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DOT HS-802 058

DEVELOPMENT OF ADVANCED TRAFFIC ADJUDICATION TECHNIQUES

Contract No. DOT-HS-4-01000

October 1976

Final Report

ORDERED FOR:
DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
Washington, D.C. 20590

NCJRS

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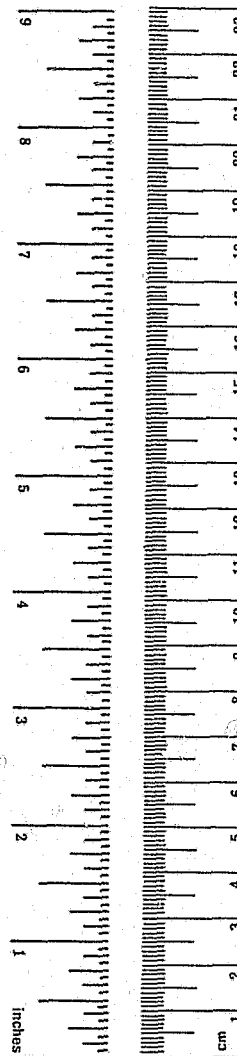
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16. Abstract <p>A special office of the contractor was established in Denver, Colorado to facilitate this contract, with Annette Finesilver as Project Director. Extensive correspondence with many states and individuals were conducted throughout the term of the contract. A list of National Experts in traffic adjudication was prepared. The Contractor developed a primer entitled: "New Trends in Advanced Traffic Adjudication Techniques: which has been widely distributed by NHTSA.</p> <p>Three multi-state workshops were conducted dealing with Advanced Traffic Adjudication Techniques. In January 1975, the Western Advanced Adjudication Workshop was held in Seattle, Washington, with many representatives from the States of Oregon, Alaska and Washington. The second conference, the Mid-Atlantic Workshop on Advanced Traffic Adjudication Techniques, was held in Baltimore, Maryland, in April 1975, with representatives of the States of Maryland, Kentucky and the District of Columbia. The third conference, the Mid-Western Conference on New Trends in Traffic Adjudication was held in December 1975, in Kansas City, Missouri, with the States of Iowa, Kansas and Missouri being represented. All three conferences were very well conducted and received. Six issues of the newsletter, Traffic Safety Adjudication Reports, were prepared and distributed to over 500 persons connected with traffic safety adjudication matters. The Contractor received many highly complimentary letters from recipients of these bulletins.</p>					
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METRIC CONVERSION FACTORS

Approximate Conversions to Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH				
in	inches	*2.5	centimeters	cm
ft	feet	30	centimeters	cm
yd	yards	0.9	meters	m
mi	miles	1.6	kilometers	km
AREA				
in ²	square inches	6.5	square centimeters	cm ²
ft ²	square feet	0.09	square meters	m ²
yd ²	square yards	0.8	square meters	m ²
mi ²	square miles	2.6	square kilometers	km ²
	acres	0.4	hectares	ha
MASS (weight)				
oz	ounces	28	grams	g
lb	pounds	0.45	kilograms	kg
	short tons (2000 lb)	0.9	tonnes	t
VOLUME				
tsp	teaspoons	5	milliliters	ml
Tbsp	tablespoons	15	milliliters	ml
fl oz	fluid ounces	30	milliliters	ml
c	cups	0.24	liters	l
pt	pints	0.47	liters	l
qt	quarts	0.95	liters	l
gal	gallons	3.8	liters	l
ft ³	cubic feet	0.03	cubic meters	m ³
yd ³	cubic yards	0.76	cubic meters	m ³
TEMPERATURE (exact)				
°F	Fahrenheit temperature	5/9 (after subtracting 32)	Celsius temperature	°C

* 1 in = 2.54 (exactly). For other exact conversions and more detailed tables, see NBS Misc. Publ. 286, Units of Weights and Measures, Price \$2.25, SD Catalog No. C13.10:286.



Approximate Conversions from Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH				
mm	millimeters	0.04	inches	in
cm	centimeters	0.4	inches	in
m	meters	3.3	feet	ft
m	meters	1.1	yards	yd
km	kilometers	0.6	miles	mi
AREA				
cm ²	square centimeters	0.16	square inches	in ²
m ²	square meters	1.2	square yards	yd ²
km ²	square kilometers	0.4	square miles	mi ²
ha	hectares (10,000 m ²)	2.5	acres	
MASS (weight)				
g	grams	0.035	ounces	oz
kg	kilograms	2.2	pounds	lb
t	tonnes (1000 kg)	1.1	short tons	
VOLUME				
ml	milliliters	0.03	fluid ounces	fl oz
l	liters	2.1	pints	pt
l	liters	1.06	quarts	qt
l	liters	0.26	gallons	gal
m ³	cubic meters	35	cubic feet	ft ³
m ³	cubic meters	1.3	cubic yards	yd ³
TEMPERATURE (exact)				
°C	Celsius temperature	9/5 (then add 32)	Fahrenheit temperature	°F

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FINAL REPORT

I. Background

On June 28, 1974, an award was made to the performing organization, M H WAGNER & COMPANY, to perform the terms of the contract entitled: "Development of Advanced Traffic Adjudication Techniques."

The tasks to be performed in the contract were substantially as follows:

1. Provide direct technical advice and assistance to States and other jurisdictions upon request
2. Prepare an "Advanced Traffic Adjudication Techniques" primer
3. Conduct Advanced Traffic Adjudication Workshops for at least six (6) States
4. Assist States in legal position papers and special consultation to institute Advanced Traffic Adjudication Techniques
5. Serve as a facilitator to make available to the staff major national experts in traffic adjudication and highway safety.

These tasks were to be completed within twelve months from the date of signing of the contract.

In addition to these enumerated tasks, two other tasks were supplied by the contractor:

1. Preparation of a National Expert's List
2. The preparation and dissemination of two Traffic Safety Adjudication Reports to over five hundred recipients in the field of highway safety.

The contract was modified on September 1, 1975, to include Task VII, which called for (1) the preparation of four additional bi-monthly bulletins (Traffic Safety Adjudication Reports), and (2) the conduct of an additional workshop in Region VII.

II. Scope of Work

In addition to the home office of the contractor, an additional office was established in Denver, Colorado, with Mrs. Annette Finesilver, the Project Director, as office manager. Responses to correspondences were requested to be forwarded to the Denver office.

Letters were drafted and forwarded to various states requesting information as to their adjudication practices and offering aid to them for any technical assistance they may need in this area. The following States were contacted at this early time: Michigan, Connecticut, New Jersey, Pennsylvania, Oregon, Maryland, Colorado, the District of Columbia, Alaska, New York, California, Minnesota, Wisconsin, Vermont, Ohio, Illinois, Nebraska, New Hampshire, Rhode Island, Florida, North Dakota, and the State of Washington.

A substantial amount of correspondence was initiated through this correspondence with representatives of many of these and other states. A great deal of information on advanced traffic adjudication techniques and other similar matters were obtained and later reported in the special bulletins. Other information was forwarded to the Contract Technical Manager when received by the Contractor. This extensive correspondence, and many other lines of correspondence and communications, continued throughout the entire length of the contract.

A list of National Experts, comprising over one hundred persons with expert skills in the highway safety area, especially in traffic adjudication matters, was prepared and submitted to the Contractor. These names, and the addition of many hundreds more, constituted the list of persons who later comprised the mailing list for the special adjudication bulletins.

The Contractor prepared and submitted, after many revisions and reviews, a Primer entitled: "New Trends in Advanced Traffic Adjudication Techniques." The Primer was published in February 1976, and has received wide distribution. The contents of the Primer includes chapters on Purpose of the Handbook; Decriminalization of Traffic Offenses; Implications in Recent Court Decisions on Adjudication of Traffic Offenses; and Procedures in Implementation of Advanced Traffic Adjudication Techniques. The initial responses to the Primer have been well received.

The first in a series of multi-state workshops, the Western Advanced Adjudication Workshop, was held on January 5th through January 7th, 1975, in Seattle, Washington. Three States were represented at the Conference: Oregon, Washington and Alaska. The State of Alaska had ten representatives including four legislators, a law enforcement officer, a prosecutor, and other State officials. Oregon and Washington had many various representatives who participated at various stages of the Workshop. They included legislators, judges, police representatives, and other local and State persons. Approximately 30 persons attended the Workshop, which was evaluated by the attendees as being highly successful.

This Conference, as did the following Conferences, primarily dealt with different problems of the states in relation to its traffic offenses adjudication practices. Various adjudication techniques were discussed and specific actions were outlined by the various participants. It seemed probable that some specific legislative or administrative actions would emanate from the states as the direct result of these Workshops.

