**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**Office of the Inspector General**

**Inspector General**

OIG

May 27, 2016

Lucinda M. Babers
Director
D.C. Department of Motor Vehicles
95 M Street, S.W.
Washington, D.C. 20024

Cathy L. Lanier
Chief
Metropolitan Police Department
300 Indiana Ave., N.W., Room 5059
Washington, D.C. 20001

Christopher Shorter
Acting Director
Department of Public Works
2000 14th Street, N.W.
Washington, D.C. 20009

Leif Dormsjo
Director
District Department of Transportation
55 M Street, S.E., Suite 400
Washington, D.C. 20003

Dear Directors Babers and Dormsjo, Acting Director Shorter, and Chief Lanier:

This letter is to inform you of the results of the Office of the Inspector General's (OIG) Special Evaluation of the District's Adjudication of Parking Tickets and Photo-Enforced Red Light and Speed Camera Violations (OIG No. 16-I-0072). This special evaluation was part of our *Fiscal Year 2015 Audit and Inspection Plan,*[1] and is Part II of the OIG's evaluation of parking and automated traffic enforcement practices in the District.

The following summarizes the evaluation's objectives, scope and methodology, findings, and recommendations.

**Evaluation Objectives**

The objectives of this special evaluation were to identify common reasons why: (1) Department of Motor Vehicles (DMV) hearing examiners dismiss contested parking tickets, speed camera tickets, and red-light camera tickets; and (2) Traffic Adjudication and Appeals Boards (Appeals Boards) reverse hearing examiners' decisions (i.e., findings of liability) regarding parking tickets, red-light camera tickets, and speed camera tickets.

[1] Available at http://oig.dc.gov.

Additionally, this evaluation will also present recommendations for improvements in ticket issuance oversight by the primary ticket issuing entities [i.e., the Department of Public Works (DPW), Metropolitan Police Department (MPD), and the Department of Transportation (DDOT)] and DMV adjudication operations aimed at reducing the number of tickets: a) dismissed by DMV hearing examiners; and b) reversed by the Appeals Boards.

**Evaluation Background**

The DMV adjudicates parking, moving, and automated traffic enforcement (e.g., red-light camera and speed camera) tickets. A ticketed motorist (i.e., respondent) may use DMV's adjudication process to contest liability for a ticket or associated penalties by mail, online, or through an in-person hearing. When the hearing examiner receives the adjudication request, he/she reviews evidence presented by the respondent and the agency that issued the ticket, and writes a hearing record with final disposition stating whether the respondent is liable for the ticket.

A respondent who disagrees with the hearing examiner's decision can submit a reconsideration request to DMV. The hearing examiner will review new facts or evidence presented by the respondent. If the hearing examiner still finds the respondent liable, the respondent can appeal the decision to the Appeals Board.[2] The Appeals Board reviews the appellant's hearing record and facts as presented in the initial adjudication determination and then affirms, reverses, remands, or modifies the hearing examiner's decision.[3]

**Evaluation Scope and Methodology**

This special evaluation included analysis of fiscal year (FY) 2014 adjudication and appeals data, and focused only on the three agencies that issue the most parking tickets and photo-enforcement tickets: the DPW, MPD, and DDOT.[4]

The team conducted fieldwork in October and November 2015. Fieldwork included analyzing adjudication and appeals data obtained from the DMV; identifying the most common reasons for ticket dismissal; reviewing 180 randomly selected FY 2014 adjudication and appeal cases; interviewing DMV staff and Appeals Board members; and reviewing DMV documents and legal requirements.

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[2] A person must have a reconsideration conducted on his or her case prior to going to the Appeals Board in most circumstances. A person can appeal directly to the Appeals Board when a request for reconsideration, motion to vacate, or a license suspension or revocation is denied. A motion to vacate is filed to dismiss a judgment for specific reasons.

[3] *See* Title 18 DCMR §§ 1044.1 and .3; *see also* Title 18 DCMR § 3014.4.

[4] A total of 31 District and federal agencies have authority to issue moving violation tickets and parking tickets in the District of Columbia. The MPD is the only agency that issues photo-enforced tickets.

