

# Seeing Red

Many drivers are livid about photo-cop systems.

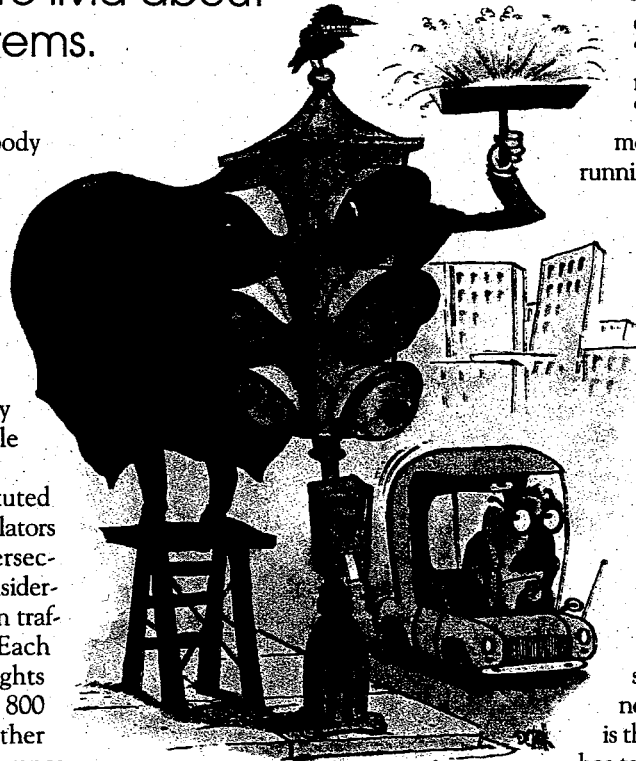
**I**t's the kind of surprise mail that nobody likes to receive: a ticket for running a red light. Drivers don't even have the opportunity to try to wheedle out of it in a face-to-face encounter with police. The ticket is issued and mailed after a camera automatically snaps a photo of the vehicle going through a red light.

Many localities have instituted red-light cameras to catch violators at busy and dangerous intersections, and many more are considering using them to cut down on traffic accidents and fatalities. Each year, people who run red lights cause the deaths of more than 800 people and injuries to another 200,000, according to the Insurance Institute for Highway Safety.

In recent months, however, some of those captured on film have begun fighting back, questioning the accuracy and legality of photo enforcement and taking steps to muddle the camera's evidence by pulling down visors or holding their hands up to their faces as they go through intersections.

San Diego, one of several jurisdictions facing a backlash against its red-light cameras, is incurring not only the wrath of ordinary citizens but also of cops who've been caught on camera running red lights. That has led to the creation of the Red Light Camera Defense Team, a corporation formed less than a year ago to fight the tickets. "It is my personal passion to run the cameras out of the county," says Coleen Cusack, a lawyer for the corporation, which has more than 300 clients.

In the Washington, D.C., area, the AAA Mid-Atlantic has joined the fray.



The association believes the cameras have great potential to cut down on serious injury and accidents. But AAA doesn't like the fact that a private company—in this case, Lockheed Martin IMS—gets a portion of every ticket paid. "Our concern is that [tickets] not be used as a revenue source but to make intersections safer," says spokesman Justin McNaull. "There's a profit incentive to have a large number of cars violate the light."

San Diego has had to deal with hundreds of challenges to the tickets it issues based on photo enforcement. The city's cameras are snapping from 2,500 to 5,000 violators a month. Each ticket is \$271 and the vendor, Lockheed Martin, gets \$70 of those that are paid. Everett Bobbitt, a police association lawyer defending several San Diego officers who got ticketed, is one of several people who charge that camera enforcement is used as a revenue generator.

That's a "backward" way of looking at it, argues Martha Woodward, deputy city attorney in San Diego. Red-light running is against the law whether an officer stops a violator on the spot or a camera catches someone. "The reality is, there's a fine for running red lights," she says. "The way for us to stop making more revenue is for people to stop running red lights. That's our goal."

