

IMPROVING THE ENFORCEMENT OF DRIVER LICENSE DENIALS, SUSPENSIONS, AND REVOCATIONS

Part 1: Preliminary Guidelines

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**Final Report
October 1970**

Contract No. FH-11-7283

PREPARED FOR:

**U.S. DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY SAFETY BUREAU
WASHINGTON, D.C. 20591**

"Prepared for the U. S. Department of Transportation, National Highway Safety Bureau, under Contract No. FH 11-7283.

The opinions, findings and conclusions expressed in this publication are those of the authors and not necessarily those of the National Highway Safety Bureau. "

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PART 1: PRELIMINARY GUIDELINES

Final Report

Under

Contract FH 11-7283

U. S. Department of Transportation
Federal Highway Administration
National Highway Safety Bureau

by

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ABBREVIATIONS

The following abbreviations are used in this report:

AAMVA	=	American Association of Motor Vehicle Administrators
AVI	=	Automatic Vehicle Identification
BAL, BAC	=	Blood Alcohol Level* or Concentra- tion
DMV	=	Department of Motor Vehicles
DUS	=	Driving under suspension or other denial
DWI, DUI	=	Driving while intoxicated or under the influence of intoxicants
FBI	=	Federal Bureau of Investigation, U.S. Department of Justice
FR	=	Financial Responsibility
HMV	=	Hazardous moving violation
HSPM	=	Highway Safety Program Manual
IACP	=	International Association of Chiefs of Police
LEAA	=	Law Enforcement Assistance Adminis- tration, U.S. Department of Justice
LFI	=	Low frequency induction
MH	=	Manhour of effort
MTO	=	Model Traffic Ordinance
MY	=	Manyear of effort
NCIC	=	National Crime Information Center, U.S. Department of Justice
NCUTLO	=	National Committee on Uniform Traffic Laws and Ordinances
NHSB	=	National Highway Safety Bureau, U.S. Department of Transportation
NSC	=	National Safety Council
UTC	=	Uniform Traffic Citation
UVC	=	Uniform Vehicle Code

*Highway Safety Program Manual, Vol. 8

I. INTRODUCTION

Part 1 presents a summary of the recommendations of a study on the improvement of the enforcement of driver license denials. The term, "denial" includes withdrawals, suspensions, revocations, and cancellations. Part 2 presents a more detailed discussion of the findings, analysis, and recommendations. This report complements two other recent studies concerning license denials but does not duplicate them: The National Committee on Uniform Traffic Laws and Ordinances* had published a summary of the States' penalties for driving after revocation or during a suspension; the Northwestern University Traffic Institute** has published a survey of enforcement methods employed by police and motor vehicle agencies. In this study, a systems approach was taken toward the mechanism of imposing and enforcing denials, and advanced technology was investigated, to identify the most promising ways to improve denial enforcement.

Improvements in the enforcement of denials can be brought about by a combination of several actions: application of management principles; commitment to objectives; commitment to enforce mandatory statutes; public accountability; reducing ease of denial violation; improving incentives to comply with denials; integration of communications and data requirements for denial policing with criminal information systems; creation of special files for denied operators accessible through the criminal information system by registration or license data; driver surveillance using data transmission technology. Following a summary of descriptive findings, subsequent sections will briefly discuss actions to be taken for improvement of denial management and enforcement. State and local requirements and conditions vary; recommendations should be considered accordingly.

* National Committee on Uniform Traffic Laws & Ordinances (Washington, D.C.). "Penalties for Driving After a Revocation or During a Suspension." Traffic Laws Commentary, no. 70-3, March 1970.

** Timberlake, William E. "A Study of Procedures Used to Deter Driving While Under Revocation or Suspension." Report on Study Grant, Insurance Institute for Highway Safety, Washington, D.C., Feb. 1970.

II. FINDINGS

The number of denials in force is roughly 1.5% of the total licenses in force. About 3 million denial actions are taken annually: 1/3 for financial responsibility, 1/3 for points, 1/3 for driving while intoxicated, reckless driving, and other serious offenses. About 0.15% of drivers are convicted for violating a denial. About 10% of drivers whose license was ever withdrawn have at some time received at least one more denial. (Values are for the United States and Canada.)

About 160,000 manyears of police effort are devoted to performing traffic-related functions; roughly half of the effort, i.e., 160,000,000 manhours/year, is spent on patrol duty. This activity produces roughly 300 to 500 million driver contacts per year including 100 million citations and 10 million accidents. The volume of checking of driver records for law enforcement purposes is probably between 1 million and 10 million per year.

The process by which denials are applied and enforced is generally not managed systematically. The different agencies which have responsibilities for denial administration, policing, and enforcement generally have neither common goals nor common factual information concerning denials. Agencies also have other responsibilities or preferences which conflict with denial enforcement or have higher priority. Existing opportunities for limiting denial violations are generally not utilized by agencies whose mission is not seen to include denial management functions.

The low visibility of specific references to the policing of denials, checking of records of drivers cited for traffic offenses, and related procedures, is particularly noticeable in most of the literature concerning traffic law enforcement. Published research on the relation of violating denials to traffic injury generation, on the incidence of denial violations, and on the relation of denial violations to driving while intoxicated, is lacking. The effectiveness of court enforcement actions has not been measured. Compliance, recidivism, deterrence, and rehabilitation are topics with scanty knowledge but much conjecture.

Denial violations do not have a very high status value in some criminal justice agencies. Career incentives of police, and positions on license denials taken by courts can work against effective denial policing and enforcement.

