

December 5, 1973

Committee on Judiciary
Subcommittee on Adjudication

Tour: Oregon State Police
Motor Vehicles Division
Marion County District Court
Judges Thomas W. Hansen, Albin W. Norblad

SUMMARY

Oregon State Police. Members of the subcommittee were informed that although the accident rate in Oregon is down, the number of citations issued has not decreased. This is due largely to the increased use of patrols. The State Police have been conducting a selective type of enforcement and have been patrolling closely city areas at times when drunk drivers might be apprehended.

Where drunk drivers have been concerned, speed has not been the cause of accidents. Most drunk drivers do not drive at a high speed. Drunk drivers have been involved in 50 percent of all fatal accidents. Although there has been an increase in the arrest of drunk drivers, those same drivers have to be convicted if the arrests are to be effective in getting drunk drivers off the streets and highways.

In answer to a question, the members were told that it is difficult to enforce a lower speed on highways designed for 70 mph travel. Also, a definite designated speed would be needed.

Residents of Oregon were quick to observe the new 55 mph limit. Conformity to the new speed has not been as successful in the Grants Pass and Burns areas.

Usually when a motorist has been stopped and has no driver's license in his possession, the officer will check the driving records of the motorist at a later time. Or, he may call a designated radio station, which in turn teletypes the Motor Vehicles Division for the needed information. The information is then transmitted by radio to the officer, and the whole process takes about four minutes. In some areas an officer would have to use his car radio and go through a relay system. Ordinarily, an officer doesn't run a check on a motorist who has been stopped. If the apprehended motorist should be acting in a suspicious manner, the officer will then use the car radio to run a check on the motorist.

If an officer stops a motorist for some minor offense and then learns the motorist had been driving with a suspended license, the officer can then arrest him for driving with a suspended license. Although the driver in such a case can be charged on two counts, he is usually cited for only one. Extreme care needs to be taken

to make sure the license is actually suspended. When an officer requests information on a "driving with suspended license" case, the State Police send the information to the officer. He then signs the form and mails it to the driver.

The State Police are notified daily by the MVD regarding suspended licenses. The State Police in turn always recheck with the MVD before issuing a citation for driving with a suspended license. When a proper check has been completed, a citation is mailed to the driver, and he is advised to appear. The percentage of appearances is quite high. Out-of-state drivers are not hauled in, as is the custom in some states. Usually, about 85 percent of the out-of-state drivers, who are cited, send in the fines. If a reckless driver is stopped and is found to have a suspended license, the officer can arrest him at that time. The opinion was expressed that a driver, who continually drives with a suspended license, should be stopped by having his car impounded. According to statute, the expense of impounding can then be recovered from the owner of the car. The members were informed that the MVD keeps records on convictions only, and the State Police keep records of arrests. The two agencies are considering combining records. This would eliminate duplications.

It is possible for the State Police to relay a license number and to receive a complete printout on the driving record of the license holder.

If a citizen calls in and makes a complaint against a driver without pressing charges, the State Police will contact the offender and inform him he has been observed.

To gather and compile information on a records check can take up to eight days. It can then be entered into the computer. The same machine can be installed in a local office, and then the information can be submitted to the computer directly rather than being forwarded to Salem first and then being fed to the computer. This arrangement wouldn't be possible in a small office, because someone would need to be in constant attendance.

Motor Vehicles Division. The Motor Vehicles Division received reports from the courts on 321,000 convictions last year. Copies of all citations involving suspensions and revocations are pulled and entered on the computerized record of the driver. The computer stores 10 year records, but the MVD certifies driving records for only five years for traffic and insurance purposes. The records involve convictions and bail forfeitures only. Bail forfeitures run very high on such offenses as running stop signs, illegal turns, etc.

Since the legislature passed the law that a report on an accident involving less than \$200 damage need not be filed, there has been a decrease of 35 percent in the number of reports on accidents filed. Copies of citations received by MVD are yellow

and bulky and awkward to handle. If they were white, they could then be microfilmed and stored easily. Also, it would be helpful if it could be determined whether an accident was employment related.

When information on a citation is received, name of person, date of birth and address are entered into the computer and an attempt is made to locate the person and make certain information is accurate. Probably five to ten percent do not check out. The yellow copy is received from the court.

The suggestion was made that a viable mass transit system would be extremely helpful in enforcing suspended licenses, and in cases where a driver needs transportation to get to work, it would be especially helpful.

When a fatal accident occurs, the records almost always show that the driver responsible had a definite history of questionable driving practices. The MVD keeps a record of the type of violations that occur and the ages of the drivers responsible. Records show that drivers in different age groups are responsible for different types of offenses.

The number of a suspended license is entered into the computer and converted into the type of information needed. A record of driving offenses is available in this way. A problem exists in notifying drivers whose licenses have been suspended. During November, 80 licenses were suspended, and only four people were found so that notice of suspension could be delivered.

The computer system makes possible the storage of four billion pieces of information. All information on one person is on record in one of 36 storage units. It contains a complete statistical file on drivers licenses, and the information is available to other agencies such as the federal government or for use in research. With a \$10,000 change in Portland and Salem, information from the two cities could be entered into the computer automatically. Converting the systems in remote areas could be more of a problem because of the people who would need to be trained. If equipment used doesn't conform to make, this could also cause problems.

District Court. The subcommittee members were informed that the court will probably receive about 800 drunk driving cases this year. There has been an increase due to a number of reasons-- increase in the number of patrolmen, the 1.5 percent law and the attitude of the public. Not as many are being tried, however. Because of the 1.5 law, many are pleading guilty because they do not want to risk jail sentences. There has been a tremendous increase in minor traffic offenses also. About 50 percent appear in court, and the other half simply pay fines. Because of the large increase and the time they take to process, the drunk driving cases do not go through the court as quickly as they should.

The court will give a continuance to an individual who is charged with a suspended license violation only if the request is made right away.

The members were told that an adjudication system for minor offenses would be most helpful in taking some of the workload from the courts. However, a person should be given the privilege of having a judge hear his case if he so wishes.

The system of appeals isn't consistent. The person who can appeal can very often do better than the one who can't. If the cases can be of record, the trials in District Court would be more meaningful.

As the system operates at this time, there is a lot of plea bargaining and many drunk driving cases are reduced to reckless driving. Scheduling of cases is very time consuming, and some cases may be rescheduled several times. It would be extremely helpful if the minor offenses could be taken out of the District Court and if the de novo feature could be eliminated.

If a system for making the drivers licenses valuable could be made workable--a system where it would be possible to keep those with suspended licenses off the highways--enforcement would be more effective.

Respectfully submitted,

Anna McNeil, Clerk