

Report No. 2

REPORT ON
THE DUTIES OF STATE HIGHWAY PATROLMEN
RELATING TO CIVIL PROCESS SERVING AND FILING REPORTS

North Carolina
Legislative Research Commission

Raleigh

1967



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Introduction

The Commission was directed by Resolution 91, adopted by the 1965 General Assembly, "to make a thorough study of the duties of the members of the State Highway Patrol as they pertain to serving civil process or notices as required by law and other duties performed which divert their activities from regularly patrolling the highways of the State, and to determine the advisability and feasibility of creating a new department within the Department of Motor Vehicles, separate and apart from the State Highway Patrol, for the purpose of serving civil process and notices, and the performance of other duties not related to the patrolling of the highways."

The Resolution also directed the Commission to study the time consumed by patrolmen in filing reports, and the advisability of employing sufficient clerical personnel to perform this function and other clerical work now done by patrolmen.

The Commission was directed to make its appraisals, findings, recommendations to the 1967 General Assembly, "with a view to assure full-time patrolling of the State highways by the members of the State Highway Patrol." (See Appendix A)

A subcommittee of the Commission made numerous inquiries by letter and held conferences with persons, agencies, and groups which had information and suggestions relative to the present process-serving and clerical functions of members of the State Highway Patrol. In addition the Commission heard presentations from Mr. A. Pilston Godwin, Commissioner of the Department of Motor Vehicles; Mr. Joe W. Garrett, Assistant Commissioner; and Representative Jack Euliss, introducer of the Resolution.

Findings

The Commission determined that the duties of troopers in serving civil processes and notices are limited primarily to actions involving driver license suspension and revocation. When a licensee fails to comply after receiving two written notices from the Department of Motor Vehicles to surrender his license in accordance with certain laws, a trooper is detailed to serve personal notice and to make an arrest if necessary. A substantial number of notices regularly are served in this manner (See Appendix B) and the 1965 amendments to the Financial Security Act (relating to surrender of license plate upon termination of liability insurance) have caused an increase in this number. We did not find that a separate process-serving division within the Department would be advisable, inasmuch as this would necessitate additional cost for a director and supervisors throughout the State and would restrict flexibility in utilization of personnel. We find it more advisable to employ additional law enforcement officers, so that assignment of troopers (possibly older troopers) to notice-serving duties can be accomplished administratively within the existing divisional structure of the Department.

After reviewing the reports and records which troopers prepare at the present time, it is apparent that some (such as the uniform traffic violation ticket) must be prepared at the scene and others are easily prepared by troopers while sitting in their cars on the highway. None were found to be not serving some useful purpose. However, a number of reports are prepared at the district headquarters. Secretarial assistance at these district offices would be particularly helpful to the sergeant in preparing reports, answering correspondence, and preparing reports of investigation of complaints, thereby relieving him for more field supervision. Secretarial assistance would also be of great value to troopers

in filing accident reports, speed watch activity reports, and other reports. A secretary would be very useful for answering the telephone and relieving the sergeant and troopers of other office and clerical duties at each of the 36 patrol district headquarters under the command of sergeants. (See Appendix B)

In accordance with the purpose of the Resolution, the guiding consideration in the conduct of our study and in making the following recommendations has been to promote measures which would allow troopers to devote more time to patrolling the highways.

Recommendations

We recommend:

1. That an appropriation be made to the Department of Motor Vehicles for the employment of sufficient employees as law enforcement officers to serve driver license suspension and revocation notices.
2. That an appropriation be made to the Department of Motor Vehicles for the employment of 36 Stenographers, to be utilized as secretaries for the district Sergeants.

Appendix A

RESOLUTION 91

H. R. 1132

A JOINT RESOLUTION DIRECTING THE LEGISLATIVE COUNCIL, OR ITS SUCCESSOR, TO MAKE A STUDY AS TO THE ADVISABILITY AND FEASIBILITY OF CREATING A NEW DEPARTMENT WITHIN THE DEPARTMENT OF MOTOR VEHICLES FOR THE PURPOSE OF SERVING CIVIL PROCESS AND NOTICES AND TO MAKE A THOROUGH STUDY OF THE DUTIES OF THE MEMBERS OF THE STATE HIGHWAY PATROL RELATING TO FILING OF REPORTS AND THE ADVISABILITY OF EMPLOYING ADDITIONAL CLERICAL ASSISTANCE FOR THE PURPOSE OF PERFORMING CLERICAL DUTIES NOW REQUIRED OF MEMBERS OF STATE HIGHWAY PATROL.

