

NOLA SHAKEDOWN

HOW CRIMINALIZING MUNICIPAL FINES & FEES TRAPS POOR & WORKING CLASS BLACK NEW ORLEANIANS IN POVERTY

September 2019



NEW ORLEANS
WORKERS' CENTER
FOR RACIAL JUSTICE



Definition

shake·down | \ shāk-daŭn

noun slang

1. Getting money from someone by threatening or tricking them, especially through extortion or threats of violence
2. A thorough search, often for contraband
3. A radical change or restructuring
4. A pro-Black celebration of New Orleans culture through dance

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A LETTER FROM STAND WITH DIGNITY



Stand with Dignity organizers
Alfred Marshall & Toya Ex
Photo by Fernando Lopez

Our work is to build the power of Black unemployed and underemployed workers in New Orleans. These are our people. As directly impacted people, we are experts on how these systems work and how we must organize to transform them. We play an invaluable leadership role in the movement for justice.

We affirm the inherent value of all people, including those whose bodies and labor have been systematically exploited within the plantation economy and the capitalist economy. People should never be punished for the sole fact of being broke, unemployed, unable to pay a fine or fee, or for missing a payment due to poverty or economic insecurity. If we are concerned about the root causes of harm in our society, let's ensure all workers can work in safe environments, earn a living wage, and that corporations are held accountable for hoarding our wealth and polluting our air, water, and bodies. Fines and fees levied on unemployed and underemployed Black workers contribute to the creation of a super-exploited and exploitable Black working class, and exacerbate the stress and desperation we feel with folks everyday.

We have seen what is possible when we come together to demand and create change: we can win. We know it is necessary to abolish the

prison industrial complex that locks people up and locks people out of dignified work. We believe that it is possible to instead create a society and an economy based on healing, racial justice, racial equity, and full participation. We believe a new system is possible that addresses the root causes of systemic injustice and uses public resources to provide and facilitate full and fair employment and overall wellbeing for all New Orleanians.

This report is based on over a decade of organizing, and the relentless commitment, creativity, and innate power of our members. As dreamed up by member-leader Roy B., we use the layered meanings of shakedown to describe the joy, grief, confinement, and freedom of people impacted by the issue. The system must change from one that shakes us down to one that builds us up. Thank you for reading and for joining the struggle with us. Let's do this!

Toya Ex

Alfred Marshall

Toya and Mr. Al,
Stand with Dignity Organizers

STAND TAKES THE LEAD TO CLEAR FINES, FEES & WARRANTS

In 2017 Stand with Dignity organized two community clinics to clear municipal warrants, fines, and fees. Stand led this charge in partnership with other community organizations, the Municipal & Traffic Court judges and staff, the City Attorney's office in the first warrant clinic, and the Orleans Public Defenders. The clinics resulted in over \$3 million saved on fines and fees for community members, 800+ people with reduced and removed fines and fees, 1,000+ licenses reinstated, and a contact list of 2,500 impacted community members. Hundreds of

impacted people told us they felt less afraid to go to court after their positive experiences with the clinics. The clinics also helped us understand how vast the problem is and how profoundly municipal fines and fees trap New Orleanians in unemployment and poverty. Based on those experiences, years of organizing, and the vision of directly impacted people, in the following pages, Stand with Dignity offers our analysis of the problem and recommendations for how to solve it.

OUR FIGHTS THROUGH THE YEARS

Stand with Dignity wages campaigns with excluded Black workers to win full and fair employment. Stand with Dignity has organized Black unemployed and underemployed workers in New Orleans to win policies that expand access to jobs, improve work conditions, and remove barriers for people with criminal records. Our overall goal has been to ensure that the city's investment in economic development benefits and protects local Black New Orleans workers with living wages and worker rights. Our demands deepen toward root causes with each campaign victory.

Through these campaigns and tireless work, Stand with Dignity began to understand the depths of how involvement in the criminal-legal system created significant barriers to New Orleans workers having access to jobs, dignified work conditions, and the ability to move forward in their lives and fully develop their potential.