Denials are imposed for offenses that differ widely in risk to life and property but are officially considered equal for policing and enforcement purposes. The standard summary accident report makes no provision for noting the status of licenses of drivers in accidents. Denial violations are defined as not hazardous and are not defined as serious traffic offenses. Driving while suspended is not considered accident causative for selective enforcement planning purposes. Measures of the hazard represented by denial violators are not available. (Only one study could be obtained that contained data on denials of drivers killed in accidents: 53% of the drivers at fault had been drinking; 4% of the drivers at fault were violating a denial.) Most of the data necessary to measure the hazard were collected for other purposes and are in agencies' records.

Patterns of motor vehicle ownership and usage which meet society's economic needs make license denials unreliable driver controls: violations are difficult to prevent, transportation alternatives are rare. Denial violations are deliberate acts; that they are risks taken for some other purpose tends to be viewed ex post as a rationale not to enforce mandatory statutes, rather than ex ante as a challenge to find ways of improving voluntary compliance.

Every successful violation reinforces the expectation to be successful again; if denials are to be effective, they must be credible, i.e., the chance of getting away with a violation without being caught must be as small as possible. Violations can only be determined from an official record; checking driver license status to detect denial violations is therefore a critical requirement. Driver license records are now checked in only about 1/80 to 1/20 of all traffic citations; among the main reasons for this small ratio are communications and records limitations.

A second critical requirement not now being fulfilled is that a detected violation will have predictable, prompt, and practical consequences. We suggest that this consequence should be the mandatory confiscation of the registration plate and certificate of a vehicle - not of the car itself - whose driver is apprehended while violating a denial. To be predictable, the confiscation must be mandatory; to be prompt, it must be part of the arrest or citation procedure; to be practical, it should have an operational effect which reinforces the denial - "you are not to drive" - without interfering with property rights.

III. PLANNING, MANAGEMENT, EVALUATION

The management and enforcement of denials requires a clearly stated statewide or communitywide policy, a set of realistic objectives which are supported by all of the agencies whose participation is required, a plan of action to accomplish the objectives, an organized team approach with timely and appropriate information for all members of the team, formal commitment by the team members to the plan of work, systematic evaluation of effectiveness, and public accountability for results.

The denial enforcement tasks which are required of the criminal justice agencies, e.g., police and courts, must be fully compatible with their responsibilities to control crimes against persons, crimes against property, organized crime, and civil disorder.

Planning should include an examination of the fiscal incentives reflected in the statutes under which denials are administered. Problems or conflicting priorities regarding costs borne and benefits and revenues received by different jurisdictions should be identified and resolved. Planning should include agencies whose statutory or administrative powers allow them to contribute - directly or indirectly - to the denial management, policing, and enforcement program even if their primary mission responsibilities do not include such functions.

The acceptable levels of risk to the community which are presented by drivers should be determined; and the changes in risks to be accomplished by application of resources to the administrations and enforcement of denials should be determined. Specific actions, e.g., detection of a denial violation, apprehension of the violator, prosecution, adjudication, and enforcement of statutory sanctions, deal with individuals; planning, analysis, and evaluation, however, must necessarily deal with aggregate measures of risk, just as the formulation of the community objectives for denial management and enforcement represent risk levels. Statistical measures for planning and evaluation can be obtained without undue difficulty if they are provided for in the operational procedures and forms.

In view of the scarcity of analytical resources in most agencies and jurisdictions, consideration should be given to organizing them on a statewide or communitywide task team basis to avoid duplication, improve accessibility and utilization of quantitative information, assure consistency of methods and assumptions, and provide technical assistance to smaller communities in their efforts. An agency with statewide responsibility, authority, and resources including data can best support and lead a statewide effort.

For planning, management, and evaluation, the following kinds of measures are suggested as examples:

- to gauge overall risk from traffic activity: the total number of licenses in force, preferably separated by age-related risk grouping, e.g., below 25, above 65, and all other; total vehicle registration in force, preferably separated into classes that represent significantly different risks; and total traffic, preferably separated by significantly different risk, e.g., vehicle miles per mile by urban versus rural roads of different types, and fatal and nonfatal injury accidents (totals and by vehicle mile/mile)¹.

- to gauge special risks from drivers not performing to acceptable standards: number of drivers in improvement and in rehabilitation; number of license denials in force, preferably separated by duration and cause; incidence of denial violations; recidivism data, preferably classified by the interval between successive violations or denials, and by court.

- to relate special risks from denials to special risks for other reasons, e.g., driving while intoxicated: the incidence of DWI (with and without denial violation).

- to support the rationale for the statutory basis for denials and their enforcement, and to monitor the effectiveness of different actions in enforcing the law: reports of denial violators at fault in

¹Noninjury property accidents are generally so unreliably reported that they should not be relied upon to give a reasonably accurate picture of risk.

fatal and nonfatal injury accidents (totals and relative to overall fatal and nonfatal injury accidents)² identifiable by court.

-to gauge the existing level of policing and detection activity: number of traffic contacts made, number of driver licenses checked, number of citations and arrests for all causes, number of citations and arrests for denial violations and all other license violations.

The analysis of these data can provide the basis for measuring the risk posed by denied operators and denial violators, and assessing the activity directed at the risk. The evaluation of these factors is a prerequisite for developing quantitative objectives, estimating resource requirements, and specifying operational priorities. Specified targets should be established for the number of licenses that should be randomly checked per month or quarter and for the proportion of traffic contacts in which license status will be checked (ideally 100%). The total volume of driver license status checking should be planned relative to the driver population or traffic in the community. Examples are the average number of driver license record checks per 1000 drivers per year, or the average number of checks per million miles of travel. These planning factors permit the assignment of workloads to patrols, the measurement of the work, and the evaluation of the results; the same factors also serve as a rough indicator of what police activity drivers can expect to encounter. The capacity and response of the communications, processing, and driver record checking systems, calculated on an expected peak load basis, should be matched to the desired rate of checking. Where the capacity and response exceed the planned rate of checking, the latter can be increased; where the capacity and response are insufficient, this constraint should be identified.

