



# KING COUNTY AUDITOR'S OFFICE

APRIL 11, 2017

## King County Approach to Driver's Relicensing May Need to Evolve

TO:

Metropolitan  
King County  
Councilmembers

FROM:

Kymber WalTMunson,  
County Auditor

**Relicensing assistance provides a benefit that aligns with King County's Equity and Social Justice goals, but these efforts have done little to reduce the number of people with a suspended driver's license in King County.** Legacy of Equality, Leadership and Organizing (LELO) is a nonprofit organization that works with a subset of the clients in the King County District Court (District Court) Relicensing Program. Both programs assist people with a suspended driver's license to regain their license. LELO has met the major targets of its contract, but the Department of Adult and Juvenile Detention (DAJD) has provided limited oversight.

### What is King County's Relicensing Program?

**The District Court Relicensing Program is designed to help people with a suspended license in King County regain their license.** Individuals with a suspended license due to unpaid traffic tickets attend District Court "relicensing calendars" held in Burien and Seattle to enter the relicensing program. The program assists clients by offering a way to pay off tickets related to their suspension through a payment plan, community service, or the community work program. The court may also reduce the fines associated with tickets.

### What is LELO's role in the King County Relicensing Program?

**King County contracts with LELO to help clients with tickets outside of District Court's jurisdiction.** LELO primarily serves a subset of District Court Relicensing Program clients who have outstanding tickets from other jurisdictions. LELO attends most relicensing calendars, and the District Court clerks refer clients to LELO.

Processes for addressing unpaid tickets vary across jurisdictions, so clients with tickets outstanding in several jurisdictions face difficulties in navigating multiple processes. LELO helps clients navigate these systems, and provides a variety of other services to resolve tickets and help clients regain their license. LELO also offers a relicensing class twice a month at DAJD's Community Center for Alternative Programs (CCAP). LELO's work is conducted under a \$100,000 a year contract formerly managed by DAJD, and now is managed by the Department of Community and Human Services (DCHS).



## What is the benefit of helping people regain their driver's license after suspension?

**Assisting people with a suspended driver's license to regain their license provides an equity and social justice benefit to King County.** Suspending driver's licenses for failure to pay traffic tickets disproportionately affects people with low incomes and people of color. Over half of new driver's license suspensions each year in King County are due to failing to pay fines for traffic infractions. People with low income are less able to pay tickets, as a result, they are disproportionately impacted by license suspensions. People of color are more likely to be stopped for traffic violations and to be unable to pay traffic tickets. Advocates emphasize that license suspensions for unpaid fines can push people further into poverty by adding collection costs and interest to unpaid fines. People in this position can also get even more fines, because they cannot buy car insurance with a suspended license.

Suspending a driver's license can eliminate a transportation option for employment, parenting, and other responsibilities. Efforts like LELO's to address these issues align directly with King County's goal of providing resource support to community-based organizations to leverage its expertise toward advancing equity and social justice outcomes. This is particularly pertinent given that 68 percent of LELO's clients between 2014 and 2016 were people of color.

**LELO's services provide little direct financial benefit to King County.** The vast majority of clients that District Court refers to LELO have tickets outside of King County. Because of this, most of the traffic fines LELO's clients pay go to other jurisdictions.

In 2014, the Prosecuting Attorney's Office decided to stop prosecuting the majority of driving while license suspended in the third degree (O3) cases.<sup>1</sup> Prior to the Prosecutor's decision, LELO's services provided a more tangible financial benefit to King County. Prosecuting and jailing people for DWLS3 represented significant costs to the county, and helping people regain their license reduced this financial burden. The decision to stop prosecuting DWLS3 eliminated these expenses as King County no longer spends money on prosecutions, court, and jail time for people stopped for driving without a license due to nonpayment of traffic tickets. As a result, LELO's efforts to relicense people no longer notably reduce costs to King County.

Exhibit A summarizes the benefits of the District Court Relicensing Program and LELO's relicensing assistance. This analysis is informed by a review of the literature; however, there is a lack of studies that quantify the value of these benefits.

