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PRELIMINARY REVISED
REPORT OF COMMITTEE ON
ENFORCEMENT

The President's HIGHWAY
SAFETY CONFERENCE

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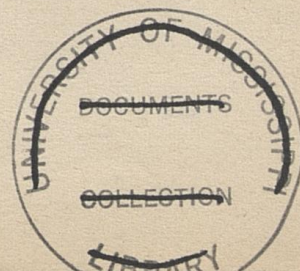
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Report of Committee on **Enforcement**

WHAT IS ENFORCEMENT?

Almost everything that is done directly to reduce traffic accidents has been thought of in recent years as either *Engineering, Education,* or *Enforcement*. These are the well-known "Three E's" of highway safety.

But the meaning of these three words has had to be stretched somewhat to make them take in the immense diversity of activities directed towards traffic safety. Engineering, for example, is apt to mean not only engineering design, but everything that is done to cars or roads to make them safer. This takes in repairs, maintenance, and in fact everything mechanical. Education, when used in this broad way, means more than just school teaching. Propaganda is also included. It is likely to mean everything that is being done to help drivers and pedestrians improve knowledge, skill, and understanding of how to behave while using streets and highways.

As one of the "Three E's," *enforcement* is stretched to mean all of the traffic work of police, courts, and prosecutors. The exact meaning of *enforce* is to compel obedience. Compelling obedience, of course, is only a part of the whole job of supervising traffic through the use of enforcement personnel.

The following report of the Enforcement Committee is divided into two parts. One deals with the police work of supervising traffic. The other covers duties and responsibilities of prosecutors and courts. Neither of these includes driver-license activity. This is covered in the report of the Committee on Motor Vehicle Administration.

TRAFFIC SUPERVISION FOR SAFETY

The public has expected police to keep order on public ways for many years. Today, traffic supervision by police takes three main forms. These are defined as follows:

1. *Directing traffic*.—This means:

(a) Answer questions, especially about local traffic rules and how to reach places or routes. (b) Indicate to drivers and pedestrians what to do or not to do, especially when and how to move at a congested point wherever and whenever hazards and congestion make the use of streets and highways dangerous or difficult. (c) Make emergency rules for the flow of traffic when the usual regulations prove

inadequate or when special regulations have not been made to meet unusual or unexpected traffic conditions.

2. *Investigating accidents.*—This means:

(a) Take action needed to keep accidents from becoming worse after they have happened. It includes giving first aid, protecting the scene to avoid additional pile-ups, preventing fires, theft, and other such activity. (b) Find out what happened. (c) Decide why the accident happened. (d) Record and report the facts and conclusions.

3. *Traffic enforcement.*—This means:

(a) Detect, in connection with street or highway use, pertinent defects in individual behavior, vehicle equipment or roadway condition. (b) Start appropriate action at once to (1) prevent such defects from causing accidents or delays, (2) remedy the defects and (3) discourage their repetition. (c) Record all such activity. (d) Help in the trial and punishment of traffic law violators by cooperating with prosecutors, testifying, and serving warrants.

All of these main forms of traffic supervision require men and equipment. They also require organization and other activities such as personnel training and record study to make them successful.

Of the three main parts of traffic supervision, only one, enforcement, is mainly an accident-prevention measure. Thus, this report says little about the other two.

Most people obey traffic rules because they believe it is the right thing to do. Relatively few do so only because they may get into trouble if they do not. Enforcement is needed mainly to make these few behave as others expect them to. The ideal situation would be to have enforcement so effective that no person would do the wrong thing in traffic. Then nobody would have to be arrested. But even to approach this ideal, enforcement must be such that arrest and punishment for misbehaviour is something continually to be reckoned with when walking or driving in the public ways.

Need for Enforcement

National Safety Council data covering 24 States during 1947 show that one or more drivers violated a traffic regulation in 72 percent of all fatal accidents.

The record of pedestrians was worse. Nearly three out of four pedestrians killed in motor-vehicle accidents were either violating a traffic law or engaging in some unsafe action. Crossing between intersections accounted for one-half of the deaths of pedestrians.

Crossing against a signal was reported in 16 percent of the fatal and nonfatal accidents involving adult pedestrians and in less than 6 percent of the child-pedestrian accidents.

If bad driving is a factor in so great a proportion of accidents as these figures seem to indicate, supervision to improve driving is

clearly needed. So far as misbehaviour is intentional, traffic-law enforcement must be used to deter violators. Otherwise, intentional violators will do as they please, others will follow their example, and the violations resulting will inevitably cause accidents. Good traffic supervision will also discourage dangerous driving and walking practices which are not specifically prohibited by law.

Small communities and rural areas are in particular need of increased and improved enforcement. Sixty-five percent of 1947 deaths occurred in rural areas. But more important, deaths per 100 million vehicle-miles are nearly twice as great in counties and towns as in cities—11.3 as compared to 6. The urban death rate, furthermore, has been cut in half in the last decade while the rural rate has been cut only a third.

These facts must be brought to the attention of residents and officials of counties and towns. Special effort must be made to strengthen and improve enforcement machinery in most rural areas.

Study of accidents and enforcement in any city or State over a long period shows a definite relation between the two. When enforcement is improved and increased, accidents go down; and the converse is equally true.

Here are a few examples:

In Detroit for the 12 years prior to 1937, traffic deaths had averaged more than 300 annually. Three hundred and fifty-seven died in 1936 and 335 in 1937. In 1937 Detroit greatly increased both quantity and quality of enforcement. In the following year when the full impact of the new program was felt, deaths dropped to 196. Since then they have been held down by intelligent enforcement and coordinated and continuing programs of safety education and traffic engineering. For 6 of the 10 years between 1938 and 1947 the death toll has been below 200, and not once has it reached 300.

Los Angeles increased its enforcement and educational efforts in 1946. The 1948 death toll for the city showed a 41.7 percent reduction from 1946.

Denver recently reorganized its enforcement machinery. Fatalities declined 28 percent from 1947 to 1948.

Chicago began to reorganize its police, court, educational, and traffic-engineering control machinery in 1947. Although the program was at first comprised almost wholly of enforcement by the police, a substantial reduction in fatal accidents was reported for the last 3 months of 1948.

Smaller cities and rural areas can do the same thing. With more and better enforcement, their traffic-accident rates will decline.

Enforcement gets quick results. The Detroit and Los Angeles experience proves this. If enforcement is applied systematically and sufficiently, the accident rate will drop almost at once. In smaller

cities this may be within a few weeks, in larger cities in a few months. But enforcement is not the most desirable way to prevent accidents that are due in part to poor traffic engineering or education.

Although good engineering will bring permanent improvements and should be applied as soon as possible, the expense involved and time required for installation or construction often makes additional enforcement necessary as a stopgap. The same is true of education. It must be supplemented by enforcement, since the time required to reach and educate everyone makes any immediate gain by education alone impossible.

No amount of education or engineering, however, will ever completely eliminate the need for traffic supervision or that part of it which we call enforcement.

How Much Enforcement?

How much enforcement does a city, State, or rural community need to control accidents? This question is easier asked than answered. It depends on many things. With good engineering and education, for example, less enforcement will do.

But there is a point below which the quantity of enforcement is too small to have any effect. This is like driving a nail. If you don't hit it hard enough it won't budge. And so if you can't hit it harder, you might as well not pound. In enforcement, this is surely the case when arrests are fewer than accidents. Accidents cause physical injury and drain bank accounts, but still do not stop all of the bad driving which causes them. Arrests are less to worry about. They never call for a doctor or result in bankruptcy. Therefore, if arrests are to add anything to the deterrent effect of the accidents themselves, they must be much more numerous. If arrests are not more numerous than accidents, the work of the people making them could be stopped without noticeable change in the accident rate.

On the other hand, there can be too much enforcement. It is possible for the amount of enforcement to go beyond the point where it will get additional results. And so the time and personnel expended on enforcement must be carefully weighed against results. If this is not done, officers will be driven to marginal or technical arrests which are of little value and which generally irk the public. The money spent for this extra enforcement effort, or even the time of these men, might better be spent assisting with safety-education activity or in making possible engineering improvements.

Enforcement index.—The enforcement index is a rough measure of enforcement. It compares enforcement with the accidents it is supposed to prevent. It is a rate: in a community for a period of time—the number of convictions with penalty for hazardous violations of traffic law, per accident involving death or injury.

This rate is found by dividing the convictions by the accidents. Suppose a city, during a year, has 2,400 fines and jail sentences for hazardous traffic violations and 200 traffic accidents in which people are killed or injured. Divide the penalties by the accidents and you have the index: $2,400 \div 200 = 12$ convictions per accident.

The amount of enforcement necessary to control accidents in any area cannot be foretold. In some cities an index of 10 is enough, but many cities have found that they must have an index of more than 30 to get the desired results. The amount needed can be found experimentally by gradually raising the enforcement index until the accident experience has been definitely reduced. The enforcement effort should then be maintained for a time at that level. It is best to use the least enforcement possible to obtain desired control. A higher index is needed initially to bring accidents under control than to keep them under control later.

The enforcement index is only a rough administrative tool. But it is good enough to use effectively in measuring past enforcement effort, in planning future operations and in comparing past and present operations. It has less value in comparing enforcement of different communities. It is mainly a measure of the quantity of enforcement, but does reflect some of the efficiency of the enforcement because it considers convictions rather than arrests.

The validity of the enforcement index depends upon the reliability of figures used in its calculation. Furthermore, it has real meaning only insofar as the quality of the enforcement is known. The things determining the quality will be discussed later.

Some day we may have better measures of enforcement than the present index. These may take notice of such elements as the severity of accidents and severity of penalties and supervisory activities such as warnings. But few, if any, cities or States yet have record systems geared to furnish the facts needed for such refined figuring.

Personnel requirements.—A variety of factors makes it difficult to state precise formulae for traffic supervisory personnel requirements. As a general rule, cities need in the neighborhood of 4 full-time traffic officers per 10,000 population for all phases of traffic supervision. This number is properly subject to some variation with the size of and conditions in the city.

The traffic work in most American communities cannot be handled as a side line to which a very small part of the police force gives its attention. The importance of traffic work in the protection of life and property entitles it to a substantial share of police work—sometimes amounting to as much as one-third and rarely less than one-sixth of the total police strength. The number of men assigned full time to traffic work can be smaller where the regular patrol members do a good share of it, as in many small communities. The number

must be larger, however, where patrol members are unable to contribute much to traffic work.

A more exact way of estimating manpower requirements is based on the accident experience, enforcement index, and productivity and efficiency of the men. This is the formula :

$$\text{Traffic men} = \frac{(\text{fatal} + \text{injury accidents}) \times \text{desired index} \times \text{convictions per arrest}}{\text{arrests for hazardous violations per man per year}}$$

In State highway patrols the number of required personnel cannot be based on traffic demands alone. Even in terms of all police services, it is very difficult—much more so than in the case of cities or small communities—to arrive at a reliable formula. This is because of the great variation in highway mileage, traffic volumes, geography, extent of urban development, functions charged to the State police, and other factors.

Each State must be individually studied. Practically all highway patrol units are at present undermanned, most of them to a very critical degree. Several States have forces of less than 50 men, with the grand total of all State units running only slightly over 10,000.

The table below shows how much traffic patrols differ from State to State.

