

**TRANSPORTATION** JUNE 15, 2015

# Court case hinges on claim of illegal CHP ticket quotas

**HIGHLIGHTS**

Evidence in a Sacramento court case suggests officers are encouraged to increase traffic stops

Judge says CHP 'should be ashamed' of evidence presented

California Highway Patrol flatly denies quotas exist



Harrison Orr, 78, of Citrus Heights is suing the CHP over a traffic stop that he says resulted in him being thrown to the ground, being accused of DUI and spending more than 14 hours in custody. | **Sam Stanton** - [ssanton@sacbee.com](mailto:ssanton@sacbee.com)

BY DENNY WALSH  
AND SAM STANTON  
[dwalsh@sacbee.com](mailto:dwalsh@sacbee.com)

For years, the California Highway Patrol has consistently denied that its officers are subject to a quota for the number of traffic tickets they write each month.

The practice is illegal under state law, and agencies that have been found to use a quota system have paid millions of dollars in damages and faced lawsuits filed as recently as April.

Despite that, a veteran CHP officer testified in Sacramento this month that he was subjected to monthly admonishments from his superiors to boost his “enforcement contacts” with motorists to at least 100 a month, and that such performance evaluations went on for years.

The testimony by CHP motorcycle Officer Jay Brame, who is being sued along with another officer and the CHP in a case now playing out in federal court in Sacramento, was bolstered by the introduction of performance reviews urging him to pull over more motorists.

“You have averaged five enforcement contacts per day for the first 15 days of the month, this is well below the shift average and not acceptable for a (motorcycle),” one evaluation introduced as evidence stated. “You will need to pick up your enforcement activity the second half of the month and use the (motorcycle) for what it is intended to be used for.”

The direct language in the documents surprised even the judge presiding at the trial.

“That is terrible,” U.S. District Judge William B. Shubb said. “I would think that the CHP should be ashamed of that document.”

“It’s a quota,” said Michael Haddad, one of two Oakland attorneys representing Harrison Orr, a Citrus Heights man suing the agency for false arrest. Haddad’s partner, Julia Sherwin, repeated that claim Monday in closing arguments to the jury.

“You can see from the evaluations that the CHP certainly has a quota,” Sherwin said. “The quota is 100 a month, even if they don’t encounter 100 people who are doing something wrong.”

# \$10 million

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Amount paid by by officials in Los Angeles over ticket quotas

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Officials at CHP headquarters said they could not comment on pending litigation, but flatly denied Monday that such quotas exist.

“There’s not a quota in the Highway Patrol,” Capt. Josh Ehlers said. “I’ve never seen one. I’ve never enforced anything like that.”

Deputy Attorney General Stephen Pass, who is defending the agency and its officers at the trial, dismissed the claims about quotas as a distraction.

“You hear all this about quotas and performance reviews; that doesn’t do anything, that’s just noise,” he told the jury in his closing argument. “It does not put anything on the scales. (Orr’s) driving is his driving. The only reason they’re bringing this up is because they’re trying to distract you.”

Pass said that Brame paid no heed to the constant criticism he received from his supervisors regarding the officer’s low output of citations.

“He’s doing what he’s doing,” the deputy attorney general told the jury. “He’s being a good cop. He doesn’t change. He keeps pulling over the same number of drivers month after month.”

The question of whether quotas exist is one the CHP has addressed in op-ed columns in newspapers for years, and one that motorists – and patrol officers – have long questioned.

“Ticket quotas are illegal in California,” CHP Officer Ken Antonetti wrote in a March 2013 “Tips from CHiPs” column in the Hanford Sentinel. “Thus the California Highway Patrol does not require a minimum amount of citations, nor does it limit the amount of citations an officer can issue.”

State Vehicle Code 41602 makes clear the concept is illegal. “No state or local agency employing peace officers or parking enforcement employees ... may establish any policy requiring any peace officer or parking enforcement employees to meet an arrest quota,” the code states, noting that citations are included in that prohibition.

Some officers have sued their own agencies, claiming they were illegally coerced into stopping motorists simply to meet a quota.

