

A PRELIMINARY STUDY OF THE
ISSUANCE OF THE WRITTEN WARNING BY
STATE LAW ENFORCEMENT AGENCIES
IN CERTAIN VIOLATIONS OF TRAFFIC LAWS

Thesis for the Degree of M. S.
MICHIGAN STATE UNIVERSITY
Thomas H. Milldebrandt
1964



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By

Thomas H. Milldebrandt

AN ABSTRACT OF A THESIS


Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

MASTER OF SCIENCE

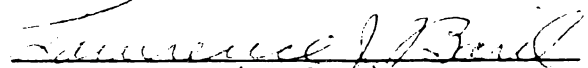
School of Police Administration and Public Safety

1964

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ABSTRACT

A PRELIMINARY STUDY OF THE ISSUANCE OF THE WRITTEN WARNING BY STATE LAW ENFORCEMENT AGENCIES IN CERTAIN VIOLATIONS OF TRAFFIC LAWS

by Thomas H. Milldebrandt

A controversy currently exists over the place of the written warning in traffic law enforcement programs. This study investigated the extent to which written warnings are now used by state traffic law enforcement agencies and the opinions of the executives of those agencies as to the advantages and disadvantages of using such a system. Departmental policies regarding enforcement criteria have also been collected and included.

The principal means of gathering the desired information was an eighteen-question, two-page questionnaire sent to executives of the forty-nine state traffic law enforcement agencies (Hawaii had no state-level police agency). Three authorities in the field of traffic enforcement were personally interviewed. A review of the existing literature on the subject completed the research.

Forty-eight of the forty-nine state traffic law enforcement agencies contacted replied; only one did not. Thirty-three (68.7 per cent) of the agencies used the written warning as a part of their traffic enforcement programs while the remaining fifteen agencies (31.3 per cent) did not.

Fifty-two per cent of the state police agencies used the system and forty-eight per cent did not. Highway Patrol agencies showed a much higher percentage of use with eighty-four per cent using the system and only sixteen per cent not using it. No consistent relationship exists between geographic location and use of the system. A definite trend toward its use was noted in agencies organized less than twenty-five years ago.

Two agencies which did not use written warnings indicated that if the statutes permitted they would favor using the system. None of the agencies currently using the system wanted to discontinue its use.

Enforcement standards varied considerably. Two states included detailed enforcement guides with their replies, while the majority of agencies indicated their criteria were largely the judgment and discretion of the individual officer. All agencies attempted to mold this judgment either by training their officers or by preparing written regulations or both.

The most common advantages of the written warning system cited by the responding agencies were that such a program (1) benefits a driver improvement program; (2) makes for additional contacts by field officers; (3) promotes good public relations; and (4) permits some degree of enforcement when evidence necessary for prosecution is not available.

The most common disadvantages cited were that such a program (1) is used by some officers as a means of escaping the responsibility of issuing a ticket in cases clearly calling for such action; (2) has little effect unless backed up by possible suspension action; (3) is difficult to apply uniformly; and (4) creates the feeling in the violator who receives a ticket that he is being discriminated against.

It was concluded that there is need for further research into use of the written warning system with particular emphasis on the effect of the written warning on future driving behavior and the extent and method of use of the system by municipal law enforcement agencies.

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9 51578
1-29-65

ACKNOWLEDGMENTS

I wish to thank Mr. Glenn Schultz for the helpful suggestions he contributed from the start of this research project and the many hours of his personal time which he freely gave in its initial stages.

Also, I wish to express my appreciation to Mr. Ray Galvin, my graduate advisor; without his help during the final stages of the project completion would have been doubtful.

A special note of thanks is made to Dr. Thomas Farrell who carefully edited rough and preliminary drafts for English construction and format style.

A special expression of appreciation is extended to the Automotive Safety Foundation, under whose Fellowship this study was made possible, and Superintendent G. O. Hathaway, of the Arizona Highway Patrol, who granted me a leave of absence, with pay, in order to take advantage of the Automotive Safety Foundation Fellowship.

Most sincere thanks also are extended to my wife Joanne who struggled on the project with me from the first rough outline to the wrapping of the final draft for mailing.

T. H. M.

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CHAPTER I

THE PROBLEM

I. STATEMENT OF THE PROBLEM

It is essential that traffic law enforcement officers use every means at their command to bring about voluntary compliance with traffic laws, which is the basic purpose of all traffic law enforcement. It is the purpose of this study to (1) compile accurate, authoritative information on the extent and method of the use of written warnings in the enforcement of traffic laws; (2) show that the use of the written warning has a definite place in state traffic law enforcement; (3) demonstrate that, although the use of a warning may be considered contrary to the basic principles of law enforcement in general, it definitely contributes to more effective traffic law enforcement; (4) demonstrate that the written warning is being used with success in many areas; and (5) establish that, no matter what its final disposition, many agencies feel that the written warning has a deterrent effect upon the recipient.

II. IMPORTANCE OF THE STUDY

This problem is one that (1) has been subjected to little objective national study, if the published literature is any criterion; (2) is considered to be of first priority for research by the Traffic Committee of the International Association of Chiefs of Police; (3) requires research to determine if the use of the written warning (a) increases the number of possible contacts between law enforcement officers and the motoring public and (b) tends to demonstrate to the motoring public that traffic law enforcement agencies are more interested in securing voluntary compliance to traffic laws than in traffic violation convictions.

III. LIMITATIONS OF THE STUDY

This study was confined to the written warning as used by state traffic law enforcement agencies. Although it makes extensive use of the opinions of authorities in the traffic and legal fields, all information of a statistical nature has been gleaned from a comprehensive questionnaire designed by the researcher but sent out under the auspices of G. O. Hathaway, Superintendent of the Arizona Highway Patrol and Chairman of the Sub-committee on Research Projects of the Traffic Committee of the International Association of Chiefs of Police.

This study has avoided the question of the effectiveness of the written warning in influencing the future

driving behavior of the recipient. Such a study would require extensive interviewing and records analysis, the facilities for which are not available at this time. It is hoped that enough information on the use of the written warnings has been collected in the course of preparing this thesis so that a research study in the area of effectiveness will have a sufficient foundation upon which to build.

IV. DEFINITION OF TERMS

For the purpose of this research (1) the written warning has been defined as any written notice of violation not requiring judicial actions, given to a traffic law violator, which may or may not become a part of his driving record. (2) The term "oral warning" as used in this research project has been defined as a word-of-mouth admonition from an officer to a violator whom he has stopped for a violation. No other action but the oral reprimand or explanation is taken by the officer. (3) A state traffic law enforcement agency has been defined as those agencies in the various states which have statutory responsibilities to enforce the state traffic regulations. (4) The term "ticket" has been defined as any traffic arrest action in which the recipient of the notification arising out of this action is required to undergo any judicial action. This judicial action may range from a formal court appearance before a magistrate to a letter addressed to a magistrate or

violations bureau. In the preparation of the questionnaire for this study, the term "complaint" was used instead of a "ticket," but the terminology is being changed at this time as it has been discovered that the term "complaint" in a majority of areas pertains to a written complaint signed before a magistrate requesting that an arrest warrant be issued. A "ticket" is called a "citation," "summons," and "traffic arrest" in various areas of the United States.

(5) A "defective vehicle equipment notice" has been defined as a written form used by traffic law enforcement agencies to gain compliance with sections of the various motor vehicle codes which relate to mechanical equipment. These notices do not require formal judicial action, but may require the recipient to have his vehicle inspected or repaired by an authorized agency or, in some cases, at any service station. (6) A non-written warning agency is defined as an agency which may or may not issue written warnings for vehicle equipment violations but does not issue them for any other violations of the motor vehicle code.

V. HISTORY OF THE CONTROVERSY OVER THE WRITTEN WARNING

The subject of the written warning is and has been of concern to the International Association of Chiefs of Police and traffic law enforcement agencies for a number of years. In this chapter a short history of the controversy

over the written warning is offered in order to set the remainder of the study in perspective.

Although the written warning has been used for many years by some state law enforcement agencies,¹ it first came under discussion as a matter of official business by the Traffic Committee of the International Association of Chiefs of Police in 1956.² In that year, the Traffic Committee of the Association took the following policy stand on the subject:

The issuance by law enforcement officers of written warnings to violators of the motor vehicle laws is of doubtful value and places the officer and his department in the position of condoning or minimizing law violations. The better rule would seem to be to make an arrest whenever a definite, clearcut, substantial violation of law is detected and to resolve the doubt in favor of the motorist where borderline, technical, or trivial violations are involved.³

This policy was adopted by the Association as a whole and was not again discussed until the mid-year meeting of the Traffic Committee held in June, 1958, when the committee was asked by the Arizona Highway Patrol and others to reconsider the policy. Reconsideration was asked on the grounds that written warnings did, in fact, have value in bringing about voluntary compliance with traffic laws. It was specifically

¹See below, page 16.

²International Association of Chiefs of Police, Police Yearbook, 1959 (Washington, D.C.: International Association of Chiefs of Police, 1959), p. 241.

³Ibid., p. 241.

pointed out that when written warnings were legitimate contacts by the police and recorded against the motor vehicle operator's record, credit should have been given to the issuing organization in the Annual Inventory.⁴

After discussion of the item in the June, 1958 meeting, the Traffic Committee voted that "for reasons of lack of uniformity throughout the nation, and the dubious deterrent effect of the written warnings, the Traffic Committee reaffirms its action of 1956 that no credit be given for the use of written warnings in the Annual Inventory."⁵

Most recent action on the subject of the written warning was taken in the mid-year meeting of the Traffic Committee in 1959. At that time, a Sub-committee on Research Projects was appointed to look into items which should receive research effort. This action grew out of the

⁴The Annual Inventory referred to is the National Safety Council Annual Inventory of Traffic Safety Activities. State traffic law enforcement agencies report, on specified forms and in a specified manner, their enforcement activities annually and these reports are compiled and analyzed by the National Safety Council. The National Safety Council then furnishes each state, which reports to them, an analysis of their enforcement efforts. This Annual Inventory is not a static report but, on the contrary, is under constant evaluation and investigation by the National Safety Council and several groups that act in an advisory capacity to the Council on the various sections of the Inventory. In the case of the Traffic Supervision Section of the report, the Traffic Committee of the International Association of Chiefs of Police is the advisory body. For this reason, any changes regarding the written warning would have to be passed upon by the Traffic Committee before they could be acceptable items in the Annual Inventory.

⁵Ibid.

belief of the members of the committee that various areas in traffic law enforcement were in need of extensive research and that in order to guide agencies such as the Traffic Institute, Northwestern University, and the Field Services Division of the International Association of Chiefs of Police, who carry on research service activities for the police, the Traffic Committee itself should determine which areas were in most need of research efforts. To this end the sub-committee decided upon a total of sixteen subjects to be studied. They divided these areas into two subsections, Number One Priority and Number Two Priority. The subject of written warnings was listed in the areas which deserved Number One Priority.⁶ It was because of this high-ranking priority that the subject of the written warning was selected for this research project.

⁶International Association of Chiefs of Police, Police Yearbook, 1960 (Washington, D.C.: International Association of Chiefs of Police, 1960), pp. 253-54.

CHAPTER II

A REVIEW OF THE LITERATURE

A review of the available literature on the use of warnings in traffic law enforcement was conducted at the Michigan State University Library. Most of the material relating to the subject was found in the Highway Traffic Section of that library. Material concerning both oral and written warnings was studied and it was found that few of the twenty-nine sources dealt with the subject of the written warning as defined for this study. As the literature on this subject appears to be limited, this chapter will attempt to review all of the available material in an effort to establish as broad a base as possible for the data gathered in the present study.

I. WICHITA STUDY

In 1939, the Wichita Police Department, under the direction of Chief O. W. Wilson, conducted a study which was intended to determine the relative effectiveness of the various devices then being used by the police to control the

automobile driver.⁷ The study was conducted in cooperation with the Works Progress Administration and examined police enforcement efforts, accident records, and drivers' records in Wichita from 1933 to 1939.⁸

The Wichita Study covered two broad areas: (1) The accident expectancy of various groups of drivers, and (2) the effectiveness of various types of treatment used by the police in an attempt to bring about voluntary compliance with traffic laws.⁹ The second part of the Wichita study is of particular interest to the subject of written warnings.

Method of Study

The records of drivers were checked and the drivers were divided into three groups: (1) those that had received warnings and fines; (2) those that had received warnings and traffic school treatment; and (3) those that had received fines and traffic school treatment.¹⁰ "In an effort to cancel any variation in violation proneness which might be present in groups selected on the basis of treatment, pairs of groups were chosen, each pair of which had been subjected

⁷O. W. Wilson, "Police Control of the Automobile Driver," Journal of Criminal Law and Criminology, XXX (May-June, 1939--March-April, 1940), p. 83.

⁸Ibid.

⁹Ibid., p. 85.

¹⁰Ibid., p. 91.

to the same treatment procedure but in reverse order."¹¹ These groups were paired off according to the sequence of the treatment action. All those who received first a warning and then a fine were in one pair, those who received first a fine and then a warning in another pair; similar pairings were made for the groups receiving the other two types of treatment.¹²

Results of Study

"The percentages of the groups which did not repeat within 365 days were tabulated. The greater the percentage who did not repeat, the more effective the particular treatment was assumed to be."¹³ The results of the study showed that, "as measured in terms of the percentages of violators who do not repeat within a given time, the warning is less effective than the arrest, and traffic school treatment is markedly more effective than arrest."¹⁴ For purposes of the study, "arrest" meant an arrest which resulted in a fine or jail sentence for the violator.

The summary of the report pointed out that "while the warning notice is of least effectiveness, in view of its

¹¹Ibid.

¹²Ibid.

¹³Ibid., p. 93.

¹⁴Ibid.

low administrative cost to the public much greater use should be made of this treatment device."¹⁵

Wilson's Subsequent Comments on the Study

Since leaving the Wichita Department, O. W. Wilson has commented extensively on the study in two books dealing with police administration procedures, Police Administration and Police Planning.

In Police Administration he cited the results of the study and pointed out that the effectiveness of police action cannot be determined exclusively in terms of the effect on the individual against whom the action was taken. He felt that it extends with gradually diminishing force to others.¹⁶ He wrote that the total cost of treatment procedures must be studied including: (1) "total salaries and other administrative costs," and (2) "cost of loss of public sympathy and support which may be incurred by unjustified or unreasonably severe punishment."¹⁷ He felt that "the warning notice has the least cost in both respects," as an officer will issue a larger number of warnings than tickets and resentment from warnings is outweighed by the good will induced.¹⁸

¹⁵Ibid., p. 95.

