

THE PRICE OF

TAXATION BY CITATION

*Case Studies of Three Georgia Cities
That Rely Heavily on Fines and Fees*

By Dick M. Carpenter II, Ph.D.
Kyle Sweetland
Jennifer McDonald

October 2019

 INSTITUTE
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EXECUTIVE SUMMARY

Code enforcement is supposed to be about protecting the public by discouraging—via monetary sanctions—dangerous driving and other hazardous personal conduct or property conditions. But in practice, local governments may also—or instead—use their code enforcement powers to raise revenue. This is taxation by citation. It is not a new phenomenon, but only in the past few years has it become an object of national concern. Despite the fresh spotlight, little is known about cities that engage in taxation by citation, beyond a few particularly egregious examples.

To gain a better understanding of taxation by citation, this study explores the phenomenon through the lens of three Georgia cities—Morrow, Riverdale and Clarkston—that have historically relied on fines and fees from traffic and other ordinance violations for large proportions of their revenues. Consistent with case study research methods, we drew upon public data, a survey of and interviews with residents, photo and video records, and direct observation of the three cities and their municipal courts, which process the cities' citations. Our results show:

- » Over a five-year period, Morrow, Riverdale and Clarkston generated on average 14% to 25% of their revenues from fines and fees, while similarly sized Georgia cities took in just 3%. Such high levels of fines and fees revenue account for the second largest proportion of the cities' revenues and may indicate taxation by citation.
- » The three cities' fines and fees revenues peaked in 2012 before beginning to decline as tax revenues increased. These trends generally correspond to the recession of the late 2000s and early 2010s and the subsequent recovery. This suggests the cities—which are poorer than average, face uncertain economic futures and have few means of generating substantial revenues—may have seen fines and fees as a way out of a budget crunch.
- » The sample cities issued many of their citations for traffic and other ordinance violations that presented little threat to public health and safety. Traffic violations posed only moderate risk on average, while property code violations were primarily about aesthetics. This suggests the cities are using their code enforcement powers for ends other than public protection.

- » To process citations, Morrow, Riverdale and Clarkston have their own courts, which are created and funded by the cities. These courts function as highly efficient revenue collectors. They process more cases than courts in similarly sized cities, and nearly everyone coming before them pleads or is found guilty.
- » The three cities have few legal provisions preventing them from using their code enforcement powers for reasons other than public protection—or from violating citizens’ rights in the process.
- » Cities may pay a price for taxation by citation. Morrow, Riverdale and Clarkston residents with recent citations reported lower levels of trust in government officials and institutions than residents without, suggesting cities that use code enforcement for revenue or other non-public safety reasons may undermine trust and cooperation in their communities.

Taken together, these findings suggest taxation by citation is a function of the perceived need for revenue and the ability to realize it through code enforcement. Moreover, the phenomenon may be a matter of systemic incentives. City leaders need not set out to pick the pockets of residents. Instead, they may see fines and fees revenue as the answer to their cities’ problems and, absent obstacles such as independent courts or robust legal protections for people accused of ordinance violations, find themselves able to pursue it. And once in effect, the mechanisms necessary for taxation by citation—such as supremely efficient court procedures—may stick, becoming business as usual and ensuring fines and fees remain a reliable source of revenue.

Our findings also suggest taxation by citation is shortsighted. Cities may gain revenue, but they may also pay a price for it in the form of lower community trust and cooperation. To avoid this outcome, cities should find other ways of shoring up their finances and use their code enforcement powers only to protect the public—and then only with meaningful safeguards for citizens’ rights in place.



INTRODUCTION

In October 2016, Hilda Brucker was sitting at home in Doraville, Georgia, working her job as a freelance writer, when she was interrupted by a phone call. On the other end of the line was a hostile municipal court employee, who told her if she did not come down to the courthouse at once she would be given a failure-to-appear violation. Hilda hastily complied, although she was perplexed. She had not received a summons and was not aware she had done anything wrong.

When she arrived at the courthouse, Hilda was placed before a judge and prosecutor who accused her of violating the city code—because of cracks in her driveway, chipped paint on her house and weeds in her backyard. Each violation was a separate charge carrying its own fines and other punishments. Hilda was dumbfounded.¹

When Hilda first moved to Doraville and bought her home 25 years earlier, the driveway was already cracked, and a neighbor told her it had been cracked for years before that.² Yet at no time in the more than two decades since had anyone told Hilda the cracked driveway—or anything else about her home—was a problem. Hilda was generally aware of the city's code enforcement, but she never imagined the city would apply it to conditions as trivial as those at her home.

"Even before this happened to me I would be out on my morning walk and I would see code enforcement officers skulking [around] people's front yards, taking pictures," Hilda recalled.³ Little did she know those

pictures would one day include photos of her home. To support the city's case against Hilda, the prosecutor presented to the judge pictures of the "neglect" to Hilda's house.⁴



Hilda Brucker outside her home in Doraville, Georgia.

Not knowing what to do, Hilda pleaded guilty to the driveway charge (the court dismissed the other two charges). She paid a fine of \$100 and was sentenced to six months' probation, requiring her to report to a probation officer, avoid alcoholic intoxication and "cooperat[e] with code enforcement upon request." Only after Hilda hired an attorney was the driveway charge dismissed. She was never reimbursed the \$100.⁵

What happened to Hilda was not unusual for Doraville. The Atlanta suburb of 10,000 mostly working-class citizens has become notorious for its revenue-generating speed traps and housing code enforcement cases. Each year, Doraville budgets for between 17% and 30% of its overall expected revenue to come from fines issued by its police officers and code inspectors and fees imposed by its municipal courts for services or for late payments

or failure to appear.⁶ In 2012, Doraville's fines and fees take landed it in the top 10 cities in the United States for generating significant revenue through fines and fees associated with municipal code violations and traffic tickets.⁷

City leaders appear proud of Doraville's take. A 2015 city newsletter bragged that "averaging nearly 15,000 cases and bringing in over \$3 million annually," Doraville's court system "contributes heavily to the city's bottom line."⁸

Although cities have long generated revenue through citations and traffic tickets, it has not been until recently that the scope of municipal reliance on fines and fees has become widely known. Today, the phenomenon is frequently decried by scholars, commentators and, increasingly, policymakers. It has even acquired its own trope: Taxation by citation.⁹

Taxation by citation first burst into the public consciousness following the 2014 shooting of Michael Brown by a police officer in Ferguson, Missouri, and the protests that ensued. Seeking to understand the events, the U.S. Department of Justice conducted an investigation.

The resulting report documented how tensions in Ferguson long pre-dated Brown's death and stemmed in significant part from the city's aggressive use of its police and municipal court to raise revenue through code enforcement. It found that for years before the unrest, Ferguson officials had

urged the police chief and municipal court judge—both political appointees—to prioritize revenue maximization, working with them to meet significant budget increases using citation revenue. Particularly alarming were findings that Ferguson's code enforcement practices disproportionately impacted African Americans and stemmed from intentional racial bias.¹⁰

The DOJ found that, from July 2010 through June 2014, Ferguson, a city of about 21,000 residents, issued 90,000 citations for municipal ordinance violations. And in the final 12 months of that period, police and code inspectors wrote almost 50% more citations than they did in the first 12. Significantly, the additional citations were largely for non-serious code offenses—not offenses like assault, driving while intoxicated and theft; the number of citations for more serious crimes like those generally held steady.¹¹

For African Americans, the numbers were particularly dire. Between 2012 and 2014, African Americans accounted for 85% of vehicle stops, 90% of citations and 93% of arrests in Ferguson while representing only 67% of the city's population. African Americans were more likely to receive multiple citations during a single encounter with police and accounted for nearly all citations issued for infractions such as "manner of walking in roadway" and "failure to comply." When it came to speeding charges, African Americans were greatly overrepresented overall, but even more so when police determined

infractions by methods other than radar or laser, such as their own visual assessment.¹²

As prolific as Ferguson's taxation by citation scheme was, the city came in at only *number 18* on a list of cities by percentage of revenue generated through fines and fees. Cities all over

the country—including Doraville and four other cities in Georgia, three other cities in Missouri, and cities in New York, Illinois, Maryland, Utah and Tennessee—ranked above Ferguson, and cities in still other states were among the top 25.¹³ And, as evidenced by a 2017 report by the U.S. Commission on Civil Rights,¹⁴ there is now growing concern nationally that the revenue-generating behavior of Doraville, Ferguson and other municipalities is not isolated and that many people share an experience similar to Hilda Brucker's.



TAXATION BY CITATION: A GROWING PROBLEM

Simply put, taxation by citation is when municipalities use their code enforcement powers to raise revenue from fines and fees in excess of what they would collect were they issuing citations solely to protect and advance public safety.¹⁵ When a city derives a large share of its revenue from fines and fees, this may indicate it engages in taxation by citation. There is no consensus as to what percentage of fines and fees revenue is excessive (or whether there even is such a percentage). However, one observer has suggested that when such revenue surpasses 10% of a city's revenue, this is "a reasonable indicator that you should look further" at how the city is using citations.¹⁶ Indeed, a recent *Governing* magazine report used the same 10% figure as an indicator of cities engaged in taxation by citation.¹⁷

Although critics coined the phrase "taxation by citation," some public officials have cheerfully acknowledged the reality of the concept it describes. The tranquil southwest Georgia town of Warwick, for example, boasts a new police headquarters, a renovated community center that also serves as a municipal court and two recently purchased Chevrolet Tahoe patrol vehicles. It is a city with just over 400 residents and a tiny business tax base. The town paid for these amenities using fines and fees. "We had the opportunity to generate revenue on Highway 300," said City Councilman Ronnie Fennell. "And that's what we did." According to *The Atlanta Journal-Constitution*, between 2008 and 2012, the city raked in \$3,113 for every resident. "I knew what revenue was being generated," Fennell exulted. "And let me tell you something. I liked it."¹⁸

Other public officials have been less sanguine about the phenomenon. After Jonesboro, Georgia, topped the *AJC's* list of traffic ticket revenue generators, City Councilman Robby L. Wiggins said he worried the city was prioritizing making money over

serving residents. "I don't know if it's to 'protect and serve' or to 'collect and serve,'" said Wiggins. "A lot of times, that's what it seems like to me."¹⁹

Taxation by citation is a problem for legal and social reasons. Legally, taxation by citation (1) creates conflicts of interest, (2) distorts law enforcement priorities and (3) violates the rights of poor people. First, taxation by citation creates conflicts of interest because municipal courts are often funded by their respective cities, including by fees attached to fines and other punishment.²⁰ Yet judges should not have a financial or other personal interest in cases they decide, and municipalities should not have a financial interest in obtaining convictions. The U.S. Supreme Court has long held that judges cannot

hear a case either when they stand to personally benefit from convicting defendants or when they bear responsibility for city finances and the city would benefit from income generated by their guilty rulings.²¹ Similarly, the Supreme Court has said prosecutors' duty to exercise their discretion neutrally can also be compromised if their office

has a financial stake in convicting people.²² The same reasoning applies to law enforcement. Such conflicts of interest remain common, however.

Second, taxation by citation distorts law enforcement priorities away from protecting and advancing public safety. It is not inherently a problem if municipal budgets benefit incidentally from traffic tickets and ordinance citations, but it is a problem if raising revenue is a municipality's primary motivation for creating or enforcing ordinances.²³ Courts have found that while monetary sanctions can be used to "at least pay the cost of enforcement of ordinances and regulations" and "be imposed to effect compliance and deter violations,"²⁴ "revenue production is not a legitimate basis for imposing a fine."²⁵ Nor is it a legitimate basis for creating



an ordinance: “The primary purpose of an ordinance cannot be the raising of revenue in lieu of taxation.”²⁶ As one court has cautioned, “it must be remembered that courts generally, and traffic courts in particular, are not collection agencies and should not be made such.”²⁷

Despite such judicial disapproval, evidence from Ferguson²⁸ and other cities²⁹ has indicated clear municipal intent to use citations and traffic tickets primarily for revenue generation. Moreover, empirical analyses of the relationship between traffic tickets and economic conditions strongly suggest law enforcement in many cities generate revenue in excess of what they would were they enforcing traffic codes merely to promote public safety.³⁰

Even some law enforcement officials have recognized their role in generating revenue. As James Tignanelli, president of the Police Officers Association of Michigan, explained, “When elected officials say, ‘We need more money,’ they can’t look to the department of public works to raise revenues, so where do they find it? The police departments.”³¹ Similarly, then-chief of the Utica, Michigan, Police Department Michael Reaves said, “When I first started in this job 30 years ago, police work was never about revenue enhancement, but if you’re a chief now, you have to look at whether your department produces revenues.”³²

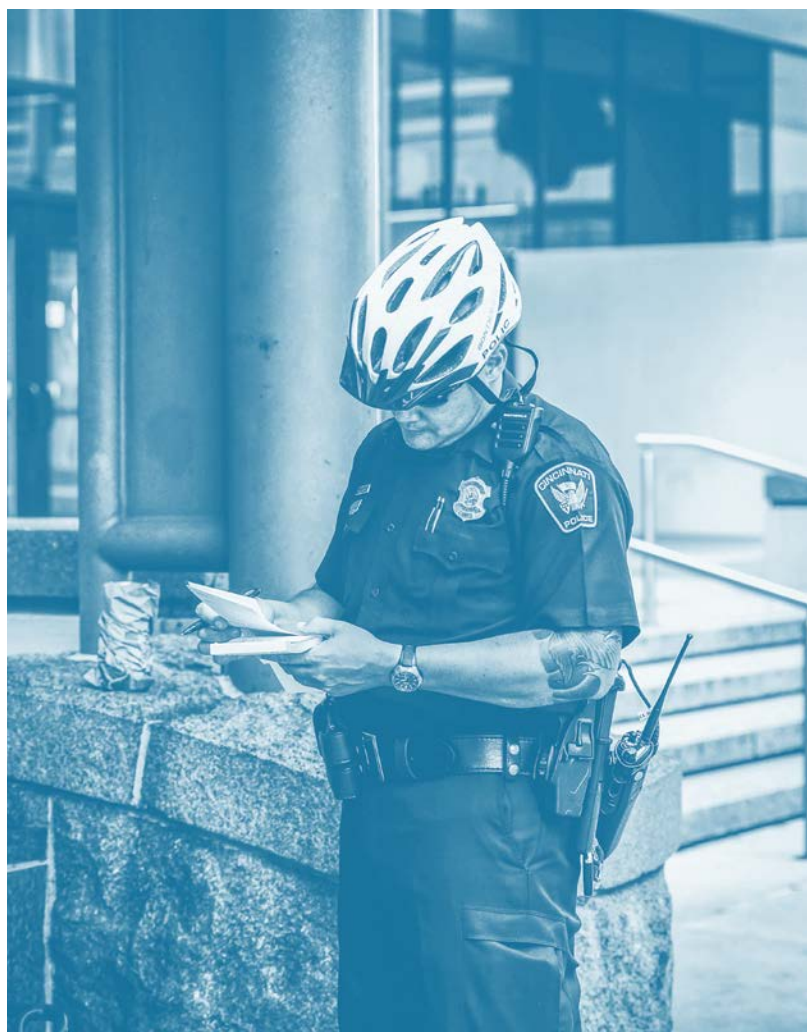
Third, taxation by citation violates the rights of poor people in penalizing poverty. It is, in Justice Sandra Day O’Connor’s words, “fundamentally unfair” to incarcerate poor people for nonpayment of fines and fees without considering alternative sentences, such as community service or installment payments.³³ Indeed, since the 1970s, the U.S. Supreme Court has ruled it unconstitutional to jail people who cannot pay fines and fees.³⁴ Nevertheless, the practice continues in cities across the country.³⁵

These legal problems can expose cities to costly and embarrassing litigation. Indeed, the Institute for Justice has joined with residents to sue Doraville and seven other cities (and counting) over their fines and fees behavior.³⁶

But perhaps worse than that, the legal problems with taxation by citation can contribute to serious social problems—namely, lower levels of trust and higher levels of ill will toward city government on the part of residents.³⁷ Trust in government is the level of confidence citizens hold that “authorities will observe the rules of the game and serve the general interest.”³⁸ Because many people’s primary experiences with the

justice system involve dealing with police officers and local courts, excessive use of fines and fees can foment distrust, damage residents’ relationships with law enforcement and harm judicial credibility.³⁹ Police and courts lose legitimacy when they are perceived to treat people unjustly or to impose costs that are capricious or unfair. Moreover, community trust and cooperation suffer when revenue generation seems to be the primary goal of law enforcement.⁴⁰

Despite these problems, little is known about cities that engage in significant revenue generation through fines and fees. What is known is largely based on a very small number of cities, such as Ferguson. Yet as one scholar has noted, “there are almost certainly many more cities and towns like Ferguson dependent upon this most untraditional non-tax revenue source.”⁴¹ But what do such cities look like? How do cities use different structures and mechanisms to generate revenue? To what extent is revenue generated by fines and fees related to protecting health and safety? How much trust in government do people exhibit in communities where taxation by citation is rampant? Do cities pay a price for taxation by citation?



UNDERSTANDING TAXATION BY CITATION

To begin to answer these and other questions, we completed case studies of three cities that, like Doraville and Ferguson, have historically relied heavily on fines and fees as a significant source of revenue. Morrow, Riverdale and Clarkston, Georgia, all appear among the top 10 cities nationally that generated the greatest shares of revenue through fines and fees in 2012. Indeed, Clarkston and Morrow both ranked higher than Doraville in fines and fees revenue. The three cities derived between 18.8% and 24.4% of their revenue from fines and fees in 2012 (the figure for Doraville was 20.6%).⁴² Such levels of revenue may indicate that the cities are using code enforcement not to protect public safety but to raise money.

It is no coincidence that all three cities are in Georgia. In a recent Institute for Justice analysis of all 50 states' laws, Georgia's legal environment ranked as the most hospitable for municipal taxation by citation.⁴³ Not only do the state's laws do little to discourage reliance on fines and fees for revenue, but they also provide for the structures and mechanisms that allow such behavior to flourish. For example, Georgia law allows municipalities to operate their own courts and outsource fines and fees collections to private companies. It also permits municipal courts to use driver's license suspensions to compel payment of fines and fees, a policy likely to have perverse effects. License suspensions may make it harder for people to hold down a job (not to mention access basic necessities and care for their families)—and therefore to pay their court debt. These legal factors, together with the cities' fines and fees behavior, make Morrow, Riverdale and Clarkston particularly ripe for case studies of potential municipal taxation by citation, its impacts on residents, and its relationship to state laws and policies.

Consistent with case study research methods,⁴⁴ our analyses drew upon quantitative data from public records, a survey of residents, photo and video records, resident interviews, and direct observation of the communities and their courts. With public data, we

studied city finances, socioeconomic and demographic characteristics, cases that generated fines, and probation cases. The survey of residents enabled us to measure trust in government. Photo and video records allowed us to examine the extent to which code violations and traffic tickets were for serious versus minor offenses. Interviews with residents facilitated an understanding of the fines and fees phenomenon based on the direct experience of city residents. Finally, direct observation of the courts helped us understand the extent to which the cities' justice systems prioritize revenue at the expense of citizens' rights. Some data, such as finance and survey, we gathered online or via telephone. Others, such as court observations and some of the photos, we gathered during fieldwork visits in July and August 2018. (See Appendix A for more information about our data and methods.)

