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# Cited in Milwaukee: The Cost of Unpaid Municipal Citations

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# Cited In Milwaukee

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THE COST OF UNPAID MUNICIPAL CITATIONS

Justice Initiatives Institute

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Revised June 2015



## Introduction

In 2011, a non-scientific sampling of in custody cases<sup>1</sup> that were processed through the Milwaukee Municipal Court (Branch A) revealed that detaining ordinance violators in Milwaukee who fail to pay their fines impacts impoverished people, people of color, and those with significant treatment needs. Some people regularly cycle through the courts on the same case resulting in multiple arrests and bookings that have significant processing costs, and they are released from custody without a plan for addressing their needs, increasing the probability that they will be re-arrested again and again.

With support from the Greater Milwaukee Foundation, JII has partnered with the UWM Employment and Training Institute, an independent researcher, to examine a significant set of data and test the validity of the findings of the limited study performed in 2011.

The project started with a meeting of key stakeholders convened to review the 2011 study and to give them a chance to indicate interest in the expanded data review. This report will not include recommendations. The key stakeholders group will be re-convened to review this report and determine if process or policy changes will be pursued based on the findings.

The project examined Branch A cases from 2008-2013 using records obtained from the Milwaukee Municipal Court, Court Administrator Office, and the Milwaukee County Sheriff's Office (booking rosters) and focused on the population detained for municipal ordinance violations after issuance of a warrant, not a commitment, for failure to appear at a scheduled hearing and failing to pay a fine. This is a subsection of all cases resulting from ordinance violations that are processed as citations by the police and filed as municipal court cases. The case selections were driven by a booking status that included "MU" (municipal warrant) and were cross referenced with Branch A rosters. Branch A is a Commissioners' court that, along with other duties, processes municipal warrant returns when a person has been detained.

This report expands on the 2011 effort using case records for the detained population held for appearances before Branch A for the 5½ year period (from January 1, 2008 to October 1, 2013) to provide a more exhaustive assessment of the individuals subjected to arrest in Milwaukee for failure to appear and non-payment of fines for ordinance violations.

The report has 3 focal areas followed by case studies, maps and a roster of the stakeholders group. The focal areas emerged as the data was examined and are: use of detention for failing to pay fines, impact of driver license suspension as a sanction for traffic related charges, and because there is a pending change to Possession of Marijuana ordinance under review, Possession of Marijuana cases that are in the data set for this study were summarized.

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<sup>1</sup> Justice Initiatives Institute, "Milwaukee Municipal In-Custody Court Operation Study," Milwaukee, 2011. The JII reviewed a random sample of 571 cases handled over 17 days in January through April, 2011 in Branch A. According to municipal Court Administration, the policy on detaining people on warrants only changed in spring 2012.

## Key points

- Data available does not answer the question, why do people fail to appear?
- More was spent on jailing individuals with warrants who fail to pay their fines than what would be collected in paid fines. Taxpayers spent \$10.2 million in order to detain this population for failing to pay \$5.7 million in fines (see table page 4- MU individuals without other holds).
- Those being detained for failure to pay judgments are predominantly from lower Socio Economic Status ZIP codes.
- Detaining individuals for failure to pay judgments is not an effective way to coerce payments or change behavior, as evidenced by the 77% with multiple bookings.
- The practice of suspending eligibility for driver's license for non-payment of fines creates another burden for those who are already disadvantaged.
- African Americans made up a larger percentage of the detained population and had more cases per booking.
- This report does not address how use of citations assists police in maintaining public safety
- Although alternative sanctions like community service showed higher compliance rates, this alternative is underutilized.
- Unemployment rates in the city of Milwaukee are directly correlated to the number of municipal court cases filed for failure to pay.
- The data received did not show if ability to pay determinations were made before money fines were imposed

*"Of all the people who pass through the Municipal Court, none are so unlucky as those too poor to pay a lawyer and too inarticulate, confused or frightened to speak in their own behalf. These people, as a group disproportionately black, are more likely to be jailed for not paying forfeitures that they have no money to pay."*  
The Milwaukee Journal, Editorial, April 1985

Part One- data review of detained population

Part Two- Use of driver license suspension as a sanction for traffic related charges

Part Three- Review of Possession of Marijuana cases

Attachments: Case Studies, Maps, List of attendees at stakeholders meeting

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## **Part One - Municipal Court Research & Planning Project: An Updated Comprehensive Analysis, 2008-2013**

### **PROFILE OF THE TARGETED DETAINED POPULATION**

This section provides an update on the findings in the 2011 report. The findings are based on people with municipal warrant cases booked into jail and processed through Branch A.

- The in custody population detained for hearings in Branch A included 84% males and 16% females. African Americans made up 78% of the total, Whites 11%, and others 11%. The mean age of the population was 33 years, the median age 32 years.

Categories of offenses:

- 29% disorderly conduct offenses
- 21% traffic (driving after suspension/revocation of license, including failure-to-pay-forfeiture suspensions; failure to report accidents)
- 12% loitering
- 9% drug/alcohol offenses (possession of marijuana, possession of drug paraphernalia, loitering-illegal drugs, OWI, public drinking)
- 9% retail theft
- 8% resisting arrest
- 12% other (including miscellaneous building code violations, assaults, noise, littering).

The jailed population was heavily concentrated from the neighborhoods with higher numbers of low-income residents and of residents of color.

- 44% of the arrests of this population were residents from 5 of the city's ZIP code areas: 53206, 53210, 53204, 53208 and 53215.
- Another 26% of the arrests fell on residents within 4 nearby ZIP codes: 53212, 53209, 53216 and 53218.

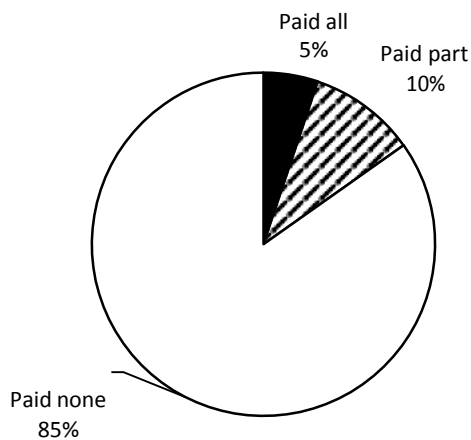
There were 22,739 unique individuals detained.

- 41% were detained on Milwaukee municipal warrants (only), for a median of 3 days jail.
- 17% were detained on Milwaukee municipal warrants and state holds, for a median of 7 days in jail.
- 42% were detained on Milwaukee municipal warrants and violations of probation/parole (VOP) holds, for a median of 5 days in jail.

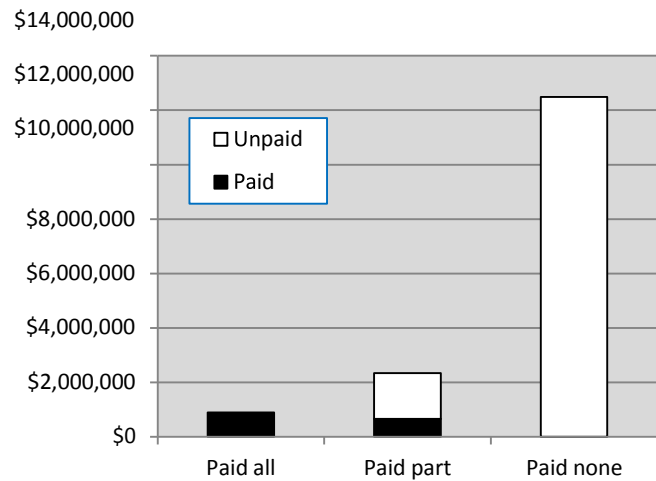
The population had 66,623 citations/cases with judgments totaling \$15.7 million in the 5½ years examined, or an average of \$2.7 million annually.

- \$12.5 million (85%) were never paid.
- \$0.9 million (5%) were paid in full.
- 10% showed partial payments made of \$663,112 on totaled judgments of \$2.4 million.

### Judgment Payment History: 2008-2013



### Judgments Paid in Full, Part or Not at All



	STUDY POPULATION BOOKING STATUS		
	Municipal warrant (MU) only	MU & other holds/ state level charges	MU & VOP
Cases	26,363	10,367	29,893
Individuals	9,277	4,156	9,557
Bookings	12,357	4741	14,078
Days jailed	98,824	245,611	342,770
Mean days jailed	8	51	24
Median days jailed	3	7	5
Jail cost at \$103/day <sup>2</sup>	\$10.2 million	\$26.2 million	\$35.3 million
Judgments	\$6.5 million	\$2.3 million	\$6.9 million
Judgments paid	\$853,130	\$217,827	\$484,792
% paid	19%	9%	7%
Judgments not paid	\$5.7 million	\$2.1 million	\$6.4 million

- From 2008-2013 judgments of \$15.7 million were imposed on these individuals, with fines averaging \$236 per case.
- Most cases among the Branch A Municipal Court population go unpaid. Only 11%, or \$1.6 million of the \$15.7 million judgments, were paid, with payments averaging \$154.

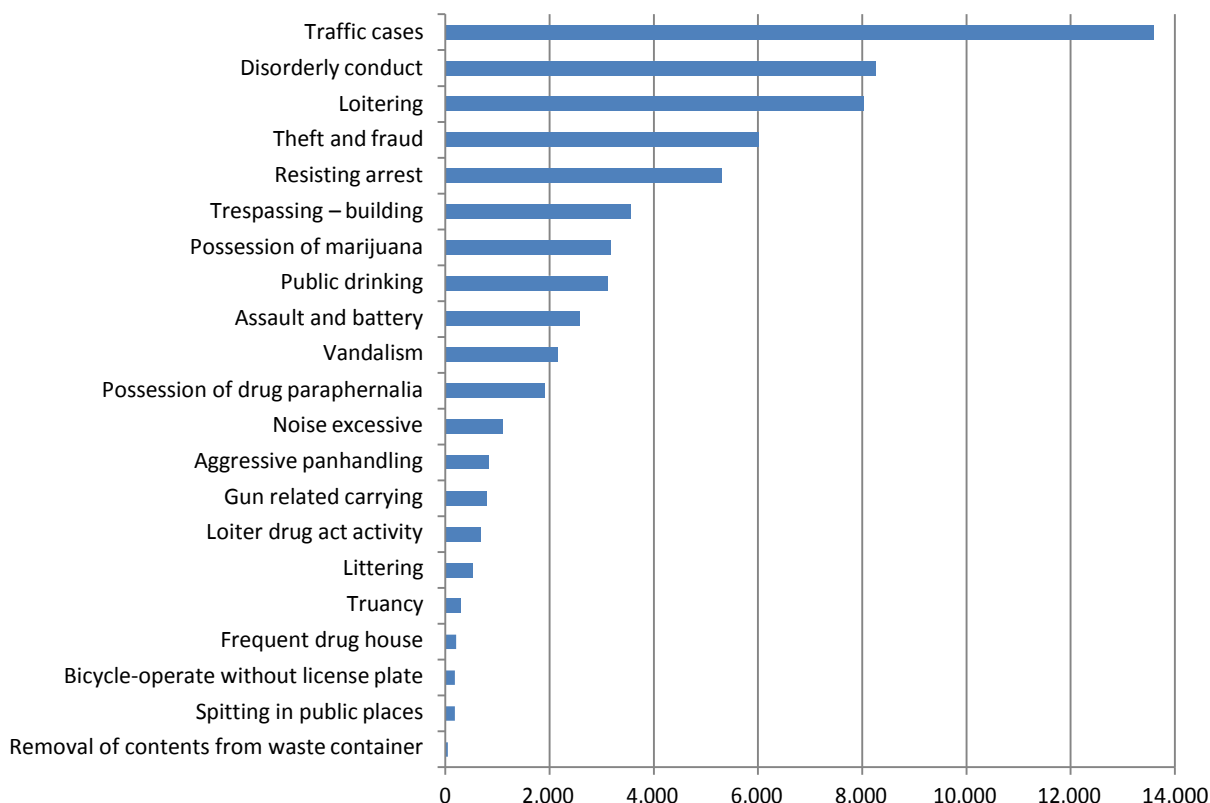
<sup>2</sup> Per day rate from the 2013 Adopted budget for the Milwaukee County Sheriff's Department

The table below examines the volume of cases and payments made for the top 21 categories of violations.

