

# Identifying the Barriers to Equity: Understanding the Local Impacts of the Criminal Justice System

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Moderator:

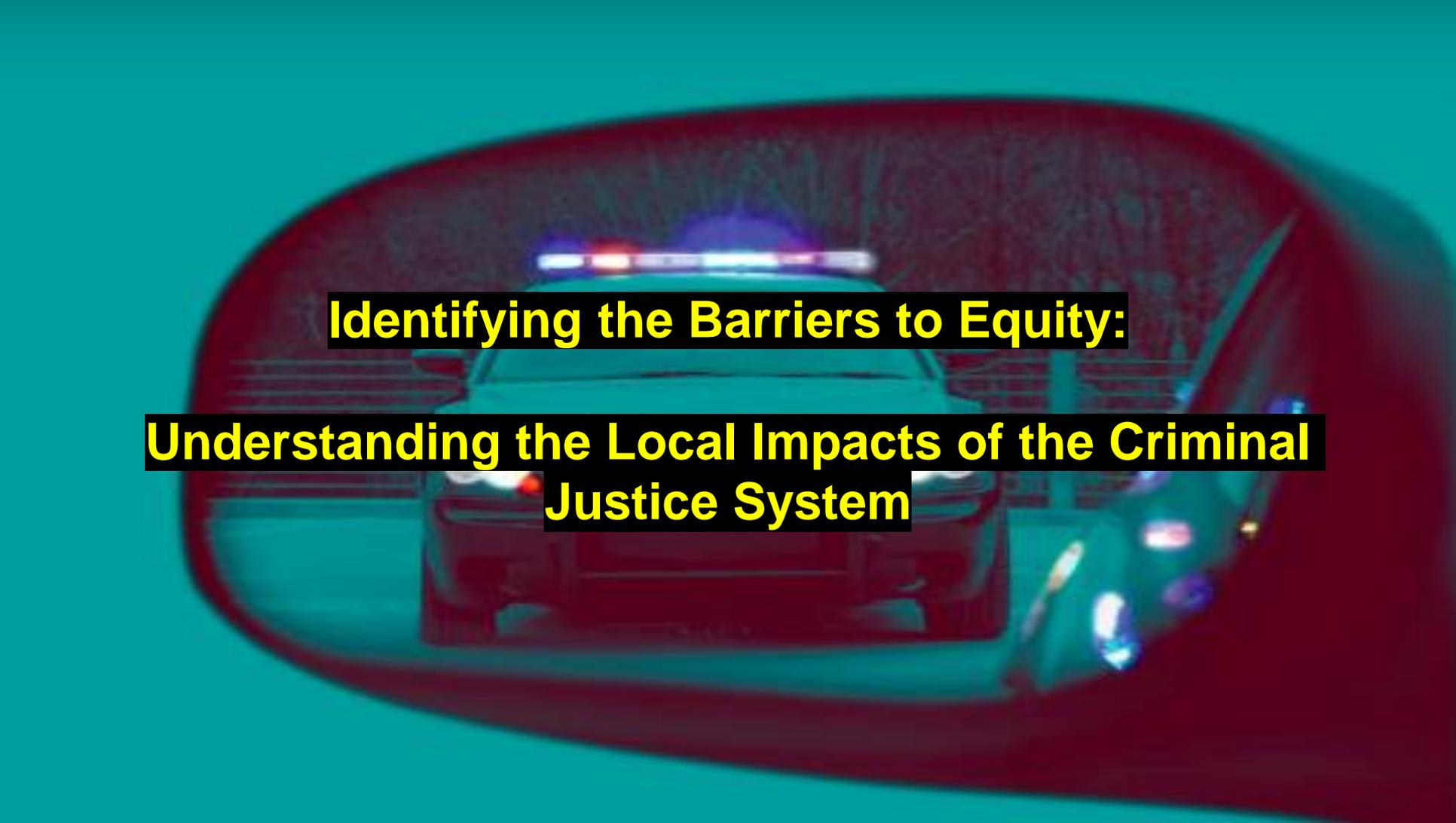
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An aerial, top-down view of a police car with its emergency lights flashing. The car is positioned in the center of the frame, and the surrounding area is a mix of dark and light tones, suggesting a street or parking lot. The text is overlaid on the image in two black boxes with yellow text.

