

# Driver's License Issues and Recommendations

June 2015



# IS DRIVING A RIGHT OR A “PRIVILEGE”?

Access to jobs      Access to doctors, medical care

Employment competency      Handle emergencies

Visit family

Mobility vs. isolation      Independence      Rite of passage

Entertainment      Transportation to church      Job applications

Opportunity

Social life      Options for shopping, child care

School, college choices



# Driver's license obstacles

1. Lack of driver's education in the high schools
2. Racial profiling and city and suburban police traffic stops of boys and men of color
3. Culture of unlicensed driving
4. Court-ordered 2-year driver's license suspensions as a tool to collect municipal fines ("credit card" justice)
5. Criminal justice and DOC system practices

# **Lack of free driver's education**

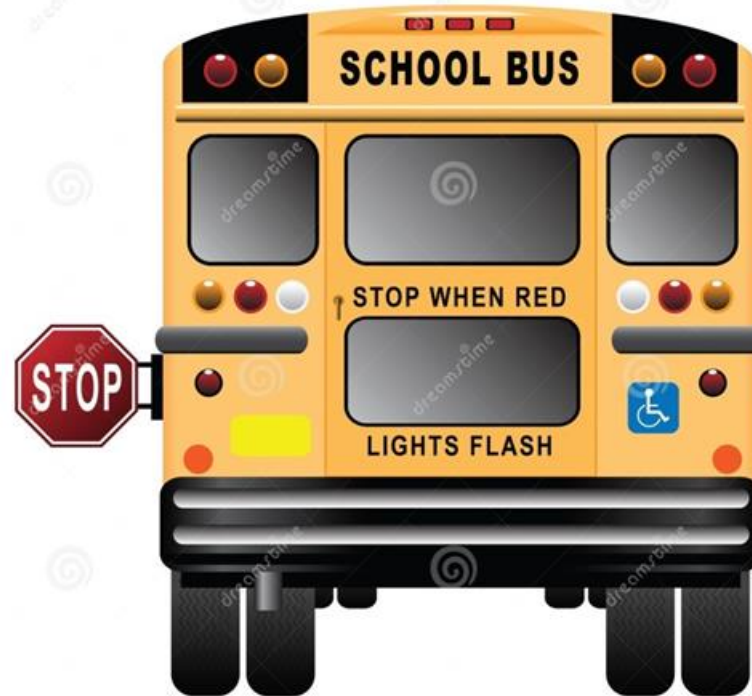


Driver's education started in Wisconsin schools in 1941.

Before 1997-98 driver's ed for youth was supported by state DOT funds.

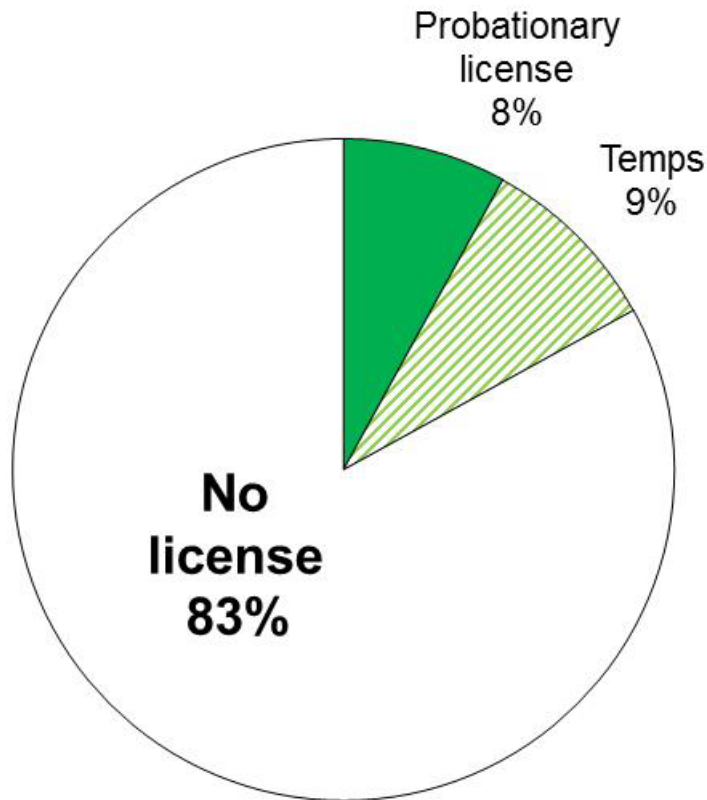


Wisconsin ended state aids for driver education in March of 2004 after the federal government stopped supporting driver's ed in schools.

