



ANNE ARUNDEL COUNTY
ANNAPOLIS, MARYLAND 21404

May 1, 1982



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The Honorable Robert A. Pascal
County Executive
Arundel Center
Annapolis, Maryland 21401

Dear Mr. Pascal:

The Anne Arundel County Task Force on Drinking and Driving submits herewith its preliminary report.

The Task Force first met on January 19, 1982, and has met weekly since that time. In accordance with your charge to us, the Task Force set as its goal the development of recommendations which, if implemented would result in a reduction of death, personal injury and property damage caused by the drinking driver.

To date, the work of the Task Force has been accomplished primarily by four subcommittees. Each member of the Task Force has participated in the deliberations of at least one of the subcommittees. The full reports of the subcommittees are attached hereto, and we urge you to study these reports in detail as the recommendations set forth here are only a brief statement of the findings and conclusions reached.

The subcommittee recommendations are as follows:

Treatment Subcommittee:

- (1) Expansion of the Open Door program, with specialized programs for D.W.I. offenders.
- (2) Establishment of specialized Alcoholics Anonymous programs for D.W.I. offenders.
- (3) Changes in the Detention Center policy to allow work release inmates to attend Open Door sessions and participate in Antabuse therapy if medically approved. Inmates not on work release should enter treatment upon release as a condition of parole. In-house counseling funding should be extended beyond June 30, 1982.
- (4) Court sanctioned referrals to private treatment resources for offenders who can afford them and prefer them, with monitoring and reports to the Court.
- (5) Wherever possible, the cost of programs should be borne by the participating offenders.

- (9) Requests for assistance from organizations representing alcoholic beverage retailers, wholesalers, distributors and manufacturers.
- (10) "Drunk Driving" bumper stickers on all county owned vehicles.

Research/Statistics Subcommittee:

- (1) State, County and City police should establish a fatal crash statistical coordinating committee to produce a quarterly report and an annual report on a continuing basis. These reports should be used to educate the public about the extent and involvement of alcohol in fatal crashes. It can also be used to inform and assist police officers of these agencies on the extent of the problem.
- (2) State, County and local police should be encouraged to make greater efforts to determine the possible involvement of alcohol in fatal crashes.
- (3) State, County and local police should explore the possibility of providing some cooperative advanced accident investigation and/or accident reconstruction training to assure a high quality of data.
- (4) Research should be conducted to determine where drinking drivers and drinking pedestrians had been drinking prior to their involvement in fatal crashes. Such information would be useful for both education and enforcement purposes.
- (5) A continuous review should be made of blood alcohol content (BAC) levels obtained by evidentiary tests to determine the quality of arrests. If the BAC results are particularly high, it would tend to indicate that further training of police officers may be warranted.
- (6) State, County and City police should jointly conduct a periodic review of

- all available crash data to identify problem areas. This information can be used for guidance in the deployment of enforcement counter-measures.
- (7) Statistics should be gathered and disseminated on a quarterly and annual basis to inform the public about the utilization of safety belts in fatal crashes. Of particular importance is the opinion of the investigating officer as to whether the use of the safety belt would have lessened the severity of the injuries to the deceased victim. Statewide data indicate that approximately one-half of all persons who were killed while riding in a motor vehicle would have survived had they been wearing their safety belts. This information should be provided to the public because it is virtually the only device that might directly protect them from the consequences of being struck by a drunk driver.

In addition to the vast amount of time and effort expended by the subcommittees, the Task Force itself became involved in certain efforts to become more informed about various aspects of the drinking and driving problem.

As the work of the Legal Process Subcommittee progressed, it became apparent that there was some disparity in the opinions of various law enforcement representatives regarding the use of the video-taping equipment maintained by the County Police. The Task Force viewed ten randomly selected tapes of persons who had been arrested for alcohol offenses. Then, without knowing the results of the chemical tests on the subjects, we took a vote to determine whether we believed the subjects to be intoxicated, under the influence, sober, or unable to distinguish the degree of sobriety.

The results of our votes indicated that the subjects on the tapes could not be easily determined to be at a certain level of intoxication.

The Honorable Robert A. Pascal
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As a result of the viewing and subsequent discussions among the members of the Task Force, a motion was passed by the Task Force that the use of the videotape recordings is not cost-effective nor is it an effective use of the police officer's time, and that the recordings are not effective in the prosecution of D.W.I. cases.

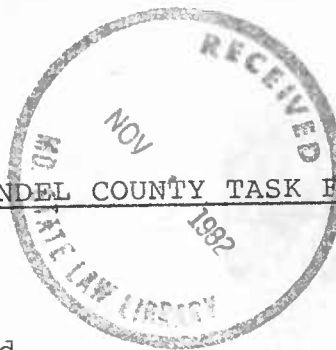
Incidentally, although the County Police videotape all arrested offenders, we discovered that less than 10% of the tapes are ever shown in court.

One of the problems most often brought to our attention was the lapse of time from the arrest of the alleged drunk driver to the trial. The Task Force wrote to Chief Judge Robert F. Sweeney and Anne Arundel County Administrative Judge Thomas J. Curley, both of the District Court, and inquired about the use of expedited dockets in the trial of D.W.I. cases. Judge Curley responded to our inquiry, and expressed the opinion that the District Court in this county sets a greater number of cases for trial each day than its counterparts in the other large counties in the state. Judge Curley also noted that his court can do no more than it is doing now "without additional judicial manpower...."

The Task Force also spent one session meeting with Mr. William T. S. Bricker, Administrator of the Maryland Motor Vehicle Administration. Mr. Bricker provided us with answers to many of our questions about his agency, and has followed up his visit with a recently received packet of additional information for the Task Force.

Toward the end of the 1982 General Assembly session, the Task Force voted to endorse four bills which were then pending. We supported legislation to (1) require chemical tests for intoxication of motorists involved in fatal accidents; (2) allow expungement of motor vehicle records only after ten years; (3) prohibit the use of probation before judgment in D.W.I. cases after the defendant had once been convicted of a D.W.I. offense; and (4) require victim impact statements in certain cases, including automobile manslaughter.

RD #2



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THE ANNE ARUNDEL COUNTY TASK FORCE ON DRINKING AND DRIVING

Capt. Leaston Booker
State Police
1111 Hammonds Ferry Road
Glen Burnie, Maryland 21061

Mr. Dale Mumford
Criminal Justice Coordinator
Arundel Center North
101 Crain Highway, N.W.
Glen Burnie, Maryland 21061

Mr. Robert G. Kramer
Coordinator, Drug & Alcohol Program
Arundel Center, Room 422
Annapolis, Maryland 21404

Capt. George Andrews
Anne Arundel County Police
201 Northbound Lane, Route 3
Millersville, Maryland 21108

Mr. Terry Nesbitt
Detention Center
Jennifer Road
Annapolis, Maryland 21401

Ms. Sunny Nisewanner
3719 Carroll Road
Edgewater, Maryland 21035

Mr. Frank D. Altobelli
377 Grinsted Road
Severna Park, Maryland 21146

Mr. Harry MacDonald
Open Door
62 Cathedral Street
Annapolis, Maryland 21401

Ms. Christy Johnson
Foster Shelter Coordinator
Juvenile Services Administration
P. O. Box 1927
Annapolis, Maryland 21404

Ms. Betty Hutchinson
P. O. Box 32
Riva, Maryland 21140

Ms. Carolyn McCoy
520 Evergreen Road
Severna Park, Maryland 21146

Mr. P. Tyson Bennett
722 Genessee Street
Annapolis, Maryland 21401

Mr. Robert Bramhall
Mrs. Patricia Bramhall
5760 Brookwood Road
Lothian, Maryland 20826

Mr. David Plymyer
676 Kensington Avenue
Severna Park, Maryland 21146

Mr. Thomas Rubins
109 Lafayette Avenue
Annapolis, Maryland 21401

Mr. William E. Clark
200 Lennox Avenue
Severna Park, Maryland 21146

Mrs. Jean T. Heald
609 Creek View Avenue
Annapolis, Maryland 21403

Mr. Richard D. Sowell
Division of Parole & Probation
District Court Building
Annapolis, Maryland 21401

Stephen Beard, Esquire
Assistant State's Attorney
101 South Street
Annapolis, Maryland 21401

AA COUNTY TASK FORCE ON DRINKING & DRIVING

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Sgt. John Wright
Annapolis Police Department
199 N. Taylor Avenue
Annapolis, Maryland 21401

Honorable Robert N. Lucke
District Court Building
580 Taylor Avenue
Annapolis, Maryland 21401



ANNE ARUNDEL COUNTY
ANNAPOLIS, MARYLAND 21404

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May 1, 1982

The Honorable Robert A. Pascal
County Executive
Arundel Center
Annapolis, Maryland 21401

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To date, the work of the Task Force has been accomplished primarily by four subcommittees. Each member of the Task Force has participated in the deliberations of at least one of the subcommittees. The full reports of the subcommittees are attached hereto, and we urge you to study these reports in detail as the recommendations set forth here are only a brief statement of the findings and conclusions reached.

The subcommittee recommendations are as follows:

Treatment Subcommittee:

- (1) Expansion of the Open Door program, with specialized programs for D.W.I. offenders.
- (2) Establishment of specialized Alcoholics Anonymous programs for D.W.I. offenders.
- (3) Changes in the Detention Center policy to allow work release inmates to attend Open Door sessions and participate in Antabuse therapy if medically approved. Inmates not on work release should enter treatment upon release as a condition of parole. In-house counseling funding should be extended beyond June 30, 1982.
- (4) Court sanctioned referrals to private treatment resources for offenders who can afford them and prefer them, with monitoring and reports to the Court.
- (5) Wherever possible, the cost of programs should be borne by the participating offenders.

Legal Process Subcommittee:

- (1) Increased surveillance by liquor inspectors to uncover incidents of serving alcohol to intoxicated customers.
- (2) Coordination between the Liquor Board and the Maryland State Police of follow-up to the M.S.P. study of retail establishments whose customers are later being arrested for D.W.I. offenses.
- (3) Use of C.B. clubs to report apparent drunk drivers to police.
- (4) Saturation patrols (selective enforcement) jointly operated by the Maryland State Police and the A. A. County Police, in an effort to apprehend more D.W.I. offenders.
- (5) Examination by the Anne Arundel County Police of the possibility of forming an Accident Investigation Unit.
- (6) Consideration of state legislation to allow judges discretion in assessing points in first offender D.W.I. cases.

Public Attitudes Subcommittee:

- (1) Recognition of the shared responsibility for the problem among drinking drivers, the legislature, the community, the offender's family, the alcoholic beverage licensing authorities, the alcoholic beverage retailers, the police, and the M.V.A.
- (2) Development of an advertising campaign aimed at discouraging drinking and driving, and at alerting citizens to the dangers of such conduct and the steps they can take to help.
- (3) Development of a poster contest in the public schools.
- (4) Use of professionally designed posters or signs in retail establishments.
- ✓ (5) Publication of names and addresses of persons convicted of alcohol related motor vehicle offenses.
- (6) Improvement of the alcohol unit in public school driver education courses.
- (7) Greater emphasis on alcohol use/abuse in public school health units at all grade levels.
- ✓ (8) Development of a Speakers Bureau.

- (9) Requests for assistance from organizations representing alcoholic beverage retailers, wholesalers, distributors and manufacturers.
- (10) "Drunk Driving" bumper stickers on all county owned vehicles.

Research/Statistics Subcommittee:

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The Honorable Robert A. Pascal
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Following our action on the legislation, we advised members of the Anne Arundel County delegation to the General Assembly of our position. We are pleased to report that all four pieces of legislation passed.

In an effort to determine the actual extent in Anne Arundel County of the problem of drinking and driving, a review was made of all fatal crashes which occurred in the county in 1981. We discovered that seventy-four deaths resulted from sixty-three fatal crashes. The startling bottom line fact is that fifty-one of the deaths were alcohol related. What this means is that seven out of ten deaths on Anne Arundel County roads last year were directly linked to the consumption of alcohol.

The Task Force intends to continue its efforts on behalf of the citizens of Anne Arundel County. We shall further refine some of our recommendations, investigate other possible avenues of treatment and development of an enhanced public awareness of the problem, and we shall report back to you periodically on our progress.

The Task Force wishes to thank the staff of the County Drug and Alcohol Program, particularly Ms. Barbara Benner and Ms. Carol Heinz, for their assistance and willingness to help maintain good lines of communication among the members. The County government can be proud of these fine public servants.