**Identifying the Barriers to Equity:**

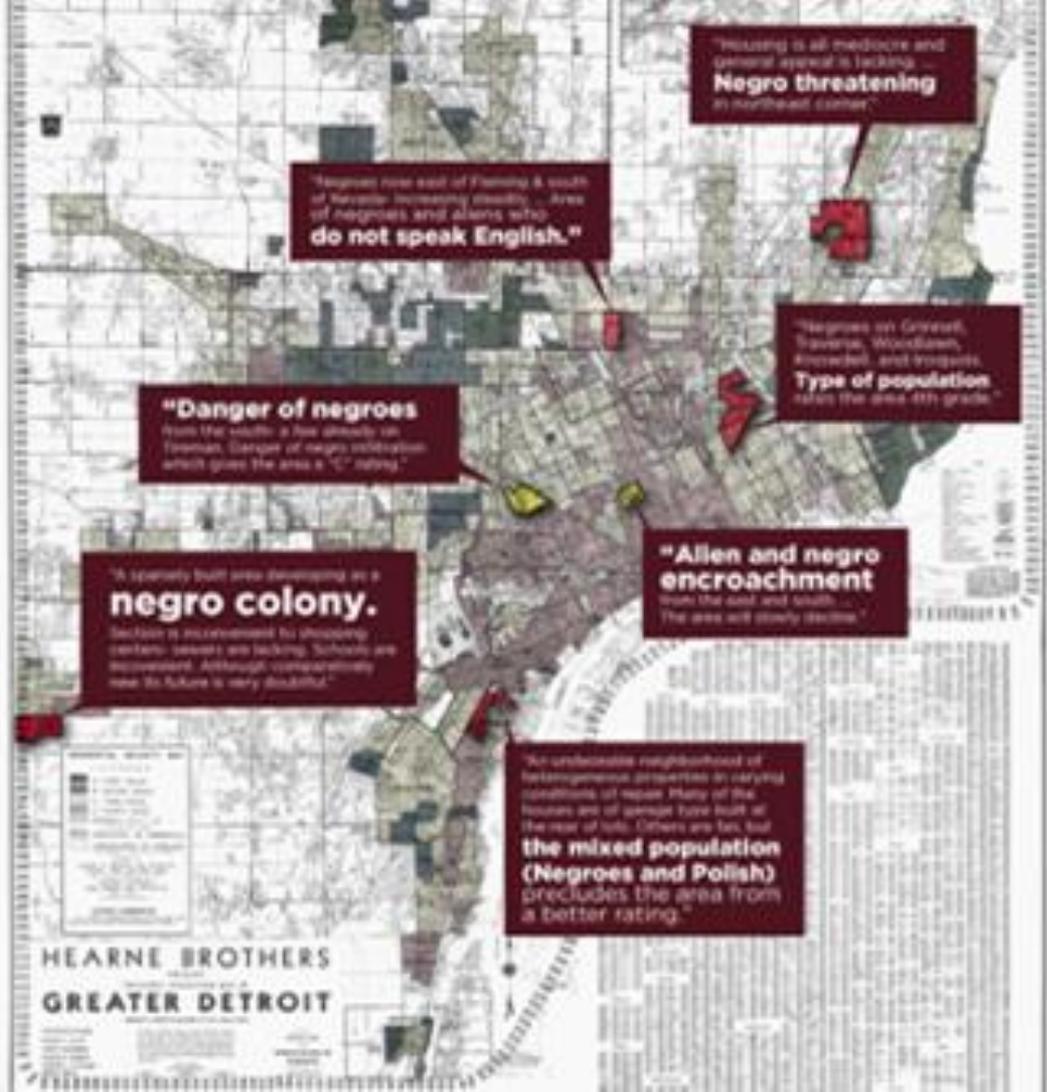
**Understanding the Local Impacts of the Criminal  
Justice System**



# Agenda

- Background & context
  - Segregation & connection
  - Poverty as a crime
- Policing in smaller cities & towns
- Traffic courts & the criminal justice system
- Call to action
- Q&A

# Background & Context





# Racial & Economic Segregation

Today, Michigan is both more integrated than ever and just as segregated.

Suburbs like Southfield had an influx of Black middle class residents after the 1968 Fair Housing Act. So both economically exclusive but racially diverse, yet still less well-off than white counterparts because of how racism depresses property values.