¹⁶O. W. Wilson, Police Administration (New York: McGraw-Hill Book Company, 1950), p. 163.

¹⁷Ibid., p. 164.

¹⁸Ibid.

Also in Police Administration Wilson has pointed out that written warnings should always be used instead of oral warnings because they exert a more effective influence on the driver and also aid in recording the incident for guidance in the disposition of future violations.¹⁹ Here he introduced the elements of the "notice of violation" which has many of the aspects of the written warning and will be described in the discussion of the work of Maxwell Halsey.

Wilson summed up his discussion of the Wichita study in Police Administration by saying that the study indicated that, contrary to popular opinion, punitive action alone (ticket) "did not ensure against an increase in accidents."²⁰ He cited corroborating evidence from a study conducted in Lancashire, England, from 1932 to 1939.²¹ The Wichita study established that Wichita, from 1934 to 1936 with an enforcement index²² of ten, sustained 1,647 personal injury accidents as compared to 1,416 during the following three-year period when the department had an enforcement index of less than four.²³

¹⁹Ibid., p. 165.

²⁰Ibid., p. 171.

²¹Ibid.

²²Enforcement index is the ratio of convictions for moving violations to personal injury motor-vehicle traffic accidents.

²³Wilson, loc. cit.

In Police Planning Wilson recorded the following four advantages which he had found the written warning to have over the oral warnings:

1. Provides, when filed in driving record, a complete permanent record of the individual's driving history.
2. Establishes proof of occurrence since it is signed.
3. Has a more salutary effect as the driver gets a copy.
4. Serves as an accurate measure of officers' performance and stimulates activity.²⁴

Police Planning also presents a further discussion of the "notice of violation" system, a system which has all the elements of the written warning but carries the enforcement action farther than the written warning as defined in this study.²⁵

Evaluation of the Wichita Study and Wilson's Comments

The Wichita Study was the first published effort made to test the effectiveness of the warning and no subsequent attempt has been made to scientifically test the effectiveness of the written warning on future driving behavior.

²⁴O. W. Wilson, Police Planning (Springfield, Illinois: Charles C. Thomas, Publisher, 1957), p. 155.

²⁵Ibid.

Testing the relative effect of different types of enforcement action (or as Wilson calls it, "treatment") involves so many variables that any truly scientific research is extremely difficult. While the Wichita Study attempted to control some of these variables, it failed to take into account, among other things, variations in exposure, possible educational experiences, and variations in congestion. When discussing the low administrative costs of the written warning, the study fails to point out how these costs were determined and just what the difference is administratively between ticket enforcement action and warning enforcement action.

II. BAKER STUDY

Newman F. Baker, then counsel of the Traffic Institute, Northwestern University, reported in The Journal of Criminal Law and Criminology a study on traffic tickets which he conducted in 1939.²⁶ He found that at that time there was little or no uniformity in the form, style, or content of the various written warning forms.²⁷

Baker asked the question, "Just how effective are these warnings, so easily given and cheaply administered?"²⁸

²⁶Newman F. Baker, "Traffic Tickets," Journal of Criminal Law and Criminology, XXX (May-June, 1939--March-April, 1940), p. 386.

²⁷Ibid., p. 391.

²⁸Ibid., p. 392.

(He referred to the Wichita Study which had maintained that the written warnings were cheaply administered.) Mr. Baker said that law enforcement officials should know the answer to this question and he hoped that some day there might be devised a means of correlating the written warning's use to the problem of traffic safety.

While collecting the various forms of tickets and warnings then in use, Baker also secured the opinions of the law enforcement administrators on the place of the written warning in traffic law enforcement. At that time Baker felt that the administrator's feelings could be summed up in these words, "Yes, we use warning tags but they aren't much good. It's all just a bluff, nothing is ever done about them."²⁹

Baker felt that the effectiveness of written warnings can be studied with considerable accuracy as their effect can be measured against accident indices and safety records.³⁰ He felt that a study of the relative effects of tickets and warnings would produce much good, not only to traffic safety, but in law enforcement in general, as he believed the general research in crime cures had been rather unproductive because of the lack of scientific proof.³¹

²⁹Ibid.

³⁰Ibid., p. 393.

³¹Ibid.

Evaluation of Baker Study

The Baker study did not attempt to establish any new ideas, but was designed primarily to determine what types of traffic violation forms were currently being used by traffic law enforcement agencies. Baker concluded that there was need for uniformity in forms, but that before this could be accomplished it should be determined what types of enforcement action are effective and what is the best way to implement that action. As Baker said, ". . . this, of course, requires the sober evaluation of the police techniques in traffic cases."³²

III. SOME FACTS AND OPINIONS REFLECTED BY STATE AGENCIES

Wilbur S. Smith and Charles S. LeCraw in the Traffic Quarterly reported that in 1947 only one state traffic law enforcement agency reported it was using a ticket-only system.³³ In this report there was no explanation of what other types of enforcement action were being taken.

In their book entitled State Traffic Law Enforcement, published in 1944, George E. Miller and David M. Baldwin

³²Ibid., p. 403.

³³Wilbur S. Smith and Charles S. LeCraw, Jr., "Speed Laws and Enforcement," Traffic Quarterly, I (April, 1947), p. 129.

cited the wisdom of using warnings as a preliminary educational campaign preceding enforcement of new regulations.³⁴ They noted the current opinion that state legislation did not provide for warnings but that an opposing view held that for an enforcement program to be effective it must have public support and that the warning can gain that type of support.³⁵

Baldwin and Miller reiterated the views of Wilson and Baker in saying that the value of the use of warnings by traffic officers is extremely difficult to measure.³⁶ Baldwin and Miller also went into the use of a "notice of violation" and expressed the belief that "the use of the written warning has a lasting effect on the violator and this effect may be improved by omitting the word 'warning' and substituting 'notice of violation'."³⁷

In an address before the annual meeting of the Institute of Traffic Engineers in 1951, then Chief of the Washington State Patrol, James A. Pryde said, "A well trained officer attempts to secure compliance by other means

³⁴George E. Miller and David M. Baldwin, State Traffic Law Enforcement (Chicago: National Safety Council, 1944), p. 166.

³⁵Ibid.

³⁶Ibid., p. 165.

³⁷Miller and Baldwin, loc. cit.

than arrest. For examples: verbal instructions, guidance and warnings."³⁸

In 1958, Commissioner Larry Beier of the Wisconsin Patrol was quoted as saying:

We do not believe that warnings are an effective way to handle minor or borderline cases. Such warnings increase our contacts with drivers. They help convince many drivers that our primary purpose in highway patrol activities is to encourage voluntary compliance with the traffic laws.³⁹

Evaluation of Comments by State Law Enforcement Authorities

It can be noted from the above comments that virtually all of the state traffic law enforcement agencies have been using some type of warning system for many years and that the authorities quoted felt that warnings did have a definite place in an enforcement program. What is noticeably lacking is any concrete evidence to support the opinions of those in favor of the written warning system or, by the same token, evidence to back up those who feel the warning has no place in traffic enforcement.

It is apparent that there is divided opinion on the merits of the written warning although neither side has been able to advance evidence to support its views.

³⁸James A. Pryde, "Enforcement Must Be Planned," Institute of Traffic Engineers, 1951 Proceedings (Los Angeles: Institute of Traffic Engineers, 1952), p. 4.

³⁹"When the Law's Around Drivers Take Care," Traffic Safety, LII (April, 1958), p. 55.

IV. POSITION OF INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE TRAFFIC DIVISION

Franklin M. Kreml

Franklin M. Kreml was the first director of the Traffic Institute, Northwestern University and is presently Director of the Transportation Center, Northwestern University, of which the Traffic Institute is a division. At the time that he was Director of the Institute he was also Director of the Traffic Division of the International Association of Chiefs of Police.

Kreml, the author of Chapter 10, "Traffic Supervision," of Municipal Police Administration, stated there that "Traffic law enforcement . . . is promoted through the use of written warnings in lieu of traffic arrests to correct many minor defects or omissions."⁴⁰

In 1958, Kreml wrote in the Annals of the American Academy of Political and Social Science that:

Traffic law enforcement should employ the many well-developed techniques to make itself effective. In addition to citation and arrest activity, it should make intelligent use of admonitions, written warnings and instruction to pedestrians and drivers.⁴¹

⁴⁰Institute for Training in Municipal Administration, Municipal Police Administration (fourth edition; Chicago: The International City Managers Association, 1954), p. 350.

⁴¹Franklin M. Kreml, "Police, Prosecutors, and Judges," The Annals of the American Academy of Political and Social Science, CCCXX (November, 1958), p. 43.

Ray Ashworth

Ray Ashworth, former Director of the Traffic Institute, Northwestern University, and later Director of the Field Services Division of the International Association of Chiefs of Police, wrote in 1957 that:

Enforcement comes from the written warning, useful for minor or borderline violations. Here the citizen is informed, for instance, that he has been driving too fast, there is insufficient evidence to make an arrest, but that he is being warned. He is given a copy of it and told it will be filed at police headquarters. Enforcement like this has been found to have good effect on driver behavior over a period of time.⁴²

Bernard Garmire

Bernard Garmire is currently Chief of Police, Tucson, Arizona and Chairman of the Traffic Committee of the International Association of Chiefs of Police. He is a long-time member of the Traffic Committee and served as vice-chairman for three years prior to taking over chairmanship in 1960.

While Chief of Police in Eau Claire, Wisconsin, Garmire authored an article in which he stated that as a supplement to a selective enforcement program in Eau Claire he had instituted a written warning system which he believed

⁴² Ray Ashworth, "Traffic Safety Through Enforcement," N.L.G.I. Spokesman, XX (January, 1957), p. 28.

had beneficial results.⁴³ He believed that it was generally acknowledged that there is a certain percentage of violators who are "violation prone". He believed that this group of drivers constantly cheat a few miles per hour on speed limits and are prone to slide through stop signs and commit other "minor" violations. He stated, "It was this group together with the careless drivers, which was thought of when establishing the warning system."⁴⁴

Under the system instituted by Garmire, if an individual was warned three times within a six-month period he was arrested on a warrant charging him with the violations listed on the most recent warning and the others were used as evidence of the contention that the driver involved deserved court action.⁴⁵

Traffic Institute, Traffic Law Enforcement Series

The Traffic Institute, Northwestern University, is the official training agency of the Traffic Division, International Association of Chiefs of Police and, as a service to the Association, publishes a series of basic training manuals, The Traffic Law Enforcement Series. One manual,

⁴³Bernard L. Garmire, "Traffic Administration in Eau Claire," The Traffic Digest and Review, I (August, 1953), p. 5.

⁴⁴Ibid.

⁴⁵Ibid.

Taking Enforcement Action, deals with the problem of arrest, citation, and warning.⁴⁶

In this manual these three degrees of Traffic enforcement action are dealt with in considerable detail. The reader is instructed that judgment and departmental policy play a large part in determining what type of enforcement action should be taken in a given situation.⁴⁷ This manual differentiates between oral and written warnings and a 1956 policy statement of the Traffic Committee of the International Association of Chiefs of Police is printed at the end of the manual to give the reader the benefit of the Committee's feelings on the subject.⁴⁸ (This policy is dealt with in some detail in Chapter I).

Evaluation of Published Traffic Division Comments

The two Directors of the Traffic Division and the Traffic Institute recommend the use of the written warning in traffic law enforcement. The present Chairman of the Traffic Committee of the Association has had actual successful experience; the Traffic Institute has seen fit to devote a large portion of a training manual to a discussion of the proper use of the system.

⁴⁶Taking Enforcement Action, Traffic Law Enforcement Series, Traffic Institute, Northwestern University, 1959, p. 9.

⁴⁷Ibid., p. 4.

⁴⁸Ibid., p. 9.

These comments by Traffic Division spokesmen and the published training manual, Taking Enforcement Action, express opinions which are inconsistent with the policy statement of the Traffic Committee of the Association. Also missing in the comments of the Traffic Division is any reference to research which has shown: (1) the extent of use of the written warning in traffic law enforcement, and (2) the effect of the issuance of a written warning on the subsequent driving behavior of the recipient.

V. PRESIDENT'S CONFERENCE REPORT AND CURRENT LITERATURE

Report of Committee on Enforcement, President's Highway Safety Conference

In 1949 the Committee on Enforcement of the President's Highway Safety Conference issued a report which, in part, dealt with the use of warnings in traffic law enforcement.⁴⁹ The section concerning warnings began, "The traffic officer's productivity can be increased if a warning system is intelligently used."⁵⁰ It was stressed that this action should not be substituted for arrests where

⁴⁹The President's Highway Safety Conference, Report of Committee on Enforcement (Washington, D.C.: United States Government Printing Office, 1949), p. 15.

⁵⁰Ibid.

violations are serious or intentional but the report advocated their use in minor or borderline cases where it was felt that they could be very educational.⁵¹

The report repeated the view expressed by Miller and Baldwin in State Traffic Enforcement that warnings should be part of an educational program in helping to introduce to the driving public additions or alterations to traffic regulations.⁵²

The Committee strongly urged that when warnings were used they should be written and made part of the driver's permanent driving record so that repeaters could be spotted quickly and necessary improvement action instituted.⁵³ The Committee expressed the view that unless warnings are written, some officers might falsify activity reports with fictional warnings.⁵⁴

Current Literature

In a report on municipal traffic law enforcement in the State of Texas, John T. Thompson reported in 1957 that "Education can be carried on by enforcement personnel through a system of written warnings or by teaching the

⁵¹Ibid.

⁵²Ibid.

⁵³Ibid.

⁵⁴Ibid., p. 16.

drivers on the spot the very road sense which they lacked."⁵⁵

In one of the most recent works published on traffic law enforcement, Paul B. Weston recognizes the "grass roots movement among police officers for an extension of the warning procedure."⁵⁶ He feels that this movement may stem from the officer's reluctance to serve summonses. This reluctance, he feels, has been caused by the public's new attitude toward enforcement created by the establishment of point systems.⁵⁷ He feels that the public has lost its former blase' attitude toward traffic tickets since tickets are now harder to fix and in many areas become part of the driver's permanent record and are assessed points.⁵⁸

He states that warnings also overcome the reluctance of police officers to contact minor violators.⁵⁹

Weston agrees with the Report of the Committee on Enforcement and others that whenever an officer stops a car there must be some written record of the incident.⁶⁰

⁵⁵John T. Thompson, City Traffic Law Enforcement in Texas (Austin: The University of Texas, 1957), p. 22.

