



GMprovinggrounds.com

Go!

Drivers are talking.

- HOME
- INDUSTRY
- REVIEWS
- ENTHUSIASTS
- SHOPPERS
- EXTRAS

- SEARCH
- ADVANCED SEARCH

HOME » ENTHUSIASTS » CLASSICS CORNER » YOOSTABEES »

SUNDAY | APRIL 24, 2005 En Español

NEW FEATURE

Yoostabees: Enforcing for Dollars

GMprovinggrounds.com

Click here to visit  
THECARCONNECTION.COM  
EN ESPAÑOL

### Yoostabees: Enforcing for Dollars

It used to be that punishments usually fit the "crimes." Still believe it's about safety?

by Gary Witzenburg (2005-04-25)

Printer Friendly Version

#### Stories from Gary Witzenburg

SEND TO A FRIEND

Send to Email:

Your Email:

Personal Note:

Send

I turned right onto a four-lane divided highway, wondered how the V-6 SRX would accelerate mid-range and stepped on the gas. I ran it to roughly 60 mph, then backed off. Just then, my radar detector squawked - there he was, hiding behind a stand of trees. But I thought little of it, since my state's limit on such near-freeways is typically 55.

But Officer Rambo (his real name) fired up his lights and pulled me over, claiming he got me at 64. I expressed genuine surprise that he had stopped me and suggested that no harm had been done - brief acceleration, broad daylight, no other traffic either way. I asked nicely for a break and, given my clean record, really thought he might let me go. No such luck. That road is posted at 50, and he wrote me for 60. Must have been a slow day.

CONNECT

#### Serve and protect?

- » Links
- » Message Boards
- » Calendar of Events
- » Photos
- » Subscribe

It used to be that cops were there to serve and protect, and we respected them for it. Used to be you could expect an occasional break for a minor offense, especially if you're belted in and cooperative. Now that speed (and most other) enforcement is all about dollars, they're operating on quotas - which they'll admit once they retire or find more honorable work.

Our local sheriff, a disagreeable man named Wigglesworth, even runs competitions to see who can write the most tickets. He's far more interested in maintaining his money machine than in fair treatment of the citizens who support him and his department.

It used to be that judges made fair and reasonable judgements. If the bust seemed questionable and no real safety benefit would result from a guilty ruling, they just might give you a break. Used to be you could get a "no harm" judgement even when a law was broken provided no one was endangered. Used to be, at least in my state, that a good record and a positive attitude could get a conviction held "in advisement" - you paid the fine (they got their money) but the offense would disappear if you stayed clean for the next six months.

No more. Now, about the best you can hope for (at least without a lawyer) is that the officer won't show up and the ticket is thrown out. Given quotas, contests and overtime money often paid for court





appearances, that happens less than it once did, but it's worth a shot. Failing that, if you come prepared, you might be able to cast doubt on the radar equipment's accuracy or the officer's methods or level of training.

### **My day in court**

I took my case to court - but not before I boned up on the latest acquittal technology. I read up on speed measuring devices, calibration, testing, and training, then made a list of pertinent questions. When was the device last tested and calibrated? Where, when and by whom was Rambo trained and how recently was he re-tested? Did he follow proper procedure? Could his clocking have been in error, as radar readings often are? Is the lower-than-usual 50-mph limit on that road even legal under state law?

It was an informal hearing, just me, Rambo and Judge James B. Pahl. Rambo stated his case: he got me at 64 mph and wrote me for 60. Of course, whatever he says in court is presumed true. Whatever the victim...er, accused, says is suspect at best.

I explained that my record was clean and it was very important to keep it that way. The judge said my record was irrelevant and he had no knowledge of it. (Really? Since when does one's driving record, good or bad, not enter into a judge's decision on a minor traffic violation? If I were up for drunk driving - very lucrative these days under the ultra-low .08 BAC limit - I'll bet past offenses would be considered.)

He allowed me to pursue several areas of questioning, but questions on the equipment and training were a waste of time - if both radar and operator are "certified," state law now says both are beyond question. I asked Rambo whether he noticed that I was slowing after he clocked me. He said no. (A lie...how could he not have noticed that?)

I asked why, if his purpose was improving safety, was he hiding with instant-on radar when research shows that "ambush" enforcement results only in more tickets while police visibility actually slows traffic. "Irrelevant," said the judge. Whether he thought the 50-mph limit was appropriate for that road. "Irrelevant." Whether he thought anyone had been endangered by my brief, inadvertent, and harmless violation of that limit. "Irrelevant." Also whether that spot was productive for him (in volume of tickets). To that, he surprisingly responded, "Yes."

With permission, I drew a diagram on the chalkboard showing that the speed limit sign was two-tenths of a mile from the intersection where I entered the road, and Rambo's hiding place was just beyond that. Point was, I would not have been aware of the limit until about when I broke his radar beam, when it would have been too late to slow to comply. This point got the judge's attention, and he asked some follow-up questions.

