

MANUFACTURING FELONIES

How Driving Became a Felony for People of Color in Georgia





Advancement Project is a multi-racial civil rights organization. Founded by a team of veteran civil rights lawyers in 1999, Advancement Project was created to develop and inspire community-based solutions based on the same high quality legal analysis and public education campaigns that produced the landmark civil rights victories of earlier eras.



GLAHR, Georgia Latino Alliance for Human Rights is a non –profit organization created to help educate and organize Latinos in their own communities with the purpose of increasing community participation in the struggle for human and civil rights, focusing on low income communities without regard to their immigration status.

GLAHR persists on building and fostering collaboration between the leaders and community organizations to advance social justice and the well-being of the immigrant community, at the same time, promoting a healthy integration into their new communities.

MANUFACTURING FELONIES

How Driving Became a Felony for People of Color in Georgia

Executive Summary

While immigration reform has languished in Congress, some states have adopted harsh, undemocratic, and discriminatory laws and policies that seemed designed to criminalize immigrants or push them out of the United States.

This happened in Georgia. In 2007, state legislators began to debate various ways to restrict immigration and passed a bill creating a felony category for driving without a driver's license or on a suspended or revoked license.

In order to better understand how the "felony driving law" has impacted communities in Georgia, the Georgia Latino Alliance for Human Rights (GLAHR) and Advancement Project submitted open records requests in three jurisdictions, Fayette County, Houston County and Roswell City.

We found that the "felony driving law" in Georgia disproportionately impacts communities of color, particularly Latino and African-American drivers. It also carries heavy monetary penalties driving low-income families further into poverty. At a time when the nation is beginning a long overdue conversation on criminal justice reform, the "felony driving law" is a prime example of a state law that must be revisited and eliminated.

An additional concern regarding the "felony driving law" is that it may end up serving as a dragnet by Immigration Customs Enforcement (ICE) to meet its quotas of undocumented immigrants in process of deportation. Local jails and police agencies cooperate with ICE to the detriment of the undocumented immigrant community.

Georgia can and should regulate driving privileges for all of its residents, but creating a harsh criminal penalty is a bad public policy that disproportionately hurts communities of color across the state.

Introduction

For many years, the unresponsiveness of the federal government on immigration reform has led states to push for immigration laws and policies that are often unjust, undemocratic and racially discriminatory.

Georgia is an example of a state that has passed laws that seek to restrict immigration. As far back as 2007, Georgia legislators introduced 20 bills that began to create an environment of fear and intimidation towards immigrant mothers and fathers.²

One of the ways that state's laws and policies limit people's ability to progress in their daily lives is by restricting their capacity to obtain driver's licenses. In the state of Georgia, Senate Bill 350 (herein "felony driving law") made driving without a state issued driver's license a felony. This change allows the police force in that state to use the law as a tool to harass and racially profile communities of color.

Although the original intent of the "felony driving law" was to discharge immigration by undocumented immigrants in the state, in practice it has significantly impacted other communities of color, especially African Americans. In 2008, after a sheriff's deputy from Cobb County was killed in a traffic accident involving two undocumented immigrants, legislators stated that a law criminalizing driving by immigrants was necessary for the state of Georgia. In addition to making driving without a state-issued license a felony, the "felony driving law" also imposes hefty monetary penalties of \$500 to \$1,000 for initial violations and increases with subsequent tickets.

An additional concern regarding the "felony driving law" is that it may end up serving as a dragnet by Immigration Customs Enforcement (ICE) to meet its quotas of undocumented immigrants in the process of being deported.

Instead of promoting laws and policies that criminalize immigrant mothers and fathers, and other communities of color, for minor infractions like driving without a driver's license, the state of Georgia should pass driver's license legislation that allows all state residents to obtain driver's licenses. This would ensure that all drivers fully comply with the respective safety and insurance requirements. In lieu of this common sense solution, driving without a driver's license should be a considered low-level infraction and not a felony.

In order to get a better understanding of how the "felony driving law" has impacted communities in Georgia, the Georgia Latino Alliance for Human Rights (GLAHR) and Advancement Project submitted open records requests in three jurisdictions, Fayette County, Houston County and Roswell City. These jurisdictions were chosen based on the number of calls that GLAHR had received from these jurisdictions on a toll-free hotline.

Rodrigo and Claudia Are Criminalized

"No me voy a dormir sin mi papá" (I am not going to bed without my dad), the five-year-old tells her mother, Claudia Meráz, as she continues to question why she has not seen her father in over three months.

When Rodrigo started his probation, it seemed as though everything was spiraling out of control in Claudia's life; a cyst was detected on her throat, her sister's trailer was set on fire and her daughter was put on medication. Claudia had no strength to look into her daughter's eyes and tell her that her dad was going to be behind bars for four consecutive months because he lacked proper identification while driving. Claudia, overwhelmed with all the sudden events in her life, had no choice but to lie to her daughter and tell her that he was away on a work project.

Rodrigo was on his way to work with his brother-in-law, Luis, when they were pulled over by a police officer. Rodrigo's only form of identification was his passport, which the officer refused to accept. The officer would only accept a valid driver's license, something Rodrigo could not obtain due to his undocumented status. The officer then proceeded to give Rodrigo three tickets; failure to signal (a charge that Rodrigo disputed), broken brake light and driving without a license. In addition, the officer warned Rodrigo that if he saw him again, he would be put on probation for four months.

