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City Haul

Chicago's Multi-Million Dollar Industry of Erroneous Tickets¹

Von: Kasey Henricks

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As the hiss of the street sweeper slithered through residential streets on Chicago's westside, Kimberly Brown thought little of it at the time. It was May 2020. COVID-19 lurked around the corner. Gov. J.B. Pritzker had issued a stay-at-home order, and Mayor Lori Lightfoot suspended parking tickets unrelated to public safety. Upon returning to her car, Ms. Brown saw an orange piece of paper that could ruin anyone's day. Chicago's unofficial greeting card contrasted the gray streetscape, still soaked from the wettest month on record. Her car was out of compliance, allegedly parked in a restricted area during scheduled street cleaning. The Dept. of Streets and Sanitation would later issue a statement saying that tickets like these were written in error. All of them would be voided,

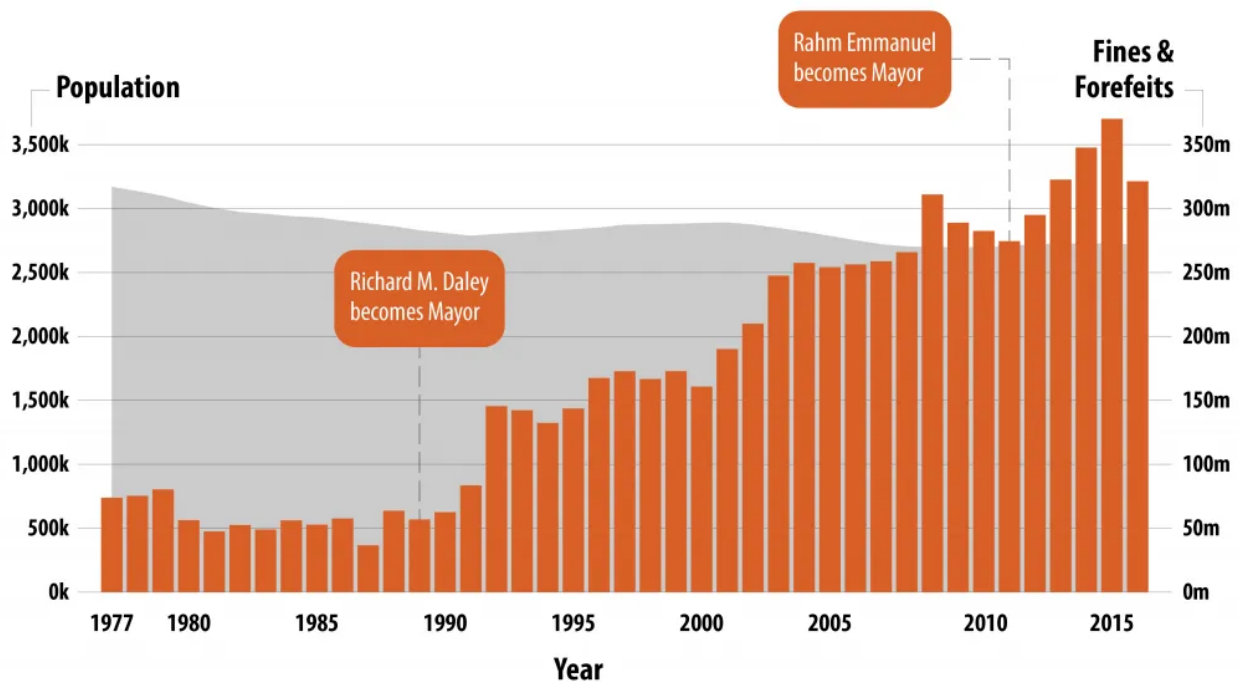
and any payments would be refunded. While the mix-up would be fixed for everyone involved, it sheds light on a long-standing issue in Chicago. Motorists are routinely issued parking tickets under false pretenses each year.

With this mix-up in mind, let me suggest that data on parking violations — and crime more generally — are more than some index that makes disorder legible to the state. Data are the currency through which researchers build economies of knowledge. Taking crime data at face value, however, can foreclose upon inquiries that question whether these numbers are legitimate from the onset. Perhaps inadvertently, the common practice of accepting these data without scrutiny adopts the ontological standpoint of policing and calcifies its authority in consequential ways. The arrangement creates an intellectual dependency between researchers and police, where the latter's definition of the situation is laundered through interpretations offered by the former. Yet, there's good reason to cross-examine official crime data as suspect. Kimberly Brown is a case in point.

CHICAGO, THAT TICKETIN' TOWN

Why pursue Chicago as a case study? The City is a world leader in terms of monetizing its street networks and expanding regulatory enforcement. Ticket revenue has grown more than 300% over the past 3 decades, a trend that began under Mayor Richard M. Daley. He used this money to offset traditional revenue streams like the property tax. Parking tickets now contribute well over \$300 million each year, or 3-to-4% of the City's treasury.

