

**Public Safety & Justice**

# **Report: Minorities, Poor Residents More Likely to Have Their Driver's License Suspended**

**A new study highlighting racial and socioeconomic disparities in license suspensions is the latest call for states to make reforms.**

BY MIKE MACIAG | APRIL 14, 2016



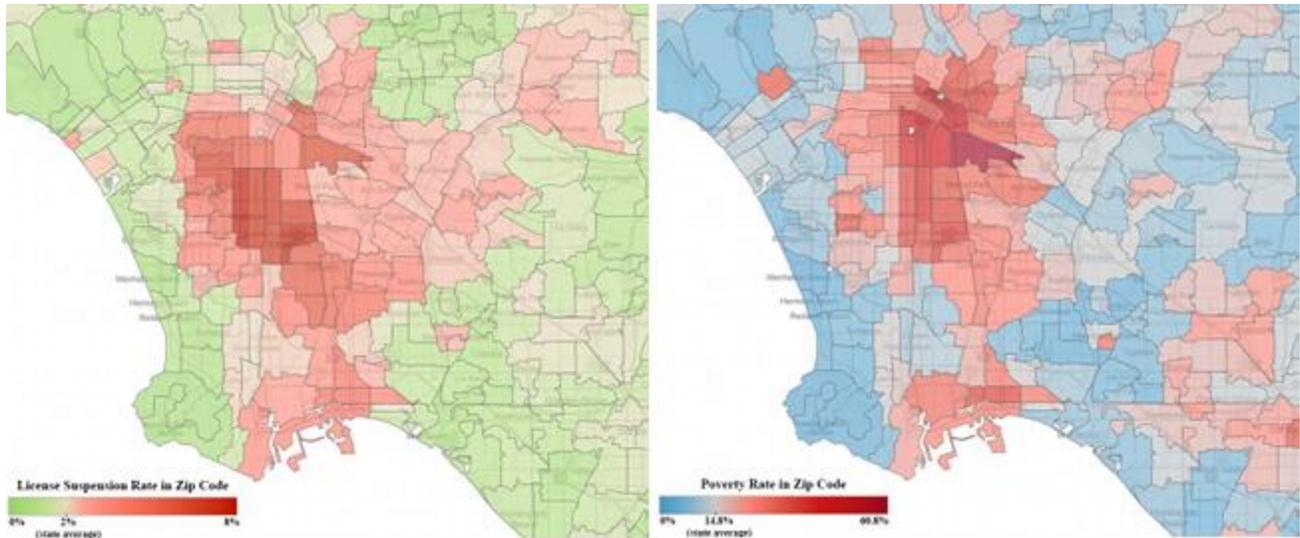
Racial minorities and lower-income Americans are often more likely to have their driver's licenses taken away, according to a new report from a civil legal aid group. Motorists can have their driver's licenses suspended for a variety of reasons, many of which are unrelated to any traffic violations. In most states, for example, licenses can be suspended for failure to pay child support. Some jurisdictions may take away licenses from drivers who fail to attend school, or even drivers who fail to keep up with their student loan payments.

But some of the most common suspensions result from failing to pay fines or appear in court. And it's those suspensions that led to stark disparities among racial minorities and poorer groups across California, according to the new study by the Lawyer's Committee for Civil Rights of the San Francisco Bay Area. The report makes the case that driver's licenses are too frequently suspended for reasons unrelated to protecting public safety, often imposing detrimental consequences on those living in poverty.

The report is the latest in a growing chorus of groups calling for governments to reevaluate court practices following revelations of unfair treatment in Ferguson, Mo. Last month, the Department of Justice issued guidance to state courts throughout the country, advising municipalities to cease suspending licenses in order to collect unpaid court fines and fees, among other reforms.

The legal aid group compiled data from different state and local California law enforcement agencies, finding that rates of license suspensions from failing to pay fines or appear in court were strongly correlated with poverty indicators. Similar correlations were found across racial groups. Of California ZIP codes where blacks account for more than a fifth of the population, 95 percent recorded license suspension rates exceeding the state average.

Some neighborhoods in relatively close proximity were shown to have vastly different rates of license suspensions.



