

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

Qumotria Kennedy; Richard Tillery, on Behalf of  
Themselves and All Others Similarly Situated;  
Joseph Anderson,

Plaintiffs,

v.

The City of Biloxi, Mississippi; John Miller, in his  
official capacity as Chief of Police of the City of Biloxi;  
Judge James Steele, in his individual capacity;  
Judicial Correction Services, Incorporated,

Defendants.

Case No: 1:15-cv-00348-HSO -  
JCG

**DECLARATION OF NINA PAPACHRISTOU IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Nina Papachristou, declare and state as follows:

1. I am currently employed as a legal assistant in the American Civil Liberties Union Foundation ("ACLU") Racial Justice Program. In 2014, I received a Bachelor of Arts degree from Stanford University. I began working as a legal assistant at the ACLU in June 2015, and have previously worked as an assistant to legal services attorneys in New York City. For the duration of my employment at the ACLU, I have worked with, and been supervised by, attorneys on the above-captioned case.

2. I submit this declaration in support of Plaintiffs' Motion for Class Certification. I have personal knowledge of the facts set forth herein and could competently testify to them if called as a witness.

**Analysis of Harrison County Sheriff's Office Data on Individuals Jailed by the City of Biloxi for Nonpayment of Fines, Fees, Court Costs, or Restitution**

3. In September 2015, I was tasked with analyzing a Microsoft Excel spreadsheet disclosed by the Harrison County Sheriff's Office ("HCSO") on April 15, 2015, which provides the results of a "query showing the name, gender, booking date, bond amount, sentencing court, date of release and charges (Misdemeanor)" of all people booked in the Harrison County Adult Detention Center for misdemeanor and traffic offenses between September 1, 2014 and March 26, 2015. Declaration of Nusrat J. Choudhury in Support of Plaintiffs' Motion for Class Certification ("Choudhury Decl.") ¶ 4. This spreadsheet is attached as an exhibit to the Declaration of Nusrat J. Choudhury, which Plaintiffs submit in support of Plaintiffs' Motion for Class Certification. Choudhury Decl., Ex. C ("HCSO Excel Spreadsheet of Booking Reports").

4. The HCSO Excel Spreadsheet of Booking Reports contains more than 8,000 entries corresponding to people who were arrested and processed by the Harrison County Sheriff's Department for incarceration in the Harrison County Adult Detention Center for misdemeanor and traffic offenses. Some of these people did not spend time in jail because they paid bond or paid fines, fees, court costs, or restitution at jail. It provides the following information in separate columns for each entry: "ArrestNo.," "DetaineeName," "Sex," "OriginalBookDateTime," "Bond Amount," "Charge Court," "ChargeDescription," "ChargeComments," and "CaseNumber."

5. I sought to analyze the HCSO Excel Spreadsheet of Booking Reports to identify the number of people who were jailed in the Harrison County Adult Detention Center between September 1, 2014 and March 26, 2015 for failure to pay fines, fees, costs, or restitution imposed by the Biloxi Municipal Court.

6. I first narrowed the dataset to isolate cases handled by the Biloxi Municipal Court by using the Filter tool in Excel. I used the Filter tool in Excel so that the “Charge Court” column only showed entries for the “City of Biloxi.” I thereby eliminated entries corresponding to the “City of Gulfport,” “City of Pass Christian,” “City of Long Beach,” “Harrison County 1st Justice,” “Harrison County 1st Circuit,” “Harrison County 2nd Circuit,” and other courts. Application of this filter reduced the number of entries in the HCSO Excel Spreadsheet of Booking Reports to 2552.

7. Next, from among 2552 entries corresponding to cases handled by the Biloxi Municipal Court, I sought to isolate the entries concerning people charged with failure to pay fines, fees, costs, or restitution. This analysis required using the Filter tool to eliminate entries concerning people booked in the Harrison County Adult Detention Center on charges unrelated to failure to pay fines, fees, courts costs, or restitution (e.g. “Contempt of Court /arbitration, failure to appear”; “CAPIAS (failure to appear)”).

