

Fighting and Winning a Red Light Ticket

Presented by Steven A. Ahillen

ROBERTS PERRYMAN
Attorneys and Counselors

CLINEWOOD
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Red Light Cameras: Brief Background

- Red Light Cameras have existed in the U.S. since the early 1990s, but became widespread with the availability of digital cameras.
- Typically third party companies manufacture and operate the cameras.
- Utilizes road speed sensors to predict when a vehicle will not be able to stop in time, triggering the camera.

Red Light Camera Advantages

- Easy and efficient.
- Generates revenue for local government.
- Captures more violators than could be accomplished through traditional enforcement.
- Polls show that people generally support their use.
- Improves safety at intersections?



Red Light Camera Drawbacks

- Questions about the motives: more about money than safety.
- Unfairness: extremely short yellows constitute a “trap.”
- Do they really improve safety?
 - Decrease in right-angle accidents.
 - Increase in rear-end accidents.
- Privacy concerns.



Fighting the Red Light Ticket: Early Legal Challenges

- Tickets invalid because they were issued by third party vendor.
 - Solution: A police officer must sign off on each ticket.
 - *Jimenez v. Florida* (2018).
- Tickets invalid because the offense was a moving violation that did not assess points.
 - Solution: Make it a moving violation, assess points.
 - *Bruner v. City of Arnold, MO* (2013).



Due Process Violation

- Ordinance unconstitutional if it attempts to shift the burden of proof to the defendant to prove that the defendant was not operating the vehicle.
Tupper v. City of St. Louis (2015).
 - The fact that the car was registered to you does not meet the burden of proof.
 - No strict liability against an owner of a vehicle for traffic violations committed by permissive users.
 - Solution: Additional cameras that capture the face of the driver.



Case Study: Denver, CO

- Cameras take photos both of the offending vehicle and the driver's face.
- Send citation to the registered owner of the violating vehicle.
- Letter offers three choices: Guilty, Not Guilty, or Affidavit.



Case Study: Denver, CO

- Three choices:
 - Plead Guilty
 - Pay fine.
 - Plead Not Guilty
 - Fight it in court or negotiate a plea.
 - Sign an Affidavit stating that the owner was not the offending driver.
 - Case Dismissed whether or not owner chooses to identify the actual driver.



The Business Vehicle Problem

- Company vehicles are not registered to an individual driver.
- How does law enforcement determine who was driving?
 - What if the company refuses to cooperate?



The Company's Response: Three Basic Options

- Provide the driver's name; driver will be cited instead.
- Pay the fine, but refuse to give up the driver's name.
- Refuse to pay or provide the driver's name.



What Happens When the Company Refuses to Cooperate?

- Prosecutor can subpoena the information.
 - Legally proper, but takes up the prosecutor's time.
 - Could take additional effort to enforce compliance if the company still doesn't cooperate.
 - More complicated if the company is out of state.
- Dismiss the case.
 - Efficient, but the violator gets away.



Case Study: Hannibal, MO

- Facts:
 - Red light cameras along US Highway in eastern Missouri.
 - Trucking company is located in a different state.
 - Red light camera catches an alleged red light violation by a company driver.
 - The driver's identity is not immediately apparent to the City.



Case Study: Hannibal, MO

- City sends copy of citation to the company with the offender's identity left blank.
- Accompanied by letter threatening that if the company does not produce the driver's identity, the president of the company will be criminally liable.
- Company president declines to provide the name.
- City charges company president with "Interference with Investigation."



“Interference with Investigation”

- Sec. 16-230. – Interference with investigation or duty of city officer.
- No person shall “Engage in conduct which a person knows would prevent an officer from completing an investigation.”



Legal Issues with “Interference with Investigation”

- Unconstitutionally vague?
 - Needs to be specific enough for people to be able to conform their behavior to the law.
- 1st Amendment concerns:
 - The police cannot force you to give them information unless you are brought before a grand jury.
- 5th Amendment concerns:
 - Privilege against self-incrimination.
- Personal Jurisdiction:
 - Where does the “interference” occur?



Personal Jurisdiction

- Crime needs to occur within the jurisdiction or be “directed at” the jurisdiction.
 - Example: Fraud, or any other crime where the intended victim is in the jurisdiction, even if the perpetrator is not.
- What is the jurisdiction for something that did not happen?



Motion to Dismiss

- Defendant moved for lack of jurisdiction:
 - The president and company never consented to jurisdiction.
 - Company president’s “refusal” to provide information did not occur in the City.
- City Attorney opposed:
 - The refusal is directed at the City, bestowing jurisdiction.
 - The company has consented to jurisdiction by driving its trucks through the City.



Defendant Prevails

- Court granted defendant's motion and dismissed the case.
 - City lacked jurisdiction over conduct not occurring within the jurisdiction.
 - Judge “not a fan” of charging corporate officers with a crime to get them to give up the name of the driver.



New Tactics

- Charge the company directly with the red light violation.
 - No precedent for charging a company with a traffic violation.
 - No vicarious liability of a company for criminal conduct of employees (usually).
 - The offense assesses points against a driver's license, which is impossible to do against a company.



Major US Cities Using Red Light Cameras

- Atlanta
- Austin
- Baltimore
- Chicago
- Dallas
- Denver
- Los Angeles
- Memphis
- Newark
- New Orleans
- New York City
- Philadelphia
- Phoenix
- San Francisco
- Seattle
- Washington, D.C.



States with Prohibitions or Restrictions on Red Light Cameras

- Arizona
- Arkansas
- California
 - (driver photo)
- Colorado
 - (driver photo)
- Louisiana
- Maine
- Mississippi
- Montana
- Nevada
- New Jersey
- New Mexico
- South Carolina
- South Dakota
- Utah
- West Virginia
- Wisconsin

Restrictions on Red Lights

- National Manual on Uniform Traffic Control Devices—*Federal Highway Administration* (2009).
 - Intended to standardize approach to timing of yellow lights.
 - 3-6 Second Rule.
 - No ticket if any part of the vehicle is already in the intersection by the time the light turns red.



Contact Information

- Steve Ahillen, Roberts Perryman PC:
 - sahillen@robertsperryman.com
 - 314-421-1850



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Questions & Answers





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