*Mapped Los Angeles County ZIP codes from the study shown in red on the left recorded high license suspension rates; those on the right had higher poverty rates.*

Similar demographic groups were disproportionately arrested for driving on licenses suspended for reasons unrelated to public safety. Arrests were concentrated in predominantly black or Latino neighborhoods where poverty and unemployment rates were highest, the study found.

“Low-income people are getting into very serious debt problems, and are then expected to make payments they simply can’t afford said,” said Mike Herald, a Western Center on Law & Poverty policy advocate who contributed to the report.

Suspensions of licenses for reasons unrelated to public safety aren’t confined to California. The American Association of Motor Vehicle Administrators (AAMVA) conducted a survey of state laws, finding that all responding states suspended licenses for “social nonconformance reasons.” Data suggest these suspensions account for an increasing share of all license suspensions. AAMVA recommended that states repeal laws requiring suspensions for non-highway safety-related violations in a 2013 report.

The Department of Justice also recently weighed in on the matter. An agency letter published in March outlined policy guidance related to enforcement of court fines and fees, encouraging state and local courts to “avoid suspending driver’s licenses as a debt collection tool,” and instead reserve it only for cases that would “increase public safety.” The agency also announced a competitive grant program to assist jurisdictions in developing new strategies in enforcing court fines and fees.

“The consequences of the criminalization of poverty are not only harmful -- they are far-reaching,” said Attorney General Loretta Lynch in a news release. “They not only affect an individual’s ability to support their family, but also contribute to an erosion of our faith in government.”

Traffic tickets and court fees have drawn scrutiny for the large amounts of revenue they generate for select smaller municipalities. Ferguson and at least two other nearby jurisdictions rely on fines and fees for more than 20 percent of general fund revenues. Missouri lawmakers responded by passing legislation lowering the maximum that municipalities in the state could collect from 30 percent to 20 percent of general operating revenue, but a judge struck down the law last month.

Herald said fine costs have compounded over time, accelerating when municipal revenues plummeted following the recession. “Traffic tickets became a bipartisan way to raise money for government programs in lieu of raising taxes or having money funded by regular tax dollars,” he said.

Licenses don’t have to be suspended; California law allows for waivers for low-income individuals or completion of community service instead of paying off fines. But such alternatives typically are not utilized. With so many cases to hear, few judges have time to ask defendants whether they have the means to pay their fines, Herald said.

Lauren-Brooke Eisen, a senior counsel in the Brennan Center's justice program, views license suspensions as unintended consequences resulting, in part, from states underfunding court systems. More recently, some state legislatures moved to amend laws permitting license suspensions.

“There are small pockets of reform happening,” Eisen said, “but, unfortunately, it’s still a very common practice.”

The Missouri Department of Revenue reinstated all licenses that had been suspended strictly for failing to pay fines or appear in court. And last month, the Massachusetts legislature repealed a law mandating automatic license suspensions for convicted drug offenders.

In California, Gov. Jerry Brown has initiated a statewide ticket amnesty program allowing some drivers to obtain reductions in traffic tickets and civil fees owed. The legal group’s report called for expansion of the program to make it more accessible to poorer individuals. Last fall, in an effort to curb racial profiling, the state also passed a law requiring law enforcement agencies to collect and report data on traffic and pedestrian stops.