THE GROWTH OF FINES AND FOREFEITS BETWEEN 1977 AND 2017



Data source: Lincoln Institute of Land Policy, *Fiscally Standardized Cities*

Revenues from fines and forfeits only include those receipts that were collected by the City of Chicago. They exclude sanctions collected by Cook County, like those imposed by the Circuit Court of Cook County. According to the Census Bureau, these monies broadly include receipts imposed for violations of law. All currency has been adjusted for inflation and is reported in 2017 dollars.

Fig. 1: Image created by Kasey Henricks and Iván Arenas. Source: Henricks et al. 2022.

Although fines and fees have exploded over the past 30 years, do not let me give you the impression that Chicago is making money hand over fist. Whatever profits the City sees are funneled back into the system for its own preservation or captured by corporate interests.

Since 1998, IBM has supplied Chicago with a centralized, real-time record-keeping technology. It comes at a price tag of \$18.8 million per year. IBM sealed the original deal by making numerous promises of innovation, including a pledge to reduce bogus tickets like the one Kimberly Brown received. Keeping this arrangement in mind, my study's timeline aligns with citation practices that span the current contract. It begins with tickets issued on August 1, 2012 (i.e., the contract start date) and ends with those issued on May 18, 2018 (my most current data).

CALCULUS BEHIND THE QUANTIFICATION

Many parking restrictions are not hard-and-fast rules. The dizzying maze of signs telling drivers to park here, but not there, communicate as much. They say who belongs in what spaces, under which conditions. My study identifies 7 violations where compliance is circumstantial according to factors of space, time, and weather. It takes advantage of administrative data made available by the City to recreate the proverbial scene of the crime.

WHICH TICKETS DID WE ANALYZE? THOSE WITH CIRCUMSTANTIAL CONDITIONS OF COMPLIANCE

§09-64-5020*

Street Cleaning

*An additional street cleaning ordinance is specified at §09-64-040B



§09-64-041

Special Events Restrictions



§09-64-060

3 - 7am Snow Route



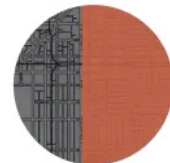
§09-64-070

2" Snow Route Ban



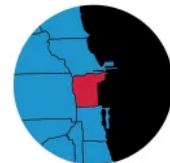
§09-64-090

Residential Parking



§09-64-180

No Parking in Loop



§09-64-190B

Expired Meter in the Central Business District



Fig. 2: Image created by Iván Arenas. Source: Henricks et al. 2022.

Zoning info from the City Clerk’s Office, for example, allowed me to cross-reference whether residential parking only tickets were issued within restricted residential zones. Ward schedules maintained by the Dept. of Streets and Sanitation allowed me to triangulate whether street cleaning tickets were issued within the designated times of restriction. Registered permits maintained by the Dept. of Transportation allowed me to verify if special events tickets were issued nearby a special event. The list of parking restrictions goes on, but the coding logic remains the same.²

