



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

## Anne Arundel County Branch

*“Freedom Fighters for a New Century”*

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### **Anne Arundel County Branch of the NAACP opposes HB 124 – Warrant Intercept Program**

The Warrant Intercept Program authorizes the Anne Arundel Sheriff’s office to notify the State Comptroller that the taxpayer has an outstanding warrant. The Comptroller is then authorized to withhold any Maryland income tax refunds to individuals with outstanding warrants if the taxpayer is a resident of Anne Arundel County or has received a warrant from Anne Arundel County. The Anne Arundel County branch of the NAACP urges a no vote on HB 124.

#### **I. The Warrant Intercept Program reinforces the racial wealth gap.**

The Warrant Intercept program has shown by its own data to have a disproportionate impact on African Americans in Anne Arundel County. Despite the insistence from some members of this legislature that the program is color blind, the data shows that Black people are disproportionately affected. In 2016, the legislature had the insight to require the counties that participate in the Warrant Intercept Program to maintain the racial statistics of who would be affected by the program.<sup>1</sup> Not surprisingly, the racist intersection of the criminal justice system and poverty was exposed again for people who aren’t poor and Black to see.

In 2018, a total of 204 individuals had their tax refunds withheld because of a warrant – 101 of those individuals were Black, 97 were white.<sup>2</sup> This wasn’t a newly resurgent racism either, the reports from 2017 and 2016 both show that more than half of the individuals impacted in Anne Arundel County were Black despite Black people being only 17.9% of the county’s population.<sup>3</sup> This practice is not good use of taxpayer dollars and, after looking at the data, will be viewed by many as an explicitly racist tax policy that seeks to confiscate the hard-earned income of the lowest paid members of society.

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<sup>1</sup> HB 701, Task Force to Study the Warrant Intercept Program for Maryland Income Tax Refunds. Del. Walker, 2016. <http://mgaleg.maryland.gov/mgawebsite/legislation/details/hb0701?ys=2016rs>

<sup>2</sup> Maryland Income Tax Refunds – Warrant Intercept Program 2018 Annual Report, <http://goccp.maryland.gov/wp-content/uploads/warrant-intercept-2018.pdf>.

<sup>3</sup> Maryland Income Tax Refunds – Warrant Intercept Program 2016 Annual Report, pg 4. <http://goccp.maryland.gov/wp-content/uploads/warrant-intercept-2016.pdf>; Maryland Income Tax Refunds – Warrant Intercept Program 2017 Annual Report, *Table 2. 2017 Tax Returns Withheld by Race*, pg 3. <http://goccp.maryland.gov/wp-content/uploads/warrant-intercept-2017.pdf>

Instead of dismantling state and local tax policies that reinforce the racial wealth gap, HB 124 would add another brick to the wall of separate and unequal.<sup>4</sup>

Here are some State and Local tax policy recommendations that would help to break down the racial wealth gap<sup>5</sup>:

- Expand the Poverty Tax Credit and the Earned Income Tax Credit and make the Poverty Tax Credit Refundable
- Ban local counties and municipalities from using fines for failure to appear and minor traffic offenses<sup>6</sup>
- Eliminate courtroom fees for low-income people.
- End the use of fees charged for defendants' use of courts and other resources.
- Raise revenue to invest in overcoming racial and ethnic inequities and invest the money in racially targeted apprenticeships and continuing education programs in actuarial science, public accounting, computer science, biomedicine, law, and construction trades
- Eliminate or reduce the regressive sales tax and raise taxes on wealthy real estate developers and their families. Then invest the money in publicly owned light rail to and from the county courthouse in Annapolis.
- Increase and expand the estate tax and invest the money in publicly owned rail transportation

Humanity would be better served if you take up your time with these policies that would help Black people rather than punitive laws such as HB 124.

There is a special cruelty to an almost all white police force, sheriff's department deliberately racially profiling Black taxpayers who happen to also drive. Followed by a nearly all white State Comptroller's office withholding the tax refunds of the poorest members of that community for failing to appear for a ticket the community members likely don't feel like they deserve or couldn't take off from work to appear.<sup>7</sup>

## **II. The Warrant Intercept Program withholds tax refunds for nonviolent offenses including a driver's failure to appear when the traffic stop may be attributed to racial profiling.**

The Comptroller's office and the Sheriff have both claimed that the people who are clearing these warrants are somehow threats to public safety.<sup>8</sup> However, the data released in the latest reports shows that the most common charges associated with the outstanding warrants are nonviolent. The majority of them were traffic offenses (31%), failure to appear to court for traffic and civil cases (22%) and another crime of poverty, theft (7%).