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<sup>1</sup> DWLS is the criminal charge for a person stopped for driving with a suspended license. DWLS3 is the least serious DWLS offense, as it applies only if a person's license is suspended solely for nonpayment of traffic tickets. Drivers in these cases are still subject to a traffic infraction of driving without insurance, because a valid driver's license is required to have insurance.

**EXHIBIT A: Assisting people to relicense provides a variety of benefits, but these are mostly unquantified.**

Categories of Relicensing Benefits	District Court Program	LELO Program
KING COUNTY FINANCIAL	Traffic fine revenue	Little to none
OTHER JURISDICTIONS FINANCIAL	Little to none	Traffic fine revenue
SERVICE RECIPIENT	Cost savings Payment flexibility Can get a driver's license <sup>2</sup> Can get auto insurance	Cost savings Payment flexibility Help with complex system Can get a driver's license <sup>2</sup> Can get auto insurance
SOCIETAL BENEFIT	Fewer unlicensed drivers Fewer uninsured drivers Equity and social justice <sup>3</sup>	Fewer unlicensed drivers Fewer uninsured drivers Equity and social justice <sup>3</sup>

Source: Auditor's Office analysis informed by a review of relevant literature.

**Policy changes at the state and county levels have reduced sanctions for failing to pay traffic tickets.** The Legislature and the King County Prosecuting Attorney did so because of the governmental and societal costs of suspending driver's licenses and filing criminal charges against people for not paying traffic tickets. For example:

- In 2012, the Legislature passed SB 6284, stopping license suspensions for failure to pay tickets for less serious, "nonmoving" infractions. This resulted in a large decrease in the number of license suspensions due to a failure to appear.<sup>4</sup>
- In 2014, the King County Prosecuting Attorney decided to stop filing criminal charges for DWLS3.
- In 2016, the Legislature passed SB 6360, establishing a work group to explore a statewide relicensing program. This type of program could consolidate traffic-based financial obligations across jurisdictions for individuals with tickets. While the creation of this work group does not guarantee the creation of a statewide relicensing program, if formed, this program could make relicensing much easier for people with tickets across jurisdictions by allowing a person to resolve all of their tickets at one time.<sup>5</sup>

<sup>2</sup> Having a driver's license increases the ability of an individual to have employment and care for their family.

<sup>3</sup> Driver's license suspension due to inability to pay disproportionately impacts people of color.

