



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

Hon. John Barrasso
United States Senate
307 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Hon. Thomas R. Carper
United States Senate
513 Hart Senate Office Bldg.
Washington, D.C. 20510

Hon. John Boozman
United States Senate
141 Hart Senate Office Bldg.
Washington, D.C. 20510

Hon. Sherrod Brown
United States Senate
503 Hart Senate Office Bldg.
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Hon. Christopher A. Coons
United States Senate
218 Russell Senate Office Bldg.
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Hon. Richard J. Durbin
United States Senate
711 Hart Senate Office Bldg.
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Hon. Joni Ernst
United States Senate
730 Russell Senate Office Bldg.
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Hon. Chuck Grassley
United States Senate
135 Hart Senate Office Bldg.
Washington, D.C. 20510

Hon. Roger F. Wicker
United States Senate
555 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Hon. James Lankford
United States Senate
316 Hart Senate Office Bldg.
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Hon. Chris Van Hollen
United States Senate
110 Hart Senate Office Bldg.
Washington, D.C. 20510

December 3, 2020

RE: Law Enforcement Leaders Support for the Driving for Opportunity Act of 2020, S. 4186

Dear Chairman Barrasso, Ranking Member Carper, and Senators Boozman, Brown, Coons, Durbin, Ernst, Grassley, Lankford, Van Hollen, and Wicker:

We write on behalf of Law Enforcement Leaders to Reduce Crime & Incarceration in support of the Driving for Opportunity Act of 2020 (“the Act”), S. 4186. Our national coalition includes over 200 current and former law enforcement officials, across the political spectrum, dedicated to protecting public safety and reducing unnecessary arrests, prosecutions, and incarceration. We also draw from our experience to advocate for changes in practice that advance public safety while ending unnecessary contact with the criminal justice system.

Our group supports federal legislation to end license suspensions due to unpaid traffic fees and fines, and the Act would be a significant step forward to end this practice nationwide.¹

The Act creates grants to encourage states to cease suspending driver’s licenses due solely to unpaid civil or criminal fines and fees and to reinstate those licenses already impacted by similar policies in the past.² The bill would also repeal an existing federal law that withholds highway funding for states that do not suspend driver’s licenses for individuals convicted of drug offenses, whether or not the offenses were related to driving.³

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As localities across the country work on reimagining public safety and building trust between the police and their communities in response to the significant social unrest of this past summer, the Act could help to minimize police intrusion into peoples' lives while also saving government resources.⁴ The impact of driver's license suspensions for unpaid fees and fines is profound. Estimates suggest that between seven and 11 million Americans have lost their licenses for failure to pay court debt.⁵ Nationally, 40 percent of license suspensions are due to reasons other than driving-related offenses.⁶ And these costs are not borne equally — debt-based license suspension policies disproportionately burden communities of color and people in poverty.⁷ These practices also trap people in poverty and create unnecessary criminal justice contact without a clear public safety rationale.

Suspending licenses for non-payment of fines and fees is inherently counterproductive.⁸ It essentially creates “a catch-22: stop driving and fall deeper into poverty, or drive without a license and risk further tickets, fines, and possibly even arrest and criminal charges.”⁹ In a study conducted in New Jersey, researchers found that a majority of people who had their licenses suspended were low-income, and, as a result of the suspension, 64 percent of low-income individuals were not able to maintain their employment.¹⁰ While there may be a legitimate relationship between driver's license suspension and certain crimes, such as drunk or dangerous driving, unpaid criminal and civil fees due to poverty do not justify the suspension of someone's license.

Suspending licenses for reasons unrelated to safety also taxes scarce law enforcement resources — on traffic stops, prosecuting low-level violations, impounding vehicles, and, in some cases, incarcerating people who pose no threat to public safety. A study conducted in Washington state found that arresting one person due to driving on a suspended license could, when including time spent on paperwork, take up to nine hours of a police officer's time.¹¹ According to the American Association of Motor Vehicle Administrators, suspending driver's licenses in Colorado took 8,566 hours per year — the yearly hours of four full-time public employees.¹² Further, license suspension due to debt discourages people from maintaining accurate and up-to-date licenses, which in turn creates challenges for law enforcement that can be detrimental to public safety.¹³

We are devoted to advocating for laws that enhance public safety while reducing unnecessary incarceration and involvement in the criminal justice system. For all the reasons herein, and in our April 2020 report,¹⁴ we encourage the Senate Committee on Environment and Public Works to pass the Driving for Opportunity Act of 2020, so that millions of Americans can lead more productive lives and maintain employment, while minimizing unnecessary contact with law enforcement.