8. At this point, the HCSO Excel Spreadsheet of Booking Reports contained 486 different possible charges in the “ChargeDescription” field for entries corresponding to cases handled by the Biloxi Municipal Court. ACLU Attorney Nusrat Choudhury identified the following entries in the “ChargeDescription” field as relating to charges of failure to pay fines, fees, court costs, or restitution (“failure-to-pay charges”):

- a. “CAPIAS”;
- b. “CAPIAS – OLD FINES”;
- c. “CAPIAS (VIOLATION OF PROBATION)”;
- d. “CAPIAS (VOP)”;
- e. “CAPIAS PRO FINEM (NO INSURANCE)”;

- f. "CAPIAS PRO FINEM (NO OR EXPIRED DL)";
- g. "CAPIAS PRO FINEM (VIOLATION OF PROBATION)";
- h. "CAPIAS; COURT -PROGRAMS-FINE PAYMENT ONLY";
- i. "CONTEMP OF COURT (CAPIAS)";
- j. "Contempt (CAPIAS) (VOP)";
- k. "Contempt Court(CAPIAS)";
- l. CONTEMPT OF COURT (CAPIAS)";
- m. "CONTEMPT OF COURT – CAPIAS";
- n. "CONTEMPT OF COURT (CAPAIS)";
- o. "Contempt of Court (Capias)";
- p. "CONTEMPT OF COURT CAPIAS";
- q. "CONTEMPT OF COURT CAPIS";
- r. "CONTEMPT OF COURT(CAPIAS)";
- s. "Contempt(CAPIAS)";
- t. "Contempt; CAPIAS";
- u. "Contempt; Default in Payment";
- v. "Contempt; Default in Payment of Restitution";
- w. "Contempt; Default in Payment of Restitution (capias)";
- x. "Contempt; Default in Payment of Restitution: Expired Tag";
- y. "Contempt; Default in Payment of Restitution: No Insurance";
- z. "Contempt; Default in Payment of Restitution-Capias";
- aa. "Contemptof Court (Capias)."

9. I used the Filter tool in Excel so that the “ChargeDescription” column of the HCSO Excel Spreadsheet of Booking Reports included only the charges identified by Attorney Nusrat Choudhury as corresponding to failure-to-pay charges. Application of this Filter narrowed the 2552 entries to 922 entries corresponding to people booked in the Harrison County Adult Detention Center on a charge related to failure to pay fines, fees, court costs, or restitution by the City of Biloxi.

10. In order to further narrow the data in the HCSO Excel Spreadsheet of Booking Reports to identify only those people who were actually jailed for failure to pay fines, fees, court costs, or restitution, I isolated the cases in which the “Bond Amount” column was equal to \$0.

11. Based on the statement by Lisa Kilpatrick of the Harrison County Sheriff’s Office to Laura Huizar of the American Civil Liberties Union, a number greater than zero in the “Bond Amount” column indicated either that a person paid bond in order to secure pre-trial release from jail or that a person charged with failure to pay had made a payment toward fines, fees, court costs, or restitution at the Harrison County Adult Detention Center. Declaration of Laura Huizar in Support of Plaintiffs’ Motion for Class Certification ¶¶ 5–6. As a result, I made the assumption that a “Bond Amount” of \$0 indicated that the individual was unable to pay any money when jailed at the Harrison County Adult Detention Center on failure-to-pay charges. Also, I assumed that if the “Bond Amount” was greater than \$0, the person was able to pay some money at jail and may have avoided incarceration on failure-to-pay charges. Application of this Filter further narrowed the data set to 768 entries corresponding to people jailed in the Harrison County Adult Detention Center for failure to pay fines, fees, court costs, or restitution imposed by the Biloxi Municipal Court.

12. Next, I sought to isolate the 768 entries corresponding to individuals jailed in the Harrison County Adult Detention Center for failure to pay fines, fees, court costs, or restitution imposed by the Biloxi Municipal Court to eliminate duplicate names. After the elimination of duplicate names, I identified 415 distinct individuals who were presumed to have been jailed in the Harrison County Adult Detention Center pursuant to failure-to-pay charges in the Biloxi Municipal Court in the referenced time period because their “Bond Amount” was \$0.

13. Finally, I sought to determine the number of people booked in the Harrison County Adult Detention pursuant to failure-to-pay charges by the City of Biloxi, in the time period provided, who were able to provide some money when jailed for nonpayment of fines, fees, court costs, or restitution. I determined that there were 154 cases of people charged by Biloxi for charges related to failure to pay fines, in which the bond amount was greater than \$0. I then isolated individual names because several individuals had more than one case in which the bond amount was equal to a number greater than \$0. I identified 94 distinct individuals booked for jailing on failure-to-pay charges by the City of Biloxi in the referenced time period who paid more than \$0 at jail.

