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A DRIVER LOOKS AT TRAFFIC ENFORCEMENT

JOHN J. BOWEN

The author, as he states in his opening paragraph, is not connected with the police field, but writes as an observant member of the general public. He describes himself as moderately active in community affairs, having served on the local Board of Education for a number of years. He teaches in a public college in the Chicago area and resides in a Chicago suburb—"a typical suburbanite" according to his own description. We welcome his views and his suggestions.—EDITOR.

As a professional in a completely nonrelated field, I'm going to presume on the good nature of professionals in police work and ask them to tolerate my innocence as I propose simple solutions for complex problems. My only qualifications for making these observations are that I care very much about law enforcement and public order, and, that I am in a position to observe one very narrow aspect of police work.

Like many suburban dwellers, I drive 15-20,000 miles a year. Every day I observe various kinds of traffic enforcement, and the picture is not encouraging. The only reasons for enforcing traffic laws is that they facilitate the flow of traffic and they prevent accidents. It almost seems, though, that these aims have been forgotten and that enforcement has become an end in itself. Some communities have earned their reputation for overzealous enforcement.

Enforcement may pay off in lowered accident rates, but, as in all human endeavors, there must be a point of diminishing return. There is some level at which additional resources devoted to enforcement yield negligible returns in safety. I do not know where this point is, but some communities and individual officers have certainly passed it, and we see the familiar social phenomenon of displacement of goals. The church leader who becomes more interested in buildings than souls and the school superintendent who becomes more interested in organizational charts than children are both guilty of goal displacement. Some police departments are more interested in apprehending traffic offenders than in preventing accidents. One may argue that apprehending offenders promotes safety, but this is only partially true. In far too many cases, the goal is traffic tickets and nothing more. The police department which measures the efficiency of individual officers in terms of traffic tickets is guilty of goal displacement.

We have oversold the slogan of "Speed Kills";

and, while we may use it to justify our anti-speeding campaign, drivers know that it is an oversimplification. Thirty-five miles per hour on a residential street and thirty-five miles per hour on an expressway are both dangerous rates, but for entirely different reasons. I believe drivers are now sophisticated enough to respond to a campaign which tells them that danger lies not in speed itself, but in speeds which are inappropriate for the conditions at hand.

One reason for goal displacement may be that the police officer is traditionally oriented toward the negative act of a specific offense rather than to a positive program of accident prevention. To draw a parallel, I am a, currently inactive, licensed pilot and also skipper of a cruising sailboat on the Great Lakes. The FAA which controls flying and the USCG controlling the Lakes are both safety oriented rather than offense oriented. Even though I am quite aware that the FAA and the USCG are very capable of rigid enforcement, in neither instance do I feel that they are poised to nail me at the first mistake. I look upon them as potential helpers and not with the apprehension I feel when I see a police car.

Some communities have devoted so much attention to catching speeders that they have neglected other areas of traffic safety, and I can only guess what has happened to the more general aspects of police work. As I passed through one of these towns on a rainy night, the local police force was huddled over a radar set, and I narrowly missed a serious accident a half-mile further on, where a drunk was trying to walk the center line of the highway. In another town, the scene was almost the same, except that a stalled and lightless car had been left in the middle of the road. In both cases, a frequent patrol of the highways would have done more for safety than a narrow preoccupation with speeding.

The greatest abuse in traffic enforcement is in speed laws. A limit that is appropriate at one time

of day may be dangerous at another. I know that police departments rarely set these limits, but they do have a responsibility to encourage lawmakers to establish limits that are consistent and reasonable. When the limits are unreasonable, the citizen can only conclude that stupidity rules the officialdom. When these unreasonable limits are rigidly enforced, he smells a faint odor of corruption. For several years, my daily commuting took me through the jurisdictions of eleven different police departments and through twenty-six changes in speed limit. I knew them all and was never bothered, but strangers were picked up by the score. There is something manifestly unfair about enforcing 1925 speed limits with 1965 radar. We may "catch" more speeders this way, but I doubt if we are doing much for traffic safety.

Commuters drive by habit, and they are a safe and predictable group of highway companions, but some officers take advantage of these habit patterns. It is demoralizing to see a patrol car parked around the corner from a new stop sign writing tickets for all who miss it. It would be better police work to stand in the street and call attention to the change.

About four years ago, I drove to work over a stretch of road posted at 45 mph. Going home that night I was stopped for going 40 mph in a 35 mph zone. The signs had been changed that very afternoon, and they were obscured by vegetation and darkness. I fought the matter and the case was dismissed, but it did not improve my opinion of those who enforced the new limit. On another occasion, I was stopped for "going through a traffic signal on the yellow." I knew something was amiss and went back with a stop watch and found the yellow light erratic. The chief traffic engineer¹ investigated and furnished a letter saying that the signal was defective. Armed with the letter, the case was dismissed, but my opinion of police work became somewhat tarnished.

