



# **CHP RECORDS REVEAL A PATTERN OF STOPPING LATINOS TO IMPOUND VEHICLES**

**A Case Study from Fresno County**



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TABLE OF CONTENTS

Introduction ..... 1

**The Caruthers Community’s Experience with CHP Stops. .... 2**

Disparate Rates of Vehicle Impoundment for Latinos ..... 4

    Methodology: “Problematic” Citations Include Those Issued for Driving Without a License  
    and Nothing Else Observable Prior to Stop

    Disparities Remain When Citations with Verbal Warnings or “Probable Cause” Are  
    Excluded

A Couple of Bad Apples: Two Officers Out of 58 Were Responsible for Majority of Problem  
Cases ..... 8

Legal Framework ..... 9

    Anti-Discrimination Law

    Vehicle Code and Constitutional Limits on Impoundment of Vehicles

Burden on Communities ..... 11

Recommendations for Law Enforcement ..... 11

Appendix A: Data Gathered from Citations. .... 13

Appendix B: Total Citations and Impoundments Considered ..... 13

**Appendix C: “Problematic” Citations for Driving Without a License by Race. .... 14**

Appendix D: Comparing Rates for Sole Offense Versus Receiving Warning or Probable  
Cause ..... 14

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## **Introduction**

Racial minorities continue to experience discrimination in their daily lives. In particular, Latinos in California have reported being the subjects of significant racial profiling while behind the wheel. One of the most reported complaints from community members is that Latinos are often pulled over by police and highway patrol for minor traffic offenses or for no offense at all, apparently for the purpose of verifying whether drivers are licensed. These types of traffic stops can lead to the unjustified searches of motorists and their vehicles as well as costly vehicle impoundments for unlicensed drivers.

California has required proof of authorized presence in the United States in order to be issued a state driver's license since 1994. This requirement is set to change with the implementation of AB 60, a law passed in 2013 to allow all qualified California drivers to obtain licenses, regardless of immigration status. However, even current law protects against racial profiling of people suspected to be undocumented, and therefore unlicensed, by prohibiting officers from stopping drivers simply to verify whether they are licensed:

Notwithstanding Section 40300 or any other law, a peace officer shall not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under 16 years of age.

California Vehicle Code §12801.5(e). Using race or ethnicity to target suspected unlicensed drivers also violates equal protection guarantees under both the U.S. and California Constitutions. At a local level, racial profiling alienates communities of color and undermines the effectiveness of local policing and public safety efforts.

Earlier this year, a six-month investigation into the King City Police Department of Monterey County resulted in the arrests of six police officers, including former and acting chiefs of police. The officers were accused of improperly impounding vehicles, storing them for 30 days and selling the vehicles that families could not afford to retrieve for their own profit. According to community members, police took cars from “people who were Hispanic, the majority without papers.”<sup>1</sup> This story is a familiar one to Latinos all over California, including community

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<sup>1</sup> Peter Hecht, “King City police accused of targeting undocumented workers in towing scandal,” *The Sacramento Bee*, March 18 2014, <http://www.sacbee.com/2014/03/18/6245612/king-city-police-accused-of-targeting.html>.

members in Caruthers, California who reached out to the American Friends Service Committee (AFSC) and American Civil Liberties Union of Northern California (ACLU) for help.

As summarized below, the experience of Caruthers residents suggested that something was amiss. California Highway Patrol officers were stopping Latino residents for little or no reason and impounding cars at alarming rates. The data presented here is based on citations the ACLU and AFSC obtained from the California Highway Patrol—citations that show that Latinos were disproportionately affected by vehicle impoundments in Fresno County. We understand that there are different ways to interpret this disparity. Was it attributable to legitimate exercise of law enforcement discretion, on-the-ground realities affecting who has access to driver's licenses, or abusive racial profiling? Our conclusion is that the inability of undocumented Californians to obtain driver's licenses was exploited by two officers in particular, and that these officers were largely responsible for the disparate impact revealed through the citations. The lesson for law enforcement agencies is that training and oversight are needed for *all* patrol officers, because abusive practices by even a small number of officers not only violates the civil rights of those they serve; they are a stain on the whole department. To this end, we have provided detailed recommendations for law enforcement agencies at the conclusion of this report.