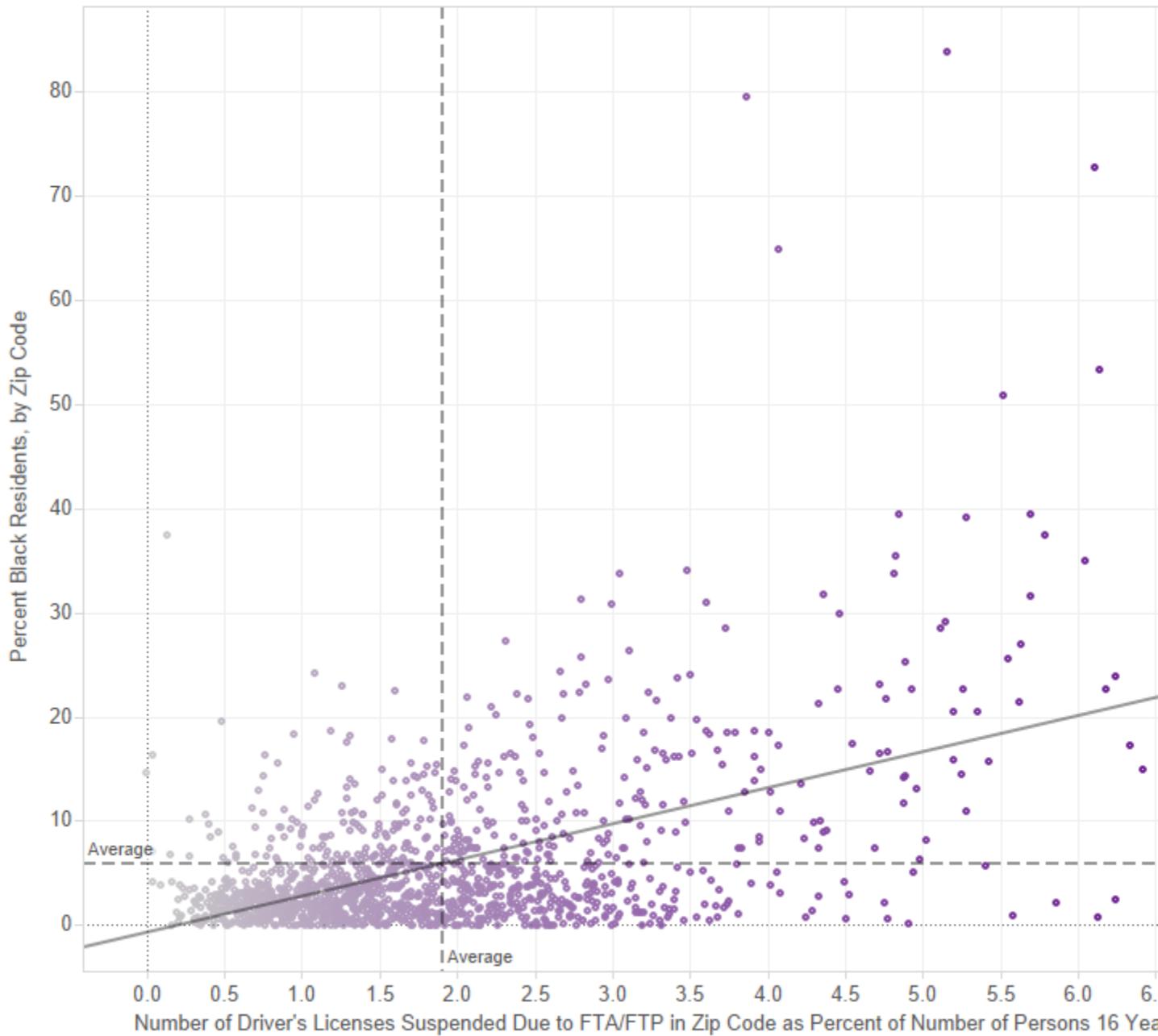
Court fines can quickly add up. The report notes that, in California, a citation with a \$100 base fine costs \$490 once all state and local assessments are added, and another \$300 may be added if a court hearing is missed.

Suspending licenses places a heavy burden on those unable to pay. Revoking driving privileges may limit one's ability to commute and maintain a job. It further acts as a barrier to employment as job training programs frequently require driver's licenses, and some employers screen out applicants with suspended licenses.

"All of these fees and fines make it much harder for poorer individuals to break out of the system," Eisen said.

*The following chart shows, for each California ZIP code, the share of residents with suspended licenses as of July 2014 plotted against the African American share of the population:*

# Driver's License Suspensions due to FTA/FTP and Percent Black Residents by Zip Code



SOURCE: "Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California," Lawyer's Committee for Civil Rights of the San Francisco Bay Area

<http://www.governing.com/topics/public-justice-safety/gov-drivers-licenses-suspended-for-unpaid-traffic-fines.html>