

TICKET-FIXING: PUBLIC SAFETY AND CORRUPTION

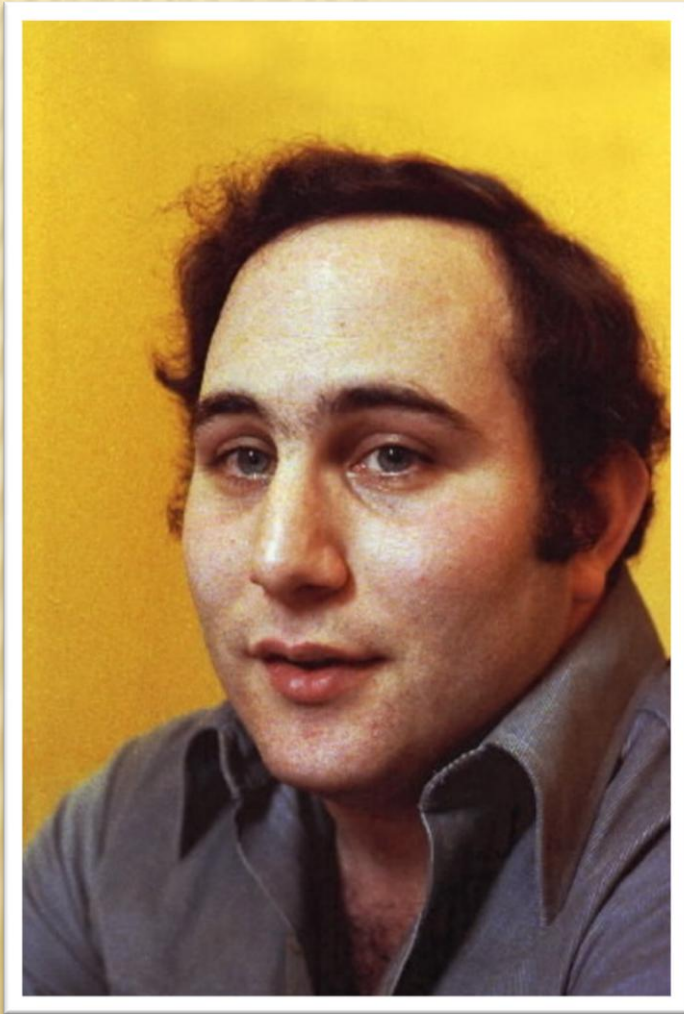
Ryan Kellus Turner

General Counsel & Director of Education

Texas Municipal Courts Education Center

AY 2010

QUESTION: WHAT DO THESE MEN HAVE IN COMMON?



OLATHE, KS CITATION

In the court designated below the undersigned certifies that he/she has just and reasonable grounds to believe and does believe that on

Citation # **09E570037**

County **JOHNSON** Event ID

City **OLATHE** Court Date: **04/15/2009**

Date/Time: **03/12/2009 06 05 PM** Court Time: **8 30 AM**

VIOLATOR

Last Name _____ MI _____
 First Name _____ DOB _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Sex _____
 Race _____ Weight _____
 Height _____
 DL# _____ DL State _____ CDL _____

REGISTRATION

Yr. Veh _____ Veh Tag _____
 Make _____ Yr. Tag Expires _____ State _____
 Model _____ VIN _____
 Type _____ Color _____
 Commercial Vehicle _____ Hazmat _____

LOCATION

Upon a Public Street or Highway or Other Location Namely
E OLD 56 HWY/S WEAVER ST
 Accident **N**

VIOLATIONS

Did unlawfully commit the following Offense(s): In violation of State Statute.

Speeding **59** Pace **N** Speed Limit **45**
 Radar **N** Watch **N** Lidar **Y - 869.8**
 Accident Case # _____ Construction Zone **N**
 Offense Case # _____ School Zone **N**

SPEED Code **10.01.033**
 Fine **\$126.00**
 Fed Code _____

A



ANSWER: TICKETS LED TO THEIR ARREST

“IN PRAISE OF TRAFFIC TICKETS”

TOM VANDERBILT, SLATE.COM (8/29/09)

Traffic tickets have a “broad social usefulness.”