The second Conference, the Mid-Atlantic Workshop on Advanced Traffic Adjudication Techniques, was held in April 1975, at Baltimore, Maryland. Approximately fifteen representatives from the States of Kentucky, Maryland and the District of Columbia were in attendance. These sessions, as in the previous workshop, were very lively and attentive. The most interested group appeared to be that of Kentucky, which was planning to make major inroads in their existing traffic adjudication system. They stated that they were very much impressed with the proceedings of the Conference and learned a great deal of alternative methods of traffic offense adjudication. This Conference was also rated very highly by the workshop participants in an evaluation questionnaire.

The third Conference, the Mid-Western Conference on New Trends in Traffic Adjudication was held in December 1975, in Kansas City, Missouri. The jurisdictions taking part were the States of Iowa, Kansas and Missouri, each of which had a number of participants from many different fields of highway safety. There were approximately 45 persons in attendance and who participated in the workshop sessions. The guest lecturers were: Federal District Court Judge Sherman Finesilver; Administrative Judge T. Patrick Corbett of the Seattle SAFE project; Commissioner Donald Bardell of the

New York State Administrative Adjudication Bureau; Mr. James Dunlevy, Nebraska Court Administrator, and Mr. George Brandt of NHTSA. This workshop was perhaps the best of all three, and the reports received were highly complimentary. Representatives from all three jurisdictions indicated that the Conference was highly useful to their groups, and the information and techniques gained from the workshop would be put to use in their States.

The first edition of the newsletter initially entitled: "Highlights" (the name of the bulletins were subsequently changed to: "Traffic Safety Adjudication Reports"), dated May 20, 1975, was forwarded to a large number of persons. The recipients were predominantly persons on the National Expert List and those attending the two workshops on Advanced Traffic Adjudication Techniques. The second edition of "Highlights" was prepared and forwarded in July 1975, to over 500 recipients in the field of traffic law adjudication and related fields. Many very favorable comments were received from people all over the country recommending that the newsletter be continued. The third issue of the newsletter, Traffic Safety Adjudication Reports, was forwarded in November 1975. The fourth issue of the Newsletter was sent in January 1976; the fifth issue in April 1976; and the sixth and final issue of Traffic Safety Adjudication Reports, was forwarded in June 1976. The sixth issue contained a special supplement (Part II) featuring an up-to-date overview of the innovative approach of the Seattle, Washington's SAFE Project. Here, again, the mailings exceeded 500 copies, and many responses were received by the recipients commending the contents of these reports.

As stated earlier, extensive correspondence with experts in traffic adjudication and state and municipal representatives throughout the country was conducted by the Contractor as an ongoing activity of the contract. This correspondence, in addition to providing technical assistance on advanced traffic adjudication techniques to the writers, provided information and events that were occurring nationally for the six bulletins on Advanced Traffic Adjudication Techniques.

In addition, the Contractor, on many occasions, provided technical assistance to states and jurisdictions on questions concerning advanced traffic adjudication techniques.

III. Results and Conclusions

While all of the tasks required to be performed under this contract were completed in a satisfactory manner, three items deserve special mention. They are (1) the Primer, (2) the Newsletter, and (3) the Workshops.

1. The Primer: New Trends in Advanced Traffic Adjudication Techniques

After painstaking drafts and reviews, the final product which has been published and distributed appears to be a useful document for the states to use in its anticipated changes in their traffic law adjudication procedure. It should be noted, though, that this pamphlet cannot, by itself, answer all or most of the questions that will be raised. It should be considered as an initial information source, and could also be utilized during the planning stage, but if any serious assistance is to be given to the states there must be personal visits and specific recommendations by members of the staff of Traffic Safety Programs, NHTSA. These individualized and personalized aids will be necessary since each jurisdiction has its own special problems and situations and the prospective changes must be viewed with these different needs.

2. The Newsletter: Traffic Safety Adjudication Reports

This was one of the most successful development of the program. The concept was created by Mrs. Annette Finesilver, the Project Director, and the reports were almost exclusively written by her, with some review by the Contract Technical Manager. While this task was not required under the original contract, it became an important function of the efforts of the Contractor. Judging from the letters and remarks that flowed from each edition released, the newsletters were quite valuable as being one of the sole sources of information in the traffic adjudication area. It is strongly recommended by the Contractor that these bulletins be continued in some fashion.

3. The Workshops: Conferences on New Trends in Traffic Adjudication

The workshops and conferences appeared to be very well organized, very well run, and excited the highly enthusiastic participants involved. To date, though, there does not appear to be very much progress in changes in the traffic adjudication systems in most of the states in attendance. Oregon has adopted a substantial change in its system, but these changes

were under way before the conduct of the conference. It is believed, though, that the conference assisted the state in the preparation of the final package of laws. The States of Washington and Alaska, while there have been signs of actions being taken in the form of new laws proposed, have not as yet made significant changes in its system.

While the State of Maryland has some strong advocates for Administrative Adjudication, there are some other forces that are violently opposed to any changes in this manner. Kentucky is very much of a disappointment. At the conclusion of the second conference, the representatives of Kentucky were firmly committed to drafting and introducing legislation to introduce new programs in this area. So far, it does not appear that any such major steps have been taken. The same status appears for the States of Iowa, Missouri, and Kansas.

It may very well be that the results from these conferences cannot be measured in quick results. Considering the many major alterations to the present system of traffic adjudication, it is very possible that these conferences may have planted the seeds of change that will require substantial time for harvesting. It is strongly recommended by the Contractor that TSP contact the participants of these conferences to determine what further assistance NHTSA can supply to them. It would appear necessary that TSP take some strong initiatives to promote the concept of Administrative Adjudication through these personal contacts.

IV. Recommendations

There are basically three recommendations that the Contractor would put forth.

First, the Primer, New Trends in Advanced Traffic Adjudication Techniques, should be distributed to as wide a group as feasible, so that these concepts receive substantial attention. It is also recommended that a notification be attached to emphasize that NHTSA is available to assist jurisdictions in any anticipated changes in their traffic adjudication system. Requests for such assistance should be immediately followed up by members of the Staff of NHTSA or other such representatives.

Second, the bulletins, Traffic Safety Adjudication Reports, or a similar newsletter, should be continued with at least four issues per year. These newsletters were very highly received, and seemed to be the only source of information in this area.

Finally, the Workshops on New Trends in Traffic Adjudication should be continued. Perhaps a workshop could be conducted for one state alone, to determine whether this method would be more productive than a multi-state conference. In any event, these workshops appeared to be highly successful at the time of the sessions. They were critiqued by the participants as being very useful to them. It may very well be that a follow-up with the individual participants by the TSP staff would be necessary to achieve major changes in the state's traffic adjudication system.



V. APPENDIX A. Sample of Workshop Agenda

CONFERENCE
ON
NEW TRENDS IN TRAFFIC ADJUDICATION

JURISDICTIONS:

IOWA
KANSAS
MISSOURI

DECEMBER 1-3, 1975
KANSAS CITY MARRIOTT HOTEL
MIDCONTINENT INTERNATIONAL
AIRPORT
KANSAS CITY, MISSOURI

A G E N D A

Monday, December 1, 1975

- 3:00 p.m. - 6:00 p.m. ----- . Check in at Hotel
- 6:00 p.m. - 8:00 p.m. ----- . Reception and Registration
- 8:00 p.m. -10:00 p.m. ----- . Dinner (Not covered by Registration)

Tuesday, December 2, 1975

- 8:30 a.m. - 9:00 a.m. ----- . Welcome - Mr. Everett McBride
NHTSA, Regional Administrator
- . Introductions - Ms. Annette Finesilver
(Participants M. H. Wagner Company
& Guests) Denver, Colorado
- . Introduction - Governor's Representative
(State Delegates)
- . Description & Objectives of Conference - Mr. M. H. Wagner
M. H. Wagner Company
Fairfax, Virginia
- 9:00 a.m. - 10:00 a.m. ----- . Status of State
Traffic Adjudication
Programs
- (Presented by appropriate State delegates)
- 10:00 a.m. - 10:30 a.m. ----- . Coffee Break (Covered by Registration)

Tuesday, December 2, 1975

10:30 a.m. - 12:15 p.m. -----

- . Traffic Adjudication under Nebraska Court Reorganization - Mr. James Dunlevy
Nebraska Court Administrator
Lincoln, Nebraska
- . Seattle, Washington Special Adjudication for Enforcement Project - Judge T. Patrick Corbett
Seattle, Washington
- . New York State Administrative Adjudication - Mr. Donald J. Bardell
Deputy Commissioner
New York State Motor Vehicle Department
Albany, New York

12:30 p.m. - 2:00 p.m. -----

- . Luncheon (Covered by Registration)

Luncheon Speaker: Judge Sherman
Finesilver
Denver, Colorado

A Blueprint for Action--Ad Hoc Task Force Report on Adjudication

2:15 p.m. - 2:45 p.m. -----

- . Methodology Trends in the Administration and Judicial Adjudication of Traffic Offenses - Mr. George Brandt
Chief, Adjudication Branch, Driver Licensing and Adjudication Div.
Office of Driver and Pedestrian Programs, NHTSA
Washington, D. C.