This special evaluation was conducted in accordance with standards established by the Council of the Inspectors General on Integrity and Efficiency. As a matter of standard practice, an OIG special evaluation pays particular attention to the quality of internal control.[5]

**Findings and Recommendations**

The special evaluation team presents two findings that address how improved communication among your agencies would assist the DMV in its adjudication and appeal functions.

**Finding 1:** In FY 2014, hearing examiners dismissed 45 percent[6] of parking, red-light camera, and speed camera tickets, most commonly using "lack of merit," "no case," and "poor image" dismissal codes. To improve the efficacy of ticket issuance practices, information about ticket defects and the resulting dismissals should be communicated to the DPW, MPD, and DDOT.

***Condition:*** In FY 2014,[7] DMV hearing examiners adjudicated 267,886 parking and photo-enforced tickets.[8] They dismissed 121,238 (45 percent) of the parking,[9] red-light camera, and speed camera tickets, and found respondents liable for 146,648 tickets (55 percent).

The team evaluated dismissal codes that hearing examiners entered in eTIMS to determine the most common dismissal reasons for FY 2014. As seen in below, the three most common dismissal reasons were:

- **Lack of merit (51,244 tickets, 42 percent of the dismissals)**: The ticket contained no defects, but the respondent presented a valid, legal defense so, there was no merit to the ticket. One example of this is a vehicle that was ticketed for being parked in a rush hour zone, but the respondent showed that the vehicle was inoperable due to a flat tire. In these instances, if the respondent provides documentation proving the

[5] "Internal control" is defined by the U.S. Government Accountability Office (GAO) as comprising "the plans, methods, policies, and procedures used to fulfill the mission, strategic plan, goals, and objectives of the entity" and is not one event, but a series of actions that occur throughout an entity's operations. Furthermore, internal control is a process that provides reasonable assurance that the objectives of an entity will be achieved, serves as the first line of defense in safeguarding assets, and is an integral part of the operational processes management uses to guide its operations. STANDARDS FOR INTERNAL CONTROL IN THE FEDERAL GOVERNMENT, at 5-6 (Sept. 2014).

[6] The analysis in this report relied upon data provided by the DMV during fieldwork. With its response to the draft report, the DMV provided new data. *See* Attachment A for additional information.

[7] The scope of our data analysis consisted of adjudicated parking tickets issued by the DPW, MPD, and DDOT, and adjudicated photo enforcement tickets. The team also reviewed adjudication caseload statistics the DMV provided to the D.C. Council, and noted that the total number of adjudicated cases reported to the D.C. Council for FY 2014 was inconsistent with the OIG analysis of DMV-provided data. Data given to the team indicate that more tickets were adjudicated in FY 2014 than the DMV reported to the D.C. Council.

[8] Tickets may be issued in one year and adjudicated in another.

[9] These parking tickets only include tickets issued by the DPW, MPD, and DDOT.

case (e.g., a tow receipt with corresponding date, time, and location), then the ticket is dismissed on merit.

- **Poor image (12,646 tickets, 10 percent of the dismissals)**: An adjudicator uses this dismissal code when the image or video of a photo-enforced violation is not clear or readable. Examples are when the license plate's issuing state cannot be discerned, or the color of the traffic signal in a red-light violation is not obvious. In these instances, the government did not properly establish the infraction.

- **No case (11,276 tickets, 9 percent of the dismissals)**: The ticket was dismissed because the government established no prima facie case[10] showing that a violation occurred. For example,e the respondent is ticketed at 3:59 p.m. for parking in a rush hour zone, but the rush hour no parking restriction starts at 4:00 p.m., or the ticket is missing information, e.g., the date, time, license plate number, or the jurisdiction.

These three dismissal reasons accounted for 61 percent of FY 2014 dismissals.[11]

***Criteria:*** In an adjudication hearing, the District government maintains the burden of proof.[12] The government must establish by a preponderance of the evidence that a parking violation occurred; clear and convincing evidence is required to establish a photo-enforced violation. If, after reviewing the evidence, the hearing examiner determines that the government did not establish a violation occurred, the ticket is determined defective and dismissed. If the government establishes an infraction, the respondent can rebut with additional evidence showing that a violation did not occur, or present one of seven legal defenses[13] to a parking violation or one of four legal defenses[14]

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[10] "A prima facie case . . . is one which is established by sufficient evidence, and can be overthrown only by rebutting evidence adduced on the other side." Http://thelawdictionary.org/prima-facie (last visited Dec. 4, 2015).