- ✓ **“It is a net for catching bigger fish.”**
- ✓ **“They help keep people –drivers and those outside of the car – alive.”**

DESPITE PUBLIC CLAMOR OF CRITICS (JAMES J. BAXTER, *NMA PRESIDENT*)



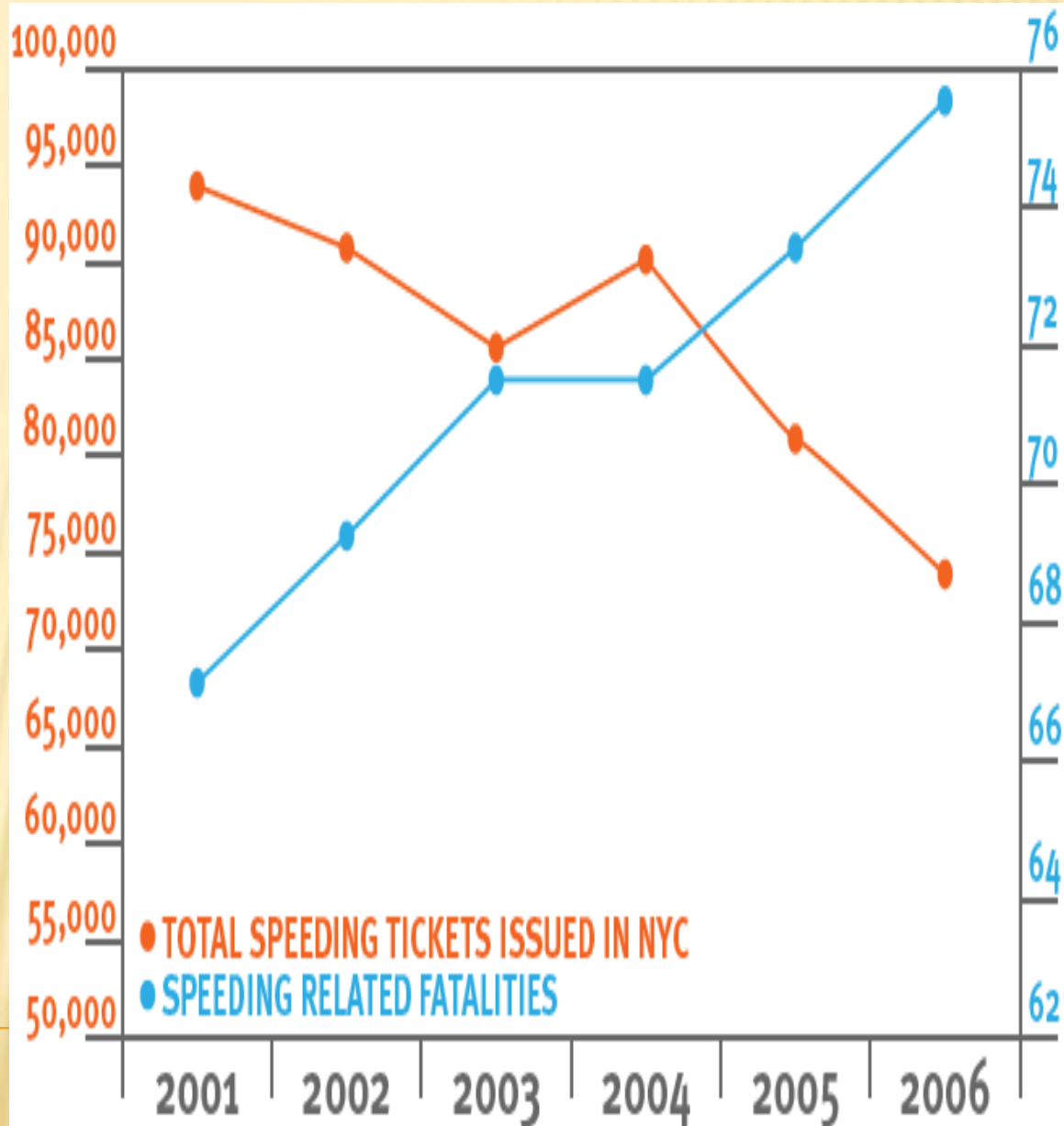
National Motorists Association

- ✘ Traffic Tickets are NOT about Traffic Safety
- ✘ Traffic Tickets are about Revenue Generation

