

Taken for a Ride

*HOW EXCESSIVE TICKETING PROPELS
ALABAMA DRIVERS INTO A CYCLE OF DEBT,
INCARCERATION, AND POVERTY*



About Alabama Appleseed Center for Law & Justice

Alabama Appleseed Center for Law and Justice is a non-profit, non-partisan 501(c)(3) organization founded in 1999 whose mission is to work to achieve justice and equity for all Alabamians. Alabama Appleseed is a member of the national Appleseed Network, which includes 18 Appleseed Centers across the U.S. and in Mexico City. Alabama Appleseed is also a member of the Sargent Shriver National Center on Poverty Law's Legal Impact Network, a collaborative of 36 advocacy organizations from across the country working with communities to end poverty and achieve racial justice at the federal, state, and local levels.

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ALABAMA APPLESEED CENTER FOR LAW & JUSTICE

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ALABAMA APPLESEED
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PROLOGUE

The Past is ...

Nathan Williams, Jr. remembers the traffic stop like it was yesterday. “I was carpooling,” he said. “I left Tulane Court and I came out to Hall Street. It wasn’t a red light. So after I looked, heading downtown, one of the motorcycle policemen put his lights on and stopped me. And he said, ‘Can I see your license?’

“I said, ‘What for, officer?’ He said, ‘Can I see your license.’ I said, ‘OK, officer.’ He said, ‘You just ran that red light back there.’ I said, ‘Wasn’t no red light back there, so how could I run it?’ He said, ‘Yes you did.’ I said, ‘No I didn’t run no red light.’

“He said, ‘Get out the car’ and I got out the car and came to the back,” Williams recalls. “He said, ‘You don’t have a tag light.’ So he ended up giving me a ticket for no tag light when I was supposed to be actually stopped for a red light.”

The car was a 1951 Chevy, and the year was 1956. That tag light ticket was one of many Williams received during the 13-month Montgomery Bus Boycott as he ferried his aunt and several other Black women who worked as maids in downtown Montgomery to and from work.

His fellow carpool drivers got them too. “They were giving tickets for every little thing that you want to think of,” Williams said. “Any little thing. Stop sign. Red lights. Speeding. Not speeding. They’d stop and harass you. And in the ending of it, they eradicated all those tickets because when the movement got going, it just didn’t make any sense.”

Now 88, Williams, a lifelong resident of Montgomery, Ala., says he has occasionally been pulled over in the decades since then. To his mind, there is a sharp distinction between then and now: Then, he says, he not only had no civil rights; he had no rights whatsoever. Police could treat him however they wanted. So could any white person, he notes.

Now, he does have rights — and when police pull him over, it feels different. He doesn’t like it, but he doesn’t experience the same existential fear he did during the boycott and the civil rights movement that rocked Montgomery for decades afterward.

To a man who remembers the night Dr. Martin Luther King, Jr.’s home in downtown Montgomery was bombed and the terrifying precarity of the moment, and years, that followed, the difference between then and now is the crux of his life’s experience and work. There is no discounting the enormity of how the legal landscape changed between then and now, nor how those legal sea changes

led to concrete changes in who has access to power in the state of Alabama. Williams is adamant about that, and rightly so.

Yet at the same time, Williams’ experience of being pulled over repeatedly, harassed and ticketed for no good reason, would resonate with many younger Alabama drivers. For many who have followed the steady march of fatal shootings of Black people during traffic stops across the country — Daunte Wright, Philando Castile, Gabriella Nevarez — so too would the existential dread. And the evidence of the myriad lesser harms traffic stops can cause: the accumulation of unpayable fines and fees, endless court dates, stays in debtors’ prison, ambient distrust of and discomfort with police among residents of communities that disproportionately experience both community violence and traffic stops — that is real too.

Williams and his generation demanded a reckoning, and they got one. They even got their baseless traffic tickets thrown out

“They’d stop and harass you. And in the ending of it, they eradicated all those tickets because when the movement got going, it just didn’t make any sense.”

en masse because, as Williams said, “it just didn’t make any sense” to expect them to pay.

But however different then and now look, there is still work to be done before policing in Alabama is uniformly experienced as reasonable and just, especially by low-wealth individuals and people of color. This report seeks to document the problem, identify some of its causes, create a shared understanding of its consequences, and start a conversation about how to make things better. ■

Introduction

Before the sheriff's deputy placed handcuffs on Bryttian Linn as she stood in the door of her home in October 2022, she'd already heard about Brookside, Alabama, the tiny town of 1,200 residents just north of Birmingham where police had aggressively ticketed drivers in a campaign to raise revenue from fines and fees.

Linn had read the news articles that broke the Brookside story, resulted in the town's police chief and numerous officers' resignations,¹ the municipal court judge's agreement never to serve as a judge again,² and the state legislature passing a cap on how much municipalities can raise through fines and fees.³

Sitting in her solitary cell for six days in the Calhoun County Jail, arrested over old traffic tickets she couldn't afford to pay and unable to raise the \$405 needed to get out, Linn worried about her mother and siblings, because they relied on her small income.

Brookside's aggressive ticketing, which resulted in fines and forfeitures making up 47% of the town's revenue in 2020, shocked those unaware of such practices.⁴ But while the town's use of traffic tickets to grow revenue by 640% over two years was an outlier, Linn and too many like her, in places large and small across Alabama, know the impact court debt can have on a life.

The U.S. Department of Justice in an April 2023 letter to jurisdictions nationwide warned states against violating the civil rights of adults and children through aggressive ticketing and collection of fines and fees.⁵

"The Justice Department's updated guidance addresses practices that disproportionately affect low-income communities and people of color, can trap individuals and their families in patterns of poverty and punishment, and may

violate the civil rights of adults and youth alike... Imposing and enforcing fines and fees on individuals who cannot afford to pay them has been shown to cause profound harm," the letter reads.

In this report, we show how traffic stops can place low-wealth people and minorities on a merry-go-round of mounting court debt, more ticketing, arrests and yet more debt. It's a cycle familiar in many municipal courts, where some judges order arrests over traffic ticket debt with little deliberation and few questions asked, and where obtaining justice seems an impossible task for many.

This report also looks at how many Alabama police departments use federal dollars meant to reduce crash fatalities and injuries to more heavily ticket those same low-wealth and minority drivers.

To develop this report, we visited nine separate courts over 63 hearings, interviewed retired law enforcement officers, current and retired judges, attorneys and court bailiffs. We developed short- and long-term relationships with impacted people, combed through municipal budgets and audits, legal records of those ticketed and arrested over court debt, federal and state grant data and detailed data on what impact those grants had in traffic stop outcomes. Our findings, we hope, will create the opportunity for a shared understanding of how the system works and what it does to people caught up in it, to the end of identifying actionable opportunities for improvement.

Traffic stops can place low-wealth people and minorities on a merry-go-round of mounting court debt, more ticketing, arrests and more debt.

Predatory Policing, and the Long Tail of Debt

RACE, PLACE, AND THE ROAD

A 2018 survey of Alabamians whose licenses were suspended due to unpaid traffic tickets revealed the desperate choices these individuals made in an effort to stay current on their debt. Almost 9 in 10 had to choose between basic needs like food, utilities, or medicine and paying what they owed; nearly half took out a high-interest payday loan to pay off their tickets; and almost a third admitted to committing crimes like selling drugs or stealing.⁶

Even so, nearly two-thirds were jailed in connection with unpaid traffic debt. In interviews, many described being unable to find work or being fired from jobs that had nothing to do with driving because their licenses were suspended. The median they owed was \$869. That's almost three weeks' pay of full-time work before taxes at Alabama's \$7.25/hour minimum wage, or nearly a year and a half of monthly payments at the \$50/month payment plan common in many jurisdictions.