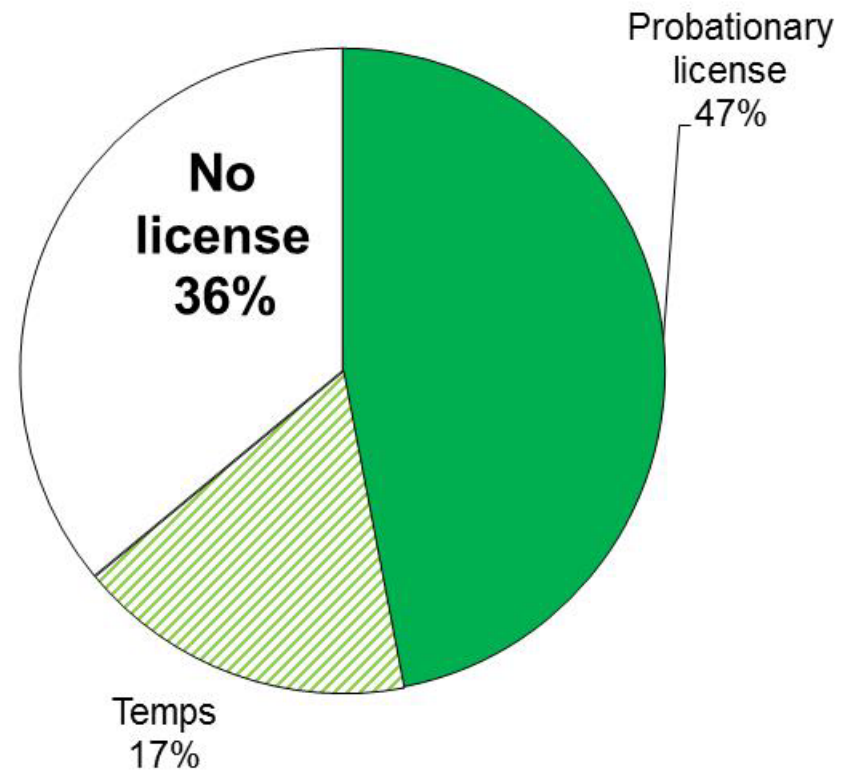


# Few black teens are getting driver's education or licenses.

**Black Male Teens (16-17) in Milwaukee**

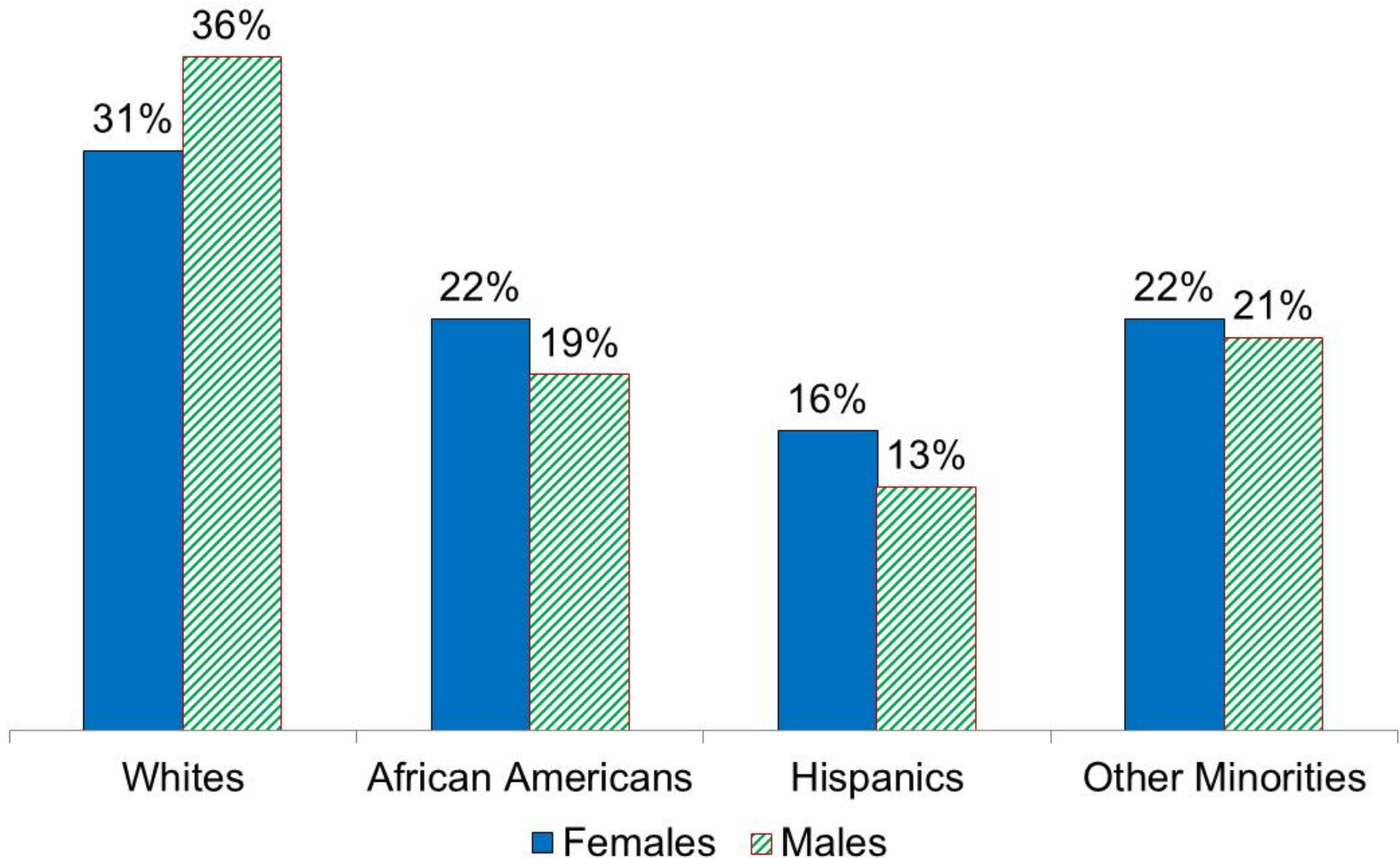


**White Male Teens (16-17) in Milwaukee County Suburbs**



# Few low-income young adults are legal drivers.

% of innercity Milwaukee 18-year-olds with valid driver's licenses

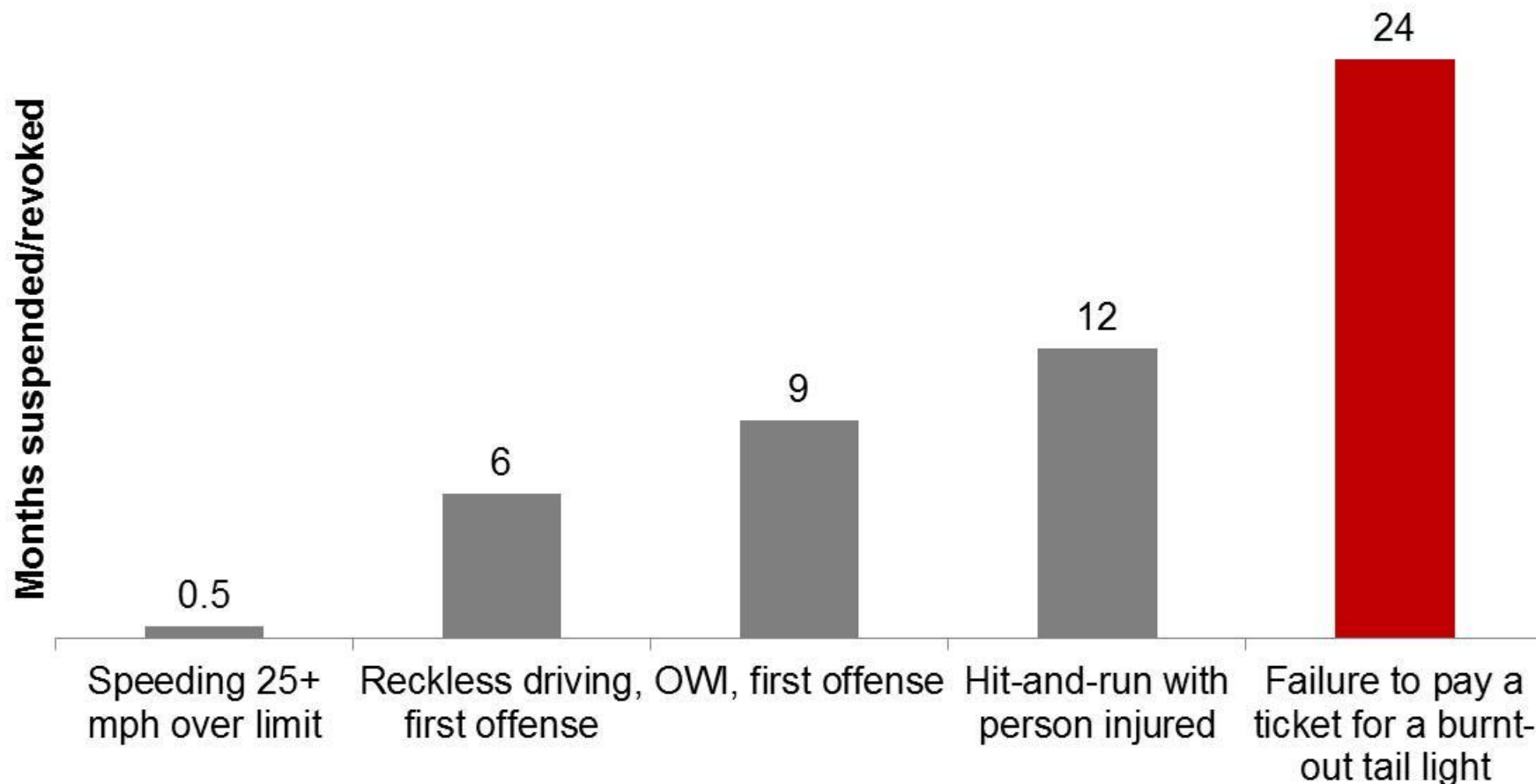




# **Wisconsin's use of FPF suspensions to collect court fees:**

**“Major credit cards accepted.”**

## Months barred from driving in Wisconsin



# Length of Wisconsin Driver's License Suspensions/Revocations

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## Violation

Driving with a burnt-out tail light  
Passing a school bus with its red lights flashing  
Speeding more than 25 mph over the legal limit  
Accumulation of 12 demerit points for unsafe driving in 1 yr.  
Reckless driving, first offense  
Driving while intoxicated (OWI), first offense  
Failure to stop after accident involving a personal injury