HOW WE DETERMINED A TICKET WAS ISSUED IN ERROR

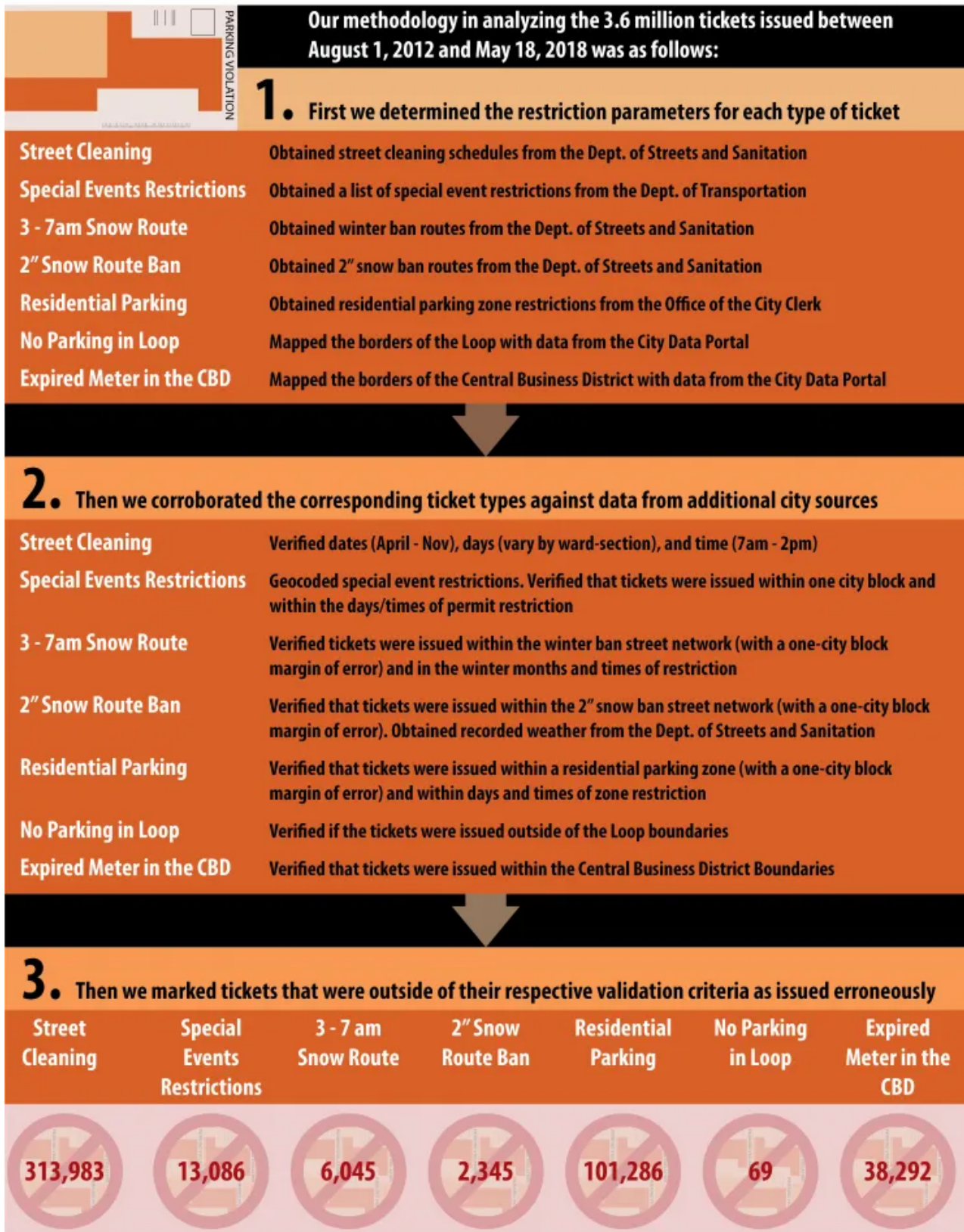


Fig. 3: Image created by Iván Arenas and Kasey Henricks. Source: Henricks et al. 2022.

HOW MANY ERRORS ARE WE TALKING ABOUT?

What did I find after adding up all the errors among the 3.6 million tickets reviewed? I found that more than 1-in-8 tickets (n = 475,106) should have never been issued in the first place. What this means is that there is not just one Kimberly Brown in Chicago. There are many Kimberly Browns in Chicago.

