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当地方政府自动化一项指控时

Heather Grizzle · August 25, 2026

一张有争议的闯红灯摄像头罚单，揭示了自动化执法、私营供应商、公共数据与薄弱问责制如何共同催生了地方性人工智能治理风险。

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一起被质疑的闯红灯摄像头罚单揭示了关于AI治理、私营供应商、公共数据与机构问责的什么问题

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A resident opens an envelope from his city and finds an accusation inside: a photograph of an intersection, a timestamp, an enlarged image of a license plate, and a demand for payment. The vehicle is registered to him. He says he was miles away when the photograph was taken. The instinctive question, and the one around which most disputes of this kind are argued, is whether the camera worked. Was the plate read correctly, was the light truly red, was the equipment calibrated and certified. Those questions matter, and they are also the smallest questions available. Assume, for the sake of the institution's best case, that the answer to every one of them is yes. Assume the camera performed exactly as designed and the process operated exactly as

written. The governance problem survives intact, because the camera never observed the thing the citation asserts. It observed a vehicle. The citation accuses a person.

自动执法项目不是一台摄像头。它是一条推论链。传感器观察到一个事件。软件将该事件与一条记录相关联。行政流程将这种关联转化为一项指控。指控启动对某个具名个人的执法行动。这条链上的每一个环节都是政府做出的决定，无论机构内部是否有人将其体验为一个决定；地方政府也不会因为在自身与公众之间插入一套自动系统和一家私营承包商，就能免除对这些决定的责任。当技术观察一个事件、将其与一条记录相关联、生成一项指控并启动执法时，这条链中的每一步推论都必须受到治理。问题不仅仅在于摄像头是否准确读取了车牌，而在于政府能否证明，关于一辆车的证据是如何变成对一个人的指控的。

一张有争议的交通罚单是一个小案子，赌注也小，而这恰恰是它有用之处。在这个规模下，系统的每一个组成部分都可以被审视，而这个案例所暴露出的失败模式并非交通摄像头所特有。它是公共机构部署的自动决策系统的标准失败模式。有五处失误值得关注，而没有一处与摄像头本身有关。

观察变成了归责

据称，该系统确认了一辆车闯红灯进入十字路口。如果这属实，那确实是一项真正的证据成就：在没有警官在场的情况下，产生了一份带时间戳的照片记录。但该系统记录的事件，并非罚单所指控的行为。系统确认的是一辆车做了什么。它没有确认任何关于谁在驾驶的信息。执法流程将登记车主身份视为足以发起指控的依据，而这样做，就在从未获取转化所需证据的情况下，把关于一件物品的事实转化成了对一个人的指称。

That conversion is not a technical step. It is a legal and institutional one, and in most photo enforcement regimes it is accomplished by statute rather than by proof. Owner liability rules exist because identifying drivers is difficult and citing owners is administratively easy, and legislatures in many states have made that trade deliberately, usually by defining the violation as civil and attaching liability to the registration record. A government may be entitled to make that trade. It is not entitled to make it invisibly. When a citation arrives styled as a finding about the recipient's conduct while the underlying record supports only a finding about the recipient's property, the institution has overstated its own evidence. This is a recurring failure across automated governance generally: systems produce facts about objects, records, and proxies, and institutions quietly promote those facts into claims about people.

人工审核可能比宣传的要狭隘

这类项目通常会用一句听起来像治理的话来辩护：每张罚单在发出前都经过警官审核。这句话应该引出一个很少有人追问的问题，那就是警官到底审核了什么。如果审核只是确认照片中的车牌与登记数据库中的车辆相符，那么人工验证的只是这条链条中机器最擅长处理的那一环，而完全没有触及机器根本无法处理的那一环——驾驶者身份。真正关键的推论、责任真正取决于的那个推论，未经任何人审查就通过了整个流程。

"Human in the loop" is a governance claim, not a staffing description. It carries weight only when the human is positioned, authorized, and equipped to evaluate the inference that matters, and holds genuine discretion to stop the process when the evidence does not support it. A reviewer whose function is confined to confirming what the machine has already established is not performing oversight; the reviewer is performing ratification. Institutions that advertise human review owe the public a precise account of what the human examines, what the human is empowered to decline, and how often the reviewer actually declines. Where that account cannot be produced, the phrase is doing reassurance work that the process itself is not doing.