In Alabama, a racial wealth gap driven by centuries of discriminatory laws, policies and practices that excluded Black Alabamians from opportunities to earn and accumulate wealth means that Black people are less likely to have the money they need to pay off court debt. At the same time, what little information is available about policing and race indicates that Black residents are

disproportionately arrested, convicted, and assessed fines and fees.⁷

Alabama courts maintain but do not make public data that would demonstrate whether and to what extent conviction disparities hold true in the context of traffic offenses, so it is impossible to say with certainty that Black motorists are more likely to owe traffic debt. And despite heroic efforts by and emotional testimonies from Black lawmakers who have personally experienced the humiliation of being pulled over on pretextual stops, the state's majority-white legislature has repeatedly declined to pass legislation that would require police to track the race of individuals they pull over.⁸

But national data shows that Black people are far more likely than white people to be pulled over, the first step in the process that leads to traffic tickets. For instance, according to a 2018 analysis of more than 20 million records from traffic stops in North Carolina (which has similar racial demographics to Alabama⁹), Black motorists there were 63% more likely to be stopped than their white peers, and 115% more likely to be searched during a traffic stop.¹⁰ There is no reason to believe Alabama is any different (and much reason to believe it is similar). Policing decisions here, as everywhere, are the first step in the debt spiral so many Alabamians find themselves trapped in. For this reason, we

\$869

Median amount owed on traffic tickets by survey participants — nearly three weeks' pay of full time work before taxes at Alabama's \$7.25/hr minimum wage.

115%

Black motorists are 115% more likely to be searched during a traffic stop than White motorists.

begin with an examination of the incentives that drive those decisions.

HOW FEDERAL GRANTS INTENDED TO IMPROVE ROAD SAFETY INSTEAD DRIVE TICKETING DISPARITIES

According to the U.S. Department of Transportation, the goal of the Selective Traffic Enforcement Program (STEP) is to “induce motorists to drive safely.” The Alabama Department of Economic and Community Affairs (ADECA), which administers the federally funded program here, echoes that, stating on its website that, “Alabama’s enforcement campaign directly targets where speed and impaired driving crashes historically occur.”¹¹

Yet STEP-funded officers — and many other traffic police in Alabama, regardless of where they are patrolling and how they are funded — routinely make choices that appear at odds with the interests of road and public safety. While comprehensive data about how police spend their time, who they ticket, and why is not available, Appleseed’s analysis of data pertaining to STEP-funded policing shows that in at least some jurisdictions, policing funded by federal dollars intended to deter dangerous driving instead disproportionately resulted in tickets and fines for regulatory infractions like insurance and driver’s license violations, which more often result in fines and fees for lower-income and minority drivers.¹²

Of the 156 Alabama law enforcement agencies that received STEP grants in one or more of the years between 2018 and 2022, 107 had in at least one of those years issued more warnings to speeders than to those stopped and deemed to have insurance violations, who were more likely to get tickets. Put another way, people who were driving dangerously were less likely to experience financial penalties than people who committed regulatory infractions. Many of those agencies did so for multiple years, according to ADECA data Appleseed reviewed. The ticketing disparity was even greater among law enforcement agencies in Alabama’s wealthier areas.

The Birmingham suburb of Vestavia Hills is 85% white, with a per capita income double that of the state’s overall per capita income, according to 2022 U.S. Census estimates. Police working STEP overtime there in 2018 issued warnings for 42% of speeders but just 9% of those deemed to have insurance violations. In 2019, police handed out warnings for 57% of speeders but just 5% of insurance violations.

In Mountain Brook, another Birmingham suburb even whiter and wealthier than Vestavia Hills, police in 2018 issued warnings for 46% of speeders but just 7% of insurance violations. In 2020, Mountain Brook police issued warnings for 68% of speeders and just 5% of those deemed to have insurance violations. The insurance violations came with a \$50 fine and \$165 in court costs.

The Anniston Police Department’s use of STEP money shows that in 2021, drivers stopped and deemed to have an insurance violation were more than twice as likely to get a ticket than a warning when compared to those stopped for speeding. Of those deemed to have driver’s license violations, 29% received tickets rather than warnings. By contrast, just 15% of speeders were ticketed.

Anniston police who received STEP overtime pay in 2020 wrote 344 tickets in 1,540 traffic stops. Police departments across the country in 2020 saw reduced patrol hours caused by the COVID-19 pandemic, however, and those reductions are reflected in STEP overtime hours as well. In 2021 those officers wrote 463 tickets in 2,299 stops.

The disparity in tickets between regulatory and moving violations written by Anniston police is mirrored in Brookside, a tiny town in Jefferson County that has become synonymous with predatory policing.

Of those stopped by police in Brookside in 2020 working STEP overtime, 41% of the 41 speeders stopped received warnings rather than tickets, while just 17% of the 162 people stopped and deemed to have insurance violations received warnings rather than tickets. Just 12.5% of those deemed to have driver’s

license infractions were handed warnings over tickets that year.

It isn't just the STEP program that has resulted in heavier ticketing for non-moving violations. Anniston officers who were working the federally funded "Click it or Ticket" program in 2020 wrote tickets for just 8% of those stopped who weren't wearing seatbelts, and just 7% of those stopped for speeding. In contrast, they wrote tickets for 37% of those stopped who had insurance violations and for half of those with driver's license violations.

In Alabama in 2019, 19.5% of drivers were uninsured, according to the Insurance Research Council, ranking the state as having the seventh highest percentage of uninsured drivers in the U.S. While insurance and other regulations such as maintenance of a valid driver's license serve legitimate regulatory purposes, violating those regulations does not directly endanger motorists the way that infractions like speeding, failing to wear a seatbelt, or ignoring traffic signals might. Recent data from the Insurance Institute for Highway Safety places Alabama seventh among all rates for its rate of fatal car accidents,¹³ indicating that dangerous driving is a more serious problem here than in most other states. This makes it all the more disturbing that police funded by federal programs putatively intended to increase road safety are in some jurisdictions more likely to ticket motorists for regulatory, rather than moving, violations.

WHAT POLICING DECISIONS MEAN FOR THE PEOPLE WHO EXPERIENCE THEM

These policing decisions come with severe consequences for those who are policed.

Aja Colley, 44, an African American woman, was pulled over by a Wetumpka police officer in April 2023, immediately after pulling out of a casino's parking lot and ticketed for driving on a revoked license. The officer who pulled her over told her he ran her license plate and it came back as a vehicle driven by a person without a license. She received no other warnings or tickets, and the same officer

had recently pulled over other women leaving that same casino and also ticketed them with non-moving violations.

Bryttian Linn in May 2020 received so many non-moving violation tickets in one stop by a Weaver police officer that the judge expressed concern that she'd been too heavily ticketed and dismissed each charge. Linn says she had to stop driving through that city because officers there began targeting her, pulling her over and ticketing her for every infraction they could find, from dim lights to a loud exhaust.

Gadsden Police in 2003 knocked on the door of 44-year-old Deidra Coats' apartment in public housing and alleged they'd received a call about loud music. Coats said police there often used that claim to enter homes to run names and search for illegal activity. When she wouldn't open her door police forced entry and arrested her for disorderly conduct and obstructing government operations and charged no one else with any crime. When she didn't pay the more than \$1,000 in fines and fees connected to those charges a judge in 2018 issued an arrest warrant and Coats was arrested in June 2022. She spent four days in jail after her family struggled to come up with the cash bond for her release.

In decades past Alabama law enforcement made regular use of roadblocks, often set up in majority-minority communities, to heavily ticket those stopped, drivers and retired police officers tell Appleseed. While roadblocks aren't used as frequently due to numerous lawsuits that challenged the practice's constitutionality, the court debt from those roadblocks can linger for decades more.

According to drivers and retired police, it's now common practice for officers to park near the bottom of hills and pull over drivers who pick up speed while heading downhill. Alabama State Troopers often do so at the same steep hill on Alabama Highway 9 between Piedmont and Centre. On May 24, 2023, just before 10 a.m., a trooper pulled over an older red Chevrolet truck as it came off that hill.

68%

of law enforcement agencies statewide that received STEP funding issued more warnings to speeders than to drivers with car insurance violations — who instead received tickets — adding fines and court fees to the costly burden for some families.

VOICES FROM THE FIELD

LAW ENFORCEMENT'S VIEW

“Informally, if you weren’t writing a ticket an hour you’d get into trouble.”

Two retired Anniston Police officers spoke to Appleseed about the department’s use of the Selective Traffic Enforcement Program (STEP), which sends federal dollars to local agencies to pay overtime for traffic enforcement.

The program incentivizes officers selected to work those overtime hours to stop more vehicles, and to write more tickets.

