OFF THE RECORD:
PROFITEERING AND MISCONDUCT IN OHIO'S MAYOR'S COURTS

ACLU
Ohio

APRIL 2019

Everywhere barbarous indifference, hard egotism on one hand, and nameless misery on the other, everywhere social warfare, every man's house in a state of siege, everywhere reciprocal plundering under the protection of the law, and all so shameless, so openly avowed that one shrinks before the consequences of our social state as they manifest themselves here undisguised, and can only wonder that the whole crazy fabric still hangs together.

Friedrich Engels, "The Great Towns" (1845)

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Cover Photo: Whitehall, OH Mayor's Court

INTRODUCTION

BACKGROUND

Every day, Ohioans are threatened with and thrown in jail via mayor's courts: a shadowy and unaccountable quasi-judicial system that wrings revenue from drivers. Mayor's courts are local courts that hear traffic and other minor offenses.[1] They are relics from the nineteenth century; only Ohio and Louisiana still have them. Yet, they are big business here in Ohio. One out of six traffic tickets issued in Ohio in 2016 were issued in municipalities with a mayor's court.[2] Drivers who go to court for a ticket are entitled to a hearing from a knowledgeable and impartial judge who will consider all evidence as part of an official court record.

In Ohio's mayor's courts, the chances of getting a truly fair and impartial hearing are almost non-existent.

Mayor's courts are rife with problems. They operate with perverse incentives to prioritize revenue generation over delivery of justice. Rather than an impartial judge, a municipality's mayor can preside in mayor's courts. A mayor—who is responsible for the municipal budget and has substantial power over the police—can easily abuse their position to control a court that directly contributes to municipal revenue. Mayor's courts do not document or record proceedings—there are no transcripts or audio-recordings. This lack of accountability keeps us in the dark about the extent to which some mayor's courts use unconstitutional practices that can coerce people into paying fines and fees. Lastly, a mayor or magistrate who hears cases in a mayor's court is only required to have six hours of training per year, and in some cases even less.

In our year-long investigation, we found that a substantial proportion of mayor's courts operate in ways that suggest they prioritize money over justice.

The police and mayor's courts in some jurisdictions cite and punish Black community members at disproportionately high rates when compared to white community members.[3] Revenue-driven mayor's courts punish people who cannot afford to pay their citations with additional citations, fines, driver's license forfeitures, and jail time. In doing so, **mayor's courts perpetuate a two-tiered system of justice that criminalizes poverty.**

The United States Supreme Court has found abuses and the inherent conflict of interest in Ohio's mayor's courts in four separate cases spanning sixty years.[4] Former Ohio Supreme Court Chief Justice Thomas J. Moyer called for their abolition in 2008.[5] The Ohio General Assembly has the primary power to reform the mayor's court system. **But reforms until now have been minimal.**

A PATH TO REFORM

Our courts should be fair, transparent, and accountable to the public they serve. As they currently operate, few mayor's courts live up to these principles. We call on the Ohio General Assembly to uphold these principles by enacting the following reforms:

1. **Restore state funding to municipalities so that court fines and fees are not used to fund municipal and state budgets.** The pressure to collect revenue through court fines and fees undermines the fair operation of courts.

2. **Eliminate mayor's courts in Cuyahoga, Franklin, Hamilton, and Summit counties.** The majority of profit-seeking and racially-inequitable mayor's courts are located in these counties. Mayor's courts are less centrally-located and therefore more burdensome to travel to than municipal courts in these metropolitan counties.

3. **Increase education and procedural requirements for mayor's courts.** Thorough training and clear guidelines for court conduct will help mayor's courts function fairly.

4. **Expand oversight of mayor's courts.** Comprehensive record-keeping and reporting requirements will hold court officials accountable for court conduct.

5. **Abolish driver's license suspensions for any reason not related to public safety.** Taking away people's driver's licenses because they cannot pay their court-imposed debts unfairly punishes poorer people and makes it harder for people to get and hold jobs, support themselves, and meet their financial obligations.

WHAT IS A MAYOR'S COURT?

Mayor's courts were created in the early nineteenth century when Ohio was a frontier state with a small court system. Mayor's courts today hear traffic violations and violations of local ordinances that occur within their municipal boundaries. Any municipality that does not have a municipal court and has a population of more than 200 people can establish a mayor's court.[6] In 2016 and 2017, the years for which we conducted our research, there were 297 and 295 mayor's courts, respectively. **Mayor's courts are located in 64 of Ohio's 88 counties.**[7]

Mayor's courts today hear traffic violations and violations of local ordinances that occur within their municipal boundaries.

Mayor's courts were intended to address problems with the administration of justice two centuries ago. Today, these courts are supposed to relieve the burden on the municipal court system by handling low-level cases. If a mayor's court is located closer to a person's home than the nearest municipal court, it may make it

easier for them to appear in court. Proponents argue that mayor's courts give defendants "two bites at the apple" because people who are found guilty in a mayor's court may request that their case be transferred to the presiding municipal court for a new trial.

Mayor's courts are incentivized to be municipal profit centers, and their structures reflect this.

We found many mayor's courts that do not live up to these claims. Mayor's courts are incentivized to be municipal profit centers, and their structures reflect this. They operate at a low cost compared to municipal courts because they are informal courts that do not require a separate court building or full-time staff. We reviewed financial data from 2016 for eight mayor's court municipalities and found that these municipalities kept 75 to 85 percent of the revenue they collected from their mayor's court. We found evidence that police in some mayor's court municipalities disproportionately cite Black and poor people who live in or enter their municipality. Rather than making it easier to appear in court, people who plead "not guilty" in a mayor's court must go to court a second time to have their case heard in a municipal court. **We saw Ohioans who claimed to be innocent of their charges waive their rights to challenge a citation once they were informed that they would have to appear in court several more times.**

Nearly a third of municipalities with mayor's courts exhibit characteristics that fair court advocates have identified as problematic because they indicate revenue-oriented policing and court practices.[8] These police departments and courts serve the pecuniary interests of their municipalities and run counter to the interests of justice. The mayor's courts highlighted in this report represent both rural and metropolitan municipalities across Ohio. **Our case studies provide clear guidance on how to reform the mayor's court system and ensure its fair operation.**

METHODOLOGY

We began our investigation of mayor's courts by reviewing the Supreme Court of Ohio's 2016 Mayor's Court Summary. Using the Supreme Court's data, we first calculated the median number of citations processed in all mayor's courts municipalities in 2016, which is 407, and the median ratio of citations per 100 municipal residents, which is 15.3. We identified municipalities with mayor's courts that processed 500 or more citations in 2016 and municipalities with a ratio of 80 or more citations per 100 municipal residents in 2016. We focused on several questions for these jurisdictions:

1. **Are mayor's courts operating to provide fair justice?**
2. **Are mayor's courts being used to generate municipal profits?**
3. **Do mayor's courts disproportionately impact poor people and people of color?**

We drew from reports on profit-oriented policing and court practices,[9] racial bias in policing and court adjudication,[10] and driver's license suspensions[11] to identify what data was needed to address these questions. Profit-oriented policing and court practices include activities such as issuing a high proportion of citations compared to the municipal population, issuing multiple, and often questionable, charges for minor infractions, and adding charges, fines, fees and even jail time to people who do not pay promptly and in full. These practices orient policing and adjudication toward revenue-generation rather than toward public safety. We compiled and analyzed quantitative data about 1) citations, both the total number of citations issued by police officers and mayor's courts in mayor's court municipalities and the ratio of all citations compared to the residential municipal population;[12] 2) for each municipality, the average number of traffic citations issued per police offer in 2016; and 3) racial composition of those receiving citations compared to the racial composition of the issuing municipality for all months and years for which we compiled data from online court dockets for mayor's courts.

Profit-driven policing and court practices orient policing and adjudication toward revenue-generation rather than toward public safety.

From September 2017 to November 2018, we collected qualitative data by observing proceedings in 19 mayor's courts. We chose courts that had variations in the number of citations issued and the ratio of citations to the municipal population. We followed up on our observations in eight of these mayor's courts by analyzing court records and municipal financial records. We requested court records and financial statements from an additional 10 municipalities with mayor's courts, reviewing documents for a total of 18 mayor's courts municipalities, in order to understand the patterns of citation, adjudication, and revenue collection in these municipalities. We also requested police staffing data for 2016 for all municipalities in Ohio from the Ohio Attorney General. We combined this staffing data with data on traffic citations issued by police in each mayor's court municipality to estimate the average number of traffic citations issued by full-time police officers in 2016. We reviewed online news reports by searching for reports on "mayor's courts" as a search term and searching by name for courts we identified using the measures described above.

We enlisted the assistance of a Geographic Information System (GIS) expert to analyze and map citation data from the online docket system of 14 courts. We collected data on race, home address, charges, fines, fees, court costs, and payments from these online dockets. We interviewed eight people with pending traffic and local ordinance violation cases in mayor's courts. During the course of our investigation, we spoke with public officials including municipal court judges, municipal court clerks, mayors, magistrates, police officers, and municipal solicitors.[13]

FAIR COURTS

The problems with mayor's court stem from the fundamentally flawed premise that courts should be self-funded by the "users" of the court system. People who are accused of breaking laws are regarded as the primary users of the courts and are expected to fund courts, regardless of whether they can afford court imposed costs and fines. Court officials repeatedly expressed to us their frustration that they were imposing monetary sanctions on people who were not able to pay them. When we asked why they did not waive financial sanctions in such cases, court officials explained that courts must have funding to operate.

Courts are a public resource. Everyone in our society relies on our courts to uphold laws, enforce contracts, mediate disputes, and remedy injustices.

Courts are a public resource. Everyone in our society relies on our courts to uphold laws, enforce contracts, mediate disputes, and remedy injustices. Proponents of mayor's courts argue that mayor's courts perform these crucial duties for their communities. **When officials instead see defendants as a critical revenue stream, abuses are inevitable.** Court officials also argue that monetary sanctions are a fair remedy for breaking laws. As we describe in this report, the compounding legal consequences and monetary sanctions for poorer people who cannot immediately pay their fines are unduly severe. They far exceed the consequences and sanctions borne by people who are well-off enough to pay their initial citations, making monetary sanctions inherently unfair to poorer people.

We base our recommendations on the premise that the function of courts is to deliver justice fairly. We address upstream issues that compel mayor's courts municipalities to seek revenue through their courts and downstream issues of inadequate training and oversight that permit harmful court practices. We describe how policing practices in mayor's court municipalities reinforce residential segregation. We also describe a model of restorative justice can be enacted in mayor's courts and offer the case study of Yellow Springs, Ohio as guide to implementing restorative justice practices.

Brooklyn, OH Mayor's Court

THE PROBLEMS WITH MAYOR'S COURTS

OVERVIEW

The problems with mayor's courts are overwhelming. Mayors have the authority to direct their municipalities' police to issue citations, and they can use the mayor's court to collect fines and fees for these citations to fund their municipalities. Municipalities have been especially hard-hit since 2012, when the Ohio legislature slashed funding to municipalities by $1.17 billion a year.[14] As local governments in Ohio look for ways to supplement their budgets, they often look to courts as sources of revenue.[15] This creates perverse incentives for municipalities to balance their budgets through mayor's court revenue.

