



New York State Senate & New York State Assembly

**Joint Hearing Seeking Solutions to the
Disproportionate Impact of COVID-19 on Minority Communities
Monday, May 18, 2020**

Chairpersons and committee members, we submit this testimony on behalf of the Driven by Justice Coalition, a partnership of grassroots organizations, advocates, lawyers, and directly impacted individuals fighting to end New York’s practice of suspending a person’s driver’s license for not paying or answering a traffic ticket. We write to share our concerns about the ways in which the COVID-19 pandemic has magnified the harms caused by this practice and exacerbated existing racial and economic disparities across the State.

At the outset, we must acknowledge that the disproportionate impact of COVID-19 on communities of color does not exist in a vacuum. These disparities reflect our country’s history of institutionalized racism and the resulting gaps in income, wealth, and access to healthcare.¹ For example, Black residents are more likely to suffer from asthma and heart disease, conditions that put people at higher risk of infection. And people of color make up a disproportionate share of New York’s essential workforce.² People of color are also disproportionately harmed by Traffic Debt Suspensions, driver’s license suspensions for the nonpayment of traffic tickets and nonappearance in traffic court.

Essential workers need their driver’s licenses to safely get to work and access basic necessities. But hundreds of thousands of people in New York State have suspended driver’s licenses because they cannot afford to pay their traffic tickets. Even before this pandemic, driving was so essential to people’s lives that 75% of people with suspended licenses continued to drive. Traffic Debt Suspensions force people to make an impossible choice: stop driving and lose access to work, food, childcare and other basic necessities, or keep driving and risk criminal charges, more

¹ “For many public health experts, the reasons behind the disparities are not difficult to explain, the result of longstanding structural inequalities.” John Eligon et.al, NYTimes, *Black Americans Face Alarming Rates of Coronavirus Infection in Some States* (Apr. 7, 2020), <https://www.nytimes.com/2020/04/07/us/coronavirus-race.html>. See also Colleen Walsh, The Harvard Gazette, *Covid-19 Targets Communities of Color* (Apr. 14, 2020), <https://news.harvard.edu/gazette/story/2020/04/health-care-disparities-in-the-age-of-coronavirus/>.

² Hye Jin Rho et. al, Center for Economic and Policy Research, *A Basic Demographic Profile of Workers in Frontline Industries* 3-4 (Apr. 2020).

finest and fees, and even jail time. This tension is especially felt by people of color, who are disproportionately stopped, ticketed, arrested, charged, and punished.³

Traffic Debt Suspensions are issued at much higher rates in low-income communities and communities of color. In New York City, the driver's license suspension rate in the ten zip codes with the highest concentration of people of color is **2.5 times** as high as the rate in the zip codes with the highest concentration of white New Yorkers. In the rest of the State, communities with the highest percentages of people of color have Traffic Debt Suspension rates up to **4 times** as high as those in our whitest communities. And our poorest communities have Traffic Debt Suspension rates nearly **9 times** as high as those in our wealthiest communities. See the attached maps for a visual depiction of these disparities.

The communities disproportionately harmed by Traffic Debt Suspensions are the same communities that are most devastated by the health and economic harms of COVID-19. Losing a driver's license is never a small thing. But during this crisis we are seeing people who are scared to pick up their medicine or go to the doctor because their license is suspended, cutting off access to their only safe mode of transportation. For example, Mr. Smith,⁴ a Bronx resident, owes over a thousand dollars in traffic fines that he cannot afford to pay with his Social Security Income. He suffers from severe asthma, so during the pandemic he avoids being outside on the sidewalk or in the subway. He drives to doctor's appointments and to pick up his medicine. Recently, Mr. Smith drove for a short trip to pick up his medicine. On his way he was stopped by the police for a broken taillight. But because Mr. Smith had unpaid traffic tickets, he was arrested, held overnight in a small cell with other people, had his asthma inhaler taken from him and his car taken for forfeiture. New Yorkers like Mr. Smith drive because they need to get to work, purchase groceries or medicine, or take care of their family. At the best of times, this criminalization of poverty means an impossible choice. During this crisis, it threatens not only a person's entire livelihood, but also their life and health.

