

Elsa Yohannes

6637 Chestnut Ave
New Carrollton MD 20784

Elsasfo@Gmail.com
301 538 7131

Dear Honorable Adjudicator,

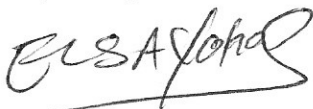
I, Elsa Yohannes, of 6637 Chestnut Ave, New Carrollton MD 20784,
respectfully dispute photoradar ticket # F10526602 for the following reasons:

1. I was driving below the posted speed limit.
2. The Government **submitted photographs show multiple vehicles traveling through the radar zone in receding direction**, the Government has failed to prove by clear and convincing evidence that my vehicle was identified as the vehicle speeding thus the ticket should be dismissed. Please see exhibit A, B,C,D, E, F.
3. **There is a legal precedent set by your department that such tickets where multiple vehicles are in the field of view have been dismissed in the past.** Citation # M005289018 on 08/17/2009. Based on the legal precedent set by your department we ask for equal treatment under the law and request the ticket be dismissed. Please see attached exhibit G, H.
4. The ticket is defective as there is **no video evidence** provided to accurately calculate vehicles speed or identify which car was speeding as there are multiple cars traveling through the radar field at the same time. Please see exhibit A, C, E, F.
5. The ticket is defective as **the images provided are not sufficient to determine/calculate my car's speed**. The only evidence I was provided to review are still pictures which are not adequate to determine speed of my vehicle. Please see exhibit A, C, E, F.
6. There is **reasonable doubt** that photoradar equipment may have been defective at the time the picture was taken as it could not clearly identify each vehicles speed. Please see exhibit A, C, E, F.
7. Your own published department guidelines recommend that such traffic tickets be dismissed when multiple vehicles are in the radar view.

In conclusion, I, Elsa Yohannes, of 6637 Chestnut Ave, New Carrollton MD 20784,

respectfully request that ticket # F10526602 be dismissed immediately.

Respectfully,



Elsa Yohannes

Exhibit G.

As reported in online newspaper:

<https://www.thenewspaper.com/rlc/docs/2009/dc-picruling.pdf>

DC Camera Ticket Overturned on Accuracy Doubts

Motorist learns the value of contesting all citations as Washington, DC admitted accuracy of photo radar ticket was doubtful.

Doubt over the accuracy of the speed camera equipment led to the dismissal of a Washington, DC photo radar ticket last month. On May 7, a 34-year-old engineer from Alexandria, Virginia had been driving on Interstate 295/395 near 9th Street on a sunny morning when a mobile speed camera operated by American Traffic Solutions snapped a photo of the engineer's car. The camera claimed that the Audi was traveling at 51 MPH, 11 MPH over the District's 40 MPH interstate speed limit.

The motorist, who requested anonymity, decided to fight the citation out of "spite." He arrived at the District's Department of Motor Vehicles on August 17 unprepared with an argument that would beat the ticket. He fully expected to lose, but thought it was right to "cost the city more money" because he saw the photo radar program as little more than an illegitimate money grab. The motorist was surprised, however, when Adjudicator Stephen Reichert took one look at the ticket photo and noted that a second vehicle had been within the radar's field of view. Radar guidelines suggest this situation could cause a spurious radar reading, especially since the District's contractor provided no video or other secondary verification of speed. [View full-size photo.](#)

"In as much as the government-submitted photograph shows multiple vehicles traveling through the radar zone in a receding direction, the government has failed to prove by clear and convincing evidence that respondent's vehicle was identified as the vehicle speeding," Reichert wrote. "Thus the ticket is dismissed."

The motorist was glad he did not need to give the speech against the system that he had planned to give.

"I said 'no' when asked if I had anything else to add, and out I went with my cash remaining in my pocket," the motorist told TheNewspaper. "Cost to me: \$3.30 in Metro fares. Win."

As of last month, the District's private photo enforcement contractors had mailed a total of 4,019,023 tickets worth a total of \$305 million. That is equivalent to one ticket not just for every resident of Washington, DC, but for every single resident of the District plus surrounding Virginia and Maryland suburbs.

A copy of the adjudicator's decision is available in a 250k PDF file at the source link below.

Exhibit H

Source: **Error! Filename not specified.** Department of Motor Vehicles Hearing Record (Government of the District of Columbia, 8/17/2009)

Exhibit I

Your own published department guidelines recommend that such traffic tickets be dismissed when multiple vehicles are in the radar view.

PARKING AND AUTOMATED TRAFFIC ENFORCEMENT TICKETS – PART I: TICKET ISSUANCE PRACTICES


<https://www.thenewspaper.com/rlc/docs/2014/dc-camreview.pdf>

See page 32 of the report. Examiners are advised to void these types of tickets:

“3. Guidelines used by MPD reviewers to decide whether the speeding violation occurred lack precision and, in certain situations (e.g., when multiple vehicles are captured in an image), reviewers’ decisions are arbitrary and inconsistent, which raises a concern that some photo-enforced speeding tickets are issued without a conclusive determination of the violating vehicle or that a violation has occurred.
“Multiple Vehicles” Review

MPD

Multiple vehicles (Examples) ★ ★ ★




It is not clear which of the vehicles is being targeted and hence this should be disapproved.

It is not clear which of the vehicles is being targeted and hence this should be disapproved.

27

Multiple vehicles (Examples) ★ ★ ★



The vehicle on the right hand side is hidden in the image and hence is not considered Multiple vehicles. This should be approved.

The vehicle on the right hand side is hidden in the image and hence is not considered Multiple vehicles. This should be approved.

