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Driving on the Edge: How Municipal Fines for Traffic Violations Negatively Affect Marginalized Communities

Mariah Woodson

There are several purposes of laws: promote general welfare, provide basis for punishment, deter violations of the law by offering punitive means of addressing said violations, and many more. When it comes to laws governing the roads and the cars that individuals drive, the laws are designed to promote safety and order on the roads.¹ Red light cameras are promoted to enforce safe speeds and prevent dangerous collisions.² Parking ordinances, such as the ones governing parking meters, are aimed to keep order so that there is less conflict, particularly in metropolitan areas.³ Many of the laws have a common-sense basis. For example, an ordinance prohibiting parking within a crosswalk is meant to protect the sightlines of drivers and the safety of pedestrians.⁴ Another example is reserving handicapped parking spots for disabled persons to improve accessibility. However, there is a critical flaw with the implementation of these laws that are seemingly based on a rationale of necessity. When violators are punished for breaking these ordinances, they are usually assessed a fee that is found in the municipal codes.⁵ The fee is the same whether one lives in the Wicker Park or Chatham neighborhoods.⁶ So why is there a fuss? The issue is that fines for municipal codes disparately impact marginalized communities due to the inability of many of these individuals to pay the fines and the inflexibility of local governments in fostering solutions to satisfy both public safety and equity concerns.

¹ Law and the Rule of Law, THE JUDICIAL LEARNING CENTER, <https://judiciallearningcenter.org/law-and-the-rule-of-law/> (last visited Oct. 7, 2018).

² Transportation, CITY OF CHICAGO: CHICAGO BLUES FESTIVAL, https://www.cityofchicago.org/city/en/depts/cdot/supp_info/red-light_cameraenforcement.html (last visited Oct. 7, 2018).

³ Meter Facts, CITY OF CHICAGO, https://www.cityofchicago.org/dam/city/depts/rev/supp_info/ParkingMeter/MeterFAQs.pdf.

⁴ *Tips for Avoiding Parking Tickets*, CITY OF CHICAGO, [HTTPS://WWW.CITYOFCHICAGO.ORG/CITY/EN/DEPTS/FIN/SUPP_INFO/REVENUE/TIPS_FOR_AVOIDINGPARKINGTICKETS.HTML](https://www.cityofchicago.org/city/en/depts/fin/supp_info/revenue/tips_for_avoidingparkingtickets.html).

⁵ *Id.* (The fees include several violations, including one for unsafe conditions for which the fine is \$25.00. The vagueness of the violation could potentially be something to consider when addressing potential law changes.)

⁶ *Id.*

BACKGROUND

As of August 26, 2018, Cook County had 311 live red-light cameras that recorded either speeding or red-light violations.⁷ A map of the city of Chicago shows the location of the cameras concentrated mostly within Chicago city limits.⁸ This would make theoretical sense. The city of Chicago has a population of 2,695,598 according to the 2010 Census, with an average 0.8% increase as of 2017.⁹ As of 2016, there were only 27.5% of households without a vehicle and each household had an average of 1.12 vehicles.¹⁰ In addition, Chicago tourism topped 55 million in 2017, breaking the city's previous record.¹¹ With the amount of traffic in the city limits each year, it is no wonder why the use of red-light cameras and the implementation of traffic fines is so enticing for not only Chicago, but for other metropolitan areas as constant means of revenue generation.¹² There is a caveat to this. Of the total of speed cameras in the City of Chicago, 54% of them are in lower income ZIP codes, even though lower-income ZIP codes account for 43% of Chicago's ZIP codes.¹³ A similar story pertains to majority minority ZIP codes which make up 50% of the total amount of ZIP codes in the city.¹⁴ However, these ZIP codes contain 59% of speed cameras.¹⁵ Red light cameras are hailed as deterrents to bad behavior as well as effective revenue generators for municipali-

⁷ Chicago Traffic, <https://webapps1.cityofchicago.org/traffic/redlightList.jsp> (last visited Oct. 7, 2018) (Contains a map of the red-light cameras within the greater Chicago area).

⁸ Chicago Photo Enforced Camera Locations (Red Light Cameras, Right Turn, Toll Road), PHOTO ENFORCED, <https://www.photoenforced.com/chicago.html#.W7lLmvZFWnk> (last visited Oct. 7, 2018).

⁹ *Data Access and Dissemination Systems*, U.S. CENSUS BUREAU (2010), https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml (last visited Oct. 7, 2018).

¹⁰ *Vehicle Ownership in U.S. Cities Data and Map*, GOVERNING MAGAZINE, <http://www.governing.com/gov-data/car-ownership-numbers-of-vehicles-by-city-map.html> (last visited Oct 7, 2018).