Cusack charges that the government is taking liberties and shortcuts with its photo ticketing, such as sending a ticket to a male driver, based on the license plate registration, even though the driver in the photo is clearly female. The registered driver then must "snitch" on the person who was at the wheel or pay the fine himself.

In addition, Cusack complains, the photos don't actually show the red light. They show a car in an intersection but not the traffic signal. Therefore, it is the vendor's word that a violation has taken place, she claims, based on information from the vendor's systems.

Kathleen Dezio, a Lockheed spokeswoman, says that it is mechanically impossible for the cameras to be triggered on a green light; they are hooked up to the amber and red light signals. And there is a two-second grace period. Moreover, a San Diego police officer reviews each citation before it is issued and the cameras are inspected twice a week for accuracy.

Bobbitt argues that if officers were writing the tickets, they might offer a warning instead, depending on the circumstances. Woodworth counters that because there is no discretion by the cameras, it's a less biased system. Police officers have been escaping penalties for years because their buddies won't write them up, she says. Now they must prove in court that they were doing police business. "It is a red-light equalizer," she says. "It doesn't look at who you are."  
—Ellen Perlman

# Battle lines form over red-light cameras

BY WILLIAM MATTHEWS

In Howard County, Md., red-light cameras are credited with reducing collisions at intersections by as much as 44 percent.

But in San Diego, the cameras are on trial for "shaking down" thousands of motorists with \$271 fines that funneled more than \$7 million into city coffers and generated about \$2 million to contractor Lockheed Martin IMS.

Highway safety expert Judith Stone is adamant that red-light cameras are lifesavers.

But privacy specialist Jim Harper warns that they are the foundation for a surveillance society.

There is a growing debate about red-light cameras vs. privacy — and technology vs. the Constitution — and it is creating some unexpected political partnering on Capitol Hill. For example, in a hearing before the House Subcommittee on Highways and Transit in July, such conservative law-and-order advocates as Rep. Bob Barr

(R-Ga.), a former federal prosecutor, denounced the use of automated cameras to catch red-light runners. Barr

argued that such technology "eviscerates" constitutional guarantees against unreasonable searches and seizures

Holmes Norton defended the decision to install red-light cameras in the District of Columbia, arguing that

police are overwhelmed by more serious crimes and need whatever help they can get from technology to catch traffic violators. When the cameras are properly used, they do not invade privacy, Norton contended.

Sensors trigger red-light cameras to take photographs of cars that drive through red lights. But according to their critics, they pose serious problems. Instead of photographing license plates, some cameras also photograph drivers and interiors of cars, which critics say is an illegal invasion of privacy.

"At no point in the past two centuries has Americans' right to privacy been more threatened," Barr declared.

"At traffic intersections in cities large and small, Americans are being watched, their movements recorded, their persons and surroundings photographed and their actions documented by their government," he said.

One of the most troubling aspects about the use of red-light cameras is that they turn a key function of law enforcement over to private contractors, said Marshall Hurley, a Greensboro, N.C., lawyer.

"Red-light surveillance cameras combine the worst traits of government arrogance and corporate greed," he told subcommittee members. In many localities, "the camera schemes are based on the concept of a government kickback" in which companies that supply and operate the cameras collect a portion of the fines.

In North Carolina, it's \$35 of each \$50 fine. In San Diego, it's \$70 of each \$271 fine. "Both the government and its contractors have an immense financial stake in the violation of traffic laws," he said.

And in North Carolina, tickets cannot be appealed in court, he added. "There is the presumption that the owner of the motor vehicle is guilty if his or her car is photographed by a red-light camera. A financial penalty is imposed based on an absolute presumption of guilt without any judicial review."

In San Diego, motorists who have been ticketed have filed a class-action suit contending that contractor Lockheed Martin IMS tinkered with sensors and selected intersections with short yellow lights to maximize the number of motorists who could be ticketed.