28



DISTRICT OF COLUMBIA




DCFR-01 OF FX RADA

NOTICE OF INFRACTION METROPOLITAN POLICE DEPARTMENT

EXHIBIT A

Mail Date: 08/29/2019

REGISTERED OWNER INFORMATION

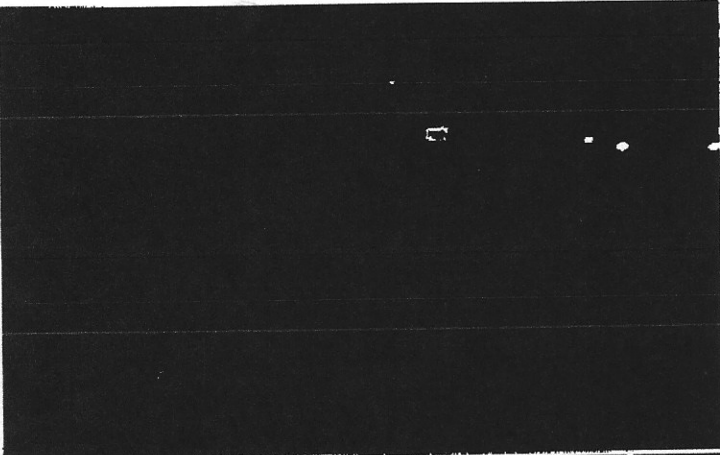
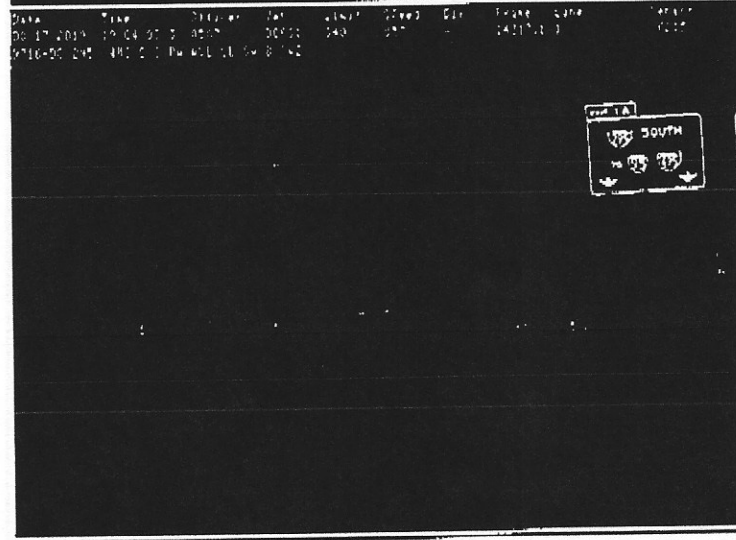
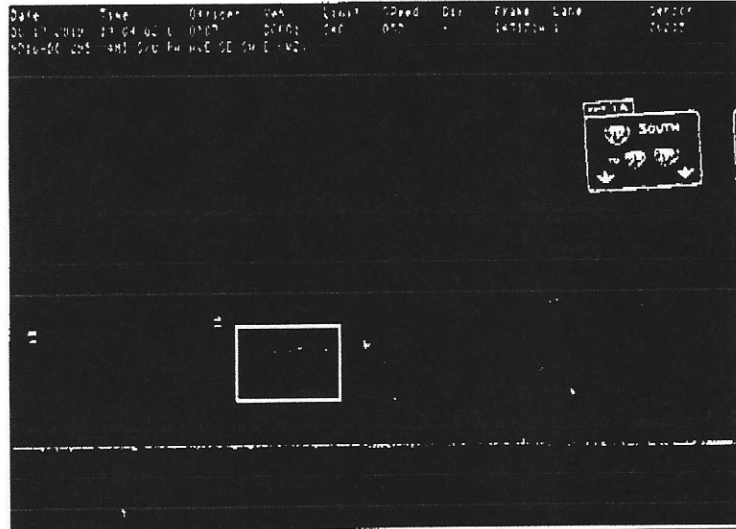

F105266020
ELSA YOHANNES
6637 CHESTNUT AVE
NEW CARROLLTON, MD 207843612

Your vehicle was photographed violating District of Columbia traffic regulations on the date and time listed below. Under District law, the registered owner of a vehicle is liable for payment of the fine for violations recorded using an automated traffic enforcement system.

POINTS WILL NOT BE ASSESSED.

For information on photo enforcement technologies, please visit mpdc.de.gov/automatedenforcement.

If the ticket location includes (WZ) or (SZ), your fine has been doubled because the location is a work zone (WZ) or school zone (SZ).



VIOLATION INFORMATION
 Ticket Number: **F105266020**
 Issue Date: **08/17/2019** Issue Time: **7:04:02 PM**
 Violation Code: **T120**
 Description: **SPEED 16-20 OVR LIMT**
 Vehicle Tag: **MD 1CZ5768** Vehicle Make: **TOYT**
 Vehicle Speed: **57mph** Posted Speed: **40mph**
 Location: **DC 295 .4mi s/o PA Ave SE sw/b (WZ)**

On the back of this notice you will find directions for answering this ticket. If you want to contest the ticket, penalty, or both do not pay the ticket until you receive your decision from DMV. Your answer to this ticket must be received by the payment due date listed below. Failure to pay the fine or contest the violation in the manner and time required is an admission of liability. This will result in additional penalties and the loss of your right to a hearing. For vehicles registered in the District of Columbia, the Department of Motor Vehicles will place a hold on the renewal of the owner's vehicle registration as long as the ticket is unpaid. Your vehicle may be immobilized or impounded if two or more unpaid tickets are on your record.

Detach and return this portion with your payment in the envelope provided, or you may pay your ticket through the Internet at: dmv.dc.gov

Ticket Number : **F105266020** Vehicle Tag: **MD 1CZ5768**
 Amount Due: **\$300.00** Mail Date: **08/29/2019**
 Due Date: **09/28/2019**
 Amount Due After Due Date: **\$600.00**
 Amount Paid: \$

You can view full color versions of the images and video (if available) and deployment log (for speed violations) for this ticket at: public.cite-web.com

Citation Number: 10526602 **Pin Number: 275949234**

0119241000181200100030000F105266020



MOTION TO VACATE

SECTION I: DRIVER/REGISTERED OWNER'S INFORMATION (Please print)

Today's Date: 9/11/19	
First Name: ELSA	Last Name: YOHANNES
License Plate Number: 1CZ5768	Issuing State: 08/04/2019
Street Address: 6637 CHESTNUT AVE	
City: NEW CARROLLTON	State: MD Zip Code: 20784

Ticket Numbers	Ticket Numbers	Ticket Numbers	Ticket Numbers
XXXXXXXXXX			
F105266020			

SECTION II: EXCUSABLE NEGLIGENCE (DEFAULT JUDGMENT OR DEEMED ADMISSION)

I did not answer the tickets in a timely manner because:

- The notice was not mailed to the address where my vehicle is registered. (Submit a copy of the vehicle registration in effect on the date the default judgment or deemed admission was entered.)
- I had a serious medical condition when the default judgment or deemed admission was entered. (Submit documentation.)
- I was incarcerated on the date the default judgment or deemed admission was entered. (Submit proof of the time period you were incarcerated.)
- I serve in the military, and I am covered by the Soldiers and Sailors Act. (Submit proof of active military service at the time the judgment was entered or the date of the deemed admission.)
- Other reason: (Submit explanation on separate paper with any supporting documentation.)

SECTION III: SUFFICIENT DEFENSE TO THE VIOLATION(S). (Please provide an explanation on the reverse side and attach any evidence. Also check the box below that corresponds with your defense.)

PARKING TICKET

I am not liable for the ticket because:

- I was not the vehicle owner or lessee at the time the ticket was issued. (Submit proof of ownership or lease.)
- I reported my vehicle or tags stolen at the time the tickets were issued. (Submit a copy of complete police report.)
- The relevant signs prohibiting or restricting parking were missing or obscured. (Submit photographic evidence covering the side of the block, including street and parking signs, where the vehicle was parked.)

- The relevant parking meter was inoperable or malfunctioned through no fault of mine. (Submit the reference number you received when you called in the broken meter. Note: calling in a potentially broken meter will not automatically result in ticket dismissal.)
- The ticket is defective. (Submit an explanation with documentation as to why the facts on the ticket are inconsistent with the violation.)
- The vehicle was suddenly mechanically disabled and could not be moved. (Submit proof that the vehicle was inoperable and/or was repaired.)
- I suddenly needed immediate medical assistance. (Submit proof to support immediate medical necessity.)
- Other defense(s): (Submit your explanation below or on separate paper with any supporting documentation.)

MOVING VIOLATION OR PHOTO ENFORCEMENT TICKET

I am not liable for the ticket because:

- The ticket is defective. (Submit an explanation with documentation as to why the facts on the ticket are inconsistent with the violation.)
- My vehicle was insured on the date the ticket for operating without insurance was issued. (Submit insurance coverage for date ticket was issued.)
- The photo enforcement violation was issued after my vehicle or tags were stolen. (Submit the entire police report.)
- I was not the owner or lessee of the cited vehicle at the time of the infraction. (Submit proof of ownership or lease with dates.)

Other defense(s): (Submit explanation below or on separate paper with any supporting documentation.)