² Accident analysis should help understand contributing causal factors; to lump all accident involvement is counterproductive. Drivers at fault should be classified four ways: driving under suspension and under the influence; driving under suspension but not under the influence; driving under the influence but not under suspension; driving neither under suspension nor under the influence.

The denial management and enforcement activities are intended to accomplish certain driver-oriented control functions of the traffic safety system. Table 1 shows these functions, the agencies which perform them, and the objectives of the functions. The table is ordered in such a way that the concern with individual drivers as risks becomes greater as one reads downward. (The preventive or enforcement activities of any one function tend to be less than 100% successful and the next level function catches the failures). The following Table 2 shows the denial functions ordered by agencies. Common goals and common facts are needed for the denial management process to bridge the gaps and discontinuities between different jurisdictions and agencies.

The information with which denial management and enforcement can be approached systematically by different agencies as a team effort is shown in Figures 1a,b, and c, "Operational and Administrative Denial Management and Enforcement Information." Operational information is needed at any time during operating hours; administrative information is required on a monthly to quarterly basis for certain reports of activity and status, and on a semiannual basis for other reports and plans. There is one chart for each of these three broad categories of timeliness and frequency of denial information. Information flowing between agencies and the public is specified by source, recipient, and subject. The representative agencies of the denial system shown in these figures include the Governors' representatives for public safety and for highway safety, as well as a statewide police communications and information system. Table 3 shows in summary form what kind of information should be prepared, by whom, how often, and who should receive it. In preparing these suggested examples, consideration was given to other responsibilities of participating agencies.

TABLE 1 : Functions and Objectives of Elements of a Denial System
Related to a Traffic Safety System

Safety Function ¹ to be performed	Systems Element Performing Safety Function	Objectives ²
Driver indoctrination, training, and admission, including license denial	DMV, schools, informal means	Minimize individual prop- ensity for accident in- volvement and hazardous violations
Traffic management	Traffic Engineers, Police, emergency service organs	Minimize delays, acci- dents, fatalities, in- juries
Traffic policing	Police	Minimize hazardous vio- lations and maximize de- tection of those that occur
Traffic law enforcement (adjudication of viola- tions and sentencing, including license denial)	Courts	Maximize compliance with traffic laws
Driver improvement, in- cluding license denial	DMV	Minimize hazardous vio- lations recidivism
Policing of denials	Police	Maximize detection and apprehension of the denied operators estimated to be driving
Enforcement of license denials (adjudication of violations and sen- tencing)	Courts	Maximize compliance with denials
Rehabilitation of chronic offenders	DMV, Courts, mental health? (DUI)	Minimize denial violatio (and DUI) recidivism

¹Systems Management and Systems Support functions are not shown.
(see Figure 1a,b,c).

²The expected results only indicate the direction of the activity, not
the amount to be accomplished. Specified levels of accomplishment,
relative to specified resources in a specified time, are the products
of thorough analysis and planning.

TABLE 2 : Traffic Safety Related Functions and Objectives
of Elements of a Denial System*

System Element	Functions to be Performed	Objectives
Police (with Traffic Engineers and emergency service organs)	Traffic management	Minimize delays, accidents, fatalities, injuries
Police	Traffic policing	Minimize hazardous violations and maximize detection of those that occur
Police	Policing of denials	Maximize detection and apprehension of the denied operators estimated to be driving
Courts	Traffic law enforcement (adjudication of violations and sentencing, including license denial)	Maximize compliance with traffic laws
Courts	Enforcement of license denials (adjudication of violations and sentencing)	Maximize compliance with denials
Corrections (?) (DMV, Courts, Mental health)	Rehabilitation of chronic offenders	Minimize denial violations (and DUI) recidivism
DMV	Driver indoctrination, training, and admission, including license denial	Minimize individual propensity for accident involvement and hazardous violations
DMV	Driver improvement, including license denial	Minimize hazardous violations recidivism
Agencies with other missions but having traffic or vehicle-related authority	License policing support (requiring license validity)	Minimize ease of denial violation

*Systems Management and Systems Support Not Shown. (see Figures 1a,b,c).

FIGURE 1a : DENIAL INFORMATION SYSTEM, OPERATIONAL FLOWS

From \ To	Courts	DMV	Statewide Police Communications and Information System	Public	Local Police	Supporting Agencies	Drivers or Vehicles
Courts		Convictions or other dispositions of driver cases, failures to show, denial actions or recommendations, impoundment			Bench warrants, convictions or other dispositions of driver cases, failures to show, denial actions or recommendations, impoundment		Sentences, denials, impoundments, other enforcement actions, rehabilitation, violation consequences
DMV	Driver records	Internal: Want file update (from driver and vehicle records)	Maintenance of updated instant access DMV want file, other file searches			Response to status checks	Denials, denial violation consequences, rehabilitation, licensing information and laws
Statewide Police Communications and Information System		Requests for file searches	Internal: Maintenance of master instant access index of want files, maintenance of communications system and NCIC access		Responses to traffic surveillance and contact inquiries*; responses to other file searches including criminal wants, detail on hits from want files*	Response to status checks	
Public							
Local Police	Testimony, Charges	Driver-Vehicle data on citations and arrests, impoundment reports, accident reports	Inquiry by identifiers from traffic contacts or surveillance operations*, requests for other DMV file searches		Internal: Inputs to local police intelligence	Response to reports of denial violators	Requests for license and other data, citations, impounding, arrests
Supporting Agencies		Status checks	Status checks		Report denial violators		Require license validity
Drivers or Vehicles	Testimony, compliance information	Licensing and registration information, compliance information, denial acknowledgment, licenses or plates			Operator, license, or vehicle data from traffic surveillance*, or from enforcement contacts	Response depending on license validity	