Our results show Morrow, Riverdale and Clarkston have been prolific in generating fines and fees revenue

in recent years. Between 2012 and 2016, fines and fees consistently represented the second largest proportion of the cities' revenues—14% to 25% on average. Such high levels of fines and fees revenue may indicate taxation by citation.

We further found that fines and fees have been decreasing as a percentage of the cities' overall revenues even as taxation-based revenues have increased. Broadly corresponding to the Great Recession and the subsequent recovery, these trends suggest the cities may have turned to fines and fees as a way to meet their budgets during a time of crisis. Meanwhile, the finding that fines and fees revenues remain large even after declining suggests cities continue to rely on this revenue source.

Results also indicate many of the cities' citations had little to do with public health and safety. On average, traffic violations posed only moderate risk, while property code violations were primarily for aesthetics. And, indeed, analyses of city council meeting minutes suggest city leaders rarely discussed code

To the extent city leaders use code enforcement for reasons other than public safety, they should consider that they may be harming their communities. What they may gain in revenue, they may lose in trust and cooperation, the very foundations of a healthy community.

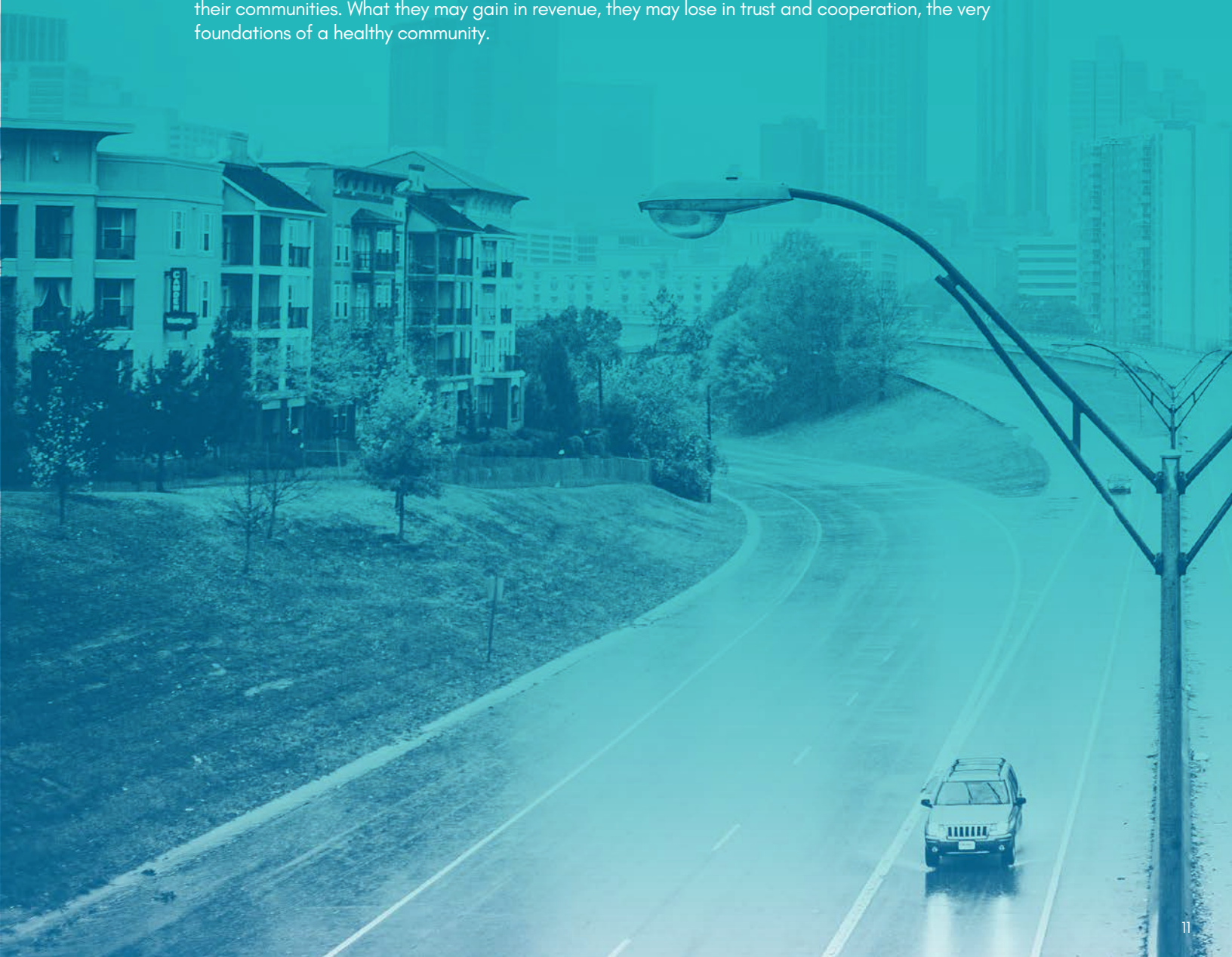
enforcement as a means of protecting the public. Instead, they were more likely to invoke ordinances as a means of beautifying cities with a view to spurring economic development and other community improvement. Budget documents also indicate city leaders planned on receiving significant fines and fees revenues to fund city operations. All this evidence suggests the cities' fines and fees behavior goes beyond what is necessary to advance public safety—and thus qualifies as taxation by citation.

The cities have their own courts to process citations, and the evidence shows these courts, which are structurally dependent on the cities, operate as well-oiled machines. They churn through more cases than courts in similarly sized cities, and cases almost always end in a guilty finding, resulting in fines and fees revenue for the cities. The cities also have few legal provisions standing in the way of taxation by citation or the potential civil rights abuses that can result from it.

Finally, we found that residents who had received citations within the prior year expressed lower levels of trust in city government than those who were not cited. Thus, by their taxation by citation behavior, city leaders may have damaged trust in their communities.

These results suggest taxation by citation may be a matter of systemic incentives. Put differently, it may result when city leaders perceive a need for revenue and find themselves in a legal environment that allows them to use code enforcement to pursue it. Under such circumstances, the mechanisms necessary for taxation by citation—such as hyper-efficient court procedures—can develop organically. Eventually, these mechanisms may become entrenched such that fines and fees remain a reliable revenue source even after a city's economic situation improves.

Our results also suggest taxation by citation is shortsighted. To the extent city leaders use code enforcement for reasons other than public safety, they should consider that they may be harming their communities. What they may gain in revenue, they may lose in trust and cooperation, the very foundations of a healthy community.



INTRODUCING THE SAMPLE CITIES

Morrow⁴⁵

Morrow is a growing municipality of about 7,500 residents located just south of Atlanta, in Clayton County. Although incorporated in 1943, Morrow was established in 1870 when a local plantation owner named Radford E. Morrow gave the city's first board of trustees an acre of land. Over the years, the city has transformed itself from a rural railroad community to a small but bustling city.⁴⁶

Morrow is a short drive from Hartsfield-Jackson Atlanta International Airport, the world's busiest in 2018.⁴⁷ Interstate 75 runs through the southern part of the city, while Highway 54 bisects the city north to south. Morrow's main roads are well paved and almost constantly full of traffic (according to the city, each day about 154,000 cars run through the city, which has a day-time population of approximately 75,000 people⁴⁸).

To a first-time visitor, Morrow appears economically prosperous. Streets entering the city are lined with national chain restaurants, stores, gas stations and hotels, all of which seem busy and well maintained. The city's north side is home to Clayton State University, which hosts approximately 7,000 students and 240 full-time faculty,⁴⁹ and the Georgia Archives, which holds a collection of state historical documents. On the city's south side, warehouses, distribution centers and auto dealerships appear busy with customers and suppliers driving in and out.

Morrow's residential neighborhoods are predominantly located on the east and west sides of the city and populated with ranch-style houses. Small pockets of homes in neighborhoods throughout the city have peeling paint; rotting wood on roof eaves;

portions of gutters missing; cracked driveways; dead tree branches along with long, unkempt grass on the lawn; and overgrown vines crawling up the exteriors. But most homes appear well maintained and are surrounded by clean, neatly trimmed lawns.

Yet things are not as bright as they may appear on the surface. Morrow's per capita income is around \$19,500,⁵⁰ well below those of Georgia (\$28,000)⁵¹ and the United States (\$31,000).⁵² And despite the many businesses in the area, about 12% of the population lives at or below the poverty line.⁵³

While some local businesses appear to be thriving, other prominent ones manifestly are not. For example, Southlake Mall, located on Morrow's south side, is surrounded by parking lots in disrepair and largely empty. Nearby is the now-closed Olde Towne Morrow development, a collection



Morrow City Hall

of historic buildings from the 19th century the city installed in 2007.⁵⁴ City leaders expected shops and restaurants would occupy the buildings and help revitalize that part of town, but those hopes were not realized. They "shuttered the development ... because of a variety of issues, including the fact that the city spent \$12.3 million to build it, another \$637,934 to operate it in its first year, but saw it only generate \$9,921 in revenues in its first 12 months."⁵⁵ As of April 2019, homeless people were occupying the abandoned development, and the city was considering a deal to use it for SWAT practice.⁵⁶

Beyond its economic challenges, the city has historically struggled with crime. This problem continues to some degree to the present. For instance, Morrow's largest park, Reynolds Nature Preserve, boasts beautiful trails, lakes and wildflowers, but it is

also considered a haven for car break-ins and theft. Signs at the park's entrance warn visitors to secure all personal belongings, and the preserve is under video surveillance. Nevertheless, both property and total crime rates have decreased from about 16% in 2012 to 10% in 2017.⁵⁷ Many factors have undoubtedly contributed to this improvement, but one is likely the Morrow Police Department's strong presence, especially at schools and local businesses in the area. For example, it is not uncommon during daytime to see a police car parked next to the Hampton Inn and PNC Bank.

In addition to providing security at local businesses and schools, Morrow's police force has been called one of the most aggressive traffic enforcers in the Atlanta metropolitan area.⁵⁸ As we will discuss in greater detail below, the city has received significant fines and fees revenue, much of it from traffic tickets. Added to that is revenue from municipal property code violations. The city's code enforcement officers can often be seen canvassing neighborhoods and business areas looking for such violations. From 2012 to 2016, Morrow took in 17% of its revenue from fines and fees.⁵⁹

As for other municipal budget metrics, Morrow's FY2017 general fund expenditures were \$7.9 million.⁶⁰ Revenue growth has been limited in recent years, and expenditures have declined from a peak in FY2014, with discussions in city council meetings of budget cuts and personnel reductions.⁶¹ Property tax revenue has grown in recent years, largely due to an increase in assessed valuation. While Morrow does not have any direct debt outstanding, the Downtown Development Authority and the Urban Renewal Agency have outstanding bonds. Finally, the city's pension plan position as a percentage of total pension liability was 91% in FY2017.⁶² This represents the resources currently held in trust to cover retiree benefits versus the total value of pension benefits the municipality will have to pay to retirees. In recent years, unfunded pension liabilities nationwide have drawn significant critical attention as a measure of fiscal health.⁶³ Municipalities should generally seek a funded ratio of more than 75%, which means on this metric Morrow is well positioned.⁶⁴

Riverdale

Riverdale is a southern metropolitan suburb of Atlanta. Its some 16,500 residents make it the second most populous city in Clayton County, but

Riverdale began as a small settlement before the Civil War. It later became a railroad community after a land donation from city namesakes Mr. and Mrs. W. S. Rivers.⁶⁵

The railroad has long since been replaced as a means of getting to Riverdale. Nowadays, a car ride from the Hartsfield-Jackson Atlanta International Airport takes approximately 15 minutes. Although the city lacks a direct interstate exit, Riverdale can be accessed by several well-maintained highways and roads that connect to interstates.

Roads leading into Riverdale are lined with a large number of fast-food restaurants (both local and national chains), grocery stores, gas stations and automobile repair shops. Most appear clean and well kept, with few vacant lots. These businesses are especially busy during the lunch hour, full of staff and customers who are friendly, warm and considerate. The businesses line both sides of the streets, but pedestrian crosswalks are few, meaning many people cross wherever they find most convenient.

The city's south side is populated with shopping centers, banks and automobile dealerships. These tend to be busier on the weekends but can also show signs of heavy customer traffic during weeknights. The city center is home to the city hall, a courtroom and a community center, which were renovated in 2015. The community center appears to be used often, as does one of the city's three parks, Church Park, likely due to its new athletic facilities. Banks Park appears well maintained but rarely used. As of a visit in August 2018, the Riverdale Basketball Area was in complete disrepair: grass growing through the pavement and basketball rims and backboards damaged or missing entirely.

Riverdale's residential neighborhoods are on the east and west sides of the city. Many are quiet and composed of houses on spacious, tree-covered lots. While many homes appear to be older, single-story structures, there are some newer, multilevel residences. Most of Riverdale's homes are carefully maintained, and the yards are clean with well-trimmed grass and shrubs. However, there are the occasional homes with long grass, junk in the yard, missing shutters or peeling exterior paint.

The per capita income of Riverdale residents, the majority of whom belong to minority groups, is less than \$19,000,⁶⁶ well below the Georgia⁶⁷ and U.S.⁶⁸ averages. More than 25% of the population lives at

or below the poverty line,⁶⁹ which is greater than the Georgia (15%)⁷⁰ and U.S. (12%) rates.⁷¹

Crime tends not to be a significant issue in Riverdale. The total crime rate in the city consistently held at around 6% to 7% from 2012 to 2017.⁷² This may be attributable to the presence of police at schools and businesses in the city. For example, a police car is often seen at the front entrance of the local Walmart, and temporary video camera stands are used to reduce shoplifting at the store. Riverdale's police department also appears to give traffic stop citations prolifically. Traffic tickets helped the city generate an average of 14% of its total revenue from fines and fees from 2012 to 2016.

In other budget metrics, Riverdale's FY2016 general fund expenditures were \$12.3 million. The city has tried in recent years to limit expenditures, most significantly by eliminating eight full-time and three part-time positions. Debt per capita is decreasing with limited new issuance. The city's debt burden is driven by revenue bonds to build a parking garage in the Riverdale Town Center and a lease-purchase agreement to fund the city's Town Center Promenade project,⁷³ which includes the Riverdale Centre for the Arts, Business, and Leisure Services; a new city hall; a public plaza/amphitheater; mixed-use commercial space; and residential housing.⁷⁴ Finally, the city's "other post employment benefits" obligation—medical and health care benefits for retirees—is relatively small.⁷⁵ However, the city has not yet begun funding these benefits. As a best practice, municipalities are recommended to target accruing assets to fund at least 75% of their OPEB obligation.⁷⁶

Clarkston

Clarkston is a small city of almost 13,000 people situated in the northeast suburbs of Atlanta. From its early, pre-Civil War railroad days, Clarkston has served as a bedroom community to homeowners who work in Atlanta. In 1882 it was named in honor of Colonel W. W. Clark, a director of the Georgia Railroad.⁷⁷ Its growth was slow but steady, and in recent decades its population has grown very diverse.

More than 90% of Clarkston's residents are racial or ethnic minorities, and 33% live at or below the



Riverdale Town Center

federal poverty level.⁷⁸ Clarkston's per capita income is around \$14,000⁷⁹—considerably lower than that of Georgia⁸⁰ and the United States.⁸¹ While Clarkston's crime rate peaked at 11% in 2014, by 2017 it had decreased by more than half to 4.5%.⁸²

A first-time visitor to Clarkston may be surprised to see its large amount of traffic for a small city. Drivers are largely courteous and careful, yielding to pedestrians as well as other vehicles, and they mostly obey traffic laws, including those surrounding the railroad line that bisects the town. Clarkston residents appear to use the public bus system fairly regularly, and a large number of people walk the streets during typical workday hours.

Most of the city's housing stock looks to be several decades old. Some of the neighborhoods have well-maintained single family homes, and others are in various states of disrepair. Apartment complexes—of which there are many—tend to look fairly untidy.

The shopping centers are largely made up of discount stores. There are few, if any, recognizable larger chain businesses, and apart from a satellite university campus and a few medical offices, the city's businesses appear to offer few white-collar jobs. Recognizing the city's economic problems, Clarkston's city council has recently focused on bringing economic development to the city. A recent city council election focused on supporting entrepreneurs and attracting an anchor business to the city.⁸⁵

This working-class city has its fair share of old strip malls and boarded-up storefronts, but it is also apparent even to the casual observer that the city is working on revitalizing itself. The central part of the city boasts a large public park complete with a new-looking water park and community center, although someone just passing through the city may find the

park largely deserted. Central Clarkston also offers a significant amount of green space and vegetation in its Friendship Forest Wildlife Sanctuary.

Clarkston's roads are riddled with potholes, but a large amount of roadwork and other construction is underway. Indeed, Clarkston recently became the first city in America to approve development of a "tiny home" neighborhood, an effort to provide more housing for its burgeoning population.⁸⁴ Clarkston's recent population growth is likely due, in part, to a steady influx of immigrants and refugees from around the world. Clarkston's many apartments and access to public transportation have made the city an attractive settlement location for immigrants and refugees since the 1990s.⁸⁵ The city has been called "Ellis Island South" and the "most diverse square mile in the country."⁸⁶ More than 60 languages are spoken by Clarkston's residents.⁸⁷

This diversity of residents has contributed to a wide variety of ethnic shops and restaurants, and Clarkston is well known for offering delicious food from around the world. The proprietors of the city's ethnic restaurants tend to be rather friendly. And in recent years, the diverse community and affordable housing have drawn middle-class millennials to Clarkston as well. Clarkston Mayor Ted Terry is one such millennial initially attracted to the city because of its unique diversity and progressive politics. During his tenure as mayor, which began in 2013, Terry has raised the minimum wage for employees of the city to \$15 per hour and decriminalized marijuana possession.⁸⁸ Terry now credits Clarkston as "the most progressive city in the South."⁸⁹



Clarkston City Hall Annex

In FY2017, Clarkston's expenditures were \$4.8 million. In December 2016, the city established the legally separate Urban Redevelopment Agency to issue revenue bonds to finance economic development. This development has included the Friendship Forest Wildlife Sanctuary and the Streetscape Project, an initiative to improve the city's infrastructure.⁹⁰ The latter will provide wider sidewalks, newly paved streets, landscaping, street lighting, a pedestrian bridge and myriad other projects.⁹¹ Because of this debt, the city's cash to liabilities ratio has fallen below historical levels. This is a measure of whether an entity can cover liabilities with current reserves. Additionally, between FY2016 and FY2017, debt per capita more

than doubled. In February 2018, Clarkston also issued additional voter-approved sales tax bonds to finance other capital projects.⁹²

As for other financial metrics, Clarkston's pension liability increased by \$1.1 million following 2017 plan changes. The city's pension plan position as a percentage of total pension liability was 58% in FY2017, well below the recommended 75%. In a

move intended to assist with economic development, Clarkston annexed unincorporated areas of DeKalb County, gaining their infrastructure assets. The city has also seen recent increases in property taxes, largely driven by an increase in assessed valuation.⁹³ Finally, from 2012 to 2016, the city generated 25% of its revenue from fines and fees, the largest proportion among the three cities studied here.