## Length of License Suspension/Revocation\*

Ticket, no suspension, 0-3 demerit points  
No suspension, 4 demerit points  
15 day suspension, 6 demerit points  
2 mo. suspension, immediately eligible for occupational license  
6 month suspension, 6 demerit points  
9 month revocation, 6 demerit points  
1 yr. revocation, eligible for occupational license after 15 days

**Failure to pay a ticket for a burnt-out tail light**

**2 year suspension**

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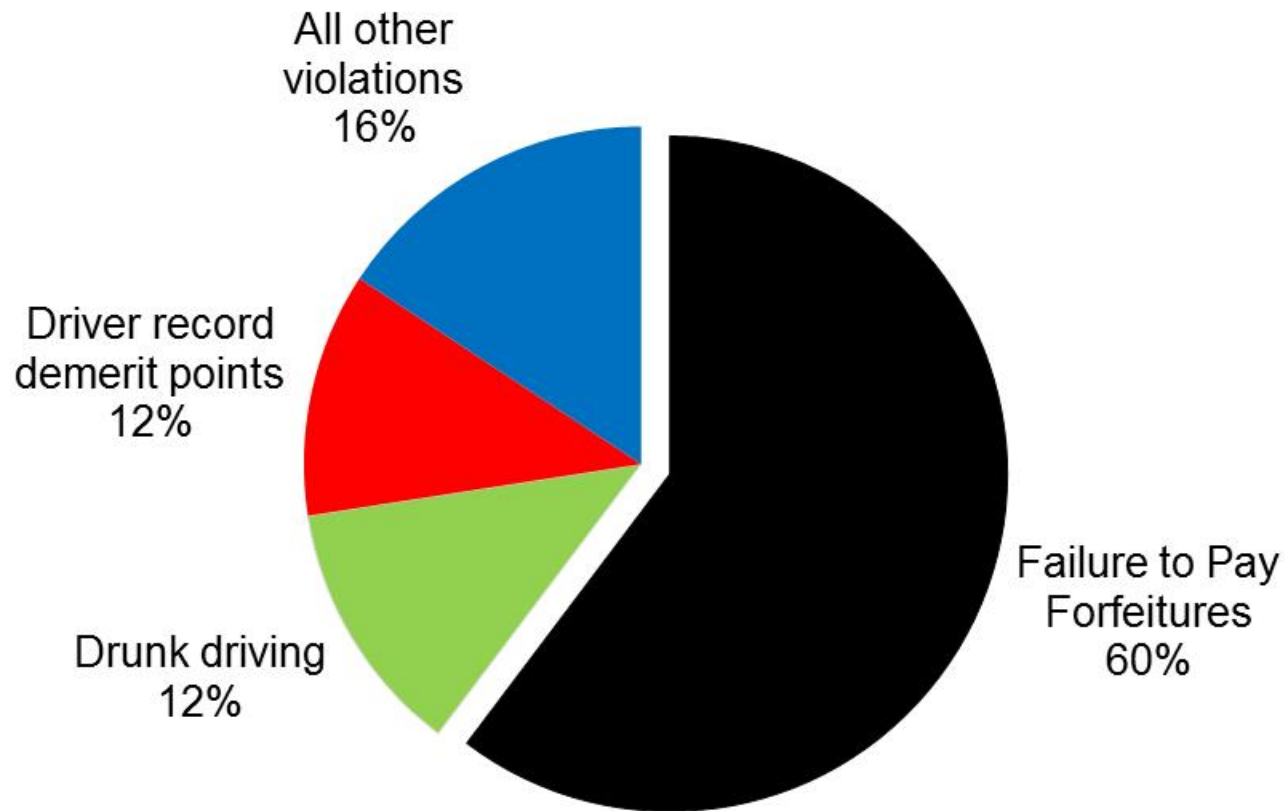
*Source: Wisconsin Department of Transportation Division of Motor Vehicles, **Driver License***

***Withdrawals: Revocations, Suspensions, and Disqualifications, January 1, 2014; Wisconsin***

*Administrative Code "Chapter Trans 101." \*Note: Penalties may be more severe for youth under age 18 and for drivers with probationary licenses.*



# 60% of Wisconsin license suspensions are for “failure to pay forfeitures” (FPF) rather than unsafe driving





“If you fail to pay a forfeiture as scheduled:

- Your driver’s license can be suspended for up to two years or until the fine is paid.
- A commitment warrant can be issued for your arrest/jail sentence.
- A tax intercept of state refunds may be imposed. ...

“A warrant issued for your arrest is statewide. If a law enforcement officer for any reason stops you, a record check will alert the officer of the outstanding warrant.

- The forfeiture must be paid immediately in order to cancel the warrant.
- **If you are unable to pay the amount due, you will be transported to the County Jail.”**



CITY OF MILWAUKEE  
**MUNICIPAL COURT**

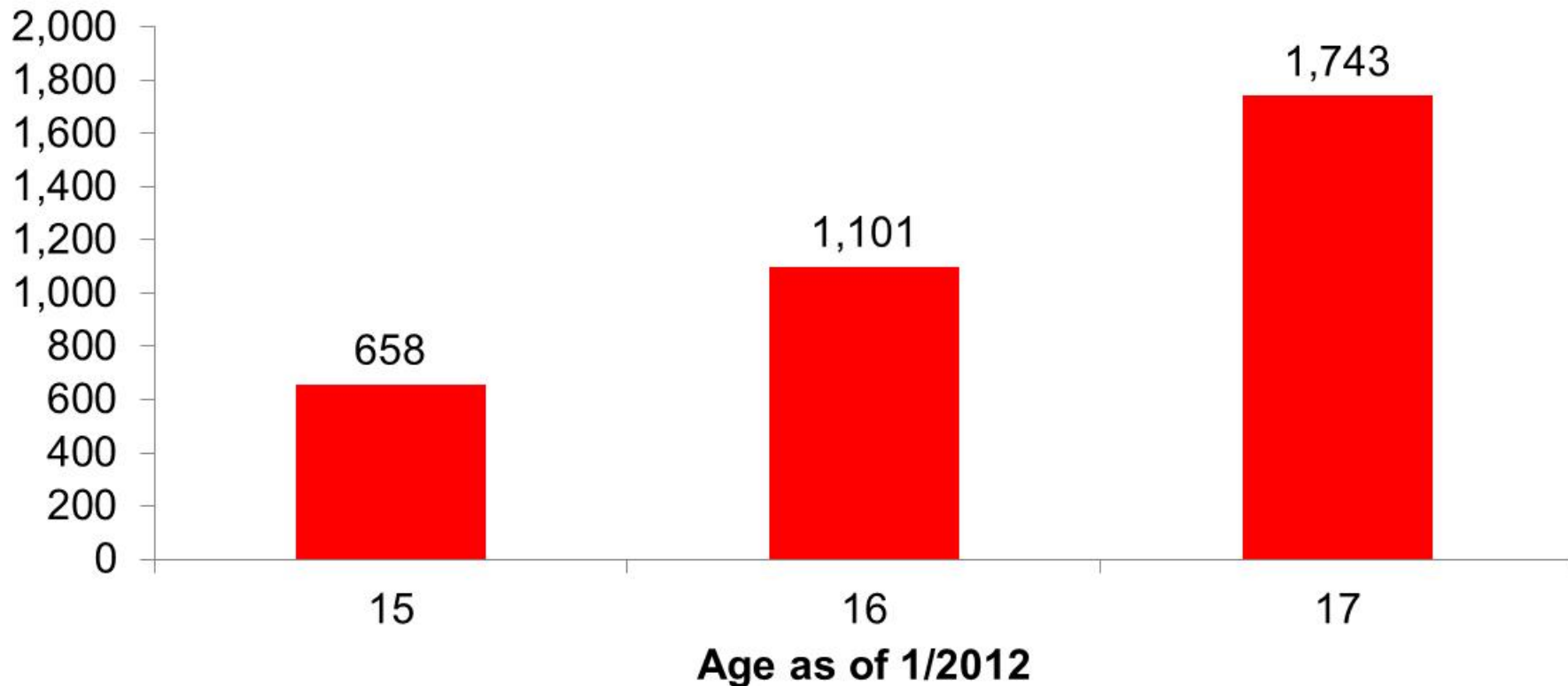
“Examples of violations handled in municipal court are: traffic, assault and battery, disorderly conduct, vandalism, loitering, theft, shoplifting, building code, health code, and drunken driving. ...

