



505 Fifth Avenue, Ste. 901
Des Moines, IA 50309
(515) 243-3576

Iowa Supreme Court Ruling on Speeding Cameras Not a Green Light, says ACLU of Iowa (8/29/2008)

by R. Ben Stone, Executive Director
8/29/2008

[Red Light Camera Study \(3/7/2008\)](#)

The Iowa Supreme Court today ruled that Davenport's automated traffic camera ordinance does not conflict with state traffic law. The decision could entice other cities to consider such schemes, but the ACLU of Iowa warned the decision should not be seen as a "green light" for the "proliferation of mechanized, machine-centered law enforcement."

"The Supreme Court goes out of its way to make it clear that today's ruling is not the final word on the legality of these devices," said Ben Stone, ACLU-IA Executive Director. "To the contrary, the court strongly implies that it would be receptive to other challenges, and even takes the time to lay out the 'contentious political debate' in some detail," he added.

The ACLU of Iowa believes ticketing the owners of an automobile could well violate their right to Due Process, including the assumption of guilt (owner guilty even if not driving), and the burden of proof (owner guilty unless she can prove not driving).

In addition, critics point to recent comprehensive academic research showing that red light cameras actually increase - significantly - the number of crashes at intersections. Safety advocates have suggested that cheaper and more effective 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 officials are truly concerned with safety, then they should explore engineering issues such as adding time to yellow lights, which have proven to be effective."

In Iowa, the cities of Davenport and Council Bluffs have operated red light cameras for some time. Clive, a suburb of Des Moines, used them for a few months before suspending their use in April of 2007. Davenport is believed to be the only Iowa

community to use computerized cameras to monitor the speed of motorists and automatically issue them tickets. Recently, Sioux City has reportedly begun looking into the use of traffic cameras as well.

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 million dollars from unsuspecting motorists driving past just two cameras before they were turned off pending the result of this case. Around half 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 vendors.

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 this technology becomes more affordable in the years to come, machines like this really could be placed 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.

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.