THE GOVERNMENT SUBMITTED PHOTOGRAPHS SHOW MULTIPLE VEHICLES TRAVELLING THROUGH THE RADAR ZONE IN RECEIVING DIRECTION. THE GOVERNMENT HAS FAILED TO PROVE BY CLEAR & CONVINCING EVIDENCE THAT THE VEHICLE WAS IDENTIFIED AS THE VEHICLE SPEEDING THUS THE TICKET SHOULD BE DISMISSED. PLEASE SEE ATTACHED EXHIBITS.

Name (Please Print)	Address	Date
ELSA YOHANNES	6637 CHESTNUT AVE NEW GATELTON MD 20784	9/11/19
Signature <u>ELSA YOHANNES</u>		

Any person using a fictitious name or address and/or knowingly making any false statement on this application is in violation of DC law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (DC Official Code §22-2405).

Please mail this completed form to DC DMV Adjudication Services, Attn: Motion to Vacate, PO Box 37135, Washington, DC 20013, or bring it and any required documentation to DC DMV Adjudication Services. The Motion can also be submitted online at dmv.dc.gov.

Visit our website: dmv.dc.gov or call 311 in DC or 202-737-4404 for additional information. To report waste, fraud or abuse by any DC Government Agency or official, call the Inspector General at 1-800-521-1630

EXHIBIT B**DIRECTIONS FOR ANSWERING**

IF YOUR PAYMENT OR HEARING REQUEST IS NOT RECEIVED WITHIN 30 CALENDAR DAYS OF THE TICKET MAIL DATE, THE FINE WILL DOUBLE. However, you have 60 calendar days from the ticket mail date to request a hearing. For information not listed below, call (202) 737-4404 or visit dmv.dc.gov.

1. To Admit: You may admit to the infraction and waive your right to a hearing by paying the fine. There are four ways to pay:

- a) Online by credit card at dmv.dc.gov.
- b) By phone with a credit card at (866) 893-5023.
- c) By mail with a check or money order payable to the D.C. Treasurer, to: Adjudication Services, P.O. Box 2014, Washington, DC 20013. Write your tag number, ticket number, name and address on the check or money order.
- d) At 955 L'Enfant Plaza, SW, Suite P100, Monday, Tuesday, Thursday, Friday, 8:15 am to 5:00 pm; Wednesday 9:15 am to 5:00 pm.

D.C. Government accepts Visa and MasterCard.

2. To Deny the Ticket (DO NOT SEND PAYMENT OF FINE OR PENALTY):

- a) Online at dmv.dc.gov.
- b) By Mail. Submit a written statement describing your defense(s), including any supporting documents such as photos and receipts. Mail to: Adjudication Services, P.O. Box 37135, Washington DC 20013.
- c) In-Person Hearings on Photo Enforcement Infractions are held on a walk-in basis at 955 L'Enfant Plaza, SW, Suite P100, Monday, Tuesday, Thursday, Friday, 8:15 am to 4:00 pm; Wednesday 9:15 am to 4:00 pm. Bring any supporting evidence, such as photos and receipts, to make your case at the hearing. Evidence must be presented in hardcopy.

3. Admit with Explanation (DO NOT SEND PAYMENT OF FINE OR PENALTY):

You may also admit liability and provide an explanation for the offense, either by mail or at a walk-in hearing. A hearing examiner will review your explanation and consider reducing your penalty for fines that have doubled.

Go Green- Sign up for E-mail ticket alerts at dmv.dc.gov.

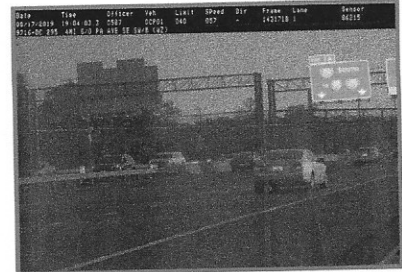
Warnings:

- If your answer is not received within 60 calendar days, your vehicle may be booted and towed after two or more outstanding tickets.
- Returned checks are subject to electronic redeposit for the face amount and a returned check fee of \$65.



Adjudication Services
Citation Number: 10526602

Images



Click Image to Enlarge

[View E-Log](#)

Violation Information

License Plate: 1CZ5768 State: MD

Violation Date: Aug 17, 2019 19:04:02

Actual Speed: 57 Speed Limit: 40

Location: DC 295 .4mi s/o PA Ave SE sw/b (WZ)

Fine Amount: \$ 300 Vehicle Code: Speed 16-20 mph over the speed limit

Registered Owner: ELSA YOHANNES YOHANNES

Address: 6637 CHESTNUT AVE , NEW CARROLLTON MD, 207843612

Contact Information

Correspondence can be mailed to:

Adjudication Services
P.O. Box 37135
Washington DC , 20013-7135

To make a payment online, please visit: [Payment Center](#)

