

Fines and Fees Justice Center ATE - Concerns and Guidance

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Current State of ATE

NRS 484A.600 - Bans the use of ATE with very limited exceptions.
Does not allow speed or red light cameras.

- 22 states do not allow ATE including states as diverse as AK, MS, TX & MA, ME, NJ
- AR, IN & UT only allow speed cameras.
- HI & NC only allow red light cameras.

FFJC Concerns with ATE

Concerns with ATE

- **Studies on effectiveness are mixed.**
- **ATE is an after the fact punishment.**
- **ATE programs fail to address infrastructure needs.**
- **ATE fails to significantly impact police & driver encounters**
- **ATE results in net widening drawing more people into the system.**
- **Increased use of fines exacerbates poverty.**
- **Use of ATE exacerbates racial disparities.**

FFJC Guidance on ATE

Due to the prevalence and potential harm of ATE across the country the Fines and Fees Justice Center has developed guidance to mitigate these harms.

Guidance

- **If ATE is used at all, it must be temporary.**
- **Prioritize non-financial sanctions.**
- **In extreme cases, develop graduated responses based on the frequency and severity of the behavior.**
- **Ensure fines are proportionate to the individual's ability to pay.**
- **Do not use ATE with a goal of raising revenue. Use revenue on one-time and discretionary expenses.**
- **Don't allow added fees, surcharges, penalties or interest to fines.**

Guidance Continued

- **Invest in street design, engineering, and infrastructure before adding or increasing enforcement.**
 - Hoboken and Jersey city have both reached vision zero goals without ATE.
- **Develop clear and consistent policies for determining whether the ATE technology captured a true violation and how it should be sanctioned.**

ATE Contracts: Red Flags & Recommendations

For profit companies that supply ATE equipment often offer contracts that limit government control and pass costs along to the community.

ATE Contract Red Flags

- **Prohibit ATE vendors from making site recommendations based on their own analysis of locations.**
- **All contracts should expressly prohibit ATE vendors from changing the length of yellow lights.**
- **Ensure your ATE contract explicitly defines how violations will be determined.**
 - Pay special attention to the need for human review.
- **Beware of vendors that include collection services in their contracts.**

ATE Contract Red Flags Continued

- **Avoid contracts that pay vendors per citation.**
- **Avoid agreements that allow ATE vendors to add supplemental fees.**
- **Never grant private ATE vendors the power to set the terms of enforcement or prosecution.**

California ASE Legislation - AB645

In 2023 California passed ASE legislation that addresses many of FFJC's concerns and recommendations.

California AB645 - Provisions

- **Pilot program in 5 CA cities that meet specific requirements.**
- **Speed cameras in school zones restricted to specific hours.**
- **Established fines, no fees added and mandatory reduction for low-income drivers.**
- **Revenue from citations goes to street-calming infrastructure.**
- **Strict requirements for vendor contracts.**
- **Strong due process and and privacy protections for people cited.**
- **Mandatory review for efficacy and equity with strict metrics**

Pilot Program Must Haves

- **Adopt a Speed Safety Use Policy and Speed Safety Impact Report.**
 - Engage with community in development of both.
- **Detailed Public Information Campaign prior to start of pilots.**
- **Warnings issued during first 60 days - no citations.**
- **After 60 days, first offense for speeding 11-15/mph over limit is also a warning.**

Recommendations for the committee

- **Specifically identify the problem you are trying to solve.**
- **Determine the most effective evidence based approach to addressing that problem.**
- **If ATE appears to be a solution, stop and study.**
- **Wait for data from CA pilot program before moving forward with a law change.**