THE SCOPE OF THE PROBLEM IN CHICAGO: OVERVIEW OF ERRONEOUS TICKETS, AUG 2012 - MAY 2018

Erroneous Tickets as a Percentage of All 3,590,005 Tickets



Rate of Error by Ticket Type

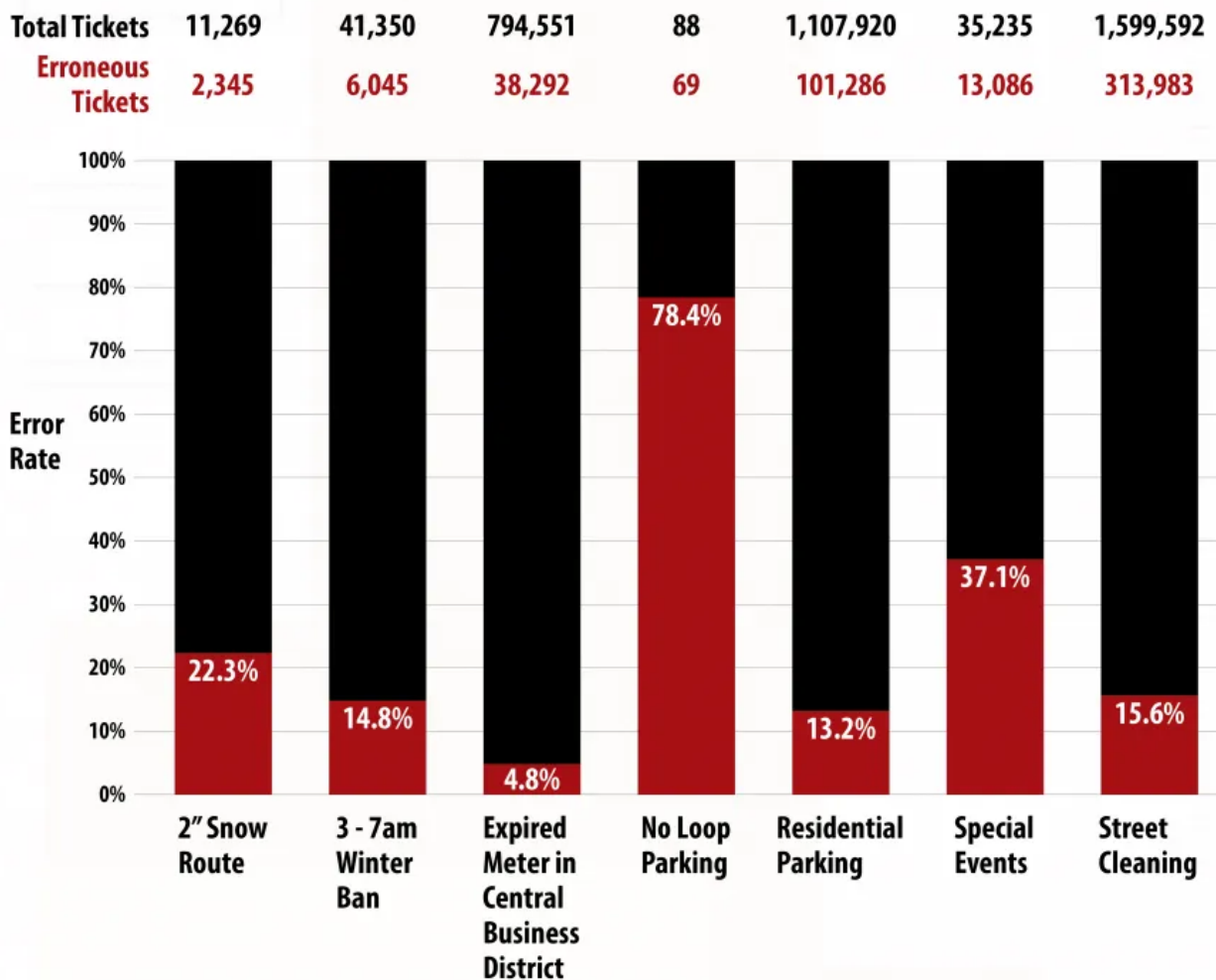


Fig. 4: Image created by Iván Arenas and Kasey Henricks. Source: Henricks et al. 2022.

Where were these errors issued? Everywhere. Like grains of sand that cling to your body after a beach day at Lake Michigan, these tickets found their way into Chicago’s every nook and cranny. That said, they tend to cluster in spaces nearby the Central Business District more so than anywhere else, with some exceptions to the rule.

