



Alison Walsh &lt;awalsh@prisonpolicy.org&gt;

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## DMV FOIA response

1 message

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**Jack, Sandra (DMV)** <Sandra.Jack@dmv.virginia.gov>  
To: "awalsh@prisonpolicy.org" <awalsh@prisonpolicy.org>

Mon, Apr 25, 2016 at 11:00 AM

Ms. Walsh,

The Virginia Department of Motor Vehicles (DMV) received your request for records pursuant to the Virginia Freedom of Information Act (FOIA) on April 18, 2016. Specifically, you seek:

1. The number of driver's licenses that have been suspended for non-driving related drug offenses under Va. Code § 18.2-259.1 for the past three fiscal or calendar years for which data is 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 Va. Code § 18.2-259.1 for the past three fiscal or calendar years for which data is 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 Va. Code § 18.2-259.1 for the past three fiscal or calendar years for which data is available.
4. The current fee to reinstate a driver's license suspended under Va. Code § 18.2-259.1 for a non-driving related drug offense.

I note from your correspondence that it appears you are located in the Massachusetts. Although FOIA does not require DMV to provide records to non-Virginia residents, it is the agency's policy to respond to such requests whenever feasible. As such, your request has been processed.

In response to Request Number 1, please find attached to this e-mail a file entitled "Response Request 1."

In response to Request Number 2, DMV does not possess any records reflecting the information you seek in the manner you have requested. The raw data needed to respond to your requests, however, is contained in DMV's computer database. DMV is able to compile data and run reports that would provide the information you seek in this request. To do so would require the expenditure of resources, for which DMV would charge a fee to recover its actual costs based on an hourly rate for the responding employee's time plus any programming, data and duplication costs. If you would like DMV to provide an estimate of the fee that would be charged to produce a report containing this information, please let me know.

In response to Request Number 3, DMV does not possess any responsive records because the agency does

not maintain information relating to arrests. The documents you seek may be maintained by the Supreme Court of Virginia. You may direct your requests to the following address:

Kristi S. Wright  
Director, Legislative and Public Relations  
Office of the Executive Secretary  
Supreme Court of Virginia  
100 North Ninth Street  
Richmond, Virginia 23219

In response to Request Number 4, the fee to reinstate a driver's license following a drug-related suspension order is \$145.

As the attached documents are being provided electronically, there is no fee for producing this response. If you have any questions or would like to request additional information, please feel free to contact me.

Thank you,  
Sandy Jack

**Sandra Mastro Jack**

Virginia DMV | Legal Services Analyst | Legal Affairs | (804) 864-6714 | [sandra.jack@dmv.virginia.gov](mailto:sandra.jack@dmv.virginia.gov) | [www.dmvNOW.com](http://www.dmvNOW.com)

[Confidentiality Statement](#)

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 **Response Request 1.pdf**  
177K

EXECUTIVE SECRETARY  
KARL R. HADE  
ASSISTANT EXECUTIVE SECRETARY &  
LEGAL COUNSEL  
EDWARD M. MACON  
COURT IMPROVEMENT PROGRAM  
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EDUCATIONAL SERVICES  
CAROLINE E. KIRKPATRICK, DIRECTOR  
FISCAL SERVICES  
JOHN B. RICKMAN, DIRECTOR

## SUPREME COURT OF VIRGINIA



OFFICE OF THE EXECUTIVE SECRETARY  
100 NORTH NINTH STREET  
RICHMOND, VIRGINIA 23219-2334  
(804) 786-6455

HUMAN RESOURCES  
RENÉE FLEMING MILLS, DIRECTOR  
JUDICIAL INFORMATION TECHNOLOGY  
ROBERT L. SMITH, DIRECTOR  
JUDICIAL PLANNING  
CYRIL W. MILLER, JR., DIRECTOR  
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LEGISLATIVE & PUBLIC RELATIONS  
KRISTI S. WRIGHT, DIRECTOR

May 6, 2016

Alison Walsh  
Policy & Communications Associate  
Prison Policy Initiative  
69 Garfield Ave., Floor 1  
Easthampton, MA 01027

Re: Open records request

Dear Ms. Walsh:

I am writing in response to your letter dated April 26, 2016 and received April 29, 2016. Your letter seeks, under the Virginia Freedom of Information Act (VFOIA), "[t]he number of people who have been arrested for driving without a license after having their license suspended for a drug conviction under Va. Code Ann. § 18.2-259.1 for the past 3 fiscal or calendar years for which you have data available."