Mayor's courts are beholden to the mayor and city council. Mayor's courts are also problematic because they lack transparency and oversight.

Like mayor's courts, many municipal courts face the same pressures to make money for the municipalities in their jurisdiction. But municipal courts are not run by mayors and city councils. Their independence from local officials is critical to how they operate. Mayor's courts, on the other hand, are beholden to the mayor and city council. Mayor's courts are also problematic because they lack transparency and oversight. While municipal courts record what is said in their courtrooms and record all evidence that defendants bring to court, we do not know of a single mayor's court that records its sessions. When a mayor or magistrate in a mayor's court violates a defendants rights, they have no evidence of court misconduct. Many of the defendants that we spoke with in mayor's courts recognized misconduct by court officials, but felt that if they challenged court officials they would be punished more severely.

The obvious financial incentives inherent to mayor's courts erodes public trust in our police and court systems. There is evidence that revenue collection activities compromise the criminal investigation functions of local police departments. This finding is especially robust in smaller cities where police officers tend to be responsible for investigative and revenue-collecting duties.[16] Some members of the Ohio legislature recognized the problems with mayor's courts and tried to address them. Since 2005, there have been nine bills introduced in the Ohio General Assembly that attempt to reform or even abolish mayor's courts. These efforts have largely failed. **Those who want to abolish mayors courts argue that the lack of transparency and temptation to generate revenue through these courts make them anathema to the interests of justice.** Those who support mayor's courts emphasize that mayor's courts perform a service to their communities and reduce the burden on the local populace and on municipal courts.

Our research finds that there is validity to each of these claims. In their efforts to squeeze revenue out of defendants, some mayor's courts saddle people with crippling debts and even send them to jail for charges resulting from minor traffic violations. Other mayor's courts, mainly those in rural areas, reduce travel distances for people by hearing cases locally. While less active courts may not be driven by financial motives, they lack transparency and accountability because **mayor's courts are not courts of record.** We discuss our findings in detail in the following sections.

POLICING FOR PROFIT

The risk that mayors will turn mayor's courts into revenue engines is not theoretical. In 2016, the Village of Kirkersville issued more traffic citations than the total number of village residents (572 traffic tickets and 525 residents). When the Kirkersville Police Chief resigned from his position in March 2018, he stated that Kirkersville Mayor Terry Ashcraft had demanded that the Kirkersville police staff focus on "enforcing traffic laws." He elaborated that the mayor had threatened to abolish the police department if they did not follow his order.[17]

Kirkersville is not unique. Our analysis of police citation rates suggests that a large proportion of mayor's court municipalities allocate police resources toward issuing citations. In Figure 1, we show that officers in almost half of Ohio's mayor's courts issued an average of 50 or more citations in 2016. There is considerable variation among the number of traffic citations issued by police based on the mayor's court municipality where they are employed—indicating that police in **some mayor's court municipalities are issuing citations at far higher rates than those in fellow mayor's courts.**

FIGURE 1:

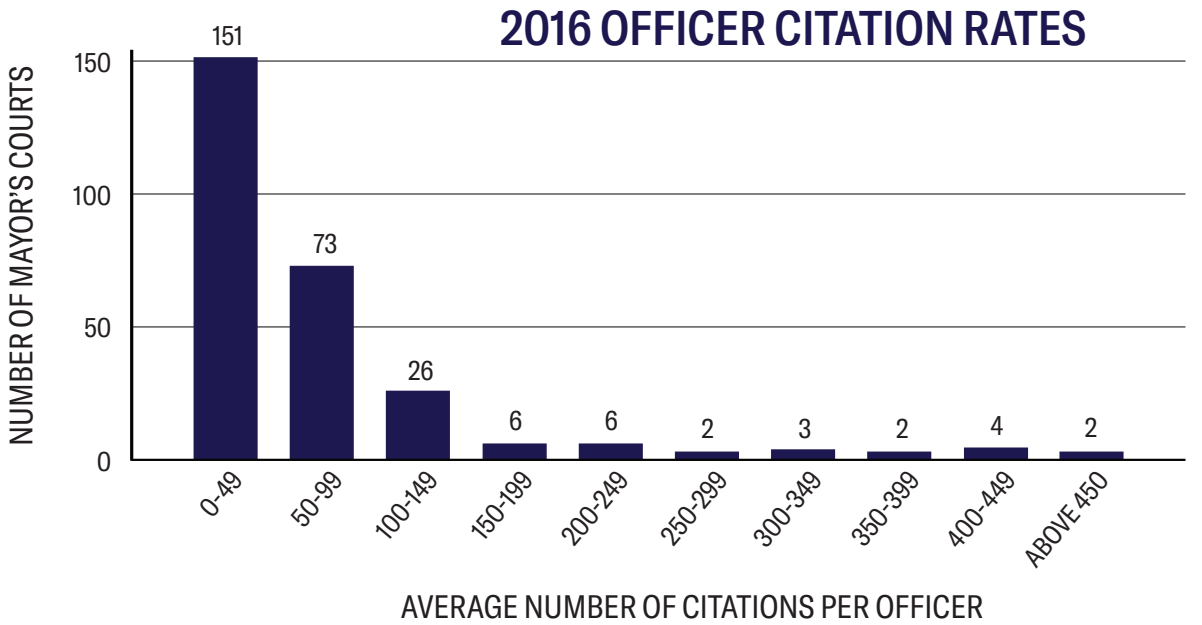
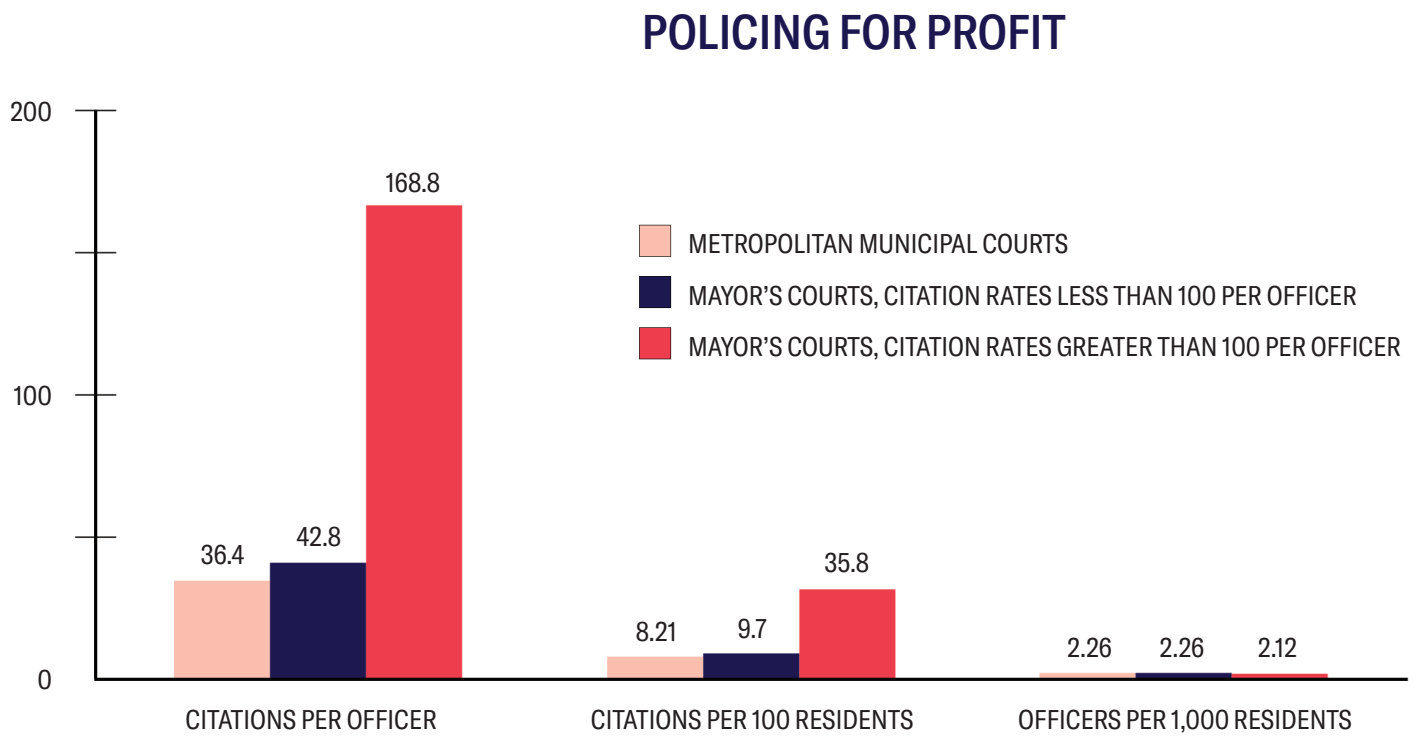


FIGURE 2 :



The 51 mayor's court municipalities in which police officers issued an average of more than 100 tickets are distinct from both metropolitan areas and other mayor's court municipalities. Figure 2 shows that officers in these mayor's court municipalities issued an average of 168 traffic tickets each in 2016.[18] In comparison, police officers in other mayor's court municipalities issued an average of 42.8 traffic citations each in 2016, and officers in Cleveland, Columbus, Akron, and Cincinnati issued an average of 36.4 traffic citations each in the same year. Another indication that police officers in these municipalities were ticketing to generate revenue was the practice of issuing multiple citations for each traffic stop. In our review of citations and through court observations, we found this to be a prevalent practice in Newburgh Heights, Bratenahl, Parma Heights, Lockland, Whitehall, and Reading.

One possible explanation for these differences in police citation rates is that metropolitan areas have higher rates of violent crime than suburban and rural areas[19] where mayor's courts are located. Because of this, police in metropolitan areas may spend more of their time dealing with violent crime than police in mayor's court municipalities. But this does not satisfactorily explain the stark differences in citation rates we see between high-citation mayor's court municipalities and all other mayor's court municipalities.

Another possible explanation for the difference in citation rates is that municipalities in which police issue high numbers of citations have fewer police. In this case, police officers would issue more tickets on average because each officer

is policing a greater number of people. However, the difference in the average citation rates per officer cannot be explained by differences in police staffing in these municipalities. In 2016, mayor's court municipalities in which police officers issued an average of more than 100 traffic citations each had an average of 2.12 officers per 1,000 municipal residents. Municipalities in which officers issued an average of less than 100 citations each had an average of 2.26 officers per 1,000 residents. Though there is only a six percent difference in police staffing between these two types of mayor's courts municipalities, **police officers in the 51 municipalities with the highest average citation rates issued almost four times as many tickets as officers in all other mayor's courts** (see Figure 2).

Another reason for differences in officer citation rates may be that municipalities where police officers issue more tickets are more populated, so there is a greater pool of people that can be ticketed. However, municipalities in which police officers issued more than 100 tickets each in 2016 had an average population 3,967 municipal residents, which is 33 percent lower than municipalities where police officers issued far fewer citations.

Assuming that there is no variation in driving quality between drivers in urban, suburban, and rural regions of Ohio, we would expect the average number of traffic tickets issued per 100 municipal residents to be higher in Cleveland, Columbus, Cincinnati, and Akron than in mayor's court municipalities. Cleveland, Columbus, Cincinnati, and Akron have a denser structure of freeways, state routes, and local roads than other regions of Ohio and therefore have more traffic. The average number of citations issued by city police officers and the average number of citations issued per 100 city residents should be greater in cities than these averages in mayor's court municipalities.

