

STATE OF CONNECTICUT

**PERFORMANCE AUDIT
DEPARTMENT OF MOTOR VEHICLES
ADMINISTRATIVE PER SE PROGRAM**

SEPTEMBER 27, 2006

**AUDITORS OF PUBLIC ACCOUNTS
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EXECUTIVE SUMMARY

In accordance with the provisions of Section 2-90 of the Connecticut General Statutes and Generally Accepted Government Auditing Standards, we have conducted a performance audit of the Department of Motor Vehicles' Administrative Per Se Program. The Department operates this program under the authority of the Connecticut General Statutes, Section 14-227b, whereby drivers with a Blood Alcohol Concentration (BAC) at or above the statutory limit at the time of operation will have their licenses suspended for the offense. This suspension provision is separate from and in addition to any criminal sanctions that the offender may face.

In the criminal process, an operator may be proven to have driven in an impaired condition based on factors other than or in addition to the BAC. In the administrative process, however, the BAC is the only factor considered in determining if the operator was driving under the influence of alcohol. That is, the BAC, in and of itself ("per se"), is the standard for proving intoxication.

The conditions noted during the audit, along with our recommendations, are summarized below. Our findings are discussed in further detail in the "Results of Review" section of this report.

Management Reports

The Department of Motor Vehicles has not identified its Per Se program information needs, and therefore, has failed to develop functional management reports. The Administrative Per Se computer system includes a menu of 38 different reports. Some of these reports, in their existing formats and with the data currently collected, could provide data that would be useful in decision-making; with some modification, other reports could also provide useful management information. However, the reports are not used for management review. The one report that is prepared monthly and annually for management review, from a combination of selected system data and physical case counts, is not reconciled to system data to ensure accuracy and does not capture all relevant information. As a result, the Department does not have all of the information it requires to manage the Administrative Per Se program to achieve the best results.

Administrative Per Se managers should identify the information they need to adequately manage the program and should communicate their information needs to Information Systems Technology Division personnel. In cooperation with the Per Se unit, Information Systems Technology Division personnel should develop reports to meet Administrative Per Se program management information needs. The existing program activity report should be reconciled to system information to ensure accuracy. (See Item 1.)

**Manual
Changes in Case
Status**

The controls over changing a case status from active to inactive are inadequate to prevent an unauthorized change and to detect such a change if it occurs. From time to time, it is necessary to change a case status from active to inactive because of a previously undetected entry mistake. There are two parts to such a change. Per Se personnel must modify the Per Se case record; and, on request from Per Se personnel, Driver Services personnel must modify the Driver History record. There is an informal record of such status changes, but it is possible for someone with access to the Per Se system to make the change in the Per Se record and request a change in the Driver History system without it being included in the informal tracking record. This could result in license suspensions being inappropriately reversed.

The Department of Motor Vehicles should formalize the supervisory review process for manual status changes and related suspension rescission requests, and for the related monitoring documentation. In conjunction with these changes, the Department should take advantage of the capabilities of the Per Se system by developing a periodic report of manual status changes, particularly those resulting in suspension rescission, along with criteria and procedures for review. (See Item 2.)

**Computer
Access**

During the course of the audit, personnel in the Department's Information Systems Technology Division identified employees with Per Se system access. Some of these individuals had no need for such access. This weakness creates the possibility that unauthorized and inappropriate use of the system could occur that could compromise the Administrative Per Se program, such as tampering with Per Se case records.

Administrative Per Se program personnel, in conjunction with Information Systems Technology Division personnel, should take immediate steps to limit Per Se system access to only those individuals with a need to use the system, and to ensure that all related records are accurate. (See Item 3.)

**Case
Processing
Corrections**

Controls over case processing corrections are weak, which resulted in corrections not being completed. An error in recording the suspension period for drivers under the age of 21 at the time of their arrest in the fourth quarter of calendar year 2005 necessitated an unusually large

number of corrections. The Agency discovered the error, and took steps to make the corrections. However, our audit showed that although the erroneous cases were identified, many were not actually corrected, and there were no control procedures to detect this omission. Without adequate control procedures governing the process of correcting identified errors, management has no assurance that corrections are completed.

The Department should implement procedures to ensure that corrections are appropriately recorded. (See Item 4.)

**Non-
Processable
Cases**

The Department does not maintain a database of non-processable cases. Approximately ten percent of the arrest documents submitted by the arresting authorities cannot be processed. The documentation may have been submitted too late to meet statutory requirements or some of the required documentation may have been omitted. When this happens, offending drivers escape administrative license suspension. Although copies of the non-processable arrest documents are retained, without a permanent organized record of case information, there is no way to analyze the non-processable caseload. Therefore, there is no way to provide meaningful feedback that would assist Per Se administrators in understanding and managing the caseload. More importantly, without identifying why and where the problems or errors occurred, there is no way to implement corrective action that could reduce the number of non-processable cases.

The Department's Per Se program personnel should identify information needs and develop a process for recording cases considered to be non-processable. (See Item 5.)