“I’ve got a problem with the STEP program because, at least in our department, you can get suspended for, quote, not being productive,” Roy Bennett, one of the former Anniston police officers, told Appleseed, adding that some officers would write as many as 10 tickets on their four-hour overtime shift as part of the STEP program.

“Informally, if you weren’t writing a ticket an hour you’d get into trouble. The department knows that they could get reduced funds the following year if the department’s not productive,” Bennett said. The other officer who spoke to Appleseed agreed with Bennett’s explanation of the department’s understood quota.

Bennett retired from the police department in 2013. It’s unclear if there have been changes in how Anniston police operate the program in the decade since.

During his time there, officers selected for the STEP program were paid time-and-a-half for the four hours per patrol shift. Any unused federal funds through the STEP program at the end of the year would go to pay more overtime for the officers who were “most active,” Bennett said.

Data on the number of traffic stops, the number of warnings and tickets given, are

sent back to the state’s STEP grant administrator, the Alabama Department of Economic and Community Affairs (ADECA). That data could impact the level of funding next year’s grant, Bennett said.

The supervising officer overseeing the STEP program can, and has, cut officers from receiving that overtime pay if they fail to make the required number of traffic stops, Bennett said.

But it’s about more than simply stopping vehicles.

“If I go out there and work four hours I may stop eight cars, but I didn’t write any citations,” Bennett said. During his time in Anniston, several officers who failed to write enough citations to please the supervising officer were suspended for a period of time from the program and then brought back, he said.

It helped an officer’s numbers when they were able to write several tickets in a single stop, Bennett said, noting that doing so wasn’t his practice. He’d write tickets for larger infractions but warnings for other, lesser offenses.

“I could write four tickets on a stop and every one of them be valid, but my feeling is, ‘that’s not justice, because I get you involved in the system,’” he said.

While some drivers do get put on payment plans to pay off the steep fines and fees associated with those multiple ticket stops, many end up unable to pay regardless. If they miss enough payments or court appearances, courts can suspend their driver’s license and order them arrested as a result.

“But they continue to drive, number one, to make money to pay their fines, and number two, to support themselves or their family, then they get caught again,” Bennett

said of the common occurrence of people driving with a suspended license.

APD’s supervising officer who runs the STEP program selects where those extra patrols are spent. While sometimes those patrols were located in areas where accidents are more frequent, areas police identified as high-crime areas were also targeted, Bennett explained.

During Bennett’s time with the department Anniston police also used STEP overtime hours to patrol a stretch of roadway in a shopping area where, during the holiday shopping season, robberies and attempted robberies were more frequent, Bennett said.

“That lasted for a couple of years then robberies and attempts went back to normal,” he said. “Traffic enforcement is to reduce collisions. If you’re in an area where it’s not a high collision area and you’re writing tickets, what are you really accomplishing?”

The former officer said that patrol cars being visible in high-crime areas can reduce crime, but it’s what those officers do while on those patrols that’s critical.

“From an officer’s point of view, you’ve got to keep in mind what the purpose of you enforcing traffic in that area is. It’s not to load up a bunch of people in low-income areas with tickets, even if you know they’re valid,” Bennett said.

A JUDGE WEIGHS IN

“We’ve lost sight of why we have municipal courts”

Sam Monk in 2007 retired as the presiding judge of the 7th Judicial Circuit in Anniston. Before that, in the mid-1970s, he served as the city of Oxford’s municipal judge and later as Anniston’s prosecutor.

Monk said he has watched over the last

several decades as local municipalities, counties and entities with the power to do so have constantly increased court costs for “supposedly related projects.”

Under Alabama law, fines, fees, and court costs for any given offense are set at a base amount, but counties are authorized to pass laws increasing court costs to fund special projects. For instance, under the Cleburne County Jail Fund Act,¹⁴ Cleburne County charges an additional \$30 on top of other fines, fees, and court costs “paid into the General Fund of Cleburne County to be held in a sub-account to be used by the Cleburne County Commission for the planning, designing, constructing, furnishing, equipping, and financing of a county jail and operating and maintenance costs associated with this jail and the county sheriff’s department.”

As a result, “a speeding ticket in Cleburne County is much more expensive than in Calhoun County simply because they were building a jail, but all of this debt is heaped on the backs of people who can’t pay,” Monk said.

“The bottom line is we’ve lost sight of why we have municipal courts, and we have them to enforce municipal laws and state laws that the cities are allowed to enforce,” Monk said. “It’s not for them to be cash registers, but that’s what they’ve become, and quite frankly, you’re not going to go out and convince the public that there’s anything wrong with that.”

\$30

Additional fee charged on top of other fines, fees, and court costs under the Cleburne County Jail Fund Act for the planning, designing, constructing, furnishing, equipping, and financing of a county jail

Unequal Justice Under Law

How the Jurisdiction You're Pulled Over in Determines Your Fate

A person's outcome in a traffic court can vary widely between jurisdictions. As a result, consequences such as going to jail, losing your job, or having your driver's license suspended are often the result of arbitrary, inconsistent decisions based on geography rather than public safety.

The municipal court judge in Jacksonville won't issue a warrant of arrest until a person fails to appear in court three times for a given charge. Once that person is arrested, a signature bond is all that's required to be released. That court asks that affidavits of hardship be filled out to determine a person's ability to pay, and for individuals to be appointed counsel in cases that could result in arrest.

In Anniston, however, a person can be arrested after missing a single court date, and if they owe old fines and fees, a cash bond is set high enough to pay them off. Unless the person raises that cash bond, they'll remain in jail and earn \$25 a day toward that debt for each day jailed. Anniston's court does not routinely ask for detailed information about a person's finances to determine true ability to pay court debt.

One man stood before Anniston's municipal court judge during the court's first hearing in August 2022, and tried to explain why he hadn't paid on his \$620 owed on traffic tickets in more than a year.

"Do you have a job?" the judge asked of the man, who replied that he'd had the same fast-food job for the last three years, but it didn't pay much and his hours had been cut.

The judge appeared unhappy with his answers, ordered him in contempt and the bailiff placed him in handcuffs.

"My rent is \$800 and I have a car payment, so now I've got to go to jail? So now I've got to lose my job?" the man asked the judge before the bailiff walked him out the courtroom.

It's much the same in Wetumpka Municipal Court, where Judge Jeff Courtney issues arrest warrants for those who miss a single court hearing. Courtney announces as much at the start of each hearing to those in attendance.

Montgomery Municipal Court is much different. The judge there isn't quick to have those arrested who miss a single hearing. Judge Angela Starr recently declined to have a woman arrested who'd been issued four failure-to-appear charges connected to non-moving violation traffic tickets that dated back as far as 2004, and instead helped the woman navigate the process to get her license back and catch up on that old court debt.

It's the same in Sumiton Municipal Court in Walker County, where the judge, who's also a criminal defense attorney, makes it a practice to work with people who owe court debt. The judge in Etowah County District Court acts similarly, often patiently walking people through their traffic cases, dismissing some charges when a person faces multiple tickets in a single stop, and setting low payments for those who express concern about their ability to pay.

Very few traffic courts across Alabama make it a regular practice to hold thorough ability to pay hearings, and instead often only asks if the person has a job and whether they have the money in court with them to pay.

While some courts, including Anniston's, do allow those whom the judge deems unable to pay to work off court debt by doing community service, other courts do not. For those who have had their licenses suspended over court debt, getting to and from to complete court-ordered community service can mean risking being stopped and ticketed again, or for many, paying others money they can't afford to take them.

FOLLOWING THE MONEY

Data on just how much money local municipalities raise through court fines and fees is difficult to get, in part because not all municipalities approve annual budgets, which would include those figures. Many smaller cities and towns do not pass budgets, and if those municipalities don't also borrow money from institutions that require regular audits (where court revenue is also often recorded) there's little transparency in how much money those courts generate.

Alabama Appleseed relied on two sources to gain a sense of the scale and scope of revenue generated by municipal fines and fees. First, we examined those municipal budgets we were able to obtain. Second, we looked at data provided by the State Department of Finance showing how much money each municipal court remitted to the state. Remissions to the state do not tell us how much money was retained by the municipality and are therefore an incomplete picture of revenue, but they are not without value in generating a picture of how much money is at stake.

