

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Linquista White, <i>et al.</i> , <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> Kevin Shwedo, <i>et al.</i> , <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Civil Action No.</p> <p style="text-align: center;">2:19-cv-03083-RMG</p>
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DECLARATION OF PATRICK BROOKS

I, Patrick Brooks, declare as follows:

1. I am the Legal Assistant to Susan Dunn, Legal Director of the ACLU of South Carolina (“ACLU-SC”). I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called to do so.

2. Attached hereto as exhibits are true and accurate copies of the following documents:

<u>Document</u>	<u>Exhibit</u>
ACLU-SC’s Freedom of Information Act (“FOIA”) Request to the South Carolina Department of Motor Vehicles (“DMV”) (Dated November 2, 2018; submitted November 8, 2018).....	A
ACLU-SC’s Follow-up Questions on Prior Aggregate Data Requests to the DMV (April 22, 2019)	B
DMV Letter Response to ACLU-SC’s April 22, 2019 Follow-up Questions (July 30, 2019)	C
DMV Amended Spreadsheet Produced in Response to the ACLU-SC’s April 22, 2019 Follow-up Questions (SR288446 ACLU - Amended) (July 30, 2019)	D
ACLU-SC’s FOIA Request to the DMV (May 2, 2019).....	E
DMV Spreadsheet Produced in Response to the ACLU-SC’s May 2, 2019 FOIA Request (SR316886) (July 3, 2019).....	F

ACLU-SC’s FOIA Request to the DMV (August 5, 2019).....G

DMV Spreadsheet Produced in Response to the ACLU-SC’s August 5, 2019
FOIA Request (SR329087) (August 30, 2019).....H

November 2018 and December 2018 FOIA Requests

3. On November 8, 2018, I submitted by email a request to the South Carolina Department of Motor Vehicles (“DMV”) seeking the total number of people whose South Carolina driver’s licenses were suspended for failure to pay a traffic citation or littering summons as of November 2, 2018 (“November 2018 FOIA Request”). I submitted the November 2018 FOIA Request on behalf of my boss, Susan Dunn, the Legal Director of the ACLU-SC. *See Ex. A.* The request also sought the total number of people whose South Carolina driver’s licenses were suspended for failure to pay a traffic citation or littering summons, as of November 2, 2018, further broken down by: (i) the court or government agency to which the fines and/or fees were owed, (ii) the county in which the individual was ticketed/summoned, and (ii) by the race of the person ticketed. *See id.*

4. On November 30, 2018, Ms. Dunn received a spreadsheet from Lauren Phillips, the DMV’s Chief of Strategic Communications and Community Affairs, in response to the November 2018 FOIA Request, via email.

5. On December 13, 2018, Ms. Dunn submitted by email a request to the DMV seeking records that reflect the racial breakdown of people with South Carolina driver’s licenses suspended for failure to pay a traffic citation or littering summons, broken down further by both the county and zip code in which the ticket or summons was received, as of December 13, 2018 (“December 2018 FOIA Request”). The December 2018 FOIA Request also sought the total number of people whose South Carolina driver’s licenses remain suspended solely because of a

failure to pay the DMV's reinstatement fees, even after resolution of the traffic ticket or littering summons that originally led to suspension for failure to pay, as of December 13, 2018.

6. On February 8, 2019, Ms. Dunn received a spreadsheet from Ms. Phillips, in response to the December 2018 FOIA Request.

April 2019 Request for Clarification

7. On April 22, 2019, I submitted by email a request to the DMV to clarify discrepancies between the DMV's responses to the ACLU-SC's November 2018 FOIA Request and December 2018 FOIA Request ("April 22, 2019 inquiry"). The discrepancies concerned the DMV's responses to the request for the total number of people suspended by the DMV for failure to pay a traffic ticket. *See* Ex. B.

8. On July 30, 2019, Haley Belton, the DMV's Strategic Communications and Community Affairs Coordinator, responded by letter to my April 22, 2019 inquiry into the discrepancies in the information provided by the DMV. *See* Ex. C. In that response, Ms. Belton explained that the discrepancies were caused by three things: (a) the numbers, which are in "constant flux," were pulled at different times; (b) the exclusion of data from South Carolina magistrate courts and out-of-state courts from one of the DMV's responses; and (c) the fact that data from older tickets may not have been recorded in either the former or current system. *See id.* at 1. The DMV further noticed that it pulled some of the previous data incorrectly, so it attached amended spreadsheets to the response letter and explained those errors. *See id.* at 2; Ex. D.

