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TITLE: Development, Implementation and Evaluation of a Pilot Project to Better Control Disqualified Drivers

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PROTECT OBJECTIVE:

To develop and evaluate better measures for controlling suspended or revoked drivers who continue to drive while disqualified. Project tasks included: 1) examining the suspended / revoked driver population and analyzing deficiencies in the license suspension enforcement system that allow disqualified drivers to escape detection, prosecution and conviction of driving while disqualified, 2) developing a pilot program consisting of measures to better control disqualified drivers (implemented in Ventura County, California for a period of 6 months), and 3) analyzing data on system processing of disqualified drivers, and on subsequent accidents and traffic convictions for this group, to provide a measure of the success of the pilot program.

SUMMARY:

Descriptive statistics were calculated for a sample of 5,842 suspended / revoked drivers. These statistics showed that suspended/revoked drivers average 8.16 years younger than California drivers overall, and 75% male versus 54% in the general driving population. The three-year prior driving record of subjects in the suspended/revoked sample showed that this group had many times the number of accidents and traffic convictions experienced by California drivers overall. In addition, subgroups of suspended / revoked drivers, such as those disqualified for driving under the influence (DUO, showed even more deviant records than disqualified drivers overall. Criminal background analyses, conducted on random samples of 150 suspended/revoked drivers and 60 habitual traffic offenders (HTOs), showed that 33% of the suspended / revoked subjects and 80% of the HTOs had arrests for offenses unrelated to Vehicle Code violations. In addition, 17% of the suspended/revoked subjects and 54% of the HTOs were charged with violent offenses.

Convictions of driving while suspended or revoked (CVC §14601) were 2 times as likely if law enforcement officers checked driver license status upon traffic stops than if they didn't, and 4 times as likely if the court checked license status. 14601 convictions were more likely if the driver was cited for 14601 rather than CVC §12500 (unlicensed driver) or CVC §12951 (license not in possession). 67% of drivers cited for 14601 were convicted of this offense, whereas only 4% of drivers who were cited for other nonlicense offenses were convicted of 14601. 14601 convictions were more likely if DMV had proof of service of the suspension/ revocation order. The conviction rate of drivers with personal service of the order was 38%, versus 22% for those who had verbally been notified of their license withdrawal, and 15% for those who had been mailed, but had not acknowledged receipt of, the order. 14601 convictions did not vary significantly for drivers based on the reason for their suspension;' revocation. Of sample subjects who were stopped and cited for any traffic offense while driving disqualified, only 20% were convicted of 14601. In addition, of those convicted, only about 20% were given sentences which met the minimum prescribed by law.

Analyses Concerning Pilot Program Countermeasures

There was no evidence that a "hot list" of local suspended / revoked drivers led to increased detection and conviction of disqualified drivers. Certified mail showed results of a "good service" rate of approximately 60%, versus 25% obtained using the first-class mailing method utilized by DMV. Service was considered good if it resulted in return of signed evidence (recipient's signature) that the suspension order had been received. The proof-of-service experiment also showed that drivers convicted of a traffic offense while disqualified were (significantly) twice as likely to be convicted of 14601 if they had good service. Results from the proof-of-service experiment

demonstrated that certified mail deterred drivers from accruing subsequent accidents and traffic convictions during suspension/ revocation.

#### Analyses Concerning Program Impact

The overall detection rate of disqualified drivers was found to be 41%, while the overall conviction rate was 33%. Analysis of a sample of 14601 convictees revealed that the proportion who were sentenced according to minimum standards did not change significantly as a result of the pilot program. Overall, 38% of sentences met minimum standards. There was evidence that Ventura County judges substituted relatively high amounts of jail for fine, and many 14601 convictees could be considered severely sanctioned even though their sentences did not meet minimum standards. Overall program deterrence was measured by calculating the time from 14601 conviction to first subsequent traffic conviction for samples of disqualified drivers. In Ventura County, approximately 70% of the drivers who were convicted while the pilot program was underway (1989) did not accrue subsequent convictions during a 6-month follow-up period, while only 56% of the drivers convicted before the program was implemented (1988) remained conviction-free. This difference was statistically significant, and was substantially greater than the corresponding differences in a control county. This supports the hypothesis that the pilot program increased specific deterrence in Ventura County. One speculative explanation for this finding is that although individual measures of detection, prosecution, conviction and sentencing failed to show a statistically significant effect, the program countermeasures might have operated jointly to enhance deterrence.

#### Recommendations

The study recommended that: 1) law enforcement consistently check driver license status and cite under CVC §14601 if the driver is suspended / revoked, 2) the courts identify citations where the driver is suspended or revoked, sentence 14601 convictees according to standards mandated by law, and consider increasing the use of CVC §14602 to impound vehicles of those convicted of driving while disqualified, 3) the DMV notify drivers suspended/revoked for negligent operator and alcohol reasons of their license action by restricted certified mail, improve internal record keeping and client contact procedures, and investigate the need for and feasibility of transmitting certified documentation related to the suspension more quickly to district attorneys and courts, and 4) the Legislature revise statutes to clarify CVC §14601 status, and restructure and simplify the 14601 statutes.

#### IMPLEMENTATION STATUS OF FINDINGS AND RECOMMENDATIONS:

Departmental management decided to initiate legislation authorizing the Department to defray the cost of certified mail by imposing a mail service fee on license suspension recipients. In December 1993, the San Francisco Chronicle ran a 2-part special feature article on suspended and revoked drivers which quoted extensively the findings and recommendations of this report. This media coverage was the genesis for two significant bills passed in the 1994 Legislative Session, AB 3148 (Katz) and SB 1758 (Kopp), which enacted recommendations contained in this report.

#### SUPPLEMENTARY INFORMATION:

For more information on the proof-of-service issue, see Gebers and Hanely, "Proof-of-Service Rates for Suspended or Revoked Drivers as a Function of Mailing Contact Strategy" (Report #120).

This study was presented by DeYoung at the Office of Traffic Safety's *Police Traffic Services Seminar* on October 19 1994, in Monterey, CA, and at the *Anti-DUI Forum* on February 16, 1995, in Sacramento, CA. The information contained in this report and report 129 were condensed into a single journal paper by Gebers, DeYoung, and Peck (1997), *The Impact of Delivery Service Strategy on the Effectiveness of Driver License Withdrawal-an Experimental Evaluation*, *Accident Analysis and Prevention*, 29(1),65-79.