

to Linda Mauk  
editor Code 109

Terry Sullivan 1

Dear Linda,

Thanks for giving me the chance to discuss the traffic ticket system with you in the pages of the "Code 109" newspaper. I admit I learned some things from your candid and informative reply. Since I wrote that article which you printed in the March issue, I have received a lot of new information, much of it from people in the police department, and I realize that there are inaccuracies and misconceptions in my original article. Most of the information, however, confirms my assertions that: I. Ticket writing is given an unjustifiable priority over every other kind of police work. II. The justification for all these tickets is traffic safety, but the real motive--at the level where policy is made--is the revenue it brings in to the city treasury. III. When you operate a "law enforcement" system under the sign of the dollar, it corrupts it in a very basic way that no amount of honest intentions on the part of individual officers like you can make up for. IV. This distorted emphasis on traffic law affects the entire police department in ways that cause real crimes to be seriously neglected. V. The police people themselves are the victims of this system as much as anyone--more so really.

I.

In 1980, Denver police gave out 189,194 tickets for moving violations, which includes things like jay-walking or riding a bicycle on the sidewalk. That same year, they gave out 690,286 tickets for non-moving violations, which includes parking tickets and things like expired brake and light stickers. Total number of tickets written in 1980: 879,480. So the Denver police issued almost 2 citations for every man, woman and baby living within the Denver city limits. In terms of manpower or womanpower expended on issuing tickets, I think you have to figure about 5 minutes of police time used up for each parking ticket (not just the time spent writing the ticket, but the time spent looking for an eligible car) and 20 minutes or more for each moving violation ticket. That is a staggering amount of time and effort expended on traffic, is it not? More than 120,000 man hours or woman hours by my reckoning, and I think my estimates are conservative.

You mention the "special traffic cars of which there are very few"--actually the Traffic Division is one of the largest divisions within the police department. According to Captain Pennel of the Traffic Division, there are 161 in the Traffic Division, compared to 163 in District 1, 166 in District 2, 126 in District 3, and 118 in District 4.

In your reply, you complain that there are only 12 officers assigned to the 3 am to 11 am shift in District 4--one quarter of the city. That is just my point, really, that police are deployed to traffic law enforcement to the neglect of other assignments. Aside from all the officers assigned to the traffic division, isn't it the case that they assign as many or more officers to the heavy traffic hours as they do to the high crime hours?

You say there is no pressure on a patrol officer to write tickets and you cite the case of an officer in District 4 who was reprimanded by a sergeant for spending too much time writing tickets. Well, let me cite you the case of an officer in another district, who asked for a change of assignment, and who was told by the sergeant, quote: "I can't give you that assignment, you don't write enough tickets!" The officer was subsequently given the assignment on the understood condition of writing more tickets.

Isn't that the prevailing attitude within the police department? How else do you explain the production of 879,480 tickets in one year? (I think your case of an officer reprimanded for excess ticket writing actually involved an officer whose ticket writing was so arbitrary and outrageous that people were getting up in arms about it--didn't it? I have received reports to that effect from people in District 4.)

I talked to one police officer who had been a solo bike rider with the Traffic Division for many years. He told me he wrote a minimum of 16 tickets a day. He also disagreed with my picture of a patrolman waiting for speeders at the bottom of a hill--he just sets up his radar gun in a school zone, he said, when he wants to write a lot of tickets in a hurry.

You admit yourself to a characteristic police activity: staking out a corner and writing one ticket after another for the same violation. But the reason--you insist--is to prevent accidents. Well, I would like to see some documentary evidence that your ticket writing actually reduced the number of accidents. I think you are sincere in imagining that you are only doing what is necessary to promote traffic safety. I also think you haven't yet lost the naive idealism you acquired in the police academy.

What you are really doing on that corner, whether you realize it or not, is tending one of the numerous "ticket trap" intersections that the City of Denver tolerates ("cherishes" is the word, actually) because they are necessary to the production of those 189,194 citations. You say there have been numerous accidents of the same kind at that corner and that driver after driver makes the same mistake there. Didn't it become obvious to you, after a while, that there was something basically wrong with either the design of that intersection or with the lights that control it? Why else would one driver after another be making the same dangerous error? Why wasn't that intersection modified long ago--a turning arrow installed for instance--to eliminate the condition that was causing everyone to go wrong?

I know I am going to shock you but I have to suggest to you that when they see hundreds of tickets written on the same light, their reaction isn't "We have to have the traffic engineers do something about that light." Their reaction is: "That little light is a gold mine, isn't it? Let's keep a rookie on that corner all the time!" That may not be the way they say it, but that is the way they do it.

There are many of those "ticket trap" locations in the City of Denver. For instance, at Colfax and Downing, if you are west bound and enter the intersection on a changing light, you have to go another 150 feet to clear the intersection. But the caution light is only the standard 3 second light, so the light always turns red before you can get past it. So time after time drivers run that light and time after time there is a police officer there to catch them doing it. They could eliminate the problem (and some of their yearly traffic ticket revenue) just by adjusting the caution light so that it stays on longer. Any bets as to when it will be done? But actually even a sensibly designed intersection can be used as a ticket trap by a patrol officer who has given it a little study. One of your District 4 officers has a favorite light which he trips when a motorist is approaching so that it will turn just as they reach the intersection. Then he circles around the laundromat and does it again.