“A sentence to pay monetary forfeitures to the City is the primary sentence imposed on a guilty defendant. In addition, a municipal judge may require a defendant's participation in one of several community service or educational programs.

**“If a defendant does not pay the forfeiture, a judge may suspend the defendant's driving privileges or put him or her in jail.”**

In Milwaukee driver's license "suspensions" were issued against 3,500 young teens who didn't have licenses.

### **Milwaukee Youth Issued "Suspensions" for Failing to Pay Municipal Court Fees and Forfeitures (2008-2011)**



From 2006-2011  
black males had 7  
times more FPF  
suspensions than  
white males.

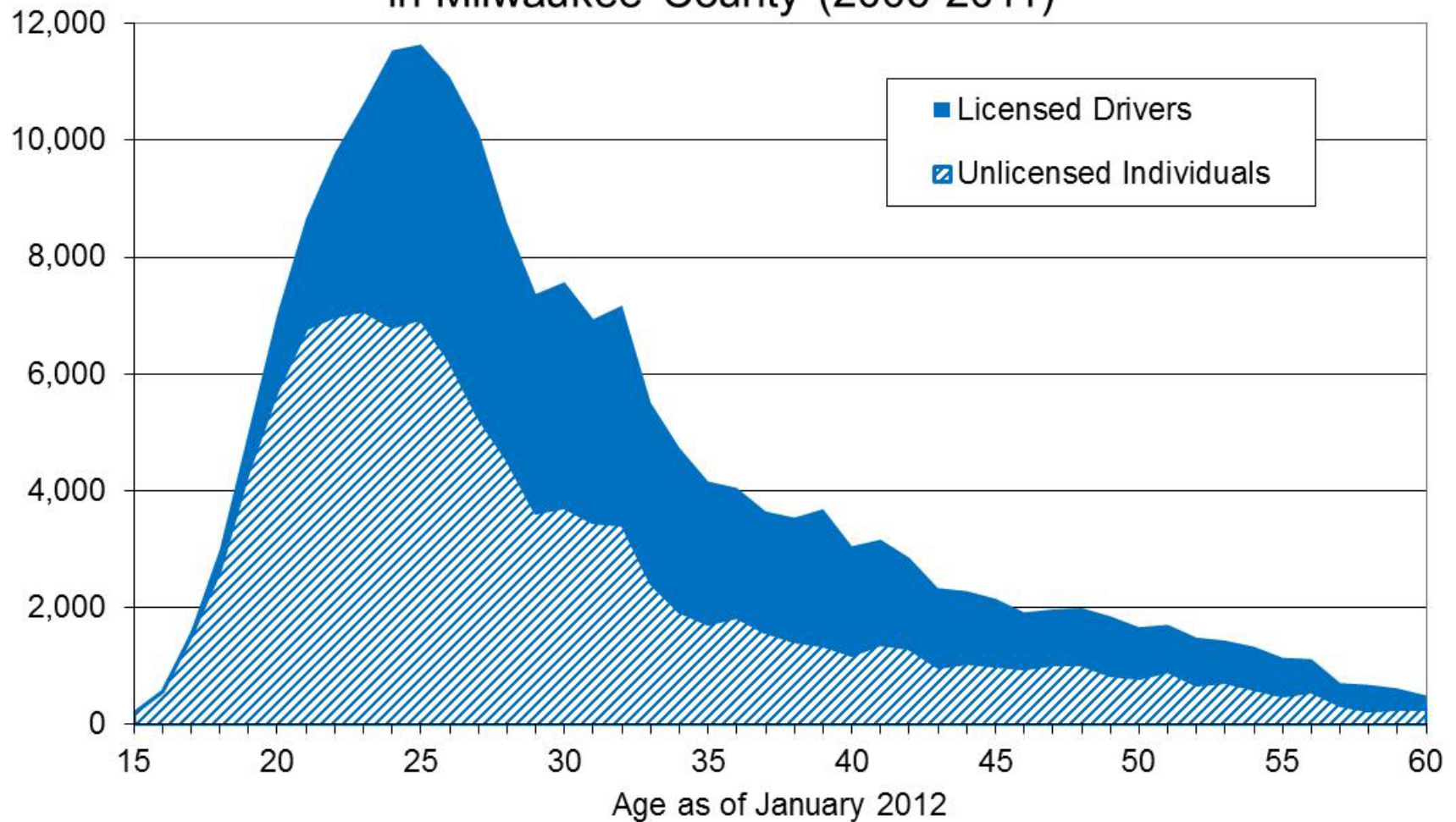
7X

Young black  
males had 10  
times more FPF  
suspensions than  
young whites.