举证责任转嫁给了居民

第三项失误源于前两项。由于系统无法确认谁在驾驶，而审核环节也未曾尝试去确认，该项目通过转移的方式来解决身份认定问题。本应由政府在做出指控之前先确认谁实施了违规行为，结果却变成要求登记车主进入一个行政流程，提供信息，并将责任转移出去——在有些制度下是指认实际驾驶者，在另一些制度下则是证明自己当时不在场。申辩的机会是存在的，但只有在系统已经采取行动之后才存在，而不作为的默认后果就是承担责任。这种顺序很重要。一项必须被主动推翻的指控，与一项必须先被证明的指控，是权力的两种不同行使方式。

Courts have recognized this structure before. In State v. Kuhlman (Minn. 2007), the Minnesota Supreme Court invalidated Minneapolis's photo enforcement ordinance, holding that it conflicted with the state's uniform traffic laws and reasoning that its presumption that the registered owner was the driver eliminated the presumption of innocence and shifted the burden of proof onto the accused. The lesson of that decision is not that automated enforcement is inherently unlawful. It is that burden allocation is a governance decision of the first order. Deciding who must prove what, at what cost, on what timeline, and with what consequence for silence is a decision

about the relationship between the state and the people it governs. It cannot be inherited by default from a vendor′s workflow, and residents should not discover how it was made for the first time when the envelope arrives.

公共执法被导入了私人基础设施

Every element of the accusation resides somewhere, and in a vendor-operated program much of it may reside outside the government. Images, plate reads, timestamps, registration lookups, violation records, payment data, and the contents of residents′ challenges may pass through, or be stored on, systems the contractor builds and controls. The public is entitled to precise answers to unglamorous questions: who can access the information and under what authorization; where it is stored and under which jurisdiction′s law; how long it is retained, and whether retention tracks the disposition of the citation or the convenience of the vendor; whether it may be reused, aggregated, analyzed, or sold in any form; and what becomes of it when the contract ends, when the vendor is acquired, or when the vendor fails. A resident cannot opt out of being photographed by an enforcement program at a public intersection. Data generated under that kind of compelled exposure is an artifact of public authority, and its governance cannot default to the terms of a commercial agreement the public has never seen.

These are not hypothetical anxieties in this particular market. Photo enforcement has a documented history of misaligned incentives, including compensation structures that paid contractors per citation issued, and of procurement corruption, most prominently the bribery scheme surrounding Chicago′s red-light program, which produced federal convictions. Texas responded to years of controversy by banning red-light cameras statewide in 2019. None of this establishes that vendors are bad actors. It establishes that vendors are vendors: private firms with commercial incentives, operating inside a function that is supposed to answer to entirely different incentives. That is a condition to be governed rather than an accusation to be litigated, and it is governable only in the contract.

问责变得分散到消失不见

问谁应对这项指控负责，这个项目会给出支离破碎的答案。摄像头检测到了事件。供应商运营了系统。警官核对了车牌。市政府批准了该项目。州法律构建了罚单制度。每一

个参与方都可以如实报告，自己那有限的职能按设计运行了，而且每一方在自己的边界内都是对的。然而，这些职能的输出结合在一起，构成了对一个具名个人的政府指控，而此人声称自己当时远在数英里之外，却没有任何一个参与方对这个复合行为负责。

