

# Forbes

## Nearly 600 Towns Get 10% Of Their Budgets (Or More) From Court Fines

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Just in time for a Labor Day weekend road trip, a new report reveals hundreds of America's worst speed traps. According to a national database compiled by *Governing* magazine, at least 583 cities and towns have collected 10% or more of their general fund revenue from fines and forfeitures. Among those jurisdictions, 80 relied on fines to generate over half of their budget revenue. Most of those municipalities came from just four states: Georgia, Texas, Louisiana, and Oklahoma.

Unsurprisingly, many towns on the list are closely clustered around highways or heavily rely on traffic tickets. Take Seat Pleasant, Maryland, right on the border with Washington, D.C. Fines collected from speed and red-light cameras formed nearly half of the town's budget. Though Seat Pleasant has a mere 4,800 residents, it manages to employ a staggering "24 full-time sworn officers, including a three-person dedicated automated speed enforcement unit and a drone aviation unit."

Or consider Robeline, Louisiana, a village west of Natchitoches that comprises just one square mile. But since Robeline straddles Louisiana Highway 6, it managed to rack up nearly \$570,000 in fines and forfeitures, or 84% of its total budget—the fifth highest share in the nation.

Thanks to two new Dodge Chargers Robeline leased to enforce traffic laws, revenue almost doubled between 2017 and 2018. Today, the village has one full-time and five part-time officers—overkill, perhaps for a town with fewer than 200 residents. Given its tiny size and hefty fines, Robeline accumulated a jaw-dropping \$6,256 in fine revenue per resident.

The Louisiana State Legislature even considered a bill that would have placed signs warning drivers who were about to enter Robeline. (Initially, the bill labeled the village a speed trap, but that was softened to the more bureaucratic "strict speed enforcement zone.") Although the bill passed the House unanimously, it stalled in the Senate.

*Governing* also identified 723 cities that raised at least \$100 in fine revenue on a per capita basis, with a minimum of 124 towns collecting \$500 or more per resident. For perspective, the national averages for fine revenue are 2% of a city's budget and \$10 per capita.

Since there was considerable overlap between the two categories, *Governing*'s report includes 840 different jurisdictions in total. Yet those figures are actually "underestimates." For its analysis, *Governing* only included municipalities that collected at least \$100,000 in court revenue, while others were dropped due to scarce data and unresponsive local governments.

Though most of the jurisdictions are tiny speed traps, several major metropolises made the list too. Exorbitant fines in Chicago, including from its notorious impound program, garnered more than a tenth of its general fund revenue. In Washington, D.C., the District generated \$304 in fine revenue per capita—one of the highest amounts for a city of its size. And New York City has collected well over \$1 billion in court revenue per year.

Nor is fine revenue limited to traffic tickets. In recent years, the Atlanta suburb of Doraville, Georgia has budgeted anywhere from 17 to 30 percent of its projected revenue from fines, fees, and forfeitures, raking in \$3 million a year on average. Not only is Doraville one of the state's worst speed traps (police have written over 40 traffic tickets a day on average, the *Atlanta Journal-Constitution* revealed), the city has also taken code enforcement to absurd lengths.

In 2016, Doraville cited, convicted, and fined Hilda Brucker for having a cracked driveway. The town ordered her to serve six-months' probation and pay a \$100 fine to Professional Probation Services, a private probation company in contract with Doraville.

As part of her probation, Brucker had to regularly report to a probation officer at PPS, cooperate with any code enforcement official, and even avoid "alcohol intoxication." And like other probationers, failing to abide by those conditions could risk incarceration.

During that time, the city was also prosecuting her neighbor, Jeff Thornton. An amateur woodworker, Thornton was cited, arrested, convicted, and fined \$1,000 for having a "large pile of tree logs" in his backyard. When Thornton told the city that he couldn't pay, Doraville dropped the fine to \$300, but also put him on 12 months of "pay-only" probation.

Perversely, even though he was put on probation because he couldn't pay off the fine immediately, Thornton's probation sentence would have also incurred a \$40 monthly fee, payable to PPS. Fortunately for him, the charges were eventually dropped after Thornton informed Doraville that he couldn't pay the lower fine.

Partnering with the Institute for Justice, Brucker and Thornton filed a federal civil rights lawsuit last year, arguing that the city's "budgetary reliance on fines, fees, and forfeiture revenues creates an incentive for its law enforcement officials...to maximize revenue." In turn, that incentive "injects an unconstitutional financial bias" that violates their right to due process.

By turning its police and code enforcement officers into de facto tax collectors, Doraville has profited immensely. According to a 2017 report by the U.S. Commission on Civil Rights, among cities with at least 5,000 residents, Doraville was the sixth-most dependent on fines and fees for generating revenue.

Though Doraville denies that it issues "citations in order to bring revenue into our city," in July, a federal judge denied their motion to dismiss Brucker and Thornton's lawsuit. "The court cannot assume that Doraville is more interested in compliance with its criminal ordinances than it is with collecting fines and fees from those who violate them," Judge Richard Story wrote.

“After all, many of the ordinances at issue were not enacted in furtherance of public health and safety (at least not at face value); they deal, instead, with aesthetics—for instance, a home having chipped paint, overgrown vegetation, or logs stacked in the yard,” he noted. “Doraville therefore has as much to gain (if not more) from citizens violating these ordinances, as it does from everyone adhering to them.”

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Since “the city and its municipal court depend heavily on fines and fees revenue,” Judge Story concluded that “Doraville’s municipal court judges have a strong enough motive to maximize those revenue to warrant a reasonable fear of partisan influence in decisions related to ordinance violations and the assessing of criminal penalties.” The ruling should bolster homeowners and motorists who want to fight back against other NIMBY bureaucrats and speed traps.

On the national level, a recent landmark decision by the U.S. Supreme Court has set a powerful precedent against police profiteering. In *Timbs v. Indiana*, the U.S. Supreme Court unanimously declared that the Eighth Amendment’s ban on “excessive fines” applies to cities and states, not just the federal government. “For good reason, the protection against excessive fines has been a constant shield throughout Anglo-American history,” Justice Ruth Bader Ginsburg wrote for the court in February. “Exorbitant tolls undermine other constitutional liberties.”

The *Timbs* defense garnered 19 friend-of-the-court briefs from all across the political spectrum, uniting such disparate groups as the ACLU, the libertarian Cato Institute, the NAACP, and the U.S. Chamber of Commerce. Reflecting their philosophical diversity, the amici emphasized different motivations for why the Excessive Fines Clause needs to protect against state and local governments.

For instance, the U.S. Chamber of Commerce detailed how excessive fines imposed on small business owners and major corporations harm entrepreneurs and hinder economic growth. Meanwhile, the NAACP Legal Defense and Educational Fund recounted in its brief how the Fourteenth Amendment was passed in direct opposition to the notorious Black Codes, a series of harsh criminal codes and fines passed in the South “to recreate a slavery-like existence” for black Americans after the Civil War.

With a growing, bipartisan consensus to revive the Excessive Fines Clause and block municipal conflicts of interest, courts may soon be forced to stop treating Americans like ATMs.