

Management and Operations of the Traffic Camera Safety Program

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January 30, 2020

Re: Management and Operations of the Traffic Camera Safety Program

I certify that the inspector general personnel assigned to this project are free of personal or other external impairments to independence.

A handwritten signature in blue ink that reads "Derry Harper".

Derry Harper Esq., CIG
Inspector General

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EXECUTIVE SUMMARY

The Office of Inspector General of the City of New Orleans (OIG) conducted an evaluation of the management and operations of the Traffic Camera Safety Program (TCSP or “program”). The purpose of the evaluation was to determine whether the program was operating in accordance with applicable laws, policies, and best practices, and whether the City provided effective oversight of the program.

The TCSP started in 2007 and used photos and video footage to issue traffic citations for red light and speeding violations, particularly in school zones. The stated purpose of the program was to improve traffic safety.

The traffic camera program in New Orleans had been contentious, with citizens caught in a debate about the extent to which the program prioritized public safety as opposed to revenue generation. A 2018 survey by the University of New Orleans revealed that 62 percent of respondents supported removing the city’s traffic cameras. In general, fairly operated, transparent traffic camera programs can provide both public safety benefits and community support, but doing so requires a well-managed program focused on the community’s safety needs.

Evaluators examined the TCSP’s management operations at multiple stages, including the approval or rejection of citations by the traffic camera contractor American Traffic Solutions (ATS or “the contractor”), review of citations by the New Orleans Police Department (NOPD), adjudication of disputed citations through the Adjudication Bureau in the Department of Public Works (DPW), and payment of fines.

The City of New Orleans relied heavily on ATS to run the TCSP and ineffectively handled emerging issues in the program. Although the operations of the TCSP involved multiple entities, evaluators found the program was divided into silos and lacked a clearly defined management structure. This lack of management contributed to the erroneous issuance of citations, inadequate processes to ensure refunds to drivers for overpayments on traffic camera citations, and a failure to identify and correct problems within the program.

The evaluation included the following findings:

- The NOPD failed to administer the TCSP as required by ordinance. Specifically, the program lacked defined and delineated management

responsibilities for communication, oversight, and program monitoring. As a result, the difficulty of properly identifying and correcting problems prevented the program from achieving its full potential as a public safety mechanism.

- The TCSP erroneously issued tickets in school zones when schools were not in session, violating local ordinance.
- The TCSP sometimes issued citations more than 30 days after the registered owner of the vehicle was identified, in violation of the local ordinance. While the NOPD reviewed most citations within the timeframe indicated by its internal policy, this timeframe exceeded the best practice suggested by the National Highway Transportation Safety Administration (NHTSA).
- NOPD officers reviewed 94 percent of citations faster than the NOPD's internal policies allowed, jeopardizing the quality of the review process.
- The TCSP violated the ordinance by not imposing late fees and other penalties on drivers who failed to appear for ticket hearings. This failure created a loophole that permanently suspended action on tickets, denied the City revenue, and was unfair to drivers who paid their tickets or followed the hearing process.
- By failing to notify drivers of overpayments on traffic camera citations and proactively refund their money, the City potentially violated the Louisiana Uniform Unclaimed Property Act and put the City at risk of penalties.

Based on these findings, the OIG made the following recommendations:

- City officials and program stakeholders should develop and implement an appropriate management and oversight structure consistent with the ordinance and any other legal requirements. This management structure should ensure clear lines of responsibility and accountability, facilitate communication and coordination among stakeholders, and use data to monitor and continually improve the program.
- Program officials should assign responsibility to identify and obtain information on school calendars and closures, and coordinate with schools and with the traffic camera contractor to develop ways to reduce the issuance of invalid school zone tickets.
- The program should revise its controls and processes to ensure that all citations are issued in accordance with the ordinance, including training program staff on the relevant legal deadlines. The NOPD should strive to

improve timeliness of reviewing citations and should track appropriate performance measures.

- The NOPD should update its policies for review of citations, implement quality controls on approved citations, and work with ATS to obtain appropriate data for monitoring officer performance to ensure a thorough review of tickets.
- The Adjudication Bureau should develop processes to ensure the removal of suspensions. The City should promptly impose penalties for delinquent camera ticket holders who fail to appear at hearings. The TCSP also should develop clear lines of accountability to resolve future problems promptly.
- The DPW, Project Delivery Unit, and Finance Department, in consultation with the Law Department, should collaborate to refund overpaid money as appropriate; develop systems that comply with the Louisiana Uniform Unclaimed Property Act; and provide notice about overpayments to drivers. They should assign employees the responsibility to review data reports, including the overpayment liability report, so the City can identify and solve emerging problems.

The City accepted or partially accepted all recommendations in this report and has already begun to take steps to address some of the findings. The implementation of these recommendations will allow the TCSP to improve its operations and ensure an accurately and fairly administered program. Further, the development of a management structure for the TCSP will facilitate proactive problem solving and improved focus on public safety and public trust.

I. OBJECTIVES, SCOPE, AND METHODS

The OIG conducted an evaluation of the operations of the TCSP. The purpose of the evaluation was to determine whether the program was operating in accordance with applicable laws, policies, and best practices. Specifically, the objectives of this evaluation were to:

1. Examine the process of approving and rejecting citations to determine if tickets were being issued in accordance with applicable laws, city policy, and contract provisions;
2. Examine New Orleans Police Department (NOPD) procedures for reviewing tickets to ensure reviews are thorough and accurate, and that citations were correctly and timely issued;
3. Determine whether the adjudication and collections processes were effective and fair to citizens; and
4. Evaluate the processes for overseeing the operations of the TCSP and determine if oversight resulted in efficient program operations.

This evaluation examined the operations of the TCSP program. Questions regarding the program's broader value, impact, or effectiveness were beyond the scope of this report. The evaluation also focused on the performance of the City and its primary contractor, ATS. This project did not examine the collection of delinquent payments handled by other entities.

Evaluators obtained and reviewed an array of documents, including the requests for proposals (RFP), contract documents, policies, and performance data. Evaluators also interviewed personnel from the Department of Public Works (DPW), the Project Delivery Unit (PDU), the Finance Department, the NOPD, and ATS.¹

Evaluators examined and assessed relevant state laws, local ordinances, and national best practices pertaining to traffic camera programs to determine how well the TCSP conformed to these standards.

¹The contractor changed its name to Verra Mobility during the course of this evaluation. For clarity and consistency, evaluators will use the name American Traffic Solutions, or ATS, throughout this report.

Evaluators reviewed the reports that were always available to the City through ATS's computer system. Evaluators also obtained the complete set of violation data from ATS for all events in 2016 and 2017 and used it to analyze trends.

City of New Orleans employees and officials greatly assisted evaluators in preparing this report by cooperating with OIG requests, and ATS was generous with sharing its expertise.

This evaluation was conducted in accordance with the Principles and Standards for Offices of Inspector General for Inspections, Evaluations, and Reviews.² It includes findings and recommendations intended to improve the operations of the TCSP.

² Association of Inspectors General, "Quality Standards for Inspections, Evaluations, and Reviews by Offices of Inspector General," Principles and Standards for Offices of Inspector General (New York: Association of Inspectors General, 2014),

<http://inspectorsgeneral.org/files/2014/11/AIGPrinciples-and-Standards-May-2014-Revision-2.pdf>.

II. INTRODUCTION

The OIG conducted an evaluation of the City of New Orleans TCSP.³ OIG evaluators were greatly assisted in the preparation of this report by the full cooperation of City employees and the program's contractor, ATS.

OVERVIEW OF THE TRAFFIC CAMERA SAFETY PROGRAM

The TCSP, started in 2007 under Mayor C. Ray Nagin, has evolved through three mayoral administrations. The first cameras were installed in January 2008 at six locations. The program reached its peak in late 2017 under the administration of Mayor Mitch Landrieu with 111 stationary cameras, as well as mobile cameras deployed throughout the city.⁴ (See Figure 1 for a 2017 map of the traffic cameras.)

Figure 1: City of New Orleans 2017 map of red light and speeding cameras



Source: City of New Orleans Department of Public Works, *Existing and Proposed Traffic Safety Camera Location Map* (2017), accessed March 14, 2017, <http://www.nola.gov/dpw/documents/2017-011existingandproposedtrafficcamseras/>.

³ Different documents from the City referred to the program as the Traffic Camera Safety Program or the Traffic Safety Camera Program. For consistency, this report refers to the program as the Traffic Camera Safety Program, or TCSP, as described on the City's website.

⁴ In some instances, there were multiple cameras operating at a particular school zone or intersection.

Mayor LaToya Cantrell frequently spoke of her concerns about the excessive use of traffic cameras prior to her election in 2017. After taking office, Mayor Cantrell scaled back the program and shifted its focus more toward school zones. As a result, in 2019, the City of New Orleans (the City) shut off 36 cameras located outside of school zones and adjusted school zone cameras to issue citations only during school zone hours.

A list of current camera locations is available on the City's website at <https://www.nola.gov/dpw/traffic-camera-safety-program/safety-camera-locations/>.

OPERATIONS

According to the City of New Orleans website, the goal of the traffic camera program was to reduce traffic violations and reduce the severity of collisions.⁵

To initiate this program, the City contracted with ATS to install, maintain, and manage camera ticket operations. ATS has been the primary contractor since the inception of the program and won the contract again when it was re-bid in 2016. ATS was required to act in accordance with the program goals and objectives developed by the DPW and the NOPD.⁶

The City relied on ATS to perform a variety of tasks including camera installation and maintenance, program analysis, and public outreach in support of the TCSP. ATS's broad management and operation of the TCSP minimized the City's need to engage in its overall operations.

The TCSP's automated equipment detected speeding, red light and other traffic violations, and recorded the vehicle's identifying information so citations could be issued to the registered vehicle owner. To generate citations, ATS staff and NOPD officers reviewed potential violations captured by the automated system before sending tickets to registered vehicle owners. Registered owners could contest a citation by requesting a hearing from the DPW's Adjudication Bureau.

⁵ "Traffic Camera Safety Program," City of New Orleans, last updated April 5, 2019, accessed August 6, 2019, <https://nola.gov/dpw/traffic-camera-safety-program/>.

⁶ City of New Orleans, Louisiana, Traffic Safety Camera Program Management, Request for Proposals No. 5001-02096 (October 17, 2016), 14.

ATS's compensation was based on the revenue collected from the citations. As a result, ATS directly benefited from generating large numbers of citations.⁷ Under the 2017 contract ATS charged the City \$17 for each citation collected on cameras already operating prior to the re-bid contract, and \$23 for each citation collected using newly installed cameras.

At the program's apex in 2017, traffic cameras recorded 641,705 potential violation events. Of these events, NOPD approved and issued 402,783 citations. The amount of tickets had a significant impact on the City's revenue, with city leadership estimating the collection of approximately \$24 million in revenue in 2017.⁸ The program also had a significant impact on citizens, both in terms of the financial burden of camera tickets and the potential benefit of safer streets. It is important for traffic camera programs to ensure that these safety benefits are sufficient to justify the financial costs imposed on citizens.

PUBLIC SAFETY CONSIDERATIONS

Research on automated traffic enforcement programs suggests well-run programs can improve traffic safety, but the proper design and implementation of the program's operations is critical. To illustrate, government-funded research conducted by the National Cooperative Highway Research Program (NCHRP) and the NHTSA analyzed the implementation and operation of automated traffic enforcement and the impact of different practices on traffic safety. This body of literature identified several best practices in setting up and managing an effective traffic camera program.

Specifically, the 2012 NCHRP report *Automated Enforcement for Speeding and Red Light Running* offered guidance for developing and operating a traffic camera program. Researchers noted that a successful automated traffic enforcement program should "be open to the public, be motivated by safety concerns, have strong enabling legislation, and be repeatable to achieve success."⁹

⁷ ATS did not receive payment if a ticket was turned over to the City's collections agency or was paid more than 12 months after the ticket was issued.

⁸ City of New Orleans, Louisiana, *2017 Annual Operating Budget*, prepared and submitted by Jeffrey P. Hebert, et al. (2016), 71, accessed March 10, 2017, <https://www.nola.gov/mayor/budget/documents/2017-budget/2017-adopted-budget/>.