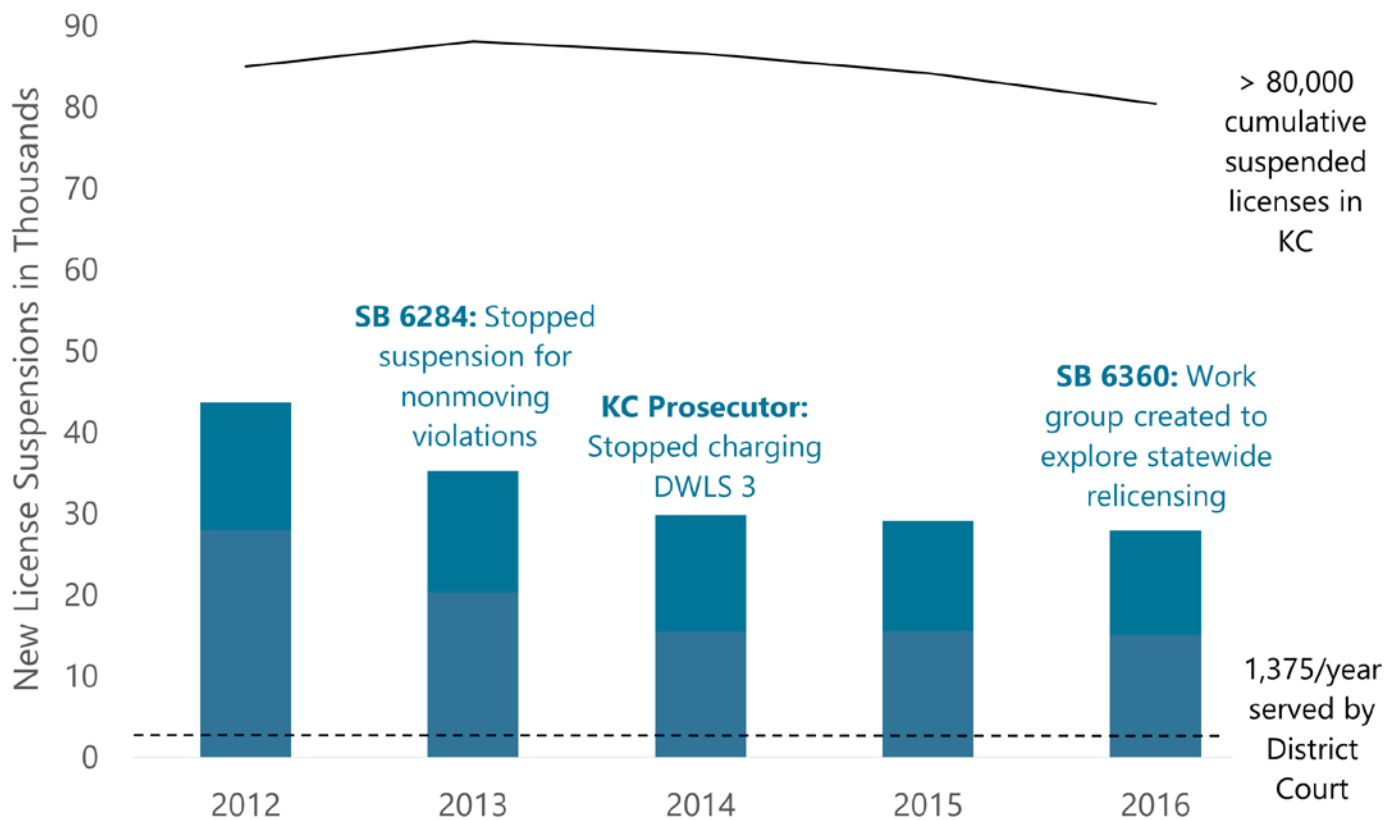
<sup>4</sup> A failure to pay tickets related to a license suspension is filed as "failure to appear."

<sup>5</sup> Some jurisdictions, such as King and Spokane Counties, already have agreements with specific other jurisdictions which allow them to consolidate relicensing services in some cases

## Policy changes have reduced the number of new license suspensions, but over 80,000 King County residents still have a suspended license

Exhibit B shows that the number of new driver's license suspensions in King County decreased substantially after the enactment of SB 6284 in 2013. The decrease is most pronounced in new suspensions for "failure to appear," which is the category associated with failing to pay traffic tickets. Nevertheless, new suspensions for failure to appear are still over half of total new suspensions, and the total number of people in King County with a suspended driver's license remained over 80,000 on January 1, 2016. This number far exceeds the number of people served in the District Court Relicensing Program (about 1,375 per year, about 275 of which LELO serves).

**EXHIBIT B:** New license suspensions have declined over time, but the total number of King County residents with a suspended license remains over 80,000.



Source: KCAO analysis of data provided by the Washington State Department of Licensing

## LELO met most of its contract terms, and its county partners were largely satisfied with its service

**LELO met contract targets for numbers of clients served and successfully relicensed, but some specific contract requirements were not met. Changing expectations were not reflected in the written contract document.** LELO has three types of requirements in its contract: targets to meet, services to provide, and information to deliver. While in 2014 and 2016 LELO served the minimum number of clients required by the contract, it did not serve the required number of clients directly from the relicensing calendars, and did not always meet the monthly target of 23 new clients served per month. LELO does not have full control over clients it sees from the relicensing calendars, however, because it relies on referrals from the District Court. LELO also serves additional people that do not qualify as official clients because they do not have tickets with King County. As such, LELO cannot count these people towards its targets.