WHERE EVERY ERRONEOUS TICKET WAS ISSUED IN CHICAGO, AUG 2012 - MAY 2018

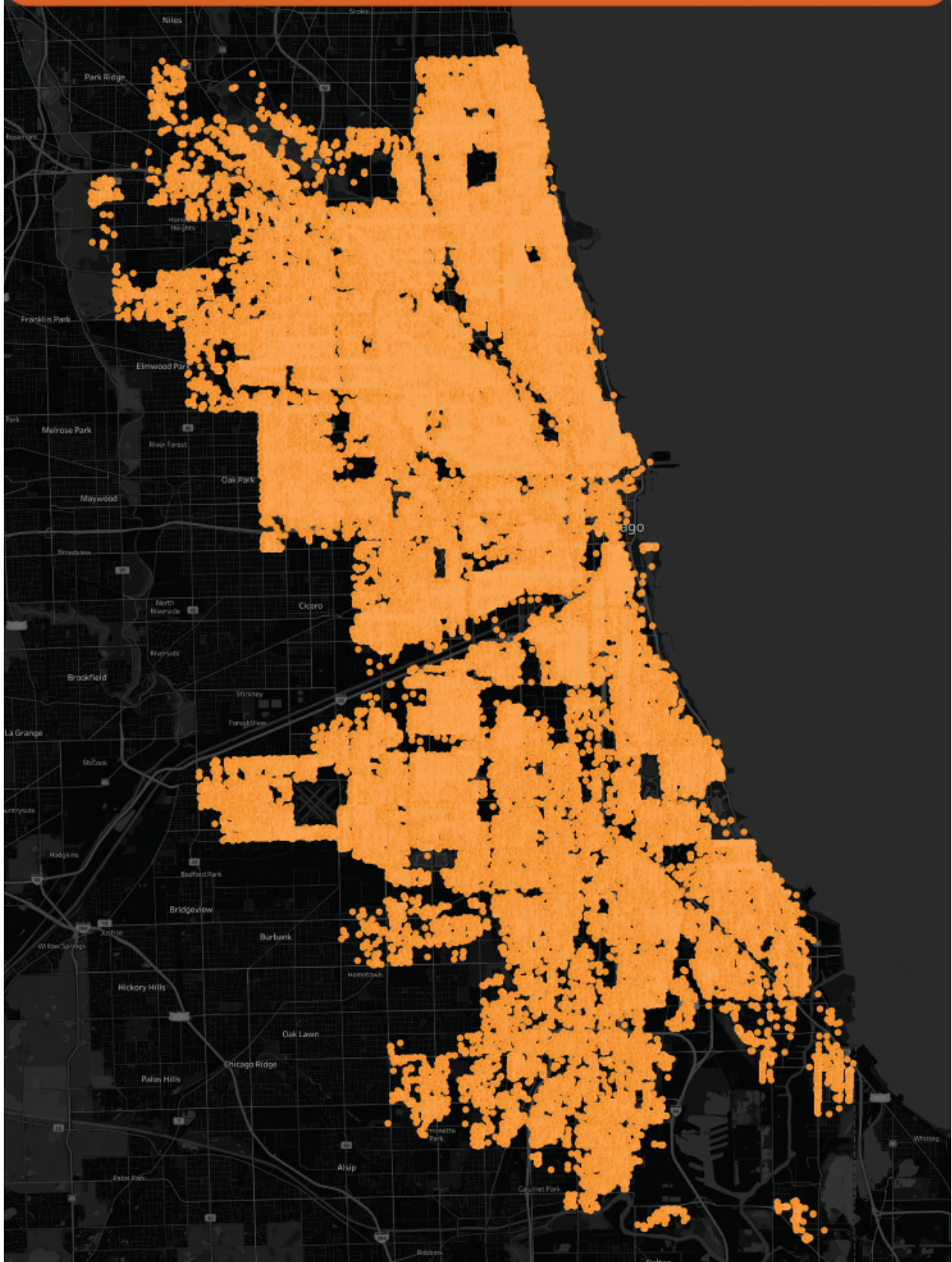


Fig. 6: Image created by Kasey Henricks and Iván Arenas. Source: Henricks et al. 2022.

Most notably, the exceptions include majority Latinx communities. What makes errored tickets in these spaces all-the-more pernicious is that these drivers are among the least likely to contest them. Only 7% of errored tickets were contested citywide. In Latinx

hotspots, though, the appeal rate is half that number. These ticketing practices align with developing theories of predation in research on fines and fees,³ where ticketing officers target non-constituents of the demos who have little to no political recourse — making their money ripe for the taking by ticketers who work in a revenue-maximizing capacity.

