM	AT LOCATION NB W Country Club Dr. @ William Lehman Causeway	COUNTY Orange
NAME John H Smith			
STREET ADDRESS 123 Main Street			
CITY Orlando	STATE FL	ZIP CODE 32839	
DID UNLAWFULLY <input type="checkbox"/> OPERATE / DRIVE <input type="checkbox"/> PARK			
V H C E	YEAR 2007 MAKE Mercedes Benz MODEL 450SL NUMBER 241 JBL	STYLE 4-door COLOR Silver	STATE FL
Did then and there commit the following offense: FAILURE TO COMPLY WITH A STEADY RED SIGNAL The recorded images relating to the vehicle stated above are evidence of this infraction.			
IN VIOLATION OF: Florida Statutes §§ 316.0083, 316.074(1) and 316.075(1)(c)1			
SHERIFF'S OFFICE			
Electronic Signature		ID#	ISSUE DATE 5/14/2009
STATUTORY PENALTY OF \$158.00			
Pay with your Visa or MasterCard at www.ViolationInfo.com or mail your check or money order with this coupon to the address below.			
		NAME: JOHN H SMITH DUE: Issue date + 30 days	
		NOTICE #: 0821000012345 VERSION: 1 ISSUED: 5/14/2009	
PLATE: 241 JBL STATE: FL TYPE:		No points will be assessed for this Notice of Violation	
Orange County Violations Processing Center PO BOX 864681 Orlando, FL 32886-4681			
AMOUNT DUE: \$158.00			

The following chart illustrates the red light camera citation process:

Red Light Camera Citation Process



Prior Audit Finding:

The prior audit reviewed the Division's process for follow-up on unpaid NOV's. In that audit, we reviewed all NOV's issued during the original audit period that were not paid within 30 days. The review found that a significant number of NOV's remained unpaid for over 30 days without the issuance of UTCs.

In 2013, Florida Law was modified removing the requirement that UTCs be issued within 30 days after the payment deadline. As a result, the issue identified in the prior audit is no longer directly applicable. The Division established guidelines based on amended law so that all unpaid NOV's will be reviewed by an officer within 120 days of the infraction. Testing during the follow-up was evaluated based on the new guidelines.

Prior Recommendation:

The Division should develop 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.

Current Status:

Partially Implemented. We reviewed unpaid NOVs according to the new procedures and found there were still unpaid NOVs without a UTC being issued. We found that 587 of the NOVs were dismissed after the second review³. Only 262 of the 587 dismissed NOVs were supported by appropriate justification for the dismissal. The other 325 were dismissed with only “Administrative Decision” noted as the justification.

The Sheriff’s Office informed us that it has no written criteria for reviewing camera evidence to determine whether a violation occurred. Instead, the officers rely on officer discretion to determine whether:

- Camera evidence shows that the vehicle was behind the white line when the light turned red;
- The license plate is clearly visible; and,
- The vehicle make and model can be clearly determined.

We reviewed the video and still camera shots for a random sample of 30 of the 325 NOVs that were dismissed by “Administrative Decision” instead of citing specific criteria. We agreed with the Sheriff’s Office that 15 of the 30 dismissed NOVs did not meet the criteria listed above. However, we also determined the other 15 dismissed NOVs met all of the above criteria and should not have been dismissed. We discussed 13 our conclusions with the officer who made the decision to dismiss these NOVs. The officer disagreed with 11 of our conclusions, despite what we saw as clear evidence the violations met the above criteria.

³ 2232 NOVs were unpaid at the time of the audit. However, 1,647 were less than 120 days overdue.

The images and video to the right show one of the NOVs that were issued and later dismissed by the officer because it did not meet the above criteria.

We reached some of our conclusions by utilizing the slow motion feature available in the program. The officer stated that he did not use the slow motion feature.

Based on the inconsistent application of the criteria in the sample, we reviewed the video and camera evidence of a random sample of 187 NOVs that had already been paid by vehicle owners. Of the 187 NOVs reviewed, 58 were issued based on the officers' inconsistent application of the unwritten criteria.



