

Failure To Pay

The Use of Debt-based Carceral Sanctions
and Warrants in Wisconsin's Municipal Courts

ACLU
Wisconsin

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Introduction

Federal, state, and local governments throughout the United States have generated billions of dollars of revenue through punishment¹ and the threat of incarceration. Municipal courts in Wisconsin, which do not enforce criminal penalties, have gone so far as to order the arrest and jailing of people who fail to pay their municipal tickets or fall behind on their payments, in addition to other debt-based sanctions. In 2023, municipal courts in Wisconsin collected a total of \$35,128,718. The issuance of these types of sanctions create a two-tiered system of punishment: one for those with financial means and one for those without.²

The consequences of municipal court costs and how they further exacerbate poverty and racial inequality have received national attention. However, little is known about the scope of debt collection practices in Wisconsin’s municipal courts.

Specific focus on the racially disparate impact of legal financial obligations and court debt collection practices was spotlighted after the 2015 Department of Justice (DOJ) investigation into the Ferguson Police Department which uncovered Ferguson’s unconstitutional debt collection practices, the emphasis on revenue generation, and unconstitutional racially biased policing practices.³ In 2016, the DOJ sent out a “Dear Colleague Letter” to all state court administrators and chief justices in each state and highlighted a number of unconstitutional court practices.⁴

Despite being rescinded in 2017, this letter contributed to the widespread investigation of and advocacy against municipal court debt collection practices nationwide and in Wisconsin. In 2018, the Wisconsin Director of State Courts Office and the National Center for State Courts released a report supporting the reduction of incarceration for failure to pay.⁵ In 2019, the Chief Judges’ Subcommittee on Jail for Nonpayment of Legal Financial Obligations issued a final report and recommendation supporting the

elimination of jail and suspending driving privileges for failure to pay.⁶

In April 2023, the DOJ issued an updated Dear Colleague letter to address the assessment and discriminatory enforcement of fines and fees. The Office for Access to Justice then released an additional report that expanded on the 2023 letter and highlighted the work of states, municipalities and courts that are eliminating fines and fees.⁷

This report investigates the current use of warrants and commitments as debt-based sanctions throughout Wisconsin and urges courts to pursue more rational and equitable approaches to debt collection in municipal courts. It is important to study this area as most people come into contact with the municipal court at some point in their lives, and for individuals that cannot afford to pay a municipal ticket, this contact has devastating consequences.

Methodology

This report examines the use and impact of warrants and commitments in municipal courts throughout Wisconsin, as well as the impact of someone not being able to pay the debt associated with their municipal court ticket. The findings are based on data specific to municipal warrants and commitments issued by municipal courts statewide, obtained using open records requests pursuant to Wis. Stat. §19.35. The findings also highlight the impact warrants and commitments have on those least able to afford the cost of the municipal citation using a case example and data from county jails throughout the state.

Court & Jail Records

Intending to reach every municipal court in Wisconsin to learn more about the use and scope of warrants and commitments, the ACLU of Wisconsin submitted over 220 open records requests to each of the municipal courts in the state, for a total of 220⁸ courts. Seventy-three open records requests were also sent to all Wisconsin county jails to understand the scope and frequency of arrests and bookings after being unable to pay a municipal ticket.

We requested information related to court policy on debt-collection practices, court caseload, number of outstanding warrants or commitments, warrants and commitments issued in 2023-2024, amounts due, status of the warrant or commitment, jail bookings, days spent incarcerated, demographic information, and citation information.

While many courts and jails did not have all the information we requested, or in the case of the jails, did not have data limited to municipal warrants or commitments, the response rate for municipal courts was 79% and data was received from 173 municipal courts. We also received data from 48 county jails with a substantive response rate of 67%. From these responses, we conducted a descriptive statistical

analysis describing the scope and patterns of municipal court caseloads, warrants, and commitments.

Case Example

To better illustrate the lived experience and impact of municipal court warrants and commitments, we provide a case example to illustrate the impact of a municipal warrant. The information in this case example was obtained through an interview.

The interview followed a specific set of semi-structured questions that included broad, open-ended questions followed by specific follow-up questions. The questions covered the following three themes:

- 1. Case Background:** Details about the original municipal court ticket or tickets, the circumstances that led to that ticket, the discovery of the warrant or commitment, and interaction with the court.
- 2. Impact of the warrant or commitment:** the effect of the warrant on the participant's employment, finances, health, family, and community involvement or participation.
- 3. Other Legal System Involvement:** Continued system involvement, including, but not limited to, additional fees, charges, or other collateral consequences.
- 4. Policy Solutions:** improvement of court procedure and systems, indigency protections, and alternatives to warrants and commitments.