Who contests their erroneous tickets? Appeal rates by neighborhood

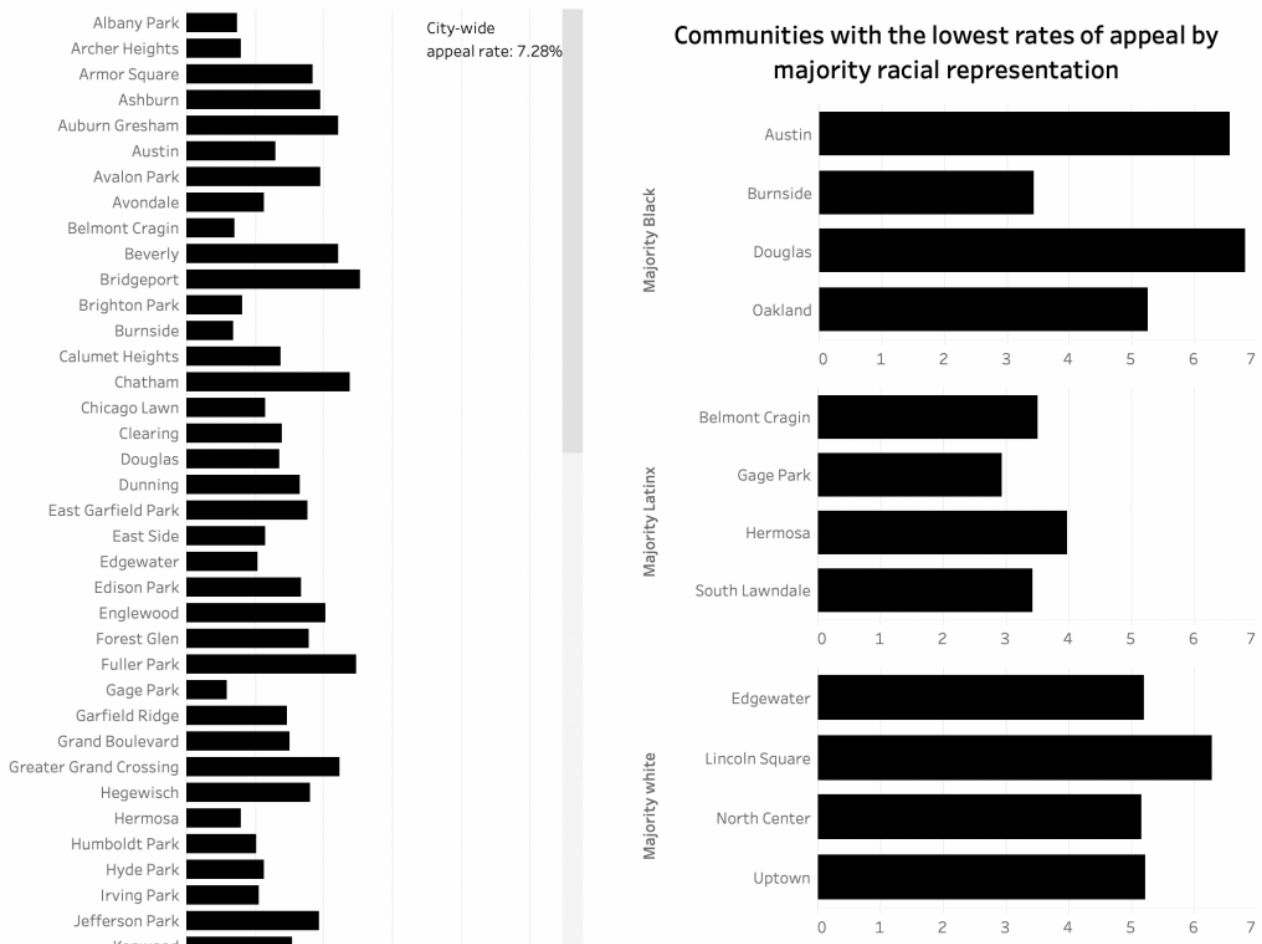


Fig. 7: Who contests their erroneous tickets? Appeal rates by neighborhood. Source: Henricks 2022. Click on the image to access the interactive tableau sheet.

SAME TICKET, DIFFERENT PENALTY

Ticket debt has a way of amplifying vulnerability among the already vulnerable. Meanwhile, the well-off are left unphased. They can buy their way out of courtroom ritual with an online payment. So long as tickets get paid, parking violations are not an indictable offense. Drivers can repeat violations indefinitely without further consequence. In these ways, parking tickets blur between what constitutes a reprimand, on the one hand, and a price or premium, on the other.

Once a car is ticketed in Chicago, the registered owner has 14 days to appeal by mail or 21 days to request a hearing. Drivers are held liable if they do not respond. The fine then doubles, and another 22% in collections fees can be added. More than one-in-five tickets

issued under false pretenses were subject to these late penalties. Most fell on Black communities. Majority Black spaces represent the 20 communities with the highest percent of late penalties tied to errored tickets.

Which spaces were subject to late penalties for not paying their errored tickets?

