# Local Policy Guides: Debt-Based License Suspensions

## FFJC Process Guidance on Pathways to Local Reform

# Table of Contents

# About Us

The [Fines and Fees Justice Center](#) (FFJC) is catalyzing a movement to eliminate the fines and fees that distort justice. Our goal is to create a justice system that treats individuals fairly, ensures public safety and community prosperity, and is funded equitably. We work together with affected communities and justice system stakeholders to eliminate fees in the justice system, ensure that fines are equitably imposed and enforced, and end abusive collection practices.

# Introduction

Millions of drivers across the county cannot legally drive because their licenses have been suspended solely because they could not afford to pay court debt or because they missed a court hearing. Many states also impose other driving restrictions or requirements (such as registration holds and parking stickers) in order to coerce court debt payments. For the vast majority of Americans who drive to work — losing the ability to drive can also mean losing the ability to work, provide for their families, and access medical care.

In a 2018 report, "Driving Towards Justice," the San Francisco Financial Justice Project observed that, in California, ending license suspensions for failure-to-pay traffic debt had no impact on court collections. In San Francisco, collections actually *increased* per citation after the state ended driver's license suspensions for failure-to-pay, demonstrating that suspensions are not necessary to ensure court payments. In addition, successful local reforms like those highlighted below have shown that curbing debt-based license suspensions does not negatively impact public safety. Instead, it helps release thousands of people from the perpetual cycle of debt and the inability to drive.

In the past 5 years alone, 22 states and Washington, DC have passed reforms to curb driving restrictions resulting from unpaid fines and fees. This leaves dozens of states that continue this harmful practice. Although state legislation may be the ultimate authority on license suspensions for unpaid fines and fees, there are a number of actions that localities can take to reduce the harm of debt-based driving suspensions. In addition to supporting coalition efforts and advocating for state legislation to end the practice altogether, cities and counties can make a meaningful impact by addressing the ways in which these laws are (or are not) enforced, and by minimizing the consequences on a local level. Localities seeking to make the most impact should consider a multi-pronged strategy, adopting more than one of the policies outlined below.

# Overview of 3 Local Reform Pathways

Here we identify three pathways for reforming debt-based license suspensions at the local level including ending prosecution of driving with a suspended license, ending police citations and arrests for driving with a suspended license, and discharging debt and restoring licenses when the underlying cause of suspension is debt-based. Beneath each reform pathway, you will find case studies of cities or counties that have implemented a particular reform.

## Pathway: Exercise Prosecutorial Discretion

> *Prosecutors should stop prosecuting driving with a suspended license cases when the underlying cause of suspension is either debt-based or unrelated to public safety.*

**Shelby County'**s District Attorney Amy Weirich permanently adopted a [policy](#) in 2018 to decline to prosecute driving on suspended license cases when the underlying cause of the suspension was nonpayment of fines and fees. In 16 months, her office dismissed over 26,000 cases, (over 20% of the docket) freeing prosecutors to work on more serious cases.. [Unfortunately, the Memphis Police Department has not followed suit, and continues to arrest individuals who drive on a suspended license, even when the underlying cause is criminal justice debt.]

**Baltimore** State's Attorney Marilyn Mosby's office launched the Slow Traffic Offense Prosecution ([STOP](#)) initiative in 2021. Under this program, the State's Attorney's office no longer prosecutes cases of driving without a license, driving with a suspended license, driving without insurance, or driving with a falsified registration, as long as the person completes a driver improvement program. STOP allows those charged with minor traffic violations to come into compliance with the law and have their case dismissed, rather than face additional consequences.

## Pathway: Restore Licenses and Discharge Debt

> *Local governments should work with local prosecutors and courts to restore suspended driver's licenses and discharge fines and fee debt (by identifying and clearing old debt).*

**Durham, NC's** Expunction and Restoration (DEAR) program launched in 2018 after an analysis found that 1 in 5 adults in Durham had a suspended license for unpaid fines and fees or failure to appear in traffic court. Through [DEAR](#), Durham has waived $2.7 million of fines and fees and dismissed nearly 50,000 charges, putting over 11,000 drivers back on the road. To qualify for DEAR, cases had to be more than two years old and not be related to certain public safety charges such as driving while impaired or fleeing arrest. While North Carolina still allows license suspension or revocation, the DA has asked judges to consider a person's ability to pay when weighing whether to issue fees.