### **The Caruthers Community's Experience with CHP Stops**

Caruthers is an unincorporated area of Fresno County that has a total area of two square miles and is home to about 2,500 people, of whom about 60% are Latino. It is largely populated by farmworkers, many of them undocumented. In early 2012, community leaders from Caruthers heard about a joint campaign of the American Civil Liberties Union of Northern California and the American Friends Service Committee called "Safety Matters/Vivir Seguros." The campaign's goals were to limit police practices that target or particularly harm immigrant communities, including racial profiling and excessive vehicle impoundments. Leaders from Caruthers reached out to the ACLU and AFSC to join the campaign because of excessive impoundment practices in their community.

Throughout 2012, ACLU and AFSC attended community meetings and obtained over a dozen individual interviews from community members in Caruthers. During one such meeting, about twenty people commented that they or someone they knew had been pulled over by the California Highway Patrol (CHP) in or near Caruthers on their way home from working in the fields, were not told the reason for the stop (or were given an inaccurate or nonsensical reason), and had their cars impounded when they were unable to produce a driver's license.

Through their interviews with individual community members, ACLU and AFSC found:

- Community members were stopped for minor mechanical violations such as having items hanging from their rearview mirrors and burnt out license plate lights.



- Vehicles were uniformly impounded for a minimum of 30 days, very few people received notice of any tow hearing and many families were unable to pay impoundment fees, resulting in the forfeiture of their property. This created severe hardships for community members, many of whom rely on their vehicle to commute to work and obtain medical services. Several individuals reported losing their jobs as a result of not being able to pay impoundment fees.
- CHP's impoundment practices affirmatively placed community members at risk and left families and individuals stranded miles away from any resources. On one occasion, a young father was cited for "obstructing traffic" because he was driving too slowly and had his car impounded. He, his wife, and his two-week-old baby were left on the side of the road in 100 degree heat even after telling the officer they did not have a way to get home.

Accounts from community members in Caruthers strongly suggested that CHP officers were systematically targeting Latinos for traffic stops in order to identify unlicensed drivers. Some of the factors that supported this conclusion were: the lack of reasonable safety-related reasons for the traffic stops; the prevalence of vehicle impoundments; and reports that multiple CHP patrol cars patrolled this small, predominately-Latino town and environs at the end of the work day.

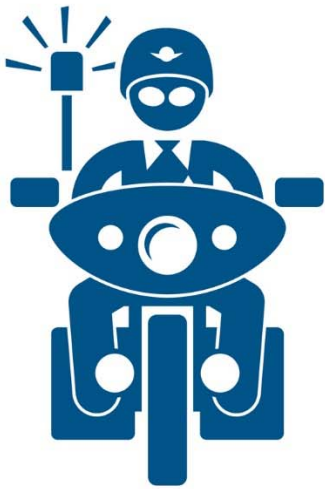


In early December 2012, the ACLU and the AFSC held a press conference and submitted a letter to CHP concerning the vehicle impoundment practices of the agency in the Fresno area. Latino immigrant community members shared information about their personal experiences at the press conference to explain community concerns that these stops were made without reasonable suspicion of any traffic violation. The ACLU and AFSC and community members in Caruthers demanded that the CHP Commissioner conduct an internal audit of local impoundments since 2010 and determine the dates, times and locations of stops, the stated reasons for stops, the offenses cited and the race of the drivers.

They also called upon the CHP to halt 30-day vehicle impoundments in Caruthers and neighboring areas pending resolution of the requested investigation. In order to conduct an independent investigation, ACLU and AFSC submitted a Public Records Act request to the CHP requesting all citations from Fresno County that included Vehicle Code § 12500 (driving without a license) charges and/or resulted in impoundment of a vehicle.

# CITATIONS FOR DRIVING WITHOUT A LICENSE RESULTING IN IMPOUNDMENT

**89%**  
**to Latinos**



**Two bad apples:  
Just two officers gave  
69%**  
**of those citations**

## **Disparate Rates of Vehicle Impoundment for Latinos**

In response to their Public Records Act request, the ACLU and AFSC received about 4,400 citations issued by CHP in Fresno County between January and December 2012.<sup>2</sup> These traffic citations were for stops that either resulted in vehicle impoundment or that included Vehicle Code §12500 (“Unlawfully driving without a license”) as a listed offense, whether or not they resulted in impoundment.<sup>3</sup>

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<sup>2</sup> See Appendix A.