⁹ David Reynaud, foreword to *National Cooperative Highway Research Program Report 729: Automated Enforcement for Speeding and Red Light Running*, by Kimberly A. Eccles, et al.,

A report by the NHTSA included recommendations for all stages of implementing an automated traffic enforcement program to address speeding. The first step was “to identify the speeding-related safety problems and attitudes that the [automated speed enforcement] program will be designed to address.”¹⁰ In addition to specific suggestions for various aspects of automated traffic enforcement, the report recommended developing a strategic plan, monitoring progress toward the program’s objectives, and obtaining stakeholder and community support.

There is a consensus among researchers that automated traffic enforcement systems have a positive effect on road safety.¹¹ Stakeholders from jurisdictions with successful traffic camera programs have stressed that public trust is crucial for a program to function well, and the way to gain public trust is by ensuring the program is unambiguously focused on safety.¹² A program appearing to prioritize revenue generation over public safety can lose public support.

Public opinion in New Orleans reflected similar sentiments. The results from the data collected and highlighted in the 2018 Quality of Life Survey conducted by the University of New Orleans indicated that citizens put a high degree of importance on the safety benefits of cameras. While 62 percent of respondents supported removing the city’s traffic cameras, only 23 percent supported removing traffic cameras in school zones, where the safety rationale is clearer to the public. Similarly, 64 percent of respondents said school zone cameras should not be used outside of school zone hours.¹³ These responses highlight the importance of

(Washington, DC: Transportation Research Board, 2012), v, accessed April 4, 2019, https://www.atsol.com/wp-content/uploads/2012/09/nchrp_rpt_729.pdf.

¹⁰ National Highway Transportation Safety Administration, *Speed Enforcement Camera Systems Operational Guidelines* (2008), 7, accessed March 28, 2017, <https://ntl.bts.gov/lib/30000/30100/30166/810916.pdf>.

¹¹ Kimberly A. Eccles, et al., *National Cooperative Highway Research Program Report 729: Automated Enforcement for Speeding and Red Light Running* (Washington, DC: Transportation Research Board, 2012), 4, accessed April 4, 2019, https://www.atsol.com/wp-content/uploads/2012/09/nchrp_rpt_729.pdf; National Highway Transportation Safety Administration, *Speed Enforcement Camera Systems Operational Guidelines*, 1; Hugh W. McGee, et al., *National Cooperative Highway Research Program Synthesis 310: Impact of Red Light Camera Enforcement on Crash Experience: A Synthesis of Highway Practice* (Washington, DC: Transportation Research Board, 2003), 2, accessed March 30, 2017, <http://www.trb.org/Main/Blurbs/152578.aspx>.

¹² See Eccles et al., *Automated Enforcement for Speeding and Red Light Running*, 42, 56, 67-68.

¹³ UNO Survey Research Center, dir. Edward E. Chervenak, *2018 Quality of Life Survey: Orleans and Jefferson Parishes* (New Orleans: University of New Orleans, 2018), 13, accessed July 8, 2019, <http://new.uno.edu/media/6921>.

focusing on public safety in order to operate a traffic camera program that citizens support.

Historically, New Orleans citizens expressed concerns about whether the program was prioritizing revenue rather than focusing on public safety. For example, the website *The Lens* submitted a series of public records requests for site selection studies for the newly proposed camera locations, which the City and ATS were unable to produce. According to *The Lens*, the documents ATS ultimately provided in response to its public records request examined whether sites were appropriate for camera placement but did not address issues of crashes or safety concerns.¹⁴

Over the life of the program, the TCSP did not engage in regular monitoring and evaluation of the operations and outcomes of the program. When the City's Office of Performance and Accountability conducted a safety study in 2017, it found the cameras had a positive effect on traffic safety.¹⁵ However, this was the only published evaluation of the program. It is critical for traffic camera programs to engage in regular data analysis and program evaluation so they can make needed improvements and document effectiveness if the program is working well. If combined with an appropriate focus on safety, future monitoring and evaluation efforts could help both to correct deficiencies in the program and to improve public understanding and support.

¹⁴ Charles Maldonado, "New Orleans Is Installing More Traffic Cameras, But We Don't Know If They Make Our Streets Safer," *The New Orleans Advocate*, March 30, 2017, accessed June 3, 2019, <https://thelensnola.org/2017/03/30/new-orleans-is-installing-more-traffic-cameras-but-we-dont-know-if-they-make-our-streets-safer/>. See also the public records requests and City responses at <https://nola.nextrequest.com/requests/17-205>, <https://nola.nextrequest.com/requests/17-305>, and <https://nola.nextrequest.com/requests/17-717>.

¹⁵ *Traffic Safety Camera Analysis* (New Orleans: City of New Orleans, 2017), accessed April 20, 2018, <https://datadriven.nola.gov/datadriven/media/Assets/Presentations/Traffic-Safety-Camera-Evaluation.pdf>.

III. PROGRAM MANAGEMENT AND OVERSIGHT

The TCSP was a complex program spanning several departments and entities, including the DPW, the NOPD, ATS, the PDU, and the Finance Department.

The involvement of multiple entities with interconnected responsibilities raised challenges regarding the coordination and oversight of operations. Clearly defined protocols for accountability, communication, oversight, and program evaluation are beneficial for any program, but they are critical for complex programs with many stakeholders and moving parts.

Given the high risk of legal challenges to traffic camera programs, municipalities should judiciously manage their programs to reduce the risk of adverse legal rulings.

Finding 1: The NOPD failed to administer the Traffic Camera Safety Program as required by ordinance. Specifically, the program lacked defined and delineated management responsibilities for communication, oversight, and program monitoring. As a result, the difficulty of properly identifying and correcting problems prevented the program from achieving its full potential as a public safety mechanism.

COMPLIANCE WITH THE CITY ORDINANCE

The organization of the TCSP did not accurately reflect the structure laid out in the City Code. The City Council ordinance authorizing an automated traffic enforcement program initially tasked the DPW with “enforcement and administration” of the program.¹⁶ After legal challenges associated with proper enforcement responsibilities, the City Council amended the ordinance in 2010 to redirect this responsibility to the NOPD.¹⁷ The amended ordinance stated the “city and the [police] department may enforce and administer” the ordinance, either

¹⁶ New Orleans City Ordinance, M.C.S. 22526 (2/22/07) (amended 2010).

¹⁷ See *Washington-Wapegan, et al. v. City of New Orleans*, CDC No. 2010-9732 (La. Civ. Dist. Ct. Oct. 1, 2010), aff'd, No. 2010-C-1399 (La. Ct. App. Oct. 7, 2010); *writ denied*, 48 So.3d 280 (2010).

directly or through contractors. Ultimately, however, the responsibility for the program rested with the NOPD.¹⁸

Regardless of the structure proposed in the ordinance authorizing the program, the consensus among the entities involved was that the DPW was the lead agency responsible for administering the contract for the TCSP. The original 2007 contract between ATS and the City stated that the “contractor’s daily activity shall be coordinated with the Director of Public Works.”¹⁹ When the contract was re-bid, in 2016, the RFP was ambiguous regarding management responsibilities, stating only that “[p]rogram activities will be coordinated with DPW and NOPD.”²⁰ Similar to the 2007 contract, the new contract included language stating that the City would “[a]dminister this Agreement through the Department of Public Works.”²¹

The DPW’s Administrator of the Adjudication Bureau stated the amended ordinance was only a change in wording, and did not lead to changes in the actual operation of the program. NOPD leadership expressed concerns about the appropriateness of the police department managing the program, given that its only role thus far had been to review tickets.

In short, the program operated as if it were under the auspices of the DPW. The NOPD played only a limited operational role in the program through its ticket reviews and did not provide the oversight and leadership envisioned by the amended ordinance. Because the program lacked clear leadership, as discussed below, neither the DPW nor the NOPD assumed responsibility for determining and implementing the necessary operational changes to conform to the new ordinance or provide effective management.

EFFECTIVE MANAGEMENT AND OVERSIGHT STRUCTURE

As a practical matter, the TCSP required a comprehensive and strategic approach to promote effective governance among several City departments and outside entities. Both the DPW and the NOPD had significant responsibilities. The DPW handled the adjudication process and coordinated with ATS regarding its activities. The NOPD was responsible for reviewing citations before they were

¹⁸ New Orleans City Code § 154-1701.

¹⁹ Contract between The City of New Orleans and American Traffic Solutions, Incorporated, Digital Camera Traffic Enforcement Services, Inc. (August 7, 2007), 13, K07-396.

²⁰ City of New Orleans, Louisiana, Traffic Safety Camera Program Management, Request for Proposals No. 5001-02096 (October 17, 2016), 14.

²¹ Professional Services Agreement between the City of New Orleans and American Traffic Solutions, Inc., RFP No. 5001-02096, 5, K17-163.

mailed to alleged offenders. Other entities such as the PDU and the Finance Department had more limited roles handling the program's finances. Clear and effective management was important in order to ensure that all of these pieces were working together cohesively.

While these different entities agreed that the DPW was the lead agency for the TCSP, this understanding did not provide a sufficient structure for such a sprawling program. Management responsibilities were not clearly defined either within the DPW or across the participating entities. This lack of clear management responsibilities resulted in the program largely being broken into silos. While each individual aspect of the program might be operating properly, issues not squarely within the functions of one entity did not receive the necessary attention. (*See Findings 2 and 6.*)

Stakeholders believed that the Administrator of the Adjudication Bureau was in charge of overseeing the program. However, the Administrator understood his role mostly in terms of administering the adjudication of camera ticket disputes and acted accordingly. He did not consider high-level management of the program as a whole to be within his purview. There appeared to be a disconnect between what the Administrator understood his responsibilities to include and what other personnel assumed he was handling. Neither the Administrator nor the Commander of the NOPD's Traffic Division had written job descriptions pertaining to their TCSP responsibilities, contributing to the lack of appropriate oversight.

As will be demonstrated by findings in this report, the failure to appoint a project owner or develop a clearly defined management structure translated into an increased risk of gaps in communications between different entities, lack of complete oversight, inadequate monitoring of the program's performance, and slow implementation of needed improvements.

COMMUNICATION

The TCSP failed to develop clearly defined communication protocols within the program and to designate personnel to be accountable for ensuring complete and accurate information-sharing. The Administrator did not facilitate communication regarding issues in the TCSP that were beyond his sphere of responsibility in the Adjudication Bureau. He was not involved, for instance, in issues requiring

coordination between the NOPD and ATS.²² Informal, ad hoc methods of communication were not sufficiently reliable for ensuring critical communications about the program, including significant risks that could affect program operations. Many of the issues raised in this report, such as citations issued when schools were closed (see Finding 2) and the program's handling of overpayments (see Finding 6), will require robust communication and coordination in order to develop and implement a solution.

CONTRACTOR OVERSIGHT

The TCSP also provided insufficient oversight of contractors. Specifically, ATS outsourced its responsibilities for collecting unpaid citations to another company. The Administrator of the Adjudication Bureau had limited interaction with the collections process for citations and was unaware of the subcontractor's role. No one else in the program had the knowledge and responsibility to oversee contractor performance. As a result, city leadership was unable to provide proper oversight of this aspect of the contract. The original RFP for the program assigned ATS primary responsibility for a majority of the program's key operations, which may have contributed to the lack of in-house program management and oversight. While the City delegated many responsibilities to ATS, including some associated with management of the program, the City remained accountable to the public for the performance of its program. Although the City outsourced functions to a contractor, it remained responsible for overseeing the program and understanding how it was operating.

PROGRAM MONITORING AND EVALUATION

In the absence of an actual program structure, the TCSP did not consistently monitor its performance and identify areas of concern. City officials were able to access a large quantity of data about the program's operations via an online portal provided by the contractor -- including 62 different data reports -- but no one was responsible for reviewing reports beyond those useful for carrying out their day-to-day responsibilities.²³ Additionally, the City lacked a plan for monitoring the overall effectiveness of the program and its impact on public safety. The City's Office of Performance and Accountability (OPA) produced a Traffic Safety Camera

²² For example, ATS said that reviewing citations in multiple browser windows could cause problems with ticket reviews, but the NOPD was not fully aware of the possible effects.

²³ For a complete list of the data reports provided by ATS, refer to Appendix B.