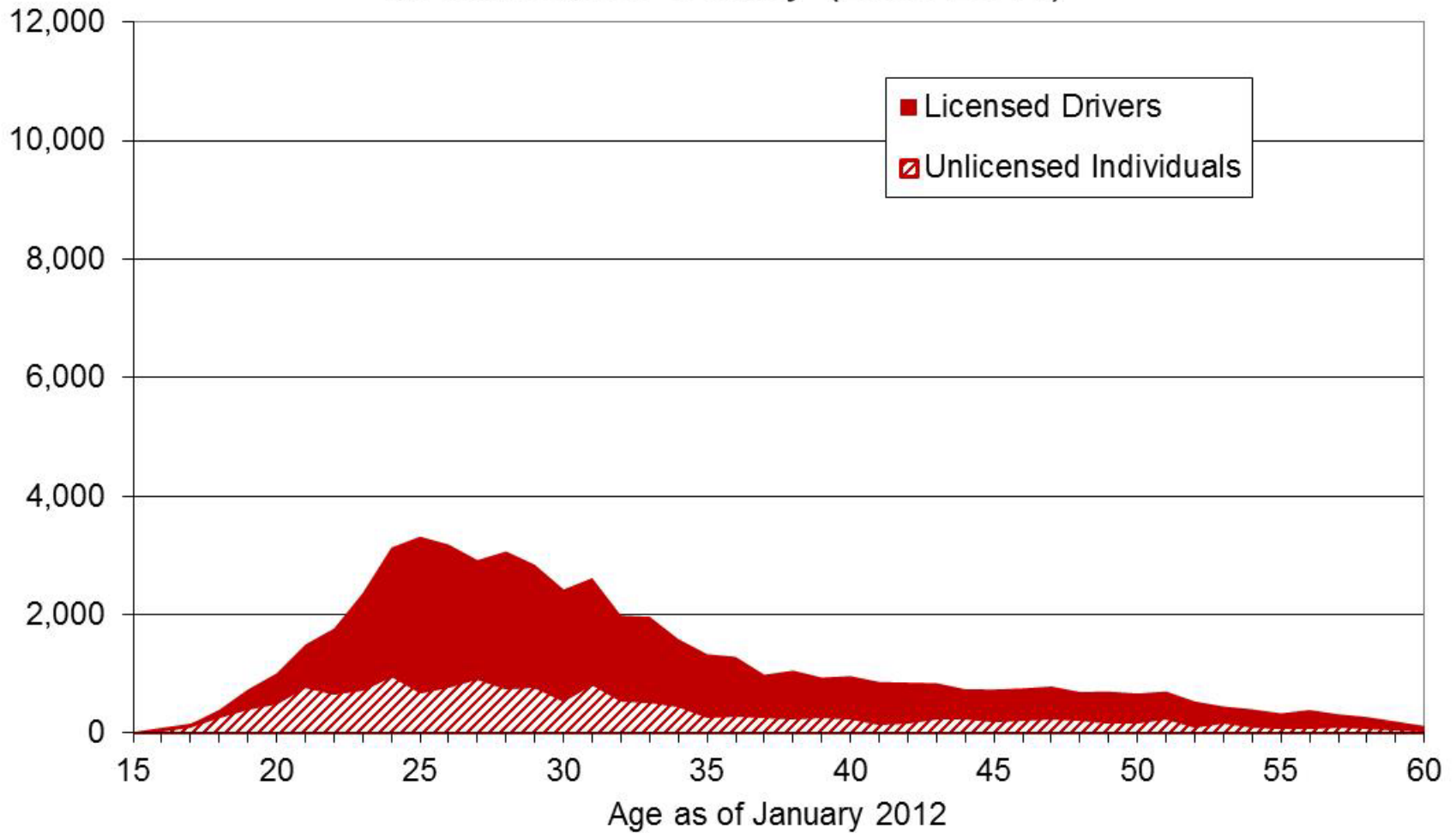
10X

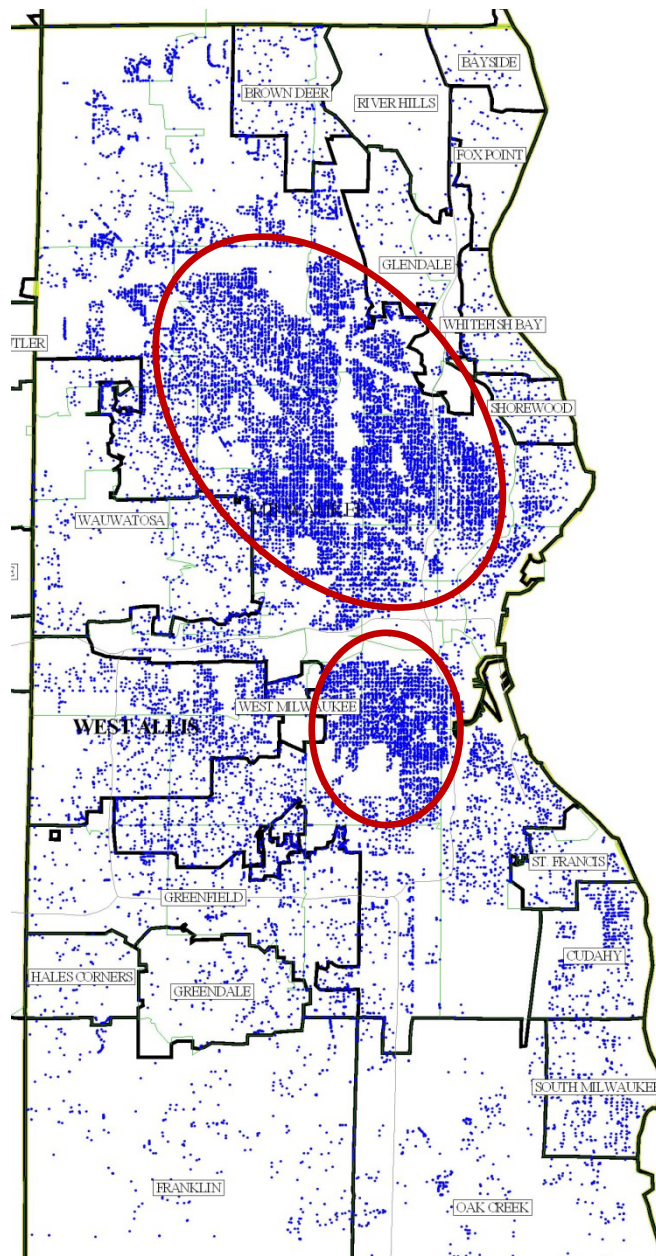


## FPF Suspensions Issued against African Americans in Milwaukee County (2006-2011)



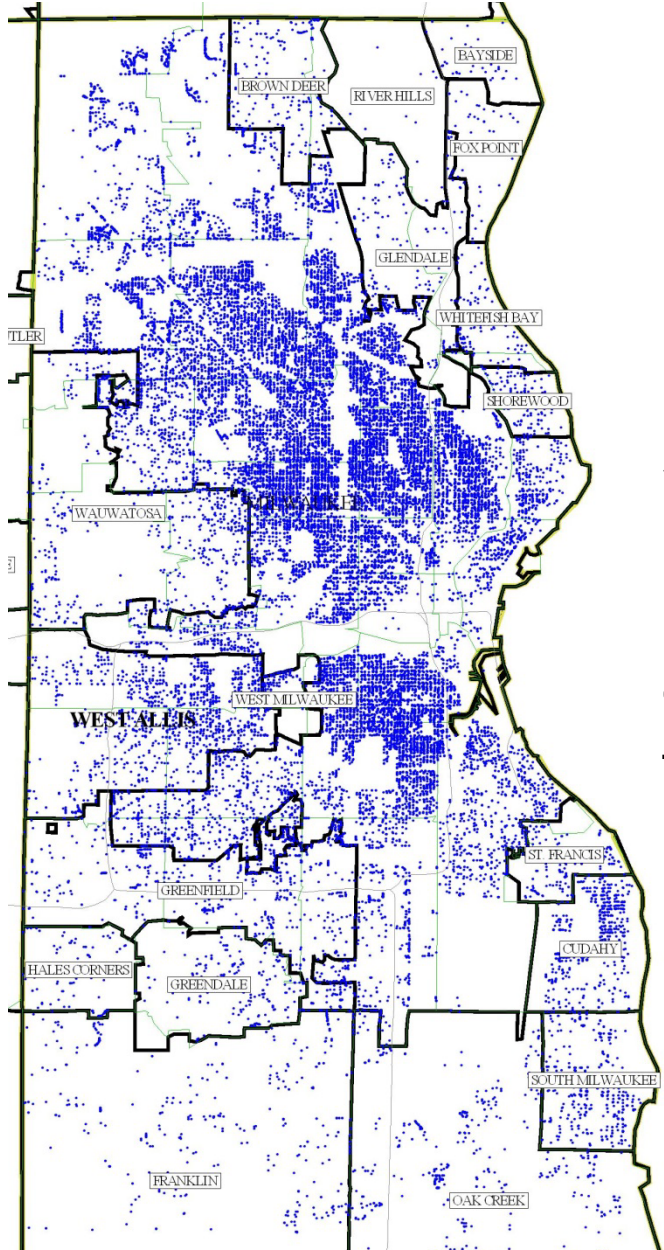
## FPF Suspensions Issued against Whites in Milwaukee County (2006-2011)