Men assigned to traffic patrol and enforcement, State forces, 1947

	Number of men		
	Highest State	Median State	Lowest State
Per 1,000 miles surfaced rural highway.....	33.0	5.0	0.3
Per rural traffic death.....	1.80	.32	.04
Per billion miles rural travel.....	138.5	55.6	8.0

Further proof that State highway patrols are understaffed is found in study of the traffic death rate for rural areas. A greater amount of engineering improvement, including new highways, has been made on rural highways than in cities, yet urban areas have shown the greatest reduction in traffic accidents.

The conclusion is obvious. Enforcement of traffic laws in rural areas and small communities is not comparable to that found in cities. This being true, the present median as shown above is far too low. The enforcement efforts of all State departments must be increased.

Equipment requirements.—In carrying out enforcement work, both automobiles and motorcycles have advantages for traffic patrol duty in terms of the pertinent elements of safety, maneuverability, utility, and cost. Neither may be said to be universally preferable. The choice depends on local requirements as determined largely by road, weather, and traffic conditions and by duties to be performed. In general, experience has shown the desirability of employing a traffic-control fleet

that includes both types of vehicles, with each used where its particular merit enhances the quality of performance.

Three-wheeled motorcycles are often used by city departments in handling parking enforcement assignments and in facilitating traffic flow in congested areas. Although the work of these units is not strictly for the purpose of accident prevention, they are highly recommended for parking and congestion control.

A traffic division needs enough vehicles to provide transportation for the men patrolling and investigating accidents during the peak accident hours, plus additional units for stand-by.

In general, the entire traffic supervisory force—including the accident-investigation, traffic-direction, and enforcement units, as well as the command personnel—should have 40 to 50 percent as many vehicles as men. This of course will vary with the policies adopted, the rush-hour peaks, and the general enforcement demand as revealed by accident-record analysis. These figures apply only to city departments.

Small communities and rural areas have a special problem in that often they must depend upon part-time personnel to maintain order and see that traffic laws are obeyed. In other areas where traffic duties do not require the full-time services of several men, the department must be organized and its personnel trained to provide intelligent accident investigation and enforcement at all times. This must, however, be integrated into the over-all police program.

Another problem smaller communities face is that of proper training. Sometimes this may be had by cooperating with larger neighboring cities or with the State police.

Finally, in any estimation of the amount of enforcement required, in terms of personnel, equipment or the enforcement index, the results naturally depend on the kind of job the enforcement agency can and will do. This is true in any business—the energetic and skillful person can do more work than one who is lazy, inept, or clumsy. This is particularly true in enforcement. Fewer men will be required and a lower enforcement index will be needed if the enforcement personnel are energetic and capable. The next section examines the important question of enforcement quality. Quality is especially important where the number of men is less than it should be.

Quality of Enforcement

The total quality of enforcement is not easy to measure. This is because quality is dependent on many separate factors, all of which enter into the total. These factors are influenced by the kind of personnel, training, equipment, administrative machinery, court procedure, and many other things. The most important qualities are discussed in the following paragraphs.

Selective enforcement.—Selective enforcement is enforcement which is proportional to traffic accidents with respect to time, place, and type of violation. Selectivity of enforcement is the degree to which it is proportional to accidents in these respects.

Selective enforcement is not only logical and efficient: it is necessary. Police manpower is so limited that it is impossible to give "adequate" attention to all times and places. Efforts must, to some degree, be concentrated on certain phases of the problem. The best basis for determining this concentration is accident experience.

We achieve selective enforcement mainly through *selective assignment* of patrol units available for traffic supervision. We assign these units to work during hours and in areas in proportion to the distribution of traffic accidents by time and place, and we direct their efforts toward violations in accordance with the frequency of the violations in connection with accidents.

Enforcement activity should be directed at those types of accidents most susceptible to prevention by enforcement; that is, those attributable to specific, known traffic violations which enforcement can reduce. This demands proper accident analysis and the effective coordination of the enforcement program with education and engineering programs and with the important driver-control operations of license authorities.

The basis for selective assignment is that distribution of future accidents may be predicted with considerable accuracy from past experience. No analysis of past experience can anticipate the time, place, or character of a specific accident; nor can it predict the accident experience of any given day on which unpredictable events, such as storms or special events, have a great effect. If the number of accidents studied in the past is great enough, however, the probability of accidents occurring during any hour of the day or in any section of the city can be reliably estimated. This probability is quite stable throughout the seasons. Greater accuracy in estimating future accident distribution is obtained when analysis is made of the accidents which have happened over a longer period of time, rather than over a shorter period. In other words, predicting based on a 12-month period will give a better indication of what to expect than will one based on a 3-month period, even though the 3 months used were in the same season of the previous year.

A yearly analysis should be sufficient unless marked changes in community habits take place—as, for example, when businesses agree to close all day Saturday, or where a new bridge greatly shifts the traffic pattern. It is a mistake, however, to assume that the average hourly distribution of accidents will predict the experience as well for Saturdays and Sundays as for other days of the week.

Spot maps are used to locate quickly the high accident areas and the types of accidents that happen in them. These are valuable to both city and State police departments in planning enforcement action and in checking personnel assignment against current experience.

To repeat, the three important factors in selective enforcement, as previously defined, are times and places of the greatest number of accidents and the violations causing them. The task, then, is to get men assigned in greatest numbers during the high-accident periods, to the places or areas of greatest accident frequency. Equally important, they must direct their efforts toward stopping those violations causing the greatest number of accidents.

In cities, selective-enforcement planning should be performed by the traffic division. Specific assignments should be developed for enforcement patrols, and enforcement bulletins should be provided to other uniformed units as a basis for guiding their traffic activity in a pattern closely coordinated with assignment of personnel of the traffic bureau.

In State departments, the headquarters traffic unit should do the broad, State-wide enforcement analysis upon which selective assignment is based. This information should be supplied to individual districts, and used.

In smaller cities and rural communities, which do not have special traffic personnel, analysis for enforcement effort must cover both the criminal and traffic violations. In numerous places the police are obtaining aid from the State police or motor-vehicle department in analyzing the traffic-accident experience of their neighborhood. This is highly effective and should be done in more places.

The administrator should, at least once a year but preferably every 3 months, undertake comparison of the hourly distribution of accidents with the hourly distribution of arrests. In this way it is possible to determine the degree to which these match and thereby check selectivity of enforcement as to time.

Use of a spot map showing where arrests have been made, compared with one showing the location of accidents, will give a check on selectivity of enforcement as to location or area.

Check on the third factor of selectivity, type of violation, is achieved by comparing a tabulation of violations causing accidents with a similar tabulation of violations for which arrests are being made.

"Efficiency" of enforcement.—Another quality of enforcement is its "efficiency." This is measured by the percentage of arrests for traffic violations which result in punishment. It is obvious that efficiency is low if traffic officers make 100 traffic arrests and only 40 result in punishment. Low efficiency means "leakage" or losses between detection of misbehavior and a punitive deterrent. It not only reflects adversely on the department and its policies, but is bad for the morale of the police officer.

A high percentage of convictions for traffic violations must be obtained if other drivers, and the same driver, are to be deterred from future traffic-law violations. It is only in this manner—prompt arrest for violations and certain court punishment where guilt is established—that the chronic violator can be curbed and the average driver taught to employ greater care in the operation of his car. When courts and police are working efficiently and harmoniously, well over 90 percent of the arrests should result in fines or imprisonment.

There are a number of reasons why the enforcement machinery may be inefficient in the sense meant here. These can be traced to:

1. Influence on the officer at the time of the violation.
2. Political pressure subsequently brought to bear on the mayor or chief of police to "tear up" the ticket, or a similar "fix" obtained through traffic-bureau administrative personnel.
3. The "fix" through a judge or traffic-court personnel, or quashing or nol-prossing of the case by the prosecutor.
4. Neglect of follow-up with violators who fail to appear. In some places this amounts to half of the tickets issued.
5. Dismissal of cases as a result of officer error and lack of court understanding of the enforcement objectives.
6. Bad traffic laws and ordinances.

The police can correct some of these situations. Others must be handled by the courts and legislature. Some of the changes police can make require little effort; others take long-range programs and improved administrative controls.

The extent to which officers are influenced before issuing a summons is hard to determine. Sometimes it is only a slight matter of attitude which causes him to issue a warning rather than a summons. Influence in its worst form is bribery. This cannot be tolerated in any community expecting to make genuine progress in accident prevention.

"Fixing" tickets either through police or courts is also a problem of morality for the community. It can be halted in numerous ways, but not until the right people recognize its evils and want corrective action. City officials, including the mayor, chief of police, traffic administrator, and court personnel should, of course, refuse such requests and urge violators to accept punishment. But the method of handling tickets, and public support, should make it difficult and embarrassing to fix tickets and easy to refuse to do so.

As an aid in preventing fixing, many cities use an audited ticket system which makes it possible to check what happens to each case from the time the arrest is made until final court disposition. The auditing of the tickets is handled by a financial official of the city. This system makes it easier for both police and court personnel to refuse requests for special treatment from both personal and political friends. It throws light on what happens to traffic cases and a spot-

light on "leaks" in the system. The audited ticket system will also cut down on the number of cases that simply become lost and are never brought to court.

Police can also improve the efficiency of enforcement with respect to "no shows" by adopting a policy of serving warrants for those who do not appear, even going so far as to give warrant service priority over additional patrol and arrest. Courts may have to be urged to issue the warrants promptly, but the police ought to see that this is done.

Cases which are dismissed because of officer error or because of court ignorance of the objectives of enforcement are numerous. Therefore, the traffic officer's knowledge of his job and his conduct in court during the hearing of the case have an important bearing on the efficiency of enforcement.

Low conviction rates and inadequate penalties are frequently due to weaknesses in traffic courts. This is discussed in part 2 of this report. But they are also caused by poor police performance, especially in getting the necessary evidence. Police weaknesses show up most often and most critically in prosecutions for violations in traffic-accident cases.

Success or failure of prosecution in court is largely determined at the scene of the offense. There the police officer must be sure to do everything necessary to give the case a firm foundation. He must note all relevant facts and circumstances carefully, be sure he has proof of all elements of the offense, and (with special reference to accident cases) carefully procure and preserve evidence and make determined efforts to find qualified and impartial witnesses. Equal care is necessary in making arrests for violations which are not accident-connected.

Close coordination between the police and the prosecutor's office is necessary. To assure proper case preparation, definite procedures must be established in each jurisdiction whereby the police furnish case information in advance and officers are available for pretrial conference with the prosecutor if necessary.

The police officer must be a good witness in court. He must be thoroughly familiar with the facts to which he can testify, must know the basic rules of evidence, and be capable of testifying in clear, concise, calm, and unbiased manner. His appearance and demeanor must be exemplary.

Obtaining positive proof of violator guilt, proof which is understood and accepted by the traffic court, is one of the important tasks of the police officer. It is recommended, therefore, that wherever possible the use of proved aids be introduced in this work—aids such as chemical testing for intoxication. Use of these innovations will, of course, be determined by their acceptance by the public and the court.

Thus where possible, scientific tests for intoxication should supplant the simple observation method. The validity of these tests, properly administered, has been conclusively established by medical research. Acceptance of test results by both police and courts provides a much sounder basis for determining the fact and degree of intoxication, one which offers by its accuracy, greater protection to both the individual and society.

By its use the innocent person with symptoms similar to those produced by intoxication is protected from unwarranted prosecution. Society is protected to a greater degree from the menace of intoxicated drivers because enforcement can be more effective. Drivers with a blood alcohol content of 0.15 percent or more should be considered as "under the influence."