Analysis in 2017 to examine the safety effects of traffic cameras, but future monitoring of program effectiveness was not integrated into the program.²⁴

Feedback from successful automated traffic enforcement programs repeatedly emphasizes the importance of program monitoring and evaluation to improve both safety outcomes and public trust in the program. The NCHRP states that jurisdictions should monitor programs daily to ensure they are “operating as expected.”²⁵ It also states they should “be monitored on a regular basis, such as annually, to identify the impact the program is having on crashes.”²⁶ The NHTSA also provides guidance stressing the need for program monitoring and evaluation.²⁷

IDENTIFYING AND CORRECTING PROBLEMS

Because the TCSP had no mechanisms for monitoring and oversight, it failed to identify and correct emerging areas of concern, such as handling overpayments. (See Finding 6.) A similar issue arose when the program’s ordinance was amended. No one had the clear responsibility to consider the operational changes required by the new ordinance and push for the implementation of needed reforms. With no clear project owner, no one was driving the review and improvement of the program over time.

Effective governance, monitoring, and evaluation of the TCSP are necessary both to spot problems and to improve the effectiveness of the program. A lack of responsibility for overall program coordination and evaluation can contribute to the issues highlighted in this report. Without developing an appropriate management structure, the program will be unable to reach its potential as an effective public safety tool.

²⁴ See City of New Orleans, *Traffic Safety Camera Analysis*.

²⁵ Eccles et al., *Automated Enforcement for Speeding and Red Light Running*, 21.

²⁶ Ibid.

²⁷ NHTSA, *Speed Enforcement Camera Systems Operational Guidelines*, 44.

Recommendation 1: City officials and program stakeholders should develop and implement an appropriate management and oversight structure consistent with the ordinance and any other legal requirements. This management structure should ensure clear lines of responsibility and accountability, facilitate communication and coordination among stakeholders, and use data to monitor and continually improve the program.

City leadership should take steps to bring its management structure into accordance with the authorizing ordinance. The City could change the existing structure to give the NOPD the appropriate oversight role or change the existing ordinance to reflect a structure City leaders believe is better suited to meeting the program's goals. Whatever the City decides, it should seek legal advice as needed to minimize the risk of legal challenges due to the structure of the program.

In addition to ensuring conformity with the ordinance, City leadership should also develop a management structure that facilitates the improvement of program operations. The City could develop a wide range of effective management structures for the TCSP. This report does not recommend any particular form of management. The program stakeholders should determine what structure best fits the needs and goals of the program.

City officials should consider some key principles as they develop and implement a new management structure. For one, the NCHRP stresses the importance of an organizational structure involving collaboration among stakeholders.²⁸ More generally, the Institute of Internal Auditors (IIA) indicates various best practices related to management, governance, and appropriate management of risk, in order to increase the likelihood an organization is able to meet its goals. These include effective organizational structures, "assignment of authority and responsibility," communication within and outside of the organization, and "monitoring and performance measurement."²⁹ Furthermore, the IIA highlights the risk involved when an organization fails to "identify and assess" its business

²⁸ Eccles et al., *Automated Enforcement for Speeding and Red Light Running*, 14.

²⁹ Dean Bahrman, et al., *Assessing Organization Governance in the Private Sector*, IPPF – Practice Guide (Altamonte Springs, FL: Institute of Internal Auditors, 2012), 6, accessed March 27, 2019.

relationships with external entities.³⁰ These principles should underlie the management processes that are ultimately implemented. Concrete steps addressing these issues may include regular communications, such as monthly meetings for stakeholders, and written job descriptions laying out management responsibilities. One positive step the program has already taken is to develop a new DPW analyst position with responsibilities related to stakeholder communication, data analysis, and performance measurement of the program.

In order to effectively reform the structure of the TCSP, it is imperative high-level city officials play a role in facilitating the initial coordination across departments and stakeholders. Coordination is especially important because the DPW and the NOPD follow different lines of authority up to the mayor, according to the City's organizational chart.

Finally, the TCSP should include data monitoring responsibilities when deciding how to structure programs and assign responsibilities to staff. The City currently has access to a series of reports provided by ATS through its Aaxis reporting portal. Careful review of these reports is necessary to ensure the program is operating correctly and to identify possibilities for improvement. The City also has the option of coordinating with ATS to acquire additional data if it would be helpful in tracking the program's performance goals. Finally, the City should tie program monitoring and evaluation to a centralized leadership responsible for looking at areas for improvement and driving these changes forward.

³⁰ David W. Zechnich, et al., *Auditing External Business Relationships*, IPPF – Practice Guide (Altamonte Springs, Fl: Institute of Internal Auditors, 2009), 6, accessed March 27, 2019.

IV. IDENTIFYING AND PROCESSING VIOLATIONS

City ordinance set fines for traffic violations depending on the type of offense. The City assessed drivers a base fine of \$105 for traffic infractions including red light running. Speeding fines ranged from \$45 to \$205 depending on how fast a vehicle was traveling above the authorized speed limit.³¹

Figure 2: Civil penalties specified by city ordinance³²

Speed Over Authorized Speed Limit	Civil Penalty
1 mph through 9 mph	\$45
10 mph through 14 mph	\$80
15 mph through 20 mph	\$130
Greater than 20 mph	\$205

Source: New Orleans City Code § 154-1703.

TRAFFIC CAMERA TYPES AND SETTINGS

The City had a combination of speed cameras and red light cameras to monitor traffic behaviors. In 2017, the City also began using mobile traffic camera systems, which the NOPD deployed at different locations. NOPD officers stated that they felt that the mobile cameras were particularly effective at changing driver behavior.

³¹ New Orleans City Code § 154-1703. The city ordinance allowed the DPW and the vendor to collect additional fees up to \$80. Citations did not delineate charges for fees from charges for fines, and instead billed for an amount which included the fines and fees together.

³² Ibid. The fine amounts identified on the City's website included a \$30 processing fee for each citation, in addition to the base fine in the ordinance.



A mobile traffic camera van parked in New Orleans. Photo from the City's website at <https://www.nola.gov/dpw/traffic-camera-safety-program/>.

ATS programmed the traffic cameras based on the City's responses to the "Business Rules Questionnaire," or BRQ, a document the contractor used to determine system settings and define which driver behaviors resulted in citations. A vehicle entering an intersection after the light had turned red and proceeding completely through the intersection was cited. A driver received a citation for turning right on red if the vehicle did not come to a complete stop before turning right.

Speed cameras recorded a potential violation event when they detected a car traveling above a pre-programmed speed threshold. Prior to February 2019, the TCSP issued citations for vehicles traveling 6 mph over the speed limit in school zones and 10 mph over the speed limit outside of school zones. Vehicles traveling above the speed limit but below these thresholds did not receive traffic camera citations. However, on February 4, 2019, the City reduced the threshold speed to 4 mph over the speed limit in school zones and 8 mph over the speed limit outside of school zones.

SCHOOL ZONES

Most automated speed enforcement in New Orleans focused on school zones. By city ordinance, the speed limit was 20 mph in these areas during the hours of 7 am to 9 am and 2:45 pm to 4:45 pm on days when school was in session.³³ City ordinance required school zones to be marked by appropriate signs or signals, although not all school zones had flashing lights. If the school zone flashers were not working, traffic camera citations could still be issued, as long as the school zone had the proper signage.³⁴

Finding 2: The Traffic Camera Safety Program erroneously issued tickets in school zones when schools were not in session, violating local ordinance.

School zones with traffic cameras included charter, private, and parochial schools, each with different schedules and calendars. The City instructed ATS to program school zone cameras to issue citations based only on the Orleans Parish School Board (OPSB) schedule even though it did not accurately reflect the calendars of different schools in the city. Individual schools might continue in session beyond the dates the program used for its calendar, leaving students at risk of potential injury during those times. Neither the DPW nor the contractor had a complete calendar that enabled them to identify when tickets should not be sent because a particular school was not in session.

Because there was no comprehensive school calendar, drivers sometimes received tickets for school zone violations when a school was not in session. These occurrences violated the city ordinance, which applied the reduced school zone speed limit only “on days when a school that the zone applies to is open for instruction during the regular term.”³⁵ Mismatched calendars also increased the risk that citation recipients might unknowingly pay erroneous tickets. Furthermore, the issuance of erroneous tickets increased the risk that the public would perceive the TCSP as motivated by profit rather than safety, violating a core principle of running an effective traffic camera enforcement program.

³³ New Orleans City Code § 154-534.

³⁴ Program staff stated, in the past, hearing officers dismissed citations if the flashers were not working, but this was no longer the case after cameras began to be used in school zones that lacked flashers.

³⁵ New Orleans City Code § 154-534.

The DPW improperly placed the burden on citizens to alert the City it was issuing erroneous tickets. The Department usually discovered the program improperly issued tickets for a certain date and school zone only after a citizen called to complain. Upon receiving this information, the DPW would confirm that the school had been closed and then notify ATS to dismiss all citations issued by that camera on that day. If no one contacted the DPW about this issue, the citations would be issued and paid as if the school were in session. The lack of notification increased the risk that drivers might unknowingly pay erroneous tickets if they were unaware either that the school was not in session or that they were responsible for identifying if the school was in session.

The process of dismissing improper tickets was similarly haphazard with closed or relocated schools. DPW staff acknowledged that keeping up with changes in school locations had been an issue, particularly in the last couple of years, and that no process was in place to notify the DPW when schools moved or closed. Instead, the DPW usually found out about these changes from members of the public, or from traffic engineers who noticed that there was not an active school near where they were working.

No one from the TCSP communicated with the OPSB or individual school entities about obtaining more precise calendars, and no one within the program had clear responsibility to develop the necessary channels of communication to address the problem. Similarly, no one from the program communicated with the contractor to determine how feasible it would be to program camera systems individually to reflect each school's calendar.

Recommendation 2: Program officials should assign responsibility to identify and obtain information on school calendars and closures, and coordinate with schools and with the traffic camera contractor to develop ways to reduce the issuance of invalid school zone tickets.

Program officials should ensure accountability for resolving the problem of imprecise school zone calendars and assume the burden of making calendars accurate rather than relying on citizens to do so. Until now, no one within the program has had the responsibility for addressing this issue. As a first step, city

officials should assign an employee ownership of developing and implementing strategies to reduce erroneous school zone citations.

The person in charge of addressing this issue should reach out to the OPSB and other school systems or charter operators to determine what information they have regarding school locations and calendars. Program officials should develop and implement a process for receiving information about school calendars on a regular basis. For instance, the OPSB may have location and calendar information about the charter schools it oversees, or individual schools may send out calendars and updates to parents on mailing lists to which the DPW could be added. Even if the City is unable to create a perfect master school calendar for the traffic camera program, there is ample room for improving the accuracy of citations issued in school zones.

Communicating with school entities may have other benefits for the program as well. Given the bulk of the TCSP focused on school zone speeding, the program may be able to improve its public safety impact through insight from and coordination with schools, which may be better positioned to understand the safety needs of their students.

After acquiring this information, the City should consider how to reduce the issuance of erroneous school zone tickets. It could amend the ordinance pertaining to school zone speeding to apply to a particular date range, rather than to days when individual schools are in session. Although this would require City Council action, it would provide clarity to drivers. While drivers might not know whether a school was in session, the DPW's publicized school zone calendar would inform drivers of active school zones. Transparency and effective public outreach would be key for ensuring drivers understand when school zones are in effect. The program could use the school schedule information it receives from schools to ensure its master calendar takes into account when children will be present in school zones.

Alternatively, the program should find a way to issue tickets for school zones only when permitted by the current ordinance. The City should communicate with ATS to determine what options exist for programming camera systems individually based on a particular school's calendar.

If programming cameras individually is not feasible, the program should investigate other options, such as reviewing the collected calendars and instructing the contractor to dismiss all citations for days when a school was not

in session. This approach is similar to what occurs now, but without requiring citizens to notify the DPW of school closures.

In making these decisions, the City will need to consider the needs of drivers and the risks to students. Either way, the City should only issue citations in accordance with local law, be as transparent as possible about the approach taken, and spare drivers the administrative responsibilities of monitoring school calendars.

REVIEW AND PROCESSING OF VIOLATIONS

When a traffic camera recorded a potential violation event, ATS staff reviewed the information remotely to determine whether a violation had occurred. Potential violation events included each incident recorded by a camera; some of these incidents were later rejected and were not issued as citations. A representative for ATS said employees confirmed red light violations visually by watching the video. For speeding violations, ATS used an algorithm to measure changes in vehicle location between images captured by the system. This algorithm verified the speed recorded by the 3D radar or inductive loop systems. ATS rejected events where a violation could not be substantiated.

