

**Report on Impoundment of Vehicles
Driven by Undocumented Immigrants in the City of Santa Barbara
Summary
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In the spring of 2009, the organization PUEBLO requested (under the California Public Records Act) documents relating to vehicle impoundments by the Santa Barbara Police Department. The documents reveal that during 2007, 2008, and the first seven and one half months of 2009 the department issued 2,911 citations to drivers for “driving unlicensed” (CVC Section 12500). (This total does not include a much smaller number of citations for driving with a revoked or suspended license—CVC 14601.) In fact, the number of citations for driving unlicensed exceeds all other traffic citations combined.

In the overwhelming majority of cases, these unlicensed drivers are undocumented immigrants who have been ineligible for California drivers licenses since 1994. In almost every cases, when a driver receives a 12500 citation, the vehicle is impounded for a mandatory 30 days. To recover the vehicle, the owner must pay close to \$2,000 in fees and impoundment charges. Understandably, vehicle impoundments are a majority source of distress in the Latino community and one of the principal sources of distrust of the SBPD.

The data turned over to PUEBLO include hundreds of pages of reports compiled on checkpoints, Saturation Patrols, and Directed Patrols. These cover over 15,000 vehicle stops in which drivers licenses were checked. However, 75% of the 12500 citations are not covered by documents turned over to PUEBLO. The department claims to keep no data on these citations except the citations themselves, and they hold these to be confidential.

The full report was written by Russell Trenholme with cooperation and input from PUEBLO staff and board members. The checkpoint and patrol report sheets were analyzed statistically using eight spreadsheets that tabulate all report data. Here are a few of the highlights of the report:

1. Over 12,000 checkpoint stops provide a good basis for estimating the percentage of unlicensed drivers on the road at night: 1.3% (The percentage of 14601 revoked/suspended drivers was 0.4%)
2. The 1.3% figure is, if anything, high because recently received checkpoint report documents showing checkpoint locations reveal that multiple checkpoints were scheduled in Latino neighborhoods producing not a single DUI arrest but many impoundments (the most productive checkpoint locations in terms of DUI arrests were utilized only once each, involving less than 3% of the total checkpoint stops).
3. The police department and the City Attorney state that only lawful reason for a vehicle stop by a patrol is probable cause of an offense. If the patrol stops were all lawful, then a high rate of 12500 stops on patrol should be reflected in a high rate of observable moving and equipment violations by 12500 unlicensed drivers. But the evidence is strongly against the assumption that all stops were lawful.
4. Saturation Patrols cited unlicensed drivers at a rate of 5.6%, over four times higher than found at checkpoints. However, over half the Saturation Patrols, with 332 stops, did not encounter a single unlicensed driver but gave out 58 citations for moving or equipment violations (at 17% of stops). The remaining patrols had just a

few more stops (370) but had 42 12500 impounds and only 10% of the stops were cited for moving or equipment violations. This contrast does not support the view that the high 12500 stop rate occurred because the unlicensed drivers were committing over four times as many moving and equipment infractions as the average driver.

5. Directed Patrols cited unlicensed drivers at a rate 10 times the rate found at checkpoints, 18.6%. There were 539 impounds for unlicensed driver (12500) offenses. Once again, the modal number of 12500 stops was zero; 22 patrols with 277 stops did not encounter a single unlicensed driver. However, there were another 22 patrols with 184 stops that found unlicensed drivers on half or more of their stops. These very high 12500% patrols had a lower rate of moving and equipment citations than patrols which did not encounter a single unlicensed driver. This again undermines any claim that the poor driving habits of the unlicensed drivers resulted in the high 12500 stop rates.
6. Four Directed Patrol officers had 12500 stop rates of 33%, 34%, 37%, and 48%. These officers had a lower rate of moving and equipment citations than the four officers with the lowest 12500 stop rates. These officers were sent out on Directed Patrol far more often than the officers with the lowest 12500 stop rate.
7. The ratio between unlicensed and suspended/revoked drivers at checkpoint stops was about 3:1. On Directed Patrols the rate increased to 7:1 even though DMV statistics reveal that suspended/revoked drivers are terrible drivers, much worse than unlicensed drivers. This suggests that some officers are targeting unlicensed drivers, perhaps by using the fact that unlicensed immigrant drivers generally drive older, low value vehicles which are otherwise rarely encountered in Santa Barbara.
8. Statistical analysis shows that the distribution curves of 12500 rates per stop are not the normal, bell-shaped curves, that would result if uniform stop procedures were being followed (regardless of whether the procedures only allow lawful stops or not). Instead, the curves are asymmetric, skewed right by a few high 12500% officers. The 12500 stop rates obtained by the high 12500% officers are statistically impossible if uniform stop procedures were in place (even if the true mean value of 12500 was the 18.6% found on Directed Patrols).
9. There is a financial inducement for Directed Patrol officers to impound vehicles since their overtime pay comes from Administrative Fees collected as part of the impoundment process.
10. The reporting process is seriously flawed, reflecting many of the problems criticized by the State Attorney General in his investigative report on the Maywood Police Department. The full report contains suggestions for improved reporting.

All of these matters are discussed at length in the report. Other conclusions are:

1. The department misinterprets the laws authorizing impounds of cars driven by unlicensed drivers. There are two such laws, and each has important exceptions to impound or early vehicle recovery. These exceptions are ignored by the SBPD which, under its mandatory tow policy, impounds almost all cars whose drivers are cited for 12500, unjustly ignoring the important exceptions.
2. The mandatory tow policy conflicts with the opinion of the State Legislative Counsel who states that impounds that ignore the community caretaking doctrine (removing road hazards) are not lawful, regardless of the wording of the state statute. The State Attorney General concurs with this.

3. One of the most important conclusions, based on a detailed analysis of studies published by the DMV and others, is that there is no evidence that undocumented immigrant drivers are dangerous. There is good evidence that revoked/suspended drivers are dangerous, and that unlicensed drivers who are not undocumented immigrants are dangerous drivers (evidenced by studies of unlicensed drivers prior to 1994, when undocumented immigrants were eligible for drivers licenses).

I am not accusing the SBPD of racial or ethnic profiling. I think that unlawfully targeting undocumented immigrants for impounds is the work of a few officers, and many officers do not target. I also believe that the departmental culture (described in the full report) puts such a high value on impoundment that it has become the principal activity of the traffic section, if not of the whole department, thereby diverting scarce resources from crime investigation and prevention, and cracking down on drunk driving.

Copies of the full report, with supporting spreadsheets, are available by emailing me at rtrenholme@gmail.com