<b>Cases by Offense type</b>	<b>Number</b>	<b>Average Fine</b>	<b>Total Judgments</b>	<b>% of Judgments Paid</b>
Traffic cases (mostly operating while suspended)	13,602	\$171	\$2.4 million	16%
Disorderly conduct	8,256	\$171	\$1.4 million	7%
Loitering	8,037	\$196	\$1.6 million	5%
Theft and fraud	6,016	\$363	\$2.2 million	7%
Drugs (Total):	(5,987)			
Possession of marijuana	3,189	\$355	\$1.2 million	15%
Possession of drug paraphernalia	1,902	\$233	\$442,500	5%
Loiter drug act activity	688	\$660	\$453,880	10%
Frequent drug house	208	\$646	\$134,426	9%
Resisting arrest	5,313	\$174	\$1 million	7%
Trespassing – building	3,570	\$163	\$580,537	3%
Public drinking	3,122	\$120	\$373,928	2%
Assault and battery	2,590	\$346	\$897,339	49%
Vandalism	2,159	\$177	\$732,203	10%
Noise excessive	1,101	\$218	\$239,643	15%
Aggressive panhandling	841	\$60	\$50,708	1%
Gun related carrying	783	\$293	\$229,178	8%
Littering	533	\$133	\$70,873	4%
Truancy	303	\$78	\$23,391	47%
Bicycle-operate without license plate	186	\$63	\$11,782	51%
Spitting in public places	181	\$114	\$20,643	2%
Removal of contents from waste container	43	\$135	\$5,819	21%

- The largest numbers of cases were citations for traffic-related, followed by disorderly conduct and loitering. Often more than one charge was issued during a single police encounter.

### Branch A Study Population Cases: 2008-2013

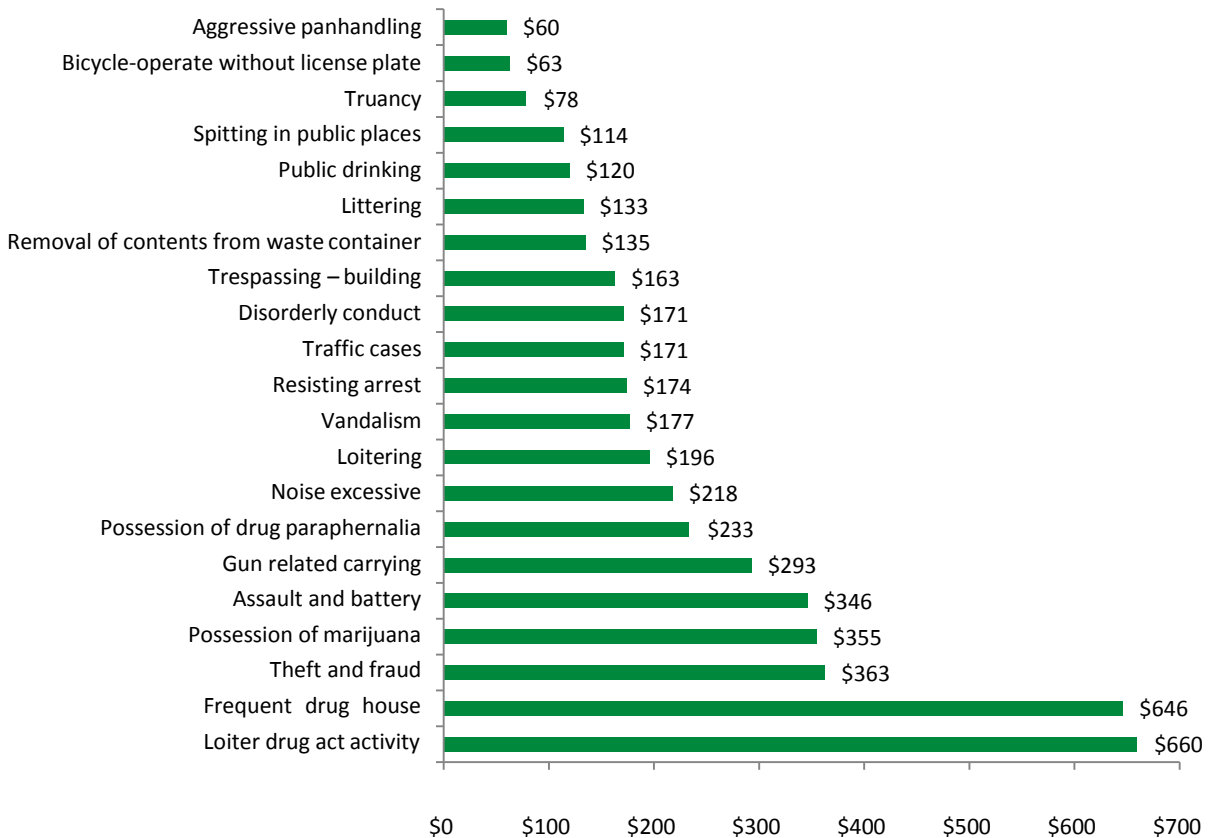


The level of fines was reviewed for cases among the population detained for Branch A.

- The lowest average judgments were for aggressive panhandling (\$60), operating a bicycle without a license plate (\$63), and truancy (\$78).
- Street nuisance citations (associated with persons that may be homeless, have a mental illness, or have alcohol and drug addiction problems) included spitting in public places (with an average judgment of \$114), littering (\$133 average judgment), removal of contents from a waste container (\$135 average judgment), and trespassing in a building (\$163 average judgment).
- The highest judgments imposed were for drug-related violations including loitering-drug act activity (with an average judgment of \$660) and frequenting a drug house (average judgment of \$646).



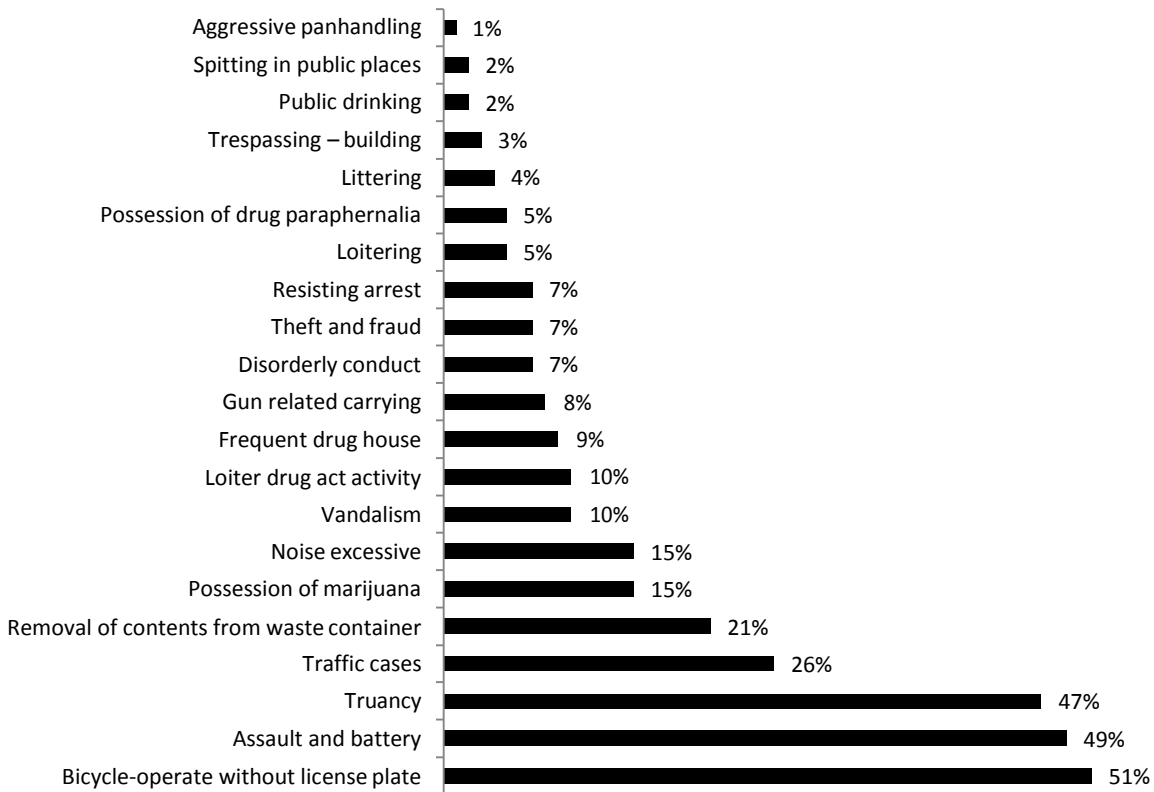
### Average Fines Imposed on the Branch A Study Cases



Analysis of the frequent types of cases seen in Branch A population from 2008-2013 shows the large number of unpaid citations.

- For example, 8,256 cases were charged with disorderly conduct, with fines averaging \$171. Only 7% of these judgment amounts were paid.
- Similarly, 8,037 cases were charged with loitering, with fines averaging \$196 per case. Only 5% of these judgment amounts were paid.
- The lowest levels of payments were made by cases charged with aggressive panhandling (1%), public drinking (2%), and spitting in public places (2%).
- Of particular interest are the 13,602 traffic cases from 2008-2013. Most (89%) of these cases were persons charged with driving while under suspension (N=12,075) but 82% of the underlying suspensions were for failure to pay forfeitures rather than unsafe driving. Over half (57%) of individuals detained for Branch A had a driver's license suspension.
- The highest percentages of payments were made by cases charged with riding a bicycle without a license (with 51% of the judgments were paid), municipal cases for assault and battery (with 49% paid), and violation of the truancy ordinance (47% paid).

### % of Judgments Paid by Type of Case



### Racial Disparities

Racial disparities were evident by gender and type of offense.