In 2017, only 63 percent of recorded incidents resulted in the issuance of a citation.³⁶ There were many reasons a violation event captured by the system would not result in a citation. Some camera events were dismissed when an image was captured but a violation had not occurred; these were classified as non-event exceptions. The contract with ATS classified events where citations could not be issued as either controllable exceptions, which included technical errors the contractor was responsible for addressing (such as camera malfunctions), or uncontrollable exceptions, which were outside of the contractor's control (such as extremely bad weather or the lack of an OMV record).³⁷ The contract required ATS to maintain a high degree of accuracy in citations sent to the NOPD for review.

After ATS determined a violation had occurred, the company identified the vehicle's owner through the state motor vehicle database and sent a complete record of the violation event to the NOPD for review. The contract required ATS to submit information to the NOPD for review within three business days after the violation was recorded. After ATS approved these citations, they entered a queue to await review by NOPD officers. The NOPD's Traffic Division managed this aspect

³⁶ ATS reported that the system captured 641,705 violation events and issued 402,783 citations.

³⁷ City of New Orleans, Louisiana, Traffic Safety Camera Program Management, Request for Proposals No. 5001-02096 (October 17, 2016), 19-20.

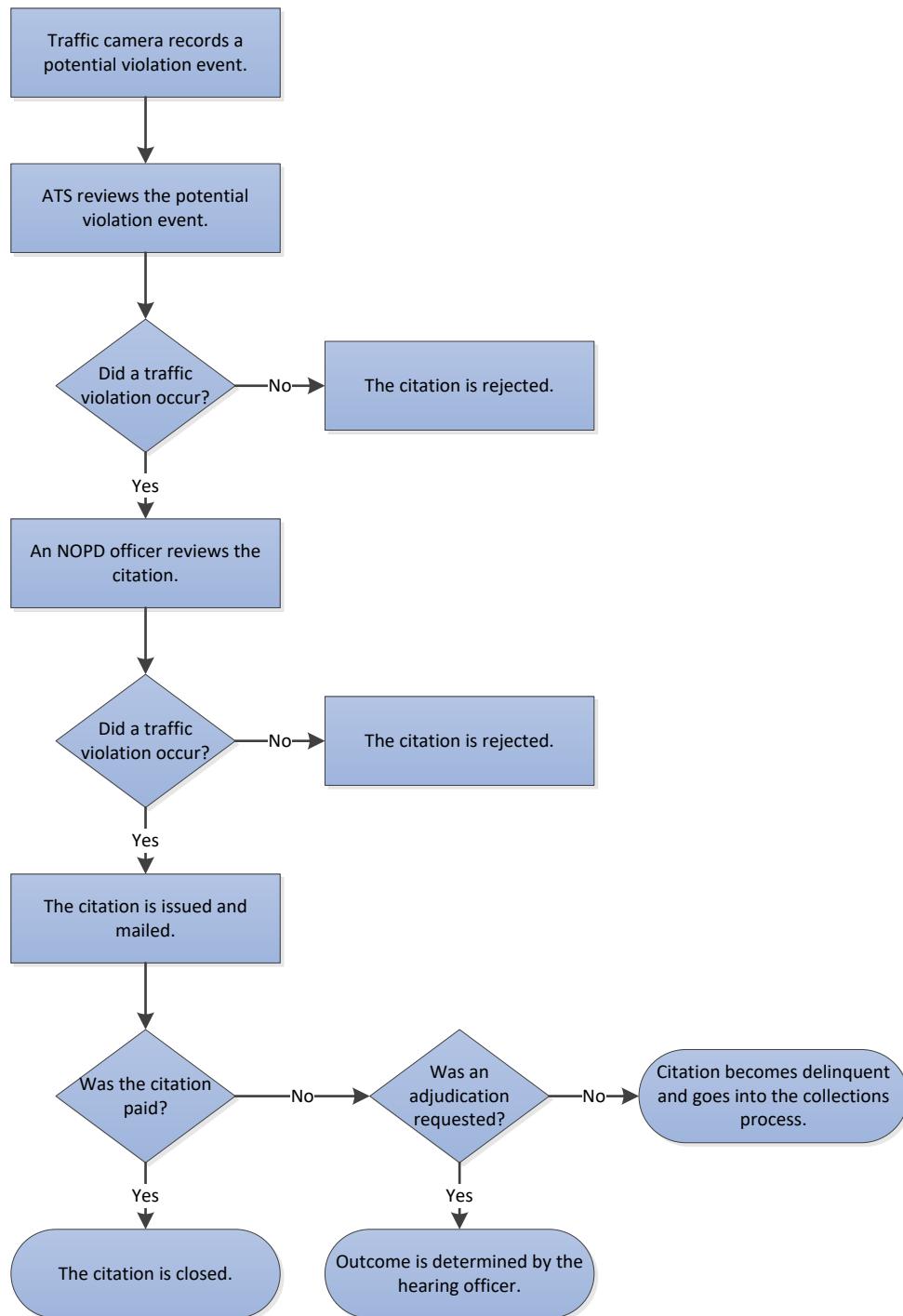
of the TCSP, and police officers reviewed citations on a voluntary, overtime basis. Each officer had a unique log-in for the ticket-reviewing system, which allowed the City and ATS to track officer performance and record how many tickets were rejected or approved by each officer.³⁸

In reviewing citations, NOPD officers verified whether the vehicle in the photos matched the registration information received from the Louisiana Office of Motor Vehicles (OMV), whether the vehicle was in the correct lane, whether the license plate number was correct, and whether the photos and video showed a violation. Officers were required to provide a reason if they rejected a citation. Citations approved by the NOPD were sent back to ATS to be printed and mailed to vehicle owners.

Figure 3 outlines the flow of citations through New Orleans' TCSP.

³⁸ Prior to a New Orleans OIG investigation in 2013, off-duty NOPD officers working a paid detail conducted ticket reviews.

Figure 3: The ticket issuance process



Finding 3: The Traffic Camera Safety Program sometimes issued citations more than 30 days after the registered owner of the vehicle was identified, in violation of the local ordinance. While the NOPD reviewed most citations within the timeframe indicated by its internal policy, this timeframe exceeded the best practice suggested by the National Highway Transportation Safety Administration.

The City ordinance governing automated traffic enforcement set out timeframes for how quickly tickets needed to be issued and referenced three key periods:

In order to impose a civil penalty under this section, the city shall mail a notice of the violation to the owner of the motor vehicle no later than the 30th day after the date the violation is alleged to have occurred or identification of the registered owner, whichever is later, but in no event more than 60 days after the date the violation is alleged to have occurred.³⁹

However, staff from the DPW, the NOPD, and ATS all indicated they believed the legal deadline for issuing citations was 60 days from the time of the violation event. This belief was not consistent with the text of the ordinance.

The real deadline was the 30th day after the vehicle's registered owner was identified, since, by definition, the request to the state OMV came after the potential violation event. For example, if the program learned the identity of the vehicle owner 15 days after the camera flashed, it would have until the 45th day to issue the citation. (If the TCSP found the car owner on day 15, then the 30-day clock started running on day 16, which allowed a total of 45 days from the time of the violation to issue the citation.) The only time the upper limit of 60 days came into play was when the NOPD was unable to identify who owned the car until day 30. In that case, the program would have another 30 days to issue the ticket, up until day 60.

There was minimal risk of issuing tickets more than 60 days after the violation event because ATS's computer system contained controls that automatically removed citations from the review queue if they had been there for more than 60 days. Very few citations were eliminated in this manner, suggesting that the NOPD

³⁹ New Orleans City Code § 154-1701.

was generally able to comply with what it saw as the requirement of reviewing tickets within 60 days.⁴⁰

ISSUANCE OF CITATIONS WITHIN LEGAL DEADLINES

Evaluators determined that the TCSP did not always issue citations within 30 days of identifying the registered owner of the vehicle as required by the ordinance, meaning the TCSP issued illegal tickets.

In 2016, the TCSP issued over 42,000 citations (approximately 17 percent) more than 30 days after the contractor received information on the registered owner from the OMV. In 2017, the percentage decreased, but was still over 1,000 citations (0.3 percent). Due to the NOPD's policy of reviewing tickets within 30 days, the numbers of invalid citations were only a small percentage of the total. However, any amount of citations issued beyond the timeframe was a problem because they violated the ordinance. Further, the lack of awareness of the ordinance and the lack of controls to guard against issuing illegal citations increased the risk of the program producing a significant amount of improper tickets if the NOPD's review process were to become delayed.

Figure 4: Citations issued more than 30 days after the vehicle owner was identified

2017 Violations	0.3%
	1,366 citations
2016 Violations	16.8%
	42,445 citations

Source: Data provided by ATS. These calculations were based on all citations for violations that occurred in 2016 and 2017.

While there were controls in place to comply with the 60-day deadline, the computer system lacked controls to block the issuance of citations if the TCSP failed to identify the vehicle owner within 30 days. Moreover, although police officers reviewing citations did have access to the OMV verification date through the computer system, it was not part of the information they used when doing reviews.

⁴⁰ 168 citations expired in this manner during 2017, and 95 during 2018. Expired citations were generally concentrated during particular months, and primarily involved citations awaiting a separate supervisory review.

This lack of controls, along with the lack of staff awareness of the legal requirements, increased the risk of untimely citation issuance.

NOPD's Policy and Best Practices for Citation Issuance Timeframes

The NOPD's internal policy was more rigorous than the ordinance. It stated that "photo violations shall be reviewed within thirty (30) days of the violation date," and NOPD officers confirmed that their goal was to review citations within 30 days of when the alleged violation occurred.

Evaluators reviewed data for citations issued in 2016 and 2017 and calculated the time elapsed between when the alleged violation occurred and the date the citation was issued. In 2017, the NOPD mostly met its goal, sending out 97 percent of citations within 30 days of the violation. (See Figure 5 below.) In 2016, a more substantial number of citations (24 percent) took longer than 30 days to issue.

Figure 5: Citations issued within different time frames from the date of the violation

Citation Review Time	> 30 days	≤ 30 days	≤ 21 days	≤ 14 days
Percentage of 2017 traffic citations	3%	97%	78%	57%
	12,481 citations	402,399 citations	324,829 citations	236,894 citations
Percentage of 2016 traffic citations	24%	76%	71%	62%
	59,501 citations	193,045 citations	178,841 citations	156,233 citations

Source: Data provided by ATS. These calculations were based on all citations for violations that occurred in 2016 and 2017.⁴¹

While the NOPD reviewed approximately 97 percent of citations from 2017 within its 30-day objective, there was opportunity for improvement. Because the stated goal of the program is to improve public safety, tickets should be processed in as timely a manner as possible so drivers become aware of the violation and can

⁴¹ Note that these numbers differ slightly from those provided in the introduction to this report. The dataset used here includes all of the events that occurred in 2016 and 2017, as opposed to the citations reviewed by the NOPD in 2016 and 2017.

adjust their driving habits in the future, ideally before committing multiple violations.

Guidelines from the NHTSA echo these concerns, stating that notices sent “in a timely manner” help drivers to “maintain a mental association between the violation and the penalty,” and minimize the risk of “public disapproval.”⁴² The NHTSA recommends a maximum time of ten business days or two weeks and encourages faster processing times, so long as they do not sacrifice quality control.⁴³

Ticket review times at the TCSP were inconsistent with the NHTSA best practice standard of ten days to two weeks. Forty-three percent of 2017 citations and 38 percent of 2016 citations were issued more than two weeks after the violation. The median time to issue a citation was 12 days in 2016 and 13 days in 2017.

Delays between the violation and issuance of the citation were also a problem because the time lag increased the likelihood that drivers would receive multiple citations before they were aware of the first violation.

In these cases, a city attorney, who represented the City during adjudication hearings before an independent hearing officer, sometimes dismissed citations during the hearing. Doing so meant that the City expended resources to rectify problems created by the slow issuance of tickets to maintain public support of the program. The Administrator of the Adjudication Bureau stated that dismissing multiple citations was not unusual.

Recommendation 3: The program should revise its controls and processes to ensure that all citations are issued in accordance with the ordinance, including training program staff on the relevant legal deadlines. The NOPD should strive to improve timeliness of reviewing citations and should track appropriate performance measures.

