

Freeway speeders beat the rap with increasing frequency

By TIM RICHARD
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have an excellent chance of beating a freeway ticket in Oakland County if they contest it in court. Reason: State Police troopers

can't be in two or three district courts at once, so there's a strong possibility the judge will dismiss the case when the ticket-

writing trooper doesn't show up.

"I've had 5,000 violations dismissed in a year," Lt. Steve Kraft, commander of the Michigan State Police metro north post in Oak Park, told the Senate Judiciary Committee Nov. 10.

"One-third of the tickets are challenged. They (violators) know what's happening. I've had days when I have 14 troopers and they're all in court. I've had all the troopers in court at once."

Kraft's post covers Oakland and half of Macomb County. It patrols the I-696, I-76, I-94 and I-96 freeways. Any ticket is handled by the district court in which the stop is made.

Southeast Oakland County, in particular, has many tiny cities, each with its own district court. "There are three different judicial districts within a mile," said Rep. David Gubow, D-Farmington Woods, who has a bill that would help Kraft.

Kraft wants the Senate, in its closing days of the 1998 session, to adopt Gubow's House Bill 5741. It would give the state court administrator, MSP and local courts the option of designating which court a batch of tickets would be assigned to rather than the district where the stop was made.

Senators didn't like it. "Could

a person who gets a ticket not wind up in front of the local judge?" asked Sen. Jon Cisky, R-Saginaw, who teaches law enforcement in colleges. "Yes," said Gubow. "But venue (location of the court hearing) is not a constitutional right. We'd be altering venue for citations (only) by the Michigan State Police. I would save the resources of local government."

"One-third (challenged) somebody's writing bad tickets," Cisky said.

Not so, said Kraft. Speeders are wise to the fact that troopers are spread over so many courts that the tickets will be dismissed where the troopers don't show up.

"My troopers spend 40 percent of their time in court," Kraft said, adding that 48 percent of my overtime cost is in court — \$150,000 a year."

Even Sen. Mike Rogers, R-Brighton, a former FBI agent, was unsympathetic to Kraft. "We're going to inconvenience people for the sake of the State Police? I think we ought to get our act together first," said Rogers.

Gordon Gots, representing the Michigan State Troopers Association, faulted MSP administrators. "MSP has chosen to close posts and open superposts (like north metro). Management

has centralized the process. I question whether management has done enough," Gots said.

"We don't view that (Gubow's bill) as something to be proud of — picking the judge," said Gots. Sen. Gary Peters, D-Bloomfield Township, was more sympathetic to the bill. "It doesn't give me a lot of comfort to have troopers scattered across communities' courts. The key issue is having troopers on the highways," Peters said.

The Gubow bill would amend the judiciary act to allow negotiation of the processing of MSP tickets. It is narrowly crafted to apply only to counties of more than 700,000 (Wayne, Oakland and Macomb) and excludes Detroit's 36 District Court because of its size.

Because district courts are viewed as revenue sources as well as halls of justice, the bill requires all affected funding units (cities and townships) to approve the agreement. They may cancel a deal on six months' notice. Seeing his members split, chair William Van Regenmortel, R-Jenison, took no vote, casting doubt over whether the bill could be reported out in time for a final Senate vote. Refer to House Bill 5741 when writing to your state senator, State Capitol, PO Box 30036, Lansing 48909.

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