9. Ms. Belton's letter clarified that 192,263 people had a driver's license suspended by the DMV for failure to pay a traffic ticket as of May 31, 2019. Ex. C at 2. Additionally, according to one of the amended DMV spreadsheets, there were 92,760 Black people and 67,718

white people who had a current driver's license suspension for failure to pay a traffic ticket as of May 31, 2019. According to the DMV's data, Black people made up 48% of all people with driver's licenses indefinitely suspended for failure to pay a traffic ticket as of May 31, 2019, while white people only made up 35%. *See* Ex. D at 2.

May 2019 FOIA Request

10. On May 2, 2019, I submitted by email a FOIA request to the DMV to identify the number of tickets for driving under suspension that were issued in South Carolina between March 30, 2018, and March 30, 2019, to people with a South Carolina driver's license, where at least one of the underlying suspensions was for failure to pay a traffic ticket ("May 2019 FOIA Request"). *See* Ex. E. In this request, I also asked the DMV to provide the total number of tickets issued for driving under suspension during the same time period in South Carolina to people with a South Carolina driver's license, regardless of the basis of the underlying suspension. *Id.*

11. On July 3, 2019, I received a spreadsheet from Ms. Belton in response to the May 2019 FOIA Request. *See* Ex. F. The spreadsheet included both of the requested figures. *See id.* According to the DMV's spreadsheet, between March 30, 2018 and March 30, 2019, officers issued 18,828 tickets for driving under suspension to South Carolina driver's license holders, where at least one of the underlying suspensions stemmed from failure to pay a traffic ticket. *Id.* Additionally, according to the DMV spreadsheet, between March 30, 2018 and March 30, 2019, officers issued 55,497 driving under suspension tickets to people with South Carolina driver's licenses in total, regardless of the basis of the underlying suspension. *Id.*

August 2019 FOIA Request

12. On August 5, 2019, I submitted by email another FOIA request to the DMV for the total number of people, including their breakdown by race, whose South Carolina driver's licenses were suspended as of March 30, 2018 for failure to pay a traffic ticket ("August 2019 FOIA Request"). *See* Ex. G. I also requested the total number of people whose South Carolina driver's licenses were suspended for failure to pay a traffic ticket between March 30, 2018 and March 30, 2019. *See id.* In addition to those figures, I requested the total number of people, including the breakdown by race, whose South Carolina driver's licenses were reinstated between March 30, 2018 and March 30, 2019 after suspension for failure to pay a traffic ticket. *See id.*

13. On August 30, 2019, I received a spreadsheet from Ms. Phillips in response to the August 2019 FOIA Request. *See* Ex.H. The DMV's spreadsheet included five worksheets, each of which responded to a different paragraph in the August 2019 FOIA Request. *See id.*

14. The first worksheet responded to the ACLU-SC's request for the total number of people whose South Carolina driver's licenses were suspended as of March 30, 2018 for failure to pay a traffic ticket. *See id.* According to the information provided by the DMV on this worksheet, as of March 30, 2018, there were 40,946 people with a suspended South Carolina driver's license for failure to pay a traffic ticket. *See id.* at 1. The second worksheet broke down the number provided in the first worksheet by race of the driver's license holder. *See id.* The third worksheet responded to the ACLU-SC's request for the total number of people whose South Carolina driver's licenses were suspended between March 30, 2018 and March 30, 2019 for failure to pay a traffic ticket. *See id.* at 3. According to the information provided by the DMV on this worksheet, the DMV imposed driver's license suspensions for failure to pay a

traffic ticket on 54,077 South Carolina driver's license holders between March 30, 2018 and March 30, 2019. *Id.* The fourth worksheet responded to the ACLU-SC's request for the total number of people whose South Carolina driver's licenses were reinstated between March 30, 2018 and March 30, 2019, after a suspension for failure to pay a traffic ticket. *See id.* at 4.

According to the information provided by the DMV on this worksheet, 35,711 people had their South Carolina driver's license reinstated during that time period after a suspension for failure to pay a traffic ticket. *Id.* The fifth worksheet broke down by race of the driver's license holder the number provided in the fourth worksheet. *See id.* at 5.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed in Charleston, South Carolina, on October 31, 2019.


Patrick Brooks