WHEREAS, it is recognized that highway safety is of prime concern to the general public of North Carolina; and

WHEREAS, one of the most effective ways of reducing traffic accidents and promoting highway safety is through regular patrol of the highways and enforcement of the traffic laws; and

WHEREAS, all members of the State Highway Patrol should devote their time in patrolling the highways of the State; and

WHEREAS, members of the State Highway Patrol should not be required to devote time to duties not pertaining to the patrolling of the State highways:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina herewith requests and directs the Legislative Council, or its successor, to make a thorough study of the duties of the members of the State Highway Patrol as they

Appendix B

TO: THE LEGISLATIVE RESEARCH COMMISSION
FROM: SENATOR IRWIN BELK
RE: RESOLUTION CONCERNING NEW PROCESS-SERVING UNIT OF DEPARTMENT OF MOTOR VEHICLES

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Since the last meeting, we have made a detailed study of the above Resolution and have written the following people asking for their suggestions and comments. Replies are attached to this report. (Exhibit 1)

Mr. C. L. Dority, Exec. Sec.
N. C. Service Station Assoc.

Mrs. L. Y. Ballentine, Exec. Sec.
N. C. Auto. Dealers' Assoc.

Mr. Henry L. Bridges, Chr.
Law Enforcement Officers' Benefit
and Retirement Fund

Mr. Quinn Tamm, Exec. Dir.
International Assoc. of Police Executives
Washington, D. C.

Mr. James E. Civils, Reg. Dir.
Nat'l. Safety Council
College Park, Georgia

Mr. John Sanders, Dir.
Institute of Gov.

Mr. Robert P. Holding, Chr.
N. C. Traffic Safety Council

Mr. Dwight Fee, Exec. Dir.
N. C. Traffic Safety Council

Mrs. Davetta L. Steed, Exec. Dir.
N. C. League of Municipalities

Mr. Wm. M. Storey, Exec. Sec.
N. C. Bar Assoc.

Mrs. Mae Ipock, Sec. & Treas.
N. C. Bus Assoc.

Mr. Howard Ellis, Dir.
N. C. Rural Safety Council

Mr. John Moorisey, Exec. Sec.
N. C. Assoc. of County
Commissioners

Mr. J. T. Outlaw, Exec. V. P.
N. C. Motor Carriers Assoc.

Mr. T. Ed Pickard, Exec. V. P.
Carolina Motor Club

Comm. Pilston Godwin
Dept. of Motor Vehicles

Mr. E. L. Rankin, Jr. Dir.
Dept. of Administration

Col. Charles A. Speed
State Highway Patrol

Representative Jack Euliss
Introducer of Resolution

Governor Dan Moore

Representative Glenn Pickard
Introducer of Resolution

All members of the House and Senate Committees on Highway Safety.

On April 14, 1966 at 2:30 p.m., we met with Commissioner Pilston Godwin and his staff. As a result of this meeting, we issue the following report:

CIVIL PROCESSES OR NOTICES

Their records indicate that 24,232 driver license suspension and revocation notices were sent to the Highway Patrol for service during 1965. The Department sends two notices to these drivers in an effort to get them to voluntarily send in their licenses and issues pick-up notices to the patrol only as a last resort. However, unless the licensee complies with the written notices to surrender his license, it is very important that he be contacted personally and required to turn in his license or the suspension and revocation laws would be meaningless.

Members of the patrol actually served 20,163 of these pick-up notices and their records indicate that it took an average of two hours and forty minutes for each service.

$20,163 \times 2 \text{ hours and } 40 \text{ minutes} = 53,768 \text{ hours}$

$53,768 \text{ hours divided into } 227 \text{ work days per trooper per year} = 30 \text{ troopers}$

These are the only civil processes or notices the patrolmen are required to serve.

Since these notices are spread out among all troopers the travel time and distance for each contact is much less than if a select group was used for this purpose only.

In addition, as predicted during the 1965 General Assembly, the Amendment to the Financial Security Act (Compulsory Insurance Law) which requires the suspension of a driver license of any person who fails to immediately surrender his license plate upon termination of insurance has resulted in a tremendous increase in the number of licenses suspended. For example, from January 1st through March 31st, 1966, 8,281 driver license suspension pick-up notices were sent to the Highway Patrol as compared to 4,443 during the same period of 1965.

Therefore, it is apparent that service of these notices will require considerably more time in 1966. It is agreed by everyone, the Highway Patrolmen should not be used for this purpose as so many of the people they were serving lived in cities and towns which completely removed the troopers from the highways as they searched for them.

Everyone was also in complete agreement that the notices must be served or the effect of the driver improvement program through suspension and revocation of licenses would be nullified as the drivers affected would soon be aware of the fact that if they

did not voluntarily surrender the license it would not be picked up.

The only reason this responsibility is assigned to troopers is simply because at the present time there is no other personnel available in the Department for this purpose.