LELO also did not attend all relicensing calendars or give DAJD required quarterly narrative reports as specified in the contract document. In both cases, though, it was not clear whether LELO was expected to do these things, despite the written contractual requirements. For example, the contract document requires LELO to attend all District Court relicensing calendars, but the number of relicensing calendars has increased over time. The contract states that LELO must attend "all" calendars but does not give a specific number. Additionally, it was not clear that DAJD expected LELO to provide quarterly narrative reports, and DAJD provided no evidence that it took any actions to correct this deficiency.

Neither DAJD nor District Court kept a consistent log of LELO's attendance at relicensing calendars or Community Center for Alternative Programs (CCAP) classes. While DAJD provided sign-in sheets from CCAP classes as a proxy for logs, these sign-in sheets do not appear to be a valid indicator of attendance. The number of sign-in sheets provided would suggest that LELO missed almost half of the required classes in 2016, yet a CCAP representative indicated that LELO attended all of the required classes.

**Despite LELO not meeting exact contract terms, county partners who work with LELO state that they are satisfied with its adherence to contract terms.** Representatives from District Court stated that LELO has largely attended required relicensing calendars, and a CCAP representative said LELO provided all required relicensing classes for CCAP clients.

## Contract management has been limited, but is likely to improve under the Department of Community and Human Services

**DAJD provided limited oversight over LELO's contract.** The former contract administrator had no knowledge of DAJD verifying the information provided by LELO in monthly reports. DAJD did not keep complete logs of LELO's attendance at relicensing calendars or CCAP classes, and DAJD provided no evidence that it had spoken with LELO about not meeting all contract terms. This lack of oversight resulted in inconsistencies between the contract terms and practice.

**Moving LELO's contract to DCHS as planned will likely result in better oversight.** DCHS's standard contract oversight practices include regular verification of information provided by the auditee, better ensuring its validity. DCHS has also already displayed a strategic approach to contract management by rethinking the terms of the current contract. The transition to DCHS makes sense given the diminishing link between the criminal justice system and license suspensions. LELO's services align directly with the DCHS mission to provide people with equitable opportunities to be self-reliant and connected to the community.

**Contract terms are designed to encourage performance under the new draft contract with DCHS.**

The previous contract discouraged outreach by requiring that 92 percent of participants come from the District Court Relicensing Program. LELO also has no control over how many of these clients it serves, as they are referred to LELO directly from District Court. The new contract draft eliminates this target. This opens up the possibility of serving more relicensing clients from the community, although LELO's ability to commit to significant outreach may be limited at the current funding level.

**The future of relicensing services**

**Despite policy changes and the efforts of the District Court Relicensing Program and LELO, King County still has over 80,000 residents with a suspended license.** The District Court Relicensing Program served approximately 1,500 clients last year, representing only a small fraction of the people who could be served. While improvements to LELO's contract under DCHS can help the county reach more people, it is unlikely that the current approach and level of resources available will be able to serve more than a fraction of the people with a suspended license in King County. Some jurisdictions, such as Spokane, have adopted approaches to relicensing that rely less heavily on the courts and work more extensively with other municipalities. Approaches like these could serve residents more effectively.

**If a statewide relicensing program is established, it could reduce the need for LELO's current services.** The Washington State Legislature's decision to establish a work group to explore a statewide relicensing program indicates that it sees value in relicensing. While this speaks to the benefit of relicensing, if a statewide relicensing program were developed it would diminish the value of the services both District Court and LELO provide. Currently, it is challenging for people with unpaid tickets in multiple jurisdictions to regain their license, since processes for addressing unpaid tickets vary by jurisdiction. LELO helps alleviate this challenge by assisting clients to navigate the system. A statewide relicensing program could potentially reduce the need for LELO's services in that it could streamline the process for clients to resolve tickets in multiple jurisdictions. If a statewide system consolidates relicensing processes this could also change the role that District Court plays in helping people to get back their driver's license.