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<sup>4</sup> Race, Wealth and Taxes: How the Tax Cuts and Jobs Act Supercharges the Racial Wealth Divide, <https://itep.org/race-wealth-and-taxes-how-the-tax-cuts-and-jobs-act-supercharges-the-racial-wealth-divide/>

<sup>5</sup> Leachman, et.al. Advancing Racial Equity with State Tax Policy, Center on Budget and Policy Priorities, November 15, 2018. <https://www.cbpp.org/sites/default/files/atoms/files/11-15-18sfp.pdf>

<sup>6</sup> Missouri Governor Signs Bill Limiting Fines by Municipalities, Aamer Madhani, USA TODAY, Jul. 10, 2015. <https://www.usatoday.com/story/news/2015/07/09/missouri-governor-municipal-court-reform-ferguson/29937939/>

<sup>7</sup> Median household income in the United States by race or ethnic group 2018, Erin Duffin, Nov 12, 2019. <https://www.statista.com/statistics/233324/median-household-income-in-the-united-states-by-race-or-ethnic-group/>

<sup>8</sup> Comptroller seeks statewide warrant intercept program, Josh Magness, The Cecil Daily, Feb 16, 2016. [https://www.cecildaily.com/news/local\\_news/comptroller-seeks-statewide-warrant-intercept-program/article\\_8a0c07b5-2bee-5e4d-9ceb-b5662563c866.html](https://www.cecildaily.com/news/local_news/comptroller-seeks-statewide-warrant-intercept-program/article_8a0c07b5-2bee-5e4d-9ceb-b5662563c866.html); Candidate for Anne Arundel County sheriff: Ron Bateman, Capital Gazette, March 13, 2018. <https://www.capitalgazette.com/politics/ac-cn-candidates-bateman-20180313-story.html>. "The warrant/tax refund intercept law was my idea that started first as a pilot in our county and has since been enacted as a statewide opt-in law. This law has proven to be a huge success by those agencies who have opted in. It is by far the most efficient, effective and safest way to serve arrest warrants."

In 2003, the State of Maryland entered into a consent decree with the federal government after a 1995 lawsuit by the ACLU and the NAACP. The organizations sued the State on behalf of Black drivers who were racially profiled.<sup>9</sup> The fact that the initial lawsuit was brought in 1995 was not a coincidence. After the Rodney King beating, the police practice of stopping Black drivers under the pretense that they were transporting drugs was so prevalent it became a cliché, “Driving while Black.”<sup>10</sup> We are now living in an age in which the criminal justice system has turned so genocidal that the cliché has extended to “Living while Black.”<sup>11</sup> The constant presence of police in predominantly Black schools, neighborhoods, commercial areas, and streets brings wariness if not fear to many who see themselves as a target for racial profiling.

It is not enough that people who have outstanding warrants are subject to public shame by having their faces plastered on public access cable television with “On the Look Out with Sheriff Jim Fredericks.”<sup>12</sup> It is not enough that they may be subject to wage loss or other economic and financial penalties for their failure to appear.<sup>13</sup> The State of Maryland and Anne Arundel County feel as though they are entitled to not just the time and dignity of poor Black citizens, the State wants to hold their \$690 tax refunds.

This is a bridge too far and the NAACP urges you to vote no on HB 124 and the reinstatement of the Warrant Intercept Program.

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<sup>9</sup> Maryland State Conference of NAACP Branches v. Department of Maryland State Police, 98-cv-01098-JKB (D. Md.) <https://www.clearinghouse.net/detail.php?id=1043>

<sup>10</sup> Rodney King unintentionally changed U.S. Policing Forever, CBS News, June 18, 2012. <https://www.cbsnews.com/news/rodney-king-unintentionally-changed-us-policing-forever/>

<sup>11</sup> Living While Black and the criminalization of Blackness, P.R. Lockhart, Vox Magazine, Aug 1, 2018. <https://www.vox.com/explainers/2018/8/1/17616528/racial-profiling-police-911-living-while-black>

<sup>12</sup> On the Lookout Promo, Feb. 15, 2019. <https://www.youtube.com/watch?v=1zS6bC4aH-Y>

<sup>13</sup> What Happens When People Fail to Appear, <https://patch.com/maryland/owingsmills/what-happens-when-people-fail-to-appear-marylands-judicial-system-burdened>