The Commissioner and his staff expressed their sincere desire to remove these duties from the patrol if appropriation was provided for other personnel. Everyone feels these duties must be performed by an experienced law enforcement officer who knows how to investigate and find those who are deliberately attempting to avoid service. Too, the service officer must be empowered to make an arrest if he finds the individual is continuing to drive or refuses to surrender his license on demand. Frequently, the officer will have to make an investigation to locate the person or vehicle.

It would require an appropriation of \$10,000 per year for each employee in this capacity to cover his salary, travel expenses, etc. If an appropriation is made for this purpose it is possible that some of the older troopers could be transferred to these duties and thereby enable the patrol to employ younger and more active persons in their places.

The Department should be allowed to administratively assign these men to an existing established division of the Department rather than create a new division in the Department as this would necessitate additional cost for a director and supervisors throughout the State.

MAKING OUT REPORTS AND RECORDS

For the past several years officials of the patrol have made careful and exhaustive studies in cooperation with members of the staff of the Institute of Government of all reports and records required of troopers. Each trooper and sergeant was also contacted and asked to make any recommendation they deemed pertinent.

As a result of these studies many reports have been revised, clarified, consolidated, or eliminated and it is their considered opinion that all reports and records now used are absolutely necessary and essential.

A set of those used by troopers and a set of those used by a sergeant are attached hereto for your observation. (Exhibit 2) You will note that some are required daily, some periodic, some for a specific purpose, and some seldom or on an unusual occasion.

The troopers are encouraged to complete as many as possible while sitting in their car on the highway where they can be seen.

While the total number of reports seems large there does not appear to be any that are not serving a useful purpose when the occasion arises.

Each trooper is under the supervision of a Sergeant and Corporal who have an assigned territory and headquarters. The troopers regularly report to this headquarters to prepare records, forms, and receive instructions as to their duties.

Secretarial assistance at these district offices would be

of immense help to the Sergeant in preparing reports, answering correspondence, and preparing reports of investigation of complaints, thereby relieving him for more field supervision.

In like manner, a secretary could help a trooper tremendously with accident reports, driving under influence reports, stored vehicle reports, speed watch activity reports, etc. as he frequently has to make these from notes he prepared at the scene. There are some, such as the uniform traffic violation ticket, the warning ticket, and the request for proof of insurance which must be completed on the highway and given to the driver. However, in these instances he is on the highway where he can be seen.

There are thirty-six patrol districts under command of sergeants. Each has headquarters in a Department or State building. Provision for employment of a Stenographer I as secretary at each of these buildings would be of much assistance in eliminating so called paper work for these men.

In addition, she would also be available to answer the telephone, meet visitors coming to the building and otherwise relieve the Sergeant and troopers of clerical duties.

Many activities have been altered to enable the trooper to spend more time patrolling. Recently, the curriculum of the driver improvement clinics was changed so that troopers no longer participate therein. Arrangements were made with the Department of Public Instruction for troopers to inspect school buses quarterly instead

of monthly. The Safety Inspection Law has eliminated the necessity of troopers participating in the program requiring inspection of out of state vehicles prior to registration in North Carolina. Collection of all checks returned to the Department was recently reassigned to the License and Safety Inspection Division.

Attendance in court to testify, surveillance of K. K. K. and racial demonstrations, traffic control at industrial strikes and other similar activities require a tremendous amount of patrol time which takes him off the highway. However, there does not appear to be any apparent relief for this at this time.

The changes in services of civil process or notices and assistance in preparing reports and records can be accomplished administratively by the Department without any statutory changes and the only action necessary to put these into effect is to provide an appropriation for employment of sufficient personnel to relieve troopers of these duties.

RECOMMENDATIONS

1. That an appropriation be made to the Department of Motor Vehicles for the employment of sufficient employees as law enforcement officers to serve driver license suspension and revocation notices.

2. That an appropriation be made to the Department of Motor Vehicles for the employment of 36 Stenographers I to be utilized as secretaries for the district Sergeants.

Appendix C

A BILL TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF MOTOR VEHICLES FOR THE EMPLOYMENT OF CLERICAL PERSONNEL FOR STATE HIGHWAY PATROL DISTRICT OFFICES.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the Department of Motor Vehicles from the Highway Fund of the State the sum of two hundred sixty thousand dollars (\$260,000) for the 1967-69 biennium to provide for the employment of thirty-six (36) Stenographers I, to be utilized as secretaries for district Sergeants in each of the district offices of the State Highway Patrol.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1967.

Appendix D

A BILL TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF MOTOR VEHICLES FOR THE EMPLOYMENT OF ADDITIONAL LAW ENFORCEMENT OFFICERS TO SERVE DRIVER LICENSE SUSPENSION AND REVOCATION NOTICES.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the Department of Motor Vehicles from the Highway Fund of the State the sum of one million dollars (\$1,000,000) for the 1967-69 biennium to provide for the employment of fifty (50) law enforcement officers and supporting clerical personnel for the purpose of serving driver license suspension and revocation notices.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1967.

