

Biloxi and ACLU Settle Lawsuit Over Jailing of Indigent People

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BILOXI, Miss. — The American Civil Liberties Union and the city of Biloxi have settled a federal lawsuit that alleged the jailing of people unable to pay court-ordered fines and fees in traffic and other misdemeanor cases. As part of the settlement, Biloxi has initiated policies that both parties agree are a model for courts in Mississippi and across the country. Under the settlement, Biloxi and the other defendants denied all liability.

Biloxi has agreed to adopt sweeping reforms to protect the rights of people who cannot afford to pay fines and fees imposed by Biloxi's municipal court for traffic and other misdemeanor offenses. They include:

- Private probation companies will not be used to collect fines and fees by June 1, 2016.
- A full-time public defender has been hired to represent indigent people charged with nonpayment.
- No additional fees will be imposed on people who enter payment plans or are required to perform community service.
- A "bench card" detailing municipal court procedures will be used to protect constitutional rights in the fine/fee collections process. The card explains how the municipal court will conduct additional ability-to-pay hearings and lists the legal alternatives to jail.

"Being poor is not a crime, and these reforms will help ensure that people's freedom will not rest on their ability to pay court fines and fees they cannot afford," said ACLU attorney Nusrat Choudhury. "Biloxi's reforms serve as a critically important model for courts across Mississippi and in other states to help ensure that our poorest and richest citizens are treated equally and fairly. Biloxi has set an example other cities should follow."

"Biloxi's old procedures should have required ability-to-pay hearings not just at the first appearance, but at each stage of the process," Mayor Andrew "FoFo" Gilich said. "The biggest change that the city court is making is to guarantee indigent defendants will have a public defender and receive follow-up hearings on ability to pay if the defendant fails to comply with the sentence. We will

continue these and other court reforms that we had already begun making since I became mayor 10 months ago."

The federal court has dismissed the lawsuit without ruling on liability or wrongdoing on the part of defendants Biloxi, Police Chief John Miller and Judge James Steele. The settlement also provides for a one-time monetary payment of \$75,000 for damages and legal expenses associated with the case.

The lawsuit was filed last October on behalf of indigent people, including Qumotria Kennedy and Joseph Anderson, who were arrested and jailed on warrants charging them with nonpayment of fines and fees. The ACLU charged that the plaintiffs' constitutional rights to counsel, an indigency hearing, and freedom from unreasonable seizures were violated by Biloxi, Chief Miller, Judge Steele, and Judicial Corrections Services, Inc., (JCS) a for-profit company that handled fine collections for Biloxi prior to the current Biloxi administration.

The plaintiffs' claims against JCS have also been mutually resolved.

The case, Kennedy v. City of Biloxi, was filed in the U.S. District Court for the Southern District of Mississippi in Gulfport. The ACLU of Mississippi and Simon & Teeuwissen PLLC are co-counsel for the plaintiffs.

This press statement is at: www.biloxi.ms.us/settlementPR

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