

**Written Testimony of Leah Sakala,
Senior Policy Analyst, Prison Policy Initiative**

**To the Massachusetts Legislature's
Joint Committee on Transportation**

July 23, 2015

SUPPORT H.3039/S.1812

Co-chair McGee, Co-chair Straus, and members of the Joint Committee on Transportation, I write to submit testimony on behalf of the Prison Policy Initiative, a national nonprofit based in Easthampton, Massachusetts that produces research to address the broader harm of mass incarceration. The Prison Policy Initiative strongly supports passage of H.3039/S.1812, “An Act relative to motor vehicle license suspension.”

H.3039/S.1812 would the end the misguided and harmful Massachusetts practice¹ of automatically suspending the driver’s license of anyone who has been convicted of a drug offense, regardless of whether or not the offense had anything to do with driving or road safety. The Prison Policy Initiative released a 2014 report entitled “Suspending Common Sense in Massachusetts: Driver’s license suspensions for drug offenses unrelated to driving,” which found that these unnecessary license suspensions are dangerous, expensive, and counterproductive.

As our report explains, Massachusetts has been wasting precious time and resources enforcing and administering this specific license suspension policy for more than two decades, and every year about 7,000 Massachusetts residents lose their driving privileges for up to five years under this law.² After the suspension period is over, individuals who seek to regain their driving

¹ Mass. Gen. Laws ch. 90, § 22 (f).

² Prison Policy Initiative, “Suspending Common Sense in Massachusetts: Driver’s license suspensions for drug offenses unrelated to driving,” May 14, 2014. Available at: <http://www.prisonpolicy.org/driving/report.html>

privileges must pay a \$500 fee before their license may be reinstated.³ This policy is especially puzzling because driving privileges have no direct connection with drug convictions, and decades of experience with this policy have made it clear that it is not an effective way to respond illegal drug activity. In addition to being ineffective, however, our research finds that this policy is doing real harm.

Public Safety

To be clear, driving is a privilege and not a right. In many instances license suspensions and revocations are used as critical policy tools to maintain public safety by keeping dangerous drivers off the road. Suspending the licenses of safe drivers, however, makes Massachusetts less safe in several ways.

First, unnecessary license suspensions are counterproductive in a car-centric culture such as ours. For example, in Massachusetts, four out of every five of workers 16 and older commute to work by car.⁴ Unnecessarily suspending the licenses of safe drivers puts Massachusetts residents, many of whom are in the difficult process of recovery from addiction, in the position of having to choose between complying with the terms of their suspension, and fulfilling any personal, employment, or family responsibilities that require driving. Given this choice, some people will invariably decide that the risk of an additional penalty is worth being able to keep a job or care for children.

When safe drivers do choose to drive with a suspended license, however, they are unable to comply with the requirement to be insured. Roughly one in 20 drivers on the road in Massachusetts is uninsured, and when such drivers are involved in accidents every one pays the price.⁵ Allowing all safe drivers in Massachusetts to

³ Mass. Gen. Laws ch. 90, § 33.

⁴ Census Bureau, 2012 American Community Survey, Table S0801 “Commuting Characteristics by Sex.” See also: Patrick Doyle, “How Massachusetts Commutes to Work,” Boston Magazine, March 12, 2013. Accessed on April 14, 2014 from:

<http://www.bostonmagazine.com/news/blog/2013/03/12/massachusetts-commute-to-work/>

⁵ PRWeb, “Recession Marked by Bump in Uninsured Motorists; IRC Analysis Finds One in Seven Drivers Are Uninsured,” April 21, 2011. Accessed on April 14, 2014 from:

<http://www.prweb.com/releases/uninsured/motorists/prweb8330897.htm>

retain their licenses, and therefore be able to carry insurance, is a straightforward step in the right direction.

Secondly, charging law enforcement and Registry of Motor Vehicle officials with administering license suspensions for reasons unrelated to driving reduces their capacity to respond to actual public safety issues. For example, Massachusetts police officers issue tens of thousands of traffic citations to people who were in the road with a suspended or revoked license.⁶ Limiting those citations to people who actually pose a danger on the road would allow police and other public safety officials to better prioritize and protect the safety of the Commonwealth.

Resources and economic burden

In addition to public safety concerns, the Massachusetts license suspension policy constitutes an economic burden on the state at virtually every stage of the legal process. Unnecessarily suspending people's licenses, and then requiring them to pay a fee to regain their driving privileges, requires significant administrative processing time. Some states have found that this extra time adds up to several additional staffing positions.⁷ When suspension cases are brought to the courts, the burden on the state only grows. Finally, some people with suspension violations end up with unnecessary jail time, all at taxpayers' expense.

