

FOR IMMEDIATE RELEASE:

## **Access to Public Data on Photo-Enforcement Program Denied: Contradiction or Cover Up?**

*Multiple attempts by Winnipeg group to access public data on photo-enforcement program suspiciously denied by Winnipeg Police Service. WiseUpWinnipeg co-founder files complaint with Manitoba Ombudsman Office and Privacy Commissioner of Canada*

**Dec. 3, 2010 – Winnipeg, Mb.** Todd Dube, co-founder of the photo-enforcement watchdog group WiseUpWinnipeg.com, has filed several requests for public data pertaining to various aspects of the City of Winnipeg's Photo-Enforcement Program. Under the *Freedom of Information and Protection of Privacy Act (FIPPA)*, WiseUpWinnipeg is seeking answers to important questions about how the program is operated and administered. But the more it digs, the more that troubling information is uncovered about the program's supposed safety objective as well as blatant contradictions indicative of a more serious campaign by photo-enforcement stakeholders to hide information from the public by denying access to information requests.

"The public has a right of access to records held by public bodies including how that public body manages their personal information", says Todd Dube. "And the grounds for their refusal to supply the FIPPA requested records are highly suspicious and suggest information is being intentionally suppressed because it does not support the claim that safety is the primary objective of the program."

Three of Mr. Dube's recent FIPPA requests were refused by the Winnipeg Police Service (WPS) thereby prompting complaints to be filed with the Manitoba Ombudsman's Office and the Privacy Commissioner of Canada:

- 1) August, 2010** – Request to view copy of the photo-enforcement contract between the City of Winnipeg and Affiliated Computer Services, Inc. (ACS) refused because a representative of both ACS and WPS maintained that disclosure would "negatively prejudice or harm our competitive position and interfere with future contractual negotiations."

WiseUpWinnipeg contends that oversight of the contract is essential to determine operational objectives including whether the terms of the agreement are being duly upheld in relation to the bid issued by the City of Winnipeg in 2006. The awarding of the original contract in 2003 to ACS was embroiled in controversy when it was revealed in a 2006 City Auditor Program Review that a competitive procurement process was not observed, ostensibly awarding ACS what amounted to a sole-source contract.

"The FIPPA refusal suggests WPS has something to hide and their rationale points to an ulterior agenda – profit at the public's expense, with no real regard for motoring safety," says Dube.

- 2) September, 2010** – Request to view copies of red-light violations issued by the program since inception refused because "the requested records are in the custody and under the control of ACS Public Sector Solutions Inc. ... The WPS does not have the ability to retrieve the information..."

Curiously, Mr. Dube had previously obtained copies of photo-enforcement violations via a telephone request to the Manitoba Provincial Court yet was denied access by WPS purportedly because all records are in the custody and control of ACS. Which begs the question – how then did the Provincial Court manage to obtain and provide the records to Mr. Dube, via regular mail within 4 days, if the records reside solely in the custody and control of ACS?

Furthermore, an analysis of the *2006 City of Winnipeg Request for Qualifications* (commercial supply bid) reveals, as a mandatory requirement, “all photograph/images remain the property of the City (of Winnipeg) and cannot be destroyed or deleted without authorization from the City.” This reference blatantly contradicts the WPS assertion that the records are in the exclusive custody and control of ACS and that they do not have the ability to retrieve them, even when the Provincial Court had no such impediment.

The request filed by Mr. Dube explicitly declared that he was seeking only “black box” infraction data and not personal information or photos, yet still the request was refused. “The stated reason for WPS’s refusal is unacceptable and strongly suggests that a cover-up is underway to block public awareness of data that will expose the predatory nature of the program,” explains Dube.

Dube also notes that another mandatory requirement of the supplier is to “electronically access personal information data from Manitoba Public Insurance for enforcement purposes.” But under whose authority is that access being granted? Certainly, individual citizens have not authorized their private information to be shared with a commercial, foreign, third-party with no disclosure about how the information is being stored and secured.

“Our position legally is that ACS is not authorized to control and handle personal information and we will be challenging their authority to possess that information under the Privacy Act.

- 3) **November, 2010** – Request to receive listing of all designated playground zones was refused because such “records do not exist.” But if that is indeed the case, how does the WPS know where to enforce or position mobile photo-radar units? Clearly, violations have been issued in playground zones.

“Declaring that playground zone location records do not exist, while they have been enforcing in playground zones, is preposterous. A specific location code is required to be included in the data/black box display of each violation issued. Clearly, the black box data is the smoking gun that ACS does not want the public to see,” says Dube.