We also wish to thank you for giving us the opportunity to serve the people of the County. We shall endeavor to continue to do our best, to the end that the tragedy of death, injury and destruction caused by drunk drivers may be reduced by our efforts.

Sincerely,

P. Tyson Bennett
Chairman

PTB/vt
Attachments



ANNE ARUNDEL COUNTY HEALTH DEPARTMENT
Open Door - Community Addictions Center
Treatment Services Provided 7/81 - 6/82

<u>PROGRAM</u>	<u>OPEN DOOR</u>	<u>OPEN DOOR NORTH</u>
Highway Safety Education	773	
Antabuse Therapy	33	81
General Alcohol (Individual, Group)	221	217
Alcohol and other Drugs	288	292
Total	1,315	590
Overall Total	1,905	

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Individual Treatment Plan Based
on Initial Assessment

The comprehensive treatment plan extends over a minimum period of six months. It incorporates education counseling, antabuse maintenance, referral to Alcoholics Anonymous, Vocational Rehabilitation, Family and Children's Services, detoxification, psychiatric and medical evaluation and liaisons with the Courts, Parole and Probation and the Motor Vehicle Administration.

LEVEL I - Total Duration 6 months

- (a). Six weekly comprehensive alcohol education sessions of 1½ hours each.
- (b). Assignment to individual counselor for follow-up after classes complete
- (c). At the end of six months closed unless indication for continuation in treatment.

LEVEL II - Minimum Participation 6 months

- (a). Intensive group counseling at weekly intervals.
- (b). Antabuse maintenance when indicated
- (c). Utilization of Alcoholics Anonymous
- (d). Referral to other Agency to supplement program

LEVEL III - Minimum Participation 6 months

- (a). Individual and/or family counseling at weekly intervals
- (b). Group counseling may also be utilized where group support is considered to be conducive to personal insight and behavior change
- (c). Antabuse maintenance unless medically contra-indicated
- (d). Utilization of Alcoholics Anonymous
- (e). Referral to other agencies to supplement the program

EVALUATION AND DISCHARGE

1. Evaluation during treatment process:

- (a). Short and Long term goals established at admission
- (b). On-going log of behavior, participation and progress of patients in-group counseling.
- (c). Weekly update of progress toward goals in each clients chart.

2. Evaluation at termination:

- (a). Discharge summary completed by counselor and placed in chart.
- (b). Self evaluation form completed by patient
- (c). Statistical data (CODAP) completed by administrative assistant and sent to funding agency.

3. Cooperation with other agencies:

The OPEN DOOR is looking forward to participating with the Court, States Attorney and Motor Vehicle Administration in monitoring clients progress in treatment and evaluating treatment outcome.



STATE'S ATTORNEY FOR ANNE ARUNDEL COUNTY

101 SOUTH STREET
ANNAPOLIS, MARYLAND 21401
301-224-7702



D.W.I. TREATMENT PROGRAM

A. ROLES

1. STATE'S ATTORNEY'S OFFICE

- Record keeping and supervisory responsibility;
make sure periodic and follow-up reports get to the court
and defense counsel.

2. A.A.Co. HEALTH DEPT. - OPEN DOOR

- Evaluating each client referred
- set up and administer individual treatment programs
- provide periodic (monthly) progress reports to the State's Attorney's Office on each client.

B. BASIC PROCEDURE

1. Individual convicted of DWI/DUI. As part of sentence, ordered to go to the Open Door for evaluation and treatment. Initially, meet Diversionary Assistant.

2. Glen Burnie

- a. Diversionary Assistant located at Glen Burnie District Court will meet each assignee as they leave court. Assistant will gather basic background information (name, address, phone, age, judge, defense attorney, mental/family status, employment status, test, priors, accident/fatality, other condition of probation etc.) then advise defendant to contact the Open Door North for evaluation interview.

Open Door North
8667 Fort Smallwood Road
Pasadena, Maryland, 21122
437-2860

Hours: M - Th. 10 - 8
Friday 10 - 6

- (b) case file will be prepared, and summary sheet will be sent to Open Door North for pre-interview background.

3. Annapolis.

- (a) Individual placed in the DWI Treatment Program from the Annapolis District Court and the Circuit Court will be required to report to the State's Attorney's Office, 101 South Street, for their preliminary, background interview. The same information as noted in B (3) (a) will be obtained, and the individual will be directed to contact the Open Door for the evaluation interview.

Open Door
62 Cathedral St.,
Annapolis, Maryland 21401
224-7366

Hours M - Th. 10-8
Friday 10-6
Saturday 9-11 a.m.

- (b) case file will be prepared, and summary sheet will be sent to the Open Door for pre-interview background.

4. Upon completion of the evaluation interview, and determination of the treatment program appropriate, a summary of the treatment package will be sent to the Diversionary Division DWI Officer for copying, and distribution to the court and defense counsel. (If, for some reason, the defendant objected to the proposed treatment plan a show cause hearing will be held to resolve any problem before the court.)
5. Monthly progress reports are to be provided by the Open Door concerning each individuals attendance and performance in the program. These reports are to be maintained in each case file, and any problems are to be immediately addressed with the individual.

6. VIOLATIONS

- (a) Individuals who fail to attend their scheduled classes or meetings without satisfactory excuse are to be returned to court for Violation of Probation.

- (b) The DWI Officer is required to attend the violation hearing, complete with all records and reports.
- (c) PLEASE NOTE: It is extremely important that all problems which occur with an individual during the pendency of his program be reported to the DWI Officer so that prompt action can be taken to resolve the respective problem

7. SUCCESSFUL COMPLETION

(a) Upon successful completion of the treatment program established for each individual, the Open Door is to send a report confirming such fact to the DWI Officer.

(b) Upon notification the DWI Officer will send a letter to the Judge and defense counsel indicating that the individual has successfully completed the DWI treatment program. At this time, the case will be closed.

BUDGETARY CONSIDERATIONS

ESTIMATED STAFF:

- A. One full time administrative aide to handle the Glen Burnie District Court referrals; this individual will be permanently located in the new courthouse, State's Attorney's Office.

The individual would be responsible for the Glen Burnie phase of the DWI program, as well as handle Glen Burnie public works assignments*

Estimated Salary: \$13,000-\$14,000

Estimated Supplies: typewriter
desk and chair
2 clients' chairs
file cabinet

- B. One full-time secretary responsible for all clerical duties inherent in the overall program operation. This individual would provide support to the Glen Burnie office, but be permanently located at 101 South Street.

This person would also serve as secretary to the other programs in the Diversionary Division.

Estimated Salary: \$12,000-\$13,000

Estimated Supplies: typewriter
tape machine
desk & chair, lounge
chair.

Estimated Total Budget: \$30,000

* The Annapolis phase of the DWI program would be administered by an existing staff member who would be giving up the Glen Burnie public works case load.



STATE'S ATTORNEY FOR ANNE ARUNDEL COUNTY

101 SOUTH STREET
ANNAPOLIS, MARYLAND 21401
301-224-7702

August 20, 1982

TO: WARREN B. DUCKETT, JR.
FROM: JOSEPH F. DEVLIN *JFD*
RE: D.W.I. TREATMENT PROGRAM

Attached please find a brief summary of my proposal concerning implementation of a DWI Treatment Program under the direction of the Diversionary Division.

After reading the information you provided on the Fairfax ASAP Program, as well as material provided by and interviews with Judge Daniel Moylan in Washington County I feel that we can put together an efficient and effective treatment program for this county with a minimum of additional staff and cost.

While Washington County's program contracts with a non-government agency for the treatment phase of its operation (basically because they were unhappy with their local health department) I am confident that the Anne Arundel County Health Department Open Door facilities can provide us with quality services. They have already submitted a treatment program and budget request package to the state, and preliminary indications are that everything has been approved.

The Open Door has two main locations, the Open Door at 62 Cathedral Street, Annapolis, and the Open Door North, 8667 Fort Smallwood Road, Pasadena. The Annapolis office is open Monday through Saturday, while the Pasadena office is open Monday through Friday.

The Open Door philosophy concerning drinking and driving is that every individual who is convicted of driving while intoxicated or driving while impaired needs some sort of therapy.

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Warren B. Duckett, Jr., Esquire.

August 20, 1982

Each person evaluated would fall into one of these categories:

Level I: Social Drinker: this would generally involve someone who does not have a drinking problem, but did drink to excess and make the choice to drive in that condition, on the night in question.

Level II: Problem Drinker: this would be an individual who is a heavy drinker and potentially could evolve into an alcoholic. This individual would have a high chance for continuing problems due to his high intake of alcohol.

Level III: Alcoholic: This person is an alcoholic, a person with a serious drinking problem. Certainly, this individual represents the greatest potential problem to the general public.

The Level I individual would generally be required to attend the six (6) week (one class per week) education component, with a minimal level of further contact with the Open Door case worker. (However, it should be noted that under the State guidelines, each individual involved in one of these programs must participate in a minimal six month plan)

The Level II and III drinker would generally be required to attend the educational component, as well as participate in individual, group, and family counseling for an extended period depending upon the individual circumstances and problem.

The key, I believe, to successful implementation of this kind of treatment program is to obtain the full support of the local judiciary. Emphasizing that this program is not to be used as a substitute for fines and/or incarceration, but merely as another option, the program can be effective. I believe that the success of the other programs clearly show, however, that treatment is the way to go with drunk drivers, and

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Warren B. Duckett, Jr., Esquire
August 20, 1982

we should seek to get a commitment from the judges to place a minimum of 75-80% of DWI/DUI offenders in the program. Certainly the inconvenience of it all represents a new form of punishment, while the rehabilitative effect is obvious.

A second segment of the program, and a part that would require a great deal more study and contact with the local government, involves a mandatory incarceration program for second offenders, modeled after the Weekend Intervention Program in Washington County. Briefly, this segment would involve sentencing second offenders to five weekends in jail, the first weekend at the Detention Center and the next four at an alcohol treatment center for intensive and extensive alcohol counseling. The center could simply be a house, needing no security other than someone to stay there and make sure everyone stayed in. Washington County has had no problem with security at this center and I wouldn't envision problems here. Again this segment requires further study, if you feel it is appropriate.



PRELIMINARY REPORT: ACTIONS AND REACTIONS

In May, 1982, the Anne Arundel County Task Force on Drinking and Driving submitted its preliminary report to the County Executive. That report was a lengthy and detailed one, and included numerous recommendations.

The County Criminal Justice Coordinator forwarded copies of the final report to all County agencies which were affected in any way by the recommendations. Responses were received from the State's Attorney's Office, the Anne Arundel County Police, Anne Arundel Community College, and the Anne Arundel County Public Schools. Those responses are attached to this final report.

One of the most immediate reactions to the recommendations of the Task Force came from the local newspaper. The Capital-Gazette seized upon the Task Force's recommendation for the publishing of names and addresses of convicted drunk drivers and began publishing the names within two weeks after the report was submitted. At present, the newspapers publish a weekly list of the results of drunk driving trials, including the following information: Name and address of the offender; number of prior offenses, if any; results of the blood alcohol test, if any; name of the judge who presided; and disposition or sentence of the Court. Some controversy has been generated by the publication of this information. There seems to be general agreement that the publication of this information is in the public interest and may serve as a deterrent, in some way, at least for those people who fear the embarrassment of seeing their names in print. What has generated the controversy, however, is the fact that readers are continually remarking (at least to members of the Task Force) about the lenient sentences being handed down by some of the judges.

The most recent example involves a report in the Capital of October 7, 1982. According to the list which was published on that day, one offender during the preceding week had been convicted for the fifth time. He was convicted of driving under the influence of alcohol, although the chemical test showed the blood alcohol level to be .14, greater than the legal limit for intoxication. In addition, the disposition reported was a \$50 fine, a one year suspended jail sentence, and alcohol treatment. The outcry from the public in reacting to this report has not been so much rage as it has been curiosity. People want to know why. Although it is not within

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the purview of this Task Force to answer that question, we have been successful in one of our goals (that of stimulating public awareness of the problem) simply because people are now reading and questioning.

Mentioned in the preliminary report was the effort which was undertaken by members of the Task Force during the spring of 1982 to develop a limited "prom night" program aimed at discouraging the use of alcohol by students during graduation activities. We are pleased to report that this effort has been taken over by the County's Community Assistance Program (the CAP team). Under the guidance of the County Drug and Alcohol Program, and particularly Eric Avery, the Assistant Coordinator, the CAP team has begun developing a comprehensive program to deal with this most distressing problem.



