

# Wisconsin Justice Initiative



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First, thank you to the members of the Outstanding Debt Work Group for their labors on behalf of the city and its residents. There was a lot of work put into the group's final report and the effort is much appreciated.

My comments relate mostly to the recommendations pertaining to Municipal Court. The city already pays for police to write tickets, lawyers to prosecute Municipal Court cases, and collection agencies to dun people with overdue citations. Yet the city provides no protection for Municipal Court defendants even when they face incarceration. Now, with the recommendations contained in this report, the work group recommends or at least contemplates new powers for the city to coerce payment from Municipal Court defendants in a way that could put those defendants in an unbreakable downward spiral.

Wage attachments, for example, might increase city revenue, but also could leave low-wage workers unable to pay the bills for essential services like heat, food, or medical care. Impounding a towed car until all citations are paid can leave a defendant without transportation to get to or look for a job to pay the citation. "Friendly debt collection" also is recommended. What is that? What limits would be imposed? How would the city guarantee the collection effort remains friendly and who would tell the defendant if the friendly effort crossed the line into something illegal or unfriendly?

There is no doubt that these collection steps would have a significantly disproportionate impact on African-Americans, who are most likely to have outstanding Municipal Court debt. It's also likely that people living in higher-crime, lower-income areas would be disproportionately impacted simply because of the heavier police presence and different, more aggressive policing methods used in those neighborhoods.

The city, before adopting these measures, should make a real effort to find out how many Municipal Court defendants are poor. The US Department of Justice's March "Dear Colleague" letter says that judges should determine a defendant's financial status at numerous stages of a proceeding, including prior to sentencing. Our Municipal Court judges do not do so.

Before the city adopts these collection measures as they relate to Municipal Court defendants, it needs to ensure those defendants are fairly represented in court in the first place. It is unrealistic to expect Municipal Court defendants to know the ins and outs of evidence, trial procedures, and questioning witnesses, or even how to ask for an indigency hearing. The process now is heavily weighted in favor of findings of guilt and the imposition of fines. The city also must make a real effort to determine how many Municipal Court defendants are indigent. It doesn't make sense to levy fines on those who can't pay them, and attaching their wages and holding their cars hostage will only make matters worse.

Thank you.