During this pandemic, New York's most marginalized communities are forced to face new and devastating challenges — fatalities, hospitalization, and pronounced economic insecurity — while still living with the usual harms associated with disparities in policing, arrests, and driver's license suspensions. Ending the draconian and counterproductive cycle of punishment and poverty caused by Traffic Debt Suspensions is a reform our State needs now more than ever. The Driver's License Suspension Reform Act (S.5348-b/A.7463-b) will end Traffic Debt suspensions, offer affordable payment plans, and reinstate licenses suspended for Traffic Debt. Now is the time to enact this uncontroversial reform and ensure that New York's most marginalized residents have access to safe transportation during the COVID-19 pandemic.

³ Driving with a suspended license is the most common criminal charge in Buffalo, Long Island, Rochester, and Syracuse. New York Law School, Racial Justice Project, *Driving While Black and Latinx: Stops, Fines, Fees, and Unjust Debts* 25-26 (Feb. 2020). It is the fourth most common charge in New York city, where 76 percent of drivers are white, but 80 percent of those arrested for driving with a suspended license in 2018 were Black or Latinx. *Id.*

⁴ Mr. Smith is used in place of a real name to protect his privacy.

Traffic Debt Suspension Rates

Statewide during 2016, New York issued **43** Traffic Debt suspensions for every 1,000 New Yorkers of driving age.

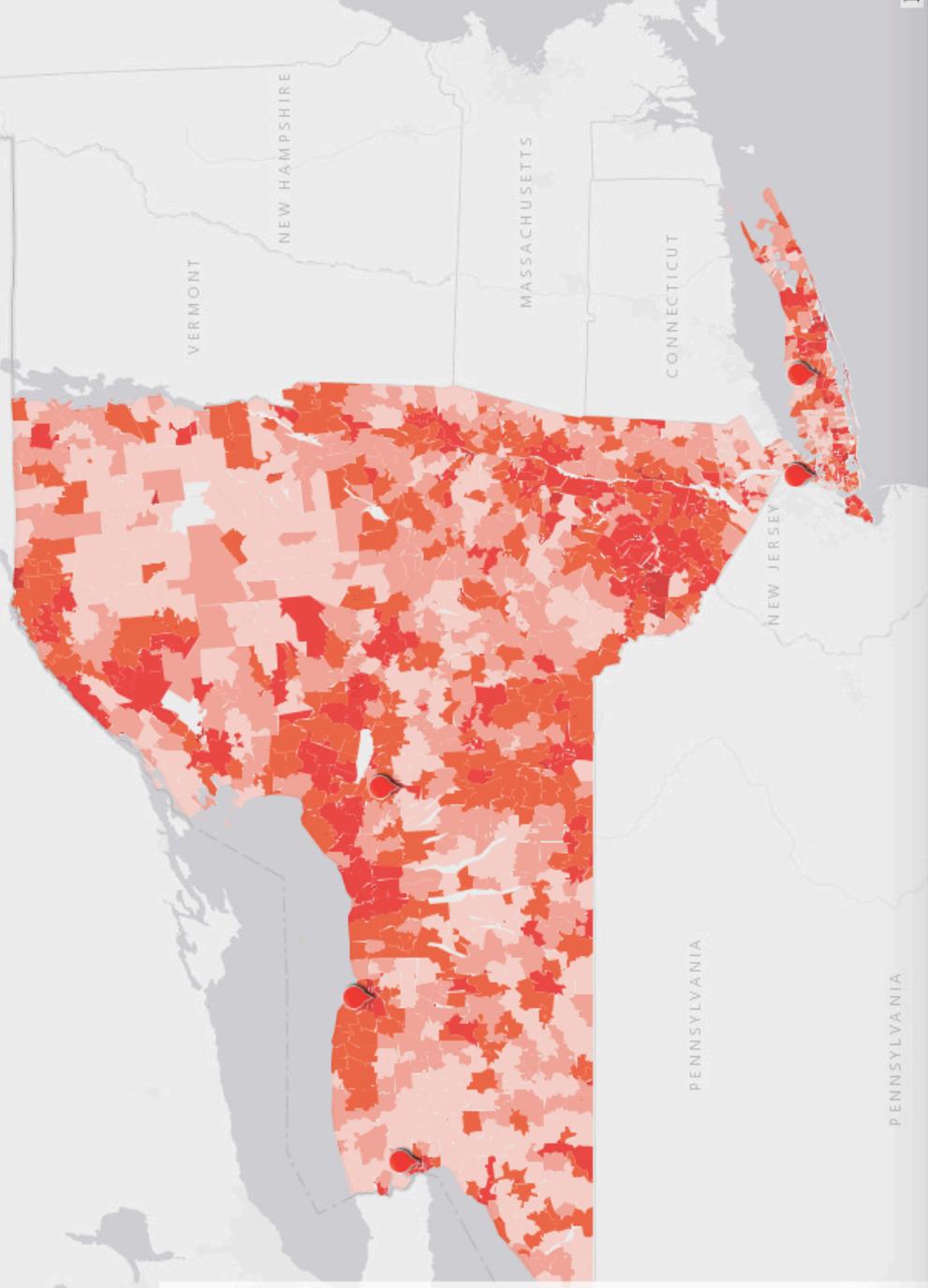
Below is a breakdown of how each zip code area ranks.