Please be advised that Virginia Code § 2.2-3703 (A)(5) provides that the VFOIA does not apply to "[t]he records required by law to be maintained by the clerks of the courts of record, as defined in § 1-212, and courts not of record, as defined in § 16.1-69.5." Accordingly, VFOIA is not applicable to your request. Furthermore, even if such court records were subject to VFOIA, only citizens of the Commonwealth of Virginia are guaranteed access under the Act. Va. Code § 2.2-3704 (A).

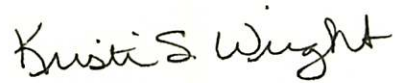
Nonetheless, we can search the electronic case records of the general district court for records that may be responsive to your request. If the records you are seeking are circuit court records, you must contact each circuit court clerk regarding access to that court's records. Contact information for circuit court clerks is available on Virginia's Judicial System website at [www.courts.state.va.us](http://www.courts.state.va.us).

You will be charged the cost to search for and provide the requested records. However, before any search can be completed, you will need to provide the Virginia Code section for the specific offense you are seeking. Please be advised that while

Letter to Ms. Alison Walsh  
May 6, 2016  
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your request seeks the number of persons arrested, the records in the General District Case Management System will reflect the number of *cases* filed, and will not reflect the number of arrests or the total number of people who have been charged with such an offense.

Sincerely,

A handwritten signature in black ink that reads "Kristi S. Wright". The signature is written in a cursive style with a prominent dot over the 'i' in "Wright".

Kristi S. Wright

RUN DATE: 10/22/13  
 RUN TIME: 11:45

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF MOTOR VEHICLES  
 MLA ORDERS OUTSTANDING REPORT  
 FROM: 07/01/12 TO: 06/30/13