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## **A LOS ANGELES POLICE DEPARTMENT OFFICER SUED THE CITY IN APRIL, CLAIMING HE FACED RETALIATION AFTER BEING REQUIRED TO WRITE 12 TICKETS A DAY.**

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Officials in Los Angeles have paid out roughly \$10 million over ticket quotas in recent years, according to media reports, including \$6 million approved in December 2013 to settle lawsuits filed by motorcycle officers who said they were being ordered to write at least 18 tickets on each shift.

Even after those payouts, another LAPD officer sued the city in April, claiming he faced retaliation after being required to write 12 tickets a day.

A “whistleblower retaliation” lawsuit filed by Officer Earl Williams claimed his sergeants “repeatedly told officers during roll call that the officers were not writing enough tickets” and that after he wrote only one ticket during a shift he was reassigned to desk duty.

The CHP case now unfolding in federal court in Sacramento was filed in March 2014 on behalf of Orr, a disabled 78-year-old man from Citrus Heights.

Evidence presented during the trial shows that Orr, then 76, was pulled over by Brame for driving too slowly, making an unsafe lane change and “drifting” at about 11 a.m. Aug. 6, 2013, while southbound on the Marconi Curve section of Business Loop 80. After he pulled over, the evidence shows, Brame told Orr he suspected him of driving under the influence and performed field sobriety tests, including a Breathalyzer.

Orr told the officer he did not drink, smoke or use drugs and that he had suffered a stroke in 2006, the evidence shows. Orr added that he could not walk in a straight line because of the effects of his stroke, and Brame was able to rule out alcohol intoxication at the scene, according to the trial evidence.

Brame told Orr he was being arrested for DUI and would be evaluated for drugs in his system by an expert at the CHP’s north area station, the evidence shows. Brame and another CHP officer who had arrived, Terry Plumb, insisted that Orr must be handcuffed

per CHP policy. Orr protested that the officers could not handcuff him because he had no balance and could not walk if handcuffed, the evidence shows.

Evidence at trial showed that Orr struggled with the officers to avoid being handcuffed and Plumb punched him in the stomach and swept Orr's feet out from under him and he went down on the gravel shoulder of the road. Orr was cuffed and taken to the CHP's north area station off Madison Avenue and I-80, where he was held for at least three hours and cleared by an expert of DUI as a "medical rule out." He was then taken by Brame to Sacramento County jail and booked on suspicion of resisting arrest. He was released from jail around 1 a.m., according to the evidence.

The District Attorney's Office declined to prosecute based on insufficient evidence, a trial document shows. Meanwhile, Brame contacted the Department of Motor Vehicles and asked it to determine whether Orr, who has no history of accidents or traffic citations, should be driving, the evidence shows. The DMV found Orr to be competent to drive, and the Navy veteran who had never before been arrested sued the CHP and the two officers, claiming civil rights violations, assault and battery, negligence, elder abuse and false arrest.

The case is expected to go to the jury on Tuesday, and in closing arguments Monday, Orr's attorneys asked the jury of five men and three women to assess \$1.25 million in damages against the defendants for seven weeks of pain Orr endured after being knocked to the ground, for false arrest and to deter such conduct in the future by CHP officers.

Despite the law against quotas, Brame testified that his bosses wanted him to make at least 100 "enforcement contacts" a month and to write more tickets, whether they were valid citations or not. Enforcement contacts can include anything from a citation to a warning to traffic control or an arrest.

Brame testified that he was encouraged to turn his verbal warnings to motorists into written citations to get his numbers up.

"And you were aware that the CHP had a goal for you of 100 law enforcement contacts a month?" Haddad asked.

"Not the CHP, but our supervisors at the – the area commander, yes," Brame replied.

"And whether or not you encountered 100 drivers who deserved tickets, right?" Haddad asked.

"Correct," Brame said.

*Denny Walsh: (916) 321-1189*

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15 Comments

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**Douglas Masone**

2 hours ago

Not so much the quota system as the abuse of the rights by the CHP officers. This continuing evidence of the disconnect in Law Enforcement should concern all of us. The officer who testified about quotas, is a hero while the officers being sued are cowards and criminals. The DA's Office should have charged the cops instead of defending them. In all, the CHP is not immune from rogue cops and they should have fired these officers and settled with the plaintiff a long time ago. There are plenty of crazy drivers on our highways to keep officers busy all day. Quotas are a money machine while booking drunks is less profitable. Mr. Orr got taken in for contempt of cop. Not till they start charging officers with armed kidnapping will these incidents stop. A cop who uses his authority to batter and arrest those who stand up is a coward and criminal and should be held to the same standards as they hold us to.