**Feedback for
Police
Departments**

The various police departments throughout the State are responsible for arrests and related documentation for the offense of driving under the influence of drugs or alcohol (DUI). Yet the Department of Motor Vehicles provides very little feedback to the police departments on the Per Se cases they submit. The police departments are missing a useful tool in helping them to evaluate their performance in DUI cases, as they relate to the Per Se program.

At least annually, the Agency should report to each police department on cases it has submitted. The report should include, at a minimum, cases submitted, cases affirmed, cases not processable, cases heard, and suspensions rescinded as a result of a hearing. (See Item 6.)

**Mid-Range
System Backup**

The Department of Motor Vehicles' ability to recover data for the resumption of its normal operations, in the event of a disaster, is questionable. The Agency regularly backs up data from the Administrative Per Se system. However, the data backup media is stored on-site.

The Department should arrange for off-site storage of its data backups. (See Item 7.)

**Suspension
Penalties for
Blood-tested
Offenders**

The penalties for driving under the influence of alcohol are not comparable for offenders, but depend on the type of chemical test administered, per Connecticut General Statutes.

Pursuant to subsection (k) of section 14-227b of the Connecticut General Statutes, the possible penalties for blood-tested respondents with an elevated BAC are fixed at two options.

- up to 90 days for a first offense
- up to one year for repeat offenses

The penalty structure for breath- and urine-tested respondents differs significantly from that of blood-tested respondents. Subsections (i) and (j) of section 14-227(b) of the Connecticut General Statutes govern these penalties, which are commensurate with the severity of the offense.

- With a BAC reading of .08 or higher, up to but not including .16, if the operator is aged 21 or over at the time of the offense:
 - 90 days for the first offense
 - Nine months for the second offense
 - Two years for subsequent offenses
 - With a BAC reading of .02 or higher, up to but not including .16, if the operator is under age 21 at the time of arrest:
 - 180 days for the first offense
 - 18 months for the second offense
 - Four years for subsequent offenses
 - With a BAC reading of .16 or higher, if the operator is aged 21 or over at the time of the offense:
 - 120 days for the first offense
 - Ten months for the second offense
 - Two and a half years for subsequent offenses
 - With a BAC reading of .16 or higher, if the operator is under age 21 at the time of the offense:
 - 240 days for the first offense
-

- 20 months for the second offense
- Five years for subsequent offenses

During the last legislative session, the Department proposed a modification of the statutes, through the Transportation Committee, that would have equalized the administrative penalties for DUI, regardless of the type of BAC test. The Legislature modified the bill (Substitute for Raised Senate Bill No. 329), eliminating the equalization of penalties. No further action was taken on the substitute bill in the 2006 legislative session.

The Department should continue its efforts to effect legislative change regarding administrative suspension penalties. (See Item 8.)

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

The Auditors of Public Accounts, in accordance with Section 2-90 of the Connecticut General Statutes, are responsible for examining the performance of State entities to determine their effectiveness in achieving expressed legislative purposes.

We conducted this performance audit of the Department of Motor Vehicles' Administrative Per Se program in accordance with Generally Accepted Government Auditing Standards. This audit encompassed issues relating to effectiveness and results, internal controls, and compliance with legal requirements. Our audit objectives were to determine:

- If the program is meeting statutory requirements;
- If the Department processes its Per Se cases effectively;
- The extent to which factors external to DMV impact the processing of Per Se cases, and the actions that the Department might take to mitigate such impact;
- If statutory requirements need to be modified.

We focused on case data from calendar year 2005 and reviewed summary data from calendar years 2000 through 2005. The case data consisted of information residing on the Department's mid-range computer system for the Per Se program, as well as hard copies of Per Se case documents. We reviewed Connecticut General Statutes, Regulations for State Agencies, and the Department's procedures, policies, and guidelines. All audit work was conducted at the Department's Wethersfield Branch, which is home to the Administrative Per Se program.

To achieve our objectives we conducted interviews with personnel at the Department of Motor Vehicles who are knowledgeable about and have responsibility for the Administrative Per Se program. We documented policies and procedures over Per Se case processing. We tested cases for suspension activity, processing activity, hearing results, and status.

It was necessary to rely on computer-processed data for certain aspects of our audit. We reviewed the schematics of the Per Se system to obtain an understanding of the data recorded in the system. Some of the data field titles did not accurately reflect the data contained in those fields; these discrepancies were taken into account so that they did not negatively impact our testing. We also considered system access. As a result of our testing, we found that the data as recorded in the Per Se computer system was supported by the original documentation. Therefore, we conclude that the computer-processed data in the Per Se computer system is sufficiently reliable for our purposes.

BACKGROUND

The State of Connecticut has addressed the problem of drunken driving through Sections 14-227a and 14-227b of the Connecticut General Statutes. The State has taken a two-fold approach to the problem that includes a criminal process and an administrative process. Section 14-227a deals with the criminal aspect of the offense. Pursuant to the authority of this Section, if an operator is arrested for driving while under the influence of drugs and/or alcohol (DUI), he or she faces possible criminal penalties for such offense. These include fines, imprisonment and license suspension. In addition, Section 14-227b authorizes the Commissioner of the Department of Motor Vehicles to suspend an operator's license for drunken driving, through the Administrative Per Se program.