Use of such equipment improves the "efficiency" of enforcement by making it possible to obtain a greater percentage of court convictions. This has been proved in Detroit and many other cities where relatively few drunk drivers were proved guilty and convicted prior to the use of the equipment.

Antiquated traffic laws and ordinances as a cause of low enforcement efficiency, is a problem of legislation. The police, however, can and must take the initiative in urging corrective action whenever it is needed.

If the State or city has laws or ordinances governing speed which are not enforceable, or definitions of reckless driving or "under the influence" which are ambiguous, it will be difficult to arrest and convict the violator for those offenses. If a high percentage of convictions is to be obtained, traffic laws must be set forth in clear, concise language and must have been written to control traffic as it is today. The accepted guides for revision of laws and ordinances are the Model Traffic Ordinance and Uniform Vehicle Code.

Officer productivity.—Highly *selective* and *efficient* enforcement may be attained and still taxpayers may have but small return from the money put into traffic supervision. This happens when the output per man is low. Many things can drag down productivity. Lack of equipment will do it. Time wasted in getting to and from patrol areas, tedious report work, frequent details to nonenforcement activity, assignment of two men where one would do, all run up the cost of making an arrest or giving a warning.

One-man traffic patrols are, of course, desirable in the interest of securing maximum coverage with available personnel. Local conditions may sometimes require use of two-man patrols; but in the interests of effective performance and safety of personnel, these should be limited to demonstrated need.

There is no simple formula that tells what a day's work for a traffic patrolman is. And it's not easy for his superior to tell whether he

is doing his best. These difficulties are inherent in the nature of the business.

Keeping his force highly productive in terms of number of violator contacts is perhaps the hardest job the traffic administrator has to do. Certainly it is the phase of traffic supervision in which he most needs the backing of his chief and in which he and his superiors alike most need the understanding and support of the public.

The traffic supervisor must demand certain standards of performance from his men. Suppose a patrol unit is assigned to an area that the spot map shows needs attention. Normally, the unit could be expected to turn in several arrests every day for dangerous violations that have been causing accidents in the area. But during a whole week no arrest is made and perhaps only a few warnings are reported. Something is wrong. Either the men are not working or the analysis of accident records is faulty. The latter is not usually the case.

The number of traffic arrests made by an officer will be influenced by the area of assignment, time of assignment, and the amount of time spent on special assignments or in court. For his own guidance the administrator should determine the average number of arrests made by his men during a certain period, but this should not be considered as establishing a quota.

Another factor affecting officer productivity is the kind of arrests made. Numerous arrests may be obtained by concentrating on relatively minor nonhazardous violations, but these arrests will not produce substantial accident reduction.

A man lacking ambition or training will do this so as not to tax his energies or abilities. He will allow dangerous moving violations to continue because arresting the violators would demand extra work or additional hours in court. He may try to do his work for the day by making a larger number of easy cases which are not significant.

Officer activity in arrests per man per year can seem high because of easy arrests, but enforcement quality in terms of selectivity and efficiency always suffers. Bad engineering and ordinances contribute to the possibility of building up activity on easy arrests. A blanket, 25-miles-an-hour speed law in a city which extends into undeveloped countryside invites easy arrests of drivers who see no reason for slowing down upon entering the city limits. Areas where signals and signs are hard to see or are obscured by shrubs or buildings soon become known as places where easy cases can be made.

Patrolmen, especially incompetent ones, easily get the idea they have an arrest quota. The supervisor knows, usually from personal experience, about how many genuine violators can be discovered during a tour of duty in an assigned area. If some of his men turn up day after day with less than a quarter of this number, he thinks they are shirking and urges them to be more active. The patrolmen may hint

these circumstances to the violator. This may be quite unintentional, but the violator who is looking for an excuse is quite ready to infer that the officer arrested him only to make his daily quota.

Patrolmen themselves often establish what amounts to an arrest quota. This is the number of cases they consider a day's work. An energetic officer who exceeds this becomes definitely unpopular with the others who do not like to have too brisk a pace set. It is not unusual for these quotas to be so low that most of the men can do their day's work in a couple of hours.

The following table shows the tremendous range of officer activity in State highway patrolling:

Number of arrests and warnings per man assigned to traffic patrol and enforcement, State forces, 1947

	Number per man per year		
	Highest State	Median State	Lowest State
Arrests and citations.....	336	107	26
Warnings.....	1,094	224	0
Total enforcement contacts ¹	1,120	331	58

¹ Total enforcement contacts are the sum of arrests, citations, and warnings. The columns do not all add to these totals, however, because the highest or lowest State for total may not be so for either arrests or warnings.

Guide for enforcement action.—The right balance between number and kind of arrests requires that officers be given a guide for enforcement activity. Arrests for every violation of the “letter of the law,” no matter how slight or under what circumstances, is not warranted or desirable, yet the officer needs to avoid excessively liberal tolerances or undue consideration of frivolous excuses. Likewise, action should not be restricted to cases involving intentional or extremely hazardous violations.

The intent of traffic regulations governing moving violations is to prevent acts that are potentially hazardous—acts that frequently do result in accidents and must therefore be prevented wherever possible. Enforcement practices must not depart too far from this concept in applying reasonable interpretations of regulations, lest inadequate deterrent result.

Warnings.—The traffic officer's productivity can be increased if a warning system is intelligently used. But warning should not be substituted for arrests and court action where violations are serious or intentional.

Warnings are an effective way to handle minor or border-line violations, and to increase police contacts with drivers. Handled properly, driver contacts are educational. They yield public good will which is beneficial to the entire enforcement program.

Warning notices should be part of the educational activity that precedes enforcement of new traffic regulations. Motorists alerted to the change can alter their driving to conform to the new regulations. This avoids crowding courts with those who plead ignorance to new regulations.

Verbal warnings have little value. Written warnings in duplicate should be used, and records kept of their issuance. In many places the duplicate copy becomes a part of a driver-record file maintained by the department.

If a record of the warning is not kept, the individual may violate repeatedly, with the only penalty the minor inconvenience of the officer admonitions. Repeaters can be spotted quickly if written warnings are used and properly recorded. The general deterrent impact of the contact also is greater if the warning is written and the violator knows his name is in police hands.

Unless written warnings are used, officers may pad daily activity reports with fictional warnings. With written reports, driver-license numbers must be recorded.

Copies of warnings may be sent to driver-licensing authorities to aid them in discovering and improving repeaters. If this is done, drivers who receive warnings should be required to sign the warning notice so that later they cannot deny having received it. This method increases the deterrent effect on the driver considerably, and also lessens the likelihood of the officer reporting fictitious warnings.

Patrol units.—Violator contacts per man per year is also affected by the size of the patrol unit. Two men in a car will detect few if any more violations than one man. One man patrols are, therefore, desirable in getting maximum coverage with available traffic personnel. Local conditions sometimes require two-man patrols to assure the safety of the officers. The criminal activity in an area usually determines patrol size, particularly during night shifts. One-man patrols are recommended wherever conditions permit and equipment is available.

Vehicle conspicuousness.—The use of automobiles for traffic patrol poses the question of how easy they should be for drivers to see. Possibilities range from a completely unmarked car to one conspicuously identified by color, marking and accessories.

For the driver who knows the rules but wants to disobey them, traffic patrol is a deterrent in two ways:

1. When a patrol unit is spotted the driver does not violate. This means that right in the vicinity of a conspicuous patrol unit there is nearly complete law observance.

2. When he sees no patrol unit about, the driver violates, more or less depending on what he thinks his chances are of being caught by the patrol which he has not spotted. With inconspicuous cars the

chance of his being caught are great; the driver is therefore more law observing when no patrol is obvious or visible.

The question thus becomes, Is it better to have almost complete obedience right near the patrol units and very little elsewhere, or somewhat less obedience nearby but more extending over a much wider area? With conspicuous cars, fewer would be needed to have one always in view. But such concentration of patrol force is only possible on rare occasions. Often one can drive hundreds of miles without seeing a patrol unit of any kind. Decisions on this matter have to be based on opinions. The facts needed for more scientific decisions have yet to be gathered.

To offset the handicap of very limited patrol strength, it becomes necessary to use less-conspicuous vehicles which will serve as a continuous threat to the willful violator. In some areas a small number of unmarked cars are being used with a larger fleet of marked cars in an effort to apprehend the intentional violator.

It is therefore recommended that where patrol units will be met every few miles, quite conspicuous cars be used. Where such is not the case as is unfortunately generally true, cars should be marked for identification from the sides at relatively close range. These recommendations apply only to police vehicles used primarily for traffic control.

Public opinion is opposed to concealed patrol. This is probably because it has been too often used to make easy arrests where unwise laws or bad traffic engineering invited them and where, as is often the case, the motorist arrested by this method has been abused by constables and justices of the peace who were interested solely in the fees involved. A peculiar and unfortunate attitude on the part of many drivers has resulted. Enforcement of traffic laws is considered a continuous game played by the patrol officer and motorist, and "fair play" is invoked by the motorist to reduce to a minimum the chances of being caught in a violation. This reduces productivity of the patrol force. The cost of enforcement to the taxpayer goes up—safety down.

Special checks.—Special checks for continuing violations which can't be seen while cars are moving, prove effective in increasing productivity. Failure to have an operator's license, defective brakes and other equipment, and driving while under the influence of liquor are some of the violations hard to detect unless cars are stopped for obvious violations such as speeding. To keep motorists from these violations, occasional special checks are warranted.

These checks must not be used indiscriminately, however, or they will consume too much officer time, cause motorist resentment, and interfere with traffic flow to a degree out of proportion to their positive safety value. Thus it is not desirable to set up check points for all vehicles on a heavily traveled street or highway, or to have officers

stop cars at random for checking. The technique should be used only on a well organized and highly selective basis. It would be justified, for example, to make checks late at night on a road where numerous drunk-driving accidents were happening. Control of these violations can be improved if officers systematically check for them during all routine investigations for other violations.

Officer attitude.—The officer's attitude is a highly important although less tangible quality of enforcement. It is gaged by the impression left with the motorist and cannot be measured by any ordinary means.

A department doing a good enforcement job has a high contact rate with the public. In each of these contacts the officer can create a favorable or unfavorable opinion of himself and his department. Courtesy is, of course, a requisite, as are neatness and assurance. The officer's duty is to leave with the motorist he has stopped for a violation, a feeling that the action was not personal in any sense and that it was wholly in the interest of safety.

If the officer is vindictive, rude, or angry, or makes a bad impression in any other way, the value of the contact is immediately lost. The motorist forgets that the violation was the cause of his trouble and shifts his anger to the police officer, his superiors, and police in general. In many instances the motorist will resolve to speed again, if he pleases, and not be caught.

Much of the poor attitude of enforcement officers comes from ignorance and fear. They do not know exactly what they are supposed to do, why they do it, or how to go about it. They lack confidence, therefore, and cover up by loud and abusive language, arbitrary orders, and careless manners.

Special Enforcement Problems

A number of enforcement problems must be studied carefully. All of these relate to quality of enforcement. The most important are:

(a) *Vehicle safety-equipment defects.*—The aim of enforcement should be both to secure correction of observed defects and to create a general deterrent to neglect of condition of equipment. Policy should therefore involve:

(1) Arrests and required proof of correction in the case of serious defects where deliberate neglect is obvious;

(2) Written warnings and required proof of correction in the case of minor defects of which drivers may not be aware or have lacked opportunity to have corrected.