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**Joe Blow**

5 hours ago

Anyone that drives a lot daily in California knows that the end of the month and first week of the month is when the CHP are out in force ticket writing with speed traps and radar. The rest of the month you sporadically see them while the crazy California drivers run ramped. I rest my case! Also why do we use CHP officers at road construction sites to sit on the side of the road? I have never seen this in any other state in my travels. These officers make an average of \$100K per year to baby sit construction sites?

Reply Share

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**Gary Miller**

8 hours ago

Whenever I am on the freeway, I see numerous violations. Speeding, unsafe lane changes, carpool violations, trucks in the fast lane, etc. Yet, I rarely see any CHP cars. The taxpayers are paying their salaries. Are they earning their pay? If the officers cannot find 10 violations per day, then maybe they need to leave the donut shop more often.

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2 0

**Wine Dude**

12 hours ago

All this did was confirm what any sane American knows, mainly that PIGS is PIGS! And to the CHP, all I can add is "OINK!"

Reply Share

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**Dennis Friedenbloom**

13 hours ago

Well written by Michael Fasula. It is well documented that cops lie and cover things up. There are good cops and bad cops, always have been. One solution is to force cops to wear cameras and record every interaction. This person that writes and calls the elderly man a clown, without having any real knowledge of the case really is the definition of a clown.

Reply Share 4 replies

2 2

**Doug Regelin**

12 hours ago

Anyone who is innocent and instead chooses to resist arrest is a clown. For example, if you intentionally broke the law in the presence of 2 CHP, you'd be a clown too. For this event to have gone down as described by the old man, 2 separate officers, who may be friends and may not, would both have to lie about the event. Why would

they? What motive would they possibly have? Why rough up an old man? For what purpose? Until the old man drove his car oddly, the dynamics of this situation didn't even exist. Now, what's more likely? That an old man was roughed up by 2 strangers who arrived at different times for a routine DUI, or that the old man resisted arrest? I'll stand behind the CHP. The old man controlled the entire event and made poor choices one after the other. If he didn't feel safe walking handcuffed, all he had to do was ask either officer for assistance. Why would either officer do a Karate Kid II on the old man?

Reply Share 3 replies

1 3



**James Olson**

11 hours ago

In view of the astounding naivety of the views expressed in these comments I must conclude that they were made by a paid professional commenter, since no functional adult would hold such absurd views.

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Reply Share 1 reply

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**Michael Fasula**

9 hours ago

So a 76 year old guy who tells a cop that if he is handcuffed he will fall over due to a past stroke deserves to be punched in the stomach and have his legs swept from under him? I'm thinking there's a more peaceful and humane way to handle this situation.

Share

2 0



**Alan White**

7 hours ago

maybe they should beat up your dad too, like this 78 year old was a threat, the threat again is rambo law enforcement.



Reply Share

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**Doug Regelin**

15 hours ago

Why does everyone just assume the victim is telling the truth? Conspiracy by 2 officers to assault an old man? Really!! When was that set up and how did they know this old man would be available? Naw! This clown was notified that he was being arrested for DUI. If he was innocent as he claims, it would have been proven at the station and he would have been released. Instead, he attempts to interfere with what was already a done deal. Can't walk handcuffed? Has anyone ever seen an old man walking around handcuffed without help? More B.S.

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**James Olson**

11 hours ago

It is always reasonable, in every case, to assume that the police will lie, based on thousands of documented cases,

Reply Share 1 reply

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**Doug Regelin**

11 hours ago

Thousands of documented cases? Care to share your source?

Reply Share

1 2

**David Fields**

20 hours ago

Except the cops will seize your camera and threaten to arrest you as has been documented many, many times

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**Michael Fasula**

20 hours ago

If this was on video, Terry Plumb would be doing 3-5 years for elder abuse. Real tough guy beating up a 76 year old veteran.

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3 2

**Michael Fasula**

22 hours ago

Video every contact you have with police. They will lie to protect themselves and it usually works. Your protection is your camera.

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