

POLICING for PROFIT - Fines are city's lifeblood

No apologies: **Pine Lake** police chief says he's just enforcing law, but revenue is key to budget.

BYLINE: Bill Torpy; Staff

DATE: May 23, 1999

PUBLICATION: The Atlanta Journal and The Atlanta Constitution

EDITION: Home; The Atlanta Journal Constitution

SECTION: Local News

PAGE: E1

On the woodsy and serene streets of **Pine Lake**, small frame homes built 50 years ago as weekend getaways are now snatched up and renovated by homebuyers looking for a sense of community in a sea of cookie-cutter suburbs. "When I first turned off Rockbridge Road, it was like turning off into the country," said Debbie Brooks, 50, a technology worker who has lived for 10 years with her husband on the city's 12-acre lake, an oasis just a few wooded blocks off Rockbridge, a busy DeKalb County thoroughfare.

But some ardent critics say **Pine Lake** is paying for its amenities by using old-fashioned ticket-trap tactics, building revenues by waylaying out-of-towners. Among nearly 700 jurisdictions in Georgia, **Pine Lake** is far and away the state's traffic ticket champion, according to an Atlanta Journal-Constitution/WSB-TV study of revenue data going back to 1990.

Critics say **Pine Lake** is policing for profit.

Last year alone, **Pine Lake** raised more than \$1,000 in ticket revenue for each man, woman and child inside its borders. Ticket-fine money helps keep up a city clubhouse and new beach house. It buys new equipment and vehicles, and it provides services that would be the envy of much larger places.

It's a sweet deal for the 800 or so **Pine Lake** residents. They generally aren't the targets of the blue lights. The crime rate mirrors Mayberry's.

The spoils of traffic enforcement are significant. During the years 1989 to 1998, **Pine Lake** collected an average of 57 percent of its revenue from traffic fines, according to the AJC/WSB study of state records.

Last year, **Pine Lake** had a year that rivaled baseball slugger Mark McGwire's. The city tripled the size of its police force from three officers to 10 and more than quadrupled its revenue from fines. Three-quarters of its \$1.13 million budget came from traffic tickets.

"It's one big cul-de-sac, the safest community in metro Atlanta," bragged Beverly Vaughn, who teaches disabled students and for nine years has lived across the lake from the city beach house. "I've never been bothered by the police and am thankful for their presence. Besides, most of (the tickets) are things that people should have already taken care of -- tags, lights, insurance."

But a small and persistent band of protesters has made a burning issue of the "cul-de-sac's" vigorous policing of a three-tenths-of-a-mile stretch of Rockbridge Road.

"When you see **Pine Lake** police on Rockbridge Road, you know it's feeding time," said Daryll Dorton, one of three protesters who since March have kept a placard-hoisting vigil on Rockbridge. About 20,000 cars a day pass through **Pine Lake** on Rockbridge, a major artery to the growing black population in the Stone Mountain area.

And there lies the problem, as far as Dorton is concerned. He and several state legislators have asked for an investigation into whether police in majority-white **Pine Lake** discriminate against the drivers on Rockbridge, who are overwhelmingly black.

"(The police) need to enact that same kind of aggressiveness inside **Pine Lake**; they need to move off that small stretch of Rockbridge," said Dorton, who started his battle with the city after officials failed to renew a business license for a firewood service he ran on Rockbridge.

Nearly 87 percent of the 2,270 tickets issued in the past six months went to black motorists, the AJC/WSB study found.

Police Chief Mac McGlamery, who was hired in August 1997, makes no apologies. He says he's merely enforcing the law. **Pine Lake**, he admits, once was seen as a speed trap. So he tossed out the radar gun and practically shuns moving violations, targeting offenses such as expired car tags, drivers' licenses and insurance cards. With those cases, there's little room for wiggle before a judge. And the citations are more lucrative.

In the years before McGlamery came to office, the average ticket brought in \$128. Last year, it was \$259. The conviction rate is 82.9 percent. "I'm not one to use traffic stops as harassment. But it should be used to keep undesirables out and to ferret out other crimes," said McGlamery, who said the routine stops have turned up guns, drugs and wanted felons. "We have a small enough area to get the job done."

To get that job done, McGlamery, a retired DeKalb County police lieutenant, increased **Pine Lake**'s force from three officers to 10 last year. Ticket revenue more than quadrupled.

Mayor Alfred Fowler said critics are "making an issue of good policing."

So when does "good policing" become aggressive moneymaking? And what exactly is a ticket trap?

"It's generally where you got your last ticket," quipped Col. Sid Miles, commander of the Georgia State Patrol.