GENERATING REVENUE

Municipal governments use a variety of income sources to fund their activities. Chief among them are taxes, primarily property taxes. Also common are excise taxes on goods and services (e.g., tobacco, alcohol, meals, hotels and rental cars). Other revenue sources include fees, such as those associated with business licenses; service charges, which governments assess for services like waste collection; and grants or other transfers of money from other governments.⁹⁴ Additionally, some municipalities generate revenue through public enterprises, such as utilities. Such cities often boast lower property tax rates because utility revenue acts as a substitute for other types of revenue generation.⁹⁵ Municipal sales taxes are less common and typically take the form of “local option sales taxes.” LOST (and other variations) are special-purpose taxes implemented at the city or county level for specific projects, such as improving area roads or schools. Often temporary, these taxes usually require a passing vote by the general public before they can be implemented.⁹⁶

Ordinarily, property taxes can provide a fairly stable revenue base. However, this may change when property values lag behind public costs or when constitutional or statutory provisions place constraints on revenue generation. Under such circumstances, localities unwilling or unable to reduce spending may see taxation by citation as a way to keep afloat.⁹⁷

The three cities under study appear to have chosen this path. Over a five-year period—2012 to 2016—they generated an annual average of 14% (Riverdale), 17% (Morrow), and 25% (Clarkston) of their revenue from fines and fees (see Table 1; for dollar amounts rather than percentages, see Appendix B). Fines and fees consistently represented the second largest revenue source after property taxes for all three cities.

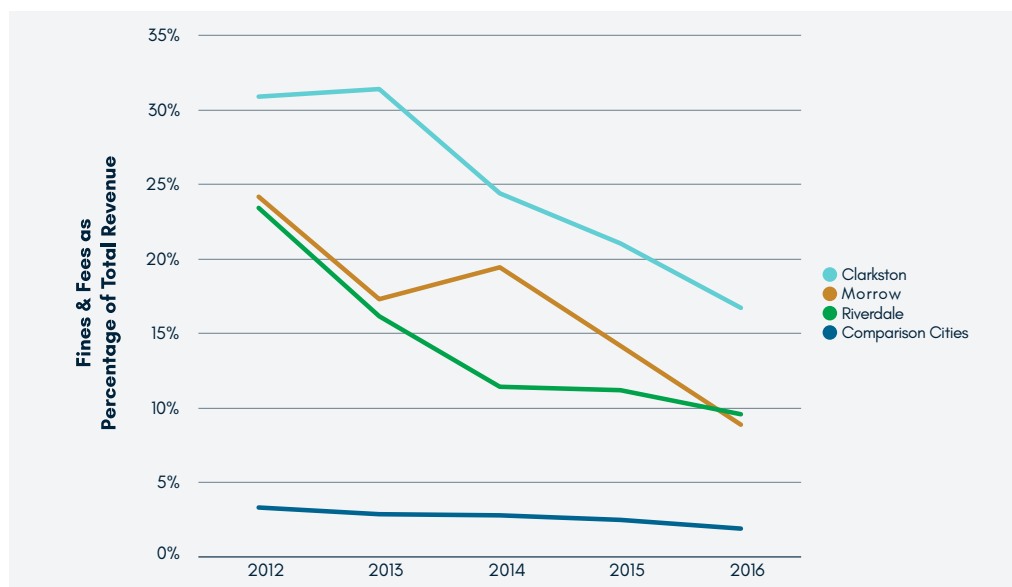
Table 1: Sample Cities Generate Large Percentages of Revenue from Fines and Fees, Fiscal Years 2012-2016

Revenue Source	Clarkston	Morrow	Riverdale	Comparison Cities
Taxes	58%	60%	71%	32%
Fines & Fees	25%	17%	14%	3%
Service Charges	2%	4%	8%	2%
Enterprise Funds	8%	9%	3%	56%
Intergovernmental	3%	8%	3%	5%
Other	4%	1%	1%	2%

The patterns were quite distinct from those of comparably sized Georgia cities (populations between 5,310 and 17,514; n = 350), which saw a mere 3% of their revenues come from fines and fees. Comparison cities also produced a much smaller percentage of revenue from tax sources. Instead, they generated large amounts of income from enterprise funds, typically city-owned utilities.

In recent years, fines and fees have declined as percentages of the sample cities' revenues, but they still remained the second largest revenue source in all years studied. Moreover, the sample cities' fines and fees percentages consistently exceeded those of comparison cities. As Figure 1 illustrates, 2012 represented the high-water mark for the sample cities' fines and fees percentages, followed by notable declines to 2016. But despite the decline, in terms of revenue share derived from fines and fees, Morrow and Riverdale outpaced similarly sized cities by a factor of four, while Clarkston outpaced such cities by a factor of eight. (For dollar amounts rather than percentages, see Appendix B.)

Figure 1: Sample Cities' Fines and Fees Percentages Declined but Still Exceeded Those of Comparison Cities, Fiscal Years 2012-2016



Note: FY2015 data were not available for Morrow. The number reported here is an interpolation.⁹⁸

Motivations for Pursuing Fines and Fees Revenue

Morrow, Riverdale and Clarkston are not alone, of course, in relying on fines and fees as a source of revenue. In fact, speed traps and other citation schemes have a long history in Georgia. For example, the tiny town of Ludowici, in the southwest part of the state, was such a notorious speed trap in the 1960s that the governor put up billboards warning drivers.⁹⁹ He even sent highway patrolmen to make sure locals did not tear the signs down.¹⁰⁰

In DeKalb County, which includes Clarkston and is situated just east of Atlanta, numerous residents complained the county's Recorders Court was hitting drivers with heavy fines and jailing them when they could not pay. The allegations grew so severe that in 2015 county leaders did away with the court and reduced fines.¹⁰¹

And in 2013, a statewide initiative, Operation Thunder—a monthslong “blitz” of traffic stops—produced hundreds of thousands of dollars in traffic fines for local governments. Not only that, but for every citation issued, more than 13,000 law enforcement officials across the state received an increase in their retirement pay.¹⁰² Linking tickets to pay was not without precedent in Georgia. In 2013, Atlanta made national news when then-Mayor Kasim Reed earmarked revenue from traffic violations for law enforcement pay increases.¹⁰³

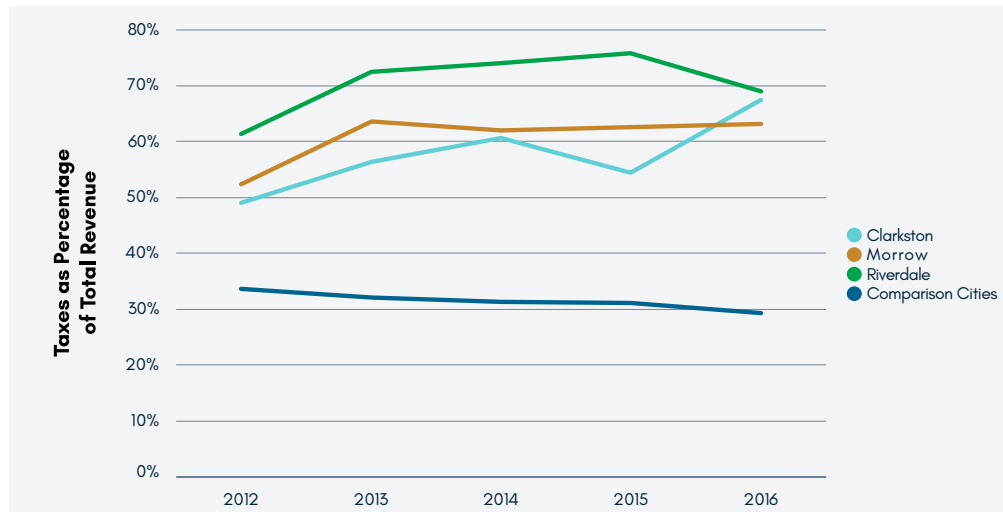
The state legislature has attempted to rein in opportunistic police departments in recent years, but the reforms have had their shortcomings. A series of laws created a presumption that a police department is using speed detection devices for non-public safety purposes—like revenue generation—when the ticket revenue they generate from lower-speed infractions accounts for more than 35% of the department's budget. (Tickets for traveling more than 20 mph over the speed limit are exempted.) If an investigation confirms the devices are indeed being used for reasons other than public safety, the department's speed detection device permit can be revoked or suspended. However, police departments can collect unlimited ticket revenue from other moving and equipment violations (e.g., a broken tail light) without triggering this provision.¹⁰⁴

What this all means is that Morrow, Riverdale and Clarkston rely on fines and fees within a larger environment marked by similar behavior. Moreover, to the extent the three cities' fines and fees revenues have decreased in recent years, this is likely not a result of legislative reforms or changes in local norms. A more plausible explanation for the trend is that the cities' demand for fines and fees has fallen as the economy recovered from the Great Recession and city leaders pursued other means of economic development.

Local governments were hard hit by the recession. Home values and accompanying property taxes were slow to recover, and the federal government's unprecedented fiscal relief failed to offset such revenue losses. Meanwhile, demand for public programs only grew. Compounding these fiscal woes, local governments generally must balance their budgets, and this obligation did not abate during the recession.¹⁰⁵

Under such pressures and constraints, municipalities, including Morrow, Riverdale and Clarkston, likely turned to fines and fees as a readily available revenue source. But as the economy slowly recovered—and home values and property taxes rebounded—their immediate need for fines and fees revenue waned.¹⁰⁶ Indeed, when asked in 2012 about decreasing fines and fees revenue, Morrow's now-mayor, then a candidate for the Morrow City Council, responded: “Current trends and forecasts do show improvement, and our city does not have the same crisis situation to face during the next budget year.”¹⁰⁷ Trends in tax revenues appear to support the idea. As Figure 2 illustrates, in all three cities, tax revenues increased as a share of total revenues while fines and fees revenues decreased. Meanwhile, tax revenues saw slight decreases in comparison cities.

Figure 2: Sample Cities' Tax Revenues Increased as Share of Total Revenues While Fines and Fees Revenues Decreased, Fiscal Years 2012-2016



Note: FY2015 data were not available for Morrow. The number reported here is an interpolation.

During the same time period, leaders in all three cities took steps to spur economic development. Examples include tax incentives for new businesses in Clarkston¹⁰⁸; an economic development strategy and an urban redevelopment plan in Morrow¹⁰⁹; and an economic development marketing campaign and a business incubator in Riverdale.¹¹⁰ Leaders in Morrow and Riverdale also discussed joining a countywide enterprise zone.¹¹¹ To the extent such efforts produced economic growth, they likely reduced the cities' perceived need for fines and fees revenue.

But despite this recent downward trend, fines and fees have—even at their lowest levels—still accounted for much larger shares of revenue in the sample cities than in comparison cities. Moreover, this revenue continues to play an important role in keeping the cities solvent. A recent analysis found that while Morrow and Riverdale saw financial improvements after 2012, both cities would have run consistent operating deficits without fines and fees revenue. In Clarkston, increasing expenditures in recent years have resulted in consistent operating deficits, which would have been exacerbated had fines and fees revenue been unavailable.¹¹² Additionally, budget documents¹¹³ and meeting minutes¹¹⁴ indicate all three cities have *planned* on fines and fees revenue for future budgets.

Not only have city leaders planned for fines and fees revenues, they have also played an active role in realizing them. Since 2012, the city councils have created new ordinances for things like building codes,¹¹⁵ loitering¹¹⁶ and prohibitions on slatted PVC chain link fencing.¹¹⁷ They have also adopted new technologies, such as license plate readers for police cars¹¹⁸ and robodialers to contact citizens with outstanding citations,¹¹⁹ and hired new code enforcement personnel.¹²⁰ All these actions likely will have helped the cities collect more fines and fees. The city councils also often fielded citizen complaints about ordinance violations,¹²¹ raised their own concerns about violations they observed,¹²² referred those complaints to city personnel¹²³ and encouraged citizens to continue bringing such complaints.¹²⁴

Types of Violations Generating Revenue

The sample cities generated these large amounts of fines and fees revenue by issuing large numbers of citations, both traffic and non-traffic. And as we found, the violations underlying the citations rarely rose to the level of threatening public health and safety.

On a per capita basis, Morrow issued the most citations—a rate approaching one citation per city resident per year—followed by Riverdale and then Clarkston (see Table 2). In all three cities, traffic violations represented the greatest proportion of citations, followed by “conduct” and then property code violations.

Table 2: Violation Totals and Violations per Capita by Violation Type, 2017

Violation Type/Subtype	Violation Totals			Violations per Capita		
Property	Clarkston	Morrow	Riverdale	Clarkston	Morrow	Riverdale
Health and Safety	22	0	172	0.002	0.000	0.010
State of Disrepair	14	67	105	0.001	0.009	0.006
Other	58	34	44	0.005	0.005	0.003
Property Total	94	101	321	0.007	0.014	0.020
Conduct						
Socially Maladaptive Behavior	340	353	1,124	0.026	0.047	0.068
Trivial Infraction	98	10	4	0.008	0.001	0.000
Other	174	56	208	0.014	0.007	0.013
Conduct Total	612	419	1,336	0.048	0.056	0.081
Traffic						
Non-speeding	2,392	4,661	5,639	0.186	0.624	0.343
Speeding	170	1,068	1,371	0.013	0.143	0.083
Traffic Total	2,562	5,729	7,010	0.199	0.767	0.426
Grand Total	3,268	6,249	8,667	0.254	0.836	0.527

Note: 2017 was the only year for which we had complete data for all three cities. For full data, see Appendix B.

That most of the cities’ citations are for traffic violations is in line with the general culture of ticketing in Georgia. However, the sample cities diverge from the state’s “speed trap” history in that most of their traffic tickets were for non-speeding violations, such as expired tags, lane violations, illegal U-turns, parking violations and window tinting, among numerous others. This is less surprising in light of the reforms mentioned above that subject to review ticket income from speed detection devices beyond certain revenue and speed thresholds. Non-speeding tickets receive no such scrutiny.

Conduct citations were those issued for misdemeanor personal conduct or actions that did not involve driving. We coded and disaggregated these violations into three subtypes:

trivial infractions, socially maladaptive behavior and other. Citations for trivial infractions were dominated almost entirely by offenses like being in a park after closing, violating leash laws and not walking on sidewalks. Citations for socially maladaptive behaviors were much more diverse and included drug and alcohol violations, fighting and obscene words, shoplifting, public indecency, and



At the time of data collection, this Riverdale, Georgia, home appeared to have a blocked and disconnected roof gutter and overhang, putting it at risk of being cited for an issue that poses little risk to the wider public.

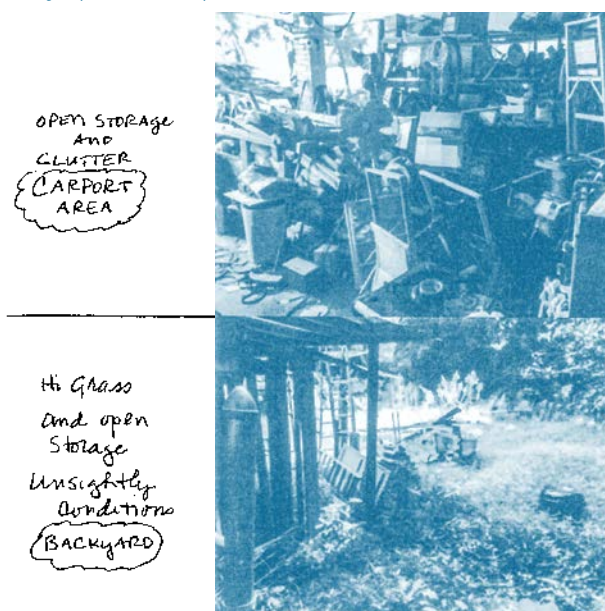
obstructing an officer, among others. These types of citations represented the greatest proportion of conduct violations for all three cities.

Similar to conduct citations, we coded and disaggregated property violations into health and safety, state of disrepair, and other citations. Health and safety citations included fire code violations; lack of heat or plumbing; mold, rodent or roach infestation; exposed wiring; and unsafe structures. These represented the smallest proportion of property citations for Morrow and the second smallest for Clarkston but the largest for Riverdale. State of disrepair citations were dominated by aesthetic violations, such as tall grass and weeds, accumulation of debris, and a general failure to maintain cleanliness or “neighborhood standards.”

The comparatively small number of property citations was somewhat at odds with the attention property ordinances received during city council meetings.¹²⁵ Our review of city council agendas found numerous discussions about the need to create new property ordinances or enforce existing ones, with leaders often framing such ordinances as mechanisms for improving the cities’ aesthetic appearance with the ultimate goal of attracting new residents and businesses.¹²⁶ For example, Riverdale’s city council added language prohibiting “undesirable” and “unsightly” materials to an ordinance about fencing.¹²⁷ Also in Riverdale, a business owner received a citation because his signage was “not in compliance with beautification.”¹²⁸ And as part of a larger economic development plan, city leaders worked with real estate agents and property owners to “eradicate[e] the presence of graffiti in neighborhoods.”¹²⁹ The Clarkston City Council went so far as to change the official title of the city’s code enforcement officer to “quality of life officer.”¹³⁰

In addition to coding and disaggregating property code citations, we conducted our own original analyses of properties in the cities, finding similar results. First, through open records requests, we accessed photographs taken by code enforcement (or quality of life) officers as part of the citation process. We coded the photographs using a five-point scale ranging from 1 = completely aesthetic to 5 = significant health/safety risk. Riverdale provided approximately 3,400 pictures for 2017 and 2018. Based on a random sample of 375 pictures, Riverdale’s property violations scored an average of 1.4. Clarkston provided 44 usable photographs for 17 cited properties

A sample of the code enforcement photos we received through open records requests to the cities.



from May 2016 to December 2017. Clarkston’s property violations scored 2.2. (Morrow also provided photos, but they were unusable for our analysis.) Thus, the photographed violations appeared to be primarily for aesthetics rather than threats to public health and safety.

Second, we created our own sample of pictures by photographing residential neighborhoods during fieldwork visits to the three cities in July and August 2018. Effectively, we mimicked the work of a code enforcement officer by directly observing and photographing properties and looking for any apparent code violations. We then scored those “violations” using the five-point scale.

Consistent with our analysis of the photos received from the cities, the violations we identified in our original sample appeared to be primarily for aesthetics rather than threats to public health and safety (see Table 3 on page 22). Scores in all three cities were between 1 and 2. Violations included cars parked on grassy areas, peeling paint, outdoor storage, tall grass and weeds, vines growing on home exteriors, broken fence rails, furniture on the side of the road, signs posted illegally, and missing siding. We are not, of course, trained code enforcement officers. Nor did we enter any home or peer into any backyard. Consequently, our scores could be biased downward, but any downward bias is likely small given the scores’ similarity to those for the property photographs provided by the cities, which did include violations for interiors and backyards.

**Table 3: In an Original Sample of Properties,
Property Code Violations Are Mostly Aesthetic¹³¹**

	Clarkston	Morrow	Riverdale
Number of properties photographed	293	242	530
Percentage of properties with apparent code violations	19%	16%	21%
Violation severity score	1.4	1.4	1.3

We also performed a similar analysis of traffic violations. For this, we drove around the cities taking video recordings of traffic. We shot videos on different days of the week and at different times of the day to capture a diversity of traffic patterns. We then cut the video into five-minute segments and coded for traffic violations. With this, we were mimicking the work of police officers, although we are not trained police officers and did not measure speeding violations. For coding, we used a risk scale similar to the property violation severity scale described above: 1 = no safety risk, 5 = significant safety risk.