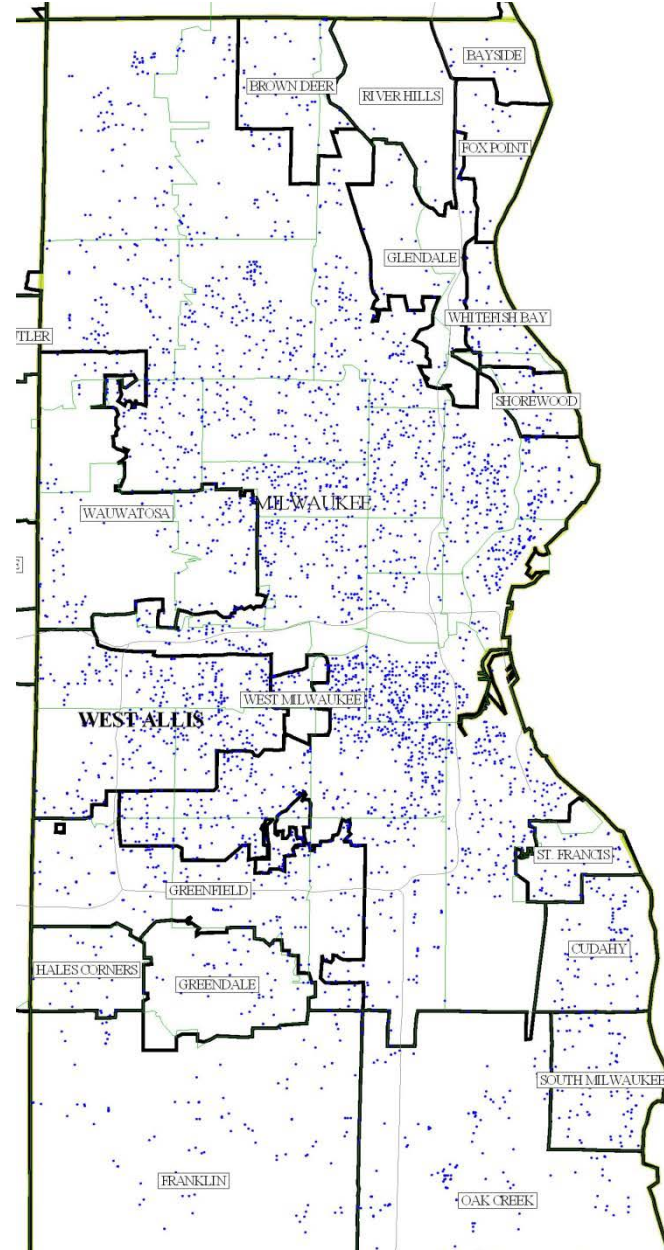


Failure-to-pay-forfeiture (FPF) suspensions are highly concentrated in low-income neighborhoods.





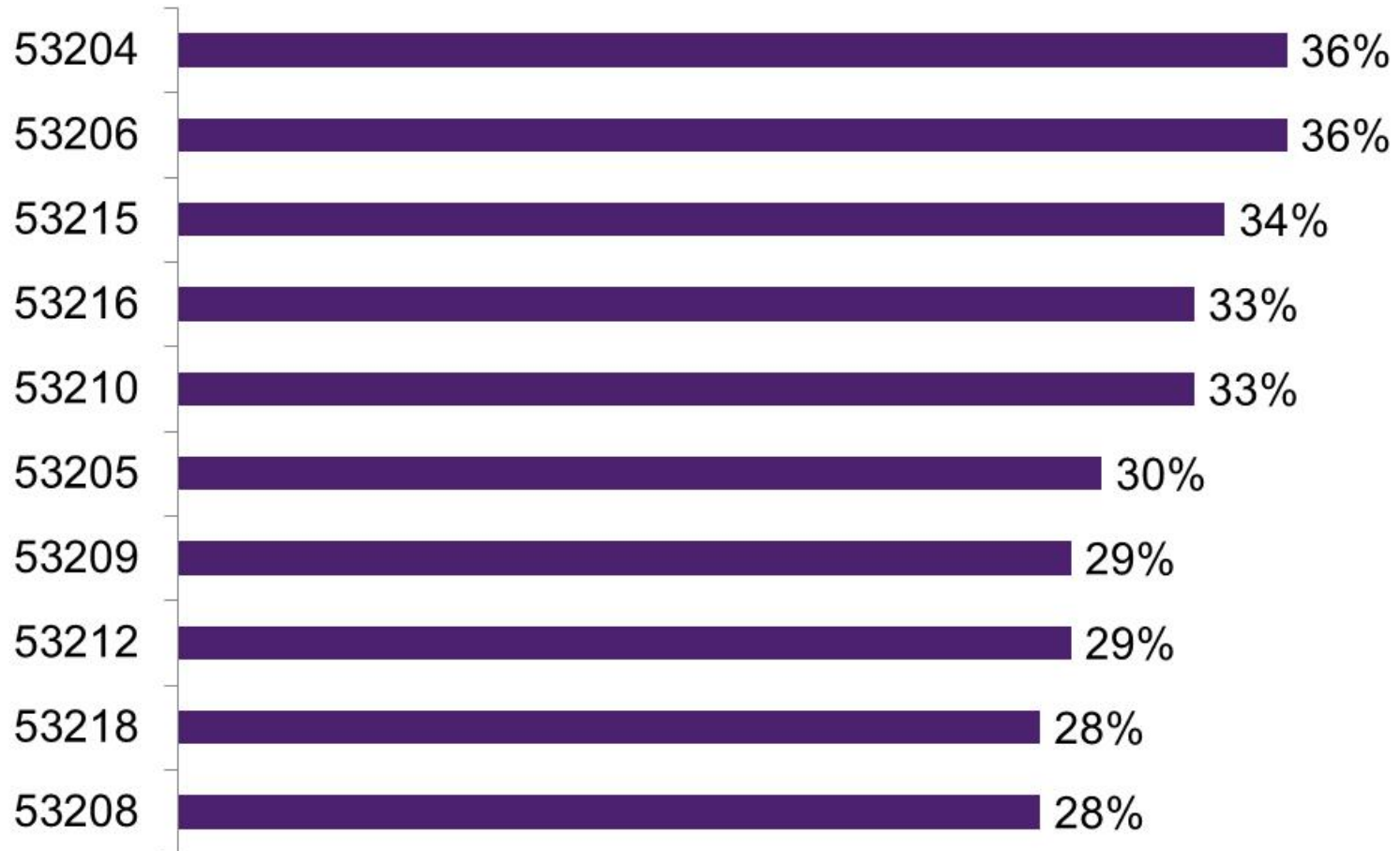
Drunk driving suspensions (OWI/BAC) are more evenly distributed throughout the county.



