

The Honorable Robert C. Byrd
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Senator Byrd:

The House of Representatives Committee on Appropriations, Report 108-10, "Making Further Continuing Appropriations for the Fiscal Year 2003, and For Other Purposes, Conference Report to Accompany H.J. Res. 2," Page 1284, and Senate, Report 107-224, Department of Transportation and Related Agencies Appropriations Bill, 2003, Page 90, provided \$2,000,000.00 for use on the Repeat Offender Tracking Model. The language requests the Secretary to:

detail to the House and Senate Committees on Appropriations, in letter format, the concept behind the repeat offender tracking model, the total cost to develop the model, the anticipated yearly costs to enact the model, and the schedule to develop and enact this program. NHTSA should develop this model with input from the states and the highway safety community.

Each year, more than 1.4 million drivers are arrested for alcohol-impaired driving in the United States. States bear the primary responsibility for enacting impaired driving laws and enforcing, adjudicating, and imposing sanctions against impaired driving offenders. The driver license and licensing process provides a basis for driver control measures. During the 1950's, all States implemented an examination with road test as a condition of obtaining a driver's license. License actions have become a central component of efforts to deter drinking and driving and are now almost universally used, either administratively or through the judicial system. The effects of license suspension and/or revocation are short- and long-term. The loss of the offender's privilege to drive by suspending or revoking a license for driving while impaired (DWI) has proven successful in reducing drinking and driving behavior. Although vehicle-based sanctions (e.g., ignition interlock devices and the forfeiture or impoundment of offenders' vehicles) hold promise as deterrent measures, States rely heavily on removal of the offender's license as a primary penalty for DWI, because it is the most cost-effective sanction available. There are also instances in some States where license withdrawal is required as a penalty for offenses that lie outside the jurisdictional sphere of typical motor vehicle laws (e.g., use of a motor vehicle in the commission of a felony, motor vehicle theft, discharging a firearm from a motor vehicle, committing an immoral act in which a motor vehicle was used, advocating the overthrow of the government, defacing public or private property, non-payment of child support, withdrawal from high school, and illegal use of alcohol and other drugs).

Many States have some form of an impaired driving tracking system. However, violations and other driver history information often are not timely or accurately transmitted to relevant agencies within State jurisdictions or between the States. Timely transmission of this type of information is critical to effectively adjudicate and sanction impaired driving

offenses, yet very few States have such a system. As an example, the exchange of information regarding the disposition of traffic citations between the courts and licensing agencies commonly take 6 months or longer. This delay can allow persons with multiple charges to commit additional traffic offenses and to go virtually undetected through the system by key system stakeholders. In all States, key stakeholders include law enforcement agencies, the criminal justice system (i.e., judges, probation officers, and prosecutors), the departments of motor vehicles (DMV), and highway safety offices. Within most States, other stakeholders may include treatment and correctional agencies, which may also maintain offender-based information tracking systems. Delayed transmission of this information hinders roadside enforcement, and the identification of problem drivers, such as repeat offenders.

While the transmission of this type of information is critical, it must be timely, accurate, reliable, and complete in order to be effective. Timely and accurate information is essential to the adjudication process. Decisions regarding licensing actions and penalties need to be based on an individual's complete driving history. Persons previously convicted of a variety of traffic offenses and violations should be sanctioned differently than those with no or otherwise minor traffic offenses. A fully developed driver history records information system for impaired driving would be a powerful tool for States to assist in developing an effective system of deterrence for the impaired driver and reduce the likelihood of impaired drivers "falling-through-the-cracks" of the enforcement and adjudication system.

The National Highway Traffic Safety Administration (NHTSA) is concerned that without a current and accurate record of driver information, it is difficult for law enforcement agencies, licensing agencies and others in the criminal justice system to make sound decisions on how to address drivers demonstrating unsafe behavior on the roadways. To correct this deficiency, NHTSA developed requirements for a model impaired driving records information system that allows for accurate, reliable, and timely exchange of data among law enforcement agencies, the courts, and the DMVs. In addition, requirements for a model tracking system identify core and essential data elements, relevant records, and performance standards to receive, store, and transmit data between agencies and key stakeholders.