National organizations such as the American Association of Motor Vehicles (AAMV) strongly oppose this kind of license suspension law, in large part due to the significant and unnecessary administrative burden that extraneous suspensions create. In fact, the AAMV recently issued a national report, "Best Practices Guide to Reducing Suspended Drivers 2013," expressing the organization's strong opposition to driver's license suspensions.⁸

⁶ Justin Graeber, "Study: Keeping unlicensed drivers off road nearly impossible," *The Enterprise* (Brockton, MA), January 7, 2013. Accessed on April 14, 2014 from: <http://www.enterpriseneews.com/x459330966/Study-Keeping-unlicensed-drivers-off-road-nearly-impossible>

⁷ American Association of Motor Vehicle Administrators Suspended/Revoked Working Group, *Best Practices Guide to Reducing Suspended Drivers 2013* (Arlington, Virginia: American Association of Motor Vehicle Administrators, February 2013), p 11. Accessed on April 14, 2014 from: <http://www.aamva.org/workarea/downloadasset.aspx?id=4248>

⁸ *Ibid.*

Rehabilitation, responsibility, and mobility

The third major problem with the policy of suspending driver's licenses for drug offenses unrelated to driving is that it creates significant barriers for people with previous drug convictions who want to move forward with their lives. That's because personal mobility is a key piece of meeting personal responsibility.

Employment, for example, is strongly associated with lower recidivism rates and positive outcomes for individuals with previous involvement in the criminal justice system.⁹ Not only does the Massachusetts license suspension policy practically prohibit any job that requires driving (like delivery services or construction jobs), but it also rules out any job that is not accessible by public transportation, bike, foot, or carpool year-round. This is particularly concerning in a state such as Massachusetts, where 80% of workers 16 and older commute to work by car,¹⁰ and where outside of Route 128 nearly 90% commute to work by car.¹¹

The Massachusetts legislature has taken great strides forward recently to enable people with criminal records to get jobs, recognizing the benefits to the entire Commonwealth. In 2010, the legislature passed landmark "CORI reform" legislation to block employers from asking potential employees about prior convictions early on in the application process. The Massachusetts driver's license suspension policy, however, creates a "back door" way for employers to access this information because it appears on an individual's driving record, which can be easily obtained by potential employers.

In addition, unnecessarily suspending people's licenses for drug convictions inhibits their ability to meet family responsibilities, such as picking children up from school or taking a relative to the

⁹ See, for example: Solomon, Amy L., Kelly Dedel Johnson, Jeremy Travis, and Elizabeth C. McBride, *From Prison to Work: The Employment Dimensions of Prisoner Reentry* (Washington DC: Urban Institute, 2004) Accessed on April 14, 2014 from: http://www.urban.org/UploadedPDF/411106_prison_to_work.pdf

¹⁰ Census Bureau, 2012 American Community Survey, Table S0801 "Commuting Characteristics by Sex." See also: Patrick Doyle, "How Massachusetts Commutes to Work," *Boston Magazine*, March 12, 2013. Accessed on April 14, 2014 from: <http://www.bostonmagazine.com/news/blog/2013/03/12/massachusetts-commute-to-work/>

¹¹ Calculated by the Prison Policy Initiative from town level results of the Census Bureau's 2012 American Community Survey, Table S0801.

doctor. Not only does this burden entire communities, but our 2014 “Suspending Common Sense in Massachusetts” report summarizes robust research findings that maintaining strong family connections and participating in family life helps individuals with prior criminal records avoid future involvement with the criminal justice system.

Finally, the license suspension policy increases the chances that people with prior convictions will return to the criminal justice system by creating logistical barriers for people who are trying to comply with conditions of probation and parole, and by creating new opportunities for people to be charged with suspension-related violations.

H.3039/S.1812: a common-sense solution

Our research has clearly found that the Massachusetts policy of suspending driver’s licenses for drug offenses unrelated to driving is ineffective, it makes our roads more dangerous, it wastes money, and it makes it harder for people with prior criminal records to work, care for their families, and avoid returning to the criminal justice system in the future. Massachusetts has other laws that address both controlled substance activity and road safety. The practice of suspending Massachusetts residents’ licenses in response to drug convictions that are unrelated to driving is making us less safe and making our communities less stable.

By passing H.3039/S.1812, Massachusetts would join at least 34 other states around the country that have formally rejected the idea of suspending driver's licenses for unrelated drug offenses. In addition to sparing Massachusetts from the harm of unnecessary license suspensions in the future, H.3039/S.1812 would close the loophole around CORI reform by removing irrelevant past drug conviction information from Massachusetts drivers’ records.

I thank the Committee for its time and attention to this issue.



Leah Sakala
Senior Policy Analyst