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The continuing criminalization of poverty: Milwaukee driver's license suspension policy sows despair

By Radley Balko August 26, 2015

Here's a quick roundup of stories on the criminalization of poverty, a theme we've been tracking here at The Watch:

First, out of Nashville, we get the case of Stacey Tuell, a man who — due to a string of bad luck and a few bad decisions — was living out of his car. In September 2013, he was arrested for an outstanding misdemeanor warrant. Tuell asked the police officer whether he could find someone to watch his vehicle while he was in custody, but the officer declined. Instead, Tuell's car was left in an illegal parking space. It was then towed by a company that contracts with the city. By the time Tuell was able to get to the towing company to retrieve it, his car had been destroyed, along with all of his possessions.

He sued, but this month, a federal judge tossed the suit, finding that while the case was troubling and the towing of the car was illegal, there were no actionable violations of Tuell's constitutional rights.

The Court cannot overlook what brought us here: two years ago, all of Plaintiff's possessions were taken from him. His car—his only form of shelter—is gone. Everything that he owned was sold, lost, or thrown away. He has received neither an explanation nor an apology. His ordeal has been long, unfair, and deeply troubling.

Nevertheless, the Court is bound to follow the law. Under the applicable standards, the Complaint has not alleged enough for Plaintiff to hold Embry or Metro accountable for his plight.

The ruling may well be correct on the law (at the very least, it isn't particularly objectionable). But it does go to show just how cold and cruel the criminal justice system can be. The good news here is that where the government failed Tuell, his fellow citizens stepped up. When the *Tennessean* wrote about Tuell's plight last fall, his attorney was overwhelmed with offers from the community to help.

In our next story, the Marshall Project takes a look at the small towns in Louisiana that prey on motorists to feed their budgets.

In Woodworth, the percentage of the budget funded by traffic scofflaws came to a rather stunning 61 percent. (Even more stunning? Woodworth was No. 7 on the list. Baskin finished tops, collecting 87 percent of its revenue from traffic tickets. That northeastern Louisiana town had 188 people — and five police cars.)

The report, detailing fiscal years 2004 through 2006, showed that with each year, Woodworth collected more money. In 2005, the town wrote 5,858 tickets and collected \$818,262.66; the next year, that total was 7,696 tickets and \$1,017,418.58. Woodworth reported having five police officers — which would mean, in fiscal year 2006, each officer wrote an average of 1,539 tickets.

The article goes on to detail one woman's six-year fight to clear the charges, fines and penalties she accumulated after a single traffic stop, which a court later agreed was illegal.

Finally, in Milwaukee, the *Journal Sentinel* looks at the devastating effects of policies that suspend driver's licenses for minor offenses.

Driver's license suspensions have become one of Milwaukee's most widely used debt collection mechanisms for unpaid traffic fines, with municipal court issuing almost 48,000 suspensions for that reason in 2014 alone. The city accounted for more than 20% of Wisconsin's 200,000 failure-to-pay license suspensions last year, even though the entire county — the city and its suburbs — accounts for just 13% of the state's drivers, according to Department of Transportation records.

The goal of the suspensions, according to Milwaukee's chief court administrator Sheldyn Himle, is to motivate drivers to pay for minor infractions such as expired plates or burned-out taillights.

The problem? It doesn't work.

Milwaukee Municipal Court officials say they do not routinely track payment patterns on all outstanding debts, but the consensus of those close to the issue — backed up by

historical records — is that a significant number of suspended drivers still don't pay their fines. Many don't have the money, or decide other expenses have to come first.

Without valid driver's licenses, they lose job opportunities and fall deeper into financial straits. Some even end up in jail — a cost to the community — for not paying their traffic fines. In an already deeply segregated city, a disproportionate number of those affected are minorities.

Ultimately, the city may just erase the debt, never collecting on its money at all. In 2014, the court permanently stayed more than \$540,000 in outstanding fines.

“There comes an end to it at some point, usually after all the damage is done — jobs people aren't able to get, lost opportunities,” said Jim Gramling, a retired Milwaukee municipal judge who now works to help people recover their licenses . . .

A 2007 study by the University of Wisconsin-Milwaukee's Employment and Training Institute followed a group of mothers for several months after they stopped receiving public assistance. Women who had not graduated from high school but did have a valid driver's license were more likely to be employed than women who had graduated from high school but did not have a license.

“These populations already have a number of barriers” to finding employment, said institute director John Pawasarat. “Put in a driver's license and it clearly made all the difference in the world.”

The problem gets even worse when states start suspending licenses for offenses that have nothing to do with driving. And then there's the disparate impact of these policies.

In 2011, African-Americans received 69% of failure-to-pay suspensions in Milwaukee County despite making up only 19% of the county's licensed drivers, according to Pawasarat's research at UWM. Department of Transportation officials said they do not keep records by city.

In 2012, Pawasarat and fellow researcher Lois Quinn mapped license suspensions in the city by reason of conviction. People whose licenses were taken away for drunken driving were evenly distributed throughout Milwaukee. But failure-to-pay suspensions were

densely packed into the city's six poorest ZIP codes, which contain overwhelmingly African-American populations.

The article cites another study showing that the cost of jailing people for not paying fines is about twice what the court would have collected had the fines been paid. So the policy is not only hurting poor people, but also costing the city money.

Yet both the Milwaukee and Louisiana stories point out that each time policymakers have tried to change the laws, judges and law enforcement officials successfully lobbied to defeat the reforms.

Radley Balko blogs about criminal justice, the drug war and civil liberties for The Washington Post. He is the author of the book "Rise of the Warrior Cop: The Militarization of America's Police Forces."

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