Despite only receiving a warning, Rodrigo was required to complete a four-month probation in jail. The "felony driving law" is a draconian policy has impacted vulnerable communities in Georgia; the Meráz family is only one example indicative of what individuals and families endure in Georgia.

We have found:

1. The “felony driving law” has an unreasonable and adverse impact both African-American and Latino³ communities. In Fayette County, both communities are disproportionately impacted. In Roswell City, Latinos are impacted disproportionately and in Houston County, African Americans are disproportionately impacted.
2. People who receive tickets under the driver’s license law must pay significant fees and fines that far exceed the severity of the infraction.
3. Immigrant communities are increasingly wary of local police officers during traffic stops, desperately seeking to avoid all possible interactions with police, even if and when they are in danger.
4. Where immigration is concerned, federal law enforcement cooperation with local police often leads to the unjust detention and deportation of law-abiding immigrants and impacting families.

The Felony Driving Law

Undocumented immigrants in Georgia cannot obtain driver’s licenses.⁴ If all residents of the state of Georgia could obtain driver’s licenses, we could safely assume that undocumented immigrants who are currently barred from obtaining the document would make every attempt to obtain a driver’s license. The state can and should regulate the ability of people to drive by issuing licenses. However, it should not create a felony category for a non-violent act when most individuals must drive cars out of necessity.

Passed in May 2008, SB 350 amended Georgia Code § 40-5-21, making it a felony to drive without a license or to drive with a suspended license upon the fourth conviction within a five year period. The law states that, “such person shall be guilty of a felony and shall be punished by imprisonment for not less than one year.” A fine may also be assessed, ranging between \$2,500 and \$5,000. This law also makes it mandatory for any traffic court to report the “name and any other identifying information of any individual convicted of driving without a license.”

In addition, SB 350 requires fingerprints be taken upon conviction and sent to the Georgia Crime Information Center. Finally, the law mandates that when a person

Hotline Findings

Families call GLAHR’s toll-free number to provide information and obtain assistance on the stop, arrest and whereabouts of the individual who was driving at the time of the arrest or who was otherwise arrested by Immigration Customs Enforcement (ICE). In the past two years, GLAHR has seen an increase in cases of individuals who have misdemeanor and felony convictions for driving without a driver’s license, and no other criminal convictions, who have been arrested by Immigration Customs Enforcement (ICE) even after they have served their jail sentence and paid all traffic and other fines.

The hotline has been invaluable in gathering information about the frequency and types of traffic stops the Latino community has faced in the past several years. The reasons for the police stop, ticket and arrests that police officers cite on tickets vary and include: failure to maintain lane, no headlight, failure to stop, no signal, failure to obey traffic device, following too close, lack of brake light, tinted windows and accidents.

One woman who called the hotline shared that her husband was arrested for driving without a driver’s license and no other criminal history. His arrest resulted in deportation, leaving behind his spouse and three U.S. citizen children.

is convicted of driving without a license, the nationality of such individual should be ascertained “by all reasonable efforts.” This type of restriction of driving appears to fit the model of an attrition strategy⁵ used in a number of other states across the country and promoted by a number of extremist nativist organizations.⁶

At the time of debate, opponents of the legislation drew attention to the detrimental impact SB 350 would have in terms of criminal justice. Senator Emmanuel Jones specifically asked whether or not it was wise to create a new felony when Georgia was “already leading the nation in the incarceration rate per capita.”⁷ According to the Bureau of Justice Statistics, in 2013 Georgia had the fifth largest incarceration rate in the nation.⁸

History of Viewing Communities of Color as Sources of Revenue

The role of law enforcement agents in the collection of revenue recently made national headlines with the U.S. Department of Justice's report on the events that took place in Ferguson, Mo. after the police killing of Michael Brown. The Department of Justice report⁹ on Ferguson noted that police see African Americans "less as a constituency to be protected than as actual offenders and sources of revenue."

National studies point to the link between fines and fees and the increase in incarceration rates. As the cost of incarceration at the state and local level rises, it seems a number of states and localities have relied on fees and fines to cover the increase cost of incarceration.¹⁰ The U.S. Department of Justice has also weighed in on the issue of monetary penalties and issued a resource guide on the assessment and enforcement of fines and fees.¹¹