<sup>3</sup> Vehicle Code Section 12500 pertains to the unlawfulness of driving without a license:

Review and analysis of the citations showed:

	Combined Total of Citations Resulting in Impoundment and Citations Issued for Violations of § 12500 (Driving without a License)		All Citations Resulting in Impoundment		§ 12500 (Driving without a License) Citations Not Resulting in Impoundment	
Latino	3,533	(80%)	1,747	(85%)	1,786	(75%)
Non-Latino	907	(20%)	305	(15%)	602	(25%)
<b>Total</b>	<b>4,440</b>	<b>(100%)</b>	<b>2,052</b>	<b>(100%)</b>	<b>2,388</b>	<b>(100%)</b>

- During 2012, the CHP Fresno Area Command issued approximately 4,440 citations where (1) the driver was cited for driving without a license or (2) the stop resulted in vehicle impoundment.
- Of these 4,440 citations considered for this analysis, about 2,050 resulted in impoundment.
- Latinos were issued 85% of the 2,050 citations that resulted in vehicle impoundment for both licensed and unlicensed drivers.<sup>4</sup>
- Taking into account the population of Fresno County, Latinos were almost 5.5 times more likely to have their vehicles impounded by CHP when compared to non-Latino drivers.<sup>5</sup>
- Meanwhile, non-Latinos were almost twice as likely as Latinos to keep their cars—rather than lose them to impoundment—when cited for driving without a license.<sup>6</sup>

**Methodology: “Problematic” Citations Include Those Issued for Driving Without a License and Nothing Else Observable Prior to Stop**

In order to evaluate whether § 12500 citations were issued after a valid traffic stop or if officers seemed to be targeting drivers based on suspected unlicensed status, we separated the citations according to certain criteria:

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12500. (a) A person may not drive a motor vehicle upon a highway, unless the person then holds a valid driver's license issued under this code, except those persons who are expressly exempted under this code.

<sup>4</sup> Latino drivers included people with Spanish surnames, in addition to people who were identified as being Latino on the citations. Citations include a box to indicate race of the driver; officers used “H” to indicate “Hispanic”. We use the term “Latino” to include “H” designation and Spanish surnames.

<sup>5</sup> See Appendix B.

<sup>6</sup> 58% of Latinos who were cited for § 12500 violations had their vehicles impounded, versus only 36% of Non-Latinos, for a ratio of 1.61. See Appendix C.



Included as a problematic <sup>7</sup> § 12500 (driving without a license) citations where driving without a license is the sole or primary offense	Not included as problematic § 12500 (driving without a license) citations due to existence of external justification for traffic stop
<ul style="list-style-type: none"> <li>The citation listed driving without a license as the sole offense</li> </ul>	<ul style="list-style-type: none"> <li>§ 12500 citations accompanied by charges for driving with expired registration documents or tabs</li> </ul>
<ul style="list-style-type: none"> <li>The driver was cited for a <i>non-traffic</i> infraction that could only be determined by a search, such as driving without insurance or possession of a controlled substance</li> </ul>	<ul style="list-style-type: none"> <li>§ 12500 citations that officially included other traffic offenses, such as driving above the designated speed limit or without a seatbelt, for which the driver was also ticketed</li> </ul>
<ul style="list-style-type: none"> <li>The driver was only cited for driving without a license while also given a “verbal warning” for other offenses, such as windshield obstructions or license plate positioning<sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>§ 12500 citations issued following a traffic collision</li> </ul>
<ul style="list-style-type: none"> <li>The CHP listed a “probable cause” for the stop, but did not officially cite the driver for this offense, such as driving without a seatbelt<sup>9</sup></li> </ul>	<ul style="list-style-type: none"> <li>Citations issued as a result of licensed drivers not having a license in his or her immediate possession<sup>10</sup></li> </ul>

Applying these criteria yielded the following figures and categorical breakdown of citations:

	Total Problematic § 12500 (driving without a license) Citations		Problematic § 12500 (driving without a license) Citations Resulting in Impoundment	
Latino	1,379	83%	799	89%
Non-Latino	286	17%	103	11%
<b>Total</b>	<b>1,665</b>	<b>100%</b>	<b>902</b>	<b>100%</b>

According to this data, 1,665 citations were issued where driving without a license was the sole or primary offense listed on the ticket; Latino drivers were issued 83% of these citations.

