

Caught on camera

How California's speed cameras and AB Bill 645 are reshaping car-accident cases

By Lem Garcia

Speed cameras aren't just issuing tickets anymore – they're capturing game-changing evidence. In 2025, California officially rolled out AB 645, a pilot program authorizing automated speed enforcement in six major cities: Los Angeles, San Jose, Oakland, San Francisco, Glendale, and Long Beach. While designed to curb reckless driving and reduce traffic deaths, the cameras also collect precise, time-stamped data that can reshape how car accident cases are investigated, argued, and resolved. For plaintiffs' attorneys, this silent observer could be the most powerful "witness" in the case – if they know how to access the footage before it's gone.

With implications ranging from evidentiary procedures to novel privacy disputes and city liability issues, AB 645 doesn't just change how we enforce traffic laws – it fundamentally alters how attorneys argue and settle injury claims. This article explores three pivotal consequences of California's speed-camera law: how it transforms evidentiary standards, complicates urban-liability exposure, and reshapes the strategies in personal-injury litigation.

How to turn speed-camera footage into liability-proof evidence

The automation of traffic enforcement under AB 645 creates a novel confluence of civil litigation and administrative enforcement systems. While the statute explicitly frames its objective as reducing pedestrian fatalities in high-injury corridors, it simultaneously builds a trove of video, photographic, and metadata that civil litigants can leverage – if they act within strict procedural parameters.

According to the statute, cities may deploy cameras in zones designated by collision and speed data, often near schools and public-transit routes. Importantly, under Vehicle Code section 22425.1, subdivision (a), the system must be fully automated and operated under local control, ensuring the integrity of data collection and chain of custody from the outset. The statute further requires that four specific data points are included with every violation: the vehicle's speed,

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time and date, exact location (via GPS), and the vehicle's license-plate number.

These variables construct a "digital event packet" that, when appropriately preserved, can be used as direct evidence of a driver's conduct at the moment of an incident.

Unlike live-monitored systems, AB 645's enforcement is entirely post-incident. Before a citation is mailed to the vehicle's registered owner, all violations are reviewed by a traffic-enforcement officer who confirms that a citation is warranted. This delay between the event and the issuance of a citation reinforces the legal need for quick civil intervention, particularly subpoenas, if the footage is to be used in a personal-injury case.

Making speed-camera footage stick in court

The evidentiary strength of AB 645 footage stems from its alignment with Evidence Code section 1552, which governs the admissibility of digital reproductions. This code provision ensures that printed or digital images obtained from speed cameras carry legal weight.

"A printed representation of images stored on a video or digital medium is presumed to be an accurate representation of the image it purports to represent," the statute asserts in Evidence Code section 1552, subdivision (a).

This presumption, however, is rebuttable. The burden falls on the proponent to demonstrate that the images are authentic, captured from a reliable system, and unaltered. In its seminal ruling in *People v. Goldsmith* (2014) 59 Cal.4th 258, the Court addressed these standards directly. In upholding the use of red-light-camera photos, the Court concluded:

> Accordingly, we conclude that, in conjunction with the operation of the presumptions of sections 1552 and 1553, sufficient evidence was submitted to the court to sustain a finding (§ 403, subd. (a)(3)) that the ATES evidence 'is the writing that the [prosecution] claim[ed] it is' (§ 1400) and the trial court properly exercised its discretion to admit the evidence.

(*Id*., at p. 272.)

What *Goldsmith* established for red-light cameras now likely sets a precedent for speed cameras. As long as municipalities can produce logs of maintenance, calibration, and technician certifications and statutory compliance under AB 645, the footage should clear admissibility hurdles in civil and criminal proceedings.

Notably, the burden to challenge this evidence often falls on the defense, which must rebut the presumption with evidence of technical failure, misidentification, or improper procedure.