[11] The next three most common dismissal reasons were:

- Administrative Dismissal (10,300 tickets, 8 percent of the dismissals): Hearing examiners do not use this dismissal code. DMV management enters this dismissal code when there is a problem with the adjudication process (e.g., a ticket is not timely adjudicated) or the ticket-issuing agency requests that the ticket be dismissed (e.g., because duplicate tickets were issued for the same violation).
- Parkmobile Receipt (8,479 tickets, 7 percent of the dismissals): The respondent received a ticket for failing to pay for parking, but produced a receipt during the hearing showing that meter payment was transmitted through Parkmobile, the District's Pay-by-Phone Program that allows motorists to use their mobile phones to pay for parking.
- Dismissed ROSA Exemption (7,224 tickets, 6 percent of the dismissals): Hearing examiners use this dismissal code when an individual provides evidence that he/she is not a District resident after receiving a ticket for failure to register a vehicle in D.C., a requirement not applicable to out-of-state residents.

[12] *See* D.C. Code § 50-2303.06(b).

[13] D.C. Code § 50-2303.05(a)(2) lists the following defenses: 1) respondent was not the owner or lessee of the vehicle at the time the ticket was issued; 2) vehicle or its tags were stolen at the time the ticket was issued; 3) relevant signs prohibiting or restricting parking were missing or obscured; 4) parking meter was broken through

to a photo enforcement violation. When the respondent proves a legal defense, the ticket is dismissed for lack of merit.

***Cause:*** Hearing examiners dismissed 61 percent of adjudicated tickets for three common reasons that can be grouped into two categories: (1) respondent provided a valid defense; and (2) the government did not meet the burden of proof. In the first category, the tickets were dismissed because respondents provided valid legal defenses.[15] In the second category, the District government issued defective tickets and did not meet its burden of proof. "Dismissed no case" and "dismissed poor image" tickets are included in this second category.[16] Hearing examiners and Appeals Board members reported to the special evaluation team several conditions that led to dismissals because the government did not meet its burden of proof:

- **Insufficient evidence of violation** – Insufficient or erroneous information on a parking ticket; unclear pictures on a photo-enforced violation.

- **Defective deployment logs**[17] – An MPD officer did not sign the log or indicate that the speed camera was properly working; the log is missing information such as the date and time of violation.

- **Multiple vehicles** – Adjudicators commented that use of a green line to signify the speeding vehicle in infraction photographs is not clear and convincing evidence that the vehicle indicated by the technology committed the violation such as when the green line in an infraction photo appears under two or more vehicles.

- **Failure to check Parkmobile** – Adjudicators stated that ticket writers seemingly do not routinely check the Parkmobile application to determine whether the respondent paid for parking using the application, before issuing a ticket to a vehicle parked at an expired meter.

- **Technology limitations** – Hearing examiners noted difficulties accessing videos and photos in eTIMS and TicPix,[18] which lead them to dismiss tickets.

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no fault of the respondent; 5) facts alleged on the ticket are inconsistent or do not support the alleged violation; 6) vehicle mechanical failure; or 7) medical emergency.

[14] D.C. Code § 50-2209.02(d) lists the following defenses: 1) respondent was yielding to an emergency vehicle; 2) vehicle or vehicle tags were previously reported stolen; 3) vehicle was part of a funeral procession; or 4) respondent acted at the direction of a law enforcement officer.

[15] Lack of merit tickets are included in this category.

[16] There were other categories of dismissals that also comprised category two; for example, "Dismissed Park Mobile Receipt" tickets.

[17] Deployment logs include information about the photo enforcement location, location speed limit, and testing of the photo enforcement equipment. A copy of the deployment log is available for hearing examiners to review in eTIMS for speed camera tickets.

[18] TicPix is an application used by the DPW for parking violation photographs. *See* http://dpw.dc.gov/service/search-ticket-image-using-ticpix (last visited Dec. 22, 2015).

The DMV collects detailed information through eTIMS that documents why tickets were dismissed. According to a DMV management official, this information was not systematically communicated from the DMV to ticket-issuing agencies so the agencies could correct avoidable errors that resulted in dismissed tickets.

