

License Suspended? Or Driving Suspended?

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Cindy Horton, a family practice doctor living in Wenatchee, was returning from a family Easter gathering when it happened. Somewhat queasy due to her pregnancy, she was lying on the back seat while her husband drove. Suddenly he shouted in alarm and an instant later a tremendous impact forced their vehicle off the road. As it rolled down an embankment, Dr. Horton was thrown out, ending up pinned beneath the vehicle at the edge of the river. Though fearful the car might slide in and drag her under, rescuers had to wait 45 minutes for a tow truck before freeing her. Fortunately, Dr. Horton survived her injuries and gave birth to a healthy baby¹.

In another case, Lt. Mike Qunell, a Lakewood firefighter, was at a fire scene near Tacoma standing in the back door of his command vehicle. Despite road flares, cones and emergency lights, a car crashed into the rear of the command vehicle, throwing Qunell almost 40 feet through the air. Thanks to his full bunker gear and helmet, Lt. Qunell survived his injuries².

Not surprisingly, the drivers who hit both Dr. Horton and Lt. Qunell were drunk. What may be surprising is that both drivers had prior drunk driving convictions, had suspended drivers' licenses, had been stopped by the police just a few weeks earlier driving the same vehicles, were cited for driving with a suspended license and both were left with the cars, to drive yet again.

Sadly, none of this is surprising to those in law enforcement. Our Washington State Department of Licensing reports that there are about 260,000 suspended drivers in Washington, an estimated 75% of whom

continue to drive anyway. Roughly a third have been suspended for drunk driving and other serious crimes, and the rest for failure to pay their traffic tickets. Suspended drivers are much more likely to be involved in collisions than those with a valid license³. California reports that a suspended driver is four times more likely to be involved in a fatal collision than a licensed driver and our own Washington State Traffic Safety Commission reports that 15% of all Washington's traffic fatalities involve a suspended driver and more than half involve drunk drivers⁴. And since most of these drivers do not have insurance, the damage they do costs all of us more in our car and health insurance rates.

So what are we doing about it? Typically, when an officer arrests a drunk driver, the car is either parked safely off the roadway, released to someone sober to drive, or briefly impounded and then released, frequently to the same driver. Similarly, when an officer finds a suspended license on a traffic stop, a citation is issued and the driver warned not to drive, but all too often shortly after the officer drives away so does the suspended driver.

In addition to failing to protect public safety, our current approach is overwhelming local criminal justice systems with tens of thousands of driving while license suspended (DWLS) cases. The scale of the problem has grown dramatically due to a 1993 statute mandating license suspension for scofflaws who ignore traffic tickets. For example, in 1996 there were more than 10,000 DWLS cases in Seattle alone. But to a scofflaw, a DWLS citation is simply one more ticket to ignore. More than half of these defendants fail

to appear for court, resulting in arrest warrants, making DWLS cases the most common crime booked into the King County jail by the Seattle police, costing more than \$1.25 million last year⁵. Add a hefty public defense bill to the police, prosecutor, court and jail costs, multiply by cities and counties across the state and it is obvious that the current process is ineffective, inefficient, and very expensive.

There is a better way and a number of states, including California, have demonstrated that it works. Based on common sense and human nature, the premise is simple: take away the car. It is cheaper, faster, and more effective to lock up cars than to lock up people. Immediate impoundment, leading to forfeiture for repeat offenders, will not only reduce the short-term risk, but according to a number of studies will be effective long-term deterrents. At least eight states have adopted such laws, including California. Santa Barbara reports that in the first year of vigorous enforcement, the number of accidents dropped 32%, injury accidents were down 11%, hit and run incidents fell 11% and payment of traffic fines went up⁶.

The solution is elegant in its simplicity: Drunk? No license? Know what? No car! Drunk and suspended drivers should face an immediate impound and detention of their vehicles. Want your car back? Post bail

or pay your fines. If the owner was driving, the car should not be released until any outstanding tickets were paid and the person to whom the car is released has a valid driver's license and proper insurance coverage.

On a second offense within a reasonable period such as five years, the vehicle should be subject to forfeiture. What better deterrent for violations of the privilege of driving than taking away the means by which the crime was committed. Too harsh? Don't drive without a license.

Of course, DWI and DWLS would still be crimes, but the number of such cases is likely to decline. And the idea that scofflaws can simply ignore their responsibilities with impunity will be gone forever. Moreover, the cost of warrants, arrests and enforcement against scofflaws, costs which they now impose on the rest of us, can be recovered as the price of returning the car to the criminal. While many of these people may not show up for court, most assuredly they will show up at the impound yard to get their cars back.

These proposals have the support of prosecutors and police around the state, because they know they will help save lives and money. Now that's a combination that should be hard to beat.

Washington Policy Center is a non-profit, 501 (c) (3) policy research organization.

¹ Seattle Post-Intelligencer, January 29, 1997, p.B3. and Wenatchee World, February 16, 1997, p.14.

² Telephone conversation with Lt. Qunell, January 4, 1998.

³ Washington State Department of Licensing

⁴ California Vehicle Code 14607.4

⁵ Office of City Attorney, Seattle, Washington.

⁶ Errol Murphy, Unlicensed Driver Towing Program, City of Santa Barbara Police Department.