Traffic Debt Suspension Rates by Zip Code

of suspensions per 1,000 people of driving age

- > 94 (>95th percentile of zip codes)
- > 47.8 - 94 (95th percentile of zip codes)
- > 32.8 - 47.8 (75th percentile of zip codes)
- > 22.7 - 32.8 (50th percentile of zip codes)
- 0 - 22.7 (25th percentile of zip codes)

Many parts of New York saw significantly higher rates.



X

New York State Zip Code 14605

88.5%

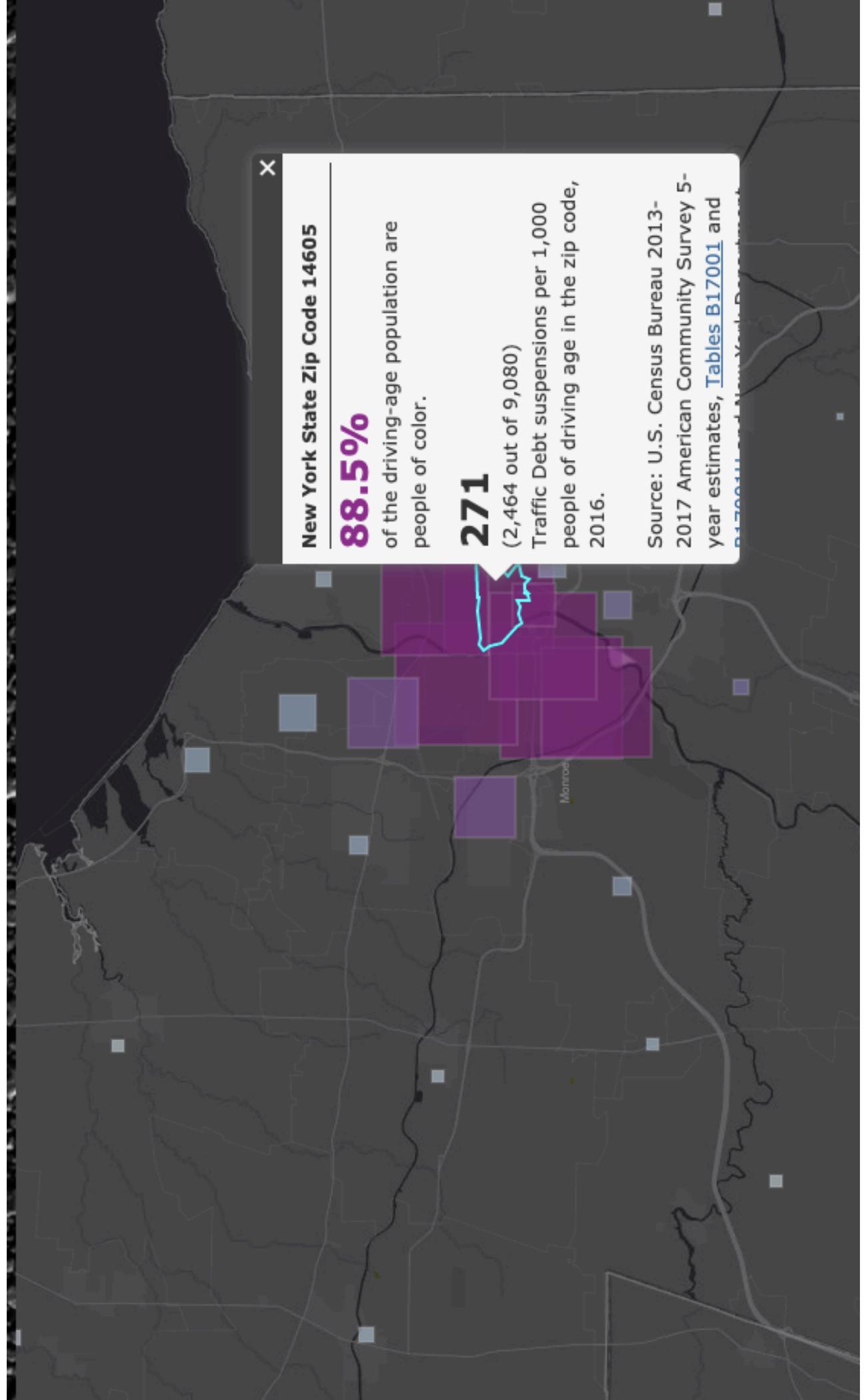
of the driving-age population are people of color.