The risk scores for all cities were almost identical at or slightly below 3, indicating violations posed moderate risk on average (see Table 4). However, the rate of violations—as measured by minutes per violation—was low in each city (e.g., 11.6 minutes for every one violation in Riverdale), especially considering that all three cities have busy roads and highways. The violations we observed included failing to signal, failing to stop at a stop sign or red light, blocking an intersection, and stopping on railroad tracks.

Table 4: Traffic Violations Are Moderate Risk¹³²

	Clarkston	Morrow	Riverdale
Number/total minutes of recordings	19/88.8	26/124.6	26/128.0
Percentage of recordings with apparent traffic violations	47%	65%	42%
Minutes per violation	9.9	7.3	11.6
Average risk score	2.8	3.0	3.0

But while the cities' use of code enforcement appeared out of proportion to the actual risks most violations posed, this zeal has represented a boon to city finances. In 2017, the one year for which we had complete data for all three cities, Morrow and Riverdale each took in almost \$2 million in fines and fees across all violation types, while Clarkston's total take approached \$1 million (see Table 5). But while Clarkston took in less fines and fees revenue overall, it led the way in terms of average fine amount. The city's average fine per citation was \$330 per citation, compared to \$312 for Morrow and \$223 for Riverdale.

With citations disaggregated by type, Clarkston found property violations most profitable, charging \$412 on average (compared to \$353 for Riverdale and only \$89 for Morrow). Morrow and Riverdale, however, made the most per citation from conduct violations (\$673 and \$411, respectively; Clarkston's average conduct fine was \$334). At least partially accounting for this difference, Morrow and Riverdale both saw more shoplifting violations than Clarkston. Both cities also levy higher fines for marijuana possession. (In 2016, Clarkston reduced its maximum fine for marijuana possession from \$1,000 to \$75; it also decriminalized possession.¹³³) Morrow's per citation average of almost \$800 for certain conduct violation types was the highest of all per citation fine amounts.



Table 5: Total and Average Fines and Fees per Violation Type, 2017

Violation Type/Subtype	Total Fines			Average Fines per Citation		
	Clarkston	Morrow	Riverdale	Clarkston	Morrow	Riverdale
<i>Property</i>						
Health and Safety	\$7,173	\$0	\$111,305	\$399	\$0	\$647
State of Disrepair	\$6,000	\$5,313	\$905	\$429	\$79	\$9
Other	\$18,128	\$3,633	\$1,000	\$412	\$107	\$23
Property Total	\$31,301	\$8,946	\$113,210	\$412	\$89	\$353
<i>Conduct</i>						
Socially Maladaptive Behavior	\$97,073	\$276,556	\$521,963	\$339	\$783	\$464
Trivial Infraction	\$18,474	\$1,217	\$469	\$205	\$122	\$117
Other	\$61,323	\$4,075	\$27,088	\$398	\$73	\$130
Conduct Total	\$176,870	\$281,848	\$549,520	\$334	\$673	\$411
<i>Traffic</i>						
Non-speeding	\$720,146	\$1,369,227	\$1,006,268	\$337	\$294	\$178
Speeding	\$17,808	\$292,673	\$259,719	\$145	\$274	\$189
Traffic Total	\$737,954	\$1,661,900	\$1,265,987	\$326	\$290	\$181
Grand Total/Average	\$946,125	\$1,952,694	\$1,928,717	\$330	\$312	\$223

Note: 2017 was the only year for which we had complete data for all three cities. For full data, see Appendix B.

How and Where the Money Is Collected: Municipal Courts, Probation Companies and New Ways of Compelling Payment

In all three sample cities, along with many other Georgia cities, citations are processed in municipal court. The courts also play a significant role in actually collecting fines and fees. However, private probation companies are also involved in Morrow and Clarkston, as well as in many other cities in the state. Some Georgia cities, including Riverdale, have also experimented with new ways of compelling payment. Below, we describe in turn the municipal courts, probation companies and other collections methods.

Municipal Courts

In common with many other Georgia cities, Morrow, Riverdale and Clarkston all have their own courts, the primary purpose of which is to hear ordinance violation cases. (In cities without their own courts, ordinance violation cases are heard by state courts.) In theory, municipal courts stand as neutral arbiters between city prosecutors and people accused of violating municipal codes. But based on available data and our own observations and interviews, we find reason to question whether the sample cities' courts live up to that ideal. In practice, their procedures suggest revenue generation may be a significant goal.

The sample cities' courts look very different, but they all operate as well-oiled machines. Clarkston holds its municipal court sessions in a non-descript single-story building. Taking up much of the small courtroom are several rows of wooden benches with green padded seats that resemble church pews. Morrow's courtroom is likewise small and dated. However, Riverdale boasts a new, modern courtroom flooded with natural light and large enough to seat hundreds. Clarkston holds court on weeknights, while Morrow and Riverdale proceedings take place during weekdays.



The exterior of this home in Morrow, Georgia, appears perfectly safe, but a code enforcement officer could cite it for outdoor storage—a purely aesthetic issue.

At the appointed time, defendants in all three cities line up to enter the courtrooms, first passing through metal detectors. All defendants are handed plea forms and then face court personnel occupying the front of the rooms—judges, clerks, guards, city prosecutors, and various other people who come and go throughout the proceedings. All sessions begin with announcements, which include courtroom policies and a recitation of defendant rights. Morrow also displays these in Spanish and English on two television monitors on the courtroom’s back wall.

Defendants are instructed to complete the plea forms by indicating guilty, not guilty or no contest.¹³⁴ Morrow’s court emphasizes that pleading no contest to traffic violations allows defendants to avoid having points added to their driving records. People are given the opportunity to speak with the city prosecutor to discuss their plea options, though most do not. Then, after everyone completes and submits their plea forms, proceedings begin.

In all three courts, the proceedings move quickly, with a large number of cases covered in each session. Each case is disposed of in two to three minutes. During our observations, we coded the pace using a scale from 1 = with a lot of deliberation to 6 = very quick. We found the courts move quickly through their dockets (mean code = 4.91) and generally follow highly standardized procedures (the relevant scale in Table 6 spans 1 = very little to 6 = very well). The latter means, for example, that judges rarely attempt to replace jail time or other punishment with higher fines or engage in other “horse-trading” (see Table 6).

Table 6: Results From Court Observations¹³⁵

	Clarkston	Morrow	Riverdale	Sample City Average
Number of questions asked by defendant	0.50	0.52	0.44	0.50
How well does defendant understand events? (1 = very little; 6 = very well)	4.07	4.73	4.81	4.68
Defendant contested circumstances	73%	31%	6%	35%
What is the pace of proceedings? (1 = with a lot of deliberation; 6 = very quick)	5.25	5.06	4.39	4.91
How well did judge follow standardized procedures? (1 = very little; 6 = very well)	5.38	4.99	5.72	5.22
Judge engaged in horse-trading	0%	5%	11%	6%
Judge asked whether defendant understands rights	85%	0%	100%	34%
Judge asked whether defendant understands process	85%	2%	100%	36%
Ability to pay was determined	25%	60%	68%	59%
Defendant was represented by attorney	0%	0%	6%	1%
If translator was needed, one was provided	25%	NA	NA	25%
Defendant pleaded no contest, pleaded guilty or was found guilty (for at least one charge)	95%	99%	97%	97%
Defendant was sentenced to probation	29%	30%	63%	38%

In the aggregate, this quick pace means the sample cities process cases at greater rates than comparison cities (see Table 7). Clearance rates indicate the percentage of cases filed that are disposed in a given year. According to data from Georgia’s Administrative Office of the Courts, comparison cities cleared about half of their caseloads, while the sample cities cleared anywhere from 7 to 33 percentage points more cases, on average.

**Table 7: Sample Cities Process More Cases Than Comparison Cities
With Their Own Courts, 2012-2016**

	Clarkston		Morrow		Riverdale		Comparison Cities (n = 63 ¹⁵⁶)	
	Total	Annual Average	Total	Annual Average	Total	Annual Average	Total	Annual Average
Cases Filed	27,939	5,588	31,826	6,365	71,440	14,288	24,264	4,876
Cases Disposed	16,248	3,250	19,398	3,880	60,121	12,024	12,616	2,495
Clearance Rate		58%		61%		84%		51%

Note: Additional court caseload data are available in Appendix B.

When we observed the courts, defendants in Morrow and Riverdale appeared more annoyed than those in Clarkston at having to be there. This may be because of the courts' different schedules. Most defendants were in their 20s to 40s, and the Morrow and Riverdale courts' daytime hours likely meant many had to take time off work. The Clarkston court's evening hours, on the other hand, required fewer people to miss work. We noticed the mood there was more subdued and businesslike.

During proceedings, defendants are called up one by one. They are predominantly people of color, and almost all speak English without much difficulty. In the rare event a translator is needed, one is seldom provided. During our observation in Clarkston, for example, a couple of defendants seemed to have trouble understanding procedures due to a language barrier. In one of these instances, someone attending court happened to speak the same language as the defendant and offered to assist with translation. The other defendants with a language barrier did not request a translator, and none was offered. Otherwise, across all cities, defendants appeared to understand the process. Using a scale from 1 = very little to 6 = very well, we found defendants tended to understand the process at least somewhat well if not well (mean = 4.68), and few asked questions during their time in court, though that could also be explained by the quick pace of proceedings (see Table 6).

Those who plead guilty or no contest are processed quickly. Those who plead not guilty make their case, nearly always without the assistance of an attorney. These efforts are futile; almost everyone is found guilty. Even the rare defendants represented by counsel are found guilty, although in Riverdale representation by counsel resulted in reduced fines during our observation.

Despite the brisk pace of proceedings, and the near uniform findings of guilt, we observed court personnel to be courteous and to interact

professionally with defendants. Judges generally treated defendants respectfully. They also attempted to maintain a relaxed atmosphere by talking with defendants about personal interests or injecting humor into the proceedings.

Judges in Clarkston and Riverdale also seemed generally concerned for defendants' well-being. In Clarkston, for example, one defendant was not a primary English speaker or U.S. citizen. The judge checked with her more than once that she understood her plea could affect her immigration status. Later, in two cases, the judge was required to sentence defendants to the statutory minimum jail sentence, which was two days in both cases. The defendants would ordinarily have had to enter jail immediately after appearing in court, but the judge gave both defendants the option to come back and serve their jail sentences over the weekend so they would not have to miss work. In Riverdale, we observed the judge make a concerted effort to verify defendants fully understood their rights and the process. This was especially fortunate for those who arrived late because, in addition to risking a failure-to-appear fee, they missed the judge's original announcement on rights and process. We observed no incidents like these in Morrow, which is not to say they never occur.

Despite the concern Clarkston's and Riverdale's judges showed for defendants, ability-to-pay determinations were conspicuously inconsistent—observed in approximately 60% of cases across all three cities (see Table 6). When judges did make these determinations and find people could not pay, most defendants were sentenced to probation. By design, probation provides defendants the benefit of time when they cannot pay fines immediately. But that benefit can become a liability as fees begin to accrue the longer people remain on probation. Indeed, the judge in Clarkston apparently routinely advises defendants they will pay additional fees if they remain on probation for more than a month.



In rare cases, alternative sentences may be assigned. In Clarkston, for instance, a defendant asked if she could complete community service instead of paying her fine (she had to ask because the court never presented this option to defendants). The defendant was already doing an unpaid internship with a drug court as part of her psychology degree, and the judge allowed her to count that service toward her fines. In Riverdale, a group of young adults faced shoplifting charges. The judge explained the significant legal and job-related consequences of the charge and gave them a choice of having the crime go on their record or completing a writing assignment. All the defendants chose the latter, which required them to write a paper about how to make better choices, a letter to their parents and a sentence 4,400 times ("I will not disrespect my family by stealing"). Failure to comply would result in a \$1,200 fine and probation.

Overall, though, any concern shown for defendants was offset by the court's machine-like processes—an impression shared by people who have gone before the courts as defendants. To

better understand how people caught up in the fines and fees process perceive it, we interviewed residents of the sample cities who received citations during the prior year (i.e., mid-2017 through mid-2018). Six people ultimately took part. The people we spoke to generally ratified our impression of court personnel's courtesy and professionalism. However, they also reported being surprised by how quickly the courts moved defendants through the system without giving them what they considered a meaningful opportunity to defend themselves.

Common among interviewees was a perception that fighting their tickets was not a realistic option because there was no way they would win. It also appears some were hesitant to risk being held liable for court costs that might have exceeded the original citation amount. Those who *did* try to defend themselves reported that judges seemed largely unconvinced by any extenuating circumstances. As one person put it, the court had processing cases "down to a science." And while the courts' processes might sound efficient, some interviewees believed

they were designed to intimidate defendants into paying their fines.

One Clarkston resident told us of how he received a \$100 code enforcement fine for having a temporary storage container in his driveway, although the container was not generally visible or in anyone's way. He paid the ticket rather than contest it. He explained, "The judge in Clarkston court, he said something along the lines of ... 'You can fight this and have a jury trial, but if you lose you could be paying fines up to as much as \$10,000 or you can pay your fines today.' ... Whenever I go to court they say you can have a jury trial ... but if you lose it's gonna be \$10,000."

Another interviewee attended court in Clarkston twice because he wanted to explain to the judge why he should not have received the ticket. His violation was for moving into the oncoming traffic lane to pass

a bus that was stopped. At the second appearance, he hoped to make his case against paying the fine but was unsuccessful.

About going to court, he said, "I regret it because not only was it

a waste of my time, but the judge in that courtroom, there's no questions like between the plaintiff and defendant." He asked to talk to the city prosecutor about his case to discuss his options: "I explained to him what happened and he explained that nothing could be done and I just had to pay." The prosecutor said about the judge, "He's not going to listen to you, you just have to pay." Although the man could have hired an attorney to represent him, he chose not to since the citation amount was less than an attorney's fee would have been.

Similarly, in Riverdale, an interviewee explained he had to wait nearly two months before he could appear in court to challenge his traffic ticket for following too closely. He said the process to contest was unclear and not explained. Moreover, he said "the judge was dead-set" on having him pay a fine. "The whole process itself," he said, "is designed for people to ... either obtain a lawyer to handle all of the confusing work for you, or ... to pay the citation and give up."

Any concern shown for defendants was offset by the court's machine-like processes.



In short, the courts' efficiency—the sheer number of cases they process and the amount of fines and fees they generate—sends the message that revenue generation is an outsized priority. And, indeed, the courts *do* face potential structural incentives to maximize fines and fees revenue. According to budget documents from all three sample cities, and consistent with state law, the fines and fees the courts generate go to the cities' general funds—and the cities finance the courts out of those funds.¹³⁷ It is possible the courts' reliance on their municipalities for funding influences their rulings. Judges can also be beholden to their municipalities in how they are seated and retained on the bench. Georgia law gives municipalities broad latitude in how they designate judges.¹³⁸ In some cities, judges are elected; in others, they are appointed by city officials and then retained (or not) through elections; and in still others, they are both appointed and retained by city officials. In Morrow, Riverdale and Clarkston, judges are all appointed for a minimum of one year, in line with Georgia law, and serve at the will of the cities' councils and mayors,¹³⁹ leaving them susceptible to municipal pressure if they wish to stay on the bench when their terms are up.

Probation Companies

In many Georgia cities, municipal courts play a primary role in collecting money from the cases they hear, but often they do not do so alone. Private probation companies also play a significant role in many cities, including Morrow and Clarkston. At first glance, the probation service seems simple. People convicted of ordinance violations may not be able to pay fines immediately. When this is the case, people are generally placed on probation, during which they must pay the fine in installments, plus a monthly supervisory fee.¹⁴⁰ For local governments, private probation companies eliminate the hassle and cost of supervising probationers.

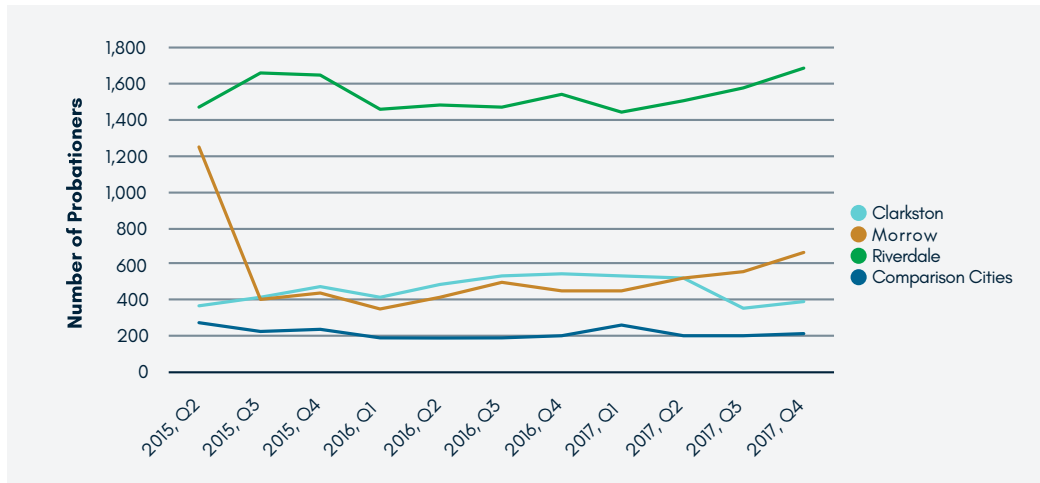
But before a much-needed 2017 reform, this simple-sounding service was anything but. For starters, probation companies often charged monthly supervisory fees double those of government-run probation services. And those fees were just the beginning. Companies would also charge people for

drug testing, electronic monitoring and even classes allegedly required to keep them out of jail.¹⁴¹ For those who could not pay, fees often increased, and companies could even initiate arrest warrants and extend the probation period.¹⁴²

The number of people affected was not trivial. Prior to the 2017 reform, one in 17 adults was on probation in Georgia, giving the state the highest probation rate in the country.¹⁴³ This rate was double Texas' and quadruple North Carolina's.¹⁴⁴ Following vociferous and widespread criticism, the legislature adopted SB 174, which was designed to create a more affordable system, especially for indigent defendants. Among other things, the legislation requires judges to sentence people to community service when they are unable to pay fines and fees, or even excuse them from paying altogether.¹⁴⁵

Returning to the sample cities, Morrow and Clarkston used private probation companies during the years we studied (Professional Probation Services in both cities and Maximus in Clarkston). Probation data indicate the cities consistently assigned more than twice as many people to probation as the statewide averages (see Figure 3 on page 28). From the second quarter of 2015 through 2017, Clarkston and Morrow averaged, respectively, 458 and 547 people on probation per quarter, compared to the statewide average of 219.¹⁴⁶ Over the same period, Riverdale consistently assigned an even greater number of people to probation, although it ran its own probation services. From the second quarter of 2015 through 2017, Riverdale's probation population—a quarterly average of 1,540—was more than seven times greater than the statewide average.