In your reply, you make the statement that "If I wrote every violation I saw, I could write fifty tickets a day." I believe you and I don't think you realize what you are admitting to--that you are applying an every-last-letter-of-the-law standard that no driver can meet. Other officers have made similar statements to me. One said he could follow any driver (if the driver didn't observe him) for 15 minutes or less and find a reason to write a ticket. In other words, you are using a standard of traffic law enforcement such that you ticket people for thousands of technical and trivial violations that have no relation to safety, to common sense driving, or to the driving habits that people form in coping with real traffic situations.

Give me a book of tickets and let me follow any one of you for a few hours (or else I'll be waiting for you--lurking behind the laundromat in my unmarked car!) If I apply to you the standards you apply, you will soon be on foot patrol because your driver's license will be gone. I'll get you the first time for a stop sign violation--you didn't stop dead, you know, you sort of rolled slowly through it. Don't you know the difference between STOP and YIELD? The difference is about \$25. A little further on, I'll hand you another for changing lanes without signalling. So what if I was half-a-block back and there was no other traffic? (I'll say there was if we get to court--try proving there wasn't.) Next it's for exceeding the speed limit--don't tell me you never do. Now I've got you for an illegal U-turn. I'll give you a little safety talk along with the ticket--"Drivers like you are a menace to life and limb, lady! If it was 3 pm instead of 3 am, there would probably have been a child there and you might not have stopped in time!" Now I get you for running a red light. You say you were through the intersection before it changed, but I say you weren't, and the judge always takes the word of the ticketer over that of the ticketee. That's about 20 points and \$150 isn't it? And you haven't even had your coffee break yet.

Of course you don't actually enforce the law in that rigorous and consistent way. You sort of spread the tickets around--selecting a speeder here and an illegal turner there. You seem to think it is a virtue of the law that it only tickets 1 out of 20 or 1 out of 50, of those who have all committed the same offense. That is actually one of the major vices of the law, because it makes it arbitrary and capricious. It is arbitrary because it in effect applies a different law to some people than it does to others. It is capricious because the unlucky ones are selected on the basis of the patrol officer's personal whims. An old woman in an old car makes a prohibited turn. You ignore it, or you let her off with a gentle warning--she reminds you of your mother. A cocky kid in a red sports car also makes that prohibited turn. You write him a ticket--red sports cars driven by cocky kids irritate the hell out of you.

Let me give you an example of what this selective enforcement leads to. A patrolman went into McDonald's to get a hamburger. As he approached the counter, a kid beat him into line, then turned and smiled at him. (My interpretation, hearing about it from the officer: the kid wasn't going to step back and defer to the officer--he had never been properly taught how to toady to authority--but he gave the officer a conciliatory smile.) The officer's interpretation: the kid had jumped into line in front of him and then given him a mocking grin. As soon as the officer got back in his cruiser, he started writing a ticket, and as soon as the kid started off in his car, he pulled him over and gave him the ticket--for not stopping twice as he came out of the parking lot, once for the sidewalk and once for the street.

I admit this is an extreme example. This officer, judging from the stories he told on himself, had developed an attitude towards the public that bordered on the paranoid. But the essence of what he did is actually typical of your system: 1) he wrote up one driver for a violation that thousands of drivers, including the police themselves, habitually commit. 2) the driver he ticketed was chosen on the basis of the police officer's personal bias.

Here is a similar case--it happened to me just the other night. I double parked my cab in front of the Satire Lounge on east Colfax and went into the bar long enough to find the people that had called a cab. I came out a minute later to find the police van parked behind me and the officer writing me a ticket for double parking. Where did he expect me to leave the cab while I was getting a passenger, I inquired politely? He indicated rather surily that had I pulled into a nearby alley, he wouldn't have ticketed me. Actually, of course, blocking the alley is as illegal as double parking on the street and I have been warned by a patrolman coming out of the alley that I had better not block it.

What I did--double parking for a couple of minutes while dropping or picking up passengers--is what every driver does and every cab driver in the city has to do it a dozen times a shift. In fact, there is no alternative usually--you have to get as close to the building as possible (a lot of our passengers are drunk or disabled or both) and there is no place to park. So why did I get a ticket? I wasn't blocking traffic really--it was 11:55 pm on a Thursday night and the traffic was light enough so that no one had any problem getting around me, except the guys in the police van who felt like writing me a ticket rather than maneuvering around me.

So the basis of that ticket was that I had annoyed the two policemen in the van. It wasn't that they were into writing parking tickets that night. They must have passed the cab stand in front of Sid King's a dozen times that evening and ignored the cadillac and the U-Haul truck parked where it says cabs only--you understand I am not in favor of them ticketing people who park in cab stands; I had rather that they never wrote another parking ticket for anyone on the unfair basis that they now use. I am sure that if they had been coming down Colfax the other way, they would not have bothered to turn around and ticket me.

