

ACLU: Traffic-ticket policy by Valley courts unconstitutional

By Pablo Lopez

A court policy of making Valley traffic offenders pay fees upfront in order to challenge a ticket in court is unconstitutional and unfairly impacts low-income residents, the associate director of the American Civil Liberties Union of Northern California said Friday.

In a move to give the public their right to due process, [the ACLU has sent letters to Fresno](#) and seven other counties, reminding them that a person's right to appear in court — even traffic court — should not depend on their ability to pay a fee.

The counties, which include Tulare, Madera and Mariposa, have until May 28 to respond or face possible legal action, said San Francisco attorney Christine P. Sun, the ACLU's associate director.

Sun said the courts' pay-first policy in the eight identified counties violates the "equal protection" clause of the state and federal constitutions, and the practice hits poor people the hardest. "Rich or poor, everyone must have equal access to the court system," she said.

The policy, Sun said, also is slap to the American concept of "innocent until proven guilty."

In preparation for the legal fight, the ACLU has teamed up with the San Francisco law firm of Pillsbury Winthrop Shaw and Pittman LLP.

"Requiring people to pay upfront in order to access the court system is unfair and unconstitutional. But it happens every day in traffic court, with devastating effects," Marley Degner, counsel at Pillsbury Winthrop Shaw Pittman LLP, said in a news release.

Because of the potential litigation, Fresno County courts spokeswoman Sherry Spears said Friday she could not comment.

According to the ACLU, traffic courts in Del Norte, Fresno, Mendocino, Tuolumne, Mariposa, Tulare, Madera and Shasta counties are currently withholding the right to contest a traffic citation until fines and fees for the citation are paid in full.

Sun said the denial of due process in traffic court is causing debt and unemployment — "and it's hurting families, communities, and the state as a whole."

A recent report by the [Lawyers' Committee for Civil Rights](#) and other advocates found that California traffic courts have saddled millions of people with unjust, unpayable fines and fees, and have limit their ability to contest those charges.

The report says the U.S. Department of Justice found that courts and law enforcement in Ferguson, Missouri, are systematically and purposefully taking money from the pockets of poor people — disproportionately from black people — to put into court coffers. "The context may be different in California, but many of the practices are chillingly similar," the report says. "As a result, over four million Californians do not have valid driver's licenses because they cannot afford to pay traffic fines and fees."

That's because a typical traffic ticket in California is nearly \$500, consisting of a base fine of \$100 and several hundreds of dollars of additional fees and penalties that are used to generate revenue for court construction and to help fund night court, the report says.

Because many jobs require a driver's license, the loss of the license can lead to chronic unemployment, damage a family's credit rating and push families into poverty, the report says.

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