An operator arrested for driving under the influence of alcohol faces both the criminal process and the administrative process. The criminal provisions of the State's drunken driving laws include operating a vehicle under the influence of drugs as well as alcohol; however, the administrative provisions specify penalties for operating under the influence of alcohol only.

Our audit focused on the Administrative Per Se program.

The administrative sanctions that can be imposed for drunken driving offenses are outlined in the table below.

Blood Alcohol Concentration	First Offense	Second Offense	Subsequent Offenses
Refusal to submit to a blood, breath or urine test	6 months	1 year	3 years
Refusal to submit to a blood, breath or urine test and you are under twenty-one years of age	1 year	2 years	6 years
Test results of .08 or higher, up to but not including .16	90 days	9 months	2 years
Test results of .02 or higher, up to but not including .16, and respondent is under twenty-one years of age	180 days	18 months	4 years
Test results of .16 or higher	120 days	10 months	2 1/2 years
Test results of .16 or higher, and respondent is under twenty-one years of age	240 days	20 months	5 years

NOTE: These penalties apply only to breath- or urine-tested offenders. Blood-tested offenders face different suspension periods. Refer to Item No. 8, page 19, for a discussion of those penalties.

Under the provisions of Section 14-227b of the Connecticut General Statutes, anyone who drives has implicitly consented to testing of his or her blood, breath, or urine. A minor's parent or guardian is considered to have given consent for testing for said minor.

Blood Alcohol Concentration (BAC) is considered to be elevated if testing reveals eight one-hundredths of one percent (.08%) of alcohol in the blood, or two one-hundredths of one percent (.02%) if the operator is under the age of 21. In the criminal process, an operator may be proven to have driven in an impaired condition based on factors other than or in addition to the BAC. In

the administrative process, the BAC is the only factor considered in determining if the driver was driving under the influence of alcohol. That is, the BAC, in and of itself (“per se”), is the standard for proving intoxication.

The Department has 30 days from the date of arrest to process the case documentation, including an allowance of seven days from the date of the suspension letter for the offending driver to request a hearing. Anyone who has been notified that his or her license is being suspended under the authority of Section 14-227b of the Connecticut General Statutes has the right to a hearing.

The processing of an Administrative Per Se case, in summary, takes the following course.

- The police authority arrests the operator for DUI, and administers a breath test or obtains a urine sample for testing, to determine the operator’s blood alcohol concentration. If the driver is transported to a hospital, the police authority must subsequently subpoena blood test results from the hospital. Urine samples are submitted to the Department of Public Safety Toxicology Laboratory for testing. The breath test or the collection of urine or blood for testing must begin within two hours of vehicle operation. If the operator refuses to submit to a test, such refusal must be witnessed.
- The police authority prepares form A-44, the Refusal or Failure report, and submits that form along with other relevant documentation, to the Department of Motor Vehicles Administrative Per Se unit for case processing. The A-44 details the relevant information concerning the DUI arrest. The chemical test results must accompany the A-44, and the arresting officer, under oath, must sign the A-44. The party who administered the oath must also sign the document.
- Upon receipt of the A-44 documentation, Administrative Per Se personnel record the data in the Per Se computer system, and enter the suspension in the Department’s Driver History system. The suspension takes effect 30 days from the date of the arrest in most instances. If the arrest documentation submitted by the arresting authority does not include the test results, is filed too late, or indicates a BAC below the statutory limit, the data is not entered in either the Per Se system or the Department’s Driver History system; and the operator’s license is not suspended.
- The next business day after the A-44 information is entered, the respondent is sent a suspension letter, stating the effective date of the suspension, and allowing the respondent seven days to request a hearing to contest the suspension.
- If the respondent does not request a hearing within seven days, the suspension takes effect at the stated time. Per Se personnel send another letter to the respondent affirming the suspension.
- If the respondent requests a hearing, it must be scheduled within the 30-day suspension deadline. The case is adjudicated by a Hearing Officer, one of 11 appointed by the Commissioner of the Department of Motor Vehicles. The Hearing Officer is charged

with determining the facts of the case. As a result of a hearing, a suspension may be upheld or rescinded, or the case may be continued. If the case is continued, the respondent is allowed an additional 15 days for the suspension to take effect. The respondent is notified in writing of the result of the hearing. A respondent may be represented by an attorney at a hearing.

- If the hearing decision is to rescind the suspension, Per Se personnel must take steps to ensure that the Driver History record is modified.
- Throughout a case, the Per Se system is updated to reflect case activity.

NOTEWORTHY ACCOMPLISHMENTS

Prior to the commencement of our audit, the Department of Motor Vehicles had taken steps to correct some of the shortcomings of the Administrative Per Se program.

Administrative Per Se Education for Police Departments:

The work done by the police departments in the State is pivotal to the success of the Department's administrative suspension efforts. The arrest and related documentation must conform to statutory requirements before the Department of Motor Vehicles can successfully impose statutory suspension sanctions for drunken driving. If arrest documentation is faulty, it jeopardizes the effectiveness of the program. Some of the arrest cases submitted to the Department cannot be processed, for a variety of reasons. Furthermore, weaknesses in some of the processed cases result in the decision to rescind the suspension upon adjudication. In January 2006, the Department of Motor Vehicles Administrative Hearings unit began holding educational seminars for police departments to minimize the problems leading to non-processability and hearing decisions to rescind suspensions. The purpose of these seminars is to emphasize the correct method of filing the arrest documentation and to provide an overview of the hearing process. In addition, presenters address time restrictions in processing a case, common problems with the arrest documentation, and the affect of improper case documentation on the outcome of a case.