STUDIES:

Traffic law enforcement and safety *The Lancet*, Volume 362, Issue 9386, 6 September 2003, Page 833

Transportation Alternative, Executive Order: A Mayoral Strategy for Traffic Safety (July 2009), Page 26



**Contrast:
FRANCE
43 Percent
Reduction in
Traffic
Fatalities
through
Enhanced
Enforcement**



French Lessons: A Review of an Effective Road Safety Program *ITE Journal* (August 2009) Vol. 8.

IN PRAISE OF TRAFFIC TICKETS

**They are
Convenient and
Necessary**



HOWEVER, THERE IS A DOWNSIDE TO SUCH UTILITY

- ✘ “Here we encounter the general and longstanding reluctance in the United States to consider traffic violations to be ‘real crime’”

Tom Vanderbilt

- ✘ “‘Real crimes’ result in arrest.”

BUT IF THEY ARE NOT “CRIMES” WHAT ARE THEY?

Traffic Offenses have been Described as:
“Folk Crimes”

Traffic Law Violation: A Folk Crime

H. Laurence Ross

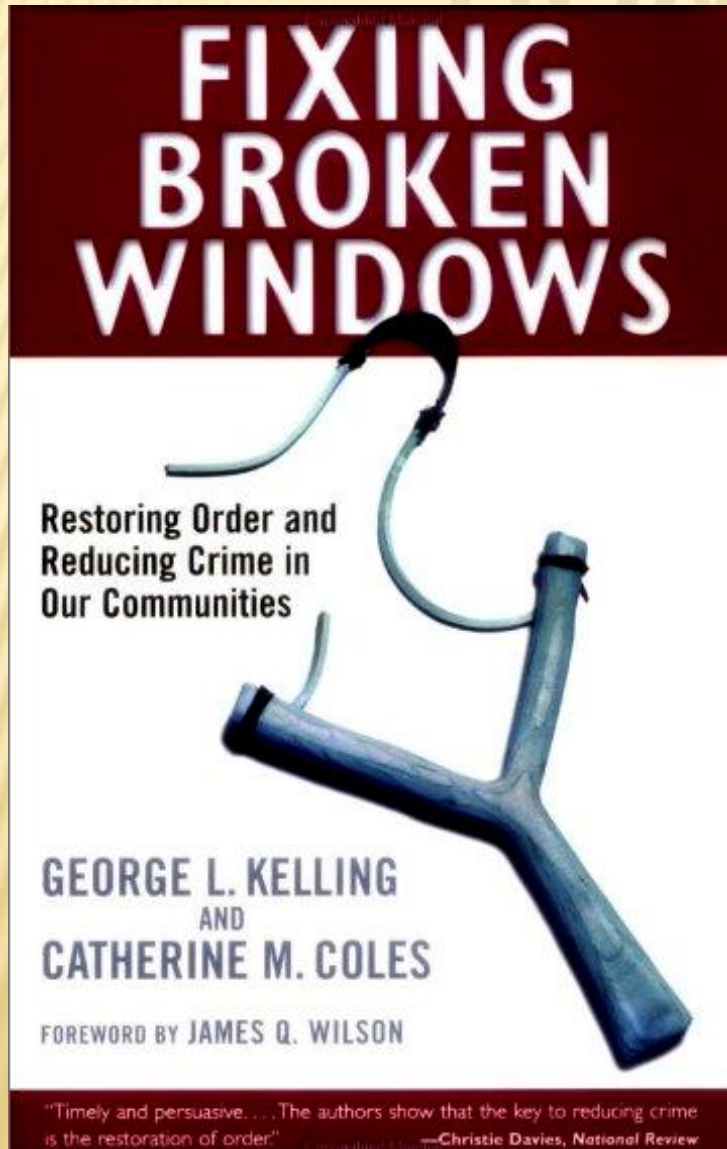
Social Problems, Vol. 8, No. 3 (Winter, 1960-1961), pp. 231-241

“FOLK CRIMES”

- ✘ Acts of “Everyday Deviance”
- ✘ Not Committed Exclusively by Pathological Rampage Serial Killers
- ✘ Often Done Negligently rather than Intentionally
- ✘ The time honored refrain: “Why are you busting people for dangerous driving when you could be going after murders? Stop wasting the tax payers limited resources.”