Interview transcription and notes were analyzed and coded using inductive and deductive methods, meaning that the analysis was grounded in themes that were found in the data as well as found in other reports, theory and research. Any names used in this report are pseudonyms.

Limitations of Research

As is the case with all research, there are limitations to this data and analysis. There are frequently limitations of court and correctional data, including the challenges with comparing across courts and jails with different policies and practices regarding data retention. If specific data is recorded at all, many courts and correctional facilities use different data systems to produce the information requested. Therefore, the responses and records received are limited to each specific court's technology systems and resources. We did not receive responses from 47 courts, therefore the findings of this report underestimate the use and enforcement of municipal court warrants and commitments in Wisconsin.

Additionally, while we provide one case example, it is not intended to be generalizable to a broader population and is instead intended to be an illustrative example of the impact that debt-based sanctions can have.

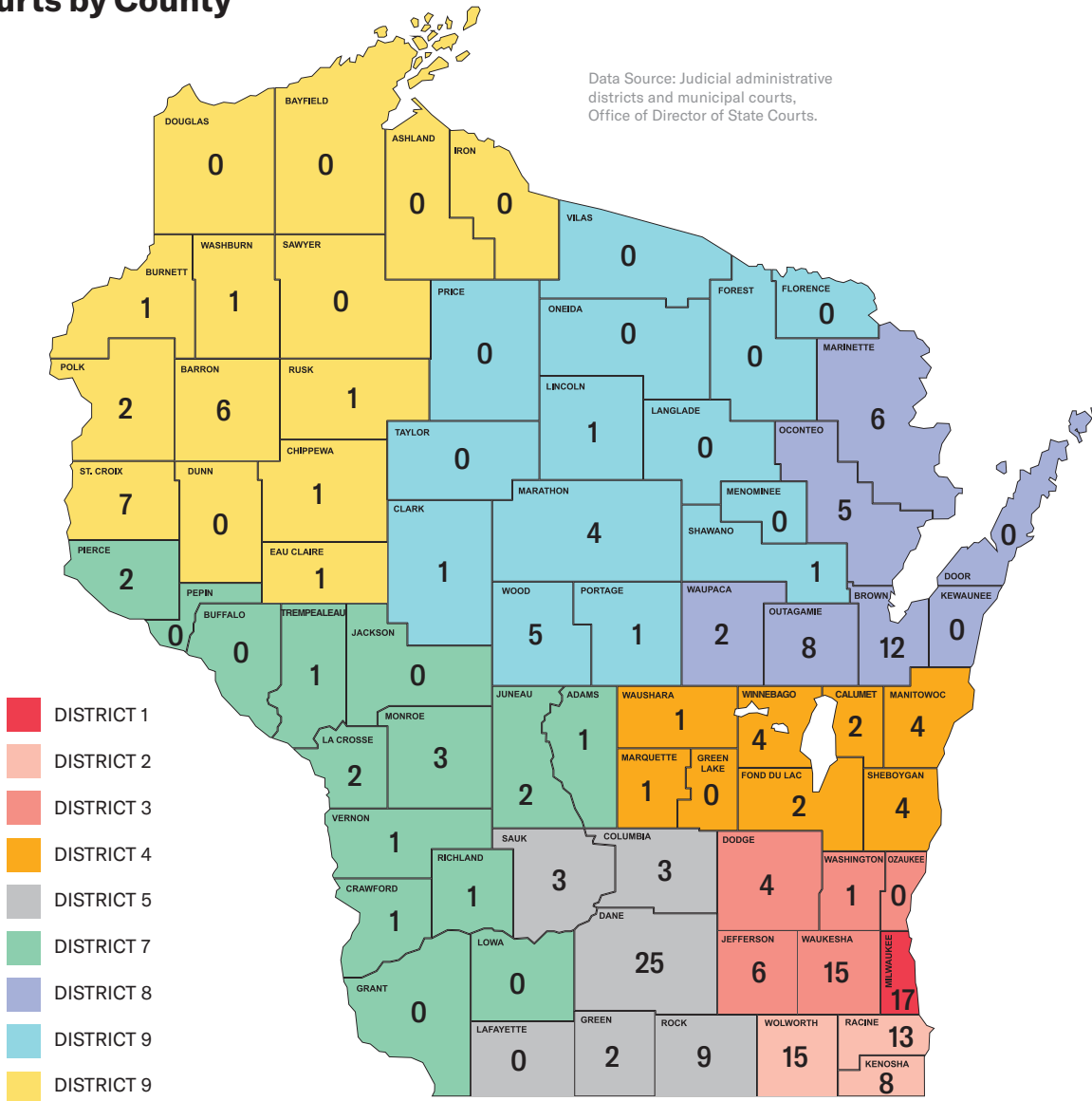
Municipal Court Warrants and Commitments in Wisconsin

