SEASON 5 EPISODE 3

Highway Robbery: How a Small-town Traffic Trap Became a Legal Black Hole

In Brookside, Alabama, an eager new police chief, unsuspecting motorists, and a state-mandated loophole converged to create a nightmare for local residents—and generate piles of cash for the local government. Reporter Rhana Natour has the story.

Mitzi Miller:

I am Mitzi Miller and this is 70 Million. About 20 minutes north of Birmingham, Alabama, on Interstate 22, is the working-class town of Brookside. Its 1,200 residents make it about the size of a large high school. According to the 2020 census, Brookside's population is mostly White. 21% are Black. Fewer than 100 of its residents are college graduates. On paper, it's a lot like other small towns in this part of Alabama. That is, until 2022, when Brookside became infamous for, of all things, a traffic trap. The sheer scale of the trap, the type of tickets issued by Brookside police, for driving in the left lane, for example, and the nature of the interactions motorists reported having with police caused outrage among residents and caught the attention of a reporter named John Archibald.

Archibald:

Brookside in 2018, for example, was making $82,000 in fines and fees, and two years later that number reached $610,000.

Miller:

Brookside's ticket trap echoes methods used in Missouri, Ohio, and Mississippi, and fits a pattern throughout Alabama. One that upholds a rigged system of fines and fees in place of a more equitable and transparent system of taxation for its residents. And this is not just a matter of dollars and cents, it can fundamentally alter a police force's culture. In Brookside, several lawsuits are pending, including one from Sandra Harris, who says she feared for her life during an interaction with police officers.

Harris:

I still think about it. I still relive it. Sometimes I go in my little space area and I just cry out to God, "What did I do to be treated like this?"

Miller:

Reporter Rhana Natour takes us to Brookside, Alabama, where drivers who were caught up in this dragnet are speaking out about their experiences.

Town Hall Speaker 1:

I love law enforcement, I don't have anything but good things... never been afraid until I hit Brookside.

Rhana Natour:

During two emotional town halls in February 2022, about 200 people showed up to discuss what was an open secret in these parts. The aggressive traffic trap in Brookside, Alabama. But motorists here say their experience in Brookside was more akin to getting caught in a black hole, one that was rigged to take their car, their money, and as many would later argue–their constitutional rights. To patrol this trap, Brookside's police department purchased a fleet of black unmarked cars. They hired over a dozen police officers who were hard to identify as law enforcement. Police uniforms usually have a very visible town or department name. Not Brookside's, their uniforms were blank.

Town Hall Speaker 2:

I'm trying to see them, and I don't see a name tag, nor do I see a badge. I got addressed by the men in black because when I asked their names they told me they were Agent J and Agent K.

Natour:

A man who spoke at one of these town halls recalled his harrowing experience.

Town Hall Speaker 3:

My insurance lapsed for maybe a week or so, he took my car, he took my gun, and he left me on the side of the road. I had to walk for almost three hours before my friend find me.

Town Hall Moderator:

Just a moment, just a moment, calm down, calm down, calm down.

Natour:

But what most people came to these town halls to talk about was Brookside's fees. Ticket fees, court fees, tow fees, all kinds of fees.

Town Hall Speaker 4:

This thing here says $5,000 for improper light. I mean, it's here in print, I have a payment plan, $850 a month.

Town Hall Commentator:

Jesus.

Town Hall Speaker 5:

They gave me at least five, six tickets every stop, and I was jailed every time. Every time I went to jail I spent over $1,500 to $1,600.

Town Hall Speaker 6:

And when I went to pay for the ticket in Brookside they charged me $270. My wife had called Birmingham and they said it was a $45 ticket. That's ridiculous.

Natour:

And for those who couldn't afford to pay these fees...

Ashley, Town Hall Speaker 7:

Hi, I'm Ashley. I live right outside Brookside at Forestdell Mobile Home Park.

Natour:

According to Alabama law, they risk jail time.

Ashley:

I don't have the money, I'm struggling. My husband said, "Can I get on a payment plan?" Officer Jones grabbed him by the arm, drug him to the clerk and said, "You need to pay it or you're going to get 30 days in jail," on $275.

Natour:

Unraveling the story of Brookside requires some digging. On the surface, it's a story about a small southern town and its traffic trap. But underneath that story are a series of surprising discoveries about a state with a long history of fining residents for minor crimes, and the people who say they nearly lost their lives and their livelihoods after encounters with Brookside Police, people who are fighting back.