271

(2,464 out of 9,080)

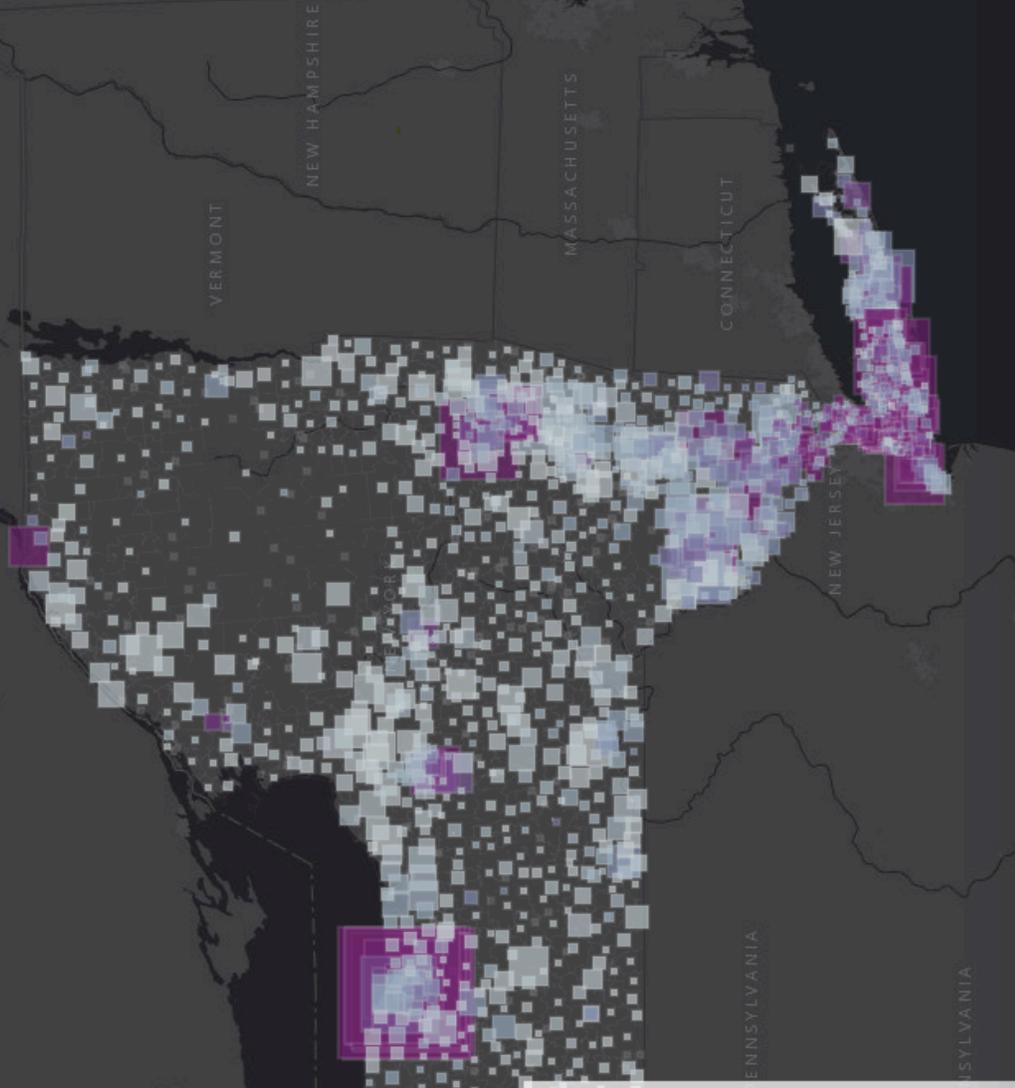
Traffic Debt suspensions per 1,000 people of driving age in the zip code, 2016.