Wisconsin's Municipal Courts

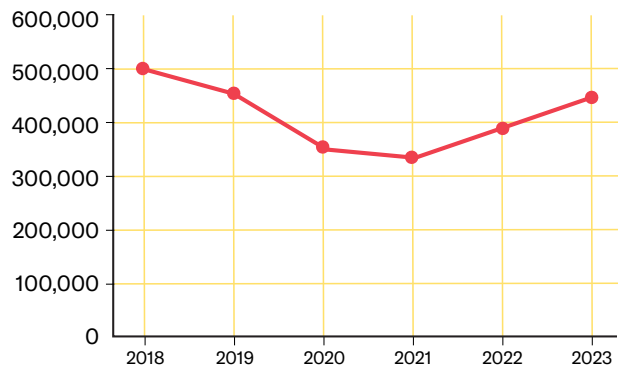
In Wisconsin, there are currently 219 municipal courts and 221 active municipal judges throughout nine judicial districts, 1–5 and 7–10.

In 2023, Wisconsin's municipal courts handled approximately 442,231 cases. Milwaukee has the largest municipal court with three full-time judges and handled 70,527 cases in 2023. Mid-Moraine Joint Municipal Court had the next largest caseload with 15,598 cases, followed by Madison Municipal Court with 14,262 cases in 2023. The municipal statewide annual caseload continues to increase after a sharp decrease in 2020-2021.

Number of Municipal Courts by County



Wisconsin Municipal Court Case Total By Year



Data Source: Director of State Courts, Excel⁹

Municipal Court Use of Warrants and Commitments

Municipal courts have significant discretion in collecting forfeitures and handling debt-based sanctions.¹⁰ Current law allows municipal courts to collect ticket debt in various ways. The options depend partly on whether or not the defendant appears in court to explain their inability to pay. If an individual appears in court to explain their inability to pay, the court may implement community service, a payment installment plan, a debt reduction, or remove the debt entirely.¹¹ If a defendant does not appear for or request a poverty hearing, then-current Wisconsin law permits the court to intercept taxes, garnish wages and levy bank accounts via the state debt collection agency, use a private debt collection agency, issue a civil judgment, transfer unclaimed property, issue a driver's license suspension, or issue an arrest warrant for incarceration.¹²

As the Wisconsin Director of State Courts Office and the National Center for State Courts found for circuit courts, "[t]he use of incarceration for failure to pay is one of the most controversial collection methods. Incarceration for failure to pay has significant constitutional implications and is generally not considered cost-effective."¹³

In Wisconsin, arrest warrants and writs of commitment are both used to compel payment for unpaid debt. Writs of commitment are used to arrest and bring individuals directly to a jail to pay off their debt when they have defaulted on payment. Warrants are used to compel someone to appear in court or can be used to arrest and detain for up to 48 hours prior to a court appearance when someone defaults on payment and fails to appear in court. Both warrants and commitments are used to demand immediate payment of debt under the threat of incarceration. While these are different sanctions, there are municipal courts that do not distinguish between these penalties.¹⁴ This makes it challenging to understand how and why each court utilizes warrants.

Many municipal courts in Wisconsin do not currently issue warrants or writs of commitment for failure to pay and instead use other forms of debt collection practices like state debt collection (SDC) or tax intercept. However, courts may also use multiple tactics to collect debt including incarceration and driver's license suspensions.

Of the courts that provided data, fifty-two courts currently issue commitments, warrants, or both to collect unpaid debt. Sixteen municipal courts use warrants only, twenty-two currently issue commitments only, and fourteen municipal courts use both.

Based on the 173 courts that responded to the open records request, the majority have eliminated using warrants and commitments as a debt collection method. However, even when courts have eliminated the practice of using warrants and commitments, the warrants and commitments that were previously issued remain active and can be enforced unless they are intentionally removed by the court. A total of 30 courts had active warrants and commitments from before 2023, many of which were over a decade old.

The way courts collect information on commitments and warrants varies widely. Some courts use more advanced software to track municipal dispositions, while others do not keep track of many aspects of caseloads at all. The ability to run reports and evaluate court practices is crucial to the administration of justice and transparency.