Returning Arrest Documents for Correction:

Approximately ten percent of all arrest documentation submitted to the Department is not processable. This includes arrest documentation that is submitted without the BAC test results.

It had been the practice of the Department to periodically return all original arrest documentation to the originating police departments. For the non-processable cases, Per Se personnel also included a note on each case record identifying it as non-processable. However, no effort was made to encourage correction of any of the deficiencies.

In January 2006, the Department introduced a new procedure for handling arrest documentation submitted without the BAC test results. Such arrest documentation is now immediately returned to the originating police department for correction and resubmission, if there is enough time to meet the 30-day suspension deadline.

Feedback on the Outcome of Cases:

One of the weaknesses of the Department's administration of the Administrative Per Se program has been lack of feedback to the police departments. All original case documentation is returned to the arresting authorities, but until recently information on the outcome of the cases has not been shared with the originating police departments.

In January 2006 the Department took steps to provide more information to the police departments. Along with the original arrest documentation, the Agency now returns copies of processing documents showing the outcome of the cases. For cases for which the suspension was affirmed, a copy of the affirmation letter is attached to the original arrest documentation. If a case goes to hearing, a copy of the hearing letter is attached. The hearing letter indicates whether the respondent's license is to be suspended or restored as a result of the hearing.

AREAS REQUIRING LEGISLATIVE CONSIDERATION

Blood Testing:

There are inequities in suspension sanctions depending on the type of BAC test the operator undergoes. These inequities are based on current statutes.

Per Section 14-227b, subsection (k), of the Connecticut General Statutes, an operator with an elevated BAC that has been tested via chemical analysis of a blood sample may face the following license suspension penalties.

- Up to 90 days for a first offense
- Up to one year for repeat offenses

A blood test is usually administered only in cases in which the operator is allegedly injured in an accident and has been transferred to a medical facility.

For those operators with an elevated BAC that has been tested through a breath or urine test, per Section 14-227b, subsections (i) and (j), the penalties are as follows:

Blood Alcohol Concentration	First Offense	Second Offense	Subsequent Offenses
Test results of .08 or higher, up to but not including .16	90 days	9 months	2 years
Test results of .02 or higher, up to but not including .16, and respondent is under twenty-one years of age	180 days	18 months	4 years
Test results of .16 or higher	120 days	10 months	2 1/2 years
Test results of .16 or higher, and respondent is under twenty-one years of age	240 days	20 months	5 years

These inequities in suspension sanctions require legislative action if the penalties are to be equalized.

Driving Under the Influence of Drugs:

According to Section 14-227a, an operator may incur criminal penalties for driving under the influence of drugs, as well as for driving under the influence of alcohol. Potential criminal penalties include fines, imprisonment, and license suspension.

The provisions of Section 14-227b, the Administrative Per Se law, call for license suspension for operators driving under the influence of alcohol only. There is currently no administrative suspension provision for driving under the influence of drugs.

It would require legislative action for administrative suspension for driving under the influence of drugs. If such a law were to be enacted, it would also be necessary for the

legislature to identify the drugs to be included, as well the specific levels in the blood at which use of such drugs would result in an administrative suspension.

RESULTS OF REVIEW

Our examination of the Department of Motor Vehicles' Administrative Per Se program disclosed the following matters requiring attention.

Item No. 1 – Management Reports:

Criteria: Program management, for any program, requires information feedback on a regular basis to achieve and maintain efficiency and to ensure that the program is meeting its objectives.

Condition: Per Se program managers are not getting the most useful data on a consistent basis to aid in their decision-making.

Currently, Per Se program activity is compiled on a monthly and annual basis for management review. The resulting report is a combination of selected system data and physical case counts. However, the report is not reconciled to system totals. Our review showed some discrepancies between reported data and system data. Furthermore, the report does not capture certain information that could be helpful in managing the Administrative Per Se program.

From time to time, Per Se management requests special reports from the Department's Information Systems Technology Division, but this is not done on a consistent basis.

Some of the 38 reports currently available from the Administrative Per Se computer system could be used to provide useful management information. However, the existing reports are not used for this purpose.

Effect: The Department does not have all of the information it requires to manage the Administrative Per Se program to achieve the best results.

Cause: The cause for this condition cannot be determined.

Recommendation: Administrative Per Se managers should identify the information they need to adequately manage the program and should communicate their information needs to Information Systems Technology Division personnel. In cooperation with the Per Se unit, Information Systems Technology Division personnel should develop reports to meet Administrative Per Se program management information needs. The existing program activity

report should be reconciled to system information to ensure accuracy. (See Recommendation 1.)

