



City of San Antonio

Agenda Memorandum

File Number:18-4092

Agenda Item Number: 3.

Agenda Date: 6/26/2018

In Control: Public Safety Committee

DEPARTMENT: Police Department

DEPARTMENT HEAD: William P. McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

School Bus Arm Camera Program Update

SUMMARY:

On June 30, 2016, City Council unanimously approved an ordinance that established civil penalties for school bus arm violations and allowed area school districts to implement school bus camera programs to identify and issue citations for violations. Since adoption of the ordinance, a total of five area school districts have implemented school bus camera programs: Judson ISD, North East ISD, South San ISD, Southside ISD and Southwest ISD.

BACKGROUND INFORMATION:

SAPD Enforcement

In addition to the 262 school crossing guards assigned to schools throughout the city, the SAPD routinely deploys Traffic, Patrol and SAFFE personnel to monitor traffic conditions in and around school campuses throughout the school year to ensure the safety of children and parents as they walk to and from campus. Since 2016, a total of 25,433 citations have been issued by the Department for school-related traffic violations as detailed in the table below:

Violation	2016	2017	2018 YTD
Failure to Obey School Crossing Guard/Police Officer	40	39	26

Passing Stopped School Bus	71	45	45
Speeding in School Zone	7,266	12,249	4,992
Speeding in School Zone - Construction Zone	5	5	3
Use of a Wireless Communication Device	161	344	142
TOTALS	7,543	12,682	5,208

Ordinance Overview

The ordinance establishes a \$300.00 civil penalty for school bus stop-arm violations and authorizes interested school districts to implement bus camera programs to identify and issue citations to motorists who illegally pass stopped school buses. However, the ordinance prohibits the issuance of an arrest warrant for violations, inclusion of the violation on driving records and the reporting of unpaid fines to a collection agency.

School districts are required to implement an appeals process that offers persons cited a reasonable opportunity to contest the citation in person, by mail, or through an attorney. To this end, school districts must provide individuals 30 days to appeal from the date the citation is issued. School districts are required to appoint independent and impartial hearing examiners, who are not affiliated with the entity that owns or installed the camera and are qualified to practice law, to hear appeals.

Participating school districts are also required to submit an annual report to the SAPD in July of each year that provides information on the number of violations captured, the amount of fines assessed and the amount of fines paid for the current school year.

It is important to note that the decision to solicit and implement a bus camera program is at the sole discretion of the school districts. Furthermore, there is no expense to the City and any revenue generated through the programs goes directly to participating school districts.

Bus Camera Violations

2016-2017 School Year

During the 2016 school year, a total of 11,120 citations were issued by the participating school districts. The table below details the number of violations, fines assessed, fines collected and revenue generated by each school district during this period:

District	Violations	Citations issued	Fines Assessed	Fines Collected	District Revenue
Judson	456	323	\$86,350.00	\$33,850.00	\$0
North East	12,471	9,331	\$2,505,400.00	\$1,236,205.00	\$0
South San	1,150	857	\$236,525.00	\$99,490.00	\$0
Southside	388	279	\$76,890.00	\$29,740.00	\$0
Southwest	450	330	\$96,700.00	\$33,320.00	\$0

2017-2018 School Year

In an effort to evaluate program results, the SAPD requested reports from the participating school districts for the first half of the 2017-2018 school year which provides information for the period of August 1, 2017 through December 31, 2017. A total of 7,703 citations were issued during this period:

District	Violations	Citations issued	Fines Assessed	Fines Collected	District Revenue
Judson	596	246	\$72,000.00	\$17,675.00	\$0
North East	15,154	6,376	\$1,878,000.00	\$493,960.00	\$0
South San	1,145	537	\$159,000.00	\$40,675.00	\$0
Southside	1,108	262	\$77,400.00	\$19,400.00	\$0
Southwest	609	282	\$81,300.00	\$15,600.00	\$0

The school districts are in the process of compiling program information for the recently completed 2017-2018 school year and it is anticipated that the reports will be submitted to the SAPD by July 1 as required by ordinance.

Program Administration

The school bus camera program implemented by local school districts was originally administered by BusGuard, a partnership between Dallas County Schools and Force Multiplier Solutions, Inc. In addition to offering technological support and processing citations, BusGuard provided and installed camera systems on all school buses at no initial cost.

All fines collected from citations are submitted to BusGuard until the cost of the camera systems are paid in full. Upon full repayment for the camera systems, school districts will begin collecting revenue from fines collected which are to be invested in school public safety programs. To date, none of the participating school districts have received revenue from the fines collected.

Business Practices

The City Attorney's Office sent a total of three letters in 2017 to Force Multiplier Solutions, Inc. to communicate concerns regarding the unauthorized and misleading use of the City of San Antonio logo on correspondence and fine collection techniques that violate city ordinance and state law. Below is an overview of the issues discussed in each letter:

Date of Letter	Issues
February 9, 2017	<ul style="list-style-type: none"> • Use of COSA Quatrefoil symbol on notices of violation • Placement of "City of San Antonio" at top of notices • Violators have been misled to believe violation issued by City • Improper filing fee charges imposed on violators
April 21, 2017	<ul style="list-style-type: none"> • Final notice sent to violators cites assessment of 30% late fee which exceeds the \$25.00 late fee established by ordinance • Final notice references possibility of civil lawsuit to collect unpaid fines which the ordinance does not provide for • City Attorney advises to stop sending out notices until language removed
May 11, 2017	<ul style="list-style-type: none"> • Follow up to April 21 letter due to failure of Force Multiplier to respond

Program Status

In June 2017, the Federal Bureau of Investigation conducted a raid at the home and office of Robert Leonard, CEO of Force Multiplier Solutions in connection with potential improper business dealings between Force Multiplier Solutions and Dallas County Schools to include bribery and wire fraud in connection with the bus camera program. In addition, the Security and Exchange Commission (SEC) is currently investigating potential crimes related to misleading investors and reviewing its bus camera contracts. As a result of these ongoing legal issues, Dallas County voters elected to dissolve Dallas County Schools in November 2017.

In January 2018, BusPatrol assumed control of the bus camera program and is administering the program for participating school districts. Each of the five local school districts continue to operate bus camera programs in coordination with BusPatrol. Each district plans to operate the program for the upcoming school year and are considering entering into a contractual agreement with BusPatrol.

RECOMMENDATION:

In July, each of the participating school districts will submit their required annual report to the SAPD. The Office of the Chief will compile and transmit this information to the City Manager, Mayor and City Council.