Wisconsin Municipal Court Warrants and Commitments

	Frequency	Percent	Valid Percent	Cumulative Percent
Issues neither commitments or warrants	115	66.5%	66.47%	66.47%
Issues both commitments and warrants	14	8.1%	8.09%	74.57%
Issues only warrants	16	9.2%	9.25%	83.82%
Issues only commitments	22	12.7%	12.72%	96.53%
Issues no warrants, unknown commitments	6	3.5%	3.47%	100.00%
Total	173	100.0%	100.00%	100.00%

Data Source: Open Records Request Responses as of 10/2/24

Based on the municipal courts that responded, 18,203 warrants and 9,141 commitments were issued between January 2023 and August 2024. As of August 2024, Wisconsin had over 41,718 active municipal warrants and over 9,214 active municipal commitments. However, these numbers substantially underestimate the scope of active warrants or commitments that are currently outstanding in Wisconsin, given municipal court data limitations and response rate.

In Milwaukee, 71% of warrants and 49% of commitments issued between January 2023 –August 2024 were issued against Black/ African-Americans.

Impact of Debt Collection & Municipal Court Warrants and Commitments

Monetary sanctions harm individuals and their families. Not only do these fines, fees, surcharges, and forfeitures have a more severe and disproportionate impact on those without access to financial resources, but they also cause harmful short—and long-term collateral consequences.¹⁵

The impact of municipal court citation convictions, subsequent warrants, and threat of incarceration not only result in more court involvement and police interaction when someone is unable to pay, but can also lead to driver’s license suspensions, caregiving emergencies, loss of employment,¹⁶ loss of housing, and can have detrimental health impacts. Overall, this leads to less household resources, limited social mobility, and negative financial consequences.¹⁷

Municipal courts expand the scope of legal punishment systems and have fewer protections, such as the right to counsel. As with many areas of the legal system, those who are impacted the most by these debt collection practices are low-income communities of color. For example, in La Crosse County, 33% of people who were incarcerated at the La Crosse County Jail on a municipal warrant were African American/Black even though Black/African-American residents only make up 1.8% of the population according to the 2020 Census.

Case Example

Jane, a grandmother, who after having insecure housing and periods of homelessness, lost a Section 8 housing opportunity after waiting for over two years for an apartment due to active municipal court warrants.

Jane has struggled with addiction for much of her life. Fifteen years ago, she lost her mother, partner, and three siblings, in a short amount of time and became homeless. She received a number of municipal tickets over the years and had no way to pay them back. “If I paid a ticket, I can’t pay the hotel fare... the ticket or housing, or if I paid a ticket, I can’t eat.”

“I went to court and I told the judge—I said, “I’m homeless. I don’t have the money to pay these tickets, sir and I don’t want to go to jail. Can you please give me community service? I’ll pick up garbage on the expressway. I made a joke about selling apples and oranges by the expressway in order not to go to jail and [the judge] told me that if I could stand out there to sell apples and oranges on the expressway then I can get a job and pay the tickets. But if I pay the tickets, I’m homeless....I’m trying to find me a place to stay and get food. I’m trying to do the right thing by coming in and telling you this. I could get this over with if you just let me work it off in community service—No go.”

Jane received a payment plan of \$25 dollars a month. She could not pay that. She feared getting a job because she knew she had a warrant and had previously watched people get arrested on warrants at work. She feared going outside and as a result, had many negative physical and mental health effects.

Years later, Jane got involved with services to help address her addiction and psychological health. She tried to find more stable housing and applied for Section 8 housing. When she finally heard back over two years later, she was told that an apartment was available but because she had municipal court warrants, she could not move in unless she took care of them in two weeks. She lost one apartment but luckily received legal help in removing her municipal tickets in 2024. Jane is now clean, in treatment, and has stable housing.

“They come get you for those tickets, and they can be old, they don’t care...and those municipal tickets, they stop you from working a job, they stop you from having housing, they stop you from having your freedom...”

Individuals who cannot pay their municipal court forfeitures must report regularly to court, explain their living and employment circumstances, and give court clerks and judges the details of their income and dependents. Monetary sanctions trigger a long series of consequences and barriers to full societal integration for families who cannot pay, which are very different from the effects of monetary sanctions on those who can afford them.

From January 2023 to August 2024, 47 people were booked in Walworth County Jail for citations like truancy, contributing to truancy, operating without a license, operating without insurance, operating after revocation, non-registration of a motor vehicle, “loud and unnecessary noise,” and “dog running at large.”

“Stay to Pay” Contracts

The rate of warrant and commitment enforcement varies by court and police department, but some courts are motivated to use warrants and commitments to have enforcement “teeth.” However, this practice is illogical. Wisconsin Courts use “Stay to Pay” agreements that compel jail time to pay off debt at a minimum of \$50 daily. The maximum time of imprisonment for one charge is 90 days Wis. Stat. § 800.095(1)(b)1.a.