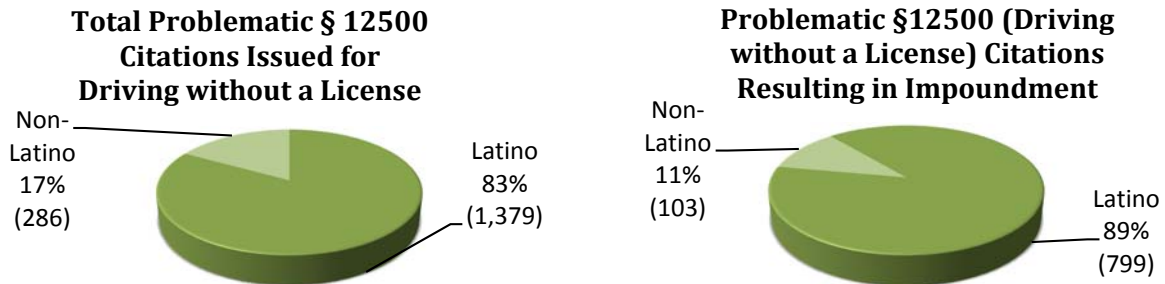
When factoring in vehicle impoundment, Latino drivers were issued 89% of the § 12500 citations resulting in impoundment where driving without a license was the either sole or primary offense. In addition, comparing differences in rates of impoundment between Latino and non-Latino drivers show that Latino drivers were almost twice as likely to have their vehicles

<sup>7</sup> We use the term “problematic” to add clarity to this explanation. The first column’s criteria were applied to try to identify stops that were not justified by factors that would have been observable to the officer prior to the stop.

<sup>8, 9</sup> We separately analyze problematic § 12500 citations excluding citations where “verbal warning” or “probable cause” were noted on the citation in the next section of this report.

<sup>10</sup> Citations for violations of Vehicle Code § 12951, requiring drivers to keep their driver’s licenses in their immediate possession while driving, were not included as “problematic” for purposes of this analysis.

impounded by CHP when cited primarily or solely for driving without a license.<sup>11</sup> Taking into account the demographic data of Fresno County—where Latinos make up 51.2% of the population—these rates are particularly concerning and suggest a pattern of racial profiling or bias against Latino drivers.<sup>12</sup>



### Disparities Remain When Citations with Verbal Warnings or “Probable Case” Are Excluded

Disproportionate impact on Latinos was still shown when we removed citations from the analysis that referenced a verbal warning or the existence of probable cause for a violation that would have been observable prior to the stop as a basis for the stop.

The following chart compares the number of citations where driving without a license was the *sole* violation mentioned on the ticket to the number of citations where a verbal warning was given for another violation or “probable cause” was noted for a separate offense but the driver was only cited for driving without a license.

	Total problematic § 12500 citations (for driving without a license)		§ 12500 citations with driving without a license as the sole violation <i>without</i> warning or “probable cause”	
Latino	1,379	(83%)	791	(82%)
Non-Latino	286	(17%)	176	(18%)
<b>Total</b>	<b>1,665</b>	<b>(100%)</b>	<b>967</b>	<b>(100%)</b>

<sup>11</sup> See Appendix C.

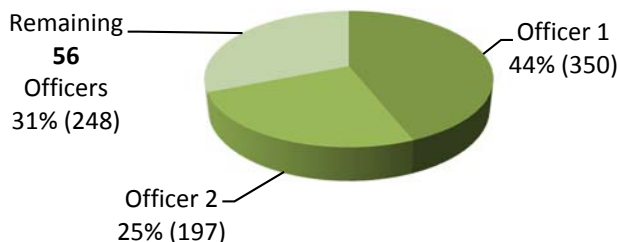
<sup>12</sup> See U.S. Census Bureau. (2012) *State and county Quickfacts: Fresno County, C.A.*, available at <http://quickfacts.census.gov/qfd/states/06/06019.html>. 2010 Census data also show that Latinos are estimated to make up approximately 63.7% of the Caruthers population. Even given their large majority, Latinos receive a disproportionate number of citations for driving without a license and vehicle impoundments. See American Fact Finder, *Race and Hispanic or Latino Origin: 2010, 2010 Census Summary File 1*, available at [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_10\\_SF1\\_QTP3](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_QTP3).