This action is an effective supplement to an official compulsory vehicle-inspection system. Where the latter exists, proof of correction should be required through inspection stations.

(b) *Nonresidents.*—Special leniency for nonresident violators is unwarranted in the case of violations of laws that are basically similar

in all jurisdictions and the commission of which demonstrates lack of normally prudent operation. Written warnings are appropriate, however, for the violation of purely local regulations with which the nonresident may be presumed to be unfamiliar.

(c) *Special groups.*—No particular group or class of drivers should be treated either more leniently or more severely than others. Violations are equally hazardous regardless of who commits them. An important application of this policy is the requirement of law observance by all drivers of Government-owned vehicles. (Except, of course, as emergency vehicles in bona fide emergencies are legally permitted to “violate” particular regulations.)

(d) *Pedestrians.*—Enforcement can and should be employed along with education and engineering to reduce pedestrian accidents, although greater gains are possible through the latter two approaches. Enforcement capabilities are limited by lack of legislation prohibiting many unsafe pedestrian actions and by unavailability of police personnel for widespread attention to pedestrian actions. Selective enforcement of pedestrian regulations is desirable, however. That is, laws governing pedestrians should be enforced in high-accident zones and at locations where pedestrian violations cause serious interference with vehicular traffic flow. Beyond this, the police should participate fully in pedestrian educational activity.

(e) *Violators in accidents.*—Of all traffic violators, those against whom enforcement action is most warranted and necessary are the ones whose violations actually result in accidents. Too often these escape disciplining because of lack of action by both police and victims. Criminal as well as civil responsibility of these violators must be recognized. The police should initiate prosecution whenever the evidence warrants, rather than leave action to victims, as the latter are too often unwilling to prosecute. Adjustment of civil claims, injury or damage suffered by the violator, or the degree of severity of the accident should not influence the enforcement action. To make effective prosecution possible in the greatest number of warranted cases, specially trained and equipped accident investigation squads should be established and should investigate all possible reported accidents at the scene. Obviously arrests in connection with accidents are the highest form of enforcement selectivity.

(f) *Grade crossings.*—Regulations governing motor vehicles at railroad grade crossings should be enforced in the same manner as those relating to street intersections where control devices are installed.

Administration

Good quality in enforcement is no matter of chance. It must be planned. Selectivity involves continual analysis of records. Efficiency requires training of patrol officers and great attention to detail in working with traffic courts. Productivity and good attitude take

leadership and supervision. These factors are important in all traffic enforcement agencies, but doubly so where officers are too few to produce the needed quantity of enforcement by sheer force of numbers.

All of this requires good administration.

Organization.—Good administration begins with sound organization. The growth of the traffic problem and with it the requirements for traffic-law enforcement have introduced a new, major phase of police work demanding adaptation of organization as well as of policy, procedure, and technique. The particular requirements of traffic control make it impracticable merely to add this operation to the other supervisory, investigative, and enforcement functions of the police. The organizational plan of a police department must assure that adequate attention is given to traffic-law enforcement, that control is flexible, and that especially qualified personnel is charged with the major share of planning, directing, and executing the enforcement program.

Provision for this requires specialization. That is, except as modified hereinafter, a special traffic unit should be created, on a par in the organization with other major functional units of the department. The head of the unit should be directly responsible to the department head for planning and supervision of the traffic program. Under his command should be grouped all specialized subunits for performing the three direct activities of traffic supervision—accident investigation, enforcement, and traffic direction—and for supporting indirect activity such as safety education and traffic analysis.

This does not mean, however, that execution of the traffic-law-enforcement program should be the *exclusive* responsibility of the police officers assigned to the special traffic unit. This would be unwise overspecialization. It could not be justified in principle, nor would it in fact produce adequate enforcement effort without establishing the size of the unit at a disproportionate and inefficient level.

Rather, application of the principle of organizational specialization is intended to provide a well-qualified and highly flexible force to *supplement* the basic traffic-law-enforcement work that all uniformed police should perform. In this way the special characteristics of traffic problems can receive the special attention necessary. In the average city, for example, the accident-frequency curve varies widely over the 24 hours of the day; variations do not usually parallel those in other demands for police service. It is thus impracticable to seek to proportion the general police strength to traffic requirements; however, special traffic patrols can be assigned with particular reference to peak demands, thereby providing the necessary augmentation of effort when most needed. The same is true in terms of high-accident locations.

Availability of a certain number of special traffic officers has other merits. It permits selection of those officers best qualified by temperament, appearance, and interest to do a large share of traffic-law enforcement—these officers, of course, would also perform other police duties. It also gives greater assurance of the continuity of a certain minimum level of traffic-law enforcement, even though other demands for police service may at certain times sharply curtail the traffic-enforcement activity of other police personnel.

Practical considerations will of course influence the degree of specialization that is feasible and desirable. Thus in very small communities there may be too-little traffic to warrant full-time assignments of officers to traffic duty. In State police departments, personnel is usually inadequate to the task of State-wide coverage. A variety of duties is assigned to each officer. These things make specialization impracticable at present.

Cities.—A special traffic unit should be established whenever traffic duties require the equivalent of the full-time services of several men. The head of this unit should plan the traffic program, under direction of the head of the department. He should command specialized personnel engaged in traffic functions. Other uniformed police should also enforce traffic laws as required. Their work must, of course, be coordinated with that of the traffic police and the whole based on city-wide analysis of traffic accidents and current traffic-direction requirements.

Small cities and counties.—Where traffic duties do not require the full-time services of several men, the department must be organized and its personnel trained to provide systematic traffic-accident investigation and enforcement at all times. This must, however, be integrated with the over-all police program. For example, selective-enforcement assignments should be laid out for motorized police, but the basis for selectivity should be all offenses, not just those involving traffic. Command personnel must have a thorough understanding of the principles of selective enforcement and make *all* beat and patrol assignments accordingly. Personnel must be held responsible for traffic supervision as well as for crime prevention. Adequate equipment must be provided and used—including cameras for photographing accident scenes where necessary, and steel tape for measuring skid marks to determine approximate vehicle speed. These may also come in handy in criminal investigations. Chemical testing for intoxication should be adopted and personnel trained for this specialized work.

The department should maintain and analyze accident records, using the information obtained to determine control needs and to conduct necessary safety-education and traffic-engineering activities. The department administrator in these small cities also should urge the mayor and other officials to accept and utilize the traffic-engineer-

ing and enforcement advice, training facilities, and assistance made available through the State.

Sheriffs and deputies or county patrol personnel should assume responsibility for traffic control, including these duties with their routine work of criminal investigation and maintenance of order. In some instances personnel limitations and size of area served make it impractical to establish a separate traffic unit. In other counties, however, county police operate much the same as a small State police force and should therefore designate a staff man to plan, direct and evaluate the traffic function.

Regardless of a county's area, its sheriffs, deputies and patrolmen must know the proper methods of enforcement and accident investigation. A good record system should be established which covers both criminal and traffic violations; personnel should be assigned selectively as indicated by record analysis. All personnel must be properly trained and supervised in their application of established policies.

Such departments should act now to (1) establish good training programs for officers, (2) obtain advanced training for key men by sending them to nationally recognized traffic schools, (3) apply the principle of selective enforcement in the assignment of personnel, and (4) utilize the training, traffic-engineering and policing facilities made available through the State (enforcement) agencies.

States.—State police departments cannot, because of personnel limitations, practice specialization at the same level large cities can, but highway patrols are essentially specialized units for traffic supervision. All patrolmen must normally perform all police functions. Certain aspects of specialization, however, can still be adopted. So it is desirable that a small headquarters traffic unit be established. This unit can render effective staff service to the department head by performing analytical, planning, and developmental functions to guide the enforcement program of the entire department. It assures more thorough, competent, and uniform planning than would otherwise exist. In addition, specialization can be practiced to a degree in principle if commanding officers assign men with the greatest aptitude and proficiency to handle specific traffic-control problems and cases.

Administration.—The competency of administration determines the quality of the traffic supervision.

The traffic executive must possess the attributes of a leader and must have a sound concept of his job. This role includes the planning of operations, their coordination with other traffic-control and police activities, the development of official and public support, the supervision of execution of plans, and the evaluation of performance and results. For these important duties he should be especially trained.

The traffic administrator must, moreover, be given adequate support

from above. He should be given authority that matches his responsibility, should be protected from improper outside pressure and interference, and should be encouraged to use his ingenuity and initiative in developing new techniques.

Thus qualified and positioned, the administrator can largely assure an effective enforcement program in terms of those qualities stressed in the section on "quality of enforcement."

Policies.—Some variations from the "letter of the law" are inevitable in the enforcement of traffic regulations. It is important, however, that enforcement policies representing these variations be sound in principle and uniform in application. Undue leniency or lack of uniformity in the interpretation of traffic laws by enforcement agencies will obviously weaken the enforcement program. It must be remembered that in general the public tends to observe the *enforced*, rather than the written law.

These policies relating to variations are warranted only insofar as the letter of the law does not, for practical reasons, permit literal interpretation and application or when such would be unduly restrictive without a significant increase in safety. These policies should represent a fine balance between the demands of reasonableness and effectiveness, insofar as this balance is not provided by the law itself. Obviously, such policies as administrative measures to compensate for the inflexibility of legislation are not basically preferable to the right kind of legislation. Better laws are the desirable solution, and great progress has already been made in this direction. But pending reform, this administrative adjustment, where necessary, is inevitable; moreover, in some respects such policies will always be necessary because of the practical impossibility of drafting laws which can foresee every contingency, and thus be capable of constant, uniform, and literal application.

Assurance of sound policies lies primarily in the control of their formation on an administrative level. If the interpretation of traffic laws is left to the discretion of individual officers, loss of quality and uniformity is inevitable. This does not mean that no discretion should be allowed the individual officer. Such discretion should operate, however, only within the bounds indicated by general departmental policy, and the soundness of an officer's decision should be safeguarded by proper training and supervision.

Policy formation is not only a matter of police concern. The attitudes of prosecutor and judges are obviously of equal significance in determining the kind of enforcement secured. It is essential that all three enforcement agencies coordinate their thinking and planning and agree on major issues of policy.

Precise definition of policies is necessarily a matter for action within each jurisdiction. But general guides can be given to indicate, for

example, what is regarded as sound policy in the sense of a proper balance between reasonableness and effectiveness.

Personnel selection and training.—An enforcement system is only as good as the men who run it. Thus the abilities of police personnel—both what they have naturally and what they get by training—have an important relation to the quality of enforcement.

This goes both for commanding officers and for patrolmen. It is especially important in the enforcement field, first because of the extent to which men must work without direct supervision, and second because of the difficulty in measuring the quality of performance of individuals in terms of results.

Good personnel must first be selected. This applies both to original employment and to special assignments to traffic duty. Selection processes must assure to the greatest degree possible that the men who are charged with traffic control are well qualified in terms of health and physique, intelligence, judgment, aptitude, interest, and character. A basically sound original selection process in the department will, of course, give substantial assurance of good men for traffic duty, but this process alone is not necessarily adequate. Just as all policemen do not make good detectives, so all do not make good traffic officers. The special characteristics of the work—notably the necessity for dealing effectively with all types of individuals and for doing an educational as well as disciplinary job—require special aptitudes. The benefits of specialization are enhanced to the degree that natural aptitudes are recognized in making assignments.