The above trail of suspicious FIPPA refusals and contradictions not only hints at a cover-up - it is alarmingly similar to occurrences in other countries whereby local governments and photo-radar contractors fought to keep their factual program data hidden from the public by reporting misleading and incomplete data or resisting its release entirely. These tactics are not exclusive to Winnipeg. A recent public referendum in Texas overwhelmingly voted to shut down the camera-enforcement programs in five cities. Several programs in other states have also been voted out of operation due to program impropriety. No photo-enforcement program has ever survived a public referendum.

In Italy, red-light cameras are being shut down across the country due to a massive fraud scandal involving 300 public officials, police officers and corporate employees who face indictment for fraud, forgery and public corruption after conspiring to award no-bid contracts and dangerously shorten amber-light times to 4.0 seconds to generate increased citations. In 2009, the state of Georgia addressed the dangerous practice of inadequate amber times with legislation that mandated one second be added to amber times resulting in a 72% decrease in all types of intersection collisions and an instant 85% decrease in “red-light runners”.

“Citizens everywhere are refusing to be exploited further by photo-enforcement programs. The public will not tolerate these shady tactics anymore,” says Larry Stefanuik, former WPS traffic officer and co-founder of WiseUpWinnipeg.com

WiseUpWinnipeg asks one simple question: If the mandate of Winnipeg’s photo enforcement program is intended to be motoring safety - then why is the WPS reluctant to release program data?

“If the program were actually achieving its safety goals then it would only make sense that WPS would be open and transparent about what is already the public’s right to access,” adds Stefanuik.

But that’s the point...red-light camera intersections have not improved safety. In fact, recently released MPIC data reveals that collisions at the original 12 Winnipeg camera intersections have increased by 18%. Further data for the additional camera intersections reflect an even higher increase in collisions. A 2006 City of Winnipeg audit of the photo-enforcement program reveals that the “City used misleading statistics in an attempt to cover-up the program’s failure to reduce accidents”. The WPS were once again caught under-reporting accident data in 2009 by the Winnipeg Sun “in order to make the lucrative program appear more effective.”

“When you piece all the evidence together it is a damning indictment of the program. Blocking access to public information only occurs if you have something to hide. The photo-enforcement program, as it is operated today, is a predatory scheme designed to subsidize public coffers under the guise of safety. If safety were truly the objective, the program would not be operating like it does today,” concludes Stefanuik.

And when asked what the solution to increasing safety would be, Dube responds, “it’s painfully simple – making amber-light times adequate at all intersections eliminates the resulting danger, saves lives and ends the unfair revenue grab.”

“The one second solution exposes the entire scheme for what it is and that is revenue, period. There is no logical argument for not making ambers adequate immediately,” summarizes Dube.

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*WiseUpWinnipeg is a citizen watchdog group committed to ending photo-enforcement abuse in Winnipeg but not necessarily photo-enforcement itself. WiseUpWinnipeg supports a sensible and accountable program with a real safety mandate based on establishing adequate amber times at all Winnipeg intersections to reduce collisions, save lives and eliminate predatory tactics.*

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## Supporting Links:

City of Winnipeg Photo Enforcement Bid Opportunity

[http://www.Winnipeg.ca/finance/findata/matmgt/documents//2006/208-2006//208-2006\\_Bid\\_Opportunity.pdf](http://www.Winnipeg.ca/finance/findata/matmgt/documents//2006/208-2006//208-2006_Bid_Opportunity.pdf)

Texas Cities Shut Down Cameras After Public Vote <http://www.thenewspaper.com/news/33/3325.asp>

Italy: Red Light Camera Makers Arrested for Fraud <http://www.thenewspaper.com/news/26/2672.asp>

Public officials indicted for rigging speed camera equipment <http://www.thenewspaper.com/news/32/3274.asp>

<http://www.thenewspaper.com/news/31/3128.asp>

MPIC Report – Number of Collisions at Red Light Intersections

<http://www.thenewspaper.com/rlc/docs/2010/can-mpidata.pdf>

City of Winnipeg 2006 Photo Enforcement Program Review

<http://www.thenewspaper.com/rlc/docs/2006/winnipegaudit.pdf>

Report Shows Accidents Increased with Cameras <http://www.thenewspaper.com/news/10/1036.asp>

Winnipeg Police Caught Manipulating Accident Data. Again

<http://www.thetruthaboutcars.com/2009/06/winnipeg-police-caught-manipulating-accident-data/>

The Red Light Running Crisis – Is it Intentional? U.S. House of Representatives Report

<http://www.motorists.org/red-light-cameras/armeyreport.pdf>

NBC News video: Loudermilk Congressional hearings:

<http://link.brightcove.com/services/player/bcpid34619011001?bctid=105915629001>

<http://link.brightcove.com/services/player/bcpid34619011001?bctid=83460103001>

<http://link.brightcove.com/services/player/bcpid34619011001?bctid=83816512001>