⁵⁶Paul B. Weston, The Police Traffic Control Function (Springfield, Illinois: Charles C. Thomas, Publisher, 1960), p. 158.

⁵⁷Ibid.

⁵⁸Ibid., p. 159.

⁵⁹Ibid.

⁶⁰Ibid., p. 160.

He concludes his comments on the value of the written warning with a rather long statement, but its logic and completeness justify its being quoted in full.

Certainly this new warning procedure warrants some pilot projects in any department. If it does nothing more than increase the spread of violators coming to police attention, it will have far-reaching effect in securing voluntary compliance. Side effects on police morale, and public acceptance of the police enforcement program may also be worthwhile. It will also keep police on patrol, as it will save a great deal of time now lost in court.⁶¹

Evaluation of President's Conference Report and Current Literature

The 1949 Report of the Enforcement Committee, while strongly urging the use of warnings in traffic law enforcement, fails to cite any evidence to substantiate the belief that such enforcement action can actually help in reducing the national accident picture. They urge use of the system on the same grounds as most of the authorities in the field but are guilty of the same lack of research that has marked the other authorities who base their proposals on opinions and belief rather than scientific fact.

John Thompson is guilty of the same failure in his Texas report.

Weston contends that the enforcement officer today is reluctant to take fine-resulting enforcement action

⁶¹Ibid., p. 161.

because of the public's growing animosity toward such action. However, Weston cites no evidence to support his contention. His statement concerning the value of written warnings in increasing officer-violator contacts seems to be the most valid argument to be found in favor of the use of such a system.

VI. THE WORK OF MAXWELL HALSEY IN MICHIGAN

In 1948 Maxwell Halsey, Executive Secretary of the Michigan State Safety Commission, began publishing, in cooperation with the Michigan Association of Chiefs of Police, a series of training manuals for traffic law enforcement officers.⁶² Halsey was an advocate of traffic enforcement uniformity and actively urged the adoption of the "Uniform Traffic Ticket" which has been referred to in many traffic circles as the "Michigan Uniform Traffic Ticket." A short resume of his efforts toward enforcement uniformity would seem to be appropriate to set the stage for his comments and efforts in behalf of the use of written warnings.

As a member of the Traffic Committee of the Michigan Association of Chiefs of Police, Halsey helped to set up a "unit" system to assist officers in determining when to

⁶²Maxwell Halsey, "Increased Officer-Violator Contacts," The Traffic Digest and Review, III (September, 1955), p. 20.

ignore, warn, cite or arrest for traffic violations.⁶³ This "unit" system was to be used in conjunction with the "uniform ticket" which listed the six principal violations which experience in Michigan had indicated were the six violations involved in the majority of accidents.⁶⁴ These violations were: (1) speed, (2) left turns, (3) right turns, (4) traffic signals, (5) stop signs, and (6) passing.⁶⁵

In 1948, five cities in Michigan were designated as pilot cities to put into operation the "unit" system; and Halsey reported at the 1948 National Safety Congress that results up to that time were gratifying.⁶⁶

At the above meeting, Halsey made the following statement which shows quite clearly his views on the use of written warnings in traffic law enforcement:⁶⁷

It is generally agreed that the total number of official police contacts with motorists represents the total educational pressure exerted by enforcement efforts to encourage voluntary compliance with traffic laws on the part of motorists.⁶⁸

⁶³Maxwell Halsey, "Uniform Enforcement," National Safety Council Transactions, I (1948), p. 8.

⁶⁴Halsey, "Increased Officer-Violator Contacts," p. 26.

⁶⁵Ibid., p. 26-27.

⁶⁶Halsey, "Uniform Enforcement," p. 10.

⁶⁷It is not certain that these views were those of the majority of the committee members. This statement is based on conversations with members of the Michigan State Police and members of Michigan municipal departments who asked that they not be quoted on this subject.

⁶⁸Ibid., p. 9.

Halsey contended that oral warnings could not be counted on as a legitimate educational contact since they too often resulted in the violator congratulating himself on having talked the officer out of a ticket.⁶⁹ He published his belief that "In the absence of such a system . . . written warnings . . . most of the marginal violators continue on their way without benefit of any restraining action."⁷⁰

Halsey believed that both the conscientious police administrator and police officer would like to increase the number of officer-violator contacts but realize that greatly increased contacts resulting in fines would cause repercussions from both the public and the official family (i.e., judges, city manager, mayors).⁷¹

Halsey's sentiments on the value of written warnings are summarized in a section of an article which he authored for Traffic Digest and Review:

In these days of increasing traffic volumes and increasing accidents with nothing like a corresponding increase in enforcement personnel, the most promising immediate safety pressure appears to be in the area of stopping more motorists under conditions where it can be made to appear reasonable. The opportunity to make more stops via the warning plan appears to be potentially much greater than via the increase in "go to court" type of tickets.⁷²

⁶⁹Ibid.

⁷⁰Ibid.

⁷¹Maxwell Halsey, "A Uniform Enforcement Policy," Journal of Criminal Law and Criminology, XXXVII (July-August, 1946), p. 158.

⁷²Halsey, "Increased Officer-Violator Contacts," p. 23.

It must be pointed out here that Halsey's definition of a written warning and that used in this study are not the same. Halsey's "notice of violation" would be issued on a regular "uniform traffic ticket" form and the recipient would have to present his copy to the local violations bureau for processing. If the recipient had either a minor or no previous driving record and the offense for which the "notice of violation" was issued was not serious, the recipient would receive no further action. However, should the driver's record show numerous violations in a relatively short time, the "notice of violation" would then become a summons and the recipient would have to appear in traffic court.⁷³ As defined in this study, a written warning is any notice of violation not requiring judicial action and is not influenced by any prior records.

Evaluation of the Work of Maxwell Halsey

A study of Halsey's writing gives the impression that he was a prolific writer and an ardent worker for uniformity in traffic law enforcement.

As an advocate of written warnings, it would seem that he crystallized some of the thinking of others in the traffic field and did extensive work on determining criteria

⁷³Halsey, "Uniform Enforcement," (Paper read at General Session of the 1948 National Safety Congress, Chicago, Illinois, October 18, 1948), p. 15.

for various degrees of enforcement action. He failed, however, to conduct, or at least publish, any studies on the relative effect of the written warning on future driving behavior or the extent of the use of written warnings. His comments in these two fields are similar to those of the other authorities discussed who based their viewpoints on the system largely on personal opinion or isolated local experiences.

VII. OVER-ALL EVALUATION OF AVAILABLE LITERATURE

In the available literature on the subject, there are strong opinions on the part of most of the writers that written warnings have a definite place in a traffic law enforcement program. This viewpoint is based largely on personal opinion and isolated experiences, the benefit of controlled scientific studies concerning the effect of written warnings on the future driving behavior of the recipient being limited to one author.

It is also evident that little research has been conducted to discover the extent of the use of the system. Only two references were found in this regard. One recorded in 1953, 225 cities reported to the National Safety Council that they were issuing written warnings for some hazardous

moving violations.⁷⁴ The other, the Smith-LeCraw Study, already referred to, which indicated that in 1947 only one state traffic law enforcement agency was using a ticket-only system.⁷⁵

It would seem, since so little research has been conducted in this area and yet many authorities advocate the use of written warnings, this area is a primary field for future traffic law enforcement research.

⁷⁴International Association of Chiefs of Police, The Police Yearbook, 1955 (Washington, D.C.: International Association of Chiefs of Police, 1955), p. 225.

⁷⁵Smith and LeCraw, "Speed Laws and Enforcement," Traffic Quarterly, 1 (April, 1947), p. 129.

CHAPTER III

EXTENT OF THE USE OF THE WRITTEN WARNING

I. NUMBER AND TYPE OF STATE AGENCY

USING AND NOT USING

Of the forty-eight agencies responding to the questionnaire, twenty-three were state police agencies (agencies having and exercising full police powers in their state) and twenty-five were highway police (agencies which may or may not have full statutory police power but ordinarily confine their duties to enforcement of the motor vehicle statutes of their state). Thirty-three agencies reported that they are currently issuing written warnings in certain traffic law violations. The remaining fifteen do not use the written warning system and make it a policy to issue a ticket when written enforcement action is taken by one of their officers. Table I indicates the above information by agency.

In dividing the returns into two types of agencies, state police and highway patrol, it was found that twelve (52 per cent) of the twenty-three state police agencies use written warnings while eleven (48 per cent) do not. In the

TABLE I

USE OF WRITTEN WARNING BY STATE AGENCY

<u>State Agency</u>	<u>Use Written Warning</u>
Alabama Highway Patrol	YES
Alaska State Police	YES
Arizona Highway Patrol	YES
Arkansas State Police	YES
California Highway Patrol	NO
Colorado State Patrol	YES
Connecticut State Police	YES
Delaware State Police	YES
Florida Highway Patrol	YES
Georgia State Patrol	YES
Idaho State Police	NO
Illinois State Highway Police	YES
Indiana State Police	YES
Iowa Highway Patrol	YES
Kansas Highway Patrol	YES
Kentucky State Police	NO
Louisiana State Police	NO
Maine State Police	YES
Maryland State Police	YES
Massachusetts State Police	YES
Michigan State Police	NO
Minnesota Highway Patrol	YES
Mississippi Highway Patrol	YES
Missouri State Highway Patrol	YES
Montana Highway Patrol	YES
Nebraska Safety Patrol	YES
Nevada Highway Patrol	NO
New Hampshire State Police	NO
New Jersey State Police	YES
New Mexico State Police	NO
New York State Police	NO
North Carolina State Highway Patrol	NO
North Dakota Highway Patrol	YES
Ohio State Highway Patrol	YES
Oklahoma Highway Patrol	NO REPLY

TABLE I (continued)

USE OF WRITTEN WARNING BY STATE AGENCY

<u>State Agency</u>	<u>Use Written Warning</u>
Oregon State Police	YES
Pennsylvania State Police	YES
Rhode Island State Police	NO
South Carolina Highway Patrol	YES
South Dakota Highway Patrol	YES
Tennessee Highway Patrol	NO
Texas Highway Patrol	YES
Utah Highway Patrol	YES
Vermont State Police	NO
Virginia State Police	NO
Washington State Patrol	YES
West Virginia State Police	NO
Wisconsin Highway Patrol	YES
Wyoming Highway Patrol	YES

case of highway patrols, twenty-one (84 per cent) make use of the written warning while only four (16 per cent) do not.

After ascertaining whether the agency used the written warning system or not, the questionnaire asked if the respondents favored a change in their policy on written warnings in the near future. Two of the agencies, both state police, indicated that they would. Neither of these agencies uses the system at the present time, but indicated that they would like to in the future. One of these agencies indicated that a change in state executive policy would have to take place before this would be possible, while the other stated that it would require legislation.

II. POLICY OF OLD vs. NEW AGENCIES

When the research was first begun on the subject, it seemed possible that there might be a relation between the age of department and the use of the written warning. It was thought that the older agencies would not use the system while the newer would have more of a tendency to do so.

In order to test this hypothesis, a search was made through statutes in the Michigan Law Library in the State Capitol in Lansing, Michigan, to determine the actual age of the forty-eight responding agencies. This information is contained in Table II.

In cases where state police have replaced highway patrols, or vice versa, the date of origin was established

by going back to the first agency in the state which had jurisdiction over the motor vehicle laws, since this study is confined to actions taken in cases of violations of these laws.

The agencies were ranked by age from the oldest (fifty-five years) to the newest (one year), as indicated in Table III. Considering all agencies twenty-five years and older as "old" agencies and all those younger than twenty-five as "new" agencies, we find that in the last twenty-five years there has been a definite trend for agencies organized within that time to use a written warning system.

Of the twenty-nine old agencies, seventeen (fifty-nine per cent) issue written warnings and twelve (forty-one per cent) do not. Of the nineteen new agencies, seventeen (eighty-nine per cent) do use the system while only two (eleven per cent) do not.

III. USE BY GEOGRAPHIC LOCATION

When comparing the agencies which do and do not use written warnings, it seemed worthwhile to consider their geographic location, as is done in Figure I. Ten of the fifteen states not using the written warning lie east of the Mississippi River, the traditional east-west boundary, while five lie to its west. A group of five states may be noted in the East Central portion of the nation. This group includes Virginia, West Virginia, Kentucky, Tennessee and

North Carolina. Proximity may have led to a pattern in regard to the written warning, brought about by association in mutual law enforcement endeavors. Another concentration of states not using the written warning exists in the lower New England states and New York State. West of the Mississippi in the south, the only state not using the written warning is Louisiana, while in the southwest, New Mexico follows the same policy. The remaining states west of the Mississippi River not using written warnings are Idaho, Nevada, and California.

There is a possibility of a change of policy presently taking place in California where, for the first time in several years, the Highway Patrol has begun to use a defective vehicle notification. This step of warning drivers rather than ticketing them for vehicle defects may indicate the possible eventual adoption of a written warning policy in California.

All of the state law enforcement agencies are members of the State and Provincial Section of the International Association of Chiefs of Police, which is divided into four regions. Superimposing these regions is a map showing the distribution of written warnings and non-written warning states; Figure II shows that all of the regions contain both written warning and non-written warning states. The North Atlantic Region contains five non-written warning states: New York, Vermont, New Hampshire, Rhode Island,

West Virginia, and Virginia. The Mountain Pacific Region contains the next largest number with four states: New Mexico, Idaho, Nevada, and California. The Southern Region contains three non-written warning states: North Carolina, Tennessee, and Louisiana. The Southern Region state of Oklahoma failed to respond to the questionnaire and consequently, the status of the written warning is not known in that state. The North Central Region has only two non-written warning states: Kentucky and Michigan.