EXHIBIT C



Adjudication Services

Citation Number: 10526602

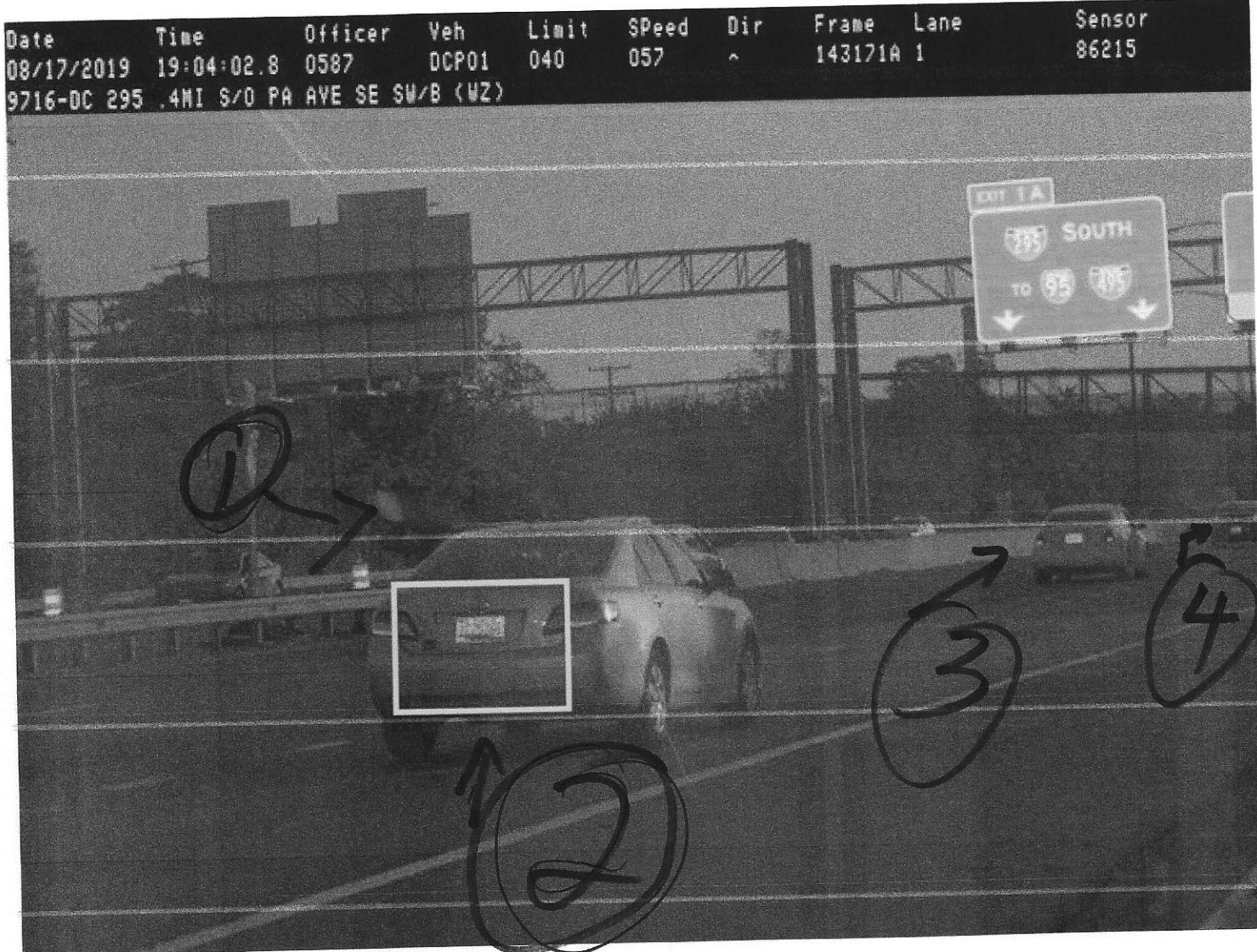


EXHIBIT D



Adjudication Services

Citation Number: 10526602

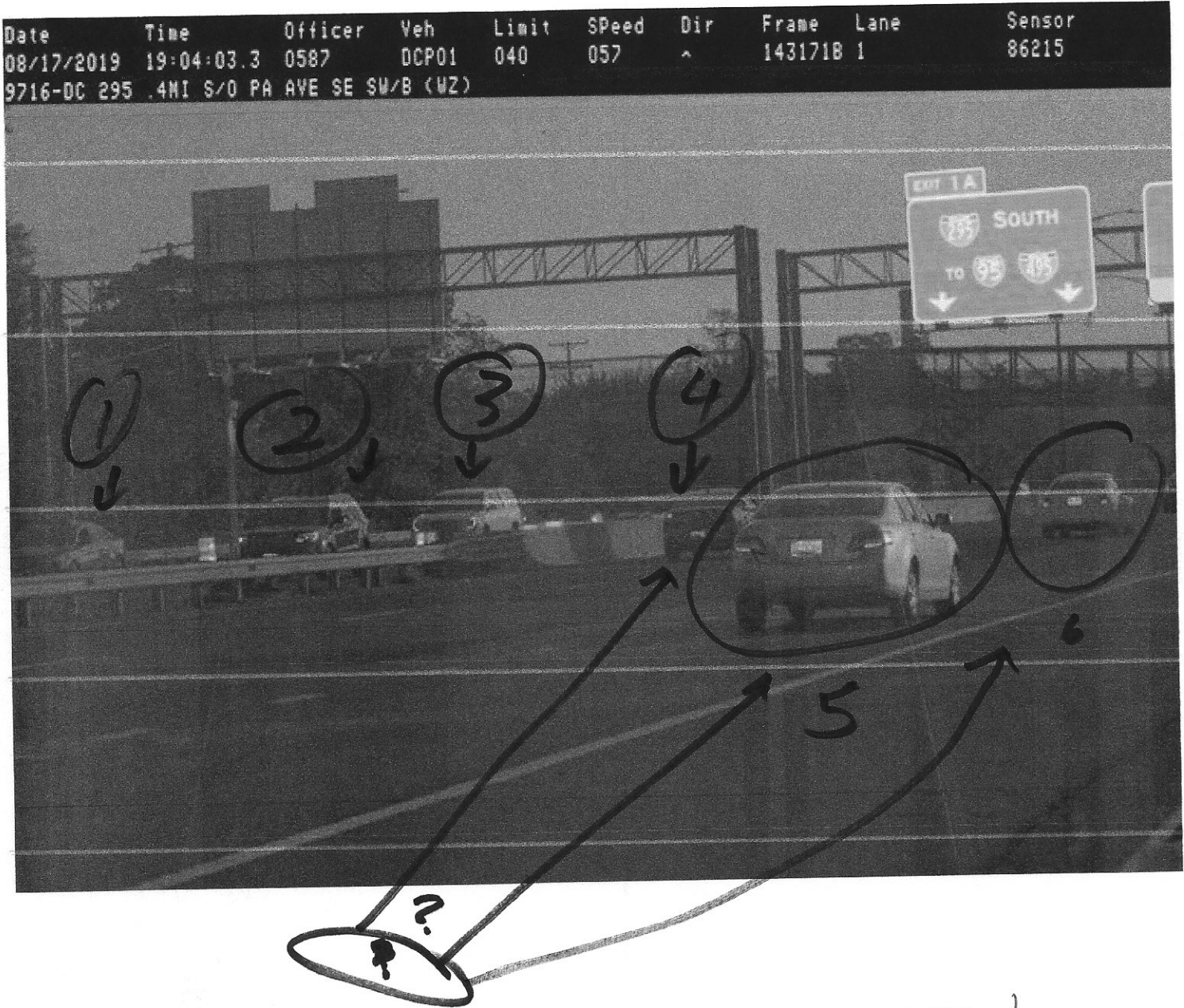


MULTIPLE CARS IN RADAR VIEW
 REASONABLE DOUBT AS
 TO WHO WAS SPEEDING
 EXHIBIT E



Adjudication Services

Citation Number: 10526602



MULTIPLE CARS IN RADAR VIEW,
 REASONABLE DOUBT AS TO WHICH
 CAR IS SPEEDING.

EXHIBIT F



Government of the District of Columbia
 Department of Motor Vehicles
 Adjudication Services
 P.O. Box 37135
 Washington, D.C. 20013
HEARING RECORD



RESPONDENT'S NAME: [REDACTED]

VEHICLE ST PLATE/PERMIT: [REDACTED]

DATE: 08/17/2009

ROOM :
 CASE NO: C0922900232
 TIME : 09:45AM

Citation No	Violation Code	Infraction	Dispo	Fine	Penalty	Amount Due
M005289018	T119	SPEED 11-15 OVR LIMIT	048	50.00	0.00	0.00
TOTAL DUE						0.00

STATEMENT OF FACT: Respondent contests the infraction.

FINDINGS OF FACT:
 District of Columbia Government, upon the basis of an engineering and traffic investigation, determines the speed that is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway (Title 18 DCMR section 2200.2). The declared reasonable or safe speed limit shall be effective at all times, during the hours of daylight or darkness, or at such other times as may be determined when appropriate signs giving notice of the speed limits are erected at such intersections or other place or part of the highway.

In as much as the Government submitted photograph shows multiple vehicles traveling through the radar zone in a receding direction, the Government has failed to prove by clear and convincing evidence that Respondent's vehicle was identified as the vehicle speeding, thus the ticket is dismissed.

CONCLUSIONS OF LAW: Dismissed

If found liable, payment is due immediately. You may appeal this decision to the Traffic Adjudication Appeals Board if you do so within 15 days of the date of this hearing. Appeal forms are available on the DMV website (www.dmv.dc.gov). You are entitled to a refund of the amount you paid for the ticket(s) and other fees if the board reverses the hearing examiner's decision.

