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Viewpoint

Viewpoint: Judicial Council's Wrong-Headed Approach to Driver's License Suspensions

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The [article](#) "No Cuts for Courts Planned in California's \$179B Budget" includes comments of the Office of the Governor that driver's license suspensions are a punitive revenue collection tool that is ineffective. The governor's proposed budget states in part: "there does not appear to be a strong connection between suspending someone's driver's license and collecting their fine or penalty. Often, the primary consequence of a driver's license suspension is the inability to legally drive to work or take one's children to school. Therefore, the budget proposes to eliminate the statutory provisions related to suspending driver's licenses for failure to pay fines and penalties."

We wholeheartedly agree. The governor's proposal aligns with the conclusions of the Back on the Road California Coalition (BOTRC), a statewide group comprised of advocates and organizations advocating for alternatives to license suspensions as a debt collection tool because those suspensions are counter-productive and disproportionately impact low-income communities of color. Unfortunately, the governor's proposal was met with resistance from the Judicial Council. For the reasons described below, we believe that this resistance is unwarranted.

Recent coalition reports highlight the racialized impact of these policies. Our [2015 report](#), "Not Just a Ferguson Problem: How California Courts Are Driving Inequality," demonstrated that more than four million Californians have had their driver's license suspended for failures to appear in traffic court (FTAs) or failures to pay traffic tickets (FTPs), and that the Department of Motor Vehicles reported over 600,000 license suspensions for these procedural violations. Our [2016 report](#), "Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California," found that the driver's license suspension rates for FTAs or FTPs were directly correlated with poverty indicators and with race. As a result, Black and Latino drivers are more likely than white drivers to be stopped by the police, to be fined or arrested for traffic offenses, and to suffer unfair fines or incarceration. These reports and findings matched the results of studies from around the country.

Together, these reports support a growing consensus that Black and Latino drivers have disproportionately greater contact with law enforcement, leading to increased contact with the criminal justice system and correspondingly to greater amounts of court-ordered debt. Disproportionate poverty in Black and Latino communities means that Black and Latino drivers are more likely to be unable to pay court-ordered debt, and thus, to experience driver's license suspensions and other punitive collections tactics. In sum, there is a growing consensus that

driver's license suspensions are not only an economic justice issue but also a racial justice issue.

As the governor notes, suspending driver's licenses as a collections tool is counterproductive. License suspensions keep people from working and supporting their families; in this way, they make poor people less—not more—likely to pay court debt.

Given the strong evidence that using license suspensions as the preferred tool to collect delinquent fines and fees is racially discriminatory and counterproductive, we were disappointed that the Judicial Council is still relying on a single, deeply flawed, study done by the Los Angeles County Superior Court to justify its apprehension to taking away this collection tool. The Los Angeles study concluded that the LA court would face a loss of revenue of \$31 million annually if the license suspension collection tool was eliminated. The study further suggested that the potential statewide loss to the courts could reach \$170 million.

These LA study findings are contrary to the view of the California Department of Finance. Its director, Michael Cohen, is quoted in [the article](#) as saying that, because these fines and fees are often not collected, the Department of Finance does not "expect to lose any" money by dropping the threat of suspending drivers' licenses. The study also oversells the potential losses in revenue from discontinuing license suspensions as a collections tool. It does this by focusing narrowly on the amount of outstanding debt and assuming that all or most of that debt can be collected. This assumption is misplaced historical evidence and demonstrates that the majority of this outstanding debt will never be collected.

The Los Angeles study also fails to consider the positive economic impacts of license restoration. As of August 2016, Los Angeles County has reinstated over 48,000 licenses and collected five times more revenue than the operating costs of the [Traffic Amnesty Program](#). This suggests that license suspensions themselves are likely not a great source of revenue but rather that a more reasonable fine and fee schedule will result in more successful debt collection.

Additionally an independent analysis by a UC Berkeley economist estimated the loss of income from inability to work or find employment for those who have had their licenses suspended is approximately \$3.6 billion. He estimated that, if these licensees were restored, this lost income would generate \$140 million in annual employment tax revenue. This increase in employment would also significantly reduce state expenditures for public welfare benefits to support these individuals while unemployed.

While we certainly understand the Judicial Council's concern about filling revenue gaps, we believe that those gaps will more readily and equitably be filled by strengthening the economic security of more Californians through the elimination of license suspension as a collections tool. We further believe that doing so would put California in the forefront nationally of efforts to limit racial bias in our criminal justice system.

With growing economic insecurity and the widening of racial wealth gaps, Californians need commonsense solutions that give its residents the confidence and dignity that comes from being welcomed into the workforce, not excluded.

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