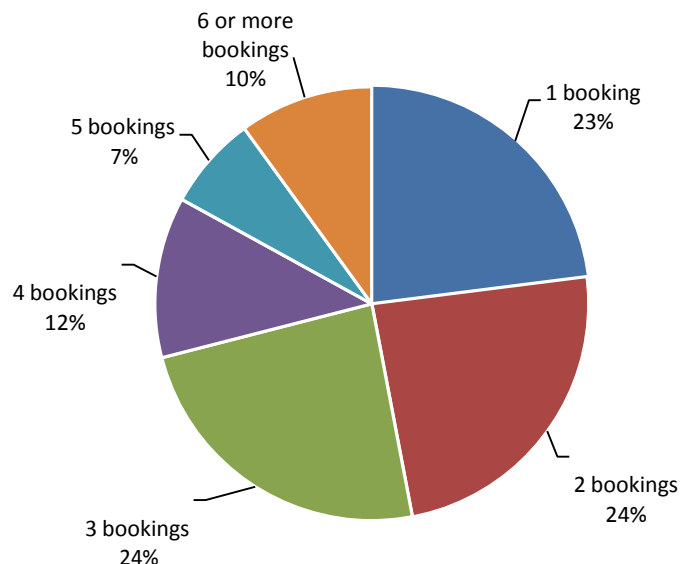
- African American males detained for Branch A had 7.3 times as many cases as white males.
- African American females detained for Branch A population had 4.3 times as many cases as white females.

### Bookings & Cases

- Most individuals had more than 1 booking, and many bookings involved multiple citations. Only 23% of the individuals in Branch A Municipal Court had one booking; 24% had two bookings; 24% had three bookings; 12% had four bookings; 7% had five bookings; and the remaining 10% of individuals had six or more.
- Many individuals detained for Branch A had more than one citation issued during a single encounter with the police; many others have warrants issued for multiple offenses that occurred on different dates and have accumulated multiple warrants prior to their arrest and booking at jail.
- 41% of the jailed population are booked with only 1 citation
- 23% are booked with 2 citations
- 13% with 3 citations
- 8% with 4 citations

- 8% with 5 or more citations – This group had a total of 378 bookings and 2,799 separate citations (for an average of 7 warrants per booking). The highest number of individual citations per one booking was 38, most for panhandling, resulting in judgments of \$3,629, none of which were paid.

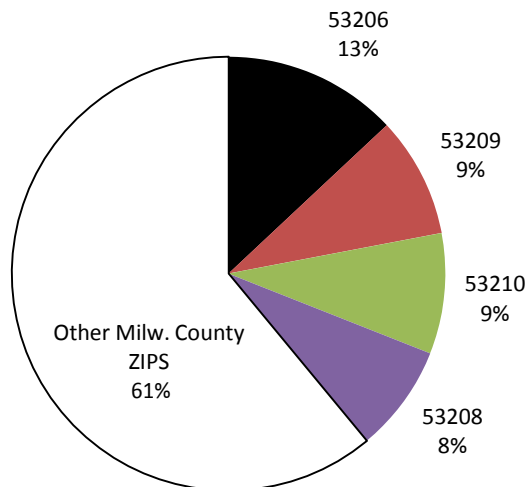
#### Number of Bookings per Individual Detained for Branch A



#### Home Residence of Those Detained

- 83% of those detained for Branch A had residences in the city's 11 poorest ZIP code neighborhoods, with 53206 leading with 13% of the individuals, followed by 9% in 53209 and in 53210, and 8% in 53208.

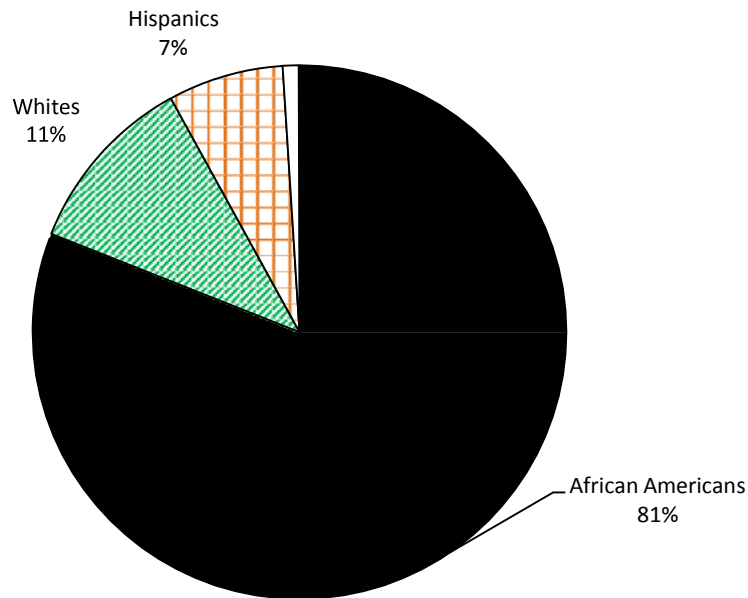
#### Zip codes with the Most Cases in Branch A



### Credit for Time Served and Community Service<sup>3</sup>

- Only 86 cases satisfied their judgments with 2,512 hours of community service<sup>4</sup>.
- 121 cases had partial completions of community service “stayed for hours” credits totaling 2,319 hours.
- 27,628 cases had \$6.8 million in jail time served credited for their judgment amounts. For a day of time served \$50 is deducted from the total judgment amount owed. The majority (81%) of these cases were African Americans, 11% were whites, and 7% were Hispanics.

**Cases with Jail Time Credited for Judgments**



- Over half (58%) of these 27,628 cases had a credit in the range of \$100 to \$199 which reflects 2-4 days detained when booked on the municipal warrant return.

**27,628 Cases Receiving Judgment Credits for Jail Time: 2011-2013<sup>5</sup>**

Range of “Credits” for Jail Time	Number of Cases Credited	Sum of the Credits	Average Credit by Category
\$1-99	2,917	\$230,891	\$ 79
\$100-199	15,940	\$2,464,915	\$155
\$200-299	1,894	\$482,861	\$255
\$300-399	4,087	\$1,460,992	\$357
\$400-499	372	\$176,059	\$473
\$500 and over	2,418	\$2,042,942	\$845
Total	27,628	\$6,858,660	\$248

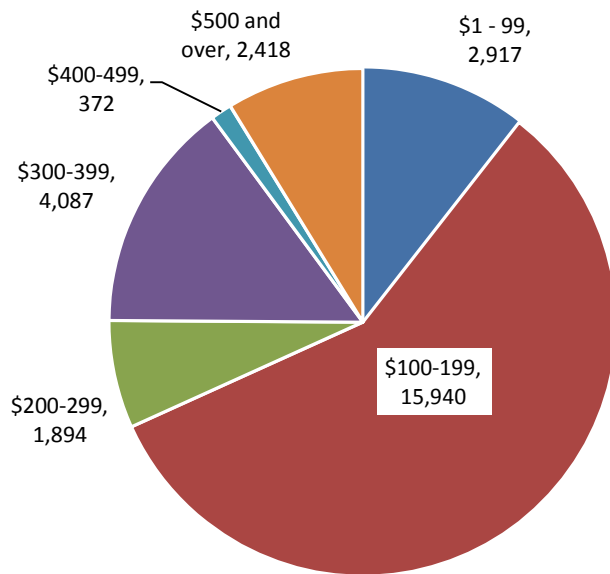
<sup>3</sup> In only 36 instances is Community Service used as an alternative sanction for Possession of marijuana cases

<sup>4</sup> For each hour of community service completed, \$10 is credited to the judgment amount owed

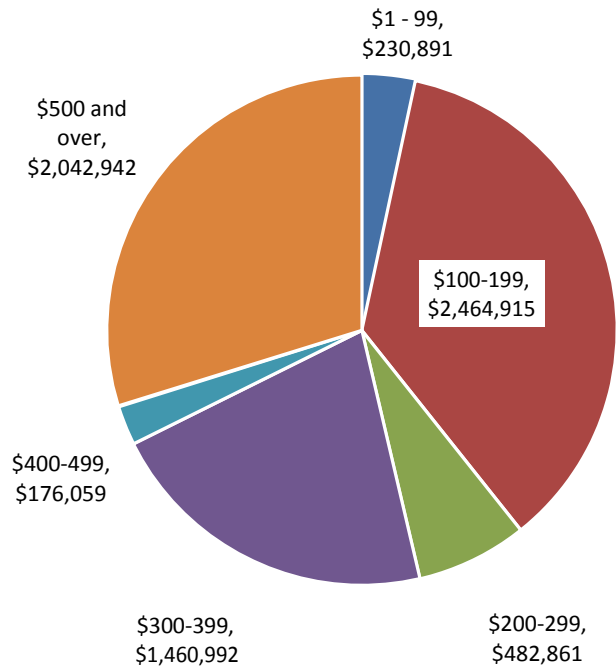
<sup>5</sup> The information provided on cases with Time Served was for a reduced time period because of this practice: Audit of municipal Court Receivables report, Milwaukee Comptroller 2012 indicates warrants with no activity are permanently stayed and warrants withdrawn.

## Cases Receiving Credits for Jail Time Served

Number of Cases Receiving Credits for Jail Time  
by Amount Received



Total Judgments Credited



## ANALYSIS OF DETAINED FOR MUNICIPAL WARRANT WITHOUT OTHER HOLDS

The study population in this section includes individuals detained for Branch A, excluding those with probation violation holds (VOP), serving time in the county jail, held for other correctional or judicial jurisdictions, or detained for Circuit Court criminal offenses.

During the 5½ year period examined the experiences of 9,277 individuals with 26,363 cases/citations detained for Branch A were analyzed. Secondly, data from the Milwaukee County Sheriff's Office records were used to further analyze the population's reason for detention by type of cases, days in jail, and number of bookings during the study period. This section details days in jail, and outcomes based on measures of payments received and costs of jailing. Finally, the use of driver license suspension as a sanction for failing to pay fines or in lieu of fines, for a population shown to be largely unemployed or in marginal low-wage jobs, was also examined.

The amount of judgments imposed in cases for the study population exceeded \$6.5 million, and while some of those detained paid their fines, some made partial payment, but most paid nothing.

- For the majority of violators seen in Branch A (81%) their judgments totaling \$4.8 million were never paid. Only 7% made full payments, totaling \$493,776, and 12% made partial payments of \$359,354 on \$1.2 million in judgments.
- Citations were often for behaviors related to the homeless and/or indicators of mental health issues. The arrests for this population rarely resulted in payment of fines.