WE ARE PROUD OF WHAT WE HAVE WON

2011: 50 jobs, a training policy, and a \$3 wage increase for construction workers at BW Cooper

2012: A nationally recognized training policy to ensure access to training and career ladders for local Black workers in publicly funded construction projects

2013: Health and safety protections for construction/demolition workers based on a Health and Safety complaint in the Iberville

2015-2016: A living wage ordinance and local hire program (Opportunity Center) to create career ladders, apprenticeship and pre-apprenticeship programs for access to airport jobs

2015: A nationally recognized Housing Authority of New Orleans policy to keep families together, and to end exclusion from publicly funded housing for people with a criminal record

2016: Access to food stamps for over 60,000 people without work requirements

ECONOMIC SNAPSHOT

Racial economic inequality is a consistent problem in New Orleans. Orleans Parish has the highest inequality in the state, with the richest 1 percent earning 29 times what the poorest 99 percent makes.¹ Louisiana has the highest race and gender wage gap in the nation, with Black women earning 47 cents for every dollar earned by a white man.² The median household income for Black residents in Orleans Parish in 2017 was \$24,418, compared to \$63,482 for white residents.³ As workers are struggling, the New Orleans economy is oriented toward attracting tourists and New Orleans has the lowest corporate income tax compared to cities of comparable size.⁴ Stand with Dignity members are unemployed and

underemployed Black workers, the most precarious group in the Black working class. Members of Stand have unstable and unpredictable work lives, relying on temp services and day-labor gigs in the hospitality and service industries to get by. Even those of us with part-time or full-time jobs usually don't earn enough to support our families, and work multiple jobs and hustle to bring in extra income. Some Stand members are homeless or on the brink of homelessness and live in a constant state of economic insecurity and vulnerability, while many receive government assistance, such as for a disability making them unable to work, and are on low fixed incomes.



"IT'S NOT THAT I DIDN'T WANT TO PAY, IT'S THAT I COULDN'T AFFORD TO PAY. THE FINES NEED TO BE REASONABLE."

—IZELL M.⁵

TERRORIZING WORKERS THROUGH INEQUITABLE MUNICIPAL DEBT & PUNITIVE ENFORCEMENT

The Municipal and Traffic Court system shakes Black New Orleanians down by giving out costly tickets, adding fees and court costs, tacking on ballooning late fees, and punishing non-payment without taking each person's ability to pay into consideration. This issue impacts everyone, but due to racism and racial capitalism,⁶ these practices have a disproportionate and devastating impact for poor and working class Black New Orleanians. Like the system of sharecropping, inequitable and punitive practices around municipal fines and fees trap unemployed and underemployed Black workers in a cycle of debt.

Based on public records data received by Stand with Dignity on July 26, 2019, 44,373 people have 55,047 outstanding warrants for municipal and traffic offenses issued since 2000. The number of warrants issued is rising steadily, to over 5,000 in 2017. 69% of people with warrants are Black. The vast majority of these warrants are for victimless, minor offenses that cause little to no harm to society. 973 warrants are for begging and another 735 for aggressive solicitation, and 3,020 are for failure to appear. What causes social harm is the underlying economic inequality and the disproportionate and punitive sanctions for these offenses.

No one knows exactly how many people in New Orleans are living under the cloud of outstanding warrants (also called attachments), fines, and fees. The court has not digitized its records before the year 2000, so these records have not been counted. There is a web of confusing court and law enforcement databases that store various types of warrants, leading to misinformation and mistakes with high costs to people. In recent months, we have worked with

Stand members who received notices about a warrant, but the warrants did not show up in the court's database. One man was recently held in jail for four days due to an outstanding warrant. When he was finally taken to court, he was told that the warrant had been resolved. This man lost his job as a result of this wrongful detention. The New Orleans criminal justice system wastes millions of dollars in public money locking up people like our members.⁷

OUTSTANDING WARRANTS & TRAFFIC OFFENSES BY THE NUMBERS SINCE 2000

44,373 PEOPLE have
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5,000 WARRANTS issued in
2017

69% of people with warrants are Black

973 warrants are for begging

735 warrants are for aggressive
solicitation

3,020 warrants are for failure to
appear

A COMPLEX WEB OF PUNISHMENTS FOR MUNICIPAL & TRAFFIC OFFENSES

FINE

The penalty set for a ticket or other infraction, often around \$50 for traffic offenses. Many municipal and traffic offenses carry a mandatory minimum fine of \$100.

COURT COSTS

Fees that are bundled with a fine to generate revenue for the court's operation. Court costs usually add \$100 to the underlying fine.

CONTEMPT FEES

"Contempt of Court" and "Failure to Appear" are judicial criminal charge. If you don't appear in court or anger the judge in some other way, the judge can sentence you to jail time or a fine up to \$500.

LATE FEES

If a person doesn't pay their fine and court costs within a certain time or misses a payment, late fees are added to their debt.

SUSPENDED DRIVER'S LICENSE

Suspending driver's licenses is a common penalty for inability to pay fines and fees. Driving on a suspended license is an additional charge if someone is caught.