Figure 3: Sample Cities Use Probation More Often Than the Statewide Average, 2015-2017



Municipalities, particularly Morrow and Riverdale, generated substantial revenue through probation. From 2012 through 2016, the three cities collected more than \$9 million in fines through probation (see Table 8)—including more than \$3 million in Morrow and more than \$4 million in Riverdale. On average, these revenues represented from 17% to 42% of total fines revenue collected over the period.¹⁴⁷

Table 8: Fines and Percentage of Total Fines Revenue Collected Through Probation, Fiscal Years 2012-2016¹⁴⁸

FY	Fines				Percentage of Total Fines		
	Clarkston	Morrow	Riverdale	Total	Clarkston	Morrow	Riverdale
2012	\$198,249	\$1,550,522	\$1,245,694	\$2,994,465	17%	42%	42%
2013	\$191,055	\$882,070	\$945,569	\$2,018,694	16%	41%	39%
2014	\$159,656	\$561,544	\$972,516	\$1,693,715	16%	22%	53%
2015	\$125,626	\$274,554	\$476,850	\$877,029	11%	20%	27%
2016	\$262,211	\$354,038	\$814,844	\$1,431,093	28%	33%	48%
Total/Avg.	\$936,797	\$3,622,728	\$4,455,472	\$9,014,997	17%	33%	42%

Note: For 2015, Q1 fines were missing from the state data; therefore, numbers here undercount the total.

Probation-related fees, too, were substantial, totaling more than \$600,000 in 2016 and 2017 (see Table 9). The quarterly averages for all three cities exceeded the statewide average, with Riverdale leading the way with average fees almost five times greater than those statewide.

Table 9: Fees Collected Through Probation, 2016–2017

Quarter	Fees				
	Clarkston	Morrow	Riverdale	Total	Statewide Avg.
2016, Q1	\$16,437	\$24,097	\$52,088	\$92,622	\$9,933
2016, Q2	\$12,371	\$18,494	\$43,227	\$74,092	\$8,717
2016, Q3	\$12,914	\$21,992	\$38,907	\$73,813	\$8,728
2016, Q4	\$11,059	\$24,973	\$38,691	\$74,723	\$8,312
2017, Q1	\$12,328	\$24,237	\$50,934	\$87,499	\$9,364
2017, Q2	\$11,405	\$22,165	\$38,703	\$72,273	\$9,167
2017, Q3	\$10,682	\$23,333	\$41,627	\$75,642	\$8,285
2017, Q4	\$10,790	\$27,961	\$49,158	\$87,908	\$8,452
Total	\$97,985	\$187,252	\$353,334	\$638,571	\$70,958
Quarterly Avg.	\$12,248	\$23,406	\$44,167	\$79,821	\$8,870

New Ways of Compelling Payment

As though municipal courts and probation have not been successful enough in generating fines and fees revenue, Georgia courts and municipalities have implemented two new ways of compelling people to pay court debt—the Tax Refund Intercept Project and utility bills. A 2014 state law allows courts to intercept the state income tax refunds of people with unpaid traffic tickets or other court fines. Such people receive smaller tax refunds, while the court gets the money owed. Eleven Georgia courts—including Riverdale’s—are part of a pilot program to test TRIP.¹⁴⁹

Meanwhile, officials in LaGrange, Georgia, have taken fines and fees collection to a whole new level. The city, which owns and operates all utilities, automatically adds any unpaid fines to residents’ utility bills. If people do not pay their bills, the city shuts off their utilities.¹⁵⁰ Lacking their own utilities, Morrow, Riverdale and Clarkston have not joined LaGrange in that particular method of extracting fines revenue from people. However, Riverdale’s participation in the TRIP pilot program suggests our sample cities, and others like them, may be open to adopting new methods of compelling payment. And they may be able to because the state of Georgia has few laws restricting municipalities’ ability to issue citations, levy fines and fees, and then compel payment. The cities themselves are also lacking in such laws.



Cities Can Pursue Taxation by Citation Largely Without Restraint

The idea that cities would have laws limiting their own ability to generate revenue may seem ridiculous. However, one of government's primary purposes is to protect the rights of its citizens.¹⁵¹ Thus, elected officials—even at the local level—have a duty to ensure the mechanisms of government do not violate citizen's rights. And, in fact, they swear an oath to do so. With respect to fines and fees, this means establishing boundaries—ideally through laws—around governmental structures and procedures. Yet Morrow, Riverdale and Clarkston—and likely many other cities—have precious few such boundaries.

For example, none of the sample cities' ordinances require municipal court procedures to include jury trials when requested by the defendant, discovery or ability-to-pay hearings. Similarly, none of the cities require municipal courts to consider non-jail alternative punishments—such as community service, educational programs, or school or work attendance—in lieu of fines and fees, although Clarkston's code does allow courts to consider such alternatives.¹⁵² Although the cities' codes do not require the courts to provide jury trials, hold ability-to-pay hearings or consider alternative punishments, the courts can and sometimes do provide them voluntarily, which makes their absence in city laws all the more conspicuous.

None of the cities prohibit courts from assessing fees when a case is dismissed. None of the cities prohibit courts from incarcerating or threatening to incarcerate people unable to pay fines and fees. None limit the circumstances under which courts can suspend people's driver's licenses for nonpayment of fines or fees. And none have ordinances requiring municipal courts to function independently of their legislative and executive counterparts in municipal government.

All three cities require that charging documents contain a description of the alleged code violation¹⁵³—which is important because people have a basic right to know what they are accused of—but none require that charging documents also contain (a) the specific section number of the municipal code allegedly violated or (b) notice of various rights or procedures, such as the right to demand a jury trial or the process for doing so. Only Morrow has law requiring that defendants be notified of their fundamental constitutional rights in any way at all. Specifically, the city's code requires a municipal court judge to “inform the defendant of the nature of the charge and the penalty which may be imposed upon conviction, and [to] inform the defendant of his or her fundamental constitutional rights,” before accepting a plea.¹⁵⁴ In Riverdale and Clarkston, the courts do notify people of their rights at the start of proceedings. However, as a matter of practice rather than law, this could change at any time.

In addition to extending those protections, the sample cities, and likely other cities, could increase transparency by requiring that courts post a schedule of fines and fees online, at the courthouse or in other public place. In a similar vein, they could also require that charging documents (a) state the time and place at which defendants must appear in court, (b) describe how to settle charges without going to court (e.g., by simply paying any fines online), and (c) warn defendants of the consequences for failing to appear in court or pay the fine (e.g., arrest).

TRUST IN GOVERNMENT

With few provisions in place to protect citizens from fines and fees abuse, cities like our sample cities can generally enforce municipal ordinances as they see fit. And whether they pursue taxation by citation out of some ostensibly civic-minded motive (e.g., improving the economic viability of their cities), simple revenue greed (e.g., wanting to maintain or increase salaries during an economic downturn¹⁵⁵) or something worse (e.g., establishing or maintaining social control¹⁵⁶), the potential price is damaged trust in government. To measure the extent to which the sample cities' fines and fees behavior has damaged trust, we surveyed residents in all three cities using questions commonly employed by prior researchers who have studied trust in government at the local, state and national levels.¹⁵⁷

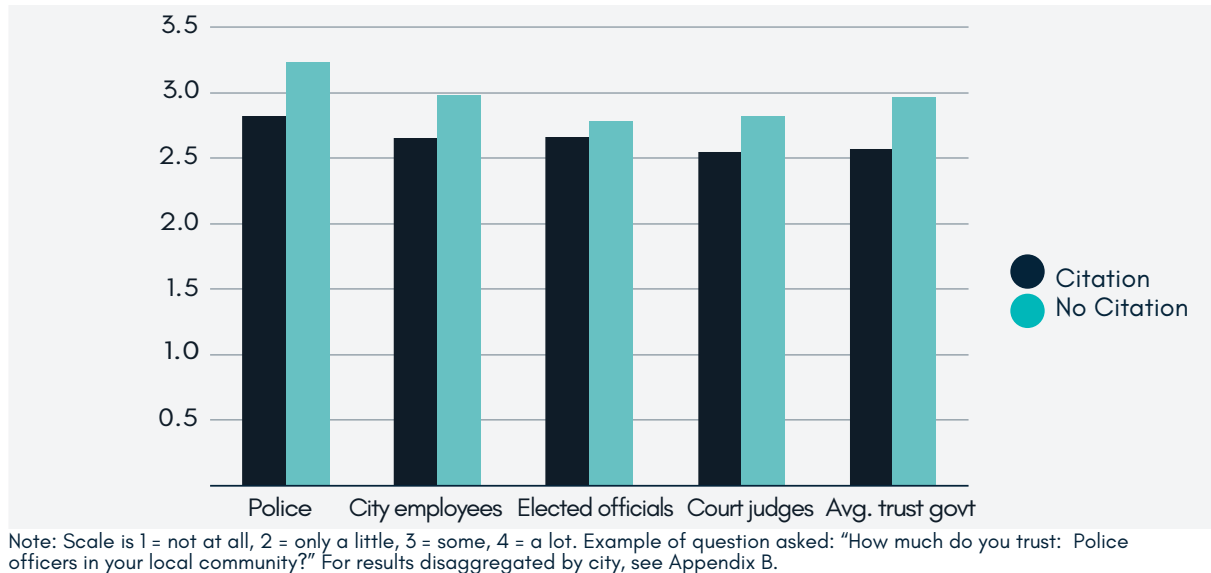
Specifically, we asked people how much they trusted various representatives of local government. For example, one question asked: "How much do you trust: Police officers in your local community? Would you say ... A lot, Some, Only a little, or Not at all?" Similar questions measured trust in elected officials, city employees and court judges. We also asked residents to indicate their level of trust in government by answering questions like: "On a scale from 0 to 100, what percent of the time do you think you can trust the police department in your city to make decisions in a fair way?" and "On a scale from 0 to 100, what percent of the time do you think you can trust the police department in your city to do what is best for your city?"

Using these questions, we calculated average scores measuring (a) trust in government overall, (b) trust in government to be fair overall and (c) trust in government to do what is best overall. Finally, we compared responses from people who had received citations in the past year with those from people who had not. Of the 377 people surveyed across all three cities, almost 10% had received a citation in the prior year.

Across all measures, those who had received citations expressed less trust than those who had not. For every category of local government representatives (police, city employees, elected officials and court judges) and across all categories, citation recipients said they trusted government representatives less compared to nonrecipients (see Figure 4 on page 32). This was true even with respect to elected officials, with whom city residents likely had little to no direct contact, and certainly less than they would have had with other representatives such as police officers.¹⁵⁸

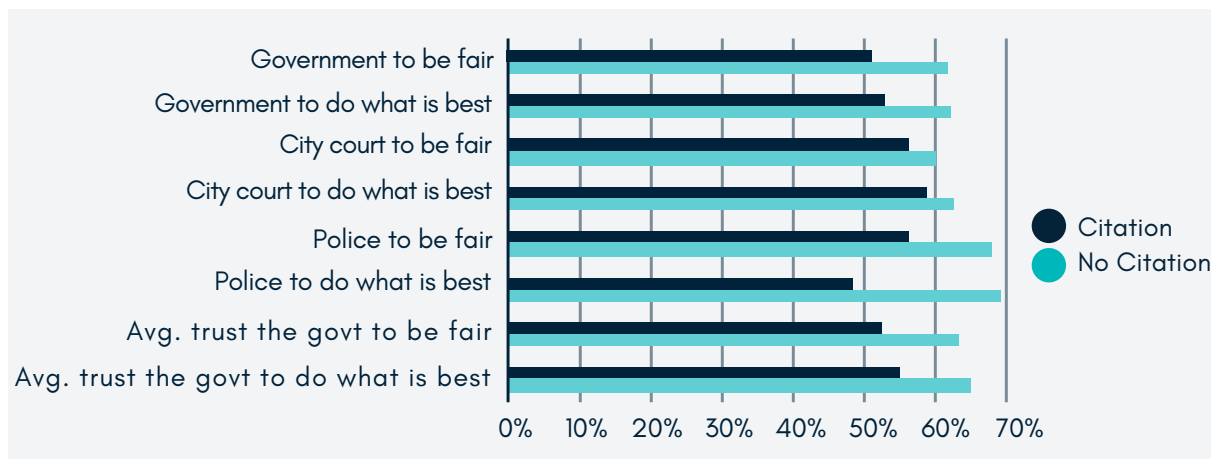


Figure 4: Those Who Received Citations Expressed Less Trust in Government



When asked what percentage of the time representatives of government could be trusted to be fair and act in the best interest of the city, people's responses followed similar trends. Those who had received citations consistently said city officials were less fair and less likely to act in the best interests of the city as compared to those who had not received citations (see Figure 5).¹⁵⁹

Figure 5: Those Who Received Citations Expressed Less Trust in Government to Be Fair and to Do What Is Best for the City



Note: Examples of questions asked: "On a scale from 0 to 100, what percent of the time do you think you can trust the police department in your city to make decisions in a fair way?" and "On a scale from 0 to 100, what percent of the time do you think you can trust the police department in your city to do what is best for your city?" For results disaggregated by city, see Appendix B.

These results are consistent with warnings from the U.S. Commission on Civil Rights¹⁶⁰ and others¹⁶¹ that the use of citations in ways that appear "opaque, unfair, unpredictable or onerous"¹⁶² may lead to damaged trust between residents and city officials. As indicated above, those who received citations often identified the use of citations as being motivated by revenue generation rather than public health and safety. Most city officials will, of course, say citations and traffic tickets are primarily intended to protect public health and safety¹⁶³ or improve a city's quality of life, but the data we present here suggest this is not necessarily the perception of those who receive them. The data also suggest taxation by citation may contribute to lower levels of government trust among city residents.

CONCLUSION

We began this study by asking, among other questions, what cities that engage in taxation by citation look like. To begin to answer this question, we completed case studies of three Georgia cities—Morrow, Riverdale and Clarkston—that have historically relied heavily on fines and fees for significant portions of their revenues. We found the cities share several important characteristics. The cities are poorer than average, face uncertain economic futures and appear to have few means of generating substantial revenues. They also have their own courts to process citations. Those courts depend on the cities for revenue and are presided over by city council-appointed judges. Finally, the cities have few legal protections in place to prevent them from using their code enforcement powers for ends other than public health and safety. In other words, the cities share a perceived need for revenue and the ability to pursue it through code enforcement.

With respect to need, trends in the cities' fines and fees revenue imply the Great Recession may have played a nontrivial role in how cities balanced their budgets. Municipalities generate revenue primarily through property taxes, which are based on property values, among other factors. Property values were, of course, severely affected by the recession. As property tax revenue plummeted, fines and fees revenue generally took on a disproportionately greater role before waning, in both percentage terms and in dollars, during the recovery. And in cities like those in our sample that apparently lack other means of generating substantial revenues, fines and fees no doubt took on an even more outsized role during the recession, particularly given that demand for social services increases during periods of economic hardship.

Despite the recovery, fines and fees continue to account for the second largest proportion of the sample cities' revenues. This may be because the cities have grown accustomed to budgeting for fines and fees revenue or because, once in place, the apparatuses for generating this revenue are not easily ramped down. It could additionally be because they see citations as more than just a direct means of balancing their budgets. As we found, they may also perceive citations as an indirect mechanism

for economic development. City leaders seeking to attract new residents and businesses are particularly attuned to their cities' appearance. Such leaders may see adopting and enforcing city codes that regulate how residential and commercial buildings look—and even how residents behave in public places—as a way to make their cities more appealing to prospective newcomers.

Such aesthetic considerations could help explain many property code and personal conduct citations, but they are a less easy fit for the largest citation revenue generator—traffic tickets. For decades, motorists have complained traffic tickets

primarily function as a means of generating revenue, particularly in cities with significant roads and highways within their borders. To such criticisms, public officials consistently respond that traffic tickets are a way to increase public safety,¹⁶⁴ and at least some empirical evidence supports that proposition.¹⁶⁵

Nevertheless, our review of citations of all kinds—traffic and non-traffic alike—indicates the offenses generating citations rarely represent significant threats to health and safety. Property code violations appeared to be primarily for aesthetics, while traffic violations primarily presented only moderate risks. These observations suggest health and safety rationales

are likely often overstated or a matter more of perception than reality, leaving the perceived need for revenue and possibly also economic development as the likelier motivations.

In addition to a perceived need for revenue, the sample cities share the ability to generate it through taxation by citation. This ability stems from two major factors. First, the cities have their own courts, and second, their laws provide few protections against fines and fees abuse.

In all three cities, citations are processed by the cities' own municipal courts. These courts' budgets are funded from the cities' general funds, and their judges serve at the will of the cities' mayors and council members. The proper role of these courts, like all courts, is to ensure justice is done. However, the courts' structural dependency on their cities may



encourage the pursuit of revenue at the expense of justice. And, indeed, the evidence indicates the courts are efficient revenue generators: They churn through cases rapidly, and nearly everyone pleads or is found guilty. Other courtroom indicators, too, are suggestive. These include the inconsistency of ability-to-pay hearings, the lack of translators when needed, and the informal “counsel” defendants may receive telling them to pay fines rather than contest charges.

Judges do exhibit some concern for defendants, and we found little evidence of their straying from standard procedures in order to wring even more fines and fees from defendants. However, factors like the pace of proceedings and the near uniformity of outcomes indicate judges play little part in disrupting the cities’ taxation by citation behavior.

Another key enabler of the sample cities’ behavior is the lack of legal provisions preventing them from using code enforcement for reasons other than to protect public health and safety—or in ways that might violate people’s rights. Our review of the sample cities’ laws turned up few provisions that would meaningfully protect people from fines and fees abuse. None of the sample cities’ ordinances require municipal courts to provide jury trials when requested by a defendant, offer discovery or hold ability-to-pay hearings. None of the cities require their courts to consider non-jail alternatives to fines and fees, such as community service, educational programs, or school or work attendance. None of the cities prohibit courts from incarcerating or threatening to incarcerate people unable to pay fines and fees. And only one of the cities requires that defendants be notified of their fundamental constitutional rights in any way at all. Moreover, our analysis of city council meeting minutes suggests city leaders rarely, if ever, consider whether the adoption of proposed ordinances or enforcement of existing ones could or did violate citizens’ rights.



Taken together, these findings suggest taxation by citation may be a matter of systemic incentives. City leaders need not be motivated by simple rapaciousness or racial biases in their pursuit of fines and fees revenue. Instead, they may have other goals, often driven by economic circumstance, that may be more sympathetic and that the legal landscape allows if not encourages them to pursue through code enforcement. Similarly, judges need not set out to convict people for their cities’ financial gain. Instead, a high rate of guilty convictions may be the natural result of judges trying to manage a heavy caseload by disposing of cases as expeditiously as possible. And once in effect, highly efficient court procedures and other mechanisms necessary for taxation by citation may stick, becoming business as usual and ensuring

fines and fees remain a reliable source of revenue even after a city’s financial situation improves. In short, our case studies suggest taxation by citation can arise organically wherever city leaders perceive a need for revenue and face few constraints—such as independent courts or robust legal protections for people accused of ordinance

violations—on their use of code enforcement.

Another question we asked at the beginning of this study was whether cities pay a price for taxation by citation. The results of this research suggest they may—in the form of damaged trust. Residents of the sample cities who had recently received citations reported lower levels of trust in city officials and institutions than those who had not.