Since 2000, working class suburbs like Warren, Taylor, and Eastpointe have gone from being virtually all white to, in the case of Eastpointe, almost 50% Black.

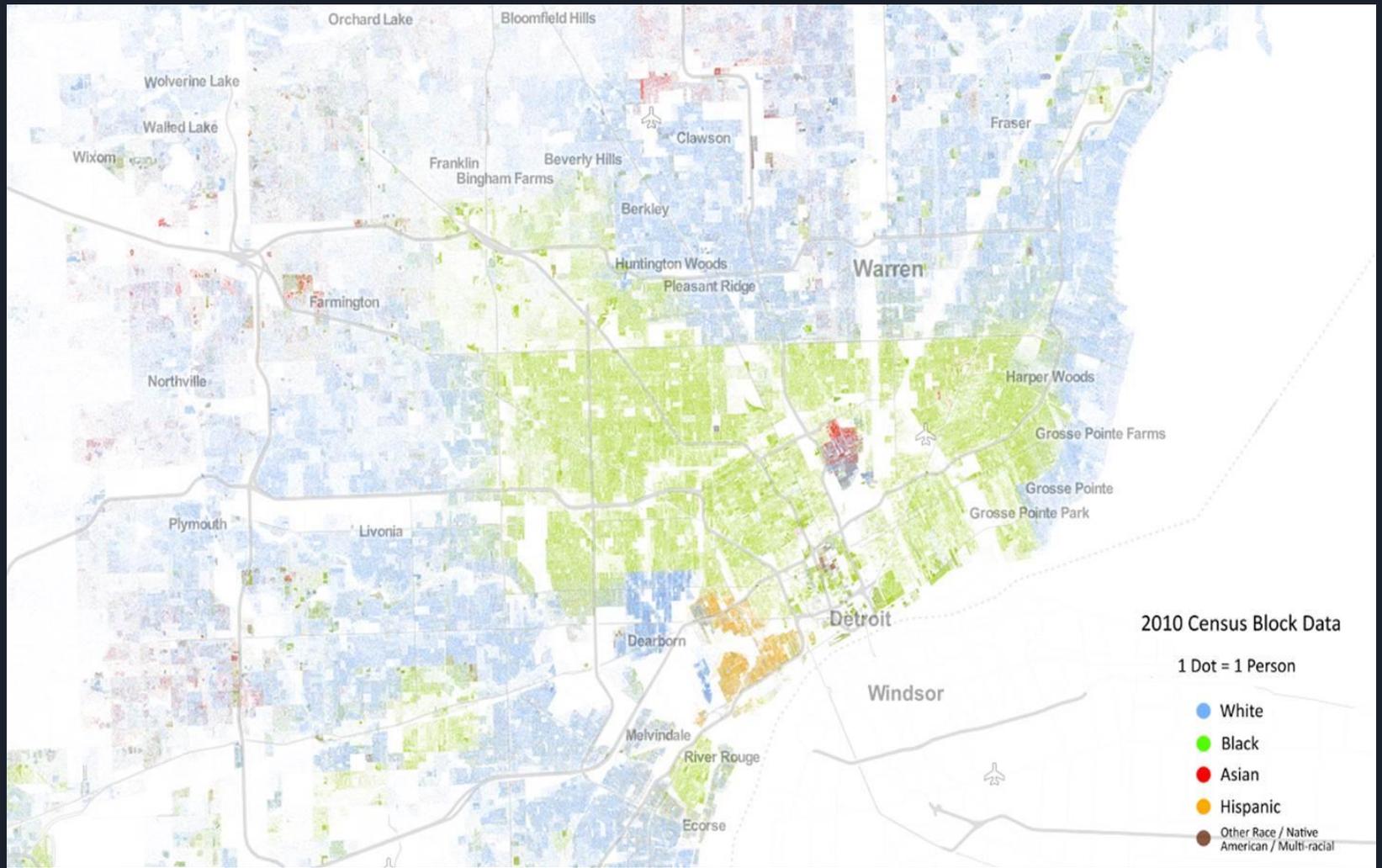
Suburbs like Livonia and Bloomfield Hills remain very wealthy and very white.

Almost all suburbs have seen a large increase of non-Black people of color.