* Rapid access: information (less than 1 minute)

FIGURE 1b: DENIAL INFORMATION SYSTEM ADMINISTRATION FLOW (MONTHLY OR QUARTERLY)

From \ To						
	Courts	DMV	Statewide Police Communications and Information System	Public	Local Police	State Public and Highway Safety Coordinators
Courts	Internal case evaluations, disposition reports, and rehabilitation reports				Case dispositions and status reports	
DMV	Statewide analyses of accident reports, police and court data for DUS incidence and control, including accident fault, forecasts and reports of denials in force, recidivism reports		Forecast of transactions		Statewide analyses of accident reports, police and court data for DUS incidence and control, including accident fault, forecasts and reports of denials in force, recidivism reports	Statewide analyses of accident reports, police and court data for DUS incidence and control, including accident fault, forecasts and reports of denials in force, recidivism reports
Statewide Police Communications and Information System		Transactions reports by using agency, hit and error reports by file			Transactions reports by using agency, hit and error reports by file	Transactions reports by using agency, hit and error reports by file
Public						
Local Police	Reports and forecasts on denial policing and surveillance operations, recidivist reports	Reports and forecasts on denial policing and surveillance operations, recidivist reports	Forecasts of inquiries, evaluation of performance		Internal planning and evaluation of surveillance and policing operations	
State Public and Highway Safety Coordinators				Progress reporting on DUS (DUI) control programs		Progress reporting on DUS (DUI) control programs
Drivers or Vehicles						

FIGURE 1c: DENIAL INFORMATION SYSTEM

ADMINISTRATIVE FLOW (SEMI-ANNUALLY OR ANNUALLY)

From \ To	Courts	DMV	Statewide Police Communications and Information System	Public	Local Police	State Public and Highway Safety Coordinators	Supporting Agencies
Courts		Performance reports, plans, objectives, recommended DUS (DUI) control objectives DUS (DUI) recidivism & rehabilitation reports and analyses		Performance reports, plans, objectives	Performance reports, plans, objectives, caseload plans (responses to caseload forecasts) recommended DUS (DUI) control objectives, DUS (DUI) recidivism and rehabilitation reports and analyses	Recommended DUS (DUI) control objectives, DUS (DUI) recidivism and rehabilitation reports and analyses	
DMV	Performance reports, plans, objectives, DUS vs. DUI accident fault summary report, incidence of DUS (DUI)		Performance reports, plans, objectives	Performance reports, plans, objectives, DUS vs. DUI accident fault summary report	Performance reports, plans, objectives, DUS vs. DUI accident fault summary report, incidence of DUS (DUI)	Recommended DUS (DUI) control objectives, control program and plan; DUS vs. DUI accident fault summary report; Incidence of DUS (DUI)	
Statewide Police Communications and Information System	Performance reports, plans, objectives	Performance reports, plans, objectives		Performance reports, plans, objectives	Performance reports, plans, objectives	System plans and loads	
Public	Evaluation of effectiveness and priorities	Evaluation of effectiveness and priorities			Evaluation of effectiveness and priorities	Evaluation of effectiveness and priorities	
Local Police	Performance reports, plans, objectives, reports and plans on surveillance, policing, court enforcement, arrests, evaluations, recommended DUS (DUI) control objectives	Performance reports, plans, objectives, reports and plans on surveillance, policing, court enforcement, arrests, evaluations, recommended DUS (DUI) control objectives	Performance reports, plans, objectives	Performance reports, plans, objectives		Performance reports, plans, objectives, reports and plans on surveillance, policing, court enforcement, arrests, evaluations, recommended DUS (DUI) control objectives	Summary report on arrests resulting from actions of supporting agencies
State Public and Highway Safety Coordinators	Performance reports, program analysis, plans, policies, reports, evaluations, approved DUS (DUI) control objectives	Performance reports, program analysis, plans, policies, reports, evaluations, approved DUS (DUI) control objectives	Performance reports, program analysis, plans, utilization forecasts and plans, evaluations	Performance reports, program analysis, plans	Performance reports, program analysis, plans, policies, reports, evaluations, approved DUS (DUI) control objectives		Performance reports, plans, policies, evaluations, approved DUS control objectives
Supporting Agencies		Expected volume of contacts or checks	Expected volume of contacts or checks			Expected volume of contacts or checks	

Table 3-a: :Summary of Denial Information from State
Public and Highway Safety Coordinators

<u>FREQUENCY</u>	<u>ITEM</u>	<u>RECIPIENTS</u>
Administrative (monthly or quarterly)	Progress reporting on DUS (DUI) control programs	Drivers, Public
Administrative (semiannually or annually)	Performance reports Program analysis Plans	Public, Department of Motor Vehicles, Courts, Local Police, Statewide Police Communications and Information System
	Policies Reports Evaluations Approved DUS (DUI) control objectives	Department of Motor Vehicles, Courts, Local Police
	Utilization forecasts and plans Evaluations	Statewide Police Communications and Information System
	Performance reports Plans Policies Evaluations Approved DUS control objectives	Supporting Agencies