Such a consequence is ironic given city leaders’ purported interest in community improvement, yet it makes sense given that government at all levels serves two primary purposes: protecting the rights of its citizens and protecting public health and safety. Governments will often pursue goals beyond public health and safety, but the legitimacy of those

pursuits is called into question when they violate citizens' rights, as when, for example, municipal courts unconstitutionally incarcerate people simply because they cannot pay fines and fees or when courts deny due process by failing to determine people's ability to pay fines and fees, provide poor people with legal representation or ensure people face a neutral judge. And when cities derive such large proportions of their revenue from policing violations that rarely present serious threats to the public, this is likely a strong indicator of goals and activities with the potential to violate citizens' rights.

Municipalities can avoid violating people's rights by using ordinances—traffic and non-traffic—only as a method of truly protecting public health and safety.¹⁶⁶ Goals such as helping stimulate economic development or staying afloat during economic recessions do not fit that description. Instead, city leaders should reduce spending or consider other means of economizing. For example, small cities may find it efficient to consolidate governments as Athens city and Clarke County in Georgia have.¹⁶⁷ To stimulate economic growth, cities can reduce regulation to encourage entrepreneurship,¹⁶⁸ eliminate unnecessary barriers to new home construction¹⁶⁹ or reform zoning laws to facilitate greater development.¹⁷⁰

Cities will, of course, adopt and enforce ordinances, but they should do so only with substantial and substantive protections for citizens' rights in place.¹⁷¹ For example, they should require municipal courts to provide jury trials when requested, offer discovery and hold ability-to-pay hearings. They should also require their courts to consider non-jail alternatives to fines and fees and prohibit those courts from incarcerating or threatening to incarcerate people unable to pay. They should require that defendants be notified of their constitutional rights,

including the right to demand a jury trial. And they should increase transparency by requiring courts to make their fines and fees schedules publicly available and requiring charging documents to provide more and better information about the process of resolving a citation.

As for courts, it is unlikely the sample cities or other cities like them would have been able to pursue fines and fees revenue so prolifically without their own courts. The most comprehensive approach to reining in taxation by citation would therefore be to decouple courts from municipalities. Short of that, municipal courts should be funded by states, not by municipalities and definitely not by fines and fees directly. Procedurally, courts should conduct ability-to-pay hearings and consider alternatives to fines for indigent defendants. In such hearings, courts should proactively and meaningfully notify defendants of a right to counsel. Finally, courts should safeguard citizens against coercion to pay by court staff, and cities should do likewise when contracting with private firms for probation service or fines and fees collection.¹⁷²

Morrow, Riverdale and Clarkston have led the country in terms of percentage of revenue generated through fines and fees, but they are likely not exceptional in terms of the factors driving their reliance on this revenue source. Nor are their leaders likely exceptional in failing to prioritize their duty to protect citizens' rights in the process. Their leaders, and the leaders of cities similarly engaged in taxation by citation, should use the results of this analysis for self-diagnosis and reform. Doing so can facilitate greater trust among the citizens they serve, avoid costly litigation and—most important—uphold the constitutional rights they swore an oath to protect and preserve.

APPENDIX A: DATA AND METHODS

Consistent with case study research methods,¹⁷³ the analyses drew upon numerous and diverse sources, including quantitative data from public records, a survey of residents, photo and video records, interviews of residents, city council meeting minutes, and direct observation of the communities and their respective courts.

Public Data

With data from public records, we studied city finances, socioeconomic and demographic characteristics, cases that generated fines, and probation cases.

Public data fell into two broad categories: data generated by the sample cities, though not necessarily obtained directly from the cities, and census data. City-generated data included the following:

» City finances

- We collected the sample cities' adopted city budgets for their respective fiscal years from 2012 to 2017. Morrow's and Riverdale's FYs start July 1, while Clarkston's starts January 1. Budgets came either from the cities' websites or through public records requests.
- Georgia requires every municipality to submit an annual finance report called a "Report of Local Government Finances." We collected all municipal RLGs from 2012 to 2016 (the latest year consistently available at the time of data collection). These are available online at <https://apps.dca.ga.gov/RLGF/Default.aspx>.
- When certain financial data were missing for the sample cities, we used Comprehensive Annual Financial Reports for imputation where possible. CAFRs are available at <https://ted.cviog.uga.edu/financial-documents/financial-reports>.
- We used these data to determine fines and fees and other types of revenue and to calculate fines and fees revenue as a percentage of revenue. Where possible, we made comparisons to other Georgia cities of comparable size ($n = 350$), that is, with populations between 5,310 and 17,514. To avoid distortion, we dropped from the statewide comparisons non-sample cities without finance data in a relevant revenue category.
- In sources of finance data, fines and fees are presented as "fines, fees, and forfeitures." Forfeitures are not fines or fees, but there is no way to separate them. Because most published studies and reports on fines and fees use many of the same sources, this is a common condition.

» Citations

- We collected all citations data from the cities through public records requests. We originally requested all data from 2012 onward. The data were not available for all years, and for some years the data were incomplete. For reporting purposes, 2017 represented the only year for which complete and reliable data were available for all three cities. See Appendix B for all years of data we were able to obtain.
- We organized the violations that generated citations into three broad types—property, conduct and traffic. To measure the extent to which the violations posed threats to health and safety, we further organized them into subtypes as follows, referencing municipal codes when necessary to confirm proper categorization:

» *Property*

- Health and safety – This included any sort of violation related to maintaining one's property in a safe manner, such as improper emergency escapes, no smoke alarms, mold, plumbing problems and structural integrity issues. These usually fell within the city's building regulations or property maintenance codes.
- State of disrepair – This included any sort of violation related to the cleanliness of one's property that would not be considered to significantly impact health

and safety. These included long grass, facial deterioration of a building, failure to meet neighborhood standards and issues with fencing.

- o Other – This captured anything related to property maintenance that was not considered to fall under the above, including storing personal property outdoors, repairing a car in one’s driveway and violating sign codes.

» *Conduct*

- o Socially maladaptive behavior – This included any personal conduct offense not related to driving that is considered to be a serious violation of societal morals and standards. Examples included public indecency, drug possession, shoplifting and flight from a police officer.
- o Trivial infraction – This included any personal conduct offense not related to driving that, while perhaps dangerous, is not considered to be a serious violation of morals or standards. Examples included not leashing one’s animal and riding a bicycle on the wrong side of the street.
- o Other – This captured any personal conduct offense not related to driving that was not considered to fall under the above. Examples included expired business permits or licenses and illegal solicitations.

» *Traffic*

- o Non-speeding
- o Speeding
- With the violations so categorized, we calculated the number of violations per type in simple frequencies and per capita.
- The citations data from the cities also indicated the amount in fines generated per citation. With this information, we calculated total fines and average fines per citation per violation type described above.
- We made no comparisons to other cities since citations data are not collected in any central place.

» Court caseloads

- We obtained municipal court caseload data through the website of the Georgia Administrative Office of the Courts’ Office of Research and Data Analysis. At the time of data collection, the website provided static, yearly caseload reports spanning 2007 to 2016. (For an example, see here: <https://web.archive.org/web/20180409173640/http://www.georgiacourts.org/content/caseload-reports>.) These reports allowed us to determine the number of cases filed and disposed (i.e., completed) and to calculate a clearance rate for the sample cities and a comparison group. The comparison cities were those of similar size—as defined above—that operated municipal courts. Because not all Georgia cities operate their own courts and not all potential comparison cities had available annual data, this resulted in a comparison group of between 52 and 73, depending on the year. Specific sample sizes were:
 - o 2016: 61
 - o 2015: 70
 - o 2014: 73
 - o 2013: 52
 - o 2012: 59

» Probations data

- Probations data came from two sources: the Department of Community Supervision and the Administrative Office of the Courts. To collect these data, we filed a formal records request with the DCS. Oversight of probations was transferred from the AOC to the DCS in 2015. This resulted in different data collection and reporting across the years of interest. As a result, we were able to compare only certain data over all years. The compatible fields were:
 - Quarter
 - Year
 - Provider Name
 - Provider Type
 - Jurisdiction
 - City/County
 - Total Fines Collected
 - Statutory Surcharges
 - Restitution Amount
 - Georgia Crime Victim's Emergency Fund Collected
 - Total Number of Community Service Hours
 - Total Number of Community Service Hours Converted from Fines
 - Total Number of Warrants
 - Total Number of Terminations
 - Total Number of Successful Terminations
 - Total Number of Unsuccessful Terminations
- Probation finance data were available from 2012 to 2016 (Morrow did not report data for 2015, and Riverdale did not report data for 2013); number of probationers per city were available from the second quarter of 2015 to the fourth quarter of 2017; and fees generated by probation were available for 2016 and 2017.
- We used data to indicate the number of probationers per city and to compare those to statewide averages. We also compared probation fees to statewide averages. We calculated fines generated through probation for each city and presented this as a percentage of all fines and fees revenue.

» Crime rates

- We obtained city crime data through an open records request filed with the Georgia Bureau of Investigation in May 2018 (<https://gbi.georgia.gov/crime-statistics>). These data are not available online.
- We requested crime data from 2012 to 2017. In addition to presenting the number of full-time law enforcement, juvenile/adult arrests, and total clearances, the data showed the number of crimes committed for a variety of offenses:
 - » *Violent Crime*
 - Criminal Homicide
 - Forcible Rape
 - Robbery
 - Aggravated Assault
 - Simple Assault

» *Property Crime*

- o Burglary
 - o Larceny Theft
 - o Motor Vehicle Theft
 - o Arson
- We used these numbers to calculate the total crime rates for Morrow, Riverdale and Clarkston, excluding simple assaults to be consistent with Federal Bureau of Investigation's Uniform Crime Reporting Program.

As for census data, we used two types in this study: (a) personal or household data to determine population estimates and demographics and (b) Census of Governments. Demographic data came from the American FactFinder and other common census data sources. We used these to describe the cities' populations. We used the Census of Governments data, particularly the Government Finance Statistics, as another source for city finance data, although the data sources described above were our primary sources.

Survey Data

To measure trust in government, we surveyed residents of the three sample cities. Using and adapting questions from pre-existing instruments, we asked the following questions:

- How much do you trust: Police officers in your local community?
- How much do you trust: City employees in your local community?
- How much do you trust: Elected officials in your local community?
- How much do you trust: City court judges in your local community?

For these four questions, participants responded using the following scale:

Would you say...

A lot = 1

Some = 2

Only a little = 3

Not at all = 4

For presentation purposes, the scale was recoded into:

A lot = 4

Some = 3

Only a little = 2

Not at all = 1

We presented the results for all questions separately and also calculated an average trust in government score across all four indicators.

We also asked participants to indicate the extent to which they believed three different sectors of city government (government, city court and police department) could be trusted to make decisions in a fair way and do what is best for the city. Those questions were:

- On a scale from 0 to 100, what percent of the time do you think you can trust the government in your city to make decisions in a fair way?
- On a scale from 0 to 100, what percent of the time do you think you can trust the city court in your city to make decisions in a fair way?
- On a scale from 0 to 100, what percent of the time do you think you can trust the police department in your city to make decisions in a fair way?

- On a scale from 0 to 100, what percent of the time do you think you can trust the government in your city to do what is best for your city?
- On a scale from 0 to 100, what percent of the time do you think you can trust the city court in your city to do what is best for your city?
- On a scale from 0 to 100, what percent of the time do you think you can trust the police department in your city to do what is best for your city?

We calculated average “fair” and “do what is best” scores across the three sectors.

Using the survey, we collected standard demographic data, including age, marital status, number of children under 18 in the household, education level, employment status, household income, race/ethnicity, political affiliation, ideology, sex, and home owner/home renter status. We also asked respondents if they had received a citation from their city in the past year. We used that question to disaggregate results on the theory that receiving a citation would result in different levels of trust.

The total sample size across all cities was 377. Disaggregated by city, the sample sizes were 71 for Morrow, 254 for Riverdale and 52 for Clarkston. All data were collected over the telephone by the survey firm Technometrica between June and August 2018. As an incentive to complete the survey, respondents were entered into a drawing for one of 20 \$50 cash prizes. We weighted results so each city’s share of total respondents would match its share of the sample cities’ combined population. For example, while Clarkston represents 34.95% of the three-city population total, it represents only 13.8% of the three-city survey respondent total. Thus, we weighted up the responses from Clarkston.

Photo and Video Records

We collected two types of photo records for this study. The first were photos of properties that received citations. The photos were taken by code enforcement officers and archived by the cities. We obtained these through public records requests. Riverdale provided approximately 3,400 pictures for 2017 and 2018. Clarkston provided 44 usable photographs for 17 properties cited between May 2016 to December 2017. Morrow also provided photos, but they proved unusable for analysis because we could not reliably match them to citations. We used these photos to examine the extent to which code violations threatened public health and safety. We used all of Clarkston’s photos but only a random sample ($n = 375$) of Riverdale’s. We coded the photographs using a five-point scale ranging from 1 = completely aesthetic to 5 = significant health/safety risk.

The second collection of photos we gathered ourselves by photographing residential neighborhoods during fieldwork visits to the three cities. These observations occurred from July 31 to August 8, 2018, in Morrow and Riverdale and August 5 to 10, 2018, in Clarkston. Effectively, we mimicked the work of a code enforcement officer by directly observing and photographing properties and looking for any apparent code violations. We then scored those “violations” using the five-point scale.

We also performed a similar analysis of traffic violations. For this, we drove around the cities taking video recordings of traffic, cutting them into five-minute segments and coding for traffic violations (Morrow, $n = 26$ recordings; Riverdale, $n = 26$ recordings; Clarkston, $n = 19$ recordings). We shot videos at different times of the day to capture a diversity of traffic patterns. We also gathered video data on different days of the week and on different kinds of roads, including highways, major city roads and minor arterials. With this exercise, we were mimicking the work of police officers, although we did not measure speeding violations. For coding, we used a risk scale similar to the property violation severity scale described above: 1 = no safety risk, 5 = significant safety risk.

Court Observations

During fieldwork visits in August 2018, we observed court sessions in the three cities. In Morrow and Riverdale, we observed four sessions, which included arraignments and bench trials in both cities. Observations in Clarkston included two successive evenings of arraignments. Observations in all sessions spanned the entire time the courts were in session. We observed 91 cases in Morrow, 36 in Riverdale and 37 in Clarkston.

To assist with data collection, we created an observation instrument that enabled us to gather the following:

- Docket number
- Defendant number
- Start time
- Number of questions asked by defendant
- How well does defendant understand events? (1 = very little; 6 = very well)

- Does defendant contest circumstances?
- Was fines and fees schedule described?
- Did judge ask whether defendant understands rights?
- Did judge ask whether defendant understands process?
- Did judge accept defendant's story?
- Number of times judge questioned prosecutors/law enforcement
- Nature of questions to prosecutors/law enforcement
- How well did judge follow standardized procedures? (1 = very little; 6 = very well)
- What is the pace of proceedings? Very quick or with deliberation? (1 = with a lot of deliberation; 6 = very quick)
- Was defendant represented by attorney?
- Was ability to pay determined?
- If translator was needed, was one provided?
- Other notes about proceedings
- What was the outcome?
- Was defendant sentenced to probation?
- Did judge engage in horse-trading?
- Defendant race/ethnicity
- Defendant gender
- Defendant age
- Was defendant a primary English speaker?
- Other notes about defendant
- End time

The instrument also included space for us to make field notes, such as events or quotes, information about courtroom personnel, and general observations about the settings and proceedings. We approached data collection strictly as observers. Had the proceedings allowed for it, we would have pursued interviews with defendants. However, the rapid pace of the cases required full attention to data collection.

Interviews

Interviews with residents facilitated an understanding of how city residents experience the fines and fees phenomenon. To create an interview sample, we concluded our survey by asking respondents who had received citations if they would be willing to complete a follow-up interview. We also used contact information contained within citation data provided by cities to call individuals and ask if they would complete an interview. This process yielded a sample of six respondents who completed a full interview. All potential interview respondents were only from the sample cities.

We completed all interviews by phone at the time of day most convenient for respondents. The full interview protocol is provided below:

Thanks for doing the interview. Please know that anything you say will be strictly confidential and will not be attributed to you in any way. We are doing these interviews to gain a greater understanding of people's experiences with and opinions about their cities. I have a few follow-up questions about your experience with the court in [CITY].

1. When you completed the survey, you said you received a citation from the city for [VIOLATION]. Can you describe the circumstance that led up to that violation?
2. Was the officer correct in his or her assessment in giving you a citation?
 - a If no, why not?
 - b If the officer was not correct, what do you think led him/her to give you a citation?

3. After you received the citation, what did you have to do to either pay or contest it?
 - a. What was the process you had to go through?
4. [FOR THOSE WHO DID NOT SIMPLY PAY] How long did that process take?
5. How well did you understand the process required to [pay or contest] the citation?
6. [FOR THOSE WHO CONTESTED] What did you do to prepare to contest the citation? Did you talk to an attorney, or talk to witnesses, ask for help from someone or anything else like that?
7. What was the eventual outcome of your case?
8. How were you treated throughout the process by people in the court, city employees or others you interacted with? And why do you think that?
9. [FOR THOSE WHO WENT TO COURT] How would you describe the level of professionalism among those in the court, city employees or others you interacted with?

That is all the questions I have for you at this time. Is there anything else on this topic that I should have asked or you think would be important for me to know?

Thanks again for talking with me.

City Council Meetings

To track and gain greater insight into decisions made by city leaders, we gathered city council meeting agendas, minutes and related documents for 2012 through 2017. Some of these documents were available online from the respective city websites, but others required we make public records requests to the cities. Meetings included regularly scheduled public meetings, working meetings, business meetings and special meetings. This yielded a sample of 398 meetings in Morrow, 246 in Riverdale and 315 in Clarkston.

We were particularly interested in gaining information about the following:

- Discussions or decisions relevant to fines and fees.
- Discussions or decisions relevant to Ferguson, Missouri; articles on “speed traps” and related topics; or other circumstances locally or nationally focused on the fines and fees behaviors of municipalities.
- Discussions or decisions relevant to changes in municipal taxes.
- Discussions or decisions relevant to city expenses as would be relevant to fines and fees.
- Discussions or decisions relevant to personnel vis-à-vis fines and fees.

A focus on these constructs yielded data from 45 meetings in Morrow, 54 meetings in Riverdale and 26 meetings in Clarkston. These data are not presented systematically in the results above. Rather, we used them to help us interpret and better understand the other quantitative and qualitative data analyzed and presented above.