THE TASK FORCE: NEW APPROACHES AND PERSPECTIVES

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The preliminary report of the Task Force on Drinking and Driving discussed the use of video tapes by the Anne Arundel County Police Department. There was some concern by representatives of the Anne Arundel County Police that the State's Attorney's Office was not using the video tapes in a sufficient number of cases. The officers expressed the opinion that the video tapes of drunk drivers could be useful in prosecutions. The prosecutors held to the rather firm belief that the video tapes were more helpful to the defense than to the State. Initiatives by the Task Force resulted in further discussion among the agencies involved. At the Task Force meeting on July 21, 1982, the matter was discussed in detail with Warren B. Duckett, Jr., the State's Attorney. After lengthy discussion, it was agreed that the County Police would change their procedures based upon suggestions made by District Court Judge Robert N. Lucke, and that those new procedures would be tried for six (6) months before any final determination would be made regarding the future use of video tapes.

Another concern presented to the Task Force was the delay in trials resulting from the time lag between the taking of a blood sample and the report of the chemist. It was reported to the Task Force that the Maryland State Police had only one chemist conducting these tests as of the middle of the summer, and that the chemist simply could not provide the results of his analysis to the courts in less than 90 days. Most recent information presented to the Task Force indicates that an additional chemist has been approved for the Maryland State Police Laboratory; this should result in reducing the time between the receipt of the vial of blood and the chemist's report.

One of the major inquiries conducted by the Task Force during the latter stages of its study involved the use of sentencing alternatives. In pursuing the use of these alternative sentences, the Chairman of the Task Force contacted an organization known as Sentencing Services, of Washington, D.C. The Chairman met with the Director of the program and provided her with background data on the extent of the problem in Anne Arundel County and the system which operates in the State of Maryland. Based upon that information, and other information which was obtained by Sentencing Services, a report was made to the Task Force at its meeting on September 1, 1982. A copy of that report is attached hereto. It

is fair to say that the members of the Task Force believe that incarceration is not necessary in every case where an individual is convicted of drunk driving. On the other hand, the members of the Task Force believe firmly that drunk drivers must be held accountable for their actions. In order for this to occur, however, the courts must have additional sentencing alternatives. The proposal submitted by Sentencing Services can be a starting point from which additional alternatives can be developed.

At the Task Force meeting on September 29, 1982, a presentation was made by Joseph F. Devlin, the Director of the Diversionary Division of the State's Attorney's Office. Mr. Devlin presented a proposal for a DWI Screening and treatment program for which State funds have been applied by the State's Attorney's Office. As set forth in the program synopsis attached to this report, the program is designed to provide evaluation of convicted drunk drivers and treatment consistent with the alcohol problem identified.

Also present at the meeting was Michael Fuller, Director of the Open Door. Following Mr. Devlin's presentation, Mr. Fuller provided the Task Force with a brief report on his agency's availability for involvement in a treatment program. Mr. Fuller was fully supportive of the program developed by the State's Attorney's Office. After hearing the presentations from Mr. Fuller and Mr. Devlin, the Task Force voted to endorse the State's Attorney's Office/Open Door treatment proposal, and to recommend that the County Executive use his influence to assist in the securing of needed State funding.

A second motion was passed unanimously, expressing the sentiment of the Task Force that the State's Attorney's Office and the Open Door should attempt to expand the program to include monitoring of administrative actions by the Motor Vehicle Administration, when such monitoring is feasible.

One of the problems most often discussed by the Task Force during its meetings was the possible need for an individual in the County who could coordinate the efforts in this County aimed at attacking the many facets of the drunk driving problem. If the program presented by the State's Attorney's Office and the Open Door receives funding from the State, it may well be that someone within that program could fill the role of providing coordination. It is fair to say, however, that the Task Force is convinced that the efforts of the many groups and agencies which deal with the problem of the drinking driver require coordination by some central source. Of equal importance is the monitoring of actions of the numerous agencies involved in the system, to insure that no one "falls through the cracks" as a result of a failure of someone in the system to follow through.

Another problem of concern to the Task Force is the lapse of time between the arrest and any possible evaluation and treatment. Although we believe that the treatment model developed by the Open Door is an excellent first step, there remains considerable feeling on the part of the Task Force members that an evaluation immediately after the arrest with treatment to follow soon thereafter would be more valuable in the long run, particularly for the serious problem drinkers.

Some members also feel strongly that the practice of judges reducing a charge of driving while intoxicated to a finding of driving while under the influence is indefensible and should be stopped. We recognize that the judiciary is an independent branch of government, but we hope that public concern may encourage the judges to enter the appropriate findings of guilt in cases where the evidence so indicates. This is even more true in cases where the judges enter no guilty finding, but grant the accused probation before judgment. The Task Force finds these practices to be widespread, and our firm belief is that the public resents and opposes such actions.

During the week before the Task Force conducted its final meeting, legislation cleared the U. S. House of Representatives which would provide \$125,000,000. in funds to states which meet certain criteria in dealing with the drunk driving problem. The so-called "Barnes Bill" is a step in the right direction, in the opinion of the Task Force, and we endorse its provisions.

Finally, the Task Force wishes to state that it has great concern about the classification of automobile manslaughter as a misdemeanor under Maryland law. If we, as a society, are convinced that public attitudes about drinking and driving need to be changed, surely one of those changes must involve the recognition of the seriousness of the taking of a human life. The Task Force supports legislation to make automobile manslaughter a felony in the state of Maryland, and urges local members of the legislative delegation to support such a move.

WARREN B. DUCKETT, JR.
STATE'S ATTORNEY



Dale Mumford

JUL 06 1982

FRANK R. WEATHERSBEE
GERALD K. ANDERS
DEPUTY STATE'S ATTORNEYS

STATE'S ATTORNEY FOR ANNE ARUNDEL COUNTY

101 SOUTH STREET
ANNAPOLIS, MARYLAND 21401
301-224-7702

July 1, 1982



The Honorable Robert A. Pascal
County Executive
Anne Arundel County
Arundel Center
Annapolis, Maryland 21401

Dear Bob:

I am in receipt of your letter of June 23, 1982, regarding the recommendations of the Task Force on Drinking and Driving.

As you noted, two members of my staff served on the Task Force and I take this opportunity to thank you for their appointment. These two individuals continually briefed me on the various matters being discussed by the Task Force and I made continual input into their deliberations.

As such I wholeheartedly concur in the recommendations provided therein. You specifically call my attention to recommendations 4 and 5 of the Treatment Subcommittee. These recommendations refer to private treatment resources, and the payment thereof by the offender. The Office of the State's Attorney is presently embarked on organizing a very comprehensive treatment plan to be presented to the District Court Judges which hopefully will be well received. The Office of the State's Attorney believes that enlightened, progressive treatment programs are, to a great extent, the real answer to many of our problems regarding the drinking driver. We will look for your cooperation and support as we initiate these plans.

You additionally call my attention specifically to recommendation 6 of the Legal Process Subcommittee. This recommendation provides for Judges assessing points in first offender DWI cases. Although I have no specific objection to this recommendation, I do have a nagging fear that some Judges would be too lenient in their assessing of points and use it as an excuse not to find the offender guilty or not to otherwise address some of the major problems involved with the drinking driver. There really is no reason to think that the Judges will be any tougher in the assessment of points than the Motor Vehicle Administration. The problem

The Honorable Robert A. Pascal

Page 2

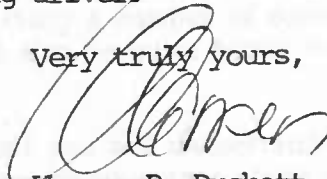
July 1, 1982

I find with the Motor Vehicle Administration procedures is that it is conducted, to a great extent, out of the view of the public and without its constant scrutiny and critique.

Pertaining to another issue raised by your letter my bottom line recommendation would be that the District Court continue to try all Driving While Intoxicated and Driving While Under the Influence cases, as well as all other offenses that carry potential incarceration; such as Driving While Revoked, Leaving the Scene of a Personal Injury Accident, etc. However, I would recommend that all other violations of the Transportation Code such as Speeding, Lane Change, Right of Way, etc., be handled by the Motor Vehicle Administration through hearings conducted by Hearing Officers with the right of an appeal de novo to the District Court.

I think the implementation of the above recommendation would go far in not only relieving the congested District Court dockets but also, obviously, provide more time for more care, attention and treatment for the more serious cases such as Driving While Intoxicated. I think such a change would give the Court sufficient time to really concentrate on the treatment aspects of the drinking driver.

Very truly yours,



Warren B. Duckett, Jr.

WBD:e



ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

2644 Riva Road
Annapolis, Maryland 21401
Telephone: 301-224-0113

July 8, 1982

Mr. Dale Mumford
Criminal Justice Coordinator
The Arundel Center
Annapolis, Maryland 21404



Dear Mr. Mumford:

Staff have reviewed with great care and interest the letter of May 1, 1982, submitted by P. Tyson Bennett on behalf of the Anne Arundel County Task Force on Drinking and Driving. The report contains many excellent suggestions for addressing the problems of driving while under the influence of alcohol. However, it is regretful that the Anne Arundel County Public Schools were not represented on the task force. The report clearly suffers from a lack of understanding of what is presently occurring as part of the instructional program under the auspices of the public schools.

To the best of my knowledge, members of my staff were not asked to give testimony to the task force, which may further account for the failure of the committee to recognize the effort already underway in our schools. I am attaching for your study a number of documents that should help you gain understanding of this effort. My staff would also be quite happy to meet with you to discuss any aspect of the instructional program.

After studying the materials and speaking with staff you will understand that the public schools are doing their part. Ours is an aggressive campaign against substance abuse generally. We will through continuous evaluation of program and worthwhile staff development activities strive to be even more effective. For example, this spring a decided effort was made by staff to emphasize the special dangers of alcohol use and abuse at proms, graduation and other end-of-the-year functions. We were pleased that these events were held throughout the county without mishap.

I believe that you will find that the activities suggested for our units in grades 5 through 7, grade 9 and in the high school elective course are far superior to the suggested poster contest. Perhaps a more worthwhile competition would be composing public service announcements for use by radio and television networks. As regards drivers education specifically, considerable emphasis is given to the issue of alcohol and its affects on driving.

We thank the members of the task force for their suggestions, and trust after they study the materials provided they, too, will agree that the public schools are making their contribution to solving problems of alcohol abuse.

Sincerely yours,

Edward J. Anderson
Superintendent of Schools

EJA/mc
Enclosures

cc: Robert A. Pascal

ANNE ARUNDEL COUNTY

Annapolis, Maryland

INTER-OFFICE CORRESPONDENCE

July 9, 1982



To: Dale Mumford, Criminal Justice Coordinator

From: Maxwell V. Frye, Jr, Chief of Police

Subject: Recommendations of the Drinking and Driving Task Force Report

MESSAGE:

My staff and I have reviewed the report of the Anne Arundel County Task Force on Drinking and Driving, and we offer the following comments:

Treatment Subcommittee

- (1) Agree.
- (2) Agree.
- (3) Any changes in Detention Center work-release policies must anticipate the impact on manpower availability. The in-house counseling program for drug and alcohol offenders has been funded beyond June 30, 1982, but at a rate which amounts to a 70% decrease in counselor availability.
- (4) Agree.
- (5) Agree.

Legal Process Subcommittee

- (1) Agree.
- (2) Agree.

- (3) We already have in place a C.B. base station in the Police Department Communications Room. Based on past experience, we would expect problems in sufficient staffing of the base station by C.B. club members or other volunteers. However, we support the concept, and will provide whatever facilities and expertise we can in order to implement the plan. Some type of advertising campaign will be necessary to publicize the C.B. program, and to encourage C.B.'ers to report Driving While Intoxicated violations to the Police Communications Room.
- (4) This Department is currently engaged in a cooperative effort with the Maryland State Police, funded by the Maryland Department of Transportation, to provide saturation patrols on highways which have a high rate of alcohol-related accidents. This program, called "Operation Spider", will continue at least until the end of 1982.
- (5) Studies by this Department, as well as other Departments and police consulting firms, have concluded repeatedly that formal accident investigation units are simply not sufficiently cost-effective to be considered for implementation. As an alternative, we have embarked on an intensive training program for line division officers in advanced accident investigation techniques and procedures. To date this program, which originated at the Northwestern University's renowned Traffic Institute, has produced approximately 60 highly trained accident investigation officers who are dispersed throughout the patrol force.