**Illegal driving is a safety concern.**



## % of 2013 traffic accidents that were “hit and run”



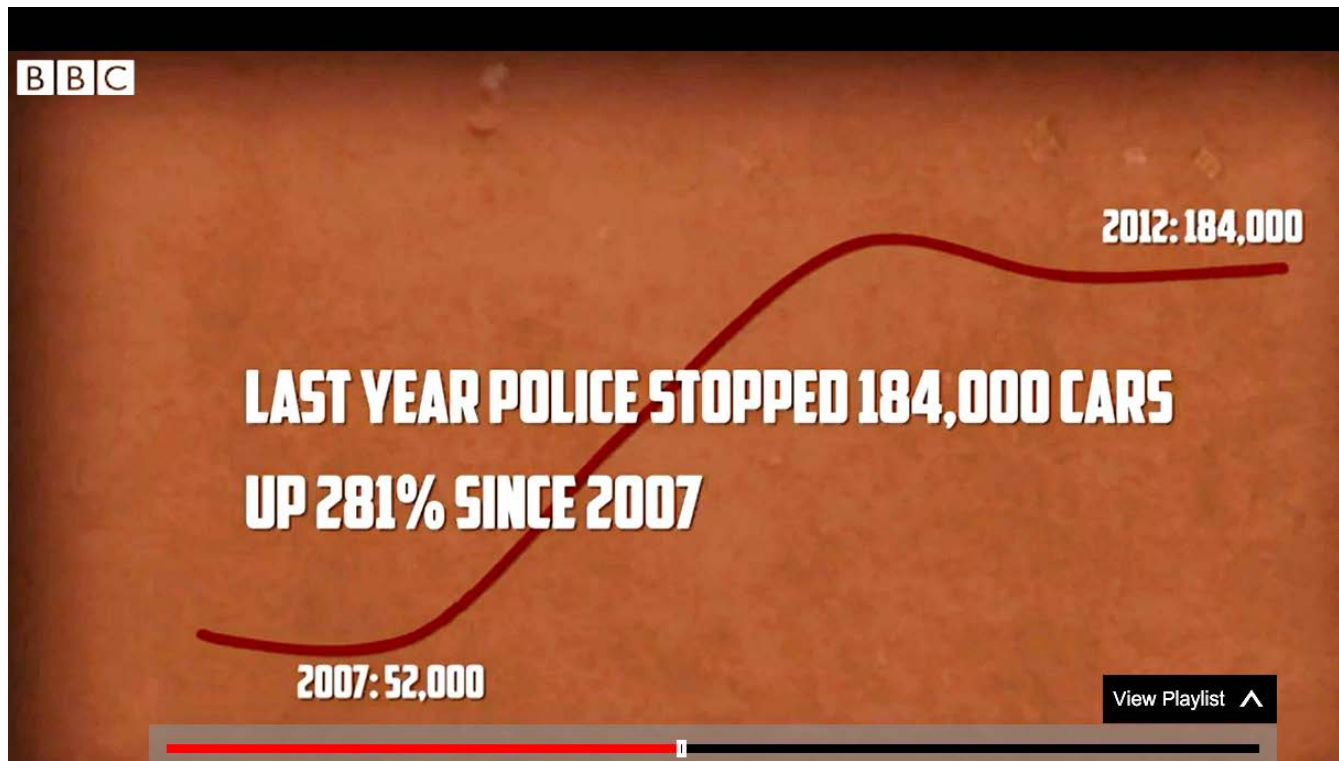
## Traffic accidents in zipcodes 53204 and 53206

	<u>53204</u>	<u>53206</u>
TOTAL REPORTED IN 2013	856	655
Number with injuries	231	220
People killed	1	3
People injured	318	332
Pedestrians involved	49	26
Bicycles involved	18	9
Buses involved	21	28
“Hit and run”	305	233
% “hit and run”	36%	36%

# Driving, racial profiling, and incarceration







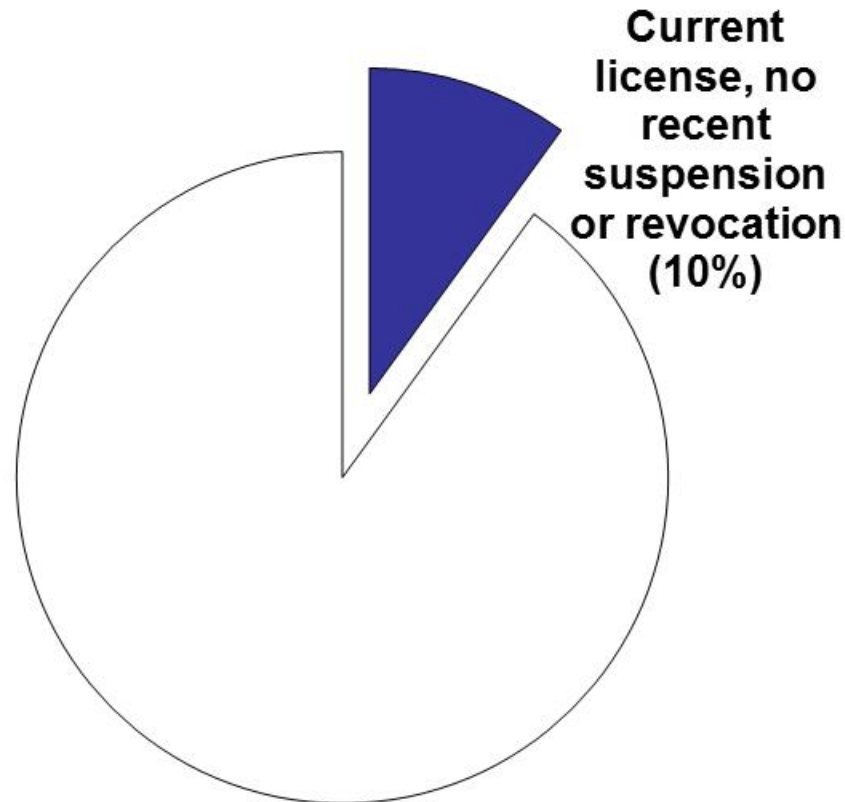
*Police Chief Flynn: “The purpose of the [traffic] stop is to disrupt criminal activity. If you’re quickly able to ascertain you’re dealing with a ‘law-abiding,’ let them on their way with a warning. Eighty percent of our stops are left with warnings. ‘Have a nice day.’”*

*-- BBC, September 18, 2013*



*“Because I’m an African American and you see me driving a nice car, doesn’t give you a right to pull me over.”*

Only 10% of the 26,222 African American male ex-offenders with state prison records have a current valid driver's license.



