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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 24-H 7368, AN ACT RELATING TO MOTOR AND OTHER VEHICLES – NOISE LIMITS FOR MOTOR VEHICLES March 12, 2024

The ACLU of Rhode Island has long expressed opposition to the needless proliferation of surveillance technologies – particularly camera technologies – as a method of addressing concerns about community safety and the enforcement of traffic statutes. We recognize that the opportunities that contemporary technology offers state and municipal governments can be seductive in its surface-level simplicity and the positing that this technology offers a nondiscriminatory approach to enforcement, but we maintain that the potential implications of government use of new technology on community privacy and due process rights are severe enough that further statutory authorization of technological systems for this purpose not be permitted. As such, we are opposed to this legislation which seeks to allow for the use of “noise violation detection systems” in municipalities in Rhode Island, as we do not believe that this legislation provides appropriate insight into the mechanics of the system nor does it appropriately address the many practical concerns which accompany this type of technology.

In allowing this technology, this bill does not enumerate any procedural safeguards which should accompany its use. There is, for example, no requirement in the bill that a municipality go through a public hearing before installing the cameras, and while municipalities are authorized by the bill to promulgate ordinances that “define acceptable dBc levels,” municipalities would not be compelled to put forward an ordinance through the public process that actually regulates use of this technology.

Of course, this is especially concerning considering that we – and, it appears, the City of Providence – don’t know the specifics of the technology itself. The City introduced this legislation without having performed any meaningful due diligence on this technology’s application. An open records request we filed with the City turned up *zero* documents from any potential vendors, zero documents about the potential costs, and zero documents about how these systems work and whether their accuracy and utility have been independently analyzed and supported.

It is also important to point out that this bill sets no limitations for the use of these devices, nor any provisions for the maintenance of any data collected through the technology. It also does not provide an understanding as to the oversight of the technology itself. How will any review of violations recorded by the system be able to ensure that the noise violation from a vehicle, for example, is actually that vehicle and not one immediately in the lane next to it? Exactly what types

of “noise” are recorded, and could it include pedestrian conversations? If individuals at a First Amendment-protected demonstration trigger the system, how will residents know that this information is not being stored indefinitely? How will an individual be able to contest the “findings” from a noise camera? In all of these circumstances, the privacy and due process rights of all individuals in the community remain at the discretion of a private company contracted to provide this surveillance, and with limited assurances of their protection.

Our organization has argued for years about the inefficiency of surveillance systems at curbing the problems they are purportedly designed to address. Traffic violation systems by nature cannot cure any problems with a driver in the moment, and any violations found by their use are presumed to be the owner of the car rather than the actual driver of the vehicle. Because of this, their net effect is to normalize the issue of “surveillance creep” and to address community issues without getting to the root of the problem which is trying to be solved.

Finally, while these systems may appear to be facially nondiscriminatory, the impact of these systems is still dependent on the municipality’s installation location decisions. If these systems are disproportionately installed in lower-income communities, for example, the result of enforcement using these systems will similarly disproportionately impact these neighborhoods, regardless of whether the standards being used to determine noise violations may appear uniform.

It bears repeating that community safety is not and has never been supported by the expansion of surveillance and the increase in unregulated, private industry technologies. We all share the goal of fostering communities that are comfortable, healthy, and safe for all residents, but these problems require solutions that are much more sophisticated and thoughtful than the implementation of the newest technology that comes to market. For these reasons we strongly urge the rejection of this legislation. Thank you for your consideration.