**San Francisco, CA**'s Superior Court partnered with the City to identify and [clear 88,000 holds on driver's licenses](#) for individuals who failed to appear in traffic court. In 2015, they had previously been the first city in the country to eliminate the practice of suspending licenses for those who failed to appear in traffic court. The San Francisco Financial Justice Project and the Mayor Budget Office worked together to bring resources to the effort to lift all outstanding holds in 2019.

# How to Use These Guides

These guides provide local leaders with a recommended process for each of three pathways to local reform:

- Ending prosecution of debt-based license suspensions
- Ending police arrests and citations
- Discharging old debt and restoring licenses

Each guide includes: key data points to collect and track, questions to help you assess stakeholder buy-in and lead community engagement, and guidelines for developing an effective campaign and implementation strategy. Localities seeking to make the most impact should consider a multi-pronged strategy, adopting more than one of the above policies.

## Recommended Reform Process

**01**
IDENTIFY KEY STAKEHOLDERS

**02**
COLLECT DATA ON THE ISSUE

**03**
ENGAGE COMMUNITY

**04**
DEVELOP LANGUAGE & STRATEGY

**05**
ADOPT POLICY & TRACK IMPACT

## Have Questions?

Contact Policy and Program Associate, Joni Hirsch, at jhirsch@ffjc.us. Want to learn more about our work to end unjust fines and fees? Visit ffjc.us

**Note**: Not all amnesty or driver's license restoration programs have meaningful impact, particularly if they act more as attempts to further collect revenue rather than provide relief for those who cannot afford to pay what they owe by substantially waiving their debts. Additionally, programs that require an application process (rather than automatic participation) often yield low participation rates.

## Pathway: End Police Arrests and Citations

> *Rather than arresting and citing, law enforcement officers should release with a warning individuals who are driving with a suspended license when the reason for the suspension is not related to public safety.*[1]

**Palmyra, WI** police have stopped arresting and ticketing individuals for driving on a suspended license. Instead, officers print out the DMV information regarding the reason for suspension from their cars, and give people a specific period of time to take care of their outstanding tickets.

**Note:** There is also momentum among police departments to end the practice of stopping driver's for low level offenses. In **Minneapolis, MN,** for example, police no longer stop drivers for low-level traffic offenses (and the city attorney's office no longer prosecutes tickets for driving with a suspended license when the basis for suspension was solely a failure to pay). In addition, the City Council in **Berkeley, CA** approved a reform package which encourages police to deprioritize traffic stops for low-level offenses (such as expired registration) and instead focus their efforts on driving offenses related to safety, and **Philadelphia, PA**'s City Council also passed a bill which bans police stops for certain minor traffic violations unrelated to public safety.

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[1] In some jurisdictions, police officers may not have the ability to see the underlying reason for suspension at the time of traffic stop. If this is the case, police officers may need to partner with other agencies to discuss other approaches.

# Local Reform Guide: Exercise Prosecutorial Discretion

Localities can use this guide when seeking to adopt a permanent policy to decline prosecution of cases of driving with a suspended license (when the underlying cause of suspension is either debt-based or unrelated to public safety).

## Mechanism for Reform

- Policy Change
- Prosecutorial Discretion

## Step 1: Assess Stakeholders and Build Your Team

**Key Questions:**

- Which government stakeholders have shown interest or engagement in this reform?
- Which local advocacy groups are engaged in this issue?
- Are there current efforts at the state level to reform the existing statute? Among whom?
- Which community partners should you engage? Are you reaching all of the populations that should be engaged? What additional outreach is needed?
- Do you anticipate pushback amongst your stakeholders? What pushback would you expect?
- Which agencies or departments are necessary to gather and analyze data?
- How will budget officers need to be engaged with designing or implementing potential reform? Do they support this reform?
- Who is currently involved in collections and will they need to play a role in this reform?

| STAKEHOLDER | SUPPORT | OPPOSE | EXPECT SUPPORT | EXPECT OPPOSITION | NOT RELATED TO REFORM |
|---|---|---|---|---|---|
| AG or DA's Office | | | | | |
| Courts | | | | | |
| Prosecutors | | | | | |
| City Council | | | | | |
| County Comm'rs | | | | | |
| Budget Office | | | | | |
| Community Orgs | | | | | |
| Directly Impacted | | | | | |

## Step 2: Collect All Relevant Data and Begin Information Inquiries

**Key Questions:**

- What is your state law regarding driver's license suspension? Under what circumstances are driver's licenses suspended for failure-to-pay or failure-to-appear? Is it mandatory or discretionary?
- In your locality, how many license suspensions were issued due to failure-to-pay, each year, for the past 3-5 years?
- In your locality, how many license suspensions were issued due to failure to appear in court each year, for the past 3-5 years?
- How many licenses are currently suspended? For the past 3-5 years? Of those, how many are suspended for dangerous driving (DUI and reckless driving, points)?
- What percentage of the criminal docket consists of cases of driving with a suspended license?
- What populations are most affected by driver's license suspensions? (if no demographic data is available, jurisdictions may be able to use zip code data on suspensions and combine with census demographic data by zip code.)

