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MVA v. Richards

The Exclusionary Rule of the Fourth Amendment Does Not Extend to Civil Administrative Driver's License Suspension Proceedings

By Lee A. Dix

The Court of Appeals of Maryland declined to extend the exclusionary rule of the Fourth Amendment to Motor Vehicle Administration license suspension hearings. *Motor Vehicle Admin. v. Richards*, 356 Md. 356, 739 A.2d 58 (1999). The court specifically held the rule inapplicable in civil administrative license suspension hearings under section 16-205.1 of the Transportation Article of the Annotated Code of Maryland. The court further held that the constitutionality of a motor vehicle stop may not be challenged in the resulting administrative proceeding.

On October 24, 1997, at approximately 12:30 a.m., a Maryland State Trooper, patrolling in the Carroll County town of Westminster, observed a vehicle stopped in the middle of the road. Aware that Westminster had been experiencing a wave of nighttime burglaries and vehicle thefts, the trooper decided to follow the vehicle.

The trooper then stopped the vehicle to determine what business the driver had in the neighborhood. As the trooper spoke to the driver, David Richards, ("Richards") he detected a strong odor of alcohol. The trooper administered a field sobriety test, and Richards was subsequently arrested. While under custodial arrest, Richards refused to take a chemical breath test to determine his blood-alcohol level. In accordance with administrative procedure section 16-205.1 of the Transportation Article of the Annotated Code of Maryland, the trooper issued an order suspending Richards's driver's license.

Richards requested a hearing under section 16-205.1(f) to determine the validity of his driver's license suspension. The Administrative Law Judge ("ALJ") concluded that Richards's license was properly suspended, based on his refusal to take the chemical breath test. Moreover, the ALJ concluded that reasonable grounds existed for the stop and that the trooper acted in good faith. The Circuit Court for Carroll County, on judicial review of the ALJ's determination, reversed the suspension of Richards's license, stating that insufficient justification existed to support the stop. The Motor Vehicle Administration ("MVA") petitioned the Court of Appeals of Maryland for a writ of certiorari, which it granted to consider whether the exclusionary rule applies in driver's license suspension proceedings conducted pursuant to section 16-205.1(f) barring the introduction of evidence obtained during an unlawful motor vehicle stop.

The court began its analysis by reviewing the language of section 16-205.1, specifically the implied consent provision. *Richards*, 356 Md. at 363, 739 A.2d at 62. The court noted that the statute established that any person driving on a public roadway in Maryland has implicitly consented, if reasonably requested, to a test to determine breath or blood alcohol level. *Id.* Additionally, the statute provided that refusal to take the test will result in automatic suspension of the person's license to drive. *Id.* The court of appeals, in reviewing the statute, stated that section 16-205.1(f)(7) provides that the administrative hearing is not to consider the constitutionality of the stop, or the possible exclusion of unconstitutionally seized evidence. *Id.* at 367, 739 A.2d at 64.

The court examined the Supreme Court's position in extending the exclusionary rule of the Fourth Amendment beyond the criminal trial context. Upon review of numerous decisions issued by the Supreme Court during the past quarter century, the court of appeals concluded that the Supreme Court refused to extend the exclusionary rule to civil proceedings, with the exception of civil in rem forfeiture proceedings. *Id.* at 368, 739 A.2d at 65. The Supreme Court viewed the in rem forfeiture proceedings as quasi-criminal in nature and, therefore, warranted application of exclusionary rule. *Id.* In 1998, the

Supreme Court again refused to extend the exclusionary rule beyond criminal proceedings. *Id.* Furthermore, the Supreme Court held that the exclusionary rule is "applicable only where its deterrence benefits outweigh its 'substantial social costs.'" *Id.* at 369, 739 A.2d at 65 (quoting *United States v. Leon*, 468 U.S. 897, 907 (1984)).

The court of appeals next examined the case law of Maryland addressing the applicability of the exclusionary rule to civil proceedings. *Id.* at 370, 739 A.2d at 66. The court found that outside of the criminal trial context that the exclusionary rule is applicable only in civil in rem forfeiture proceedings due to the quasi-criminal nature of the hearings. *Id.* In so holding, the court of appeals reiterated the Supreme Court's statement that "the 'prime purpose' of the rule, if not the sole one, 'is to deter future unlawful police conduct.'" *Id.* at 371, 739 A.2d at 67 (quoting *United States v. Janis,* 428 U.S. 433, 446 (1976) (quoting *United States v. Calandra,* 414 U.S. 338, 347 (1974))). Additionally, the court stated that the marginal deterrence of extending the exclusionary rule, coupled with the substantial cost, does not justify its application in civil proceedings. *Id.*

After completing its examination of the language of section 16-205.1, the Supreme Court's application of the exclusionary rule, and the case law of Maryland, the court of appeals addressed the issue of whether the exclusionary rule applied in administrative license suspension proceedings conducted pursuant to section 16-205.1(f). The court rejected the proposition that proceedings under this section are quasi-criminal in nature. *Id.* at 372, 739 A.2d at 67. The court stated that although the suspension or revocation of one's license under section 16-205.1 may appear "purely punitive" and "quasi-criminal" in nature, the ultimate goal is to prevent unscrupulous or incompetent persons from continuing to drive automobiles. *Id.* at 373, 739 A.2d at 68.

Having decided that the license suspension proceedings were not quasi-criminal, the court used the traditional cost benefit analysis to determine whether the exclusionary rule applied in administrative license suspension proceedings. *Id.* at 372, 739 A.2d at 67. The court opined that whether the case involved test refusal or test failure, the deterrent effect of exclusion would be insignificant, as the police already suffer exclusion of unlawfully seized evidence from criminal proceedings. *Id.* at 374, 739 A.2d at 69. Additionally, the court noted that the MVA and police departments operate as independent agencies, and imposing the exclusionary rule in license suspension proceedings would do little to deter unlawful police action. *Id.* at 375, 739 A.2d at 69.

Turning to the cost side of the test, the court concluded that applying the exclusionary rule in hearings conducted pursuant to section 16-205.1 would create substantial cost. *Id.* at 376, 739 A.2d at 69. The court stated that applying the rule would complicate the proceedings and severely undermine its purpose to protect the public. *Id.*

With it decision in *Richards*, the court of appeals continues to strictly adhere to its prior decisions and the Supreme Court's precedent of refusing to extend the exclusionary rule to civil proceedings. The court clearly stated that any future extension of the rule to civil proceedings in Maryland will occur only when the goal of deterring unlawful police practices outweighs the social benefit of not applying the rule.