

# Decriminalize DWLS3 (Driving While License Suspended – Third Degree)

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DWLS3 is the most commonly charged crime in Washington State. Typically, a DWLS3 charge occurs when a driver receives a ticket for a moving violation (such as speeding or rolling through a stop sign) and does not comply with deadlines to pay the ticket or appear in court to contest it. The failure to pay or appear leads to license suspension, and if the person is later stopped while driving, a DWLS3 charge may be filed. Treating DWLS3 as a crime does not work.

## **DWLS3 Cases Waste Scarce Criminal Justice and Taxpayer Resources**

A conservative estimate for the costs of enforcing DWLS3 in Washington for the years 1994-2015 is more than *\$1.3 billion*. Since the current version of DWLS3 went into effect, nearly 1.5 million criminal charges for DWLS3 have been filed—more than any other type of crime—resulting in nearly 900,000 convictions. Police, prosecutors, and courts should not be wasting scarce public resources enforcing DWLS3. Resources could be better invested in reducing real public safety risks like distracted and impaired driving.

## **DWLS3 Is Not a Public Safety Threat**

The biggest threats to roadway safety are impaired driving, speeding, and distracted driving. Law enforcement has other tools available to deal with drivers who are actually dangerous. These tools include, for example, criminal charges for negligent or reckless driving, DUI, or being a habitual offender.

## **Hold Drivers Accountable for Their Actions**

Many people charged with DWLS3 have simply struggled to pay tickets, and associated late charges that quickly escalate, due to poverty. These people typically need to keep driving to get to work, pick up kids, attend medical appointments, etc., especially in areas with limited public

transportation options. Rather than saddle them with criminal charges that can impact employment and housing, civil enforcement mechanisms provide accountability at lower cost to taxpayers.

## **DWLS3 Disproportionately Impacts People of Color and Young Adults**

DWLS3 enforcement varies greatly from city to city and county to county. Unequal and unfair enforcement especially impacts poor people and young people. People of color are more likely to be charged with DWLS3 than white people, which furthers the racial disparities in our state's criminal justice system.

## **Treating DWLS3 as a Civil Infraction Works**

Several states do not criminalize DWLS3. Many local jurisdictions in Washington, including the cities of Yakima and Seattle, primarily treat it as a civil infraction. In fact, DWLS3 was not a criminal offense in Washington State until 1993. Decriminalizing will free up scarce criminal justice system resources for more pressing roadway safety priorities and hold drivers accountable in a way that is fair and just.

For more information, see *Driven to Fail: The High Cost of Washington's Most Ineffective Crime – DWLS III*: <https://www.aclu-wa.org/news/report-exposes-huge-costs-and-ineffectiveness-washington%E2%80%99s-most-commonly-charged-crime-driving>