HOWEVER



- ✘ Not Enforcing “Smaller” Quality of Life Issues Encourages Larger Transgressions.

Wilson and Kelling,
“Broken Windows” *The Atlantic* (March 1982).

WHAT IS “TICKET-FIXING”?

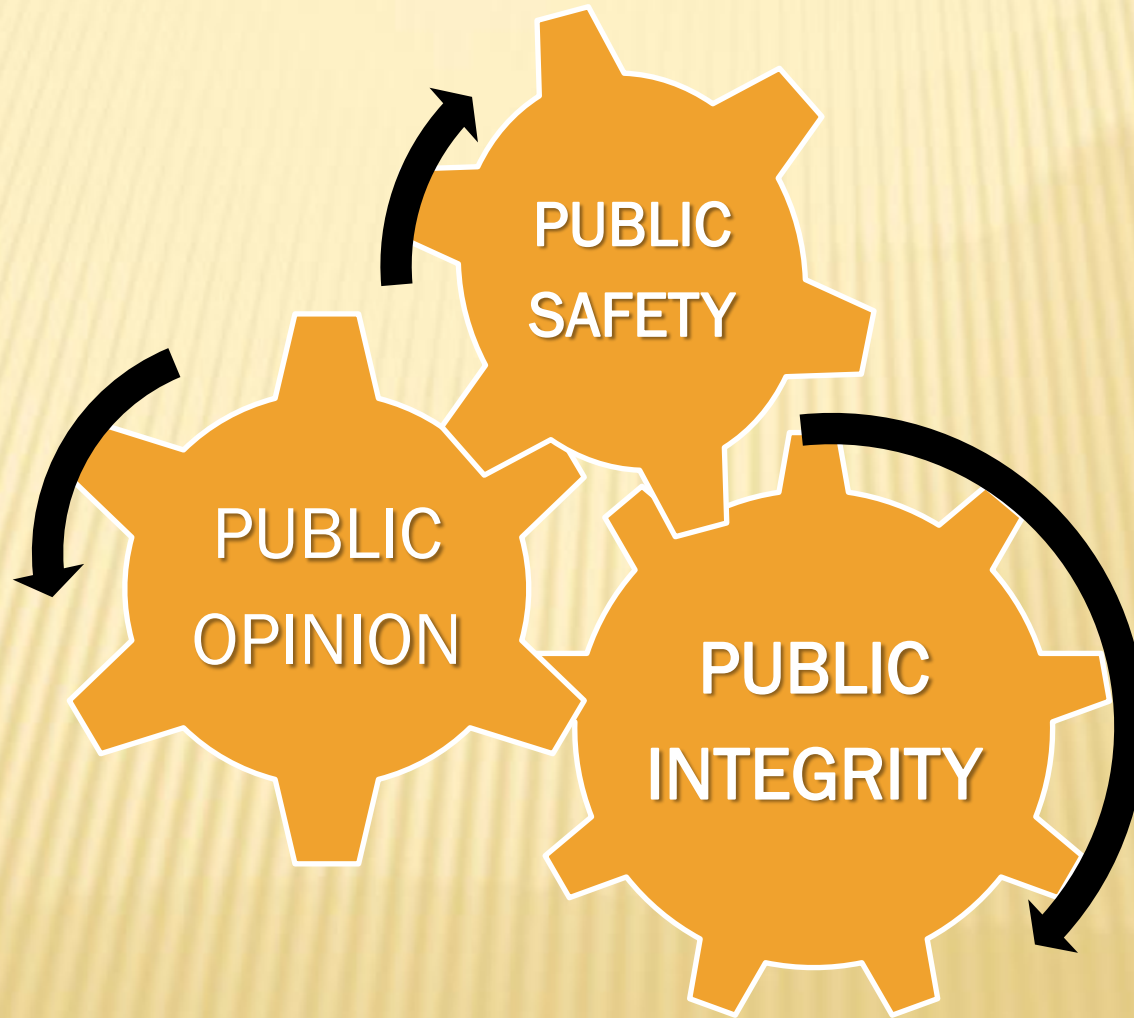
A colloquialism used to describe a specific form of corruption involving citations where a public servant engages in conduct intended to secure a benefit for oneself or another; a betrayal of public trust.