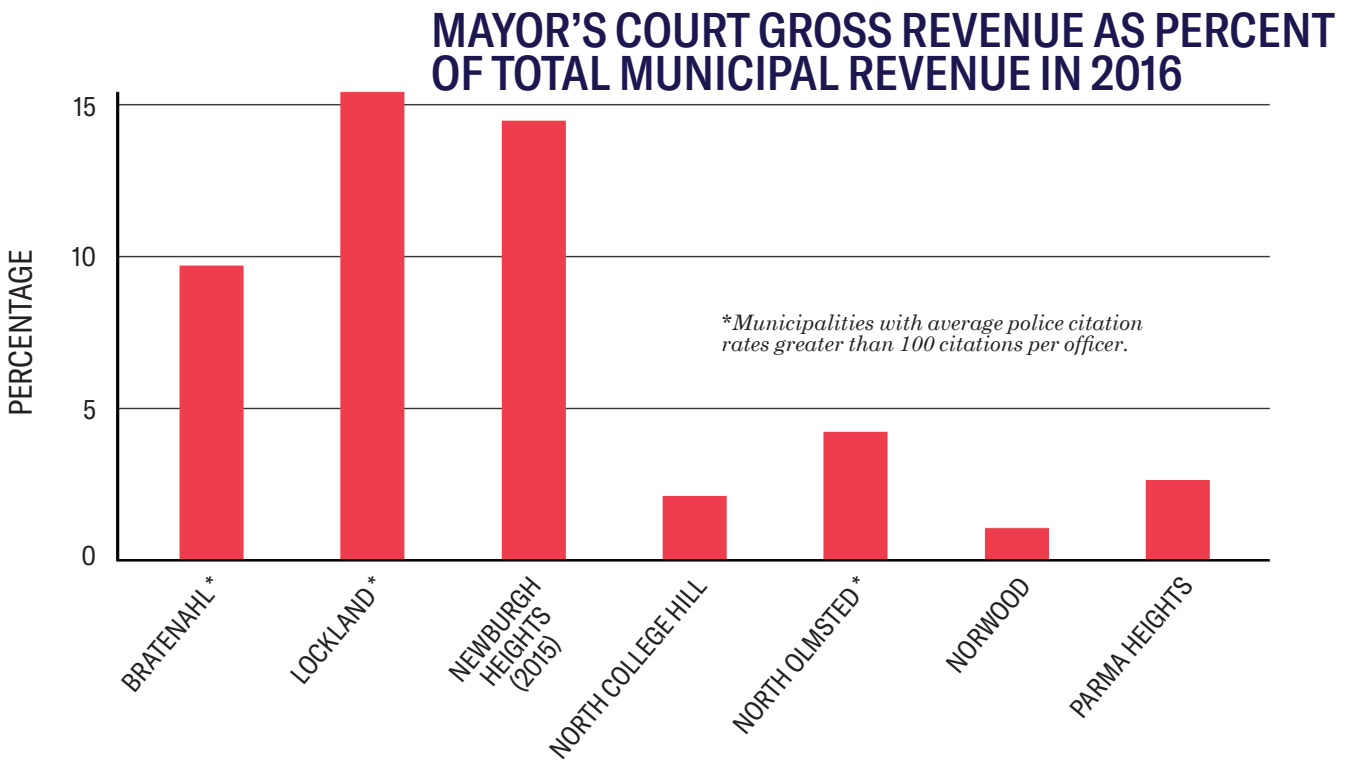
The stark disparities in citation rates suggest that police resources were used to generate municipal revenue through issuing traffic citations.

Police officers in municipalities in which officer citation rates were greater than 100 traffic citations each had a strikingly high ratio of traffic tickets compared to their municipal resident populations. Police officers in these mayor's court municipalities issued an average of 35.8 tickets per 100 municipal residents, which was 436 percent greater than the citation rates of police officers in Cleveland, Columbus, Cincinnati, and Akron, and 369 percent greater than the citation rates of police officers in other mayor's court jurisdictions. It is unlikely that police in municipalities with high officer citation rates in 2016 were dealing with a unique population of drivers that committed traffic infractions at four times the rate of drivers elsewhere in the state. The stark disparities in citation rates suggest that police resources were used to generate municipal revenue through issuing traffic citations.

The use of police resources to make money from traffic citations is further supported by the high proportion of municipal revenue collected through mayor's courts. Ohio is not alone in this regard. The 2015 Department of Justice investigation of Ferguson, Missouri found that "city officials consistently set maximizing revenue as the priority for Ferguson's law enforcement activity." Issuing these citations in the first

instance, coupled with the coercive tactics used to collect these fines, lead to serious abuses of the residents of Ferguson. The investigation found that approximately 10 percent of the total revenue collected by Ferguson in 2010 came from citations. Using this figure for comparison, we looked at what proportion of municipal revenue was collected through mayor's courts. We obtained municipal and mayor's court revenue information for seven municipalities, three in which police issued an average of 100 citations or more in 2016, and four in which officers issued fewer than 100 citations on average. **Figure 3 shows that two of the three municipalities, Lockland and Bratenahl, collected nearly ten percent or more of their 2016 municipal revenue through their mayor's court.** We included Newburgh Heights because our court observations and interviews indicated that Newburgh Heights's police officers are infamous for issuing traffic citations. We used budget, police staffing, and ticketing data from 2015 for Newburgh Heights. Police in Newburgh Heights issued 97.5 tickets each in 2015, and the municipality collected more than 14 percent of its total revenue that year through its mayor's court. Though North Olmsted's revenue only comprised 3.8 percent of its total revenue, the city collected $1,366,896 from its mayor's court, the highest amount of any of the mayor's courts we researched.

FIGURE 3 :



RACE AND CLASS DISPARITY IN MAYOR'S COURTS

The incentive and opportunity to collect revenue explains some of the hyperactivity of police officers in inner-ring mayor's courts municipalities. Inner-ring municipalities are suburbs that share a border with their city. In mayor's court municipalities near large, demographically diverse cities, the cost of this hyperactivity is imposed on and felt most deeply by the poorest communities, and is inequitably distributed across race and class lines.

FIGURE 4:

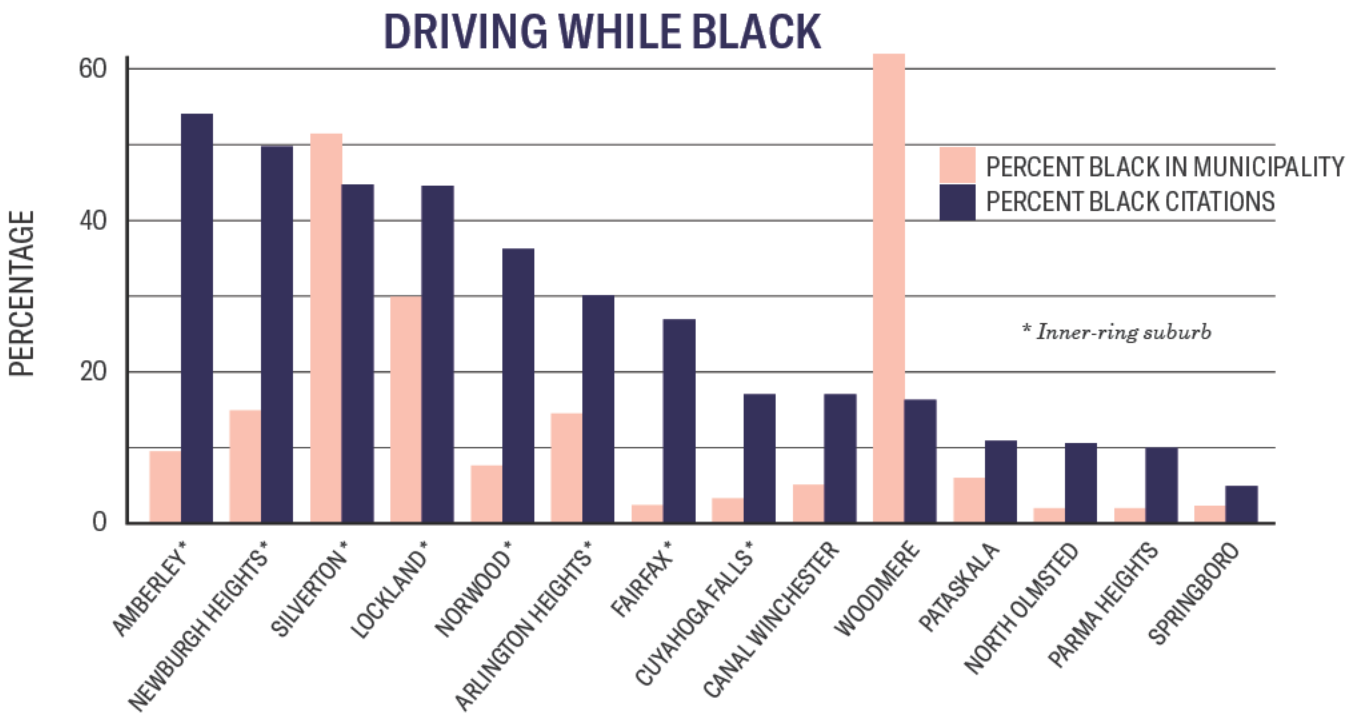
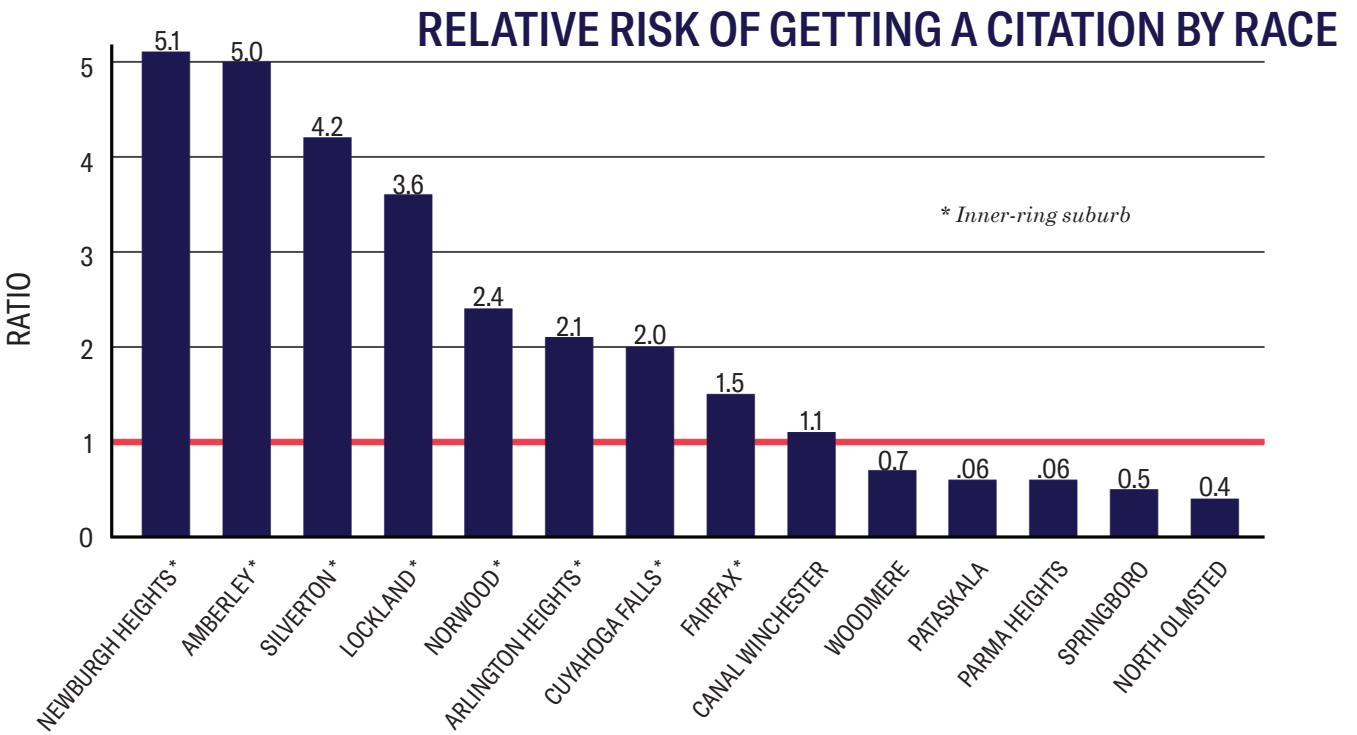