Town Hall Speaker 8:

... I'd like to say the city of Brookside government is involved. The Judge Wooten, Mayor Mike Bryan, they all need to go.

Natour:

State Representative Juandalynn Givan convened the town halls after an article appeared on the website al.com, written by John Archibald, a Pulitzer Prize-winning journalist.

Archibald:

As a reporter, there's this feeling you get sometimes when you're looking for something and all of a sudden you see this one thing that makes the hair on the back of your neck stand up and you say, "Wow, I've got something here."

Natour:

Archibald uncovered internal financial records that revealed how this small town dragnet worked.

Archibald:

I was looking at audits and they showed that from 2018 to 2020, revenue from fines and forfeitures increased 640%. That 640% increase meant that fines and forfeitures accounted for 49% of this little town's revenue, which is astonishing. I mean, Ferguson, Missouri caught hell because they had more than 20% fines and fees and this was at 50.

Google Maps Voice Automation:

In a quarter mile merge onto I-22.

Natour:

Before the scandal. This town was known more for what ran through it than what happened in it.

Google Maps Voice Automation:

Keep left at the fork. Follow signs for Brookside.

Natour:

Brookside is among a cluster of small towns most motorists only pass through while driving on Interstate 22. A highway built a decade ago to connect Birmingham, Alabama, and Memphis, Tennessee. Any business people have in Brookside almost certainly centers around one large plaza on a treeline country road. It's where you can find The Dollar General, Brookside's only retail shop.

Dollar General Cashier:

All right darling, $88.11.

Natour:

And it is the home of Brookside's town hall, a colonial-style brook building that houses the mayor's office, the town jail, the police department, and Brookside's municipal court. This building would become the epicenter of the town's traffic trap controversy. So how did the small Alabama town end up making national headlines for traffic stops? In Alabama using traffic fines to generate government income has a storied history. In Brookside things seemed to change with the arrival of its new police chief, Mike Jones.

Archibald:

In 2018, Brookside was a one-man police department. The council and mayor decided they wanted to have a so-called professional police department, so they hired Mike Jones who essentially promised them he could build a department. But what they got was a professional money-raising department.

Natour:

Brookside itself only has six miles of roads and no traffic lights. So to raise this money, Jones set his sights on Interstate 22, more specifically the one-and-a-half-mile treeline patch of it that ran through Brookside.

Leah Nelson:

He realized that he could bring in a lot of money by stopping people on the very small stretch of interstate that goes through Brookside and just started bringing in thousands and thousands of dollars and using that money to hire more police who then stopped people on noncrimes like driving in the left lane, which is legal. You're allowed to drive in the left lane, but they would pull people over and kind of shake them down, basically.

Natour:

That's Leah Nelson, research director for the Alabama Apple Seed Center for Law and Justice. The number of arrests in Brookside would soon skyrocket. In 2020, Brookside police made more

misdemeanor arrests than the town had residents, averaging more than four arrests for every household.

Archibald:

A lot of the arrests came in for things like rolling a stop sign. Then you were likely searched, and if you were searched that means they brought their drug-sniffing dogs, including one named cash to search a car and they would often find a reason to arrest you on multiple charges.

Natour:

Besides the revenue Brookside generated from traffic citations and the fees connected to arrests, the city also collected fines by towing cars. Now in most places, towing a car during a traffic stop is reserved for specific circumstances, mainly impaired drivers or those with a suspended driver's license. But motorists in Brookside say their cars were towed for minor infractions or reasons that seemed made up. In a two-year span, the number of cars Brookside police towed went from 50 to over 750. Motorists who had their vehicles towed say getting their car back was unusually difficult. A $175 fee to the Brookside Court just to find out where their car was. Then a 20 minute drive to pay another $175 to Jetts Towing. A towing and impound company Brookside used exclusively. The fees and daily impound charges left many residents in debt and car-less. And according to several pending lawsuits, some drivers were missing valuable items or worse. Here's John Archibald.

Archibald:

A young woman who worked as a waitress, her van was taken and towed. She couldn't get Brookside to tell her where the van was and so ultimately, she even hired a lawyer, but by the time they found out that the car had been towed to Jetts Towing the car had already been auctioned off. And we're still unable to sort of determine whether that was Brookside or whether that was the towing company or who got the money or why it was done, but she doesn't have her car.