Source: U.S. Census Bureau 2013-2017 American Community Survey 5-year estimates, [Tables B17001](#) and



Traffic Debt Suspension Rates and Communities of Color

MAINE



Traffic Debt suspensions disproportionately harm New York's communities of color. Here, the size of the square represents the suspension rate, while the color indicates the racial composition of the zip code. The predominance of large purple squares, as compared to smaller gray squares, tells the story.

Examining suspension rates from failure to pay (FTP) and failure to appear (FTA) in court and demographics for people of driving age in each ZIP code tabulation area (ZCTA)

Poverty Rate, % POC, and Suspensions

Poverty Rate, % POC, and Suspension Rates

Poverty Rates

Suspension Rates

Suspensions

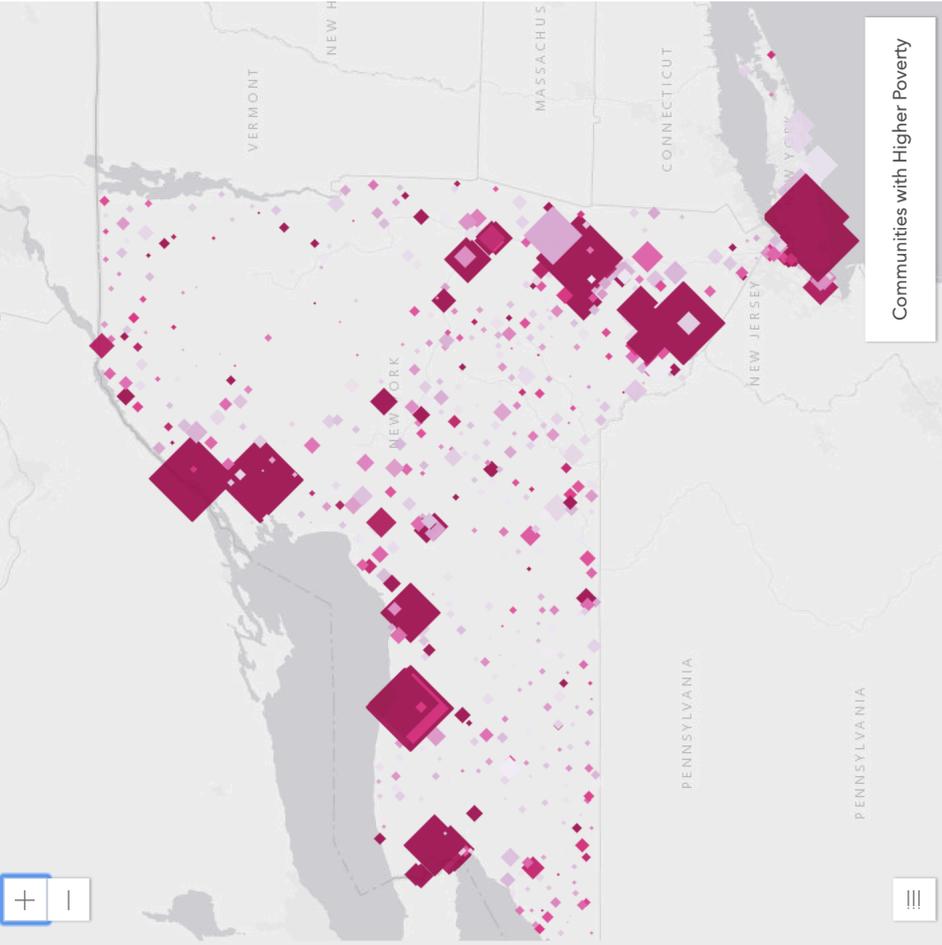
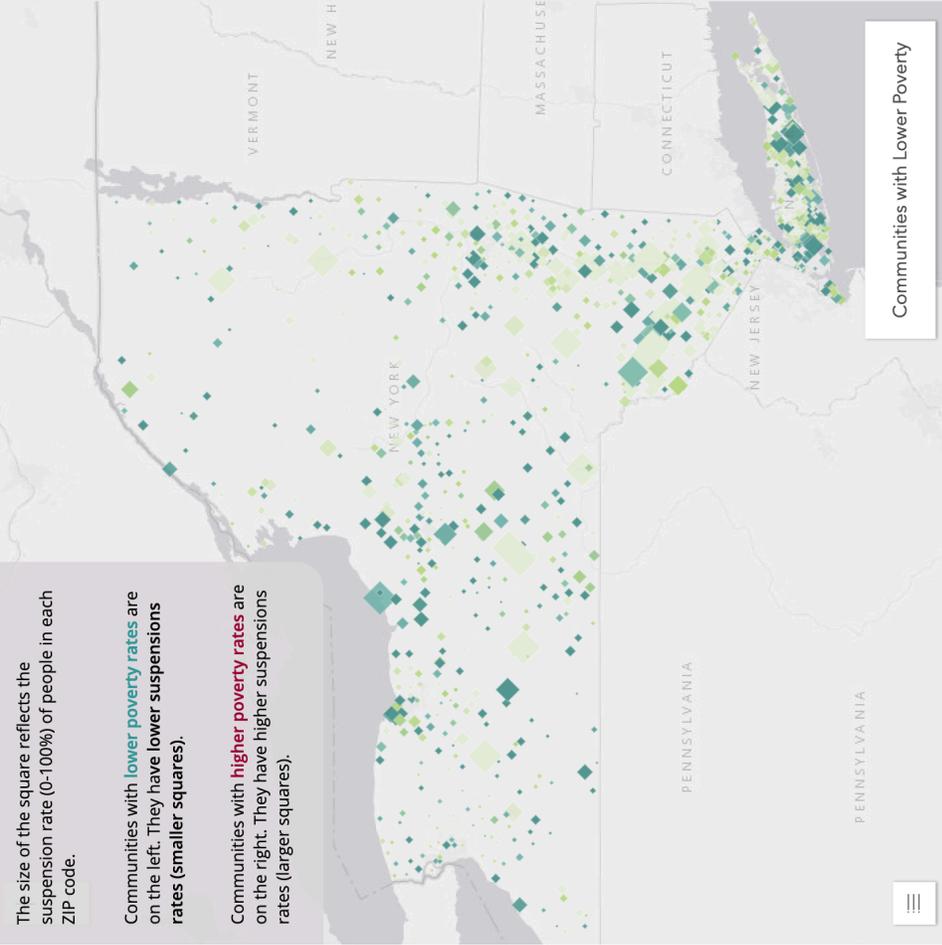
Suspension Rates by Poverty



The size of the square reflects the suspension rate (0-100%) of people in each ZIP code.

Communities with **lower poverty rates** are on the left. They have **lower suspension rates** (smaller squares).

Communities with **higher poverty rates** are on the right. They have **higher suspension rates** (larger squares).