***Effect:*** Tickets were adjudicated that either should not have been issued or were issued incorrectly. The team calculated that in FY 2014, adjudicating the 23,922 "dismissed no case" and "dismissed poor image" tickets alone totaled, on average, 460 dismissals per week, or the work of 2.2 hearing examiners.[19] At this rate, it would take a little over two hearing examiners an entire year to decide tickets subsequently dismissed for just these two dismissal reasons.

The work of dismissing these two types of defective tickets translates into roughly $173,000 to $223,000 a year in DMV adjudicator salary alone.[20]

***Accountability:*** Although the DMV does not maintain direct oversight of the ticket issuance process, data related to DMV ticket dismissals can serve as a feedback loop to ticket-issuing agencies and reduce ticketing errors.

Through improved communication about prevalent defects in parking and photo-enforced tickets, the DMV and the ticket-issuing agencies could reduce the number of defective tickets issued, reduce the number of contested tickets, and positively impact the number of adjudication and appeal cases.

Therefore, we recommend that the Director, DMV:

(1) Continue to collect thorough data about ticket defects that result in the dismissal of parking and photo-enforced tickets, and enhance policies and procedures to ensure this information is systematically communicated to DPW, MPD, and DDOT.

Agree ___X___ Disagree _____

***DMV April 2016 Response, As Received:***[21] *In terms of the above recommendation, as indicated in the comments on the findings, DC DMV has been providing monthly dismissal reports since 2010, and this information was made known to your staff in 2013[.*[22]*] Therefore, it is unclear why this is a recommendation. Regardless, we agree with the recommendation.*

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[19] According to the DMV, the average caseload per hearing examiner in FY 2014 was 10,694.
[20] This salary information is based on FY 2016 salaries for Career Service grade 13 employees, and it reflects potential agency cost savings going forward.
[21] DMV's response to the draft report is Attachment A. (DMV's updated data attachment was not included due to its length.)
[22] For this report, the team relied upon a manager's statement that reports were not disseminated to the MPD.

**OIG Comment:** During fieldwork, a DMV manager told the OIG that such reports were not sent to the MPD. The OIG reiterates the recommendation as written so DMV adjudication employees and senior leadership have the same understanding of how and when ticket defect data should be communicated to the DPW, MPD, and DDOT.

We recommend that the Director, DPW; Chief, MPD; and Director, DDOT:

(2) Develop procedures within their respective agencies to analyze information that the DMV provides concerning the quality of tickets issued and the frequency and reasons for ticket dismissals by DMV adjudicators to improve the accuracy of their ticket issuance practices.

Agree X[23] Disagree _____

**Finding 2:** The Appeals Board does not specify reasons for reversals in eTIMS, and reversal trends are not evaluated and communicated to DMV hearing examiners.

***Condition*:** The Appeals Board and the DMV do not maintain data on specific reversal reasons in eTIMS. Appeals Board members write hearing records that include specific reversal reasons such as "misapplication of law" or "overlooked case fact;" however, these specific reasons are not reflected in eTIMS because eTIMS contains one generic code for the Appeals Board to select when documenting reversals: "Appeal Reverse NOI."[24] The DMV provided eTIMS data that showed the number of parking and photo enforcement violations appealed in FY 2014. As seen in Table 1 below, parking tickets were appealed and reversed more frequently than photo enforcement tickets, but neither the Appeals Board nor DMV could specify the reasons for these reversals without reading each hearing record. Consequently, the special evaluation team could not identify common reasons the Appeals Board reversed DMV hearing examiners' decisions.

| | Number of Appeals filed | Number of Appeal Dispositions Issued | Number of Reversed Dispositions | Number of Affirmed Dispositions |
|---|---|---|---|---|
| **Parking tickets** | 1,568 | 1,128 | 461 | 667 |
| **Photo enforcement tickets** | 617 | 279 | 60 | 219 |

**Table 1: FY 2014 Appeals Data by Ticket Category[25]**

[23] The MPD and DPW agreed with this recommendation; DDOT did not respond to requests for comment on the draft report. MPD's complete response to the draft report is Attachment B. DPW's complete response is Attachment C.
[24] "NOI" signifies notice of infraction.
[25] The number of appeals filed and dispositions issued differ because an appeal may be filed during one year and decided in another.