## Step 3: Engage Community

**Guidelines:**

- Consider who is most impacted by this reform and what forms of outreach will most effectively reach those impacted.
- Determine what strategies will best accomplish your engagement goals and ensure you are centering the experiences of those most impacted in the design and implementation of your reform
  - Surveys, listening sessions, understanding experiences, roundtable discussions, relationship-building with advocates
- Identify additional key community partners to engage
- Decide how will you document, synthesize, and share what you learn

## Step 4: Develop Policy Language and Campaign Strategy

**Example Policy Language:**

*The policy of the DA's office is to dismiss prior to arraignment and without costs all charges for driving with a suspended or revoked license if the sole reason for the revocation is unpaid fines and fees. Individuals whose licenses have been suspended or revoked because they are a public safety threat may still be prosecuted.*

**Key questions:**

- What is your goal with this reform?
- Who is the specific audience for this reform? Who will be most impacted by this policy? Are their needs and concerns addressed through this reform?
- Have community stakeholders given feedback on the policy language to ensure it does not stigmatize those impacted by the reform?
- Where do you expect opposition? What is the plan for addressing opposition?
- Would this reform have a greater impact if combined with other reforms (such as debt forgiveness and/or license restoration)? If so, how can you coordinate efforts?
- Are there other policy reforms that have addressed similar issues? What is the language of previous policies? [Was it effective?]
- Should the language be retroactive?
- How do you plan to inform the public about the policy change?

## Step 5: Implement Policy and Track Impact

**Implementation Questions:**

- What are steps to implementing the reform?
- What is the timeline for implementation?
- Where will you need more capacity and resources?
- What metrics will you track?

**Example Metrics:**

- As a result of this policy change, how many cases are removed from the docket each month?
- As a result of this policy change, how much staff time is saved by this reduced caseload?
- After this policy change, how many individuals were still charged for driving on a suspended license for a reason unrelated to public safety?

**Examples of Local Reforms:**

- Davidson County, TN
- Cook County, IL
- Suffolk County, MA
- Shelby County, TN
- Baltimore, MD
- Minneapolis, MN

# Local Reform Guide: End Police Arrests and Citations

Localities can use this guide when seeking to adopt a permanent policy to decline to cite or arrest[2] for driving with a suspended license (when the underlying cause of suspension is either debt-based or unrelated to public safety).

## Mechanism for Reform

- Policy Change
- Local Law Enforcement Resource Policy

## Step 1: Assess Stakeholders and Build Your Team

**Key Questions to Assess Stakeholders:**
- Which government stakeholders have already shown interest or engagement in this reform? Which local advocacy groups are engaged in this issue?
- Are there current efforts at the state level to reform the existing statute? Among whom?
- Which community partners should you engage? Are you reaching all of the populations that should be engaged? What additional outreach is needed?
- Do you anticipate pushback among stakeholders? What pushback would you expect?
- Which agencies or departments have relevant data? Who is necessary to help gather and analyze the data?
- How will budget officers need to be engaged with designing or implementing potential reform? Do they support this reform?
- Who is currently involved in collections and will they need to play a role in this reform?

| STAKEHOLDER | SUPPORT | OPPOSE | EXPECT SUPPORT | EXPECT OPPOSITION | NOT RELATED TO REFORM |
|---|---|---|---|---|---|
| Law Enforcement | | | | | |
| City Council | | | | | |
| County Comm'rs | | | | | |
| Budget Office | | | | | |
| Community Orgs | | | | | |
| Directly Impacted | | | | | |

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[2] In some jurisdictions, police officers may not have the ability to see the underlying reason for suspension at the time of a stop. If this is the case, police officers may need to partner with additional agencies to discuss other approaches.