Lockheed Martin Corp. announced in July that it is selling IMS to Affiliated Computer Services Inc.

## Drivers favor cameras

Despite concerns about privacy violations and lack of due process, polls show that Americans overwhelmingly support the use of red-light cameras.

### Support in cities with red-light cameras:

	PERCENT
Fairfax, Va.	84
Charlotte, N.C.	82
Oxnard, Calif.	79
Mesa, Ariz.	78
San Francisco	77

### Support in cities without cameras:

Fort Lauderdale, Fla.	82
Raleigh/Durham, N.C.	76
Arlington, Texas	74
Charlottesville, Va.	74
Fresno, Calif.	72

Source: Insurance Institute for Highway Safety



and the right to confront one's accuser.

But liberal Washington, D.C., delegate Eleanor

PHOTO/IVME THORNTON

Former San Diego Mayor Roger Hedgecock, now a radio talk show host, denounces red-light cameras for increasing the number of rear-end collisions as motorists make sudden stops for short yellow lights. Hedgecock said he wrecked his car when he rammed the back end of a truck that "jammed on his breaks as the traffic light turned yellow" at a camera-equipped intersection.

Lengthening the time for yellow lights would cut red-light running as effectively as installing red-light cameras, Hedgecock contends, adding that a study by the city of Tempe, Ariz., reached the same conclusion. "But here's the rub." Tempe also hired Lockheed Martin IMS to install red-light cameras at a number of intersections, and "the Lockheed Martin contract prevents the city of Tempe from extending the yellow light interval where Lockheed's cameras are in place," he said.

Rep. Timothy Johnson (R-Ill.) denounced red-light cameras as "a bounty system" and "clearly unconstitutional." The cameras violate Fourth Amendment protections against unreasonable search and seizure and 14th Amendment guarantees of due process and equal protection under the law.

Red-light cameras "are only the first installation of the Big Brother infrastructure," said Harper, editor of Privacilla.org, a Web site dedicated to privacy issues. Cameras that take snapshots of vehicles can easily be re-

placed with video cameras. Combined with optical character recognition and net-

technology they consider lifesaving could be discarded.



### Cameras win public nod

- A 1998 Lou Harris Poll showed 65 percent of the public favored using cameras to enforce red-light-running laws. By 1999, that support had increased to 74 percent.
- In April 2001, the Insurance Institute for Highway Safety polled people in cities with red-light cameras already in use and found 80 percent favored them.
- An Insurance Research Council poll in large cities in 1996 showed 83 percent approval.

The cameras are considered by most people as a cheap and effective way to reduce red-light running, accidents, injuries and deaths.

*Source: Advocates for Highway and Auto Safety*

worked cameras, it would be possible to track cars as they move through cities and on highways, he said.

Add databases, and it becomes possible to create permanent records of the movements of autos.

There could be benefits, however. Carjackings might be reduced if criminals knew they could be tracked. Missing persons might be more easily found, Harper said.

And auto safety advocates boil at the idea that

More than 750 people are killed each year in crashes involving red-light runners, said Judith Lee Stone, president of Advocates for Highway and Auto Safety. "Opposition [to red-light cameras] seems like a double standard to me."

Stone cites statistics to show that red-light cameras

work. When cameras were installed, red-light running was reduced by 68 percent in San Francisco; 92 percent in Los Angeles County; 70 percent in Charlotte, N.C.; and 44 percent in Fairfax County, Va., she said.

"We know red-light cameras work," Stone told the House subcommittee. Moreover, the public overwhelmingly supports them, she said. Recent polls show public support as high as 83 percent. "The American public is both ready and anxious for us to act on its behalf to keep families safe," Stone said.

Some argue that privacy vanished long ago. People are routinely monitored by surveillance cameras in stores, they leave detailed paper trails by using credit cards and supermarket discount cards, and they leave electronic trails by making phone calls and using the Internet.

