

Driven Into Debt: Debt-Based Driver's License Suspensions

Presenters

Terri Flam-Goldberg

Emma Coltoff



Teshuvah: Literally *return*, referring to the return to God, or *repentance*. It is one of the most significant themes and spiritual components of the High Holidays. It also means *change* and *rehabilitation*.

Let's consider how we can *return, change, and rehabilitate* to be better people to ourselves, our family and friends, and our community. If we learn from our mistakes with remorse, we earn a second chance.

The concept of second chances leads us in a broader way to people who have gone through our criminal justice system and need a second chance to change and return to our community.

Teshuvah guides us to give second chances to everyone.

The Problem:

People who have low level misdemeanors or traffic violations such as a lapsed registration, are responsible for court costs and other fees. If these fees are not paid within **60 days**, your driver's license will be **suspended indefinitely**.

Thousands of North Carolinians have faced the threat of indefinite suspension of their driver's license for **inability to pay court costs**.



Automatic and Indefinite Suspension for Unpaid Tickets

- ❖ Automatic: under NC law, the DMV MUST revoke/suspend a driver's license for failure to pay a traffic fine, penalty or court costs § 20-24.1.
- ❖ Indefinite: driving privilege remains suspended until motorist resolves the ticket that is in failure to comply status

The Problem, continued.

These failures to comply in criminal cases can persist for years. Often it takes many months or years for people to comply with North Carolina criminal court costs.

Many people are never able to pay these court costs; about half of these cases, or over 650,000 cases in the state of NC, remain unresolved to this day.

Examples of cases from 2019:

- A speeding in a highway work zone case from 2000 (*19 years old*)
- A driving with a revoked license case from 2003 (*16 years old*)
- A speeding ticket from 2011 (*8 years old*)
- A failure to stop at a red light from 2001 (*18 years old*)
- A driving with a revoked license case from 2006 (*13 years old*)



Debt is a Common Experience

78%

of
Americans
live
paycheck to
paycheck

40%

do not have
enough cash to
handle \$400 in
unexpected
expenses

15%

of North Carolina
residents live in
poverty

Think that people with criminal justice debt might deserve it...?

25%

of Americans have a
criminal record (even
if found not guilty).



Impacts of Driver's License Suspensions on Daily Life

- “I get up at 5 am and walk 3 hours to work.”
- “I can't pick up my kids from school on time. Also, they can't participate in extracurriculars because I can't get them there.”
- “I pay Uber and bus about \$150 weekly.”
- “I am unable to take my elderly mother to her doctor appointments.”
- “It is harder to find a job because many require a license.”
- “The bus adds 2 hours to my commute each way.”



NC Second Chance Alliance Virtual Day of Advocacy



Questions so far?

Why should residents of the Triad care?

Guilford County has the highest number of indefinite driver's license suspensions for Failure to Comply (FTC) in the state. FTC signifies failure to pay the ticket by the assigned due date.

This means that many individuals take the risk of driving without a license (or insurance) in our local area in order to conduct their daily lives.



Counties with Most Total FTCs Given:

Total FTCs	Total Population (2019 Census estimates)
1. Guilford - 109,815	1. Guilford - 517,197
2. Wake - 86,240	2. Wake - 1,111,761
3. Mecklenburg - 58,214	3. Mecklenburg – 1,110,356