TABLE II

STATE TRAFFIC LAW ENFORCEMENT AGENCIES

WITH DATE OF ORIGIN

<u>Date of Origin</u>	<u>Agency</u>
1939	Alabama Highway Patrol
1959	Alaska State Police*
1931	Arizona Highway Patrol
1945	Arkansas State Police
1931	California Highway Patrol
1935	Colorado State Patrol
1927	Connecticut State Police
1925	Delaware State Police
1939	Florida Highway Patrol
1937	Georgia State Patrol
1939	Idaho State Police
1923	Illinois State Highway Police
1933	Indiana State Police
1925	Iowa Highway Patrol
1937	Kansas Highway Patrol
1932	Kentucky State Police
1932	Louisiana State Police
1921	Maine State Police
1924	Maryland State Police
1921	Massachusetts State Police
1919	Michigan State Police
1929	Minnesota Highway Patrol
1938	Mississippi Highway Patrol
1931	Missouri State Highway Patrol
1935	Montana Highway Patrol
1937	Nebraska Safety Patrol
1949	Nevada Highway Patrol
1937	New Hampshire State Police
1920	New Jersey State Police
1933	New Mexico State Police

*Formerly Alaska Territorial Police

TABLE II (continued)

STATE TRAFFIC LAW ENFORCEMENT AGENCIES
WITH DATE OF ORIGIN

<u>Date of Origin</u>	<u>Agency</u>
1917	New York State Police
1929	North Carolina State Highway Patrol
1935	North Dakota Highway Patrol
1933	Ohio State Highway Patrol
1937	Oklahoma State Highway Patrol
1931	Oregon State Police
1905	Pennsylvania State Police
1925	Rhode Island State Police
1930	South Carolina Highway Patrol
1935	South Dakota Highway Patrol
1929	Tennessee Highway Patrol
1935	Texas Highway Patrol
1941	Utah Highway Patrol
1919	Vermont State Police
1927	Virginia State Police
1933	Washington State Patrol
1919	West Virginia State Police
1939	Wisconsin Highway Patrol
1935	Wyoming Highway Patrol

TABLE III

USE OF THE WRITTEN WARNING

BY AGE OF AGENCY

<u>Rank by Age</u>	<u>Use WW</u>	<u>Age in Years</u>
1	Yes	55
2	No	43
3	No	41
4	No	41
5	No	41
6	Yes	40
7	Yes	39
8	Yes	39
9	Yes	37
10	Yes	36
11	Yes	35
12	Yes	35
13	No	35
14	Yes	33
15	No	33
16	No	31
17	No	31
18	Yes	31
19	Yes	30
20	Yes	29
21	Yes	29
22	Yes	29
23	No	29
24	No	28
25	No	28
26	No	27
27	Yes	27
28	Yes	27
29	Yes	27
30	Yes	25
31	Yes	25
32	Yes	25
33	Yes	25
34	Yes	25
35	Yes	25
36	Yes	23
37	Yes	23
38	No	23

TABLE III (continued)

USE OF THE WRITTEN WARNING
BY AGE OF AGENCY

<u>Rank by Age</u>	<u>Use WW</u>	<u>Age in Years</u>
39	Yes	23
40	Yes	22
41	Yes	21
42	Yes	21
43	Yes	21
44	No	21
45	Yes	19
46	Yes	15
47	Yes	11
48	Yes	1

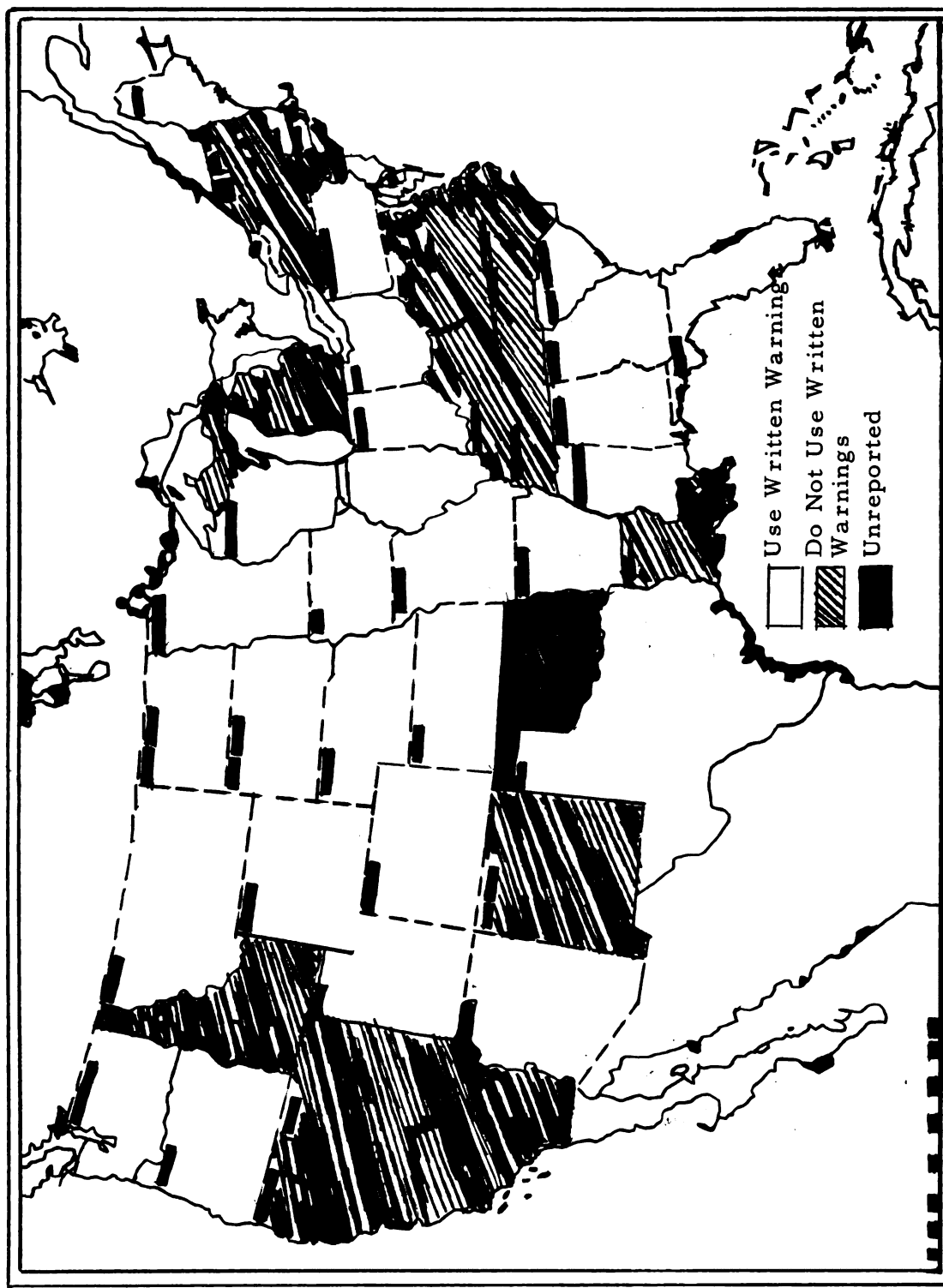


Figure 1. Geographic Distribution of Use of the Written Warning

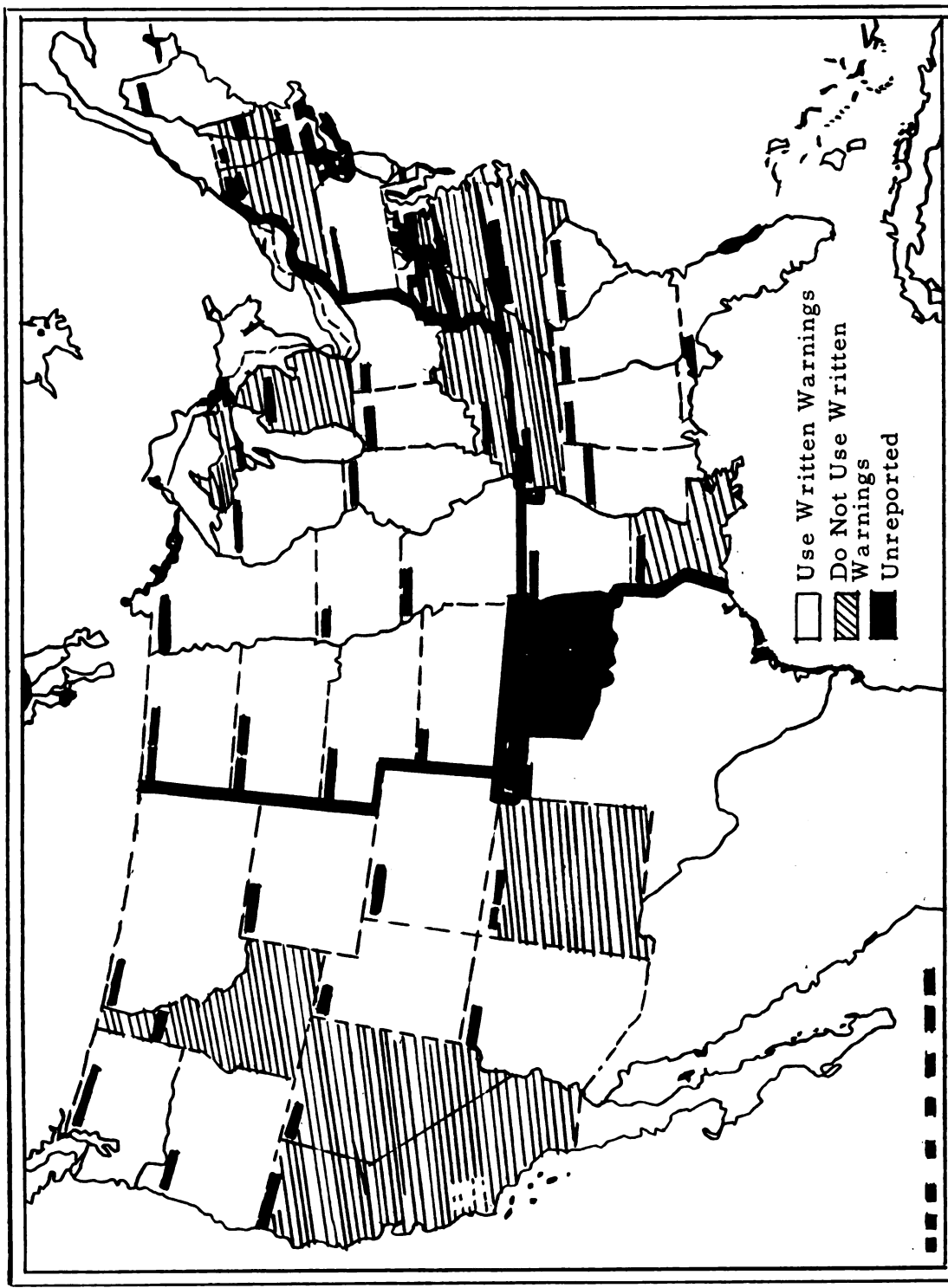


Figure 2. Geographic Distribution of Use of the Written Warning in relation to State and Provincial Section Regions

CHAPTER IV

VARIOUS FORMS FOR AND USES OF THE
WRITTEN WARNING

Each state agency was asked to return a sample of its ticket form with its completed questionnaire, and also, if they used them, copies of their written warnings and defective vehicle notifications.⁷⁶

Twenty-eight of the agencies submitted samples of their warning forms which, together with information about the use of the warnings, disclosed some admittedly involved facts about the use of the written warning in the United States.

I. TYPES OF FORMS

There was little uniformity in the forms used. The sizes varied from a three by five inch single-copy paper form used by the Arkansas State Police, to an eight by four inch card form in duplicate, printed in two colors, used by the New Jersey State Police. It was evident from this lack

⁷⁶See Appendix D.

of uniformity that little progress toward uniformity has been made since Baker's Study in 1939.⁷⁷

Information Required

Twenty-one of the twenty-five written warning forms studied contained, in a prominent location, the information that the form is a warning and not a ticket.

The following information is the minimum required on any form: Driver's name, date, driver's license number, location of violation, some description of the violation, and the issuing officer's name and badge number. In addition to this basic information, eighteen of the forms ask for additional information such as make and model of vehicle, registered owner's name and address, and additional driver identification. Nine of the forms require the driver's signature. Four ask that the driver's occupation be given.

Of the twenty-eight samples of the written warnings received from thirty-three agencies issuing them, fourteen are numbered. Possibly in these agencies in which the warnings are numbered, the forms are issued to the officer in sets and the officer is held accountable for them.

Use of Safety Message

A study of the various written warning forms shows that fourteen of the agencies use the form as an opportunity

⁷⁷ Newman F. Baker, "Traffic Tickets," Journal of Criminal Law and Criminology, XXX (May-June, 1939--March-April, 1940), p. 391.

to relay a safety message to the recipient. This message may be only a brief appeal for assistance in promoting safety on the highways. It may include safe driving tips and a rather complete safety message. A typical example of the safety message is:

Most Accidents are Caused by the Driver
Four common accident causes are:

1. The driver didn't think.
2. He didn't look.
3. He didn't know.
4. He didn't care.

Knowledge of traffic laws and attention to driving will prevent accidents and save lives.⁷⁸

On the back of the violator's copy of the warning, the Alabama State Highway Patrol prints a narrative type of safety message with strong emotional content.

Notification Information

On seventeen out of the twenty-eight samples, the recipient is notified on his copy that a copy of the written warning will be forwarded to the appropriate agency in his state for inclusion as a part of his driver's record. In Texas, just the opposite practice is followed; in bold print, the recipient is informed "THIS DOES NOT BECOME A PART OF YOUR PERMANENT DRIVING RECORD."

⁷⁸Warning of Traffic Violation, South Dakota - Department of Highway, Division of Motor Patrol.

II. USES MADE OF THE WRITTEN WARNING

Used as Part of the Driver's Record

Twenty-two of the thirty-three agencies using the written warning stated that it becomes a part of the driver's driving record. This filing is done by different branches of the state government in different states. In some states, it is done by the motor vehicle department, which seems to be the department most frequently used, while in other states it is handled by the secretary of state's office or the state law enforcement agency itself.

Used as a Legal Basis for Future Enforcement or Administrative Action

Twenty-three agencies reported that the warning can be used as a legal basis for future enforcement or administrative action.

This action may consist of: (1) Suspending the driver's license according to a pre-determined number or type of warnings or tickets or both; (2) notifying the driver to come in for a review of his record; (3) mailing the driver a letter warning him that further infractions may lead to suspension or review; or (4) taking legal action against a suspended driver who has received a warning, thereby proving that he has violated the suspension order.