PAYMENT PLAN

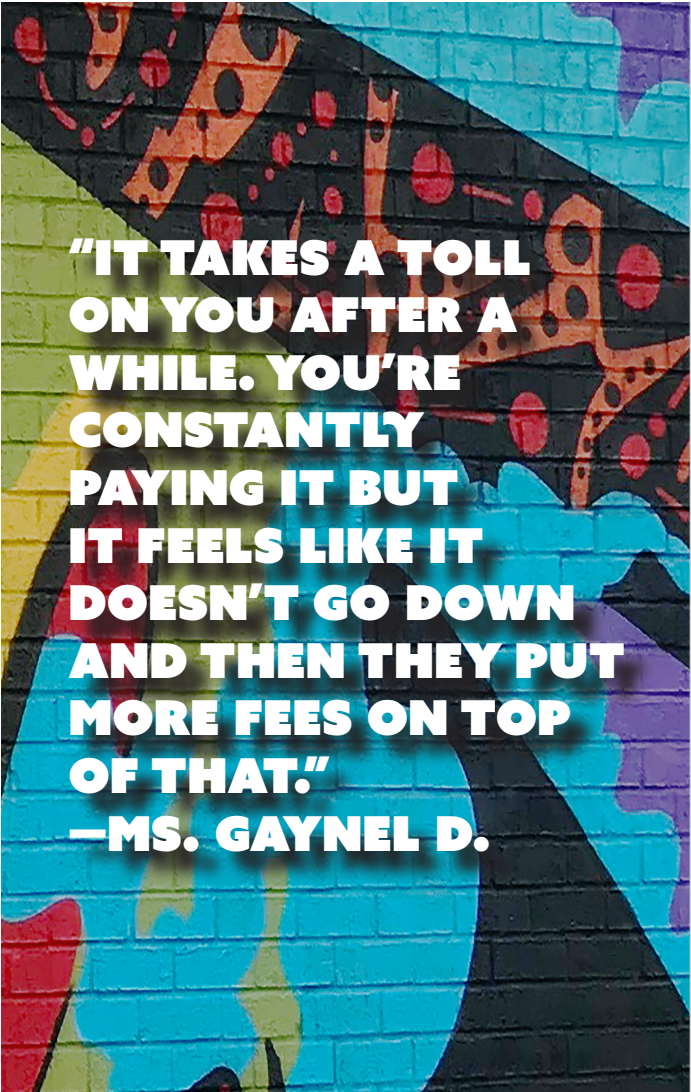
Often the only option for a low-income person is to make monthly payments to pay off a fine and court fines, with interest. Stand members have experienced severe penalties for missing payments, such as late fees, denying future payment plans, and having to start the payment plan from the beginning.

OMV FEES

In addition to the fines associated with a ticket for traffic charges like driving without a license, there are additional economic sanctions added by the state Office of Motor Vehicles.

COMMUNITY SERVICE

While community service is an option, Stand members have reported being refused this option. When community service is issued it is essentially court-mandated free labor that undercuts what should be living wage jobs.



**"IT TAKES A TOLL
ON YOU AFTER A
WHILE. YOU'RE
CONSTANTLY
PAYING IT BUT
IT FEELS LIKE IT
DOESN'T GO DOWN
AND THEN THEY PUT
MORE FEES ON TOP
OF THAT."
—MS. GAYNEL D.**

THE PUNISHMENT DOESN'T FIT THE CRIME

Issuing a fine that is beyond a person's ability to pay that fine is a violation of human rights and illegal under the U.S. Constitution (*Georgia v. Bearden*). Unfair municipal and traffic penalties have disproportionate and devastating impacts on low-income New Orleanians. Compounded over years and years, this practice causes serious economic insecurity, takes an extreme emotional toll, and destabilizes communities.