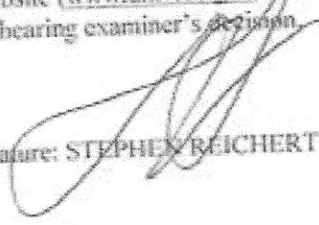
Signature:  STEPHEN REICHERT

EXHIBIT G

Article from: www.thenewspaper.com/news/28/2890.asp

9/5/2009

DC Camera Ticket Overturned on Accuracy Doubts

Motorist learns the value of contesting all citations as Washington, DC admitted accuracy of photo radar ticket was doubtful.

Doubt over the accuracy of the speed camera equipment led to the dismissal of a Washington, DC photo radar ticket last month. On May 7, a 34-year-old engineer from Alexandria, Virginia had been driving on Interstate 295/395 near 9th Street on a sunny morning when a mobile speed camera operated by American Traffic Solutions snapped a photo of the engineer's car. The camera claimed that the Audi was traveling at 51 MPH, 11 MPH over the District's 40 MPH interstate speed limit.



The motorist, who requested anonymity, decided to fight the citation out of "spite." He arrived at the District's Department of Motor Vehicles on August 17 unprepared with an argument that would beat the ticket. He fully expected to lose, but thought it was right to "cost the city more money" because he saw the photo radar program as little more than an illegitimate money grab. The motorist was surprised, however, when Adjudicator Stephen Reichert took one look at the ticket photo and noted that a second vehicle had been within the radar's field of view. Radar guidelines suggest this situation could cause a spurious radar reading, especially since the District's contractor provided no video or other secondary verification of speed. View full-size photo.

"In as much as the government-submitted photograph shows multiple vehicles traveling through the radar zone in a receding direction, the government has failed to prove by clear and convincing evidence that respondent's vehicle was identified as the vehicle speeding," Reichert wrote. "Thus the ticket is dismissed."

The motorist was glad he did not need to give the speech against the system that he had planned to give.

"I said 'no' when asked if I had anything else to add, and out I went with my cash remaining in my pocket," the motorist told TheNewspaper. "Cost to me: \$3.30 in Metro fares. Win."

As of last month, the District's private photo enforcement contractors had mailed a total of 4,019,023 tickets worth a total of \$305 million. That is equivalent to one ticket not just for every resident of Washington, DC, but for every single resident of the District plus surrounding Virginia and Maryland suburbs.

A copy of the adjudicator's decision is available in a 250k PDF file at the source link below.

Source: Department of Motor Vehicles Hearing Record (Government of the District of Columbia, 8/17/2009)

Permanent Link for this item
Return to Front Page

EXHIBIT H

EXHIBIT I

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE INSPECTOR GENERAL**

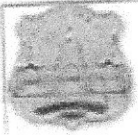
Report of Special Evaluation

**PARKING AND AUTOMATED TRAFFIC
ENFORCEMENT TICKETS – PART I:
TICKET ISSUANCE PRACTICES**

September 2014



**BLANCHE L. BRUCE
INTERIM INSPECTOR GENERAL**



Multiple vehicles (Examples)




The above is an example where in the 1st image we see only one vehicle a BMW and in the 2nd image 2 vehicles. The other vehicle speeds up in Lane 1 and is captured by the camera and is a perfect example for Multiple vehicles. Even though the speeding vehicle's Tag is hidden by the BMW, we clearly see that the BMW was not at fault. Do not approve a citation if you see situations like this.

29


There is another scenario that cannot be discounted: that the vehicle in the left lane is fully obscured in the first image and partially obscured in the second, and that the vehicle closest to the camera was the violating vehicle. Given that much of the District's speed camera technology does not conclusively identify the lane of travel of the speeding vehicle, it is conceivable that one reviewer would reject this violation, while another would issue a ticket to the vehicle closest to the camera.



MPD

The images below of a school bus are another illustration of how an erroneous ticket could be issued due to either faulty technology, or because the vehicle that may have been speeding is blocked from view.



No Violation (Examples)





These images show that the bus barely moved from the first shot to the next, but the speed is listed as 61mph. It is probably that the RADAR detected a car on the left of the bus traveling at that high rate of speed but by the time the photos were taken the bus had moved into the frame. The tires on the bus didn't move hardly at all. In these cases, **DO NOT** issue it as a violation. Rejection category: No Violation

35

Rightly so, MPD's business rules clearly state that a ticket should not have been issued in this instance. However, what is interesting is the explanation: "It is probably that the RADAR detected a car on the left of the bus traveling" at 61 miles per hour. That is possible, but given that neither the bus nor the two vehicles in the top right of the images have moved, it does not seem likely that another vehicle in the vicinity was able to reach that speed. That implausible explanation highlights the limitations of the technology: in many situations, one or two speed camera images cannot tell an accurate story, and when such situations are left to a reviewer's interpretation and judgment, arbitrary and erroneous ticketing decisions will result. Once the ticket is issued, however, the onus is on the recipient to disprove an erroneous interpretation of events, or simply pay the fine.

Most of the District's automated speed enforcement equipment, unlike its red light violation equipment, does not identify the violating vehicle's lane of travel, hence the need for the "multiple vehicles" rule, which is neither clearly defined nor precise. As long as the District continues to deploy equipment that requires reviewers to decide which vehicle was speeding, judgments using imperfect information will continue. To minimize the issuance of erroneous

MPD

speeding tickets in the District, MPD should explore ways to make deployments of existing enforcement technology more precise and clarify the "multiple vehicles" rule.

Recommendation:

That the C/MPD: 1) instruct violation reviewers to not issue a speeding ticket in any instance where the violation images capture more than one vehicle traveling in the same direction; 2) write and implement a more precise "multiple vehicles" business rule that clearly documents this policy; and 3) confer with ATS and its other technology vendors to determine whether all currently deployed speed enforcement equipment can be used more precisely, e.g., to target only one lane of travel at an enforcement location.

Agree _____

Disagree _____

[Note: The MPD/DDOT response did not indicate "agree" or "disagree" for this recommendation.]

MPD/DDOT August 2014 Response, As Received:

First, it is important to note that the ATE program staff carefully reviews any images containing multiple vehicles before approving the issuance of a citation. Citations are issued to vehicle owners only when the program staff can identify the vehicle they believe has committed a traffic law infraction.

Second, in a highly urbanized jurisdiction like the District, there are often multiple vehicles traveling on the same roadway. The 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 to enforce traffic violations against any vehicle unless that vehicle was the only vehicle on the roadway.^[61]

MPD agrees on the need to use the best technology and to have sufficient quality control mechanisms in place to ensure accuracy and consistency. But not every instance of multiple vehicles in an image should automatically result in ticket dismissal. Instead of a blanket amnesty policy as recommended by the Report, new technology being deployed at ATE camera locations clearly shows which vehicle is the one detected speeding when more than one vehicle is captured in the image. MPD is deploying these ATE cameras at locations with more than one lane of traffic in either location, which will address the Report's concerns about "multiple vehicles" without providing a free pass to drivers committing traffic violations. For ATE cameras using the older technology, they are deployed at locations with one lane of traffic in either direction. MPD believes this change in technology and policy addresses the Report's concerns about "multiple vehicles."

OIG Comment: The OIG stands by its recommendation as stated. When asked about the new speed camera technology, an MPD official said that even when other vehicles are recorded by a violation image, the technology identifies a single speeding vehicle. However, the official also said that these new cameras are configured to not capture images if

⁶¹ The MPD/DDOT response footnoted: "Presumably, the Report's same logic would apply to any officer that observes traffic violations where there are multiple vehicles traveling close to one another."

