

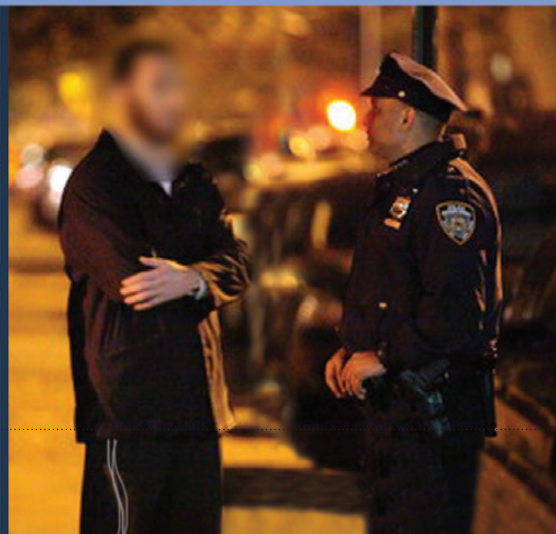
- Dov Levy -

A Brush With The Law

In America, one does not have to commit a violent crime to face arrest and find oneself behind bars with hardened felons. Sometimes, even a minor infraction can be grounds for the police to arrest, handcuff and treat you like a bank robber or murderer. Three from Jews (all names have been changed) tell the story of the nightmare they lived through when they found themselves on the wrong side of the law.

Three People Describe Their Experiences With The Justice System

- *The businessman who was arrested for stealing his own car.*
- *The worker who drank a l'chaim—and spent four months in living hell.*
- *The mother who was arrested for trying to return a lost object.*



I was Arrested for Driving my own Car!

—Moshe Seligman—

As in most of America, when driving in upstate New York, one is permitted to make a right turn at a red light, provided you come to a full stop and check that there is no cross traffic. In such locales, it is only forbidden to make a right on a red if a traffic sign explicitly says so.

The signs forbidding the right turn on a red are not always clearly visible, though. Sometimes they are blocked by a tree or other object, but the penalty remains the same whether the sign was visible or not.

For years I passed such an intersection on my way to work, where an almost invisible sign warned, “No Turn On Red.” I was living under a misconception. That misconception was clarified for me one day when I saw flashing lights behind me right after I made a right turn at the light. I pulled over to the side, not understanding what was going on. It hadn’t occurred to me that I had just unwittingly committed a traffic violation.

The policeman walked up to my window and said, “License and registration.” As I searched in my wallet for my license the officer asked, “Do you know why you were stopped?”

I did not.

I was surprised to learn that there was a sign at the corner warning drivers that any turn on a red light is forbidden. But that was just the beginning. I was absolutely shocked when the officer returned to my car after checking the papers I had handed him and told me, “Sir, be so good as to get out of your car. You are under arrest for car theft.”

“Theft?! Me, a car thief? There must be a mistake.”

At first I thought he was just playing games with me, but it was no joke at all.

He told me drily that he had entered my car’s VIN number in his computer and had discovered that the vehicle I was driving had been stolen.

“I don’t understand,” I tried to reason with him. “I gave you my registration. That is an official Motor Vehicle registration form that states that the car is registered to my name. You can see on your computer that the car is mine.”

The policeman hesitated. He was clearly at a loss as to how to react. Finally he said, “I don’t know. I’ve got to do my job. This car is listed by the authorities as stolen and my duty is to arrest the car’s driver.”

“But I bought it from a legitimate car dealer! “ I argued with him. “You can follow me to my house and I’ll give you the title. You’ll see clearly that it’s my car.”

“You’re under arrest!” he repeated impatiently. “Let’s go! Don’t try any tricks.”

The policeman called for backup. After all, this wasn’t just another traffic ticket. He had caught a hardened criminal who might attempt to resist. He also called a tow truck to tow away my car.

Why was a law-abiding citizen like me being arrested for theft of my own car? How could the police officer have made such a mistake?

The answer is that the car’s previous owner had not paid her monthly payments on the car, and the bank had confiscated her car and put it up for sale, which is how it reached the hands of my dealer.

It is a daily occurrence in America that banks send repossession units to confiscate cars from people who are not meeting their financial obligations. The repossession people are usually civil, but they have hard shells and fear nothing. In truth, they need to be stiff people, because the car owner could pull out a gun or put up a fight when somebody comes to repossess their car.

Legally, repossession units must first go to the local police and file papers that show that they have the right to confiscate the car, so if the owner calls the police, the police will know not to react. In this case it didn’t

happen that way. When the woman saw her car missing, she called the police and reported that her car was stolen. I don’t know whether this was intentional or she really thought her car was stolen.

In a working system the police should have known right away that the car was confiscated. In a bureaucratic system thick with red tape, however, things don’t necessarily work sensibly. Although the police had entered in their computer that this particular minivan was confiscated by the bank, another policeman entered a report that the car was stolen, and the two contradictory reports remained in the registry’s computer.

When this “stolen” car passed through the hands of a legitimate car dealer and was sold to a legitimate customer, the transaction was duly recorded by the Department of Motor Vehicles and I even received my title and registration for the car in my name. And despite all that, my Toyota Sienna remained a stolen car....

In any case, I was led into the police station in handcuffs where I was told to sit on a bench with one hand chained to the bench. I was put through the same procedure every criminal is put through after being arrested, including fingerprinting, mug shots, etc.

Understandably, I wasn’t too excited about going through the procedures, but at that point I didn’t take it too seriously. I reacted to the situation more with surprise than with anger. If it was preordained for me to undergo this aggravation, then I would have to put up with it, and at worst I would be a bit late for work today.

I had no idea that it was far worse than that. After a few hours of sitting in the station I was brought before a judge who listened to the serious charges against me and my very plausible explanation to the senseless accusations. I believed he would recognize the mistake that had occurred and let me go.

Instead, the judge said, “I would advise you to hire a lawyer,” hinting to me that my situation was very serious and I shouldn’t

take it lightly. The judge then set the bail at \$1,500, meaning that if I didn’t put down the money I would go to jail.

I didn’t have that kind of money on me at that time, but fortunately a friend of mine came down and bailed me out. Otherwise, I would shortly have found myself wearing orange prison garb in the local jail.

After losing precious hours of my time I was at last free to go, but without my car—it was stolen, remember? I had to rely on favors from others to make it to work and then return home. The next few days I had the extra worry of preparing for my trial as well as figuring out how to get my car back.



Nothing can prevent a repossession unit from confiscating a car when they are called to do so.

I returned to the police station a few days later with my car dealer. We brought along all the papers which clearly demonstrated that my dealer had purchased the car in a legal manner and then sold it to me. I also showed the police the title which clearly displayed that the car was mine. The policeman who had arrested me went through the documents thoroughly and then called the police station in Camden, New Jersey, which had entered the two contradictory reports and in a short time it was clarified that my story was 100% correct.

My car was returned and the charges against me were... *not* dropped.