APPENDIX B: DETAILED DATA TABLES

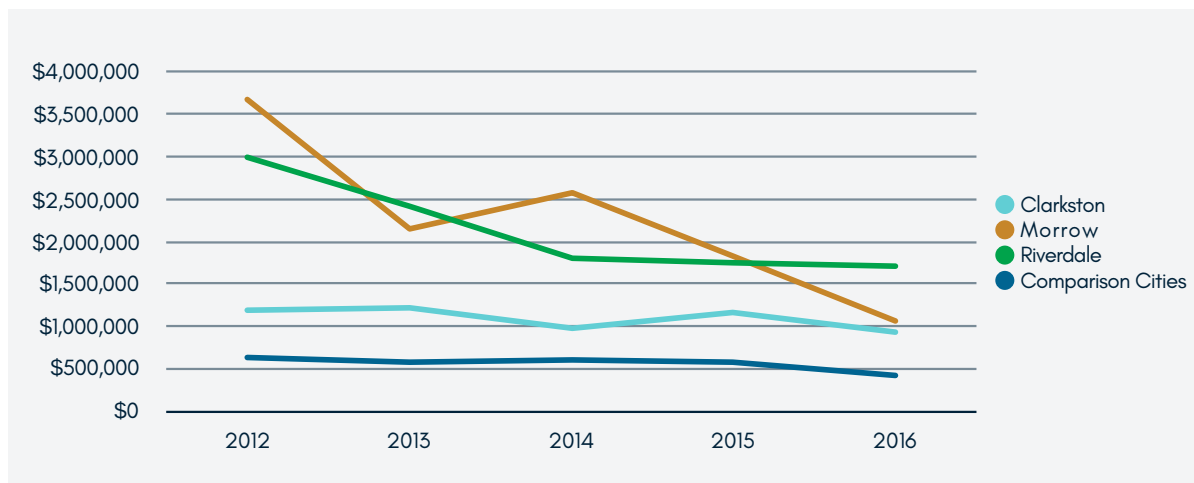
Table B1: City Finance Data, Fiscal Years 2012-2016

Revenue Source	Clarkston	Morrow	Riverdale	Comparison Cities
Taxes	\$13,328,217	\$31,785,755	\$54,826,840	\$33,886,836
Fines, Forfeits & Court Fees	\$5,495,304	\$9,479,748	\$10,704,452	\$2,842,397
Service Charges	\$497,035	\$2,195,422	\$5,621,663	\$2,202,408
Public Utilities & Other Enterprise Funds	\$2,055,902	\$4,614,033	\$2,657,142	\$60,866,481
Intergovernmental	\$690,470	\$4,315,339	\$2,912,534	\$5,708,915
Other	\$850,433	\$648,379	\$632,387	\$2,175,693
Total Revenue	\$22,917,361	\$53,038,676	\$77,355,018	\$107,682,731

Table B2: City Finance Data per Capita, Fiscal Years 2012-2016

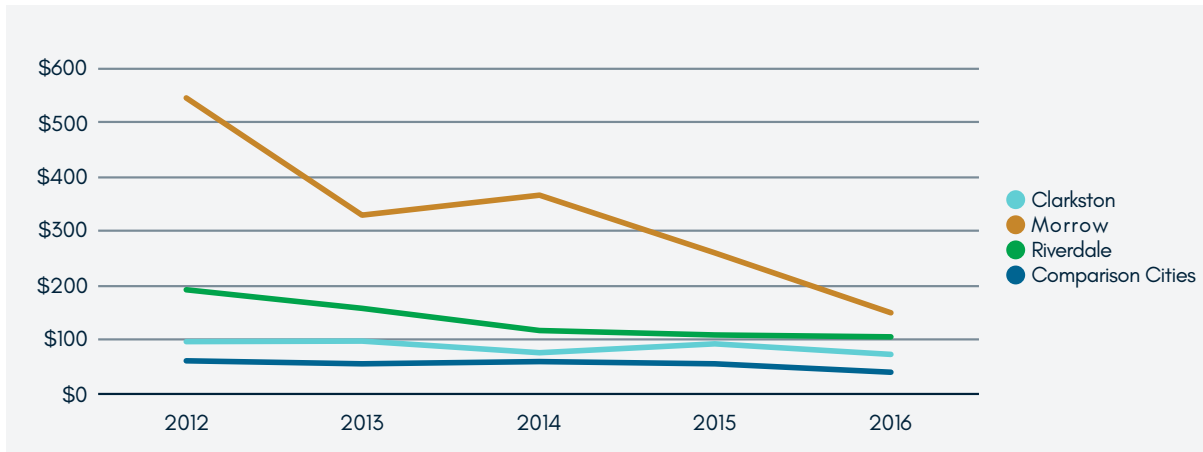
Revenue Source	Clarkston	Morrow	Riverdale	Comparison Cities
Taxes	\$210	\$1,160	\$695	\$647
Fines, Forfeits & Court Fees	\$87	\$348	\$136	\$54
Service Charges	\$8	\$80	\$72	\$42
Public Utilities & Other Enterprise Funds	\$32	\$168	\$33	\$1,161
Intergovernmental	\$11	\$157	\$36	\$109
Other	\$13	\$24	\$8	\$41
Total Revenue	\$362	\$1,937	\$980	\$2,054

Figure B1: Fines and Fees, Fiscal Years 2012-2016



Note: Morrow did not report fines and fees revenue for 2015. The number reported here is an interpolation. Riverdale's 2013 fines and fees figure was not reported, so we imputed it using the city's Comprehensive Annual Financial Report for that year.

Figure B2: Fines and Fees per Capita, Fiscal Years 2012-2016



Note: Morrow did not report fines and fees revenue for 2015. The number reported here is an interpolation. Riverdale's 2013 fines and fees figure was not reported, so we imputed it using the city's Comprehensive Annual Financial Report for that year.

Table B3: Clarkston Violation Frequencies, Per Capita, and Percentages by Violation Type, 2016-2017

Violation Type/Subtype	Frequencies			Per Capita			Percentages		
	2016	2017	Total	2016	2017	Total	2016	2017	Total
<i>Property</i>									
Health and Safety	32	22	54	0.002	0.002	0.002	0.01	0.01	0.01
State of Disrepair	8	14	22	0.001	0.001	0.001	0.00	0.00	0.00
Other	24	58	82	0.002	0.005	0.003	0.01	0.02	0.01
Property Total	64	94	158	0.005	0.007	0.006	0.02	0.03	0.02
<i>Conduct</i>									
Socially Maladaptive Behavior	273	340	613	0.021	0.026	0.024	0.09	0.10	0.10
Trivial Infraction	30	98	128	0.002	0.008	0.005	0.01	0.03	0.02
Other	228	174	402	0.018	0.014	0.016	0.07	0.05	0.06
Conduct Total	531	612	1,143	0.041	0.048	0.045	0.17	0.19	0.18
<i>Traffic</i>									
Non-speeding	2,143	2,392	4,535	0.167	0.186	0.177	0.69	0.73	0.71
Speeding	372	170	542	0.029	0.013	0.021	0.12	0.05	0.08
Traffic Total	2,515	2,562	5,077	0.196	0.199	0.198	0.81	0.78	0.80
Grand Total	3,110	3,268	6,378	0.242	0.254	0.248	1.00	1.00	1.00

Note: Citations span May 3, 2016, to December 27, 2017

Table B4: Morrow Violation Frequencies by Violation Type, 2012-2017

	Frequencies						
Violation Type/Subtype	2012	2013	2014	2015	2016	2017	Total
Property							
Health and Safety	3	0	2	3	1	0	9
State of Disrepair	55	60	24	27	33	67	266
Other	21	7	6	11	22	34	101
Property Total	79	67	32	41	56	101	376
Conduct							
Socially Maladaptive Behavior	678	544	393	268	321	353	2,557
Trivial Infraction	2	8	2	1	2	10	25
Other	41	21	33	18	20	56	189
Conduct Total	721	573	428	287	343	419	2,771
Traffic							
Non-speeding	5,115	5,197	3,729	4,140	3,220	4,661	26,062
Speeding	1,610	2,047	1,556	1,040	762	1,068	8,083
Traffic Total	6,725	7,244	5,285	5,180	3,982	5,729	34,145
Grand Total	7,525	7,884	5,745	5,508	4,381	6,249	37,292

Table B5: Morrow Violations per Capita by Violation Type, 2012-2017

	Per Capita						
Violation Type/Subtype	2012	2013	2014	2015	2016	2017	Total
Property							
Health and Safety	0.000	0.000	0.000	0.000	0.000	0.000	0.000
State of Disrepair	0.008	0.009	0.003	0.004	0.005	0.009	0.006
Other	0.003	0.001	0.001	0.002	0.003	0.005	0.002
Property Total	0.012	0.010	0.005	0.006	0.008	0.014	0.009
Conduct							
Socially Maladaptive Behavior	0.101	0.083	0.056	0.037	0.045	0.047	0.061
Trivial Infraction	0.000	0.001	0.000	0.000	0.000	0.001	0.001
Other	0.006	0.003	0.005	0.003	0.003	0.007	0.004
Conduct Total	0.107	0.087	0.061	0.040	0.048	0.056	0.066
Traffic							
Non-speeding	0.761	0.791	0.531	0.577	0.452	0.624	0.619
Speeding	0.240	0.311	0.222	0.145	0.107	0.143	0.192
Traffic Total	1.001	1.102	0.753	0.721	0.558	0.767	0.811
Grand Total	1.120	1.200	0.818	0.767	0.614	0.836	0.886

Table B6: Morrow Violation Percentages by Violation Type, 2012-2017

Violation Type/Subtype	Percentages					
	2012	2013	2014	2015	2016	2017
<i>Property</i>						
Health and Safety	0.00	0.00	0.00	0.00	0.00	0.00
State of Disrepair	0.01	0.01	0.00	0.00	0.01	0.01
Other	0.00	0.00	0.00	0.00	0.01	0.01
Property Total	0.01	0.01	0.01	0.01	0.01	0.02
<i>Conduct</i>						
Socially Maladaptive Behavior	0.09	0.07	0.07	0.05	0.07	0.06
Trivial Infraction	0.00	0.00	0.00	0.00	0.00	0.00
Other	0.01	0.00	0.01	0.00	0.00	0.01
Conduct Total	0.10	0.07	0.07	0.05	0.08	0.07
<i>Traffic</i>						
Non-speeding	0.68	0.66	0.65	0.75	0.73	0.75
Speeding	0.21	0.26	0.27	0.19	0.17	0.17
Traffic Total	0.89	0.92	0.92	0.94	0.91	0.92
Grand Total	1.00	1.00	1.00	1.00	1.00	1.00

Table B7: Riverdale Violation Frequencies, Per Capita, and Percentages by Violation Type, 2016-2017

Violation Type/Subtype	Frequencies			Per Capita			Percentages		
	2016	2017	Total	2016	2017	Total	2016	2017	Total
<i>Property</i>									
Health and Safety	129	172	301	0.008	0.010	0.009	0.01	0.02	0.02
State of Disrepair	102	105	207	0.006	0.006	0.006	0.01	0.01	0.01
Other	39	44	83	0.002	0.003	0.003	0.00	0.01	0.00
Property Total	270	321	591	0.017	0.020	0.018	0.02	0.04	0.03
<i>Conduct</i>									
Socially Maladaptive Behavior	1,116	1,124	2,240	0.069	0.068	0.069	0.10	0.13	0.11
Trivial Infraction	12	4	16	0.001	0.000	0.000	0.00	0.00	0.00
Other	180	208	388	0.011	0.013	0.012	0.02	0.02	0.02
Conduct Total	1,308	1,336	2,644	0.081	0.081	0.081	0.12	0.15	0.13
<i>Traffic</i>									
Non-speeding	8,018	5,639	13,657	0.494	0.343	0.418	0.73	0.65	0.70
Speeding	1,379	1,371	2,750	0.085	0.083	0.084	0.13	0.16	0.14
Traffic Total	9,397	7,010	16,407	0.579	0.426	0.502	0.86	0.81	0.84
Grand Total	10,975	8,667	19,642	0.676	0.527	0.601	1.00	1.00	1.00

Note: Citations span January 1, 2016, to December 30, 2017.

Table B8: Clarkston Total Fines and Average Fines per Citation by Violation Type, 2016-2017

Violation Type/Subtype	Total Fines			Average Fines per Citation		
	2016	2017	Total	2016	2017	Total
<i>Property</i>						
Health and Safety	\$8,435	\$7,173	\$15,608	\$291	\$399	\$332
State of Disrepair	\$1,650	\$6,000	\$7,650	\$275	\$429	\$383
Other	\$6,223	\$18,128	\$24,351	\$346	\$412	\$393
Property Total	\$16,308	\$31,301	\$47,609	\$308	\$412	\$369
<i>Conduct</i>						
Socially Maladaptive Behavior	\$61,967	\$97,073	\$159,040	\$310	\$339	\$327
Trivial Infraction	\$2,555	\$18,474	\$21,029	\$183	\$205	\$202
Other	\$83,940	\$61,323	\$145,263	\$398	\$398	\$398
Conduct Total	\$148,462	\$176,870	\$325,332	\$349	\$334	\$341
<i>Traffic</i>						
Non-speeding	\$524,227	\$720,146	\$1,244,373	\$299	\$337	\$320
Speeding	\$52,554	\$17,808	\$70,362	\$151	\$145	\$149
Traffic Total	\$576,781	\$737,954	\$1,314,735	\$274	\$326	\$301
Grand Total/Average	\$741,551	\$946,125	\$1,687,675	\$287	\$330	\$310

Note: Citations span May 3, 2016, to December 27, 2017.

Table B9: Morrow Total Fines by Violation Type, 2012-2017

	Total Fines						
Violation Type/Subtype	2012	2013	2014	2015	2016	2017	Total
Property							
Health and Safety	\$589	\$0	\$632	\$0	\$280	\$0	\$1,502
State of Disrepair	\$2,720	\$5,889	\$712	\$3,195	\$3,373	\$5,313	\$21,202
Other	\$3,281	\$646	\$0	\$1,124	\$3,679	\$3,633	\$12,363
Property Total	\$6,590	\$6,536	\$1,344	\$4,318	\$7,333	\$8,946	\$35,067
Conduct							
Socially Maladaptive Behavior	\$374,449	\$262,813	\$173,168	\$115,561	\$161,456	\$276,556	\$1,364,003
Trivial Infraction	\$504	\$481	\$104	\$0	\$0	\$1,217	\$2,306
Other	\$23,263	\$1,896	\$1,131	\$1,302	\$1,343	\$4,075	\$33,009
Conduct Total	\$398,217	\$265,190	\$174,402	\$116,862	\$162,799	\$281,848	\$1,399,318
Traffic							
Non-speeding	\$1,319,193	\$1,202,932	\$801,170	\$956,297	\$857,943	\$1,369,227	\$6,506,762
Speeding	\$448,555	\$523,212	\$385,575	\$281,966	\$222,738	\$292,673	\$2,154,718
Traffic Total	\$1,767,748	\$1,726,144	\$1,186,744	\$1,238,263	\$1,080,681	\$1,661,900	\$8,661,481
Grand Total	\$2,172,554	\$1,997,870	\$1,362,491	\$1,359,444	\$1,250,812	\$1,952,694	\$10,095,865

Table B10: Morrow Average Fines per Citation by Violation Type, 2012-2017

	Average Fines per Citation						
Violation Type/Subtype	2012	2013	2014	2015	2016	2017	Total
Property							
Health and Safety	\$196	\$0	\$316	\$0	\$280	\$0	\$167
State of Disrepair	\$49	\$98	\$30	\$118	\$102	\$79	\$80
Other	\$156	\$92	\$0	\$102	\$167	\$107	\$122
Property Total	\$83	\$98	\$42	\$105	\$131	\$89	\$93
Conduct							
Socially Maladaptive Behavior	\$552	\$483	\$441	\$431	\$503	\$783	\$533
Trivial Infraction	\$252	\$60	\$52	\$0	\$0	\$122	\$92
Other	\$567	\$90	\$34	\$72	\$67	\$73	\$175
Conduct Total	\$552	\$463	\$407	\$407	\$475	\$673	\$505
Traffic							
Non-speeding	\$258	\$231	\$215	\$231	\$266	\$294	\$250
Speeding	\$279	\$256	\$248	\$271	\$292	\$274	\$267
Traffic Total	\$263	\$238	\$225	\$239	\$271	\$290	\$254
Average	\$289	\$253	\$237	\$247	\$286	\$312	\$271

Table B11: Riverdale Total Fines and Average Fines per Citation by Violation Type, 2016-2017

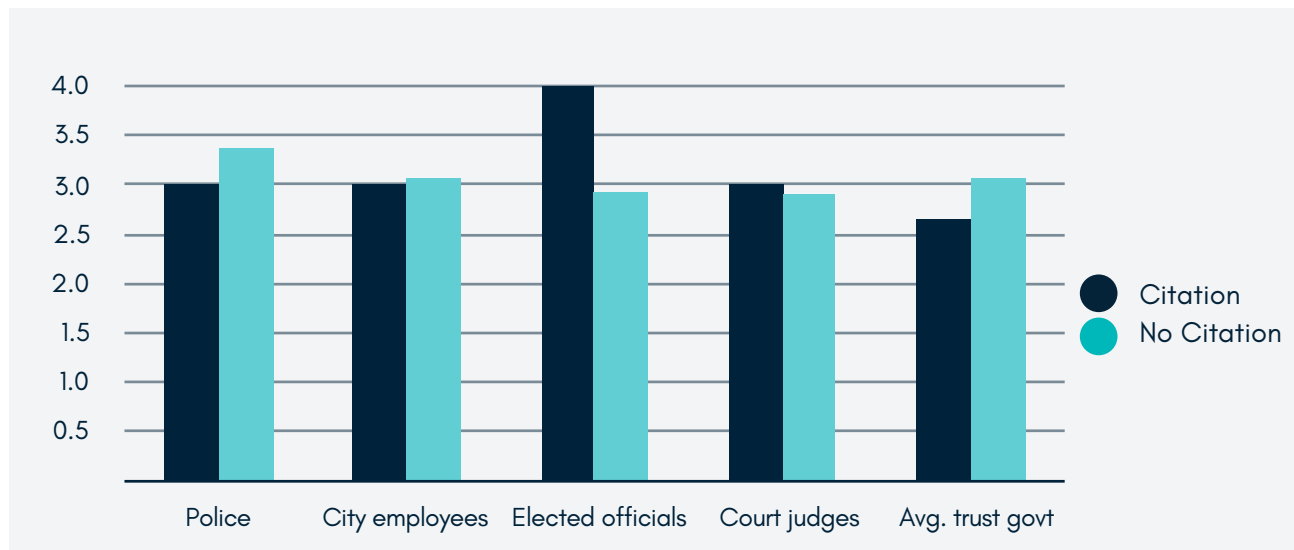
Violation Type/Subtype	Total Fines			Average Fines per Citation		
	2016	2017	Total	2016	2017	Total
<i>Property</i>						
Health and Safety	\$37,796	\$111,305	\$149,101	\$293	\$647	\$495
State of Disrepair	\$3,907	\$905	\$4,812	\$38	\$9	\$23
Other	\$2,750	\$1,000	\$3,750	\$71	\$23	\$45
Property Total	\$44,453	\$113,210	\$157,663	\$165	\$353	\$267
<i>Conduct</i>						
Socially Maladaptive Behavior	\$378,073	\$521,963	\$900,036	\$339	\$464	\$402
Trivial Infraction	\$685	\$469	\$1,154	\$57	\$117	\$72
Other	\$28,245	\$27,088	\$55,333	\$157	\$130	\$143
Conduct Total	\$407,003	\$549,520	\$956,522	\$311	\$411	\$362
<i>Traffic</i>						
Non-speeding	\$1,159,407	\$1,006,268	\$2,165,675	\$145	\$178	\$159
Speeding	\$265,113	\$259,719	\$524,832	\$192	\$189	\$191
Traffic Total	\$1,424,520	\$1,265,987	\$2,690,507	\$152	\$181	\$164
Grand Total/Average	\$1,875,975	\$1,928,717	\$3,804,692	\$171	\$223	\$194

Note: Citations span January 1, 2016, to December 30, 2017.