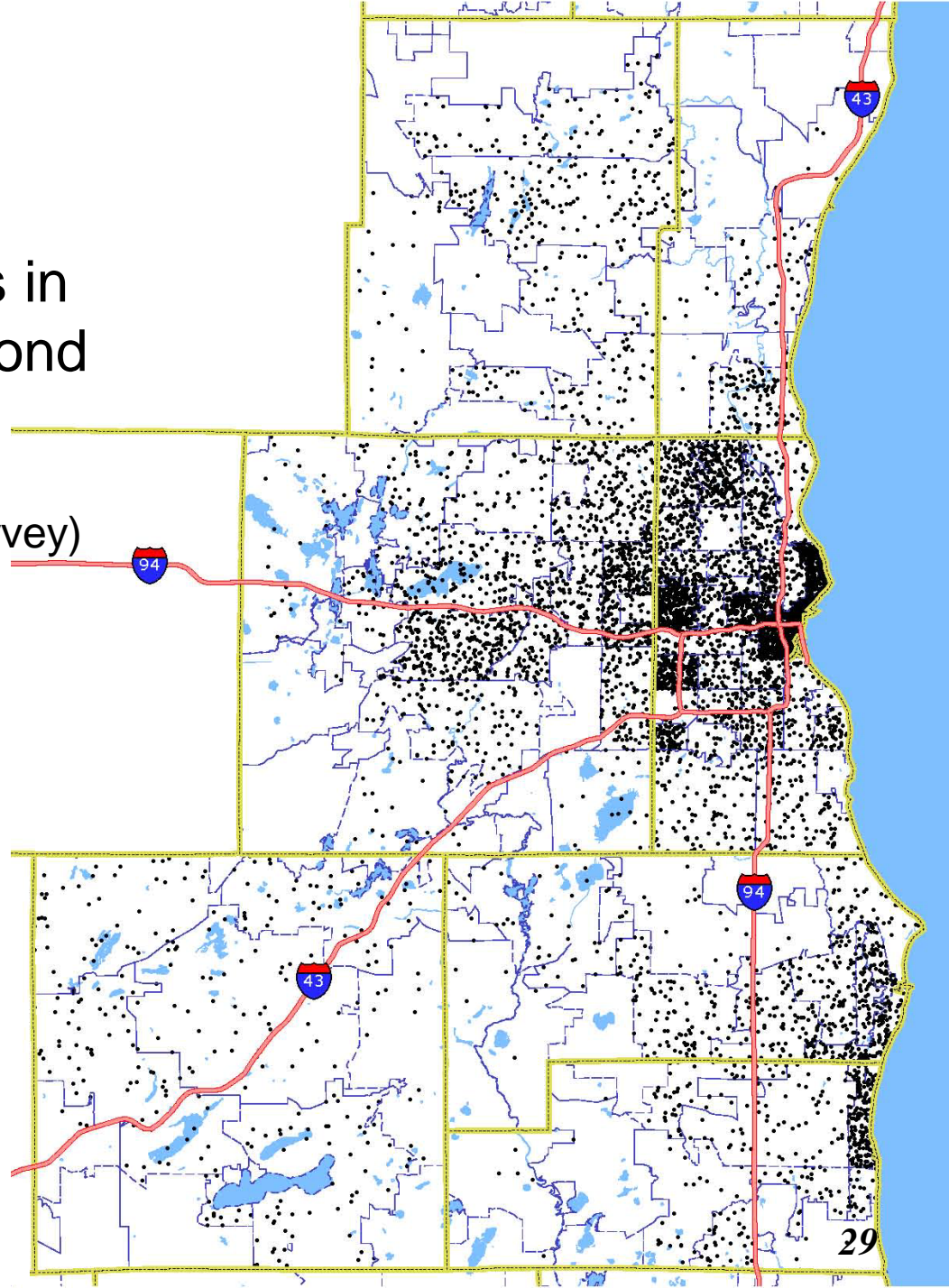
***Another 27,800 African American men (non-offenders) in Milwaukee County have driver's license problems.\****

*\*7,829 African American men who spent time in jail but not prison were issued 48,837 FPF suspensions.*

# Why It Matters

The majority of job openings in the Milwaukee area are beyond the bus lines.

(May 2009 full-time openings, ETI survey)



# **Recommendations to consider**





## Universal driver's education

1. Put free driver's education back in the Milwaukee high schools. (Secure local community funding until state aids are restored.)
2. Provide state aids for universal driver's education in Wisconsin school districts where the families of more than half of the students are poor or near poor.
3. Provide free classes throughout the community for 18- to 21-year-olds to help them prepare to take their written driving test.

## Driver's license recovery efforts

4. Expand driver's license counseling and recovery services available for Milwaukee teens and adults through the Center for Driver's License Recovery & Employability.
5. Initiate a community-wide marketing campaign to encourage teens and young adults to get their driver's licenses ("drive legally -- for your safety and ours").





Limit court use of the driver's license to collect fees and debts.

6. Discontinue the use of the FPF driver's license suspension as a tool for collecting municipal tickets and court judgments from juveniles. (Expand community service and educational options.)
7. Discontinue the use of FPF driver's license suspensions for adults for unpaid municipal tickets and fees unrelated to dangerous driving. (Use the tax intercept program for employed adults, allow expanded community service options for unemployed and indigent adults.)

8. Limit the length of FPF suspensions for unpaid dangerous driving-related tickets to 2 months (not 2 years) and allow penalized drivers to immediately obtain an occupational permit so they can continue driving to work to earn the money to pay their fines.

(Note: this is the penalty imposed on Wisconsin drivers for accumulation of 12 demerit points for unsafe driving.)

## Criminal justice reforms and public accountability

9. Assist DOC-imprisoned men and women in securing or restoring their driver's licenses prior to release.
10. Alter DOC supervision requirements so that ex-offenders are not re-incarcerated for driving violations not normally punishable by imprisonment.
11. Reestablish state requirements to track and report traffic citations, arrest, charging, sentencing and revocation patterns by jurisdictions and race/ethnicity.

For more info, see ETI research reports at [www.eti.uwm.edu](http://www.eti.uwm.edu)



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NPR special



Media prison discussions



BBC news special

### Current Research

- Wisconsin "Failure to Pay Forfeitures" Driver's License Suspensions (2014)
- *NPR special: "How Driver's License Suspensions Unfairly Target the Poor"*
- *See more ETI research on driver's license issues*

In a "catch-22" scenario, Wisconsin residents unable to pay or delinquent in paying court judgments for municipal citations are denied their right to drive for two years -- jeopardizing workers' employment options and placing them at risk in the criminal justice system if found "driving while suspended." Thousands of low-income Milwaukee teens of color failing to pay fines on municipal violations (even if unrelated to driving) are barred from getting their driver's license for two years.

### Mass Incarceration Studies

- Statewide Imprisonment of Black Men in Wisconsin (2014)
- Wisconsin's Mass Incarceration of African American Males (2013)
- *Prison studies slide show | media coverage and videos | readings*
- *See more ETI research on prison as a barrier to employment*

Wisconsin's rate of imprisoning African American men in state prisons and local jails was the highest in the U.S., according to 2010 Census data. Mass incarceration is statewide, with half of African American men in their 30s having served time in prison, according to Wisconsin Department of Corrections public inmate files (1990-2012).