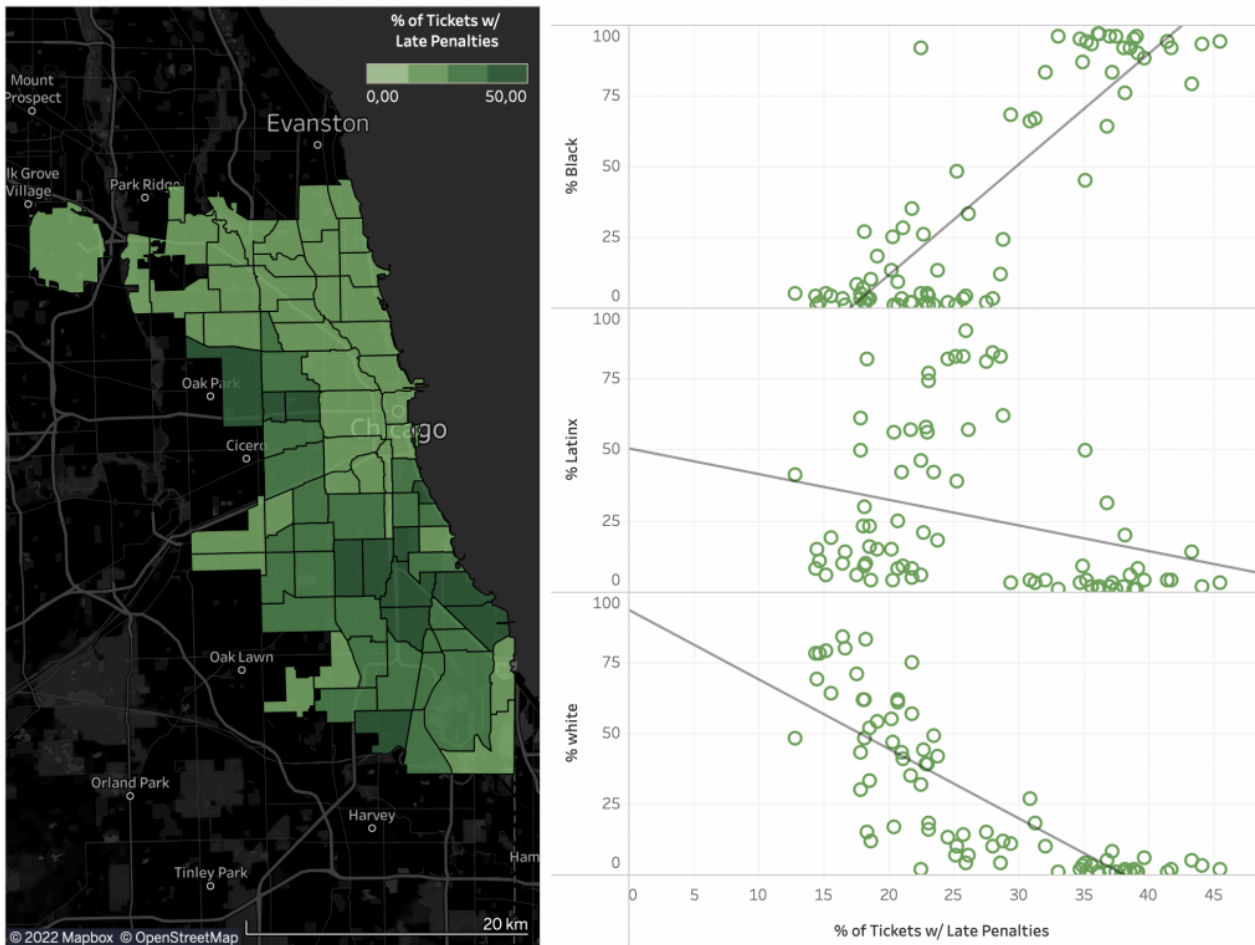


Fig. 8: Which spaces were subject to late penalties for not paying their errored tickets? Source: Henricks 2022. Click on the image to access the interactive tableau sheet.

More than lines on a spreadsheet, these late penalties are people’s livelihoods. For those without a safety net, a \$60 ticket that balloons into \$120 could have been a winter coat. The 22% collections fee added onto this debt may have been a nourishing family meal. And for those who cannot pay these debts, on the other side waits the possibility of escalated punishment (e.g., impoundment), collateral consequences (e.g., barred City employment, state tax return garnishment), criminal-legal involvement (e.g., license suspensions), or possible bankruptcy.

CHICAGO, AMERICA’S BANKRUPTCY CAPITAL

In the U.S., two bankruptcy options are available to those swimming in ticket debt: Ch. 7 or 13. Although Chicagoans who file Ch. 7 tend to, on average, pay less in attorney fees (\$1,000 compared to \$2,600), resolve their case in less time (4 months compared to 3-5 years), and are more likely to discharge their debt (a 96% success rate compared to 33%), Ch. 13 is a preferred option for those who are perhaps too broke for bankruptcy. It

allows filers to shelter some existing assets from liquidation, including personal vehicles. So long as the bankruptcy case stays active, it lifts license suspensions tied to parking tickets and keeps vehicles off Chicago's "boot and tow" list.

Even though the odds are stacked against Ch. 13 filers, there are structural incentives that lead bankruptcy attorneys to steer their clients down this road anyway. Payment plans can be arranged so these attorneys get paid before anyone else, even those debts that caused the bankruptcy in the first place. What this means is that Ch. 13 filers can pay thousands without ever lowering the principal balance. Should the case not end successfully, much of the original debt still stands.

Most errored tickets do not end in bankruptcy, but even one erroneous ticket-turned-bankruptcy is too many. Over the six-year timeline reviewed, I identified 2,313 errored tickets that were tied to subsequent financial ruin. That figure approximates, on average, slightly more than one erroneous ticket per day ending in bankruptcy. And these drivers are declaring bankruptcy in a regional court that annually processes more bankruptcies than anywhere else in the U.S. Ch. 13 filings related to ticket debt are a driving factor behind this trend.⁴