¹¹ Josh Noel, *Chicago Tourism Numbers Hit Record High, Topping 55 Million in 2017*, CHICAGO TRIBUNE (Jan. 13, 2018), <http://www.chicagotribune.com/lifestyles/travel/ct-trav-chicago-tourism-increase-2017-0114-story.html>.

¹² Maggie Clark, *Red-Light Cameras Generate Revenue Controversy*, USA TODAY (Oct. 15, 2013), <https://www.usatoday.com/story/news/nation/2013/10/15/stateline-red-light-cameras/2986577/> (Chicago is in the middle of the road with red-light camera fees as California puts forth a \$490 fine for each violation. Many states, though, have since banned red light cameras despite the revenue potential).

¹³ Lauren Nolan, *The Debt Spiral: How Chicago's Vehicle Ticketing Practices Unfairly Burden Low Income and Minority Communities*, WOODSTOCK INSTITUTE (2018) (Ticket issuance takes up seven percent of Chicago's annual budget).

¹⁴ *Id.*

¹⁵ *Id.*

ties.¹⁶ It is obvious why as there is a fine within Chicago of \$100 for a red-light traffic violation. The fines are also touted by city officials as being fair and equal under the law.¹⁷ Every violator pays the same without regard to race, ethnicity, or national origin.¹⁸

However, these fines are not created equal. For the reason why this is so, let us look at Chicago's socioeconomic demographics. As of 2016, the city of Chicago had a median income of \$50,434 and a per capita income of about \$30.874¹⁹ Approximately 24.7% percent of residents live under the poverty line.²⁰ Blacks and Hispanics were the two groups most likely to live in poverty, with blacks making up the plurality of impoverished individuals.²¹ Of the population of impoverished households in Chicago, about 68% percent are from single parent households, drastically affecting the income in each household.²² The unemployment rate for black residents according to the official 2010 Census was 19.3% and the median income was \$25,505.²³ Compare these numbers to those of other residents in the city. White residents are one-third as likely to live below the poverty line as black residents.²⁴ The median income of white residents was \$38,408 and the unemployment rate less than half of the black residents at 7.1%.²⁵ They are more likely to live in households with more than one income earner.²⁶ These statistics show that a \$100 fine is more likely to have a crippling impact on a black or Hispanic resident in Chicago than a white resident.

¹⁶ *Id.*

¹⁷ *Tips for Avoiding Parking Tickets*, *supra* note 4.

¹⁸ *Id.*

¹⁹ *U.S. Census Bureau QuickFacts: Chicago City, Illinois*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/chicagocityillinois/PST045217> (last visited Oct 7, 2018).

²⁰ *Chicago, Illinois (IL) Poverty Rate Data Information About Poor and Low Income Residents*, CITY-DATA, <http://www.city-data.com/poverty/poverty-Chicago-Illinois.html> (last visited Nov 11, 2018).

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

WOODSTOCK INSTITUTE AND OTHER STUDIES

Community Organizing and Family Issues, a social justice organization, conducted a study surveying 304 low-income parents in the city.²⁷ The results were staggering. 58% of respondents lived on less than \$15,000 a year.²⁸ Debt was a stifling part of many of the respondents' lives, with student loan debt being the highest of the outstanding obligations.²⁹ However, of the respondents, 22% of these families reported having outstanding ticket debt.³⁰ This number is especially troubling due to the existence of late fees for many violations.³¹ The existence of outstanding debt from unpaid tickets also creates a barrier for employment with the City of Chicago.³² Chicago policy states that if a person has outstanding ticket debt, they will not be approved for licenses, like barber or taxi driver licenses.³³ Unpaid tickets can result in license suspension or a boot on a violator's vehicle as well.³⁴ Such consequences impede economic mobility, resulting in what amounts to a poverty spiral.³⁵ The Woodstock Institute analyzed the issuance of vehicle-related tickets and its effect on the city's marginalized residents. Chicago issued over 3.6 million tickets in 2017, the majority of which were for non-moving violations.³⁶ These violations include missing vehicle stickers, improper license plates or expired parking meters.³⁷ Of those issued, low-income and moderate-income ZIP codes were more 40% more likely to be issued tickets.³⁸ ZIP codes with a higher than average minority population were 40% more likely to be issued tickets.³⁹ The tickets that were issued to these ZIP codes were more likely to go unpaid and as a result of nonpayment, the drivers were more likely to have their licenses suspended for failure to pay than drivers from non-minority and higher

²⁷ *Stopping the Debt Spiral*, COMMUNITY ORGANIZING AND FAMILY ISSUES (Winter 2018), <http://www.cofionline.org/COFI/wp-content/uploads/2018/01/COFI-STOP-Report.pdf> (last visited Oct 7, 2018).

