



Legislative Testimony
765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

Written Testimony Opposing House Bill 6625, An Act Concerning a Red Light Camera Program in the City of Waterbury

Senator Gaston, Representative Boyd, Ranking Members Cicarella and Howard, and distinguished members of the Public Safety Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to House Bill 6625, An Act Concerning a Red Light Camera Program in the City of Waterbury.

Pedestrian safety is a serious issue, and we all want safe streets. Connecticut needs to invest in real solutions, like traffic calming and pedestrian-supportive infrastructure, instead of putting more money into police surveillance. Red light cameras result in increasing police surveillance, while ignoring real solutions and people's actual safety needs. We need to invest in walkable cities, not more policing. The ACLU-CT is opposed to the use of speed and red light cameras because of the significant due process, privacy, and racial justice threats these cameras pose..

Police surveillance ends up most hurting Black and brown people and others whom the government has marginalized. Due process issues arise with these cameras because the camera systems ticket the registered owner of a car, regardless of who was driving.¹ In addition, without proper safeguards, cameras can collect license plate data from all drivers, not just those who commit infractions.

¹ Hilary Rau et al., *Redesigning Public Safety: Traffic Safety*, CTR. FOR POLICING EQUITY (Sept. 2022), <https://finesandfeesjusticecenter.org/articles/redesigning-public-safety-traffic-safety/>.

Red light cameras are also another form of nonstop police surveillance. Speed and red light cameras will most likely use automatic license plate readers (ALPR), which are cameras that scan and record thousands of license plates a minute. When an ALPR system captures the image of a license plate, it also tags each file with the time, date, and GPS location of this photograph. ALPR systems can enable the government to track where someone has gone, where they are going, and who visits certain locations, raising serious First and Fourth Amendment concerns.

When it comes to police surveillance, the police and anyone that they have chosen to share their information with can learn a person's habits or location. For example, in 2019, at least eight Connecticut police agencies were sharing license plate reader information with Immigration and Customs Enforcement (ICE).² Any proposal to use speed or red light cameras must come with a prohibition on data-sharing with ICE. Red light cameras also, as currently proposed, represent an expansion of policing and would not reduce community interactions with police. It would be good if people had fewer interactions with police, but there is nothing in this bill to require places that use red light cameras to in turn reduce the number of police in their local or state police agency, reduce the budget of the police department and invest that money instead in real public safety and public health, or prevent police from making traffic or pedestrian stops, meaning police would be free to continue doing exactly what they do now, with the addition of even more surveillance tools at their disposal. Red light cameras would be an expansion of policing, not a reduction.

Racial justice concerns are also at issue due to the placement of cameras in larger municipalities like Hartford, where higher concentrations of people of color are disproportionately affected. Legislation must include provisions ensuring that cameras are not placed in a discriminatory manner. There is no research to suggest

² Press Release, Records Reveal Eight Connecticut Law Enforcement Agencies Sharing Residents' Information with ICE, ACLU-CT (Mar. 13, 2019), <https://www.acluct.org/en/press-releases/records-reveal-eight-connecticut-law-enforcement-agencies-sharing-residents-location>.

that people of color commit more motor vehicle infractions than other people, so this targeting does not make communities safer.

Many cities across the country have encountered issues with red light camera systems, and some have even abandoned the systems entirely because of the many problems they have encountered. Ten states (Arkansas, Maine, Mississippi, Montana, New Hampshire, South Carolina, South Dakota, Texas, West Virginia, and Wisconsin) prohibit the use of red light cameras in their communities.³ In 2015, the Missouri Supreme Court held that red light and speed cameras are unconstitutional.⁴ Leaders in South Dakota oppose red light cameras so much that the state began denying other states' requests for drivers' information for red light camera citations in 2014. The New Jersey legislature is exploring following suit, particularly because it is surrounded by states that employ red light cameras and speed cameras.⁵

Smart cities are moving away from red light cameras, including because they exacerbate inequities. The number of communities using red light cameras fell from 533 in 2012 to 430 in 2016, according to a 2017 report by the National Conference of State Legislatures.⁶ The city of Rochester, New York ceased use of its red light camera system because it was disproportionately harming people in low-income neighborhoods, according to the city's mayor.⁷ In California alone, 60 communities have stopped using red light cameras, in part due to the increases in traffic accidents caused by the cameras. Chicago's camera system has caused many complicated and expensive problems, while collecting over \$1 billion in fines.⁸ An investigation found that not all of Chicago's red light cameras functioned properly and that enforcement

³ Governors Highway Safety Association, *State Laws: Speed and Red Light Cameras*, <https://www.ghsa.org/state-laws/issues/speed%20and%20red%20light%20cameras>.