In 2001 and 2002, NHTSA, in collaboration with the U.S. Department of Transportation's Federal Motor Carrier Safety Administration, Federal Highway Administration, and Bureau of Transportation Statistics, developed conceptual model requirements. During this process, NHTSA obtained input from many partners in the highway safety community, including: American Association of Motor Vehicle Administrators; Governors Highway Safety Association; U.S. Department of Justice's National Crime Information Center, Office of Juvenile Justice and Delinquency Prevention and Bureau of Justice Assistance; and, the National Governors Association. The input was necessary to determine "core" records on impaired driving cases and system performance standards. NHTSA also consulted with State highway safety offices to identify States with exemplary offender tracking systems, methods for automated entry of citation and crash data, and/or exemplary systems for providing driver history and licensing information to courts and enforcement agencies.

In June 2002, under a solicitation to award cooperative agreements in the *Federal Register* (67 FR 40381-40386, Enclosure 1) NHTSA sought support to: demonstrate a model impaired driving records information system, evaluate the model's effectiveness, and provide input for development of a How-To-Implementation Guide that would assist other States that desire to implement such a model. The model requirements, as outlined in the same enclosure on pages 40383–40384, for an impaired driving records information system, represent a collective effort involving DMVs, law enforcement agencies, the courts, and other stakeholders to ensure each organization has ready access to the information needed to plan and manage its work effectively and efficiently.

In September 2002, NHTSA selected four States to demonstrate a model impaired driving records information system. Enclosure 2 is a brief description of each State's proposed enhancements for existing systems. The objective of this demonstration effort is for States implementing the model requirements to effectively perform the following functions:

- 1) Appropriately identify, charge, and sanction impaired driving offenders, based on their driving history;
- 2) Manage impaired driving cases from arrest through the completion of court and administrative sanctions;
- 3) Produce aggregate statistical information needed to identify at-risk populations and trends, evaluate countermeasures, and identify problematic components of the overall impaired driving control system;
- 4) Provide stakeholders with adequate and timely information necessary to fulfill their responsibilities;
- 5) Reduce administrative costs for system stakeholders and increase system efficiencies; and
- 6) Provide flexibility for inclusion of additional data and future technological enhancements.

All demonstration projects will be complete with a model impaired driving records information system in-place by September 2005. NHTSA estimates that a final project report on the demonstration efforts and the How-To-Implementation Guide will be available by the end of the Fiscal Year 2006. Information derived from the demonstration effort will be used to request funding in out-years to prepare the final report and how-to-guide for broad dissemination to States for potential implementation.

Costs associated with development of the model requirements were approximately \$85,000. Costs associated with the implementation of all new "stakeholder-systems" could run in the hundreds of millions of dollars. For example, one component of a model system, an automated court case management system, could take several years in development and cost about \$20,000,000 with an annual cost of about \$8,000,000 to maintain. However, costs associated with this demonstration effort are minimal because States supporting the demonstration exhibit many characteristics of a model impaired driving tracking system,

whether in an electronic format or in a paper-based system, and have resolved some implementation, organizational, and resource issues. Such States have previously made major investments in software development, hardware improvements, and enacted legislation that allow the exchange of information among various State agencies and jurisdictions.

This demonstration project funds the implementation of a shared record system linking existing systems for the exchange of information maintained by the courts, DMVs, law enforcement agencies, and other key stakeholders for the purposes of identifying and tracking impaired driving offenders. Total funding to demonstrate the model system in four States, over the period of 3-years, costs \$4,899,389. This project was partially funded in Fiscal Year 2002 and fully funded in Fiscal Year 2003, (see Enclosure 3 for funding scheme).

The model requirements were developed for implementation within and among States for use as a collective resource and to curb the installation of costly and duplicative record systems. NHTSA does not anticipate enacting the model; rather, the agency intends to make the model, any resulting publications, and resources available to States for individual State enactment, if they so desire. Costs associated with achieving a model system would be the responsibility of that State based on its existing model components and infrastructure requirements.

States participating in the demonstrations will provide: a final report, best practices used to achieve a model impaired driving records information system for that State, estimated costs to maintain system infrastructure, and details of system-wide improvements, including proposals for inclusion in the How-To-Implementation Guide.

This demonstration effort encompasses the totality of a State's efforts to generate, transmit, store, update, link, manage, report, and retrieve information on impaired driving offenders and citations. Through the use of up-to-date technology and cooperative arrangements among stakeholders, a *Model Impaired Driving Records Information System* will provide for electronic access to driver history, vehicle information, electronic collection of data, electronic transmission of data among stakeholders, and on-line access to complete, accurate, and timely information on impaired driving cases, as required by the stakeholders. This improved collection, management, and dissemination of offender information will provide jurisdictions with an effective means of identifying and adjudicating impaired driving recidivist.