**Recommendation 1**

**In response to the outcome of the statewide relicensing work group, the Department of Community and Human Services should partner with the King County District Court to identify strategies on how best to allocate resources to reduce the number of people with a suspended driver's license in King County.**



## KING COUNTY AUDITOR'S OFFICE

Larry Brubaker, Senior Principal Management Auditor, and Kayvon Zadeh, Management Auditor, conducted this review. Please contact Kayvon at (206) 477-5180 if you have any questions about the issues discussed in this letter.

cc: Dow Constantine, King County Executive  
Fred Jarrett, Deputy County Executive  
Rhonda Berry, Assistant Deputy County Executive  
Adrienne Quinn, Director, Department of Community and Human Services  
Steve Andryszewski, Chief Financial Officer, Department of Community and Human Services  
William Hayes, Director, Department of Adult and Juvenile Detention  
Saudia Abdullah, Division Director, Community Corrections Division  
Ricardo Ortega, Executive Director, Legacy of Equality, Leadership & Organizing  
Martha Ramos, Legacy of Equality, Leadership & Organizing  
Dwight Dively, Director, Office of Performance, Strategy & Budget  
Ken Guy, Division Director, Department of Executive Services, Finance & Business  
Operations Division  
Shelley Harrison, Administrative Staff Assistant, King County Executive Office  
Melani Pedroza, Acting Clerk of the Council



## Executive Response



### King County

#### Dow Constantine

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KING COUNTY AUDITOR

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RECEIVED

April 4, 2017

Kymber Waltnunson  
King County Auditor  
Room 1033  
COURTHOUSE

Dear Ms. Waltnunson:

Thank you for the opportunity to review and comment on the proposed final report on the King County Relicensing Program.

The King County Relicensing Program is designed to help people with a suspended driver's license in King County regain their license. Failure to pay court fines associated with a suspended license and the penalties that often accrue can present barriers for people with low incomes to regain their license, which can affect their ability to gain employment and find permanent housing. We appreciate the level of knowledge and analysis your staff bring to the process and their collaborative approach to the audit.

Legacy of Equality, Leadership and Organization (LELO) is currently contracted to assist individuals who have a suspended license due to unpaid traffic tickets to enter the relicensing program. The program assists clients by offering a way to pay off tickets related to their suspension through a payment plan, community service, or the community work program. LELO primarily serves a subset of District Court Relicensing Program clients who have outstanding tickets from other jurisdictions. LELO attends most relicensing calendars, and the District Court clerks refer clients to LELO. In addition to the court calendar appearances, LELO also presents twice a month at the Community Center Alternative Program (CCAP) to discuss options for individuals with a suspended license on how to resolve their financial obligations. Historically, all referrals to LELO were from either the court calendar or CCAP. The new contract with the King County Department of Community and Human Services (DCHS) that began in 2017 eliminates this requirement, creating an opportunity to serve more relicensing clients from the community.

We concur with the King County Auditor's recommendation that calls for a strong partnership between DCHS and the King County District Court to identify resources and strategies to reduce the number of people with a suspended driver's license in King County. While improvements to LELO's contract under DCHS can help the County reach more

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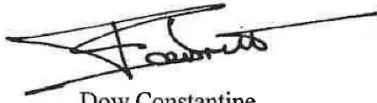
Kymber Waltnunson  
April 4, 2017  
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people, it is unlikely that the current approach and level of resources available will be able to serve more than a fraction of the over 80,000 people with a suspended license in King County. Over the next year, DCHS will be able to track performance outcomes and make service improvements with regular monitoring of the LELO contract. This added oversight will allow DCHS to partner with District Court to better examine the relicensing program and explore ways to maximize resources to better serve those affected by a suspended license in King County and achieve the desired results.

We appreciate the thoughtful approach by your staff to assess this vital program and look forward to making improvements that will better serve our residents.