Natour:

I visited Jetts Towing as I reported this episode. So it says it's closed even though it's business hours right now. But there's no signage so I don't even know if I'm in the right spot. This must be it. There's a car here that's clearly been in an accident, some that haven't. There's an ice cream truck.

Lisa, Receptionist at J. Tidwell Law Group:

Thank you for calling Jay Tidwell Law Group. This is Lisa, how can I help you?

Natour:

Hi Lisa, can I speak to Jay Tidwell, please? I reached someone by phone, Jay Tidwell, a lawyer who represents Jetts Towing and is speaking on behalf of the owner Wayne Jet.

Jay Tidwell:

The way that this all transpired is he did a job that he charged for his job, so he was very shocked at him being named a part of this.

Natour:

Was there ever a contract between Brookside and Jetts? Was it ever like he was a vendor or a contractor to the City?

Tidwell:

No, there was not and he was not. So it's just like a third-party service that says, "Hey, we're going to make some arrests and we need some people to tow these vehicles when we make an arrest." And he said, "Yeah," he'd be willing to do it. And shortly after that, he started getting calls from them. He'd go when they said, "Hey, we got a vehicle that needs towing," he'd go tow. He didn't have any other information other than basically that.

Natour:

Reporter John Archibald heard otherwise from motorists he spoke to.

Archibald:

People who were stopped by police and saw a wrecker show up at the same time. First of all, they were shocked, but they were also angry because it appeared that their car being towed was foreordained.

Natour:

And when Archibald sat down with the mayor of Brookside, Mike Bryan, and police Chief Mike Jones to present his findings, he says they had a surprising reaction. Pride.

Archibald:

The chief at the time. Now I told him, you know that jumps off the page, 640% increase, half a budget. And he said, "That's not enough. It should be more if we had people out there working." And Mike Jones continued to say this is a good news story and all the mayor did was sit and nod. He sat and nodded.

Natour:

In 2019 the plot thickened when Brookside saw its first lawsuit from a motorist that included allegations of racism and police misconduct.

Vincent Witt:

In your times of despair, he shall hide you...

Natour:

The move would also embroil a Baptist pastor and his congregation in a very public showdown.

Witt:

If you have the word of God within you, if you have The Spirit of God within you, you shall not be moved no matter what's bothering you- This is our humble abode. This is where we have our services on Sundays.

Natour:

Vincent Witt is a pastor in the town of Lipscomb, a 30 minute drive south from Brookside. Witt, who is Black, is tall, lean, and in his 50s with a salt and pepper goatee. He greeted me wearing an army baseball cap, a nod to his time in the Army where he served in the Gulf War. Witt's experience with Brookside's criminal justice system began in 2019 when Witt said he was the target of a retaliation campaign after he complained on social media about an encounter with Brookside Police. Witt and his wife were driving down I-22 in his Cadillac, which was so new it still had a paper license plate. According to Witt, a Brookside police officer named Marcus Sellers pulled them over. At first, Officer Sellers told them it was because a similar car was reported stolen. Then Officer Sellers said it was because Witt's car displayed a temporary license plate.

Witt:

So he got my license and got the papers to the car, looked at the papers to the car, come back and I said, "Hey, do you stop everyone that has a paper tag? Because if you stopped everyone with a paper tag, you'd be stopping cars all day long."

Natour:

That's when Witt says things escalated.

Witt:

He said, "Look, you f-ing n-word, just stay out of Brookside."

Natour:

Witt says that what followed was a moment of disbelief.

Witt:

"Oh my God, he did not just say that to me." And he said it looking at me in my face and turns and walks away, and I was fuming.

Natour:

The next day, Witt called the Brookside Police Department to file a complaint. He recounted the events from the traffic stop.

Witt:

The lady that answered the phone said, "You're supposed to be a man of God. I just don't believe that one of my officers said something like that. And I don't appreciate you lying on our officers and I'll have somebody call you back."

Natour:

After that call, Witt took his complaint to social media.

Witt:

So that evening I put a Facebook post out that it's 2019 and we should not be treated like we're in the 40s and 50s. We should not be called derogatory names by our elected officials, by our chosen officials, by our sworn police officers. We should not be treated in this manner.

Natour:

That Sunday after his church service, pastor Witt received some shocking news.