So what is the law on double parking? If you wrote it down it would read like this: 1) double parking is illegal 2) cabs or cars stopping momentarily to pick up passengers are no exception. 3) in practice, that sort of double parking is legal 99% of the time. 4) but the officer should feel free to write a ticket if he feels like it. In other words, the law is whatever the patrol officer's whim says it is.

Let's compare that with the rule on traffic tickets you cite in your reply: "The purpose of issuing a traffic citation is to get voluntary compliance with the law." As actually applied on the streets of Denver, that is horse manure. Obviously it is not possible for people to comply with the law on double parking. We all do it, we all have to do it. If the police were serious about getting compliance with that law, they would have to enforce it regularly and energetically. Instead they ignore it in 999 cases out of a 1000. So, what you are left with as "law" is: "I am in a bad mood and you are in my way so I am going to ticket you." That \$6 fine is about an hour's wage for me. How would you react if you were fined an hour's pay because you had annoyed me by getting in my way?

I realize that police work can be tough and nasty, but I haul more nasty characters than you do, without the help or protection that you get. I can handle it, but when I have a mercenary police force dogging my tail at the same time, it gets to be a bit much.

This arbitrary and capricious style of law enforcement marks the whole system of traffic law. The kid in the red sports car gets 10 tickets while the old lady in the old car gets none. Actually the kid is a much safer driver. Sure, he drives fast and aggressively, and you can't tolerate the hell-for-leather way he squeals around a corner, but he is a skillful and attentive driver, who will go 100,000 miles without an accident--he loves those red fenders too much to want to see them crumpled. Meanwhile, the old lady has an accident a year, or causes one because she is an inept and inattentive driver.

Pretty young women with nice smiles (or maybe it's handsome young men in your case) get warning tickets. Homely women and surly young men who don't smile get fined. How can it be otherwise when each one of you picks and chooses who you will ticket?

A law should be an objective rule that is equally applied to everyone. One of the few traffic laws that comes close to meeting this standard is the drunk driving law. With a very few exceptions (such as an occasional city councilman) anyone out there who is drunk driving will be nabbed and severely punished. Everyone knows what the law is and everyone agrees with the stiff penalties and the rigorous enforcement. That is what the law should be in traffic matters as in other areas and that is what it is not--and never can be on the basis you now use. You wrote 189,194 tickets last year and yet you say you only ticketed 1 out of 20 or 1 out of 50 of those who violated the law as you are applying it. So the Denver police would have to write 4-10 million tickets a year to achieve uniform and consistent law enforcement! Instead, you select those you wish to make an example of--a kid in a red sports car, a cab driver parked in front of a bar. And let that be a lesson to all of you--never buy a red sports car, and don't drive a cab for a living.

Every ticket I have received from the Denver police was for doing something that was perfectly safe and sensible. For example, I was ticketed for making a right turn on a red light at 14th and Welton at 11 pm. That turn I made is now legal. It wasn't five years ago but it was as safe and sensible then as it is now.

The meticulous standards you enforce--inconsistently--in the traffic regulations actually push people away from what is safe and sensible. People who drive super cautiously, who go under the speed limit and hesitate at every turn are a real hazard to the kind of traffic we have today. Because of the Denver police, I have become a defensive driver--that is, defensive against traffic tickets. Actually, I am not as good a driver as I was when I paid attention primarily to the other cars and only secondarily to all the traffic regulations. I have driven for 25 years without ever having an accident, but--like 100,000 other drivers in this city--I got tickets as if I were a dangerous driver in need of constant correction by people who are much worse drivers than I have ever been.

What is really infuriating about the whole traffic system is this pious posture that the police assume as the Custodians of Traffic Safety. They portray themselves as out there correcting our dangerous driving habits so as

to Prevent Accidents and Save Lives. I care as much about traffic safety as anyone out there in a uniform. People close to me have died in traffic accidents or been injured for life and those memories are never far from my mind when I am out there driving. If people aren't motivated to avoid accidents (as most of us are) because of the great risk of personal injury and material damage, a random ticket for a technical violation isn't going to change them. If the tickets the police distribute so energetically sometimes reach bad drivers, it is only a coincidence.

The police themselves are, as a group, among the most careless and reckless drivers in the city. Police cars, without switching on emergency lights or sirens, routinely run lights, make illegal turns and so on for no reason except that they disdain the regulations they are supposed to be enforcing. They tend to drive carelessly because they can do so with impunity. While other drivers are punished for minor violations, the police often cause real safety hazards with no one to challenge them. Some of their illegal maneuvers may be safe enough, but why then shouldn't they be legal for everyone? Why don't the traffic lights turn into flashing lights late at night, for instance, so you could proceed after a stop and so that the impatient police could do legally what they now do illegally?