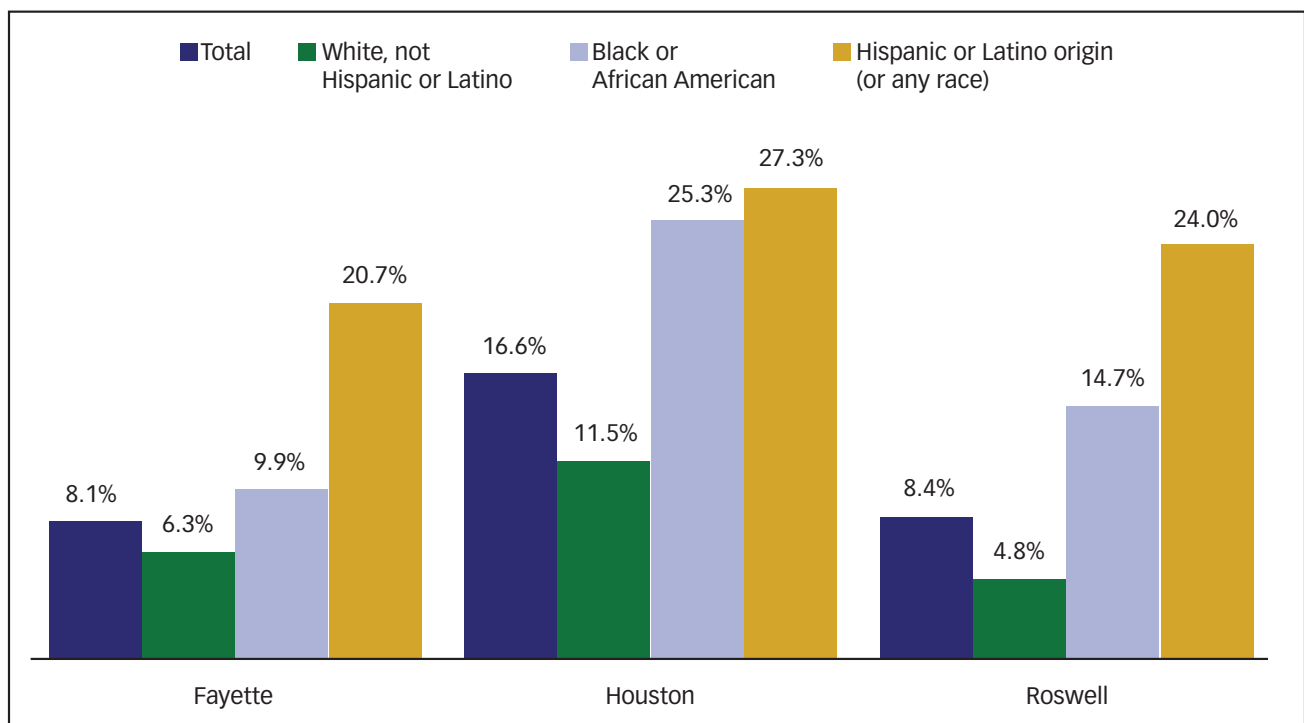
Informal interviews and hotline intake forms of multiple individuals across Georgia, who have been targeted by law enforcement agents and police officers, provide evidence of the focus on drivers of color through traffic stops. These individuals also feel as if they are "sources of revenue" for their local jurisdictions.

Advancement Project requested Fayette County, Houston County and Roswell City to provide information regarding the amount of revenue collected through the enforcement of the "felony driving law." Only Houston County responded that in a four-year period it collected a total of \$6 million.

While Fayette County and Roswell City did not produce data on the amount of money collected from fees for driving without a license or on a suspended or revoked license, data on the number of arrests show disproportionately high numbers of arrest of both Latino and African-American motorists. Due to the fact that the penalties increase with every additional violation of the law, both Latinos and African Americans are likely pay a higher portion of the monthly revenues from those traffic citations. For example, in Fayette County, accruing four traffic citations for driving a vehicle without a license over one or two year period can tally up to \$9,379¹² in fines, fees and bond payments.

Most of the families GLAHR works with have yearly incomes between \$15,000 and \$34,000, enough to meet their basic daily needs depending on the size of their family. Paying for the fines, fees and bond stipulated by this unjust "felony driving law" creates significant hardship for most working class individuals. For a family of four, making those payments can make the difference

Table 2: Percentage of Population Below Poverty Level, 2014¹³



between falling into poverty or barely staying afloat. As table 2 below shows, Fayette, Houston and Roswell counties have disproportionately higher rates of poverty among African-American and Latino families, and the evidence indicates not only that they are the ones more likely to be targeted for traffic violations, but they are also the ones who would suffer more significantly from having to pay for such violations.