DMV hearing examiners were not notified when and why the Appeals Board reversed their decisions, and indicated that they would like more information on case reversals to prevent similar errors.

***Criteria***: Title 18 DCMR §§ 1044.1 and .3 state an Appeals Board shall review hearing examiner decisions and only consider the following issues during its review:

> (a) Whether a finding of a material fact is erroneous;
> (b) Whether a substantial and important question of law, policy, or discretion has been erroneously interpreted or applied;
> (c) Whether prejudicial error has occurred; and
> (d) Whether a prejudicial abuse, misuse, or failure to use discretion has occurred.

Title 18 DCMR § 3014.4 further states that after reviewing the hearing record, the Appeals Board may reverse, remand, or modify the decision.

***Cause***: Although eTIMS can be modified to document more specific reversal reasons, Appeals Board members and senior DMV officials did not believe that capturing more specific reversal information was necessary. Further, there are no requirements for the Appeals Board to communicate reversal trends to the DMV. In addition, interviewees noted that hearing examiners can read the Appeals Board's hearing records to learn specific reversal reasons. The DMV and the Appeals Board have not requested modifications to eTIMS so more specific reversal data can be tracked.

***Effect***: When hearing examiners do not receive feedback on specific reasons for or trends in reversals, they remain unaware of how to correct errors and prevent recurrence when deciding new cases. Providing hearing examiners with reversal information may reduce the number of appeals, reversals, and resources expended to review appealed cases.

***Accountability***: The Chief Hearing Examiner ensures that hearing examiners properly adjudicate cases, which could include relaying feedback from the Appeals Board regarding trends in reversals and errors.

We recommend that the Director, DMV:

(3) Develop policies and procedures to capture in eTIMS the reason(s) for reversing an adjudication decision; update eTIMS' functionality; and ensure that Appeals Board members have policies and procedures that include the requirement to document reason(s) for reversing a DMV adjudicator's decision.

Agree ___X___ Disagree _____

(4) Develop requirements to disseminate to DMV hearing examiners reversal data and trends, and perform periodic analysis on these data to identify solutions that will reduce the number of reversals.

Agree ___X___ Disagree _____

***DMV April 2016 Response, As Received**: In terms of the above two recommendations, DMV is in agreement as indicated in our Findings comments.*

We appreciate the cooperation and courtesies extended to our staff during this engagement. If you have questions concerning this report or other matters related to the special evaluation, please contact me or Ed Farley, Assistant Inspector General for Inspections and Evaluations, at (202) 727-2540.

Sincerely,

Daniel W. Lucas
Inspector General

DWL/ef

**DISTRIBUTION:**

The Honorable Muriel Bowser, Mayor, District of Columbia, Attention: Betsy Cavendish (via email)
Mr. Rashad M. Young, City Administrator, District of Columbia (via email)
Mr. Barry Kreiswirth, General Counsel, Office of the City Administrator, District of Columbia (via email)
Mr. Kevin Donahue, Deputy Mayor for Public Safety, District of Columbia (via email)
The Honorable Phil Mendelson, Chairman, Council of the District of Columbia (via email)
The Honorable Jack Evans, Chairperson, Committee on Finance and Revenue, Council of the District of Columbia (via email)
The Honorable Kenyan McDuffie, Chairperson, Committee on the Judiciary, Council of the District of Columbia (via email)
Mr. John Falcicchio, Chief of Staff, Office of the Mayor (via email)
Mr. Michael Czin, Director, Office of Communications (via email)
Ms. Nyasha Smith, Secretary of the Council (1 copy and via email)
The Honorable Kathleen Patterson, D.C. Auditor, Office of the D.C. Auditor, Attention: Candace McCrae (via email)
Mr. Jed Ross, Director and Chief Risk Officer, Office of Risk Management (via email)

# ATTACHMENTS

## Attachment A – DMV Response to Draft Report of Special Evaluation

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**DEPARTMENT OF MOTOR VEHICLES**

Office of the Director

April 14, 2016

Transmitted by Email

Daniel Lucas
Inspector General
Office of the Inspector General
717 14th Street, NW, 5th Floor
Washington, DC 20005

**SUBJ:** Special Evaluation of the District's Adjudication of Parking Tickets and Photo-Enforced Red Light and Speed Camera Violations (OIG No. 16-I-00##)

Dear Inspector General Lucas:

This letter is in response to your March 31, 2016 letter regarding the above subject. The District of Columbia Department of Motor Vehicles (DC DMV) appreciates the opportunity to respond to your draft evaluation report.