PROFOUND HUMAN COSTS

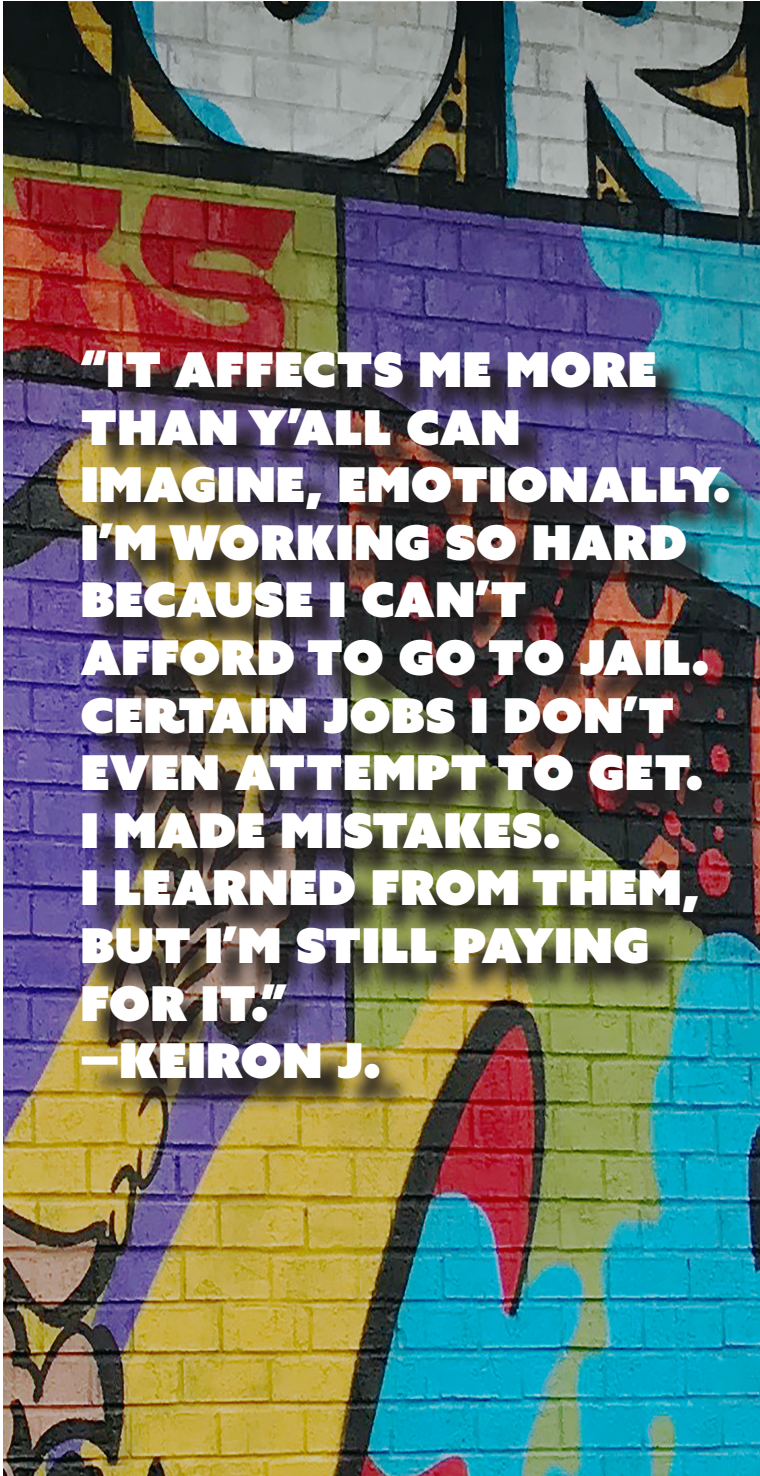
When sharing the impact that outstanding fines, fees, and warrants have had on their lives, Stand members feel humiliated, stressed, depressed, panicked, devastated, grief-stricken, scared, confused, exploited, and terrorized. Members share feeling like they are on "America's Most Wanted" for a ticket.

LOST JOBS

It is difficult to overstate the compounding economic impact of saddling poor, low-income, and working class people with court debt, late payments, criminalized enforcement, and pointless incarceration. Over years and decades our members have lost jobs, wages, and promotions due to suspended licenses, extractive payment plans, and a system that keeps them in a cycle of debt and desperation. This surely amounts to millions of dollars in lost opportunity.

SUSPENDED DRIVER'S LICENSE

Driving is a critical way for people to move around the city to access work, school, healthcare and other basic needs. Suspending driver's licenses is a disproportionate punishment in a place without adequate public transportation. To survive and meet basic needs, people are compelled to drive without a license, drive without insurance, and dodge law enforcement to avoid further punishment. This increases insurance costs and threatens road safety for all New Orleanians.