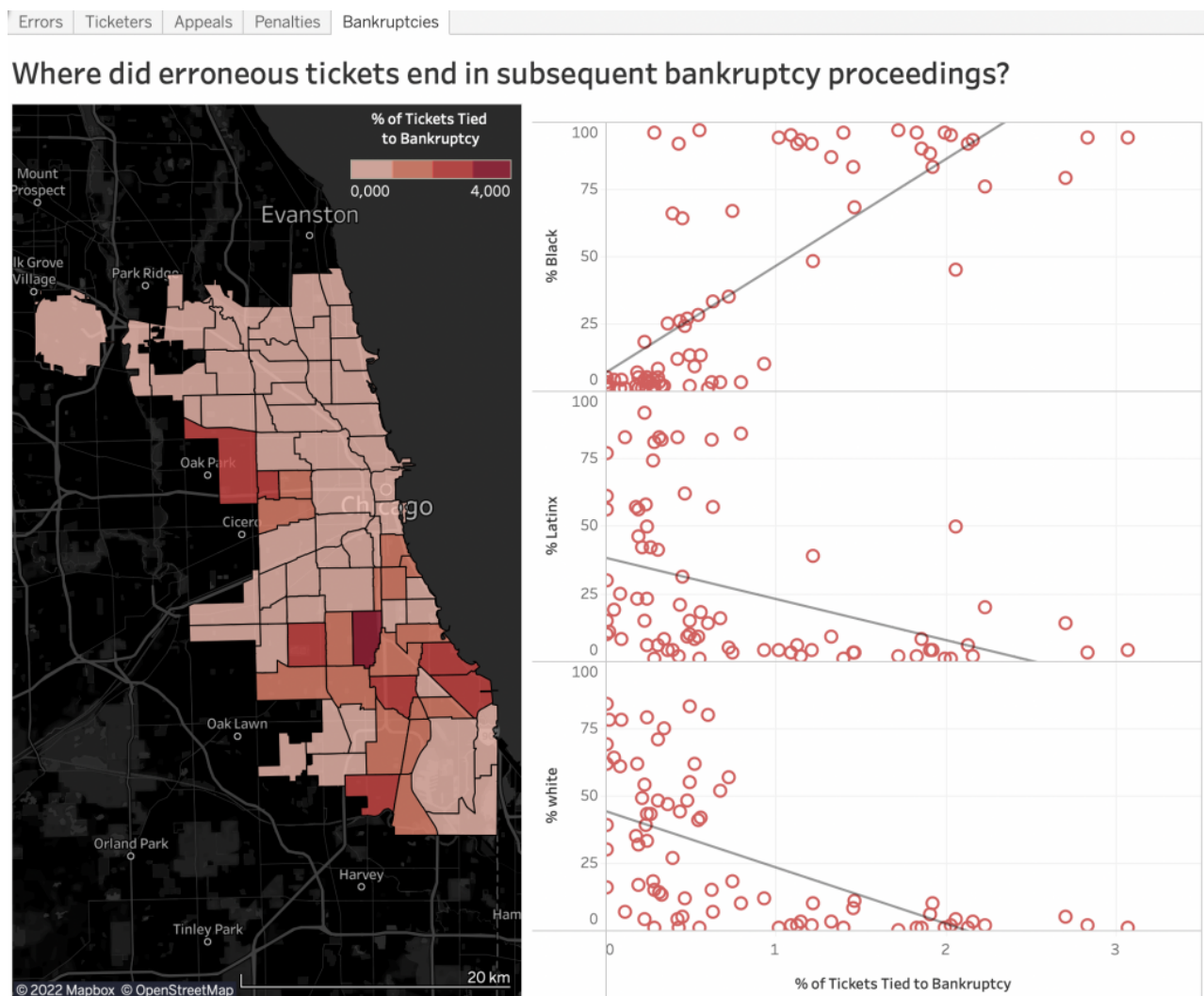


Fig. 9: Where did erroneous tickets end in subsequent bankruptcy proceedings? Source: Henricks 2022. Click on the image to access the interactive tableau sheet.

A MULTI-MILLION DOLLAR INDUSTRY

Over the six-year timeline I reviewed, errored tickets generated \$27,543,807 in revenue while another \$8,034,666 remains as unsettled debt. There is no statute of limitations for debt tied to parking tickets in the State of Illinois, which places these violations in the same company as other offenses like arson and murder. Together, these revenues and debts total \$35,578,473 — enough money to pay for a third of what Chicago owes IBM each year for processing bogus tickets its tech was supposed to reduce in the first place.

OUTSTANDING DEBT VS. REVENUES COLLECTED FROM ERRONEOUS TICKETS, AUG 2012 - MAY 2018



Debt: \$ 8,034,666
Revenue: \$27,543,807

Fig. 10: Image created by Iván Arenas. Source: Henricks et al. 2022

What makes errored tickets, and the strain they impose, so insidious is the legal process that legitimizes them. Occupying the lowest legal echelon, parking tickets are adjudicated in courts where procedural safeguards do not exist. There is no custom to scrutinize, let alone challenge, ticketing allegations with systemic attention.

Because drivers can be sanctioned without verifiable cause, the meaning of noncompliance is redefined altogether since the mere issuance of a ticket substitutes for evidence. By relying on tickets themselves as self-evident violations, and exercising little commitment to questions of factual accuracy, the adjudication process implies a certain apathy towards principles of justice. Even innocence becomes irrelevant for those ticketed under false pretenses.

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References

1. Much of the essay represents a synthesis of two interrelated projects: Henricks, Kasey and Ruben Ortiz (2022): The Irrelevance of Innocence: Ethnoracial Context, Occupational Differences in Policing, and Tickets Issued in Error, in: *Socius* 8.1, p.1-19, <https://doi.org/10.1177/23780231221084774>. Henricks, Kasey, Chris D. Poulos, Iván Arenas, Ruben Ortiz, and Amanda E. Lewis (2022): 475,106 Mistakes: When Tickets are Issued Under False Pretenses, Chicago: Institute for Research on Race and Public Policy.

2. Supplemental materials are available, including a fuller description of the coding strategy as well as the data and script files necessary for additional analyses. See Henricks, Kasey (2022): *Manufactured Disorder: Race, Policing, and Erroneous Ticketing in Chicago*, on TRACE: Tennessee Research and Creative Exchange, <https://doi.org/10.7290/U8BXxo63ai>.
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4. Sanchez, Melissa and Sandhya Kambhampati (2018): *How Chicago Ticket Debt Sends Black Motorists into Bankruptcy*, on *ProPublica*, <https://features.propublica.org/driven-into-debt/chicago-ticket-debt-bankruptcy/>, 27/2/2018 (last accessed 27.2.2018).

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