From 2023–2024, 499 writs of commitment issued by Waukesha Municipal Court, were satisfied by serving jail time.

County jails may then submit an invoice to the court for the number of days an individual served on the warrant or commitment, which ranges in per diem charge. Not only does incarceration harm Wisconsin

residents, but it is not cost-efficient, as it costs the municipal court money to jail people who cannot afford it.¹⁸ In total, a municipal court may pay more in enforcement than the actual forfeiture was worth.

In Shawano-Bonduel Municipal Court, seven people spent at least one day, and as many as 26 days, in jail to pay off their municipal court debt at \$50 a day.

In 2023-2024, 185 citations from Ashwaubenon Municipal Court were satisfied with jail time. Brown County charges municipalities \$40 daily every time someone is jailed on a municipal commitment or warrant. In June 2024, Brown County billed Ashwaubenon Municipal Court \$1,400 to incarcerate 10 people for one to 17 days. Despite this, courts issue warrants and commitments to coerce municipal forfeiture payments from people who cannot pay.

Conclusions and Recommendations

1. Eliminate the use of commitments and warrants for failure to pay municipal forfeitures.

Municipal courts should cease using incarceration and warrants to enforce court debts entirely. Instead, courts should rely on community-based alternatives like community service, staying the fine, and, only if an individual *can* pay, other forms of debt collection methods.

While this report does not address the suspension of a driver's license for failure to pay, another common debt-based sanction in municipal courts, this should not be used as an alternative to warrants or writs of commitment. Driver's license suspensions are another sanction that is harmful, counter-productive, and does not reflect sound public policy.¹⁹ Using these sanctions perpetuate the cycle of poverty and is in direct opposition to the court's goals of collecting payment.

Instead, expanding options and timelines for payment through community service, modified payment plans²⁰ with reasonable amounts due that reflect the ability to pay, and removing the debt should be utilized.

2. Appoint Counsel at Good Cause/Ability to Pay Hearings

The US Supreme Court held in *Tate v. Short* 401 US 395 (1971) and *Bearden v. Georgia* 461 U.S. 660 (1983) that someone cannot be jailed because they are unable to pay a legal, financial obligation and that there must be a process to evaluate the

ability to pay. In Wisconsin, a show cause hearing or ability to pay hearing is required under Wis. Stat § 800.095(1)(b)2 before issuing a warrant or commitment for failure to pay.

Counsel should be appointed during these hearings and procedures for presumptive determinations of indigency under Wis. Stat §814.29(1)(d) must be uniformly implemented. These procedures include eligibility for income-based benefits or services like supplemental security income, food stamps, public defender representation, or public assistance. While municipal courts are not criminal courts, access to legal counsel is crucial when there is a risk of incarceration. Counsel may be required under the 14th amendment in civil contempt proceedings for failure to pay where incarceration is a possible outcome.²¹

3. Courts should review and remove old outstanding warrants and commitments.

Even courts that do not currently practice issuing writs of commitment or warrants for failure to pay may still have old active warrants from decades prior.

Currently, 115 municipal courts do not issue warrants or commitments when someone does not pay a municipal court ticket. Yet, at least four courts that do not currently utilize either arrest or incarceration as a debt collection method did have active warrants and commitments, some of which were over 20 years old. These warrants and commitments have devastating human costs, and courts are not likely to collect on those debts. Instead, courts should have a regular practice of reviewing and removing outstanding warrants

and commitments especially when they do not reflect the current practice of the court.

4. Improve municipal court data collection and transparency

It is concerning how little we collectively know about municipal courts and their revenue-generating practices. There is little data transparency and statewide focus on the frequently changing municipal developments and case dispositions. Municipal courts in Wisconsin are decentralized and have little oversight in their operations. As a result, there are very few mechanisms to ensure transparency and accountability.

There is currently no uniform, consistent, publicly available data that tracks the use of warrants, commitments, actual jail time served, and revenue collected in Wisconsin's municipal courts. Many municipal courts do not have adequate electronic record keeping systems to produce these reports and are not regularly required to publish data related to their debt collection practices. Obtaining this information through open records requests is time intensive and cost prohibitive.

The lack of systemic, consistent, and thorough data collection at the municipal level has allowed these harmful debt collection practices to remain invisible. All municipal jurisdictions should collect and report data regarding the assessment and collection of municipal court debt, the costs of collections, how collected funds are distributed, the cost of incarceration, and the use and scope of carceral sanctions that include demographic data.