Much worse are the high speed chases they get into without adequate justification. When you consider how dangerous such chases are in city traffic, they should be outlawed entirely. There really isn't any good excuse for endangering the lives of innocent people in order to run down a fleeing suspect, especially one who is wanted for nothing more than a traffic violation. There have been a number of people killed or crippled because of these high speed chases. One man won a \$350,000 suit against the City of Denver and two police officers who chased a fleeing motorist down Cherry Creek Drive without using either lights or siren. The man they were chasing--they were chasing him because he was driving with his lights out--was killed and the man who brought the suit was permanently crippled as a result of this chase. (R.M. News 3-29-80)

In another case, which I observed recently in traffic court, a policeman--out of uniform and driving his own car--took off after a driver who was exceeding the speed limit and honking at people to get out of his way--a stockbroker who was late for an appointment. The policeman pursued him at 80 mph down the highway and up an exit ramp--by this time the broker was trying to escape from the maniac who was chasing him. The behaviour of the broker in a hurry -- exceeding the speed limit and honking at people to get out of his way--was certainly egregious, if not all that dangerous. But what of the policeman's behaviour?--for which he was not even reprimanded--it was only the broker who was on trial. Is that the reasonable urgency of an officer, responding to a life and death situation? Or is it the recklessness of a hunter, chasing an escaping quarry? Another of those chases involved a bunch of police cars from two jurisdictions and went on for half-an-hour. (R.M. News 5-18-78 p.58) A bunch of conscientious officers, rabidly enforcing safe driving? Like hounds after a fox, and God Help you if you get in the way.

I think anyone who studies the activity of the police in relation to traffic would have to conclude that: 1) their supposed devotion to traffic safety is a sanctimonious pretense which is used to justify traffic tickets for trivial offenses. 2) as drivers who are given carte blanche and not strictly held to account for it, the police are often a greater danger to others than any drivers out there.

Yes many tickets are legitimate--or would be if the entire system wasn't tainted. A guy gets drunk and smashes his car into a tree so he loses his license. I'm with you. You nail someone for drag racing down city streets at 60 mph. Bravo! How many of those 189,194 tickets you people wrote last year were really and truly of that sort? 94? 194? All right, let's say 9194 or about 5%. What about all the rest of those tickets, the "routine" tickets--the chickenshit tickets as the kids call them, I am afraid that is the right name for them.

## II

You don't want to believe that the ticket-writing practices of the Denver Police Department have been influenced by the revenue they generate for the city government. On the face of it, is it likely that the people downtown aren't well aware of 9 million dollars worth of tickets, and well aware how the amount gets increased or decreased?

But you don't have to rely on inference. The Denver Police had a deliberate slowdown in ticket-writing in October and November of 1977. They were unhappy over an inadequate pay raise, as well they might be, and the union called for a slowdown in the writing of "minor" traffic violations. So they wrote about 4000 fewer tickets in that period than they had the year before.

Criminally irresponsible, right? Endangering lives by not enforcing the traffic laws, right? No one thought of it that way apparently. Here is what Denver Police Union President Bill Schlitter said about it as reported in the News (November 22 1977): Schlitter said he believes the purpose of the slowdown is now "to show people that the police department does have an effect on city revenue, that the officers are the ones who bring in lots of income for the city."

Here is a quote from an earlier story: "Council members, after first hearing of the slowdown, feared drastic cuts in city revenue and planned to demand prompt action by Mayor McNichols." (R.M. News 11-4-77 p.43)

What you might notice about the articles on the 1977 slowdown is that no one expresses any concern about traffic safety, about preventing accidents or saving lives. Everyone seems to share the assumption that the purpose of writing "routine" tickets for "minor" violations is the revenue it brings the city.

Actually, I reached the conclusion that the D.P.D. ticket system was for revenue raising on the basis of my own experience with it--as have many other people. You picture yourself as giving out the minimum number of tickets necessary for serious reasons of traffic safety. You say you give out as many warning tickets as you do fines. Perhaps you do but you are the exception. The Denver Police Department gave out only 11000 warning tickets along with those 189,194 money tickets.

One of my first encounters with the system was when my brake and light sticker expired. At 8 am on the morning it expired, I came out to find a ticket on the car. I put the ticket in my pocket and went off to work on my bicycle. When I returned at 5 pm, I had another ticket from a different officer. Why not a warning ticket, or just a note? Why wouldn't you routinely

give someone a reminder before you fine him for not noticing that a sticker is due for renewal? That episode said to me: They pounce on any chance to fine you. How would you explain it? Many other people have had a similar experience with the Denver police. An angry lady wrote a letter to the News about a patrolman who went down the street at 2 am in the morning, brushing the snow off license plates to find those that lacked a renewal sticker. ("A dog could cut himself on that expired plate, lady!")

Another encounter: they had changed the location of the driveways in front of the VA hospital, but the city hadn't changed the signs yet. Going by the signs, I could legally have parked blocking the new driveway. Instead I parked where the old driveway had been. Now it was a solid curb, although the sign still said no parking. In short, I ignored the obsolete signs and used my common sense. You guessed it, I got a ticket. Lesson 2: the system has no regard for common sense. It will fine you for every technical violation it can find.

While I am on the subject of parking tickets, you might be interested in knowing that installing and maintaining parking meters costs far more than they get back in coins. (R.M. News 10-5-75 p.6) So why do they have them? Meters lead to parking tickets and parking tickets produce millions of dollars in city revenue. Of course, the parking meters serve a useful purpose, don't they? They make it so easy to find a parking place downtown.