Table 3 -b: Summary of Denial Information from Local Police Agencies

<u>FREQUENCY</u>	<u>ITEM</u>	<u>RECIPIENTS</u>
Operational	Inquiry by identifiers from traffic contacts or surveillance operations*	Statewide Police Communications and Information System
	Driver-vehicle data on citations and arrests Impoundment reports Accident reports	Department of Motor Vehicle
	Testimony Charges	Courts
	Requests for other DMV file searches	Statewide Police Communications and Information System
	Requests for license and other data Citations Impoundings Arrests	Drivers or Vehicles
	Internal: Inputs to local police intelligence	(Local Police)
	Responses to reports of denial violators	Supporting Agencies
Administrative (monthly or quarterly)	Reports and forecasts on denial policing and surveillance operations Recidivist reports	Department of Motor Vehicles, Courts
	Forecasts of inquiries Evaluation of performance	Statewide Police Communications and Information System
	Internal planning and evaluation of surveillance and policing operations	(Local Police)

*Rapid response

Table 3-c: Summary of Denial Information from Statewide
Police Communications and Information System

<u>FREQUENCY</u>	<u>ITEM</u>	<u>RECIPIENTS</u>
Operational	Responses to traffic surveillance and contact inquiries*	Local Police
	Requests for file searches	Department of Motor Vehicles
	Responses to file searches including criminal wants	Local Police
	Internal: Maintenance of master instant access index of want files Maintenance of communications systems and NCIC access	(Statewide Police Communications and Information System)
	Detail on hits from want files*	Local Police
	Responses to status checks	Supporting Agencies
Administrative (monthly or quarterly)	Transactions reports by using agency Hit and error reports	State Public and Highway Safety Coordinators, Local Police, Department of Motor Vehicles
Administrative (semiannually or annually)	System plans and loads	State Public and Highway Safety Coordinators
	Performance reports Plans Objectives	Public, Department of Motor Vehicles, Courts, Local Police

*Rapid response

Table 3-d: Summary of Denial Information from Department of Motor Vehicles

<u>FREQUENCY</u>	<u>ITEM</u>	<u>RECIPIENTS</u>
Operational	Internal: Want file update (from driver and vehicle records)	(Department of Motor Vehicles)
	Driver records	Courts
	Maintenance of updated instant access DMV want file Other file searches	Statewide Police Communications and Information Systems
	Denials Denial violation consequences Rehabilitation Licensing information and laws	Drivers
	Responses to status checks	Supporting Agencies
	Statewide analyses of accident reports, police and court data for DUS incidence and control, including accident fault forecasts and reports of denials in force Recidivism reports	Local Police, State Public and Highway Safety Coordinators, Courts
Administrative (monthly or quarterly)	Forecast of transactions	Statewide Police Communications and Information System
	Recommended DUS (DUI) control objectives, control program, and plan	State Public and Highway Safety Coordinators
Administrative (semiannually or annually)	Performance reports Plans Objectives	Public, Local Police, Courts, Statewide Police Communications and Information System
	DUS vs. DUI accident fault summary report	Public, Local Police, Courts, State Public and Highway Safety Coordinators
		State Public

Table 3-e: Summary of Denial Information from Courts

<u>FREQUENCY</u>	<u>ITEM</u>	<u>RECIPIENTS</u>
Operational	Convictions or other dispositions of driver cases	Department of Motor Vehicles, Local Police
	Failures to show	
	Denial actions or recommendations	
	Impoundment	
	Sentences	Drivers
	Denials	
	Impoundments	
	Other enforcement actions	
	Rehabilitation	
	Violation consequences	
Administrative (monthly or quarterly)	Bench warrants	Local Police
	Internal case evaluations	(Courts)
	Disposition reports and rehabilitation reports	
	Case dispositions and status reports	Local Police
Administrative (semiannually or annually)	Recommended DUS (DUI) control objectives	State Public and Highway Safety
	DUS (DUI) recidivism and rehabilitation reports and analyses	Coordinators, Local Police, Department of Motor Vehicles
	Performance reports	Public, Department of Motor
	Plans	Vehicles, Local Police
	Objectives	
	Caseload plans (responses to caseload forecasts)	Local Police

TABLE 3-f: Summary of Denial Information From Supporting Agencies

<u>FREQUENCY</u>	<u>ITEM</u>	<u>RECIPIENTS</u>
Operational	Status checks	Department of Motor Vehicles, Statewide Police Communications and Information System
	Report of denial violators	Local Police
	Require license validity	Drivers or Vehicles
Administrative (semiannually or annually)	Expected volume of contacts or checks	Department of Motor Vehicles, Statewide Police Communications and Information System, State Public and Highway Safety Coordinators

Table 3-g: Summary of Denial Information from Drivers or Vehicles

<u>FREQUENCY</u>	<u>ITEM</u>	<u>RECIPIENTS</u>
Operational	Operator, License, or Vehicle data from traffic surveillance or from enforcement contacts	Local Police
	Testimony Compliance information	Courts
	Licensing and registration information Compliance information Denial acknowledgment Licenses or plates	Department of Motor Vehicles
	License Data	Supporting Agencies

Summary of Denial Information from Local Police Agencies (cont'd)

<u>FREQUENCY</u>	<u>ITEM</u>	<u>RECIPIENTS</u>
Administrative (semiannually or annually)	Performance reports Plans Objectives	Public, Department of Motor Vehicles, Courts, Statewide Police Communications and Information System, State Public and Highway Safety Coordinators
	Recommended DUS (DUI) control objectives Reports, plans, and evaluations on surveillance, policing, arrests, and court enforcement, including mandatory penalties	State Public and Highway Safety Coordinators, Courts, Department of Motor Vehicles
	Summary report on arrest resulting from actions of supporting agencies	Supporting Agencies

Table 3-h: Summary of Denial Information from Public

<u>FREQUENCY</u>	<u>ITEM</u>	<u>RECIPIENTS</u>
Administrative (semiannually or annually)	Evaluation of effectiveness and priorities	State Public and Highway Safety Coordinators, Department of Motor Vehicles, Courts, Local Police

IV. DETECTION AND SURVEILLANCE

Social and political factors have to be considered whenever the government takes actions with respect to individuals. The recommendations made in the report generally reflect the conclusion that policing of denials can be accomplished without large changes in powers, forces, and profiles; one of the principal advantages of modern communications and information systems is that it allows police agencies to be more effective without being more obtrusive.