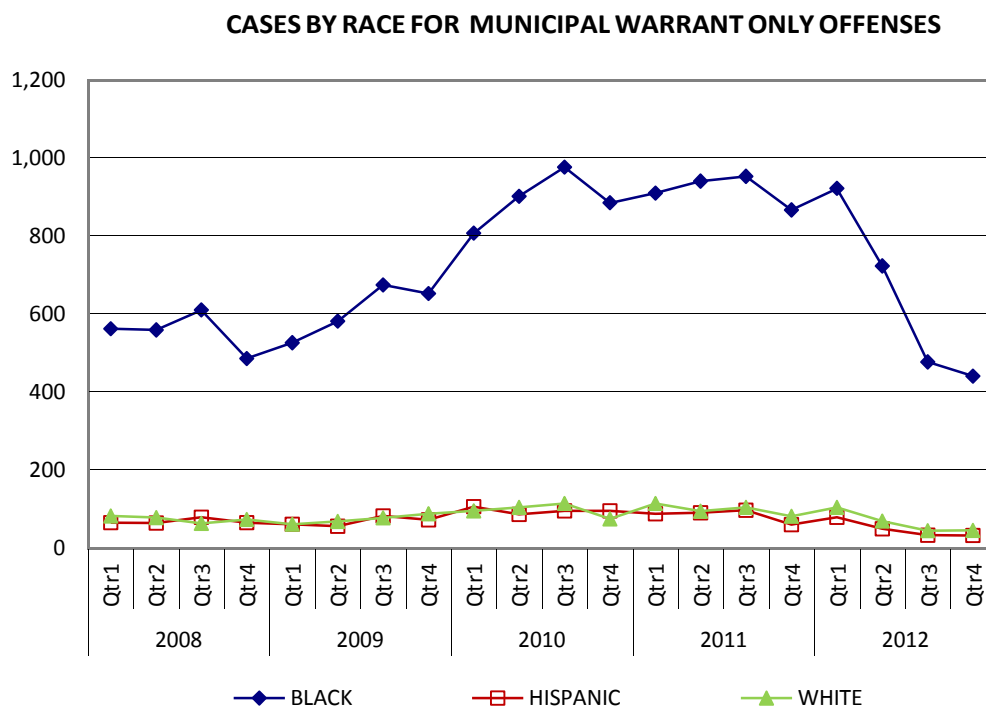
- Policing patterns where multiple citations were issued during a single encounter were found to adversely impact a largely African American male population, and this population was often arrested on municipal warrants more than once.

### Costs of Jailing Those Not Paying Their Fines

The study identified the cost of jailing those who do not pay their fines using jail cost data provided by the Sheriff's Office.<sup>6</sup> For the study period the number of bookings averaged 2,149 per year, resulting in 98,824 days in jail at an estimated cost of \$2 million/year and totaling \$10.2 million using \$103 as the per day rate.

### Patterns by Race/Ethnicity

Analysis by race and age shows that African Americans are disproportionately represented in the population and accounted for much of the increase in unique bookings in 2010 and 2011. As shown below, the number of African Americans in the jailed population increased significantly in the period after the economic recession while the number of whites and Hispanics rose only slightly.



- African American males made up 80% of men detained on municipal warrants only in the years examined, and were heavily concentrated in the 20-29 ages and 30-39 ages.
- African American women showed similar demographics making up 79% of women detained on municipal warrants, and were ages 20-39 years.

<sup>6</sup> Per day rate from the 2013 Adopted budget for the Milwaukee County Sheriff's Department

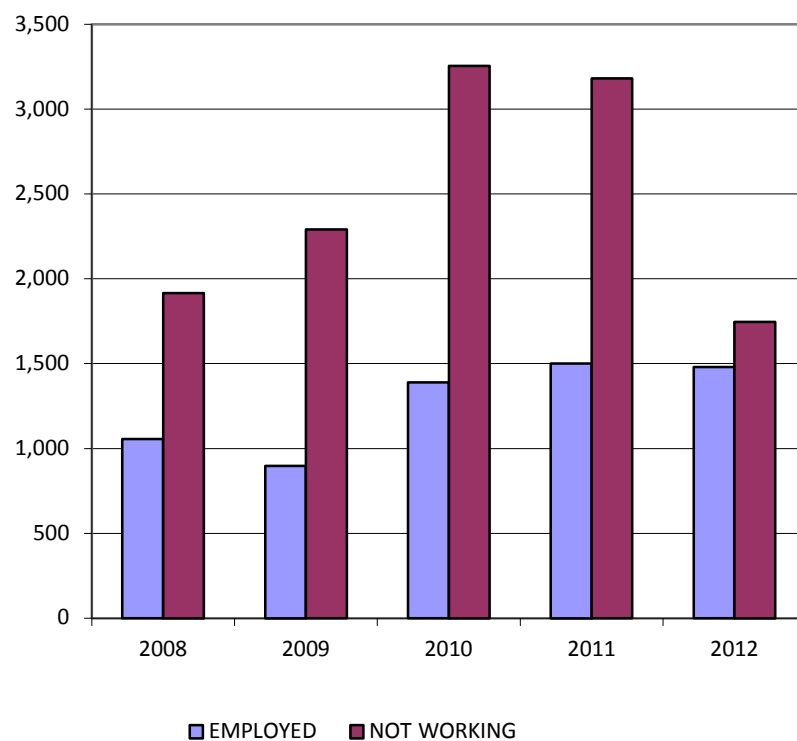
- Hispanics made up 9% of the study population and non-white racial/ethnic groups made up 1% of the population.

### Employment Levels

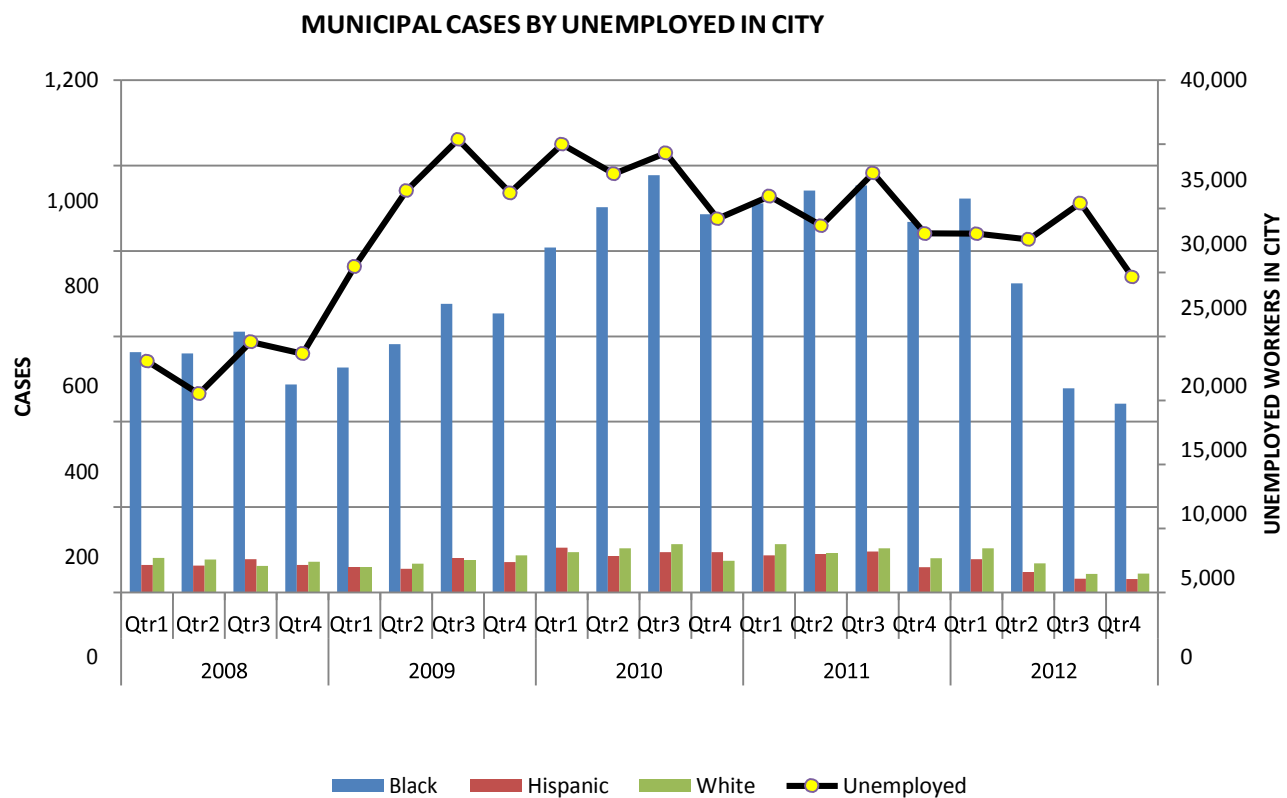
The increase in 2011 of persons detained for Branch A cases appears to be directly related to the unemployment levels of individuals in the study population.

- The percentage of those detained and not employed was 64% in 2008, which rose to 72% in 2009, dropped slightly to 70% in 2010, and 68% in 2011, and then down to a low of 54% in 2012.
- Most of those who were employed worked in low wage jobs as laborers (41%) and other lower-paying occupations.

**Employment Status at Booking Detainees for Branch A**



The pattern of cases by year and quarter appears to be directly related to the number of unemployed workers in the city of Milwaukee.



### Employed and Jailed

A population was identified of 330 detained individuals, with only one citation, and who self-reported at booking that they were employed as laborers. Most (80%) were men. All were issued at least one FPF (failure to pay forfeitures) driver's license suspension. Just under 1/3 of this group paid part of their judgments with \$12,910 paid on judgments of \$31,705. However, 72% of these low-wage workers paid none of their fines on judgments of \$50,690, with this group spending an average of 5 days in jail.