Suppose you eliminated all the meters and all but the most minimal of parking regulations and then re-assigned all those officers to anti-crime patrol. Wouldn't the city be a better place to live. Aren't there other, fairer ways the city could find the revenue it needs?

Whatever the legitimate purposes of parking control might be, they are buried in that avalanche of 690,286 tickets. The basic dishonesty of running the system for profit affects everyone involved with it. In April 1979, Police Chief Art Dill punished a group of officers for "banking" parking tickets--they would write 150 parking tickets on Friday but save 50 or so to turn in on Saturday's log sheet. The reason they did it, Dill said, was their "perception" that they were expected to write 80 to 100 parking tickets a day and the difficulty of writing many tickets on Saturday. (R.M. News 4-26-1979 p. 58)

Suppose routine fines were eliminated for moving violations and you had a points only system like the present one. You could still nail the drunk drivers, the wild and reckless drivers. But do you think the Denver police would still be writing 189,194 tickets a year, if the financial returns were no longer there? I think the Denver police would soon be writing about 5% or less of the tickets they now produce, because the pressure from the top to write all those Routine tickets would no longer be there. And the result would be a much more sensible standard of traffic law enforcement--one that people would support because they would recognize it as fair.

### III

When a police department writes 9 million dollars worth of tickets in a year, it sets up a basic conflict of aims. They have you out there enforcing the law at a profit. Don't you see that when making money is joined to enforcing



law the result is corruption? You may personally be sincere about just enforcing the law and the money doesn't go into your pocket, but that doesn't change the basic character of the system.

The last time I was in traffic court, I saw three young fellows led out, handcuffed together--one white, one black, one chicano--very democratic. Any time you visit traffic court, you see prisoners in handcuffs. Maybe these kids were born to fall into the hands of the law sooner or later. But the laws that seem to get them sooner are the traffic laws. The kid gets a citation or two for stop sign violation. He barely has money to put gas in his broken down hot rod so he doesn't pay the tickets. A year later they got him for a prohibited turn and, when they find out he never paid for those stop signs, he goes to jail.

Another kid loses his license for a handful of "routine" traffic tickets. Unwilling to give up his job or his girl friend, he keeps driving anyway and then they get him for 10 miles over the speed limit and discover he's driving without a license. So he's in jail. By the time he gets out of this one, he will have lost his job and his girl friend both but he will have found some new friends in jail, who are willing to educate him.

Maybe these guys were bound to go wrong, but they would have had a much better chance to go right if they hadn't gotten those "routine" tickets that the police refrain from writing when they're mad about a wage settlement, if they hadn't gotten those "stop sign violation" tickets that the police deserve as much as anyone for their sloppy driving habits. When the law has dollar signs in both eyes, it can't very well see what it is really doing.

Some years ago, I hit a speed trap in western Kansas. There was a brand new stretch of highway coming down a long hill and then the speed limit was suddenly reduced for no apparent reason. The reason soon appeared in the form of a deputy sheriff, who took me to the house of the Justice of the Peace. In lieu of the fine, the JP accepted my watch as security, while expressing the hope that I would redeem it, as he already had a drawer full of watches--which he cheerfully showed me--left behind by other travelers.

Although they don't accept watches, the Traffic Courts in the City of Denver are operated in the same cheerfully mercenary spirit. But while two good old boys in the wilds of western Kansas making a living off unwary travelers may seem humorous--especially if it happens to somebody else--the same business operating on a giant scale on the people who live here isn't very picturesque.

Traffic Court ties up four court rooms from early in the morning until late in the evening, along with the time and energy of several hundred people. It is essentially a collection agency with extraordinary powers. A traffic or parking ticket may appear to you as a bill you never agreed to for services you didn't get, but if you don't pay it, you can be put in what amounts to debtor's prison and your car, for unpaid parking tickets, may suffer a similar fate, being immobilized with the Denver Boot or impounded.

Not that they are diligent in pursuing people who don't pay. Although they have your name, address and phone number, they won't even call you, nor will they send anyone out--it isn't cost effective. But if they catch you again, and the computer is working that day, you're in for it.

While upstairs in the criminal courts, defendents accused of homicide are let off on novel technicalities, in traffic court, it is rare for anyone to get acquitted. It is literally true that it is easier to beat a murder rap than it is to beat a traffic ticket. I have watched a number of poor souls, sincerely convinced of their own innocence, try to convince the judge that they didn't do anything to deserve a ticket. What they don't realize is that no one in the court cares whether you violated that stop sign or not. It isn't the fact of the matter, nor the principle of the thing that counts, it's the money that counts. Violations are routinely knocked down from 4 points to 2 points in exchange for pleading guilty and paying the fine. In other words, you are allowed to plead guilty to an offense that no one even accused you of. If you actually had done something unsafe there would be no good excuse for waiving the points, but the Court tacitly recognizes that you didn't really do anything dangerous and that the money is what matters.

Unless you have a witness to support your side, it is your word against that of the officer who has the city attorney on his side as well. Appealing to the judge against the cop and the city attorney is like appealing to the head of a collection agency against two of its agents. Anyone who was too scrupulous to belong to an outfit that uses the law to extract money from people would have left the system long ago.