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ Nolan, *supra* note 13.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

income ZIP codes.⁴⁰ The City of Chicago requested that the Secretary of State suspend 8,202 licenses between 2016 and 2017, the majority of these tickets coming from low-income and minority ZIP codes.⁴¹ These ZIP codes also have higher rates of unemployment, leading to the assumption that the total amount of suspended licenses have an increased negative effect on the communities' collective ability to find employment without reliable transportation.⁴²

It is no secret that crippling poverty exists within the limits of Chicago and beyond. As the studies cited show as well, the color of one's skin affects the likelihood of living under the poverty line.⁴³ In families where choices must be made as to whether to pay a bill or eat a meal, paying a ticket should not have to be an added stressor. Yet, the inescapable truth is that the debt lingers which has lasting consequences. City policy shows that unpaid municipal debt affects more than just the bank account. The denial of licenses due to the unpaid ticket debt may be devastating to those trying to make a living.

Imagine the continuing debt spiral when it comes to revocation of drivers' licenses. In marginalized communities, jobs are key to keeping heads above water.⁴⁴ Poverty is already in and of itself a barrier to going to work.⁴⁵ Prospective employers often ask applicants if they have a reliable means of transportation.⁴⁶ A 2011 Brookings Institute study showed that one-quarter of middle or low-skilled jobs were accessible by public transit in ninety minutes or less.⁴⁷ For the lucky few impoverished persons who have cars, the loss of a license would be devastating, resulting in the loss of their most reliable means of transportation. The circumstances would deteriorate from there, leading to the loss of a job, the inability to pay bills or buy groceries, and even the loss of their home due to inability to pay rent. As demonstrated by these scenarios, what is considered by many people of privilege as a chronic nuisance of our bureau-

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Chicago, Illinois (IL) Poverty Rate Data Information About Poor and Low Income Residents*, *supra* note 20.

⁴⁴ Joanne Samuel Goldblum, *Poverty Itself is a Barrier to Work*, THE HUFFINGTON POST (Nov. 30, 2017), https://www.huffingtonpost.com/entry/poverty-itself-is-a-barrier-to-work_us_5a207336e4b05072e8b56740.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Adie Tomer et al., *Missed Opportunity: Transit and Jobs in Metropolitan America*, METROPOLITAN POLICY PROGRAM (May 2011), https://www.brookings.edu/wp-content/uploads/2016/06/0512_jobs_transit.pdf.

cratic system may be the push that brings the delicate house of cards crumbling down.

ACLU AND THE BATTLE IN THE COURTHOUSES

In May 2018, the American Civil Liberties Union of North Carolina filed a lawsuit against the state for its punitive system regarding traffic tickets.⁴⁸ It is a class action suit involving several minority and low-income earners who have suffered severe consequences as a result of their inability to pay the outstanding ticket fines.⁴⁹ One of the plaintiffs, Seti Johnson, had his license revoked as a result of his inability to pay.⁵⁰ He had recently obtained a new job, but as a result of the revocation he considered foregoing the opportunity.⁵¹ A similar situation befell Sharee Smoot, a single mother who ruminated on whether it would be better to drive on a revoked license rather than risk losing her job.⁵² The ACLU argues that the automatic revocation of licenses combined with the lack of consideration for income levels of violators is a violation of North Carolinians due process rights and rights under the Fourteenth Amendment.⁵³

Chicago finds itself embroiled in its own suit regarding traffic fines.⁵⁴ The law offices of Myron M. Cherry and Associates filed a lawsuit alleging that the city is violating Illinois law by having a schedule of fines and fees that exceeds what is allowed by the state.⁵⁵ The lawsuit references a ProPublica report on the effect that the fines have on minority communities.⁵⁶ The result of the traffic fines and subsequent late fees is an increased bankruptcy rate among these communities.⁵⁷ Benjamin Ruddell, an attorney for the ACLU of Illinois weighed in on the issue of Chicago's fines and fees.

⁴⁸ *Johnson v. Jessup*, 1:2018cv00467, case filed on May 30, 2018.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Gregory Pratt, *Lawsuit: Chicago's 'Minor' Traffic Tickets Shouldn't Carry Big Fines*, CHICAGO TRIBUNE (Jul. 18, 2018), <http://www.chicagotribune.com/news/local/politics/ct-met-chicago-traffic-ticket-lawsuit-20180718-story.html>.

⁵⁵ *Id.*

⁵⁶ Melissa Sanchez & Sandhya Kambhampati, *How Chicago Ticket Debt Sends Black Motorists Into Bankruptcy*, PROPUBLICA (Feb. 27, 2018), <https://features.propublica.org/driven-into-debt/chicago-ticket-debt-bankruptcy/>.