Agency Response: “Administrative Per Se would be able to assess its program in more depth by incorporating data that are currently available to it, but which presently are not being used. The management report will be substantially revised to include additional items designed to convey more detailed suspension information, including, but not limited to,

- a) Decisions – suspensions upheld
- b) Decisions – suspensions rescinded
- c) Decisions – suspensions/rescissions by police jurisdiction
- d) Number of arrests made by each police jurisdiction
- e) An updated and revised monthly/yearly statistical report for Per Se

Administrative Per Se will develop report requirements, including establishment of report time frames (i.e., weekly, quarterly, yearly reports) by May 19 and then meet with IST [Information System Technology Division] regarding the production. Additionally, it would be a benefit to have management staff from Administrative Per Se attend training for Crystal Reports (the report writing system utilized by IST for Per Se records) in order to retrieve information from the system as needed.”

Item No. 2 - Manual Changes in Case Status

Background: The status of an Administrative Per Se case sometimes needs to be changed from an active designation to “Entered in Error.” When a request is made of Driver Services personnel by Per Se personnel to delete the suspension for a driver because the case was entered in error, the suspension is rescinded. This may be necessary for a variety of reasons, as when essential data has been entered incorrectly, the operator’s identity is in question, there has been a duplicate entry, or the arrest documentation is submitted too late to meet the statutory requirements for processing; and the erroneous entry is not discovered until after the case has been established.

Criteria: One goal of any system of internal controls is to prevent errors or fraud from occurring. Another goal is to detect errors or fraud if they do occur. It is the responsibility of management to develop and implement procedures to achieve these goals.

Condition: It is possible for persons with Per Se system access to inappropriately change the status of a case from an active status to “Entered in Error,” essentially making the case an inactive one, and to submit a request to Driver Services to delete the suspension. It is likely that Driver Services personnel would act on the request, and rescind the suspension. It is unlikely that such inappropriate case action would be detected.

Effect: This weakness puts the Administrative Per Se suspension process at risk for error and/or abuse, which could be left undetected.

We observe that no such error or abuse was discovered during the course of our testing, only that it is possible for such error or abuse to occur and go undetected. Our audit showed that all such status changes and resulting suspension rescissions were appropriate for our test group.

Cause: The controls over changing the status of a case from an active one to the inactive “Entered in Error” status are inadequate.

Anyone with access to the Per Se system could change the status of a case without supervisory approval.

Anyone with access to the Per Se system could submit a correction request to Driver Services personnel to delete a suspension, and the request would likely be acted on.

We note that the Per Se office manager keeps a record of “Entered in Error” status changes, but this record is on a voluntary and informal basis. If anyone with access to the Per Se system were to make such a change without advising the Per Se office manager, it is highly unlikely that such unauthorized change would be detected.

We also observed that Driver Services personnel usually review correction requests to verify that they are reasonable, but this is not a formal process. Although the Driver Services processing technicians have some familiarity with Per Se law, they are not experts, and so rely heavily on the information provided in the correction request. Further, any Per Se personnel signature on the request is accepted; supervisory signature is not required.

Finally, we have been advised that a permanent record of changes to Per Se cases is maintained in the system, identifying the individual who made a change. However, this information is not typically reviewed, and therefore, is ineffective as a control.

Recommendation: The Department of Motor Vehicles should formalize the supervisory review process for manual status changes and related suspension rescission requests, and for the related monitoring documentation. In conjunction with these changes, the Department should take advantage of the capabilities of the Per Se system by developing a periodic report of manual status changes, particularly those resulting in suspension rescission, along with criteria and procedures for review. (See Recommendation 2.)

Agency Response: “As a means for eliminating the opportunity for error or abuse, Administrative Per Se is working in conjunction with IST to limit employees’ access to functions that are supervisory in nature. Henceforth, changing Case Status “Entered in Error” will be limited to supervisors only. There are two (2) staff members in this category.”

Auditor’s Concluding Comments:

The steps outlined by the Department will certainly limit the possibility for fraud and/or abuse resulting from an unauthorized entry in the Per Se system. However, as a request made to Driver Services processing technicians might result in an unauthorized suspension rescission, we reiterate the need for a formal supervisory review process that includes suspension rescission requests.

Item No. 3 – Computer Access:

Criteria: One goal of any system of internal controls is to minimize the possibility for errors or fraud to occur. Another goal is to develop processes to detect errors or fraud if they do occur. It is the responsibility of management to develop and implement procedures to achieve these goals. One such procedure is to limit system access to those persons with a need to use the system.

Condition: During the course of our audit, we attempted to identify all persons with access to the Administrative Per Se system. Personnel from the Department’s Information Systems Technology Division provided us with two separate lists identifying then-current authorized system users. The first list included four individuals who were no longer associated with the Administrative Per Se program. The second list included three of the four who were on the first list, in addition to six other individuals formerly associated with the Per Se program and two other individuals who were never

associated with the Per Se program. The access records from the two lists should have been identical.

Effect: The confusion over system access demonstrates a weakness in controls over system use. Such inadequate control over access to the Per Se system could result in inappropriate access to the system and unauthorized activity.

Cause: A managerial error of omission is partially responsible for this weakness; Information Systems Technology Division personnel should have been instructed to delete Per Se system access for those employees no longer associated with the Per Se program. We cannot determine the cause for two unassociated employees having system access, or for the discrepancies in the access information from the two lists within the Information Systems Technology Division.