Equally thorough attention is necessary in selection of commanding traffic officers. Such men must have not only the attributes of a good traffic patrolman but, even more important, the qualities of a leader and administrator. They must be able to plan a program, commend it to others, and assure its proper execution. To secure such men, promotion must be on merit alone, and promotional examinations must be valid tests of the degree to which candidates possess the essential qualifications.

The second requisite for good personnel is proper training. Traffic supervision requires much special knowledge and skill. Not all of this can be acquired by experience. Nor can basic police training be expected to deal adequately with the special requirements of traffic duty.

Enough time must therefore be devoted to traffic instruction in all courses for recruits and also in general refresher courses for patrolmen. Traffic officers should receive supplementary training in their special fields of activity. Commanding officers need to study, too. It is desirable for them to attend regional training schools, such as those conducted by the International Association of Chiefs of Police as part of the National Institute for Traffic Training, or the traffic-

police-administration courses conducted by the Traffic Institute of Northwestern University.

Training should give four important things to the police officer:

1. An understanding of the traffic problem as a whole and its cause and cure.

2. Realization of the police roles and the proper attitude of the police officer in traffic supervision.

3. Knowledge and skill to perform traffic duties, with particular attention given to the development of a high degree of proficiency in such techniques as accident investigation and selective enforcement.

4. Active interest in the effective performance of traffic duty.

The greatest obstacle to training is not a failure to recognize its need. That is obvious in a work so specialized as traffic supervision. The difficulty lies in the lack of formal provisions for training. This is especially true in communities too small to establish a police academy, and on the supervisory and administrative levels where experience gained as a patrolman does not fully qualify personnel for the responsibilities of the higher levels. The first and most important steps toward good training is providing for it in the budget. Funds should be provided not only for recruit training, but to permit supervisors to take advantage of regional training offered by national organizations, and also to permit administrators and technicians to utilize centralized training at a higher level. Perhaps training of administrators and technicians is the most important because it helps equip instructors for local training.

Staff services.—There are two special staff services which the department must have in order to direct enforcement effort. The department's effectiveness depends on these services. They are: analysis of traffic-accident records and alert and continual direction of officer effort by qualified supervisory personnel.

The traffic administrator must depend upon record analysis to plan, direct, and evaluate his enforcement program. Without careful evaluation of past accident experience as to time and place of accident and contributing violations, selectivity of future personnel effort is impossible. The report of the Committee on Accident Records outlines methods of maintaining accident records and making the best possible use of them.

Carefully selected and highly trained supervisory officers are needed to obtain continued efficiency in both on-street enforcement and headquarters staff work. These men are responsible for the day-to-day performance of the enforcement plan and therefore must know all of its phases.

The administrator must make certain that his supervisory staff understands the theory of selectivity and knows all the factors which

influence quality of performance. The actual task of making enforcement work falls on the shoulders of such men.

Importance of public support.—The traffic-police administrator must recognize that his department can't handle the entire task of supervising traffic without help. The best place for him to seek help is from an organized public-support group.

Most citizens want safe streets and highways. The wish of the majority therefore should be represented by an organization which works closely with the police, traffic engineers, educators, and other public or private groups which are directly concerned with the traffic problem.

In some places such an organization will be a safety council. In others, as in Detroit, it will be a special traffic association. It is only through support groups that the police administrator can properly and fully tell the people of his city or State the reasons for certain enforcement action, or why additional personnel and equipment are necessary. Through these organizations the department can also initiate necessary traffic-court or traffic-engineering reforms, or changes in traffic legislation.

It is necessary then for the administrator to work toward establishing a strong support group. Where none is in existence it is his duty to initiate action which will form one. But before support is sought, the department should have its own house in order, with an intelligent program, sound organization, and competent personnel. Otherwise it will not merit the support it seeks.

The value of good department public relations becomes increasingly important at this point. Before a chief of police or traffic administrator can expect full scale support from the community he must:

1. Eliminate enforcement policies or techniques which are not essential to effective control and which result in public resentment.
2. Urge the traffic courts to eliminate adjudication practices which cause needless public resentment and fail to exert necessary deterrent effect on potential violators.
3. Assure maintenance of proper police standards of conduct, appearance, and procedure that create a favorable public reaction.

Cooperation with other departments.—Close liaison with the traffic-engineering department and principal education agencies must be maintained by the traffic administrator. The same is true of traffic courts and all agencies which are concerned with the traffic problem and whose operation has a bearing on supervision. Greater gains are possible when procedures are adopted which permit continuing cooperation among these agencies and mutual efforts toward the same recognized objective.

There are two ways of getting busy officials from different departments to join forces in a common attack on traffic accidents. The

first is to establish an official traffic commission in which the key men and alternates from interested branches of the government meet together from time to time to map an over-all program and to agree upon the program functions and responsibilities of each agency. The commission may be formalized by State law or city ordinance, it may be set up by the governor or mayor, or it may even be an entirely informal organization.

The other way is to combine such an official group with a public-support organization. Thus the officials meet with the citizens to plan programs. By this means civic support for official action is almost always assured, and public suggestions can be fully considered. The interest of auto clubs, transportation companies, and others can be more easily discussed and reconciled in the traffic-safety council or association.

Current Enforcement Situation

The degree to which the general principles outlined in this report are applied varies from place to place and from year to year. An appraisal made at any time soon becomes obsolete. A report on the current enforcement situation at the time this report was being written will be available as a supplement to it. Revised reports on the current situation should be prepared yearly on the basis of the National Traffic Safety Inventory so that progress can be watched; responsible officials may know how their city, county or State compares with others in this respect; and citizens may know how much encouragement and support is needed locally to develop an effective program.

Reports will continue to show steady progress in the future as in the past. It is to be hoped that it will be rapid as well as steady.

ADMINISTRATION OF TRAFFIC-COURT JUSTICE ¹

Traffic Courts and Accident Prevention

An effective traffic court, functioning in accordance with the best principles required by sound administration of justice, can contribute materially to the accident-prevention activities of any community. The apprehension of violators by traffic-law-enforcement officers will be for naught if the treatment the violators receive in court is not intelligent, honest, and efficient. Traffic courts can minimize the effects of every link in the chain of sound accident prevention. To reduce accidents with their wasteful loss of human life, personal injuries, and property damage requires high caliber teamwork from all persons with official responsibilities.

Under existing conditions the judge is the most important member of the official team because he has the final opportunity to impress

¹ See appendix A for a short statement on previous activity.

the traffic offender. The traffic-court judge, through certain and consistent application of corrective measures, can instill a desire in individual violators for future obedience to traffic laws. He, likewise by example, can achieve a community-wide impact on potential violators through the imposition of effective deterrents in the courtroom.

The experience of past years indicates that municipalities with good safety records have invariably had enlightened judges serving in the traffic courts.

Traffic Court Justice

The enormous number of traffic violations processed through the courts annually has imposed a burden upon the judiciary machinery of the country which cannot be solved easily. More than 12 million traffic violations were processed in 1948 and approximately one-third of that number were tried in the courtroom with the remaining two-thirds being processed through traffic-court violations bureaus. It is anticipated that the number of cases to be handled by traffic courts in the future will remain fairly static, in spite of the increasing number of motor vehicles and the corresponding increase in the number of motor-vehicle miles traveled. The expected increase in violations which would ordinarily occur under present-day conditions will be offset by greater acceptance of the Uniform Vehicle Code and Model Traffic Ordinance, improved police techniques, more rigid driver licensing, increased instruction in driver training with behind-the-wheel experience, more traffic-safety education, improved highways through better traffic engineering, and better-organized public support in behalf of traffic-law enforcement. This will permit long-term planning for improved traffic-court performance.

A first step in this direction has been taken by an increasing number of courts throughout the Nation which have signified their recognition of the importance of trying traffic cases through establishment of separate traffic courts, separate traffic-court days, and separate traffic-court sessions. This affords an opportunity to judges and prosecutors to become familiar with the special problems incident to traffic cases. It provides a readily available guide for comparing offenses with reference to the threat involved to public safety.

The specialization afforded through this technique, combined with the assignment of judges in metropolitan courts for longer periods of service on the traffic branch, has increased the opportunity for more-uniform handling of traffic cases. Judges sitting on the traffic-court bench in becoming more familiar with the traffic problem have also become cognizant of the necessity for obtaining additional information.

Traffic-court judges and prosecutors now have opportunities to learn something about traffic safety, policing, control, and engineering which

did not exist when the 1946 President's Highway Safety Conference was held. This combined with the aforesaid specialization will permit judges and prosecutors to understand better the relationship between violations and accidents, between driver deficiencies and accidents, between equipment failures and accidents, and between other factors and accidents. All of this should add up to more intelligent judicial treatment of traffic cases.

Irrespective of better handling of traffic cases, it is impossible for traffic courts to function effectively if any partiality or special consideration is afforded certain violators and not others. Diligence in the prompt dispatch of judicial business assists in achieving fairness and impartiality.

The "fixing" of tickets, summonses, and warrants is a serious abuse of the judicial process which can be eliminated through mechanical and educational improvements such as the holding of trials in the open under favorable courtroom conditions, the use of triplicate and quadruplicate ticket systems and publication of regular audits (audited ticket systems), publication of monthly and annual reports of courts and police departments, stimulation of public indignation against fixing practices, and other educational campaigns directed at those prone to seek fixing of violations.

The failure of many violators to appear in court in response to tickets and summonses can be eliminated through the prompt issuance of warrants and speedy service upon the neglectful. Unless the administrative and clerical machinery of the court are geared to cope with this problem, the task of maintaining respect for the judicial processes becomes increasingly hopeless. Business machines will assist in reducing the size of this problem, with prompt cooperation from police departments or other enforcement officers asked to serve the warrants. Strict control by the judge over this phase of administration is essential.

Greater interest in uniformity of traffic fines and penalties from the standpoint of certainty and consistency has been advocated for many years under this program. Until recently there has been no available yardstick for this purpose. The most important achievement in this field has been the development of the Michigan uniform enforcement policy. A uniform traffic ticket was developed under this plan. It affords an opportunity to gage the seriousness of each violation and to evaluate the dangerousness of the conditions under which it was committed. The Michigan type of ticket has been adopted on a State-wide basis in New Jersey under rules promulgated by the supreme court and must be used by every law-enforcement officer in that State. A sample of the New Jersey ticket is illustrated herewith.

Another development is the increasing use of one copy of the traffic ticket as the original complaint in the case. Several metropolitan

with an adequate choice of penalties, to apply the exact correction required under the circumstances of each individual case. Practically all courts trying traffic cases have authority to impose jail sentences upon the conviction of a violator. With this they also have power to grant probation, which may be useful under certain conditions. The suspension of sentence is a right which is exercised by many judges, although there is no way to ascertain whether this power is being abused. Reduction of charges—a practice frowned upon—is still permissible in too many courts.

Although exact uniformity in fines and penalties is not required for effective traffic-law enforcement, nevertheless interest in this subject continues unabated. As a corollary to the Michigan uniform traffic ticket, there has been the development of uniform fine schedules which have been adopted for use by the judges of the 14 municipal courts of Michigan. This schedule has been an influence for more uniformity in the courtroom. Through increasing interest in the Uniform Vehicle Code and the Model Traffic Ordinance, the wide range and variation in penalties assessed by different judges is gradually decreasing.