Checking over the twenty-eight sample written warning forms revealed six of the state agencies, which indicated

that the written warning can be used for subsequent legal action, do not require the recipient to sign the form when it is issued to him. These states are Oregon, Utah, Connecticut, Georgia, Illinois, and South Dakota. It would seem that this lack of signature would cause serious legal questions if the driver claimed that he did not, in fact, receive a particular warning. As an example, the written warning used by the Arizona Highway Patrol requires a signature even though it is not used along with tickets to determine possible suspensions. It has often been used as legal proof that a driver whose driving privileges had been revoked or suspended was actually operating a motor vehicle. Without a signature on the written warning, it is felt that Arizona courts would not regard it as sufficient evidence to prove operation of a motor vehicle.

Length of Time Kept on File

The length of time that the various agencies keep the written warnings on file varies. Twenty agencies keep them on file permanently, two for five years, five for three years, two for two years, three for one year, and one for ninety days. All of the twenty agencies which file them permanently also use them as a basis for possible future enforcement action.

CHAPTER V

AGENCY ENFORCEMENT CRITERIA

One item on the questionnaire asked, "Can you make a general statement regarding the basis upon which your officers decide whether to disregard a violation, give an oral warning, a written warning, or a complaint?" This question was difficult to answer, as the replies received illustrate. Listed below are answers to the above question, grouped according to the type of action.

I. DISREGARD VIOLATION

Only nine out of the forty-eight responding agencies commented on disregarding a violation. It is interesting to note that seven of these nine made a point of the fact that their policy is that officers never disregard a violation. The two agencies, Arizona and South Carolina, which did sanction disregarding a violation, qualified their statements with the modification that this was to be done only when evidence available would not warrant prosecution.

The following are quotations taken from questionnaires illustrating a definite stand against disregarding any violation:

Kentucky State Police	Policy is to never disregard a violation.
Indiana State Police	We advocate enforcement action on all violations.
Minnesota Highway Patrol	Violations are not disregarded.
Nebraska Safety Patrol	All violators to be contacted.
Pennsylvania State Police	No violation observed is disregarded unless it is impractical to attempt to apprehend.
Washington State Patrol	The officer is to make a correction of every violation he observes.
Wisconsin State Highway Patrol	Violations are not disregarded.

II. ORAL WARNING

A question was asked concerning the use of the oral warning, as this type of action has often been confused with the written warning. Eleven agencies answered that they favor the oral over the written warning, twenty-eight replied they do not, and nine indicated they prefer using both types of warnings.

Of the nine agencies commenting on their criteria for the use of the oral warning, only Ohio stated that oral warnings are not sanctioned by this department under any circumstances.

The remaining agencies had the following to say about their policies:

California Highway Patrol	Oral warning for a minor driving error.
Kentucky State Police	Oral warnings and note on operator's license utilized on a limited basis.
Michigan State Police	Oral warnings are given for less serious infractions and in those instances where the officer feels he does not have sufficient facts to prosecute.
Minnesota Highway Patrol	Oral reprimands are used where the officer determines it is feasible, i.e., child walking on wrong side of road.
New York State Police	Oral warnings only given to out-of-state motorists for trivial infractions when conditions justify same.
North Carolina State Highway Patrol	Verbal (oral) warnings are used infrequently.
South Carolina Highway Patrol	Oral warnings are given only in very minor violations, or when time element is involved (emergency, etc.).
Wisconsin State Highway Patrol	Oral warnings given in situations where it is impractical to write (tickets).

III. WRITTEN WARNING

Seventeen agencies responded with comments on the criteria for issuing a written warning and it is interesting to note that one of them is a state that no longer uses the

system. Vermont, which indicated it does not issue warnings, had this to say about its policy when it did use them.

When warnings were in use, our officers would issue a written warning in cases where they observed a violation but felt that it was not serious enough to warrant taking the person into court.

Nevada was the only state that mentioned the attitude of the driver when it replied.

A very minor traffic violation wherein no person or property was endangered would in most instances receive a warning. The attitude of the offender is also considered.

The remaining fifteen agencies, all of whom use the system, had the following comments:

Alabama Highway Patrol	On border line cases and if thought the warning is sufficient to correct future driving, a written warning is given.
Alaska State Police	A determination is usually made on the basis of the 'accident hazard potential' of the particular violation, whether an oral or written warning is given.
Connecticut State Police	Borderline cases - bad but not illegal driving practices - illegal but minor or not supported by lenient court - physical or mental defect affecting operation.
Delaware State Police	In the event a Trooper observes a violation, and under the circumstances an arrest is not warranted, he is to stop the motorist and give a written reprimand.

Maryland State Police	Warnings issued when within speed tolerances or when an amount of caution is exhibited by the law violator.
Minnesota Highway Patrol	Written warning is issued for a violation which, standing alone, does not warrant an arrest.
Montana Highway Patrol	Discretion is left up to the officer on border-line cases.
Nebraska Safety Patrol	Those (violations) of a minor nature, moving violations not imposing an immediate hazard, and minor equipment and licensing deficiencies to be issued a written warning or 'must comply card'.
New Jersey State Police	Warnings are allowed within a limited area for specific violations.
Ohio State Highway Patrol	Warnings permissive on non-hazardous, or other non-flagrant violations.
Oregon State Police	Sometimes a minor violation may be committed under such circumstances that the cause of law enforcement is better served by warning.
Pennsylvania State Police	Minor violations attended by extenuating circumstances and violation of equipment requirements may warrant written warnings.
South Carolina Highway Patrol	Written warnings issued in border line cases.
Wisconsin State Highway Patrol	Written uniform tolerance tables are guide as to

whether or not a warning is to be given.

Wyoming Highway Patrol

Pertaining to written warnings, nature and circumstance of the offense and the availability of court, especially in the event of out-of-state violators.

IV. TICKET

Fifteen agencies commented on policy governing the criteria for issuing tickets for violations. Their comments appear below.

Alabama Highway Patrol

Arrest ticket is given in any case where it is thought warning will not be sufficient to correct future driving.

Georgia State Patrol

Action taken would depend upon the nature or the seriousness of the violation committed.

Indiana State Police

We advocate enforcement action on all violations whether it be a warning or an arrest it is up to the discretion of the officer.

Kentucky State Police

All others (violations) that do not receive oral or written warnings receive citations.

Louisiana State Police

Instructions to field personnel are to issue citation for any violation if evidence available will warrant prosecution, otherwise disregard.

Michigan State Police	A summons is issued primarily for hazardous moving violations and for driving without valid license.
Minnesota Highway Patrol	Complaint is used for violations of a more severe nature than that covered by oral or written warning application.
Nebraska Safety Patrol	Those (violators) involving a threat to personal safety or the welfare of others to be issued a summons.
North Carolina State Highway Patrol	Our personnel make arrests for clear cut substantial violations.
Ohio State Highway Patrol	It is directed that their (the officers') decision be in favor of complaint for clear cut hazardous violations.
Oregon State Police	Gravity of the offense dictates policy.
Pennsylvania State Police	Clear cut deliberate violations warrant arrests.
South Carolina Highway Patrol	Summons issued in all cases not covered by written or oral warning.
Washington State Patrol	The type of action taken would be dependent on the severity and the circumstances.
Wisconsin State Highway Patrol	Written uniform tolerance tables are guide as to whether or not a citation is to be given.

V. JUDGMENT OF OFFICER

The most frequent enforcement criteria mentioned was the judgment of the individual officer. In almost every case, even when specific criteria were mentioned, the implication was that a good part of the decision on what enforcement action is to be taken rests with the officer and his good judgment. How this judgment is created or molded will be taken up in the following section, but first, consider the comments of sixteen of the agencies. Many of these made comments on specific criteria for enforcement but also included the following statements along with the specifics indicated in the previous section. Five of these sixteen agencies do not use the written warning.

Arkansas State Police	This decision is left up to the individual officer.
Florida State Highway Patrol	The basis for enforcement action is left entirely to the officer except in those particular violations covered by department policy.
Georgia State Patrol	Action taken would depend upon the nature or the seriousness of the violation committed.
Idaho State Police	The nature and severity of the violation determines the decision.
Illinois State Highway Police	Own Judgment.
Indiana State Police	The seriousness of the violation from the officer's viewpoint is a deciding factor.

Iowa Highway Patrol	It is left up to the officer's good judgment.
Kansas Highway Patrol	The officer uses his own judgment issuing either a written warning or a summons.
Maine State Police	Depends on officer's judgment of which enforcement device will best correct the situation and best teach the violator the correct method of operation.
Mississippi Highway Safety Patrol	Issued on judgment of the officer.
Montana Highway Patrol	Discretion is left up to the officer on borderline cases.
South Dakota Highway Patrol	Personal judgment.
Tennessee Highway Patrol	The decision is made by the individual officer based on the circumstances and in accordance with personal opinion.
Virginia State Police	Based upon the law, experience, training and good judgment.
Washington State Patrol	The type of action taken would be dependent on the severity and the circumstances.
West Virginia State Police	Officer considers each case on its own merits, then uses his own judgment.

VI. DEFINITION OF POLICY

Of the forty-eight agencies responding, thirty-one replied that there is clearly defined or written policy

regarding the circumstances under which the various types of enforcement action should be taken. The remaining seventeen agencies replied that policy is not clearly defined in writing.

When asked when and how this definition is made, all thirty-one agencies stated that it is first done in recruit training school while twenty-two replied it is also covered in written regulations.

Seventeen agencies also said they make their enforcement policies known by other means such as: in-service training schools, personal contacts by superiors, house organs and on-the-job training. Nine agencies reported they use recruit training schools and written orders as well as some other form of instruction to make sure the department's enforcement policies are well known and that the officer's judgment is the best possible.

CHAPTER VI

ADVANTAGES OF THE USE OF THE WRITTEN WARNING

In looking at assessments of a written warning system, it is believed that a more objective approach can be gained by looking first at those advantages listed by the fifteen agencies not using the system and then at those listed by the thirty-three currently using the system.

The following statements are not proven facts, but merely opinions. However, they are the opinions of heads of traffic law enforcement agencies in forty-eight of the forty-nine states reporting and reflect the views currently prevailing on the subject of written warnings. The alternative to using opinions, such as listed here, would be to engage in another full scale research project.⁷⁹

I. ADVANTAGES CITED BY AGENCIES NOT USING THE WRITTEN WARNING

In all, five different advantages to the use of the written warning were cited by fourteen of the fifteen agencies not currently using the system. Two of these agencies

⁷⁹The need and possible procedure for such a project is outlined in the last chapter of this thesis.

believe that the written warning brings about additional contacts between field officers and violators. Two also believe that the written warning can be very advantageous to a driver improvement program.⁸⁰ This advantage would hold true only in states where the written warning is made a part of the driver's permanent record and can be legally used as a basis for some type of future enforcement or administrative action. One agency believes that the written warning makes for greater compliance with requirements for mechanical equipment. Another said the written warning promotes good public relations for the traffic law enforcement agency. The fifth advantage cited by a non-written warning agency was that the system permits some degree of enforcement action for violations when evidence necessary for prosecution is not available.

II. ADVANTAGES CITED BY AGENCIES USING THE WRITTEN WARNING

The states currently using the system listed four of the five advantages above and added twelve more. In common with the non-written warning agencies, five believe it makes for additional contacts by field officers, sixteen

⁸⁰ A driver improvement program is defined in, Driver Improvement-the Point System by B. J. Campbell (Chapel Hill, North Carolina: The Orange Print Shop, 1958), p. 13 as a program of action involving, "(1) a process of selecting drivers in need of attention, and (2) a policy of taking one of several actions toward each driver."

stated they thought the system is beneficial to a driver improvement program, eight believe it helps promote good public relations for the department, and ten agreed that it permits some degree of enforcement action for violations when evidence necessary for prosecution is not available.

These agencies found the following additional advantages: Eight believe it has good psychological effect on the recipient, six said that it makes a convenient supervisory tool for evaluating the individual efforts of the officers, and four thought the system is more effective than the use of the oral warning. Three reported they can be used to make the public aware of new or obscure statutes. Two states reported that it was a method for giving the department additional information on violations by time, date and location, which in turn assisted them in drawing up an effective selective enforcement program. Two agencies felt that it filled a gap between the oral warning and the issuance of a ticket. Each of the following advantages were listed by one agency. The written warning:

1. Does not have the stigma of arrest.
2. Reduces motor vehicle traffic violations.
3. Is the only form of non-arrest traffic enforcement that can become a part of the driver's record.
4. Enables department to obtain voluntary adherence to traffic laws from an estimated eighty-five per cent of the motoring public.

5. Gives driver definite written notice of violation.
6. Has intangible advantages that cannot be accurately measured.

III. GENERAL COMMENTS ON ADVANTAGES OF THE WRITTEN WARNING

Several of the agencies commenting on the advantages of the written warning went into considerable detail and it may be beneficial to comment on at least three of these detailed replies.

Colonel Homer Garrison, Jr., Director of the Texas Department of Public Safety, wrote this about the advantages of the system:

In other words, it (the written warning) helps to educate the public and at the same time tends to refute the charge that we are more interested in making arrests than we are in reducing the number of accidents.⁸¹

He went on to say that the paper work connected with the written warning is taken care of at the scene of issuance and only needs recapitulation on the daily activity report. The recapitulation provides a convenient supervisory tool to be used in evaluating the efforts of the individual officers.

A strong case was made for the written warning, when used in connection with the driver's operating record, by

⁸¹Colonel Homer Garrison, Jr., Written Questionnaire, dated March 8, 1960.

Carl L. Miller, Assistant Director of the Arkansas State Police. He commented,

The written warning will enable us to obtain voluntary adherence to traffic laws from an estimated 85 per cent of the motor public. It is a good public relations' tool between the state police and the public if properly used. The written warning will, when used in connection with permanent drivers' record files, provide an up-to-date driver record on all drivers, therefore, enabling us to apply corrective measures in a violation-prone driver before he becomes involved in an accident.⁸²

He went on to state that, as Colonel Garrison mentioned, it also makes for a convenient yardstick with which to measure the activity of individual troopers.

Possibly the most complete defense of the use of the written warning was given by Leo J. Mulcahy, Commissioner of the Connecticut State Police, who enclosed, with his comments, an issue of the Connecticut State Police house organ, "Between Ourselves." In this issue, dated September-October, 1958, the policy stand taken by the Traffic Committee of the International Association of Chiefs of Police, in June, 1958, was quoted and then an article under the by-line of Captain William A. Gruber, of the Connecticut State Police, outlined in detail the position on the issue taken by his organization.⁸³

⁸²Carl L. Miller, Written Questionnaire, dated March 24, 1960.