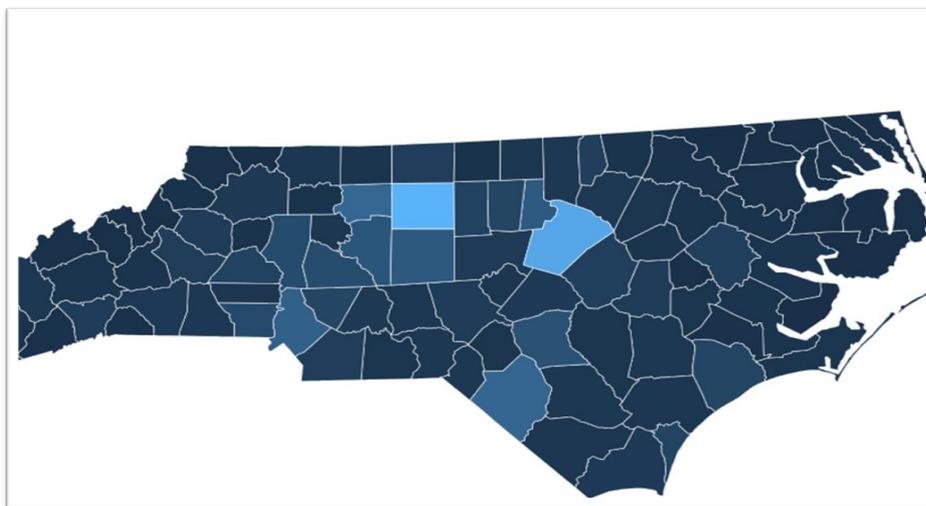
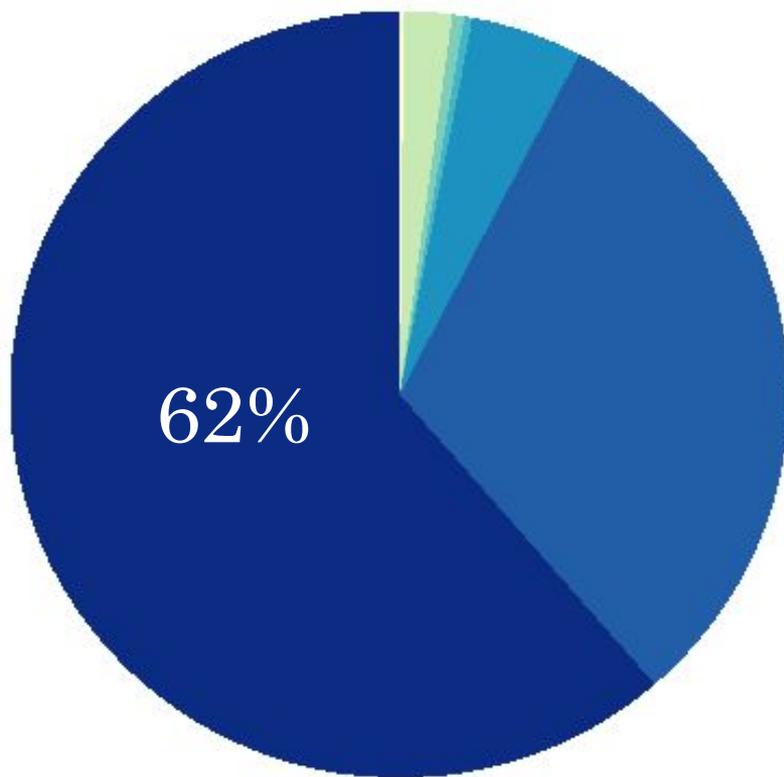


Image and 2020 Data Analysis by Duke Law's Wilson Center for Science & Justice

<https://datalab.law.duke.edu/shiny/nccrimfines/>

FTCs in Guilford



Race

Black (B)
White (W)
Hispanic (H)
Indian (I)
Asian (A)
Other (O)
NA (U)

% of Guilford Population

33.5%
49.7%
7.7%
0.2%
5.06%
3.84%
included with Indian

Racial Demographics of FTCs in Guilford County

<https://datalab.law.duke.edu/shiny/nccrimfines/>



north carolina

JUSTICE CENTER

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**Greensboro Police Department, Report From 3/1/2020 through 3/31/2021
Initial Purpose of Traffic Stop by Driver's Sex, Race, and Ethnicity**

Purpose	Gender	White	Black	Native American	Asian	Other	Total By Race	Hispanic	Non Hispanic	Total By Ethnicity
Vehicle Regulatory Violation	M	1186	2976	5	65	20	4252	232	4020	4252
Vehicle Regulatory Violation	F	809	2076	2	29	6	2922	118	2804	2922
Speed Limit Violation	M	1607	1952	13	83	44	3699	254	3445	3699
Speed Limit Violation	F	1007	1532	1	59	21	2620	120	2500	2620
Safe Movement Violation	M	669	1220	11	47	21	1968	144	1824	1968
Safe Movement Violation	F	387	757	4	23	4	1175	70	1105	1175
Other violation types hidden for presentation clarity.										
FemaleTotal	F	2744	5606	11	141	38	8540	408	8132	8540
MaleTotal	M	4423	8197	40	258	109	13027	823	12204	13027
Total	A	7167	13803	51	399	147	21567	1231	20336	21567
% of Total Traffic Stops		33.2%	64.0%	0.2%	1.9%	0.7%		5.7%	94.3%	
% of Guilford County Population		49.7%	33.5%	0.2%	0.5%	3.8%		7.7%	92.3%	

**Greensboro Police Department, Report From 3/1/2020 through 3/31/2021
Enforcement Action Taken by Driver's Sex, Race, and Ethnicity**