- (6) We would oppose legislation that would allow judges discretion in assessing points; we feel that judges now have sufficient discretion in first offender cases. Current law, developed over many years, was established to impress offenders with the seriousness of the offense. We do not feel that this is the appropriate time to weaken existing sanctions against drunk drivers.

Public Attitudes Subcommittee

We are in agreement with all ten recommendations.

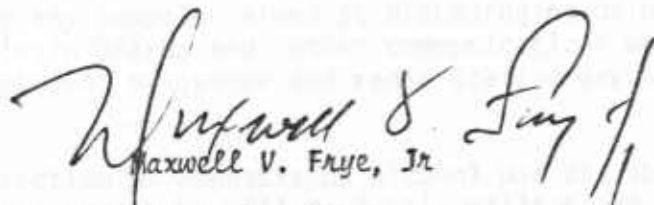
Research/Statistics Subcommittee

- (1) Since 1972, all accident investigation reports have been
and
(2) forwarded to the State Police, regardless of what agency conducted the investigation, for the purpose of analysis. The task of implementing the recommendations concerning quarterly statistical reports should be assigned to the State Police; they always have the resources and data.
- (3) Refer to comment (5) under the Legal Process Subcommittee Recommendations. We are always ready and willing to provide additional training to our officers, whenever funding is available.
- (4) As mentioned above, all accident reports are computer-analyzed
thru
(7) by the State Police, and we already have advanced training programs in operation.

Video Tape Program

Since less than 10% of all video tape recordings of drunk driving cases were shown in court, it is felt that a true evaluation of the Video Tape Recording program has not been attained. It would appear that a fair evaluation of the program can only be realized by having a large majority of the tapes shown in conjunction with the court trials. We would hope to continue the Video Tape Recording program with mutual cooperation from all segments of the criminal justice system.

I hope the foregoing comments are of use to you, and if we can provide additional information please contact me.


Maxwell V. Frye, Jr.
Chief of Police

MVF:hb

cc: Deputy Chief Lindsey
Deputy Chief Wellham
Deputy Chief Flannery

ANNE ARUNDEL COMMUNITY COLLEGE

101 COLLEGE PARKWAY

ARNOLD, MARYLAND 21012

301/647-7100



OFFICE OF THE PRESIDENT

July 13, 1982

Mr. Dale R. Mumford
Criminal Justice Coordinator
Arundel Center, North
101 Crain Highway, N.W.
Glen Burnie, Maryland 21061



Dear Mr. Mumford:

At the request of Mr. Pascal, I have reviewed the Preliminary Report of the County Task Force on Drinking and Driving. In particular I have reviewed the Public Attitude Subcommittee recommendations numbers 1, 2, 4, and 8; and would like to make the following comments:

As to recognition of shared responsibility for the problem among drinking drivers, Anne Arundel Community College will be happy to use its facilities to assist in any county-wide efforts. We have recently revised our procedures for issuing permits for on-campus events that involve alcoholic beverage licensing and are requiring very strict adherence to rules and regulations that assure adequate food and nonalcoholic beverages as well as proper supervision.

We will gladly assist in promoting any campaign aimed at discouraging drinking and driving to the use of our bulletin boards and other communications media. Student publications such as the student newspaper and radio station are also available for this purpose.

Our College nurse will include a section of emphasis on alcohol use and abuse in her goals and objectives for this year. We will certainly utilize and promote a speakers' bureau as it is developed.

Should you wish to follow-up on any of these comments or projected activities, please contact our Dean of Students, Dr. Tony Pappas, who will be more than happy to assist you. You may reach him at 269-7253. If I can lend further assistance or encouragement, please let me know.

Sincerely,

Thomas E. Florestano
President

TEF/AVP/mac

cc: Robert Pascal
Dr. Anthony Pappas
Susan Rogers

SENTENCING SERVICES

Roberta Messalle • Hannah Jopling Kaiser

August 30, 1982

Mr. P. Tyson Bennett, Esq.
Task Force on Drunk Driving
124 South Street
Annapolis, Maryland 21401

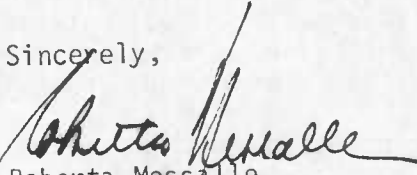
Dear Mr. Bennett:

Sentencing Services has been asked to suggest alternative sentences for alcohol-related traffic offenses in Anne Arundel County.

The following will provide an explanation of why alternatives to incarceration are useful in the disposition of certain offenses, the goals of sentencing and considerations essential in the development of alternative sentences. Attached is a flow chart taking an offender through steps from arrest to completion of probation supervision, as well as an explanation of the purpose and function of each step of the alternative sentencing process.

Thank you for this opportunity to be of service to the people of Anne Arundel County.

Sincerely,


Roberta Messalle

SENTENCING SERVICES

Roberta Messalle • Hannah Jopling Kaiser

SUGGESTED SENTENCES
for
ALCOHOL-RELATED TRAFFIC OFFENSES
Anne Arundel County, Maryland

The use of alternatives to incarceration is based on the belief that most lawbreakers could be safely sanctioned in less costly, more constructive ways at no risk to society. Statistics show that a form of punishment within the community combined with any necessary remedial counseling or training is often more effective in deterring repeat offenses than the threat of imprisonment. High recidivism rates indicate that prisons and jails fail to fulfill the goals of sentencing, and further debilitate the offender making rehabilitation less likely.

Courts and communities address four goals when imposing sentence for any offense: punishment, incapacitation, deterrence and rehabilitation. It is hoped that punishment and incapacitation combined with rehabilitation will deter the individual offender from committing repeat offenses by helping him to learn more responsible behavior. While the punishment and incapacitation attempt to break down the negative behavior, rehabilitation provides a positive replacement. Deterrence, or the end of the offending behavior, is a goal directed at the community. By imposing punishment and incapacitation on one offender, it is hoped that others within the community will be educated to the consequences of such behavior, and will then be deterred from committing similar offenses. The ultimate goal of sentencing, then, is the deterrence of specific offenses through increased understanding of the cause of the offensive behavior and the court-imposed sanctions for that offense.

The community must consider all factors causing the irresponsible act when addressing the goal of deterrence in alcohol-related offenses. This is necessary because there are at least three kinds of problem drinkers: the social drinker, the emotional crisis drinker and the alcoholic. Each will require a different sentencing approach if deterrence of both the individual and the community is to occur. The community must also consider and confront the stereo-types and misinformation surrounding alcoholics and alcoholism.

A substantial body of scientific facts indicate that physiology, not psychology, determines whether one drinker will become addicted to alcohol and another will not. Although there is no single cause of alcoholism, there are a number of physiological factors, abnormal metabolism, preference, heredity and prenatal influences which may form the basis of an alcoholic's

vulnerability to alcohol and the onset of alcoholism. It is believed that psychological, cultural and social factors influence the alcoholic's drinking patterns and behavior, providing incentives to resist or resign himself to the disease, and have little effect on whether or not he becomes alcoholic in the first place.

Experts have divided alcoholism into three stages of progression. The first two stages are most critical to the safety of the community because it is during these stages that the alcoholic's behavior is most difficult to predict. In the early stage, the alcoholic is visibly normal and has the ability to tolerate great amounts of alcohol without impaired functioning. In fact, because of the physical nature of the disease, in this stage alcohol improves the alcoholic's functioning. The alcoholic will experience hangovers and the ability to stop drinking when he chooses, and is different from the non-alcoholic only in that the cells of his liver and central nervous system are slowly adapting and becoming dependent upon, or addicted to, alcohol. This stage of the disease is characterized by the gradual adaptation of the body's liver and central nervous system, increased tolerance to alcohol and improved performance when drinking.

Because the symptoms of this early stage are so vague and difficult to identify, it is therefore also difficult to get the alcoholic to overcome the stereo-type of the skid row drunk and to understand and accept his disease and his need for abstinence and treatment. At this point, alcoholism has not begun to disrupt the alcoholic's life with regular periods of drunkenness and irresponsible behavior.

The second stage of alcoholism is characterized by an unpredictable drop in tolerance to alcohol. The alcoholic's body cells have adapted to alcohol, and he is now addicted. The alcoholic is caught in a physiological trap of needing to drink to hold off the increasingly painful withdrawal symptoms while attempting to drink within his rapidly diminishing tolerance level in order to avoid getting drunk. At this stage, the alcoholic's functioning is easily impaired and his tolerance level is unpredictable; he easily becomes drunk. However, periods of abstinence are still under the control of the alcoholic, but the withdrawal symptoms are both acute and protracted, making a return to drinking most likely.

The symptoms of this stage are more apparent, making identification of the disease less difficult. But once again, the alcoholic's life may not yet be disrupted by his disease, making it difficult to convince him of his need for treatment.

The nature of these two stages of alcoholism make them the most troublesome to the community. The disease is difficult to identify, it is difficult to convince the alcoholic that treatment and abstinence are necessary, and the impaired functioning of the alcoholic endangers others. Therefore, a sentencing plan for alcohol-related offenses must be based upon an evaluation process which identifies and refers true alcoholics while screening out irresponsible social drinkers and persons who, although not alcoholic, may be temporarily using alcohol as a way to cope with emotional trauma in their lives.

The sentencing plan must also promote community awareness of the early stages of alcoholism in order to make treatment more acceptable before the disease has advanced. Finally, the sentencing plan must consider the existing and needed resources of the community, as well as the degree of cooperation and commitment shown by the courts, departments of transportation, corrections and health and social services.

Following is a description of suggested stages of processing and sentencing beginning with an arrest for an alcohol-related traffic violation.

1. Arrest
2. BAL/Breathalyzer Test - should be encouraged, some documentation should be made of the offender's level of intoxication for evaluation purposes.
3. Prior Record Check - This should be done as close to the arrest as possible, preferably by the police. If this is not possible, then it should be done at the evaluation center.
4. Flat Fine - should be imposed on all persons arrested for such offenses. The fine should cover the county's costs of conducting an evaluation for alcoholism and screening. The offender should be told that this fine is for that purpose and does not preclude any additional fines imposed by the court at sentencing. If this is not possible, then the courts could automatically impose a flat fine to cover these costs when sentencing each such offender. The offender would be ordered to pay this fine directly to the evaluation center or however the county preferred receiving it. Should the court wish to impose a greater fine, in the event that injury or damages were part of the offense, this fine should still be included to ensure the evaluation and screening process are supported by the persons who have created a need for such a service.
5. Evaluation - should categorize offenders into three groups: alcoholics, social drinkers, and persons having an acute emotional crisis. This categorization is necessary because each group will require different treatment at sentencing. An alcoholic should be sentenced to participate in detoxification and Alcoholics Anonymous. Social drinkers, who have no excuse for their irresponsible behavior, should be required to perform more community service than alcoholics, or persons having acute emotional problems. Those persons should be required to seek counseling, or other more positive ways of coping with acute stress.
6. Referral and Sentencing - the evaluation center or a small group of volunteers working with the evaluation center, should make appropriate referrals to other agencies within the county. Alcoholics will be referred for any needed detox assistance and to Alcoholics Anonymous. Those needing emotional counseling will be referred to the county's mental health services. All be will referred to county agencies placing volunteers in appropriate positions, or to institutions such as hospitals and treatment centers who have made prior agreements to accept such offenders as volunteers making restitution to their community.