The rich arm of the law

Frank V. Rotondo is hard pressed to quantify a ticket trap -- and he heads the Georgia Police Chiefs Association.

"There isn't any guide," he said.

But Rotondo has a problem with police departments raising much of their budgets through fines. He raised an eyebrow on hearing that **Pine Lake** police brought back to the city coffers \$1.80 for each dollar the city spent on police services between 1989 and 1998.

"If you live in a city, pay for the services, not have the services pay for you," he said. "The purpose of a police department is to protect life and property. People should buy their tag or have insurance. But to pool all their resources to (make traffic stops on license tags), I have to question that."

Pressed on what would be a red flag in determining if a jurisdiction relies too heavily on ticket revenue, Rotondo said that if fines account for 10 percent of all governmental revenue, it would be an indicator to start looking further. But he quickly noted that 10 percent is a very inexact figure because cities and counties vary widely in size, sources of revenue and services delivered. The AJC/WSB review of computerized ticket information generated by the state Department of Community Affairs for the years 1989 to 1997 shows that nearly a quarter of governments statewide raised 10 percent of their total governmental budget from tickets, and 20 agencies raised 20 percent or more.

Slicing the data another way, 25 jurisdictions raised more than twice the state per capita average of \$34.72.

Georgia has long been concerned about speed traps, and the state monitors how localities run radar. In 1970, then-Gov. Lester Maddox erected signs outside of the city of Ludowici warning motorists of the city's proclivity for writing tickets. This year, the General Assembly passed a

law that says a police force raising 40 percent of its operating budget through speeding tickets could get its radar licensing pulled.

"We've all heard horror stories of mayors telling the chief you have to write so many cases; of course, it's hard to ever prove anyone said that," Miles said. "This has been a controversy for so long that the 40 percent may clear up some of that."

The 40 percent level, however, targets only speeding tickets and is an inexact figure arrived at by chiefs, sheriffs and government officials. The state does not compile speeding tickets and would have to physically retrieve them in order to investigate a department.

Popular perception of speed traps is that they are one-stoplight burgs with a highway serving up a steady stream of out-of-town victims.

"Many areas are economically deprived," said Terry Norris, vice president of the Georgia Sheriff's Association. "The fact remains that revenue is raised to keep the police department (in operation)."

The AJC/WSB study showed that the jurisdictions most likely to rely on traffic enforcement as a revenue resource were smaller municipalities and rural, poorer counties.

But metro area cities and counties in recent years have gotten increasingly tough on enforcement as traffic safety becomes a key issue with the public.

Gwinnett County Sheriff Butch Conway, who was police chief of Lawrenceville during the early 1990s, said he turned that department into "a very aggressive force" because the public demanded it.

"We went after suspended licenses, DUI, speeding and red lights -- the traditional offenses that cause wrecks," Conway said. "And we allowed 15 miles over the limit before we wrote them up."

The crackdown was aimed at safety, not revenue, Conway said, as did all other chiefs interviewed.

Pine Lake's revenue is hurting since the protests have started. Dorton and fellow protesters Douglas Coffey and Karim Shahid have stood outside the city's municipal court and advised motorists that they can switch their cases to DeKalb County State Court. When this is done, the county, not the city, receives the fine revenue.

Bazell Partridge transferred to DeKalb court tickets for no proof of insurance and an expired tag.

Pine Lake wanted him to pay \$880.

"At least they won't get the money," he said.

In March, \$25,000 in cases were transferred to state court. Late in March, Municipal Judge Alan Mullinax ordered Dorton and Coffey to court, saying they could be found in contempt for practicing law without a license. The judge later threatened to upgrade the charges to a felony, although several law enforcement officials, including District Attorney J. Tom Morgan, said it's within the law for citizens to provide information about a defendant's rights.

The city prevailed on the judge to drop the matter, which he did last week.

Morgan has agreed to look into the claims of racial discrimination, but he cautioned that proving them would be very difficult.

"(Critics) say, 'Well, DeKalb County police aren't making stops (for tags);' but because one jurisdiction isn't making stops doesn't mean another one can't," Morgan said. "Eventually, the decision will be more political than legal."

State Reps. Vernon Jones and Arnold Ragas both have said they favor legislation yanking the city's charter.

Race complicates issue

Critics also point out that **Pine Lake** Officer Ronnie Viar was fired last year from the Stone Mountain Police Department for making a racial slur about his black boss. McGlamery said he did "a lot of soul searching" when hiring Viar.