Appendix A

Municipal Court Use of Warrants and Commitments

Name of Court	Issues Warrants Currently	Issues Commitments Currently
Abbotsford	No	No
Albany	No	No
Allouez		
Amery Area	Yes	Yes
Arcadia		
Ashwaubenon	No	Yes
Augusta-Bridge Creek Joint	No	No
Baldwin	Yes	Yes
Barron	No	No
Beaver Dam	No	Yes
Belleville	No	No
Bellevue	No	Yes
Beloit		Yes
Big Bend Joint		
Black Creek/Bear Creek/Nichols		
Bloomfield	No	Yes
Blue Mounds		
Bristol		
Brodhead		
Brookfield City	No	No
Brookfield Town		
Brown County Joint	No	No
Burlington City	No	Yes
Burlington Town		
Butler	No	No
Caledonia	No	No
Cameron	No	No
Chetek	No	No
City of Brillion/Villages of	Yes	Yes
Cleveland	No	No
Clinton Greater Metro Joint	No	
Northeast Wisconsin Joint	No	No
Cornell		
Cottage Grove Town	No	No
Cottage Grove Village		
Coulee Region Joint		
Cross Plains	No	No
Cudahy	No	No

■ Unknown

Name of Court	Issues Warrants Currently	Issues Commitments Currently
Cumberland		
Darien		
DeForest/Windsor	No	No
Delavan City		
Delavan Town	Yes	
Denmark		
DePere		
Dover/Yorkville	No	No
Dunn	No	No
East Troy Town	No	No
East Troy Village	No	No
Eastern Columbia County	Yes	
Eastern Dane County Joint	No	No
Edgerton Joint	No	No
Elkhorn	Yes ²²	Yes
Elm Grove	No	Yes
Evansville-Union Joint	No	No
Fitchburg		
Fontana		
Footville	No	No
Fort Atkinson		
Fox Crossing		
Fox Lake City		
Fox Lake Town		
Fox Point	Yes	No
Franklin	No	No
Geneva	No	No
Gillett Joint	Yes	
Grand Chute	No	No
Grand Rapids/Saratoga Joint		
Green Bay	Yes	Yes
Greendale	No	No
Greenfield	Yes	Yes
Hales Corners	No	No
Hammond	No	No
Hidden Valleys Joint	No	
Hobart/Lawrence	No	No
Horicon Joint		
Hortonville	No	No
Howard	No	Yes
Hudson	No	No
Jefferson	No	No
Kaukauna	No	No
Kenosha	Yes	Yes
Kiel/Schleswig	No	No
Kimberly	No	No

 **Unknown**

Name of Court	Issues Warrants Currently	Issues Commitments Currently
Kronenwetter	No	No
La Crosse	Yes	Yes
Ladysmith	Yes	No
Lake Country		Yes
Lake Geneva	No	No
Lake Mills	Yes	No
Lakeside	No	No
Lannon	No	No
Lena		
Linn	No	No
Little Chute	No	No
Madison City	No	No
Manitowoc	No	Yes
Maple Bluff	No	No
Marinette County Northern Joint	No	No
Marinette		
Marquette Communities Joint	No	No
Marshall		
Marshfield and Village of Spencer	No	No
Mauston Area	Yes	No
Mazomanie/Black Earth Joint		
McFarland	No	No
Menasha/Neenah	No	Yes
Menomonee Falls	No	No
Merrill/Tomahawk Joint	No	
Middleton City	No	No
Mid-Moraine	Yes	
Milton City	No	No
Milton Joint	No	No
Milwaukee	Yes	Yes
Monona	No	No
Mosinee	No	
Mt. Horeb	No	No
Mt. Pleasant	No	No
Mukwonago	No	No
Muskego	No	No
Near North	No	No
Nekoosa	No	No
New Berlin	Yes	Yes
New Holstein	No	No
New London-Weyauwega Joint		
New Richmond		
Niagara	Yes	No
North Hudson	No	No
North Prairie Joint	No	No
North Shore		

