

FOP Response to WJLA Channel 7 coverage of speed camera appeal by Montgomery County, September 28, 2009. <http://cfc.wjla.com/videoondemand.cfm?id=49509> **View comments.**

This "appeal" was filed by the County more than a month ago. What is so "new" that 7 News couldn't wait another day to read documents filed with the Court to get the story right? (FOP35 provided documentation to ABC 7 today.)

The real story is NOT whether Montgomery County police should pay speed camera tickets. Councilmember Phil Andrews and the media have misled the public over this issue for some time. ABC 7 News is careless in its reporting. This is about whether the County, which profits from speed cameras, is above the law when a county vehicle speeds.

President Andrews says that police officers are not above the law. I agree, however, the difference between Mr. Andrews' and me is that I am not a hypocrite. The County should follow State law governing transfer of liability from its own vehicles to the driver. (I call on Mr. Andrews to identify all police officers who have refused to pay or appear in court on any speed camera citations lawfully issued to those officers. Time for him provide some proof.)

Police officers have not said that the County cannot transfer liability to them. Rather, we simply challenged the failure of the county to follow the law. The county did not follow the law when it attempted to transfer liability from itself as the vehicle owner to each individual officer as the vehicle driver.

The law, which applies to reporters, police officers, politicians, judges, and all other vehicle owners and drivers, establishes an evidentiary burden and requires that the County must provide to the court a letter, sworn to by the County which, inter alia, identifies who was driving the vehicle. Thereafter, the court may find that someone other than the owner was driving the vehicle. If such a finding is made by the court, the police department may issue a new citation to that driver.

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