



#### Traffic Safety Facts Banner

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## Positive Results with Telephone Testimony at Administration License Revocation Hearings in Utah

Administrative License Revocation (ALR) laws revoke driving privileges of drivers arrested at or above the illegal limit for blood alcohol concentration (BAC) at the time of the offense. The law enforcement officer takes the driver's license and typically provides the offender with a temporary license to use until the suspension is invoked. Research has shown ALR laws are effective in reducing alcohol-related fatalities.

The National Highway Traffic Safety Administration (NHTSA) strongly supports the use of ALR for individuals arrested for driving while impaired (DWI). Forty states plus the District of Columbia have such laws.

State driver licensing agencies control the ALR action, and ALR is separate from any criminal proceedings - including any license suspension ordered by a judge. The objective of ALR is to swiftly remove the license from the offender, rather than waiting for criminal proceedings to occur.

Although the benefits of an ALR law are numerous, in some jurisdictions there are also issues that make the process cumbersome and ineffective. For example, the ALR hearings may be rescheduled time and time again, with the officer expected to attend each time. In some jurisdictions, the officer appears without benefit of counsel, while the defendant is able to have an attorney. Another concern is that defense attorneys use the ALR hearing as an opportunity to gather discovery evidence about their defendants' cases.

Because of these problems, states often limit the use of these ALR laws, which results in some offenders escaping one of the strongest elements of their punishment.

### Telephone ALR Testimony in Utah

In 2000, Utah enacted a law to address one of these problems. Utah now allows participants in ALR hearings to participate by telephone. Officers, defense attorneys, even defendants can call into the hearing and testify without physically attending the hearing.

Mid-America Research Institute examined Utah's telephone hearing process for NHTSA. The researchers talked with people involved in the process, examined six years' worth of hearing data, and reviewed the results of a survey conducted by the Utah Department of Public Safety.

### 20 Percent Reduction in Dismissed Cases

There are approximately 3,500 ALR hearings each year in Utah. After the availability of telephonic hearings, there was a statistically significant 20 percent reduction ( $p=0.01$ ) in cases where the driver's license was returned to the offender due to the absence of the arresting officer, as a percentage of all cases where the license was returned.

### Hearings with License Not Revoked Because Law Enforcement Officer was Not Present

Graph showing Hearing with License Not Revoked Because Law Enforcement Officer was Not Present

Although a reduction began before implementation of the telephone method, the use of telephone ALR hearings is a factor in the continued reduced rate of cases being "thrown out" because the arresting officer was not present, as shown in the graph.

The researchers found that the courts have not fully implemented telephonic hearings throughout Utah and many law enforcement officers were not aware that it was available in their area. Further implementation throughout the state and by more officers may lead to further reductions.

However, defense attorneys are also learning about the benefits of telephone hearings. This process is less time consuming and more cost effective for them. Defense attorneys and offenders may become so comfortable with the telephone format that requests for this type of ALR hearing could increase exponentially. Thus, it would become even more important that the arresting officers participate in all ALR hearings. Otherwise the exact problem that telephonic ALR hearings were meant to reduce or solve, that of the return of driving licenses to appellants due to the absence of law enforcement at the ALR hearings, will actually be compounded.

### HOW TO ORDER

For a copy of *Examining the Effectiveness of Utah's Law Allowing for Telephonic Testimony at ALR Hearings*, write to the Office of Research and Technology, NHTSA, NTI-131, 400 Seventh Street, SW, Washington, DC, 20590, or send a fax to (202) 366-7096. Amy Berning was the project manager for this study.

*Traffic Tech* is a publication to disseminate information about traffic safety programs, including evaluations, innovative programs, and new publications. Feel free to copy it as you wish. If you would like to receive a copy contact: Linda Cosgrove, Ph.D., Editor, fax (202) 366-7096 email: [lcosgrove@nhtsa.dot.gov](mailto:lcosgrove@nhtsa.dot.gov)

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