Witt:

My sister pulls me to the side after church service and said, "Look at this." And I look at it and I'm like, "Oh my God."

Natour:

On her phone screen was Brookside's popular Facebook page and the website Alabama Crime Stoppers where police source information on wanted criminals. Both websites displayed Vincent Witt's photo alongside a warrant for his arrest. Brookside was charging him with impersonating a police officer, a felony. Witt insists that this was retaliation for his Facebook post about Brookside police. He suspects Brookside went with this charge because he carries a chaplain's badge, which is his credential to get into places that require them like schools, and it has the word chaplain printed on the front. At the same time Brookside Police made a public announcement they sent a private message to Witt, also from Brookside Police's Facebook account.

Witt:

And it says that, "Even as a chaplain you identified yourself as law enforcement with a badge on a traffic stop." That's false. I identified myself as a chaplain, "And you made a public false claim of racism, which is illegal. You have been charged appropriately and you will have your day in court. Until then, we warn you, if you continue to slander false claims, you will be held accountable. Consider this your final warning. Do not have any other further contact or communication with this office." In bold letters. I take this as a threat from them.

Natour:

There's a curious detail in the story. Alongside Vincent Witt's photo, an arrest warrant, was a photo of his sister, Tareya Witt, and a warrant for her arrest as well. Tareya Witt was not in the car with her brother, his wife, Brenda Witt was. News of Witt's warrant spread fast and far.

Witt:

I had phone calls coming in from pastors across the country. I had people calling me left and going, "Hey, what's going on?"

Natour:

For Witt, the public spectacle was deeply embarrassing.

Witt:

I did not even come out of the house for a week. I went into a bout of depression and I had a couple pastors that came to my house and told me, "You got to face this head-on. You have too many people that are relying on you. You got people to feed, you got kids to minister and mentor."

Natour:

The ordeal also brought up issues from what's past.

Witt:

I suffer from PTSD from the military and that took me back into a state where I had not been in years. I knew I had to get ahead of it. That's why I immediately contacted Sheriff Pettway.

Natour:

Mark Pettway's election victory in 2018 holds a deep historical significance in Jefferson County. It was this department that famously arrested Martin Luther King Jr. on contempt charges.

Mark Pettway:

I'm sorry, I'm sorry.

Natour:

Hi Sheriff I'm Rhana nice to meet you

Pettway:

Same here.

Natour:

When I went to interview Sheriff Pettway in his office, King's Mugshot and the original booking sheet from that arrest hung on the wall. Across from them is a framed magazine cover from Pettway's election night victory. Aside from Pettway's new role, Witt turned to the sheriff for help because he's also a family friend.

Pettway:

They are my neighbors and I've been knowing them for years. They are very good people. And I sit on the Board of Crime Stoppers.

Natour:

Within Days Sheriff Pettway mediated a conversation between Brookside police and Witt.

Pettway:

We sat down in this room right here with the City of Brookside police officers, Pastor Witt, and we went over what happened. And they went on and recalled the other warrant on him because he was really a chaplain for the City of Lipscomb and he showed him his chaplain badge and they took that as if he was trying to say that he was impersonating a police officer.

Natour:

Though Brookside Police dropped the warrant against Witt and his sister, Sheriff Pettway still had questions.

Pettway:

I was truly taken by how they conducted themselves and I could see how he felt like it was retaliation because he was not told he would get a warrant for his arrest. He was not told anything about that and I don't know how they got the information mixed up between his wife and his sister. So they told me that they did not do a proper job of checking individuals that were in the vehicle. And since they did that wrong, to me, the whole thing was going to be wrong.

Natour:

A 2022 Urban Institute report found that Alabama, more than any other state, relies on traffic fines and court fees to generate revenue to fund state services. The state relies so heavily on this revenue that the Fines and Fees Act is a hidden regressive tax on Alabamians and in Alabama, it all started with the end of slavery. By 1849, before the US Civil War, slave labor and taxes on slave owners made Alabama one of the wealthiest states in the union. The slave tax, as it was called, is thought to have been the largest single source of funding for the Alabama State government, at least 46% of its revenue base. In 1882, an Alabama slaveholder would be taxed $1 for every enslaved person who was older than 10 and $.25 for everyone younger. When slavery was abolished, the state needed a new tax base, and one very powerful segment of the population insured they would not be it. Here's Leah Nelson again with the Alabama Apple Seed Center for Law and Justice.

