

FOR IMMEDIATE RELEASE

Contact: Mrs. Linda Thomas, President
Virginia State Conference NAACP
804.512.7343
LT1863@aol.com

**The Virginia State Conference of the NAACP files amicus curiae brief
supporting the Plaintiffs in *Stinnie v. Holcomb*
*Virginia's statute mandating automatic driver's license suspension
for failure to pay court costs and fines disproportionately harms black people***

Bowling Green, Virginia (**November 3, 2016**)—In Virginia, approximately 914,450 people are currently without a driver's license because of unpaid court costs and fines, and a substantial number of these drivers lost their licenses for the simple reason that they could not afford to pay the costs and fines imposed on them.

Today, the Virginia State Conference of the NAACP asked for leave to file a “friend of the court” brief supporting the Plaintiffs’ position in *Stinnie v. Holcomb* and highlighting the ways in which the state’s policy disproportionately harms black people in Virginia. A review of data available on Virginia courts’ public websites indicates that the Commonwealth’s policy of mandating automatic driver’s license suspension for default on any debts owed to the courts disparately impacts black people. Black people make up only 20% of Virginia’s population, but receive nearly half of the orders of suspension for unpaid court debt.¹

“The ripple effects of losing one’s lawful ability to drive wreaks havoc on families and distorts criminal justice outcomes along racial and socioeconomic lines when people risk being stopped, arrested, incarcerated, and fined again just for driving to work,” said Mrs. Linda Thomas, President of the Virginia State Conference of the NAACP. “We call for an end to this unfair and unconstitutional policy.”

Filed on behalf of four individually named plaintiffs, the lawsuit seeks to vindicate the rights of a class consisting of all persons whose Virginia driver’s licenses are suspended due to unpaid court debt and who, at the time of the suspension were not able to pay due to their financial circumstances. The complaint was filed on July 6, 2016, in the U.S. District Court for the Western District of Virginia. It asks the federal court to strike down the license-for-payment law as unconstitutional, order the Defendant DMV Commissioner to stop suspending licenses, and to reinstate the licenses of all drivers who were penalized for inability to pay.

¹ Data on license suspension is not broken down by race; however, because past due court debt triggers automatic suspension pursuant to Va. Code § 46.2-395, the incidence of cases coded as “past due” may be a rough proxy for the incidence of § 46.2-395 suspensions.

The Virginia NAACP's *amicus* brief states that Virginia's practice of automatically suspending licenses without a hearing and without consideration of ability to pay exacerbates racial and socioeconomic disparities in the incidence of license suspensions, as well as in stops, arrests, and incarceration for driving while suspended. These disparities also call into serious question the fundamental fairness of using driver's license suspension as a mechanism for collection in the Commonwealth's court debt system.

Because of the overlap between race and poverty in Virginia,² black people are also especially vulnerable to the long-lasting and far-reaching effects of losing a driver's license. Indeed, driver's license suspension leads to a host of other consequences, including loss of employment and educational opportunities, inability to care for young or ailing family members, and increased risk of incarceration (for driving while suspended) or for failure to appear for court proceedings due to unreliable transportation. Increasingly, driver's licenses are prerequisites for many jobs, and individuals with suspended driver's licenses experience great difficulty finding and maintaining steady and sustainable employment.

The well-publicized recent incidents of racially charged police encounters all over the U.S. during traffic stops can be disproportionately sparked in response to Virginia's unfair and unconstitutional policy to so easily suspend driver's licenses without notice to the accused.

The Virginia State Conference is a member of the national NAACP. Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization. The mission of the NAACP is to ensure the equality of political, social, and economic rights of all persons, and to eliminate racial hatred and racial discrimination. Its members throughout the United States and the world are the premier advocates for civil rights in their communities. Throughout its history, the NAACP has used the legal process to champion equality and justice for all persons. The NAACP recognizes the importance of economic stability in advancing an equal opportunity society and advocates for smarter, results-based criminal justice policies to keep our communities safe, including an end to racial disparities at all levels in the system.

² Black Virginians experience poverty more than any other major racial group in the Commonwealth. The poverty rate for black Virginians (19.1%) is higher than the state average across all major racial groups (11.2%) and more than double the rate for white Virginians (8.7%).² Per capita, black Virginians earn less in annual income than white Virginians, receiving only \$24,347 compared to \$40,040, respectively.² Relatedly, the average annual unemployment rate for black Virginians in 2015 was higher than for any other racial group in the state.² Whereas 3.6% of white Virginians were unemployed in 2015, 7.9% of black Virginians lacked employment.² On this measure, black Virginians also exceeded the state average (4.5%) and fared worse than any other racial group.²