Latino drivers were disproportionately issued these “sole offense” § 12500 citations where no other reasons were specified for the stop besides the unlicensed status of the driver. Based on the information above, Latino drivers were 4.3 times more likely than non-Latino drivers to receive a § 12500 violation as the *sole* offense on the citation without any other infraction, warning or probable cause noted as justification for the stop.<sup>13</sup> Although these disparities do not prove intentional or conscious bias on the part of officers, this data strongly suggests a pattern of differential treatment. As explained below, the fact that two officers account for the vast majority of Latino vehicle impoundments further supports the conclusion that bias—rather than legitimate law enforcement discretion—accounts for the disparity.

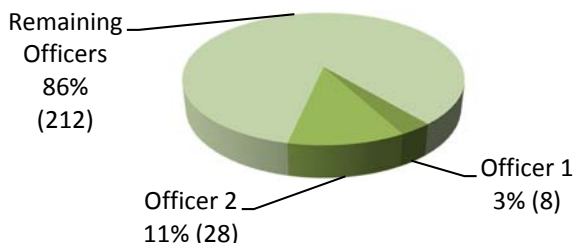
### A Couple of Bad Apples: Two Officers Out of 58 Were Responsible for Majority of Problem Cases

The rates of impoundment for two particular CHP officers highlight the level of abuse that can occur during routine traffic stops and illustrate the need for agency review of individual officers’ actions. Of the 58 officers that impounded vehicles of Latino motorists for driving without a license, 2 officers issued 69% of the total number of these citations, 550 out of 798 citations. When compared to total number of citations issued to non-Latino motorists for driving without a license that resulted in vehicular impoundment, these same officers were responsible for only 14% of the 248 citations issued during 2012.

**% of Problematic §12500 Citations Resulting in Impoundment Issued to Latino Drivers by CHP Officers**



**% of Problematic §12500 Citations Resulting in Impoundment Issued to Non-Latino Drivers by CHP Officers**



When citations from these two officers are removed from the data set, the average number of tickets issued to Latinos for driving without a license resulting in vehicle impoundment was about 4 per year per officer.<sup>14</sup> The two outlier officers considerably exceeded this average, sometimes in the course of a single day.

For example, on February 4, 2012, one of the CHP officers with high Latino

impoundment rates issued six tickets to Latino drivers for driving without a license, all of which

<sup>13</sup> See Appendix D

<sup>14</sup> The remaining 248 citations, divided by 56 officers, results in an average of 4.4 citations leading to impoundment per officer in 2012.

resulted in vehicle impoundment. Only three of these citations provided a written reason as to why the stop took place; the remainder listed driving without a license as the sole offense. All of these drivers were formally ticketed for driving without a license without an accompanying citation for a violation that could have been determined prior to the stop.

Two days later on February 6, the second officer cited five Latino motorists over the course of **three hours** for driving without a license. All of the citations issued by this officer listed ostensible reasons for the stop, including crooked license plates and window obstructions, but the drivers were solely ticketed for driving without a license. Once again, all vehicles were impounded.

The sheer volume of vehicles impounded from Latino drivers from these two officers compared to their impoundments of non-Latino drivers' vehicles, and compared to their fellow officers' rates of impoundment, buttressed by the common community experience of being pulled over for no stated reason and the frequent absence of citations for moving violations in these cases together support a strong inference that these two officers targeted drivers they suspected to be unlicensed in order to impound their vehicles.

In the case of Fresno County, where roughly 50% of the residents are Latino, the high disparity in CHP citations and impoundments for no other reason than driving without a license raises concerns of discriminatory and unfair treatment of Latino residents, the largest ethnic group of the county.<sup>15</sup>

## **Legal Framework**

Our analysis of the CHP's 2012 citations related to vehicle impoundment and unlicensed driving raise several legal issues.