It should be noted the purpose of the adjudication and appeals process is to provide a legal opportunity for customers to contest or appeal a ticket they believe was issued in error. Therefore, by its nature, if only tickets which were issued in error were submitted for adjudication, then the adjudication dismissal rate should be near 100%. Therefore, it cannot be assumed a high adjudication dismissal rate, in and of itself, is problematic since there are many reasons tickets are dismissed which have no bearing on the ticket issuer. We appreciate your report acknowledges this distinction and seeks to address those dismissal reasons which may be within the control of the issuing agencies and require greater scrutiny.

**Comments on Findings**

In Finding 1 on page 3, there is a footnote 8 which indicates the FY14 adjudication caseload statistics the DMV provided to the DC Council was not consistent with the OIG analysis of DMV provided data. Based on this footnote, DMV took a deep dive into both data sets and, unfortunately, discovered the data provided to the OIG was not accurate. Specifically, when the FY14 adjudication report was ran, in accordance with the OIG's data request, a filter was not included to exclude system generated hearing decisions that are similar to deemed liable decisions. We apologize for this oversight and error and have attached the updated document. We have also included a chart below which shows the differences in the correct and incorrect data.

| FY14 Tickets Adjudicated and Issued by DPW, DDOT & MPD | | | | | | |
|---|---|---|---|---|---|---|
| | Parking | | Photo - Speeding | | Photo - Red Light | |
| | # Tickets Contested w/Dispo Code | # Tickets Affirmed/ Dismissed | # Tickets Contested w/Dispo Code | # Tickets Affirmed/ Dismissed | # Tickets Contested w/Dispo Code | # Tickets Affirmed/ Dismissed |
| **Correct Data** | 192,198 | 188,422 | 43,728 | 43,309 | 18,211 | 18,012 |
| **Incorrect Data** | 577,353 | 206,700 | 49,613 | 47,482 | 19,071 | 18,761 |

In Finding 1 on page 5, there is a comment "the adjudicators indicated they found MPD's photo enforcement technology problematic, and the use of a green line to signify the speeding vehicle in infraction photographs is not clear and convincing evidence the vehicle indicated by the technology actually committed the violation." There is no statutory or regulatory requirement for the green line. It is not used by MPD to determine a violation, rather it is an indicator of which vehicle's speed was measured by the photo radar unit. MPD provides photographs with the time, location number and vehicle speed as well as a deployment log. The deployment log contains the location of the posted speed limit signs, what tests were performed on the equipment and when the equipment was tested. The sum of the evidence is what establishes the violation by clear and convincing evidence.

In Finding 1 on page 6, it is stated "DMV collects detailed information through eTIMS that documents why tickets were dismissed. However, this information was not systematically communicated from the DMV to ticket-issuing agencies so that the agencies could correct avoidable errors that resulted in dismissed tickets." It should be noted DMV has been providing the major ticket issuing agencies, which include the Metropolitan Police Department (MPD), Department of Public Works (DPW) and District Department of Transportation (DDOT), with monthly ticket dismissal reports since July 15, 2010 as indicated in the attached email. The monthly report has since evolved to include additional information as indicated in the attached September 17, 2013 email sent to your staff. It should be noted in most jurisdictions, such as Boston, New York City, Chicago, Philadelphia and Los Angeles, the adjudication agency does not provide ticket issuing agencies with adjudication data.

In Finding 2 on pages 7-8, DMV will conduct system modifications to create additional appeal decision reversal disposition codes corresponding to the following DC Code 50-2304.03 requirements:

> 50-2304.03. Scope of review.
>
> Each appeals board shall review each case before it on the record and shall hold unlawful and set aside any action or findings and conclusions found to be:
>
> (1) Arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law;
> (2) Repealed;
> (3) In excess of statutory jurisdiction, authority or limitations or short of statutory rights;
> (4) Without observance of procedure required by law, including any applicable procedure provided by this chapter; or

(5) Unsupported by substantial evidence in the record of the proceedings before the appeals board.