"When a person makes a mistake and admits it, do you continue to beat him?" the chief asked. Since coming to **Pine Lake** last year, Viar has issued eight tickets to black drivers for each one he has given to white drivers, which is slightly below the city average. Officer Josh Wages, who resigned from Stone Mountain the same time Viar left, has written 26 tickets to blacks for each one to a white.

McGlamery attributes the disparity to Wages working the overnight shift, when some drivers are leaving black-oriented nightclubs on nearby Memorial Drive. He said officers often don't know a motorist's race until a stop has been made.

Although nearly 90 percent of those ticketed in **Pine Lake** were black, the AJC/WSB analysis of **Pine Lake's** ticketing practices since McGlamery was hired in 1997 found no racial disparity in the prosecution outcome of those tickets in the city's municipal court. But the fact that a small, mostly white city is issuing most of its tickets to black motorists has complicated an already sticky situation.

"We're not a bunch of rednecks just waiting to ambush people," argued Phil Howland, a building contractor and **Pine Lake** resident.

In fact, the town of 1940s frame houses is filled with artists, Yuppies, gays, aging hippies, and people who paint their homes purple and plant pink flamingos on lawns. Construction Dumpsters and renovations are common, and real estate prices are booming.

Still, there are those who say residents need to force the police to be more sensitive.

"This community has changed and times have changed and **Pine Lake** has to change with the times and the community," protester Shahid said.

At 6 p.m. on Monday and Tuesday, tune to WSB-TV Channel 2 for a special report on the ticketing practices of **Pine Lake** and other metro Atlanta communities.

Photo: Sgt. M.A. Johnson of **Pine Lake** stops a car with a drive-out tag to check its validity. **Pine Lake** police find tag violations are common. / Renee Hannans / Staff

Map: How Traffic Fines Fund a City

Tollgates on Rockbridge Road couldn't be more effective for **Pine Lake**: The Dekalb County city used the proceeds of \$860,000 in ticket revenues collected in 1998 to nearly triple the city budget. With some of those revenues, city fathers funded house-to-house leaf vacuuming, renovated a public beach house on scenic **Pine Lake** and tripled its police force and gave it a new station. Map shows the location of **Pine Lake** in relation to Atlanta. / Michael G. Cothran / Staff

Graphic: Map shows a grid of the streets of **Pine Lake**. Numbers denote location of various city buildings bought or renovated using traffic dollars. / Michael G. Cothran / Staff

Photo: 1. Beach House

Open for the summer to city residents on Memorial Day, it was originally built in the 1950s. The city spent \$232,159 for renovations in 1998. Map shows the location on Lakeshore Drive. / Renee Hannans, Ben Gray / Staff

Photo: 2. Clubhouse

Built in the 1940s as a community center, the clubhouse has been updated numerous times, with the latest renovations costing \$20,000. Map shows the location at intersection of Forrest RTd. and Club House Dr. / Renee Hannans, Ben Gray / Staff

Photo: 3. New Police Station

The police station was formerly owned by a longtime resident of **Pine Lake**. It was purchased and remodeled by the city a year ago for \$111,510. Map shows location on Forrest Rd. / Renee Hannans, Ben Gray / Staff

Photo: 4. City Hall

City hall was originally an interdenominational chapel. Renovations last year cost \$10,000. Map shows location on **Pine Dr.** / Renee Hannans, Ben Gray / Staff

Graphic: A look at the books

the city of **Pine Lake** in DeKalb County holds the distinction of collecting more money per capita from fines, forfeitures and court fees than any other city or county in the state.

Revenue: fines, forfeitures and court fees

Total for 1998: \$860,000

Expenses: police department spending

Total for 1998: \$455,555

As of May 17, 1999, revenues are \$182,680 and expenses are \$455,555.

Per Capita in 1998

Pine Lake

815 residents

Expenses: \$559

Revenue: \$1,055

Ga. cities

500-999 residents

Expenses: \$92

Revenues: \$36

State

average all cities

Expenses: \$155

Revenues: \$35

1998 City Expenditures

\$111,510 New police headquarters

\$63,009 Three police cars

\$57,225 Leaf vacuum, wood chipper and dump truck to tow them

\$52,159 Renovations to civic clubhouse, lakeside beach house and City Hall

\$34,323 Computers, digital camera, digital VCR and editing equipment

\$8,775 Christmas lights on **Pine Lake**

\$8,578 Resurfacing city tennis courts

\$7,260 City annexation study

/ Michael G. Cothran / Staff

Map: Map shows location of **Pine Lake** in relation to surrounding counties and towns. / Vernon Carne / Staff

Photo: Sgt. M.A. Johnson issues a citation to Anthony Pierre of Decatur. / Renee Hannans, Ben Gray / Staff