

Meeting Notes from
ACJC Barriers to Reentry
Subgroup on Title 28

Friday, October 30, 2015, 10:00 AM-12:00 PM

Brady Building, 1034 W. 4th Avenue, 5th floor conference room (AG's conference room)

Present: Jayson Whiteside, Audrey O'Brien, Nicole Tham, all of DMV. Jordan Shilling, Sen. Coghill's office. Giulia Kaufman, Brian Brossmer, Mary Geddes, ACJC/AJC staff. Jayce Robertson. Doreen Schenkenberger and Janet McCabe, Partners for Progress. Matt Widmer, State PD. Seneca Theno, Muni of Anchorage. Carmen Gutierrez, consultant for Mental Health Trust. Phil Cole, DOC. Commissioners Razo and Taylor were not able to attend, but Phil Cole attended on behalf of Commissioner Taylor. Matt Widmer attended on behalf of Commission Steiner.

NEXT MEETING: Friday, November 13, 10:00 AM-12:00 PM, location TBD

Meeting Materials Distributed or Discussed:

- Overall Compilation of Statistics for Title 28 group (sent out by email 10/29)
- DWLR Tally for One Month in 2012 in ANC (Muni cases only) (sent out by email 10/29)
- [AAMVA Recommendation re Suspension of Licenses for non-highway safety reasons](#)
- [NCSL States' License Restrictions for Failure to Pay Child Support Jan 2014](#)
- [Cong. Research Service Report on Child Support Enforcement and Driver's License Suspension Policies April 2011](#) (previously distributed by email)
- (not distributed) AAMVA 's [Best Practices Guide to Reducing Suspended Drivers 2013](#)
- [Traffic Safety Impact of Judicial and Administrative Driver License Suspension](#)
- [Estimation of Fatal Crash Rates for Suspended/Revoked and Unlicensed Drivers in California 2012](#)
- San Francisco Office of Economic and Workforce Development PP: ["Driver's License Suspensions as a Workforce Barrier"](#)
- [Is a National Integrated Model for Management of DUI Offenders Possible?](#)
- [Strictest and Most Lenient States on DUI](#)
- [Identifying Barriers to Driving Privilege Reinstatement Among California DUI Offenders](#)
- [Pre-trial Diversion Programs for DUIs](#)

Introductions/Ignition Interlock Device

Among the attendees were Giulia Kauffman and Brian Brossmer. Brian has relatively recently joined the Alaska Judicial Council. Both Giulia and Brian are researchers who are or will soon be available to help on discrete research projects generated by this group.¹

¹ Post-meeting update: Brian will be looking at and ultimately writing up a report on the Ignition Interlock Device and its efficacy. Giulia will be helping with presentation of relevant statistics for the discussion of the license suspension in Alaska.

Questions from the group focused on the following chart.

# DMV/ADMINISTRATIVE SUSPENSIONS/REVOICATIONS FOR REASONS OTHER THAN DUI AND REFUSAL			
	2012	2013	2014
POINT SUSPENSIONS	2106 (2092 indiv.)	1617 (1614 indiv)	1408 (1401 indiv)
MANDATORY INSURANCE SUSPENSION	2744	2422	1987
FINANCIAL RESPONSIBILITY SUSPENSION	374	236	148
UNSATISFIED COURT JUDGMENT SUSPENSION	244	124	129
DEFAULT JUDGMENT SUSPENSION (FOR DEFAULTING ON A PROMISSARY NOTE)	112	65	68
CHILD SUPPORT SUSPENSION	266	362	368
UNDER 21 REVOCATION FOR ZERO TOLERANCE OF MINOR CONSUMING ETOH B4 DRIVING, 28.15.283	265	207	154.
UNDER 21 REVOCATION FOR FRAUDULENT USE OF ID FOR ETOH 04.16.060 (D)	15	8	1
TOTALS	6226	5041	4262

The group was reminded that these are only the administrative bases for revocation; criminal laws may allow or require suspension on other legal grounds. For example, the criminal laws provide for license suspension for repeat Minor Consuming (unrelated to driving).

There was confusion about the differences between an unsatisfied court judgment suspension and a default judgment suspension. The statutes allowing administrative suspension on each ground will be cited in a future written discussion so there can be clarity.

There was also much discussion of administrative suspensions due to a failure to carry mandatory insurance. The real test is whether a driver has the insurance at the time of a MV accident; suspension is not avoided by getting the insurance a few days later even if there was no damage to the other driver's car. Although there is an exception provided in 28.22.041, Carmen thought that the prerequisites for the exception were too demanding and asked the group to consider whether those could be changed. DMV noted that if a driver does have insurance at the time of the accident, the violation is correctable; otherwise a 90-day suspension takes place 60 days after notice has been given.