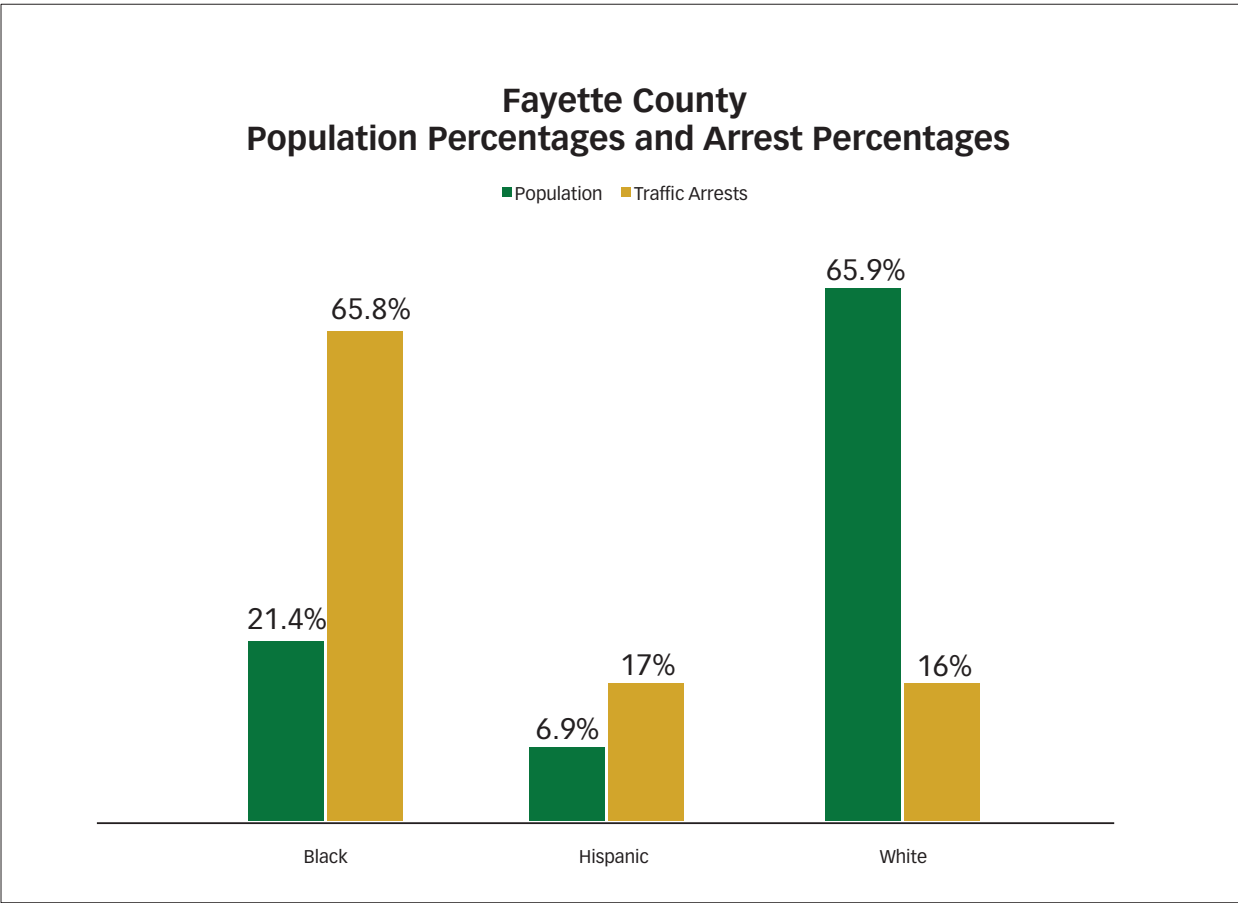
Number of Traffic Arrests By County

The information obtained lists arrests made from June 2011 through June 2015 for driving without a driver’s license or driving while on a suspended or revoked license. The data¹⁴ show that both African-American and Latino drivers are disproportionately impacted by the “felony driving law” considering their minority status in

the overall population. Yet, the data shows only the tip of the iceberg because it does not capture how many drivers were ticketed and fined but not arrested under the “felony driving law.”

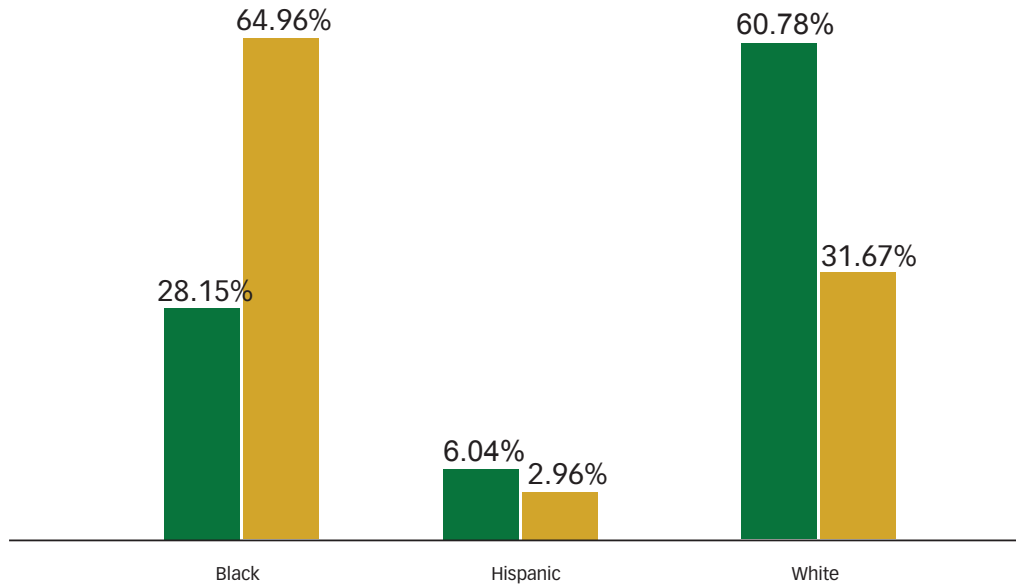
Fayette County

When looking at the numbers of arrests through the enforcement of the “felony driving law” as a proportion of the population by race, we find that Fayette County shows disproportionality high numbers for African-American and Latino arrests; while African Americans and Latinos represent 21.4 percent and 6.9 percent of the county population respectively, they account for 65.8 percent and 17 percent of all traffic violations, respectively.



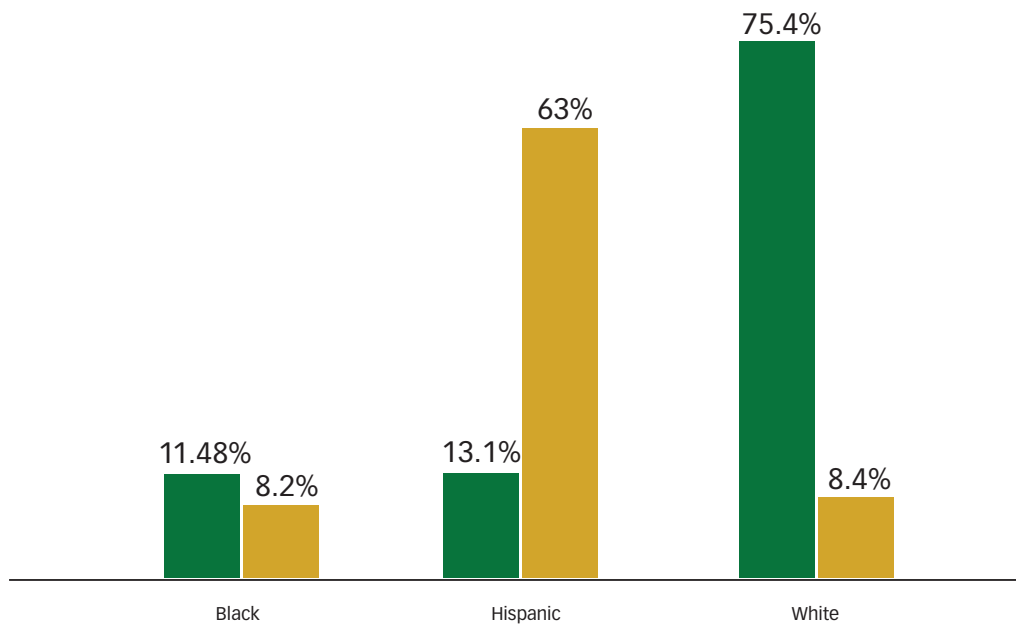
Houston County Population Percentages and Arrest Percentages