The use of the courtroom as a classroom has received support from traffic-court judges. The practice has increased with the acquisition of special training by more judges and prosecutors. As the judiciary of the traffic courts familiarizes itself with the objectives and purposes of traffic law enforcement and accident prevention, the usefulness of the judicial processes improves. The educational aspect of the court embraces the teaching of practical lessons in government. A member of this Enforcement Committee has recently stated: "In our day and age no one has a greater opportunity than the traffic-court judge to represent the dignity of the law to so many people. No one has an equal opportunity to teach so many Americans that a democratic society can only preserve its rights if it squarely meets its obligations."

To further these objectives requires steps which would provide every judge with a dignified and impressive courtroom and judicial procedure to inspire decorum and patience, coupled with painstaking carefulness on the part of each judge and prosecutor.

It is immaterial whether the judge tries 1 case a week or 100 each day, he must be prepared to perform capably at all times. He must be vigilant to protect the rights of the defendant at every stage of the proceeding. While the defendant's cause may be an old story to the court and court attachés, to the individual at the bar it is "his important case" which may have a bearing on his future. To achieve this purpose justice demands that each violator be individually tried by the judge and that there be no lining up of defendants waiting to be tried, in routine or summary fashion irrespective of the relative

lack of seriousness of the violations. This is all the more important because the monetary sum involved in the average traffic case dissuades defendants from appealing to another court for relief.

To protect the rights of defendants further it is essential that decorum be of a high order. This is partially achieved through improved procedure and partially through a better courtroom atmosphere. To accomplish the latter it is required that city, county, and State officials make available dignified and impressive facilities. Minimum courtroom recommendations prepared by Chief Justice Phil S. Gibson² of the California Supreme Court include the following:

1. The courtroom should be provided in a well-kept publicly or privately owned building.

2. It should be located in a quiet portion of the building.

3. The size of the room should be in proportion to the needs induced by the activity of the court.

4. Entrances for prisoners and spectators should be located for convenience and safety.

5. Special attention should be given to acoustics.

6. Ventilation, lighting, and wall decoration should receive thoughtful attention.

7. There should be separation of audience and court by a railing.

8. There should be adequate furnishings such as: (a) Elevated bench; (b) accommodations for clerk, bailiff, witnesses, and counsel; (c) a sufficient number of fixed seats for spectators; and (d) jury box of proper size.

9. Adjacent office space should be provided for: (a) Judge's chambers, private, well ventilated and lighted and with sufficient space for library; (b) room for deliberations of the jury; (c) clerk's office, separate from the courtroom and readily accessible to the public.

Too few recognize that these improved surroundings will exert a tremendous influence on the attitude of traffic-court judges toward their work. A judge's morale, pride, self-respect, and respect for his judicial position are improved, and unconsciously reflected by those in attendance. The improved decorum and respectful attitude of the latter assist materially in the better disposition of the cases on the docket. The courtroom—if dignified and impressive—is an indispensable tool for the proper administration of justice.

Again the corrective nature of the traffic-court justice recommends to many communities the use of a school for traffic violators. It is an effective substitute for a money fine or penalty, lending itself to improving the driving habits of those who have run afoul of traffic laws because of inability to drive properly. It is also an effective

² Report of chairman of the Committee on Improvement of Justice of Peace Courts, Section of Judicial Administration, American Bar Association, 1947.

substitute in States which do not have rigid driver-licensing requirements.

The educational function of the court can be enhanced by honest and informed interpretation of the activities of the court by the press, radio, movie, and television media. There are correlative duties on the part of each to cooperate fully in the function performed by each other.

The Prosecutor

The functions of the prosecutor in the trial of traffic-violation cases are very important ones which are far too often inadequately performed today. Upon the vigor and quality of the prosecutor's performance depends in large measure the thoroughness of case preparation, maintenance of safeguards against improper disposition of cases, and efficient and effective prosecution of cases in court. These factors are especially important in cases relating to traffic accidents.

Specially qualified traffic prosecutors should be regularly assigned to all courts which try traffic-violation cases. Their functions cannot be neglected or properly transferred in part to the police and in part to judges without serious impairment of enforcement quality.

Such prosecutors must, by training and experience, become intimately familiar with the traffic problem and with principles and procedures of traffic-law enforcement. Only by a thorough understanding of the subject can they make the adaptations of criminal procedure necessitated by the special character of traffic violators and violations and do an effective job of prosecution. Special training courses in this field are no less necessary for prosecutors than for the police.

The prosecutor's office, in cooperation with the police, should set up a sound system of pretrial action which will assure proper case preparation and prevent improper dispositions. Such a system should involve:

1. Forwarding by the police to the prosecutor of a case summary on all arrests. A standard form should be employed which will acquaint the prosecutor with the facts of the case, available evidence and testimony, and possible defense tactics. The elaborateness of such reports will naturally vary from extreme simplicity in the case of an ordinary arrest on view, to considerable complexity in such cases as hit-run accidents.
2. The availability of arresting officers for pretrial conference with the prosecutor is desirable in complex cases.
3. Checking of charges by the prosecutor to assure the existence of a legal basis for prosecution. This, however, should not involve the "screening" of all cases by the prosecutor's office in the sense of a pretrial semijudicial examination (except in those few exceptional

instances where such a system is now employed with good results). Charges should not be withdrawn unless there is clearly inadequate evidence of a bona fide violation.

4. Vigilant action by the prosecutor's office to prevent alteration or removal of records, reduction of charges, influencing of witnesses, unwarranted granting of continuances, out-of-court disposition of cases, and other "fixing" methods.

5. An arrangement to have cases involving police officers who have been on a night shift, and therefore up all night, called first.

6. Control of testimony in such a manner as to indicate the fallacy of or need for further testimony.

7. Dissipation of the general impression that police officers are persecuting defendants.

The prosecutor's role in the courtroom is no less important. Upon him rests primary responsibility for effective development of the prosecution's case by examination of witnesses and presentation of evidence. Likewise, he must combat unwarranted defense tactics. To do all this effectively he must be at least as well versed in traffic law and investigative and enforcement techniques as are police officers—and defense counsel. He must bring to his task—especially in such cases as those involving intoxicated drivers and accident-violations—the same skill and vigor applied in the prosecution of major criminal offenses. His presence affords additional advantages to the traffic-court judge in that the prosecutor can do the following:

1. Segregate cases by separating lengthy or serious cases from those which will take only a few minutes.

2. Ascertain before the judge arrives which of the defendants wish to plead guilty.

3. Determine if the defendants and all witnesses are present.

4. Control the presentation of evidence on both sides, thereby relieving the judge of acting as either prosecuting or defense attorney.

5. Relieve the court of supervision of warrants and appeals.

6. Eliminate all other extraneous duties which burden traffic courts so that the judge may concentrate on determining the issues of the case presented.

The use of the prosecutor can have advantages for the violator because assurance can be afforded that he will receive fair treatment. It can safeguard against possible misconception on the part of the violator, and protect against loss of serious cases where defense counsel is present.

All scientific aids in proving violations of traffic laws should be utilized.

Traffic-Court Violations Bureaus

A useful function is performed by traffic-court violations bureaus in the handling of the great number and variety of parking and stand-

ing violations where pleas of guilty may be accepted under proper safeguards, and monies received in payment of predetermined fines judicially established; with adequate records to permit the imposition of increased penalties and court action for repeaters.

Violations bureaus must be under the supervision and jurisdiction of the judge, inasmuch as it is a convenience afforded by the court to these violators—in other words a short cut in the judicial process. There must be careful selection of the personnel to preside over the bureau because it, too, shares a portion of the responsibility for increasing respect for this judicial process.

Unfortunately, this useful technique has been used by far too many cities for the handling of violations inherently hazardous which should be heard before a judge. The impersonal attitude of clerks assigned to these bureaus is an inadequate substitute for the salutary effect of courtroom treatment of these violations which contribute too frequently to accidents.

The violations bureau to be effective must be efficiently operated, utilizing follow-up procedures on delinquents through prompt dispatch of courtesy notices and service of warrants, whenever required. Failure to do this may seriously impair the traffic court's influence in this important area of its work.

State-Wide Organization of Courts

Apart from the problems incident to the handling of traffic cases by municipalities are those created by the courts in rural areas. Although the number of cases handled by the rural courts probably does not exceed one-sixth of the total traffic cases reported, nevertheless there have been many complaints voiced about their effectiveness. It is not the purpose of this report to determine the validity of these complaints.

The rural courts have been the subject of much discussion ever since they were first established, but it is only in comparatively recent years that serious efforts have been made to study ways and means to improve their operation.

The Warren recommendations³ contain the embodiment of all studies previously made of the functioning of rural courts. They have been supplemented by Prof. Edson R. Sunderland's Nation-wide survey and report to the Michigan Judicial Council. Twenty-five States also have made a survey or study of the system but all reach conclusions similar to Warren's.

The State which comes closest to establishing a system of courts consistent with effective traffic-law enforcement is New Jersey. Shortly after the adoption of a new streamlined constitution, its legislature adopted a series of acts which abolished all justices of peace

³ See appendix B for the 57 recommendations of Warren on traffic courts.

and small-cause courts, mayor's courts, police courts, recorders courts, family courts, magistrates, city district courts, and county traffic courts.

This sweeping revision then provided for the establishment of a county district court in every county, plus enabling legislation to permit the establishment of municipal courts through the media of home rule. These courts are an integral part of the State judicial system and are under the supervision of the chief justice of the supreme court who is the administrative head of all courts in the State. The procedure, practice, and administration of these courts is governed by rules promulgated by the supreme court which supersede statutory regulations. (See appendix C.) The administrative director of State courts will service the county district courts and municipal courts which began their operation on January 1, 1949. The broad powers of supervision invested in the chief justice give this State an opportunity to demonstrate whether it has achieved the model system for the whole country, so urgently needed.

Along with the inquiry into the structural features of the justice-of-peace courts, there has been a growing program for improving the personnel of these trial courts of limited jurisdiction through the educational process. New York, Pennsylvania, and Illinois have held one or more schools for justices of the peace. Manuals for the guidance of justices of the peace have been prepared in Pennsylvania, Nebraska and Oregon. And a uniform system of dockets and records has been authorized in New Hampshire. The latest development in this effort has been the formation of the National Conference of Trial Courts of Limited Jurisdiction. Two national meetings have already been held and a third is scheduled for St. Louis in 1949. The officers of State-wide organizations of justices of the peace have formed a permanent organization to be known as the American Association of Trial Courts of Limited Jurisdiction which will cooperate with the American Bar Association program.

Again there is a blueprint for improving both the structure and personnel of rural courts so that the administration of justice-of-peace courts will lead to better traffic-law enforcement. A serious-minded group of laymen justices are joining with the legal profession in this movement.

Juvenile Violators

The granting of operator licenses to minors who are below the age which will permit them to be tried by traffic courts has not been beneficial to traffic-court effectiveness. It is strongly urged that all juvenile violators of traffic laws, where no behavior problem is involved, be tried by traffic courts. Special sessions devoted exclusively to such cases, with the parents in attendance, have proved to be very helpful.

Since some juvenile-court officials still desire to retain this jurisdiction, it is recommended that in such cases efforts be made to secure the appointment of traffic-court judges as traffic referees of the juvenile courts. Legislation may be required to accomplish this objective.