MPD

multiple vehicles are present and are “too close” to each other. This “threshold” is site-specific and determined by factors such as camera position and roadway design. When asked whether MPD reviewers rely solely on the technology’s indication of the speeding vehicle before approving issuance of a ticket, the MPD official acknowledged that reviewer discretion is still involved: if multiple vehicles are captured in an image and are deemed “too close,” the reviewer will not approve issuance of a ticket. Again, the fact that (1) camera “thresholds” vary from site to site, and (2) MPD reviewers must still decide in some instances whether to reject possible violations due to the presence and positioning of “multiple vehicles,” underscores the new technology’s limitations and an ongoing lack of precision and conclusiveness in the District’s ability to identify speeding vehicles in certain instances.

The OIG’s concerns regarding “multiple vehicles” remain and are reinforced by an interviewee’s explanation of a “rule of thumb” applied by MPD: “If a member of the public received the notice of violation in the mail, would he or she contest it saying it was not his or her car?”

Are MPD’s other quality assurance practices sufficiently stringent?

Once a reviewer concludes that a speeding or red light violation has occurred, the next step prior to issuing a ticket is to identify the owner of the vehicle captured in the violation image(s). Page 38 of the Federal Highway Administration’s *Speed Enforcement Camera Systems Operational Guidelines* state: “Once registration information has been received, violation processors should perform a second check to ensure that the make and model of the vehicle reported in the registration information matches the vehicle in the violation photo.” The OIG team was surprised to learn that some MPD reviewers will approve the issuance of a ticket even if the type of vehicle captured in the violation differs from the type of vehicle described in registration information. To minimize the issuance of erroneous tickets, MPD should discontinue this practice.

4. **MPD issues a moving violation ticket even if the vehicle make and model information on the registration does not match the vehicle captured in the violation images. This practice can lead to the issuance of erroneous tickets; in similar instances, other jurisdictions do not issue tickets.**

During the first review of a potential violation (which is conducted by either MPD or ATS, depending on which equipment captured the violation images), the reviewer manually enters the violating vehicle’s license plate number and issuing state into one of several systems.⁶² Through an interface with the Washington Area Law Enforcement System (WALES),⁶³ which

⁶² MPD reviews and processes violations in CiteNet or CiteWeb while ATS processors initially review violations in Accis.

⁶³ WALES is the “front door” to a system called the National Law Enforcement Telecommunications System (NLETS). For example, if an individual with a Montana license is pulled over by an MPD officer in the District, the officer would enter the individual’s information into WALES, which then interfaces with NLETS to search the

MPD

the manual as adequate. MPD reviewers also said they received 1-2 weeks of training, either from a manager or another reviewer, that covered topics such as identifying license plates and using the image review/preparation software, and felt the initial training and ongoing training they receive from MPD's ATE program manager were sufficient.

Unlike red light violation detection equipment, which has sensors embedded in the pavement at the enforcement site, the District's speed camera technology does not indicate the lane in which the violating vehicle was traveling.⁵⁹ Therefore, MPD reviewers must rely on on-the-job training and the MPD training manual to decide whether a speeding violation has occurred and to identify the violating vehicle. Based on a review of the training manual and interviews with MPD reviewers, the OIG team came away with two overriding impressions of the speed violation review process: (1) decisions on whether to issue a speeding ticket can be arbitrary; and (2) reviewers' decisions were not consistent in certain situations, such as what to do when there are multiple vehicles in the images or when the vehicle in the violation images does not match the vehicle cited on the registration information linked to the photographed license plate.

3. Guidelines used by MPD reviewers to decide whether a speeding violation occurred lack precision and, in certain situations (e.g., when multiple vehicles are captured in an image), reviewers' decisions are arbitrary and inconsistent, which raises a concern that some photo-enforced speeding tickets are issued without a conclusive determination of the violating vehicle or that a violation has occurred.

One of the primary decisions that MPD reviewers must make is whether a speeding violation is clearly documented. On multi-lane roads where speed cameras have been deployed, it is common for a camera to capture images where two or more vehicles are traveling in the same direction, either in the same lane or adjacent lanes. In these situations, the reviewer must determine which vehicle, if either, was in violation. This is commonly referred to as the "multiple vehicles rule" and the slides and captions below, which appear in MPD's training manual, exemplify the types of decisions that reviewers make each day.

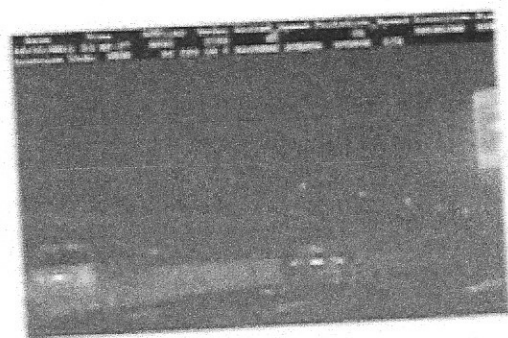
⁵⁹ In February 2014, MPD deployed new speed camera technology at some locations that assists with identifying the violating vehicle. According to MPD, the radar used with Sensys's cameras determines which vehicle was speeding and identifies it by imposing a green bar in the violation images. MPD officials indicated that the cameras are set—on a site-by-site basis—to not photograph situations where multiple vehicles are present and unseparated by a minimum distance (e.g., 10' - 15'). However, MPD also stated that if images taken by these new cameras capture more than one vehicle and the vehicles are "too close," reviewers will not issue a ticket. The fact that reviewers must still decide whether to reject violations due to "multiple vehicles" underscores an ongoing lack of precision and conclusiveness in the District's ability to identify speeding vehicles in certain instances.



Multiple vehicles (Examples)



It is not clear which of the vehicles is being targeted and hence this should be disapproved.



It is not clear which of the vehicles is being targeted and hence this should be disapproved.

27



Multiple vehicles (Examples)



The vehicle on the right hand side is hidden in the image and hence is not considered Multiple vehicles. This should be approved.



The vehicle on the right hand side is hidden in the image and hence is not considered Multiple vehicles. This should be approved.

28



Multiple vehicles (Examples)



The vehicle on the right hand side is hidden in the image and hence is not considered Multiple vehicles. This should be approved.



The vehicle on the right hand side is hidden in the image and hence is not considered Multiple vehicles. This should be approved.

30



Multiple vehicles (Examples)



It is not clear which of the vehicles is being targeted and hence this should be disapproved.



It is not clear which of the vehicles is being targeted and hence this should be disapproved.