■ Population ■ Traffic Arrests



Roswell City Population Percentages and Arrest Percentages

■ Population ■ Traffic Arrests



Houston County

The data in Houston county shows a large percentage of African Americans are arrested under the “felony driving law,” almost 56 percent, when compared to overall population, 28 percent. A challenge with the data in Houston is the county does not maintain data on Hispanic drivers. Advancement Project had to ascertain Hispanic arrests by reviewing the driver’s surname, which may have undercounted Hispanic arrest.

Roswell City

The data in Roswell City, just north of Atlanta, shows a significant disproportionate rate of arrests for Latinos, 63 percent, in relation to their population, 13 percent. This rate of arrest for Latinos in Roswell mirrors the information gathered by GLAHR’s hotline. There are a number of reports of police checkpoints outside of neighborhoods that are predominantly Latino which may account for the large portion of Latino drivers arrested under the “felony driving law.”

Criminalization, Prosecution, and Lack of Discretion

Senator Jones’ warning of the criminalization of individuals in Georgia during the original legislative debate has unfortunately become reality. In 2011 GLAHR began to receive calls from drivers who had accumulated two or three traffic citations for driving without a license and were being arrested. As more and more calls came in, it became clear: People in Georgia were being criminalized for the simple act of driving.

The legislative record, by way of legislator testimony, at the time of debate of the “felony driving law” touched on the issue of prosecutorial discretion. Senator Adelman noted his concern with a lack of possible judicial discretion when it came to sentencing. Senator Wiles mentioned that the prosecutor would have discretion in charging individuals with felonies upon the fourth violation of the law. At the time he expressed “trust in the elected prosecutor and elected superior judge to exercise discretion.”¹⁵

However, the cases that GLAHR documented point to increased criminalization and little use of prosecutorial discretion. As has been borne out in Ferguson and other communities, discretion appears to lack in the charging and sentencing of people of color.

The data we compiled for this report did not clearly show that prosecutors and judges use race as a factor when charging and prosecuting individuals under the “felony driving law.” However, recent studies on sentencing and discretion show that racial disparities in charging decisions and bail setting are a major issue in Georgia.¹⁶

GLAHR has been able to document several cases of individuals whose sentences point to a lack of discretion considering the fact that their violation was a traffic conviction that did not lead to any bodily or property harm.

Laura Perez:

Laura was arrested in 2014 for driving without a license. This was her second arrest for this same reason. She was charged with a fine of \$1320, sentenced to 10 days in jail, and 1 year of probation.

Ignacio Portillo:

Ignacio was arrested in 2015 for driving without a license; this was his second time being arrested for the same reason. He was charged with a \$1600 fine and another \$600 for probation. He was sentenced to 5 weeks in jail, from Friday to Sunday¹⁷, and one year of probation. He says he was forced to work in jail on projects, or jobs that required protection which was never provided.

Consequences: Fear and a Lack of Safety

Due to racially profiling and implicit and explicit bias, people of color often come into contact with police officers through traffic stops.¹⁸ As such, laws like the “felony driving law” create fear. When communities of color are disproportionately impacted by a particular traffic law and feel targeted, those communities begin to fear law enforcement instead of seeing law enforcement as leaders committed to protect and serve all people.

In the Latino community, the frequency and intensity of police encounters have led to a significant fear amongst communities who feel harassed by police officers waiting outside of residential areas for people conducting their everyday driving, like commuting to work or taking their children to a doctor’s appointment. In one instance in Fayette County, a Latino man, Julio,

was driving his three daughters to the store when an armed man walked up to his car and demanded his money. The oldest of the daughters picked up the phone to call the police and the assailant ran away. When the police arrived at the scene of the crime, the police officer asked the Julio for his driver's license. When Julio could not provide a driver's license, the police officer handcuffed Julio in front of his daughters and arrested him. The three girls were left stranded on the side of the road to fend for themselves. Rather than seeing their job as to protect Julio, the police arrested him. There are countless stories like this one, pointing to a complete lack of discretion and create dangerous situations for families.

The Federal Government Uses Manufactured Felonies to Separate Families

Over the past year, GLAHR has received numerous calls from individuals who have been picked up by Immigration Customs Enforcement (ICE) at their homes who are not enforcement priorities under the Apprehension, Detention and Removal of Undocumented Immigrants memo dated November 20, 2014. In fact, from the description of cases that GLAHR has received, Atlanta ICE office sometimes misinterprets the memo and detains individuals with driver's license convictions. There have been cases of individuals placed in deportation proceedings that only have driver's license violations.