How to use AB 645 to win faster or settle stronger

Introducing AB 645 footage into civil litigation changes how both sides strategize cases, particularly in traffic-related personal-injury claims. For plaintiffs, the footage can be game-changing. Speed-camera data can establish that the defendant was traveling significantly above the posted limit moments before the incident. They can also determine if the incident occurred within a school or pedestrian zone, triggering additional legal duties. Speed-camera data can check if environmental conditions (e.g., time of day, lighting, traffic congestion) were consistent with increased risk.

This objective data displaces common ambiguities in discovery. Eyewitness accounts or inconsistent party testimony, which traditionally mark the fault determination process, may be rendered irrelevant when digital evidence reveals the defendant was traveling 20+ mph over the limit seconds before impact.

Such clarity can expedite the litigation process. As insurance companies face irrefutable data, early settlements become more common. According to one study, digital evidence is a factor in about 90% of criminal cases, a trend likely to intensify under AB 645's framework.

For defense attorneys, the challenge becomes technical. The defense's core tactics will mirror those employed in red-light challenges. They will look at whether the camera system was calibrated according to the manufacturer and legal standards at the time of recording, whether the city produces logs showing no alteration or deletion of footage during storage and transfer, and whether the license plate is truly identifiable.

A case illustrating these challenges is *People v. Khaled*, a decision by the Orange County Superior Court Appellate Department. In this unpublished decision, a traffic defendant successfully contested a red-light ticket by pointing to inconsistent calibration records and improper signage.

While not a citable precedent, the case highlights the key vulnerability in automated systems: if municipalities fail to document or disclose system maintenance, their evidence may be scrutinized.

Attorneys must also be prepared to file pre-trial motions under California Rules of Court, rule 3.1340 to compel production of the logs, manuals, technician certifications, and any maintenance records that would impact the camera's reliability.

What this means for experts, costs, and case value

The prevalence of speed-camera footage may also transform the role of expert witnesses in personal-injury trials. Where crash reconstructionists once had to estimate vehicle speeds based on skid marks or post-impact trajectory, AB 645 allows for near-instantaneous speed validation through time-stamped metadata.

However, this benefit comes with a cost. Technical experts will now be called to interpret crashes and validate or challenge the digital systems themselves. Attorneys must now familiarize themselves with the engineering specs of camera hardware (e.g., Doppler radar-based vs. lidar-based systems). Also, how speed estimation algorithms are affected by factors like the curvature of the road or occlusions.

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This added complexity could increase litigation expenses – especially when the defense mounts a robust technical challenge. Still, for plaintiffs with clear video evidence, the strategic value often outweighs the cost.

Where the cameras are – and where the lawsuits will be

AB 645 permits cities to install speed cameras only in a limited number of zones, typically targeting school zones, high-injury corridors, or areas with high pedestrian traffic. However, the statute is silent on uniform coverage or equitable distribution. This opens a critical vulnerability: cameras will likely be deployed in already surveilled neighborhoods, while underserved or less politically vocal communities are neglected.

In cities like San Francisco and Los Angeles, corridors such as Market Street or Sunset Boulevard may receive the bulk of camera installations due to their visibility and foot traffic. This creates enforcement "hot spots" surrounded by unmonitored stretches of roadway. These gaps may undermine the safety benefits and shift reckless driving behavior to nearby zones.

Concentrating enforcement in narrow corridors may displace speeding rather than reduce it. We may see higher speeds outside camera zones, where drivers feel they've exited a risk area.

These displacement effects raise the questions of proximate cause and foreseeability. If city planners install a speed camera near a school and promote it as a safety measure but fail to implement calming infrastructure just beyond the camera's reach, and a serious injury occurs in that "blind spot," has the city created a foreseeable zone of increased risk?

Legal practitioners may start to frame such circumstances as dangerous condition liability under Government Code section 835, where municipal inaction or narrow deployment strategies contribute to harm. A public entity's failure to address known or reasonably foreseeable hazards can amount to a dangerous condition when harm is caused.