REPORT RP6001PB  
 PAGE 2

ORDER CODE	DESCRIPTION	ORDERS ISSUED	ORDERS COMPLIED	PERCENT COMPLIED	ORDERS OUTSTANDING*
CV09	DD SUSP VASAP/REST 2ND	1,129	842	74.57	2,483
CV10	DWI 3RD OR DWI FELONY	855	5	0.58	22,948
CV11	DRIVE INFLU DRUG 1ST	3	0	0.00	199
CV12	DRIVE INFLU DRUG FOREIGN	14	3	21.42	35
CV13	DRUG SUSP VASAP/REST 1ST	47	28	59.57	145
CV14	DRIVE INFLU DRUG 2ND	1	0	0.00	33
CV16	DRUG SUSP VASAP/REST 2ND	3	3	100.00	7
CV17	DRIVE INFLU DRUG 3RD	9	0	0.00	174
CV18	ASAP REVOKED 1ST	373	32	8.57	4,873
CV19	ASAP REVOKED 2ND	51	7	13.72	585
CV20	HIT AND RUN FELONY	282	20	7.09	1,103
CV21	DRIVING UNDER SUS/REVO 1S	2,227	137	6.15	8,303
CV23	INVOLUNTARY MANSLAUGHTER	0	0	0.00	1
CV24	UNAUTHORIZED USE OF MV	204	4	1.96	952
CV25	CT ORDER/REFUSE BLOOD TES	959	73	7.61	3,821
CV26	PERJURY	2	0	0.00	9
CV27	FELONY - MOTOR VEHICLE	940	23	2.44	5,995
CV28	COURT ORDER REVOCATION	0	0	0.00	4
CV31	FALSE AFFIDAVIT MISDEM	40	10	25.00	126
CV33	FRAUDULENT APPLI FOR A LI	0	0	0.00	7
CV35	DRV UNDER SUS/REVO 2ND/SU	514	2	0.38	2,551
CV40	DD SUSP VASAP/CONSECUT 1S	65	28	43.07	93
CV41	DRIVE INFLU DRUGS ASAP 1S	56	8	14.28	458
CV42	DRIVE INFLU DRUGS ASAP 2N	17	3	17.64	76
CV43	DRIVE INFLU DRUG 1ST NDR	2	2	100.00	2
CV45	DRIVE WHILE INTOX ASAP 1S	9,059	1,483	16.37	45,222
CV46	DRIVE WHILE INTOX ASAP 2N	2,822	371	13.14	18,672
CV47	DRIVING WHILE INTOX 1ST ND	121	60	49.58	198
CV48	DRIVING WHILE INTOX 2ND ND	0	0	0.00	1
CV49	DD SUSP VASAP/CONSECUTIVE	908	113	12.44	1,979
CV50	FR REQUIREMENT	704	534	75.85	786
CV51	VIOL. SECT. 46.2-390.1	7,835	2,632	33.59	16,582
CV52	VIOL SECT. 46.2-390.1/RES	6,440	4,979	77.31	5,412
CV53	VIOL. SECT. 46.2-390.1	18,844	1,113	5.90	135,604
CV54	VIOL SECT. 46.2-390.1/RES	2,870	2,315	80.66	1,948
CV55	INVOL MANSLAUGHTER/ALCOHO	0	0	0.00	1
CV57	DR AFTER CONSUME ALCOHOL	217	44	20.27	615
CV58	DR CONSUME ALCOHOL/REST	223	164	73.54	255
CV59	INVOLTRY MANSLTR/ALCOHOL	34	1	2.94	214
CV61	DR WHILE INTOX MAIMING	21	0	0.00	107
CV62	MANSLAUGHTER	21	0	0.00	119
CV64	DRIVING UNDER INFLU 2ND	0	0	0.00	564
CV65	DRIVING UNDER INFLU 3RD	0	0	0.00	351
CV66	DUI REVOK VASAP/REST 2ND	0	0	0.00	83
CV67	THIRD DUI IN 10/INDEFINIT	521	15	2.87	3,724
CV70	VIOL. SECT. 46.2-390.1	17	7	41.17	34
CV71	VIOL SECT. 46.2-390.1/RES	2	1	50.00	1
CV72	VIOL. SECT. 46.2-390.1	81	4	4.93	198

35,539

\* REPRESENTS OUTSTANDING ORDERS ON FILE AS OF DAY OF REPORT; OTHER COLUMNS ARE CUMULATIVE DURING REPORT PERIOD  
 NOTE: ORDER CODES NOT SHOWN INDICATE NO ACTIVITY DURING PERIOD AND NONE OUTSTANDING

RUN DATE: 07/21/14  
 RUN TIME: 09:53

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF MOTOR VEHICLES  
 MLA ORDERS OUTSTANDING REPORT  
 FROM: 07/01/13 TO: 06/30/14