2:45 p.m. - 3:45 p.m. -----

- . Panel Discussion

Implementation Procedural Requirements Necessary for Advanced Traffic Adjudication

Panel Moderator: Mr. George Brandt
NHTSA
Washington, D. C.

Panel Members:

Judicial - Judge T. Patrick Corbett
Seattle, Washington

Administration - Mr. James Dunlevy
Lincoln, Nebraska

Legislation - Commissioner Donald J. Bardell
Albany, New York

2:45 p.m. - 3:45 p.m. -----
(Continued)

Public Information - Mr. Kurt Stallings
Public Information
Director, Missouri
Division of
Highway Safety
Jefferson City,
Missouri

3:45 p.m. - 4:00 p.m. -----

. Coffee/Coke Break (Covered by
Registration)

4:00 p.m. - 5:00 p.m. -----

. Panel Discussion

Prospects for Changes in Present
State Adjudication Systems

Panel Moderator: Mr. Marvin H. Wagner

Panel Members :

Judicial - Judge Thomas Renda
District Associate Judge
State of Iowa
Des Moines, Iowa

Law Enforcement - Lt. Col. James Martin
Assistant Superintendent
Kansas Highway Patrol
Topeka, Kansas

Motor Vehicle Administration - Mr. James Spradling
Director, Missouri
Department of
Revenue
Jefferson City, Mo.

5:00 p.m. -----

. Adjourn for the day
Dinner not covered by registration

Wednesday, December 3, 1975

9:00 a.m. - 9:15 a.m. -----

. Conference review - Ms. Finesilver

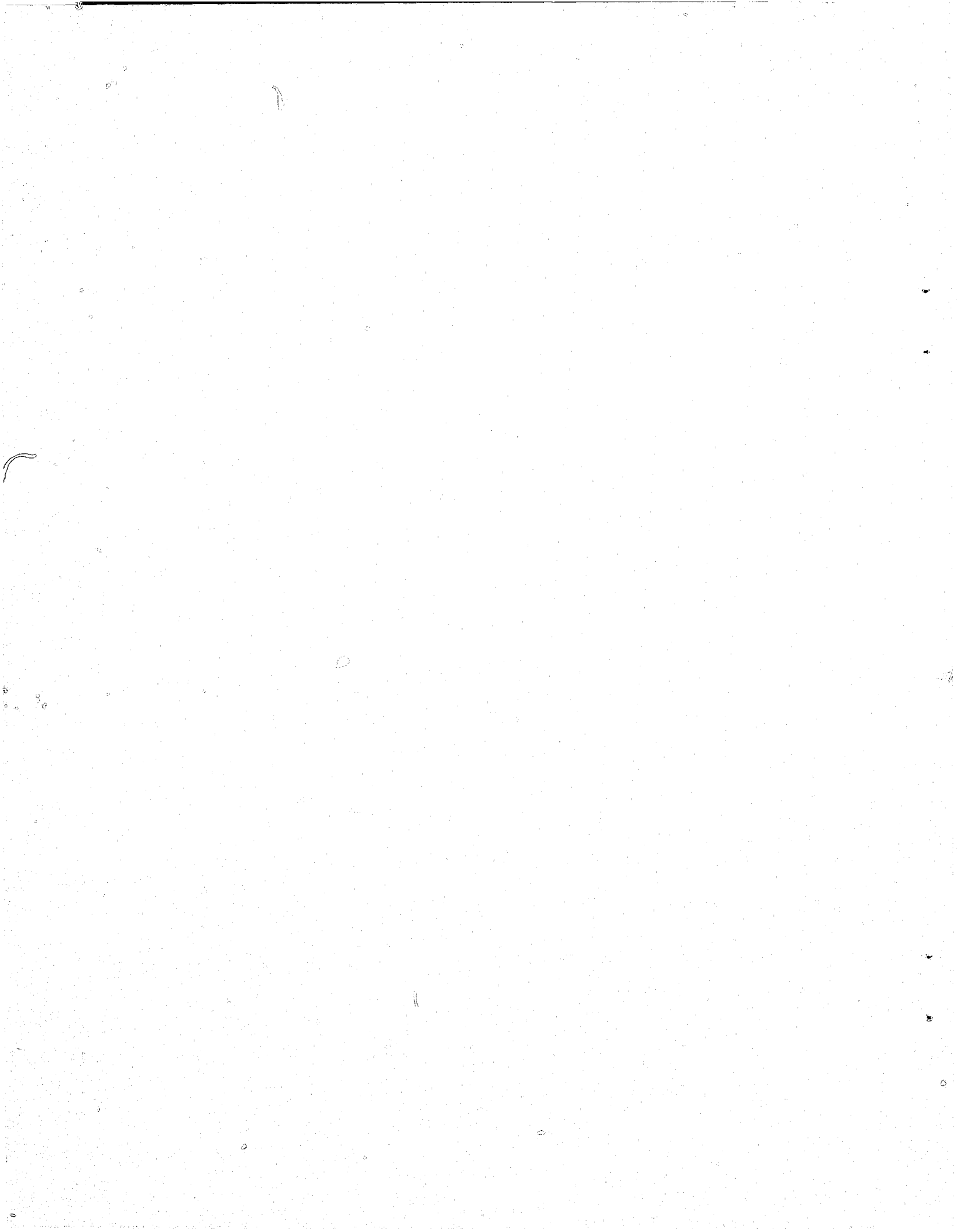
(Description of previous day's
activities and brief forecast of
remaining program)

9:15 a.m. - 9:30 a.m. -----

. Strategies and Commitment for Action - Mr. Wagner

- 9:30 a.m. - 10:30 a.m. ----- . Individual State Meetings
 (Discussions led by Governor's Representative)
- Discussion Suggestions:
- Feasibility of a change, planning for modification of existing systems, methods of implementation, timetable, public support and legislative requirements.
- (Resource persons will be assigned to each delegation:)
- Iowa - Mr. Marvin Wagner
 Kansas - Ms. Annette Finesilver
 Missouri - Mr. George Brandt
- 10:30 a.m. - 10:45 a.m. ----- . Coffee Break (Covered by Registration)
- 10:45 a.m. - 11:30 a.m. ----- . Reports on Individual State Meetings
 (State Representatives)
- Future Plans
 Technical and Financial Needs
- 11:30 a.m. - 12:00 Noon ----- . Conference Summary - Mr. Wagner and
and Comments Mr. Brandt
- 12:00 Noon ----- . Final Adjournment - Ms. Finesilver

APPENDIX B. Samples of Bulletin, Traffic
Safety Adjudication Reports



M. H. WAGNER & COMPANY

Please address all replies to DENVER OFFICE
Mrs. Annette Finesilver, Project Director
7100 East Exposition Avenue
Denver, Colorado 80222

WASHINGTON OFFICE
8128 Christopher Street
Fairfax, Virginia 22030
May 20, 1975
Number I

H I G H L I G H T S

an overview of new developments
in adjudication
of traffic offenses*

H I G H L I G H T S is distributed in the interest of traffic safety and to acquaint readers with developments in effective and advanced traffic adjudication techniques.

It is an information sheet of timely information to assist legislators, judicial officers, court administrators, licensing administrators, safety professionals, prosecutors and others having an interest and responsibility in highway safety.

* * *

Many states have recognized the necessity of change in adjudication techniques and have instituted new concepts and ideas in both adjudicatory stage whereby the innocence or guilt of a motorist is determined and in the fining or punishment stage. In later H I G H L I G H T S state innovations will be summarized.

* * *

The AD HOC TASK FORCE ON ADJUDICATION (a project of the advisory committee of the National Highway Safety Administration) in its 1973 report brought into clear focus compelling reasons for changes in our handling of many traffic offenses.

Significantly the Task Force Report concluded that traditional procedures in handling traffic offenders has generally made little contribution toward the promotion of traffic safety and improvement in subsequent driver performance. The findings of the General Task Force were basically that new techniques must be found to improve the level of responsibility in the judicial sector that will enhance highway safety programs and effective re-training of repeat violators.