But much of that is the private sector snooping and is less serious than snooping by the government, Harper maintains. "Governments are the only entities in society with legal

power to enter our homes without permission, take our possessions and imprison us," he said.

"We are a free country and a free people who reject the idea of being monitored

by government when we are going through our daily lives peacefully and lawfully," Harper said. •

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**M**any red-light running drivers seem to have developed "selective color blindness" when they approach traffic control devices. They may slow down a bit, but stopping completely is not an option. In dealing with this issue, one of the first steps police managers must address is a misconception that red-light runners do not pose a problem.

A survey conducted in early 2001 polled police chiefs from 60 departments across the nation and

# Setting Cameras to Make Traffic Stops

asked them to respond to questions concerning red-light running. Out of the 40 responses received, a resounding 86% of the police administrators agreed red-light running is a problem for their departments. Half of them believe that motorists in general do not have any respect for traffic laws nowadays. As a spokesperson for the Jefferson City, MO, Police Department commented, "I think [red-light running] is a universal problem. Whether it's a sign of our society's mentality to rush their travel, much like technology has sped communications, or not, I don't know. The same impatience may be the cause of increasing 'road rage'." On the other hand, red-light running is not a problem everywhere, e.g., in Geneva, NY.

Frank Pane, Geneva's Chief of Police, reported stop sign and red light violations are not a big problem in his community. "Occasionally, a few times a year, we will receive a complaint about cars running stop signs. We deploy officers in those areas and make as many arrests as possible. Officers' presence near the intersection sometimes is enough to eliminate the problem," he concluded. Pane's approach is duplicated in numerous communities.

In Indianapolis, IN, for instance, the police department's Traffic Branch assigns officers to intersections that experience high incidents of accidents caused by running lights. Chief Terry Nichols uses the same strategy in Maryville, TN, with satisfying results. "Selective enforcement in response to increased accidents works well," he acknowledged. But, he added, "It is a short-term solution." Such solutions do not always work, either, whether they

be long or short term, as Greenville, SC, Police Chief Mike Bridges suggested.

Bridges expressed some discouragement over traditional red-light running enforcement strategies when he told a reporter for the local Hilton Head, SC, *Island Packet* that the practice is at epidemic proportions. He noted his officers wrote 2,115 tickets in March 1999 to discourage red-light running, with no significant effect. Indeed, some police officials may be discouraged by poor results in their attempts to curb red-light running, but that does not stop them either from trying or underestimating the severity of the problem.

Most police managers do not take red-light running lightly. In fact, 60% of them said enforcing traffic violation programs such as red-light running occupy a high priority in their strategic plans. Their emphasis on such enforcement is reflected in the fact that 73% of them employ special enforcement programs. Obviously, they are taking aggressive steps to curb the practice that causes thousands of accidents and costs hundreds of lives per year.

Officials have identified several solutions to the problem, such as photo radar and special enforcement details. But some remedies, particularly the photo cameras, are ineffective or unacceptable to certain individuals, organizations like the ACLU, and politicians who are reluctant to upset their constituents. Some camera opponents go so far as to attack the devices themselves. One irate motorist in Charlotte, NC, which has had a great deal of success with the cameras, pumped 21 bullets into a camera housing. The camera kept working. Vandals in New York City fogged a camera's lens with a lubricant. These folks carry to the extreme the argument that the use of photo cameras violates individuals' rights. At least they do not suggest that no red-light running problem exists, as some people do.