14. Thus, pursuant to the ACLU’s analysis, 415 different people were jailed by the City of Biloxi in the Harrison County Adult Detention Center from September 1, 2014 to March 26, 2015 on charges of failure to pay fines, fees, costs, or restitution. Furthermore, 94 different people made payments after being booked in the Harrison County Adult Detention Center in order to avoid incarceration on charges of failure to pay fines, fees, court costs, or restitution imposed by the Biloxi Municipal Court.

**Individuals Issued Failure-To-Pay Warrants by the Biloxi Municipal Court**

15. In response to a public records request from the ACLU and the ACLU of Mississippi, on August 13, 2015, the Biloxi Municipal Court disclosed a 124-page computer printout of failure-to-pay warrants issued between September 1, 2014 and June 11, 2015. The computer printout of failure-to-pay warrants is attached as Exhibit F to the Declaration of Nusrat J. Choudhury (“List of Biloxi Municipal Court Failure-to-Pay Warrants”). Pamela Trochesset, the Municipal Court Clerk for the City of Biloxi, described the list as a “computer printout of warrants, capias warrants issued by the Municipal Court between 9/1/14 to the date of this request for arrest of individuals charged with failure to pay court-imposed fines, fees, costs, and or restitution.” Choudhury Decl., Ex. E.

16. The List of Biloxi Municipal Court Failure-to-Pay Warrants provides the following information for each warrant listed: “NAME,” “CAPIAS #,” “R/S,” “ISSUED” and “OFFENSE.” Based on the information set forth in each column, I assumed that for each individual issued a failure-to-pay warrant by the Biloxi Municipal Court from September 1, 2014 to June 11, 2015: “CAPIAS #” refers to the arrest warrant number; that “R/S” corresponds to “race and sex”; that “ISSUED” indicates the date that a warrant was issued; and that “OFFENSE” identifies the underlying traffic or misdemeanor offense.

17. I sought to analyze the List of Biloxi Municipal Court Failure-to-Pay Warrants in order to determine the number of individuals against whom the Biloxi Municipal Court had issued failure-to-pay warrants between September 1, 2014 and June 11, 2015.

18. I converted the List of Biloxi Municipal Court Failure-to-Pay Warrants from a pdf document to an Excel spreadsheet using Adobe Acrobat’s built-in PDF-to-Excel converter tool.

19. I counted the number of unique warrants identified in the List of Biloxi Municipal Court Failure-to-Pay Warrants. As a result, I determined that the Biloxi Municipal Court issued 2,681 failure-to-pay warrants during the nine-month period between September 1, 2014 and June 11, 2015.

20. I counted the number of individual names contained in the List of Biloxi Municipal Court Failure-to-Pay Warrants. I determined that there were 1,520 individuals against whom the Biloxi Municipal Court had issued failure-to-pay warrants during the nine-month period between September 1, 2014 and June 11, 2015.

21. I examined each of the names in the Excel spreadsheet to ensure, to the best of my ability, that the 1,520 figure did not contain duplicate names. The 1,520 figure is a conservative estimate, as individuals listed multiple times with slight differences in their names (*i.e.* people listed with and without a middle name, or with a slight spelling difference in two instances) were counted as a single individual. In certain instances, I discovered names that were identical with the exception of “Junior,” “Senior,” “II,” or “III” after the full name. In these instances, I counted the names as separate people because I could not assume that they were the same individual.

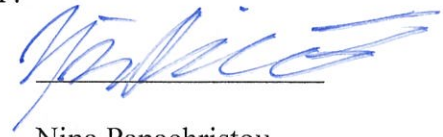
22. For example, I concluded that “Owens, Robert Ty” and “Owen, Ty Roberts” were the same person. These two names were both identified as corresponding to white men, according to “List of Biloxi Municipal Court Failure-to-Pay Warrants” (Choudhury Decl., Ex. F). I concluded that the names were too similar in nature to correspond to different people.

23. Thus, pursuant to the ACLU’s analysis and based on Ms. Trocheset’s characterization of the records disclosed by the Biloxi Municipal Court, 1,520 different people were issued 2,681 failure-to-pay warrants by the Biloxi Municipal Court during the period September 1, 2014 to



June 11, 2015 “for arrests of individuals charged with failure to pay court-imposed fines, fees, costs, and or restitution.” Choudhury Decl., Ex. E.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 20th day of October, 2015 in New York, NY.



Nina Papachristou