Holding cities accountable for speed-camera blind spots

Despite California's robust sovereign immunity framework, Government Code section 835 provides one of the most commonly invoked exceptions. The statute allows plaintiffs to hold public entities liable for injuries caused by dangerous conditions on public property if two conditions are met: the condition created a reasonably foreseeable risk of the kind of injury that occurred; the entity had actual or constructive notice of the condition in time to have taken corrective action.

"A public entity is liable for injury caused by a dangerous condition of its property… if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the dangerous condition proximately caused the injury, and that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred…." (Gov. Code, § 835, subd. (a).)

This language opens the door to lawsuits where the placement and promotion of speed cameras might inadvertently produce or fail to mitigate a "dangerous condition." If, for example, a municipality issues press releases or signage suggesting that a corridor is part of a "safe speed zone," but the zone ends suddenly or excludes adjacent intersections known for pedestrian activity, plaintiffs may argue the city created a false sense of safety and assumed a duty to ensure conditions aligned with those representations. In *Ducey v. Argo Sales Co.* (1979) 25 Cal.3d 707, 718-719, the California Supreme Court held that when a public entity undertakes safety improvements, it can be liable if those measures are incomplete or misleading and create a false sense of security that leads to injury. Applied to AB 645 enforcement, this precedent supports claims that selective or narrowly implemented safety measures – when paired with public messaging – can give rise to dangerous condition liability under Government Code section 835.

These arguments gain traction when supported by traffic reports, citizen complaints, or prior accidents – documents often available through Public Records Act requests. Plaintiffs could contend that city officials had constructive notice of increased speeding or injury incidents outside the camera zones and failed to act.

Moreover, courts have historically allowed cases to proceed under section 835 when roadway planning decisions led to recurring hazards, even if those hazards were created indirectly. In *Murrell v. State of California* (1975) 47 Cal.App.3d 264, the court found that repeated collisions at the same site produced a triable issue of whether the state had noticed and failed to remedy a dangerous condition.

When cities create the illusion of safety – and get sued for it

Another emerging theory in these cases is the false-sense-of security-doctrine, a principle often seen in premises liability but gaining traction in public-safety litigation. When a government creates an expectation of safety, through devices like signs, warning lights, or, potentially, speed cameras, it may create a duty to ensure that representation aligns with reality.

This is particularly relevant when the existence of enforcement devices causes drivers or pedestrians to change behavior – e.g., crossing outside of designated zones because they believe vehicles are always traveling slowly. If public messaging encourages that belief and a subsequent injury occurs, courts may ask whether the city assumed a duty by creating reliance.

The takeaway is clear: Speed cameras, while a tool for promoting safety, can also anchor claims of municipal liability when poorly implemented or promoted without adequate coverage.

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Your 60-day window: How to lock down the footage before it's gone

The success of any personal-injury claim involving AB 645 footage will depend on what the camera recorded and how quickly attorneys act to preserve and authenticate that evidence. With strict statutory timelines, heightened evidentiary standards, and looming constitutional concerns, litigators in California face a sharply compressed window to secure the facts their cases rely on.

One of the most consequential provisions of AB 645 is Vehicle Code section 22425.4 subdivision (e), which mandates that all photographic and administrative records captured by speed cameras be deleted within 60 days, unless they are retained to issue a citation or to resolve a pending court proceeding.

This provision creates a strict timeline for civil litigators. While it is standard for public agencies to retain traffic-related video for a limited time, AB 645 codifies this into law, eliminating discretion. The evidence may be permanently lost if legal counsel has not acted to preserve the footage through a subpoena or formal request within that 60-day window.

In effect, lawyers must now initiate discovery during the intake phase of a personal-injury claim. This may include sending a preservation letter to the agency operating the speed camera, initiating a Public Records Act request, or – once litigation is pending or with court approval – serving a subpoena duces tecum under Code of Civil Procedure section 1985 or section 2035.010 to obtain footage, metadata, or maintenance records. Any delay can result in irreversible evidentiary loss, potentially jeopardizing otherwise strong claims.