MUNICIPAL BUDGETS

A look at two Alabama municipalities that do report such numbers shows that revenue from fines and fees is anything but steady.

The City of Gadsden's revenue from municipal court fines, fees and asset forfeitures, detailed in the city's annual financial reports, in 2011 was \$607,741. Four years later it fell by 30%, to \$421,321.¹⁵

By 2020 Gadsden's fines and forfeitures increased by 46 % to \$617,458 and fell again slightly in 2021 to \$614,149.

Anniston municipal court's revenue in 2013 was \$333,325 but fell to \$303,153 two years later, and fell again to \$248,502 in 2018.

The City of Montgomery's court brought in \$10 million in fines and forfeitures in 2013, according to the city's budget, but by 2017 that figure fell to \$2.1 million, and fell again to \$1.8 million in 2019.

REMISSIONS TO THE STATE

Appleseed also looked at how much revenue

per capita local municipalities remitted to the state each year between 2015 and 2020, and found that many of the same, smaller communities send the most per capita each year.

Uniontown, with a population of just more than 2,000 people living in Alabama's Black Belt, sent the most in court revenues per capita to the state in all of those years, sending \$395 per resident in 2020.

Brookside ranked 83rd highest in court revenues to the state in 2015, but in 2019, the year after the city began a targeted push to grow revenue through aggressive traffic stops, the small town climbed to number 20 on the list, and to 10th place by 2020.

Other municipalities that ranked high on the list most every one of those years were McIntosh, North Courtland, Hillsboro, Summerdale and Harpersville, a small speed trap town that in the early 2000's contracted with a private probation company that routinely tacked on burdensome additional fees and partnered with the court to have people jailed who didn't pay. A Shelby County judge in 2012 issued an order in a civil suit took over Harpersville's court, which he said was operating a "debtor's prison."¹⁶

Also notable in the data are the number of small municipal courts that send nearly nothing to the state annually, which calls into question whether those courts should be operating at all. Fairfield, a city of 10,000 located eight miles west of Birmingham, sent just \$1 per resident to the state in 2018, 2019 and 2020. Just seven miles east of the Mississippi line, the city of York sent to the state just \$2 per resident in 2018 and 2019, and just \$1 in 2020.

Revenues from Fines and Fees

| Anniston | Montgomery | Gadsden |
|--------------------------|------------------------------|--------------------------|
| 2018 \$248,502 | 2019 \$1.8 Million | 2021 \$614,149 |

The Human Cost of Excessive Tickets, Fines, And Fees

Traffic laws exist for good reason — including regulatory laws that require drivers to be licensed and carry insurance. But there is a reason these laws carry fines rather than incarceration as a penalty: violating them is common, and the lawmakers who set the penalties mean for them to be a financial inconvenience, not a life-changing catastrophe.

For people who lack the means to pay what they owe right away, though, that's exactly what traffic tickets are. In this section, we profile some of the people we met in traffic court and map their experience from ticket to court and often to jail and back again. Traffic debt is most burdensome and damaging to low-wealth people, especially those whose identity or life circumstances make them easy prey for police seeking to write tickets.

Here, we explore the experiences of four Alabama drivers whose gender identity, housing status, race, or some combination of those

factors served to exacerbate the degradation of their experience with traffic policing and court debt, exposing them to debtor's prison, needless separation from their young children, and a debt spiral they struggle to see past.

RICHARD ROBERTSON

Richard Robertson, 33, sat in the back of Anniston's municipal court on Feb. 8, 2023, held his head in both hands and looked down at the floor as Judge James Sims talked with someone else about their traffic tickets.

His jeans, t-shirt and tennis shoes spattered with white paint, Robertson asked to borrow and write in an Applesseed researcher's notebook. The court's bailiff strictly enforces a no talking rule among those seated in court. On any given day in court at least one person is forced to wait in the lobby outside court after breaking that rule.

"Homeless," Robertson wrote on the notepad. "Walk 40 miles...I'm a very well-mannered person. Lost everything. Had to walk here to stay out of jail. I'm just pissed and tired."

Robertson owes \$1,000, despite having only been ticketed for non-moving violations. His life has been turned upside down and stability is beyond his grasp, all because of the combination of poverty and traffic tickets.

He found work painting houses with an acquaintance, but getting to and from job sites was proving difficult, he explained. Robertson was also suffering from the lingering effects of a head injury he sustained after being hit by a vehicle, he said.

His car was impounded by the state trooper who last pulled him over, so the day before his court hearing Robertson walked those 40 or so miles to Anniston from the home of an acquaintance, where he'd slept the night before.

Once downtown, he made his way to the parking deck a short walk from the courthouse. As the darkness set in, he curled up in a corner of that parking deck and slept, assured he'd make his court hearing and prevent another arrest warrant for failing to appear. Unhoused persons often take shelter in that concrete structure in Anniston, as the Salvation Army closed its Anniston shelter in 2019, leaving no other emergency shelter for men in the city.

A search of Robertson's court record on Alabama's online database shows only a handful of traffic tickets handed out to him by state troopers over three traffic stops in 2007 and 2009. He was also stopped by an Anniston Police officer in January, which led to his court hearing in Sims' courtroom the following month.

Robertson was pulled over in his 2003 Ford Taurus by a state trooper at 3:10 p.m. on Aug. 12, 2022, on Zinn Drive in Anniston and ticketed for an expired license.

Robertson on Sept. 7, 2022, was pulled over by an Alabama State Trooper at 4:05 p.m. on Joni Lee Drive in Anniston and was ticketed for failure to register a vehicle.

Calhoun County District Judge Randy Moeller on Nov. 22, 2022, filed an order noting that Robertson failed to show at a Nov. 9 hearing to discuss those tickets. He warned that if Robertson didn't send the court a written motion to reset the court date, the judge would issue a warrant for his arrest

Downtown Anniston parking garage near the city's municipal court where Robertson slept the night before court so as not to be issued another failure to appear warrant for arrest.



on a failure to appear charge. A notice mailed to Robertson at a Munford house address on Dec. 8, 2022, was returned to the court as undeliverable.

Moeller on Jan. 5, 2023, issued that arrest warrant. Robertson was arrested on Feb. 2, 2023, court records show. He appeared before the judge from the Calhoun County Jail via webcam five days later, where he pleaded guilty and was set on a payment plan of \$50 a month to pay off just more than \$1,000 in court debt connected to those tickets.

Anniston Municipal Court Judge James Sims at the Feb. 22, 2022, hearing dropped the failure to appear charge, thereby saving Robertson the cost of additional fines and fees related to that charge. Sims also credited \$125 to Robertson's debt for serving those five days in jail, which all but took care of his court debt for the Anniston traffic ticket. Even so, he remained behind on paying tickets issued by state troopers.

With Robertson's permission, Appleseed followed him to the city of Gadsden, which has more resources for the homeless and where he received clean clothes, regular meals and help finding a job — but that job was 10 miles from the shelter where he was staying. A donated bicycle promised him access to his job in February, but the bicycle was stolen the next day.

Robertson later made his way to the city of Boaz, 19 miles north Gadsden, where he found work with a construction crew framing homes. It was work he'd never done before but he was excited for a new start.

"I'm not great but I catch on fast," Robertson texted Appleseed on Feb. 22 about his new job.

Appleseed lost contact with Robertson after that text message, and numerous attempts to locate him have been unsuccessful.

A "payment delinquent notice" regarding his court debt was mailed to Robertson on

March 14, 2023, according to court records, but it's unclear where the court mailed that notice to. The address listed for Robertson in that court case is a Munford home, where he hasn't lived for some time.

BRYTTIAN LINN

Bryttian Linn was visibly shaking as she stood before Anniston's Judge Sims on Sept. 21, 2022, in a crowded courtroom where Sims was to decide how he'd handle several unpaid traffic tickets from two years prior.

Linn, 26, had recently spent one night in the Calhoun County Jail, arrested on a charge of failure to appear for a hearing to discuss those old non-moving violation tickets, which include tickets for no insurance and failure to register her vehicle.

Linn was assigned male at birth. While she does not identify as transgender, she uses female pronouns and wears her brown hair long, wavy and loose, often paired with lipstick and feminine clothing. She prefers to go by her last name.