Driver-Licensing Cooperation

There should be a highly developed cooperation between traffic courts and driver-licensing authorities. In this manner it will be possible to cope with repeaters on a State-wide basis and thus render more effective the treatment accorded this group by the courts. A duty devolves upon the courts to report promptly, as required by law all convictions to the driver-licensing authorities in order to insure the completeness of their records.

There is a conflict in viewpoints expressed by judges from different sections of the country as to the propriety of restricting the right of driver-licensing authorities to suspend and revoke operators' licenses. Although this conflict has been resolved in favor of the driver-licensing authorities insofar as the Uniform Vehicle Code is concerned, there is need for a further interchange of ideas on the subject.

Courts Hearing Appeals from Traffic Courts

Although few traffic cases are appealed, a serious problem confronting traffic courts arises out of the appellate disposition of the more-serious traffic violations such as reckless driving, driving while under the influence of intoxicating liquors, hit-and-run cases, and violations arising out of accidents investigated. All too frequently appeals taken to other courts do not receive the same careful consideration as that given by the traffic court. Where this is so, the underlying difficulty stems from the failure of the appellate judge to appreciate the seriousness of traffic violations and the unwillingness to dispose of these appeals within a reasonable time after docketing. Prosecutors assigned to the appellate tribunal are likewise often disinterested.

The practice of defendants convicted by traffic courts in serious cases taking appeals for the purpose of delay cannot help but undermine the foundations of sound enforcement. Traffic courts are thus forced to become more lenient in order to avoid this harmful attitude. The solution lies in making the same specialized information considered necessary for traffic-court judges and prosecutors, available to their counterparts in the courts of appeal.

Multiple-Judge Metropolitan Courts

The retention of judges assigned to the traffic branches of multiple-judge metropolitan courts for long periods of time has not received unanimous support from those immediately concerned. If rotation is to be continued in these courts, then it is imperative that these multiple-

judge courts assume additional responsibilities which will compensate for this frequent change in judicial personnel.

All multiple-judge courts throughout the land must, in the interest of certainty and consistency, work for effectiveness through teamwork. It is important, therefore, that all work as a unit. To do this, insofar as traffic-law enforcement is concerned, each of them must take time and trouble to become thoroughly acquainted with the principles of traffic-law enforcement. They should all appreciate the problems of enforcement that confront the traffic police. They should all be fully aware of the educational activities undertaken in behalf of traffic safety and accident prevention. They should all be aware of the traffic-engineering problems that exist within the city. With this background of specialized information, they should then have a meeting of the minds, so that there will be one kind of justice administered in the traffic courts, and not as many kinds as there are judges appointed or elected. It is imperative that such judges adopt one basic approach to all traffic cases, which they will use as their guide, subject to the exercise of their sound judicial discretion wherever a deviation is required. Every member of such multiple-judge courts should be qualified to sit in traffic court whenever the occasion arises, and he should be thoroughly familiar with the policies adopted by the court as a whole.

Layman Participation

There is much in the operation of the courts, administratively and procedurally, which lend them to the adaptation of modern business methods. Ever since Chief Justice Bolitha J. Laws⁴ of the United States District Court for the District of Columbia invited laymen to participate in judicial conferences, there has been an increasing awareness on the part of the judiciary and the legal profession that laymen can contribute substantially to the betterment of the judicial machinery. This new approach, functional in nature, has already improved procedures in the District of Columbia courts in several important aspects. Chief Justice Arthur T. Vanderbilt of the Supreme Court of New Jersey has likewise recognized their influence in a recent statement wherein he said: "Increasingly laymen, because of their independent position, have been called on to act as the catalytic agents of judicial reform."⁵

Traffic-court judges and prosecutors should invite interested laymen into their courts, bare the judicial machinery to close scrutiny, and welcome constructive criticism. Should improvements be suggested, the judges and prosecutors will be well repaid. Should no improvements be forthcoming, they still receive ample reward in the almost cer-

⁴ Chairman of District of Columbia Special Committee on Improving the Administration of Justice, American Bar Association, since 1942.

⁵ Vanderbilt, *Men and Measures in the Law*, 1949, pp. 99-100.

tain conversion of another member of the public to support of better traffic-law enforcement and sound administration of justice.

Conclusion

Continued refinement in the Warren blueprint for improving traffic-court justice has been a process of evolution garnered by experience. In the light of this, the committee recommends that there be included in the Action Program of the President's Highway Safety Conference the following recommendations:

1. The 57 recommendations contained in Warren on traffic courts should be approved.
2. Courts of record should be provided for the hearing of all traffic cases.
3. The word "police" should be eliminated from the name of courts handling traffic cases.
4. State-wide supervision and administration of all traffic courts, both urban and rural, should be placed in the chief justice of the highest appellate court in each State.
5. Uniform rules governing the procedure in traffic cases should be promulgated by the rule-making authority in each State. *
6. Uniform traffic tickets, similar to the one developed under the Michigan Uniform Enforcement Policy and to the other used State-wide in New Jersey by all enforcement officers, should be used in every State.
7. The salaries paid to traffic-court judges and prosecutors should be increased to be equal to those paid judges of courts of general trial jurisdiction and prosecutors assigned to them.
8. All municipalities, counties, and States should be urged to take active steps to provide dignified and impressive courtrooms for the trial of traffic cases.
9. The American Bar Association should continue its support of the program to improve traffic courts, and if possible increase this activity.

Upon the approval of this subcommittee's report on Administration of Traffic-Court Justice, it is further recommended to the Coordinating Committee:

1. That this subcommittee be made a separate and independent committee of the President's Highway Safety Conference.
2. That this report be mailed to all traffic-court judges, prosecutors, justices of peace, interested laymen, and to all members of the legal profession by the President's Highway Safety Conference.

APPENDIX A

BACKGROUND OF PREVIOUS ACTIVITY

Although national conferences on street and highway safety have been held intermittently since 1924, this is the first time that the subject of the administration of traffic-court justice has been assigned to a subcommittee for consideration. The first conferences did not designate a Committee on Enforcement nor was the traffic court singled out for attention. Nevertheless, a few individuals present recognized the importance of the judiciary and a Committee on Enforcement was appointed for the next conference held in 1926.

This committee submitted a report with 17 recommendations, through its chairman, the Honorable William McAdoo, Chief Magistrate of the city of New York. Four members of the committee of 23 were judges of courts with jurisdiction over traffic cases. Special traffic courts were recommended for the larger cities and special traffic-court sessions of the general courts for smaller cities. It was believed that uniformity would be promoted if the traffic cases were handled by the smallest number of judges able to handle them. The use of traffic-court violations bureaus to dispose of minor infractions was recommended in order to give the courts more time to deal adequately with the more serious cases. Minimum penalties for serious offenses, materially increased fines for each recurring offense, and elimination of the fee system were included in the committee's conclusions. It recognized that the ultimate goal should be the elimination of violations through vigorous punishment of persistent and flagrant violators. The committee said:

"The courts have a large responsibility to instill in the public respect for the traffic laws by even-handed treatment of offenders brought before them. While the intent and attitude of the offender and his past record should naturally be taken into account, undue clemency, based on position or social standing or on pressure brought to bear by personal influence will bring the operation of the courts into disrepute."

It concluded its report with a strong plea for the organization of public opinion in support of traffic-law enforcement through representative citizens committees.

This report, supplemented by recommendations from subsequent street and highway safety conferences, served as a useful foundation for the thoroughgoing research study undertaken by the National Committee on Traffic Law Enforcement and the National Conference of Judicial Councils, which culminated in the publication in December 1942, of the book by Warren, *Traffic Courts*. The 57 recommendations set forth in this volume still remain as the best blueprint for improving the administration of justice by traffic courts. These contain a complete program designed to achieve maximum effectiveness by the Nation's traffic courts. The House of Delegates of the American Bar Association has approved this blueprint. It has also received the support of the National Safety Council and the International Association of Chiefs of Police. The recommendations are appended to this report as appendix B.

APPENDIX B

WARREN ON TRAFFIC COURTS, SUMMARY OF RECOMMENDATIONS, TRAFFIC COURTS AND PROSECUTORS AS APPROVED BY THE NATIONAL CONFERENCE OF JUDICIAL COUNCILS (SEPTEMBER 10, 1940); THE SECTION ON JUDICIAL ADMINISTRATION, CRIMINAL LAW SECTION, JUNIOR BAR CONFERENCE, AND THE HOUSE OF DELEGATES AS AND FOR THE AMERICAN BAR ASSOCIATION (SEPTEMBER 10-12, 1940); THE COMMITTEE ON JUDGES AND PROSECUTORS AND THE STREET AND HIGHWAY SECTION OF THE NATIONAL SAFETY COUNCIL (OCTOBER 9, 1940); THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (APRIL 10, 1942)

TRAFFIC LAWS

1. Traffic laws with inherent defects should be revised and those which are unenforceable or unnecessary should be repealed.
2. Traffic statutes should be founded upon the "Uniform Vehicle Code" and the "Model Traffic Ordinances" with only regulations purely local in nature left to local ordinance. However, an exception should be made where this would result in ousting local courts from jurisdiction to try traffic violations.

TRAFFIC COURTS

3. All courts should treat traffic cases apart from their other business.
4. Special courts for traffic cases are necessary when the number of cases reach 7,500 per year with a violations bureau in operation, and 15,000 cases per year when there is no bureau.
5. The ideal traffic court organization would be on a State basis with various district courts, and with circuits operating from each district.
6. Physical courtroom conditions should be improved as to facilities, arrangements, cleanliness, and appearance.
7. The taxing of court costs as a separate penalty should be eliminated, and the fine assessed in one sum. If costs are included, they should be in a reasonable amount.

VIOLATIONS BUREAUS

8. Violations bureaus are to be used only when the number of traffic cases make it impossible for the court to properly dispose of them.
9. The basis for all violations bureaus should be a signed plea of guilty and waiver of trial.
10. Schedules of fines charged at the violations bureau are not to be alterable.
11. The bureau should handle the least hazardous violations and should deal with moving offenses only when they respond to treatment outside the courtroom. Major traffic law violations should never be handled in a violations bureau.
12. Assuming conformity with the recommended basis for violations bureau jurisdiction, the payment of fines by mail, properly safeguarded, is recommended.
13. Fines assessed at the violations bureau should be in average amounts used by the judge for the same offenses, and should be scaled higher for repeaters.

TRAFFIC JUDGES

14. Traffic judges should recognize the fact that a knowledge of traffic laws, traffic policing and engineering is necessary in addition to a legal background and should aim to obtain an understanding of these factors.

15. Traffic judges should not be selected by local authority or on a localized basis where appointment or election on a wider scale is possible.

16. The selection of alternates for traffic judges should be safeguarded.

17. Where more than one magistrate is available for the traffic bench, it is recommended that one judge be assigned to that post permanently or for a long period, rather than the use of a system of rotation of judges.

18. Traffic judges should be under the supervision of a chief magistrate who should be given regulatory powers.

PROSECUTORS

19. It is recommended that the title "prosecutor" be eliminated in favor of "public attorney" or "public solicitor" or a similar term.

20. "Prosecutors" should be assigned to traffic courts for aid in the disposition of cases.

21. Where the information on the ticket or complaint does not afford the prosecutor sufficient detail, the arresting officer should be required to furnish him with an additional report.

22. Prosecutors should not be used for the purpose of deciding whether a traffic violation should be brought to trial.

DEFENSE COUNSEL

23. Bar associations should interest themselves in ascertaining what the function of a lawyer in the traffic courts should be, and in encouraging the maintenance of that standard.