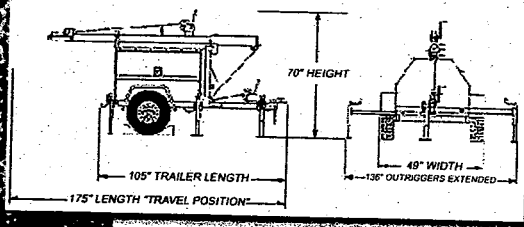
There are detractors who suggest the red-light running problem is a figment of people's imaginations. They say it has been created by marketers as an excuse to sell photo cameras. Hundreds of people are actually being killed annually by red-light runners. In 1998 alone, according to U.S. Department of Transportation Federal Highway

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Administration statistics, red light running incidents accounted for 89,000 accidents, 80,000 injuries, and nearly 1,000 deaths. Estimates provided in a recent study by the Insurance Institute for Highway Safety (IIHS) on red-light running revealed that more than 800 people die and an estimated 121,000 are injured each year in approximately 260,000 crashes. Additionally, fatal crashes at intersections with traffic signals have risen 24%, from 1,888 in 1992 to 2,344 in 1997. Whether the number of actual deaths is 800 or 1,000, it is too high.

There is also one side effect of red-light running that should be of concern to police officials. Red-light runners have made other drivers a bit over-cautious on the highway. Too much caution can force drivers to drive too slowly, make sudden stops and hesitate to enter traffic, which can cause as many accidents as running red lights. As some law enforcement agencies have proved, this problem can be alleviated—and the solutions can save lives and protect political and administrative sensibilities in the bargain.

The vast majority of the respondents (86%) averred that aggressive intervention techniques can curb, although not eliminate completely, red-light running. They suggested a wide array of strategies applied individually or in combination. The most commonly mentioned were education and photo cameras. Next, in descending order of importance, were stiff fines, extensive public relations campaigns, special task forces, license suspensions and additional officers. The last strategy may be connected closely to budgetary concerns. Only 38% of the respondents acknowledged their budgets allow for special red-light running enforcement programs, excluding photo cameras. So, they settle for alternative programs such as selective enforcement, but they manifest a growing interest in photo cameras.

Selective enforcement is the most common strategy used to address red-light running problems. Cities such as Dearborn, MI, Rapid City, SD, Ft. Myers, FL, Annapolis, MD, Seattle, WA, and Jefferson City, MO, rely heavily on the practice. There are other approaches in use, though. Garden City,

GA, has a three-officer unit that targets specific traffic offenses. Roseville, CA, uses supplemental lights mounted on the back sides of signal lights so officers "can more easily see if someone runs a red light and are in better positions to stop them," according to Chief John Barrow. While such practices have some positive effect, a growing number of police officials are looking into photo camera use.

Administrators in Frederick, MD, and Richmond, VA, are considering or investigating technology advances in photo enforcement. Annapolis has in

place an approval process for a red light camera contract. The growing interest indicates there may be an increased use of photo cameras among law enforcement agencies in the near future. Why not? The IIHS has noted that studies of communities that use photo cameras show a 40% drop in the number of cars running red lights. That statistic highlights the value of photo cameras, which survey results suggest is rising.

Sixty-seven percent of the respondents said photo cameras that photograph the license plates of



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offenders' vehicles are effective in curbing red-light running. Only 14% said they would not be. Additionally, 90% of them refuted critics' claims that photo cameras might create as many problems as they solve, e.g., cause rear-end collisions when drivers jam on their brakes suddenly in an effort to avoid having their pictures taken when they see cameras. However, they did express concern about the cameras in three areas: legislative authority, public acceptance and costs.

There are places where the use of photo cameras is prohibited altogether or limited. One-quarter of the respondents indicated cameras were not legal in their jurisdictions, 45% said they were and 30% were not sure. Where they are legal there is little standardization governing application. For example, California and Arizona require frontal photography. In most states, photos are taken from the rear of the intersection so the driver cannot be seen and technicians obscure passengers' faces for privacy. Some jurisdictions just beginning to use photo cameras are utilizing a piece-meal approach to the process. That is the case in Tennessee.