Nelson:

In Alabama, we have a state constitution that was drafted in 1901 explicitly for the purpose of ensuring that wealthy white landowners would pay very little in taxes on that land. The Constitution makes it very hard to raise taxes. It's just it's a mess. So we have created this elaborate system of fines and fees as an alternative tax structure to bring in revenue to pay for basic state functions. And, bad actors like Brookside have been able to exploit that to really shake people down. But fundamentally, that's how our state is funded.

Natour:

Nelson says the fines and fees fund all kinds of things in Alabama.

Nelson:

So I'm going to give you an example from fiscal year 2017. The judicial system took in all almost 90 million in fines, fees, and court costs. $14.2 million stayed in the judicial system, so they paid for court things. $75.2 million went to everything else, to the general fund, to the Department of Conservation, to the Department of Correction, the State Department of Education, the Department of Public Health, Municipalities, miscellaneous assessments, whatever those are?

Natour:

And the state's penalties for not paying these fines are harsh. In 2018, Nelson conducted a survey of nearly 1000 people to see how traffic fines played out in people's everyday lives.

Nelson:

50% of the people that I surveyed had been jailed for non-payment of court debt, so they were making desperate choices because something even worse lay ahead. About 83% of the people that I surveyed had given up some kind of basic needs, so they didn't pay their utility bill or their car note, or they didn't pay for medicine so that they could service their debt to the State.

Natour:

These measures are familiar to reform advocates and to people who've had run-ins with rigged justice systems. But Nelson's survey revealed something more sinister.

Nelson:

38% of them admitted to me that they had committed another crime in order to get the money they needed to pay their fines and fees. And the reason they did this is because they faced the threat of incarceration.

Natour:

Before the al.com story broke there were people who noticed signs of change in Brookside, stories of aggressive policing, an uptick in police stops. One of those residents is Sandra Harris.

Harris:

It was almost 100 cars in that parking lot.

Natour:

The scene at Brookside's monthly municipal court hearings was Harris' first indication that something was not right.

Harris:

And I'm thinking, "Hold up. It's too many people here. Why are these people here?"

Natour:

When Harris pulled into municipal court to fight a ticket, an unusually long line greeted her.

Harris:

And I went and I started knocking on people windows and asking them why were they here for court? I mean, you had people there for a small crack windshield, you had people there for the same reason I was there.

Natour:

Bill Dawson, a criminal, and civil rights lawyer from Birmingham grew suspicious when he got a call from a colleague in need of a favor.

Bill Dawson:

...said, "I want you to represent my niece. She was pulled over in Brookside on something that isn't even a violation of the law and given a ticket." Ended up they had charged 415 people with driving in the left lane on an interstate, which is not a crime.

Natour:

What was your reaction when you saw that?

Dawson:

Well, that they needed to stop it.

Natour:

Alabama State law bars small municipalities like Brookside from issuing speeding tickets on the interstate. So the Brookside Police Department ticketed drivers for other types of infractions, minor violations or things that arguably weren't violations at all. Adam Danneman, the head of the Public Defender's office in Jefferson County, noticed odd patterns in cases coming out of Brookside.

Adam Danneman:

I think the pattern that I tend to see the most was routine traffic stops turning into fishing expeditions to find something bigger than that.

Natour:

Danneman also noticed that police reports would often include phrases that allowed police officers to search people's cars without their permission.

Danneman:

Sweaty hands. Sweaty hands have been the basis for more than a couple of Brookside searches. A lot of cars in driving through Brookside smell like weed. That's important because in Alabama marijuana is illegal, even outside of Alabama does remain a basis to perform a warrantless search of a car.

Natour:

So Danneman and his colleagues at the County Public Defender's Office decided they would not make plea deals on Brookside cases.

Danneman:

It is extremely rare to take an entire department and say, "Red Flag the entire department," but we did on Brookside.

Harris:

Okay. I was trying to find my book. I put it somewhere safe. I wanted to... Let me see if it's in my front room, I'll be right out.

Natour:

Okay, take your time.

Harris:

Did I bring my purse here? I know I put it somewhere safe [inaudible 00:27:15] Okay.