# Despite segregation, poor and rich communities, and black and white communities, are connected

- 64% of working Detroiters commute to the suburbs for work
  - **112,000 Detroit residents commute outside of the city** for work, 36% for jobs that pay less than \$15,000 per year
  - Only 49,000 Detroiters both live and work in the city.
- Detroiters also often must go to the suburbs for essential things like food and healthcare
  - Compared to the City of Detroit, there are four times as many grocery stores per person in Wayne County overall, twice as many in Macomb County, and three times as many in Oakland County
  - Detroit has worse access to health care, including primary care providers, than the neighboring suburbs
- Public transit between suburbs and Detroit has been consistently fought by suburban governments



2010 Census Block Data

1 Dot = 1 Person

- White
- Black
- Asian
- Hispanic
- Other Race / Native American / Multi-racial

# Poverty is criminalized and poverty is racial

- Many crimes, like failure to pay child support, trespass, and tons of traffic crimes, including driving on a suspended license, effectively make it a crime to be poor.
- Poverty affects all groups of people, it is the result of inadequate employment opportunities, low pay, and inadequate access to education. However, people of color, especially black people, are disproportionately poor, disproportionately live in communities with fewer resources. For example:
  - African American unemployment rates are typically double that of Caucasian Americans. African-American men working full-time earn only 72 percent of the average earnings of comparable Caucasian men and 85 percent of the earnings of Caucasian women (Rogers 2008).
  - In the United States, 39 percent of African-American children and adolescents and 33 percent of Latino children and adolescents are living in poverty, which is more than double the 14 percent poverty rate for non-Latino, White, and Asian children and adolescents (Kids Count Data Center, Children in Poverty 2014).
- Racial disparity in how laws are enforced: black people and white people use the same drugs at about the same rate, yet black people are almost 3 times as likely to be arrested



# Policing in the suburbs and smaller cities

DJC's experience: It often starts with a traffic stop

Police routinely stop Black drivers for little or no reason. Examples include:

- Failing to stop at a stop sign when the person stopped or did a rolling stop
- Impeding traffic when dropping kid off at school
- “Randomly” ran their plate and saw they didn’t have insurance - sometimes even when they did have insurance
- Not wearing a seatbelt when they were
- Literally no reason at all

**Police routinely arrest when they could just ticket, and impound vehicles with no public safety justification.**

## Arrests are disproportionately of people of color

According to data compiled for the jails task force by Pew Charitable Trusts, driving without a valid license is the third most common reason that people are booked into jails in Michigan.

The data show racial disparities. Driving without a valid license was the most serious charge at jail admission for 12% of Black men and 15% of Black women, compared to 6% for both white men and women, according to Pew.

In Oakland county, in every single district court jurisdiction, police arrest non-white people at disproportionately high rates. For example:

- Ferndale: 55% of people arrested are non-white compared to only 23% of the population
- Royal Oak: 37% of people arrested are non-white compared to only 8% of the population

# Case Study: Driving While Poor

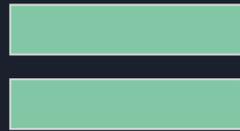
## Barriers to Driving Legally

- No drivers ed in school
- Unaffordable repairs on your car
- Unaffordable tickets for repairs
- Unaffordable insurance
- Suspended license for unpaid tickets



## A Need to Drive

- No reliable public transit
- Only available jobs are in another city
- Inadequate access to healthcare, grocery stores
- Inability to move



Crime to be Poor



# Case Study: Driving While Poor

Michigan is **one of just five states** with mandatory, indefinite license suspensions for both criminal justice and traffic debt, without regard for ability to pay.

In 2018 alone, Michigan suspended **357,795** people for failure to appear and failure to pay court fines/fees/costs.