Julio Hernandez arrived in the U.S. in 1996 seeking better opportunities. After living and working in Georgia for a number of years, he began to accrue tickets for driving without a driver's license. Most of the traffic stops were as a result of checkpoints in his community. In 2015, he was sentenced with a felony for driving without a license under the "felony driving law." At his sentencing hearing, he was given probation and a sentence of three months in jail. Four days before the end of probation, ICE went to his house to arrest him. He spent 17 days in ICE custody and was released on \$4,000 bond. Julio has never committed a violent crime, has no prior order of deportation, has two U.S. citizen children (ages 10 and 12), and is the care provider for his wife, who is unable to work because she suffered a stroke three years ago.

In some cases, and after advocacy on behalf of individuals, they were released pending resolution of their immigration case in court.

In the past several years, it has become clear that the reason for the aggressive measures to detain and deport immigrants who have not committed crimes has to do with quotas or "targets" set by ICE.¹⁹ The federal government sets a bed mandate or detention quota of 34,000²⁰ detained immigrants per year. No other law enforcement agency sets quotas in this way. There is a profit incentive for immigrant detention because nine of the ten largest detention centers in the U.S. are privately run facilities.²¹ This means privately run corporations are profiting from criminalizing and separating families.²²

Additionally, under Section 287(g) of the Immigration and Nationality Act, the Department of Homeland Security (DHS) may deputize selected state and local law enforcement officers to perform the functions of federal immigration agents. In Georgia, the sheriffs in Cobb, Gwinnet, Hall, and Whitfield Counties have memorandums of understanding with ICE²³ to enforce immigration laws in their jails. This program creates another pathway for the criminal justice system to trap drivers and funnel them into the deportation process.

Since traffic infractions lead to some of the highest levels of stopping and arresting individuals who may have the "appearance of being undocumented," it is no surprise that ICE works with departments of motor vehicles to find undocumented drivers. The American Civil Liberties Union (ACLU) discovered, through a Freedom of Information Act (see appendix), that DHS relies on local police agencies and a "DMV Project." In part, it states that "several sheriffs in the area (Atlanta) have gone out of their way to make ERO (Enforcement Removal Operations) leadership aware of their enthusiasm for this "resident officer" program." The documents go on to say, "Proactive teams in these locations have the potential to provide for a large boost in criminal arrests.

Additionally, the Criminal Alien Project (CAP) has been used by ICE to cast a wide net of individuals who have not committed crimes but are in jail for minor infractions. In a report, Enforcement Overdrive²⁴, A Comprehensive Assessment of ICE's Criminal Alien Program, the American Immigration Council provides a thorough look at the ways in which ICE works with jails and the criminal justice system. This program received

a Congressional appropriation of \$322.4 million in FY2015 and seeks out any individual brought into the jails regardless of whether that person is convicted of any crime. The report points to the fact that Georgia is the state with the 6th highest CAP arrests in the country in FY 2013, higher than Illinois or New Jersey, states that have almost double the noncitizen populations of the state of Georgia.²⁵ Nationally, 27.4 percent of those deported had a classification of not “definite criminals” and 20 percent of those removed were individuals whose most serious criminal conviction were traffic offenses.²⁶

The passage and implementation of the “felony driving law” in Georgia, the prosecution and harsh sentencing, the enthusiasm of the sheriffs to cooperate with ICE to deport mothers and fathers, and the CAP program all point to a concerted effort by local, state and federal policy makers and law enforcement agencies to target immigrants. The participation of all levels of government have created a system in which a driver in Georgia who is perceived as being undocumented is targeted and funneled into the criminal justice system and ultimately unjustly detained and deported.

Conclusion

The “felony driving law” in Georgia is disproportionately impacting communities of color, particularly Latino and African American drivers. At a time when the nation is beginning a long overdue conversation on criminal justice reform, the felony driving law is a prime example of a state law that must be revisited and eliminated. It unfairly ensnares communities of color in the criminal justice system, and levies severe monetary penalties and sentencing mandates on these communities. People living and working in Georgia should not be jailed for months for not being able to obtain a driver’s license as a result of Congress’ refusal to create a fair pathway to citizenship. The harsh and severe sentences hurt families and ultimately entire communities in Georgia. The enforcement of the law creates fear for individuals who have no choice but to drive in order to get to work, school or health appointments.

Due to Congress’ consistent overfunding of the federal immigration enforcement complex²⁷ and policies that incentivize local police to separate families, federal agents have created a system in which local jails target individuals for daily necessities, such as driving to work. The use of these systems to cast a large and extensive web to trap people who have not committed crimes is morally reprehensible and bad public policy.