REPORT RP6001PB  
 PAGE 2

ORDER CODE	DESCRIPTION	ORDERS ISSUED	ORDERS COMPLIED	PERCENT COMPLIED	ORDERS OUTSTANDING*
CV06	DD SUSP VASAP/REST 1ST	11,505	7,366	64.02	19,927
CV07	DRIVING WHILE INTOX 2ND	292	33	11.30	6,418
CV08	DRIVE WHILE INTOX 2ND FOR	8	0	0.00	72
CV09	DD SUSP VASAP/REST 2ND	1,196	854	71.40	2,501
CV10	DWI 3RD OR DWI FELONY	930	6	0.64	23,154
CV11	DRIVE INLFU DRUG 1ST	14	1	7.14	196
CV12	DRIVE INFLU DRUG FOREIGN	7	0	0.00	34
CV13	DRUG SUSP VASAP/REST 1ST	41	18	43.90	144
CV14	DRIVE INFLU DRUG 2ND	0	0	0.00	33
CV16	DRUG SUSP VASAP/REST 2ND	0	0	0.00	7
CV17	DRIVE INFLU DRUG 3RD	13	0	0.00	186
CV18	ASAP REVOKED 1ST	321	23	7.16	4,839
CV19	ASAP REVOKED 2ND	31	3	9.67	573
CV20	HIT AND RUN FELONY	353	5	1.41	1,248
CV21	DRIVING UNDER SUS/REVO 1S	2,097	37	1.76	9,057
CV24	UNAUTHORIZED USE OF MV	212	2	0.94	1,040
CV25	CT ORDER/REFUSE BLOOD TES	948	19	2.00	4,073
CV26	PERJURY	3	0	0.00	8
CV27	FELONY - MOTOR VEHICLE	1,076	18	1.67	6,402
CV28	COURT ORDER REVOCATION	3	1	33.33	4
CV31	FALSE AFFIDAVIT MISDEM	53	5	9.43	140
CV33	FRAUDULENT APPLI FOR A LI	0	0	0.00	6
CV35	DRV UNDER SUS/REVO 2ND/SU	623	5	0.80	2,872
CV40	DD SUSP VASAP/CONSECUT 1S	48	19	39.58	87
CV41	DRIVE INFLU DRUGS ASAP 1S	76	6	7.89	474
CV42	DRIVE INFLU DRUGS ASAP 2N	11	0	0.00	83
CV43	DRIVE INFLU DRUG 1ST NDR	4	3	75.00	2
CV45	DRIVE WHILE INTOX ASAP 1S	9,338	1,130	12.10	47,312
CV46	DRIVE WHILE INTOX ASAP 2N	2,784	232	8.33	19,482
CV47	DRIVING WHILE INTOX 1ST ND	105	57	54.28	174
CV48	DRIVING WHILE INTOX 2ND ND	0	0	0.00	1
CV49	DD SUSP VASAP/CONSECUTIVE	723	119	16.45	2,285
CV50	FR REQUIREMENT	542	419	77.30	645
CV51	VIOL. SECT. 46.2-390.1	8,116	2,170	26.73	17,784
CV52	VIOL SECT. 46.2-390.1/RES	7,029	4,751	67.59	5,549
CV53	VIOL. SECT. 46.2-390.1	20,115	860	4.27	144,471
CV54	VIOL SECT. 46.2-390.1/RES	3,299	2,499	75.75	2,152
CV55	INVOL MANSLAUGHTER/ALCOHO	0	0	0.00	1
CV57	DR AFTER CONSUME ALCOHOL	201	27	13.43	589
CV58	DR CONSUME ALCOHOL/REST	176	118	67.04	242
CV59	INVOLTRY MANSLTR/ALCOHOL	31	0	0.00	227
CV61	DR WHILE INTOX MAIMING	24	0	0.00	120
CV62	MANSLAUGHTER	13	0	0.00	129
CV64	DRIVING UNDER INFLU 2ND	0	0	0.00	555
CV65	DRIVING UNDER INFLU 3RD	0	0	0.00	339
CV66	DUI REVOK VASAP/REST 2ND	0	0	0.00	79
CV67	THIRD DUI IN 10/INDEFINIT	425	19	4.47	3,888
CV70	VIOL. SECT. 46.2-390.1	23	6	26.08	39

\* REPRESENTS OUTSTANDING ORDERS ON FILE AS OF DAY OF REPORT; OTHER COLUMNS ARE CUMULATIVE DURING REPORT PERIOD  
 NOTE: ORDER CODES NOT SHOWN INDICATE NO ACTIVITY DURING PERIOD AND NONE OUTSTANDING

38,559  
 381

DATE: 09/14/15  
 RUN TIME: 15:08

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF MOTOR VEHICLES  
 MLA ORDERS OUSTANDING REPORT  
 FROM: 07/01/14 TO: 06/30/15