Linn's nervousness standing before Sims was born of the fact that she'd already been arrested multiple times over the last several years over old traffic tickets. Police in the neighboring communities of Weaver and Jacksonville would pull over her older, damaged Jeep Cherokee nearly each time they spotted her driving to and from work, she said.

She estimated that she'd already paid off more than \$10,000 in traffic ticket fines and court costs levied by three separate municipalities since 2015, but the court debt keeps mounting.

"I'm just tired," Linn said.

Sims that day fined Linn \$50 for the failure to appear charge and an additional \$290 in court costs, adding hundreds to what she

already owed and had been unable to pay with her salary from a fast-food job. Linn uses most of her income to help support her mother, who's unable to work due to medical problems, and her two high school-aged siblings. Paying on her court debt often came last, leaving her susceptible to arrest.

Sims also handed down a sentence of 30 days in jail, but suspended that sentence, and 12 months of unsupervised probation, all of which left the door open to future incarceration if she didn't meet the court's terms. Sims explained he would require her to perform 250 hours of community service in order to be forgiven the more than \$5,000 in fines and fees.

Linn knew completing that community service would mean she'd have to travel the 18 miles to and from Calhoun County's community service building, where she'd be taken by bus to complete those hours. Doing so would either mean paying someone else to take her or risk driving herself, potentially getting additional tickets on the way. It's a no-win situation, Linn explained.

"When I was receiving unemployment benefits, I was able to make all my traffic ticket payments," Linn told Appleseed. "But when I lost that I couldn't keep up."

"IT SMELLED LIKE DEATH"

She was dealing with other problems as well. On Oct. 12, 2022, Linn's mother Jamie made the call to the sheriff's office to protect her children.

When the Calhoun County Sheriff's Deputy arrived at their home, Jamie hoped it would be the end of the death threats to her family from a man who said he'd kill them all, but especially "that faggot," as the man called Linn.

The call did result in an arrest — but not of the man who was issuing threats. Instead, Linn, the subject of those threats, was the

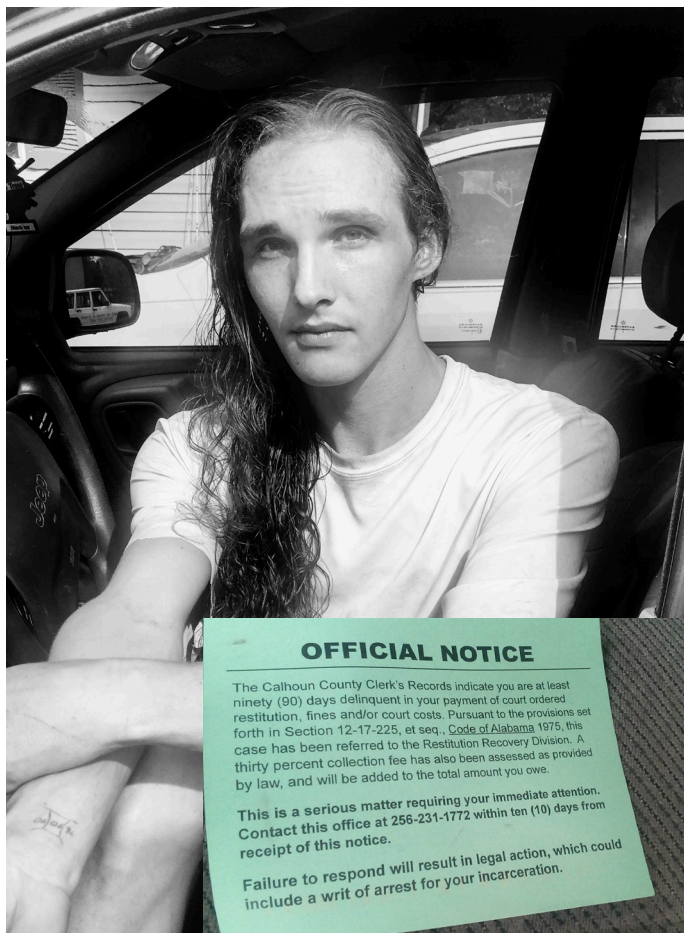
The Calhoun County District Attorney's office notice alerting that a 30 percent collection fee has been added to Linn's court debt.

one handcuffed and taken to jail.

"Did you know you have a warrant?" Linn said the deputy asked her at the door of their home, after running her driver's license. "She told me it was for tickets."

The deputy placed Linn in handcuffs and drove her 18 miles to the Calhoun County jail. Because her feminine presentation put her at risk of violence from other people incarcerated in the area of the jail reserved for men, Linn was placed in a cell alone, without running water or a working toilet and held for six days before a judge decided to release her.

Months earlier, Linn had been pulled over by a state trooper. Her sister was in the back seat and wasn't wearing a seatbelt. She didn't have auto insurance, and was ticketed for both, but couldn't afford to pay the fines and court fees so a hearing was set to discuss



payment. Linn said she was in court in August and understood the judge to have agreed to push back that court date, so she didn't attend the September hearing. Her October arrest warrant was for a failure to appear charge related to that misunderstanding.

The deputy who arrested Linn took a report on the death threats and told Jamie Linn she'd have to follow up on the report if she wanted to press charges. That didn't happen, because after Linn's arrest, Jamie's focus shifted to getting Linn out of jail — and for good reason.

Linn had been sexually assaulted in the Calhoun County Jail in 2020, after a different arrest over other traffic tickets. Seeking to

“When I was receiving unemployment benefits, I was able to make all my traffic ticket payments, but when I lost that I couldn't keep up.”

prevent that from happening again, jail staff in October placed her in a segregated unit. While Linn was protected against violence from other incarcerated people, the cell was dangerous in its own right.

“I didn't have any running water. It was horrible. I didn't have a working toilet. The smell in there ... It smelled like death,” Linn said. “There was blood splatter on the bedframe and on the walls.”

Deputies gave her a gallon of water when she first entered the cell. A sign outside the door warned deputies not to let Linn out, or anyone else in, Linn said. She never received an identification card that the jail requires in order to make phone calls, and only after five days of her and other inmates begging officers to let her out, an officer left the cell door open without saying a word, she borrowed an ID card from another incarcerated person and called her mother.

A Calhoun County District Court employee told Jamie that Linn could only be released

from jail if she paid the court \$405 for those two tickets and fines and fees from older tickets. The family didn't have the money.

Six days after her arrest, Linn finally saw the judge by video from the jail. He released her soon after without requiring payment.

DEBT SPIRAL

Linn's driver's license was revoked after a single-vehicle accident two years prior when her older vehicle had mechanical problems near her home, and she struck a utility pole owned by Alabama Power. To get her license back she'd have to pay \$4,300 she owed the utility provider or start payment plans on that debt, which she's been unable to do.

Her unlicensed status makes her vulnerable to more traffic tickets and possible arrest when she must drive herself to work or to seek medical care.

The stress over her court debt and her anxiety each time she must drive has manifested in crippling intestinal pain that has more than once required emergency room visits.

She was out of work again in September and was collecting metal to sell to recycling companies to help her family. She recently cut the catalytic converter, which contains valuable metal, off her older Jeep Cherokee to sell for the family to eat that week. Without that exhaust, however, she could receive a traffic ticket for an equipment violation.

Linn's family in 2022 was living in a mobile home in a rural area outside of Jacksonville, Alabama, but eviction proceedings were underway. The property was owned by Linn's mother's fiancé, who committed suicide in September 2021.

Linn on Jan. 11, 2023 was driven to the Calhoun County Courthouse by an Appleseed researcher to drop off the letter seeking to reset a court hearing she'd missed in December. In addition to what she owes the city of Anniston, Linn had been pulled over by Alabama state troopers and owed fines and fees to the Calhoun County District Court.

That same day the family expected Calhoun County Sheriff's deputies to evict

them from the mobile home. On the drive a sheriff's deputy drove past, headed toward her home. She called her mother to make sure she was awake in case the deputies knocked on the door.

"Mom. A deputy is on the way. I love you," Linn said on the call.

That deputy wasn't on his way to evict them that day, but several weeks later the family moved out of the mobile home before they could be evicted and began living in their two vehicles in the driveway of a neighbor's house.

Now homeless, Linn's siblings are staying at the home of friends while Linn and her mother live in their vehicles.