*Distributed in furtherance of NHTSA-4 B602, Department of Transportation, Washington, D.C. Basically the work to be performed under NHTSA contract deals with the preparation and dissemination of materials in the field of advanced traffic adjudication techniques and assistance in specialized adjudication workshops.

*What is
H I G H L I G H T S?*

*Need for change
in
traffic adjudication*

*1973-AD HOC
Task Force Report*

*A lack of highway
safety effectiveness*

The Task Force Report recommends retention of criminal procedures for serious traffic offenses but recommends that most other traffic offenses be re-classified as "infractions".

An infraction, a new non-criminal offense, would provide for a civil simplified proceeding (processed under an administrative agency or court procedure). No jail sentence could be imposed as a penalty, nor would there be a requirement of a jury trial or appointment of an attorney in case of indigency.

The Report also establishes priorities to simplify and speed up court disposition of traffic infractions by eliminating most of the criminal procedures now followed in handling all traffic offenses as crimes.

The Report recommends giving priority to identifying problem drivers, assigning them to treatment and re-training facilities and monitoring the results.

It should be noted that the Task Force Report recognizes the strong necessity to unclog the courts from handling a multitude of traffic offenses and afford courts more time to more effectively handle more serious criminal cases including aggravated traffic offenses.

* * *

It is significant that the National Advisory Commission on Criminal Justice Standards has concluded in its Final Report entitled, A National Strategy to Reduce Crime, that most traffic offenses should be handled by administrative agencies rather than courts. Its Report states:

"The Commission recommends that all minor traffic offenses, except driving while intoxicated, reckless driving, and driving with a suspended or revoked license be made infractions subject to administrative disposition. Penalties for such infractions should be limited to fines, or compulsory attendance at traffic school. Provision should be made for administrative disposition of such infractions by an agency other than the court of criminal jurisdiction. The right of appeal from administrative decisions should be assured." (page 136)

A report of the U.S. Law Enforcement Assistance Administration recommends a similar plan for administrative adjudication of traffic offenses and approves the traffic infraction classification.

* * *

Rhode Island and New York employ an administrative adjudication system for handling most traffic offenses. Under this system the adjudication phase is handled within an agency division of the state Department of Motor Vehicles. The legislation of both states provides for hearings before Hearing Officers and right to appeal to Appeals Board. Offenders are afforded all aspects of due process of law. Emphasis under state procedures

*Traffic Infraction-
new classification for
some traffic offenses*

Need to "unclog" courts

Traffic Infraction
Classification
approved

*2 states process
Infractions
apart from
judicial system*

is individualized, simplified hearings with appropriate referral to state driver re-training facilities where warranted.

* * *

A lengthy and in depth study of all phases of a state Revised Vehicle Code, has resulted in an Oregon Judiciary Committee recommending inclusion of a civil offense designated traffic infraction in its up-dated vehicle code. Traffic infractions would be processed within the judicial system. Offenders could be fined and would not be subject to jail sentences. The extensive revision of the state vehicle code is pending before the 1975 Oregon legislature.

*Oregon legislative committee recommends
Infraction
Classification*

* * *

A review of state legislation in the field of advanced traffic adjudication will be reported in later H I G H L I G H T S.

* * *

A tri-state workshop on advanced traffic adjudication techniques was held in Seattle, Washington in January, 1975. Included were a cross section of attendees from Alaska, Oregon and Washington.

*Northwest
Adjudication
workshop held*

The successful three day workshop provided a state forum for the exchange of ideas dealing with re-defining goals of effective adjudication of traffic offenses in terms of safety and cost effectiveness; implementation of advanced adjudication procedures; and national trends in effective adjudication. The workshop also included adjudication interests and legislative activities of the states involved.

The workshop was conducted by M. H. Wagner & Company and was made possible through a grant from the National Highway Traffic Safety Administration (NHTSA); U.S. Department of Transportation.

* * *

Mr. George D. Brandt of the staff of National Highway Traffic Safety Administration (NHTSA) of the Department of Transportation has been appointed Chief of Adjudication Branch of Driver Licensing Adjudication Division of NHTSA. An Attorney, Mr. Brandt is a professional of national stature in the area of adjudication and effective court management. He has written extensively in these fields. His elevation points up the importance and priority NHTSA is placing on advanced traffic adjudication techniques and effective adjudication of traffic cases.

*Mr. George D. Brandt
elevated in
NHTSA*

His address is: Mr. George D. Brandt, Esq.
Chief, Adjudication Branch
Driver Licensing and Adjudication Division
Traffic Safety Programs
NHTSA - Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

* * *

1. Final Report of Ad Hoc Task Force on Adjudication of the National Highway Safety Advisory Committee; U.S. Department of Transportation (1973), printed copies are available from NHTSA - General Services Division, 400 Seventh Street, S.W., Washington, D.C. 20590.
2. Effective Highway Safety Traffic Offense Adjudication; U.S. Department of Transportation, NHTSA, June 14, 1974.
3. Administrative Adjudication of Traffic Violations Confronts the Doctrine of Separation on Powers. Professor Robert Force, Tulane University School of Law. Tulane Law Review, Vol. 49, page 84 (1974).
4. Proposed Revision Oregon Vehicle Code, Committee on Judiciary (Interim Report) 14 State Capitol, Salem, Oregon.

* * *

We are hopeful that this initial information sheet will provide timely information in a vital safety field. We invite your comments about this issue of H I G H L I G H T S.

Annette Finesilver
Project Director
for the Contractor
M. H. Wagner & Company
7100 East Exposition Avenue
Denver, Colorado 80222

*Selected materials
for
further study*

Traffic Safety Adjudication Reports

an overview of new developments in
adjudication of traffic offenses*

November, 1975
75-3

At a recent high level conference there was strong consensus that traffic offenses should be decriminalized and that a more streamlined, simplified and effective adjudicative process should be developed either within the judiciary or by transfer of traffic infraction cases to licensing agencies for adjudication.

The site of the conference was the Smithsonian Institution's Belmont Conference Center near Elkridge, Maryland. The conference was sponsored by NHTSA's Adjudication Branch and conducted by Arthur Young and Company. Participants were legal and judicial authorities in traffic law adjudication from around the country. The purpose of the conference was to examine a recent study on "Effective Highway Safety Traffic Offense Adjudication," conducted by Arthur Young.

The conference analyzed the validity of the study's methodology, findings and conclusions on methods of improving traffic adjudication fairness, efficiency and effectiveness. The study's model traffic adjudication process was given special attention in the following areas: paying fines by mail of all but habitual offenders; plea advisement to assist the driver to understand the charges against him and identification of problem drivers through computerized record review.

The pre-trial plea advisement feature of the model process, as developed in the study, received considerable interest. Also, the use of computerized record review to identify problem drivers was strongly supported.

An area of discussion focused on how to treat first traffic infraction violators. One view was that first violators should appear in court and be sent to driver improvement school. Others felt that first offenders should be handled by mailing in their fines to forestall serious court case backlog.

Also highlighted, was NHTSA's Seattle Special Adjudication for Enforcement (SAFE) project and New York's administrative adjudication state program.

Robert Force, Professor of Law at Tulane University, delineated issues involved on the constitutionality of administrative adjudication of traffic infractions as it confronts the separation of powers doctrine. His presentation generally supports constitutionality of administrative adjudication of traffic offenses.

Participants included Chiefs of the Driver Licensing and Adjudication division and Adjudication Branch, Frank D. Altobelli and George D. Brandt and NHTSA staff. Other participants included Chief Justice James C. Adkins, Florida Supreme Court; Judge T. Patrick Corbett,

1975
Adjudication
Conference
held in
Maryland

Other
Conference
Highlights

Conference
Consensus:
Traffic Offenses
should be
Decriminalized

*Formerly "Highlights" this publication is distributed in furtherance of NHTSA-4 B602, Department of Transportation, Washington, D.C. The work to be performed under NHTSA contract deals with the preparation and dissemination of materials in the field of advanced traffic adjudication techniques and assistance in specialized adjudication workshops. Contractor, M. H. Wagner & Company.