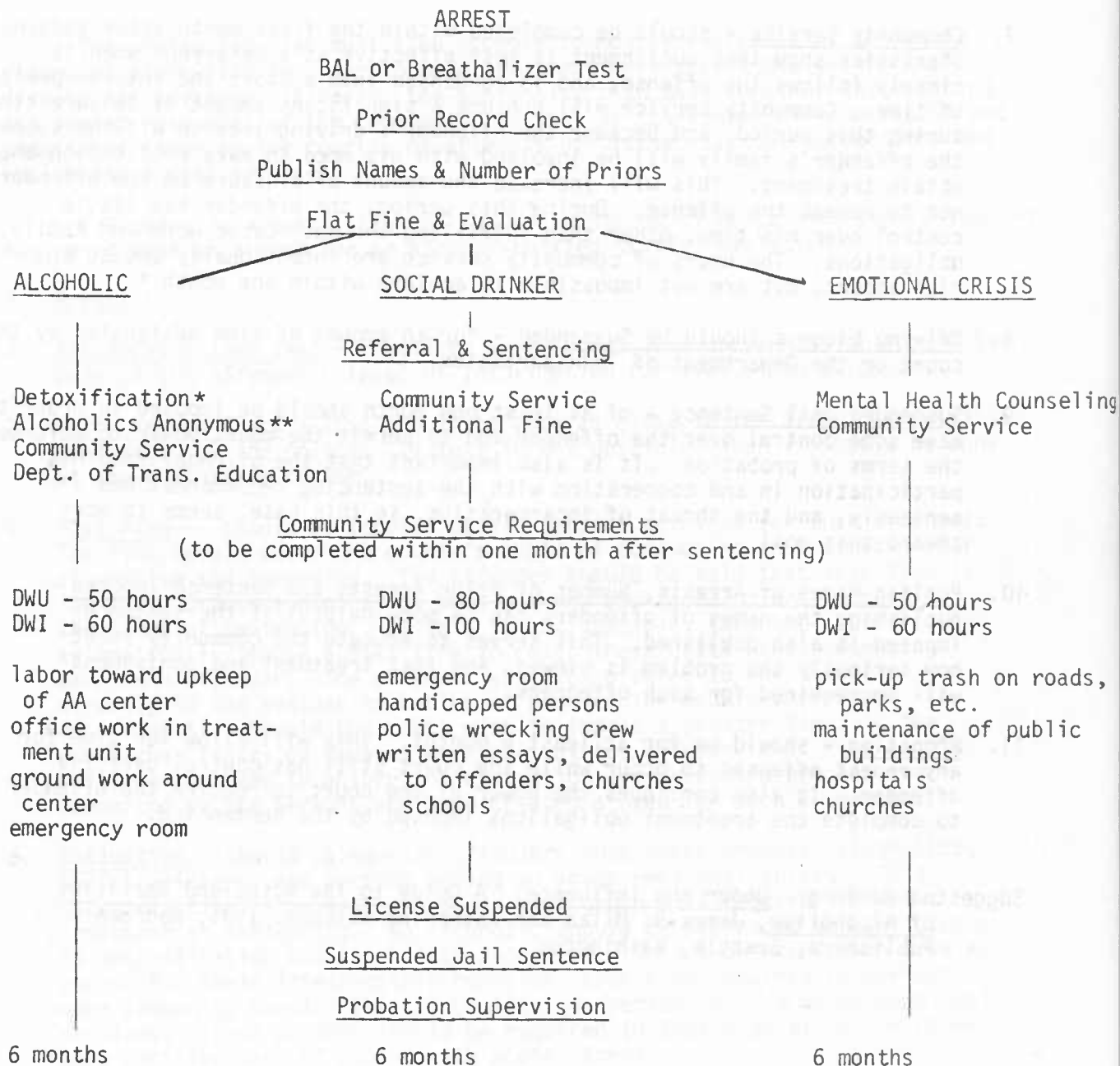
7. Community Service - should be completed within the first month after sentencing. Statistics show that punishment is most effective as a deterrent when it closely follows the offense, and is condensed into a short and intense period of time. Community service will consume a significant amount of leisure time during this period, and because the offender's driving license will be suspended, the offender's family will be involved with his need to make restitution and obtain treatment. This will increase the amount of pressure on the offender not to repeat the offense. During this period, the offender has little control over his time, other than fulfilling the most basic work and family obligations. The hours of community service are intentionally set at a high amount, but are not impossible to achieve within one month.*
8. Driving License Should be Suspended - for an amount of time designated by the court or the Department of Transportation.
9. Suspended Jail Sentence - of at least one month should be imposed in order to have some control over the offender and to permit the court power to enforce the terms of probation. It is also important that the offender take his participation in and cooperation with the sentencing recommendations seriously, and the threat of incarceration, in this case, seems to work toward that goal.
10. Publish Names of Arrests, Number of Prior Arrests and Sentence Imposed - publishing the names of offenders can be more helpful if the sentence imposed is also published. This serves to educate the community about how seriously the problem is viewed, and that treatment and punishment will be required for such offenders.
11. Probation - should be for at least 6 months. This will allow for time for any repeat offenses to occur while the court still has control over the offender. It also continues the power of the court to require the offender to complete the treatment obligations imposed by the sentencing.

Suggested Reading: Under the Influence: A Guide to the Myths and Realities of Alcoholism, James R. Milan and Katherine Ketcham, 1981, Madrona Publishers, Seattle, Washington

* Roughly: 672 hours in each month
320 hours employed & sleeping

352 hours free time each month (88/week)

First Offender



* As needed and as recommended by the evaluation center

** Alcoholic Anonymous sessions should be required 4 times each week for a period of six months. Attendance should be verified by having the AA group leader give signed attendance slips to the offender who will then submit them to his probation officer in the amount equal to 4 meetings per week for any month.

Repeat Offender

ARREST

PRIOR RECORD CHECK

FLAT FINE

EVALUATION

(can assume offender is alcoholic)

Detoxification Assistance & Inpatient Treatment as Recommended by Evaluation
Alcoholics Anonymous - 4 times weekly, 2 years with attendance verified
Antabuse - 6 months
License Suspended
Published Arrest
Family Involvement in Treatment
Community Service - 100 hours within one month
Suspended Jail Sentence - 6 months
Probation - 2 years

Consider: Weekends in Jail if Physical Injuries or Property Damages Involved
Work Release - 6 months - if Manslaughter is Offense

Additional Fine: Commensurate with Offense, Damages, etc. Additional fines should be designated to support the county's alcoholic treatment programs, or to victim compensation funds, or directly to any victims of the offense.



October 15, 1982

Honorable Robert A. Pascal
County Executive
Arundel Center
Calvert Street
Annapolis, Maryland 21401

Re: Anne Arundel County Task Force
on Drinking and Driving

Dear Mr. Pascal:

Enclosed herewith is the final report of the Anne Arundel County Task Force on Drinking and Driving. We have previously presented to you, in May of this year, our preliminary report which included numerous recommendations for change. Some of these recommendations, we are pleased to say, have already been acted upon.

The Task Force has continued to meet throughout the summer and has studied in depth certain matters which had not been reviewed during our preliminary effort. Included among these are a consideration of sentencing alternatives, consideration of potential evaluation and treatment programs, and a continuing review of the actions taken by local and State agencies charged with the responsibility of dealing with the problem of drinking and driving.

It has been a great honor for me to serve as Chairman of the Task Force. I cannot close the report without indicating to you that you and your administration should be very proud of the individuals who have served on this Task Force. Although I have had the opportunity to be involved with a number of boards and commissions over the years, never before have I served with a group of people who were so dedicated to their cause and so willing to participate in mutual efforts to attend to the problems before us.

I would also like to point out to you that the staff of

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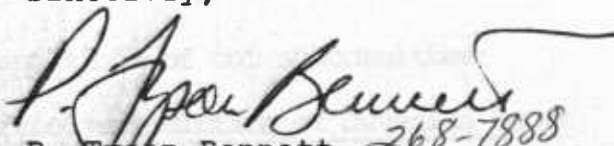
Honorable Robert A. Pascal
Page Two
October 15, 1982

the County Drug and Alcohol Program have been of particular assistance to us. Specifically, Ms. Barbara Benner and Ms. Carol Heinz have made themselves available to the Task Force and have given us invaluable assistance. Without their continuing efforts, our Task Force could not have conducted the comprehensive review and study which has been done.

I would also like to thank, personally, Mr. Dale Mumford, your Criminal Justice Coordinator, for his continuing assistance in acting as liaison between the Task Force and your office.

Once again, on behalf of the Task Force, our thanks for your having given us the opportunity to serve Anne Arundel County. We trust that our efforts will serve as a catalyst to continuing change. To the extent that we have been able to affect public attitudes about drinking and driving, and affect actions of governmental agencies, we have been successful. Each member of the Task Force stands ready to continue to work toward reducing the awesome toll of death, personal injury and property damage caused by the drinking driver.

Sincerely,


P. Tyson Bennett 268-7888
Chairman, Task Force
on Drinking and Driving

PTB:lm

Md.
Y 3.
Dr 78
/W
/985



Md. Y 3. Dr 78 :2/W /985
Anne Arundel County Task
Force on Drinking and
[Final report]

WARREN B. DUCKETT, JR.
STATE'S ATTORNEY FOR ANNE ARUNDEL COUNTY
101 SOUTH STREET
ANNAPOLIS, MARYLAND 21401
301 - 224 - 1740

TO: The Anne Arundel County Task Force on Drinking and Driving

FROM: The Enforcement and Prosecution Subcommittee

DATE: May 28, 1985

RE: Recommendations to Improve the Drinking Driver Problem in the State of Maryland

Your Enforcement and Prosecution Subcommittee met on several occasions to discuss various recommendations to improve, both from a law enforcement and prosecutorial standpoint, the handling of driving while drinking problems in the State of Maryland.

Find below the recommendations of our subcommittee:

1. Eliminate the traffic jurisdiction of Juvenile Court for individuals 16 years of age and older.

The District Court has traffic jurisdiction over all offenses involving juveniles except those which provide for possible incarceration. These offenses number not only driving while intoxicated and driving while under the influence, but also driving while suspended, fleeing and eluding, and leaving the scene of a personal injury accident.

It is the subcommittee's position that consistency and uniformity in the prosecution of all traffic related juvenile cases can be best served by providing total jurisdiction to the District Court.

Beyond the obvious argument for consistency, it is further noted that the District Court has established through the monitoring programs a better and more sophisticated treatment resource which allows them the ability to supervise adherence to the various conditions of probation.

This proposed legislation was recommended to the legislature by the Governor's Task Force on the Drinking Driver. However, unfortunately, it was not passed during the last session of the General Assembly.

2. Allow the introduction into evidence of a driver's refusal to take a blood-alcohol test.

Drunk driving cases and manslaughter cases involving the consumption of alcohol are being tried more and more frequently before a jury. Members of the jury become frequently confused when they fail to receive the results of either a breathalyzer or a blood alcohol test. They frequently send notes to the judge while deliberating asking why they did not receive evidence concerning an alcohol test. It would greatly assist the prosecution in the presentment of these types of cases if the jury could be informed that the test was refused by the driver.

It is very difficult to receive a conviction for drunk driving without test results of .13 or higher notwithstanding strong evidence regarding the manner in which the car was being operated and clear evidence of the police officer's observations of the driver which would lead a reasonable person to realize that the individual had been drinking to excess.

It is felt that with evidence of refusal, combined with the officer's observations and evidence of the manner in which the car was being operated, would lead to more convictions for drunk driving as opposed to the customary conviction of driving while under the influence.

3. A mandatory 6-month suspension of driving privileges for having refused to submit to a chemical test for intoxication.

It should further be noted that this suspension of the driver's license would be complete and absolute with no restrictive privileges.

4. Full abolition of all restrictive licenses for any subsequent disposition for either drunk driving or driving while under the influence.

5. Extend the automatic stipulation provision of Section 10-306 to include various technical and procedural issues encountered in the trial of drunk driving cases.

Several years ago, the legislature passed Section 10-306 of the Transportation statute. This law mandates that the State must inform the defense of the results of any chemical test in advance of trial. Thereafter, if the defense, within a specific time limit, does not demand proof by requiring the breathalyzer operator to be present in court, the test results are stipulated to and thus automatically received in evidence.

Defense counsel, having failed to request the presence of the breathalyzer operator, will frequently, at time of trial, raise various technical objections concerning the certification of the breathalyzer equipment, the certification of the breathalyzer operator, the qualification of the attending nurse at a hospital where blood was extracted, and various other technical objections.

Passage of this bill would extend the so-called automatic stipulation to cover these instances unless the defense makes a timely, specific objection, thus requiring the State to produce the appropriate witnesses.

6. The establishment of a specific offense involving serious bodily injury through the operation of a motor vehicle.

Delegate Kramer has, for several years, introduced a serious bodily injury bill which is related to alcohol and/or drug related driving.

It is felt that this law could be very beneficial in the prosecution, not only of drinking while driving cases involving accidents and serious bodily injury, but would also fill a very large vacuum in the law between reckless/negligent driving and manslaughter.

At the present time, there is no offense to fill the void between reckless driving (which carries no period of incarceration, merely a fine) and manslaughter (which obviously requires the death of the victim). This offense, as proposed, would be a misdemeanor.

7. Amend Section 16-205.1(c) of the Transportation Article to mandate alcohol testing, where appropriate, in cases where there are serious bodily injuries.

The Supreme Court and, most recently, Maryland, in the decision Moon vs. State, have successfully mandated alcohol testing in cases where there is a fatality.

Consistent with the Kramer bill discussed above, it makes a great deal of sense to statutorily mandate alcohol testing, when appropriate, in those cases where there is serious bodily injuries.