Over a year ago we had a severe storm in the Chicago area. Viaducts were flooded, trees were across the roads, power lines were down, traffic signals and street lights were inoperative. I had to drive home in the chaos following this storm and noted that most policemen were doing their proper jobs in the emergency. They were directing traffic

where the signals did not work, routing cars around blocked streets and keeping children away from power lines. In one town with a reputation for overzealous enforcement, there was a radar patrol set up behind a newly-downed tree. The broader obligation of public safety had been forgotten, and the storm had been looked upon merely as a novel way to catch speeders.

Some police departments in Illinois are using unmarked patrol cars. In January 1965, there was a news item about a woman who was robbed and raped after being stopped on the highway by an unmarked "police" car. I do not know what my response would be, if someone in an unmarked car tried to stop me on a lonely road, but I am afraid it might be to step on the gas. The use of these cars is an extreme example of where the effort to catch speeders operates against public safety. Unmarked police cars should be rigorously prohibited in traffic enforcement, and police officials should adhere to the theory that one conspicuous patrol car is worth three hiding behind bushes. A few months ago in Chicago, I passed a vicious street-corner brawl and hailed a police car a few blocks further on. The fight was immediately stopped. If the city relied on unmarked cars I would have been unable to report the disturbance.

If I can correctly assess the attitudes of my friends and neighbors, traditional traffic enforcement has lost its effect. People feel no sense of wrongdoing when they get a ticket, it is just one more hazard and nuisance of driving a car—something like a flat tire or a broken spring. It is in no way related to their behavior, it is merely another manifestation of an unkind fate. Much of this is sheer defensiveness of course, but it has legitimate roots in the capriciousness of enforcement and the substitution of the goal of catching speeders for the broader goal of preventing accidents. Instead of the annual lament that people seem to have less and less respect for the law, we might start by putting the traffic enforcement house in order.

Penalties for traffic violations are about as irrelevant as the enforcement. Not only do we have the ancient gripe that a \$20 fine that is a slap on the wrist to one man is a major loss to another, a court appearance that is a nuisance to a local person is an impossibility to one who lives 200 miles away. This person can only forfeit bond regardless of how justice has been misused. The whole system of courts and fines favor those who have money, live nearby, and who have the time to appear in court. I do not know what the alternative is, but

¹ I also found out that dozens of tickets had been written for this violation over a period of several days. For what it's worth, one of the junior traffic engineers told me that there had been instances when a repairman would be sent out to a defective signal only to be chased away by the officers writing the tickets.

there is something incongruous about invoking the full majesty of the law for a parking violation. It is something like using a locomotive to crack peanuts.

There are several measures which would help to re-emphasize safety and divert interest from traffic offenses.

1. Legislative efforts should be made to send all income from traffic fines to a central state fund. This would eliminate the profit motive which all too often impels small towns to maintain a disproportionately large police force which in turn requires more and more income to support it.
2. Adopt criteria which would identify communities with overzealous enforcement. If a large proportion of the traffic offenses are on the same road, if most of them are committed by out-of-town people, if traffic offenses are much more numerous than other kinds, and if the police department is too large for the community, this situation should be controlled for the good of all police work.
3. Large cities could pinpoint the location and type of traffic offenses and, if a particular place or type appeared too frequently, this would call either for an investigation of the officers concerned, or additional traffic engineering, rather than more enforcement. A data processing system would do this with a minimum investment of manpower.
4. Ruthlessly prosecute both the officer who accepts a bribe and the motorist who offers one. This can be done. There are communities where it is common knowledge that it is only compounding the difficulty to offer a police officer money. These are usually communities which are safety oriented rather than offense oriented. More rational enforcement minimizes the opportunities for such corruption.
5. Eliminate all ticket quotas or pressures to bring in violators. These seem to be a substitute for adequate police supervision. In one

town, the exits from a restaurant parking lot were unmarked, and I left the parking lot headed the wrong way on a one-way street. I was straightened out with good humor and dignity. A traffic ticket would have left me furious and contributed nothing more to safety.

6. Make the index of police efficiency the accident rate rather than the number of tickets handed out. An increase in rate should mean more attention and perhaps some additional traffic engineering rather than just more tickets.

In writing this, I know I am preaching to the converted and that the police officers who read this are those who are closest to professionalization. They are the ones who least need a lecture of this sort, yet they are intimately involved. Public opinion of policemen depends upon what the poorest of them do as well as the best, and the professionals in police work are going to have to teach or eliminate the others in order to protect themselves. When a swaggering part-time policeman, flourishing pearl-handled revolvers, detains me for an hour because he thought my station wagon was improperly licensed, my resentment is against a system which permits such misfits to judge the behavior of others. I know it is a vicious cycle. We get poor men because the community is not willing to pay for more, and people are not willing to tax themselves unless they can see the benefits of professional police work. The professionalized police departments cannot ask for greater public support at the same time that their less enlightened brethren treat the public as a resource to be exploited.

It is a trite observation to say that the only contact the average citizen ever has with police work is at the traffic level and that he judges it all by this criterion. In spite of the triteness, there is still truth in it, and the most persuasive argument that police departments could present for more funds would be a program which emphasizes safety rather than just catching offenders.