First, while driving without a license is a violation of state law, California Vehicle Code § 14607.6(b) prohibits officers from stopping a vehicle "for the sole reason of determining whether the driver is properly licensed." This is an important protection against exactly what appears to have happened in 2012 in the Caruthers area – targeting drivers based on race or ethnicity to cite unlicensed drivers and impound their vehicles.

### **Anti-Discrimination Law**

Although patrol officers have discretion to stop cars for a wide range of traffic infractions and suspected criminal conduct, sometimes the most plausible explanation for a stop is that the driver or passengers "look" undocumented and may therefore be unlicensed. The fact that Latino drivers were disproportionately ticketed for § 12500 citations without reference to violations that

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<sup>15</sup> Fresno County, located in the Central Valley, has a population of approximately 950,000 people. Latinos represent slightly over one-half of the resident population of Fresno County (51.2%). See U.S. Census Bureau. (2012) *State and county Quickfacts: Fresno County, C.A.*, available at <http://quickfacts.census.gov/qfd/states/06/06019.html>.

were observable prior to a stop is consistent with the community's experience that Latino drivers were often given no reason for traffic stops. This data supports the inference that at least some CHP officers purposefully targeted drivers to check their licenses. The data further supports the inference that officers used Latino race as a proxy for undocumented, and therefore unlicensed, status. See *United States v. Ortiz-Hernandez*, 276 F.Supp. 2d 1113, 1117 (D.Or. 2003) (stop, arrest, and search of a defendant who had nothing incriminating were based at least in part on his race and thus were unlawful, even though direct evidence, such as discriminatory remarks, was absent from the record; and *Lacy v. Villeneuve*, 2005 WL 3116004, \*4 (W.D. Wash. Nov. 21, 2005) (jury could conclude that race was a motivating factor in officer's decision to stop African American plaintiff and prolong her arrest based on officer's assumption that particles discovered in plaintiff's vehicle were crack cocaine, which is disproportionately associated with African Americans). Targeting drivers based on their Latino appearance violates the equal protection guarantees of both the Fourteenth Amendment to the U.S. Constitution and Article I, § 7 of the California Constitution.

### **Vehicle Code and Constitutional Limits on Impoundment of Vehicles**

While not the focus of our data analysis, we know from community members that cars impounded by CHP based on unlicensed driving were impounded—as a rule—for 30 days under Vehicle Code § 14602.6(a)(1).<sup>16</sup> However, there are several limits on the application of that statute—limits that were not followed by the CHP in the Caruthers area in 2012. A 30-day impound is appropriate under § 14602.6(a)(1) only where:

- The driver's license has been suspended or revoked, or the driver has never been issued a license *in any jurisdiction*, AND
- The vehicle was in a collision or the officer arrests the driver.

Vehicle Code § 14602.6(a)(1); *Mateos-Sandoval v. County of Sonoma*, 942 F.Supp.2d 890, 906-07 (2013) (Section 14602.6(a)(1) does not allow 30-day impoundment of vehicle of driver with Mexican driver's license) Op. Atty Gen 12-301 (May 3, 2012) at \*5-\*6 (30-day impound authorized only where one of two conditions of statute—arrest or collision—occurs). Because CHP impounded vehicles for 30 days that were not involved in collisions, whose drivers were not arrested for driving with a suspended or revoked license, and without checking for whether drivers had ever been issued licenses, the impoundments violated state law.

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<sup>16</sup> Vehicle Code § 14602.6(a)(1) provides:

Whenever a peace officer determines that a person was driving a vehicle while his or her driving privilege was suspended or revoked . . . or driving a vehicle without ever having been issued a driver's license, the peace officer may either immediately arrest that person and cause the removal and seizure of that vehicle, or if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle without the necessity of arresting the person in accordance with Chapter 10 (commencing with Section 22650) of Division 11. A vehicle so impounded shall be impounded for 30 days.



It is important to note that the Fourth Amendment's prohibition on unreasonable seizures also places limits on impoundment of vehicles. In particular, vehicles that could be legally and safely parked cannot be seized under the Fourth Amendment's community caretaking doctrine. *Miranda v. City of Cornelius*, 429 F.3d 858, 861, 866 (9th Cir. 2005) (police department's towing of vehicle from registered owner's driveway was unreasonable seizure even though it was authorized by local ordinance and state law.) In Caruthers, community members reported not only that their cars could have been safely and legally parked on the side of the road to be picked up later by a licensed driver, but also that on multiple occasions, CHP officers followed drivers to their homes and impounded vehicles after they were already parked.