Table B12: Court Caseloads, 2012-2016

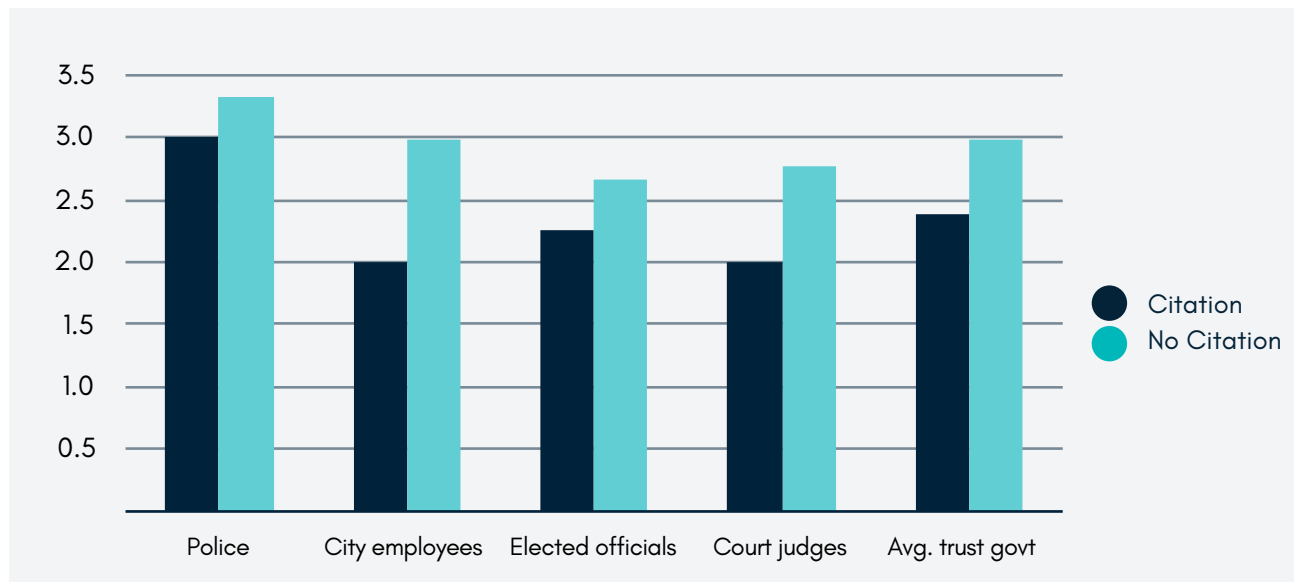
Year	Clarkston			Morrow			Riverdale		
	Filed	Disposed	Clearance Rate	Filed	Disposed	Clearance Rate	Filed	Disposed	Clearance Rate
2012	5,515	3,021	0.55	7,801	5,386	0.69	20,047	20,175	1.01
2013	6,350	3,423	0.54	8,143	4,510	0.55	14,009	11,500	0.82
2014	5,075	2,791	0.55	6,063	3,521	0.58	12,221	9,820	0.80
2015	6,212	3,917	0.63	5,809	3,433	0.59	13,544	9,511	0.70
2016	4,787	3,096	0.65	4,010	2,548	0.64	11,619	9,115	0.78
Total	27,939	16,248		31,826	19,398		71,440	60,121	
Average	5,588	3,250	0.58	6,365	3,880	0.61	14,288	12,024	0.84

Figure B3: Clarkston Levels of Trust in Government, People Who Received a Citation vs. People Who Did Not



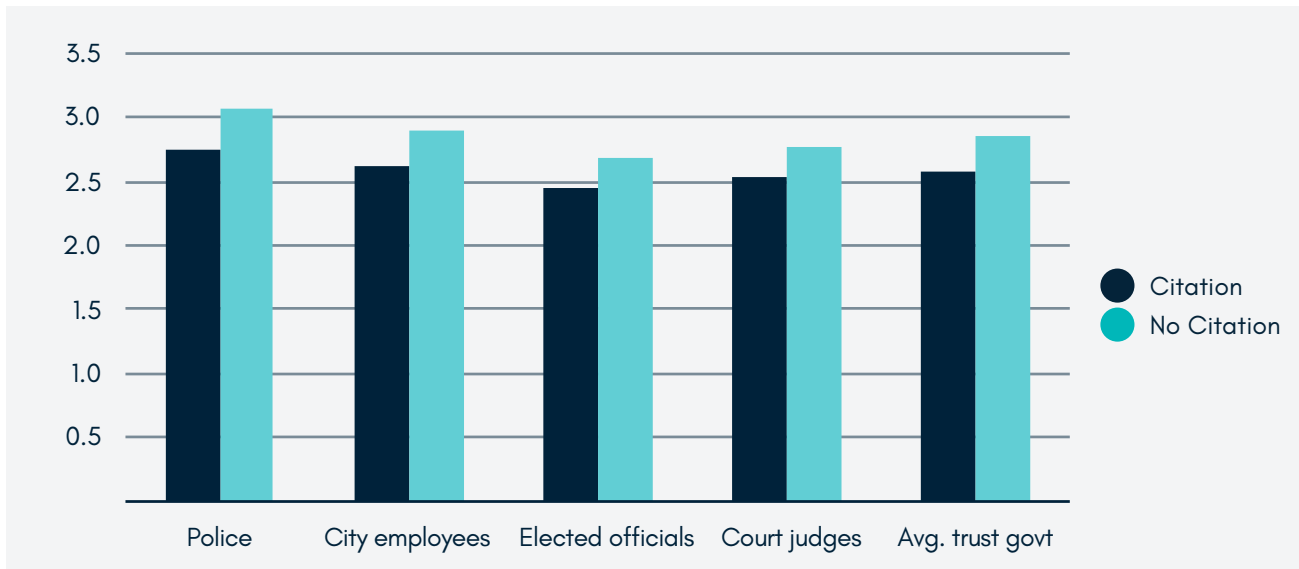
Note: Scale is 1 = not at all, 2 = only a little, 3 = some, 4 = a lot. Example of question asked: "How much do you trust: Police officers in your local community?"

Figure B4: Morrow Levels of Trust in Government, People Who Received a Citation vs. People Who Did Not



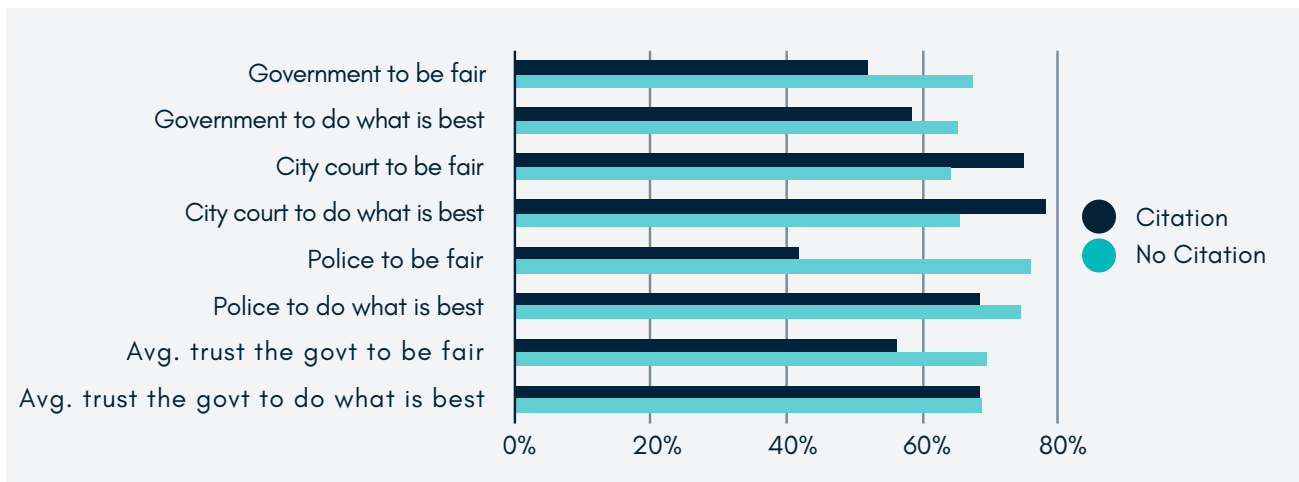
Note: Scale is 1 = not at all, 2 = only a little, 3 = some, 4 = a lot.

Figure B5: Riverdale Levels of Trust in Government, People Who Received a Citation vs. People Who Did Not



Note: Scale is 1 = not at all, 2 = only a little, 3 = some, 4 = a lot.

Figure B6: Clarkston Levels of Trust in Government to Do What Is Fair and What Is Best for the City, People Who Received a Citation vs. People Who Did Not



Note: Examples of questions asked: "On a scale from 0 to 100, what percent of the time do you think you can trust the police department in your city to make decisions in a fair way?" and "On a scale from 0 to 100, what percent of the time do you think you can trust the police department in your city to do what is best for your city?"

Figure B7: Morrow Levels of Trust in Government to Do What Is Fair and What Is Best for the City, People Who Received a Citation vs. People Who Did Not

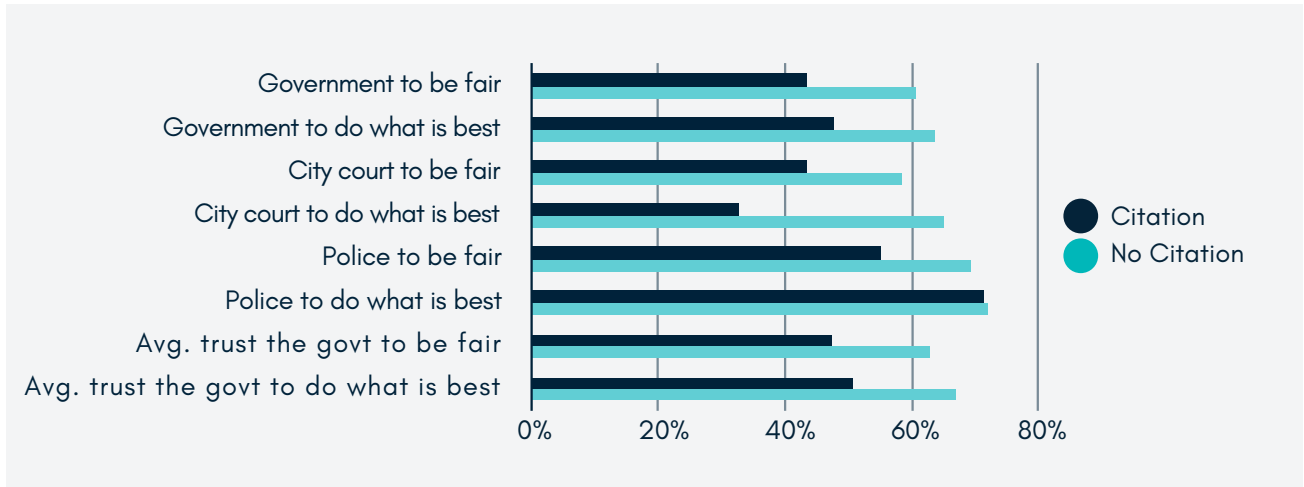
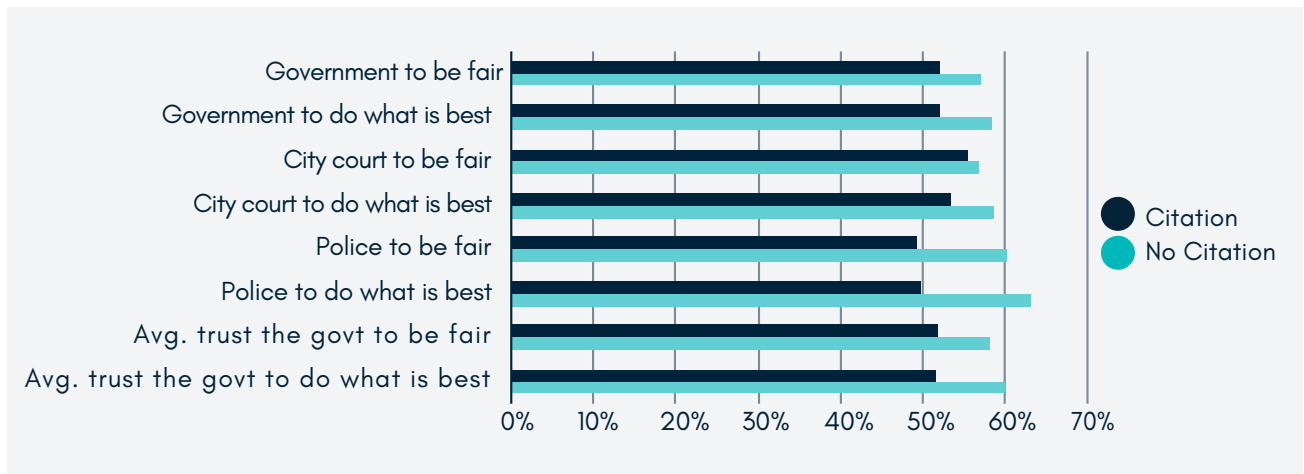


Figure B8: Riverdale Levels of Trust in Government to Do What Is Fair and What Is Best for the City, People Who Received a Citation vs. People Who Did Not



ENDNOTES

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- | | With Simple Assaults | Without Simple Assaults |
|------|----------------------|-------------------------|
| 2012 | 17.1% | 16.3% |
| 2013 | 14.0% | 13.5% |
| 2014 | 12.1% | 11.3% |
| 2015 | 10.4% | 9.7% |
| 2016 | 11.5% | 10.8% |
| 2017 | 10.8% | 10.0% |
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- 72 We obtained city crime data through an open records request filed with the Georgia Bureau of Investigation in May 2018. The percentages we report in text do not include simple assaults. We excluded these to ensure consistency with the Federal Bureau of Investigation's Uniform Crime Reporting Program. Total crime rates with and without simple assaults for Riverdale are as follows:
- | | With Simple Assaults | Without Simple Assaults |
|------|----------------------|-------------------------|
| 2012 | 7.6% | 6.6% |
| 2013 | 6.6% | 5.9% |
| 2014 | 7.3% | 6.3% |
| 2015 | 7.7% | 7% |
| 2016 | 6.2% | 5.7% |
| 2017 | 8.1% | 7.4% |
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- 80 U.S. Census Bureau, n.d., b.
- 81 U.S. Census Bureau, n.d., e.
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	With Simple Assaults	Without Simple Assaults
2012	3.3%	2.3%
2013	5.9%	3.6%
2014	14.4%	11.3%
2015	6.8%	4.9%
2016	6.1%	4.2%
2017	6.0%	4.5%

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- 131** These observations occurred from July 31 to August 8, 2018, in Morrow and Riverdale and from August 5 to 10, 2018, in Clarkston.
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- 135** These observations occurred during August 2018.
- 136** Not every city in Georgia has its own municipal court. Cities both comparable in size to the sample cities and with their own courts averaged 63 across the five years covered in this table. This is an average because court data were not always available for every city for every year. The number of comparison cities with their own courts ranged from 52 in 2013 to 73 in 2014.
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- 139** Ga. Code Ann. §§ 36-32-2, pt. 1 § 2.1; Morrow, Ga. Code of Ordinances pt. I § 4.11(b), (d); Riverdale, Ga. Code of Ordinances pt. I § 23; Clarkston, Ga. Code of Ordinances pt. I § 3.04.
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- 144** CSG Justice Center Staff, 2017.
- 145** CSG Justice Center Staff, 2017.
- 146** Elsewhere in the report, we compare the sample cities to cities of like size. We were unable to do so here because probation data use a different unit of analysis than the financial data used in the report. The unit for probations is court, while for finances it is cities.
- 147** Cities like Morrow and Clarkston that use private probation companies still receive fines revenue. Of the total amount probationers pay, the probation company receives fees (e.g., for supervision or courses), the state receives fees (e.g., for the Peace Officers' Annuity and Benefit Fund and the Crime Victim's Emergency Fund) and the respective cities receive fines. Freidlin, A. (2017, Apr. 19). The poor shouldn't pay for punishment. *Slate*. <https://slate.com/news-and-politics/2017/04/georgias-pay-only-system-funded-government-at-the-expense-of-the-poor.html>
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- 153** Morrow, Ga. Code of Ordinances §§ 8-6-22(i)(1), 8-4-28; Riverdale, Ga. Code of Ordinances §§ 30-178(h)(2), 30-184(h)(1), 30-213(i)(1), 38-26, 70-72(e)(1); Clarkston, Ga. Code of Ordinances §§ 5-171, 22-21(c), 22-96(b).
- 154** Morrow, Ga. Code of Ordinances § 2-4-9.
- 155** The DOJ's 2015 report on Ferguson, Missouri, included examples of how police officers were told promotions and raises depended on "productivity," which was defined as issuing citations. For instance, a patrol supervisor wrote to his patrol

- lieutenants and sergeants that “[t]he monthly self-initiated activity totals just came out,” and they “may want to advise [their] officers who may be interested in the open detective position that one of the categories to be considered when deciding on the eligibility list will be self-initiated activity.” The supervisor also wrote: “Have any of you heard comments such as, why should I produce when I know I’m not getting a raise? Well, some people are about to find out why.” U.S. Department of Justice Civil Rights Division, 2015.
- 156 Goldstein et al., 2018. In the municipal context, social control refers to the means by which cities compel residents to adhere to social, legal and behavioral norms and curtail disruption and deviance. Although social control has been viewed as a positive mechanism for ensuring stable and functional communities, it also takes on discriminatory forms when it is used to target “disorder” in poor or minority communities. Soss, J., Fording, R. C., & Schram, S. F. (2008). The color of devolution: Race, federalism, and the politics of social control. *American Journal of Political Science*, 52(3), 536–553.
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- 158 Clarkston’s results departed from those of the other cities in two respects. First, Clarkston citation recipients reported greater levels of trust in court judges than did nonrecipients. Based on our interviews of Clarkston residents, it appears dissatisfaction with the city’s fines and fees behavior may manifest itself in distrust more of the police than the court and its judges. For example, when we asked one resident why he had received a code enforcement citation, he said, “I just think in a small town like the one I live in, they run out of things to do.” But when asked about his experience paying the fine in court, he told us he felt the court was very professional and efficient. Similarly, a resident who had received a traffic ticket told us he believed police pursue citations in order to benefit themselves financially. He said, “In Clarkston ... the police here look for any and everything to give someone a ticket. I’m sure that’s how they get paid, bonuses or whatever. They’re really on the hunt. Even if it’s not anything major, they’ll hunt you down for it.” And second, Clarkston citation recipients also reported greater levels of trust in elected officials compared to nonrecipients. This may reflect the popularity of Clarkston’s mayor. The head of the executive branch (e.g., the mayor or governor) is often a government’s most recognizable elected official, so people responding to a question about elected officials are likely expressing an opinion about the holder of that office. In this case, Clarkston’s mayor was reelected with almost 60% of the votes in the year prior to our survey. DeKalb County. (2017, Nov. 17). *Election summary report*. <https://www.dekalbcountyga.gov/sites/default/files/user305/2017%20MUNI%20%26%20SE%20ELECTION%20SUMMARY.pdf>
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