*Jurists,
Administrators
and other
Safety
Specialists
Attend Meeting*

Presiding Judge, Seattle Municipal Court; Judge T. C. Smallwood, Presiding Judge, Birmingham, Alabama, Municipal Court; Mr. Don Bardell, Deputy Commissioner, New York Department of Motor Vehicles; Commissioner Leo Patrick McGowan, (Chief Commissioner of NHTSA's Rhode Island SAFE project); Michael Sindler, Counsel, District of Columbia Department of Motor Vehicles; Joel Gustafson, former Chairman, Executive Subcommittee, NHSAC; Victor Perini, Highway Users Federation of Safety and Mobility, Washington, D.C. Also, John C. Emery, member, American Bar Association's Traffic Court Committee; Mrs. Annette Finesilver, Project Director, Advanced Traffic Adjudication Technique Project; Joseph P. Hennessee, Counsel, American Association of Motor Vehicle Administrators; Milton M. Carrow, Executive Director, American Bar Association's Center for Administrative Justice, and Jerry Connors, Counsel, American Automobile Association.

Copies of the study are available from:

National Technical Information Service, Springfield, Virginia.
22151. Study is entitled: Effective Highway Safety Traffic
Offense Adjudication, Contract No. DOT-HS-123-2-442.

*Where to Obtain
Copies of Study*

* * *

An outstanding and authoritative law review article on administrative adjudication authored by Law Professor Robert Force - entitled Administrative Adjudication of Traffic Violations Confronts The Doctrine of Separation of Powers is found in Jane Law Review, Vol. XLIX, No. 1, pp. 84-138, November, 1974, Tulane University School of Law, New Orleans, Louisiana.

*Outstanding
Law Review
Article on
Adjudication*

* * *

In November, 1973, a New York symposium explored ways to make traffic offense adjudication more highway safety effective. Final report of the symposium was made available in September, 1975. State highway safety officials from 10 primarily eastern states, as well as national experts, were in attendance at the symposium. DOT, Undersecretary John Barnum, keyed the symposium. The symposium highlighted the relationship between traffic violations and highway accidents; the advisability of implementing administrative hearings to supplement or replace traffic court adjudication; the need for change in the traffic law system; improved rehabilitation techniques for problem drivers; and innovative approaches in handling problem drinking drivers. The meeting was sponsored by the University of Denver and NHTSA.

*Final Report
Available
of New York
Adjudication
Symposium*

Subsequent to the conference, Rhode Island adopted a state wide administrative adjudication system. Legislation is pending for a similar adjudication approach in Maryland and Michigan.

Symposium Summary and Recommendations include the following:

- Administrative adjudication systems should receive greater local, state and national attention and implementation; for "it is a legal and fair means by which to make an adjudication" and it provides for coordination in a single agency.
- Removal of some adjudication responsibility from traffic courts into an administrative agency is not a threat to courts. Although some of the lesser offenses are decriminalized, the more serious offenses retain their criminal nature and the judges have more time to deal with them.

*3 Jurisdictions
Consider
Administrative
Adjudication
Action*

- Court experience seldom deters initial and subsequent violations of traffic laws.
- Swiftmess and certainty of sanctions add to deterrence.
- Pressing needs exist for changes in court system of adjudicating traffic offenses.
- Present systems do not act as effective deterrents to repeat violations - traditional adjudication system may be seriously questioned as to fairness, effectiveness and efficiency.
- It should be recognized that if the primary motivation for decriminalizing traffic offenses is to minimize backlogging in the courts and make them more efficient, then the force for further increasing efficiency may push the adjudication model.
- Consideration should be given to the feasibility of combining the commissioner-referee system with the Department of Motor Vehicles in a single agency or, at least, of coordinating the court and the Department.
- In each state there should be continuing monitoring devices and evaluation of the judicial system and its effectiveness in traffic adjudication.

*Recommendations
(continued)*

Symposium proceedings are available from: National Technical Information Service, Springfield, Virginia, 22151. Report is entitled: Report On Symposium On Effective Highway Safety Adjudication, Volumes 1 and 2. Contract NHTSA, DOT-HS-249-3-704, Final Report. (1975)

*Symposium
Proceedings
Available*

* * *

At a July, 1975 meeting of the National Committee on Uniform Traffic Laws and Ordinances the Uniform Vehicle Code was amended to eliminate jail sentences as a penalty for most rules of the road violations. Jail as a penalty would still be authorized for a third violation committed within one year of the first offense and for all convictions of racing, reckless driving, drunk or drugged driving.

*National
Committee Votes
to Eliminate
Jail Sentences
for many
Offenses*

The "1975 Annual Supplement" (96 pages) for Driver Licensing Laws Annotated may be purchased for \$5.00 from the National Committee. This supplement updates excellent Driver Licensing Laws Annotated as of January 1, 1975, by showing how each annotation was affected by 1973 and 1974 changes in state driver licensing laws.

Based on laws adopted before January 1, 1973, Driver Licensing Laws Annotated (418 pages--\$15.00) shows how state driver licensing and traffic laws compare with each section.

*Updated
Annotation On
Driver Licensing
Laws Available*

The Annotation and Supplement are available from NCUTLO, Suite 430, 1776 Massachusetts Avenue, N.W., Washington, D.C., 20036. (Total cost \$20.00 for both publications).

* * *

United States traffic deaths dropped 18% in 1974, because Americans drove less, went more slowly and were more careful, the U.S. Department of Transportation reports.

Traffic Accidents killed 45,534 persons in 1974 compared to 55,084 in 1973.

*1974
Traffic Deaths
Off 18%*

Accident statistics for 1975 indicate that Americans are traveling as much this year as they did in 1973, but not being killed in vehicle accidents at the 1973 rate.

* * *

Ten Alcohol Safety Action Projects have been extended by NHTSA for two more years to obtain additional research data on the effectiveness of countermeasures. The projects have all completed operational life of 3 years.

During the two-year extension the 10 ASAPs will work to initiate more effective means to rehabilitate drunk drivers, improve enforcement techniques, conduct public opinion surveys, and accelerate community education programs.

Each ASAP is an integrated system of law enforcement techniques, judicial programs, rehabilitation clinics, and public information projects that are used to combat drunk driving.

The extended projects, covering jurisdictions at the city, county, and state levels, are in Fairfax County, Virginia; Hennepin County, Maine; Kansas City, Missouri; New Orleans, Louisiana; Oklahoma City, Oklahoma; Phoenix, Arizona; Tampa, Florida; San Antonio, Texas; South Dakota and New Hampshire.

* * *

The newly re-activated Ad Hoc Task Force on Adjudication's Advisory Committee of the NHTSA, chaired by Judge Rupert Doan, Presiding Judge of the Cincinnati Municipal Court, has received a special mandate from the Secretary of DOT to determine the "state of the art" of the alcohol safety adjudicative referral efforts in the ASAPs. In conjunction with this task force study, NHTSA's adjudication branch is conducting its own--in house-- assessment of the ASAP judicial countermeasures. The result of this work should be available by mid 1976.

* * *

Several United States Supreme Court decisions have far reaching importance on trial of traffic and misdemeanor offenses. The leading case, Argersinger v. Hamlin 407 U.S. 25 (1972), held that where there is a possibility of a jail sentence for any felony, misdemeanor, or petty offense (including traffic) a person so charged is entitled to a court appointed attorney if he is without sufficient funds to retain his own attorney. The court opinion states "that absent a knowing and intelligent waiver, no person may be imprisoned for any offense. . . . unless he was represented by counsel at trial." That holding was held to be retroactive in Berry v. City of Cincinnati 414 U.S. 29 (1973).

These cases should prompt cities, counties and states to (a) re-view their laws and give consideration to re-classifying many offenses as infractions and (b) eliminate jail as a possible penalty. By these measures the requirements of Argersinger that mandate counsel be appointed to represent indigent defendants - unless waived - is negated.

* * *

The U.S. Supreme Court has agreed to hear arguments this fall in a Kentucky case North v. C.B. Russell et al. If the Justices rule in favor of North, they will force reform of the lower courts of the

10 ASAP
Projects
Extended For
Study of
Effectiveness

NHTSA Task
Force To Study
"State of the
Art" of ASAP's

Supreme Court
Case Mandates
Appointment of
Counsel For
Traffic
Offenders

Argersinger
Revisited

Important Case
Pending in
Supreme Court

thirty-six states in which citizens without training in the law are empowered to sit as justices of the peace, magistrates and police judges.

It is argued by North's attorney's that lay-judge system "violates the due process clause of the Fourteenth Amendment to the U.S. Constitution and undermines the effective administration of justice."

There are signs that the Supreme Court may be ready to agree. In 1972, the Court ruled in Argersinger v. Hamlin that defendants even in misdemeanor cases have a right to legal counsel, if the accused faces the possibility of jail. North's attorney believes that right is meaningless if the case is to be decided by an incompetent judge. "If a man is entitled to have a lawyer in a misdemeanor case," the lawyer says, "surely he ought to be entitled to have a judge who is capable by training and experience to hear the motions and the arguments made by that lawyer. Any lawyer who practices in these lower courts will tell you that our present system is hopeless. A lawyer has to be trained and licensed, and then has to present his wares before judges who don't have the slightest idea what he's talking about."