"Only five cities in Tennessee have been designated by the legislature to try photographic enforcement," noted Chief Nichols. "Although we are one of those, it was not implemented for economic and political reasons." Political reasons might pose less of a problem than economics, though. After all, there are places where citizens would welcome the use of photo cameras. For example, Captain Mike Diekhoff of the Bloomington, IN, Police Department noted that, "Our city is looking into photo cameras. Many of the complaints we receive are about the enforcement of traffic laws. I believe our community would support it." Certainly, some citizens would support at least some form of red-light running enforcement.

Forty-three percent of the respondents said they believe photo cameras are too expensive at this time, which is understandable. Howard County, MD, a wealthy suburb of Baltimore and Washington, DC, paid \$50,000 per unit for German-made

cameras. Prices like that can add up. For instance, the city of New Haven, CT, which has one high-tech camera installed for monitoring purposes, estimates it would cost \$10 million to \$15 million to install additional cameras and equipment at the city's most trouble-prone locations. As of now, the camera is used simply to monitor traffic and change the red light to green if no other vehicles are nearby.

Howard County's cameras generated a minimum of \$1.37 million between February 1998 and May 1999. New York City has experienced similar income results. The city has 30 cameras installed on its streets. They generate about eight million in annual gross revenues—and about one and a half million in profits. Those figures could be a drop in the proverbial bucket, according to camera distributor Lockheed Martin IMS' estimates. The company calculates that photo cameras have generated a total of \$100 million nationwide in fines between their introduction in New York City six years ago and the end of the year 2000, all based on a small number of cameras in use.

There are about 250 cameras aimed at intersections in about 50 cities and ten states today. Another ten states have proposed legislation to allow them. That number explains in part why suppliers estimate that the number of cameras will double annually in the United States, especially after interested administrators look at the success Maryland law enforcement agencies have had with them.

Maryland is in the forefront of the photo camera movement. For example, Baltimore has a dozen cameras in place and plans to install another 48. To date, they have been effective. Other cities in the state plan to follow Baltimore's lead. Obviously, legislative concerns have posed no problems in Maryland. They still do in other jurisdictions, though, and must be resolved if photo camera use is to become universal.

Look at Connecticut, for instance. IIHS research shows that, when measured by percent of population, the state led the New England/New York region in the number of traffic deaths caused by red-light runners in the 1992-1998 time frame. Numerically, the

more heavily populated New York State exceeded Connecticut's death rate by a wide margin. It suffered 253 deaths in that period, as opposed to 52 in Connecticut. Percentage-wise, Connecticut experienced 1.6 deaths per every 100,000 residents. No other New England state came close. Massachusetts' rate was 0.8, Maine's was 0.7, Vermont's and New Hampshire's were 0.3, and Rhode Island's was 0.2. New York was 1.4. Nationally, Arizona, Nevada and Michigan had the highest fatality rates; North Dakota, Rhode Island and Montana had the lowest. One of the suggested remedies to the problem in Connecticut involved photo cameras.

The Connecticut State Legislature's public safety committee introduced a bill to allow the State Police to use photo radar and approved a \$500,000 allocation for funding the equipment. It did not include in the bill photo cameras at intersections. The appropriations committee did not act on the bill, which died as a result. Even if it had passed, the cities might not have benefited. In Connecticut, all fines collected for moving violations go to the state. So, communities might understandably be reluctant to spend up to \$50,000 a camera just to send money to the state. The situation is typical of the political and legislative battles that must be resolved in many states and communities before photo cameras become a common tool in the law enforcement community's arsenal against red-light runners.

The current trend in the use of photo cameras suggests they will become more common among law enforcement agencies in the near future. For some administrators that day cannot come too soon. In the meantime, they will continue to lobby for statutory mandates, budgetary allocations and public acceptance that will pave the way for the installation of the devices—and provide hope for positive developments in their efforts.

*Arthur Sharp is a professional writer and educator who writes regularly for LAW and ORDER. His surveys have been conducted among agency executives on topics of current concern to law enforcement.*