



Using Fines to Fund Municipal Government Hurts Low-Income Minorities, Just as Sharecropping Did a Century Ago

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Recent media stories have explained how Ferguson, Missouri, uses traffic fines to fill municipal coffers – leaving low-income African-Americans who cannot afford the fines under threat of arrest and imprisonment. This use of the justice system as a revenue tool, with an especially negative impact on vulnerable populations, can be found elsewhere in the St. Louis metropolitan area and in other places nationwide. Everywhere, we see similar negative effects from fines, fees, and jail time for minor offenses on the lives of people who lack financial resources.

In important ways, this approach to criminal justice resembles sharecropping a century ago. Of course, sharecropping as a general practice in the American South ended in the first half of the twentieth century, and cotton farming is quite different from urban justice in the twenty-first century. Sharecropping was about individual transactions in the private market, whereas law enforcement and the courts are formal public institutions vested with coercive power. Nevertheless, in both instances, individuals and public officials have been able to target African-Americans systematically for economic gain because of their marginalized economic and political status.

Revenue-Generating Practices by Law Enforcement and Municipal Courts

Although financial exploitation is more covert today than it was in previous decades, the implementation of race-neutral or colorblind policies has revealed racially biased outcomes. When local justice systems target minorities as a source of revenue, they can be perceived as racist institutions that care more about collecting money than about dispensing justice.

An investigation of St. Louis City and County unveiled an assortment of municipal governments, varied in size, budget, and service capabilities, that were undermining efforts for effective policing in the region. Representing over 90 separate municipalities, with 81 municipalities having their own courts and police forces, St. Louis County is severely fragmented and is characterized by inefficiencies and uneven delivery of police services to residents. Each jurisdiction struggles to find more revenue – and statistics and testimonials reveal that fine systems designed to fund the patchwork of local governments have a racially disproportionate impact.

- Data collected from the Ferguson Police Department from 2012 to 2014 show that “African-Americans accounted for 85% of vehicle stops, 90% of citations, and 93% of arrests made by FPD officers, despite only comprising 67% of the population.”

- “Statewide in 2013 (the most recent year available), African-American drivers were pulled over at a rate 59 percent greater than would be expected based solely on their proportion of the population aged 16 and older.”

Overall, research shows that African-Americans are disproportionately represented and adversely affected along the continuum of interactions with law enforcement to final disposition of a case in municipal court.

How Professional Ethics Can Counter Arrangements that Use Vulnerable People as a Source of Revenue

The justice and revenue practices used in Ferguson are clearly outside the norms of practice in public finance nationwide. The percentage of the city’s revenue derived from this system and the significant and disproportionate impact on residents are beyond what most local government professionals would consider appropriate. Given the historical and critical analyses presented above, what ethical responsibility do public professionals have in identifying and resisting such practices when they occur? Two normative frameworks relevant to the Ferguson situation are the Code of Ethics of the American Society for Public Administration and the Law Enforcement Code of Ethics of the International Association of Chiefs of Police. Item 4 in the Public Administration code addresses the core issues at stake:

- Strengthen social equity. Treat all persons with fairness, justice, and equality and respect individual differences, rights, and freedoms. Promote affirmative action and other initiatives to reduce unfairness, injustice, and inequality in society.
- Provide services to the public with impartiality and consistency tempered by recognition of differences. Ensure that all persons have access to programs and services to which they are entitled under the law and maintain equitable standards of quality for all who receive the programs and services.
- Provide equal treatment, protection, and due process to all persons.
- Oppose all forms of discrimination and harassment and promote affirmative action, cultural competence, and other efforts to reduce disparities in outcomes and increase the inclusion of underrepresented groups.

Whatever action one chooses in a given situation, the historical comparison of sharecropping with the use of fines to raise revenues by some of today’s local governments makes it clear that teachings about professional ethics in public service need to include greater awareness of the potential for institutional practices that represent a systematic abuse of power – practices that go well beyond occasional individual lapses by individual officials. Public professionals need to be on guard against organizational practices that subvert public values – such as distorting law enforcement by using it to raise revenue rather than deliver justice and further public safety. Similarly, ethical professionals need to avoid exploiting citizens who are not able to resist, individually or as a group. And they must also develop a deeper awareness of structural race biases in society and their harmful impact on vulnerable populations. Such expanded ethical awareness must become accepted practice in all realms of public service.

Read more in Brandi Blessett, “Sharecropper Finance: Using the Justice System as a Public Revenue Source,” (with Richard C. Box). *Public Integrity* 18, no. 2 (2016): 113-126.

May 23, 2016

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