8. The establishment of vehicular manslaughter as a felony rather than a misdemeanor.

Manslaughter, both voluntary and involuntary, is a common law felony. It carries a potential penalty of 10 years imprisonment.

When the statute creating vehicular manslaughter was first passed many years ago, it was established as a misdemeanor primarily to allow the lower courts of Maryland to have concurrent jurisdiction.

Indeed, vehicular manslaughter maintains the same elements and definitions of the felony of involuntary manslaughter. Specifically, to show the felony of involuntary manslaughter or the misdemeanor of vehicular manslaughter, the State must prove "gross negligence". Gross negligence is defined as a wanton and reckless disregard for human life.

Possibly the classification of vehicular manslaughter as a misdemeanor made some sense some years ago. But it makes absolutely no sense today.

The police, the prosecutors, the courts, and, most importantly, the public, recognizes vehicular manslaughter as a very serious offense. The job now is to assure that the legislature feels the same way.

This proposed piece of legislation does not call for an increase in the penalty clause from five years to ten years primarily because there have been no cases in the State of Maryland where a maximum, five year penalty, has been upheld.

However, establishing vehicular manslaughter as a felony would be a very meaningful step forward.

9. In the alternative of having the legislature make manslaughter a felony, it is recommended that the statute of limitations be extended to three years.

As a misdemeanor, prosecutions under Article 27, Section 388, must be initiated within one year of the occurrence.

For several reasons, including the "one year and a day rule" recognized for all homicides, this statute of limitations should be extended if the crime is to remain a misdemeanor.

10. Serious consideration should be given to some form of mandatory sentencing for subsequent offenders.

Our discussions seemed to evolve around two distinct possibilities:

- a. A mandatory 48 hour (weekend) incarceration on the second offense.
- b. A mandatory 6-month sentence for persons convicted of a third offense within a ten year period.

11. Increase the time for notification to the M.V.A. contained within Section 16-205.1 from 72 hours to five working days.

When a motorist refuses a breathalyzer test, the law prescribes that the officer must notify the Motor Vehicle Administration within 72 hours to enable M.V.A. to schedule a hearing for the purpose of considering sanctions for said refusal.

Frequently, a police officer will either go off duty, get very busy, or otherwise fail to provide M.V.A. with notification within 72 hours set forth in the statute. Thus, M.V.A. can take no action involving the person's driving privileges.

It is our recommendation that the time in which the officer must respond be extended from 72 hours to 5 working days.

12. Amend Section 10-307 of the Transportation Article to provide for the use of the statutory standards involving blood-alcohol established therein to include manslaughter prosecutions under Section 388 of Article 27.

13. From an administrative-procedural standpoint, guidelines should be adopted by the Motor Vehicle Administration to provide some form of consistency in the conduct of their hearings to reduce the current despairity noted from case to case and from hearing officer to hearing officer.

14. Further, it is recommended that a standardized field sobriety test be established for all departments which would satisfy the court's requirements concerning the existence of probable cause in drunk driving cases.

In Anne Arundel County, the judges and the prosecutors deal with three separate law enforcement agencies, each with their own field sobriety testing techniques, some of which irritate members of the judiciary causing inconsistency in dispositions.

15. A comprehensive training program should be implemented involving all new prosecutors, judges, and M.V.A. hearing officers.

This will be difficult to implement and initiate, at least as it affects the judges.

I doubt very seriously whether Chief Judge Sweeney would concur with judges of the District Court sharing a training program with prosecutors and hearing officers.

16. The Motor Vehicle Administration should be required to automatically provide probation before judgement dispositions as an integral part of certified copies of driving records.

17. The establishment of a D.W.I. jail similar to the one recently opened in Prince George's County.

It was further the recommendation of the subcommittee that serious efforts be made to attempt to establish in Anne Arundel County a facility similar to one presently in Prince George's County for the D.W.I. offender. Members of the County government, along with representatives of this Task Force, should visit the Prince George's County facility with an eye towards requesting the County Executive to include same in future budgets.

18. The use by all police agencies of the recently up-dated citation forms.

It is noted that the traffic citations previously being used by the various police departments were not in conformity with the new rules of court as they failed to provide the necessary advice of rights regarding representation.

These faulty citations have been replaced by a majority of the police departments.

It is the recommendation of the subcommittee that all police agencies obtain the new citation forms which comply with the new rules of court.

The Anne Arundel County Task Force on Drinking and Driving
May 28, 1985
Page 7

19. The adoption of a matrix similar to the one being used in Prince George's County for the disposition phase of D.W.I.-related cases.

Judge Vincent Femia has been using a rather sophisticated but simplistic matrix (attached hereto) to provide consistency and uniformity to the dispositions of D.W.I. and D.U.I. cases.

The subcommittee recommends that the judiciary give consideration to the implementation of such standards, realizing that there must be and should be some deviation on a case by case basis depending upon the facts of a given case.

Your comments and suggestions involving these recommendations, or others not considered, would be tremendously appreciated.

Respectfully submitted,


WARREN B. DOCKETT, JR.

JOHN C. ASTLE

DALE MUMFORD

Enclosure: Judge Femia's Matrix

JUDGE FEMIA'S MATRIX

I. First offenders:

A. Up to .12

There are three options for P.B.J.

1. Two days incarceration
2. Four days community service
3. \$250.00 fine

B. .13 to .19

There are two options for P.B.J.

1. Two days incarceration
2. Four days community service

or

3. B conviction - \$250.00 fine

C. .20 to .29

There are two options for P.B.J.

1. Four days incarceration
2. Eight days community service

or

3. B conviction - \$500.00 fine

II. Second offenders:

- #### A. Five days straight time

III. Third offenders:

- #### A. Six months incarceration

- #### B. Sixty days incarceration

(Both terms suspended, all but 30 days or 10 days.

If you take 10 days, 3 years D.W.I. monitoring or

do 30 days.

PUBLIC AWARENESS STUDY

GROUP REPORT

MAY 28, 1985

Members Active: Frank Altobelli (Chairperson), Jean Heald,
Dale Mumford, Berry Carter, Eric Avery (Recorder),
Lt. Robert Short, and Chief John Schmitt

Statement of Purpose

Youth and adults continue to be unaware of the drastic consequences of drinking and driving, and the effectiveness of prevention steps including the use safety belts. Motor vehicle crashes alone account for 10,000 teenage deaths each year, making this the number one killer of our youth. Many more adults die as a result of drunk driving or driving while impaired. Safety belts alone can reduce the chance of death or serious injury in a crash by about fifty percent, yet only ten to fifteen percent of all drivers voluntarily use them. Many positive changes have occurred since the last Anne Arundel County Drinking and Driving Task Force Report. The achievements of many agencies - city, county and State - organizations, and the community are to be landed; however, we found many areas in which extra effort can be exerted. The results of recommendation from the previous Task Force are attached as Exhibit A.

The Public Awareness Study Group has reviewed past recommendations and is proposing several specific projects. The County Executive is strongly urged to give serious consideration to each item of this report and where appropriate to issue an Executive Order or other implementing document to cause the timely performance of these recommendations by the respective county agency or official. The recommendations, separated into five categories, are described in this report. It is our hope that these projects and suggestions will be actualized as they will undoubtedly benefit our community.

RECOMMENDATIONS

I. Public Officials and Agencies

- 1.1. Conduct periodic cooperative Sobriety Check Point programs jointly with county, city and the State Police. These should parallel previously successful efforts such as, cooperative DWI enforcement efforts, Spider, etc. The city and county police departments should join with the Maryland State Police to prepare an expression of interest in Federal highway safety funds through the Maryland Department of Transportation
- 1.2. Conduct controlled drinking presentation by trained officers for Anne Arundel County's delegation demonstrating the impact of different BAC levels and the effectiveness of the "Gaze Nystagmus Test" in determining BAC levels.

- 1.3. Insert a series of County Executive letter(s) in the "Pennysaver" to highlight the dangers of drinking and driving. Each issue should focus on specific target groups or holiday periods, etc.
- 1.4. Improve the Motor Vehicle Administration's handbook by addressing the dangers of drinking and driving in an expanded text including examples.
- 1.5. Conduct a yearly workshop for County teachers to update them on the dangers of alcohol and other drugs as well as drinking and driving. Reinforce the annual workshop through faculty meetings or special workshops in each high school throughout the year.
- 1.6. Instruct the appropriate licensing agency (City, County and State) to require a yearly records check for taxi drivers and other drivers of vehicles for hire.
- 1.7. Develop a program through the Anne Arundel County Public School system to mirror the effective Employee Assistance Programs identify and help troubled employees established by many businesses.
- 1.8. Encourage the Department of Natural Resources to develop a "Report a Drunk Boater" program. There should be an ad campaign that includes all marinas. This is significant also since these boaters leave the water and immediately enter their vehicles to drive home, many times with small children.
- 1.9. Encourage the County Administrator and department heads to have all county and city vehicles display a "Help Save Lives" bumper sticker.
- 1.10. Encourage the Liquor Control Board to require liquor dispensing establishments (licensees) to take the following actions:
 - a. Send all employees to a server education program.
 - b. Display poster(s) prominently discouraging under age drinking and drinking and driving.
 - c. Demonstrate a positive working relationship with police departments by encouraging periodic visits to each establishment.
- 1.11. Assure that each of the Anne Arundel County health Department satellite health clinics, including the main location, display literature on the following topics:
 - a. Information on alcohol and other drugs.
 - b. Victim assistance programs.
 - c. Dangers regarding drinking and driving.
 - d. How to report a drunk driver.

- 1.12. Hold a symposium for judges, similar to the project in Washington D.C., to discuss and update information on alcohol and other drugs.
- 1.13. Encourage judges to ride with police officers on patrol. This will increase knowledge and demonstrate techniques and practices employed by police officers.
- 1.14. Hold one or more public hearing(s) in the county on the effects of drunk driving stressing the impact on family and community life.
(The Anne Arundel County Council)
- 1.15. Encourage all elected and public officials to familiarize themselves with DWI problems and where appropriate, ride with police officers to gain an understanding of the problem.
- 1.16. Hold a public hearing on the effects of alcohol and drugs on students with a positive focus on what more can be done. (The A.A. Co. Board of Ed.)
- 1.17. Develop a flyer (brochure) on reporting drunk drivers and distribute it through many mailings received by the general public. Some examples of mailings would be:
 - a. Refuse/Sewage/Water Bills.
 - b. City and County Tax Bills.
 - c. B. G. & E. Bills.
 - d. M.V.A. License mailing.
- 1.18. The County Executive and Mayor should hold a meeting for the chief executive officers (CEO's) or owners of county businesses to discuss the effects of drinking and driving, the Task Force Report, and county and community resources for employees. Their assistance to the community should be solicited.
- 1.19. The County Executive's Office, Mayor's office and State's Attorney's Office should take steps to build further awareness of the victim's assistance program. One suggestion was to work with MADD and develop a card to be distributed to the following places:
 - a. Police Department.
 - b. All police officers. (city/State/county)
 - c. Hospitals (emergency rooms especially).
 - d. Banks.
 - e. Service stations.

- 1.20. Develop sixty and thirty second radio and TV spots. The County Executive, Mayor, Police Chiefs, State's Attorney's and President of the Board of Education should tape messages to the general public to increase awareness.
- 1.21. Encourage the Department of Recreation and Parks to post signs at all parks regarding alcohol consumption policy and who to call to report violators and/or drunk drivers. They should also obtain from the MD Department of Transportation "Buckle up" signs for installation at each exit when leaving a park.
- 1.22. The police and school administrators should patrol with more frequency, high school parking lots in the morning, prior to the school day.
- 1.23. The County, City and State Roads Departments should assist efforts by posting signs throughout the county and State indicating how to report a drunk driver.

II. Youth

- 11.1. Driver's education program needs to be examined and evaluated, especially as it is related to presenting facts about alcohol, alcohol and/or drugs and driving, and encouraging safety belt utilization.
- 11.2. Active student involvement in prevention should be developed for for Junior High and Elementary School children and their parents. Many of these programs have been developed and made available to the MD Dept. of Education and Transportation.

III. Legislation

- 111.1. Administrative revocation of the driver's license of a driver charged with a BAC of .10 or who refuses to take the test.
- 111.2. Adults providing alcohol to minors: Legislation should be passed making it a civil and/or criminal offense for providing alcohol to minors including mandatory a minimum fine of \$100.00 or minimum license penalties.