The average annual insurance premium for Michigan drivers is \$2,611 (highest of any state) and for Detroit drivers is \$5,414 (highest in the country)

60% of Detroit drivers are uninsured (compared to 20% in Michigan and 13% nationally)



# **Case Study: Driving While Poor**

**DJC Client Story: Ms. B.**



# Police are enforcing laws that penalize poverty

*Table 1: Civil infractions pertaining to vehicle equipment.*

OFFENSE	STATUTE	ESTIMATED COST TO REPAIR	EXAMPLE FINE (36TH DISTRICT) <sup>106</sup>
Expired plate	MCL § 257.255(2)	\$120 <sup>107</sup>	\$145, \$185 after 14 days
Broken windshield	MCL § 257.709(c)	Up to \$300 <sup>108</sup>	\$120, \$160 after 14 days
Broken headlight	MCL § 257.685(1)	\$50 for bulb replacement, up to \$700 for entire headlight assembly <sup>109</sup>	\$120, \$160 after 14 days
Brakes that decelerate too slowly	MCL § 257.705(2)	Up to \$1,000 <sup>110</sup>	\$200, \$240 after 14 days
Quiet or broken horn	MCL § 257.706(a)	\$100 <sup>111</sup>	\$120, \$160 after 14 days
Damaged muffler or exhaust system; car causing "excessive" noise/fumes/smoke	MCL § 257.707(1); MCL § 257.707c(1); MCL § 257.707c(3); MCL § 257.707c(5)	\$160-\$240 <sup>112</sup>	\$120, \$160 after 14 days
Broken mirror	MCL § 257.708	\$290-\$420 <sup>113</sup>	\$120, \$160 after 14 days
Broken windshield wiper	MCL § 257.709(4)	\$230-\$310 <sup>114</sup>	\$120, \$160 after 14 days
Defective bumper	MCL § 257.710(c)	\$890-\$1390 <sup>115</sup>	\$120, \$160 after 14 days

# Police are enforcing laws that *criminalize poverty*

**Table 2: Misdemeanors that criminalize driving while poor.**

<b>OFFENSE</b>	<b>STATUTE</b>	<b>PENALTY</b>
Driving without auto insurance	MCL § 500.3102(2)	Up to 1 year in jail and/or a \$200-\$500 fine
Driving an unregistered vehicle	MCL § 257.215	Up to 90 days in jail and/or up to a \$100 fine <sup>117</sup>
Driving without a license <sup>118</sup>	MCL § 257.904a	Up to 90 days in jail and/or a \$50-\$100 fine for a first offense; after a prior conviction, 2-90 days in jail and/or a \$100 fine
Driving with a suspended, revoked, or denied license <sup>119</sup>	MCL § 257.904(3)(a-b)	Up to 93 days in jail and/or up to a \$500 fine for a first violation; after a prior conviction, up to 1 year in jail and/or up to a \$1,000 fine



# Disparities in policing & laws that criminalize poverty trap people in local criminal courts

- Minor traffic offenses (not including DUIs) account for half of all criminal prosecutions in Michigan courts
- DWLS is the third most common reason for admission into county jails
- 12% of all arrests of Black men and 15% of all arrests of Black women are for driving on a suspended license, compared to only 6% for both white men and women
- These same problems apply to other minor offenses, like shoplifting and possession of drugs, but a huge portion of city-level prosecutions are for criminal traffic matters, things that many people would be surprised to realize were even crimes



## DJC client story: Mr. S.

- Student at school in East Lansing, while in school, receives six parking tickets
- Had to move home to Detroit, because brothers were murdered, and needed to take care of mom
- Lost job when he moved, could not afford parking tickets, license was suspended
- Goes back to school, starts working, starts paying off tickets, but has to drive to work, too far to walk, so starts walking, doesn't really understand that his license is suspended
- Pulled over in St. John with no explanation, arrested, charged with driving on a suspended license, bond is set at \$500.
- Posts bond so he does not sit in jail for two weeks waiting for his pretrial, and so he won't lose his job
- Loses job anyway, because he was arrested on his way to work, so misses a shift
- Is evicted because he loses job, and because he used rent money to post bond
- Moves home, and has no way to get back to St. John to go to court, terrified of being arrested again, and bond is now \$1,500



# District Courts Profit Off The Poor

*Courts and cities need to be self-funding and, sometimes, profit-generating:*

The 43rd District Court in Hazel Park is an example of just how dependent cities can be on their district courts for money. In the 2019 fiscal year, Hazel Park's district court brought in a total revenue of \$3,268,846, despite having only \$1,308,846 in operating expenses. As a result, the court netted a profit of nearly **2 million dollars**.