Thank you for collaborating on this important work. If you have any questions regarding our audit response, please contact Steve Andryszewski, Chief Financial Officer, Department of Community and Human Services, at 206-263-1247.

Sincerely,



Dow Constantine  
King County Executive

Enclosure

cc: Fred Jarrett, Deputy County Executive, King County Executive Office (KCEO)  
Rhonda Berry, Chief of Operations, KCEO  
Dwight Dively, Director, Office of Performance, Strategy and Budget  
Adrienne Quinn, Director, Department of Community and Human Services (DCHS)  
Josephine Wong, Deputy Director, DCHS

**Recommendation 1**

In response to the outcome of the statewide relicensing work group, the Department of Community and Human Services should partner with the King County District Court to identify strategies on how best to allocate resources to reduce the number of people with a suspended driver's license in King County.

**Agency Response**

Concurrence

**Concur**

Implementation date

12/31/2017

Responsible agency

**DCHS**

Comment

We concur with the King County Auditor's recommendation. While improvements to LELO's contract under DCHS can help the County reach more people, it is unlikely that the current approach and level of resources available will be able to serve more than a fraction of the over 80,000 people with a suspended license in King County. Over the next year, DCHS will be able to track performance outcomes and make service improvements with regular monitoring of the LELO contract. This added oversight will allow DCHS to partner with District Court to better examine the relicensing program and explore ways to maximize current resources to better serve those affected by a suspended license in King County.

## Legacy of Equality, Leadership & Organizing Response



Legacy of Equality, Leadership and Organizing  
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Phone: (206) 860-1400

LELO is a 501 c3 non-profit  
[www.LELO.org](http://www.LELO.org)  
Established 1973

To: Mr. Larry Burbaker & Kaybon Zadeh  
King County Auditors

Thank you for giving us the opportunity to review and send our comments on the final report of the performance audit of LELO under contract with King County.

We appreciate the work of the audit team and their efforts to understand the complex socioeconomic and institutional barriers that low income, unemployed and people of color communities encounter daily, especially within the traffic court system.

Our agency knows that this audit was a difficult task because we see each client as a member of our community that deserves a "second chance and sometimes more" not as a file.

Our relicensing work is not just a grant fulfillment, it is part of LELO mission statement: *"To empower workers of color, low income and women workers to assert our rights, improve our working conditions and gain a voice in our workplaces, unions and communities here in the US, and across the globe"*. We do this work as a key part of our mission to support our program client's opportunity to access "family-wage" jobs or remain in the jobs that are currently in.

In March of 1999 LELO's Construction Trades Re-licensing Program began serving constituents. The conditions much the same for drivers today as many re-licensing constituents are unable to be offered time payments due to tickets in multiple jurisdictions, which mount up to outrageous debt, warrants issued by the court, revoked status with the DOL and or restitution owed to an individual or insurance company.

The actions of LELO's Family Wage Jobs and the Debt and Poverty Project in 1999 through 2017 that has kept the resources in the community that needs it the most and serves all members. In response, some courts established a system that gives drivers another chance to address their fines with community service credit or set up reasonable payment plans.

In 2005, LELO lead community activist to fight for a DWLS 3 law in response to the overturn of the Washington State law regarding driving while license suspended in the third. Because of community input, **half a million drivers received relief** from unpaid traffic tickets. LELO helped passed a Washington State law that **gave amnesty to driver's** whose license status was suspended because of unpaid traffic debt or failing to appear in court. The lack of success to wipe out the debt from uncollected debt is one of the main reasons why older drivers are swimming in public debt.

We provide advocacy, support, and alternatives to incarceration for low-income people in the county who have violated rules of the road including the lack of up to date insurance. Our original agreement to serve in this capacity **has never been tied to regaining revenue for the County.**

Our work has been focused on eliminating barriers by helping our clients to regain the privilege and opportunity to drive within the legal standards in place for all drivers and for them to carry all required documents (driver's license, up to



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date car registration and appropriate insurance for the driver and vehicle). To accomplish this, LELO has developed curriculum; forms to document intake; power point presentations for workshops and employers; and a list of resources for constituent's referral. We have community service opportunities for court ordered constituents and responsible staff members to ensure constituents have proper documentation upon community service hours being completed.