Members of the workgroup were unaware that a limited license can be obtained for a mandatory insurance suspension under 28.22.041. The LL provision still limits work hours to 12 hours a day; Jayson said its provisions need to be updated and broadened because it is currently more strictly than the LL which can be obtained by DUI drivers. These are the only two categories of drivers that can apply for LL. LL fees are charged and drivers also face reinstatement costs. Carmen later stated that those who receive mandatory suspensions also have to obtain SR-22 insurance to qualify.

Generally speaking, license suspensions can currently be ordered for three different groups of drivers: (1) a bad driving group which poses traffic safety risks, i.e. DUI and Points- related; (2) a group for whom the suspension is related to driving but is not necessarily because they are a bad driver, e.g.. a failure to carry mandatory insurance, and (3) a third group for whom suspension is wholly unrelated to driving, e.g. child support failures. Seneca questioned whether driving without insurance is a public safety risk. Jayson thought that having such a provision probably deters people from driving, but others questioned this and characterized this as a disincentive to licensing.

Mary mentioned that states getting rid of the Suspension of Licenses for non-highway safety reasons is considered a "best practice" among a national association of MV agency administrators. She cited other sources which indicate that the group of drivers suspended for non-driving reasons are shown to be involved in many fewer crashes than those drivers

suspended for driving related reasons and thus are considered much safer drivers. Further, the lack of a valid DL has been cited by many as a significant barrier to employment. Consequently Mary asked the group if they would like to see the research and proposals for change to statutes for administrative suspension. The group indicated unanimous support for looking at these specific issues. Mary will draft a Word document and circulate it to those on the email list for comment, additions. People will use Word to provide comments.

Matt Widmer then asked what is the goal of licensing suspension? For asking such a good question, Matt was assigned some heavy reading, "The Traffic Safety Impact of Judicial and Administrative Driver License Suspension." He'll read and report back.

There was further discussion about the use of criminal penalties for DWLS. Matt Widmer said that he hadn't seen any jail sentences imposed for a non-DUI (first) DWLS, but 80 hours of CWS is required and many clients were discouraged by that requirement. The second DWLS require a mandatory 10-day sentence. Matt thought that the minimum-mandatory 10 days of punishment was not proportional to the seriousness of the offense. Others agreed that jail sentences are probably not an appropriate sanction for non-DUI DWLS. However, Seneca indicated support for strong sanctions for drivers with a DUI-related suspension who drove in violation of a court's order. She also noted that such offenders end up released on EM, anyway. Attendees discussed whether other sanctions (besides jail) could achieve compliance and deterrence.

Phil Cole said he thought that the DWLS criminal laws do have an impact on the DOC's capacity. He further stated that he hated to see correctional resources spent for the wrong reasons and that people should have an opportunity to prove they are low-risk for re-licensing. He was aware of an ex-offender who was working on paying restitution but he lacked a vehicle which would have made that a lot easier.

Phil said DOC would assist the group if it determined it needed additional data about the number of DWLS offenders admitted to DOC facilities. Jordan indicated that he may already have the information needed to show the numbers of arrests and DOC remands for DWLS. He will provide that data to Mary .

Nicole Tham indicated that she will provide some rough estimates for the costs of getting a limited license, and for reinstating a license. Doreen Schenkenberger said she had done some research and quoted a likely monthly cost of \$500 to cover insurance, IID, and 24/7, in addition to upfront costs of between \$320-600. Both Nicole and Doreen will provide their calculations to Mary who will circulate. Jordan indicated strong interest in seeing those figures.

Carmen asked if it was possible to get a clear sense idea of how the steps involved and the requirements for getting SR-22 insurance. Doreen indicated that it is a big application, that applications can be denied and that the number of requirements depends on the individual.

Doreen asked the group to return to its earlier discussion of dual administrative and judicial revocations. Jayson thinks that 95% of DMV revocations run concurrently with judicial revocations and that DMV does allow individuals to go back to court to seek clarification. Matt Widmer asked if identifying one entity wouldn't be better than allowing two entities dual authority? Nicole Tham said she had completed some legislative research from the 80's as to the legislature's intent, and that she would organize that research and provide it to Mary for circulation. Jordan noted that SB91 has provisions which would allow for some synching between the courts and DMV.

Member Assignments:

- Mary will start and circulate a paper on the issue of license suspensions. It will at least cover administrative non-driving related suspensions. Members will comment.
- Matt will read and report on the traffic safety implications of judicial and administrative license suspensions.
- Jordan will send along DOC and DPS data on DWLS.
- Nicole will provide legislative research to Mary.
- Nicole and Doreen will provide their calculations on costs attendant to obtaining limited licenses and reinstatement of licenses.