Program staff should clearly understand the legal timeframe for issuing citations. To avoid any future misunderstandings of the ordinance, the program should coordinate with the City Attorney to address any points of uncertainty. City

⁴² NHTSA, *Speed Enforcement Camera Systems Operational Guidelines*, 39.

⁴³ Ibid.

leaders should also develop a strong management structure within the TCSP to facilitate periodic review and oversight.

The program should develop controls to prevent the issuance of traffic camera citations beyond the deadline provided in the ordinance. Doing so will likely involve coordinating with ATS to determine whether technical controls are possible, similar to the current constraint in the computer system that automatically removes citations after 60 days. Alternatively, the program could rely on police officers to identify citations exceeding the legal deadline. Program stakeholders should ensure that NOPD officers can locate the date ATS identified the registered owner to ensure the use of this information during their review.

The NOPD should also attempt to improve officers' citation review times to maximize public safety impact. The NOPD Traffic Division Commander expressed concerns about workload. Officers could review tickets more quickly, but ticket review times and officer staffing considerations in the program needed to be balanced. If ticket queues were low, and officers had too few tickets to review, they might seek different overtime assignments, leading to future labor shortages in the program. The NOPD Traffic Division should monitor the queue and reduce processing times as much as possible without precipitating such adverse effects. Data on monthly trends over time may help to inform this decision.

Further, the NOPD should explore whether there are other possibilities for decreasing citation issuance times without discouraging officers from using their overtime to review tickets. Closer monitoring of the data might let management determine how and when to limit citation overtime shifts to ensure that officers have enough work.

The NOPD Traffic Division should implement appropriate performance measures designed to improve ticket processing times. The NOPD did well during 2017 at meeting its performance goal of reviewing citations within 30 days of the violation date, and it can likely make more improvements in this area by setting more ambitious targets. Progress in this area should have a positive impact on both public safety and public perception of the program.

However, in implementing this recommendation, the NOPD should ensure that no measures impair the accuracy of citation review or rush officers through their review of tickets. Improving timeliness through better systemic planning would be beneficial, but maintaining accuracy is paramount.

Finding 4: NOPD officers reviewed 94 percent of citations faster than the NOPD's internal policies allowed, jeopardizing the quality of the review process.

Even more crucial than the timeliness of citation processing was that the NOPD ensured a high degree of accuracy in its citation review process. In the past, courts have discussed the need for sufficient review of computer-generated citations in order to ensure due process.⁴⁴ The Traffic Division should have appropriate controls in place to ensure that NOPD review of citations is thorough and accurate, and that citations are justifiably rejected or issued.

QUALITY CONTROLS ON NOPD REVIEW OF CITATIONS

The NOPD Traffic Division had a written policy providing guidance on the review process and trained officers on how to review potential tickets.

The NOPD implemented certain controls designed to ensure accurate citation review. For instance, controls in place ensured that officers reviewing tickets did not reject them improperly. NOPD officers reviewed each citation submitted by ATS. All citations rejected by NOPD then received an additional layer of review from the NOPD's Compliance Division. Officers also could request an additional supervisory review if they were unsure whether the citation should be accepted or rejected. However, the NOPD did not have similar quality assurance checks to ensure that issued citations were accurate.

The division's policy indicated that NOPD officers should review an average of 40 to 60 citations per hour (absent any technical issues), and they should not review more than 70 citations per hour. The Traffic Division Commander stated these timelines recognized the need for officers to spend sufficient time reviewing each citation to avoid errors or exhaustion.

TIME SPENT REVIEWING CITATIONS

NOPD's policy of 40 to 60 citations per hour translated into a citation every 60 to 90 seconds. NOPD and contractor staff both indicated that a minute would be a reasonable amount of time to review a citation, which was consistent with the NOPD's policy, although 30 to 40 seconds might be reasonable for experienced

⁴⁴ See *McMahon v. City of New Orleans*, No. 2013-CA-0771, 2013 WL 6925013, at *7 (La. Ct. App. Dec. 18, 2013).

officers. A look at the data involved, however, indicated that the majority of tickets were reviewed in less time than what the policy allowed.⁴⁵ NOPD officers spent 50 seconds or less on 94 percent of tickets reviewed in 2016, and 95 percent of tickets reviewed in 2017, for an overall average of 94 percent of tickets from the two-year period. Reviewing tickets in an average of 50 seconds each would have resulted in reviewing over 70 tickets per hour, contrary to the NOPD's policy.

The NOPD Traffic Division Commander told evaluators the policy and recommended citation review times were based on citations being reviewed using older technology that was slow to load video and images. However, the Traffic Division got several new computers in 2018, and the Commander estimated a review time of 30 to 45 seconds per citation might be reasonable on the division's newer computers.

Eighty-six percent of 2016 citations and 88 percent of 2017 citations were reviewed in less than 30 seconds. Furthermore, roughly half of citations were reviewed in ten seconds or less, and a substantial number were reviewed in five seconds or less. These reviews took less time than it would have taken to watch a full red light or speeding camera video, which lasted 12 seconds. Additionally, five percent of citations in 2017 were reviewed in three seconds or less.

⁴⁵ Evaluators performed these calculations using the 2016 and 2017 data files provided by ATS. For an explanation of how evaluators performed these calculations, see Appendix A.

Figure 6: Time spent by officers in reviewing individual citations

Time to Review Citations	≤ 50 seconds	< 30 seconds	≤ 10 seconds	≤ 5 seconds	≤ 3 seconds
2017 Citations	95% 404,530 citations	88% 378,525 citations	58% 247,946 citations	23% 97,069 citations	5% 21,362 citations
2016 Citations	94% 253,849 citations	86% 233,833 citations	47% 128,029 citations	11% 30,523 citations	1% 2,233 citations

Source: Data provided by ATS. These calculations were based on all citations for violations that occurred in 2016 and 2017.⁴⁶

The Commander of the Traffic Division said that he performed checks to ensure that the forms that officers used to document their overtime work were accurate and that they were complying with the guidelines of the program. However, he raised concerns about the reliability of the data he received from ATS on officer review statistics. He said he did not receive a report that would allow him to see officers' individual review rates, so he could not easily monitor the pace of ticket reviews by individual officers.

Recommendation 4: The NOPD should update its policies for review of citations, implement quality controls on approved citations, and work with ATS to obtain appropriate data for monitoring officer performance to ensure a thorough review of tickets.

The NOPD should start by updating its policy for reviewing traffic camera tickets so that it is consistent with changing technology and reflects the time officers would realistically expect to spend on citations. After updating the policy, the NOPD should ensure officers are aware of and understand the importance of these guidelines. Officers should know they can and should rely on the guidelines provided.

The NOPD should implement appropriate quality controls on officer review of citations. This may include receiving data about officer review times and

⁴⁶ Note that these numbers differ slightly from those provided in the introduction of this report. The dataset used here includes all of the events in 2016 and 2017, as opposed to the citations reviewed by the NOPD in 2016 and 2017.

monitoring officers who reviewed citations especially quickly to ensure they are not sacrificing accuracy; the goal should be to make sure policies are appropriately targeted and realistic. The NOPD should also continue to monitor the appropriateness of policies and review times because they could change if the NOPD's computers again become outdated. The NOPD could also implement supervisory reviews of a random sample of citations to ensure there are no errors. Simple, cost-effective controls like these could identify any issues with officer review, and ensure that the NOPD is confident in the accuracy of all citations issued.

While determining the most appropriate controls to use in addressing this issue, the NOPD should communicate with ATS regarding any technical needs, such as setting up random supervisory reviews of citations. They should also discuss any additional data needed for monitoring the traffic division's operations, as well as concerns the NOPD may have about the reliability of the data provided. Moving beyond this specific issue, coordination with the contractor about data needs should empower the NOPD (and other parties involved in the TCSP) to obtain the most useful data for their future needs.

V. ADJUDICATION AND PAYMENT OF CITATIONS

After citations were issued, the program was also responsible for adjudicating disputes and ensuring the payment of citations.

PAYMENT PROCESS

Once a citation was issued, the driver had 30 days to either pay the citation or request a hearing. ATS was responsible for collecting payments online, over the phone, or through the mail on behalf of the City. The Administrative Hearing Center in City Hall handled walk-in payments. If the due date for the ticket passed, ATS issued a delinquent notice and imposed a \$75 late fee.⁴⁷ If a ticket remained unpaid, ATS turned any outstanding citations over to the subcontractor, Duncan Solutions, for collections. Duncan Solutions was responsible for conducting a skip trace on the vehicle's owner and attempting to obtain payment for the violation. If Duncan Solutions was unable to obtain payment and a ticket remained unpaid and in collections, the company was authorized to immobilize the vehicle until ticket and boot fees were paid.

ADJUDICATIONS

The reverse side of citations informed drivers about options to contest citations by mail or through a hearing in person. In a hearing by mail, a hearing officer reviewed documentation submitted by the citation recipient and made a decision. For in-person adjudication hearings, the citation recipient was assigned a date to appear at the DPW's Administrative Hearing Center in City Hall, where a hearing officer would review the case. The hearing officers were independent contractors, rather than city employees, and city attorneys acted as prosecutors.

Hearing officers found drivers either liable or not liable, and provided reasons for their decisions. The Administrator of the Adjudication Bureau said that some of the most common reasons for dismissal were when the camera had a problem, or when a car pulled slightly into the crosswalk before stopping to make a right turn on a red light. If the hearing officer determined a driver was liable, the driver had

⁴⁷ The Administrator of the Adjudication Bureau noted that the cheapest ticket did not accrue a late penalty like other types of tickets did, but he said that they planned to change this in the future so that it was consistent.

30 days to pay the citation. Any driver who was dissatisfied with the outcome of the hearing could appeal the case to the New Orleans Traffic Court.

Finding 5: The Traffic Camera Safety Program violated the ordinance by not imposing late fees and other penalties on drivers who failed to appear for ticket hearings. This failure created a loophole that permanently suspended action on tickets, denied the City revenue, and was unfair to drivers who paid their tickets or followed the hearing process.

The TCSP computer system sent out delinquency notices, and later, collections notices, after a fixed time period if the citation was not paid. When a driver requested a hearing, these notices were suspended within the system so that the citation did not become delinquent. Because a hearing date could be scheduled after the 30-day payment period elapsed, the program suspended these notices to avoid sending past due notices to drivers who requested adjudication hearings.

However, this arrangement caused difficulties when a driver requested an adjudication hearing but then did not attend the hearing, which was a common occurrence. In 2017, 44 percent of scheduled hearings were marked “not adjudicated” because the person did not come to the hearing. The city ordinance governing automated traffic enforcement required that a violation notice be sent to alleged traffic violators. The notice had to inform the vehicle owner that “failure to timely pay the civil penalty or to challenge liability [was] an admission of liability and failure to appear on or before the scheduled hearing date [was] an admission of liability and a waiver of the right to appeal.”⁴⁸

In practice, however, the Adjudication Bureau had no process for removing suspensions from citations when a citation recipient did not attend their hearing. The citation remained suspended in the system, meaning the citation recipient did not receive overdue notices, and the citation never became delinquent or subject to late fees or booting if left unpaid. Consequently, citation recipients who requested hearings but failed to appear effectively got out of their tickets – an unfair loophole for those who engaged in the adjudication process or paid their tickets without question.

As a result, the City lost revenue and potentially failed to penalize violators appropriately. Some drivers might have paid their citations after receiving

⁴⁸ New Orleans City Code § 154-1701(1)(i)(3).

additional notices that reminded them to pay. If people become aware of this loophole, citation recipients might request hearings and then deliberately not attend in order to get their tickets suspended. Correction of this failure of management fell within the responsibility of the Adjudication Bureau. The Administrator admitted he was aware of the problem but put off any correction. He stated the DPW planned to resolve this issue in September 2019, after a planned traffic and parking ticket amnesty period.

This delay also illustrated the need for an accountable management structure in the program.

Recommendation 5: The Adjudication Bureau should develop processes to ensure the removal of suspensions. The City should promptly impose penalties for delinquent camera ticket holders who fail to appear at hearings. The Traffic Camera Safety Program also should develop clear lines of accountability to resolve future problems promptly.