31

MPD

MPD intends for these images to clearly illustrate situations where reviewers should confirm or dismiss violations. However, without specificity for defining a "hidden vehicle" and a method for precisely concluding that two vehicles are too close together, the OIG believes that in certain instances the process for conclusively identifying the violating vehicle depends too much on an individual reviewer's judgment and, therefore, is not sufficiently precise. This belief was reinforced by comments made by ATS and MPD interviewees:

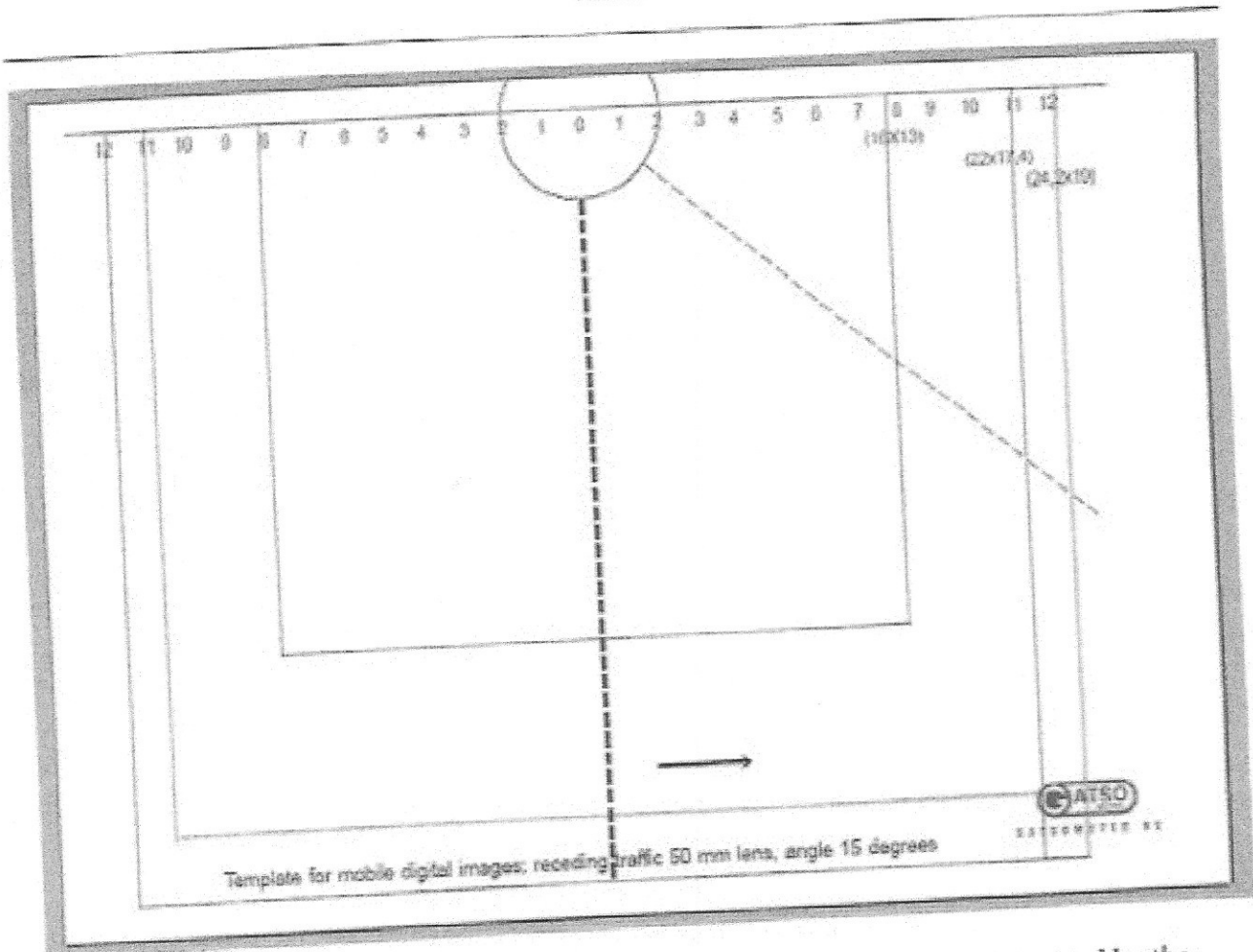
- One initial reviewer said that while the data bar in a potential speeding violation image will indicate the speed of the vehicle that triggered the camera, if there are two pictures of a violation "there [has to be] enough movement [of the vehicle] to show that the speed was accurate."
- A supervisory reviewer opined that processing speeding violations is easier than red light violations, the only "hard" part being determining which vehicle "was actually speeding" when there are multiple vehicles. According to this reviewer, the violating vehicle is "usually the closer one," based on where the camera is positioned.

An MPD reviewer admitted that the multiple vehicles rule can be confusing and described how instructions given to reviewers have changed several times, which has had the effect, intentional or not, of reducing the number of violations rejected due to "multiple vehicles." Several years ago, reviewers were told not to issue a ticket for any violation image(s) in which more than one vehicle was visible. Then, reviewers were instructed to reject violations only if the license plate of another vehicle appeared in an image with the vehicle suspected of speeding. The guidance was revised again as reviewers were told that if only a portion of a second vehicle (and not its license plate) is visible, the violation should not be dismissed due to "multiple vehicles." This reviewer said that, currently, the multiple vehicles rule is based on the distance between the two vehicles captured in the image(s), which s/he described as needing to be "a decent amount of distance ... a significant amount of distance." MPD's business rules do not define a method for precisely determining this distance, or when a violation should be dismissed because multiple vehicles appear in the image(s).

Until August 2013, the DCMR contained a precise methodology for identifying which vehicle was targeted by the District's automated speed enforcement cameras. Title 18 DCMR § 1035.5 previously stated:

A vehicle traveling in the direction being tested and whose image is entirely or partially within the two diagonal lines of a cone shown on an official overlay transparency, when the hearing examiner places that transparency over a photo of the violation provided by the Metropolitan Police Department, is the vehicle whose speed was detected by the photo radar device. The dimensions of the cone and the overlay transparency are depicted below.

MPD



The cone depicted above was previously used to show which car was targeted by the speed camera. However, in August 2013, 18 DCMR § 1035.5 was changed to read:

The images captured by the photo radar device shall enable identification of the vehicle whose speed was detected by the radar unit.

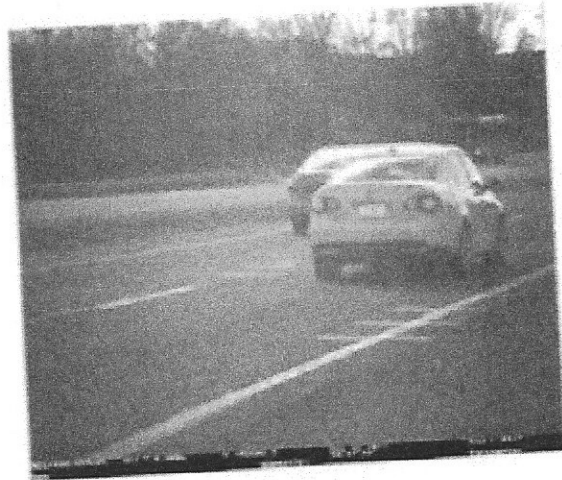
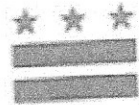
Illustrations of How Tickets Could be Issued in Error

Other slides in MPD's business rules, though presented in that document as examples of when a ticket should **not** be issued, also demonstrate how tickets could be issued in error. In the first example on the following page, the business rules state that a vehicle in the left lane (which is not visible in the first image but is partially visible in the second) triggered the camera. However, it is conceivable that a reviewer, who is processing 100 or more potential violations an hour,⁶⁰ could (1) conclude that the vehicle in the foreground is the offending vehicle, (2) decide that the hidden vehicle did not trigger the camera, and (3) approve issuance of a ticket.

⁶⁰ Employees self-reported that they reviewed between 100 and 200 violations per hour. (One employee even noted that he/she could review up to 500 violations in 1 hour.)



Multiple vehicles (Examples)




The above is an example where in the 1st image we see only one vehicle a BMW and in the 2nd image 2 vehicles. The other vehicle speeds up in Lane 1 and is captured by the camera and is a perfect example for Multiple vehicles. Even though the speeding vehicle's Tag is hidden by the BMW, we clearly see that the BMW was not at fault. Do not approve a citation if you see situations like this.