 **Unknown**

Name of Court	Issues Warrants Currently	Issues Commitments Currently
Northeast Community	No	No
Northern Moraine	No	
Northern Waupaca County Joint	Yes	Yes
Norwalk		
Norway	No	No
Oak Creek	No	Yes
Oakland	No	
Oconto Falls	Yes	Yes
Oconto		
Omro	No	No
Oregon	No	No
Orfordville	Yes	No
Osceola	No	Yes
Paddock Lake	No	Yes
Palmyra		
Peshtigo Joint	No	No
Pewaukee City		
Pewaukee Village		
Pleasant Prairie	No	Yes
Plover/Stevens Point	No	No
Plymouth	No	No
Port Edwards	No	No
Portage/Endeavor	Yes	No
Prairie Du Chien	No	No
Prescott	No	No
Pulaski Area		
Racine	No	Yes
Raymond	No	No
Reedsburg	No	No
Regional Center	No	No
Rice Lake	No	No
River Falls	No	No
River Hills	No	No
River Valley Joint	No	No
Rome	No	No
Rosendale		
Rothschild/Marathon City Joint Area	No	No
Salem Lakes	No	No
Sauk Prairie	No	No
Seymour	No	No
Sharon	Yes	Yes
Shawano/Bonduel Joint	No	Yes
Sheboygan Area	No	Yes
Sheboygan Falls	No	No
Shiocton	No	No

 **Unknown**

Name of Court	Issues Warrants Currently	Issues Commitments Currently
Shorewood Hills	No	No
Shorewood	No	No
Somers Joint	No	No
Somerset	No	No
South Milwaukee		
Sparta	No	No
Spooner	Yes	No
St. Francis	No	No
Stoughton		
Sturtevant	No	No
Suamico Area Joint	No	Yes
Sun Prairie	No	No
Suring		
Tomah		
Turtle Lake Joint	No	No
Turtle		
Twin Lakes	No	No
Two Rivers/Mishicot	Yes	No
Union Grove		
Verona City	No	No
Village of Walworth	Yes	No
Viola		
Waterford	No	No
Waterford Town	No	No
Watertown	No	Yes
Waukesha	No	Yes
Waunakee	No	No
Wausau	No	No
Wautoma	No	No
Wauwatosa		
Webster	No	No
West Allis		
West Milwaukee	No	No
Western Dane County Joint	No	No
Wheatland	No	No
Whitefish Bay	No	No
Whitewater	Yes	Yes
Wild Rose	No	No
Williams Bay	No	Yes
Wind Point/North Bay	No	No
Winnecone		
Wisconsin Dells	Yes	No
Wisconsin Rapids	Yes	
Woodville	No	No
Wrightstown	No	No