Figure 4 shows citation data from 14 mayor's court municipalities. It compares the percent of Black people that reside in each mayor's court municipality with the percent of citations issued by that municipality to Black residents and non-residents. In all but two municipalities, Silverton and Woodmere, the proportion of citations issued to Black people is much higher than the Black population of the municipality. **This suggests that there is racial disparity in who is stopped and ticketed in these municipalities.**

To further test racial disparities in ticketing, we calculated the risk of getting a citation for Black commuters compared to white commuters using county-level Census data on Black and white commuters in each county. In Figure 5, all risk ratios above 1 indicate that Black drivers were at greater risk of getting a citation than white drivers. All ratios below 1 indicate that Black drivers were at lower risk of getting a citation than white drivers.

Black drivers were at the most extreme risk of getting a citation compared to white drivers in inner-ring mayor's court municipalities. This in part stems from the fact

FIGURE 5 :



that more Black people live near inner-ring suburbs than in the outer suburbs of Cuyahoga, Hamilton, and Summit counties. A closer look at the racial composition of the municipalities and their surrounding areas, a more troubling explanation emerges.

Our analyses suggests that police stops and citations in predominantly white mayor's court municipalities in the inner-ring suburbs help preserve racial boundaries.[20] For example, only 9.5 percent of municipal residents in the Cincinnati suburb of Amberley are Black, yet 54 percent of citations issued by Amberley police were issued to Black people. Amberley is located in the 45237 zip code, which is 73.8 percent Black. Residents of Amberley are much richer than their neighbors; the median value of a house in Amberley in 2016 was $305,500, whereas the median value of a house in the 45237 zip code is $96,100.

Police in Newburgh Heights issued 50 percent of citations to Black people, yet in 2016 only 19.7 percent of the population of Newburgh Heights was Black. Newburgh Heights is entirely in the 44105 zip code, which was 74.6 percent Black in that same year. The average household income in Newburgh Heights was 27 percent higher than the average household income in the 44105 zip code. Since white people perceive that property values are influenced by the racial composition of municipalities,[21] white enclaves attempt to protect white wealth by preventing Black people from moving into their neighborhoods. Citations signal to Black drivers who enter white communities that they are out of place and penalize them for driving through the community.

Citations issued to Black drivers are disproportionately high when compared to the number of Black drivers who have access to a car. Using demographic information from the American Community Survey and estimates on Black and white households' access to a vehicle from the National Equity Atlas, we can estimate the

expected rate of traffic tickets that should be issued to Black and white motorists based on population rates of drivership. If police wrote tickets in proportion to the number of motorists, and driving patterns were generally similar across races, at most 22 percent of tickets should be issued to Black motorists in Cuyahoga County and 19 percent of citations should be issued to Black motorists in Hamilton County. Figure 4 shows that with the exception of Cuyahoga Falls, which is a suburb of Akron, police officers in every inner-ring suburb of Cleveland and Cincinnati that we investigated issued more than 25 percent of citations to Black people.

Our findings align with a large body of research addressing police tactics that are used to enforce suburban residential segregation.[22] Research on policing finds that police officers are far more likely to investigate Black drivers in a white neighborhood, relative to white drivers in a Black neighborhood.[23] Black drivers in white neighborhoods are more likely to be stopped and questioned than Black drivers in Black neighborhoods.[24]

In addition to disproportionately citing Black community members, our review of citation data from mayor's court jurisdictions in Cuyahoga, Franklin, Hamilton, and Summit counties suggests that revenue-oriented mayor's court municipalities use state roads and national highways generate revenue from those passing through their municipalities on these roads. Roads are a shared public resource; over 70 percent of the costs for maintaining state roads and highways are paid for through shared pools of state and federal income and gasoline taxes and state driver's registration and license fees.[25] **Revenue oriented municipalities with mayor's courts treat these roads as private tollways, and a disproportionately high number of these tolls are levied against people who do not live in their municipality.**

Officers in Lockland and Silverton issued the highest proportion of citations to people who did not live in their municipalities, with 95 percent of citations issued to non-residents.

We mapped the home address listed on every citation issued by officers accountable to a given mayor's court using data collected from the courts' online dockets. Available court data ranged from nine months to twelve and a half years. Figures 6 and 8 show mapped citations issued to community members who live within a 12 mile radius of the mayor's court municipality. Because the average trip distance for drivers in the Midwest is 12.8 miles,[26] these maps capture the majority of drivers likely to pass through the mayor's court municipality. We show each person cited as a single dot on the map. The dots are color-coded to represent the race listed in the citation and the municipalities on the map are colored to show the racial composition of each municipality.

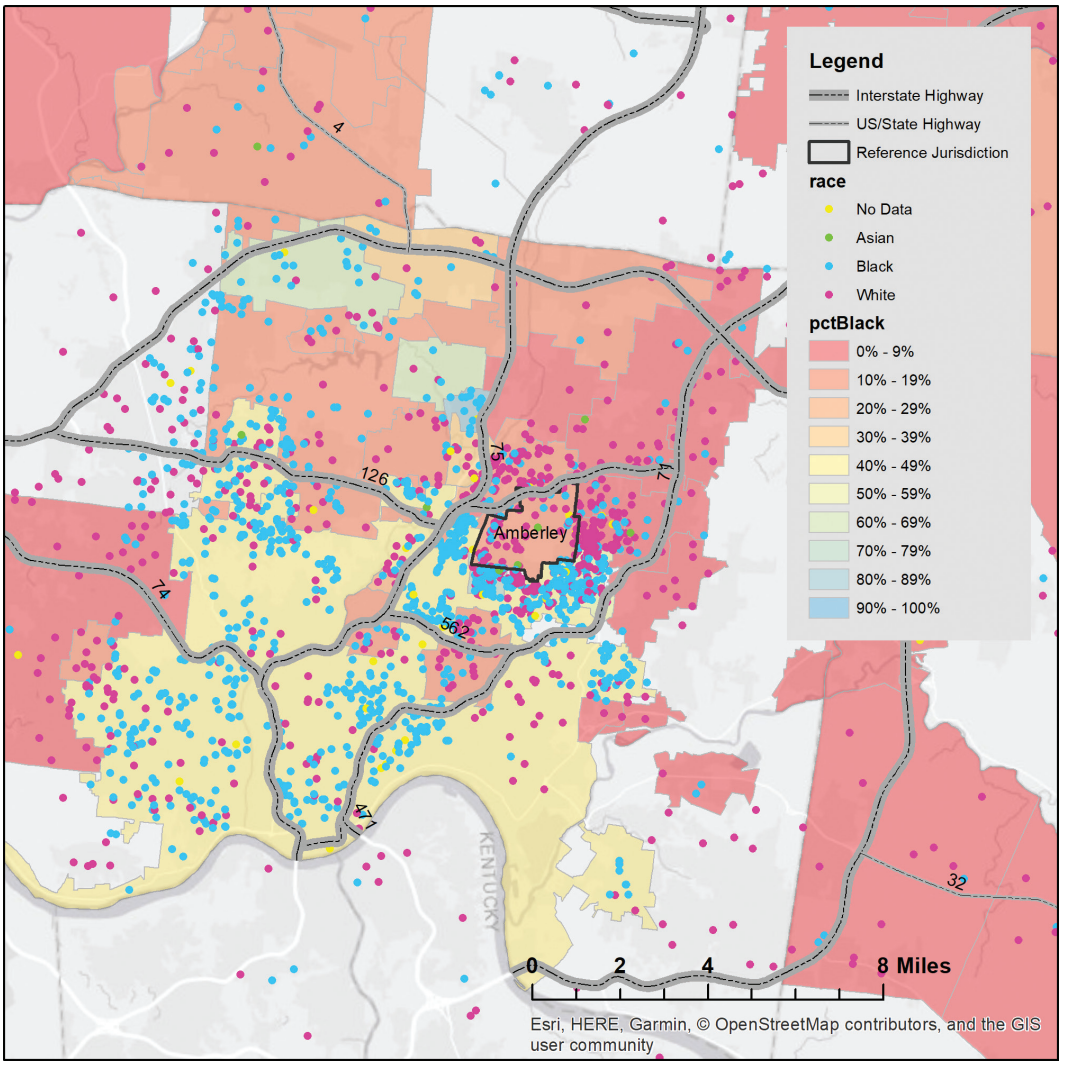
The two featured maps show that these mayor's courts issue the majority of citations to people who do not live in their municipality. This was true of all 13 mayor's courts for which we analyzed address data. Officers in Springboro issued 54.2 percent of citations to people who do not reside in Springboro, the lowest of any of the 13 courts for which we analyzed this data. Officers in Lockland and Silverton issued the highest proportion of citations to people who did not live in their municipalities, with 95 percent of citations issued to non-residents.

CASE STUDY: AMBERLEY

The map for Amberley in Hamilton County (Figure 6) demonstrates how wealthy white communities can function to extract resources from their less economically-advantaged and Black neighbors through mayor's courts. **A mere 9.5 percent of the population in Amberley is Black, yet more than half of the citations issued by the Amberley police were to Black people.** Amberley is located in two zip codes; in one zip code, 75.2 percent of the population is Black, and in the other zip code 50.9 percent of the population is Black. The median household income in Amberley was $124,750 in 2016, more than three times the median household income of $34,186 in the 45237 zip code, and more than twice as much as the $49,974 median income in the 45213 zip code. Amberley also issues a substantial portion of tickets to their poorer white neighbors. Citations for white and Black people by Amberley police officers are densely clustered around the less wealthy and more racially mixed southern borders of the village. This suggests that police resources are allocated to roadways that have through traffic from these areas.

