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ACLU of Iowa Challenging Use of Speed Cameras in Davenport

by R. Ben Stone, Executive Director

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The ACLU of Iowa has agreed to defend a Davenport automobile owner who received a speeding ticket in the mail based upon pictures of his vehicle taken by an automated traffic enforcement camera.

ACLU-IA attorneys have filed a motion to dismiss the ticket on the basis that the city of Davenport lacks authority to depart from state speeding laws where the identity of the driver must be shown and constitutional rights of the accused apply.

“This is about government control more than citizen privacy,” said Ben Stone, Executive Director of the ACLU of Iowa. “We hope this case can provide a vehicle to help put the brakes on the idea that it’s okay for computerized machines to control our lives,” he said.

In Iowa, the cities of Davenport and Council Bluffs have operated red light cameras for some time. Clive, a suburb of Des Moines, is set to begin use of them any day—perhaps as soon as tomorrow, June 15. In January, Davenport became the first Iowa community to use computerized cameras to monitor the speed of motorists and automatically issue them tickets.

The Davenport automated traffic enforcement ordinance mandates the issuance of a “civil” ticket to the owner of a vehicle measured to be speeding or running a red light. The owner must pay the requested fine to the city or face a trial on municipal infraction charges at which additional court costs would be assessed. The only defense would be that the vehicle was stolen. The state of Iowa does not receive any share of the fines imposed.

Automated traffic enforcement cameras are expensive and heavily marketed and lobbied for by private firms which stand to make millions from the schemes. They also provide municipalities with “an easy way to garner millions of dollars from taxpayers,” added Stone.

Red light cameras, which are more common than speeding ticket cameras around the nation, have proven to be an effective conduit of funds to the cities that operate them. In Howard County, Maryland, traffic cameras in the first five years of operation brought in over 9 million dollars, from which the camera company received over \$3 million.

Speeding cameras look to be even more effective at generating fines. Davenport is reported to have brought in nearly a quarter million dollars from unsuspecting motorists driving past just two cameras in a mere six months. It is unknown how much of this revenue went to the company operating the cameras.

Financial incentives to municipalities to adopt and even misuse such systems obviously are strong. "These schemes have the potential to degenerate into nothing more than automated 'speed traps' for the unwary taxpayer," said Stone. Despite these concerns, the federal government has subsidized the purchase of the automated traffic control systems, much to the delight of the camera operators.

Safety advocates have suggested that cheaper solutions exist, including simply increasing the amount of time yellow traffic lights are on. According to the National Motorists Association, when Virginia officials added 1.5 seconds to the yellow light at an intersection with red light cameras, the number of violations went down 94 percent. Said the ACLU-IA's Stone: "If safety is really the motivation for red light cameras, then officials should try adding time to yellow lights before resorting to automated enforcement schemes. If they don't, then you know it's about money instead."

Another concern safety advocates have is the mounting evidence that red light cameras can actually make intersections more dangerous as motorists slam on the breaks to avoid getting a photo ticket, thus getting rear-ended. In 2005, the Washington Post reported a study that found that injury and fatal crashes had actually increased 81 percent after red light cameras had been installed at 45 intersections in the District of Columbia.

Thoughtful Iowans should shudder at the thought of a future filled with computerized cameras monitoring citizens and evaluating their behaviors everywhere they go. "It's hard to think of anything more Orwellian than this," said Stone. "As technology becomes cheaper in the years to come, machines like this really could be put everywhere," he added.

Moreover, the ACLU-IA is concerned about the inflexible justice that such systems dispense. "Our right to be held accountable only for our own actions and not for someone else driving our car, to be presumed innocent until proven guilty, and to be at peace when traveling in public are all at risk here," Stone said.

In the Davenport case the ACLU of Iowa is representing Thomas Seymour, a Davenport, Iowa, car owner and taxpayer whose vehicle was photographed speeding by an automated enforcement camera earlier this year. He is represented by ACLU-

IA cooperating attorney Michael McCarthy, also from Davenport. Trial has been scheduled for early July 2006 in the Iowa District Court for Scott County.