THE LAW SHOULD APPLY TO EVERYONE EQUALLY

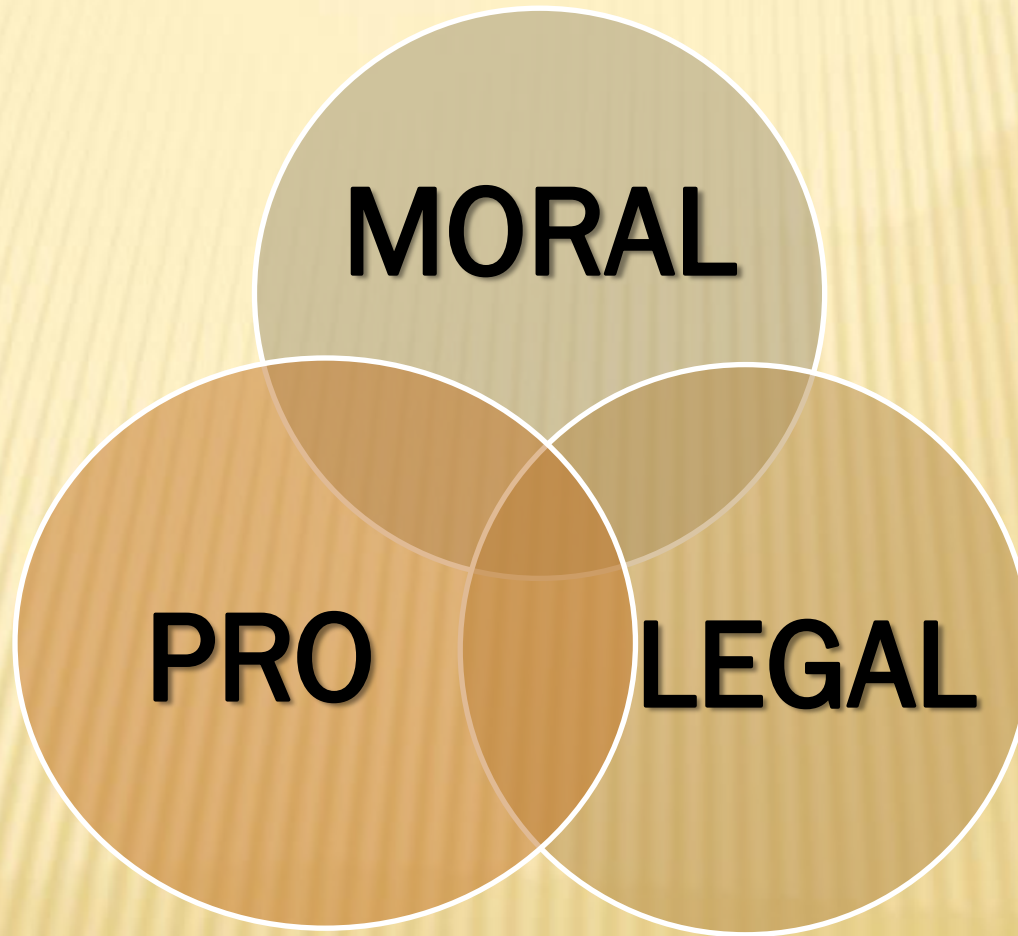
“Nothing destroys confidence in traffic enforcement faster than ticket-fixing.”