One of the key components of a denial enforcement policy is an operational rule on checking driver license status. Policing of denials must be a recognized responsibility and a planned activity, carried out with consistency; crackdowns do not produce stable effects. Police agencies should require that the validity of a driver license is to be verified in every contact, subject to specific exceptions based on community considerations which should be reviewed periodically. There should be specific procedures regarding the checking of the record for duplicate, restricted, expired, and no license cases. A prerequisite for such procedures is that a highly responsive 24-hour communications and denied driver records system be available to the police. (see "Records and Communications" below)

The checking of the status of driver licenses in traffic contacts and in followup actions should be encouraged through a planned volume of license inspection and status checking. Police agency personnel policies should be reviewed to ensure that career incentives do not work against high levels of driver record status checking. Police intelligence activities, concerned with organized crime, civil disturbances, and other unlawful activities, can benefit from a well planned and executed policy of driver license checking in a community if procedures are established for that purpose.

The operating procedures manuals of police agencies should reflect the community policy on the checking of the status of driver licenses. Consideration should be given to providing a space on the officer's copy of the citation for noting whether the status of the license was checked

against the official record at the time that the citation was written.

Where the communications and records system is not sufficiently responsive to permit checking of records in 100% of traffic contacts, or when conditions make it unadvisable, there should be a procedure for 100% followup on the status of the license of all drivers charged with any moving violation whose license status was not checked in traffic, as soon as possible after receipt of the citation at the police station. A communications and data handling system is required that permits virtually automatic checking. The procedures for processing citations for moving violations should include the charge for denial violation by amendment as soon as that violation is discovered. The statutory possibility of automatic inclusion or conditional presumption should be investigated, i.e., if any driver is charged with a moving violation while his or her license is denied, then he or she will be automatically charged with a denial violation as well; the traffic ticket should perhaps include a statement to that effect.

In addition to checking the validity of the license of drivers who are contacted by police in traffic, surveillance operations should be considered in which vehicles are randomly observed and their registration number called in as an inquiry; drivers are contacted only if the reply indicates that there is a "want" associated with that number. Improvements in record systems suggested in this report can increase the probability that a driver can be identified through the vehicle number.

Use of a portion of the general patrol activity for vehicle-oriented, "hands-off" surveillance (no contact) is compatible with primary police missions and selective assignment policy. Depending on traffic conditions, and with suitable communications and records systems, about five to ten registration numbers can be queried per manhour. The effect is to increase the total level of driver checking by a large factor without stopping drivers. It is not necessary to limit such inquiries to vehicles which are suspected for some reason; random observations will produce "hits". On a national average basis, and with a fully integrated criminal information system in which all types of wants can be ac-

cessed through registration numbers, about 5% of random inquiries can produce a probable cause for contacting the vehicle or its operator.

If police agencies analyze the distribution of certain classes of violations in time and by location, such as is done in preparation for selective enforcement planning, times and places of greater concentration of possible violators can be determined. In one experiment, researchers found a higher than average proportion of "wanted" registration numbers, e.g., numbers which were identified in the files as stolen plates, stolen cars, or suspended owners, at certain evening hours near roadhouses. Many local police agencies know such times and places from experience; denial policing should be among the reasons for patrolling these locations.

Consideration should be given to taking immediate action against the vehicle operated by a denial violator. We suggest that arrest procedures should require the prompt mandatory seizing and impoundment of the registration plates and certificate of a vehicle driven by a person discovered to be violating a denial; the plates should be placed in custody of the sheriff, the court, or the police agency until adjudication, or until released to innocent owners by appropriate process. (This procedure could be applicable to DUI when tested positive or refusing test.) While the charge for denial violation is pending, the driver should not be able to obtain registration for another vehicle, except with the permission of the driver licensing authority and the recommendations of both the local police and the court. It should be standard procedure to confiscate driver licenses discovered to be invalid.

Analysis of technological developments shows that it is not practical to identify drivers or licenses automatically. Automatic vehicle identification techniques do not provide operationally useful solutions to the problem of detecting denial violations. Remote cameras that photograph all vehicles exceeding a certain speed are also not suitable for denial violations detection. Computer processing, data entry, and communications technologies, however, can provide significant improvements in the efficiency of denial violations detection by surveillance and traffic policing operations; these technologies are also directly applicable

to other criminal law enforcement needs. Direct communication between patrol cars and special files is feasible; systems are available that operate over police radio networks but do not require the channel time and dispatcher work of voice communications. Keyboard terminals are used to enter messages including registration or license number inquiries; messages are processed by computer, and replies displayed on a cathode ray tube, or on a small teletypewriter. (see Part 2, Appendix)

V. RECORDS AND COMMUNICATIONS

Rapid communications and good files are the critical components in effective support of the policing of denials. A 24-hour capability with a response of one to two minutes is required to maintain the pace of traffic policing work. In most cases this will mean either placing an instant access file at the disposal of the police dispatchers, or providing individual patrol cars with the capability to communicate directly with the files containing criminal and other wants.