FIGURE 6:

WHO GETS CITED IN AMBERLEY



AMBERLEY

9.5% BLACK IN MUNICIPALITY

54.0% CITATIONS ISSUED TO BLACK PEOPLE

88.4% WHITE IN MUNICIPALITY

41.9% CITATIONS ISSUED TO WHITE PEOPLE

21.1% OF CITATIONS ISSUED TO AMBERLEY RESIDENTS

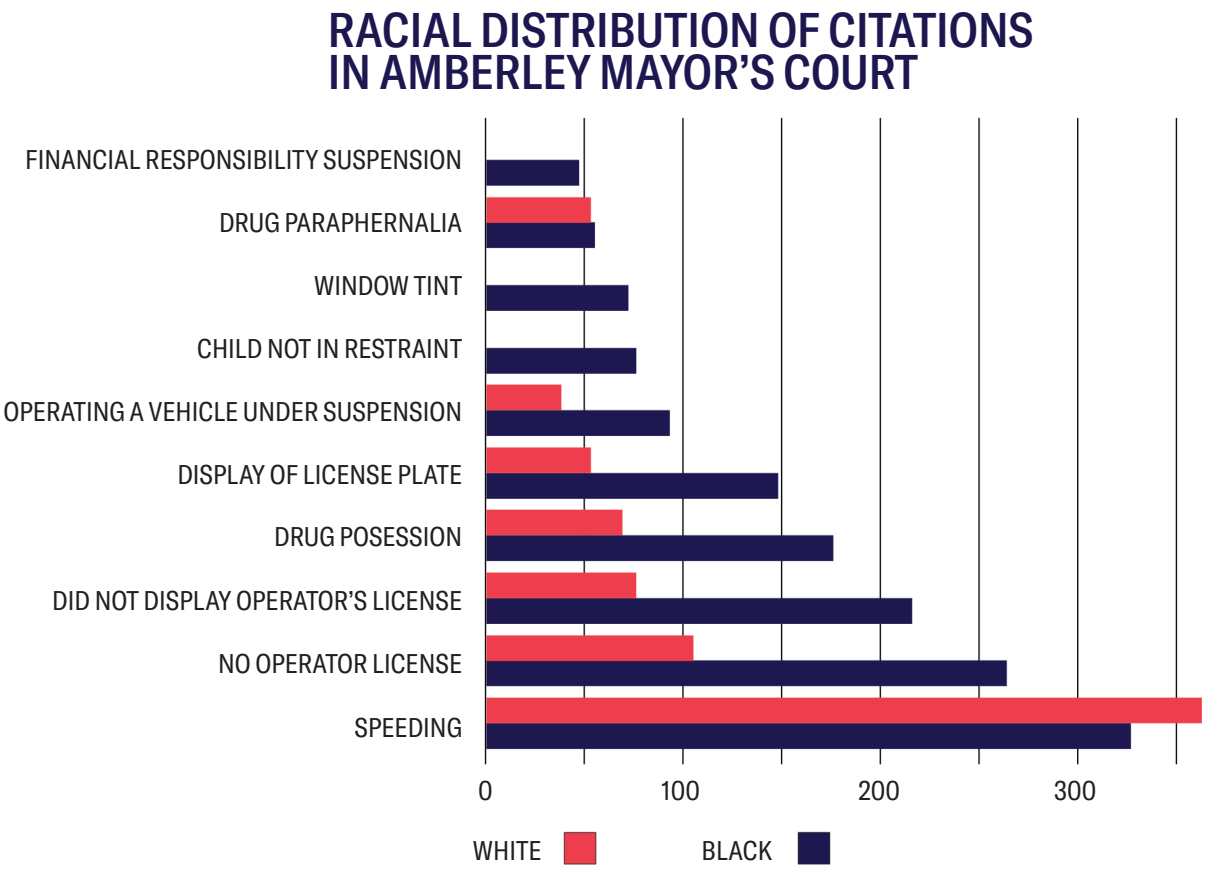
78.9% OF CITATIONS ISSUED TO PEOPLE WHO DO NOT LIVE IN AMBERLEY

Demographic data from American Community Survey estimates for 2016

Citation data for Amberley is for all citations issued between November 2014 and November 2017.

The graph below (Figure 7) shows the top ten charges listed on citations issued to Black community members by Amberley police[27] from November 2014 to November 2017. The most common charge for both Black and white drivers was for speeding, with 327 and 363 citations respectively. Black drivers were cited for non-safety related license violations such as driving without a license, not displaying a license, and operating a vehicle under suspension, much more frequently than white drivers. Black drivers received 944 charges for license violations, whereas white drivers received 341 charges. Though Black people have slightly lower rates of drug use than white people,[28] Amberley police charged Black people with drug possession 2.55 times more often than they charged white people with drug possession. Police in Hamilton County, where Amberley is located, stopped Black driver's 1.4 times more frequently than they stopped white drivers.[29] Though we do not know the rates at which Amberley police stopped Black drivers relative to white drivers, the higher number of drug possession charges for Black drivers suggests that police in Amberley stopped and searched Black drivers more frequently than they searched white drivers. **Similarly, citations for driving with a child who is not in a car seat ("Child not in restraint") were only issued to Black drivers, though research on car seat use suggests that white drivers also do not comply with child car seat regulations.**[30]

FIGURE 7 :

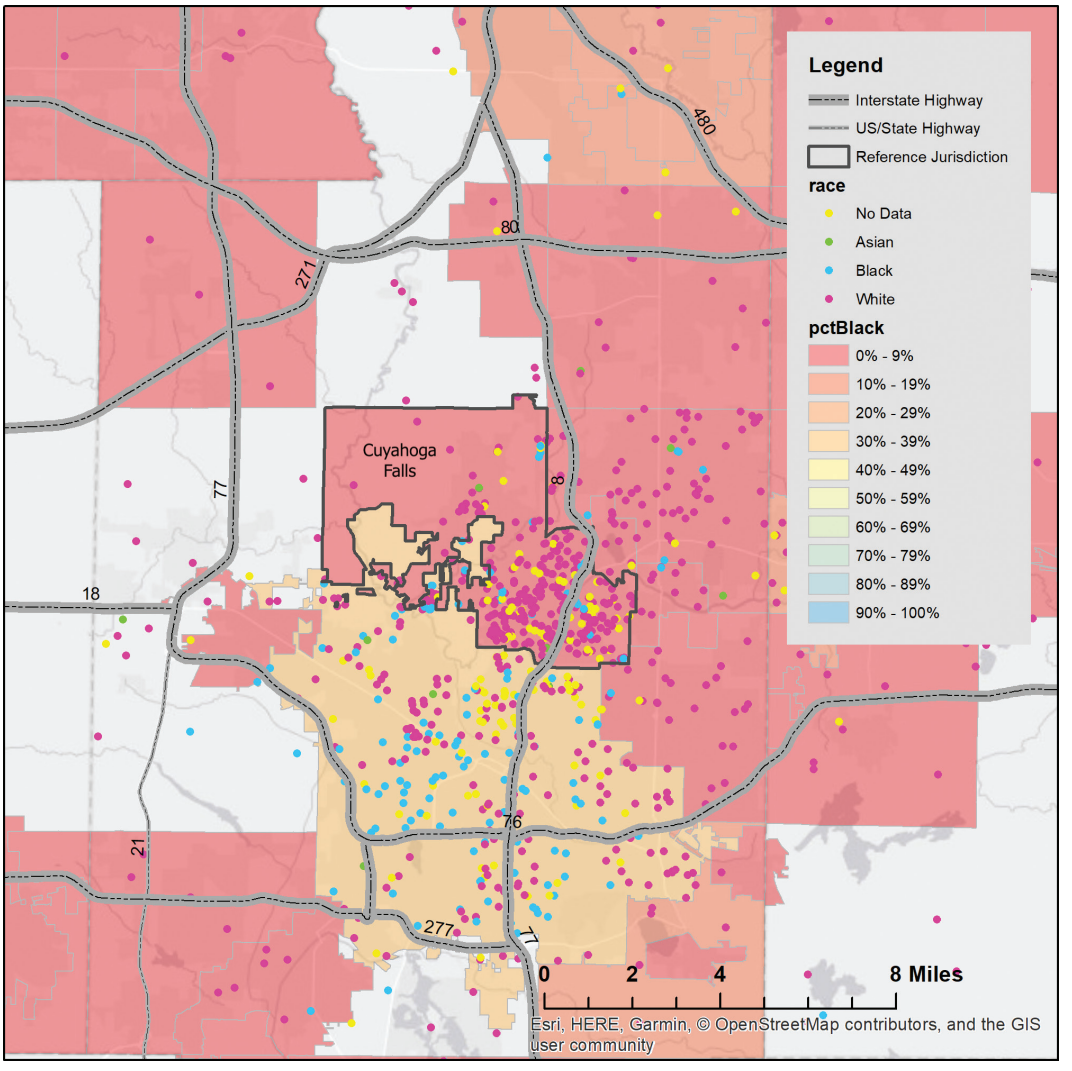


CASE STUDY: CUYAHOGA FALLS

Citations issued by police in Cuyahoga Falls (Figure 8) cluster on the eastern side of the municipality. Our review of stop locations for Cuyahoga Falls confirms that police issue many tickets to motorists driving on I-76, suggesting this busy thoroughfare generates municipal revenue. Citations within the city are disproportionately issued in the southeastern-quadrant, in an area that has historically been a working-class neighborhood.[31] In contrast, very few citations are issued in the wealthier northwestern part of the municipality. Our map shows that Cuyahoga Falls police issue more citations in the poorer, southeastern area of the municipality than they do in the wealthier, northwestern area.

FIGURE 8:

WHO GETS CITED IN CUYAHOGA FALLS



CUYAHOGA FALLS

3.7% BLACK IN MUNICIPALITY

17.0% CITATIONS ISSUED TO BLACK PEOPLE

91.9% WHITE

67.4% CITATIONS ISSUED TO WHITE PEOPLE

PERCENT OF CITATIONS ISSUED TO CUYAHOGA FALLS RESIDENTS COMPARED TO NON-RESIDENTS, UNKNOWN.

Demographic data from American Community Survey estimates for 2016

Citation data for Cuyahoga Falls is for all citations issued between September 2017 and November 2017.

SEVERE PUNISHMENT FOR UNPAID FINES AND FEES

Revenue-oriented policing is compounded by the focus on revenue generation in the mayor's court. Instead of acting as neutral arbiters of the law, many magistrates in the mayor's courts we observed use their authority—including the threat and reality of jail time—to compel the payment of fines and fees. We found problematic court practices in 16 of the 19 mayor's courts that we observed or for which we reviewed records.

During our observations of the Lockland Mayor's Court, we spoke to three people who described how they had been handcuffed to a wall in the Lockland police station and instructed to call friends and family to raise money to pay their fines and fees.

An especially harmful and common practice is the issuance of bench warrants, which authorize the arrest and jailing of an individual for missed court appearances. The majority of these missed court appearances are for continuances given for unpaid fines. In 2016, the Lockland Mayor's Court issued 1,688 warrants, North College Hill's Mayor's Court issued 928 warrants, Newburgh Heights Mayor's Court issued 784 warrants, and Norwood's Mayor's Court issued 712 warrants. Bratenahl Mayor's Court issued 125 bench warrants between May 1, 2017 and August 1, 2017. Because mayor's courts only have jurisdiction over local ordinance and traffic cases, the majority of these warrants were issued for minor violations and had little relation to public safety. **Jail time would be considered an unduly harsh penalty for traffic violations, yet mayor's courts routinely issue warrants for people to be arrested and incarcerated for failing to appear in court due to unpaid fines and fees for minor charges.**

People who cannot pay their court-imposed debts may avoid coming back to court because they fear arrest. During our observations of the Lockland Mayor's Court in 2013 and again in 2017 and 2019, we spoke to three people who described how they had been handcuffed to a wall in the Lockland police station and instructed to call friends and family to raise money to pay their fines and fees. Of the 18 courts for which we reviewed records, 14 courts issued arrest warrants when people failed to appear in court.