这正是自动化悄悄瓦解问责制的机制，不是通过恶意或故障，而是通过分解。责任被拆分成若干部分，直到它不再具体存在于任何地方。治理的存在正是为了防止出现这种结果。在这个机构内部，某处必须有一个办公室，由一位具名的负责人担任，对系统就公众成员所做出的指称负责，有权为这些指称作出回应，并有义务对其进行纠正。如果项目内部没有任何人能够说这项指控是他们的，那么政府就打造了一台生产指控的机器，而没有人愿意为之负责。

检测何时转化为权力

系统可能准确识别了一辆车，而机构却错误地将某种行为归咎于某个人。这不仅仅是一个技术上的区别。这正是自动检测转化为政府权力的临界点。目前采购流程所评估的几乎一切，都停留在这条界线的“检测”一侧：设备精度、供应商认证、校准计划、正常运行时间承诺、单价。而在制度层面真正重要的几乎一切，都位于“归责”一侧：证据能够支持什么，政府允许自己从机器输出中得出哪些推论，当推论受到质疑时由谁承担举证责任，以及出错时由谁来负责。一项只审查摄像头而默认接受指控的采购，评估的是产品，却忽视了权力。

None of this turns on whether the components involved qualify as artificial intelligence. Plate recognition is machine vision; much of the rest may be ordinary software and administrative workflow. The governance obligation attaches to the inference chain, not to the sophistication of the code, which is why the pattern generalizes. The same chain, observation to association to allegation to enforcement, sits inside gunshot detection, benefits fraud detection, automated license suspension, and every comparable system a local government buys. Michigan′s automated unemployment insurance system, which falsely accused tens of thousands of residents of fraud before audits and litigation caught up with it, was this same architecture operating at catastrophic scale. The red-light camera is simply the version small enough to see whole.

采购必须治理什么

地方政府所购买的不仅仅是摄像头、算法或行政平台。他们购买的是参与公共权力行使的系统，而采购正是这种参与被界定之处。这也是政府拥有全部筹码的最后时刻。签字之前，一切条款都可谈；部署之后，治理就变成了补救。

因此，采购必须治理的不仅仅是性能与价格。它必须治理证据，要求合同和罚单本身准确说明系统能够确认什么、不能确认什么。它必须治理推论，明确规定哪些从机器输出到法律主张的转化是被允许的，以及每一项转化由谁授权。它必须治理数据，在拍摄第一张图像之前就确定好保管权、访问权限、保留期限、重复使用、安全性和退出机制。它必须治理人工审核，明确规定审核者必须独立确认什么，并赋予审核者阻止发出罚单的真正权力。它必须治理可申辩性，如实说明该项目给居民带来的负担，并公开为这种分配方式辩护。它必须治理供应商激励机制，将报酬与执法数量脱钩。它还必须治理责任归属，指定一个办公室，对系统给它所触及的人们带来的影响负责。

None of this is utopian, because some of it is already law. When Minnesota returned to automated enforcement in 2024, nearly two decades after Kuhlman, it did so through state legislation authorizing a narrowly conditioned four-year pilot rather than through local ordinance. The statute requires a warning for a first violation, mandates advance signage and published camera locations, requires independent evaluation and reports to the legislature, prohibits paying private contractors based on the number of violations or citations issued, and requires the implementing government to audit its vendor's data practices. Whatever one concludes about the wisdom of the program, the instrument is instructive. The difference between the ordinance the Minnesota Supreme Court struck down and the pilot the legislature authorized is not the camera. It is the governance written around the camera, before deployment, in enforceable terms. That is the discipline Novara Consulting Group practices as Operational AI Governance™: converting governance principles into instruments a procurement office can actually execute while the government still holds the pen.

政府可以外包技术，但不能外包为该技术对公众所做之事作出正当说明的责任。

TIPS

Know something about a sign language AI system that the public should know? Send it to tips@novaracg.com. Every tip is read by me and kept confidential. If you work in the UK, writing to us is not by itself a protected disclosure under the Public Interest Disclosure Act 1998, so before you share employer information, check your options with Protect (protect-advice.org.uk), the free whistleblowing advice line.

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