Regardless of your innocence (actually 95% of the people who get traffic tickets are innocent in a very basic sense, but innocence is no excuse in the eyes of the traffic laws) to have any real chance of beating a ticket, you need a jury trial--\$25 fee payable in advance plus \$8 court costs even if you are acquitted--and a lawyer, at your own expense. Pay for a lawyer and you will get a reduction in fines. One lawyer jokingly told the judge to go easy on the fine or he'd be cutting into the lawyer's fee. Joking aside, that's how it works. You can pay more to a lawyer and less to the court, but, either way, you pay.

The penalties show the same whimsical disparities that mark the whole traffic system. "Failure to appear"--that is not paying the ticket and forgetting about it--can cost from \$10 to \$60, or more. Actually, according to the law, they can give you up to 90 days in jail and a \$300 fine, but realistically they'd have to give you an attorney first. One judge said that he could fine me \$1 a day for each day a ticket was unpaid. But they don't really use those severe penalties; they are there just to make you realize that you are at the mercy of the Court, if you didn't already know it. It induces you to pay up with the minimum of fuss, and that is what they want. You may get off easy, if you don't antagonize them or they like your looks. One pretty young woman showed me an overtime parking ticket that had been knocked down from \$5 to \$1. All right, maybe there were extenuating circumstances--perhaps she had lost her watch. The judge was a very nice man she thought. Sure he is, but, if you plan to grow old and ugly, you had better get another watch. A judge can turn a minor violation into a major dent in your bank account or he can make a ticket just vanish into thin air. One fellow who was determined to fight a ticket gave up after they added a second charge--a →

#### IV

→ The meticulous standard of traffic and parking code enforcement is not matched in any other area of law enforcement. In the Five Points area for instance, places where you can buy liquor by the drink or by the bottle are open all night. These places are flagrantly illegal and very conspicuous. → legal sleight of hand which turns one ticket into two. Then he watched the judge dismiss tickets on two lawyers. Professional courtesy, I suppose.

Most of them have been in business for years at the same location. That is, there is no possibility that the police don't know about them.

You think the police are doing the best they can to halt that soaring crime rate. Consider those 120,000 police hours (at least) used up in issuing those 879,480 tickets. What good, non-revenue-raising reason can there be for putting so much time into ticket-writing when every variety of serious crime has dramatically increased?

The number of burglaries in Denver in 1980--19,794--was up 23.5% from 1979. In 1979, 16.5% of the burglaries were "cleared by arrest." In 1980, only 10% of the burglaries were "cleared by arrest." Meanwhile you and your buddies wrote 17% more moving violation tickets in 1980 than you did in 1979. Does that sound like you are really trying? Yes, it sounds like you are really trying to unload more tickets. While you were sitting at that intersection, Saving Lives and Preventing Accidents by writing up the same ticket over and over, burglaries in district 4 were averaging more than 100 a week (based on Dec. 1980 figure of 449 for the district). Don't you think it would have made a difference if District 4 had fewer officers patrolling the streets and a lot more patrolling the alleys, looking for burglars?

I entirely agree with you that the judicial system is very much at fault in the slack-handed way it releases criminals that the police have sometimes taken serious risks to capture. District Attorney Dale Tooley, addressing a crime prevention meeting, said that a criminal trial has become so "immensely technical" that it is now a procedure to determine whether a legal mistake has been made, with any burden falling on the prosecution, rather than a test of the guilt or innocence of the defendant. He also said that it would only change when people from outside the legal system got involved in reforming it.

But is it the fault of the courts that the "cleared-by-arrest" figure dropped? Roughly, the figures on burglary in Denver show 20,000 burglaries leading to 2000 arrests and maybe 200 people convicted. So both the police and the courts are batting about .100, but numerically, the rising crime rate is owing far more to ineffective police than it is to ineffective courts. You can't blame the courts for those thousands of burglars you never caught in the first place.

The police say the courts are at fault. The prosecutors say the same but they also say that the police don't make the arrests they should and don't gather sufficient evidence for a conviction. My own experience and that of many other people in Denver bears them out.

When my house was broken into, the police never came out to take fingerprints, although the burglars had handled everything in the house. They did recover a typewriter and a slide projector that the thieves had abandoned outside the house--thanks to my neighbor calling the police, they arrived while the burglary was still in progress. Those two items--very suitable for fingerprints are they not?--were taken down to police headquarters, where, so I understood, they would check them for fingerprints. I also took down a piece of plate glass that one of the burglars had pushed in with his hand--it was taped over a broken window. As I found out, eventually, none of these items was ever tested for fingerprints. Meanwhile, "through the grapevine", I learned the names and addresses of two of the burglars, also that one of them had my shotgun in his house. I passed this information on to the detective.

He said that he couldn't do anything. He did make one call to my neighbor, who thought she could identify the men but was afraid to testify. Couldn't they subpoena her or something? No, they couldn't do anything.