The Adjudication Bureau was in the process of developing a solution to the problem of suspended citations. The Administrator told evaluators a technical fix should be fairly straightforward and will allow the City to collect additional revenue and ensure the program is consistently applied. In addressing delinquent citations, the City should inform the public suspended citations would become delinquent in the future.

More broadly, the TCSP should develop lines of program accountability to timely address similar problems. Resolving issues promptly will enable the program to correct problems before they become widespread. The program would benefit from an overarching management structure that drives the timely resolution of problems.

REFUNDS

In some instances, drivers overpaid their traffic camera citations, either by accidentally paying a ticket twice, paying a ticket that was later dismissed, or paying the wrong amount of money. A representative from ATS indicated the most likely reason for an overpayment was a payment mailed close to the due date and then paid again online. The double payment was made either because the first

payment was forgotten or out of concern the mailed payment would not be timely processed.

If citation recipients realized they overpaid their camera ticket, they could request refunds from ATS, which provided a form on its website. If someone contacted the Adjudication Bureau about a refund, staff referred the driver to ATS or to the online form. After approval of a refund request, ATS issued a check to the requestor and billed the City for the cost of the refund.

When the TCSP dismissed erroneously issued citations, ATS sent a letter to the recipients, notifying them the citation was dismissed and no further action was necessary. Recipients who had already paid their tickets were eligible for a full refund, but there was no mention of the refund process in the letter they received.

Finding 6: By failing to notify drivers of overpayments on traffic camera citations and proactively refund their money, the City potentially violated the Louisiana Uniform Unclaimed Property Act and put the City at risk of penalties.

A basic tenet of Louisiana law is that “a person who has received a payment or a thing not owed to him is bound to restore it to the person from whom he received it.”⁴⁹ The City failed to notify citizens of overpayments on traffic camera citations. This placed the burden onto citation recipients to realize the City was holding their money, and they needed to take steps to ask the City to return it. The City retained these payments in its accounts with no mechanism for proactively refunding citation recipients unless they requested a refund. Other than dismissal letters sent to drivers who received erroneous tickets, neither the City nor ATS had a system to notify citation recipients of a possible overpayment. Furthermore, ATS said the City did not permit them to issue refunds proactively.

ATS indicated when it received an excess payment it first looked to see whether it could apply the payment to another notice for the same account. If this was not possible, the money remained marked as overpaid within the system until the company received a refund request. ATS said it was sometimes possible to refund an excess payment onto a credit card automatically in cases where it was clearly an accidental overpayment, such as when someone paid the same citation online

⁴⁹ La. Civ. Code. art. 2299.

twice within minutes. Otherwise, the excess money was transferred to the City's bank account along with other paid citations.

Staff within the City's Project Delivery Unit were responsible for reconciling the bank deposit slips to the warrant sheets received from the contractor, which documented the amount deposited in the City's bank account.⁵⁰ The Finance Department later compared the amount in the City's bank account to that in the cash receipt warrant. These warrant sheets did not include any information on how much of the money came from overpayments on citations.

However, the Axis data portal for the City included a report titled Overpayment Liability.⁵¹ On January 14, 2019, this report revealed the City owed over \$730,000 to almost 6,000 unique individuals or entities for overpayments made on traffic camera tickets since the inception of the program. The average amount owed on each account/notice number was \$94.34, but the amounts at issue ranged from \$0.01 to over \$1,000. While program staff had access to Overpayment Liability reports, no one was responsible for reviewing them until recently and it appeared they were unread for long periods of time.

The City therefore kept money that did not belong to it. Individuals and companies who overpaid citations and were unaware of the refund process were unable to get their money back. This problem could also contribute to negative perceptions of the program.

LOUISIANA UNIFORM UNCLAIMED PROPERTY ACT

This situation left the City vulnerable to possible sanctions for failure to comply with the Louisiana Uniform Unclaimed Property Act. This law imposed obligations on entities holding property that did not belong to them and had gone unclaimed by the owner for a certain period of time. It required "a holder of property presumed abandoned" to provide a report to the state treasurer each year containing the name, address, and tax identification number of the apparent

⁵⁰ The Project Delivery Unit handled both capital and operating finances for the DPW.

⁵¹ This data portal, to which program managers had access, included various reports on the performance and functioning of the TCSP.

owner of any property over \$50, and an aggregate amount for items valued at less than \$50 each.⁵²

The law also required the holder of the property to “send written notice to the apparent owner not more than one hundred twenty days nor less than sixty days before filing the report.”⁵³ This requirement was applicable as long as the value of the property was \$50 or more, the holder had a record of an address for the apparent owner, and the owner’s claim was made within the statute of limitations.⁵⁴ The property holder – here, the City – was then required to transfer it to the State Treasurer.⁵⁵ The vast majority of the accounts recorded in the Overpayment Liability report involved amounts of \$50 or more, beyond the threshold at which Louisiana statutes required notice to the owner of unclaimed property before turning it over to the State. If a holder failed to “report, pay, or deliver property” within the appropriate timeframes, they were subject to interest payments and civil penalties.⁵⁶

In short, the City was required to make efforts to refund money that did not belong to it and, failing that, to turn it over to the state treasurer as unclaimed property.

Penalties and interest had the potential to be steep, because they accrued daily for each failure to “report, pay, or deliver property” within the appropriate timeframe, or to “perform other duties imposed” by the statute.⁵⁷ These penalties accrued at the rate of \$200 per day, up to a maximum of \$5,000.⁵⁸ Since the start of the TCSP, it has received over 7,000 instances of unrefunded overpayments. If the maximum penalty were assessed for the failure to deliver each of these overpayments to the State Treasurer, the potential exposure for the City would be extensive. A willful failure to comply with these provisions could result in penalties of \$1,000 per day up to a maximum of \$25,000, plus a quarter of the value of any property that should have been reported.⁵⁹ The State Treasurer may

⁵² LA Rev. Stat. § 9:159.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ LA Rev. Stat. § 9:160; LA Rev. Stat. § 9:153(1).

⁵⁶ LA Rev. Stat. § 9:176.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

waive these penalties and interest for good cause, and shall waive them if the holder acted “in good faith and without negligence.”⁶⁰

Recommendation 6: The DPW, Project Delivery Unit, and Finance Department, in consultation with the Law Department, should collaborate to refund overpaid money as appropriate; develop systems that comply with the Louisiana Uniform Unclaimed Property Act; and provide notice about overpayments to drivers. They should assign employees the responsibility to review data reports, including the overpayment liability report, so the City can identify and solve emerging problems.

The TCSP should make an effort to refund the backlog of overpayments as appropriate. The program should provide notice either through a general public notice or through individual letters sent to anyone who may be entitled to a refund. The program should also develop a process for providing notice to future citation recipients who may overpay so they can request and receive a refund. The City could do this with notices similar to those mailed to recipients when the program has dismissed a citation. These dismissal letters should also instruct recipients how to obtain a refund if they have already paid their citations. Providing prompt notice of overpayments is essential because citation recipients often relocate and become more difficult to find as time passes.

The TCSP should also coordinate with the City Finance and Law Departments to determine its obligations under the Louisiana Uniform Unclaimed Property Act, including how properly to notify possible owners of the existence of their unclaimed property. The City, through the TCSP, should develop systems for providing reports and delivering property to the State Treasurer as needed. Given that the City already has a process for handling other types of unclaimed property, the TCSP may be able to integrate overpayments into the same process.

Because implementing these improvements will require coordination across several departments, including some that are not generally part of the TCSP, it is crucial the TCSP clearly assign responsibility for this issue.

⁶⁰ Ibid.

The program should also assign staff to monitor program data for emerging issues. Until recently, no program staff was assigned to review the overpayment liability report in Axis, which provided the owner names and overpayment amounts. This information was only available in this specific report. Staff within the DPW and the Finance Department who processed the revenue from traffic camera citations could not detect the problem because it was not obvious in the course of performing their normal duties. In the overall financial picture of the program, which received millions in revenue each year, this amount of money was small enough not to have been obvious to staff if they were not proactively monitoring the issue.

TCSP staff should regularly monitor the overpayment liability report to ensure the situation remains under control. They should also be responsible for reviewing other data reports ATS makes available to the program. This will help program staff to detect other emerging issues within the program. Finally, the program should link the responsibility to monitor this data with the authority to identify and solve problems with the program's operations.

VI. ADDITIONAL AREA OF CONCERN

Toward the end of this evaluation, it became public knowledge the City had recently enacted a change to the operations of the TCSP. The substance of this change was beyond the scope of this evaluation and the OIG offers no assessment of the matter. However, the enactment raised concerns regarding the operation of the program in accordance with best practices. The observations below highlight best practices the City may find helpful in enacting any future changes to the program.

On February 4, 2019, the City lowered speed thresholds at which the TCSP issued traffic camera citations. Before the change, citations were issued starting at 6 mph over the speed limit in school zones and 10 mph over the speed limit outside of school zones. After the change, citations were issued beginning at 4 mph over the speed limit in school zones and 8 mph over the speed limit outside of school zones. The City, which had publicly announced the earlier speed thresholds, did not notify the public of this change.

This situation touched upon several of the key principles necessary for a successful, effective automated traffic enforcement program. Most significantly, the best practice literature regarding automated traffic enforcement, as well as stakeholders from successful programs, consistently emphasize the importance of public buy-in and support for the program.⁶¹ To this end, public education and transparency about how the program operates is urged. Guidelines for implementing a traffic camera program discuss the need for a communication strategy and the benefit of acting in ways that maintain public trust in the program. The Texas Transportation Institute at Texas A&M University has indicated that the public should be informed about the “rules of the game” in order to facilitate public support of the program.⁶²

Because many drivers knew about the previous speed thresholds and expected them to be enforced, providing notice of a change in these thresholds would have been in accordance with best practices. The key issue here is that a successful program should communicate changes and their rationales to the public

⁶¹ Eccles, et al., *Automated Enforcement for Speeding and Red Light Running*, 15-16, 56; NHTSA, *Speed Enforcement Camera Systems Operational Guidelines*, 21, 46.

⁶² David K. Willis, *Speed Cameras: An Effectiveness and a Policy Review* (College Station, TX: Center for Transportation Safety, Texas Transportation Institute, Texas A&M University System, 2006), Report No. TTI-2006-4, 7, accessed April 10, 2017, <http://static.tti.tamu.edu/tti.tamu.edu/documents/TTI-2006-4.pdf>.

whenever possible. This will suggest a program geared toward safety and not one operating primarily to generate revenue.

As with the findings in this report, the speed threshold change also highlighted the deficiencies in the management structure of the TCSP. An appropriate management structure would have facilitated consultation with the professional staff responsible for running the program.

Beyond this transparency concern, the OIG does not express an opinion on the appropriateness of the new speed thresholds. The best practice literature provides flexibility for individual jurisdictions to determine their thresholds, stating only that drivers generally should not be ticketed for driving only two or three miles over the speed limit.⁶³ The literature emphasizes public safety considerations should be the primary impetus both in fact and in appearance when decisions are made about program operations. It is important to document reasons for decisions to justify actions taken by the program and to make changes when needed.⁶⁴ Additionally, some recommendations in this report could improve the program decision-making. Ongoing monitoring, evaluation, and data analysis would improve the information available to the program in making decisions that positively impact public safety. Meanwhile, a more developed and proactive program management structure would increase the likelihood that subject matter experts and people with a deep knowledge of the program and its objectives are involved in significant decisions.

⁶³ Ibid, 22; Eccles, et al., *Automated Enforcement for Speeding and Red Light Running*, 20.

⁶⁴ NHTSA, *Speed Enforcement Camera Systems Operational Guidelines*, 27.

VII. CONCLUSION

Automated traffic enforcement programs can provide significant public safety value to a community if they are implemented and operated responsibly. However, there is a risk citizens could perceive such programs as ways to generate additional revenue, a concern noted in other jurisdictions. To develop a thriving program, it is essential for a jurisdiction to prioritize public safety considerations, use data to inform the program, and take seriously issues of transparency and public perception. New Orleans citizens have indicated similar priorities; the 2018 Quality of Life Survey from UNO found that only 34 percent of respondents favored keeping traffic cameras in place, but 76 percent favored keeping traffic cameras in school zones, where the safety rationale is generally more compelling.⁶⁵

In New Orleans, there has historically been public concern that the TCSP operated more as a revenue source than as a public safety initiative. Under these circumstances, it is particularly urgent for the program to operate to prioritize public safety and the needs of citizens. People should feel confident that the program is operating fairly and transparently.