Additionally, for clarity, DMV management does not disagree with providing hearing examiners with the results of their appeals cases. Instead, we were indicating the information was not beneficial because it was two years old due to our appeal backlog. Since we now have almost a 90 day appeal backlog, effective May 1, 2016, we will begin electronically emailing the hearing examiners their appeal decisions, for the previous month, so they can view the results, if they choose to do so.

**Comments on Recommendations**

In recommendation 1 on page 6,

(1) Continue to collect thorough data about ticket defects that result in the dismissal of parking and photo-enforced tickets, and enhance policies and procedures to ensure this information is systematically communicated to DPW, MPD and DDOT.

Agree _____ Disagree _____

In terms of the above recommendation, as indicated in the comments on the findings, DC DMV has been providing monthly dismissal reports since 2010, and this information was made known to your staff in 2013. Therefore, it is unclear why this is a recommendation. Regardless, we agree with the recommendation.

In recommendations 3 and 4 on page 8,

(3) Develop policies and procedures to capture in eTIMS the reason(s) for reversing an adjudication decision; update eTIMS functionality; and ensure that Appeals Board members have policies and procedures that include the requirement to document applicable reason(s) for reversing a DMV adjudicator's decision.

Agree _____ Disagree _____

(4) Develop requirements to disseminate to DMV hearing examiners reversal data and trends, and perform periodic analysis on these data to identify solutions that will reduce the number of reversals.

Agree _____ Disagree _____

In terms of the above two recommendations, DMV is in agreement as indicated in our Findings comments.

# ATTACHMENTS

Thank you for allowing me to address your draft findings and recommendations. Please contact me at lucinda.babers@dc.gov or 202-729-7025 if you have any questions.

Sincerely,

Lucinda M. Babers
Director

Attachments

- Revised FY14 OIG Adjudication Data
- July 15, 2010 Email for DPW Monthly Ticket Adjudication Dismissal Report
- September 17, 2013 Email for All Agencies Monthly Ticket Adjudication Dismissal Report

cc: Cathy Lanier, Chief, Metropolitan Police Department
Christopher Shorter, Director, Department of Public Works
Leif Dormsjo, Director, District Department of Transportation

# ATTACHMENTS

**From:** [redacted]
**Sent:** Thursday, July 15, 2010 6:47 PM
**To:** [redacted]
**Cc:** [redacted]
**Subject:** DPW Ticket Dismissal Letter and Chart
**Attachments:** DPW Ticket Dismissal Letter.doc; DPW Ticket Dismissals 10109 to 62310.xlsx

Dear [redacted],

Please find attached a letter and chart from DMV Administrator [redacted] concerning dismissal of tickets issued by DPW.

Thank you,

[redacted]
*District of Columbia Department of Motor Vehicles*
*Adjudication Services*
[redacted]

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**DEPARTMENT OF MOTOR VEHICLES**

July 15, 2010

Dear [redacted],

At the recommendation of the City Administrator, each month my office will distribute a report to all parking and law enforcement agencies that issue tickets adjudicated by the Department of Motor Vehicles (DMV). The report will include the number of tickets issued by your agency, the number of tickets contested and the number of tickets dismissed.

The number of tickets dismissed is broken out into sub-categories in include tickets dismissed for late submission, tickets dismissed when an officer fails to appear for a scheduled hearing, tickets dismissed as defective and tickets dismissed or voided at the agency's request. DC law provides that all handwritten tickets must be submitted to DMV for processing within 15 calendar days of issuance. The law further provides that tickets issued using an electronic handheld device must be submitted to DMV within 1 calendar day. If material information such as the date, time, location, vehicle registration or driver's license number is omitted or incorrectly captured on the ticket by the issuing officer, the ticket must be dismissed as defective on its face.

The final category listed on the report is dismissals on the merits. DC law provides 7 statutory defenses to parking tickets. If a respondent successfully raises a statutory defense, or if the government through the issuing officer fails to establish the elements required to prove the violation the ticket must be dismissed.

In addition, DC law allows tickets to be challenged or adjudicated by mail. In these instances, hearing examiners rely on the information stated on the face of the ticket as well as notes provided by the officer. We have noted significant numbers of dismissals when those notes are missing or illegible.