Linn said the ordeal has left her with "extreme anxiety" and depression. With her driver's license suspended, traveling anywhere — for work, to do the community service the court wants her to do in lieu of payment — dangerous and challenging. The fact that her October arrest was precipitated by a phone call that was intended to remove a threat that came from a man who wanted to kill her because of her identity makes things worse.

The arrest has made both Linn and her mother leery of calling the police again. "Scared to," Jamie Linn said, but especially if it has anything to do with Linn.

"I'm so tired," Linn said. "It's been hard before, but it's never been this hard."

Linn was set for a review hearing in Anniston's court on April 5, 2023, to discuss the previous order for community service. Because of the unacceptable conditions she was kept in during her previous incarceration, Appleseed secured her legal representation.

Linn wasn't able to complete her required service hours and she was prepared for Judge Sims to order her arrested in court during her hearing. Before the hearing, she asked that her purse be given to her mother if she was jailed. Inside the purse was her last \$75, money she said her mother would need.

Linn's attorneys met with the judge in his chambers and successfully argued her case. Sims paused payments on Linn's court debt for a year and suggested that after that year

he'd set her payments lower than the lowest monthly payments he usually allows.

But the Anniston tickets weren't the only court debt Linn was struggling to pay. She also owes thousands to the Calhoun County District Court.

Linn in April received a notice at a friend's home where she'd previously lived notifying her that because she was at least 90 days past due on traffic ticket fines and fees, her case had been referred to the Calhoun County District Attorney office's restitution and recovery division.

"A thirty percent collection fee has also been assessed as provided by law, and will be added to the total amount you owe," the notice read. "Failure to respond will result in legal action, which could include a writ of arrest for your incarceration."

AJA COLLEY

Aja Colley walked into Wetumpka Municipal Court on May 2, 2023, uncertain whether she'd be placed in handcuffs and transferred to Montgomery City Jail over two dozen or so traffic tickets that date back to 2006 and before.

Colley, 44, raised five children in Montgomery, the youngest of whom is 18. When she was young herself and just starting out driving, Colley would often get pulled over and ticketed for minor infractions, including non-moving violations for not having insurance or vehicle registration, she said.

She felt as though she was always targeted by police, who knew if they pulled her over it would be an easy few tickets to write, Colley said. Being a young driver and hearing stories about people being arrested in court over traffic tickets, Colley would often not go to court after being ticketed.

After missing court dates on some of those older tickets, her driver's license was eventually revoked, and after years of not driving, or driving knowing that she could be ticketed or arrested for doing so, she was working to resolve those old tickets.

“It’s been a long time. I stopped driving because I didn’t want to go to jail. The last time I was pulled over I was locked up.”

Wetumpka’s Municipal Court Judge Jeff Courtney read off the names on the court docket, and at one point paused to deliver an ominous statement to the packed courtroom.

“If you know any of the people whose names I called out who aren’t here, let them know there’s a warrant for their arrest,” Courtney said. He said the same at each of Appleseed’s many visits to his courtroom.

Courtney soon called Colley’s case and she stood as he deliberated briefly before issuing her a \$100 fine plus court costs for the charge of driving with a revoked license in that city.

During discussion of how much she could afford to pay, Colley asked how much those court costs would be, but Courtney responded “I don’t know exactly” and said she’d learn that amount after she talked with a court employee about those payments, which she did moments later.

Wetumpka’s court is an oddity among the many municipal courts Appleseed visited for this report in that the judge almost never tells a person how much they’ll owe in court costs on top of any fees.

“I don’t have a computer in front of me,” Courtney often says when asked how much the court costs would be. Courtney often asks



those facing ticket fines and fees to sign a form agreeing to pay a certain amount monthly, but they often sign without knowing how much they owe in court costs.

For Colley, the court costs came to \$213 on top of the \$100 fine. To get her driver’s license back she’d need to get clearance from Montgomery’s municipal court, where she owes on those older traffic ticket fines and fees.

The Wetumpka officer who stopped Colley told her he’d done so because her vehicle came back as being registered to a person with a revoked license. She wasn’t ticketed for any other infraction. Colley believes the officer ran her car tag while she was parked in a Wetumpka business and before she pulled out. Appleseed met another woman the day of Colley’s Wetumpka court hearing who was pulled over by that same officer while leaving that same business and was also ticketed for non-moving violations.

Colley missed court dates related to those old Montgomery traffic tickets, which a court

JUDGE SIMS RESPONDS

The United States Supreme Court decision in *Bearden v. Georgia* (1983) established that individuals cannot be incarcerated for failure to pay court debt unless the court establishes that the person “willfully refused to pay or failed to make sufficient bona fide efforts legally to acquire the resources to pay.”

Appleseed reached out to Anniston Municipal Court Judge James Sims regarding what we observed in his courtroom — in particular, the apparent absence of meaningful “ability to pay” inquiries that would enable him to evaluate a person’s financial situation before deciding how to handle their court debt. We also asked about his routine practice of jailing people for contempt over nonpayment or court debt or failure to appear at payment hearings, setting their cash bonds at or above what a person owed in traffic ticket debt.

Sims’s response ...

“I inquire about employment with each person with a traffic ticket that comes in front of me. I use that method to determine if that individual has a source of income. I cannot conduct an in-depth analysis of the financial capability of every person with a traffic ticket upon their initial plea. It is logistically impossible based upon the volume of tickets I handle per court session.

“Each individual that may have difficulty paying, are behind in their payments or are having difficulty paying are given an opportunity to explain to me as to why they are unable to pay. I don’t use a written form. I listen to the individual situations. However, I am not opposed to using a written form to argument my questioning.

“Depending upon the individual situation, I extend payment options, delay payments or suspend payments. I also remit fines and costs when necessary.

“I have set payment plans as low as \$10.00 a month. I extend payment plans without hesitation. I have an option of community service if that person is physically capable of performing community service.

“Cash bonds are used on FTAs and Contempt of Court for failure to return to court or failure to pay. I have a review system set up for anyone I put on a payment plan. I set a review date to return to court if the fines and cost are not paid. The review date is set for an extended time frame to give the individual plenty of time to pay. The payment plan is an interest free marathon, not a sprint. The review date is an opportunity to return to court to explain why they have been unable to pay. That way I can do an ability to pay analysis before they are arrested. If those individuals fail to return for a review, I have no way of knowing their financial situation. If they are arrested on the FTA or Contempt, then the cash bond applies. The review process gives them an opportunity for an ability to pay analysis **before** they are arrested.

“In my twelve years as a Municipal Court Judge for the City of Anniston, I have never jailed anyone that returned to court to explain their inability to pay.”

employee told her resulted in failure to appear charges and a warrant for her arrest.

“It’s been a long time. I stopped driving because I didn’t want to go to jail. The last time I was pulled over I was locked up,” Colley said of the last traffic ticket she got from Montgomery police in around 2006.

For Colley, driving without a license means driving with fear, and it means a shrinking of her life and the lives of her children.

She stopped driving in certain shopping areas where police frequently patrolled for fear of getting pulled over. When she moved into a higher crime area where patrols were constant, she stopped driving almost altogether. She depended on others to get her to the grocery store, to the doctor and to work. Oftentimes that meant not getting where she needed to go.

“You have to settle,” she said.

After her visit to Wetumpka’s court, Colley headed to Montgomery court on May 15 to begin the process of getting her license back.

Montgomery Municipal Court Judge Angela Starr explained at the start of the day’s hearing that for those not in compliance with previous judges’ orders there could be a contempt hearing set, and if found in contempt, they could face up to five days in jail.

But Colley wasn’t found in contempt that day. Judge Starr patiently walked Colley through the two most recent tickets from 2016 — a driving with a revoked license charge and a switched tag charge — and explained the process she’d need to follow to obtain her driver’s license.

Colley was also set on a payment plan of \$25 a month to pay off the \$3,302 she owed Montgomery for 15 traffic charges she received in 2006 and prior years.

Colley on May 17 received a clearance

letter from the Montgomery court so that the Alabama Law Enforcement Agency can remove the hold on her license. She’ll have to pay a \$275 reinstatement fee, but she’s ready to get her license back.

“I’m so excited it takes everything for me not to just scream,” she said. “I can finally relax. I can help someone else who’s not able to drive, and a lot of people are like that.”