So much for my burglary. I got a traffic ticket about the same time. I didn't pay it--I was still paying to replace what the burglars had taken. Five years later, I discovered they had an active criminal warrant out for my arrest. Conclusion: you can break into someone's house and steal stuff and get away with it. But if you make a "prohibited turn" and don't pay the ticket, they'll get you sooner or later. That ticket cost me \$60 eventually for "failure to appear" even though the ticket itself had to be dismissed when the cop didn't show. What do you think would be an appropriate fine for the Burglary Bureau's "failure to appear"?

These experiences of mine with the police are not peculiar to me. I have been hearing from a lot of people whose experiences have been much like mine. One fellow had his bicycle <sup>stolen</sup>. From some kids at a nearby playground, he learned the name and address of the thief. He called the police, who said they couldn't go out there and look. Another man followed two kids he saw coming out of a house and got the license number of their car, at some risk to himself. The police wouldn't pursue the matter. One detective told a burglary victim that there wasn't much they could do, but he could get him a good deal on some window bars. Another man told the police about a house across the street, which people were coming to at all hours. They said they couldn't investigate it. They can put an officer at an intersection to write tickets all afternoon, but they don't have anybody to investigate a place where drugs are being sold, very likely. Meanwhile, all these people get tickets for failing to stop dead at a stop sign, for not clearing a changing light and so on.

I know the police sometimes carry out a thorough investigation of a crime--a burglary in the mayor's part of town for instance. But most burglaries are not given even the minimum of routine investigation. The police don't find any leads and won't follow up the leads that people give them. Like other big cities, we are getting to where we just file and forget major crimes. I saw some of the results of this kind of neglect when I lived in New York City. A couple who were robbed on the street at knife point were told by the desk sergeant that he would take a report on it if they insisted, but it was just a waste of time--at least he was honest. When I had a bicycle stolen there, the police did literally nothing to trace it and I began to understand why some 100,000 bicycles are stolen there every year. By contrast, when John Kennedy junior's bicycle was taken from <sup>him</sup> in Central Park, the police recovered the bicycle and arrested the thieves, which showed what they could do if they wanted to.

Among the people who were the victims of major crimes last year--there were about 58,000 of them here--and who received some of those 879,480 tickets, there are a lot of people who are hopping mad at the police. I think, when you look at the evidence, that anger is entirely justified. If the rest of the sheep ever get tired of being sheared, you are going to have a very irate populace to deal with.

You have a police department that goes after traffic and parking violations meticulously, religiously, relentlessly, while producing millions of dollars in revenue. That same department, having expended most of its time and energy on traffic matters, deals with crime in a manner that is mellow--resigned, philosophical. "What can we do? We don't have the staff. The courts have crippled us."

It was my privilege the other night to hear Mr. Caldwell, the Manager of Safety and the nominal head of the police department, speak to a neighborhood group about crime. The police were doing their best, he assured us, while constantly searching for ways to improve their performance (Mr. Caldwell's old district is the one where the bootleggers and the after hours clubs have operated freely for many years). But, as he explained at considerable length, the rising crime rate here is part of a National Trend.

It would be presumptuous of course to think that our bumbling and mercenary local police force could have any real effect on a National Trend. National Trends have to be dealt with at the National level in Washington. National Trends originate, somewhat mysteriously, on either the east coast or the west coast, in one of those big, bad cities they have there and then they move slowly inland until they reach Denver. Clearly our hopes for a reduction in crime are two: 1) the folks in Washington will devise another of their wonderful anti-crime programs, like supplying the police with helicopters so they can reduce roof crimes. 2) a new National Trend, this time a drop in the crime rate, will some day come along, if we are patient.

Actually, everything that is wrong with this city seems to be a National Trend that no one here can do anything about. What our cars are doing to our lungs isn't our problem. Politically, it is really none of our business. Somewhere in Washington are the people who are responsible for worrying about our lungs, and we will just have to wait until we hear from them. So when a Denver burglar breaks into your house and the Denver police can't catch him--or a Denver court releases him if they do--naturally we look to Washington for a remedy.

Meanwhile, the quality of life here in Denver is deteriorating. We're rapidly becoming a big, bad city ourselves, with bad air pollution, a high crime rate, and all the other big city amenities. Well, maybe there's a ray of hope there. Since a substantial part of the population of both coasts has moved to Denver, haven't we maybe reached that historical point where we can originate a National Trend ourselves instead of just passively waiting for one to get here? Doesn't that idea appeal to your sense of civic pride?

I am not convinced that there is anything inevitable or particularly mysterious about our high crime rate. Or that any National Trend or Washington program will have any real effect on the crime rate here while the Denver police continue their relentless pursuit of motorists and their relentless neglect of real crimes.

As a matter of fact, I've dug up a few figures from neighboring jurisdictions that seem to bear out my simple-minded contention that the police could catch more criminals if they laid off the motorists. Most of the neighboring cities produced 1980 statistics that look like Denver's. In Aurora, for instance, burglaries were up 28%, while traffic and parking tickets were up 33%. But two cities actually showed a reverse trend. Lakewood had a 13% decline in burglaries and an 18% decline in parking tickets. The man who gave me the statistics, Sergeant Jerry Garner, said Lakewood had in fact diverted officers from parking control to crime patrol.