The attached report details the ticket issuance and dismissals for your agency from October 1, 2009 to June 23, 2010. Your monthly adjudication and dismissal report will be emailed to you on the 5th of each month. You will receive your July report on August 5, 2010. If you would prefer this email be redirected to you designee, please provide that person's name and email address, or if you would like additional agency personnel to be copied on the monthly email, please advise.

I hope you find this report useful. Let me know if you any questions regarding this report.

Sincerely,

[redacted]

DMV Adjudication Services Administrator

301 C Street, NW, Room 1018, Washington, DC 20001 – 202-724-2034

## DPW Ticket Dismissals 10/1/09 through 6/23/10

| | | |
|---|---|---|
| **No. of tickets issued** | **1,541,422** | |
| **No. of tickets contested** | **156,208** | *10.13%* |
| **No. of tickets dismissed** | **64,571** | *41.34%* |
| **Basis for Dismissals:** | | |
| **Broken I Meter** | **10,357** | *16.04%* |
| **NOI Submitted Late*** | **1,228** | *1.90%* |
| **NOI Defective** | **2,807** | *4.35%* |
| **Agency Void Request** | **5,684** | *8.80%* |
| **Officer Absent** | **706** | *1.09%* |
| **Dismissed on Merits**** | **43,587** | 67.50% |

*DC law requires issuing agencies to submit handwritten tickets to DMV for processing within 15 calendar days of issuance; tickets issued from a handheld ticket device must be submitted within one calendar day of issuance.

**Examples of tickets dismissed on the merits include but are not limited to, a statutory defense to the violation applies, or the respondent submitted evidence to support dismissal, e.g., submission of a police report which confirms theft of the vehicle at the time the ticket was issued.

## Attachment B – MPD Response to Draft Report of Special Evaluation

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

April 22, 2016

Daniel W. Lucas, Inspector General
Office of the Inspector General
717 14th Street, NW, 5th Floor
Washington, DC 20005

Dear Mr. Lucas:

I am in receipt of your letter dated March 31st regarding the Office of the Inspector General's draft results from the Special Evaluation of the District's Adjudication of Parking Tickets and Photo-Enforced Red Light and Speed Camera Violations. I agree with your recommendations and findings related to the Metropolitan Police Department (MPD).

The Department has implemented several quality control measures, such as the Automated Traffic Enforcement Unit's (ATEU) Program Manager meeting with representatives of the Department of Motor Vehicles (DMV) bi-weekly to address problems. The ATEU removed lower resolution equipment from the program, and implemented improved technician deployment procedures.

These measures have led to improvements in the quality of tickets issued, a decrease in the number of tickets contested, and an increase in the number of tickets upheld by the DMV's hearing examiners. In FY2015, the number of tickets issued increased 71 percent, while the dismissal rate of all tickets issued dropped from 6 percent in FY2014 to just 1 percent in FY2015.

We appreciate the attention you have given to this issue and will continue to work on improving our quality controls and decreasing any defects.

Sincerely,

Cathy L. Lanier
Chief of Police

cc: Muriel Bowser, Mayor
Kevin Donahue, Deputy Mayor for Public Safety and Justice

## Attachment C – DPW Response to Draft Report of Special Evaluation

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PUBLIC WORKS

Office of the Director

April 26, 2016

Daniel W. Lucas
Inspector General
717 14th Street, NW
5th Floor
Washington, DC 2005

Re: OIG No.16-I-00##

Dear Inspector General Lucas:

DPW's Parking Enforcement Management Administration staff and I have had the opportunity to review the draft results of the Office of the Inspector General's Special Evaluation of the district's Adjudication of Parking Tickets and Photo-Enforced Red Light and Speed Camera Violations. We agree with your recommendation that DPW develop procedures to analyze information provided by DMV regarding the quality of tickets issued and the frequency and reasons for dismissals. The information will be used to assist DMV in improving the accuracy of their adjudication practices as well as enhance DPW's quality control measures.

Enclosed you will find documentation indicating DPW agrees with the recommendation. Should you have any further questions, feel free to contact me or Christine Davis, DPW's General Counsel at 202-671-2030.

Sincerely,

Christopher J. Shorter
Director

Enclosure