The DMV should furnish, maintain, and update special files for use by enforcement agencies; it is costly to search the general files for denied operators. The response capability of the file (time to answer) should meet the time constraint specified by the police agencies as compatible with their operational needs, and should meet the volume or rate of inquiry agreed to by the DMV and the police agencies as part of the communitywide denial policing plan. That plan includes an estimate of the number of inquiries to be made per planning period of files such as the DMV denied operator file.

The procedures for processing an inquiry by name, license number, or registration number should reveal any or all wants associated with that name or number; the patrol officer should not have to specify what files should be searched. The files and processors should be so constructed that denied operators or other persons or cars "wanted" by the DMV can be accessed alternatively by vehicle registration plate number or by driver license data, depending on the method of inquiry selected by the patrol officer. The communications and data processing system which makes the file of denied operators and other DMV wants accessible to the police should be fully integrated with the statewide or other community criminal information system and network.

The file of denied operators should have the capability of recording each inquiry by source, and of preparing monthly or quarterly reports of the volume of inquiry by source, e.g., by police agency. DMV's and other agencies which furnish driver record or vehicle record information

on request should review fees and policies for record access to ensure that they do not conflict with denial policing requirements.

Police agencies should monitor and evaluate the response time of driver license status inquiries and the accuracy of the response. Police communications systems and procedures should be examined to identify sources of delay in processing of inquiries and responses. Inquiries will be made primarily by police patrols which generally operate on schedules which tend to match police effort to traffic volume; planning for the capacity of the communications and data handling system should take these factors into account and design for peak loads. The best way to locate denied operator and other DMV files relative to communication links and police units has to be determined for each state or community based on local factors. Centralization makes file updating and maintenance more economical but it is not a foregone conclusion that there should be only one file location.

The files which are required for the efficient policing of denials and surveillance of drivers should be maintained by the agency which is responsible for denial management. Police agencies and Departments of Motor Vehicles should improve the accessibility of the files of denied operators by making it a standard procedure to note vehicle - driver combinations whenever they are officially observed, e.g., from traffic citations and accident reports. File updating procedures should make provisions for processing such linkage information. The teleprocessing of citations for status checking, referred to in the section on Detection and Surveillance, could provide most of the vehicle - driver combinations without additional effort.

VI. SUPPORTING ACTIVITIES

Agencies should explore the administrative possibilities of reducing the relative ease with which denials can be violated, and should utilize every official contact with drivers to verify the status of their license and take appropriate action. In this regard, motor vehicle registration, motor vehicle inspections of various kinds including truck scales, and release of impounded vehicles offer opportunities for checking the validity of driver licenses or requiring that they be valid. Motor vehicle registration can support denial policing efforts through requiring that information about drivers be made part of vehicle registration records so that linkage, flagging, and accessibility of general and special driver records by registration plate number are improved.

Original registration or renewal of registrations of vehicles owned by denied drivers should be subject to approval by the driver license authority. The DMV's contacts with denied drivers should be utilized to remind them of their denials and of the consequences of violation of denials. Such a procedure requires that vehicle records of denied owners be flagged, and that applicants for original registrations be checked against a driver file. A complementary procedure would identify vehicle owners whose vehicles have been used in denial violations, or in serious traffic offenses, but were not driven by the owner; a specific opportunity exists to ascertain that the owner is aware of the consequences of letting his or her vehicle(s) be used knowingly in this manner, and to assure that the owner is aware of the denied status of drivers known to have been operating his or her vehicle(s). A specific reminder should also be considered for distribution at registration (original and renewal) which highlights the key traffic offenses and their consequences.

The support of agencies with other missions is required for denial enforcement if they have frequent contact with drivers and can reasonably require that a valid driver license be presented as a prerequisite. Authorities should ensure that administrative procedures reflect the agencies' policies to support the enforcement of the denial. Supporting agencies should be furnished a high speed inquiry and reply capability, either directly to the file of denied operators, or through the statewide or

regional police communication system. Specific procedures and agreements should be developed with local agencies to take appropriate action when supporting agencies report denial violators.

Agencies which conduct police training programs should ensure that the requirement and methods for license denial policing, detection, and arrest are part of the curriculum, are covered in the instruction materials and texts, and are consistent with policies promulgated by the community. Instruction in detection of denial violations should include standard criminal detection methods to aid sight recognition of potential and known violators.

There are jurisdictions in which the police agencies and driver license administrations view the enforcement of the laws by courts in regard to repeated offenses by intoxicated, suspended, or reckless drivers as too lenient or counterproductive. Examples include unilateral reduction or dismissal of charges by the court, less-than-mandatory penalties, suspension of sentences, recommendation for hardship license, recommendation against license withdrawal, disregard of driver record in order to avoid penalties for repeat offenses. If the differences in view between the court and the police or administrative agencies are significant, these agencies should maintain special records on these violators in order to obtain a factual basis on which to examine the disagreement.

The general requirement that all drivers display a license whenever they are operating a vehicle could be a significant benefit to the policing of license laws. Such a requirement would, however, not be useful for the wallet-sized driver license; only a large format license could serve this purpose. Positioning of the license would have to assure its visibility to police without interfering with driver vision. Controlled and tamperproof stock would be desirable. A national or joint US-Canadian numbering system would be efficient for policing and records purposes. Annual renewal of licenses could reduce abuses from stolen, duplicate, expired, unreturned, and restricted licenses. The administrative and technical feasibility of a large format driver license and a uniform numbering system should be explored and evaluated.