Since the arrest of North, another case underscores the problem. In 1974, the California Supreme Court ruled in Gordon v. Justice for Yuba City that the due process clause of the Fourteenth Amendment is denied whenever a nonlawyer judge presides over a criminal case in which the defendant faces a possible jail sentence. When the California attorney general petitioned the U.S. Supreme Court to review the decision, the Court refused, allowing the state decision to stand.

The outcome of the North Case will result in a standard for the nation. Legislative, judicial and executive officers should know and understand the importance of the case on adjudication of traffic offenses.

* * *

Of an estimated 125 million drivers registered in the United States in 1974, 11 million (9%) are over the age of 65, reports Fred W. Vetter Jr., Associate Administrator, Traffic Safety Programs, NHTSA: About 64% are men and the other 37%, women. Kind of an interesting reversal in that women clearly outlive the male in our society, and by a good margin.

"... our data tells us that the '65 and older' are involved in about a twentieth of all accidents, and about a twelfth of all fatal crashes. Those numbers may not seem significant since young drivers are involved in over three times that number of fatal crashes. That sort of tells us why our emphasis in the coming years will be focused on YOUTH. A far bigger population too."

"Keep in mind that we can make a lot of well intentioned 'mistakes' in dealing with younger drivers and it usually results in no more than a temporary inconvenience or perhaps a change in jobs. But for older folks, losing that precious license can be utterly catastrophic. A formerly self sufficient couple may suddenly become totally dependant on family and neighbors for the very things needed to sustain life -- basic transportation to shop for food, obtain medical treatment, and (psychologically) to maintain their self respect and will to live. . . . They've learned how to compensate, drive in non-rush hours, even use less hazardous routes and double parking spaces at the parking lot. Most know their limitations and manage just fine!"

"So it's a tough call, and there should be no pat or arbitrary rules -- not if we want to do what's right." (From: National Traffic Safety Newsletter, NHTSA, September, 1975.) Consideration is being given to programs aimed at improving procedures for juvenile traffic offenders.

* * *

Lay Judges:
Supreme Court
to Determine
Constitutionality

NHTSA
Administrator
Pinpoints Trends
in
Age of Drivers

General Vetter
Announces
11 Million
Drivers Are
over 65

*Attorney's Role
in DWI Defense
Discussed in
New Hampshire*

The New Hampshire Bar Association, in cooperation with NHTSA, presented a pilot seminar entitled "Alcohol, Highway Safety and the DWI Defense Attorney" at its annual summer session in Bretton Woods, New Hampshire.

Special emphasis was placed on the role of the attorney in DWI defense, "does responsibility go beyond classic defense?"

It was pointed out that ethical considerations and the code of professional responsibility make it incumbent upon a defense attorney to consider not only his clients' legal problems, but also his health problems. Attorneys attending the seminar were advised of various social services and rehabilitation centers available to diagnose and treat any drinking problem that a DWI client may have.

New Hampshire ASAP helped plan the meeting.

* * *

TRAFFIC SAFETY ADJUDICATION REPORTS is distributed in the interest of traffic safety and to acquaint its readers with developments in effective and advanced traffic adjudication techniques.

We would appreciate receiving information from you dealing with (a) seminars and workshops on adjudication of traffic offenses, (b) pending legislation in areas of revision of court procedures, (c) traffic law revisions, (d) court cases and legal articles in the area of traffic laws and court administration, and (e) materials and information dealing with all phases of effective and up-dated approaches in the field of adjudication of traffic offenses.

We invite and welcome your comments about TRAFFIC SAFETY ADJUDICATION REPORTS.

* * *

Annette Finesilver, Project Director
for the Contractor
M. H. Wagner & Company
7100 East Exposition Avenue
Denver, Colorado 80224
(303) 297-3171
(303) 322-0330



Traffic Safety Adjudication Reports

an overview of new developments in
adjudication of traffic offenses*

June, 1976
76-3
Part I

This issue features:

- . Special report on adjudication of drinking-driving cases/ASAP developments.
- . Vetter article on adjudication activity.
- . Seattle SAFE Project Report (Special Supplement, Part II).
- . Other national noteworthy items.

Feature
Articles

* * *

Accident investigators of NHTSA have compiled a profile of the person most likely to cause a fatal highway accident involving excessive drinking.

....Usually a 25 to 35 year old male, this driver is a heavy or problem drinker who often prefers beer to other alcoholic beverages. Probably has a high school education and drives an older car....Single, separated, or divorced, he displays overly aggressive drinking habits....poses the greatest threat to highway safety during the early morning hours on weekends.

This "fatal driver profile" is drawn from special studies of alcohol related accidents in Boston, Baltimore, Albuquerque, and Oklahoma City.

Profile Of
Drinking-
Driving
Accidents

Reports of Alcohol Safety Action Projects (ASAP) - Funded by NHTSA in the four cities showed:

- . Alcohol related highway fatalities amounted to 45 per cent of 101 fatal accidents recorded before Boston initiated an ASAP project, and dropped to 35 per cent of 161 fatal accidents during a one year period with an ASAP project.
- . The Boston study also showed that 16 per cent of surviving drivers considered most responsible for a fatal accident admitted to being under the influence of marijuana at the time of the crash.
- . Drinking was cited as the primary cause of 42 per cent of the fatal accidents analyzed in the Baltimore study, with excessive speed accounting for an additional 15 per cent.
- . In Albuquerque, NHTSA accident teams found that 60 per cent of alcohol related accidents occurred on weekends and 67 per cent at night. Compared with the general driving accident population, drinking drivers were over-involved in single vehicle, lone driver, rollover, run-off-the-road, and injury producing collisions.
- . Effectiveness of the ASAP program in Oklahoma City was also noted by the safety researchers.

ASAP
Report

* * *

*Adjudication Reports is prepared for Department of Transportation, NHTSA under Contract No. 4-D602. The opinions and conclusions expressed are those of the contractor, H. H. Wagner & Company.

* * *

The implications of the Profile of Drinking-Driver underscores recent blue ribbon report of Advisory Task Force of NHTSA. Summary of report follows.

*

After extensive study an Advisory Task Force NHTSA has issued a report on adjudication of drinking-driving cases.

Conclusions:

- . existing cooperation with National Institute of Alcohol Abuse and Alcoholism's inter agency agreement at the program level should be increased and expanded;
- . efforts to establish active cooperation and jointly funded programs with LEAA and the state criminal justice planning agencies should commence;
- . formal cooperation with the ABA and state or local bar associations should be established;
- . exploration of mutual interests with major professional organizations and institutions in the judicial profession should occur;
- . services and information should be offered to such interested organizations as the U.S. Conference of Mayors and the National Association of Counties;
- . at the state level, the interests of highway safety agencies, alcoholism authorities, criminal justice planning agencies, and driver licensing authorities should be deliberately coordinated by NHTSA.

*Task Force
of Advisory
Committee-NHTSA
Reports on
Adjudication
of Drinking-
Driving Cases*

Additional conclusions:

The Task Force found evidence that coordinated management approach advocated by ASAP offers popular and economical method for enabling communities to respond to the problems of alcohol abuse.... ASAP has furthered the long-term interests of highway safety and also created alternative models for enabling society to confront the whole problem of alcohol abuse through use of the adjudication system and the lower courts....

....ASAP concept is beneficial in terms of both governmental management and cost-effectiveness....It should therefore receive further development from the federal government....

....Increased funding of alcohol abuse programs is desirable.... necessary funds may suitably be raised through taxation.

Resolutions of Adjudication Task Force:

- . Secretary of Transportation take appropriate action to have a member of the Adjudication Task Force of the NHTSA Advisory Committee sit as a public member representative on the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (Hughes Act) to provide essential input in addressing the Nation's alcohol problems and the public safety implications.
- . Advisory Committee of NHTSA (1) supports Congressional legislation to provide funds for education of the Nation's lower judiciary in alcoholism and alcohol abuse to assist them in improved offender case processing and (2) encourages the revision of the NHTSA

*More On
ASAP*

and the NHTSA to include a provision for lower judiciary education.

Advisory Committee recommendations and resolutions are submitted to the Secretary of Transportation for study and approval. NHTSA professionals and administrators served as staff consultants for essential work of Task Force.