W. Cleon Skousen

WHY CARE?



TICKET-FIXING HAS MANY DIMENSIONS



CRIMINAL OFFENSES

Texas Law

- Bribery and Corrupt Acts
- Perjury and Other Falsification
- Obstructing Governmental Operation
- Abuse of Office

Federal Law

- RICO Act
- Hobbs Act

NOT EVERYTHING IS TICKET-FIXING

Number Of Dallas Police Who Issued Tickets For 'Not Speaking English' Grows

By Mark Memmott

A story that began with [one woman's complaint to a TV station](#) about the ticket she'd been given by police "for being a non-English speaking driver" has mushroomed in Dallas.

As [the Morning News reports](#): "since 2007, at least 20 Dallas police officers from five patrol divisions have wrongly cited motorists for not speaking English."

The newspaper says the number of officers involved "is likely to grow because Dallas police officials say they plan to look back several more years and include the supervisors who signed off on the tickets in the investigation for possible dereliction of duty."

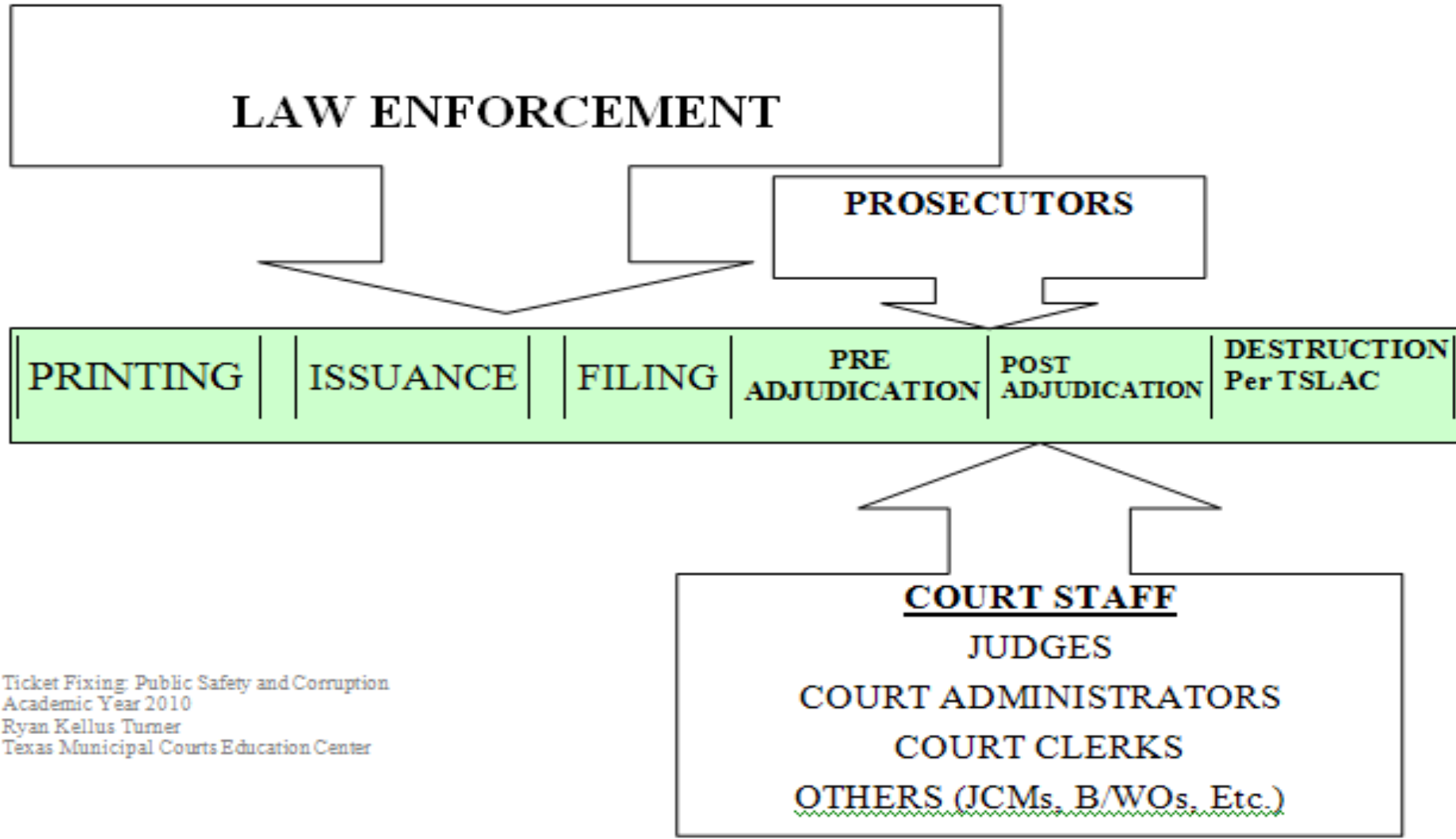
WFAA-TV says that 39 people received such tickets. All but one were Spanish speakers. The 39th was issued to a Vietnamese man.