Action	Gender	White	Black	Native American	Asian	Other	Total By Race	Hispanic	Non Hispanic	Total By Ethnicity
Verbal Warning	Male	1938	3884	23	115	42	6002	337	5665	6002
Verbal Warning	Female	1278	2816	9	60	16	4179	190	3989	4179
Citation Issued	Male	1840	3145	10	100	47	5142	393	4749	5142
Citation Issued	Female	1043	2035	2	57	18	3155	166	2989	3155
On-View Arrest	Male	113	471	2	12	2	600	25	575	600
On-View Arrest	Female	50	148	0	1	0	199	4	195	199
Written Warning	Male	384	439	5	18	7	853	39	814	853
Written Warning	Female	283	429	0	19	4	735	36	699	735
No Action Taken	Male	148	258	0	13	11	430	29	401	430
No Action Taken	Female	90	178	0	4	0	272	12	260	272
Female Total	Female	2744	5606	11	141	38	8540	408	8132	8540
Male Total	Male	4423	8197	40	258	109	13027	823	12204	13027
Total		7167	13803	51	399	147	21567	1231	20336	21567
% of Citations Issued		34.7%	62.4%	0.1%	1.9%	0.8%		6.7%	93.3%	
% of Total Traffic Stops		33.2%	64.0%	0.2%	1.9%	0.7%		5.7%	94.3%	
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Rising Court Costs in North Carolina

Sample of 2020 Court Costs and Fees

Offense	Fee
General Court of Justice fee (District):	\$147.50
General Court of Justice fee (Superior)	\$154.50
Jail Fee	\$10 per day of pretrial confinement
Community Service fee	\$250
Failure to Appear fee	\$200
Failure to Comply fee	\$50
Limited Driving Privilege Fee	\$100

In 1995, the General Court of Justice Fee (District) was \$41. In 2019, it is \$147.50

260% Increase



Additional Hardships

- Cannot afford an attorney
- No public defender or court assigned attorney for misdemeanor
- No help to have awareness of or to fill out low-income fine waiver
- Loss of income for time spent at court
- Justice system lacks understanding that...

employment does not equal ability to pay fines & fees

District Attorney-Initiated Relief

NC General Statute § 15A-1363 - Remission of a Fine or Costs
(1977, c. 711, s. 1.)

A defendant who has been required to pay a fine or costs, including a requirement to pay fine or costs as a condition of probation, or a prosecutor, **may at any time petition the sentencing court for a remission or revocation of the fine or costs or any unpaid portion of it.**

If it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine or costs no longer exist, that it would otherwise be **unjust to require payment**, or that the proper administration of justice requires resolution of the case, **the court may remit or revoke the fine or costs or the unpaid portion in whole or in part or may modify the method of payment.**



After fines are waived, one must still reapply to have their license reinstated.



Guilford County Relief

35,000 indefinite license suspensions

in Guilford County initiated with a traffic stop

14 years

is the average length of a license suspension (in Durham)

1 year unpaid

significantly decreases the chances of the county recovering the money

We are doing damage to our community for no good reason.

The County District Attorney has the power to write a motion to the court to dismiss the charges in whole or in part.

In a single motion they can seek relief for large groups at a time.

In Durham, Mecklenburg, Pitt, Caswell/Rockingham, New Hanover/Pender, Gaston and Buncombe counties, this has already happened.

What's next?

The Guilford County DA has been reviewing **individual** cases for remission/revocation based on specific criteria:

- Cases 5 years and older
- No DWI cases
- No passing a stopped school bus
- No for people who still need to pay restitution (such as a car accident)

But for 35,000 remaining cases, this will take a long time.

What can we do?

Our congregation has been asked to write letters to the DA asking her to 1) consider a motion for mass relief and 2) to reduce her criteria to **provide relief for cases 2 years and older, rather than 5.**



Letter to the DA

Dear Honorable DA Crump,

Thank you for the steps you have taken on behalf of Guilford County residents living without driver's licenses due to the inability to pay exorbitant fines and fees. Traffic stops and indefinite driver's license suspensions disproportionately affect people of color and people in poverty.

There are approximately 35,000 people in Guilford County in this situation. Their lives are continually impacted by having their driver's licenses suspended indefinitely: not being able to drive to jobs or to help their children and parents get to appointments, among other consequences. In critical situations, they may have to drive without a license, risking further punishment. Statistics show that after a year of not being able to pay these fines and fees, it is extremely unlikely that the county will ever collect them.

Given the statistics, please consider expanding the criteria to waive fines and fees from 5 years and older to 2 years and older. It is estimated by the Wilson Center for Science and Justice that thousands of additional people will be relieved from court debt with this change.

