

**Justice 2000, Inc.**  
**Center for Driver's License Recovery and Employability**

## **2007 Program Report**

**February 2008**

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## **Preface**

The Justice 2000, Inc. Center for Driver's License Recovery and Employability program is an innovative and necessary solution to what has emerged as a significant problem for low-income drivers in Milwaukee County and other metropolitan communities in Wisconsin. Too many people are suspended or revoked because they are unable to pay a fine or understand the system in order to address traffic citations in court.

Transportation is inherent to our ability to connect low-income residents to good jobs, which often require a commute, and possession of a valid driver's license is critical in a state whose culture relies on mobility by personal vehicle.

The Wisconsin Department of Transportation works hard to improve department processes for Wisconsin drivers and is pleased to support and work with the Center for Driver's License Recovery and Employability.



Frank Busalacchi  
Secretary, Wisconsin Department of Transportation



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## **Background**

Experts point to decentralization of jobs from the city as the key explanation of contemporary urban poverty. In the Metropolitan Milwaukee Area, 75 percent of all job openings are located in the suburbs, where the county transportation system does not consistently travel; in fact, for every one available job in the City of Milwaukee, there are seven job seekers.<sup>1</sup>

In 2006, it was found that over 89,000 Milwaukee County residents have a revoked or suspended driver's license; mostly resulting from failure to pay fines rather than unsafe driving. Persons who are extremely low-income and people of color are disproportionately represented among suspended and revoked drivers: only half of African-American and Latino residents in the county have valid drivers' licenses as compared to over 80 percent of white residents.<sup>2</sup> Without a valid license, low-income job seekers cannot commute to work and will inevitably remain locked in a hopeless situation.

The Center for Driver's License Recovery and Employability was established by Justice 2000 in March 2007, in conjunction with Legal Action of Wisconsin, to increase the number of licensed drivers who are low-income, increasing their self-reliance. As the first public-private partnership of its kind, the program's comprehensive approach aims to solve this problem and prevent it from happening again.

### **I. Program Goals and Objectives**

The program goal is to increase the number of licensed drivers in Milwaukee County's low-income population, improving their ability to secure family-supporting jobs. Specific program objectives for 2007 included:

- (A) Establish a driver's license recovery center at the downtown MATC campus to provide advice, direct support, and legal services to low income persons seeking to restore their licenses;
- (B) Develop a free driver's education program for a minimum of 500 income eligible MPS students per year;
- (C) Develop a consistent approach for system change that increases the use of alternatives to suspension and revocation for failure to pay fines (i.e. community service and payment plans); and
- (D) Develop a strategy for public policy change to eliminate suspensions and revocations for non-driving offenses and to reinstitute universal driver's education for low-income students.

### **II. Program Progress in Achieving Objectives**

#### **A. Objective One: Establish a driver's license recovery center at the downtown MATC campus to provide advice, case management, and legal services to low-income persons seeking to restore their licenses.**

The Center for Driver's License Recovery and Employability (Center) is located on the Milwaukee Area Technical College (MATC) Downtown Campus, the largest technical

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<sup>1</sup> University of Wisconsin Milwaukee Employment and Training Institute, 2006.

<sup>2</sup> University of Wisconsin Milwaukee Employment and Training Institute, 2006.

college in the state. MATC provides space and facility services to the Center as an in-kind contribution estimated at over \$30,000 per year. In addition, the Wisconsin Department of Transportation (WisDOT) provides access to all of the driving records that the Center processes at no cost, saving the program an estimated \$20,000 in 2007.

Direct service, which consists of case management and legal services for the most complex cases, informs the Center's advocacy for system improvements. The direct service staff, which included 4.5 full-time case managers, one staff attorney, .5 Full Time Equivalent (FTE) pro bono attorney, and one staff assistant for ten months, as well as a service coordinator and an intake coordinator for four months, reports the following outcomes as of December 31, 2007 (see *Figure One*):

1. Referrals (from over 35 community partners)

- a. Number of referrals to the program: 1,991
- b. Number of persons who did not show up: 425
- c. Number of persons not eligible: 84

2. Client Admissions

Total number of clients admitted to program: 1,482

- a. Fast Track: 195
- b. Case Management: 285
- c. Case Management with Legal Services: 217
- d. Advice Only<sup>3</sup>: 731
- e. Pending<sup>4</sup>: 54

3. Client Outcomes

- a. Number of clients who restored driving privileges: 231
- b. Percentage of successful clients at closing: 51
- c. Total number of supervised community service hours served: 3,340
- d. Total amount of fines paid: \$73,786

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<sup>3</sup> "Advice Only" is the classification for clients whose suspension or revocation is unchangeable and/or resolution of the suspension or revocation would require resources beyond the client and/or program's ability (e.g. high-cost damage judgments, out of state fines, etc.).

<sup>4</sup> "Pending" is the classification of a client before he or she is taken into case management; it often includes having to complete a perfunctory task to demonstrate commitment.