*Adjudication
Task Force
of Advisory
Committee-NHTSA
(continued)*

* * *

New California law provides an alternative sentencing device for courts with respect to first and subsequent convictions of driving under the influence of alcohol, drugs, or the combinations of alcohol and drugs. It authorizes a court to permit any person who is convicted of a first or subsequent offense to participate for at least one year in a specified program for the treatment of problem drinking or alcoholism which meets standards established by the Office of Alcohol Program Management, in lieu of suspending the person's driving privileges. The law will become operative statewide on January 1, 1978, but applicable during 1976 and 1977 on a demonstration basis in four counties as specified by the State Office of Alcohol Program Management.

*Alternative
Drunk Driving
Penalties -*

California Law

* * *

Associate Administrator Fred W. Vetter, Jr., of NHTSA has authored a leading article on administrative adjudication in the May issue of the National Safety Council's monthly magazine, Traffic Safety.

Vetter highlights four areas where state and local governments will be directing their attention:

- Traffic infractions and civil procedures...will permit a qualified adjudicator to deal with the accused violator on the traffic safety aspects of the case, the reasons for violation, and any retraining or rehabilitation needs.
- Improved use of police manpower...enforcement officers or para-professionals with limited authority should only use citations in infraction cases, even when non-residents are involved. The more times enforcement resources are removed from their patrol and crime and accident prevention responsibilities, the more costly and inefficient the system becomes.
- Reciprocity is growing among states and non-resident violator compact...has been adopted by six mid-Atlantic jurisdictions and provides an administratively feasible way to deal effectively with non-resident violators. The citing officer need not take the violator into custody. Instead, the officer remains on patrol and unless the violator mails a fine, or makes an appearance, his home jurisdiction will suspend his driving privilege.
- Qualified and trained traffic adjudicators will become necessary. With increased enforcement, particularly of the 55 mph speed limit, a highly motivated corps of traffic law adjudicators will be needed to adequately meet the law and safety demands of their work.

Traffic Safety
Magazine
Features
Vetter Article
On
Administrative
Adjudication

* * *

* * *

The most up to date treatment of all phases of effective and advanced adjudication techniques and up-to-date material are included in the primer New Trends In Advanced Traffic Adjudication Techniques.

The 65 page publication prepared for NHTSA by M. H. Wagner & Company is useful to persons in the field of traffic safety, safety education, laws, legislation and licensure. New Trends is a helpful and thorough analysis of vital areas of adjudication and effective alternatives.

I

Contents of Primer-New Trends

New Concepts of Adjudication Techniques; Ad Hoc Task Force Recommendations; Methodology of Change; Assistance Available to Interested Jurisdictions.

II

Decriminalization of Traffic Offenses:

Necessary Steps Toward Improved Adjudication Techniques; Required Legislative Action; Offenses to be Decriminalized.

III

Adjudication Field:

Court Cases of Note.

IV

Procedures in Implementation of Advanced Traffic Adjudication Techniques:

Objectives of Modifications of Traffic Adjudication Systems; Activity and Approaches For Change: Development and Enactment of Legislative Package.

V

Leading Articles and Research Materials.

VI

Appendix:

Summary of Progress State-by-State.

Availability:

Title - New Trends In Advanced Adjudication Techniques,
February, 1976.

Available from:

General Services Division
NHTSA
400 7th Street, S.W.
Washington, D.C. 20590

* * *

Administrative Adjudication of Traffic Offenses was featured at the annual Legal Workshop of American Automobile Association held in Denver in early May. U. S. District Judge Sherman G. Finesilver, Denver, keyed the meeting. Attorneys and officers of auto clubs from throughout the country were present. Increased level of AAA participation in this vital area of traffic safety is predicted.

* * *

Rhode Island highway safety officials attribute the state's top performance in death rate reduction in 1975 to administrative adjudication and related programs in education, rehabilitation,

Adjudication
Primer
Available

Who Can Use
New Trends

What
Primer
Includes

AAA Legal
Workshop
Discusses
Administrative
Adjudication

R.I. Reaps
Adjudication
Safety Benefits

and enforcement.

It is noted that Rhode Island's state wide administrative adjudication of traffic offenses has enabled increased emphasis on education and related programs in education, rehabilitation and enforcement programs.

Rhode Island adopted administrative adjudication in 1975 under a federally-funded NHTSA Special Adjudication for Enforcement demonstration project.

Legislation reclassified the majority of traffic offenses as infractions and established an Administrative Adjudication Division within the state's Department of Transportation. The division handles traffic cases administratively, rather than having them handled judicially within the traffic courts.

One goal of the program is to improve the processing and disposition of traffic offenses and upgrade violator retraining programs. Administrative adjudication also had reduced the court caseload, permitting more time for misdemeanor cases and a higher level of enforcement of more serious traffic violations, such as driving under the influence.

Rhode Island
(continued)

* * *

Justice Henry F. McQuade of Idaho was sworn in on April 6, 1976, as Deputy Administrator of the Law Enforcement Assistance Administration.

Justice McQuade became Deputy Administrator for Policy Development of LEAA.

Prior to his appointment, Justice McQuade served on the Idaho Supreme Court for almost 20 years--three times serving as Chief Justice and prior to that time as a state trial judge.

Long interested in all phases of highway safety, he served on the advisory committee of NHTSA. He was a member of an all attorney sub-committee contributing to the ad-hoc task force report on administrative adjudication of NHTSA. He also served as Chairman of the task force which prepared a report on mandatory traffic law sanctions.

Justice McQuade
Appointed to
High LEAA Post

* * *

Donald J. Bardell, former Deputy Commissioner, New York DMV, an attorney, has been named AAMVA Executive Director.

Bardell, served as Deputy Commissioner and Counsel for the New York State Department of Motor Vehicles for the past five years and is a national authority on administrative adjudication of traffic offenses. He has keynoted safety conferences throughout the country.

Bardell was responsible for planning, developing, and promoting the legislative program for the New York DMV. He supervised the activities of a staff of hearing officers and attorneys located in Albany, New York City, Rochester, and Buffalo.

Bardell Named
Executive
Director Of
AAMVA

* * *

First year Report of Seattle (Washington) SAFE Project points up positive aspects of the program; alternative adjudication and retraining approaches are integral parts of SAFE.

Highlights of SAFE Report:

- Greater administrative efficiency.

First Year
Report -
Seattle SAFE
Project

First Year
Report
(continued)

- . Deterrence to future violations.
- . Greater public receptivity.
- . An immediate referral to driver analysts and court or DMV directed rehabilitation programs reduces recidivism.
- . Minimum administrative costs.
- . SAFE has demonstrated capability of reducing court docket backlog.
- . Utilization of magistrates is simplified and effective adjudication alternative.

Special Supplement of Adjudication Reports, features operational techniques and progress of SAFE.

* * *

Traffic Safety Adjudication Reports is distributed in the interest of traffic safety and to acquaint its readers with developments in effective and advanced traffic adjudication techniques.

We invite your comments about TRAFFIC SAFETY ADJUDICATION REPORTS and welcome timely information for possible inclusion in future issues.

Timely
Information
Requested

Annette Finesilver, Project Director
Adjudication Reports
M. H. Wagner & Company
7100 East Exposition Avenue
Denver, Colorado 80224



Traffic Safety Adjudication Reports

SPECIAL SUPPLEMENT.....featuring....

June, 1976

76-3

Part II

SEATTLE, WASHINGTON'S SAFE PROJECT....an up-to-date
overview of an innovative approach

First Year Report Points Up Benefits Of New Adjudication Alternative

I

BACKGROUND OF PROGRAM

The City of Seattle, with support from the National Highway Traffic Safety Administration, has initiated a two year prototype adjudication program (July 1974 - July 1976). George D. Brandt, Esq., NHTSA, key staff administrator, served as one of the principal architects of this innovative program of national dimension. A guiding light of the project was Honorable T. Patrick Corbett, Presiding Judge, Seattle Municipal Court, who in conjunction with a county DMV and a communal team, developed a meaningful blueprint for action in other jurisdictions.

Project SAFE - Special Adjudication For Enforcement - decriminalizes several classes of traffic offenses and these infractions are heard in an informal, simplified procedure before a special Magistrate. The Magistrate may impose a fine, a jail sentence cannot be imposed and there is no entitlement to a jury trial.

Use of Magistrates

Magistrates are judges pro tem appointed by the presiding Judge of the Seattle Municipal Court. They have specialized training in traffic laws and highway safety.

Objectives

The principle objectives of the project are (a) prompt disposition of enumerated traffic offenses, and (b) upon a finding of guilty by the Magistrate, immediate referral to a driver retraining and rehabilitation program; also reduction of the logjam of minor cases referred to criminal courts is accomplished by the program. These cases constitute a tremendous burden on the court system lending support to exploring alternative means of adjudication.