Our county really needs a mass motion for relief. Individuals' licenses and lives can be restored sooner, and we will all benefit with more secure roads and an increase in the workforce.

Yours truly,

YOUR NAME

YOUR ORGANIZATION(S)

YOUR ADDRESS

Questions?

Links for Further Information

NC Statute on License Suspensions:

https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_20/GS_20-24.1.html

NC State Traffic Stop Data

<https://trafficstops.ncsbi.gov/Default.aspx?pageid=2>

Duke Law Report:

<https://sites.law.duke.edu/csblog/2020/04/22/our-new-report-the-explosion-of-unpaid-criminal-fines-and-fees-in-nc/>

Note: You need to click on the word “report” towards the bottom of the short article to read the whole report in PDF form.

Second Chance Alliance (Full Video):

<https://www.youtube.com/watch?v=s-PXWw1Vs5A&t=534s>

History on Traffic Policing & Racial Impact:

<https://99percentinvisible.org/episode/policing-the-open-road/>

Additional Slides

Expanded Court Costs List in North Carolina

Sample of 2020 Court Costs and Fees

Offense	Fee
General Court of Justice fee (District):	\$147.50
General Court of Justice fee (Superior)	\$154.50
Jail Fee	\$10 per day of pretrial confinement
Facilities fee (District)	\$12
Facilities fee (Superior)	\$30
Law Enforcement Training and Certification fee	\$3
Law enforcement officer retirement fee	\$7.50
Community Service fee	\$250
Failure to Appear fee	\$200
Failure to Comply fee	\$50
State Crime Lab fee	\$600
Installment fee	\$20
Probation fee	\$40 per month
Appointment of Counsel fee for Indigent Defendant	\$75



Expanded Court Costs List in North Carolina

Additional Fees for Traffic Offenses

Offense	Fee
Chapter 20 fee	\$10
Chapter 20, Improper Equipment fee	\$50
Seat Belt fee	\$10
Civil Revocation fee	\$100
Limited Driving Privilege Fee	\$100



Resources from NC Justice Center

Duke Center for Science and Justice, Driver's License Suspensions in North Carolina, Data Lab, <https://datalab.law.duke.edu/shiny/nccrimfines/>

Monetary Obligations In North Carolina Bench Card, Jamie Markham, UNC School of Government, <https://nccriminallaw.sog.unc.edu/wp-content/uploads/2018/08/2018-07-31-20180094-Monetary-Obligations-Card%E2%80%93for-proofing.pdf>

“The Explosion of Criminal Fines and Fees in North Carolina” Duke University School of Law, May 1, 2020, <https://www.youtube.com/watch?v=7WkWkoRbslU>

“Driver's License Suspensions in NC,” Duke University School of Law, March 19, 2019, <https://www.youtube.com/watch?v=3Bo299AbWpQ>

ACLU of NC, Ending Debtors' Prisons Initiative, <https://www.acluofnorthcarolina.org/en/fees>

“At All Costs: The Consequences of Rising Court Fines and Fees in North Carolina,” April 9, 2019, <https://www.acluofnorthcarolina.org/en/atallcosts>

“Solving the Consumer Debt Crisis for Families, Communities, and Future Generations,” The Aspen Institute, November 25, 2018, <https://www.youtube.com/watch?v=iLrvG0sJl8>

In the News:

- <https://indyweek.com/news/durham/durham-dear-experiment-north-carolina-reform/>
- <https://www.unctv.org/watch/unctv-originals/ncimpact/season-2/#fconvicted>
- <http://www.ncpolicywatch.com/2020/02/17/greensboro-event-fuels-movement-to-reform-criminal-justice-fine-and-fees>

Resources from NC Justice Center

Durham Expungement and Restoration (“DEAR Durham”) Program

<https://www.deardurham.org/>

<https://secondchancedriving.org/>

NC Pro Bono Resource Center Statewide Drivers License Restoration

<https://ncfairchance.org/>

NC Second Chance Alliance-Statewide Advocacy Group Fighting to Eliminating Barriers to Reentry

<https://ncsecondchance.org/>

NC Fines and Fees Coalition- Statewide Advocacy Group Working to Ending Criminal Justice Debt

<https://www.endcriminaljusticedebtnc.org/>

North Carolina Justice Center Fair Chance Criminal Justice Team

<https://www.ncjustice.org/projects/fair-chance-criminal-justice-project/>

E-mail Laura Holland: laura@ncjustice.org

E-mail Quisha Mallette: Quisha@ncjustice.org