REPORT RP6001PB  
 PAGE 2

ORDER CODE	DESCRIPTION	ORDERS ISSUED	ORDERS COMPLIED	PERCENT COMPLIED	ORDERS OUTSTANDING*
CV05	DRIVE WHILE INTOX 1ST FOR	478	79	16.52	2,400
CV06	DD SUSP VASAP/REST 1ST	10,296	7,486	72.70	18,693
CV07	DRIVING WHILE INTOX 2ND	181	12	6.62	6,276
CV08	DRIVE WHILE INTOX 2ND FOR	7	0	0.00	76
CV09	DD SUSP VASAP/REST 2ND	1,145	890	77.72	2,447
CV10	DWI 3RD OR DWI FELONY	816	4	0.49	23,389
CV11	DRIVE INFLU DRUG 1ST	7	0	0.00	196
CV12	DRIVE INFLU DRUG FOREIGN	10	2	20.00	38
CV13	DRUG SUSP VASAP/REST 1ST	33	21	63.63	133
CV14	DRIVE INFLU DRUG 2ND	4	0	0.00	36
CV16	DRUG SUSP VASAP/REST 2ND	3	2	66.66	8
CV17	DRIVE INFLU DRUG 3RD	9	0	0.00	193
CV18	ASAP REVOKED 1ST	339	32	9.43	4,780
CV19	ASAP REVOKED 2ND	40	3	7.50	574
CV20	HIT AND RUN FELONY	295	10	3.38	1,346
CV21	DRIVING UNDER SUS/REVO 1S	2,013	58	2.88	9,634
CV24	UNAUTHORIZED USE OF MV	189	7	3.70	1,112
CV25	CT ORDER/REFUSE BLOOD TES	829	49	5.91	4,259
CV26	PERJURY	2	0	0.00	8
CV27	FELONY - MOTOR VEHICLE	1,066	17	1.59	6,907
CV28	COURT ORDER REVOCATION	0	0	0.00	4
CV31	FALSE AFFIDAVIT MISDEM	23	8	34.78	126
CV33	FRAUDULENT APPLI FOR A LI	0	0	0.00	6
CV35	DRV UNDER SUS/REVO 2ND/SU	643	6	0.93	3,396
CV40	DD SUSP VASAP/CONSECUT 1S	29	18	62.06	74
CV41	DRIVE INFLU DRUGS ASAP 1S	90	7	7.77	489
CV42	DRIVE INFLU DRUGS ASAP 2N	7	0	0.00	81
CV43	DRIVE INFLU DRUG 1ST NDR	2	2	100.00	3
CV45	DRIVE WHILE INTOX ASAP 1S	9,084	1,393	15.33	49,677
CV46	DRIVE WHILE INTOX ASAP 2N	2,622	278	10.60	20,428
CV47	DRIVING WHILE INTOX 1ST ND	44	13	29.54	168
CV48	DRIVING WHILE INTOX 2ND ND	0	0	0.00	1
CV49	DD SUSP VASAP/CONSECUTIVE	616	130	21.10	2,575
CV50	FR REQUIREMENT	342	220	64.32	640
CV51	VIOL. SECT. 46.2-390.1	8,607	2,657	30.89	19,434
CV52	VIOL SECT. 46.2-390.1/RES	7,007	5,149	73.48	5,498
CV53	VIOL. SECT. 46.2-390.1	19,583	1,036	5.29	156,562
CV54	VIOL SECT. 46.2-390.1/RES	3,658	2,919	79.79	2,486
CV55	INVOL MANSLAUGHTER/ALCOHO	0	0	0.00	1
CV57	DR AFTER CONSUME ALCOHOL	184	35	19.02	591
CV58	DR CONSUME ALCOHOL/REST	159	111	69.81	239
CV59	INVOLTRY MANSLTR/ALCOHOL	42	0	0.00	266
CV61	DR WHILE INTOX MAIMING	22	0	0.00	143
CV62	MANSLAUGHTER	12	0	0.00	142
CV64	DRIVING UNDER INFLU 2ND	0	0	0.00	539
CV65	DRIVING UNDER INFLU 3RD	0	0	0.00	323
CV66	DUI REVOK VASAP/REST 2ND	0	0	0.00	77
CV67	THIRD DUI IN 10/INDEFINITE	413	12	2.90	4,095

\* REPRESENTS OUTSTANDING ORDERS ON FILE AS OF DAY OF REPORT; OTHER COLUMNS ARE CUMULATIVE DURING REPORT PERIOD  
 NOTE: ORDER CODES NOT SHOWN INDICATE NO ACTIVITY DURING PERIOD AND NONE OUTSTANDING