Respectfully yours,



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Executive Director
Law Enforcement Leaders to
Reduce Crime & Incarceration
Former Police Superintendent
New Orleans, Louisiana



Taryn A. Merkl
Senior Counsel
Law Enforcement Leaders to
Reduce Crime & Incarceration
Former Assistant U.S. Attorney
Eastern District of New York

¹ *Ensuring Justice and Public Safety: Federal Criminal Justice Priorities for 2020 and Beyond*, Law Enforcement Leaders to Reduce Crime & Incarceration, April 15, 2020, at 6, http://lawenforcementleaders.org/wp-content/uploads/2020/04/2020_04_LEL_Policy_Report_Final.pdf.

² If passed, the Act would appropriate \$20 million for each fiscal year between 2021 and 2025. The Driving for Opportunity Act, S. 4186, 116th Congress (2020).

³ Specifically, if passed the Act would repeal 23 U.S.C. § 159, through which the Secretary of Transportation withheld funding apportioned to states by the Transportation Equity Act of the 21st Century if states did not revoke, or suspend for at least 6 months, the driver's license of anyone who is convicted of any drug offense. The Driving for Opportunity Act, S. 4186, 116th Congress (2020).

⁴ Elliott C. McLaughlin, "How George Floyd's death ignited a racial reckoning that shows no signs of slowing down," CNN, August 9, 2020, <https://www.cnn.com/2020/08/09/us/george-floyd-protests-different-why/index.html>.

⁵ Justin Wm. Moyer, *More than 7 Million People May Have Lost Driver's Licenses Because of Traffic Debt*, *Washington Post*, May 19, 2018, https://www.washingtonpost.com/local/public-safety/more-than-7-million-people-may-have-lost-drivers-licenses-because-of-traffic-debt/2018/05/19/97678c08-5785-11e8-b656-a5f8c2a9295d_story.html; Jenny Landon, "Why the Senate should pass the Driving for Opportunity Act," *Prison Policy Initiative*, July 22, 2020, https://www.prisonpolicy.org/blog/2020/07/22/driving_for_opportunity/.

⁶ Jenny Landon, "Why the Senate should pass the Driving for Opportunity Act," *Prison Policy Initiative*, July 22, 2020, https://www.prisonpolicy.org/blog/2020/07/22/driving_for_opportunity/.

⁷ "Too Poor to Drive: 6 Truths about Driver's License Suspension," *Free to Drive*, accessed December 1, 2020, <https://www.freetodrive.org/wp-content/uploads/2019/09/Six-Truths-About-Driver's-License-Suspension.pdf>; Joshua Aiken, "Reinstating Common Sense," *Prison Policy Initiative*, December 12, 2016, <https://www.prisonpolicy.org/driving/national.html>.

⁸ See generally Matthew Menendez et al., *The Steep Costs of Criminal Justice Fees and Fines*, Brennan Center for Justice, 2019 (concluding that fees and fines are an inefficient source of government revenue and recommending, inter alia, that states eliminate driver's license suspensions for failure to pay criminal fines and fees), https://www.brennancenter.org/sites/default/files/2019-11/2019_10_Fees%26Fines_Final5.pdf.

⁹ *Ensuring Justice and Public Safety: Federal Criminal Justice Priorities for 2020 and Beyond*, Law Enforcement Leaders to Reduce Crime & Incarceration, April 15, 2020, at 6, http://lawenforcementleaders.org/wp-content/uploads/2020/04/2020_04_LEL_Policy_Report_Final.pdf.

¹⁰ Alan M. Voorhees Transportation Center and New Jersey Motor Vehicles Commission, *Motor Vehicles Affordability and Fairness Task Force Final Report*, Motor Vehicles and Affordability and Fairness Task Force, 2006, 27, 38, http://www.dpdlaw.com/Kavadas_SJMotion_ExhibitC.PDF; Joshua Aiken, "Reinstating Common Sense," *Prison Policy Initiative*, December 12, 2016, <https://www.prisonpolicy.org/driving/national.html>.

¹¹ *Best Practices Guide to Reducing Suspended Drivers*, American Association of Motor Vehicle Administrators, 2013, at 15, <https://www.aamva.org/Suspended-and-Revoked-Driver-Working-Group/>.

¹² Ibid.

¹³ As we have observed elsewhere, "when an unlicensed person is involved in a traffic infraction or accident, law enforcement may be placed in the untenable situation of not being able to verify the identity of the driver, which creates challenges for law enforcement, the courts, insurance companies, and any other parties affected by an accident." *Ensuring Justice and Public Safety: Federal Criminal Justice Priorities for 2020 and Beyond*, Law Enforcement Leaders to Reduce Crime & Incarceration, April 15, 2020, at 6, http://lawenforcementleaders.org/wp-content/uploads/2020/04/2020_04_LEL_Policy_Report_Final.pdf.

¹⁴ Ibid.