DEIDRA COATS

Deidre Coats, 42, an African American mother of two, was driving home from an auto auction in a car she’d just bought on June 22, 2022, when a Gadsden Police officer pulled her over.

“If they see a paper tag they’re pulling you over, no matter what,” Coats said, referring to the tag the auto auction company places on vehicles sold at auction.

Coats was arrested by the officer that day on a warrant for failing to appear in court over a charge of failing to register a vehicle from earlier that year. Once in jail, Coats learned she’d need to come up with \$135 to make bond, but as her family was working to do so a police sergeant noticed something.

“He said, hold on. You’ve got a warrant for a case back in 2003,” Coats said. “They caught me off guard, but what really caught me off guard was when they said I had a \$577 cash bond. I don’t come from people who have a lot of money.”

She hadn’t been separated from her four-year-old son since his birth, but she knew there was no way she’d manage to raise that much money and she wouldn’t get to hold him that night. Her sister and older daughter watched her son while she sat in jail.

“That came down on me pretty heavily,” Coats said.

She was being held in jail on a 2018 warrant issued by an Etowah County circuit judge for 2003 charges of disorderly conduct and obstructing government operations, when she declined to open the door of her apartment in public housing for what the police officers said was a call about loud music.

Gadsden police then and now make it a practice to run vehicle tags when they see more than a few vehicles at one home, Coats said. Coats said police look for homes where many cars are parked, knock on the door ostensibly on calls about loud music, then attempt to gain entry into homes to run names, look for drugs and other illegal activity.

“We were having dinner,” Coats said of that 2003 evening when her family members came to visit and the police started knocking.

Coats said she called police dispatch to ask why officers were at her home and was told to “just open the door” before the dispatcher hung up. Coats said she had her younger brothers at her home who were 17 and 18, at that age where “younger Black boys are considered a threat” and that all she could think about was protecting them.

She declined to open her door for the officers, and after some moments those officers broke the door in and placed her under arrest, Coats said. They conducted a search of the home and made no other arrests, she said.

She made bond the next morning and was heartbroken to see that her family members slept the night in her apartment without a front door. She pleaded guilty to the charges, received fines and court costs and made a decision then to move to Birmingham, she said.

Eventually, though, she moved back to Gadsden, and those old 2003 charges resulted in her sitting in the Etowah County Jail in June 2022 and awaiting her family to raise the \$577 cash bond.

Coats spent four days in jail before her family managed to raise the cash bond money. She’s been set on a monthly payment plan to pay off another \$536 in court fines and fees for the disorderly conduct charge.

“The exact amount is \$1,113.60,” Coats said of her court debt for those 2003 charges.

Coats lost her job in October 2022, four months after the Gadsden officer pulled her over and arrested her over those 2003 charges. It’s been hard ever since, but she’s found ways to survive.

“I get creative. I sew, I bake. I do side hustles just to take care of us,” Coats said.

Afraid to drive now for fear of a possible arrest, she and her son stay at home most of the time, she said.

“I’ve still got my car. It’s got insurance and a tag, but I don’t drive it. You never know what else is out there,” Coats said, referring to the possibility there are other warrants for old tickets.

Her older daughter recently started work in a popular shopping area in Gadsden that’s in a more affluent area of town. It’s also an area heavily patrolled by police, Coats said, which puts anyone driving her daughter to and from work at risk of being stopped.

“Even for her. You’re a Black woman driving down Rainbow Drive at 11 o’clock at night. All the police are going to target you ... We don’t belong down there. We’re not welcomed there. They don’t want us there,” Coats said.

Coats said she hoped telling her story would help someone else “avoid the traps they have created for us, that make it damn near impossible for us to succeed.”

“You’re a Black woman driving down Rainbow Drive at 11 o’clock at night. All the police are going to target you ... We don’t belong down there. We’re not welcomed there. They don’t want us there.”

Talking Trash in Valley, Alabama

Martha Menefield's arrest three days after Thanksgiving, made international headlines. The charge against her was dropped after Menefield, on Dec. 5, 2022, paid the \$77 and an additional \$35 in court costs. But an investigation by Alabama Appleseed and other outlets indicates that Menefield was but one of many victims of Valley's trash police.

Under a 2012 Valley municipal ordinance, nonpayment of garbage fees is a misdemeanor punishable by fine. Appleseed reviewed 26 arrests of Valley residents charged with failing to pay solid waste fees, 11 of which took place this year. Of 26 cases reviewed, 11 people had been arrested more than once over unpaid trash bills.

Among those who were arrested on trash warrants by Valley police was 77-year-old Dee Kent, who was pulled over and arrested in November of 2021 while on her way to an appointment with her oncologist.

Kent, now 79, said she'd received no warning from the city prior to her arrest for failure to pay \$141 in trash bills. She described her arrest to Appleseed as "embarrassing."

"It was rough going to jail. Especially when everyone knows you. When you've grown up here," Kent said.

With a few exceptions, participation in

Valley's garbage service program is mandatory. Residents are required to pay \$18.10 per month for the service, or \$15.60 if they are 65 or older and apply for an exemption. People who rely exclusively on Social Security benefits for income can also apply for full exemption.

Penalties for nonpayment include late fees, suspension of services, and civil actions. And pursuant to an ordinance adopted in 2012, people who violate any element of the city's solid waste code "shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than \$50.00 nor more than \$200.00." The ordinance spells out that those fines can be compounded, with each day of noncompliance constituting a separate offense.

Valley clarified that Menefield was arrested for failure to appear, not strictly for failure to pay her trash bill. But in Valley — along with at least 47 other Alabama cities — failure to pay trash bills alone is technically enough to trigger criminal charges.

Alabama law does not require custodial arrests for all misdemeanor charges. Among myriad unserved warrants for a wide variety of offenses dating back to 2003, Appleseed identified 22 for unpaid trash bills throughout Chambers County, along with

one unserved warrant for the offense of “pants below waist.”

It is possible that the city of Valley issues summons initially, telling people who are delinquent on trash fees to come to court on a particular day for a hearing before a judge. What seems to have happened with Menefield is that she missed her initial court date. Typically, failure to appear at a court date prompts the issue of a second warrant, this time for failure to appear. That is the type of warrant that led to Menefield’s November arrest.

But even failure to appear warrants are subject to discretion, retired Birmingham Police Captain Jerry Wiley explained to Alabama Appleseed. Wiley said that police in Alabama are required to take people into custody for certain misdemeanor charges such as driving under the influence. But alternatives to arrest, including warnings and admonitions to resolve the problem that prompted the warrant, are available for many misdemeanors. In a small town like Valley, Wiley said, expectations about how police should proceed in cases like Menefield’s are set by the police chief, who answers to the mayor and/or city council. Though individual officers legally have the discretion not to arrest for certain offenses, Wiley said that in a small town, they would have little authority to defy such policies without risking their jobs.

But using police to punish nonpayment comes with a price for public safety. Research¹⁷ shows that when residents perceive police as debt collectors with badges, violent crimes are solved at a lower rate.

“If the only thing you’re interacting with your police department is for is arbitrary arrests and silly things like that, it becomes an adversarial relationship,” Wiley said. “If the police are out doing this, they’re not fighting the crime they should be fighting.”

Making failure to pay trash fees a criminal offense doesn’t only make police officers debt collectors. It also results in many of those residents owing much more than their original fees.

Court records show that the average cost of unpaid garbage fees in those cases was \$138.79. But as the cases progressed through the court, the average cost of all fees and additional court costs levied ballooned to an average of \$402.

The racial breakdown of the arrests mirrored Valley’s racial demographics closely: 42 percent of the people arrested in the 26 cases reviewed by Appleseed were Black, and the town’s population is about 38 percent Black.

Former Alabama Attorney General Bill Baxley and several other attorneys in January filed a class action lawsuit against the City of Valley and the garbage collection company contracted to provide garbage collection for the city in January on behalf of a Valley woman arrested over an unpaid garbage bill.

Chambers County District Judge M. Calvin Milford in February dismissed charges against a 49-year-old Valley woman who was arrested over an unpaid \$85 garbage bill. The Southern Poverty Law Center had filed a motion on the woman’s behalf and took on the cases of several others arrested by the city over unpaid garbage bills. While some of the charges have been remitted, the ordinance that prompted the arrests remains on the books in Valley.