One other city, Commerce City, showed a 1% drop in burglaries and also a jump in the "cleared by arrest" rate from 14% to 28% (compare that with Denver's which dropped from 16% to 10%). At the same time traffic and parking

tickets were down 35% from 1979 to 1980. Neil Wickstrom, the Police Chief of Commerce City confirmed that he had "de-emphasized traffic" and shifted his officers to burglary patrol instead.

So actually, folks, the Trend we're waiting for only has to travel the ten miles from Commerce City, and it might get here even sooner if someone would give Art Dill a scholarship to study in Commerce City for a week. Maybe such a change in priorities wouldn't produce miraculous results right away. An officer who is trained to spot an expired brake sticker at 300 yards may be slow to take an interest in a slow moving car with a current sticker that is bulging with someone's household goods. But pursuing criminals rather than motorists is the right policy regardless, and it does offer a real hope of reversing the increase in major crime.

#### V.

I said that the police themselves were the victims of the system more than anyone else. I have been victimized by the system to the extent of one unsolved burglary and a dozen tickets in eight years. But that's all and it isn't likely to happen again. My house is a lot more burglar resistant than it was and I have learned to drive defensively against traffic tickets. (I'm the guy you see ahead of you driving 5 miles under the speed limit etc. I may back up traffic for blocks but I don't get tickets any more.) But you, if you remain a police officer--a lot of your best people leave--are going to have to live with the system every working day of your life.

The standard of traffic enforcement you learn makes you "ticket happy"--every car on the street is doing something wrong, isn't it? Everywhere you look you see another violation. Then you have to justify what you are doing by convincing yourself that it is safety not money the department cares about. One man asked the officer who was ticketing him about all the unsolved office burglaries (some years ago, when, as it turned out, the police themselves were the burglars). The officer exploded: "You're saying I should go after the burglars, but it's the speeders like you who are the real killers!" This man had been exceeding the speed limit by about 10 mph on a deserted boulevard.

Then you begin to wonder why all these people are so hostile to the police. You're only out there to protect them aren't you?--issuing 879,480 tickets a year while the perpetrators of those 19,794 burglaries are planning more. At a later stage you begin to feel that just about everyone out there is your enemy. Actually you will be right, because when you treat people like enemies, you make enemies out of them. I have been talking to people, who are basically pro police and pro law and order, who have concluded from their own experiences that the police are ripping them off via the traffic system while failing to provide anything resembling protection.

Then maybe one day it strikes you that you are always nabbing law-abiding citizens and rarely nabbing burglars. And you don't like your job nearly as well as you did when you thought what you were doing was very important and vital to the welfare of the community.

I think you must be fairly new to the police department. You might want to ask yourself what the job will do for you--or to you--if you stay

with it. You might take as an indication the career of the famous and renowned Patrolman Buster Snider--who probably won't mind seeing his name in the paper again, since its been there so often. I don't say he is typical of the police department, but, in a basic way, he is certainly representative of it.

Here is a guy, who is, in several ways, a model police officer. No one questions his honesty, his courage or his devotion to duty. He is brave enough to fight a chain saw and tough enough to whip it. So what is he famous for? His ticketwriting exploits. Instead of getting into the newspaper for nabbing one of the ten most-wanted criminals, he gets in because of all the tickets he writes and the fights he gets into with angry motorists. By his own estimate, he has written at least 100,000 tickets in his career, and once wrote 94 in one day. (R.M. News 1-11-80) He is renowned for ticketing city officials--that's one reason he is still a patrolman; you aren't supposed to apply those meticulous standards to city officials like you do to other citizens. Here he is ticketing a lot of chicanos that were gathering at Sloan's Lake on weekends and disturbing the neighbors--actually ticket-writing can be made to serve a variety of purposes.

And people will remember him when he is gone. They remember him downtown in a beat-up chevrolet, ticketing everything in sight. One fellow got a ticket from him for riding his bicycle on the sidewalk as he arrived at work. Another recalls Buster lining up a whole group of people who had crossed a deserted street from the Centre theater to a parking lot and writing them all tickets for jay-walking. Yes, I know a lot of pedestrians get run down every year. I also know, and I think you know, if I've succeeded in educating you a little bit, that that isn't the reason for all those jay-walking tickets--it's the excuse, but it isn't the reason.

In short, you take someone who could have been a great cop and you turn him into a ticket-writing machine. Believe me my friend, that is exactly what they are going to do to you, if you let them.

Anyway, if you can tolerate the system, so can I. I can be as laid back and lackadaisical as any downtown detective. I sometimes think that Ashleigh Brilliant was right--"the solution to the problems created by apathy is More Apathy." I have tried to raise the issue of how the police department is operated, but I can forget the issue a lot sooner than you can. The quality of life in this city, whether people like living here or move out as soon as they can, depends a great deal on the police, on what they do and on what they don't do. But, if it comes to that, I'll probably find the means to move out before you will.

I hope I have convinced you of two things. One is that there is something seriously wrong with a police department that catches citizens while the crooks get away. The other is that there are a lot of people, like me, who are sincerely interested in making the police department what it should be and making the conditions of your job what they should be. But isn't that up to you as much as it is to me?

Regards,

Terry Sullivan

P.S. Don't say I never write to you!