Another way mayor's courts deprive people of liberty for unpaid fines and fees is by taking away their driver's licenses. Under Ohio law, courts can issue license forfeitures if people fail to appear for a court date. A license forfeiture suspends a person's driver's license; people are required to pay a $40 fee with the Ohio Bureau of Motor Vehicles and an additional fee from the mayor's court to have their license reinstated. We examined electronic dockets from 14 courts and found that ten mayor's courts issue license forfeitures when people with unpaid fines miss court dates.[32] We requested records from five additional mayor's courts and found that these courts issued more than 100 license forfeitures each in 2016. These same mayor's courts collectively issued hundreds of citations to people for driving under a suspended license in the same year. **This vicious system of taking away licenses and then fining unlicensed drivers traps people in a cycle of debt and tethers them to the mayor's court indefinitely.**

IMPACT STORY

The routine misconduct by profit-oriented mayor's courts can have serious consequences for people who have been cited by them, as we found by talking to Karen G. about her experience in the Lockland Mayor's Court.

Karen's daughter still remembers the day when "mommy had her pink bracelets on."

Unfortunately, Karen was wearing handcuffs, not bracelets. Karen recalls this traumatizing experience all too clearly. It was a sunny day in May 2010 and her youngest daughter's birthday. Karen was on her way to pick up a birthday cake along with her eldest daughter, but first she had to attend a hearing at the Lockland Mayor's Court.

The trouble began when Karen was cited for driving with expired license plates. The court staff continued her hearing and instructed her to go to the BMV to 'straighten out her license' and come back in a few weeks. Karen followed the court's orders and went back to court just a few days later. Thinking that she would be able to quickly leave court, and unable to find childcare, Karen brought her children with her.

Karen gave the Lockland court officials her BMV documents and stated that she just wanted to put this case behind her. The court staff told her that she owed approximately $600 in fines and costs. Karen was told to be seated and wait to see the clerk regarding her case. Eventually Karen and her children were taken into a hallway to see the clerk who stated that she needed to pay her full balance of approximately $600 before she could leave. Karen assumed she would be given time to pay or be offered some sort of payment plan. Instead, when Karen stated that she could not pay in full, ***an officer handcuffed her to the wall in the 'phone room' in front of her children.*** *Karen was given one hour to make phone calls to attempt to come up with $600.*

In 2010, Karen's family income was $30,000 for a family of four. Karen was unemployed at the time and her husband was on the verge of a lay off *so her family could not afford to pay over $600 on the spot. Karen's husband picked up her children, and she was taken to a jail in a neighboring county nearly an hour from her family. When Karen was placed in the police vehicle, she began to cry. She was jailed simply because she could not pay, and to make matters worse, she was forced to endure this humiliating injustice in front of her children on one of their birthdays. In the face of Karen's clear distress, the only response of the police officer taking her to jail was to tell her, "You're a big girl, stop crying."*

The Supreme Court has made it clear that it is unconstitutional to incarcerate an individual for failing to pay fines and fees that they cannot afford.[33] *Nevertheless Karen was jailed for one a half days, until her husband could pay off her fines and costs and secure her release.*

Although we spoke with Karen nearly four years after this traumatic experience, she remembers it clearly.

FAILURE TO CONSIDER ABILITY TO PAY

From our review of records for 18 mayor's courts and court-watching, we did not find a single record of a court assessing people's ability to pay their fines. Failure to inquire into the reasons that someone cannot pay their fines results in increased punishment for people who are too poor to pay them. When Ohioans are jailed for nonpayment where there has been no inquiry into their ability to pay, this violates both Ohio law[34] and the U.S. Constitution.[35]

Revenue-oriented mayor's courts make it difficult for people who appear in their courts to get fine reductions or alternatives such as community service if they are unable to pay their full fines. **During our observations of the mayor's courts in Lockland, Reading, Bratenahl, Brooklyn, Newburgh Heights, North Olmsted, and Parma Heights, magistrates announced to the courtroom that the court would not issue "payment plans" and that payments were due in full.** We witnessed people who stated they were unable to pay or who asked for payment plans made into examples for the other people in the courtroom.

For example, in Parma Heights Mayor's Court on September 14, 2017, the third person who was called to appear in front of Magistrate George Lonjack stated that he could not pay the full amount of fines and fees that day. He asked if he could make a partial payment towards his total fines and fees, and Magistrate Lonjack said "Speak up. I am going to say this so everyone can hear because we are going to have to do this every time." After making the man repeat his request, Magistrate Lonjack stated that "there are no payment plans" and that he had to "impose on [the person] to come back to court." Magistrate Lonjack repeated a common refrain in the mayor's courts we observed: "If you pay, you don't have to see [the magistrate]." During a different case on the same date, Magistrate Lonjack explained that he was obligated to impose two sets of court costs for two different citations, even though the citations for tinted glass and display of license plates were issued during the same traffic stop. When the person who received these fees stated that he did not have any money to pay towards his fines and fees, Magistrate Lonjack said "You are in the court with no money? Truly amazing." No inquiry into ability to pay was made. Instead the defendant was issued a continuance of one month, along with instructions that this possibly indigent person would either have to pay his fine or appear in court.

We used payment data from 14 courts to track payments made on court imposed fines, fees, and costs for two years. **Our research confirms two commonsense assumptions: that lower court debt amounts are paid more frequently than higher amounts, and that if people do not pay in the first six months, they often do not pay at all.** Approximately ten percent of court-imposed debts remain unpaid, even after several years. From our court observations, we learned that people are not simply skipping out on the payment of court debts; instead, they do not pay because they cannot afford to do so. During our court observation in Reading on October 16, 2018, a man who could not pay expressed his frustration that he kept having to return to the court because the court would not give him a payment plan or dismiss his fines and court costs. He explained to the magistrate that he could not pay any money because he was on a fixed income and did not

People who stated they were unable to pay or who asked for payment plans were made into examples for the other people in the courtroom.

have anything extra to save for his court debts. The man said that he was tired of constantly having to return to court and was willing to go to jail to clear his case.

We observed several mayor's court magistrates operate with the presumption that people are able to pay and are willfully not paying their debts to the court, without conducting ability-to-pay hearings. These mayor's courts issue steep fines and fees and driver's license forfeitures and bench warrants for unpaid court debts. This increases people's court debts, sometimes leading to multiple driver's license suspensions from different courts and several sets of reinstatement fees. This snowballing of suspensions and fines makes it impossible for people to pay off their debts and return to good standing with their driver's license. Though courts have the authority to cancel or discharge fines[36] in their entirety, the mayor's courts we observed rarely do so. Instead, most insist on full payment of court debt, issue continuances for payment, and very occasionally issue payment plans. Because an estimated one-third of Ohioans live in or near poverty,[37] many people cannot afford even small payments and are permanently saddled with court-imposed debt.

Magistrates in 14 of the 19 mayor's courts we observed issued continuances without assessing people's financial capacity to pay their fines and fees. Rather than reducing or dismissing court debts accordingly, magistrates in mayor's courts routinely issue continuances that require people to appear in court until the total of their fines and fees are paid. Many people may not be able to afford to pay their fine at all, even if they are given more time to do so. People who return to court and are still unable to pay their court debts are given additional continuances, again without any assessment of financial capacity to pay these debts. We observed magistrates in Reading, Newburgh Heights, Parma Heights, North Olmsted, and Whitehall mayor's courts warn people who had returned to court after several continuances and were still unable to pay their fines and fees that the court would only issue a limited number of continuances.

While continuances appear to be helpful by allowing people additional time to pay their citations, issuing these continuances without assessing whether people can afford to pay any money at all ignores the sacrifices people must make in order to pay their traffic tickets. **We talked with people who delayed paying their utility bills and even buying groceries to pay their fines.**

Continuances are especially harmful for poorer community members who may have to travel back and forth to the court multiple times because they are unable to pay off their fines and fees. Continuances in these cases prolong contact with mayor's courts, which increases the likelihood that people will miss additional court dates. Because of this, **poorer people face greater risk of being jailed or losing their driver's licenses for failing to appear in court than people who can afford to pay their fines.** In our review of the court records of 18 courts, we found thousands of arrest warrants, license forfeitures, and additional citations that were issued in 2016 for missed court dates that resulted from continuances. Through these practices, revenue-oriented mayor's courts turned minor offenses into crippling debts, driver's license suspensions, and jail time for people who were unable to pay their fines and fees.

DELAYING PLEAS AND IGNORING EVIDENCE

The magistrate or mayor who hears cases in a mayor's courts should act as an impartial arbiter of the law. Instead, we observed magistrates who attempted to deter people from pleading not guilty and who disregarded and failed to record evidence. Mayor's courts only have to provide a public defender to defendants in their court if a case goes to trial. **Since less than one percent of cases in mayor's courts go to trial, most hearings in mayor's courts are conducted without any legal support to defendants.** Because mayor's courts do not record their proceedings, magistrates and mayors who hear cases can use coercive tactics to pressure people into paying fines to the court.

Rather than register "not guilty" pleas and arrange for these cases to be transferred to the presiding municipal court, magistrates we observed in North Olmsted, Newburgh Heights, and Parma Heights instructed people who pled "not guilty" to wait to speak to a prosecutor before they could have their cases transferred. In the Newburgh Heights Mayor's Court, we spoke with a woman who was charged with operating a vehicle under the influence of alcohol and pled "not guilty." The prosecutor encouraged her to continue her case with Newburgh Heights, and she did. We learned from court observations and interviews that people often plead "guilty" after they return to court several times because they want to resolve their case. As one man in Whitehall mayor's court said after returning to court for a third time after being issued continuances for not guilty pleas, **he pled guilty because he "just wanted to get it over with."**

Magistrates in revenue-oriented courts fail to record evidence that people bring to court in their own defense. On March 13, 2018 in the Highland Hills Mayor's Court, we observed Magistrate Don Williams adjudicate a hearing for a woman who had been charged with reckless operation and failure to control her vehicle. The woman explained that she had slipped on "black ice," a colloquial term describing a clear, undetectable sheet of ice that can form on asphalt roads in below-freezing weather conditions. The woman stated that she was not guilty and had brought written statements to court from people in her office whose cars had also slipped on ice in the same area. Magistrate Williams did not look at these documents or enter them into her record. Instead, the magistrate said that "everyone was driving negligently that day." Magistrate Williams dismissed the reckless operation charge but upheld the failure to control charge.

Because mayor's courts do not record their proceedings, magistrates and mayors who hear cases can use coercive tactics with impunity to pressure people into paying fines to the court.