### DOES WEALTH AND NOT CULPABILITY SHAPE OUTCOMES?

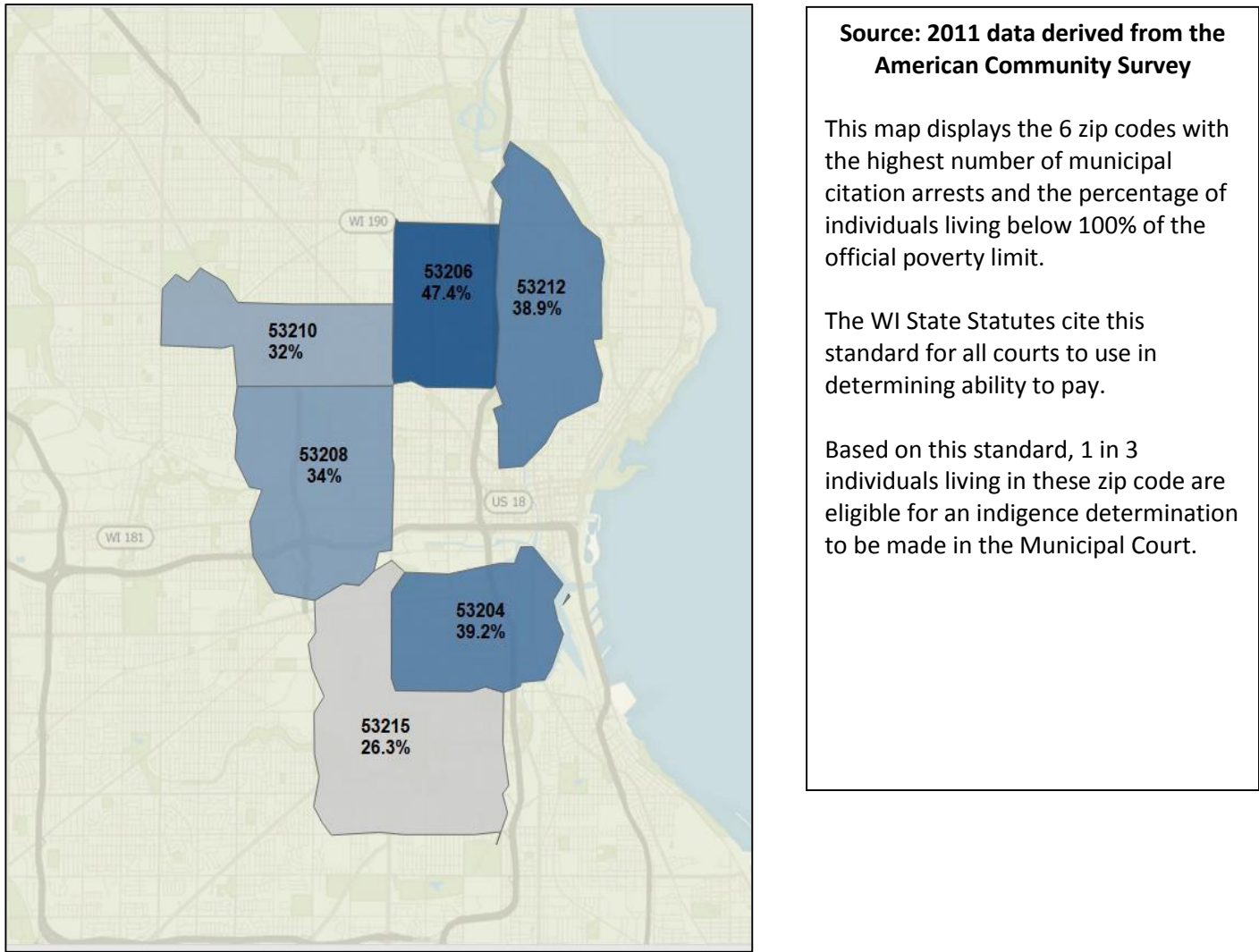
Thousands of citations are issued each year by the Milwaukee Police Department to individuals who fail to pay the fines and consequently enter the municipal court system and the county jails. While many residents pay their fines upon threat of sanctions by the court and its private collection agency, others do not pay and are jailed. Review of the cases suggests income limitations and socio-economic conditions (including homelessness, addiction problems, and mental health conditions) as compelling factors for those not paying municipal judgments in Milwaukee.

In the years examined, some 66,623 citations were issued and brought before the court for judgments of over \$15.7 million, and only 10,131 of the cases made payments totaling \$1.6 million. The individuals receiving these citations subsequently spent 686,406 days in the county jails, at a cost estimated at \$70.7 million (based on an estimated cost of \$103/day). The cost of punishment for these unpaid fines was almost were 4.5 times



the owed judgments. In addition to the cost of housing persons in jail, there are also police and court costs associated with use of jail as a punishment for failure to pay fines.

Additional adverse actions are taken by the courts against those who do not pay fines and forfeitures, using vehicle and driver’s license suspensions for each unpaid traffic fine. In Wisconsin “Failure to Pay Forfeitures” (FPF) license suspensions by far exceed all other driver suspensions. This is detailed in the next section.



## **PART TWO- SUSPENDING DRIVING PRIVILEGES FOR INDIVIDUALS IN LIEU OF FINES OWED TO THE MUNICIPAL COURT**

The Wisconsin State Statutes for municipal court operations allow the courts to take away driver's licenses from people owing money to the court and to prevent individuals from obtaining a driver's license due to their non-payment of fines. Under current state law, these driver license suspensions may be imposed for up to a period of two years.

No evidence has been presented by the Wisconsin DMV to document that these denials of driving privileges for unpaid civil forfeitures change behavior for most of those receiving them. As a bill collection mechanism, the FPF ("failure to pay forfeitures) suspensions are usually ordered after a series of extensions to pay are made by the courts. Private collection agencies contracting with the courts make a final attempt to secure payments.

Many individuals without a driver's license drive anyway, either as licensed drivers with suspended licenses or as unlicensed drivers. (The American Association of Motor Vehicle Administrators estimates that nationally as many as three-fourths of suspended and revoked drivers continue to drive.)<sup>7</sup> Inevitably, many of these drivers are found out when stopped for non-traffic vehicle infractions or for moving violations and issued a second citation for "operating while suspended" (OWS).

In the records of people included in this study we found:

- Most (66%) of the population in the study had a DOT DMV record/entry.
- Only 774 individuals in the study had a valid DOT driver's license.
- 2,782 had one or more license suspensions/revocations.
- 9,570 individuals had no license but had one or more suspensions recorded including FPF suspensions.

In most (83%) of the cases with suspensions, there was no payment made on their judgments (which totaled \$8.1 million). For those who made payments, \$1.2 million was paid on judgments of \$8.1 million.

### **Fiscal and Employment Consequences of 2-Year Driver's License Suspensions for Non-Payment**

*(This section on pages 16-18 is excerpted from the 2014 University of Wisconsin-Milwaukee Employment and Training Institute report on "Issues Related to Wisconsin Failure to Pay Forfeitures Driver's License Suspensions.")*

In a "catch-22" scenario, Wisconsin residents unable to pay their judgments for municipal citations and the additional fees attached to them are denied their right to drive – further jeopardizing their employment

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<sup>7</sup> American Association of Motor Vehicle Administrators Suspended and Revoked Drivers Working Group, **Best Practices Guide to Reducing Suspended Drivers** (2013).

options and placing them at risk in the criminal justice system when found “driving while suspended” to and from work. Lack of a driver’s license is a particularly serious barrier to employment for workers in the Milwaukee metro area where the majority of job openings are at worksites not served by public transportation and the driver’s license is used as a qualifying credential for access to apprenticeship training and as a screening device by many employers. Residents that drive without a valid license further place themselves at high risk within the criminal justice system – for illegal driving, increased police scrutiny, vehicle searches during police stops, and potential violations of state Department of Corrections supervision requirements.

### **Wisconsin’s 2-Year Driving Penalty for Unpaid Fines and Forfeitures**

The chart below shows the conflicting values at play in Wisconsin laws allowing longer suspension of driver’s licenses for failure to pay forfeitures (FPF) than for most dangerous driving. The state’s DMV demerit system is designed with the expectation that drivers will change their behavior after being ticketed for speeding, and before a suspension on their driving rights is imposed. Only when the driver accumulates 12 demerit points within 1 year is a two-month license suspension imposed and even then, the driver may apply immediately for an occupational license to still drive to and from work.

This approach to controlling dangerous driving contrasts sharply with the FPF practices of the courts where a person failing to pay a judgment on a municipal citation (or to make all monthly payments if placed on a payment schedule) has his/her license suspended immediately – and usually for a period of two years. No provision is made to allow workers to obtain an occupational driving permit to get to work or to take their children to necessary day care.

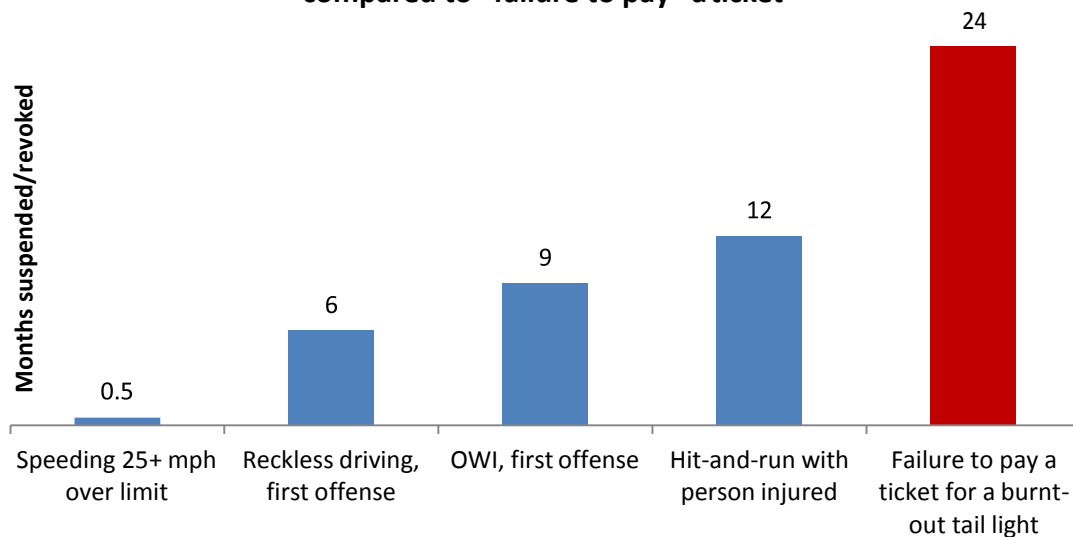
In most situations, “driving while poor” in Wisconsin (that is, not paying off court-imposed judgments) has more serious consequences than leaving the scene of an accident, passing a school bus with flashing red lights, or driving more than 25 miles per hour above the legal limit. As a result, thousands of low-income residents of Milwaukee and other communities are barred from legally driving.

<b><u>Violation</u></b>	<b><u>Length of Wisconsin Driver’s License Suspension/Revocation*</u></b>
Driving with a burnt-out tail light	Ticket, no suspension, 0-3 demerit points
Passing a school bus with its red lights flashing	No suspension, 4 demerit points
Speeding more than 25 mph over the legal limit	15 day suspension, 6 demerit points
Accumulation of 12 demerit points for unsafe driving in 1 yr.	2 mo. suspension, eligible for occupational license immediately
Reckless driving, first offense	6 month suspension, 6 demerit points
Driving while intoxicated (OWI), first offense	9 month revocation, 6 demerit points
Failure to stop after accident involving a personal injury	1 yr. revocation, eligible for occupational license after 15 days
<b>Failure to pay a ticket for a burnt-out tail light</b>	<b>2 year suspension</b>

Source: Wisconsin Department of Transportation Division of Motor Vehicles, **Driver License Withdrawals: Revocations, Suspensions, and Disqualifications**, January 1, 2014; Wisconsin Administrative Code “Chapter Trans 101.”

\*Note: Penalties may be more severe for youth under age 18 and for drivers with probationary licenses.

### Months barred from driving in Wisconsin for moving violations compared to "failure to pay" a ticket



#### No Evidence That Failure-to-Pay-Forfeiture Suspensions are Effective

The Suspended and Revoked Working Group of the **American Association of Motor Vehicle Administrators** recommends that “legislatures repeal state laws requiring the suspension of driving privileges for non-highway safety related violations.” They argue that driver’s license suspensions should be focused on dangerous drivers rather than for non-safety goals, and indicate that suspending driving privileges for non-safety reasons is not effective and warning that “the costs of arresting, processing, administering, and enforcing social non-conformance related driver license suspensions create a significant strain on budgets and other resources and detract from highway and public safety priorities.”<sup>8</sup> The AAMVA notes that time and resources are diverted from traffic safety when driving suspensions are imposed for offenses not deemed dangerous to road safety. The AAMVA also note that widespread use of driver’s license suspensions for non-driving reasons weakens the public respect for traffic safety laws and law enforcement.