[Video of Dismissed NOV](#)

Written procedures should be developed for the officers to use while reviewing camera data. These procedures should include the criteria for evaluation and which software tools to utilize (slow motion, freeze frame, etc.).

Recommendation No 1:

Public Works should work with the Sheriff's Office to establish written procedures for the Traffic Infraction Enforcement Officers to follow when reviewing red light camera data.

Management's Response:

Concur. See [Appendix](#) for full response.

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

Prior Audit Finding:

Payments for issued UTCs are remitted to the Orange County Clerk of Courts (Clerk). In the prior audit, we compared the UTCs issued to the Clerk's monthly payment files. We reviewed a sample of 414 of the 4,039 UTCs that were issued but not reported as paid to the County. We noted that payments were not remitted to the County for 64 of the 414 UTCs even though the Clerk had collected the payments.

The unpaid amounts were categorized into four areas:

- Payments for Orange County UTC's that were remitted to another agency;
- Cases where an infraction hearing was conducted and the violation was upheld resulting in fines and court costs;
- UTC's forwarded to the collection agency; and,
- One UTC that was never recorded in the Clerk's system.

The Division did not have procedures to track whether all citations issued have been paid, dismissed, sent to a collection agency if unpaid, or otherwise disposed of by the Clerk's Office.

Prior Recommendation:

The Division should explore system changes that would enable it 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.

Current Status:

Implemented. During the follow-up audit, payments for 1,838 UTCs issued between October 2017 and December 2018 were not remitted to the County by the Clerk. We tested a sample of 60 of the 1,838 unpaid UTCs.

The County is not entitled to receive payments when a violator requests and receives a court hearing to dispute the UTC. The Clerk's Office responded that according to Florida Statute section 318.14(5), "Any person electing to appear before the designated official...shall be deemed to have waived his or her right to the civil penalty provisions of s. 318.18." All penalties received by the Court are distributed based on Florida Statute 318.21 rather than 318.18.

Our testing indicated that the County is consistently receiving payment for the UTCs issued and paid by violators.

3. A Process Should Be Implemented To Reconcile UTCs

Prior Audit Finding:

When comparing the amounts paid to the County for UTCs, we noted the check amounts did not agree with the supporting documentation provided by the Clerk's Office. Our review found the Clerk paid \$5,819 more than the transactions listed on the supporting records showed.

Prior Recommendation:

The County should work with the Comptroller's Office and Clerk of 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.

Current Status:

Partially Implemented. The reports detailing paid UTCs still did not match deposit amounts which we reviewed during the follow-up audit. After discussing this with the Division, the Clerk's Office provided us a new report. The new report materially agreed with the payments that were received. As a new report is now being used to reconcile the payment amounts received, no further action is needed.



Status of Previous Recommendations for Improvement

NO.	PRIOR RECOMMENDATIONS	IMPLEMENTATION STATUS		
		IMPLEMENTED	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED
1.	The Division should develop 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.	The Division should explore system changes that would enable it 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.	The County should work with the Comptroller's Office and Clerk of 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.		✓	



Interoffice Memorandum

February 12, 2020

TO: Wendy Kittleson, Deputy Director of County Audit

FROM: Joseph C. Kunkel, P.E., Director Public Works Department *done call*

SUBJ: **Exit Draft for Follow-Up Audit of the Orange County Red Light Camera Program**

In response to the audit conducted by the Orange County Comptroller's office of the County's Red Light Camera Program from the period of October 2017 through March 2018, the Orange County Traffic Engineering Division concurs with the findings and recommendation provided.

The following procedures will be incorporated into the program to ensure compliance with the recommendations provided:

- Enhance classroom instruction of the STEP Training curriculum for Traffic Infraction Enforcement Officers (TIEO)
- Improve review of accept/reject procedures for TIEO Officers and create a checklist of review procedures
- Develop and implement a QA/QC process to ensure better issuing NOV's and UTCs, including more regular use of the supervisor review queue

CC: Humberto L. Castillero, P.E., PTOE, Interim Manager, Traffic Engineering Division
Jerald Marks, Jr., Project Manager, Traffic Engineering Division