An identical letter has been sent to the Chairman of the Senate Committee on Appropriations; the Chairman and Ranking Member of the Senate Subcommittee on Transportation, Treasury and General Government; the Chairman and Ranking Member of the House Committee on Appropriations; and the Chairman and Ranking Member of the House Subcommittee on Transportation, Treasury and Independent Agencies.

Sincerely yours,

Jeffrey W. Runge, M.D.

Enclosures

NHTSA Model Impaired Driving Records Information System Demonstration States

Listed below is the lead agency for each participating State and a brief description of proposed system enhancements. All projects began in September of 2002 and will be completed by September 2005 and are now fully funded.

Nebraska Commission on Law Enforcement and Criminal Justice – Criminal Justice Information System (CJIS) Advisory Committee

This project will focus on electronically linking data across existing systems, data integration, timely access by all stakeholders, and flexibility to incorporate additional data (i.e., probation, criminal history and driver-related data). Emphasis will be placed on implementing and modifying new and existing systems to allow cross-agency exchange, searches, and data extraction statewide with report and statistical capabilities. From an impaired driving citation or arrest to court action, it is anticipated that this project will allow data transfer within 48 hours. While the technology will allow for this operation to occur within 24 hours, a manual review phase will be implemented. This will allow for adjudication to the Department of Motor Vehicles via courts within 24 hours of entry and posting to the driver's license record within the same 24 hours. Project innovation will implement a methodology to allow small law enforcement agencies in towns of 200 or fewer people without direct access to State or local networks to access statewide data using their own Internet connection.

Iowa Department of Transportation

Iowa has many elements of a model impaired driving records information system. The Traffic and Criminal Software (TraCS) data collection and reporting tool is widely deployed throughout Iowa and in many other States. The Iowa Court Information System (ICIS) is a statewide, unified court information management system ensuring all court information including impaired driving, is managed consistently throughout the court system. Criminal justice information is likewise managed through the Justice Data Warehouse including probation records. Much of the criminal justice system processes are paper-based, time consuming, and error prone. Iowa proposes to enhance TraCS by integrating it with mobile data terminal software to allow seamless transfer of data between applications allowing: a) queries of central repository to inform the officer that a citation was issued within the last 72 hours; and b) electronic filling of DWI formal complaints from the officer to the prosecutor to the court. They also propose to enhance ICIS to allow electronic reporting of DWI convictions to the Office of Driver Services when filed in a formal complaint in the same manner they currently report those filed on a uniform traffic citation.

Alabama Department of Economic and Community Affairs (ADECA)

The State of Alabama has a very unique statewide Court Referral Officer system to track repeat DUI offenders and the remediation measure being applied, but this system is partially automated. Most systems are currently paper-based and very little data are transmitted electronically and the only computerized part of the system is the driver history and arrest records that are indirectly available to law enforcement and the Court Referral Officers (CRO). Project goals are to fully automate the CRO system and allow integration with the citation and driver records systems that will enable all jurisdictions to identify, charge, and sanction impaired driving offenders based on their driving history. In addition, the project proposes to generate a research component that will enable users to access summaries of the data and compare subjects on a user-defined basis to determine the relationship between the sanctions imposed and recidivisms.

Wisconsin Department of Transportation

The State of Wisconsin has a uniform traffic citation, many components of the model impaired driver records system, and data exchange occurs between some agencies. There is considerable lag time between violation date and posting to the driver record for access by the judicial community. This aspect of the project focuses on the timely recording of DWI arrest data for use by law enforcement and the administrative suspension process. This project will ensure that arrest data is available online to agencies authorized to receive this data, including the offender. In addition, this project includes a component that creates a mechanism for the electronic transfer of DWI-related data from: a) Assessment agencies in each Wisconsin county – on initial assessments, education or treatment plans and the completion of plans or non-compliance with requirements; b) DWI-related education providers – on enrollment and completion or non-completion of training requirements; c) Ignition Interlock Device vendors – on tampering or removal of such devices where the driver is under court order to have such a device.

**Model Impaired Driving Records Information System
Demonstration Project Funding Scheme**

AWARD RECIPIENTS	Funding by Fiscal Year		Total Project Cost
	FY02	FY03	FY02 – FY03
Alabama Department of Economic and Community Affairs	\$637,120	\$430,105	\$1,067,225
Iowa Department of Transportation	\$691,460	\$375,062	\$1,066,522
Nebraska Commission on Law Enforcement and Criminal Justice	\$500,000	\$1,000,000	\$1,500,000
Wisconsin Department of Transportation	\$500,000	\$765,642	\$1,265,642
Total	\$2,328,580	\$2,570,809	\$4,899,389