Driver Rehabilitation; Early Screening of Problem Drivers

The philosophy of the project centers around two basic principles (a) there must be an organized and systematic program for driver rehabilitation and improvement, and (b) problem drivers should be identified as soon as possible and exposed to driver retraining or license suspension expeditiously.

Adjudication Reports is prepared for Department of Transportation, NHTSA under Contract No. 4-B602. The opinions and conclusions expressed are those of the contractor, M. H. Wagner & Company.

Violations Receiving Special Attention

Under the SAFE procedure, the Seattle Municipal Court has redefined four categories of traffic violations for special attention. These are:

- . Speeding in excess of 15 miles an hour over the limit;
- . Certain accident cases;
- . A violation or charge which is the fourth in two years or the third in one year; and
- . Failure to yield, negligent driving and following too close.

The charges of Driving While Under Influence of Alcohol or Drugs, reckless driving, hit and run or any other offense which could carry a jail sentence are not included in the new adjudication process. These continue to be heard through regular criminal court procedures.

II HOW SAFE WORKS

Citation Phase

Here is an example of how the program works: A driver is cited by Seattle Police officers for speeding at or above 15 miles per hour over the limit. The Traffic Violations Bureau of the City of Seattle will generate a computerized bail notice to be mailed to the driver the day following the infraction. This will indicate to the driver that an appearance before a magistrate is required; and he has 10 days in which to make that appearance, at his convenience. If the motorist does not appear, a Traffic Violations Bureau Warrant is issued.

Appearance At SAFE Offices - Seattle

Upon the day of his arrival at SAFE hearing offices in the Seattle Public Safety Building, he is offered the opportunity to tell his side of the story to a magistrate in a relaxed, informal atmosphere. There are no police officers, prosecutors or regular court personnel present--just the driver and the magistrate, unless the driver wishes to bring along witnesses or an attorney for his case.

Delay Eliminated; Service To Public

Thus, one appearance has been eliminated, as the cited driver formerly would have had to make two appearances--one for the arraignment, and second, for the hearing itself.

Magistrate - Hearing - Phase

If at the hearing the finding is guilty, the magistrate then imposes sentence by either following a predesignated course of action or standard fine and referral according to what he feels is necessary for the driver's benefit. A third of the drivers found guilty will be referred to control groups in order to evaluate the impact of driver retraining and rehabilitation programs on subsequent recidivism. The close working relationship between the Department of Motor Vehicles, driver improvement analysts and the Seattle Municipal Court is a unique feature of the SAFE project.

Rehabilitation

Following adjudication, a driver may be immediately referred to an on-site driver improvement analyst. The analyst will review with the driver his driving record, which is secured by means of a remote video terminal

connected directly to the Department of Motor Vehicles computer in Olympia. Following the interview, the analyst may refer the driver to a driver improvement program already sponsored by the Department of Motor Vehicles, to the National Safety Council's Defensive Driving Course or to one of the specially developed driver learning programs which utilize tape players and cassettes to reeducate the driver. Strictly monitored control groups have been established to measure the comparative value of the different rehabilitation programs on different types of drivers.

Adjudication Alternatives On Finding Of Guilt

In sum, if the driver is found innocent of the charge the case will be dismissed immediately. If there is a finding of guilty:

- . driver may be fined the standard amount;
- . any or all of the fine may be suspended;
- . any or all of the fine may be suspended and there may be referral to a driver improvement program; or
- . driver may be referred to a driver improvement analyst of the Department of Motor Vehicles.

Trial Aspects

If the driver does not agree with guilty finding a regular trial date in court is set; at the trial the driver can question the police officer and witnesses, in the traditional manner.

DMV Action

Even though certain traffic infractions by themselves may not justify license suspension, action may be taken by the Department of Motor Vehicles, using its discretionary powers to suspend the repeater's license when a driving record so warrants.

Driver Improvement Analyst; Immediate Remedial Activity

The driver improvement analyst may conclude that a driver, because of a poor driving record, should lose the driving privilege for a period of time. The analyst is required to inform the driver of his recommendation and may issue a 15-day temporary license. The report to the Motor Vehicle Department by the analyst triggers action by the Department. The Department of Motor Vehicles promptly and thoroughly reviews the analyst's recommendation. If the Department concurs, the official suspension order is published. In the event that the Department does not concur, the driver's license is summarily returned. The important step of immediate action has been taken, and the driver knows exactly where he stands within a very short time of the adjudication.

An evaluation phase of all aspects of the project has been recently monitored by safety and research specialists. Evaluation follows.

III EVALUATION TECHNIQUES

How SAFE Is Being Evaluated

SAFE was implemented to permit evaluation of various program effectiveness. The evaluation approach involves:

- . Comparison of alternative ways to handle traffic cases,
- . Random assignment to experimental treatment and control conditions where appropriate and consistent with equal justice, and

- . Measurement of impacts in multiple domains related to project goals.
- o Three case-processing alternatives are compared:
 - . SAFE,
 - . Municipal court trials, and
 - . Bond forfeiture (paying the ticket by mail).

Operation Of SAFE

- . As noted within the SAFE process there are two major referral methods for offenders: (a) actions based on magistrate decisions and (b) actions based on predesignated rehabilitation program referrals. The former involves magistrates' referrals to rehabilitation, diagnosis or no action at their discretion.
- . Defendants appearing mandatorily and voluntarily are differentiated.
- . Offenders may be referred to either a rehabilitation program or a no-action control group. Rehabilitation effectiveness is evaluated comparing programs against each other and by comparing those offenders who received a particular kind of rehabilitation with those who did not.

IV FIRST YEAR REPORT OF SAFE (June, 1974-June, 1975)

The initial report of SAFE points up positive aspects of the program.
Highlights of SAFE Report:

- . Greater administrative efficiency.
- . Deterrence to future violations.
- . Greater public receptivity.
- . Half of violators had to wait less than half an hour for hearing; (excluding time in rehabilitation program).
- . An immediate referral to driver analysts and court or DMV directed rehabilitation programs reduces recidivism.
- . Salutory effect of SAFE system on driver behavior analyzed.
- . Minimum costs to process a SAFE case; increased savings due to recidivism prevention.
- . SAFE has demonstrated capability to help courts by reducing traffic caseload and reduction of docket backlog.
- . Greater uniformity and equality of judicial treatment of violators.
- . Use of on-site driver improvement analysts within the court system is valuable rehabilitation tool.
- . Utilization of hearing magistrates for disposition of minor traffic infractions is viable, simplified and effective adjudication alternative.
- . Active interface of activity between adjudication system and DMV reduces duplication of effort and has positive safety payoff.

V IMPACT OF THE SAFE SYSTEM ON DRIVER BEHAVIOR DETAILED - FIRST YEAR

- . The magistrate-hearing portion of the SAFE system seems to have been largely responsible for the system's beneficial impact on driving behavior. When defendants who received no sanction beyond a fine, no contact with an analyst and no rehabilitation follow-up, their times to their next citation were 77 days for SAFE, 68 for forfeit

and 56 for court. Informal magistrate hearings produced significantly better driving behavior (slower recidivism) than court trials or forfeiture without an appearance.

- Accident and citation impacts of the SAFE, court and forfeit alternatives have not differed, although people who went to court tended to have an accident more quickly. Significantly SAFE, however, has been the best approach for minimizing the occurrence of, and extending the time to commission of traffic violations.
- Fine sanctions have been shown to be related to recidivism. However, their effect was such that those who had been fined more severely were involved in more recidivism incidents. Fines have clearly not had a deterrent effect on driving problems.
- The rehabilitation component of SAFE has affected both future accidents and citations. Recidivism has been significantly less prevalent among offenders referred to defensive driving programs than for those not receiving the rehabilitation.
- Rehabilitation effects depend upon the offenders' sex and the type of offense that brought the person to SAFE. Women have responded better (in terms of longer recidivism time) to DIP (lecture defensive driving), and to the FGI (First Group Interview); effects of programmed learning have been more favorable for men.

VI

FINAL NOTE; AVAILABILITY OF REPORT; CAUTION

The first year report is an essential reference document. It reflects, however, only a year of operation and more time is required before more definitive conclusions may be reached.

For copies of report request:

Special Adjudication For Enforcement (SAFE)
Report No. DMV-NHTSA 76-1 (Tech. Sum.), (February, 1976).

From:

National Technical Information Service
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Annette Finesilver, Project Director
Adjudication Reports
M. H. Wagner & Company
7100 East Exposition Avenue
Denver, Colorado 80224



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