⁵⁷ *Id.*

Mr. Ruddell is the Director of Criminal Justice Policy for the American Civil Liberties Union of Illinois.⁵⁸ As a part of the ACLU of Illinois, he has been involved in advocating for reform of Illinois' criminal legal system, including the excessive imposition of fines and fees.⁵⁹ Although the ACLU of Illinois is not involved in the lawsuit taking place in North Carolina nor are they currently pursuing any litigation against municipalities within the state, they are taking the fight to another battlefield – the legislature.⁶⁰ “[We] are actively engaged in advocacy to pass legislation in Springfield (known as the License to Work Act) that would end driver’s license suspensions as a sanction for most non-moving violations.”⁶¹ The License 2 Work Campaign is currently not on the floor of either chamber of the Illinois legislature.⁶² It is hopeful that could change. When asked to weigh in on the situation in Chicago specifically, Mr. Ruddell had this to say:

While I won’t speculate about future litigation, I will say: Ticketing and collection practices are out of control in Chicago and are negatively impacting the City’s residents of color and poor residents disproportionately. Duplicate tickets are often issued for the same violation on the same day. Fine amounts are excessive. The administrative hearing process is confusing and unfair. The City does not offer reasonable payment terms that enable low-income individuals to stay current with payments and is quick to resort to towing and “booting” cars, and suspending people’s driver’s licenses for unpaid tickets, causing job loss and disrupting people’s lives. One thing that may be unique about the situation in Chicago is the high number of bankruptcy filings—an estimated 1,000 Chapter 13 bankruptcy filings in 2007 alone— by people who owe fines to the City and are desperate to hold on to their vehicles and licenses. Litigation presents one potential avenue, although not necessarily the only one, to challenge these practices.⁶³

Although the ACLU of Illinois is not currently seeking litigation regarding the excessive fines, he acknowledges that there is a possibility that a lawsuit could proceed on constitutional grounds.⁶⁴ “I know that there [has] been some recent progress challenging asset forfeitures on Eighth Amendment grounds. While I can’t say for certain, it’s possible that the Eighth Amendment might also provide a viable legal theory to challenge excessive fees and fines in Chi-

⁵⁸ Interview via Email with Benjamin Ruddell, (Oct. 8, 2017).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

ago. There could also be Fourteenth Amendment Due Process claims. State civil rights laws may provide additional causes of action under which these practices could be challenged.⁶⁵ In the meantime, legislation seems to be the focus of movements, such as those pushing for the License2Work initiative.⁶⁶ When asked about potential roadblocks to legislative solutions, Mr. Ruddell stated that the people should reject any argument that the ends justifies the means given that the City of Chicago relies on fines to generate revenue to fund necessities such as education.⁶⁷ “Forcing people into a debt spiral through fines and fees hurts not only them and their families, but also their communities, and ultimately the City’s economy. That is a counterproductive way to fund government.”⁶⁸ Mr. Ruddell also acknowledged that it is unclear how much the taxpayers are spending on efforts to collect debts, some of which could go back decades.⁶⁹ Inefficiency could be another point to make against those who advocate for the system to remain in place as is. The bottom line is that aside from litigation, citizens should look to multiple avenues to combat the inherent unfairness in fine implementation.

CONCLUSION

There is no denying that vehicle-related tickets are a vital piece of the income generated by cities, especially Chicago. However, what is the cost of the system that is currently in place? When the implementation of the current ticket structure results in a continuous debt spiral for the most marginalized among us, is it worth the moderate gains for the government. Likely not as the inability to pay has hindered the city itself in its collection of the fines.⁷⁰ For example, the fine increase from \$120 to \$200 for not having a city sticker was expected to generate \$16 million, but only generated a few million dollars more.⁷¹ Therefore, the system that is currently in place may not be as lucrative as previously thought and the city has an interest in revisiting its policies.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Nolan, *supra* note 13.

⁷¹ *Chicago Hoped To Generate Millions With Expensive City Sticker Tickets. It Didn't Work*, WBEZ 91.5 CHICAGO, http://interactive.wbez.org/citystickertickets/?utm_campaign=News_Newsletter_Rundown_News_20180726&utm_medium=email&utm_source=Eloqua&mi_cmp=News_Newsletter_Rundown_News_20180726-Batch&mi_u=1365850 (last visited Nov 11, 2018).

There are better ways to maintain order on the roads and satisfy the city's financial needs while also maintaining a fair and balanced system, such as limiting suspensions as well as improving the structure. There also should be a statute of limitations for fines so that the debt will not be hanging over the heads of residents for years after the violation occurred. Finally, fair justice should not be sacrificed on the thought that ticket fines generate revenue that will theoretically benefit the communities that are harmed the most by the city's practices. In what is akin to a coupon for an ice cream cone from the person who has sucker punched you in the jaw, this reasoning should be rejected as Mr. Ruddell pointed out.⁷² The City of Chicago should remember who it serves: everyone, regardless of income.

⁷² Ruddell Interview, *supra* note 58.