IV. General Deterrence Programs Targeted to Specific Audience Groups

- 1V.1. The High School D.W.I. - "A Deadly Duo" program needs to be continued and it is suggested that, to further awareness, a wrecked car be brought to the school on the day of the program.
- 1V.2. A program should be developed to make youth think twice before attempting to purchase alcohol. Much emphasis has been on the seller; yet it seems to the study group, that those who attempt to purchase are also breaking the law and need to know it.
- 1V.3. Prominent displays should be developed for the County Fair and at the Health Fairs.


V. Corporate and Business Groups


- V.1. Bowling alleys and other sport centers should have posters promoting good health and the dangers of alcohol, drugs and driving.
- V.2. At sports events, programs and posters regarding alcohol and driving should be utilized to raise awareness.
- V.3. The Retail Licensed Beverage Association should be encouraged to promote server education and public awareness programs.
- V.4. Project Graduation should be institutionalized. County florists and tuxedo rental stores and all other related business establishments should work together in a countywide coordinated effort during high school prom and graduation periods to highlight the dangers of drinking and driving.
- V.5. Physicians should be encouraged to discuss driving and alcohol problems with patients, e.g., during routine physicals. They could also be encouraged to screen patients through blood and urine samples to determine the presence of alcohol and/or blood. This would encourage patients to initiate discussions with their physician on remedial steps they could take to overcome these problems.
- V.6. Liquor establishments should be encouraged to call/notify police regarding known impaired drivers.
- V.7. Citizen Band radio clubs, R.E.A.C.T., et. al., should work more closely with the community to gain awareness and volunteers. Their works and efforts should also be promoted by community leaders.
- V.8. Members of the business community should participate in utilizing billboards to raise community awareness about drinking and driving in addition to their own messages. Billboards owners in other counties/States have contributed space for DWI messages; we should encourage the same.
- V.9. The Anne Arundel County Medical Society should be asked to sponsor a symposium for physicians. This would enable physicians to more easily detect signs and symptoms and update them on referral facilities.
- V.10. In Anne Arundel County, newspapers and radio stations, have provided an excellent community service. It is recommended that they continue to receive updated information for dissemination in the community.
- V.11. A short film should be made on Drinking and Driving demonstrating how to report a drunk driver. Local theaters, cable networks, and commercial TV stations should be encouraged to show it.
- V.12. The County Office of Alcohol and Drugs has conducted an excellent "Service and Designated Driver" program. Restaurants should be

contacted and encouraged to initiate "Designated Driver" programs similar to the ones Ramada Inn's and Sheraton's have done.

- V.13. The clergy of all dominations need to be more active in raising public awareness. Point papers should be provided to them and they should be encouraged to periodically have a Highway Safety Sunday. This designated "Sunday" should be coordinated countywide.
 - V.14. Automobile dealers should assist with all awareness campaigns and should be included in each undertaking as a key group within the community. A Dealers Against Drunk Drivers (DADD) group should be encouraged within the county.
- VI. The Four Goals of Maryland MADD should be embraced by the Task Force since they relate to the bottom line of the Public Awareness Study Group and certainly the Task Force as a whole. They are:
- VI.1. To reduce the number of deaths and injuries caused by drunk drivers.
 - VI.2. To provide support and assistance to the victims of drunk drivers.
 - VI.3. To urge the use of safety belts and child safety seats as the best defense against drunk driving.
 - VI.4. To ultimately eliminate the menace from Maryland roadways by focusing public attention on the horror that drinking drivers create.

Respectively submitted,


Eric Avery
Recorder


Frank D. Altobelli
Chairperson

MVA STUDY GROUP
PRELIMINARY REPORT
MAY 28, 1985

Co-Chairman: Jean T. Heald and Fred Menke

Members: Chief William S. Lindsey, Mr. Howard Showe, Mrs. Jean Heald, and Mr. Fred Menke. Several members of the general Task Force provided suggestions and comments that were helpful to our efforts.

Statement of Purpose

As part of the Drinking and Driving Task Force appointed by County Executive, O. James Lighthizer, the Motor Vehicle Administration Study Group was charged with the responsibility of investigating current practices and procedures and making certain recommendations for change or initiation of programs that impact generally on the Motor Vehicle Administration.

In our review the following facts were important to our assessment and recommendations:

*In 1984, 8,717 or 28.74% refused to take the breathalyzer test and the 19,983 or 92.47% who did had a .08+ BAC statewide.

*In Anne Arundel County 587 or 43% refused, to take the breathalyzer test and the 564 or 93.06% who did had a BAC of .08+.

*In Anne Arundel County there were 54 deaths, 28 alcohol related or 52%.

*There is no record of how many of these deaths were caused by repeat offenders.

*Those states with administrative revocation, i.e. swift and certain punishment, report a recidivism of 30-40%.

*The time of the suspension (30 days?) or as set by law would be an ideal time for the defendant to attend alcohol rehabilitation.

This report presents six recommendations we believe should be included in the Task Force report submitted to the County Executive.

Recommendations

I. Administrative Per Se Law

What is commonly known as the Administrative Per Se Law has been formally proposed by the Presidential Commission on Drunk Driving, Federal 408 Fund Legislation, the National Highway Traffic Safety Administration (NHTSA), the Governor's Task Force, and is currently before the National Committee on Uniform Vehicle Codes and Ordinances (NCUVOC). The purpose of any such law is:

A. Provide safety for all persons using our highways by quickly

revoking the driving privilege of those persons who have shown themselves to be safety hazards by driving with an excessive concentration of alcohol in their bodies; and

- B. To guard against the potential for an erroneous deprivation of the driving privilege by providing an opportunity for administrative review prior to the effective date of the revocation, and an opportunity for a full hearing as quickly as possible after the revocation becomes effective; and
- C. Following the revocation period, to prevent the relicensing of those persons until the department (MVA) is satisfied that their alcohol problem is under control and that they no longer constitute a safety hazard to other highway users.

A brief synopsis of how the Administrative Per Se Law is applied absent the legalese is as follows:

- A. A police officer stops the operator of a motor vehicle under reasonable grounds that the operator could be under the influence of alcohol or drugs.
- B. Having affected the stop, the officer determines that the vehicle operator is impaired and can then request of the person that they submit to:
 - 1. A preliminary breath test and/or;
 - 2. A breathalyzer test.
- C. Under the implied consent law, a person refusing either, under the Administrative Per Se, would have their drivers license confiscated at that point and a temporary 7 - 15 day (law would determine) license would be issued by the police officer.
- D. Should a person consent to a breathalyzer test and a blood concentration of .08 - .13 (law would determine) be recorded, again, the license would be confiscated and a temporary license issued.
- E. The police officer must then file a report of his findings along with the confiscated license to the MVA.
- F. The MVA would have a hearing within 7 - 15 days to determine revocation on administrative determination. The department would then revoke the license of any person upon its determination that the person drove or was in actual physical control of a motor vehicle while the alcohol concentration in the person's blood or breath was (.08 - .13 or more.)
- G. Provisions are provided for judicial review following an administrative determination of revocation.

Certainly, the adoption of an Administrative Per Se Law in the State of Maryland would require a commitment of funds for equipment and personnel, particularly at our MVA. Some eighteen states and the District of Columbia already have some type of Administrative Per Se Law, thus cost should not be of overriding concern. The experience from a law enforcement prospective can be found in the State of Minnesota, a state that pioneered Administrative Per Se. All indications point to the fact that police in the state, although originally skeptical, now praise the law because it has had a definite impact on keeping drunken drivers off the roads and because there is no longer any incentive for charged persons to have their attorneys constantly maneuvering for postponements in the courts; subsequently, many police manhours have been saved.

II. Join the Driver License Compact

Maryland join the Driver License Compact which seeks to accomplish the following goals:

- A. A driver will have only one license;
- B. A drivers complete driving record - including out-of-state convictions of a serious nature - will be on file in the state where the driver is licensed;
- C. A driver's license will be suspended, revoked or limited if the driver's conduct in another state would warrant suspension, revocation, or limitation if the conduct occurred in the state where the driver is licensed.

In 1983 there were 30 member states of the Drive License Compact. Maryland should join this interstate organization so as to more fully work toward reducing drunk driving. This should be done in addition to belonging to the National Driver Register.

III. Revise the Driver's Handbook

The MVA Driver Handbook needs further improvement by including more information on the dangers of drinking and driving.

IV. Improve Record Keeping Procedures

MVA record keeping needs improving for tracking purposes. The records could then be better utilized for statistical and evaluation purposes to aid in determining what has happened to offenders such as license sanctions, jail and treatment (evaluation compact to help to determine what works.)

V. Provide Public Awareness Flyer

A flyer should be included in every driver's license and car registration mailing. This should not be a chart showing how much you can drink. Instead it should include latest collison statistics involving drinking and driving and describe other possible consequences of getting behind the wheel intoxicated.

VI. Institute Education Program

Annual in depth alcohol education for hearing officers and Medical Advisory Board.

Summary Statement

Of all the recommendations, administrative revocation of license of a driver charged with driving with a BAC of .10 or higher or who refuses to take the test will probably have the most effect.

The committee acknowledges that some persons will drive and abuse the PRIVILEGE no matter what society or the law says. However, we should not condone the crime of drunk driving by allowing such a person to have a legal license. MVA reports that often the license is suspended for only 2 days and that does not occur until months and sometimes over a year after the arrest.

It is our study group's sincere hope that the recommendations of the Drinking and Driving Task Force will have a positive impact on the problem of drunk driving and that our support for enactment of an Administrative Per Se Law in the State of Maryland will be recognized and the other recommendations be implemented.

M E M O T O: DWI Task Force Study Committee

F R O M: Paula Peters

S U B J E C T: Sentencing and Evaluation

Proposed Recommendation

The Study Committee has reviewed the current system for evaluations and sentencing, considered programs in other areas, compared the problems to others in the criminal justice system and met with several District Court Judges.

The introduction of the DWI Monitor Program has resulted in marked progress; prior to the monitor program, approximately 20% of the Defendants were referred for treatment while now approximately 60% are referred for treatment. The overwhelming problem, however, is that there are no serious consequences for subsequent offenders; nor are there serious consequences of violations of probation.

After substantial discussion, the Study Committee believes that a distinction should be made between first and repeat offenders. The Committee also believes there should be some consistency in the sentences, among the Judges. Most importantly, both for public policy and for treatment reasons, there must be consequences attached to a driver's continuing to drive after drinking.

Toward the end, the Study Committee recommends that the Judicial Conference develop sentencing guidelines for all offenders similar to the sentencing guidelines now in effect in the Circuit Court.

The Study Committee recommends that the guidelines be developed to reflect, at least, the following factors:

1. Prior driving record.
2. Prior alcohol related driving offenses.
3. Prior criminal offenses during which alcohol was a factor (both juvenile and adult)
4. Blood alcohol level.
5. Relationship to the criminal justice system at the time of the offense.

The committee also recommends that not only the number but the seriousness of the offenses be rated and the impact on the community be considered.

The Committee is not recommending mandatory sentences, but rather guidelines and would endorse the Circuit Court System of requiring the Court to state reasons on the record, if the sentence differs from those in the guidelines. The Committee also is not addressing the question of what the consequences for subsequent offenders should be (e.g. jail, fines, community service, etc.)

If the Judicial Conference is not willing to undertake the project at this time, the Committee strongly urges the local District Court Judges to develop an informal guideline system. The members of the Study Committee are ready to assist the local judiciary in this endeavor.

TREATMENT AND MONITORING STUDY GROUP REPORT

The attached report consists of two sections. The first is our proposed recommendations, the second is our review of past recommendations.

Study Group Members,

John Rooney
Mike Fuller
Sandra Cross
Fred Menke

1985 Study Group Treatment and Monitoring

Report and Recommendations

The Programs that were initiated have demonstrated some progress, However our study group feels that certain changes and recommendations would help to strengthen the programs and consequently be more effective.

A. Screening

1. We have a similar concern with the 1982 task force. That concern is with the lapse of time between arrest and any possible evaluation, and the time for intake and actual beginning of a group with the Health Department. We feel as did the previous task force the need for immediate evaluation after the arrest, and treatment to follow soon after. This would be much more valuable in the long run for the problem drinker. After being found guilty of a DWI, you still will not be active in a program until 4 to 5 weeks later, this is on top of the time you had to wait for a trial date.