## Step 2: Collect All Relevant Data and Begin Information Inquiries

**Key Questions:**

- What is your state law regarding driver's license suspension (under what circumstances are driver's licenses suspended for failure to pay or failure to appear? Is it mandatory or discretionary?)?
- In your locality, how many people were cited for driving on a suspended license for a reason unrelated to public safety (each year for the past 3-5 years)?
- In your locality, of those cited, how many were arrested for driving on a suspended license for a reason unrelated to public safety (each year for the past 3-5 years)?
- In your locality, how many people were released only with a warning for driving on a suspended license for a reason unrelated to public safety (each year for the past 3-5 years)?
- How many licenses are currently suspended (for failure to pay and failure to appear in court)? For the past 3-5 years?
- Can you quantify how much police officer time is spent if a citation is issued (including showing up in court, completing paperwork, etc.)
- If there is an arrest, what is the average amount of time spent in custody? What is the cost?
- Which populations are most affected by driver's license suspensions?
- Can you identify each person with a suspended license? Which agency can?

## Step 3: Engage Community

**Guidelines:**

- Consider who is most impacted by this reform and what forms of outreach will most effectively reach those impacted
- Determine what strategies will best accomplish your engagement goals and ensure you are centering the experiences of those most impacted in the design and implementation of your reform
    - Surveys, listening sessions, understanding experiences, roundtable discussions, relationship-building with advocates
- Identify additional key community partners to engage
- Decide how will you document, synthesize, and share what you learn

## Step 4: Develop Policy Language and Campaign Strategy

**Example Policy Language:**

*The policy of the Police Department is to release with a warning individuals driving with a suspended or revoked license if the sole reason for the revocation is unpaid fines and fees or failure to appear in court. Police will not cite or arrest in these cases.  Individuals whose licenses have been taken away because they are a public safety threat may still be cited.*

**Key questions:**

- Do police officers currently have the ability to  see the underlying reason for a license suspension at the time of a stop?
- What is your goal with this reform?
- Who is the specific audience for this reform? Who will be most impacted by this policy? Are their needs and concerns addressed through this reform?
- Have community stakeholders given feedback on the policy language to ensure it does not stigmatize those impacted by the reform?
- Where do you expect opposition? What is the plan for addressing opposition?
- Would this reform have a greater impact if combined with other reforms (such as debt forgiveness and/or license restoration)? If so, how can you coordinate efforts?
- Are there other policy reforms that have addressed similar issues? What is the language of previous policies? [Was it effective?]
- Should the language be retroactive?
- How do you plan to inform the public about the policy change?


## Step 5: Implement and Track Policy

**Implementation Questions:**

- What are the steps and timeline for implementing the reform?
- Where will you need more capacity and resources?
- What metrics will you track?

**Example Metrics:**

- As a result of this policy change, how many individuals are released or released with a warning due to a debt-based driver's license suspension?
- How many individuals continue to be cited for driving on a suspended license for reasons unrelated to public safety?
- How many individuals continue to be arrested for driving on a suspended license for reasons unrelated to public safety?

# Local Reform Guide: Restore Licenses & Discharge Debt

Localities can work with the local prosecutor and the courts to eliminate old debt and restore suspended driver's licenses (when the underlying cause of suspension is either debt-based or unrelated to public safety).

## Mechanism for Reform

- Policy Change
- Legislation
- Creation of New Program or Initiative

## Step 1: Assess Key Stakeholders and Build Team

**Key Questions to Assess Stakeholders:**

- Which government stakeholders have already shown interest in this reform?
- Which local advocacy and community groups are engaged in this issue?
- Are there current efforts at the state level to reform the existing statute? Among whom?
- Are you reaching all of the populations that should be engaged?
- Among which stakeholders do you anticipate pushback? What pushback do you expect?
- Which agencies or departments are necessary to gather and analyze data?
- How will budget officers need to be engaged with designing or implementing potential reform? Do they support this reform?
- Who is currently involved in collections and will they need to play a role in this reform?

| STAKEHOLDER | SUPPORT | OPPOSE | EXPECT SUPPORT | EXPECT OPPOSITION | NOT RELATED TO REFORM |
|---|---|---|---|---|---|
| DA's Office | | | | | |
| Court System | | | | | |
| Individual Judges | | | | | |
| Mayor's Office | | | | | |
| Public Defenders | | | | | |
| City Council | | | | | |
| DMV | | | | | |
| Budget Office | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| Collections Office | | | | | |
| Volunteer Attorneys/ Legal Services | | | | | |
| Law School Clinics | | | | | |
| Community Orgs | | | | | |
| Directly Impacted Individuals | | | | | |

