

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLES



May 4, 2016

Alison Walsh
Prison Policy Initiative
69 Garfield Avenue, Floor 1
Easthampton, Mass. 01027

**Re: Freedom of Information Act Request, received April 19, 2016
2016-FOIA-3354-Request**

Dear Ms. Walsh:

I have received your Freedom of Information Act ("FOIA") request sent via mail wherein you requested: "1. The number of driver licenses that have been suspended for non-driving related drug offenses under DC Code Section 50-1403.02 for the past 3 fiscal or calendar years for which you have data available. 2. The number of these driver's licenses that have been reinstated following the expiration of the suspension period and receipt of the reinstatement fee under DC Code Section 50-1403.02 for the past 3 fiscal or calendar years for which you have data available. 3. The number of people who have been arrested for driving without a license after having their license suspended for a drug conviction under DC Code Section 50-1403.02 for the past 3 fiscal or calendar years for which you have data available. 4. The current fee to reinstate a driver's license suspended under DC Code Section 50-1403.02 for a non-driving related drug offense. (Date Range for Record Search: From 01/01/2013 To 12/31/2015)"

Request No. 1: The number of driver licenses that have been suspended for non-driving related drug offenses under DC Code Section 50-1403.02 for the past 3 fiscal or calendar years for which you have data available

Response: The Department of Motor Vehicles ("DMV") is unable to honor your request because it is not required to answer questions nor is it required to create a record, which this request would require. Hence, DMV does not maintain records in the form and format requested. Therefore, no records are responsive to your request, except as a courtesy and without waiving DMV's rights to deny future requests, **an existing report reflects there were three hundred and twelve revocations under DC Official Code §50-1403.02 between October 1, 2014 and July 1, 2015.** Additionally, in order to obtain the remaining information would entail significant interference with the operation of the Department of Motor Vehicle's automated information system and expending well in

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excess of eight hours of personnel time to reprogram and reformat records (see § 202 of the DC Freedom of Information Act, approved October 21, 1968 (Pub. L. 90-614, DC Official Code §2-532(a-1), (a-2) and (f)(1)), which DMV is not required to do under FOIA.

Request No. 2: The number of these driver's licenses that have been reinstated following the expiration of the suspension period and receipt of the reinstatement fee under DC Code Section 50-1403.02 for the past 3 fiscal or calendar years for which you have data available.

Response: DMV is unable to honor your request because it is not required to answer questions nor is it required to create a record, which this request would require. Hence, DMV does not maintain records in the form and format requested. Additionally, your request would entail significant interference with the operation of the Department of Motor Vehicle's automated information system and expending well in excess of eight hours of personnel time to reprogram and reformat records (see § 202 of the DC Freedom of Information Act, approved October 21, 1968 (Pub. L. 90-614, DC Official Code §2-532(a-1), (a-2) and (f)(1)), which DMV is not required to do under FOIA.

Request No. 3: The number of people who have been arrested for driving without a license after having their license suspended for a drug conviction under DC Code Section 50-1403.02 for the past 3 fiscal or calendar years for which you have data available.

Response: DMV is unable to honor your request because the DMV does not maintain any of the records requested. There are in excess of fourteen agencies within the District of Columbia that have arrest authority (see 18 DC Municipal Regulation §3003.1 (for your convenience it is enclosed) which may have that information.

The Metropolitan Police Department ("MPD") may possess some of the records you have requested. Information regarding making a request to MPD may be found at <http://mpdc.dc.gov/page/open-government-and-foia-mpdc>.

Request No. 4: The current fee to reinstate a driver's license suspended under DC Code Section 50-1403.02 for a non-driving related drug offense. (Date Range for Record Search: From 01/01/2013 To 12/31/2015)".

Response: DMV is not required to answer questions under FOIA, However, as a courtesy and without waiving future denials, DMV responds as follows: the fee to reinstate a driver license is \$98.00.

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Please know that, under D.C. Official Code § 2-537 and 1 DCMR 412, you have the right to appeal this letter to the Mayor or to the Superior Court of the District of Columbia. If you elect to appeal to the Mayor, your appeal must be in writing and contain "Freedom of Information Act Appeal" or "FOIA Appeal" in the subject line of the letter as well on the outside of the envelope. The appeal must include: (1) a copy of the original request; (2) a copy of any written denial; (3) a statement of the circumstances, reasons, and/or arguments advanced in support of disclosure, and (4) a daytime telephone number, and e-mail and/or U.S. Mail address at which you can be reached. The appeal must be mailed to: The Mayor's Correspondence Unit, FOIA Appeal, 1350 Pennsylvania Avenue, N.W., Suite 316, Washington, D.C. 20004. Electronic versions of the same information can instead be e-mailed to The Mayor's Correspondence Unit at foia.mayor@dc.gov. Further, a copy of all appeal materials must be forward to the Freedom of Information Officer of the involved agency, or to the agency head of that agency if there is no designated Freedom of Information Officer there. Failure to follow these administrative steps will result in delay in the processing and commencement of a response to your appeal to the Mayor.

Sincerely,



David M. Glasser
General Counsel & Acting FOIA Officer

enc.

3003

**ISSUANCE OF MOVING AND NON-MOVING
VIOLATIONS**

3003.1

The following are empowered to issue Notices of Infraction for all moving and parking infractions within their respective jurisdictions:

- (a) District of Columbia Metropolitan Police;
- (b) Metro Transit Police;
- (c) National Zoological Park Police;
- (d) United States Capitol Police;
- (e) United States Park Police;
- (f) United States Secret Service, Uniformed Division;
- (g) Walter Reed Army Medical Center;
- (h) Bolling Air Force Base Security Police;
- (i) United States Federal Protective Service;
- (j) Commandant, Naval District Washington;
- (k) District of Columbia Housing Authority Police Force;
- (l) Library of Congress;
- (m) United States Mint Police; and
- (n) District Department of Transportation.

3003.2

REPEALED

3003.3

When information is entered on the ticket manually, the provisions of § 3002.3 through 3002.5 and 3002.9 shall apply.

3003.4

When a hand-held electronic device is used, the provisions of §§ 3002.6 through 3002.7 and 3002.10 shall apply.