Recommendations

1. Local sheriffs must incorporate community policing practices with their jurisdictions, cease to racially profile communities of color and use their discretion in stopping individuals and issuing tickets for minor traffic infractions
2. The Georgia Legislature must overturn SB350, particularly in light of the significant racial disproportionality in the enforcement of the law
3. Georgia must pass a bill establishing driver’s licenses for all in order to create safe driving conditions for all individuals in the state
4. Georgia must decriminalize driving without a driver’s license or on a suspended or revoked license
5. The U.S Department of Justice should conduct a pattern and practice investigation of traffic violations based on the biased and discriminatory policing practices in Georgia
6. The Department of Homeland Security must stop separating families and apply prosecutorial discretion to those who do are placed in immigrant detention
7. Local police agencies must end programs like the 287 g) program and other collaboration with ICE and DHS

Appendix

Law Enforcement Sensitive – For Official Use Only



U.S. Immigration
and Customs
Enforcement

April 18, 2012

ERO Atlanta Field Office: *Prospective Criminal Apprehension Initiatives*

Dalton / Whitfield Resident Officer:

During FY11, the Atlanta Fugitive Operations Program initiated a trial program in which one Deportation Officer was co-located with the Dalton Homeland Security Investigations (HSI) Resident Agent in Charge (RAC) Office and the Whitfield 287(g) program. The expectation of this program was that the Officer would work with ICE assets in the area and develop new relationships with local law enforcement agencies in northwest Georgia in order to identify and arrest aliens who fall under the Fugitive Operations Tier Priorities and the Director's Civil Priorities. This program had success well beyond the initial expectations. With the assistance of an Immigration Enforcement Agent (IEA) assigned to Fugitive Operations, the Officer recorded 266 arrests. Several of these arrests were particularly significant in nature, and many of the cases may not have come to the attention of ICE enforcement had the Officer not been present and developed strong ties with the local agencies. Several sheriffs in the region have gone out of their way to make ERO leadership aware of their enthusiasm for this "resident officer" program. This small experiment continues to benefit ERO statistically and has enhanced our reputation with law enforcement and the local community in Northwest Georgia. We believe that this experiment could be replicated by placing one or two dedicated officers at the North Georgia Detention Center to work within the surrounding area. Areas like Columbus, Augusta and Savannah, GA we feel would also have the same results. Proactive teams in these locations have the potential to provide a large boost in overall criminal arrests. This is a program that requires a minimal manpower investment on our part with the potential for a large increase in arrests. Potential additional arrests are 700-1000, with a total of 8-10 officers to process.

DMV Project:

The Atlanta Field Office will reach out to the Georgia Drivers Services Investigators to determine if a photo scrub for duplicate photos with different biographic information on file can be conducted. The Atlanta Field Office will also attempt gain access to any temporary driver licenses issued to foreign born applicants for possible leads.

US Marshals Southeast Regional Fugitive Taskforce (SERFTF):

The Atlanta Field Office currently has one officer assigned to the US Marshals Southeast Regional Fugitive Taskforce (SERFTF). Since the assignment of the officer, he has participated in approximately eighty (80) ICE related arrests. Many of these cases are egregious criminals

(Endnotes)

- 1 State Laws Relating to Immigration and Immigrants, NAT'L CONFERENCE OF STATE LEGISLATURES (Feb. 16, 2016), <http://www.ncsl.org/research/immigration/state-laws-related-to-immigration-and-immigrants.aspx>
- 2 2007 Enacted State Legislation Related to Immigrants and Immigration, NAT'L CONFERENCE OF STATE LEGISLATURES, (July 31, 2008) <http://www.ncsl.org/print/immig/2007immigrationfinal.aspx>
- 3 Latino and Hispanic will be used interchangeably in this report. The term Hispanic is often used by government on census documents. The term Latino or Latina is more often used by community members who self-identify as coming from Latin America.
- 4 California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, New Mexico, Nevada, Utah, Vermont, Washington and the District of Columbia have access to driver's licenses for undocumented immigrants. See, Gilberto Mendoza, States Offering Driver's Licenses to Immigrants, NAT'L CONFERENCE OF STATE LEGISLATURES (July 8, 2015), available at <http://www.ncsl.org/research/immigration/states-offering-driver-s-licenses-to-immigrants.aspx>.
- 5 Numbers USA describes attrition in this way:

"There is no need for taxpayers to watch the government spend billions of dollars to round up and deport illegal aliens; they will buy their own bus or plane tickets back home if they can no longer earn a living here." How 'Attrition Through Enforcement' Works, NUMBERSUSA (Jun. 20, 2008) <https://www.numbersusa.com/content/learn/issues/american-workers/how-attrition-through-enforcement-works.html>.
- 6 Organizations like the Dustin Inman society subscribe to beliefs that the Southern Poverty Law Center has labelled as "nativist extremist" groups. Active 'Native Extremist' Groups in the United States, SOUTHERN POVERTY LAW CENTER (Feb. 17, 2016), <https://www.splcenter.org/fighting-hate/intelligence-report/2016/active-nativist-extremist-groups-united-states>. Amongst other false statements, the Dustin Inman Society states that "licenses become 'breeder documents' which allow the recipient to obtain additional documents, based upon the false premise that he is a U.S. citizen." Drivers [sic] Licenses for illegal aliens, THE DUSTIN INMAN SOCIETY, http://www.thedustininmansociety.org/issues/drivers_licenses.html (last visited Feb. 24, 2016). There is, in fact no right or benefit that is granted by a driver's license except that of driving a vehicle and in some instances proof of residence. NumbersUSA, along with the Federation for American Immigration Reform (FAIR) and the Center for Immigration Studies (CIS), was founded by John Tanton. Tanton, who the Southern Poverty law center identifies as an anti-immigrant extremist, has stated that "for European-American society and culture to persist requires a European-American majority." John Tanton, SOUTHERN POVERTY LAW CENTER, <https://www.splcenter.org/fighting-hate/extremist-files/individual/john-tanton> (last visited Feb. 24, 2016). A summary of Tanton's life and work can be found in ALFREDO GUTIERREZ, AGAINST HOPE: HOW AMERICAN HAS FAILED ITS IMMIGRANTS: A PERSONAL HISTORY 194-5 (2013).
- 7 Legislative Review, DRIVERS' LICENSES; REQUIREMENT; DRIVING WHILE LICENSE SUSPENDED/REVOKED, 2008 GA. ST. U. L. REV. 191 (2008).
- 8 BUREAU OF JUSTICE STATISTICS, U.S. DEPARTMENT OF JUSTICE, CORRECTIONAL POPULATIONS IN THE UNITED STATES IN 2013 (2014), <http://www.bjs.gov/content/pub/pdf/cpus13.pdf>.
- 9 U.S. DEPARTMENT OF JUSTICE, INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT (2015), available at http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.
- 10 FINES, FEES, AND BAIL: PAYMENTS IN THE CRIMINAL JUSTICE SYSTEM THAT DISPROPORTIONATELY IMPACT THE POOR, Council of Economic Advisers Issue Brief (Dec. 2015), available at https://www.whitehouse.gov/sites/default/files/page/files/1215_cea_fine_fee_bail_issue_brief.pdf
- 11 RESOURCE GUIDE: REFORMING THE ASSESSMENT AND ENFORCEMENT OF FINES AND FEES, Office of Justice Programs of the U.S. Department of Justice, available at https://www.ojpdiagnosticcenter.org/sites/default/files/custom_content/documents/fines_and_fees_resource_guide.pdf