## Step 2: Collect All Relevant Data and Begin Information Inquiries

- What is your state law regarding driver's license suspension (under what circumstances are driver's licenses suspended for failure to pay or failure to appear? Is it mandatory or discretionary?)?
- In your locality, how many people were arrested and/or cited for driving on a suspended license for a reason unrelated to public safety (each year for the past 3-5 years)?
- In your locality, how many people were prosecuted for driving on a suspended license for a reason unrelated to public safety (each year for the past 3-5 years)?
- How many licenses are currently suspended (for failure to pay and failure to appear in court)? For the past 3-5 years?
- How many license suspensions are there per case prosecuted?
- What populations are most affected by driver's license suspensions in your locality? (If no demographic data is available, jurisdictions may be able to use zip code data on suspensions and combine with census demographic data by zip code.)
- How much outstanding debt is there? How much of this debt is old and uncollectible?
- Can you identify each person with a suspended license and their associated debt? If not, which agency can?
- Do you have specific fees that attach to each ticket? If so, how much are they?
- What is the process for license reinstatement? Are there reinstatement fees?

## Step 3: Engage Community

- Consider who is most impacted by this reform and what forms of outreach will most effectively reach those impacted
- Determine what strategies will best accomplish your engagement goals and ensure you are centering the experiences of those most impacted in the design and implementation of your reform
    - Surveys, listening sessions, understanding experiences, roundtable discussions, relationship-building with advocates

- Identify additional key community partners to engage
- Decide how will you document, synthesize, and share what you learn

## Step 4: Develop Policy or Program

**Example Policies and Programs:**

- Initiative whereby eligible participants receive debt relief and have their license restored (either automatically or by application)[3]
- Eliminate categories of debt wholesale
- Legislation to eliminate local fees attached to traffic tickets, and forgive all associated debt
- Hold regular clinics[4] whereby anyone with a license suspended for unpaid fines and fees may show up and receive free legal help to reinstate their licenses and have fines reduced and all fees (including late fees and reinstatement fees) waived.

## Step 5: Develop Campaign Strategy and Implementation Plan; Track Policy

**Key Questions:**

- What are your reform goals? Which strategy will best achieve those goals? Do you have the right partners?
- Have community stakeholders given feedback on the policy language to ensure it does not stigmatize those impacted by the reform and that it addresses their needs/concerns?
- Are there any additional barriers to getting a driver's license reinstated that could be included in this reform?
  - Are there related fees that should be eliminated as a part of this reform?
- Are you considering debt relief? If so, Who has authority to wipe old debt? What debt will be eliminated?
  - Will it be wholesale or tied to specific actions or fees?
  - Will it only be retroactive?
- What individuals would qualify for debt relief?
  - How will you identify those individuals?
- Will it be automatic or will individuals have to take steps (if so, what?)?
- How will you communicate this reform to individuals and the public?
- How will these efforts be tied to restoration efforts?
  - Are licenses still being suspended?
- Are you creating a program to restore licenses? Is debt relief an element of the program?

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[3] Programs will be more impactful if reforms are automatic and do not require people to apply (which often yield low participation rates).

[4] Amnesty or restoration programs that operate to increase collections rather than reduce burdens by substantially waiving debt may not have a meaningful impact on your community. These programs must be centered on debt reduction, not debt collection.

**Implementation Plan Guidelines:**

- Develop Governing Body
    - Who will run this program? Will there be a Board?
    - Who needs to be represented but is not currently at the table?
    - Do you have the right partners?
- Design Program
    - What exactly will this program do?
    - How will you identify eligible parties in the court system? Will this be in real time (at the disposition of their case)?
    - How will individuals get referred to free legal providers and relief?
    - Will the program be staffed with dedicated staff attorneys?
    - Will individuals need to participate in a program, such as a workforce training to have debt forgiven and their licenses restored (and if so, how can this requirement be made as accessible as possible)?
    - Will restoration be automatic?
    - Are there reinstatement fees that need to be waived?
- Develop Qualifications for Restoration and/or Debt Forgiveness
    - Consider which types of charges may be ineligible
    - Consider how old the charges must be to be eligible
    - Consider residency or where the charges are from
    - Consider whether the individual only has traffic violations
- Develop Process
    - If there will be an application, what will be the application process? How can applying be made as accessible as possible?
    - If automatic, how will individuals be notified or made aware of their relief?
    - What additional resources, capacity, or materials will you need? How will this program be communicated to the public?
    - Will individuals need to deal with multiple governmental entities that could complicate the process and/or negatively impact participation?

**Key Questions to Track Policy Impact:**

- How much debt was waived (in $)?
- How many individuals had debt waived?
- How many charges were dismissed?
- How many driver's are back on the road as a result of this policy or program?

**Examples of Local Reform:**

- [Durham, NC](#)
- [Phoenix, OR](#)
- [Detroit, MI](#)
- [Dane County, WI](#)