



128 DORRANCE STREET, SUITE 400
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org | info@riaclu.org

**TESTIMONY IN SUPPORT OF 18-S 2688,
RELATING TO SPEED CAMERAS**

April 26, 2018

The ACLU of Rhode Island opposed the 2016 legislation authorizing the installation of so-called “speed cameras.” At the time, we argued that the law’s greatest impact would not be to increase public safety, but instead to financially benefit the private companies operating the cameras and the municipalities using them. We continue to hold that view. But if the General Assembly is not prepared to repeal the law, we support amendments that would add more safeguards and reduce some of the profit-making incentive. For that reason, we support S-2688, which would reduce the fines and require better signage for speed cameras, but would urge that it be strengthened with additional safeguards regarding use of these cameras.

Before suggesting amendments, we wish to briefly summarize the reasons we opposed this legislation in the first place. Generally, the major purpose of pulling over a vehicle is to address unsafe driving as it occurs. Sending a notice or citation days or even weeks after a driver has already successfully sped through the zone negates this immediate benefit. Instead of acting primarily as a safety measure, the cameras are primarily a revenue maker, and only secondarily about public safety.

The use of cameras instead of police on the roads also negates any ability for an officer to make a judgment call as to the driver’s actions; a driver who speeds out of the way to avoid an accident is treated by a speed camera the same way as the driver who speeds and causes the accident. Instead of being on the street where they belong, police officers under this legislation are relegated to watching photos, unable to determine if a speeding individual was also under the influence of alcohol, was experiencing a medical emergency, or involved in any other issue requiring law enforcement intervention. Additionally, the fact that the ticket is automatically issued to the registered owner of the car, and not the driver, provides little disincentive for others who may use the vehicle – such as family members – not to speed. Thus, instead of capturing the dangerous behavior at the moment someone speeds, speed cameras retroactively punish individuals who may not have even been in the car at the time.

In light of all these concerns, we urge the Committee to consider additional limits on their use beyond those specified in the bill. Among those limits, we recommend:

* Limiting the hours for which tickets may be issued. If this is really about school safety, there is no reason people should be getting tickets at, say, 7 o’clock at night.

* Requiring a specific safety rationale for the choice of locations where the cameras are deployed. Decisions should be made based on documented safety concerns, not on where the cameras may provide the most revenue.

* Mandating that payments to private vendors be solely related to the purchase and maintenance of the equipment, and barring payments to private vendors based on the issuance of tickets themselves. Presently, the statute only bars payments from being based on “a percentage of the revenue” generated by the cameras. R.I.G.L. 31-41.3-6.

* Requiring that before taking action in any instance of non-payment of a citation, an independent review be conducted to ensure that it is valid and comports with the requirements of R.I.G.L. 31-41.3-4 and 31-41.3-8. Evidence from the rollout of the cameras in Providence documented many instances of non-compliance.

* Specifying that tickets may be issued only for speeding violations more than 10 miles per hour over the posted speed limit.

* Requiring that the police officer who is certifying the validity of the citation as providing that the “evidence is sufficient to demonstrate a violation of the motor vehicle code” further certify that the citation comports with the requirements of this statute itself. The Providence experience showed numerous tickets simply were not in compliance with the procedural obligations the speed camera law required in terms of information to appear on the form.

* In a related vein, maintaining a public record of any citations that do not comport with the required statutory procedures, along with the name of the police officer who certified the validity of the citation. Since the officer is supposed to be certifying the validity of the citations “under penalties of perjury,” a record should be maintained of instances where the certification is inaccurate.

* Strengthening the language regarding the privacy of the information gathered by the cameras.

We hope the committee will give these suggestions careful consideration.