#### ***Fiscal Impact to the Criminal Justice System***

*“Law enforcement agencies spend millions of dollars and lose thousands of personnel hours each year to the administration of social non-conformance related suspensions. Eliminating these non-highway safety suspensions, will result in significant cost savings to the criminal justice system. . . .*

*The number of cases and the time estimate associated with each case will vary by jurisdiction, but without a doubt, a tremendous amount of time and resources are expended by state and local entities to deal with and process non-highway safety related suspensions. Significant state and local government cost savings could be realized by utilizing alternatives to suspending drivers for non-highway safety related reasons.”<sup>9</sup>*

<sup>8</sup> American Association of Motor Vehicle Administrators Suspended and Revoked Drivers Working Group, **Best Practices Guide to Reducing Suspended Drivers** (2013), pp. 2 and 5.

<sup>9</sup> American Association of Motor Vehicle Administrators Suspended and Revoked Drivers Working Group, **Best Practices Guide to Reducing Suspended Drivers** (2013), pp. 14-15

### PART THREE- ANALYSIS OF MARIJUANA CASES -DETAINED: 2008-2013

There were 3,388 possession of marijuana cases for the detained population during the study period.

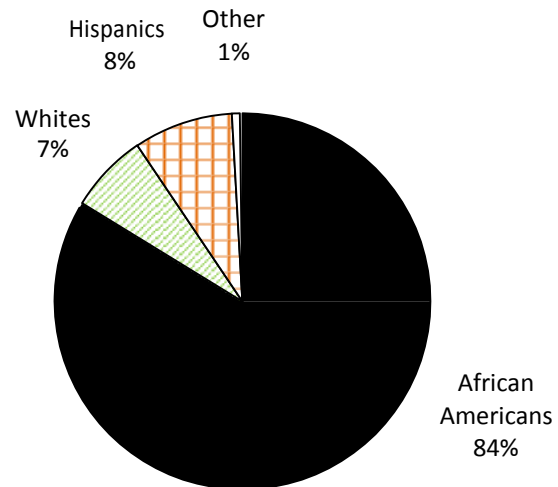
#### Race/Ethnicity of Cases

A majority (84%) of the marijuana jailed cases were African

Americans.

8% of the cases were Hispanics and 7% whites.

#### **Race/Ethnicity of Those Detained on Marijuana Cases: 2008-2013**



#### Judgments

The 3,388 marijuana cases detained to appear before Branch A had a total of \$1.2 million in judgment amounts. The average judgment amount was \$348.

1,008 cases (15%) of fines totaling \$179,958 were paid, or an average of \$178 per case.

In only 36 instances is Community Service as an alternative sanction utilized for these cases.

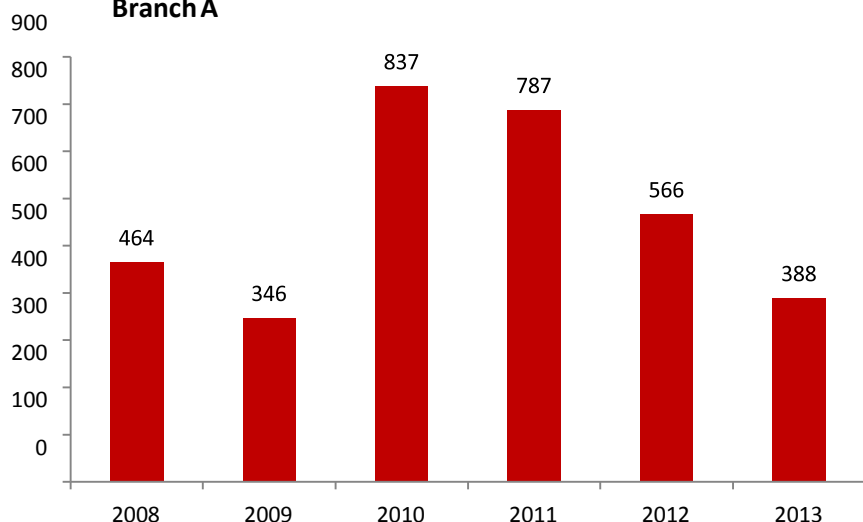
#### Jail Time Served

The number of days spent in jail for the 3,388 marijuana cases totaled 57,526.

#### Total Annual Cases

The number detained for marijuana cases totaled 464 in 2008, and then dropped down to a low of 346 cases in 2009, then doubling to 837 cases in 2011. The cases declined to 787 cases in 2011, 566 cases in 2012, and 388 cases in 2013.

#### **Marijuana Cases - Detained for Appearance in Municipal Court Branch A**



## Attachment 1- Case Studies

The challenges of ensuring public safety while regulating individuals' public behavior is seen in many of the Branch A cases and the shortcomings of the penalties imposed. The limitations of using money fines, driver's license suspensions and detention as inducements for municipal ordinance violators to change their behavior and to pay their fines can be seen in the numerous citations for nuisance problems. Some of these following case examples illustrate that not everyone has the ability to pay money fines, that detention for failing to pay fines has little or no deterrent impact on subsequent behavior that results in new citations and with more information and resources available at numerous decision points in the citation to Municipal court process, different and better outcomes might be achieved.<sup>10</sup> Cases were cross checked with Circuit Court records that often contain information obtained from screening and assessment and indicating needs an individual may have including the need for referrals to addiction or mental health services.

**The Case of James:** James had 70 citations issued against him during the 5¾ year study period on 51 different days, including:

- 15 aggressive panhandling
- 11 disorderly conduct
- 15 public drinking
- 1 littering
- 4 loitering
- 9 possession of drug paraphernalia
- 9 trespassing
- 2 resisting arrest
- 1 spitting in public places
- 3 thefts

James' judgments totaled \$11,003; he paid \$0 in fines. James has no driver's license but was issued an FPF suspension with the DMV. Circuit court records indicate that James was referred to behavioral health service for co-occurring mental health and addiction issues.

**The Case of David:** David had 80 citations over 5¾ years, including at least 10 times that multiple citations were issued during a single encounter with the police. David's citations included:

- 5 aggressive panhandling
- 14 disorderly conduct
- 4 littering
- 10 loitering
- 1 possession of a shopping cart
- 23 public drinking
- 4 resisting arrest
- 4 retail theft
- 15 trespassing

David's judgments totaled \$13,301; he paid \$0 on them. He also received 4 FPF suspensions and has a revoked license. Circuit court records indicate he has been homeless and in need of both behavioral health and medical services.

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<sup>10</sup> Names changed for purpose of this report

**The Case of William:** After 1 case of aggressive panhandling in 2008 and 3 cases of loitering, public drinking and trespassing in 2009, William had 96 cases within the two-year period (2010-2011). Of William's 101 citations on record:

- 38 were for trespassing
- 24 for public drinking
- 18 for loitering
- 10 for aggressive panhandling
- 8 for disorderly conduct
- 2 for littering
- 1 for carrying a concealed and dangerous weapon.

The judgment amounts for these 101 citations totaled \$14,844, none of which were paid and put him at risk for 77 days of detention. He has a revoked driver's license (and no FPF suspensions). Circuit court records indicate that he has been homeless, in need of behavioral health services and is a veteran.

**The Case of Donald:** In the two years 2010 and 2011 Donald accumulated 34 citations. Donald had:

- 7 cases of loitering with fines of \$1,197
- 6 cases of trespassing with fines of \$1,026
- 3 cases of aggressive panhandling with fines of \$192
- 4 cases of retail theft with fines of \$1,452
- 1 case of removing the contents of a waste container with a fine of \$144
- 1 case of misuse of emergency telephone numbers with a fine of \$175

On one day in February 2011, Donald received 4 citations:

- 1 at 8:30 am for trespassing
- 1 at 3:15 pm for loitering in a parking structure
- then at 6:30 pm a second fine for loitering, and
- Finally at 6:44 pm a citation for resisting/obstructing a police officer (with a fine of \$186).

Donald's judgment amounts totaled \$5,949, mostly for non-violent violations. None were paid and Donald has driver's license suspensions only for failure to pay forfeitures.

**The Case of Jerome:** During the study period Jerome was cited for 103 violations, 9 of which occurred on the same evening. The 9 violations that day were issued as follows:

- 7:30 p.m. -- Aggressive panhandling
- 7:30 p.m. -- Trespassing
- 7:40 p.m. -- Aggressive panhandling
- 7:40 p.m. -- Trespassing
- 7:40 p.m. -- Disorderly conduct
- 8:00 p.m. -- Trespassing
- 9:17 p.m. -- Aggressive panhandling
- 9:17 p.m. -- Trespassing
- 9:17 p.m. -- Resisting arrest

The judgments Jerome received for his 103 citations totaled \$13,310. These judgments included:

- 39 citations for trespassing for \$6,279 in fines
- 26 violations for trespassing with \$1,528 in fines
- 11 violations for public drinking with \$1,109 in fines
- 1 case for mashing with a \$361 fine
- 15 additional cases with \$4,033 fines

None of the fines were paid. Circuit court records indicate he has been homeless and in need of behavioral health service for co-occurring mental health and alcohol issues.

**The Case of Larry:** Larry had 96 citations in 12 separate bookings. His citations included:

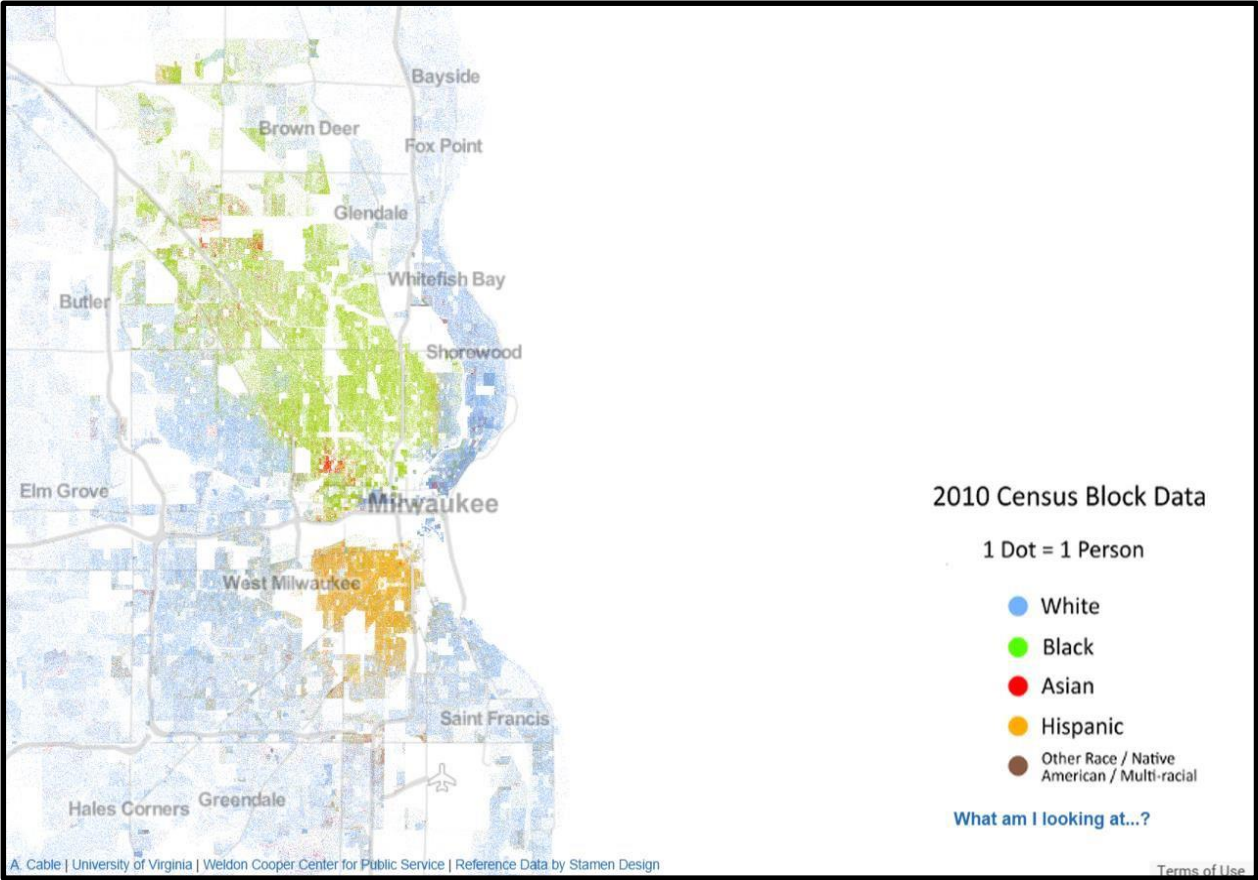
- 9 aggressive panhandling
- 19 disorderly conduct
- 1 junk collector without a license
- 9 loitering
- 3 possession of a shopping cart
- 36 public drinking
- 2 resisting
- 1 spitting in public
- 14 trespassing

