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## **THE SUSPENDED DRIVER: NEW STRATEGIES ADDRESSING THE IMPACT OF DRIVER'S LICENSE SUSPENSIONS**

The practice of driving while suspended for failure to pay or respond to traffic citations is a serious problem. There have been numerous studies over the past three decades, which show that most suspended drivers violate their license sanction and continue to drive during their period of disqualification. Traffic safety researchers believe these drivers are highly disposed to involvement in traffic crashes. Cities throughout the state of Washington are trying a number of innovative approaches to bring suspended drivers into compliance with court orders and to help them obtain valid licenses. This report analyzes the effectiveness of community-based programs that intervene with suspended drivers before they are charged with the crime of third degree driving with a suspended license.

The goals of the intervention program include identifying suspended license holders and, where appropriate, assist them in regaining valid licenses. The program also seeks to establish a trust and confidence in the court with a population that generally has doubts about the fairness of institutions like courts. The question is whether those defendants who enter into re-licensing programs on a voluntary basis are more likely to retain valid licenses than defendants charged with the crime of third degree driving with a suspended license.

The control group for this study was randomly selected from approximately 4,500 defendants charged with driving with a suspended license. The test group was similarly selected

from some 400 clients participating in the community-based re-licensing program. Each group was evaluated on the basis of their individual license status. Success was measured by whether the individual re-gained a valid license, and if so, if they had any subsequent violations that led to license suspension. Variables included whether the suspended driver had their vehicle impounded at the time they were charged with the crime of driving with a suspended license.

The participants in the voluntary program out performed the members of the control group in terms of license retention. Even when the deterrent factor of vehicle impoundment was factored in, defendants charged with the crime of driving with a suspended license were less likely to retain a valid license than drivers participating in the community-based re-licensing program were.

The voluntary participants in the community-based re-licensing program are likely to be self-selected and highly motivated to become re-licensed. In part, this is because many of the voluntary participants were in transition from public assistance to employment and the lack of a valid license can be a barrier to employment or higher earning capability. Other participants became involved in the program because of outreach efforts by the community agency. Participants worked with community advocates to identify impediments to re-licensing which included tickets in jurisdictions outside of Seattle, disputes with collection agencies, and the set-up of payment plans based on the client's ability to pay. In some instances, advocates were able to have fines converted into community service hours. Third-party service providers can be an effective in assisting to overcome public distrust of judicial institutions.

This report surveys a sampling of programs instituted by various jurisdictions throughout the state of Washington for dealing with the problems associated with suspended drivers. These programs could be more efficient and effective if certain systemic changes were instituted. Chief

among these changes is the need to develop a uniform and universal cashiering system that would allow citizens to pay traffic tickets from locations anywhere in the state. The state should undertake to develop a standard sliding scale for fine reduction and for the conversion of fines to community service. Washington's Department of Licensing should expand its role in preventing suspended drivers from re-licensing their vehicles and renewing driver licenses. Furthermore, information technology improvements are needed to support on-line reporting to the Department of Licensing from the district and municipal courts throughout the state.

### OVERVIEW OF THE WASHINGTON COURT SYSTEM

The Washington State court system is comprised of a Supreme Court, three Appellate Courts, and one Superior Court in each county. Limited jurisdiction District and Municipal Courts are located in counties, cities and larger towns. Supreme and Appellate Court judges are elected for six-year terms according to a staggered election schedule, and Superior, District, and Municipal Court judges are elected for four-year terms. All judicial positions are non-partisan.

The 39 counties of Washington have 49 District Courts operating in 61 locations. They have jurisdiction over misdemeanors and gross misdemeanors, with the latter category including criminal traffic cases. Preliminary hearings for felony cases are also within the jurisdiction of District Courts. Those convicted of criminal misdemeanor offenses may be fined up to \$5,000, sentenced to a year in jail, or both. These same courts handle civil cases involving personal injuries, property damage, and contract disputes for amounts of \$50,000 or less.

Municipal courts are established by ordinance in cities and larger incorporated towns. Population centers that are too small or poor to establish a Municipal Court may instead enter a contractual relationship with a District Court. In Washington there are 127 Municipal Courts with 101 judges. They share jurisdiction with Superior Courts over misdemeanor violations, but

have exclusive jurisdiction over infractions committed within the boundaries of the city or town in which they operate. For criminal offenses, Municipal Court judges are empowered to impose fines of up to \$5,000, jail sentences of up to one year, or a combination of the two.

The Supreme Court administers the state judicial system through the Office of the Administrator of the Courts (OAC), which performs the critical function of maintaining the statewide electronic judicial information system (JIS) that provides automated case management data for appellate, superior, and limited jurisdiction courts. In addition to automating daily court operations, JIS supports a statewide network that includes courts and criminal justice agencies. The benefits of JIS include the sharing (thus reduction) of automation costs and access to accurate statewide information on criminal records, domestic violence cases, and protection orders (OAC, Judicial Information System). JIS is funded by fines, fees, surcharges, and penalties collected by local jurisdictions and forwarded to the OAC.

More than 150 limited jurisdiction courts use the JIS through the District and Municipal Court Information System (DISCIS), which provides data on case initiation, financial management, warrant processing, and statistical reporting. Due to the volume of filings in the Municipal Court of Seattle, a separate information system named the Municipal Court Information System (MCIS) has been developed. Like the DISCIS, it provides case information to the JIS for statewide distribution, but is considered an independent system under Seattle Municipal Court administration.

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