



Open Forum – Questions for DOL & AOC

Wednesday, Aug 16, 2023

Zoom Link: <https://wacourts.zoom.us/j/95550229687>

Q & A NOTES

1. Continued Topics from DMCMA Academy

Reporting Requirements:

- **Reporting to DOL** – RCW 46.20.270 – immediately; Federal Requirements 10 days from conviction date
 - Conviction Definition: RCW 46.20.270
- **Manually Reported Dispositions:**
 - CD Caseload Case Type Cases (DUI Related) – Answer 2237
 - Juvenile Dispositions under 18 (U18) and Under 21 (U21)
 - Negligent Driving Vulnerable User 2nd (IT) – Answer 2267
 - See Also – ETP Manual – Manually Sent Dispositions
- **Definition of “Masking” Charges sent to DOL** – 49 CFR 384.226
 - Major Offenses RCW 46.25.090
- **FTA/UTC Reporting:**
 - RCW 46.64.025 – promptly; fails to respond, fails to appear, fails to comply
 - RCW 46.20.270 – within 10 days; fail to respond, fail to pay, fail to appear, includes any statute, ordinance, or regulation relating to standing, stopping, parking, or civil penalties.
 - **FTA Reason Codes – Which one should be used?**
 - **Respond** – Failed to initially respond to the ticket within the 30/33 days
 - **Appear** – Failed to appear for a hearing; can be failed to appear for a compliance hearing
 - **Comply** – Failed to comply with conditions; CT Cases Only per statute
 - **Pay** – Only remaining issue is payment of fines/fees; if failed to comply is only for failure to pay it is recommended you use Failed to Pay. Does Not Suspend or appear in UTC section of ADR.
- **Other Things to Report:**
 - **Mental Health Commitments to NICS** – eService Answer 2129
 - **Cases Dismissed due to Speedy Trial Waivers** – eService Answer 1521
 - **Court Security Incident Reporting** – eService Answer 1759
 - **Court Closures and Emergency Operations** – eService Answer 664
 - **Annual Registration for CLJ Courts** – ARLJ 12; eService Answer 859

2. DOL Records

Q: How will the ADR for treatment providers be accessed by court and probation staff?

A: DOL added the assessment ADR to the drop down in DIAS.

3. Chat Questions

Q: Do you want a bail forfeiture for a case that has not been arraigned? Only if convicted?

A: DOL has to keep the old BF – Bail Forfeiture code in the DOL list of disposition codes at DOL in case there are any old cases on record that were resolved with them. Note that we are referring to the old case dispositions of Bail Forfeiture that can not be done anymore, not a forfeiture of bail money posted. The language in the statute that says what needs sent to DOL was not changed when the disposition of Bail Forfeiture went away.

Q: When reporting a case that is awaiting sentencing; do you report as a guilty plea or awaiting sentence?

A: Either way, both information is in the DOL system as “Guilty”. You can reach out to lawandjusticesupport@dol.wa.gov if you have questions on how to report specific cases.

Q: When a deferred sentence on a criminal case is dismissed, do we notify DOL? Is it only when a guilty plea is also withdrawn or any time a deferred sentence is dismissed?

A: The definition of conviction says that when any fine, fee, or cost is paid it is a conviction, as well as a plea or finding of guilty. If the deferred sentence is dismissed, but doesn't meet the other aspects of the definition of conviction, you cannot remove the conviction from the driver's record. If there is no guilty plea, no guilty finding, and no fines, fees, or costs paid, then the conviction could be removed upon dismissal.

Q: Where are the instructions on what needs manually reported on eTickets located?

A: At help.courts.wa.gov, under CLJ – Application Manual for ETP, the you go to DOL Disposition Transfer Information, [Manual Dispositions](#).

Q: Are we able to get the slides after the meeting?

A: They are with the DMCMA materials from the May [CLJ Administrators Academy](#). Angie Autry will also send it out to the meeting attendees following today's session.

Q: Can I ask why we still have manual reporting requirements when everything else is pulled electronically and all of the information is entered in JIS? Might this change with the next CMS?

A: There are a couple of scenarios; for example, for paper tickets, we don't have fields for all the elements to enter in JIS, so we can't send those electronically; that is why you need to do it manually. There are also the DUI related charges that have additional data elements that must currently be reported manually due to elements not being available in JIS. The new CMS does include all of the data elements needed, so future manually entered tickets can be sent if the fields are utilized. There is a future project AOC hopes to do to also enhance the Enterprise Data Repository (EDR) exchange with DOL to be able to send both the manually entered tickets and

DUI's electronically, for those courts that are on the new CMS, or on their own program and have all of the data elements required to utilize the exchange. More to come on that separate project in the future.

Q: If a person who has CDL is granted a deferred prosecution, is that considered masking?

A: No. We will still disqualify the person's CDL even though is their personal privilege, but they have the right to the option of a deferred prosecution to get the treatment they need, so it is not masking.

Q: How is the fact that fees were paid on a case tracked? The Courts does not submit fees to DOL, so how do they know?

A: DOL has access to JABS and can review any case that has a request to remove a charge.

Q: What Docket Code should be used to document that the amount paid is an administrative fee?

A: @OC1 creates a docket entry that states fees paid are for the administrative fee, for use on infraction Deferred Finding cases.

Q: How long does it take an FTA to be cleared when done through JIS?

A: 24/48 hours if all information is correct. If there is something incorrect, an exception work item is created, which must be manually looked at by DOL staff, so it could be much longer on those.

Q: Even if we can find a built record in DOL, if a ticket is issued with an out of state license, we still submit convictions and FTAs with the out of state license number from the citation, correct?

A: Yes. If the person has a valid out of state license that is the license that license will be linked to the built record at DOL, but it also notifies DOL that they need to send information to that other state. If a person gets a WA license, the out of state license will be invalidated and the record updated at DOL; at that time you can update the JIS record to the WA license number. If someone issues an FTA with an out of state license, but the record is updated to a WA built record before the adjudication is sent, that other state will never be notified to clear the FTA. Reach out to law and justice if the system is showing that the other state still has a WA hold; we can review the record and send the negate letter manually to the other state if necessary and make sure the WA built record has the out of state license associated with it in the DOL system.

Q: Does DOL prefer us to lift the FTA in a person with an out of state license in DIAS or JIS?

A: Either way is correct. Just please remember that if you lift the FTA in DIAS, do it with "No Notice to DOL" when you do it in JIS, so you aren't generating additional exceptions for DOL staff to manually review.

Q: The concern has been that sometimes it doesn't get added to the built record and a second built record gets created, do you recommend we watch these cases until we confirm they were correctly added?

A: If you find multiple records for the same person, please notify lawandjusticesupport@dol.wa.gov.