Recommendation: Administrative Per Se program personnel, in conjunction with Information Systems Technology Division personnel, should take immediate steps to limit Per Se system access to only those individuals with a need to use the system, and to ensure that all related records are accurate. (See Recommendation 3.)

Agency Response: “We have initiated a process to better communicate and distinguish access requirements for Per Se. A procedure has been set up with IST to immediately delete system access for any employee upon completion of the last day they are employed with this unit. Additionally, the four (4) individuals identified by the audit as no longer associated with the Administrative Per Se program have had their access to the Per Se system removed.”

Item No. 4 – Case Processing Corrections:

Background: Section 6 of Public Act 05-215 amended the suspension periods specified in Section 14-227b of the Connecticut General Statutes. Pursuant to this legislation, operators under the age of 21 at the time of arrest for drunken driving are subject to doubled suspension periods. The table below shows the changes in suspension periods for such drivers.

Blood Alcohol Concentration	First Offense	Second Offense	Subsequent Offenses
Test results of .08 or higher, up to but not including .16	90 days	9 months	2 years
Test results of .02 or higher, up to but not including .16, and operator is less than twenty-one years of age	180 days	18 months	4 years
Test results of .16 or higher	120 days	10 months	2 ½ years
Test results of .16 or higher, and respondent is under twenty-one years of age	240 days	20 months	5 years

The effective date for these changes was January 1, 2006.

Because of an error, Per Se program personnel began implementing the revised suspensions on October 1, 2005, instead of January 1, 2006. Program personnel discovered the error and took steps to correct it.

We note that this was a unique event, and not a common occurrence in the program.

Criteria: A fundamental goal of all information processing is to achieve record accuracy. In order to achieve accuracy, it is necessary for an entity to establish control procedures that will enable personnel to ensure that errors, once they have been discovered, are corrected.

Condition: Per Se personnel took steps to correct the error, in conjunction with Driver Services personnel. However, we discovered during the course of the audit that not all driver histories were corrected, and this oversight went undetected.

Before completing our fieldwork, we observed that the Department made the necessary corrections as a result of this finding.

Effect: Drivers who were under the age of 21 at the time of arrest during the stated period of time, whose licenses were suspended for drunk driving, did not receive a corrected suspension notice, and their

driver histories contained erroneous eligibility dates for license restoration.

Cause: Procedures were inadequate to ensure that all corrections were appropriately recorded.

Recommendation: The Department should implement procedures to ensure that corrections are appropriately recorded. (See Recommendation 4.)

Agency Response: “It is the Agency’s position that no further action is required. This situation resulted from an error which is not subject to repetition. The error was detected and corrected, and no operator served a suspension for a period longer than the law required.”

Auditor’s Concluding Comments:

The original error was the incorrect recording of suspension periods; Agency personnel discovered this error and took steps to correct it. The failure to ensure that the suspension periods were corrected in all affected driver history records, was detected and corrected as a result of the audit, rather than, as would have been preferable, through a good system of internal controls. Although we note that the original error under discussion above was a unique occurrence, we also observe that errors can occur at any time. Procedures for verifying that errors are corrected, once they have been discovered, would help to minimize any negative impact, should any errors occur in the future. A periodic summary of corrected histories from the Driver Services Division, for example, might aid in verifying that all corrections are entered.

Item No. 5 – Non-Processable Cases:

Background: Approximately ten percent of the DUI arrest documents submitted by the arresting police authorities to the Department of Motor Vehicles for Administrative Per Se case processing are not processable. Case activity for calendar years 2000 through 2005 is detailed in the following table.

<u>Year</u>	<u>Reports Received</u>	<u>Non-Processable Reports</u>
2000	12,684	1,380
2001	13,825	1,567
2002	13,672	1,375
2003	13,149	1,365
2004	13,091	1,242
2005	12,001	1,298

License suspension for DUI takes effect 30 calendar days from the date of arrest for most offenses. This includes an allowance of seven days for the respondent to respond to the suspension letter and time to schedule and hold a hearing. There are requirements for the form of arrest documentation and for test results as well.

- Arrest documentation that is submitted too close to the suspension date does not allow sufficient time for processing.
- Arrest documentation that is submitted without the test results for blood alcohol concentration (BAC) cannot be processed. As mentioned in the “Noteworthy Accomplishments” section above, the Department began returning case documentation to originating police authorities if there was adequate time for the arresting authority to re-submit the documentation with the missing test results. This new procedure was implemented in January 2006.
- Documentation of a BAC lower than the statutory limit, including test results showing the presence of drugs but not an elevated BAC, results in a non-processable case. In instances such as this, the case is inherently unprocessable; even if all documentation is submitted in accordance with statutes, the Department cannot suspend the operator’s license under the authority of the Administrative Per Se program.

Criteria: A fundamental need in any program is for feedback on how the program is performing.

Condition: The Department currently does not collect data on non-processable cases. Copies of the documentation are retained by the Per Se unit, but the information therein is not recorded, analyzed, or summarized. Without the summary data, the Department cannot identify general trends or problems specific to a particular police department. Our review showed that some police departments had a higher rate of non-processable cases than others, information that could be useful to the Department in managing the Administrative Per Se program.