TRAFFIC COURT PROCEDURE—PROCEDURE

24. Preliminary hearings in minor traffic cases should be eliminated.

25. Summonses and tickets should be returnable on particular days assigned to officers.

26. Where the volume of cases is large the time of appearance should be staggered according to the type of offense.

27. Complaints other than tickets are unnecessary and should not be used in traffic cases where the officer witnessed the violation.

28. Dockets should be kept by the court clerk's office and traffic cases should be kept in a separate docket.

29. Dockets should be in duplicate, the disposition to be marked on the original by the judge at the time of trial.

30. Each defendant should be treated as a single case regardless of the number of charges against him.

31. Appearances should be enforced by the service of warrants through the police department and by additional fines.

32. The traffic court judge should be made solely responsible for the granting and use of continuances.

33. Continuances should not be used for the purpose of allowing violators an opportunity to obtain the money needed for the fine. Instead, surrender of the offender's license until payment is made is recommended.

THE JURY

34. The use of juries in trials for summary or minor traffic offenses should be eliminated.

APPEALS

35. There is need for the study and revision of the appellate procedure available to persons convicted of traffic offenses.

TRAFFIC COURT ADMINISTRATION—CONDUCT OF A TRAFFIC COURT

36. There is a general need for higher standards of decorum and courtroom procedure in traffic cases.

PUNISHING THE TRAFFIC VIOLATOR

37. Juvenile traffic violators should be treated by traffic courts except where a behavior problem is involved.

38. Rigid and set fines (as distinguished from flexible standards) for the various traffic violations are to be discouraged.

39. The utilization of effective methods other than fines and sentences for the punishment and treatment of traffic violators, should be encouraged.

40. The primary aim of the traffic court should be to impress defendants with the needs for traffic law observance rather than to penalize.

THE FIX

41. Reduction of charges in traffic cases should be a judicial power and exercisable only by the judge.

42. Judges should hold police officer, prosecutor, or both, strictly accountable for deliberate attempts to weaken the case against the defendant.

43. Clerical procedure should be revised for the purpose of permitting audits, allocating responsibility and providing checks on the handling of cases before they are tried.

RECORDS

44. Traffic judges should be furnished with the traffic record of the defendant by the police department, to be used only after deciding guilt in the present case, for the purpose of assessing the punishment.

45. Drivers' records should be State-wide for maximum effectiveness and made available through police departments to traffic courts throughout the State.

46. Traffic courts should keep daily cumulative records, broken-down by division into the common offenses, and published at least annually.

CONVICTION REPORTING

47. Bar associations and other interested groups should interest themselves, where necessary, in the problem of the failure of judges in traffic courts to report convictions as required by State law.

THE JUSTICE OF THE PEACE—THE JUSTICE OF THE PEACE COURT

48. The justice of the peace system is outmoded and its plan of organization ineffective for good traffic law enforcement. It is recommended that the justice of the peace should be replaced for the trial of traffic cases by a State-wide system of regular courts with trained personnel functioning on a circuit basis from centrally located seats and under the supervision of a chief judge.

QUALIFICATIONS AND SUPERVISION

49. Minimum qualifications should be prescribed for candidates for the office of justice of the peace.¹

50. The basis governing the number and location of justices of the peace should be revised to allow the existence of a reasonable number of officers and an efficient distribution.

¹ Recommendations Nos. 49 to 57 are subject to recommendation No. 48.

51. Adequate supervision should be provided, and regular inspections made of all functioning justice courts.

THE FEE SYSTEM AND SALARIES

52. The present fee system in use in most States as a method of remuneration for justices of the peace, should be abolished and replaced by a means of compensation not dependent in any manner upon the decision in the case.

53. Where practical, fair and adequate salaries should be given justices of the peace.

THE ADMINISTRATION OF JUSTICE IN THE JUSTICE COURT

54. Courtrooms should be furnished to justices in the various localities.

55. The choice or selection of a particular justice court by the arresting officer should not be permitted if the practical necessity therefor is removed.

56. The practice of taxing costs should be eliminated.

57. All justices should be furnished with, and required to keep, satisfactory dockets, financial and other records, and should be obliged to report to a county or State office at least monthly.

APPENDIX C

RULES GOVERNING THE COURTS OF NEW JERSEY

RULES GOVERNING PRACTICE IN THE LOCAL CRIMINAL COURTS

RULE 8:10 TRAFFIC CASES

8:10-1 Traffic Cases—Complaint

In cases involving violations of statutes or ordinances relating to the operation or use of motor vehicles, hereinafter designated as "traffic offenses," the original of the traffic ticket or summons duly issued and served by a police or peace officer may serve as the complaint, provided the said original conforms to the requirements of rule 8:3-1.

(Rule 8:3-1 provides: The complaint is a written statement of the essential facts constituting the offense charged. It shall be made upon oath before any magistrate or other officer empowered by law to take complaints.)

8:10-2. Improper Disposition of Traffic Ticket; Contempt of Court.

Any person who aids in the disposition of a traffic ticket or summons in any manner other than that authorized by the court shall be proceeded against for criminal contempt in the manner provided by rule 8:9-2.

(Rule 8:9-2 provides such proceedings upon notice to the offender.)

8:10-3. Warrant; Notice to Commissioner of Motor Vehicles.

The Court shall issue a warrant for the arrest of any defendant who is a resident of this State and who has failed to appear or answer a traffic ticket or summons duly served upon him and upon which a complaint has been filed. If the warrant is not executed within 30 days after issue, the court shall promptly report the name of the defendant, the date and nature of the traffic offense charged, the license number of the motor vehicle involved in the offense, and all other pertinent facts, to the Commissioner of Motor Vehicles.

8:10-4. Traffic Cases—Joinder.

The provisions of rule 8:5-5 relating to joinder shall apply in traffic cases.

(Rule 8:5-5 provides: The magistrate may order that two or more complaints be tried together if the offenses arose out of the same facts and circumstances, regardless of the number of defendants. With the consent of the person charged, the magistrate, for convenience, may consolidate complaints for trial.)

8:10-5. Trial Date

The date fixed for the trial of any traffic offense shall be at least 5 days from the date of its commission unless the defendant, having been informed of his right to such trial date, waives it and the court in its discretion fixes an earlier date.

8:10-6. Traffic Cases Tried Separately; Calendar

(a) *Separate trial.*—Traffic offenses shall be tried separate and apart from other offenses.

(b) *Trial by traffic part.*—Where a court sits in parts and one part has been designated as a traffic court, traffic offenses shall be tried in such part only.

(c) *Trial by traffic session.*—Where a court has designated a particular session as a traffic session, traffic offenses shall be tried in such session only. Such session may be an evening session.

(d) *Other cases; designation of particular time.*—In all other cases, the court shall designate a particular day or days, or a particular hour daily or on certain days, for the trial of traffic offenses.

(e) *Calendar.*—The court calendar for traffic cases shall follow as closely as possible the order set out in rule 8:13-6. Cases involving personal injury or property damage shall be scheduled with contested matters at the end of the calendar.

8:10-7. Traffic Cases—Presence of Defendant.

The defendant shall be personally present in all traffic cases at the imposition of sentence, except in cases involving parking offenses and in cases under rule 8:10-8.

8:10-8. Defense by Deposition; Judgment

(a) *Deposition in certain cases.*—In all traffic cases except those involving indictable offenses, accidents resulting in personal injury, operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug or permitting another person who is under such influence to operate a motor vehicle owned by the defendant or in his custody or control, reckless driving, or leaving the scene of an accident, the court may permit the defendant to present his defense by deposition where:

(1) The court determines that it would be an undue hardship on the defendant to require him to appear in person at the time and place set for trial, and

(2) The defendant, having been fully informed of his right to a reasonable postponement of the trial, waives in writing his right to be present at the trial. Such deposition may also present matter in mitigation of the offense charged.

(b) *Taking of depositions.*—Depositions offered pursuant to this rule shall be taken in the manner provided by law. They shall be sworn to before any judge of a court of record of this State or of the State wherein the defendant is resident. The judge taking the deposition shall forward it to the trial court by registered mail.

(c) *Mailing copy of judgment.*—Where a defendant presents his defense by deposition, the court shall mail him a copy of the judgment in the case by registered mail forthwith.

8:10-9. Plea of Guilty; Procedure

(a) *Notice to defendant.*—Before accepting a plea of guilty to a traffic offense other than a parking offense, the court shall inform the defendant that a record of the conviction will be sent to the Commissioner of Motor Vehicles of this State or of the State where defendant received his license to drive, to become a part of his driving record.

(b) *Hearing witnesses.*—In all cases, including those where a plea of guilty has been entered, the court shall hear the witnesses in support of the complaint prior to judgment and sentence. This provision shall not apply to pleas accepted by the violations clerk under rule 8:10-10.

8:10-10. Violations Clerk

(a) *Appointment and functions.*—The court, whenever it determines that the efficient disposition of its business and the convenience of persons charged so requires, may constitute the clerk or deputy clerk of the court or, if there be none, any other appropriate official of the municipality in which the court is held, as a violations clerk. It shall be the function of a violations clerk to accept appearance, waiver of trial, plea of guilty and payment of fine and costs in traffic offenses, subject to the limitations hereinafter prescribed. The violations clerk shall serve under the direction and control of the court.

(b) *Offenses within authority; schedule of fines.*—The court shall by order, which may from time to time be amended, supplemented or repealed, designate

the traffic offenses within the authority of the violations clerk, provided that such offenses shall in no event include indictable offenses, accidents resulting in property damage or personal injury, operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug or permitting another person who is under such influence to operate a motor vehicle owned by the defendant or in his custody or control, reckless driving, or leaving the scene of an accident. The court, by published order to be prominently posted in the place where the fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for first, second, and subsequent offenses, designating each offense specifically in the schedules, provided such fines are within the limits declared by statute or ordinance. Fines and costs shall be paid to, receipted by and accounted for by the violations clerk in accordance with these rules.

(c) Plea and payment of fines and costs.

(1) *Parking offenses.*—Any person charged with a parking offense may mail the amount of the fine established for such violation and costs, as determined by inquiry from the violations clerk or otherwise, together with a signed plea of guilty and waiver of trial, to the violations clerk.

(2) *Other offenses.*—Any person charged with any traffic offense, other than a parking offense, within the authority of the violations clerk may appear in person before the violations clerk and, upon signing a plea of guilty and waiver of trial, pay the fine established for the offense charged, and costs. He shall, prior to such plea, waiver and payment, be informed of his right to stand trial, that his signature to a plea of guilty will have the same force and effect as a judgment of court, and that the record of conviction will be sent to the Commissioner of Motor Vehicles of this State or of the State where he received his license to drive.

Where the person so charged promptly seeks to appear before the violations clerk in order to plead guilty, waive trial and pay the established fine and costs, and finds the violations clerk's office closed, he may, where he resides outside the county, telephone the violations clerk, determine the amount of the fine and costs, and forthwith mail the same, together with a signed plea of guilty and waiver of trial, to the violations clerk.

(d) *Procedure after three convictions.*—No person who has been found guilty or who has signed a plea of guilty to three previous traffic offenses in the current calendar year shall be permitted to appear before the violations clerk unless the court shall, by general order applying to certain specified offenses, permit such appearance conditioned upon the payment of substantially increased fine, which increase shall be specified in such general order.

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