42%

Percentage of the people arrested in the 26 cases reviewed by Appleseed were Black, and the town’s population is about 38 percent Black

Recommendations

WHAT POLICE CAN DO

In order to reduce racial and economic disparities in how STEP patrols are conducted, Alabama police departments could look to a North Carolina police department.

A study titled “Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities” published in *Injury Epidemiology* found that a re-prioritization of traffic stops by the Fayetteville North Carolina Police Department away from investigatory and economic (equipment and regulatory) stops to moving violation stops reduced traffic fatalities by 28%, crash injuries by 23% and reduced racial disparities in those stops between Black and white drivers by 7%. The re-prioritization of stops also had little impact on non-traffic crime, the study noted.¹⁸

“Regulatory and equipment stops, and their associated fines, are a direct form of criminalizing individual and community economic poverty,” the study reads. “Beyond the immediate impacts, the harm of economic stops creates a negative spiral operating within communities collectively and individuals specifically, extracting wealth and people’s bodies from low-income communities as the inability to pay mounting traffic tickets escalate into denied registration and warrants for arrest.”

WHAT COURTS CAN DO

Courts can and should hold thorough ability to pay hearings, where a person’s financial information is fully considered before a judge weighs whether to order an arrest or set a person on payment plans.

To reduce the overall debt burden, courts should also consider using their discretion to dismiss excessive charges and end the common practice of charging fees and court costs on each ticket an individual receives from a single stop. A single stop should result only in one set of court costs even if fines are assessed for each ticket.

Court should also end the practice of setting bond amounts for people who are brought in after failing to appear for payment hearings at the same amount the person owes in fines and fees. This practice results in people being held in prison in essence because they owe debt they cannot pay. Debtor’s prison is unconstitutional and unlawful.

WHAT LAWMAKERS CAN DO

Lawmakers should demand further transparency from police and courts to prevent predatory practices. Among other things, they should require publicly available reporting on all traffic stops and tickets that tracks the reason for the stop, the reason for the ticket, and demographic information about the driver. Policies

around ticketing, fines, and fees should be regularly re-evaluated to ensure they are serving the public interest and promoting safety, rather than creating an alternative revenue stream that disproportionately impacts low-wealth communities and communities of color.

Where findings indicate that certain revenue streams are unjust, the practices that generate them should be made unlawful and lawmakers should identify alternative, more equitable means of generating the revenue needed to fund desired state services and functions. ■

Endnotes

- 1 John Archibald, "Inside the remarkable rise and fall of Alabama's most predatory police force," AL.com (May 10, 2022). <https://www.al.com/news/2022/04/inside-the-remarkable-rise-and-fall-of-alabamas-most-predatory-police-force.html>
- 2 Ashley Remkus, "Brookside traffic court judge resigns, suspended from practicing law," AL.com (Jan. 15, 2023). <https://www.al.com/news/2023/01/brookside-traffic-court-judge-resigns-suspended-from-practicing-law.html>
- 3 Mike Cason, "Alabama lawmakers pass bill to limit how much municipalities can keep from traffic fines," AL.com (April 5, 2022). <https://www.al.com/news/2022/04/alabama-lawmakers-pass-bill-to-limit-how-much-municipalities-can-keep-from-traffic-fines.html>
- 4 John Archibald, "Police in this tiny Alabama town suck drivers into a legal 'black hole,'" AL.com (Jan. 19, 2022). <https://www.al.com/news/2022/01/police-in-this-tiny-alabama-town-suck-drivers-into-legal-black-hole.html>
- 5 U.S. Department of Justice, (April 23, 2023). <https://www.justice.gov/opa/press-release/file/1580546/download>
- 6 Leah Nelson, "Stalled: How Alabama's Destructive Practice of Suspending Driver's Licenses for Unpaid Traffic Debt Hurts People & Slows Economic Progress," Alabama Appleseed (2020). <https://www.alabamaappleseed.org/wp-content/uploads/2020/02/Alabama-Appleseed-Stalled-Brief-1.pdf>
- 7 Leah Nelson, "Under Pressure," Alabama Appleseed (2018). <http://alabamaappleseed.org/underpressure/>
- 8 John Sharp, "Police fought Alabama lawmakers over racial profiling stats, but bill to surface again next year," AL.com (May 27, 2018). https://www.al.com/news/2018/05/post_169.html
- 9 According to the U.S. Census Bureau, North Carolina's population is about 70% white and 22% Black, while Alabama's population is about 69% white and 27% Black. <https://www.census.gov/quickfacts/fact/table/AL,NC/PST045222>
- 10 John Sharp, "Police fought Alabama lawmakers over racial profiling stats, but bill to surface again next year," AL.com (May 27, 2018). https://www.al.com/news/2018/05/post_169.html
- 11 U.S. Department of Transportation, Federal Motor Carrier Safety Administration, "Guidelines for Developing a High-Visibility Enforcement Campaign to Reduce Unsafe Driving Behaviors among Drivers of Passenger and Commercial Motor Vehicles: A Selective Traffic Enforcement Program (STEP) Based on the Ticketing Aggressive Cars and Trucks (TACT) Pilot Project", rosap.ntl.bts.gov. (Oct. 1, 2007). <https://rosap.ntl.bts.gov/view/dot/16471>
- 12 Frank R. Baumgartner and Derek Andrew Epp, "What 20 million traffic stops reveal about policing and race in America," Scholars Strategy Network (June 1, 2018). <https://scholars.org/brief/what-20-million-traffic-stops-reveal-about-policing-and-race-america>
- 13 Fatal Car Accidents by State 2023, <https://worldpopulationreview.com/state-rankings/fatal-car-accidents-by-state> (data source: <https://www.ihs.org/topics/fatality-statistics/detail/state-by-state#crash-types>)
- 14 1975 Code of Alabama, Section 45-15-80.07, <http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm>
- 15 City of Gadsden Operating Budgets and Financial Reports. (Last visited, May 25, 2023) <https://www.cityofgadsden.com/114/Financial-Reports>
- 16 Eric Velasco, "Judge Halts 'Debtors prison' by Harpersville City Court, Calls it 'judicially sanctioned extortion.'" AL.com. (July 12, 2012.) https://www.al.com/spotnews/2012/07/judge_halts_debtors_prison_by.html
- 17 Rebecca Goldstein, Michael W. Sances, Hye Young You, "Exploitative Revenues, Law Enforcement, and the Quality of Government Service." *Urban Affairs Review*. (August 11, 2018) <https://hyeyoungyou.files.wordpress.com/2018/08/finesandpolicing.pdf>
- 18 Mike Dolan Fliss et al, "Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities," *Injury Epidemiology* (Jan. 20, 2020). <https://injejournal.biomedcentral.com/articles/10.1186/s40621-019-0227-6>

Acknowledgements

ALABAMA APPLESEED Researcher Eddie Burkhalter was the primary author of this report. Graduate student Justin McCleskey conducted data analysis, and Appleseed Research Director Leah Nelson contributed reporting. Appleseed Policy Director Frederick Spight contributed insight and expertise.

Leah Nelson edited this report and Val Downes designed it.

We are grateful to Nathan Williams, Richard Robertson, Bryttian and Jamie Linn, Aja Colley, Diedra Coats, Roy Bennett, and Sam Monk for their candor and willingness to share. We thank Steve Rygiel and Sydney Duncan of Birmingham Aids Outreach for providing compassionate and effective legal services for an individual who desperately needed them.

This report was funded by a grant from Arnold Ventures.

“A lot of things — like color code — seem almost designed to fail ... having a job an hour away and having to appear on the same day — not knowing until the morning of. Additionally, the office you are to appear at opens after I am already at work and closes before I get off [which] makes it almost impossible to make it there.”

“We’ve lost sight of why we have municipal courts.”

JUDGE SAM MONK

“They’d stop and harass you. And in the ending of it, they eradicated all those tickets because when the movement got going, it just didn’t make any sense.”



“My rent is \$800 and I have a car payment, so now I’ve got to go to jail? So now I’ve got to lose my job?”



“When I was receiving unemployment benefits, I was able to make all my traffic ticket payments, but when I lost that I couldn’t keep up.”



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