Natour:

Sandra Harris, whose daughter lives in Brookside, was pulled over by Brookside Police on I-22 on January 8th, 2021. She was so convinced that she would be killed that night that when she did make it home, she immediately recorded her experience in a binder.

Harris:

... that I just decided, I said, "Hey, I got to put this book together so people would not think that I was lying about the whole situation." So I collected all my information in this book. Every detail from the arrest all the way up to the court date. Everything that my husband and my father paid to actually get me out of jail. I had to pay, of course, the $235 bail bondsman to bond me out just to get me out of jail. The $175 was for information to actually find out where my car was located.

Natour:

For some, this level of documentation may seem like an overreaction. Harris has no criminal history and she wasn't being pulled over for a serious offense. So why did she feel compelled to write it all down in such detail? Data from police interactions back up her instincts. A 2021 New York Times investigation found that police officers killed over 400 drivers during the past five years who had not been under pursuit for violent crimes and were not yielding a gun or a knife. That's over one killing per week. Of course, the names of black motorists who were killed after what started as a minor traffic stop have become synonymous with a national reckoning on race and policing, Sandra Bland, Walter Scott, Philando Castile. And there were hour-long stretches when Harris, who was Black, was convinced that her name would be added to this list. Harris's evening began uneventfully. On her way to Brookside to visit her daughter and two grandchildren when an unmarked Brookside police car pulled her over. Harris recalled that the police officer, who she says had no name nameplate or badge number seemed irritated.

Harris:

He was angry he had this rage in his eyes.

Natour:

He told her she was being pulled over for casting her lights.

Harris:

I said, "Casting my lights?" I said, "Well, it's getting dark. I simply turned my lights on." And he said, "No. Give me your license and your insurance." And as I reached for my insurance papers, he backs back and say, "Don't you do it, don't you do it?" And I dropped my hand and I hold him up and I said, "Do what am I doing?" And he said, "Get out the car." And I said, "No, I'm not getting out the car." My husband was on the phone the whole time and my husband was like, "Baby, just get out the car." I said, "No, I'm scared."

Natour:

Another officer arrived on the scene.

Harris:

As soon as the second officer came, he snatched open my door and he yanked me out the car. At that point, I'm being arrested. They slammed me against the car. I had my phone still in my hand and I dialed 9-1-1.

Natour:

Harris says she called 9-1-1 because she was desperate to document what she feared might happen to her next.

Harris:

I literally thought I was going to be dead that night. My thought process was to let somebody know if they kill me, I want this on video. I'm recording it, at least I did try to get some help.

Natour:

Sandra Harris was taken to the Brookside jail and asked to submit to a cavity search. She refused at first. Then Harris says the arresting officer made a chilling threat.

Harris:

They actually stated to me that they would actually take me in the woods and nobody would find me. Light bulb clicked in my mind, "You better take your clothes off. Go ahead on and let them search you."

Natour:

Soon, Harris says she began to have a full blown panic attack.

Harris:

My asthma started acting up and my blood pressure is really high and I'm feeling like I'm about to just croak over. "I need my asthma pump. Can you please go in my purse, get my asthma pump?" He wouldn't do it. I said, "If you're not going to give me my asthma pump, I need you to call the ambulance or you're going to have death on your hands."

Natour:

She says the ambulance arrived 30 minutes later and the reaction from first responders was not what Harris expected.

Harris:

The fire department came in, they took my blood pressure and he told the officer or chief or whoever he was, he said, "I'm going to have to take her in. How do you want me to call it?" He goes off and whisper this to him and I'm like, "I can't breathe. What do you mean how do you want him to call it?" That particular police officer said, "I'll take her myself." I said, "The only way I'm going to go is you take me in an ambulance." And he would not.

Natour:

Harris' husband and father bailed her out by dawn and gave her the asthma medication, but the ordeal was not over. Brookside PD lopped six charges at her, including resisting arrest, disorderly conduct, and falsely calling 9-1-1. Like Witt, Harris would later sue Brookside, but it wasn't easy to find a lawyer who

would take her case. When John Archibald, the al.com journalist, published his findings in January 2022, the article went viral and it seemed for a while like Brookside was going to be held accountable. Here is Leah Nelson on some of the fallout.

