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Saggy Pants Ban: Will It Overload Dublin, GA Courts, Encourage Racial Profiling?

Written by [Chandra R. Thomas](#) on Sep 9, 2010

By Chandra R. Thomas

Dublin, Ga. Juvenile Court Judge William Tribble, Sr. says he has plenty of work to keep him busy on the bench. Now's he's concerned that a new ordinance signed into law Tuesday banning saggy pants in the middle Georgia city might end up overloading an already jam-packed court docket.

"I can just see my assistant district attorney prosecuting a case like that," says Tribble, who claims he spotted a young man in sagging pants on the streets of Dublin during his phone interview. "We'll have a robbery and child molestation cases to handle and then there will be 20 baggy (pants) cases that we've got to get rid of. In the juvenile courts there are lots of serious issues going on with our kids. We've got to focus on that in court. The last thing we need is more business. We have plenty of it."



Atlanta Councilman C. T. Martin tried to ban sagging pants in the city in 2007.

underwear. Proponents of the measure say city leaders had no choice but to resort to legal action after fielding a rash of complaints from residents who say they're *offended* by the fashion trend that is especially popular among teenagers and young adults. Opponents, however, say the new ordinance will be an enforcement nightmare for police, encourage racial profiling and ultimately tie up Dublin's court system with minor infractions.

Sixteen-year-old Jardez Johnson, of Dublin, is a supporter.

"I think it's good; people shouldn't walk around with their underwear showing," says Johnson of the trend wildly rumored to have been sparked well over a decade ago by prison inmates banned from wearing belts behind bars. "They should have more respect for adults. A lot of people at my school dress like that and they're probably going to be mad about it. I don't support that trend because I don't like showing my drawers to other people like that."

His father, Derrick Chatman, a Dublin native, agrees.

"I was hoping that particular style would have played out but it's gotten progressively worse," says Chatman, who runs an entertainment company and works in the advertisement department for a chain of

The rule, passed unanimously by the seven-member city council, prohibits people from wearing pants or skirts more than three inches below the tops of the hips and exposing any skin or underwear below. Violators would be fined \$25 for a first offense and \$200 for an additional offense. Riviera Beach, Florida, and Flint, Michigan, passed similar bans in recent years. The Riviera Beach legislation later was declared unconstitutional after a court challenge.

"I just don't see the cops running down the street after all of the sagging pants in town," quips Tribble. "They're going to need get a lot more police cars to enforce this."

Dublin Mayor Phil Best has said that the rule promotes mutual respect because not everyone wants to see other people's

Dublin radio stations. “It’s unfortunate that an ordinance had to be passed to get some control over this. I’m in the entertainment industry so I understand the hip-hop culture and style, but we’ve also got to think about the mother, or grandmother or little girl who has to see this (on the streets). It’s really gotten to be ridiculous!”

Chatman, however says, he was surprised the law passed because he did not consider sagging pants to be a particularly prevalent problem in Dublin. As for concerns raised about the potential for racial profiling, Chatman, who is African-American, says he’s not worried.

“I’m not concerned about racial profiling; I’m concerned that the youth of color won’t recognize that they’re setting themselves up for profiling by emulating the styles of entertainers whose lifestyle is nowhere near there,” he says. “A lot of these kids aren’t the convicts or drug dealers who dress like this too. This (ordinance) is long overdue. There won’t be any problems (from the police) if you dress, I won’t say normally, because to a lot of these kids that is their norm. This won’t be a problem for the kids if they dress appropriately.”

Gary Johnson, a nearly two-decades long member of Dublin’s council, has said the ban is not a surreptitious form of racial profiling because the attire at issue is worn by all races.

American Civil Liberties Union of Georgia Executive Director Debbie Seagraves says such assertions couldn’t be further from the truth. She feels enforcement, particularly to whom and where the ordinance is enforced, could become problematic.

“In a society that has for over 200 years been race-based with a history of racial segregation and inequality, any law can become a law that results in racial profiling,” she says. “This dress style originated with young men in communities of color. While it is no longer restricted to those communities anymore it is often more prevalent there. The potential is there for this to lead to racial profiling.”

Seagraves says she shares Tribble’s concerns about overloading law enforcement and the court system with what should be considered a fashion choice.

“Lawmakers should not regulate style; that is not the role of the government,” she says. “This is not about exposing your body in public, this is about exposing your boxer shorts. This is about the government trying to take a role in saying what piece of cloth is okay to be seen in public – denim or cotton? Jeans or boxers?”

NAACP Washington Bureau Director Hilary Shelton agrees.

“It is fascinating that a city council would spend this amount of time and resources on something that is nothing more than just bad taste (in clothes),” says Shelton, who also serves as the civil rights organization’s vice president for advocacy and policy. “This is an issue of priorities when a city council chooses to focus on a fashion trend worn mostly by young black males rather than deal with the real issues in their community. We should stop trying to criminalize everything we don’t like.”

Continues Shelton:



“Will law enforcement in Dublin be reduced to becoming the fashion police,” asks NAACP Washington Bureau Director Hilary Shelton.

“Will law enforcement in Dublin be reduced to becoming the fashion police,” he asks. “Sagging pants are not a danger to society.”

Shelton says he’s also concerned that young violators who can’t pay their fines will end up with a criminal record.

“These are mostly teenagers who dress like this and they don’t have jobs,” he says. “What’s going to happen if they can’t pay it? Are they going to arrest them? Will there be bench warrants? This sets a dangerous precedence.”

Atlanta Councilman C. T. Martin is familiar with the brewing debate. He drew a firestorm of controversy in 2007 when he sponsored an amendment to the city’s indecency laws to ban sagging. The measure ultimately was downgraded to a resolution that asked adults to encourage young people to pull their pants up. Martin, however, says he received more than a million hits on a Website dedicated to the topic and he received calls from all over the world with people from Japan to Germany claiming they had similar problems in their community.

“A lot of (Atlanta) judges told me that (had it been passed) that they would have thrown out those cases because there’s no room for [the violators] in jail,” he says. “I would venture to say that in a small town it probably will be enforced. I don’t think the punitive part is a good idea. A lot of people don’t have the money to pay. My hope is that, at the least, it will generate a discussion about respect in that community.”

Dublin High School Assistant Principal Jamie Paulk says now that the ordinance has been approved, it’s everyone’s responsibility to observe the new law.

“If it’s a law we must follow it,” says Paulk, who also works with youth as Pastor of Living Faith Baptist Church in Dublin. “Do we always agree with every law? No. But there are always consequences for those who do not heed the law.”

Paulk is optimistic that the rule will be enforced equitably.

“I hope and pray that those who we have entrusted and elected to govern us will be fair and consistent in the enforcement of it,” he says. “It should not be enforced based on skin color. If not, then don’t enforce it at all.”

Got a juvenile justice story idea? Contact JJIE.org staff writer Chandra R. Thomas at cthomas141@kennesaw.edu. Thomas, a former Rosalynn Carter Mental Health Journalism Fellow and Kiplinger Public Affairs Journalism Fellow, is an award-winning multimedia journalist who has worked for Atlanta Magazine and Fox 5 News in Atlanta.



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