⁸³William A. Gruber, "Written Warnings Point the Way," Between Ourselves (September-October, 1958), p. 1.

Under the title, "Written Warnings Point the Way," Captain Gruber questioned the effectiveness of arrest enforcement in traffic violations making the point that the amount of deterrent effect accomplished is a matter of question. He believes that under a strict ticket-only-system, where no other enforcement action is allowed, the driver need do only one of two things: be certain that his action goes unobserved by the police, or confine his actions to border-line technical or trivial violations. Since tickets for the latter actions might not be sustained by the courts following arrest, the way is open for similar continued operation. Gruber feels that this demonstrates that the officer's hands are tied and he must daily witness potentially grave offenses with no action whatsoever on his part. He believes that this can only lead to a complete disregard for all motor vehicle laws.⁸⁴

It should be remembered that Connecticut is a "point system" state and that written warnings in that state do become part of the driver's permanent record and can be the basis for future suspension of a driver's license privilege. Gruber pointed out in this official publication that all of the accident and fatality experience on our highways is not the fault of only the deliberate violator or those drivers who disregard laws governing the most serious offenses; it

⁸⁴Ibid.

is a commonly accepted fact that the casually disregarded stop sign at five miles per hour can cause the most serious of collisions.⁸⁵

The above comments on the so-called "minor violations" can be augmented by the experiences of the researcher as a practicing highway patrolman. This condition has been so obvious to officials in Arizona that for four years they have toured the state showing, as often as possible, a color slide program entitled "Minor-Fatal Violations." This program dramatically portrays the fact that minor violations can be and often are fatal. The Connecticut State Police believe that this situation bears out the need for a stopgap that would influence those violators slipping through the net as well as those potential violators in need of an educational contact. The Connecticut State Police summed up their argument as follows: "The written warning was the answer and still is!"⁸⁶

In closing, the Gruber article went on to say that it is believed that the written warning is the best answer to the myriad offenders, real and potential, on our highways. They feel that workable and effective public relations is established through the written warning system without loss of control: "The written warning represents

⁸⁵Ibid., p. 2.

⁸⁶Ibid.

educational enforcement at its best and when supported by arrest enforcement broadens the scope of influence and effectiveness of the police." The arrest enforcement action is put in a supporting rather than a principal role, which is more often the case.⁸⁷

IV. MOST COMMON ADVANTAGES CITED

The four advantages of written warnings most often cited were that they (1) benefit a driver improvement program; (2) make for additional contacts by field officers; (3) promote good public relations; and (4) permit some degree of enforcement when evidence necessary for prosecution is not available. These most common advantages compare favorably with the advantages, cited in Chapter II, which Wilson believed the written warning had over the oral warning.⁸⁸

⁸⁷Ibid.

⁸⁸O. W. Wilson, Police Planning (Springfield, Illinois: Charles C. Thomas, Publisher, 1957), p. 155.

CHAPTER VII

DISADVANTAGES TO THE USE OF THE WRITTEN WARNING

I. DISADVANTAGES CITED BY NON-WRITTEN WARNING AGENCIES

Agencies not using the written warning found ten distinct disadvantages to their use. The most common disadvantage was the feeling that officers are inclined to use the written warning as a means of escaping the responsibility of issuing a ticket in cases which clearly call for such action. This comment was made by seven of the non-written warning states. The following disadvantages were listed by two states each:

1. It is difficult to obtain uniformity in application.
2. If a violator receives a ticket rather than a written warning he feels that he is being discriminated against.
3. There is little effect unless backed up by possible suspension action.
4. Too much time is consumed, both by the officer and clerical help, in filing and checking the written warnings.
5. There is no basis in law for such action (written warnings) on the part of the police.

As a disadvantage, one agency replied that it simply believes that the written warning has little deterrent effect. Another was stronger in its comments stating that "the written warning is the first step in breaking down of enforcement program, serves to undermine rigid structure of any enforcement action program."⁸⁹

Superintendent Francis McGarvey, of the New York State Police, was one of the spokesmen for the agencies which believe that the written warning has no legal basis and, in fact, may be illegal. McGarvey stated, "The written warning has a tendency toward the assumption of judicial powers by the executive branch."⁹⁰ This philosophy will be commented on later in the thesis, under a chapter covering the legal implications of the written warning.

II. DISADVANTAGES CITED BY AGENCIES USING THE WRITTEN WARNING

Nine separate disadvantages to the use of the written warning were found by agencies currently making use of the system. Eleven of the agencies agreed with the comments of the seven non-written warning states that the officers are inclined to use the written warning as a means

⁸⁹T. A. Welty, Written Questionnaire, dated March 18, 1960.

⁹⁰Francis S. McGarvey, Written Questionnaire, dated March 12, 1960.

of escaping the responsibility of issuing a ticket in cases which clearly call for one. This combination of agencies with the same philosophy made it clear that this particular hazard is felt to be the most serious disadvantage found in the written warning system.

Agencies using the written warning, in the number shown, also agreed with the agencies not using the system on the following four disadvantages:

1. Three agencies agreed they had little effect unless backed up by possible suspension action.
2. Two agencies agreed it was difficult to obtain uniformity in application.
3. Two agencies also felt that too much time was consumed, both by officers and clerical help, in filing and checking the written warnings.
4. One agency also felt that the violator who received a ticket felt that he was being discriminated against.

Disadvantages pointed out by the written warning agencies that were not commented on by the agencies not using the system included:

1. Two agencies felt it is possible that the system might give the public the impression that the department was minimizing traffic law violations.
2. One agency felt that issuing the written warning exposes the officer to serious injury needlessly. (Taking cognizance of the fact that there is great danger to an officer when he is outside his vehicle taking enforcement action and his exposure is increased if he is expected to issue written warnings as well as tickets.)
3. One agency felt that the system means more time consumed by the officer in report writing rather than patrol work.

4. One agency felt that the written warning has zero value in dealing with approximately fifteen per cent of the motoring public.

III. MOST COMMON DISADVANTAGES CITED

The four most common disadvantages cited were that the written warning (1) is used by some officers as a means of escaping the responsibility of issuing a ticket in cases clearly calling for such action; (2) has little effect unless backed up by possible suspension action; (3) is difficult to apply uniformly; and (4) creates feeling in violator who receives a ticket that he is being discriminated against.

It is interesting to note that, in 1946, Maxwell Halsey cited many of these same disadvantages to the use of written warnings in the supplement to a training manual prepared for the Michigan Association of Chiefs of Police.⁹¹ He wrote, at that time, that unless carefully administered a written warning system could encourage officers to substitute warnings for an action which would produce a fine and gave the officer an easy "out" when he found a case with extenuating circumstances.⁹²

⁹¹Maxwell Halsey, The Value of Convertible Written Warnings to Traffic Violators in a Traffic Law Enforcement Program (Lansing: Michigan Association of Chiefs of Police, 1946), p. 2. (Mineographed.)

⁹²Ibid.

Halsey felt, however, that "in spite of these defects, warnings have value as an enforcement tool just as does the automobile as a transportation tool. The defects in some warnings are certainly no greater than were the defects in the original Model T Ford."⁹³

Halsey believed that written warnings were only part of the police traffic enforcement program and that many of the evils of the written warning could be overcome by substituting a "notice of violation" for the written warning.⁹⁴ Halsey's "notice of violation" idea has been discussed in Chapter II.

IV. GENERAL COMMENTS ON DISADVANTAGES OF THE WRITTEN WARNING

In the above sections, the more common objections to the use of the written warning have been enumerated. This section will cite some specific comments on disadvantages to the system.

One agency argued strongly that the long range effect of the written warning is one of poor rather than good public relations. This agency believes that the written warning conditions the driving public to expect no more than a warning for the most flagrant violation and even

⁹³Ibid.

⁹⁴Ibid., p. 3.

to think they are being discriminated against if they receive a ticket.⁹⁵

Another agency summed up the disadvantages of the system by saying that it tends to by-pass duly constituted judicial authority in favor of bureaucracy, prevents the accused from having his day in court and tends to lower the arrest rate which this agency feels is not in the public interest. The head of this agency stated that in twenty-seven years as a law enforcement officer he has seen no advantage to such a system.⁹⁶

The Tennessee Highway Patrol also said that when written warnings were in use in that state arrests dropped and it was thought that this was caused by the officers' issuing written warnings for clear-cut violations when arrests should have been made. Major Henry M. Heer, Administrative Assistant of that Department, reported that the use of the written warning had been discontinued several years ago, but that the system could be advantageous in connection with a driver improvement program.

The West Virginia State Police, as their comments on the disadvantages to the system, forwarded a report by Lieutenant T. A. Welty, of their accident bureau, in which he wrote:

⁹⁵Agency requested it not be quoted by name.

⁹⁶Agency requested it not be quoted by name.

The written warning for moving hazardous violations is the first step in breaking down for an enforcement program. The news gets around that there is a strong possibility the corrective action for a violation may be a warning--hence the so what attitude is developed among our drivers. When enforcement agencies do not use fair, impartial and rigid techniques in their enforcement programs, they are contributing to the development of a disrespectful attitude toward traffic laws and regulations. The written warning serves to undermine the rigid structure of any enforcement program.⁹⁷

Major C. R. Williams, of the Enforcement Division of the North Carolina State Highway Patrol, made the point that the simple allegation that some driver has committed an offense does not warrant a suspension of the driver's driving privilege. He made this point very clear when he wrote, "The burden of proof rests upon the state to convict on evidence or suspend on record."⁹⁸

One of the most outspoken critics of the written warning system is Bernard R. Caldwell, for many years head of the Traffic Division of the Los Angeles Police Department, later Commissioner of the California Highway Patrol and, since January 1960, Director of the Traffic Institute, Northwestern University, Evanston, Illinois. He has consistently opposed the use of the written warning as defined in this paper. He is convinced that written warnings, as

⁹⁷T. A. Welty, Written Questionnaire, dated March 18, 1960.

⁹⁸C. R. Williams, Written Questionnaire, dated March 8, 1962.

well as notices of vehicle equipment violation, are a sign of poor training, poor administration, poor supervision and poor enforcement. He feels that the recipient of a written warning in one stance feels discriminated against while in another thinks he has gotten the better of the officer and has written proof of it. Caldwell does not believe it proper to put a traffic officer in the position where this type of thing can occur.

Most of these opinions were already well known to the researcher prior to beginning work on this thesis but were restated to him in a personal interview with Mr. Caldwell, at the Traffic Institute, in March, 1960. The comments of Mr. Caldwell and the heads of the fifteen agencies not using the system of written warnings should be studied carefully and given ample consideration by those interested in the problem. The views of these men reflect the thinking of some of the most outstanding administrators in the United States traffic law enforcement circles.

CHAPTER VIII

ANALYSIS OF THE NUMERICAL DATA

In analyzing the numerical data gathered by the questionnaire it was found, as is indicated in Table IV, that a total of 4,559,593 tickets were issued in 1959 by forty-seven state traffic law enforcement agencies. The Georgia State Patrol replied that this information was not available for their organization.

The thirty-three agencies that issue written warnings replied that they issued a total of 3,015,705 written warnings in 1959.

Twenty-eight agencies furnished information on total numbers of defective vehicle equipment notifications issued in 1959 and this figure came to 2,159,795.

Adding the total 1959 written enforcement contacts (tickets, written warnings, and defective vehicle equipment notifications), made by state traffic law enforcement agencies, we find that the total contacts were 9,735,093.

In 1955, Halsey stated that many police administrators felt that the ratio of written warnings to tickets

should be approximately ten to one.⁹⁹ Looking at the figures and ratios in Table IV, we can see that few of the state agencies come close to this ratio. The Delaware State Police and Wyoming Highway Patrol come closest with a ratio of approximately 8.5 warnings for each ticket.

The Illinois State Highway Police and Mississippi Highway Patrol are at the other extreme and show a ratio of warnings to tickets of approximately .055 to 1.

Considering all of the agencies which reported their 1959 written enforcement contacts, we find that the ratio of tickets to warnings is approximately 1.5 to 1.

Taking only the ticket figures (2,349,547) from states issuing written warnings, we find the ratio drops to .77 tickets to 1 warning. Or, applied as warnings to tickets, 1.3 to 1.

In any event, none of these ratios compare favorably with that acceptable to the police administrators Halsey mentioned. One possible reason for this discrepancy is that Halsey did most of his studies and planning with municipal agencies, and these ratios and figures are for state traffic law enforcement agencies only.

Question number seventeen of the questionnaire asked for the total number of traffic officers employed by the

⁹⁹Maxwell Halsey, "Increased Officer-Violator Contacts," The Traffic Digest and Review, III (September, 1955), p. 24.

department in 1959. The answers to this question suggest that many of the agencies misinterpreted the question. Rather than present figures which would cause confusion, or allow for misinterpretation, they have been omitted from consideration here.

CHAPTER IX

LEGAL STATUS OF THE WRITTEN WARNING

The use of the written warning for certain violations of traffic laws creates two main legal questions. These questions are voiced repeatedly by both proponents and opponents of the system.

1. Can the written warning when it becomes part of the recipient's driving record be used as a basis for future enforcement or suspension action on behalf of the driver licensing authority?
2. Does a department or an officer of a department have the legal authority to issue a written warning when he observes a violation of a traffic statute?

The first question has been covered in the chapter on the forms and uses of the written warning. Facts and figures were quoted from the various states which can legally carry out this type of operation.

Although the second question has been mentioned, its legal aspect has not been considered. For authoritative legal opinions on this subject, two outstanding traffic law attorneys were consulted: Robert L. Donigan, Legal Counsel for the Traffic Institute, Northwestern University, and Lillian Banahan, Assistant to the Director of the Traffic Court Program of the American Bar Association. Besides his

long career with the Traffic Institute, Mr. Donigan has authored several texts on traffic law and is a regular member of the National Committee on Uniform Traffic Laws, which is largely responsible for compiling the Uniform Traffic Code.

In a personal interview at Northwestern University, Mr. Donigan offered the opinion that he could see no legal question at all involved in the issuance of a written warning for certain violations of the traffic laws. He feels that a traffic officer is expected to use judgment in any enforcement action and if his judgment dictates the use of a written or oral warning rather than a ticket, he has every legal right to do so. He compared the situation of an officer deciding what action to take to that of the prosecuting attorney deciding whether or not to prosecute a case. Both are members of the executive branch of government and have no authority to take judicial action, but they do have to exercise ordinary judgment in every phase of their operations or they would be useless to the unit of government which they have sworn to serve.