Larry's judgments totaled \$14,080 in 5¾ years. He has paid \$380. He has an expired driver's license but also received 2 FPF license suspensions. During the case study time, 2008-2013, he was found not competent to stand trial in a misdemeanor circuit court and committed to the Mendota Mental Health Institute.



## **ATTACHMENT 2 – MAPS**

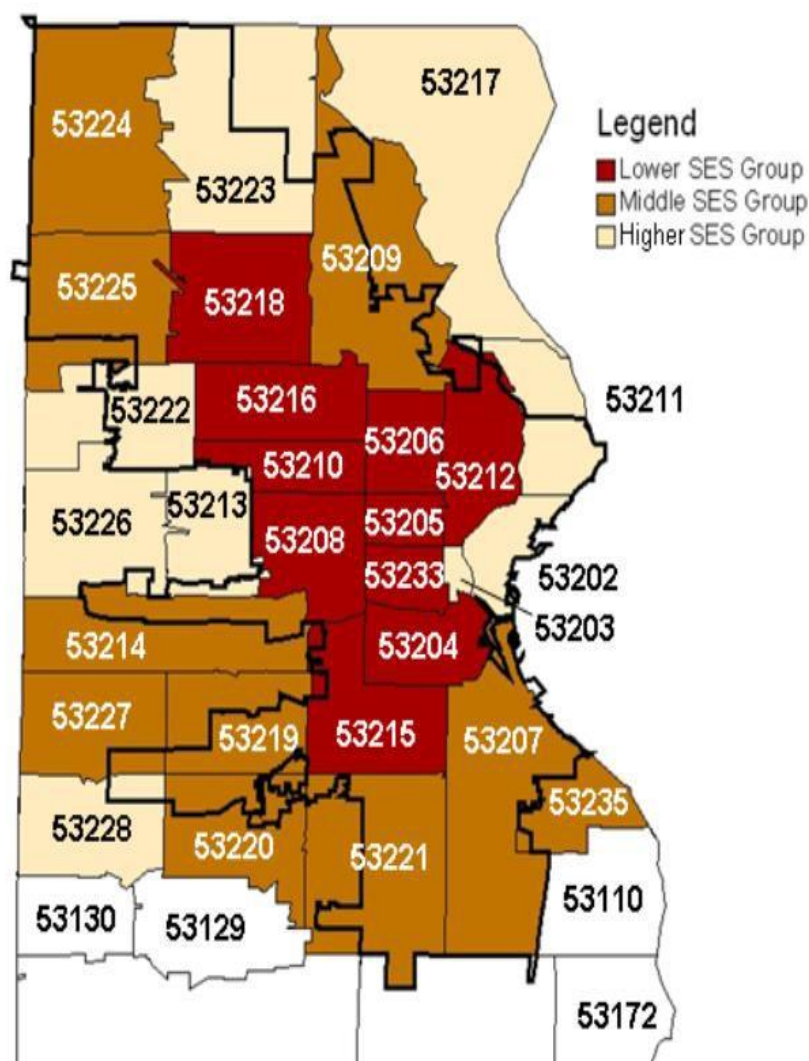
Map of Milwaukee broken down by race. This is derived from 2010 census block data.



## Milwaukee Health Report SES Zip Code Groups

Center for Urban Population Health

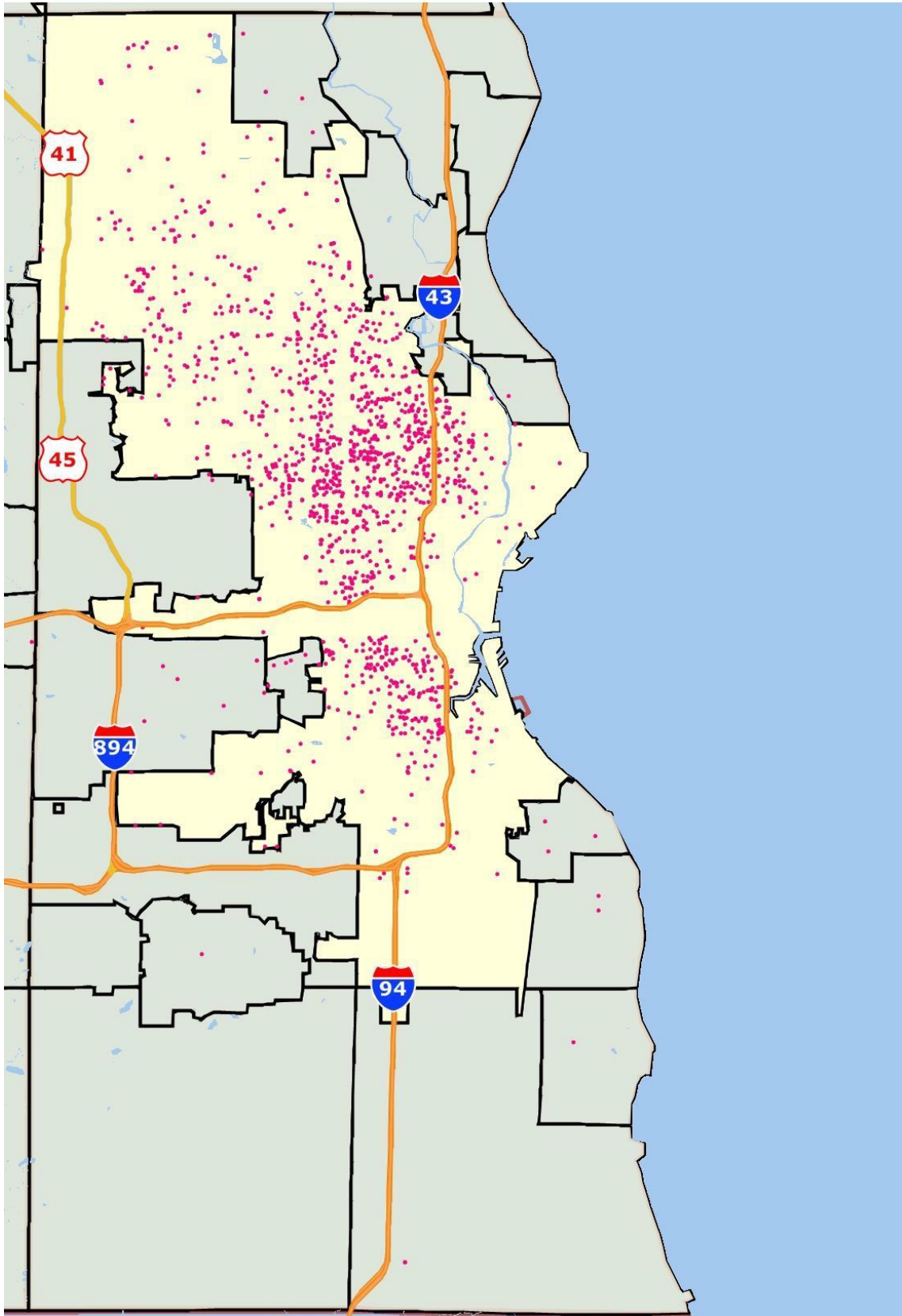
Map of the City of Milwaukee by ZIP Code and SES Group.



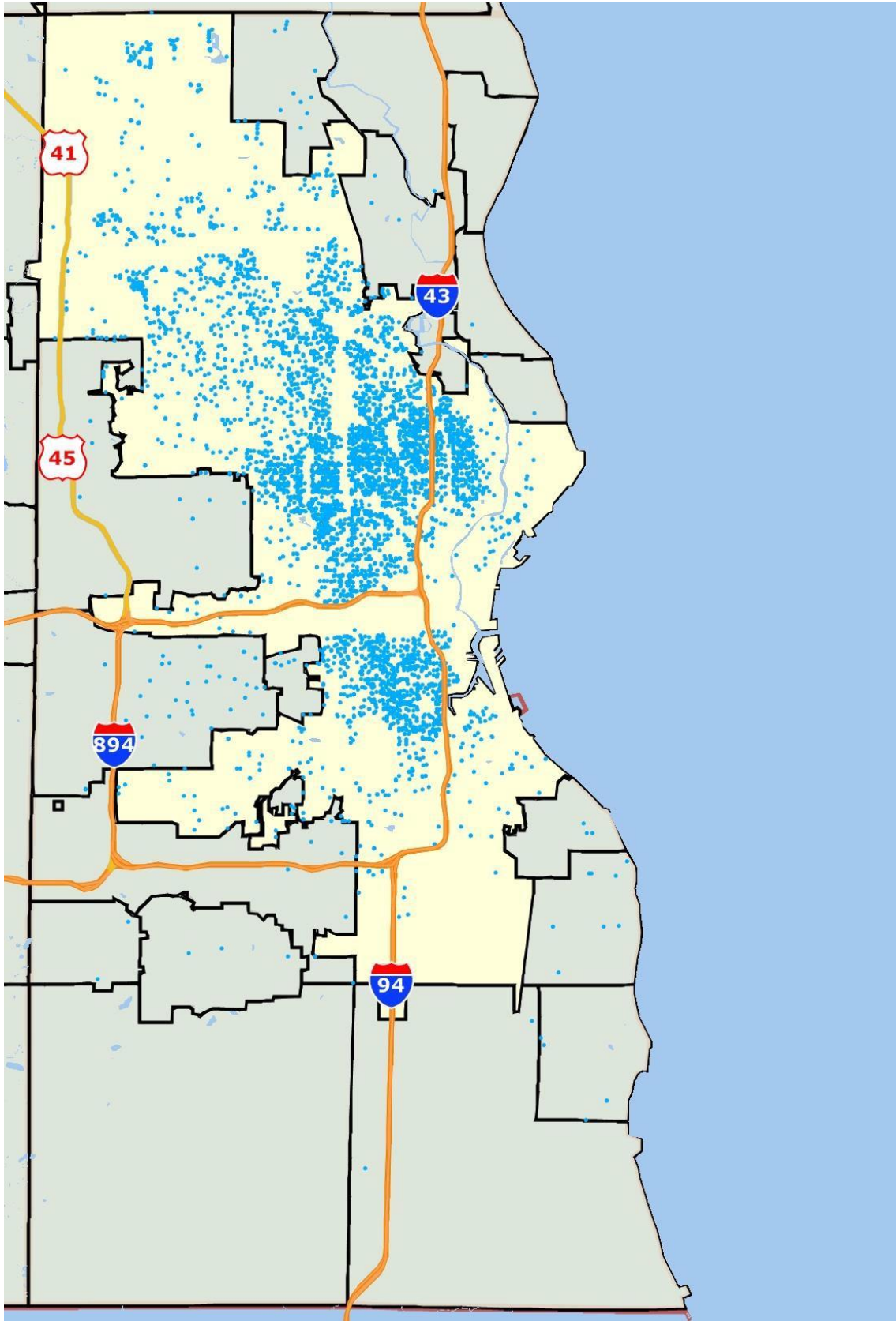
Socioeconomic status (SES) is based on median reported incomes and the percentage of individuals with bachelor degrees.<sup>11</sup>