During our observation of the Lockland Mayor's Court on November 8, 2017, we witnessed a case where a woman was charged for speeding more than 10 miles over the limit in a 25 miles-per-hour zone. The woman asked for documentation that the speed gun had been tested that day and confirmed to be working correctly. The magistrate stated that the woman would have had to ask for this information before the court date. Rather than schedule a second arraignment or trial so that the police department could produce this documentation, the magistrate found the defendant guilty of speeding without giving her the opportunity to challenge key evidence about the proper functioning of police equipment.

SOLUTIONS

AN ALTERNATIVE MODEL

We have described the serious problems we found in mayor's courts in this report. However, the mayor's court in Yellow Springs shows that mayor's courts have the potential to be centers of justice. We met with Mayor Pam Conine, Ellis Jacobs, a member of the Yellow Springs Justice System Task Force (JSTF), and Elise Burns, the Yellow Springs Clerk of Courts to discuss their mayor's court in October 2018.

Unlike the profit-oriented mayor's courts highlighted in this report, Yellow Springs mayor's court operated at a $35,704 loss in 2017 and an $18,308 loss in 2018. While the problem of operating at a loss was raised in the village council meeting on September 4, 2018, citizens and village officials remain steadfast in their commitment to maintaining their local mayor's court. While the village continues to manage this deficit, the JSTF reviews any proposed changes to the mayor's court and evaluates proposals in light of the Six Pillars framework developed by the President Obama's Taskforce on 21st Century Policing.[38] These pillars are: Building Trust and Legitimacy; Policy and Oversight; Technology & Social Media; Community Policing & Crime Reduction; Training & Education; and Officer Wellness & Safety.

Mayor Pam Conine and Ellis Jacobs, a member of the task force, described how the mayor's court in Yellow Springs adjudicated cases based on these principles. Mayor Conine stated that she often lowers fines and always allows for payment plans. In some instances, the Mayor will offer the alternative of community service rather than imposing a fine. For example, a young man was cited for littering in the nature preserve in Yellow Springs. Mayor Conine offered him the choice of paying a fine or performing community service. When the young man opted for community service, Mayor Conine arranged for him to clean the nature preserve with the park ranger on a weekend.

The JSTF is an accepted and critical part of the village governing structure in Yellow Springs. The task force helps the village government address problems in policing, adjudication, and sentencing in the criminal justice system. While Yellow Springs is a relatively well-off community in rural Ohio, the report recommendations are designed to be implemented in every community in the United States. Mayor's court municipalities across Ohio can improve their practices if they implement the policies outlined in President Obama's Taskforce on 21st Century Policing report.

RECOMMENDED REFORMS

Our findings indicate the need for comprehensive reform of the mayor's courts system. The problems with mayor's courts are not limited to a few bad-actor courts or mayors; our analysis of all 297 of Ohio's mayor's courts found evidence that police officers in over one–third of municipalities with mayor's courts issued citations at rates that far exceed the citations issued by officers in non-mayor's court municipalities in 2016. Officers in these municipalities issue multiple citations for the same traffic stop, often for minor charges. Our observations of 19 mayor's courts and our review of court records for 18 mayor's courts finds that court procedures are geared towards levying fines and fees based on the citations issued by the police and doling out unduly severe punishments to people who cannot pay these fines and fees. The remaining two-thirds of mayor's courts do not keep any court records of proceedings, are infrequently audited, and the mayors and magistrates who adjudicate mayors courts have limited training. The policing and court practices in municipalities with mayor's courts erodes public trust in the criminal justice system. **The Ohio General Assembly must reform the mayor's court system so that it is grounded in the principles of fairness, transparency, and accountability.**

RECOMMENDATION 1:
Restore state funding to municipalities.

The Ohio General Assembly must alleviate the financial strain on municipalities by increasing funds to local governments. Incentives for profit-oriented policing and court practices are built into the mayor's court system because municipalities in Ohio are underfunded and because there is little oversight of mayor's courts. The Supreme Court of the United States,[39] the Sixth Circuit Court of Appeals,[40] and federal district courts[41] in Ohio have ruled that there are significant due process problems with mayor's courts caused by revenue-seeking behavior. **The courts have held that the potential to fund municipal budgets from mayor's courts makes mayors who hear cases vulnerable to "forget the burden of proof required to convict the defendant" and "not to hold the balance nice, clear, and true between the state and the accused."**[42]

The systemic underfunding of Ohio's municipalities increases the pressure on mayor's courts to generate revenue for their municipalities. Municipalities were the hardest hit by changes to the state budget beginning in 2013, specifically the cuts to the Local Government Fund, the elimination of the estate tax, and the revised business tax deduction. The business tax deduction alone is a loss of $450 million a year for the state,[43] and it is wealthy Ohioans who benefit the most from these tax cuts.

By funding municipalities adequately through fair taxation, the Ohio General Assembly will weaken the incentive to balance municipal budgets on the backs of poor Ohioans. This will improve the lives of all Ohioans, including those targeted by mayor's courts.

RECOMMENDATION 2:
Eliminate mayor's courts in Cuyahoga, Franklin, Hamilton, and Summit counties.

Mayor's courts in Cuyahoga, Franklin, Hamilton, and Summit counties should be eliminated for two reasons. First, there is compelling evidence of racial disparities in mayor's court municipalities that are inner-ring suburbs of Cleveland, Columbus, Cincinnati, and Akron. Second, both inner-ring and outer suburbs with mayor's courts are less centrally-located than municipal courts. These mayor's courts are more difficult to reach by car or public transportation, which make it harder for people to appear in a mayor's court than in a municipal court.

RECOMMENDATION 3:
Increase education and procedural requirements for mayor's courts.

In 2016, the sum total of citations issued by the mayor's courts in rural counties accounted for less than 20 percent of all citations issued by mayor's courts that year. Rural mayor's courts are in communities that are far from municipal courts and where there is limited or no access to public transportation.[44] Mayor's courts that are in rural counties have the potential to serve their communities by making it easier for people to appear in court.

But rural mayor's courts remain susceptible to the lack of fairness, transparency, and accountability that is endemic to all mayor's courts. Increasing the educational requirements for all mayor's courts staff, enabling municipal courts to appoint magistrates to mayor's courts, and enforcing the requirement that mayor's courts audio record their hearing will make mayor's courts more fair accountable to the public.

In 2016, more than ten percent of trials in mayor's courts were conducted by a mayor,[45] even though a mayor who conducts mayor's court does not need to have a law degree.[46] The Supreme Court of the United States and other state and district courts in Ohio have found that mayor's courts in which mayors adjudicate cases are particularly suspect for violating defendants' due process rights.[47] Though some mayors may adjudicate cases fairly, mayors should not have judiciary powers. Giving mayors judicial authority consolidates power in the executive office and hinders the ability to use checks and balances to ensure fair governance. Mayors should be prohibited from hearing cases in mayor' courts. Magistrates who are appointed by mayors or municipal councils may not be impartial because they face pressures from these powerful community members to generate revenue through the mayor's court. For this reason, magistrates should be appointed and paid by the municipal court with jurisdiction in the area.

Educational requirements should also be increased. Under current law, a mayor's court magistrate does have to be a lawyer, but they only need three years of experience practicing law in Ohio to hear cases in a mayor's court.

The magistrates and mayors who adjudicate in mayor's courts are only required to have six hours of training a year for the first year, and only three hours a year the following years,[48] to hear cases. This is far less experience and training than most judges. The Supreme Court of Ohio instructs mayors to require mayor's court clerks and other court personnel to attend mayor's court training, however this training is left up to the mayors. There are currently no mechanisms available to the Supreme Court of Ohio or the Ohio General Assembly to enforce training for clerks and other court personnel.

The problems from the lack of legal training required in mayor's courts are amplified by the lack of accountability and transparency. Though the Supreme Court of Ohio requires mayor's courts to audio record their proceedings,[49] we do not know of a single mayor's court that records its proceedings.

Legal training should be based on a model of restorative justice that "seeks to prevent future violence and disruption by finding responses to law-breaking behavior that are proportionate, meaningful, and enforce accountability."[50] Our case study of Yellow Springs suggests that mayor's courts may be ideally suited to implement restorative justice practices because they primarily adjudicate low-level, non-violent crimes.

RECOMMENDATION 4:
Expand oversight of mayor's courts.

The Supreme Court of Ohio should be given disciplinary oversight of mayor's courts. Currently, there is very little oversight of mayor's courts by the state judiciary or the legislature. Yet mayor's courts issued over 200,000 tickets a year in 2016 and 2017. Courts that have the power to criminalize and fine Ohioans should be accountable to Ohio's highest court.

The Ohio General Assembly should prohibit mayor's courts from issuing additional citations, fines, fees, license forfeitures, and bench warrants before the court conducts an ability-to-pay hearing. Ohio law already requires courts to give defendants documented ability to-pay hearings with access to legal counsel; this law protects people from being jailed because they are too poor to pay their fines. These protections must be extended to additional legal sanctions to ensure that people are not punished for being too poor to pay their traffic tickets and other citations. This would prevent the piling up of fines and fees and the bureaucratic tangle that people face when they try to get their driver's license suspensions cleared.

To increase transparency and reduce racially-disparate policing, mayor's courts should be required to publish publicly available data on the racial demographics of the people cited by their municipality's police officers. They should also be required to publish the number of failure to appear citations, arrest warrants, arrests that result from these warrants, and the number of jail days they impose on people along with the racial demographic information for each of these legal interactions.

RECOMMENDATION 5:
Abolish driver's license suspensions for any reason not related to public safety.

Ohio issued 3.2 million driver's license suspensions in 2016. **We analyzed driver's license suspension data for 2016 from the Bureau of Motor Vehicles and found that over half of license suspensions were for financial reasons that have no relation to public safety.** Over 1.2 million suspensions were for failure to show proof of automobile insurance and an additional 484,000 suspensions were license forfeitures issued for non-payment of court fines or for missing court dates. Many of these suspensions were issued to the same individuals, who continue to accumulate suspensions because they cannot pay the fines and costs required to keep their driver's licenses valid. In 2016, drivers with a suspended license had an average of 2.96 suspensions on their license.

It is estimated that three-quarters of people with suspended licenses in the United States continue to drive.[51] In much of Ohio, especially in rural areas, there is limited or no public transportation available, leaving people with limited options for travel. License suspensions criminalize people for driving to work, taking their children to school, driving to the grocery store, and other essential everyday tasks. This has made it difficult for people to find and keep employment because many jobs require a valid driver's license, and employers have also been burdened because they cannot find workers who have reliable transportation.

On July 31, 2018, the Ohio General Assembly passed House Bill 336. This bill gives people with suspended licenses an amnesty period to reinstate their licenses with no fee or with significantly lowered fees. However the conditions for amnesty are narrow, and it's unknown how many people can qualify for this program.