Lillian Banahan, in April of 1960, had essentially the same comments to make and, after studying both the questionnaire and covering letter used in this research, could offer no other opinion but that there seems to be no legal question involved in the use of the written warning.

In attempting to get opinions on this subject from various members of the judicial branch of the government, the researcher was confronted with almost unanimous reluctance to comment on the subject and complete reluctance to be quoted. One Michigan Municipal Judge summed up the general opinion when he stated that a court has no interest in a case until it gets to it, and when it does it would decide upon it. The members of the bench contacted feel that they should not comment or be quoted on a subject upon which they might possibly have to rule at some future date.

CHAPTER X

RESULTS AND CONCLUSIONS

I. RESULTS OF STUDY

The study has brought together substantial information concerning the written warning and how it is currently used by state law enforcement agencies in the United States. The data may be summarized in nine major headings:

1. Thirty-three of the forty-eight agencies responding to the questionnaire indicated that they are currently using written warnings.
2. Of the forty-eight agencies responding, fifteen do not currently use the written warning, but when asked if they favored a change in this policy, two of these fifteen answered in the affirmative. None of the thirty-three using the written warning favored discontinuing their policy.
3. Of the forty-eight agencies responding, eleven advocated the use of the oral warning rather than the written, twenty-eight did not, and nine advocated using both oral and written warnings.
4. When asked to make a general statement regarding the basis upon which an officer decided what type of

enforcement action to take, the greater share of the agencies responding stated it was an exercise of the individual officer's judgment.

5. Thirty-one of the forty-eight agencies indicated that clearly defined or written policy governing the circumstances under which to use different types of enforcement action exists within their agencies. The methods by which this policy is made known to the officers varied.
6. In two-thirds of the states reporting, the written warning becomes a part of the recipient's driving record and in a slightly higher number of the states it can be used as a legal basis for future administrative or enforcement action.
7. Only four of the agencies using the written warning reported that they have no form for advising a motorist of defective vehicle equipment, and the same was true for eight of the agencies which do not use the written warning.
8. When asked if the ratio of tickets to warnings remained approximately the same from year to year, twenty-six of the thirty-three agencies reported yes, five no, and two of the agencies had not had the plan in operation long enough to answer. Here it was interesting to note that whereas seventy-nine per cent of the agencies reported the ratio stayed

about the same, only twenty-eight per cent stated that their officers are expected to maintain this ratio and five per cent declined altogether to answer the question.

9. Geographic location has little or no bearing on an agency's decision to use or not use the written warning.

II. CONCLUSIONS

It can be concluded from the above results that:

1. The interest displayed for research into the subject of the written warning by the Traffic Committee of the International Association of Chiefs of Police is justified since sixty-eight per cent of the responding forty-eight state traffic law enforcement agencies currently use the system. Also, none of the thirty-three agencies using the system contemplate or favor a change in this policy.
2. Two of the agencies not now using the written warning favor a change in policy which would allow its use.
3. Thirteen of the fifteen agencies not using the written warning advocate the use of oral warnings and nine of the agencies using the written warnings believe that both can be used effectively. The figures indicate that the use of traffic tickets

alone does not make for a complete traffic enforcement program. This agrees with the 1947 Smith and LeCraw Study, mentioned on page 32 where it was found that only one state practiced a "ticket-only" system.¹⁰⁰

4. Most of the agencies reporting believe that it is the officer's prerogative to decide what type of enforcement action he is to take when he has witnessed a traffic violation. However, two agencies made particular mention of the fact that they have detailed enforcement policies which are designed to act as specific guides to the individual officer's judgment. It would seem that the work of Halsey and others, cited in Chapter II, toward uniform traffic law enforcement standards has not had a decided effect on state traffic law enforcement agencies.¹⁰¹
5. Those agencies which do not have specific guides for enforcement action do provide intensive training to enable their officers to make sound judgments. This training is carried out in recruit schools, by on-the-job training, or by study of written regulations. In many of the departments a combination of these methods is used.

¹⁰⁰Wilbur S. Smith and Charles S. LeCraw, Jr., "Speed Laws and Enforcement," p. 129.

¹⁰¹Maxwell Halsey, "Uniform Enforcement," p. 8.

6. Two-thirds of the agencies using the written warning make it a portion of the driver's record so that it can be referred to when the occasion demands.
Seventy-nine per cent of the agencies reported that the written warning can be used as a legal basis for later enforcement or administrative action. In the agency that does not use it for future action, the warning is kept in police files and is used to check on the possibility that the recipient may have been operating a vehicle while his driving privilege had either been suspended or revoked.
7. In the case of the agencies using the written warning, only four of the thirty-three agencies reported they have no form, or do not use the written warning form, to notify an operator about faulty vehicle equipment. Seven of the fifteen agencies not using the written warning have some method of gaining compliance with equipment statutes short of issuing a regular ticket requiring court action.
8. Although a large share of the agencies using the written warning stated the ratio of tickets to warnings remained approximately the same each year, most were very emphatic in pointing out that their officers are not expected to maintain this ratio. Here probably can be seen the strong reaction of traffic law enforcement officers to anything which

even remotely suggests a quota system of enforcement.

9. Individual departmental philosophy is of more importance in a policy decision of this type than geographic area since in different geographic areas agencies were found that do and do not use the written warning.

III. NEED FOR FURTHER STUDY

This preliminary study points out that more research is needed before any factual statement can be made concerning the real value of the written warning as a deterrent to motor vehicle traffic violations.

There is need for a detailed, scientific study, or studies, which would accurately measure and compare the deterrent effects of tickets and written warnings. As was mentioned in Chapter II concerning Wilson's Wichita Study, this problem is not an easy one to submit to scientific analysis. Keeping in mind the growing use of electronic data processing equipment (which was not available at the time Wilson conducted his study), an accurate, controlled series of studies would seem possible at this time. Such a method of study would require substantial time and effort and a corresponding amount of funds so that an adequate sample and sound research procedures could be utilized.

One method of study would be to use Wilson's paired grouping procedure and add to it the necessary safeguards to make the procedure sound.¹⁰² It is apparent that this would call for controlling exposure, education and other variables.

Robert P. Shumate, Director of Research of the Field Service Division of the International Association of Chiefs of Police, stated that another method of research in this area might be less time-consuming and less dependent on the many variables listed above. He suggested, in a conversation at the Traffic Committee meeting of the I.A.C.P., in June, 1960, that a method similar to one he is currently using on a speed study might be adapted to a study of behavior following various types of enforcement action. His suggestion would utilize a radar speed measuring device connected with a camera which records the speed of a vehicle together with a photograph of the vehicle showing its make, model and license plate number.

As he envisioned the problem, he would set up such a device five to ten miles down the highway from where enforcement action would be taken and then compare the vehicle's speed, at this point, with the type of enforcement action taken. A serious limitation to this type of study is

¹⁰²O. W. Wilson, "Police Control of the Automobile Driver," Journal of Criminal Law and Criminology, XXX (May-June, 1939--March-April, 1940), p. 91.

that it would measure subsequent behavior in terms of speed alone and would not be able to take into consideration other types of driver behavior or the duration of the effect.

In a May, 1960 conversation with Commissioner Joseph Childs of the Michigan State Police, he stated that such research would be of great assistance to him as he is currently studying the possibility of reintroducing the written warning system and is hampered in his decision by the lack of such information.

The need for further and more detailed study is also suggested by one representative instance which was brought to light during this research. The states of North and South Carolina, which have many miles of common border and have similar motor vehicle death rates per one hundred thousand population, disagree about the value of written warnings.¹⁰³ Authorities from the North Carolina Highway Patrol, in answering the questionnaire, flatly stated that "written warnings have little bearing on the conduct of drivers."¹⁰⁴ The South Carolina Highway Patrol stated that "no disadvantages (to the use of written warnings) can be cited, since it is evident that the written warning program is

¹⁰³ National Safety Council, Accident Facts, 1959 Edition (Chicago: National Safety Council, 1959), p. 44.

¹⁰⁴ C. R. Williams, Written Questionnaire, dated March 8, 1960.

serving as a great factor in accident prevention."¹⁰⁵ As can be noted from previous statements quoted in the body of the research, these statements are typical of the two views of the system, but they seem more significant when consideration is given to the close geographic proximity and very similar traffic records of the agencies expressing the conflicting viewpoints.

Since sixty-eight per cent of the forty-eight state agencies reporting currently use the written warning, it would seem that as far as state agencies are concerned, there is neither approval nor disapproval of the use of written warnings. It would be interesting to develop a study similar to the one outlined in this paper, which would encompass a representative sample of municipalities to determine whether or not municipalities are inclined to use written warnings.

From reading done concerning the use of the written warning, it was discovered that one municipality which uses the system is enthusiastic about its results. Deputy Chief of Police Neal Chevalier, of Sayreville, New Jersey, has this to say about the use of the written warning in his locality: "The ability to issue a warning citation would vastly increase, therefore, the number of contacts between trained law enforcement officers and the driving public,

¹⁰⁵P. F. Thompson, Written Questionnaire, dated March 11, 1960.

with every indication of bringing greater safety to our highways."¹⁰⁶

In summation, it would seem desirable to conduct further research into two general areas: (1) the effect on a recipient's future driving record based on whether he received a written warning or a ticket; and (2) the extent of the use of the written warning by municipalities in the United States.

¹⁰⁶ Neal Chevalier, "The Warning Ticket of Sayreville (N.J.)," Law and Order, Vol. 7, No. 11 (November, 1959), p. 11.

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APPENDICES

APPENDIX A

RESEARCH METHODOLOGY

RESEARCH METHODOLOGY

Upon consultation with members of the staff of the School of Police Administration, in December of 1950, it was determined that the best approach to the problem would be a mailed questionnaire directed to the heads of the forty-nine state traffic law enforcement agencies.

I. PREPARATION OF THE QUESTIONNAIRE

Purpose

The purpose of the questionnaire was to obtain from each agency its policy concerning the use of the written warning. (As used here, "policy" has been defined as: "A general statement of how they go about accomplishing their objectives.") It was designed to gather as much information as possible about how the written warning system was administered in the several states, as well as how extensively the system was used within and among those states. An important function of the questionnaire was to determine from both those who did and those who did not use the system precisely what they believed its advantages and disadvantages to be. The questionnaire also was designed to discover the quantities of written warnings, tickets, and defective vehicle equipment notices which were issued during the year 1959. Another purpose of the questionnaire was to obtain permission from the executives of the various agencies to

quote their information and opinions in the body of the study in order to give a necessary weight of authority to the answers.

Basis of Question Selection

An original list of twenty-five questions was reduced to eighteen and, with definitions and explanatory material, resulted in a three-page questionnaire (See Appendix). The following is a brief description of the content of each question with an explanation of why this material was needed.

Question number one, inquiring if the department was currently using the written warning, was asked in order to determine the extent of the use of the system.

Question number two, asking if the department was anticipating any change in policy toward the system, was designed to determine if any agencies using the system planned or wished to discontinue the use of the written warnings and if those not using them planned or wished to begin using written warnings.

Question number three asked whether or not the agency advocated the use of the oral warning rather than the written warning, or if they advocated the use of both. This question was designed to determine whether agencies that used one system used it exclusively.

Question number four asked if the agency could make a general statement regarding the bases upon which their

officers determined the type of enforcement action to be taken in various violation situations.

Question number five asked if the enforcement policy discussed in number four was clearly defined, or in written form, or both.

Question number six asked by what means the enforcement policy discussed in numbers four and five were made known to the officers. The agencies had the choice of indicating (a) in recruit school, (b) in written regulations or orders, or (c) other.

Question number seven asked for the number of copies and distribution of the written warning form.

Question number eight determined the use made of the written warning after its issuance. The agency had four inquiries to answer within this one main question.

Question number nine asked if the recipient was asked to sign a copy of the warning. This question was used to determine whether the agencies which indicated in number eight that they used the written warning for future enforcement action had written proof that a warning had actually been received by a particular driver.

Question number ten asked whether the department used a defective vehicle notice. This question determined whether agencies not using the written warning had some method, other than a ticket, to cause defective equipment to be repaired.

Question number eleven asked if the written warning form was used as both a warning and defective vehicle equipment notice. If so, did the agencies have some way of differentiating between the two for tabulating purposes. (If not, this had to be taken into consideration when their total number of written warnings was considered.)

Question number twelve asked for the number of traffic tickets issued by the department in 1959 (See Appendix).

Question number thirteen asked for the total number of written warnings issued by the department in 1959 in order to reflect the volume of the written warnings issued annually in the United States (See Appendix).

Questions number fourteen and number fifteen asked whether the ratio of tickets to warnings was the same from year to year and if officers were expected to maintain this ratio. It was planned that answers to these questions would put the current ratios in the proper perspective.

Question number sixteen asked for the total number of defective vehicle equipment notices issued by the department in 1959 (See Appendix).

Question number seventeen asked for the total number of officers engaged primarily in traffic enforcement during 1959. This information was requested for a contemplated comparison of the use of the written warning to manpower available for traffic law enforcement.

Question number eighteen, in combination with question number four, was the core of the questionnaire. It asked for the opinion of the executive on the advantages and disadvantages of the use of the written warning in traffic law enforcement in his jurisdiction.

II. CIRCULATION OF THE QUESTIONNAIRE

Selection of Agencies to be Polled

It was believed originally that a selected sampling of state traffic law enforcement agencies would give the desired information for this study. Further thought suggested that a truer picture could be obtained by gathering information from as many states as possible. Therefore, it was decided to send the questionnaire to the head of each state traffic law enforcement agency. This mailing list was taken from the official roster of the State and Provincial Section of the International Association of Chiefs of Police, which includes the chief traffic law enforcement officers in the United States.

Forty-nine state law enforcement agencies were to be contacted, as Hawaii, the fiftieth state, had no state-level police agency.