VII. CHECKLIST

Most of the suggestions and recommendations made in Parts 1 and 2 of the report are condensed below in the form of a list of questions. Evaluating the answers to these questions can assist agencies in the formulation of a plan of work in denial management and enforcement, and in noting progress.

Is there a recognized state or community policy on the use and enforcement of denials? Are its goals specified, communicated, understood, and accepted?

Have the State and local conditions, statutes, ordinances, priorities, and practices been reviewed for visibility, explicitness, and consistency with respect to the denial policy?

Have statutes, ordinances, and procedures been reviewed to assure that the grounds for denial are consistent with policy objectives?

Is there a consistent conception and understanding of the seriousness and the hazardousness of the denial violation?

Is there a quantitative basis for estimation of risk, and of the effectiveness of programs to control it? (Population at risk, licenses in force, denials in force, incidence of driving while intoxicated, incidence of driving under suspension, fatal and nonfatal injury accidents (totals and per vehicle mile/mile) by jurisdiction, DWI versus DUS, fault assignment traffic contacts, arrests, charges, convictions for DUS, DWI.)

Is there a statewide or communitywide denial management and enforcement plan with specified denial violations control objectives?

Are the actions to be taken by each of the participating agencies identified, understood, and agreed to?

Is there a statewide or communitywide denial management and enforcement system by which activities are coordinated on the basis of common factual information? Is the responsibility for operating the management information system specified?

Are there statewide or communitywide interagency agreements which define roles, missions, responsibilities, and authority in denial management and enforcement?

Have jurisdictional boundaries and responsibility with regard to drivers of functional agencies been reviewed? If gaps and overlaps were found, has corrective action been taken?

Have all competing responsibilities, conflicting priorities, and resource shortfalls been identified? Have steps been taken to resolve conflicts, remove ambiguities, rank priorities, and match resources with mission requirements? Have conflicting fiscal incentives been identified and resolved?

Is there a process for evaluating the work of each of the agencies that participate in the denial management and enforcement system? Are the results publicized?

Is there a periodic report on denial violators at fault in fatal and nonfatal injury accidents?

Is there a statewide or communitywide records, files, and communications system which supports the desired level of driver license denial policing? Is its responsiveness evaluated?

Is the communications system integrated with the criminal information system? Are the files accessible by registration, license, or name? Is there a special "hot" file of denied drivers?

Are vehicle and driver records flagged and linked to support special files for denied operators? Are records updated with information about driver-vehicle combinations from accident reports, traffic citations, and contact inquiries?

Is records utilization reported?, evaluated?

Have all opportunities to support the policing and enforcement of denials been inventoried? Are they utilized?

Are there working agreements with agencies whose support is required? Are they given a rapid access license checking capability? Is it utilized?

Is approval of driver license authority required before a denied driver can register a motor vehicle or renew a registration?

Is a review with DMV required for an owner to renew the registration of a vehicle that has been used in a serious traffic offense?

Are registration forms explicit with regard to penalties against vehicles or owners resulting from denial violations?

Does the registration and responsibility for commercial vehicles provide incentives for owners to verify the validity of the license of drivers?

Have the fees for commercial inquiries about driver records been reviewed? Are there statutory and procedural protections against unauthorized disclosures?

Are driver licenses checked at all vehicle inspections? Have the inspection authorities been given the capability to verify the status of the license? Are there procedures and agreements to take enforcement action when denial violations are detected?

Is there a uniform policy and procedure on checking the status of drivers contacted in traffic?

Is the volume of driver license checking per 1000 drivers per year known?
Is there a planned level? Is it achieved? Evaluated?

Is performance in checking licenses measured? Have conflicting career incentives been identified and resolved?

Is there an active denial surveillance policy, plan, and procedure? Are local concentrations of probable license denial violations known?
Are they patrolled?

Do apprehension procedures for DWI require checking of driver license status and reporting of results?

Is there an explicit procedure for checking out-of-state drivers? Can the communications and records system identify out-of-state denial violators? Are denial violations covered by compact?

Are there uniform procedures for identifying out-of-state license violations? Are these procedures taught in police courses?

Is driver license denial policing and enforcement an identifiable police curriculum item? Are the instruction materials and tests consistent with state or community policy? Are violator recognition skills taught?

Do citations or citation reports identify whether the driver record was checked at the time of citation?

Is there a procedure for checking the status of drivers cited for moving violations who were not checked in traffic?

Is there a procedure for followup enforcement action? Is it consistent?

Are citations for moving violations amended to include denial violations when they are discovered after citation but before adjudication?

Is there a policy, law, and procedure concerning sanctions against vehicles or registrations of drivers apprehended while violating a denial? Has it been evaluated? Should the policy, law, or procedures be revised? Has corrective action been taken?

Are licenses confiscated if discovered to be invalid, stolen, suspended, or revoked?

Are there special procedures for arrest of habitual violators?

Can court preferences negatively influence otherwise correct police performance? Have steps been taken to resolve conflict?

Are courts evaluated for enforcement of statutory penalties? Is there a policy on appeal or review of decisions that do not reflect statutory requirements?

Is the rate of recidivism in high-risk offenses known? Are contributing factors analyzed?

Is there a rehabilitation or other corrective program? Is it evaluated?

Are there incidences of additional violations by drivers awaiting trial?

Is planned policing activity and expected caseload communicated to the court? Are the court's comments taken into account in implementing citations plans? Have court delays been measured and evaluated?

Are there case disposition reports by courts? Do the reports identify charge and conviction in denial violations (and DUI)?

Have policies and procedures been initiated to expedite and relieve traffic court caseloads? Evaluated?

Is the approval of the driver licensing authority, police, or court required before a driver, who is awaiting trial for a denial violation, can register a vehicle?