⁴ *Tupper v. Cty of St. Louis*, 468 S.W.3d 360, 376 (9th Cir. 2015).

⁵ Daniel C. Vock, *Why Cities Hit the Brakes on Red Light Cameras*, GOVERNING MAG. (Feb. 24, 2015), <https://www.governing.com/archive/gov-cities-hit-brakes-red-light-cameras.html>.

⁶ *Automated Enforcement Overview*, NAT'L CONF. STATE LEG. (July 20, 2021), <http://ncsl.org/research/transportation/automated-enforcement-overview.aspx>.

⁷ Press Release, City of Rochester, Mayor Warren Pulls Plug on Red Light Camera Program (Dec. 20, 2016), <https://www.cityofrochester.gov/article.aspx?id=8589970477>.

⁸ Austin Berg & Ben Szalinski, *Illinois Red-Light Cameras Have Collected More Than \$1B from Drivers Since 2008*, ILL. POL'Y INST. (2019).

was inconsistent. Due to a lack of adequate notice to violators, Chicago then settled a class action lawsuit for \$38.75 million.⁹ A subsequent class action lawsuit was filed on November 17, 2021 by drivers in a suburb of Chicago alleging that the red light cameras improperly ticketed them. The Chicago metropolitan area's continued struggle to administer its program demonstrates the burden that low-income people and people of color bear when red light cameras are introduced into communities.

In addition to their threats to due process, privacy, and racial justice, it is not clear that red light cameras solve traffic safety problems. There are many conflicting studies about whether these devices actually make communities safer. A twelve-year-long study of red light cameras in Texas found that the devices did not at all improve public safety in the communities where they were employed.¹⁰ In fact, the study found that red light cameras can result in the opposite effect, because more people attempted to stop when a light was yellow or red, causing accidents that most likely would not have occurred without the presence of the cameras.

Communities using red light cameras have learned difficult and expensive lessons about privatized, outsourced, for-profit, automated law enforcement—lessons that we need not repeat in our state. Communities have learned that red light cameras enrich for-profit vendors and fail to provide the promised safety benefits and revenues for municipalities. In many places, they have also proven widely unpopular with the public, which views them as a cynical cash grab. For example, voters in Aurora, Colorado made their dislike of red light cameras known in November 2018 when they voted by a margin of two-to-one to shutter the city's red light camera program after the governor vetoed a statewide prohibition of red light cameras passed twice by the state legislature.¹¹

⁹ John Byrne, *City Reaches \$38.75 Million Settlement in Red Light Ticket Lawsuit*, CHI. TRIB. (July 20, 2017 at 6:37pm), <https://www.chicagotribune.com/politics/ct-rahm-emanuel-red-light-tickets-lawsuit-settlement-met-20170720-story.html>.

¹⁰ Justin Gallagher & Paul J. Fisher, *Criminal Deterrence When There are Offsetting Risks: Traffic Cameras, Vehicular Accidents, and Public Safety*, 12 AM. ECON. J.: ECON. POL'Y 202 (2020).

¹¹ Sam Tabachnik, *Aurora Voters Say Good Riddance to Red Light Cameras*, DENVER POST (Nov. 7, 2018 at 5:15pm), <https://www.denverpost.com/2018/11/07/red-light-cameras-aurora-vote/>.

There are changes that, if added to the bill, would further protect people's privacy. We strongly urge this Committee to consider these alterations, which we believe is necessary to neutralize the very real racial justice and privacy concerns involved in implementing traffic cameras in Connecticut. Inclusion of the following is necessary:

- Limit the use of cameras to areas where there is explicit data demonstrating a history of traffic accidents. This bill is too broad because it would permit surveillance at intersections where the speed limit is 25mph or above—most streets would meet this definition
- Put measures in place to ensure that the cameras are not deployed in a discriminatory manner: require public hearings and comment periods on each proposed camera site and re-evaluate camera sites after time has passed.
- In addition to establishing citation hearing systems, explicitly require hearing systems to include an appeals process. Additionally, require that the development and implementation of a privacy policy relating to cameras and require a random annual audit of the system to ensure compliance with privacy protections.
- Require that data is not shared with any other person or agency, including ICE and police.
- After adjudication or a fine is paid, there is no longer any need to keep the data. We recommend deletion after thirty days.
- As part of the report out to DOT and the General Assembly in Section 4, the bill should require an evaluation of whether to continue the use of cameras after the 18 month period finishes.

We encourage this Committee to consider amending the bill to include further language addressing the concerns that accompany the use of traffic cameras. Until the present racial justice and privacy issues are addressed, the ACLU-CT must oppose House Bill 6625, and urges this Committee to do the same.