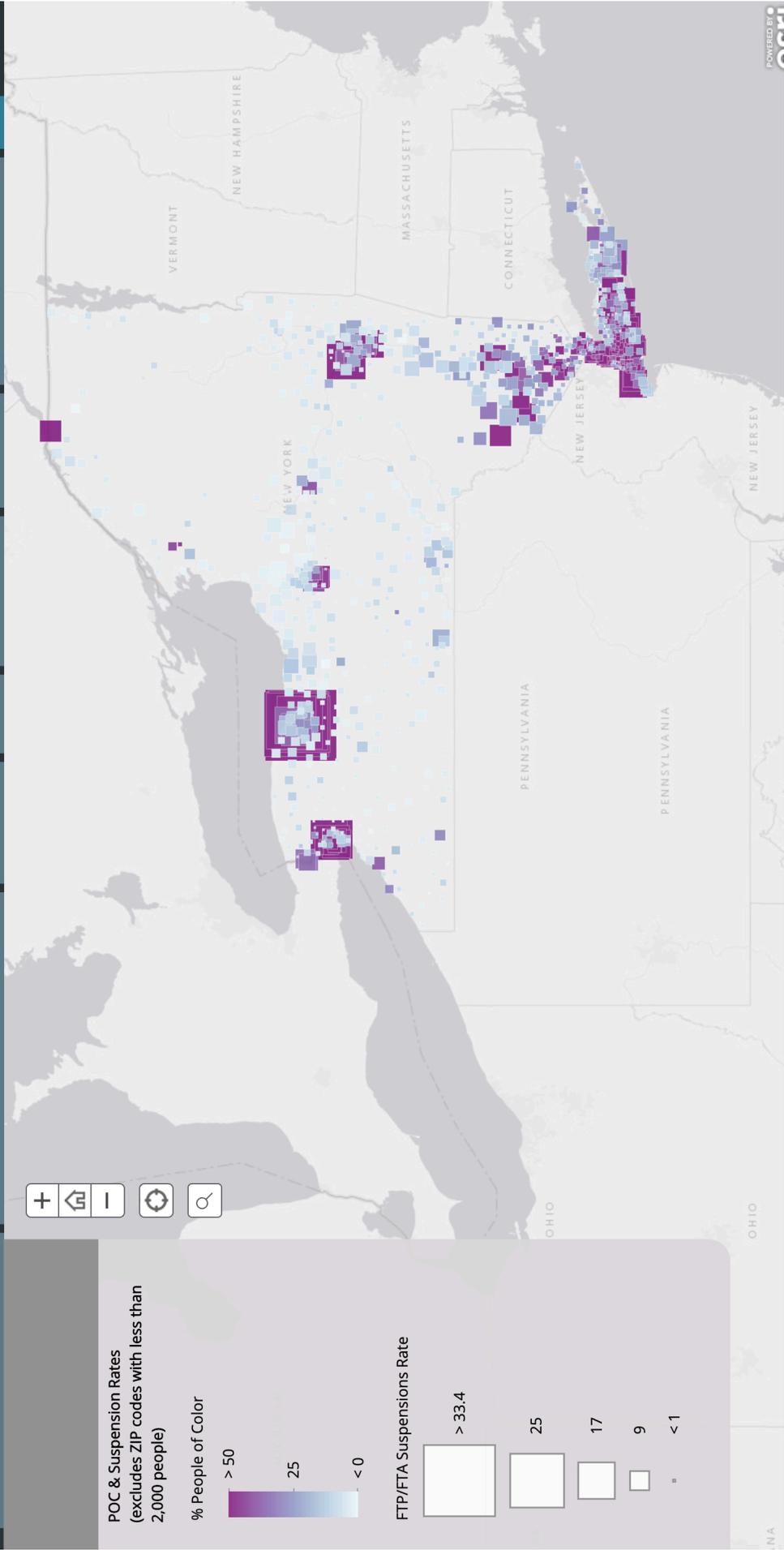


Communities with Lower Poverty

Communities with Higher Poverty

Examining suspension rates from failure to pay (FTP) and failure to appear (FTA) in court and demographics for people of driving age in each ZIP code tabulation area (ZCTA)

- Poverty Rate, % POC, and Suspensions
- Poverty Rate, % POC, and Suspension Rates
- Poverty Rates
- Poverty
- Suspension Rates
- Suspensions
- Suspension Rates by Poverty



POC & Suspension Rates
(excludes ZIP codes with less than 2,000 people)



FTP/FTA Suspensions Rate

