

January 4, 2023

**DELIVERED VIA EMAIL TO:** [Criminal.Division@usdoj.gov](mailto:Criminal.Division@usdoj.gov)

Mr. Kenneth A. Polite, Jr.  
Assistant Attorney General  
Criminal Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

**Re: Criminal Complaint Regarding an Ongoing Racketeering Scheme Perpetrated by the City of Valley, Alabama and Its Police Department**

Dear Mr. Polite,

The City of Valley, Alabama and its police department use their criminal powers to shake-down elderly, sick, and poor residents who cannot afford to pay their trash collection bills. The victims are arrested and publicly shamed on the City's Facebook page.

Since 2012, the City has engaged in an ongoing pattern and practice of arresting its residents for unpaid trash bills. Valley City Code [Section 58-127](#) makes the failure to pay the city's trash bill a misdemeanor offense that is punishable with a fine of not less than \$50 and not more than \$200. And, each day the offender does not pay his/her trash bill "***shall constitute a separate [misdemeanor] offense and shall be punished accordingly.***" City Code Section 58-127 also adopts any other sanctions for violations outlined in Code of Ala. 1975, §§ 22-27-6 and 22-27-7, as amended.

The City has the express power in City Code [Section 58-124](#) to exempt elderly, sick, and poor residents from paying their trash bill if their sole source of income is Social Security benefits. Instead of using this power, the city has steadfastly pursued an unconscionable course of action of arresting its citizens and forcing them to pay their trash bills, whether they can afford it or not.

**Valley Contracts with AmWaste for Waste Management Services**

The City contracts with AmWaste for garbage collection and disposal services. AmWaste is an affiliate of a privately-owned, integrated waste management company called Matter Management, which has 16 different holding companies across Alabama, Georgia, and Louisiana.

Matter Management operates in a highly regulated industry. It appears that the company also engages in interstate commerce. AmWaste seems to be entangled in the growing scandal in which the City of Valley arrests elderly, sick, and poor residents for not paying their trash bills.

It is unknown at this time whether the City of Valley pursues the arrest of its residents for unpaid trash bills, at the request of AmWaste. It is also unknown whether AmWaste shares in the proceeds from the city's misdemeanor arrest scheme. These are matters that must be probed by investigators from the U.S Department of Justice.

### **City-Sponsored Racketeering**

The City's ongoing abuse of the criminal justice system may be viewed as "racketeering." The term "racketeering" broadly refers to state and federal criminal acts such as extortion, bribery, money laundering, financial and economic crimes, gambling offense, obstructing justice, drug offenses, and murder for hire that are performed on an ongoing basis. Racketeering conduct is a conspiracy if it two or more parties participate in the illegal business enterprise.

The term "racketeering" is often used to describe patterns of illegal activity specified in the Racketeer Influenced and Corrupt Organizations Act (RICO). This federal law makes it illegal to acquire, control, or operate a business enterprise through certain crimes or income from those crimes. It is also illegal to participate, even indirectly, in certain crimes committed by a business or to conspire to do any of the above under the Act.

### **The City of Valley Racketeering Scheme Has Produced Scores of Extortion Victims**

Since 2012, scores of Valley residents have been victimized by the city's ongoing scheme of criminalizing unpaid trash bills. The victims are black and white, mostly elderly, often poor, and sometimes physically infirmed.

Ms. Martha Louis Menefield is the latest known victim of the city's scheme to criminalize poverty. On November 29, 2022, the City of Valley publicly announced Ms. Menefield's arrest for her unpaid trash bill on its [Facebook page](#). This act amounted to a "victim shaming" and the public humiliation of Ms. Menefield, who is an 82-year-old victim.

The arrest of Ms. Menefield was recorded on police [body cam video](#). It has ignited a firestorm of criticism against the City of Valley throughout the state and around the nation. On the video, the police officer makes a reference to other arrests for the same offense on the day before Ms. Menefield's arrest. The officer's statement confirms that the City of Valley is running this unlawful arrest scheme as an ongoing racketeering enterprise.

### **Potential Violations of Federal Law**

The City of Valley used its criminal powers to drag Ms. Menefield into a debtor's court proceeding that has important, damaging, and long-lasting criminal consequences. Along with her arrest, Ms. Menefield acquired a rap sheet, a mug shot, an appearance bond, a tentative court date, and possibly an entry in the federal government's National Crime Information Center (NCIC) database.

I understand that the City subsequently dismissed the criminal case against Ms. Menefield in December after the firestorm of negative publicity following her arrest. Regardless, Ms. Menefield now has a permanent misdemeanor criminal record.

The local criminal justice system in Valley cannot be used to collect the municipality's trash bills. This debt collection practice was banned by Congress in 1833 and the U.S. Supreme Court in 1983.

Despite these bans, the City of Valley found a nefarious way to circumvent them. The city requested a local judge to issue an arrest warrant for Ms. Menefield for failing to pay her trash bill, as authorized in City Code Section 58-127.

The City of Valley is using the local criminal justice system to run a debtor's court operation. Lawyers call this scheme "cash-register" justice, and it is a fairly common practice in Alabama cities.

If the City of Valley's police department or local court officials entered Ms. Menefield's November 27, 2022 arrest information into the federal NCIC database, it unwittingly involved the federal government in its "cash-register" justice scheme. The act of inputting Ms. Menefield's arrest information into the NCIC database gives the Department of Justice a separate and independent basis to: (a) investigate whether this was an illegal use of the federal government's criminal database, and (b) prosecute this abuse of the NCIC system, if warranted.

The NCIC system has been abused in Alabama in the past. In 2006, former Jefferson County Sheriff Jim Woodward and his attorney (Albert Jordan) were convicted on federal conspiracy charges of illegally using the NCIC database for inappropriate purposes. Their convictions were upheld on appeal.

### **Justice Department Investigation Required**

This letter constitutes my formal complaint against the City of Valley, Alabama and its Police Department (VPD) for various acts of law enforcement misconduct and the abuse of the legal process against the City's poor, sick, and elderly residents for the sole purpose of collecting civil debts for the benefit of itself and a private waste management contractor.

As discussed in detail above, the law enforcement misconduct and abuse of the legal process includes, but is not limited to the following acts: (a) impermissible profiling of poor, sick, and elderly residents who are trash customers of the City of Valley/AmWaste, (b) "targeting" these customers for inclusion in the City's unlawful "cash-register" justice scheme, in violation of federal laws that prohibit the criminalization of poverty, (c) multiple acts of harassment of the targeted victims, including the arresting officer's act of openly laughing at Ms. Menefield during her arrest, (d) multiple instances of VPD officers making arrests in furtherance of this unlawful

extortion scheme, (e) entering arrest information in the NCIC database in furtherance of the City's debt collection extortion scheme, and (f) other law enforcement misconduct.

All of the acts referenced above were willfully committed by VPD police officers under the color of law, in violation of 18 U.S.C. § 242.

The Department's investigation should also probe whether the VPD entered arrest data into the NCIC database in furtherance of its campaign of harassment and law enforcement abuse and misconduct, in violation of 18 U.S.C. §§ 2, 371, 641, 1030(a)(2), and 1030(c) (2) (B) (i) & (ii).

Finally, as an outraged citizen, I am requesting a full and thorough investigation into the matters set forth in this complaint. If warranted, I am requesting that the police officers and City officials involved in this law enforcement misconduct be prosecuted, as set forth in the United States Attorneys' Manual, § 9-27.220.

Respectfully submitted,



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