**B. Objective Two: Develop a free driver's education program for a minimum of 500 income eligible Milwaukee Public Students (MPS) students per year.**

1. MPS Students

The Milwaukee Public Schools (MPS) Board of Directors placed \$475,000 in the 2007-08 budget for driver's education. The Center subsequently worked with Milwaukee Recreation officials to structure an incentive-based driver's education program to improve students' attendance and academic performance. This funding will allow approximately 750 students to receive driver's education. Because of increased attention to this issue, the MPS Board of Directors also passed a resolution to urge the State of Wisconsin to restore driver's education for low-income students.

**C. Objective Three: Develop a consistent approach for system change that increases the use of alternatives to suspension and revocation for failure to pay fines (i.e., community service and payment plans).**

1. Court Policies

The Center secured a standing stipulation agreement with the Milwaukee County District Attorney's (DA) Office for clients who are low-income, for non-alcohol related offenses, to perform community service at the rate of \$10 an hour to pay off fines; and, for those who have been revoked, receive a "Zero Day Revocation" order by a judge, which would eliminate the need for the clients to have costly Safety Responsibility Insurance ("SR22") for a period of three years.

In addition, the Center has met with both the Milwaukee and Waukesha Circuit Court misdemeanor judges as well as six municipal courts in Milwaukee County. Through this ongoing outreach, the program has experienced increased use of alternatives to full fine payments, like payment plans and community service, as well as waived or reduced court fees for persons who are extremely low-income.

2. Administrative Policies

a. Wisconsin Department of Workforce Development (DWD)

The Center supported the expansion of the Job Access Loan (JAL) to include payment of traffic fines that were not connected to alcohol or drug use while driving so that W2 clients could recover their drivers' licenses sooner. In addition, the Center is working with DWD Secretary Roberta Gassman to standardize driver's license recovery as part of the W2 client assessment process in Milwaukee County.

b. IMPACT

The Center negotiated an agreement with IMPACT, the agency that administers the alcohol assessment for persons convicted of Operating While Intoxicated (OWI) in Milwaukee County, to allow persons to pay

the \$225.00 fee in four payments, receive the assessment and driver's safety plan after the first payment of \$55.00, and have the license suspension released upon completing the assessment.

c. The Center worked with the Milwaukee County DA's Office and Milwaukee Police Department to enclose an insert that urges Operating After Revocation (OAR) defendants to go to court, listing possible penalties if they do not, and notifying them of the Center's services so they can inquire with court officials about being referred.

**D. Objective Four: Develop a strategy for public policy change to eliminate suspensions and revocations for non-driving offenses and to reinstitute universal driver's education for low-income students.**

1. Successful Legislative Change

The Center's founders worked to change the formula used to determine Habitual Traffic Offender (HTO) status in September 2006, which removed equipment violations, Operating While Suspended (OWS), and Operating After Revocation (OAR) convictions. The WisDOT made a retroactive application of the law change, lifting over 8,000 low-income drivers from HTO status.

2. Current Legislative Policy Initiatives

The Center, in cooperation with the WisDOT worked with Representative Tamara Grigsby and members of the Wisconsin State Senate and Assembly Committees on Transportation to introduce LRB 3225 (yet to be named at the time this report was sent). This measure includes the following provisions, which would make a positive impact on thousands of suspended and revoked drivers who are low-income:

a. Change to Wis. Stat. 343.31(1)(hm)

This provision would allow the courts the discretion to revoke the driver's license of someone who is convicted of four Operating While Suspended (OWS) violations; currently, the WisDOT automatically revokes on the 4<sup>th</sup> OWS conviction.

b. Suspensions would begin at time of eligibility, rather than time of application.

3. Driver's Education for Low-Income Students

The Center has received high-level support from Bureau of Transportation Safety and Wisconsin State Patrol officials as well as key state legislators to restore driver's education for low-income students statewide. The Department of Public Instruction (DPI) is also supportive of the proposal, which is likely to be drafted and introduced in spring 2009.

### **III. Problems Encountered, Unexpected Benefits, or Lessons Learned During the First Nine Months of Operation**

#### **A. Extreme Poverty of Client Population**

Seventy-eight percent of the Center's clients make less than \$1,000 a month and many have dependents. According to the Wisconsin Department of Transportation, failure to pay a fine (FPF) is the single most significant reason for driver's license suspensions and revocations at 41.9 percent.<sup>5</sup> Persons who cannot afford to pay traffic fines are caught in a system that criminalizes poverty.

#### **B. System Barriers, i.e. Court, Legislative, and Administrative Policies**

The process for license reinstatement is complicated and confusing for many low-income individuals, especially in cases where multiple steps are needed in multiple courts where there is little consistency because of judicial independence. Milwaukee and Waukesha counties alone have two separate circuit courts and 37 municipal courts, for a total of over 50 judges. In addition, onerous laws connect the privilege to drive to the ability to pay rather than to ensuring public safety.