The city is going to drop any of the cases that are still pending and will reimburse anyone who has paid a fine for the fictitious violation.

- ✘ Does it Meet the Definition?
- ✘ Is there Criminal Intent?
- ✘ Is there an Alternative and Legitimate Explanation ?

WHEN DOES TICKET-FIXING OCCUR?

Life Span of a Citation



WHO ARE THE INSTIGATORS?



External
Actors

Internal
Actors

INTERNAL ACTOR: LAW ENFORCEMENT

Largo suspends police chief

By [Lorri Helfand](#), Times Staff Writer

Published Thursday, June 18, 2009

Largo's internal investigation revealed a dizzying web of friends doing favors for friends of friends.

A passenger in Werthman's car contacted Largo dispatcher Amanda Wormhood to see if she could get the citation dropped.

Wormhood, who was off-duty, asked another dispatcher to contact Citrano to see if he would fix the ticket, but that dispatcher didn't follow through. Then Officer John Sinni, who was with Wormhood, called or texted Citrano, who was driving a woman to a breath testing facility on suspicion of driving under the influence.

Citrano was recording the woman during the transport as part of routine procedure so when he returned Sinni's call, his side of the conversation was captured on tape.

"I already submitted the ticket," Citrano can be heard saying on the tape, "but if you say it's a friend you want me to try to extend some courtesy, what I'll do is I'll delete it ... just void it,"

Two days later, Citrano sent a request to the court asking that the ticket be voided. He said he meant to issue a warning but a citation was automatically generated by a computer glitch. The ticket was dismissed July 8.



Text Size [A](#) [A](#) [A](#)

Sheriff: Deputy Offers To Fix Ticket For Sexual Favors

Posted: 5:04 pm MDT September 25, 2009

Updated: 6:09 pm MDT September 25, 2009

EL PASO, Texas -- The El Paso County Sheriff's Office released new information Friday about the arrest of a deputy for allegedly abusing his power.

Sgt. Hector Montes was arrested on a charge of official oppression after he allegedly offered to fix a woman's ticket in exchange for sexual. Police said the scene was caught on tape.

"This is clearly not what we stand for, it's a black eye on our organization, but I hope the citizens understand that this is something we will not tolerate," said Sheriff Richard Wiles. "And we took swift action, and I hope the citizen's understand that they can trust us."

Montes has been placed on paid administrative leave and Wiles said they have started the process to fire Montest as early as next week.

Related Stories/Links

MORE INFO

- Story: KFOX Exclusive: Former Sheriff's Deputy Says Allegations Are Retaliation

 Video: Montes Speaks Exclusively to KFOX

 Video: Montes Gives Public Statement

[▶ More Related](#)

CORRUPTION IN COURT



Bill Gaines
CBS 46 NEWS




CORRUPTION IN COURT



INTERNAL ACTOR: COURT CLERKS/ADM.

Alleged 'Ticket Fixer' Facing 20 Years

 Written by [Timothy Bolger](#) on Sep 8th, 2009 and filed under [Long Island News](#), [News](#). You can follow this entry and [can leave a response or trackback to this entry](#).