## **Burden on Communities**

The loss of a car for 30 days and the resulting impoundment fees as high as \$2,000 can be financially crippling, particularly for many immigrant families struggling in today's economy. Many families are unable to afford the high cost of having a car towed and impounded, even for less than 30 days. In Caruthers and throughout California, families often are forced to forfeit vehicles that are impounded for 30 days because they simply cannot afford to get them out. The loss of a vehicle, whether temporary or permanent, has a devastating impact on individuals and families as wage earners cannot get to work, parents cannot drive their children to school or to the doctor, and basic needs go unmet or require tremendous effort to achieve. In fact, agricultural businesses and contractors supported community efforts to push back against CHP impoundment practices in Caruthers in late 2012. Excessive vehicle impoundments harmed not only individuals and families, but the reliability of the local labor force.

In 2013, Assembly member Luis Alejo successfully sponsored AB 60, creating an opportunity for all eligible drivers in California to obtain driver's licenses regardless of immigration status. AB 60, which becomes effective January 1, 2015, was passed because Californians recognize both that access to driving is essential for much of daily life and that the burdens—including vehicle impoundment—associated with not being able to get a license are both unfair and unnecessary. While we await AB 60's implementation, California's law enforcement agencies can and should mitigate those burdens within the discretion provided by law.

## **Recommendations for Law Enforcement**

Impounding vehicles for unlicensed driving alone serves little safety interest at great cost to individuals, their families, and the communities in which they live and work. Ongoing examples of abusive practices, from the cities of Maywood and Bell in 2009 to King City just this year, as well as the findings from our audit of CHP's Fresno Area Command in 2012, cry out for proactive investigations and policy changes in law enforcement agencies throughout the state. Some departments have already recognized the problem and adopted sensible policies to limit vehicle impoundments. But broader implementation of comprehensive measures to limit abuse are appropriate at this moment, while California awaits implementation of AB 60, which will allow undocumented Californians to obtain driver's licenses for the first time since 1994. With

this context in mind, the ACLU and AFSC make the following recommendations to police departments and sheriffs' offices throughout California, while we will also pursue particular relief from the Fresno Area Command of CHP.<sup>17</sup>

- 1) Train all officers assigned to patrol that state law prohibits stopping a driver for the purpose of determining whether the driver is properly licensed (except where driver appears to be under 16 years old). Vehicle Code § 14607.6(b).
- 2) Train all officers assigned to patrol that state law prohibits 30-day impounds based on driving on a suspended or revoked license or having never been issued a license absent collision or arrest. Vehicle Code § 14602.6(a)(1).
- 3) Limit stops for minor mechanical violations unless there are also moving violations or reasonable suspicion of criminal activity.
- 4) Require officers to report the race or ethnicity of drivers for all traffic stops and on all citations.
- 5) Conduct an audit of citations leading to vehicle impoundment and citations for unlicensed driving under Vehicle Code § 12500 to evaluate whether some or all officers are:
  - a. Issuing citations for unlicensed driving without citations for a truly safety-related offense that would have been observable prior to the stop.
  - b. Impounding vehicles outside the parameters of California law and the Fourth Amendment.
  - c. Impounding vehicles in a manner that disproportionately impacts drivers of color. (If race data is not currently collected by your department, include Spanish surnames in the audit to test for disproportionate impact on Latinos.)
- 6) Adopt and train officers on the following policies:
  - a. Unlicensed drivers should be given an opportunity to secure their vehicles in a safe place or relinquish the vehicle to a licensed driver already on the scene or one who can arrive in a reasonable time before initiating a tow.
  - b. Permit drivers the opportunity to direct a vehicle's tow to the owner's home or other safe location, rather than an impoundment lot.
  - c. As required by the Vehicle Code, provide notice of a tow hearing that offers a fair opportunity for a vehicle owner to present mitigating circumstances to an impartial magistrate in the language the owner speaks and understands.
  - d. Waive or significantly reduce fees if the owner demonstrates financial hardship or significant impact on the owner's household.
  - e. End 30-day vehicle impoundments for anyone who is merely driving while unlicensed, as opposed to driving on a revoked or suspended license.