Selection of Method of Circulation

This subject is of interest to the International Association of Chiefs of Police. The researcher's

Superintendent is chairman of the Sub-committee on Research Projects of the Traffic Committee of the International Association of Chiefs of Police. Therefore, it was decided to circulate the questionnaire under the auspices of the Arizona Highway Patrol and the Traffic Committee of the International Association of Chiefs of Police. It was believed that these auspices enlisted fuller cooperation than would have resulted had the questionnaire been sent out solely as a project of a graduate student. To explain the reason for the questionnaire and the study, a covering letter was prepared and sent out over the signature of Superintendent G. O. Hathaway of the Arizona Highway Patrol (See Appendix).

III. QUESTIONNAIRE FOLLOW-UP REQUEST

The original questionnaires and covering letters were mailed from Phoenix, Arizona, on or before March 1, 1960. The covering letter asked that the questionnaire be returned, in the enclosed stamped and addressed envelope, to East Lansing on or before March 15, 1960. Forty of the states responded by the deadline date. By March 21, all but five states had responded. A follow-up letter and extra questionnaire were mailed to these five states on March 21 (See Appendix). By April 4, all but one state (Oklahoma) had replied and the polling was closed and tabulation and

evaluation of the information on the questionnaires was begun.

IV. EVALUATION OF INFORMATION FROM QUESTIONNAIRE

As the questionnaires were received they were checked to see if all questions had been answered. If not, an attempt was made to determine why the information was not included. In almost every instance, answers on the questionnaires were complete and detailed. Ten of the forty-eight agencies appended explanatory material which amplified their answers. This initial review of the responses made it possible to discover the extent of the use of the system, and whether or not permission was given to quote the respondent. Three agencies asked that they not be quoted.

Responses to each question were tabulated. Opinion responses were listed separately. Where possible, opinion answers were later grouped according to general similarity of responses. This method was most effective in considering the advantages and disadvantages to the system.

V. PERSONAL INTERVIEWS

Personal interviews were limited to one series conducted on March 24 and 25, 1960, with (1) Bernard Caldwell, Director, Traffic Institute, Northwestern University; (2) Robert L. Donigan, General Counsel, Traffic

Institute, Northwestern University; and (3) Lillian Banahan, Assistant to the Director, Traffic Court Program, American Bar Association.

These interviews began with a brief explanation, by the researcher, of the subject under consideration. The following information was then solicited: (1) their appraisals of the questionnaire and cover letter; (2) their opinion of the extent to which the study should be carried on; (3) their answers to several specific questions on the use of the written warning in traffic law enforcement; and (4) their general comments on the subject.

APPENDIX B

QUESTIONNAIRE

QUESTIONNAIRE

AGENCY _____

Definitions: As used in this questionnaire a "written warning" is any written notice of violation, not requiring judicial action, given to a traffic violator which may or may not become a part of his driving record.

A "complaint" is what is known by various terms such as: ticket, summons, citation, etc.

1. Are you currently issuing written warnings?_____.
2. Do you anticipate, or favor, a change in this policy in the near future?_____.
- Please explain._____.
- _____.
3. Does your department advocate the use of the oral warning rather than the written warning?_____.
- Both?_____.
4. Can you make a general statement regarding the basis upon which your officers decide whether to disregard a violation, give an oral warning, a written warning, or a complaint?_____.
- _____.
- _____.
5. Is there clearly defined or written department policy issued concerning when each action should be taken?_____.

6. If clearly defined, when and where is this done? a. In recruit school?_____, b. In written regulations or orders?_____, c. Other?_____.
7. Of how many copies does your written warning consist and what is their distribution?_____.
8. What use is made of the written warning? a. Does it become a part of the driver's driving record?_____, b. May it be used as a legal basis for future enforcement action?_____, c. How long is it on file?_____.
9. Is the recipient of a written warning asked to acknowledge its receipt by his signature?_____.
10. Does your department normally use a form for notifying an operator that his vehicle is in need of repair?
(Examples: head light out, tail light out, cracked windshield, etc.)_____.
11. If the written warning form is used for Number 10 is there a differentiation made on the form between a "repair order" and a "warning"?_____.
12. What was the total number of traffic complaints issued by your department in 1959?_____.
13. What was the total number of written warnings, not repair orders, issued in 1959 by your department?_____.
14. Does this approximate ratio prevail from year to year?
_____.
15. Are the officers expected to maintain this ratio?_____.

16. What was the total number of vehicle repair orders issued in 1959 by your department? _____.
17. What was your total number of traffic officers (field officers engaged primarily in traffic enforcement, or administration of field traffic enforcement) in 1959?
_____.
18. In your opinion what are the advantages and disadvantages derived from the use of the written warning? (Please use extra space, if desired, as this is an extremely important portion of the questionnaire) _____

For illustration purposes please enclose with this questionnaire one (1) copy of the following: 1. Traffic complaint form, 2. Written warning form, 3. Vehicle repair order form.

The extra copy of this questionnaire is furnished so you may have a file copy, if you wish.

Signature of Administrator

Title

Do we have your permission to quote your answers and comments in the research paper?_____. We will, of course, respect your wishes in this matter. However, in a work like this, facts and opinions lose a lot of their importance when the name of the authority is not mentioned.

THANK YOU FOR YOUR COOPERATION IN
ANSWERING THIS QUESTIONNAIRE

ARIZONA HIGHWAY PATROL
2010 WEST ENCANTO
PHEONIX, ARIZONA

1 March 1960

Dear

At the 1959 mid-year meeting of the Traffic Committee of the I.A.C.P. the need for research in traffic matters was once again discussed. One of the items given number one priority at that time was the written warning and its place in the police traffic enforcement effort.

An officer of this department, Sgt. T. H. Milldebrandt, is currently studying for his masters degree in Traffic Administration at Michigan State University. This study has been made possible by a fellowship from the Automotive Safety Foundation.

Understanding the need for more factual information on the subject of the written warning and the I.A.C.P.'s interest, Sgt. Milldebrandt's thesis committee has approved it as the topic for his masters degree research project and thesis subject.

The enclosed questionnaire is designed to give as complete a picture as possible of your use and/or opinions of the written warning and still not make it too time consuming for you to answer. Any additional comments or suggestions you have concerning the subject will be appreciated by all concerned.

I trust that you will give this your personal, prompt and interested attention. Sgt. Milldebrandt would like to be able to have the material back in his hands by 15 March so that he could process the information and complete his research by the 1960 mid-year meeting of the Traffic Committee.

A stamped, addressed envelope is enclosed for your convenience in returning the form and requested samples.

Page 2
1 March 1960

A copy of the completed thesis will be sent to all who participate in the research project.

Thanking you in advance for your kind cooperation in this matter and assuring you of mine in all matters of mutual interest, I remain

Very truly yours,

G. O. Hathaway, Chairman
Sub-Committee on Research Projects
Traffic Committee, I.A.C.P.

GOH/h
Enc.

922 C Cherry Lane
East Lansing, Michigan
22 March 1960

Commissioner J. Lookabaugh
State Department of Public Safety
Oklahoma City, Oklahoma

Dear Sir:

Recently Superintendent Hathaway of the Arizona Highway Patrol sent you the enclosed letter and questionnaire. The replies I have received have been very gratifying with 45 of the 50 states already returning their questionnaires. I have a rather close deadline to meet on this research project and since I have not heard from you as yet I am sending you this followup letter.

As the mailing was done from Arizona on directions from here in East Lansing any number of things could have prevented it from reaching you and being returned to me. If you do not wish to return the questionnaire could you please let me know so that I can close my mailing and begin tabulating the results?

Thanking you in advance for your cooperation in this matter, I remain

Yours truly,

Thomas H. Milldebrandt, Sgt.
Public Information Officer
Arizona Highway Patrol

Encl: Copy G.O.H. letter, 1 March
2 copies questionnaire

APPENDIX C

TABLE IV. ENFORCEMENT CONTACTS 1959

TABLE V. DEFECTIVE VEHICLE EQUIPMENT
NOTIFICATIONS ISSUED IN 1959

TABLE IV

ENFORCEMENT CONTACTS 1959

<u>Agency</u>	<u>Tickets</u>	<u>Warnings</u>	<u>Ratio Tickets To WW</u>
Alabama Highway Patrol	87,793	56,540	1.6
Alaska State Police	2,679	17,940	0.2
Arizona Highway Patrol	77,025	71,791	1.1
Arkansas State Police	38,164	84,313	0.5
California Highway Patrol	1,030,231	N.U.	
Colorado State Police	82,563	51,997	1.6
Connecticut State Police	27,651	42,469	0.7
Delaware State Police	22,546	186,103	0.1
Florida Highway Patrol	110,884	236,470	0.5
Georgia State Patrol	N.A.	93,677	
Idaho State Police	15,374	N.U.	
Illinois State Highway Police	225,000	12,355	18.2
Indiana State Police	101,948	81,236	1.3
Iowa Highway Patrol	49,718	30,636	1.6
Kansas Highway Patrol	41,153	28,026	1.5
Kentucky State Police	91,151	N.U.	
Louisiana State Police	50,372	N.U.	
Maine State Police	23,250	25,562	0.9
Maryland State Police	85,521	275,669	0.3
Massachusetts State Police	12,813	28,249	0.5
Michigan State Police	221,104	N.U.	
Minnesota Highway Patrol	50,087	46,673	1.1
Mississippi Highway Patrol	46,200	2,500	18.5
Missouri State Highway Patrol	71,948	149,018	0.5
Montana Highway Patrol	31,516	4,586	6.9
Nebraska Safety Patrol	46,913	47,263	1.0
Nevada Highway Patrol	5,000	N.U.	
New Hampshire State Police	5,967	N.U.	
New Jersey State Police	174,474	79,349	2.2
New Mexico State Police	76,277	N.U.	
New York State Police	175,642	N.U.	
North Carolina State Highway Patrol	240,016	N.U.	

TABLE IV (continued)

ENFORCEMENT CONTACTS 1959

<u>Agency</u>	<u>Tickets</u>	<u>Warnings</u>	<u>Ratio Tickets To WW</u>
North Dakota Highway Patrol	15,830	10,076	1.6
Ohio State Highway Patrol	102,060	121,602	0.9
Oklahoma Highway Patrol	NO REPLY		
Oregon State Police	71,823	114,873	0.6
Pennsylvania State Police	152,599	97,552	1.6
Rhode Island State Police	8,818	N.U.	
South Carolina Highway Patrol	127,285	360,979	0.4
South Dakota Highway Patrol	4,165	1,142	3.6
Tennessee Highway Patrol	87,203	N.U.	
Texas Highway Patrol	241,191	433,703	0.6
Utah Highway Patrol	25,262	30,739	0.8
Vermont State Police	4,848	N.U.	
Virginia State Police	163,000	N.U.	
Washington State Patrol	135,054	123,797	1.1
West Virginia State Police	35,043	N.U.	
Wisconsin Highway Patrol	59,047	27,397	2.2
Wyoming Highway Patrol	5,385	41,423	0.1

N.U. = Not Used.

N.A. = Information Not Available.

TABLE V

DEFECTIVE VEHICLE EQUIPMENT NOTIFICATIONS
ISSUED IN 1959

<u>Agency</u>	<u>Defective Equipment Violation</u>
Alabama Highway Patrol	N.U.
Alaska State Police	10,088
Arizona Highway Patrol	47,879
Arkansas State Police	120,679
California Highway Patrol	NEW
Colorado State Patrol	5,582
Connecticut State Police	40,661
Delaware State Police	N.A.
Florida Highway Patrol	197,965
Georgia State Patrol	N.A.
Idaho State Police	N.U.
Illinois State Highway Patrol	N.U.
Indiana State Police	41,343
Iowa Highway Patrol	118,310
Kansas Highway Patrol	N.A.
Kentucky State Police	29,298
Louisiana State Police	259,031
Maine State Police	96,176
Maryland State Police	N.A.
Massachusetts State Police	24,959
Michigan State Police	N.U.
Minnesota Highway Patrol	71,677
Mississippi Highway Patrol	N.A.
Missouri State Highway Patrol	N.A.
Montana Highway Patrol	24,714
Nebraska Safety Patrol	115,252
Nevada Highway Patrol	N.A.
New Hampshire State Police	12,641
New Jersey State Police	N.U.
New Mexico State Police	N.U.
New York State Police	N.U.
North Carolina State Highway Patrol	N.U.
North Dakota Highway Patrol	18,152
Ohio State Highway Patrol	202,949
Oklahoma Highway Patrol	NO REPLY

TABLE V (continued)

DEFECTIVE VEHICLE EQUIPMENT NOTIFICATIONS
ISSUED IN 1959

<u>Agency</u>	<u>Defective Equipment Violation</u>
Oregon State Police	N.U.
Pennsylvania State Police	75,866
Rhode Island State Police	37,561
South Carolian Highway Patrol	150,264
South Dakota Highway Patrol	8,913
Tennessee Highway Patrol	N.U.
Texas Highway Patrol	260,008
Utah Highway Patrol	12,457
Vermont State Police	20,182
Virginia State Police	N.U.
Washington State Patrol	46,676
West Virginia State Police	61,146
Wisconsin Highway Patrol	106,251
Wyoming Highway Patrol	N.A.

N.U. = Not used.

N.A. = Information not available.

APPENDIX D

DEFECTIVE VEHICLE EQUIPMENT NOTIFICATION

DEFECTIVE VEHICLE EQUIPMENT NOTIFICATION

As the written warning has been defined for this research project it does not include written enforcement action that brings about compliance with equipment statutes of the various motor vehicle codes. However, information on this type of enforcement action was also obtained by the questionnaire. Of the forty-eight agencies reporting, twenty-five (52 per cent) make use of a separate form to advise a driver of an equipment violation. Twelve agencies (25 per cent) do not make use of such a form, while eleven (23 per cent) of the total agencies reporting stated they make use of their written warning forms for this purpose as well as for other violations.

Looking at only the agencies using the written warning, eighteen (55 per cent) make use of a separate form for equipment violations while only four (12 per cent) of the thirty-three do not use any type of form for this purpose.

Of the fifteen agencies not making use of the written warning, seven (47 per cent) do have some type of equipment violation form while eight (53 per cent) do not. In both the written warning and non-written warning agencies that do not use some special type of notification form for defective vehicle equipment violations, the policy is to issue a ticket requiring court action against the violator.

Experience in Arizona has shown that when following the ticket practice, if the defective equipment is repaired before the court appearance on the ticket, the court often suspends sentence or dismisses the ticket entirely. In those states using defective vehicle equipment notifications, the violator simply has to get the repairs made within a specified period of time, usually five days, and either have the vehicle inspected or return a postcard proving that the fault has been corrected.

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