- 12 This number is based on the costs described by individuals calling into the GLAHR hotline from this county
- 13 U.S. Census Bureau, Poverty Status in the Past 12 Months, 2010-2014 American Community Survey 5-Year Estimates, AMERICAN FACTFINDER (Feb. 24, 2016), http://factfinder.census.gov/bkmk/table/1.0/en/ACS/14_5YR/S1701/0500000US13113|0500000US13153|1600000US1367284.
- 14 The population numbers in the tables are estimates of the driver population derived from the U.S. Census Bureau data. Because the legal driving age in Georgia is 16 and the data only included age ranges, estimates of the population 16 and over were calculated by adding a portion of the 15–19 year old population to the population over 20. Data addressing the number of traffic arrests comes as a result of the Open Records Request the Advancement Project did to the individual counties. The response from the County Officials yielded the results in raw numbers, in which the percentages were calculated accordingly. The population information was gathered from the U.S. Census Bureau Population Estimates.
- 15 Legislative Review, *supra* note 7
- 16 JUSTICE ON TRIAL: RACIAL DISPARITIES IN THE AMERICAN CRIMINAL JUSTICE SYSTEM, LEADERSHIP CONFERENCE ON CIVIL RIGHTS & LEADERSHIP CONFERENCE EDUCATION FUND, 15 (2000) (citing DAVID COLE, NO EQUAL JUSTICE: RACE AND CLASS IN THE AMERICAN CRIMINAL JUSTICE SYSTEM (1999) at 143), available at <http://www.protectcivilrights.org/pdf/reports/justice.pdf>.
- 17 Community members face different penalties of jail time, including spending two to three days in jail per week for a number of weeks or months.
- 18 Traffic Stops, Bureau of Justice Statistics, <http://www.bjs.gov/index.cfm?ty=tp&tid=702>
- 19 Brad Heath, Immigration tactics aimed at boosting deportations, USA TODAY (Feb. 17, 2013), <http://www.usatoday.com/story/news/nation/2013/02/14/immigration-criminal-deportation-targets/1919737/> (citing internal U.S. Immigration and Customs Enforcement e-mails that set quotas (available at <http://www.documentcloud.org/documents/603861-ice-documents.html>)).
- 20 Department of Homeland Security’s Appropriations Act stating, “funding made available under this heading shall maintain a level of not less than 33,400 detention beds.” The quota was then increased to 34,000 in 2013, H.R. 240, 114th Cong. (2015) available at <https://www.congress.gov/114/plaws/publ4/PLAW-114publ4.pdf>
- 21 Bethany Carson & Eleana Diaz. Payoff: how congress Ensures Private Prison Profit with an Immigrant Detention Quota, GRASSROOTS LEADERSHIP (April 2015), <http://grassrootsleadership.org/reports/payoff-how-congress-ensures-private-prison-profit-immigrant-detention-quota#1>.
- 22 A number of reports and studies point to the influence that the for-profit prison companies have on the policies that are promoted at the federal level on immigrant detention. For example, The Influence of the Private Prison Industry in the Immigration Detention Business (May 2011) available at <http://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Private%20Prison%20Influence%20Report.pdf>.
- 23 Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act, U.S. Immigration and Customs Enforcement, <https://www.ice.gov/factsheets/287g> (last visited Feb. 24, 2016).
- 24 GUILLERMO CANTOR ET AL., ENFORCEMENT OVERDRIVE: A COMPREHENSIVE ASSESSMENT OF ICE’S CRIMINAL ALIEN PROGRAM (2015), <http://www.immigrationpolicy.org/special-reports/enforcement-overdrive-comprehensive-assessment-criminal-alien-program>.
- 25 *Id.* at 20
- 26 *Id.* at 11
- 27 FY 2015 Estimate: \$42.015 billion See The President’s FY 2016 Budget, Department of Homeland Security, <https://immigrationforum.org/wp-content/uploads/2015/02/President-FY16DHS-Budget-FINAL.pdf>

Advancement Project
1220 L St. N.W. Suite 850
Washington, DC 20005

GLAHR
7 Dunwoody Park #110
Atlanta, GA 30338