How to authenticate camera footage and survive a challenge

Even if the footage is secured, introducing it into court proceedings requires compliance with California Rules of Court, rule 2.1040, which governs the admissibility of electronic evidence. The rule explains that the proponent must establish that the digital evidence is what it purports to be.

This means attorneys must demonstrate that the footage was accurately captured, stored without alteration, and reliably retrieved. To do this, the following elements are critical:

- **Chain of custody documentation** that identifies who accessed and handled the footage.
- **Maintenance and calibration logs** confirming the speed camera was functioning properly at the time of recording.
- **Metadata from the digital file** showing timestamps, GPS location, vehicle speed, and event duration.
- **Statements or declarations from municipal personnel** certifying the integrity of the system and its operation.

Attorneys on either side of a personal-injury dispute will likely need expert declarations to validate or challenge this digital evidence. Technical expertise in digital forensics may become as essential to civil litigation as medical testimony or accident reconstruction once was.

The game plan: Subpoenas, PRA requests, and clock management

The procedural demands of AB 645 require lawyers to be aggressive and proactive. Waiting for formal litigation milestones to initiate discovery may be too late. Attorneys should use California's civil discovery tools immediately following client intake, particularly if the crash occurred within one of the cities participating in the AB 645 pilot program.

Serving a subpoena duces tecum – once litigation is filed or with court authorization – on the transportation agency or local police department for access to camera footage, metadata, calibration logs, and technician certifications. Sending an informal preservation letter warning the agency that litigation is pending and that evidence should not be destroyed. Filing a motion to compel under Code of Civil Procedure section 2031.310 if the agency refuses to cooperate or delays beyond the 60-day deadline.

If footage is destroyed after notice is given, attorneys may argue for spoliation sanctions or an adverse inference jury instruction under Evidence Code section 413. While AB 645 does not offer a built-in litigation-hold mechanism, courts are generally sympathetic to litigants who made reasonable good-faith efforts to preserve digital evidence promptly.

Will privacy law threaten your best piece of evidence?

Beyond litigation logistics, AB 645 opens a new front in California's constitutional right to privacy. The program captures not just images of speeding vehicles but also location data, timestamps, and behavioral patterns – all without individualized suspicion or a warrant.

The legal basis for such concerns lies in Article I, Section 1 of the California Constitution, which explicitly enshrines a right to privacy. California courts have interpreted this provision broadly to restrict the state's indiscriminate data collection. In *Hill v. NCAA* (1994) 7 Cal.4th 1, the California Supreme Court created a three-part balancing test that evaluates whether the invasion of privacy is justified by a compelling interest and whether the intrusion is narrowly tailored.

Speed-camera programs that continuously collect data on all drivers, including those not violating any law, may eventually face a challenge under this standard. Unlike body cameras worn by police officers during specific engagements, speed cameras operate without consent or discretion, capturing millions of law-abiding citizens.

If a legal challenge to AB 645's surveillance model gains traction, litigators may see ripple effects in criminal defense and civil injury claims. Courts may be forced to rule on whether the evidence itself was gathered in violation of privacy rights and, therefore, inadmissible.

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Checklist for handling AB 645 cases

Before the 60-day evidence window closes, make sure you:

1. Identify the crash location. Check if it occurred within one of the six AB 645 pilot cities and near a designated speed-camera zone.

2. Send a preservation letter immediately. Notify the city or agency operating the camera to preserve all footage, logs, and metadata related to the incident.

3. Submit a Public Records Act (PRA) request. Request camera placement maps, collision data, and traffic enforcement logs for the relevant corridor.

4. Serve a subpoena duces tecum (when appropriate). Once litigation is pending or with court approval, subpoena footage, calibration records, and technician certifications under CCP § 1985 or § 2035.010.

5. Retain a digital forensics or crash reconstruction expert. Ensure you can authenticate the footage and, if needed, challenge or defend its technical reliability in court.


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