# District Courts Profit Off The Poor

*Judges face pressure to find people guilty:*

“...The court funding system created by the Legislature unconstitutionally shifts the funding burden on to the courts, and creates an **inherent conflict of interest** in the judges who have to simultaneously determine guilt or innocence, while forcing those same judges to fund their courts by assessing costs against defendants who have pled guilty or been found guilty of a criminal offense. ...The constant pressure to balance the court’s budgets could have a subconscious impact on even the most righteous judge.”

— Michigan District Judges Association Amicus Brief (2018)

# Fines, fees, and costs

NAME	AMOUNT	WAIVABLE	STATUTE
Late Fee	20%	Yes	MCL § 600.4803
Justice System Assessment Fee (for traffic civil infractions)	\$40	No	MCL § 257.907(13)
Warrant Fee	\$40	Yes	MCL § 600.2559(1)(n)
Crime Victim Rights Assessment (for misdemeanors, per case)	\$75	No	MCL § 780.905(1)(b)
"Minimum State Cost" Fee (for misdemeanors)	\$50	No	MCL § 600.8381(4); MCL § 769.1j(1)
Court Appointed Attorney Fee	-\$150	Yes	MCR 6.005(C); MCL § 769.1k(1)(b)(iv); MCL § 771.3(2)(c)
Costs to Compel Appearance Fee	\$50 per hearing, and additional \$50 per warrant	Yes	MCL § 257.729
Probation Fee	Up to -\$300 <sup>ISS</sup>	Yes	MCL § 771.3(2)(c)
Driver License Clearance Fee (per charge)	\$45	No	MCL § 257.321a(5)(b); MCL § 257.321a(8)(b); MCL § 257.321a(9)(b)
Secretary of State License Reinstatement Fee	\$125	No	MCL § 257.320e

**Table 4: Costs Imposed and collected by courts in Metro Detroit in 2018.**<sup>109</sup>

DISTRICT COURT JURISDICTION	DISTRICT COURT NUMBER	COSTS IMPOSED	COSTS COLLECTED
Allen Park and Melvindale	24	\$100,199.80	\$93,847.80
Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, Orchard Lake Village, and Townships of Bloomfield and West Bloomfield	48	\$237,235.91	\$232,253.42
Dearborn	19	\$597,269.00	\$435,870.98
Dearborn Heights	20	\$111,565.00	\$79,325.00
Detroit	36	\$1,379,953.00	\$1,093,117.00
Eastpointe	38	\$151,203.25	\$151,974.75
Ecorse, Lincoln Park, and River Rouge	25	\$250,443.00	\$241,525.00
Ferndale, Hazel Park, and Madison Heights	43	\$588,124.53	\$479,409.23
Inkster	22	\$125,027.44	\$108,913.91
Northville, Plymouth, and Townships of Northville, Plymouth, and Canton	35	\$996,288.08	\$849,212.96
Oakland County	52	\$2,417,753.12	\$2,403,968.80
Romulus, Belleville, and Townships of Sumpter, Van Buren, and Huron	34	\$859,127.57	\$823,227.94
Southfield, Lathrup Village, and Township of Southfield	46	\$293,874.88	\$272,056.75
St. Clair Shores	40	\$375,009.14	\$361,033.51
Taylor	23	\$175,365.43	\$140,373.78
Utica, Sterling Heights, and Townships of Shelby and Macomb	41A	\$626,245.04	\$644,182.34
Warren and Center Line	37	\$190,707.00	\$159,227.50

*These figures represent only general, discretionary court operating expenses collected under MCL § 769.1k(1)(b)(iii), not any of the other fines or fees collected by the court.*



## Example: DWLS charge with arrest and impounded vehicle

Impound fee: \$700

Bond: \$100-\$500

Fine: \$350

Court Fees: \$200

Court Costs: \$300



# Using arrests & jail to get money

## Warrants and contempt procedures

- **#1:** warrants for failing to appear in court are the number one reason for arrests in Michigan
- **29,295:** the number of people arrested for failure to appear in Michigan in 2018
- **\$10:** what 1 day in jail for contempt is worth towards a person's debt



## Indiscriminately harsh sentencing

In the 33rd District Court in Woodhaven, a DJC client was placed on probation for nine months for driving with a suspended license, then sent to jail when he missed a probation appointment. He only missed the appointment because he had no way to get to Woodhaven from Detroit that day: his family couldn't drive him, his license was suspended, and public transit does not connect the two cities. When he tried to explain this to the judge, the judge said he "should have walked." Woodhaven is approximately a six hour walk from Detroit.