Nelson:

Almost immediately, people who owed fines and fees or who had pending charges in Brookside started seeing immediate accountability and immediate redress. Soon after that, the district attorney who oversees felony cases that come out of Brookside dropped any felony case where there was not a victim. But, things that where the only witness was the police the district attorney said, "You know what? I don't trust these police. They've shown themselves that they believe that they're above the law and I don't think I can move forward with a charge that's based only on their no longer credible statements."

Natour:

In light of the Brookside scandal, the Alabama State legislature passed two laws in Spring 2022. One capped the amount of money a municipality can keep from fines and fees to just 10% of its budget, and another law requires them to report this income. Mike Jones, Brookside's chief of police resigned. But the accountability hasn't gone as far as Nelson and some of the motorists stopped by Brookside would like. Brookside's mayor, who is not up for reelection until 2024, is still in power. The town still has its police force despite calls from residents and state officials to disband it. Marcus Sellers, the officer Vincent Witt said called him the n-word is still on the Brookside Police Force. Seller's attorney did not respond to repeated requests for comment on this story. And as of the taping of this episode in September 2022, Marcus Sellers is still a Brookside police officer. After John Archibald's Brookside story, which included Witt's accusation, Mayor Mike Bryan and then police Chief Jones said that footage from the stop cleared officer Sellers of wrongdoing, but Brookside has yet to release the footage and state law doesn't require them to. Neither Mike Bryan or Interim Police Chief Henry Irby responded to my request for comment or to questions about their evidence or their review of Officer Seller's conduct. John Archibald thinks there is a bigger reason for Attorney General Marshall's silence.

Archibald:

I think it goes all back to the way we fund our entire judicial system. Because when you start interfering with the ability to give tickets, rightly or wrongly, then you start messing with people's budgets. Seventeen or more different agencies are dependent upon that money from fines and fees. So every one of those agencies, including the Attorney General's office, including the District Attorneys, including all of these systems, rely on that. And if it doesn't happen, if enough people aren't stopped, then they don't have the basic foundation of their budgets.

Natour:

One example of what government intervention can look like is what happened in Ferguson, Missouri in 2014.

Michael Brown Protest Crowd:

Mike Brown!

Michael Brown Protester:

What's his name?

Michael Brown Protest Crowd:

Mike Brown!

Michael Brown Protester:

What's his name?

Michael Brown Protest Crowd:

Mike Brown!

Natour:

The killing of Michael Brown, an unarmed black teenager by a white police officer, Darren Wilson, ignited days of protests and riots across the city. It also kicked off a seven-month Department of Justice investigation. Here is then Attorney General Eric Holder on the DOJ's findings.

Eric Holder:

... detailed and what I will call our searing report. And it is searing. The local authorities consistently approached law enforcement not as a means for protecting public safety, but as a way to generate revenue. The City relies on the police force to serve essentially as a collection agency.

Natour:

Joanna Weiss, Co-Director of the Fines and Fees Justice Center says it's important to note that this went beyond Ferguson's Police force.

Joanna Weiss:

The police department was what they were there to investigate but when they actually dug into what was happening in Ferguson, they realized that the police department, the mayor's office, and the municipal court were really inextricably linked. Because, they were using the justice system, at the direction of the mayor's office, in order to bolster the budgets of Ferguson. So whenever there was a hole in the budget, the police department would get a call from the mayor's office saying you need to issue more tickets. And at the time that Department of Justice came and investigate Ferguson, Missouri was earning approximately 15% of all the revenue for the City from fines and fees. The average small city in the United States gets about 1% to 2% of their revenue from fines and fees. So, 15% makes them really a massive outlier.

Natour:

The DOJ also found Ferguson's Black residents were primarily the ones getting squeezed.

Holder:

Even though the Black population in Ferguson was about 67% of the population, they made up more like 80% of traffic stops. They made up more like 90% of uses of force instances. So all of the harms of this collection practice were really being born disproportionately by communities of color in Ferguson.

Natour:

The City of Ferguson had to make a court-enforced plan with the Department of Justice to overhaul their courts and their police. In Brookside, after the public outcry, the town commissioned former circuit judge Ken Simon to conduct its own investigation into whether motorists were racially profiled. The report released two weeks before the recording of this episode did not find strong statistical evidence of racial profiling, but the report did find evidence of selective enforcement, where Brookside police let White drivers off with a warning at much higher rates than drivers of color. Simon's analysis did not look at the racial breakdown of Brookside arrests. Simon did not respond to my request for an interview or follow-up questions on the report's methodology. What Brookside Police Department will do with these conclusions falls to Brookside's Interim police Chief Henry Irby, who seemed eager to turn a new page. This is what Irby told Birmingham-based ABC 33/40 about his vision for the path forward.