29

There is another scenario that cannot be discounted: that the vehicle in the left lane is fully obscured in the first image and partially obscured in the second, and that the vehicle closest to the camera was the violating vehicle. Given that much of the District's speed camera technology does not conclusively identify the lane of travel of the speeding vehicle, it is conceivable that one reviewer would reject this violation, while another would issue a ticket to the vehicle closest to the camera.


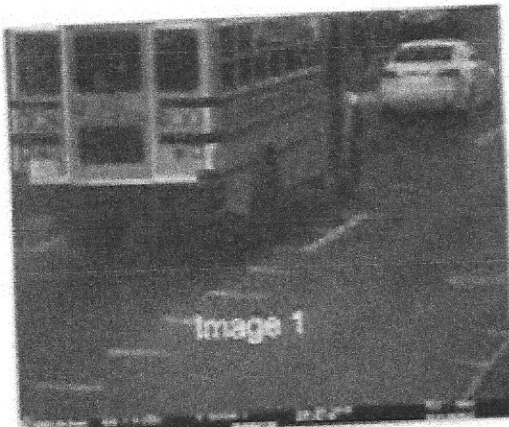
MPD

The images below of a school bus are another illustration of how an erroneous ticket could be issued due to either faulty technology, or because the vehicle that may have been speeding is blocked from view.



No Violation (Examples)

★ ★ ★
— — —
— — —



These images show that the bus barely moved from the first shot to the next, but the speed is listed as 61mph. It is probably that the RADAR detected a car on the left of the bus traveling at that high rate of speed but by the time the photos were taken the bus had moved into the frame. The tires on the bus didn't move hardly at all. In these cases, **DO NOT** issue it as a violation. Rejection category : No Violation

35

Rightly so, MPD's business rules clearly state that a ticket should not have been issued in this instance. However, what is interesting is the explanation: "It is probably that the RADAR detected a car on the left of the bus traveling" at 61 miles per hour. That is possible, but given that neither the bus nor the two vehicles in the top right of the images have moved, it does not seem likely that another vehicle in the vicinity was able to reach that speed. That implausible explanation highlights the limitations of the technology: in many situations, one or two speed camera images cannot tell an accurate story, and when such situations are left to a reviewer's interpretation and judgment, arbitrary and erroneous ticketing decisions will result. Once the ticket is issued, however, the onus is on the recipient to disprove an erroneous interpretation of events, or simply pay the fine.

Most of the District's automated speed enforcement equipment, unlike its red light violation equipment, does not identify the violating vehicle's lane of travel, hence the need for the "multiple vehicles" rule, which is neither clearly defined nor precise. As long as the District continues to deploy equipment that requires reviewers to decide which vehicle was speeding, judgments using imperfect information will continue. To minimize the issuance of erroneous

MPD

speeding tickets in the District, MPD should explore ways to make deployments of existing enforcement technology more precise and clarify the "multiple vehicles" rule.

Recommendation:

That the C/MPD: 1) instruct violation reviewers to not issue a speeding ticket in any instance where the violation images capture more than one vehicle traveling in the same direction; 2) write and implement a more precise "multiple vehicles" business rule that clearly documents this policy; and 3) confer with ATS and its other technology vendors to determine whether all currently deployed speed enforcement equipment can be used more precisely, e.g., to target only one lane of travel at an enforcement location.

Agree _____ Disagree _____

[Note: The MPD/DDOT response did not indicate "agree" or "disagree" for this recommendation.]

MPD/DDOT August 2014 Response, As Received:

First, it is important to note that the ATE program staff carefully reviews any images containing multiple vehicles before approving the issuance of a citation. Citations are issued to vehicle owners only when the program staff can identify the vehicle they believe has committed a traffic law infraction.

Second, in a highly urbanized jurisdiction like the District, there are often multiple vehicles traveling on the same roadway. The 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 to enforce traffic violations against any vehicle unless that vehicle was the only vehicle on the roadway.^[61]

MPD agrees on the need to use the best technology and to have sufficient quality control mechanisms in place to ensure accuracy and consistency. But not every instance of multiple vehicles in an image should automatically result in ticket dismissal. Instead of a blanket amnesty policy as recommended by the Report, new technology being deployed at ATE camera locations clearly shows which vehicle is the one detected speeding when more than one vehicle is captured in the image. MPD is deploying these ATE cameras at locations with more than one lane of traffic in either location, which will address the Report's concerns about "multiple vehicles" without providing a free pass to drivers committing traffic violations. For ATE cameras using the older technology, they are deployed at locations with one lane of traffic in either direction. MPD believes this change in technology and policy addresses the Report's concerns about "multiple vehicles."

OIG Comment: The OIG stands by its recommendation as stated. When asked about the new speed camera technology, an MPD official said that even when other vehicles are recorded by a violation image, the technology identifies a single speeding vehicle. However, the official also said that these new cameras are configured to not capture images if

⁶¹ The MPD/DDOT response footnoted: "Presumably, the Report's same logic would apply to any officer that observes traffic violations where there are multiple vehicles traveling close to one another."

MPD

multiple vehicles are present and are “too close” to each other. This “threshold” is site-specific and determined by factors such as camera position and roadway design. When asked whether MPD reviewers rely solely on the technology’s indication of the speeding vehicle before approving issuance of a ticket, the MPD official acknowledged that reviewer discretion is still involved: if multiple vehicles are captured in an image and are deemed “too close,” the reviewer will not approve issuance of a ticket. Again, the fact that (1) camera “thresholds” vary from site to site, and (2) MPD reviewers must still decide in some instances whether to reject possible violations due to the presence and positioning of “multiple vehicles,” underscores the new technology’s limitations and an ongoing lack of precision and conclusiveness in the District’s ability to identify speeding vehicles in certain instances.

The OIG’s concerns regarding “multiple vehicles” remain and are reinforced by an interviewee’s explanation of a “rule of thumb” applied by MPD: “If a member of the public received the notice of violation in the mail, would he or she contest it saying it was not his or her car?”

Are MPD’s other quality assurance practices sufficiently stringent?

Once a reviewer concludes that a speeding or red light violation has occurred, the next step prior to issuing a ticket is to identify the owner of the vehicle captured in the violation image(s). Page 38 of the Federal Highway Administration’s *Speed Enforcement Camera Systems Operational Guidelines* state: “Once registration information has been received, violation processors should perform a second check to ensure that the make and model of the vehicle reported in the registration information matches the vehicle in the violation photo.” The OIG team was surprised to learn that some MPD reviewers will approve the issuance of a ticket even if the type of vehicle captured in the violation differs from the type of vehicle described in registration information. To minimize the issuance of erroneous tickets, MPD should discontinue this practice.

4. **MPD issues a moving violation ticket even if the vehicle make and model information on the registration does not match the vehicle captured in the violation images. This practice can lead to the issuance of erroneous tickets; in similar instances, other jurisdictions do not issue tickets.**

During the first review of a potential violation (which is conducted by either MPD or ATS, depending on which equipment captured the violation images), the reviewer manually enters the violating vehicle’s license plate number and issuing state into one of several systems.⁶² Through an interface with the Washington Area Law Enforcement System (WALES),⁶³ which

⁶² MPD reviews and processes violations in CiteNet or CiteWeb while ATS processors initially review violations in AXIS.

⁶³ WALES is the “front door” to a system called the National Law Enforcement Telecommunications System (NLETS). For example, if an individual with a Montana license is pulled over by an MPD officer in the District, the officer would enter the individual’s information into WALES, which then interfaces with NLETS to search the