<sup>11</sup> Executive summary of the Milwaukee Health Report 2013:  
[http://www.cuph.org/uploads/2/5/8/0/25803255/2013\\_executive\\_summary.pdf](http://www.cuph.org/uploads/2/5/8/0/25803255/2013_executive_summary.pdf)

Residence of violators for Branch A with Drug Cases: 2008-2012

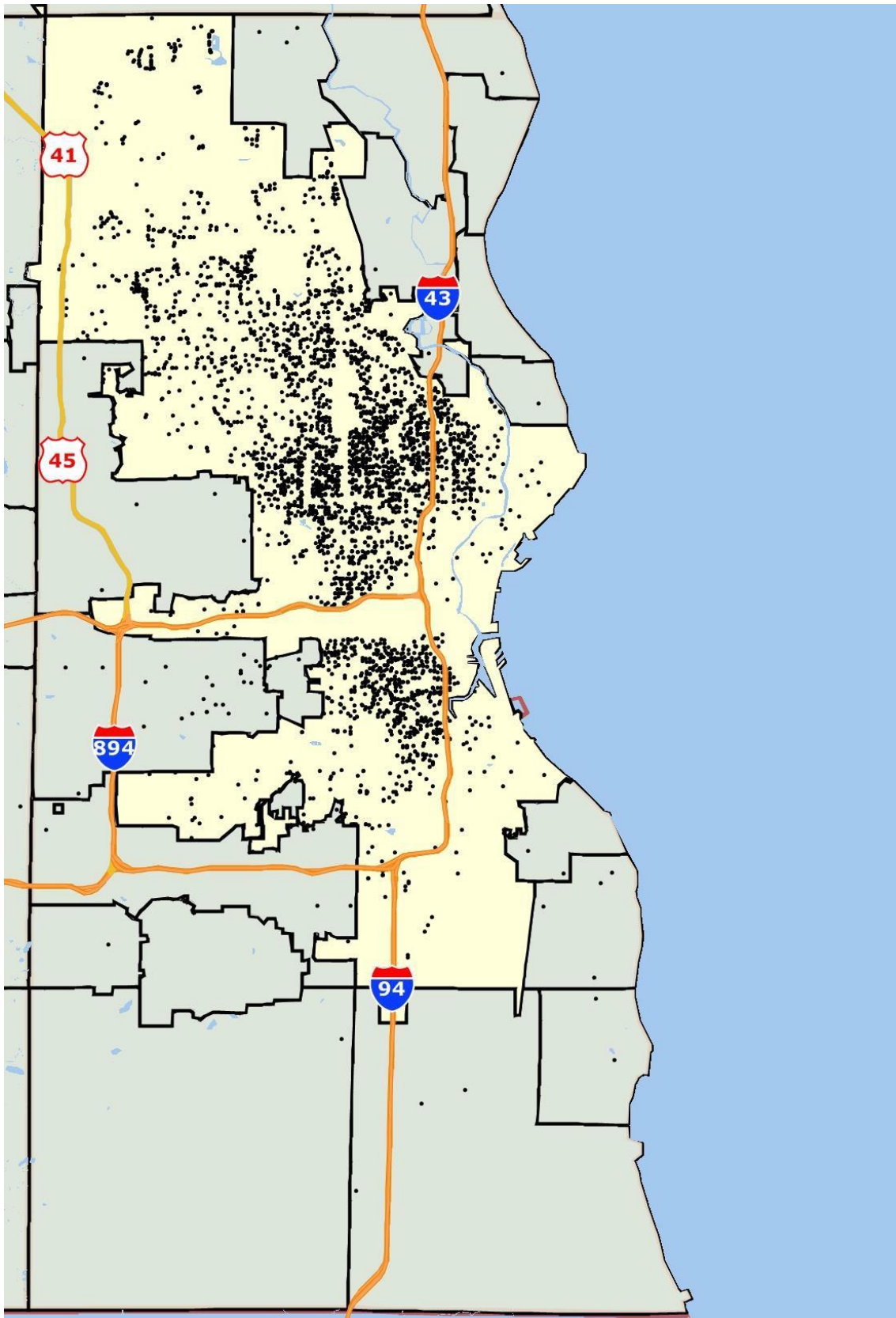


**Residence of violators held for Branch A with Disorderly Conduct Cases: 2008-2012**

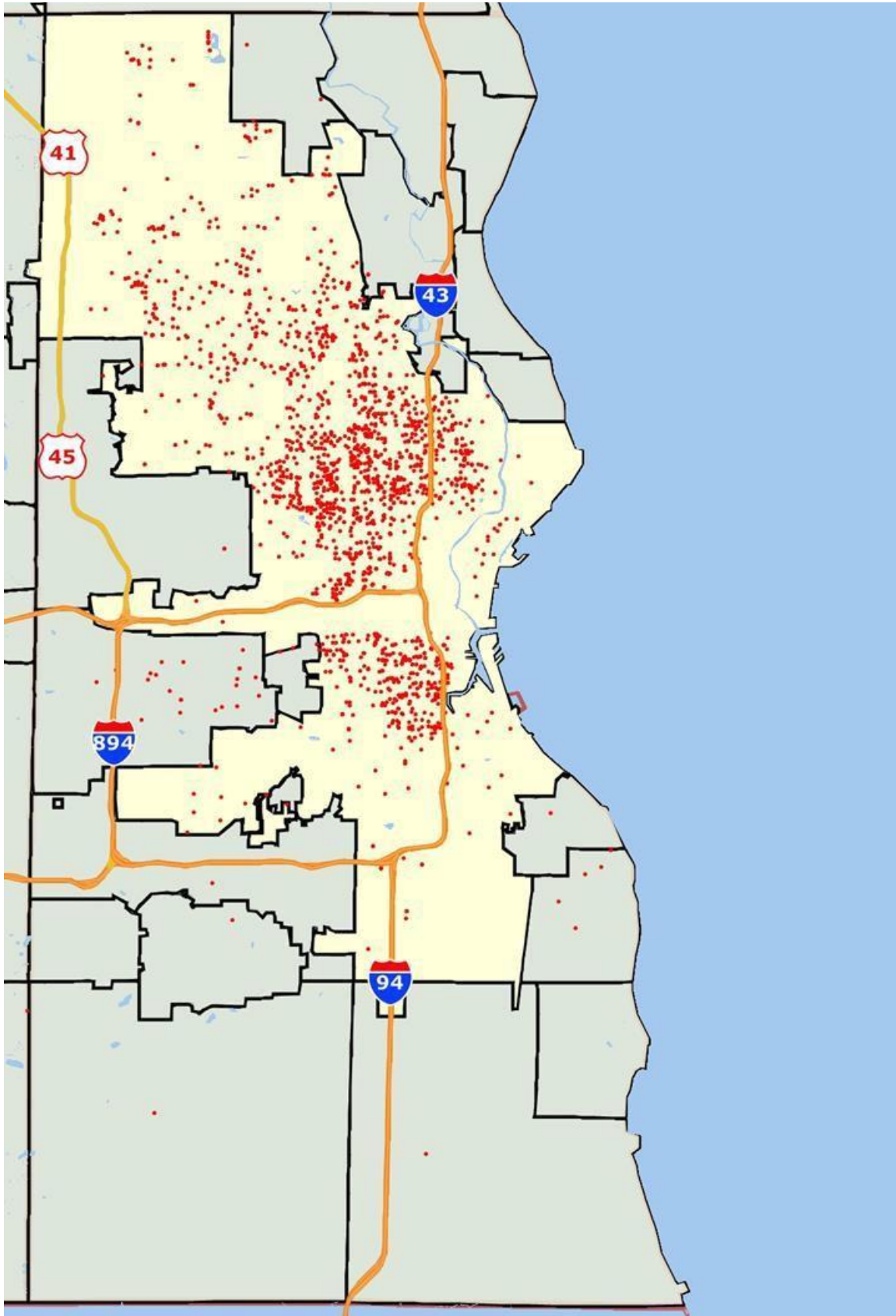




Residence of violators held for Branch A with Traffic Cases: 2008-2012



Residence of violators held for Branch A with Loitering Cases: 2008-2012



**ATTENDEES AT STAKEHOLDERS MEETING MAY 2014**

<b>NAME</b>	<b>AFFILIATION</b>
<b>Richard Withers</b>	<b>City of Milwaukee</b>
<b>Cavalier Johnson</b>	<b>City of Milwaukee</b>
<b>Kurt Behling</b>	<b>City Attorney's Office</b>
<b>Sgt. Janice Shoman</b>	<b>Milwaukee Police Dept.</b>
<b>Mary O'Connor</b>	<b>Municipal Clerk of Courts</b>
<b>Nate Holton</b>	<b>MCJCC Coordinator</b>
<b>Chris Ahmuty</b>	<b>ACLU of Wisconsin</b>
<b>Niel Thoreson</b>	<b>Dept. of Community Corrections</b>
<b>Jeff Altenburg</b>	<b>Milwaukee County District Attorney</b>
<b>Paige Styler</b>	<b>State Public Defender</b>
<b>Molly Gena</b>	<b>Legal Action Society</b>
<b>Sue Eckhart</b>	<b>Justice 2000</b>
<b>Lt. Karen Dubis</b>	<b>Milwaukee Police Dept.</b>
<b>John Pawasarat</b>	<b>UWM</b>
<b>Nick Sayner</b>	<b>Difference Principle</b>
<b>Marilyn Walczak</b>	<b>Justice Initiatives Institute</b>