2. The study group also feels that to expedite the screening process, that the courts need a separate DWI docket.

3. With the increase in the number of DWI conviction, there is a need for more qualified screeners.

B. Monitoring

1. The Monitor Program would like to have 3 (three) months of mandatory meetings. After the three months, the person or persons would be re-evaluated by the monitor. At this time the monitor would decide if that person or persons were ready to go into Alcoholics Anonymous without slips. Any individual with a strong denial would be evaluated after 30 days. This would be two meetings a week for three months. It would be referred to as an Institution Drinking Program. A monitor would be present at each meeting. For this to work, we would need more counselors, overtime, or flex-time for the program. When the program received more help, the job of monitoring would be efficiently and professionally handled.

2. The monitor program has had instances where a Judge will scratch through the wording of "defendant must remain totally abstinent from alcohol during the probation time". For the program to work better, there should not be any conditions omitted. The Judge is an integral part of this treatment process. With the Judge deleting sections of the form, it can only hinder the program.

3. In order for the Monitoring Program to retain its valuable personnel and high standards salary and benefits should be offered. Current contractual employees receive salary without added benefits and therefore are not par with other state employees or employees from the private sector. The Monitoring Program needs to stay strong and keep the valuable employee.

DWI SPECIAL CONDITIONS OF PROBATION FORM

SPECIAL CONDITIONS OF PROBATION:

(To be attached to Court Order for Probation form)

DEFENDANT _____ TRIAL DATE _____ LOCATION _____

CHARGED 21-902 A _____ B _____ Cit. # _____ DATE ISSUED _____

VERDICT: G/A _____ PBJ/A _____ BLOOD/BREATH TEST RESULTS _____

G/B _____ PBJ/B _____ LENGTH OF PROBATION _____

Why deleted

DEFENDANT MUST REMAIN TOTALLY ABSTINENT FROM ALCOHOL AND ILLICIT DRUGS DURING THE PROBATION TERM (Alcohol Assessment by: _____)

Defendant shall successfully complete at defendant's sole expense, if any:

_____ Health Department Alcohol Program

_____ AOC Approved Alcohol Program

_____ MVA Alcohol Education Program - **1st OFFENDERS/SOCIAL DRINKERS ONLY**

_____ Defendant shall attend _____ meetings of ALCOHOLICS ANONYMOUS (AA) PER WEEK in the FIRST 20 WEEK PERIOD.

_____ Thereafter, the defendant shall attend NO LESS THAN _____ MEETINGS OF ALCOHOLICS ANONYMOUS (AA) PER WEEK DURING THE BALANCE OF THE PROBATION TERM.

_____ Probation MONITORED BY DRINKING DRIVER MONITOR PROGRAM ONLY.

_____ Probation supervised by Parole & Probation and Drinking Driver Monitor Program.

_____ Other conditions: _____

ADDITIONAL PROBATION CONDITIONS AND INSTRUCTIONS TO DEFENDANT ON REVERSE SIDE OF THIS FORM.

CONSENT:

Name _____ Defendant's Signature

Address _____

_____ Zip _____

Phone # _____ Birth Date _____

Driver's Lic. # _____

Employer _____

Phone # _____

DEFENDANT MUST CONTACT THE FOLLOWING WITHIN 72 HOURS:

DRINKING DRIVER MONITOR PROGRAM

Telephone # _____

JUDGE

Copy Dist.: Court File
 DD Monitor
 Defendant
 Local Health Dept. or MVA Alcohol Education

_____ (county/city of residence)

C. Treatment

1. We see the classes of AA disrupted and overcrowded from the numbers the court sends for treatment. At present large meeting places are being looked for and may be found before this task force adjourns for 1985.

2. With the overpopulation of AA the only good alternative seems to be a DWI Treatment Facility. At present Prince Georges County has a pilot program which is the first in the United States for DWI offenders. This program is to be a stepping stone for better and faster treatment, and also act as a deterrent to repeat offenders. We feel that the County should keep a close eye on this pilot program because if it works, we believe that Anne Arundel County should take that step. Enclosed is a copy of the program from Prince Georges County.

44-83- June 84

July 83 - June 84

1ST COURT OF MARYLAND
1983 THROUGH JUNE 1984
21-902 Report

COUNTY	A	B	C	D	TOTAL	A	B	C	D	TOTAL	A	B	C	D	TOTAL	A	B	C	D	TOTAL	A	B	C	D	TOTAL
BALTIMORE CITY	3807	0	0	0	3807	853	902	27	3	1793	156	924	54	14	189	0	0	0	0	0	349	0	0	0	0
DORCHESTER	280	0	0	0	280	119	126	0	0	245	3	73	4	14	15	0	0	0	0	0	189	0	0	0	0
SOMERSET	255	0	0	0	255	71	57	0	0	128	19	6	1	15	61	1	1	0	0	0	769	0	0	0	0
WICOMICO	766	0	0	0	766	309	290	30	1	630	19	11	16	61	31	1	1	0	0	0	444	19	0	0	0
SNOW HILL	469	0	0	0	469	176	202	2	0	388	17	10	11	11	10	5	5	0	0	0	322	2	0	0	0
DEER CREEK	301	0	0	0	301	102	138	1	0	241	22	6	4	13	23	0	0	0	0	0	0	0	24	0	0
TOTAL DISTRICT 2	2079	0	0	0	2085	777	813	33	1	1624	80	106	36	114	95	18	0	0	0	0	2073	24	0	0	0
CAROLINE	154	1	0	0	155	64	43	0	0	127	1	0	1	39	0	0	0	0	0	0	130	0	0	0	0
CECIL	839	0	0	0	839	269	612	4	0	805	48	52	7	39	24	20	0	0	0	0	1090	0	0	0	0
KENT	96	0	0	0	96	23	46	0	0	69	2	8	2	3	3	3	0	0	0	0	86	0	0	0	0
QUEEN ANNE'S	248	0	0	0	248	51	169	0	0	220	5	9	0	12	57	7	0	0	0	0	244	0	0	0	0
TALBOT	454	21	1	0	476	215	180	0	0	395	37	63	3	58	384	12	0	0	0	0	930	0	0	0	0
TOTAL DISTRICT 3	1791	22	1	0	1814	642	1050	4	0	1696	93	132	13	104	104	58	384	0	0	0	2480	23	0	0	0
COLVERT	623	0	0	0	623	150	367	6	1	524	9	74	3	19	19	4	5	0	0	0	630	0	0	0	0
CHARLES	528	0	0	0	528	82	203	3	1	289	20	400	21	7	24	7	1	0	0	0	762	0	0	0	0
ST. MARY'S	527	1	0	0	528	39	233	0	0	272	46	102	9	60	18	60	21	0	0	0	528	3	0	0	0
TOTAL DISTRICT 4	1678	1	0	0	1679	271	803	9	2	1085	75	576	33	71	61	71	27	0	0	0	1928	3	0	0	0
PRINCE GEORGE'S	3960	0	0	0	3960	741	1023	10	1	1775	199	1252	61	1009	467	1009	135	0	0	0	5090	0	0	0	0
MONTGOMERY	3414	0	0	0	3414	625	1099	18	8	1750	72	1288	0	571	395	571	236	0	0	0	4312	0	0	0	0
ANNE ARUNDEL	2026	0	0	0	2026	211	709	15	4	939	270	1616	16	130	65	130	65	0	0	0	3120	0	0	0	0
BALTIMORE COUNTY	4022	0	0	0	4022	664	791	16	6	1477	179	2274	18	235	123	235	123	0	0	0	4467	0	0	0	0
HARFORD	1012	0	0	0	1012	140	509	4	0	733	50	64	4	110	16	110	3	0	0	0	988	0	0	0	0
CARROLL	775	0	0	0	775	274	146	2	0	422	34	193	2	214	37	214	2	0	0	0	904	0	0	0	0
HOWARD	2156	0	0	0	2156	361	519	7	0	807	52	839	62	135	104	135	68	0	0	0	2147	0	0	0	0
TOTAL DISTRICT 10	2931	0	0	0	2931	635	665	9	0	1309	86	1032	64	349	141	349	70	0	0	0	3051	0	0	0	0
FREDERICK	1040	1	0	0	1041	337	661	0	1	999	53	83	10	23	54	23	132	0	0	0	1354	13	0	0	0
WASHINGTON	638	0	0	0	638	384	451	0	0	755	31	56	7	9	33	9	6	0	0	0	897	2	0	0	0
TOTAL DISTRICT 11	1670	1	0	0	1679	641	1112	0	1	1754	84	139	17	14	87	14	138	0	0	0	2251	15	0	0	0
ALLEGANY	601	0	0	0	601	303	201	0	0	594	10	13	0	3	9	3	27	0	0	0	675	11	0	0	0
GARRETT	215	0	0	0	215	119	106	0	0	225	7	3	1	17	3	17	14	0	0	0	236	3	0	0	0
TOTAL DISTRICT 12	896	0	0	0	896	424	307	0	0	819	25	16	1	3316	12	3316	41	0	0	0	931	14	0	0	0
GRAND TOTAL	29294	30	1	0	29325	6636	9943	153	26	16750	1369	9421	317	3316	1691	3316	1297	0	0	0	34171	79	0	0	0

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OTHER
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Study Group Review of Past

1982 Force Recommendations

The Task Force recommendations of 1982 and our recommendations of the Task Force 1985

1. Open door has expanded from 2 offices and 13 staff to 4 offices and 40 staff. It is presently treating about 650 offenders. The Driving while intoxicated procedures and policies are enclosed. There is still needed more counseling time from Open Door and a Counseling program on weekends for the work releases and the weekend commitments.

2. There is a need for a full-time evening work release counselor that could coordinate the Work releases attendance at drug alcohol therapy programs.

Changes in the Detention Center policy to allow work release inmates to attend Open Door sessions and participate in Antabuse therapy if medically approved. Inmates not on work release should enter treatment upon release as a condition of parole. In house counseling funding should be extended beyond June 30, 1982.

1. Work releases have always been able to attend Open Door or any other recognized therapy. A number of them do attend private therapy sessions and I often insist that a Work Release inmate who has been caught with or using alcohol on our Work Release Program must attend Open Door as part of a reinstatement on the Work Release Program. Non-work release inmates as requested by the task force are placed in a drug and alcohol program outside of the Detention Center. This is being done in many cases and we are presently planning a program where it should be done in all cases where it is appropriate. At present the Center Counselors recommend post release drug programs on a piece meal basis and the two drug counselors assigned to the Detention Center from Open Door coordinate drug and alcohol placements. The Department of Probation and Parole sometimes inquire as to an inmates needs and progress for their pre-parole report and the Detention Centers Counselors also note in their pre-parole summaries for the Parole Commission if an inmate has a severe drug-alcohol problem. Our coordination Volunteer is presently building a list of outside agencies, including drug-alcohol programs, that we will refer inmates to prior to their release. The In-house counseling funds were cancelled June 30 1983.

Court sanctioned referrals to private treatment resources for offenders who can afford them and prefer them, with monitoring and reports to the court.

1. The courts would rather not recommend private treatment resources for offenders because it is felt that the Health Department can furnish a list of private providers upon request of the offender. With the increase in the number of persons arrested for Drinking and Driving this has led to an increase in the number of persons assessed and identified as a problem drinker in need of a minimum 6 months of treatment. This referral list lets the offender select a certified treatment program with consideration in areas such as fee schedule, hours, and transportation requirements.

Wherever possible, the cost of programs should be borne by the participating offenders.

1. This seems to be a very complicated process but it cannot be done unless the courts or probation and parole order it. We have a process in our work release program whereby we can take court ordered fines, restitution, etc out of an inmates paycheck, but this is rarely done by the courts or probation and parole. We could certainly take the cost for treatment out of an inmates paycheck if the courts ordered it. Presently 30% of the offenders are paying 5.00 or less a week for treatment. The average DWI fine in Anne Arundel County is \$250.00. The study group feels that when a person is found guilty of a DWI, and if that person is fined; that a set percentage of that fine go toward an alcohol and drug treatment program. Without sufficient funds to provide proper staffing and education, the programs are ineffective to rehabilitate.

2. The maximum fine for a DWI in the State of Maryland is \$1,000.00 dollars, it is necessary for the legislature to raise the maximum from that amount to \$1,500.00 to \$2,000.00 dollars. Monies from the increased maximum would go toward the Maryland State Fund as well as to an improved Drug and Alcohol Rehabilitation Program for the offenders. At present in a little over a years time there has been 2,800 DWI's, with an average fine of \$250.00, that amounts to \$740,000.00 dollars. With that increase in the maximum, a set dollar amount could be used for that very purpose of treatment.