The current management structure left many issues unresolved. City officials should redefine the primary owner of the TCSP operations – the NOPD or the DPW – and ensure that the program has a structure consistent with the ordinance. The need to properly and timely address these issues may require another ordinance amendment to balance the legal need for a prominent police role while formalizing a structure that involves the DPW, as appropriate.

Evaluators determined there were circumstances in which the TCSP issued citations erroneously. This did not inspire public confidence. Erroneous citations included those issued in school zones when schools were not in session and others issued more than 30 days after the contractor identified the owner of the vehicle, in violation of the City's automated traffic enforcement ordinance. There were also limited quality controls on police review of citations.

Additionally, evaluators found the TCSP lacked processes to ensure citations were properly processed and subsequently became delinquent if the driver did not

⁶⁵ UNO Survey Research Center, *2018 Quality of Life Survey*, 13.

attend an adjudication hearing. It also lacked the processes to ensure that refunds were issued for overpayments on traffic camera tickets.

Moreover, city officials effectively forced citizens into managing the program for them by not addressing emerging issues until drivers alerted them to problems.

At the core of these issues, evaluators found the TCSP was divided into silos and lacked a clear central management structure able to facilitate strategic decisions and resolve problems.

Evaluators offered several recommendations for correcting these issues, many of which stressed proper monitoring and oversight, effective and timely communication, coordination among stakeholders, and operational use of data to identify problems and improve performance.

Lastly, the City should designate leadership of the TCSP and create a management structure focusing on facilitating coordination across stakeholders and identifying and correcting problems.

For a large, complex program, the absence of an effective management structure meant that, even if the individual components of the program were operating successfully in their day-to-day work, underlying issues tended to slip through the cracks and go unaddressed. Therefore, it is necessary to redefine the structure of the program for it to take steps toward prioritizing public safety and public trust.

APPENDIX A. NOPD REVIEW TIMES METHODOLOGY

Evaluators received data files from ATS providing information on all violation events that occurred during 2016 and 2017, which evaluators converted into Excel spreadsheets. This data included information on when each citation was approved or rejected by the NOPD, and which officer was responsible for the review. The data did not indicate what time review of a citation began, or how long the NOPD officer spent reviewing each citation.

In order to gain an understanding of how long officers spent reviewing citations, evaluators used the following process: Data entries were sorted based on the reviewing officer and placed in chronological order based on the date and time the officer reviewed citations. Evaluators calculated the elapsed time between when an officer reviewed each citation and when that same officer reviewed the prior citation.

This method had some limitations. First, it did not allow evaluators to comment on the possibility of unusually long review times, since an officer may have logged into the system but may not have been actively reviewing tickets. Evaluators' conclusions therefore extended only to whether officers reviewed citations unusually quickly. Secondly, these calculations may have been skewed by NOPD officers reviewing citations in multiple browsers simultaneously.⁶⁶ To minimize concerns about whether this unduly influenced the data, evaluators considered whether there were long strings of citations reviewed in short periods of time. That long strings of rapidly reviewed citations existed throughout the data led evaluators to conclude citations were frequently being reviewed within shorter time periods, since it was unlikely for officers to be reviewing, for instance, ten citations simultaneously. Note, however, these factors mean the final numbers should be considered a rough rather than precise gauge of how widespread the issue was.

⁶⁶ This issue was identified in the past, particularly with older computers that took longer to load. ATS asked officers to refrain from using multiple browsers because it could cause technical problems within the computer system.

APPENDIX B. LIST OF REPORTS PROVIDED BY ATS THROUGH AXSIS

ACH Summary Report	
Adjudication Detail Report	Payment Detail by User
Average Processing Days Report	Payment Detail Report
Bank ACH Adjustment Report	Payment Processing
Bank ACH Snapshot Report	Payment Statistics Report
Bank Client Payment Detail	Payment Status
Bank Client Payment Summary	Payments for Invoice by Trans Date
Billing Report with Collections	Payment for Invoice Report
Cash Receipts Applied Report	Program Detail Report
Cash Receipts Detail by BPA Create Date	Queue Graph
Collection Detail Report	Queue Matrix by Date Report
Collection Statistics Report	Queue Violations by Location
Court Detail Report	Refunds Issued
Dismissal Detail Report	Reject by User
Dismissal Summary Report	Return Mail Report
DMV Not Found	Returned Item Account
Document Aging	Revenue by Type Report
Document Mailing Summary	Top N Violator Report
Enforcement Expire Report	Top N Violator Report Collections
Event by Location and Lane	Traffic Volume Report
Event Graph by Location	Vehicle Types by Approval Date
Fixed Speed Summary XLS	Vendor Activity Report
Hearing Schedule	Violation Data
Issuance Rate Report	Violation Reject
Issuance Rate Summary Report	
Loc. Directional Sum	
Location Performance Detail	
Location Performance Detail by Lane	
Location Performance Summary	
Location Performance Summary by Lane	
Location Performance Summary by Lane XLS	
Location Performance Trend	
Mobile Speed Summary Report	
Motion to Vacate	
Officer Activity Detail XLS	
Officer Activity Summary XLS	
Overpayment Liability	
Paid Citation by Violation Type	
Payment by Location	

OFFICIAL COMMENTS FROM CITY OF NEW ORLEANS

City Ordinance section 2-1120(8)(b) provides that a person or entity who is the subject of a report shall have 30 days to submit a written response to the findings before the report is finalized, and that such timely submitted written response shall be attached to the finalized report.

An Internal Review Copy of this report was distributed on November 22, 2019, to the entities who were the subject of the evaluation so that they would have an opportunity to comment on the report prior to the public release of this Final Report. A Management Response Form was received from the City of New Orleans on January 24, 2020. This form is attached.

The OIG would like to make the following point in response to the City's comments:

The City's response to the OIG's Recommendation Three indicates a continued misunderstanding of the law governing the timeframe for issuing citations. The City's response states, "The OIG's draft report acknowledged that NOPD reviewed citations in accordance with the current ordinance, which requires citations to be reviewed within 60 days of identifying the owner." This is incorrect. The relevant ordinance requires a notice of violation be mailed "no later than the 30th day after the date the violation is alleged to have occurred or identification of the registered owner, whichever is later, but in no event more than 60 days after the date the violation is alleged to have occurred."⁶⁷ A plain reading of the ordinance indicates that citations must be issued within 30 days (not 60 days) of when the registered owner is identified.

The OIG noted in its report that most citations are issued within this timeframe, but not all. Because this is a legal deadline, it should be followed in all circumstances. Additionally, it is critical for program staff to accurately understand the legal limits of their authority.

⁶⁷ New Orleans City Code § 154-1701.



(MANAGEMENT AND OPERATIONS OF THE TRAFFIC CAMERA SAFETY PROGRAM I&E 17-0005)

MANAGEMENT RESPONSE FORM

PLEASE COMPLETE THIS FORM AND RETURN AS SPECIFIED BELOW. SUPPLY YOUR RESPONSES IN THE SHADED BOXES.

PLEASE INDICATE YOUR AGREEMENT OR DISAGREEMENT WITH EACH OF THE FOLLOWING RECOMMENDATIONS BY SELECTING A RESPONSE FROM THE DROPODOWN BOX. IF YOU REJECT OR PARTIALLY ACCEPT THE RECOMMENDATION, PLEASE EXPLAIN WHY IN THE SPACE PROVIDED. PLEASE DEVISE A PLAN FOR IMPLEMENTING THE RECOMMENDATIONS OR SOLVING THE PROBLEMS THAT WERE FOUND. DESCRIBE EACH ACTION YOUR AGENCY WILL TAKE TO IMPLEMENT THE RECOMMENDATION, OR FIX THE PROBLEM, ALONG WITH THE NAME AND CONTACT INFORMATION OF THE PERSON(S) RESPONSIBLE FOR THE ACTION AND THE COMPLETION DATE.

RETURN THIS COMPLETED FORM TO BECKY MOWBRAY AT RMOWBRAY@NOLAIG.GOV BY JANUARY 24, 2020 AT THE LATEST.

ENTER NAME HERE: **CITY OF NEW ORLEANS**

RECOMMENDATION #1 REQUIRING IMMEDIATE ACTION:	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
1. CITY OFFICIALS AND PROGRAM STAKEHOLDERS SHOULD DEVELOP AND IMPLEMENT AN APPROPRIATE MANAGEMENT AND OVERSIGHT STRUCTURE THAT IS CONSISTENT WITH THE ORDINANCE AND ANY OTHER LEGAL REQUIREMENTS. THIS MANAGEMENT STRUCTURE SHOULD ENSURE CLEAR LINES OF RESPONSIBILITY AND ACCOUNTABILITY, FACILITATE COMMUNICATION AND COORDINATION AMONG STAKEHOLDERS, AND USE DATA TO MONITOR AND CONTINUALLY IMPROVE THE PROGRAM.	CHAD BROWN	Accept
If you <u>REJECT</u> or <u>PARTIALLY ACCEPT</u> RECOMMENDATION #1, PLEASE EXPLAIN WHY:		
DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #1 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
1.1 THE CITY WILL CONTINUE TO IMPROVE THE TRAFFIC CAMERA SAFETY PROGRAM BY ASSIGNING THE PROPER RESOURCES FOR PROGRAM OVERSIGHT. THIS INCLUDES DESIGNATING THE PROPER HIERARCHY THAT WILL OPERATE IN ACCORDANCE WITH ALL DEPARTMENTAL OBLIGATIONS IN THE HOME RULE CHARTER AND BE RESPONSIBLE FOR PROGRAM COORDINATION AND MONITORING, DATA REPORTING AND ANALYSIS, COMMUNICATIONS, AND ISSUES RESOLUTION.	CHAD BROWN	2ND QTR 2020
1.2 ADDITIONALLY, THE CITY IS IN THE PROCESS OF LAUNCHING THE OFFICE OF BUSINESS AND EXTERNAL SERVICES (OBES). THE GOAL OF OBES IS TO ENHANCE CITY SERVICES PROVIDED TO THE PUBLIC WITH AN EMPHASIS ON IMPROVING THE PUBLIC'S CUSTOMER SERVICE	CHAD BROWN	2ND QTR 2020

EXPERIENCE, CREATING MORE EFFICIENT CITY PROCESSES, AND ENHANCING INTER-AGENCY COORDINATION. THE CITY IS CURRENTLY EVALUATING ALL CUSTOMER-FACING FUNCTIONS ACROSS DIVISIONS AND DEPARTMENTS THAT MAY HAVE RESPONSIBILITIES SHIFTED TO OBES FOR GREATER PROGRAM ACCOUNTABILITY AND PERFORMANCE. BECAUSE OF THE HEAVY PUBLIC ACCESS THROUGH THE ADJUDICATION AND HEARING PROCESSES, TCSP IS CATEGORIZED AS A CUSTOMER-FACING FUNCTION. CONSIDERATIONS ARE UNDERWAY FOR THE BEST WAY TO CENTRALIZE EXTERNAL SERVICES, SUCH AS TCSP, WITHIN THE OBES PORTFOLIO WHILE CONTINUING TO PROVIDE THESE SERVICES IN ACCORDANCE WITH ALL DEPARTMENTAL OBLIGATIONS IN THE HOME RULE CHARTER.		
1.3		
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1.5		