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<sup>17</sup> The California Attorney General has advised that all police departments have discretion to establish policies that would allow impounded vehicles to be released in less than 30 days under Vehicle Code § 22652(p) in situations where Vehicle Code § 14602.(a)(1) may also apply. 95 Ops. Cal. Atty. Gen. 1, Opinion No. 12-301 (May 3, 2012).

## Appendix A: Data Gathered from Citations

The citations issued by CHP and included in this analysis were divided into two categories: impounds and releases. The following information was collected from each citation:

- Date of offense
- Name of driver
- Location of stop (Fresno County v. Fresno City)
- Vehicle Code Section
- Offense description
- Latino ethnicity (based on ticket identification and name of driver)
- Name and badge number of citing officer
- Whether citation issued was because of a traffic collision

Only citations that were issued between January and December 2012 were considered for analysis. Any citations produced by CHP officers that did not fall within that date range were not reviewed for the above criteria and were excluded from the data.

After collecting the data, they were sorted by parameters, such as the number of citations issued to Latino drivers that resulted in impoundment of their vehicles and the number of § 12500 citations issued by officer.

## Appendix B: Total Citations and Impoundments Considered

The table below compares rates of impoundment for all citations analyzed in this report and also takes into account the demographics and population of Fresno County (Latino v. non-Latino)

	<b>Total of all Citations Resulting in Impoundment and All Citations Issued for Violations of § 12500</b>	<b>All Citations Resulting in Impoundment</b>	<b>§ 12500 Citations Not Resulting in Impoundment</b>	<b>Fresno County Population</b>
<b>Latino</b>	3,533	1,747	1,786	489,099
<b>Non-Latino</b>	907	305	602	466,173
<b>Total</b>	<b>4,440</b>	<b>2052</b>	<b>2388</b>	<b>955,272</b>
<b>Rate at which citations and impoundments were issued (per 100,000 people)</b>				
<b>Latino</b>	722.3	357.2	365.2	
<b>Non-Latino</b>	194.6	65.4	129.1	
<b>Total</b>	464.8	214.8	250.0	

This table shows that Latinos are 5.46 more likely to have their cars impounded than non-Latinos.

### Appendix C: “Problematic” Citations for Driving Without a License by Race

Table comparing rates of impoundment for “problematic” instances of driving without a license (Latino vs. non-Latino drivers). *See footnote 7 above.*

	<b>Problematic § 12500 citations</b>	<b>Problematic §12500 citations resulting in impound</b>	<b>% of Problematic §12500 citations resulting in impound</b>	<b>Fresno County Population</b>
<b>Latino</b>	1379	799	58%	489,099
<b>Non-Latino</b>	286	103	36%	466,173
<b>Total</b>	<b>1665</b>	<b>902</b>	<b>54%</b>	<b>955,272</b>

This table shows that Latinos who are cited for driving without a license (§ 12500) are 1.61 times more likely to have their cars impounded than non-Latinos receiving the same citation.

### Appendix D: Comparing Rates for Sole Offense versus Receiving Warning or Probable Cause

The information below analyses the rate of Latino drivers cited for only driving without a license versus non-Latino drivers

	<b>Problematic § 12500 citations</b>	<b>Driving without a license is sole offense cited and no verbal warning or “probable cause” noted for other infraction</b>	<b>Driving without a license plus verbal warning or “probable cause” for other infraction</b>	<b>Population</b>
<b>Latino</b>	1379	791	588	489,099
<b>Non-Latino</b>	286	176	110	466,173
<b>Total</b>	<b>1665</b>	<b>967</b>	<b>698</b>	<b>955,272</b>
<b>Rate at which § 12500 citations were issued (per 100,000 people)</b>				
<b>Latino</b>	281.9	161.7	120.2	
<b>Non-Latino</b>	61.4	37.8	23.6	
<b>Total</b>	174.3	101.2	73.1	

This table shows that Latinos are 4.3 times more likely than non-Latinos to receive a driving without a license (§ 12500) citation as a sole offense.







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