One of the six Nassau County Traffic and Parking Violations Agency employees that were fired last month for allegedly fixing tickets was arrested Tuesday, according to Nassau County District Attorney Kathleen Rice.

Angela Petty, 41, of Freeport, was charged with 10 counts of tampering with public records, 10 counts of falsifying business records and 10 counts of official misconduct. She faces up to 20 years in prison, if convicted. She pleaded not guilty at her arraignment and is being represented by Legal Aid.

Petty was a clerk in the agency since 2005 who earned \$38,952 annually for entering case dispositions into the agency's computer system after defendants appeared in court. She was fired on August 11.

Between August 2007 and July 2008, Petty helped her daughter and another relative avoid paying 10 fines by altering records in the system so that the tickets appeared to have been dismissed, the district attorney said. She made it appear that specific judges had formally dismissed the tickets on specific dates, but made sure that the tickets never made it before those judges, Rice said.

"Ms. Petty violated the public trust and abused her position to benefit her family members," Rice said in a statement. "My office takes these crimes very seriously and we will continue to arrest those who help themselves to the detriment of Nassau County taxpayers. The fact that there exists a line for those with connections and a separate line for those playing by the rules is intolerable and, in my book, it's criminal."



Angela Petty

INTERNAL ACTOR: PROSECUTORS

Published: October 27, 2008 08:00 pm



Benzie County prosecutor faces hearing

Cicchelli ordered dismissal of stepson's ticket

By ART BUKOWSKI

abukowski@record-eagle.com

BEULAH -- A state attorney grievance board filed a complaint against Benzie County Prosecutor Anthony Cicchelli for ordering the dismissal of his stepson's speeding ticket.

The Michigan Attorney Grievance Commission served Cicchelli with a formal complaint Oct. 10, said commission attorney Cynthia Bullington. The complaint alleges Cicchelli committed "professional misconduct" by ordering a magistrate to dismiss a speeding ticket issued to his stepson, Larry Marshall Hoffman, 21.

INTERNAL ACTOR: JUDGES

2 more judges reprimanded in ticket-fixing cases

The Dakota County judges were reprimanded by the state Supreme Court for their outside-the-courtroom handling of traffic tickets for a former clerk.

By **Rochelle Olson**, Star Tribune

Last update: August 23, 2007 - 9:31 PM

Two more Dakota County judges were publicly reprimanded on Thursday by the Minnesota Supreme Court for their handling of traffic tickets for a former clerk.

That brings to three the number of Dakota County judges who have been found to have violated judicial standards this year. In all three cases, the judges were accused of settling cases for people they knew without telling a prosecutor.

656 F.2d 1181

9 Fed. R. Evid. Serv. 278

UNITED STATES of America, Plaintiff-Appellee,

v.

Glen SUTHERLAND, Edward Maynard and Grace Walker,
Defendants-Appellants.

No. 80-1422.

**United States Court of Appeals,
Fifth Circuit.**

TICKET-FIXING: CAUSE AND PREVENTION



**Awareness/
Education**
Action
Accountability

**Culture of Community
Indifference**
Lack of Enforcement



RECAP

- ✘ **Ticket-fixing is:**
 - + **Unethical – Dishonorable; immoral**
 - + **Unprofessional - Not conforming to the standards of a profession**
 - + **Illegal – Prohibited by law.**
 - + **Preventable – Awareness, Education, Prevention**
- ✘ **Costly – In terms of public perception, revenue, public safety, and human lives.**

HUMAN COSTS

"When he killed Todd, he killed me that day," Larkins says through tears.

In 2005, a semi slammed into Alicia's husband, Trooper Todd Larkins, along I-40 as he made a traffic stop.

The 31-year-old husband and father never had a chance.

"He took away my best friend," Alicia Larkins says.



"That's an individual with a driver's license, and that driver license is their livelihood," the judge said.

Alicia Larkins responds, "Well, they took my livelihood away. They took my husband. They took my life away."

TIME TO PACK IT UP.



THANK YOU FOR YOUR ATTENTION. SEE YA AROUND.