



Office of the Commonwealth's Attorney
City of Alexandria

Press Release – 2016 - 004

NEW POLICY ANNOUNCED FOR DRIVING ON SUSPENDED CHARGES

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FOR IMMEDIATE RELEASE

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Bryan Porter, Commonwealth's Attorney for the City of Alexandria, has announced three new office policies with regards to the disposition of Driving on a Suspended Driver's License cases and the payment of fines and court costs.

1) Continuances for the Purposes of Obtaining a Valid Driver's License

"With regards to prosecutions for Driving on a Suspended Driving License, our office's ultimate goal is to get the accused in compliance with the law and legally licensed," Porter said in a statement. "Therefore, effective immediately, in all prosecutions for Driving on a Suspended License, our office will automatically agree to one continuance for the purposes of allowing the accused to obtain a valid driver's license. If the accused obtains a valid driver's license by that continuance date, our office will move to *nolle prosequi* (dismiss) the Driving on Suspended License charge."

In order to qualify for the continuance, the accused must: 1) represent to the prosecutor that he or she actually intends to obtain a valid license within the allotted time and 2) not have been previously granted a continuance under the policy within the prior 5 years. The Office of the Commonwealth's Attorney will agree to one continuance of a period no longer than 60 days

from the offense date, in keeping with the Virginia Supreme Court's guidelines for the speedy resolution of cases. This policy does not apply to persons whose license is suspended or revoked because of a Driving While Intoxicated conviction.

2) Declining to Recommend Fines for Driving on Suspended Convictions

Porter also announced a new policy regarding the imposition of fines on Driving on Suspended License cases. In explaining the policy, Porter noted: "Persons who are convicted of Driving on a Suspended License and who are sentenced to pay a fine may find themselves unable to pay it and therefore subject to additional license suspensions. This creates a perverse disincentive to obtaining a valid license, as suspended drivers who accrue Driving on Suspended License convictions may feel that they owe so much in fines it is unreasonable to even attempt to pay them and obtain a valid license," said Porter.

"Therefore, effective immediately, in any case where my office obtains a conviction for Driving on a Suspended License, it will no longer seek a fine as part of the recommended sentence, regardless of the accused's prior driving record. I note that, depending on the person's prior driving and/or criminal records, our office may seek suspended and/or active jail time, community service and an additional period of license suspension. I also note that by statute, the accused is responsible for court costs."

"It is my firm belief that the community is better served by getting citizens licensed than by seeking fines that may never be paid and which may cause roadblocks to license reinstatement. On the other hand, suspended drivers do impose costs on society, as under most insurance policies, a suspended driver's coverage is likewise suspended or cancelled. A licensed driver who is involved in an accident with a suspended driver therefore finds herself in a difficult situation."

"Offenders who refuse to obtain a valid license or who repeatedly drive on a suspended license must be held accountable. This new policy strikes the appropriate balance between enforcement, encouragement to become licensed, compassion and compliance with the law," Porter said.

3) Community Service in Lieu of Payment of Fines and Costs

Porter also announced that his office is willing to recommend that any convicted person - regardless of charge - be allowed to complete community service in lieu of payment of fines or court costs, pursuant to §19.2-354 of the Code of Virginia. That code section allows local courts to accept community service in lieu of payment of fines or court costs at a per hour rate set by the court.

"The simple fact is that convicted persons must face some sanction from the court upon conviction. In less serious cases, that sanction is often a small fine. And in any case in which a conviction is obtained the court assesses court costs pursuant to the Code of Virginia. However, a person of less affluence may find herself unable to pay a fine and/or associated Court costs, despite her desire to comply with her sentence. In these cases, it is reasonable and just to allow the person to complete community service to satisfy any outstanding fine or court costs."

"Therefore, effective immediately, it is my office's policy that, in any case in which my office obtains a conviction, it will agree to a defense request that the defendant be allowed to complete community service in lieu of paying her fines or court costs."