Regarding the section: *"if a statewide relicensing program is established, it could reduce the need for LELO's current services"*. We took part in the State wide Summit to share practices, look at others states and present possible solutions to the issue that "penalized people for being poor". We collaborated in the document presented to the WA State legislators and we commend the state legislature's decision to find relicensing solutions. LELO knows that the solution needs to include the options of community service hours and/or work crew in lieu of cash payments, to have a Judge hearing the case and the possibility of lowering the original fee, as well as the waiver of <sup>1</sup>"entrance/administrative fee" requirement for low income people.

We wish that services like the ones that we provide will not be needed in the future but we are not sure that looking at the solution as a state centralized collection of funds/ revenues **alone** would be in the best interest of the low income and unemployed community.

In conclusion, LELO has acted in good faith as a contractor with Martin Luther King County since 1999 and has fulfilled and surpassed all the *agreed* requirements each year and will continue to do so.

Thank you for your time and effort in completing this audit in a speedy time frame, this exercise was an unexpected hardship for our agency but we appreciate all your work.

Sincerely

  
\_\_\_\_\_  
Martha Ramos  
LELO Relicensing Specialist

<sup>1</sup> CITY OF RICHLAND and City of Kennewick Respondents. Briana WAKEFIELD,. No. 92594-1, Supreme Court of Washington, En Banc. Filed September 22, 2016.  
[https://scholar.google.com/scholar\\_case?case=3245358724564771390&q=richland+v+wakefield&hl=en&as\\_sdt=6,48](https://scholar.google.com/scholar_case?case=3245358724564771390&q=richland+v+wakefield&hl=en&as_sdt=6,48).

# Statement of Compliance, Scope, Objectives & Methodology

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## Statement of Compliance with Government Auditing Standards

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Scope of Work on Internal Controls

We assessed internal controls relevant to the audit objectives. This included review of contract terms as well as interviews with knowledgeable staff within the Department of Adult and Juvenile Detention (DAJD), the Department of Community and Human Services (DCHS), and Legacy of Equality, Leadership and Organizing (LELO). We also reviewed relevant policies within DCHS regarding contract administration.

## Scope

This performance audit evaluated the services provided by LELO's community-based relicensing program. We examined the contract for the program and LELO's performance for the time period from January 2014 to December 2016.

## Objectives

The objectives of this audit were to determine whether all of LELO's contractual obligations to King County were met, and whether future contracts could be managed and designed to more effectively address county goals. We also sought to assess the value that LELO provides to King County and other stakeholders.

## Methodology

To address the audit objectives we reviewed documentation regarding LELO's performance and compared this to its contract terms. The audit team interviewed representatives from the King County District Court, DAJD, DCHS, and LELO to understand how the contract has been managed, how LELO's work ties into King County's overall relicensing efforts, and what changes can be expected of LELO's contract under DCHS. We also researched academic literature on the value of relicensing and spoke with representatives from other relicensing programs and the statewide relicensing program work group to assess the value of relicensing and potential best practices.





# KING COUNTY AUDITOR'S OFFICE

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## Advancing Performance & Accountability

KYMBER WALTMUNSON, KING COUNTY AUDITOR

**MISSION** Promote improved performance, accountability, and transparency in King County government through objective and independent audits and studies.

**VALUES** INDEPENDENCE - CREDIBILITY - IMPACT

**ABOUT US** The King County Auditor's Office was created by charter in 1969 as an independent agency within the legislative branch of county government. The office conducts oversight of county government through independent audits, capital projects oversight, and other studies. The results of this work are presented to the Metropolitan King County Council and are communicated to the King County Executive and the public. The King County Auditor's Office performs its work in accordance with Government Auditing Standards.



This audit product conforms to the GAGAS standards for independence, objectivity, and quality.