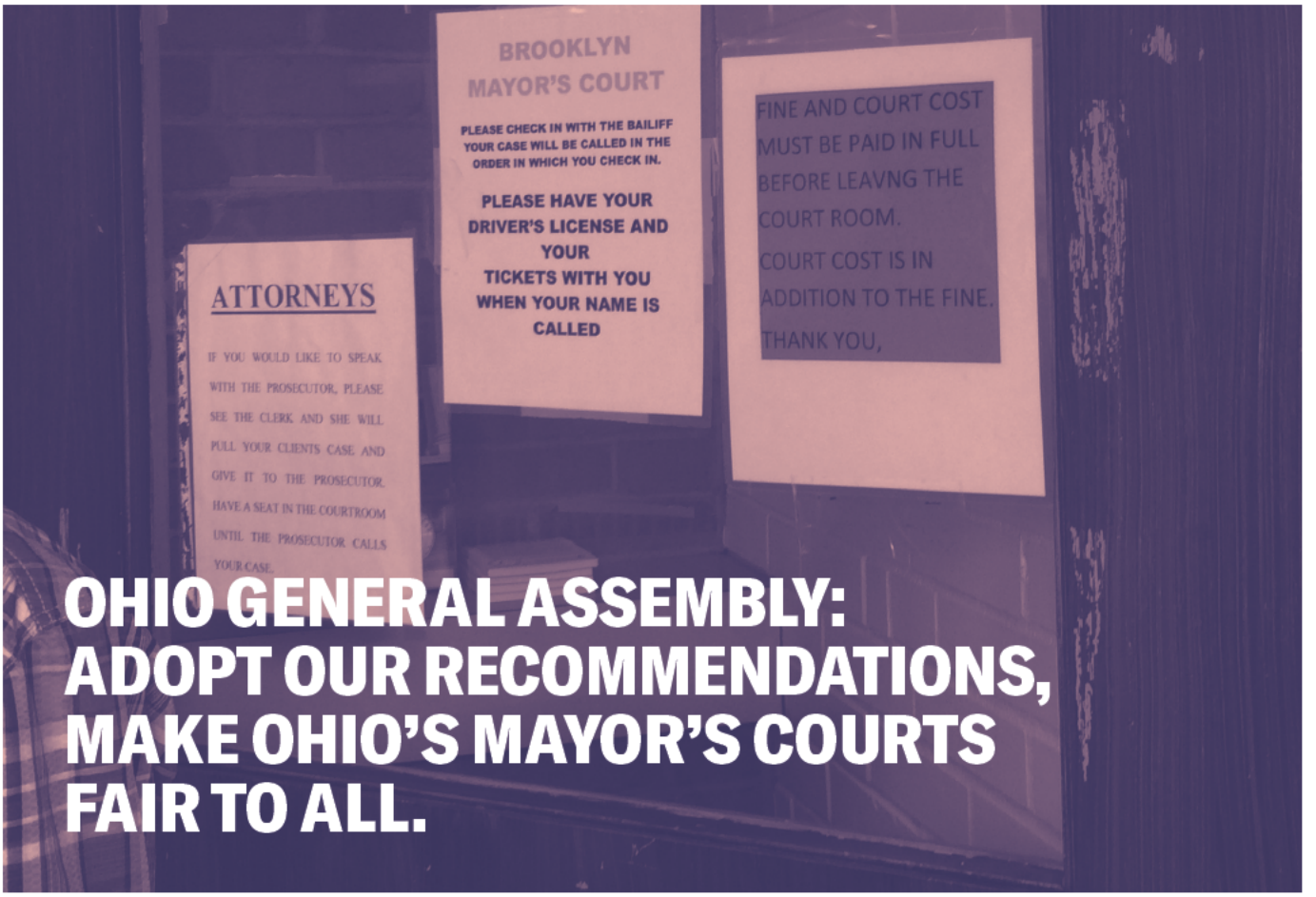
We commend this first step by the Ohio General Assembly to address the financial barriers to reinstating suspended driver's licenses and urge the state to prevent these suspensions from happening in the first instance. By eliminating the financial causes for license suspensions, the Ohio General Assembly can improve the lives of millions of Ohioans. They can eliminate over 1.5 million license suspensions, decriminalize over half a million Ohioans, make our community members more employable, and help develop the workforce.

CONCLUSION

The current mayor's courts system erodes public trust in the courts and the police. Profit-oriented mayor's courts saddle people with debt that they may never be able to afford to pay, take away their driver's licenses, and even send people to jail as their municipal coffers grow. We found that many mayor's courts near Ohio's big cities disproportionately cite Black Ohioans and divert police resources to poorer communities to collect fines and costs. By citing people in the communities that surround them, these mayor's court municipalities impoverish their neighbors to enrich themselves.

The problems with revenue-oriented policing and courts are most obvious in mayor's courts. As Ohio Supreme Court Chief Justice Maureen O'Connor has pointed out, these problems are endemic to any court system that is required to fund itself.[52]

Ohioans deserve fair, transparent, and accountable courts that will deliver justice for all rather than revenue to some. The Ohio General Assembly can require that our courts uphold these values. We urge the Ohio General Assembly to enact the reforms recommended here and make Ohio's mayor's courts fair to all.



Brooklyn, OH Mayor's Court

ENDNOTES

1. Ohio Revised Code 1905.01.
2. Statistics for traffic citations are drawn from The Supreme Court of Ohio 2016 Mayor's Court Summary Report https://www.supremecourt.ohio.gov/Publications/mayorscourt/mayorscourtreport16.pdf and The Supreme Court of Ohio 2016 Ohio Courts Statistical Report https://www.supremecourt.ohio.gov/Publications/annrep/16OCSR/2016OCSR.pdf , accessed 8/30/2017.
3. We use the term "community member" to describe people who interact with one another, live within a bounded geographic territory, share a common government, and pool resources such as taxes. Communities can be nested, for example, a municipality can be a community that shares a municipal government and municipal taxes, and a neighborhood within the municipality can also be a community with shared aesthetic rules and neighborhood funds. In this report, communities are nested at local, municipal, county, and state levels. The geographic territory of the community is the area within average driving distance of a mayor's court municipality. Shared community governments include municipal, county, and state-level governments. Pooled resources include road infrastructure and municipal, state, and federal taxes. For further discussion of interpersonal, geographic, and governmental definitions of community, see Karen Christensen and David Levinson, Encyclopedia of Community: From the Village to the Virtual World Thousand Oaks, CA, Sage (2003).
4. *Tumey v. Ohio*, 273 U.S. 510 (1927); *Dugan v. Ohio*, 277 U.S. 61 (1928); *Ward v. Village of Monroeville*, 409 U.S. 57 (1972); *Aetna Life Insurance Company v. Lavoie*, 475 U.S. 813 (1986).
5. "Chief Justice Thomas J. Moyer Mayor's Court Testimony, December 2, 2008." http://www.supremecourt.ohio.gov/PIO/Speeches/2008/mayorscts_120208.asp, accessed 1/31/2018.
6. Ohio Revised Code 1905.01.
7. Supreme Court of Ohio 2016 Mayor's Court Summary and Supreme Court of Ohio 2017 Mayor's Court Summary https://www.supremecourt.ohio.gov/Publications/mayorscourt/mayorscourtreport17.pdf, accessed 8/1/2018.
8. These include arresting and jailing people for missed court dates and for unpaid fines without conducting a hearing assessing defendants' indigency, issuing high numbers of citations for minor infractions, disproportionately citing Black residents and motorists, and adding fines and fees for delayed or missed payments. See "The Outskirts of Hope." American Civil Liberties Union of Ohio, April 2013; "Investigation of the Ferguson Police Department." United States Department of Justice Civil Rights Division, March 4, 2015. "A Fine Scheme: How Municipal Fines Become Crushing Debt in the Shadow of the New Debtors' Prisons" Torie Atkinson, 2015, Harvard Civil Rights-Civil Liberties Law Review: (51). *A Pound of Flesh: Monetary Sanctions as a Punishment for the Poor*. Alexes Harris, 2016, New York: Russell Sage.
9. "The Outskirts of Hope;" "Investigation of the Ferguson Police Department;" "A Fine Scheme: How Municipal Fines Become Crushing Debt in the Shadow of the New Debtors' Prisons;" *A Pound of Flesh: Monetary Sanctions as a Punishment for the Poor*.
10. "Driving While Black: Racial Profiling on Our Nation's Highways." David B. Harris, American Civil Liberties Union Special Report, June 1999; "Race, Ethnicity, and the Criminal Justice System." The American Sociological Association, September 2007; "Lack of Transportation: A symptom of poverty and a cause of poverty." Athens County Job and Family Services and Hocking-Athens-Perry Community Action Program, April 2013. "Investigation of the Ferguson Police Department;" "Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California." East Bay Community Law Center, April 2016.
11. "Lack of Transportation: A symptom of poverty and a cause of poverty." Athens County Job and Family Services and Hocking-Athens-Perry Community Action Program; April 2013 "Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California."
12. Demographic data were taken from the 2010 US Census.
13. We spoke with Shaker Heights municipal court Judge KJ Montgomery, Rocky River municipal court Judges Donna Congeni Fitzsimmons and Brian Hagan, Rocky River Clerk of Courts Deborah Comery, Yellow Springs Mayor Pam Conine, Yellow Springs Clerk of Courts Elise Burns, Justice Task Force Member Ellis Jacobs, Bratenahl Mayor John Licastro, Bratenahl Police Lt. Charles Lobello, Bratenahl Village Solicitor David Matty, Sam O'Leary, Council for Bratenahl, Law Director of Grove City Stephen Smith, and Magistrate Donald Williams of the mayor's courts of Highland Hills and Woodmere.
14. "State Cuts Sting Ohio Localities." Policy Matters Ohio https://www.policymattersohio.org/research-policy/quality-ohio/revenue-budget/state-cuts-sting-ohio-localities, December 19, 2016.
15. Budget Testimony on behalf of the Supreme Court of Ohio and Ohio's Judiciary before the Ohio House of Representatives Finance and Appropriations Committee Transportation Subcommittee Tuesday, March 1, 2017, pp. 13-14. http://search-prod.lis.state.oh.us/cm_pub_api/api/unwrap/ready_for_publication/cmte_h_transportation_sub_1/testimony/cmte_h_transportation_sub_1_2017-03-01-0900_175/hb49osc.pdf, accessed 8/15/2018.
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18. For these 51 municipalities in which police officers issued an average of more than 100 traffic citations each in 2016, the median average number of citations issued is 149, interquartile range is 142, quartile 1 is 113 and quartile 3 is 255. Two municipalities, Kirkersville and Hanging Rock, had average officer citation rates that were high outliers. If these two municipalities are excluded, the average number of citations issued per police officers in 2016 in the 49 other municipalities is 162, the median is 147, the interquartile range is 120, quartile 1 is 113 and quartile 3 is 233.
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32. On November 22, 2017, we examined electronic dockets from Amberley; Arlington Heights; Canal Winchester; Cuyahoga Falls; Fairfax; Lockland; Newburgh Heights; North Olmsted; Norwood; Parma Heights; Pataskala; Silverton; Springboro; and Woodmere. Only Canal Winchester, Norwood, Parma Heights, and Springboro courts did not have records of license forfeitures.
33. *Bearden v. Georgia*, 461 U.S. 660 (1983).
34. Under Ohio law, a defendant may only be jailed for willful nonpayment of a fine based on a judge's determination—at a mandatory on the record hearing where defendant is represented by counsel—that the defendants has money to pay the fine but refuses to do so. Ohio Rev Code § 2947.14.
35. *Bearden v. Georgia*, 461 U.S. 660 (1983).
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40. *DePiero v. City of Macedonia, et. al.*, 180 F.3d 770 (6th Cir. 1999).
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