Effect: DMV does not have the information on non-processable cases that would be helpful in understanding and managing the program. Furthermore, the Department cannot provide useful feedback, in summary form, that could help police departments improve their DUI submissions, and thereby improve the quality of the Per Se program.

We note that all original arrest and test documents are returned to the originating police departments monthly. For non-processable cases, there is also an attached form with a brief explanation of why the case could not be processed. However, this does not provide adequate summary data useful for management needs.

Cause: Administrative Per Se management has focused agency resources on recording the information for cases that can be processed.

Recommendation: The Department's Per Se program personnel should identify information needs and develop a process for recording cases considered to be non-processable. (See Recommendation 5.)

Agency Response: "Administrative Per Se is creating a business plan, which will be forwarded to the Auditor upon completion, to effectively enter and use data from unprocessable reports. After development of the business plan, which is expected to be completed within sixty (60) days, management will assess the need for possible additional staff support in this area. Management will also meet with IST to request and design necessary system changes to achieve the ability to retrieve and use data from unprocessable cases."

Item No. 6 – Feedback for Police Departments:

Background: The various police departments throughout the State are responsible for DUI arrests and related documentation. The police departments forward the arrest documentation to the Department of Motor Vehicles, Administrative Per Se unit, which initiates the administrative license suspension process.

Criteria: With such an elemental interest in the Administrative Per Se program, feedback on the outcome of cases is essential for the police departments in evaluating their performance.

Condition: All original arrest documentation is returned to the originating police department. However, there is no summary information on the cases processed for each police department.

Effect: The police departments are missing a useful tool in helping them to evaluate their performance in DUI cases, as they relate to the Administrative Per Se program.

Cause: Providing management reports to the police departments has not been considered a priority.

Recommendation: At least annually, the Agency should report to each police department on cases it has submitted. The report should include, at a minimum, cases submitted, cases affirmed, cases not processable, cases heard, and suspensions rescinded as a result of a hearing. (See Recommendation 6.)

Agency Response: “Since January 1, 2006, Administrative Per Se has been sending a hearing decision or affirmation letter to the appropriate police department for each of its DUI cases. These are sent on a monthly basis to provide information on the outcome of all cases. Additionally, the unit will be providing a yearly report to each police department beginning at the end of this calendar year. The reports will include (but not be limited to) information on all submittals which were unprocessable and all hearing decisions in which suspension action was not taken.”

Item No. 7 – Mid-Range System Backup:

Criteria: Sound business practice includes provision for data recovery in the event of a catastrophe, so that the entity is able to resume normal operations within a reasonable time after a disaster.

Condition: The Department regularly backs up data from the Administrative Per Se system. However, the data backup media is stored on-site.

Effect: The Department’s ability to recover data for the resumption of its normal operations, in the event of a disaster, is questionable.

Cause: We could not ascertain the reason for this weakness.

Recommendation: The Department should arrange for off-site storage of its data backups. (See Recommendation 7.)

Agency Response: “DMV/IST are taking the necessary actions to create a plan that will allow for our backup files from Wethersfield and Waterbury Servers to be sent off-site. The plan will include the Waterbury/Wethersfield interchange but also must include the off-site Iron Mountain storage facility. The plan will include, but not be limited to, a schedule for both sites, recovery procedures and any cost-related items. DMV/IST recognizes the importance of this issue and will adopt the most feasible option to protect these records and overcome the weakness the current lack of off-site data storage presents.”

Item No. 8 – Suspension Penalties for Blood-tested Offenders:

Background: The Connecticut General Statutes establish two distinct penalty structures for drunk driving, based on the type of test that is administered for measuring the BAC. The BAC can be measured through a breath test, a urine test, or a blood test. The arresting officer determines which test is to be administered, though a blood test is usually administered only in cases in which the operator is involved in an accident and has allegedly suffered injuries. Blood testing is done at a medical facility and the arresting authority must subsequently subpoena the results.

Criteria: The penalties for driving under the influence of alcohol should be equitable.

Condition: The penalty structure for blood-tested offenders differs significantly from the penalty structure for breath- or urine-tested offenders.

The penalties presented in the table below are for those operators whose BAC is tested through a breath or urine test, and found to be elevated. These penalties are specified in subsections (i) and (j) of section 14-227b of the Connecticut General Statutes. It is a rather comprehensive structure based on age, number of offenses, and the BAC, and reflects the severity of the offense based on these factors.

Blood Alcohol Concentration	First Offense	Second Offense	Subsequent Offenses
Test results of .08 or higher, up to but not including .16	90 days	9 months	2 years
Test results of .02 or higher, up to but not including .16, and the respondent is under twenty-one years of age	180 days	18 months	4 years
Test results of .16 or higher	120 days	10 months	2 1/2 years
Test results of .16 or higher, and the respondent is under twenty-one years of age	240 days	20 months	5 years

In contrast, the penalties for drunk driving for a blood-tested operator are fixed at two options. To aid in comparison, we have juxtaposed, in the table below, the penalties specified in subsection (k) of section 14-227b of the Connecticut General Statutes, with the BAC levels identified in subsections (i) and (j) thereof.

