

**STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL**

August 22, 2016

**Opinion No. 16-30**

**Authorization to Review Video Information from Unmanned Traffic Cameras**

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**Question 1**

Does Tenn. Code Ann. § 55-8-198(b)(1) permit cities to contract with private vendors to review information collected from unmanned traffic cameras for a purpose other than determining whether a traffic violation has occurred, such as quality assurance or sorting or pre-screening information that cannot result in the issuance of a citation, before a POST-certified or state-commissioned law enforcement officer reviews the camera information to determine whether a traffic violation has occurred?

**Opinion 1**

Yes.

**ANALYSIS**

Under Tennessee law, a citation for a nonmoving traffic violation may be based solely on evidence obtained from an unmanned traffic enforcement camera that has been installed to enforce or monitor traffic violations. *See* Tenn. Code Ann. § 55-8-198(a). Tennessee law also provides that “only POST-certified or state-commissioned law enforcement officers shall be authorized to review video evidence from a traffic light signal monitoring system and make a determination as to whether a violation has occurred.” *Id.* § 55-8-198(b)(1).

Once a determination is made that a violation has occurred, the citation must be sent “to the registered owner of the vehicle that was captured” by the camera. *Id.* Certain vehicles, however, are statutorily exempt from receiving a citation, including emergency vehicles, vehicles clearing the way for emergency vehicles, vehicles under police escort, and vehicles in a funeral procession. *Id.* § 55-8-198(d).

In short, the law requires that, before a citation may issue for an alleged violation based solely on evidence from an unmanned traffic camera, a properly trained law enforcement officer must make a determination that a violation has occurred. The statute does not permit anyone other than POST-certified or state-commissioned law enforcement officers to make that affirmative determination. And, of course, the determination must be based on the officer’s review of the only evidence on which the citation is based, namely a review of the relevant video images captured by the camera.

While only POST-certified or state-commissioned law enforcement officers are authorized to review video evidence and make violation determinations, *see* Att’y Gen. Op. 16-24 (July 6, 2016), the statute does not prohibit review of the video images from the camera by other persons

for purposes other than making a determination that leads to a citation. When the camera vendor reviews the video to sort or screen for statutorily exempt vehicles or for footage that does not capture any vehicle or does not capture the requisite identifying information for a particular vehicle—for example, blurred or partial images of the license plate—it is not making a determination that a violation occurred; it is simply providing information that qualified law enforcement officers can then use to decide whether and to whom a citation should issue. *See* Att’y Gen. Op. 11-3 (Jan. 7, 2011) (explaining that employees of camera vendors may review “the photographic data” as long as “they do so only to ensure its quality and do not engage in any substantive analysis” of whether a violation has occurred); Att’y Gen. Op. 06-150 (Oct. 2, 2006) (“[W]e know of no principle that would preclude the city from entering into a contract with a private company to install and operate such cameras if the purpose of such contract were merely to provide information which the city’s law enforcement department could then use to decide whether and whom to cite for these traffic violations.”).

Vendors engaging in sorting or pre-screening of the video footage are not making a determination that a violation has occurred; rather, they are simply ensuring that the law enforcement officers who make those determinations do so efficiently by reviewing only usable information. When camera vendors engage in such pre-screening of video evidence from traffic cameras, law enforcement officers are relieved of having to review video that is of no possible value in determining whether a violation has occurred. For example, camera images that are blurred or have obstructed views of the vehicle’s license plate by definition cannot be used by law enforcement to make a violation determination, since the statute requires that any citation be issued to the registered owner of the vehicle. If the video does not capture the required identifying information, it cannot serve as the basis for a citation. Similarly, video of an emergency vehicle running a red light cannot be used as the basis for a citation because of the statutory exemption for emergency vehicles.

In short, the statute does not prevent a city from contracting with a private vendor to sort or screen the video information for footage that cannot form the basis for a citation. The review, ipso facto, cannot lead to, or form the basis of, a citation. The review is ministerial and, most importantly, is not undertaken for the purpose of determining that a violation has occurred. As long as only a statutorily-designated law enforcement officer, not the vendor, reviews and makes any given determination that results in a citation, there is no violation of the statute.

Tennessee Att’y Gen. Op. 16-24 (July 6, 2016) is not to the contrary. That Opinion addressed the question whether Tenn. Code Ann. § 55-8-198(b)(1) “permit[s] employees of private traffic camera companies . . . to review video footage from unmanned traffic cameras and determine whether there is a traffic violation before the private employees submit the footage to law enforcement officers for their review and final determination of a violation[.]” (Emphasis added.) In response to that specific question, this Office opined that “[e]mployees of private traffic camera companies [who] are not POST-certified or state-commissioned law enforcement officers . . . are not authorized to review video evidence and make violation determinations.” (Emphasis added.)

HERBERT H. SLATERY III  
Attorney General and Reporter

ANDRÉE SOPHIA BLUMSTEIN  
Solicitor General

Requested by:

The Honorable Jim Tracy  
State Senator  
2 Legislative Plaza  
Nashville, Tennessee 37243