**"IT AFFECTS ME MORE
THAN Y'ALL CAN
IMAGINE, EMOTIONALLY.
I'M WORKING SO HARD
BECAUSE I CAN'T
AFFORD TO GO TO JAIL.
CERTAIN JOBS I DON'T
EVEN ATTEMPT TO GET.
I MADE MISTAKES.
I LEARNED FROM THEM,
BUT I'M STILL PAYING
FOR IT."
—KEIRON J.**

"WE ALL IN THIS THING TOGETHER": RECOMMENDATIONS FOR CITY COUNCIL

The practice of exorbitant fines and fees disproportionately impacts Black communities across the country. Recent reports from Ferguson⁸, Tulsa⁹, Alabama¹⁰, and Florida¹¹ make clear that this is not just a New Orleans⁵ issue. Stand with Dignity is a member of the New Orleans Alliance for Equity and Justice, whose member organizations have put out detailed research and recommendations to end money injustice, including at the municipal level. Stand with Dignity is organizing toward legislative change and for a community court clinic where fines, fees, and warrants will be cleared and

reasonable steps taken to restore people to be able to work and meet basic needs without the threat of arrest or incarceration due to wrongful debt.

Stand with Dignity offers the following recommendations to City Council to repair the harm that the current system has caused to poor and working class Black New Orleanians. We have an opportunity to lead the nation, and invite the New Orleans City Council to take bold action to lead with us.



Stand with Dignity organizers & members outside the office of Mayor LaToya Cantrell

1. ALL MUNICIPAL FINES SHOULD BE EQUITABLE & BASED ON ABILITY TO PAY.

- A.** Change legislation to end mandatory minimum fines and minimize default punishments for municipal and traffic offenses.
- B.** Before issuing a fine, determine each person's ability to pay in a respectful and dignified way.
- C.** Implement a Day Fines model that bases a person's fine amount on their income. For wealthy individuals who pay a substantial sum in fines, a portion of their fine should be directed toward services and programming that address the root causes of poverty.
- D.** People who cannot pay a fine immediately, including those with income at or below 200% of the federal poverty level, those receiving means-tested public assistance, or those suffering financial hardship, should be given the option of community service or a no-interest payment plan, where payments can be made off-site without requiring presence in court for a hearing.
- E.** Redesign the court's community service program into a humane experience that serves and supports the community, addresses the root causes of poverty and economic exclusion, and values people's time and work.

2. ABOLISH ALL FEES & COURT COSTS ADDED TO UNDERLYING FINES.

Stop funding the criminal legal system through extracting fees from poor communities.

- A.** Issue driver's license reinstatement letters free of charge. At the state level, work to repeal driver's license suspensions as a punishment and immediately eliminate fines and fees that stand in the way of reinstatement.
- B.** Court-ordered programming, including counseling or other services, should be available free of charge.

3. PROHIBIT CAGING PEOPLE FOR POVERTY OFFENSES, WHICH CAUSES MORE HARM TO THE COMMUNITY THAN THE UNDERLYING OFFENSE.

Any accountability should be restorative and proportional to the harm caused.

- A.** Eliminate offenses and sanctions that criminalize poverty.
- B.** Limit officer discretion to arrest for municipal and traffic offenses where no victim is harmed.
- C.** Limit the authority of Municipal and Traffic Court judges to issue attachments or warrants, and the authority of NOPD to arrest for failure to appear in court. Offer services to help people make their court dates.

FOR EXISTING FINES, FEES & WARRANTS:

1. Wipe clean all fines assessed without an ability to pay determination.
2. Wipe all fines, fees, and warrants added to underlying offenses including for nonpayment and failure to appear, without requiring a person's physical presence in court.
3. Offer free driver's license reinstatement letters and work with the Office of Motor Vehicles to quickly waive all fees at the state level.

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"IT PUTS RESTRICTIONS ON YOUR LIFE. IF YOU CAN'T AFFORD IT RIGHT AWAY YOU'LL ALWAYS BE IN THAT CYCLE: THERE'S A WARRANT, THE FINE GOES UP, GO TO COURT AND THEN YOU HAVE ANOTHER FINE. ROUND AND ROUND AND ROUND. I'M ASKING FOR LENIENCY." —JANITA M

THE NEW ORLEANS WORKERS' CENTER FOR RACIAL JUSTICE

The New Orleans Workers' Center for Racial Justice (NOWCRJ) was founded as a workers' rights and racial justice response to the man-made disaster called Hurricane Katrina. As politicians and employers attempted to use the storm to pit communities of color against each other, a group of Black and immigrant workers came together from public housing developments, FEMA trailer parks, day labor corners, and labor camps across Louisiana to build a new freedom movement: multi-racial; committed to racial, gender, and immigrant justice; and dedicated to building power at the intersection of race and the economy.

For more than a decade, the members of NOWCRJ have continued to fight for dignity and justice, winning higher wages, better working conditions and pro-worker policies.

Learn more about the New Orleans Workers' Center for Racial Justice at www.nowcrj.org.

Learn more about Stand with Dignity's campaign to clear fines, fees and warrants at www.nolashakedown.org.

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