Henry Irby:

Training, Training, training, absolutely. And just doing the right things every day. Rules and regulations are great, but if you are not enforcing the rules and regulations, if you're not following the rules and regulations, it's all for not. This will make us a better department, a more reactive department, and we just want to treat people right.

Natour:

In August 2022, the Department of Justice indicated it is watching what happens in Brookside closely. Here's Leah Nelson.

Nelson:

The Institute for Justice has sort of taken the lead together with a local really legendary civil rights attorney named Bill Dawson. So they're suing on behalf of two punitive classes of plaintiffs who have suffered predation from the towing company and from the police. And the United States Department of Justice filed a statement of interest in that case. I'm just going to read the first sentence of their statement of interest, "Courts, prosecutors, and police should be driven by justice, not revenue." That's a pretty bold statement about what they think is going on in Brookside. What I think is going on in Brookside. I think it matters that the United States Department of Justice has made this case something that they're taking time to step in on.

Natour:

Here's Joanna Weiss.

Weiss:

I think the tragedy of Brookside, Alabama is that eight years, after all we learned from Ferguson, the same thing was happening in Brookside, Alabama. And it's happening in many places around the country. It is again, a case of a police department, a municipal court, and city hall conspiring together to use fines and fees to support the revenue of a city to the detriment of its population.

Natour:

For Sandra Harris and Vincent Witt, a long-awaited moment of redemption came when the Brookside scandal made national news. But they're still living with the aftermath of their encounters with Brookside police. Here's Sandra Harris.

Harris:

I mean, I have to take anxiety pills behind this because I'm constantly thinking about it. You won't know unless you've been through it, really know the feeling of being stripped, searched, thinking that you are going to die, this is your last day. You won't know that feeling until you get in that situation.

Natour:

Although Witt was able to call upon a powerful family friend, the sheriff of Jefferson County, Mark Pettway, who got Brookside to take down their posts and pull their warrant the accusation that Brookside police so publicly leveled against him caused irreparable harm.

Witt:

I had several schools I was supposed to spoken at that took me off and stuck somebody else in there at the last minute. And no matter how much I pleaded and talked with people to explain it to them, they still turned their back on me.

Natour:

He says, A job offer was rescinded.

Witt:

God, I lost a church where I would've been making about three to four times the amount that I make here. Once this came out, that destroyed me, that destroyed me.

Natour:

But perhaps the most dramatic change is how fundamentally the events changed his view of the criminal justice system. A system he now believes can be rigged against him at any time.

Witt:

I'm afraid if I get stopped that a police is going to plant something in my car. That's why I bought the new car. It has 18 cameras on it. I can record inside, outside. I record the speed and everything in it.

Natour:

Witt has spent over $4,000 customizing his SUV with these cameras and a remote recording system.

Witt:

A camera here. I have a camera here. There's one here on this side. Inside of here is a camera.

Natour:

Inside the glove compartment.

Witt:

Inside the glove compartments, there's a camera in here.

Natour:

In May, Witt received some deeply ironic news on Brookside's former police Chief Mike Jones, The man who charged him with impersonating a police officer. Jones is now in legal trouble himself. During a traffic stop in southern Alabama, Jones allegedly flashed his defunct Brookside Police badge in an attempt to get out of a speeding ticket. Jones was arrested shortly after for impersonating a police officer.

Miller:

Thanks to Natour for that story. For more information, toolkits and to download the interactive transcript for this episode, visit 70millionpod.com. 70 Million is an open-source podcast because we believe we are all part of the solution. We encourage you to use our episodes and supporting materials in your classrooms, organizations, and anywhere they can make an impact. You may rebroadcast parts of or entire episodes of our five seasons without permission, Just please drop us a line so we can keep track. 70 Million is made possible by a grant from the Safety and Justice Challenge at the MacArthur Foundation and is produced by LWC Studios. Monica Lopez is our senior editor. Paulina Velasco is our managing producer, Erica Huang mixed this episode. Catherine Nouhan fact-checked the story and Michelle Baker is our photo editor. Juleyka Lantigua is the creator and executive producer. I am Mitzi Miller. Thank you for listening.

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