Two such barriers are 1) the statutory requirement for expensive SR22 insurance for many revocations that do not result from unsafe driving; and 2) clients' ability to pass the knowledge test once their records are clean without having had formal driver's education. In response to these barriers, 1) the legal staff works to reopen cases in order to remove the SR22 requirement for clients with safe driving records; and 2) the Center has implemented an adult driver's education program for clients who are applying for their license for the first time.

#### **C. Lack of Driver's Education for High School Students**

The Center identified the problem of a lack of driver's education early, as it is creating a pipeline of young suspended and revoked drivers who never have a license in the first place. The primary challenge to this goal is the re-creation of a sustainable revenue source at the state level, which can only be done legislatively, either by act or by budget authorization. Federal funds, such as the National Highway Transportation Safety Administration (NHTSA), cannot be used for this purpose because of laws prohibiting supplanting.

#### **D. Connection to Employment**

Driver's license suspensions and revocations disproportionately affect young men of color, a demographic group that is experiencing record high unemployment numbers in the City of Milwaukee. A valid driver's license has become a soft-skill measurement of reliability by employers, regardless of whether the job requires one to drive. In 2007, a valid driver's license was found to be a more accurate predictor of sustained employment than a General Educational Development (GED) diploma among Workforce Investment Act

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<sup>5</sup> Wisconsin Department of Transportation (2006). Revocations or Suspensions by Reason of Conviction: January-December 2006. [www.wisdot.gov](http://www.wisdot.gov); retrieved on 12/14/07.

(WIA) recipients.<sup>6</sup> In Milwaukee's central city, job seekers outnumber available jobs by an alarming gap of 7 to 1; in fact, 75 percent of the total job openings in the Greater Milwaukee Area are located in the suburbs.<sup>7</sup>

#### **IV. Revised Objectives and Strategies of the Program for the Next 12 Months**

##### **A. Direct Service**

The Center projects that in a one-year period with few staff transitions, a direct service staff of six case managers and 1.5 attorneys will triage 3,000 cases of which 2,200 persons will show up and be eligible; provide 900 "Advice Only" clients with a license recovery plan; provide case management services to 1,300 persons; close 1,100 cases; and recover 605 drivers' licenses for a success rate of 55 percent of total cases closed (See *Figure One*). With continued operational improvements and potential system changes, the Center's direct services will become increasingly more efficient.

##### **B. System Improvements**

The Center will continue to work to 1) gain support for key legislative and administrative improvements; and 2) increase court alternatives such as community service, reasonable payment plans, and tax intercept, to positively impact low-income persons with driving records that do not demonstrate unsafe driving.

##### **C. Driver's Education**

The Center will continue to work with state agencies and the state legislature to reinstate driver's education for students statewide as a cost-effective way to i) improve transportation safety; ii) reduce the number of persons who end up suspended or revoked originating from an Operating Without License (OWL) conviction, therefore directing law enforcement resources to more dangerous traffic offenses; and iii) renormalize the possession of a driver's license at the age of eligibility.

##### **D. Community Education**

The Center will disseminate information to the target client population through social networks and government agencies that emphasizes the importance of responding to traffic citations rather than failing to appear and receiving a default judgment. This strategy will decrease the number people who graduate within the justice system from municipal violations to more serious, sometimes criminal, problems.

##### **E. Fund Development**

The Center will continue to sustain and diversify its funding sources, including the City of Milwaukee; state and federal transportation funding programs; private and public

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<sup>6</sup> Pawasarat, J. and Quinn, L. M. (2007). The (EARN) Early Assessment and Retention Network Model for Effectively Targeting WIA and TANF Resources to Participants. *Employment and Training Institute, University of Wisconsin Milwaukee*.

<sup>7</sup> Employment and Training Institute, University of Wisconsin Milwaukee (2006). An Analysis of Job Openings in the Milwaukee Region: Job Supply and Demand. *Private Industry Council of Milwaukee County*.

foundations;<sup>8</sup> “fee for service” contracts with a number of state agencies and departments (e.g. Wisconsin Works (W2) agencies, Department of Corrections); and area employers. MATC will continue to provide the Center’s office space and equipment as an in-kind contribution.

***Figure One: Objectives and Outcomes***

Reporting Period	Referrals Screened	Clients Admitted	Advice Only; will not likely lead to driving privileges obtained	Case Management (includes Fast Track and Case Management with Legal Services)	Cases Closed/ Caseload Carryover at Year End	Licenses Obtained (success rate)	Full Time Equivalent (FTE) Staff
Projected 2007 (One year)	4,000	4,000	2,000	1,000	Not Projected	800	13
Actual 2007* (Nine Months)	1,991	1,482	731	697	453/290	231 (51 percent)	8
Projected 2008 (One year)	3,000	2,200	900	1,300	1,100/300	605 (55 percent)	11.5

*\*Does not reflect “pending” cases, which have not yet been taken into case management.*

<sup>8</sup> Foundations that have supported the program include the Helen Bader Foundation, Jane Bradley Pettit Foundation, Greater Milwaukee Foundation, Annie E. Casey Foundation, Forest County Potawatomi Community Foundation, and the Patrick and Anna M. Cudahy Fund.