In the 38th District Court in Eastpointe, Judge Gerds sentenced a disabled single father to jail for 60 days as a penalty for driving on a suspended license. As the man pled for a few days delay to find someone to watch his children, the judge said, "sorry, didn't they tell you? This is what I do!"



## Even well-intentioned judges

Judge Arvant in 46th District Court in Southfield, issued an arrest warrant for a DJC client when they failed to appear in court and explain why they had not paid \$90.

Person was homeless, did not have an address or phone, so did not know he was supposed to appear. He also had zero income, so did not have the \$90.

# Horrific Consequences

## **Woman forced to give birth on floor of filthy Macomb County Jail cell**

Jessica Preston was pulled over for having a rosary around her rearview mirror and jailed for driving on a suspended license. She told staff members at the Macomb County Jail that she





# This does not have to happen

- Cities could:
  - Order police to stop enforcing low-level offenses like DWLS
  - Create non-police responses to these issues (e.g. vouchers for repair)
  - Order city attorney (city-level prosecutor) to stop prosecuting minor offenses
  - Condition court funding on reducing fines and fees, end the practice of issuing warrants for minor charges
- Judges could
  - Waive existing debt and set fines proportional to ability to pay
  - Stop issuing warrants for unpaid debt or failure to appear
  - Dismiss charges en masse



# Call to Action

- How much money does your city spend on traffic enforcement and other law enforcement that punishes poor people?
- How much revenue does your city earn from traffic enforcement, DWLS, and other fines and fees?
- What other laws do your police enforce that are about poverty, not safety?
- What laws could you immediately stop enforcing?
- What solutions could your community offer to poverty with money saved from policing (jobs programs, housing assistance)?

## **San Francisco Ends “Poverty Penalty” - Clears All Driver's License Suspensions for People Who Missed Traffic Court Dates.**

## **Hennepin County deputies to hand out repair vouchers, not tickets**

—  
Instead of fix-it tickets, deputies will now hand out vouchers to help pay for repairs.

“San Francisco is once again at the forefront of meaningful criminal and economic justice reform. Suspending a driver's license is a draconian sanction that should only be imposed because of dangerous driving,” said Lisa Foster, Co-Director of The Fines and Fees Justice Center in Washington, D.C. “Missing a court date has nothing to do with dangerous driving and everything to do with poverty. Often people don't come to court because they know they can't afford to pay the exorbitant fines and fees the California Legislature has imposed. Taking a license only makes it harder for people get to court, harder to get to work, and harder to take care of themselves and their families. We applaud San Francisco for ending this harmful practice.”

### **DRIVER'S LICENSE**

## **Pritzker Signs Law Ending Driver's License Suspensions Over Unpaid Parking Tickets**

# In Michigan....

One of the [bills introduced in the House](#) would eliminate license suspensions under the Michigan Vehicle Code that are not related to dangerous driving. Licenses would only be suspended for failure to pay fines and fees or failure to appear when the underlying violation is one of the following: operating while intoxicated, reckless driving, or any driving violation that causes injury, death or serious impairment to another person.

A [bill introduced by Kahle](#) would reclassify many other traffic misdemeanors as civil infractions that carry fines. Driving with a suspended license would come with a fine of up to \$100 for a first violation and up to \$200 for subsequent violations. Civil infractions aren't punishable by jail time unless the individual doesn't comply with the court's directive.

# On Defunding to Re-Invest....

**Los Angeles Mayor Eric Garcetti, City Officials Cutting \$100 Million-\$150 Million From LAPD Budget, Funds To Be Reinvested In Communities Of Color**

Minneapolis City Council resolves to replace police with community-led model

**Denver school board votes unanimously to remove police from public schools**

A rearview mirror showing a police car with flashing lights. The car is centered in the mirror's view. A black rectangular box with the text 'Q&A' in yellow is overlaid on the car. The background of the mirror is a blurred street scene. The entire image has a teal and purple color scheme.

**Q&A**

# Upcoming Webinars

Register for the upcoming webinars here:  
<http://www.mml.org/coronavirus>

**12 pm, August 10, 2020** - MML Monday Morning Live

**2 pm, August 12, 2020** - COVID-19 Updates and Resources for Local Governments – Sixth Webinar

