

March 30, 2022

Dear Lawmaker,

I am writing you to express my support as well as asking for your support of SB117. This bill will eliminate automatic suspension of a person's Alabama driver's license for certain non-driving offenses.

I am a retired Captain with the Birmingham Police Department, with 30 years of service. During my 30-year career in Law Enforcement as Commander of the busiest Precinct in the busiest police department in the State of Alabama, I learned that traffic enforcement had little to no effect on overall crime. But many departments, including mine, used it as a tool to address crime.

For a lot of reasons these enforcement actions happen in communities of high poverty. So not only does this activity NOT address crime, it unfairly burdens people in those communities that can barely afford daily living expenses.

When the state piles on fines and fees to a person already struggling to make ends meet, it's not surprising that they are forced into difficult decisions. Pay for rent, pay for utilities and food, or figure out a way to pay fines. And if they can't pay the fines, the state suspends their Driver's License. Not because they are dangerous drivers, but because they can't pay...because they are poor. It's not even that they don't want to pay, most try, they literally can't.

As the Commander of the West Precinct in Birmingham, I realized that enforcing the consequence of drivers needing to drive regardless of whether their driver's licenses was suspended or not, not only did not enhance public safety, it actually hindered it. Please indulge me a short moment of your time to explain why I have come to this conclusion. This is what I told my officers when I decided that I would not require them to cause further harm to members of our community, the same community members we were committed to protecting.

One might wonder why making arrests and writing citations is counterproductive? How so you say? Here is what I told my officers:

Let's say that one of my officers observes a car driving with an expired tag. Seems easy enough, so we will make a traffic stop. We have to remember that most police enforcement takes place in areas where a large portion of the citizens have limited resources.

Turns out the driver of the car is a single mother on her way from her minimum wage job to her mother's house, who is watching her kids while she works because she can't afford childcare. She tells the officer this and says she just hasn't had time or the money to get the tag renewed. The officer has sympathy, but rationalizes giving her the citation by saying "we all have to pay for tags." Plus, if she gets the tag renewed the court will drop the citation. So the officer issues the citation.

So far so good. The officer has some "production" for the day, the police have enforced the taxation regulations and our driver is minimally impacted because all she has to do is renew her tag. Right?

No. Why? Because we all know she won't renew the tag. Not because she is a flagrant anarchist or a dangerous armed robber, or even a bad driver -- she merely can't afford to get the tag renewed.

She can't afford to get the state mandated minimum liability insurance either, for which she was issued another citation for by our officer.

Because she doesn't have the money to pay, when the court date rolls around for the citations she was issued, she doesn't go to court. If she had some resources, she could hire an attorney who would work out some deal with the City Attorney to get the charge dropped in exchange for time to get the tag renewed. But she doesn't, so her course of action is to not go to court and hope she never gets stopped again.

We know that isn't going to last long because I we have a lot of officers riding around at any given time looking for low hanging fruit, predominately in the areas of the community in which she happens to live.

She gets stopped again, still with an expired tag, no insurance and now with a warrant for failure to appear on the previous stop. And the state has suspended her driver's license for failure to appear.

Since Alabama doesn't notify people that they do this, the officer telling her that her license is suspended is the first she has heard of it. Now one of my officers has hit the jackpot of enforcement actions -- we get three more citations and an arrest on top of it.

Meanwhile, our single mother now has a criminal arrest record, all because she didn't have resources to pay for a tag renewal.

This will start a downward spiral of court appearances, fees, fines and lost time at work that will eventually cause her to lose her minimum wage job, move back in with her mother and become chained to a system she will likely never break free of.

Besides the social impact of all that, my concern as a precinct commander is that besides my one officer arresting her, I have 19 officers at the same time doing the same thing. I know we have all heard of people complaining to police officers, when they are stopped for a minor traffic violation..."Don't you have more serious crime to deal with?" Yes, yes we do.

There are numerous instances where a suspensions of a person's drivers license is appropriate, DUI, Reckless Driving and other infractions that a judge deems that suspension of driving privileges is warranted. SB117 will not prohibit these situations. Only those instances where the suspension of a person's drivers license is automatic for the listed offenses in the Bill.

I ask for your support of SB117. Doing so will help unburden members of our community who already have tremendous burdens placed on them, without having the State unnecessarily contributing to it. In doing so, my experience has taught me that you will also be freeing up our law enforcement officers to concentrate on serious crime.

Thank you.

Sincerely,  
Captain Jerry Wiley (retired)  
Birmingham Police Department