It was then when Rambo chose to mention my radar detector, which some might interpret as evidence of intent to speed. I countered that my (clearly visible) detector, given the area's notoriously low limits and active enforcement, was a defensive tool to avoid getting caught unaware...it's easy to miss a sign, for example. Also, that years of research has clearly demonstrated that detector users are substantially less likely to be involved in accidents than non-users, because when detectors sound off, people instinctively slow down and look around.

I concluded that while there was no way to prove that I had not exceeded the limit, I was asking for a break given my clean record and the very benign nature of the offense. And suggested that it would serve no public safety purpose to find me guilty, put points on my record and enable my insurance company to take more of my money for the next three years.

To his credit, the judge bought my point that the sign was too far from the intersection to have seen the posted limit prior to Rambo's radar. And, since the state's "statutory" limit for non-posted roads is 55 mph, he gave me a token break by lowering the charge to 60/55 before ruling me guilty. Guess what, the fine for "five over" is the same as "ten over"....\$90! Ka-ching!

[Ads by Goooooogle](#)

### **Photo Radar Protection**

Beat photo radar with our free tips and covers designed by retired cop  
[www.radar-detectors.com](http://www.radar-detectors.com)

### **Speeding ticket dismissed**

A remarkable and proven report Perfectly legal in all states  
[www.beatmyspeedingticket.com](http://www.beatmyspeedingticket.com)

### **Been Caught Speeding**

Local lawyers to help you win your case and clear your record.  
[www.PrimaryLaw.com](http://www.PrimaryLaw.com)

### **Beat photo radar tickets**

Free or Pro help beating almost any photo radar speed ticket Guaranteed  
[www.TicketKiller.com](http://www.TicketKiller.com)

### **Beat a Speeding Ticket**

Invest \$24.99 Now and Save \$100s Know Your Rights, No Lawyers  
[paynoticket.com](http://paynoticket.com)

### **Crazy and broken**

I related this story to a lawyer acquaintance who originally said he would defend me but was conveniently out of town on my hearing date. "You cannot win," he said. The system is so stacked against the public. The magistrate or judge very rarely rules against the police. A judge needs the support of the police to win reelection. It's a crazy system."

Amen, brother.

NMA President Jim Baxter estimates that at least 50 million traffic tickets are written each year in this country, "but no one knows for sure how many are issued by the thousands and thousands of states, counties, villages, cities, military installations, park authorities, Indian reservations, universities, and other quasi governmental authorities," of which some 70 percent are for "speeding" over the oft-unreasonably low posted limit.

One common and highly effective revenue-raising tactic is posting limits lower than the scientifically accepted 85th-percentile speed (at which 85 percent of drivers are in compliance), which has repeatedly proven to generate more tickets but not to reduce actual traffic speeds, accidents or fatalities. And the average fine has swelled to more than \$110, according to one source. Given my \$90 tab for five mph over a questionably low limit, that doesn't surprise me.

Next time your local media runs a story about increases in fines and fees and/or an enforcement crackdown, note the justification: the revenue is sorely needed. Then ask for evidence of the need - and the result - in terms of traffic safety: accidents prevented, lives saved. Lacking verifiable data, it's just another money grab.

Most importantly, when snared in this revenue net, fight back...whether or not you think the ticket is deserved. Do not...repeat, DO NOT simply send in a check. That's what they count on...easy money. Once you've pled guilty and paid your (exorbitant) fine, that offense is on your record for years. Should you suddenly acquire another, the pair is guaranteed to raise your insurance rates...for years. Should you get a third, you're into potentially serious points and license trouble. You can't go back and undo them; you really need to fight each one.

Other than time and effort, it won't cost more to fight a ticket. And you might get lucky. You might even get fair justice, though that's rare these days. At the very least, make them work for your money. If everyone did that, their whole corrupt system would break down.

For advice and guidance on how to obtain information and fight a ticket, you can rent an excellent state-specific "Legal Defense Kit" from the National Motorists Association (NMA) at 800-882-2785 or [www.motorists.com](http://www.motorists.com).

[HOME](#) | [INSIDERS](#) | [REVIEWS](#) | [DRIVERS](#) | [SHOPPERS](#) | [EXTRAS](#) | [SUBSCRIBE TO TCC NEWS](#) | [SITEMAP](#) | [MESSAGE BOARDS](#)  
[DAILY/BREAKING NEWS](#) | [NEW ARTICLES](#) | [ABOUT/BIOS](#) | [CONTACT INFORMATION](#) | [LETTERS TO THE EDITOR](#) | [PRIVACY POLICY](#)

COPYRIGHT © 2005 BY THE CAR CONNECTION™. ALL RIGHTS RESERVED.  
THE CAR CONNECTION IS A TRADEMARK OF DA ACQUISITIONS, INC.