 **Unknown**

Data Source: Open records responses as of October 2, 2024

Endnotes

- 1 Colgan, Beth A. "The Excessive Fines Clause: Challenging the Modern Debtors' Prison." *UCLA L. Rev.* 65 (2018): 2,22.
- 2 Harris, Alexes. *A pound of flesh: Monetary sanctions as punishment for the poor.* Russell Sage Foundation, 2016, xix.
- 3 U.S Department of Justice Civil Rights Division, Investigation of the Ferguson Police Department (2015) www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf
- 4 U.S. Department of Justice, Dear Colleague Letter (2016) <https://www.courts.wa.gov/subsite/mjc/docs/DOJDearColleague.pdf>
- 5 Legal Financial Obligations in Wisconsin by Wisconsin Director of State Courts Office and National Center for State Courts (December 2018) <https://www.wicourts.gov/publications/reports/docs/studylegalfinancialobligation.pdf>
- 6 Chief Judges' Subcommittee on Jail for Nonpayment of Legal Financial Obligations, Final Report and Recommendations, (June 2019) <https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Aasc%3AUS%3Ada99c7a6-544a-4381-86c6-70fad2cad86c>
- 7 U.S. Department of Justice Office of the Associate Attorney General Fines and Fees Dear Colleague Letter, (April 20, 2023) www.justice.gov/d9/press-releases/attachments/2023/04/20/doj_fines_and_fees_dear_colleague_letter_final_with_signatures_0.pdf; U.S. Department of Justice Office for Access to Justice (2023) Access to Justice Spotlight Fines & Fees, www.justice.gov/d9/2023-11/doj-access-to-justice-spotlight-fines-and-fees.pdf; See also, Statement from Judge Steven Duple Regarding Class C Misdemeanor Warrant Recalls <https://static.fox-26houston.com/www.fox26houston.com/content/uploads/2024/09/Recall-Statement-9-11-24.pdf>
- 8 We sent more open records requests than there are current courts as some municipal courts are no longer active. When relevant and to the extent possible we included data from courts that existed in 2023 or 2024. For example, the Village of Wild Rose Municipal Court was dissolved and all citations after that were handled by the Wautoma Area Municipal Court. We included both courts in our analysis. The number of courts as of October 1, 2024 was 219 but we analyzed data from 220 courts.
- 9 The majority of the data is based on responses to the Wisconsin Director of State Courts annual survey. In 2023 some courts did not provide responses and in many cases when this happened the numbers from previous year are used. The ACLU-WI followed up with open records requests but there were still courts that do not have updated case totals and three that did not have any case totals listed. Therefore, this is likely an underestimate of the total amount of municipal court cases statewide in 2023.
- 10 Legal Financial Obligations in Wisconsin by Wisconsin Director of State Courts Office and National Center for State Courts (December 2018) <https://www.wicourts.gov/publications/reports/docs/studylegalfinancialobligation.pdf>
- 11 Community service Wis. Stats. §§ 800.09(1g), 800.095(1)(a)5., 800.095(1)(b)2.a., 800.095(4); Installment plan Wis. Stats. §§ 800.09(1g), 800.09(3), 800.095(4); Modify judgment (reduce debt) Wis. Stat. § 800.095(4); Stay Judgment (zero out debt) Wis. Stat. § 800.095(4);
- 12 Installment plan Wis. Stats. §§ 800.09(1g), 800.09(3), 800.095(4); Modify judgment (reduce debt) Wis. Stat. § 800.095(4); Stay Judgment (zero out debt) Wis. Stat. § 800.095(4); Tax Refund Intercept Wis. Stat. § 800.095(6); State Debt Collection Agency Wis. Stat. § 800.095(6); Private debt collection agency Wis. Stat. § 800.095(5); Civil Judgment Wis. Stat. § 800.095(7); Transfer of unclaimed property Wis. Stat. § 800.095(8); Income assignment Wis. Stat. § 800.095(1)(c)2; Driver's license suspensions Wis. Stat. § 800.095(1)(a); Warrant/incarceration (writ of commitment) Wis. Stat. § 800.095(1)(b).
- 13 Brandt, Tyler et al., Legal Financial Obligations in Wisconsin Director of State Courts Office (2018), 48-49 www.wicourts.gov/publications/reports/docs/studylegalfinancialobligation.pdf
- 14 Municipal courts must, at the very least, properly identify what type of warrant they are using so they do not systematically violate the law when threatening defendants with a loss of liberty. There are pre-judgment failure to appear warrants under Wis. Stat. § 800.035(9); contempt warrants compelling a witness to appear under Wis. Stat. § 800.12(4)(a); inspection warrants under Wis. Stat. §§ 755.045(2) and 66.0119 or a post-judgment warrant/writ as a sanction for nonpayment of the judgment under Wis. Stat. § 800.095(1)(b). Each type of warrant has its own procedural prerequisites and Wis. Stat. § 800.095 includes strict poverty protections applicable to any warrant issues as a sanction for nonpayment.
- 15 Boches, Daniel J., Brittany T. Martin, Andrea Giuffre, Amairini Sanchez, Aubrianne L. Sutherland, and Sarah KS Shannon. "Monetary sanctions and symbiotic harms." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 8, no. 2 (2022): 98-115; Wilson Center for Science and Justice, Fines and Fees Justice Center, Debt Sentence: How Fines and Fees Hurt Working Families (May 2023) https://finesandfeesjusticecenter.org/content/uploads/2023/05/Debt_Sentence_FFJC-Wilson-Center-May-2023.pdf
- 16 Wis. Stat. § 111.335(3)(a) "Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ or license, or to bar or terminate from employment or licensing, any individual if... the individual has been convicted of any felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity."
- 17 Paik, Leslie, and Chiara Packard. "Impact of juvenile justice fines and fees on family life: Case study in Dane County, WI." *Philadelphia, PA: Juvenile Law Center* (2019). 10-22 <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-dane-county.pdf>
- 18 Pawasarat, John, and Marilyn Walzak. "Cited in Milwaukee: The Cost of Unpaid Municipal Citations." (2015).
- 19 See ACLU, Reckless Lawmaking: How Debt-Based Driver's License Suspension Laws Impose Harm and Waste Resources, <https://www.aclu.org/publications/reckless-lawmaking-how-debt-based-drivers-license-suspension-laws-impose-harm-and-waste>
- 20 Beth Colgan & Jean Galbraith, *The Failed Promise of Installment Fines*, 172 U. PA. L. REV. 989 (2024).
- 21 U.S. Department of Justice Office of the Associate Attorney General Fines and Fees Dear Colleague Letter, 13, (April 20, 2023) www.justice.gov/d9/press-releases/attachments/2023/04/20/doj_fines_and_fees_dear_colleague_letter_final_with_signatures_0.pdf; See also *Turner v. Rogers* 564 U.S. 431 (2011) at 446-48.
- 22 The City of Elkhorn Municipal court only reported "warrants for service" not arrest warrants or warrants that involve being held in a carceral setting or court.