Management and Operations of the Traffic Camera Safety Program
November 22, 2019

Management Response

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RECOMMENDATION #2 REQUIRING IMMEDIATE ACTION:	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
2. PROGRAM OFFICIALS SHOULD ASSIGN RESPONSIBILITY TO IDENTIFY AND OBTAIN INFORMATION ON SCHOOL CALENDARS AND CLOSURES, AND COORDINATE WITH SCHOOLS AND WITH THE TRAFFIC CAMERA CONTRACTOR TO DEVELOP WAYS TO REDUCE THE ISSUANCE OF INVALID SCHOOL ZONE TICKETS.	KEITH LAGRANGE	Partially Accept
IF YOU <u>REJECT</u> OR <u>PARTIALLY ACCEPT</u> RECOMMENDATION #2, PLEASE EXPLAIN WHY: THE CITY HAS ALREADY TAKEN STEPS TO REDUCE THE ISSUANCE OF INVALID SCHOOL ZONE TICKETS, AS PROVIDED BELOW.		
DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #2 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
2.1 DPW'S ADMINISTRATIVE HEARING CENTER HAS HIRED AN ANALYST, WHO IS TASKED WITH COORDINATING THE VARIOUS SCHOOL SCHEDULES WITH NOPD, HEARING OFFICERS, AND THE TRAFFIC CAMERA CONTRACTOR, INCLUDING VARIOUS TIMES OF INSTRUCTION AND HOLIDAY SCHEDULES OF THE 184 SCHOOLS IN NEW ORLEANS. THESE SCHOOLS GENERALLY OPERATE INDEPENDENTLY, WITHOUT A SYSTEM-WIDE, CONSISTENT SCHEDULE. ASSUMING ACCURATE SCHEDULES ARE PROVIDED BY THE SCHOOLS AND UPDATED WHEN AMENDED, THIS COORDINATION SHOULD REDUCE THE ISSUANCE OF INVALID SCHOOL ZONE CITATIONS.	VERONICA HENRY	2ND QTR 2019
2.2 DPW'S PROJECT CONTROLS DIVISION IS CURRENTLY CONDUCTING A CITYWIDE AUDIT TO HELP ENSURE ACCURATE SCHOOL ZONE ENFORCEMENT IN ACCORDANCE WITH THE CITY CODE, INCLUDING A LOG OF ALL SCHOOL ZONE CAMERA LOCATIONS WITH GPS COORDINATES, VERIFICATION OF SCHOOL OPERATIONS, LOCATION AND INFORMATION ADJUSTMENTS, APPROPRIATE SIGNAGE, AND PROPER CAMERA OPERATION.	TIM SATTERLEE	1ST QTR 2020
2.3		
2.4		

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RECOMMENDATION #3 REQUIRING IMMEDIATE ACTION:	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
3. THE PROGRAM SHOULD REVISE ITS CONTROLS AND PROCESSES TO ENSURE THAT ALL CITATIONS ARE ISSUED IN ACCORDANCE WITH THE ORDINANCE, INCLUDING TRAINING PROGRAM STAFF ON THE RELEVANT LEGAL DEADLINES. THE NOPD SHOULD STRIVE TO IMPROVE TIMELINESS OF REVIEWING CITATIONS AND SHOULD TRACK APPROPRIATE PERFORMANCE MEASURES.	LT. AVERY THEARD	Partially Accept
IF YOU <u>REJECT</u> OR <u>PARTIALLY ACCEPT</u> RECOMMENDATION #3, PLEASE EXPLAIN WHY: WHILE THERE MAY BE ABBERRATIONS AND HUMAN ERROR FROM TIME TO TIME, EXISTING NOPD POLICY AND TRAINING ENSURE THAT CITATIONS ARE ISSUED IN ACCORDANCE WITH LEGAL REQUIREMENTS IN THE VAST MAJORITY OF CASES. THE OIG'S DRAFT REPORT ACKNOWLEDGED THAT NOPD REVIEWED CITATIONS IN ACCORDANCE WITH THE CURRENT ORDINANCE, WHICH REQUIRES CITATIONS TO BE REVIEWED WITHIN 60 DAYS OF IDENTIFYING THE OWNER. NOPD POLICY REQUIRES ALL CITATIONS TO BE REVIEWED WITHIN 30 DAYS OF THE VIOLATIONS, AND NOPD GENERALLY COMPLIES WITH THE POLICY.		
DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #3 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
3.1 NOPD WILL CONTINUE TO IMPROVE COMPLIANCE WITH LEGAL REQUIREMENTS AND NOPD POLICY VIA CONTINUED EDUCATION, PERFORMANCE AUDITS, MORE EXTENSIVE SUPERVISORY REVIEWS, AND POLICY UPDATES (SEE BELOW).	LT. AVERY THEARD	1ST QTR 2020
3.2 ALL NOPD OFFICERS REVIEWING PHOTO ENFORCEMENT CITATIONS WERE TRAINED PRIOR TO REVIEWING CITATIONS. OFFICERS WERE TRAINED HOW TO NAVIGATE THE REVIEW PROGRAM AND HOW TO APPLY ALL APPLICABLE TRAFFIC LAWS. BEGINNING IN JANUARY 2020, NOPD WILL CONDUCT QUARTERLY CONTINUED EDUCATION TRAINING SESSIONS TO ENSURE ALL OFFICERS REVIEWING CITATIONS ARE AWARE OF CURRENT POLICIES AND PROCEDURES.	LT. AVERY THEARD	1ST QTR 2020
3.3 IN MAY 2019, NOPD INCREASED THE MINIMUM NUMBER OF REVIEWED CITATIONS PER HOUR FROM 45 TO 60, AND OFFICERS ARE REQUIRED TO REVIEW 60-80 CITATIONS PER HOUR WORKED. THE CHANGE WAS IMPLEMENTED TO INCREASE OUTPUT AND DECREASE THE AMOUNT OF TIME CITATIONS REMAINED IN THE REVIEW QUEUE.	LT. AVERY THEARD	2ND QTR 2019
3.4 NOPD CURRENTLY CONDUCTS WEEKLY PERFORMANCE AUDITS. THE AUDITS TRACK OFFICERS' PERFORMANCE TO ENSURE OFFICERS ARE REVIEWING AN APPROPRIATE NUMBER OF CITATIONS IN ACCORDANCE WITH THE ORDINANCE AND POLICY.	LT. AVERY THEARD	2ND QTR 2018

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RECOMMENDATION #4 REQUIRING IMMEDIATE ACTION:	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
4. THE NOPD SHOULD UPDATE ITS POLICIES FOR REVIEW OF CITATIONS, IMPLEMENT QUALITY CONTROLS ON APPROVED CITATIONS, AND WORK WITH ATS TO OBTAIN APPROPRIATE DATA FOR MONITORING OFFICER PERFORMANCE TO ENSURE A THOROUGH REVIEW OF TICKETS.	LT. AVERY THEARD	Accept
IF YOU <u>REJECT</u> OR <u>PARTIALLY ACCEPT</u> RECOMMENDATION #4, PLEASE EXPLAIN WHY:		
DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #4 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
4.1 NOPD WILL BE UPDATING ITS POLICIES TO REFLECT TCSP CHANGES IN PROGRESS AND CURRENT LAW, INCLUDING TRAINING REQUIREMENTS AND OFFICER AND SUPERVISOR RESPONSIBILITIES.	LT. AVERY THEARD	1ST QTR 2020
4.2 NOPD REQUESTED ACCESS TO APPROVED CITATIONS FROM THE CONTRACTOR TO CONDUCT QUALITY CONTROL REVIEWS BY SUPERVISORY PERSONNEL. THE CONTRACTOR AGREED TO HONOR THE REQUEST, AND IS CURRENTLY IN THE PROCESS OF GRANTING ACCESS.	LT. AVERY THEARD	1ST QTR 2020
4.3 NOPD REQUESTED ACCESS TO THE OFFICER'S PERFORMANCE REPORT AND WAS GRANTED ACCESS. THE REPORT IS USED TO TRACK OFFICERS' PERFORMANCE.	LT. AVERY THEARD	3RD QTR 2019
4.4		
4.5		

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RECOMMENDATION #5 REQUIRING IMMEDIATE ACTION:	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
5. THE ADJUDICATION BUREAU SHOULD DEVELOP PROCESSES TO ENSURE THE REMOVAL OF SUSPENSIONS. THE CITY SHOULD PROMPTLY IMPOSE PENALTIES FOR DELINQUENT CAMERA TICKET HOLDERS WHO FAILED TO APPEAR AT HEARINGS. THE TRAFFIC CAMERA SAFETY PROGRAM ALSO SHOULD DEVELOP CLEAR LINES OF ACCOUNTABILITY TO RESOLVE FUTURE PROBLEMS PROMPTLY.	KEITH LAGRANGE	Accept
IF YOU <u>REJECT</u> OR <u>PARTIALLY ACCEPT</u> RECOMMENDATION #5, PLEASE EXPLAIN WHY:		
DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #5 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
5.1 IN ACCORDANCE WITH THE CITY CODE AND THE ADMINISTRATIVE PROCEDURES ACT, A TICKET HOLDER WHO FAILS TO APPEAR AT A SCHEDULED HEARING WILL HAVE THEIR APPEAL DENIED ADMINISTRATIVELY, THE SUSPENSION WILL BE REMOVED, AND A NOTICE OF DETERMINATION WILL BE MAILED TO THE TICKET HOLDER IN ORDER TO COMMUNICATE THE DISPOSITION.	VERONICA HENRY	1ST QTR 2020
5.2 A NEW STATEMENT WILL BE ADDED TO HEARING NOTIFICATION LETTERS AND VIOLATION NOTICES TO INFORM RECIPIENTS OF THE CONSEQUENCES SHOULD THEY FAIL TO APPEAR.	VERONICA HENRY	1ST QTR 2020
5.3 DPW'S PARKING DIVISION HAS BROUGHT BOOTING OPERATIONS IN HOUSE TO INCREASE THE FOOTPRINT OF ENFORCEMENT CITYWIDE, INCLUDING FOUR NEW EMPLOYEES AND ONE SUPERVISOR. THIS WILL IMPROVE ENFORCEMENT OF DELINQUENT TICKET HOLDERS IN COORDINATION WITH NOPD.	ZEPPORIAH EDMONDS	4TH QTR 2020
5.4		
5.5		

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RECOMMENDATION #6 REQUIRING IMMEDIATE ACTION:	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
6. THE DPW, PROJECT DELIVERY UNIT, AND FINANCE DEPARTMENT, IN CONSULTATION WITH THE LAW DEPARTMENT, SHOULD COLLABORATE TO REFUND OVERPAID MONEY AS APPROPRIATE; DEVELOP SYSTEMS THAT COMPLY WITH THE LOUISIANA UNIFORM UNCLAIMED PROPERTY ACT; AND PROVIDE NOTICE ABOUT OVERPAYMENTS TO DRIVERS. THEY SHOULD ASSIGN EMPLOYEES THE RESPONSIBILITY TO REVIEW DATA REPORTS, INCLUDING THE OVERPAYMENT LIABILITY REPORT, SO THAT THE CITY CAN IDENTIFY AND SOLVE EMERGING PROBLEMS.	KEITH LAGRANGE, KIM DELARGE, NORMAN WHITE	Accept
IF YOU <u>REJECT</u> OR <u>PARTIALLY ACCEPT</u> RECOMMENDATION #6, PLEASE EXPLAIN WHY:		
DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #6 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
6.1 EACH YEAR GOING FORWARD, THE CITY WILL COMPLY WITH THE LOUISIANA UNIFORM UNCLAIMED PROPERTY ACT. THROUGHOUT THE YEAR, THE CONTRACTOR WILL ATTEMPT TO NOTIFY EACH PERSON WHO ERRONEOUSLY OVERPAID AND REFUND EACH OVERPAYMENT AS APPROPRIATE. DPW WILL RECEIVE A MONTHLY REPORT SHOWING THE ERRONEOUS OVERPAYMENTS.	KEITH LAGRANGE	2ND QTR 2020
6.2 BETWEEN JULY 1 AND OCTOBER 31 OF EACH YEAR, THE CONTRACTOR OR DPW WILL ISSUE A LETTER TO EACH PERSON WHO IS STILL OWED A PAYMENT OF \$50 OR MORE, ATTEMPTING A REFUND FOR THE SECOND TIME AND INFORMING THE PERSON OF THE UNCLAIMED PROPERTY PROCESS.	KEITH LAGRANGE	3RD QTR 2020
6.3 EACH YEAR, THE CITY WILL FILE A REPORT WITH THE STATE TREASURER (LA. R.S. 9:159(A)) BY NOVEMBER 1ST, FILE WITH THE REPORT AN AFFIDAVIT STATING THAT THE CITY HAS COMPLIED WITH THE REQUIREMENT TO SEND WRITTEN NOTICE TO EACH APPARENT OWNER OF PRESUMABLY ABANDONED PROPERTY VALUED AT \$50 OR MORE (LA. R.S. 9:159(G)), AND PAY TO THE ADMINISTRATOR THE PROPERTY DESCRIBED IN THE REPORT AS UNCLAIMED (LA. R.S. 9:160).	KIM DELARGE, NORMAN WHITE	4TH QTR 2020
6.4		

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6.5		
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