Blood Alcohol Concentration	First Offense	Second Offense	Subsequent Offenses
Test results of .08 or higher, up to but not including .16	Up to 90 days	Up to 1 year	Up to 1 year
Test results of .02 or higher, up to but not including .16, and the respondent is under twenty-one years of age	Up to 90 days	Up to 1 year	Up to 1 year
Test results of .16 or higher	Up to 90 days	Up to 1 year	Up to 1 year
Test results of .16 or higher, and the respondent is under twenty-one years of age	Up to 90 days	Up to 1 year	Up to 1 year

Although the number of offenses is reflected in the penalty structure to some extent, there is no consideration of age or BAC.

The Department proposed a modification to the Connecticut General Statutes for consideration in the 2006 legislative session. This modification, introduced by the Transportation Committee as Raised Bill No. 329, would have equalized administrative suspension penalties for driving under the influence of alcohol, regardless of the type of test.

Effect: The penalties for driving under the influence of alcohol are not comparable for offenders whose BAC is determined via a blood test.

Cause: The bill was modified by the Legislature, and the provision for equalizing administrative DUI penalties was eliminated. No action was taken on Substitute Bill No. 329 in the latest legislative session.

Recommendation: The Department should continue its efforts to effect legislative change regarding administrative suspension penalties. (See Recommendation 8.)

Agency Response: “The Agency will continue to propose legislation to resolve this anomaly, as it has done in the past. DMV also intends to seek legislation to simplify the hearing issues and standards for evidence of alcohol test failures. DMV plans to consult with other state agencies and municipal police authorities involved in the enforcement of DUI statutes regarding the need to support these legislative changes.”

RECOMMENDATIONS

1. **Administrative Per Se managers should identify the information they need to adequately manage the program and should communicate their information needs to Information Systems Technology Division personnel. In cooperation with the Per Se unit, Information Systems Technology Division personnel should develop reports to meet Administrative Per Se program management information needs. The existing program activity report should be reconciled to system information to ensure accuracy.**

Comment:

Some of the Per Se system reports could provide useful management information, but are not used for that purpose. The one monthly and annual report that is currently provided for management review is not reconciled to system data to ensure accuracy and is not designed to include all the information that would be useful in managing the program. As a result, the Department does not have all of the information it requires to manage the Administrative Per Se program to achieve the best results.

2. **The Department of Motor Vehicles should formalize the supervisory review process for manual status changes and related suspension rescission requests, and for the related monitoring documentation. In conjunction with these changes, the Department should take advantage of the capabilities of the Per Se system by developing a periodic report of manual status changes, particularly those resulting in suspension rescission, along with criteria and procedures for review.**

Comment:

Per Se unit management maintains a voluntary and informal document for tracking manual status changes that would result in rescinding a suspension. However, there are no controls to ensure that all such cases are included on the tracking document. Furthermore, other controls are inadequate to ensure that an unauthorized status change and request to rescind suspension would be detected by Per Se management.

3. **Administrative Per Se program personnel, in conjunction with Information Systems Technology Division personnel, should take immediate steps to limit Per Se system access to only those individuals with a need to use the system, and to ensure that all related records are accurate.**

Comment:

Personnel in the Department's Information Systems Technology Division report system access for individuals with no need to access the Per Se computer system.

- 4. The Department should implement procedures to ensure that corrections are appropriately recorded.**

Comment:

A recent error in recording the suspension period for a certain category of drivers necessitated an unusually large group of corrections. Not all suspension corrections were recorded, and there were inadequate control procedures to detect this omission.

- 5. The Department's Per Se program personnel should identify information needs and develop a process for recording cases considered to be non-processable.**

Comment:

Approximately ten percent of the DUI arrest documents submitted by the arresting police authorities cannot be processed. The Department does not keep a data record for these cases. There is no way to analyze information on these types of cases, and no way to provide meaningful feedback that would assist Per Se administrators in understanding and managing the program.

- 6. At least annually, the Agency should report to each police department on cases it has submitted. The report should include, at a minimum, cases submitted, cases affirmed, cases not processable, cases heard, and suspensions rescinded as a result of a hearing.**

Comment:

The police departments throughout the State are responsible for DUI arrests and related documentation. Yet the Department of Motor Vehicles provides very little feedback to the police departments on the Per Se cases they submit. The police departments are missing a useful tool in helping them to evaluate their performance in DUI cases, as they relate to the Per Se program.

- 7. The Department should arrange for off-site storage of its data backups.**

Comment:

The Agency regularly backs up Per Se program data, along with other data residing on the Mid-Range system. However, the backup media are stored on-site.

- 8. The Department should continue its efforts to effect legislative change regarding administrative suspension penalties.**

Comment:

There are differences in suspension periods for driving under the influence of alcohol, depending on the type of test administered to evaluate blood alcohol concentration. The Department introduced modifications to existing statutes, through the Transportation Committee of the Legislature, to equalize the suspension penalties regardless of the type of test. However, legislators modified the original bill and eliminated the provision that would have equalized suspension penalties. This bill was not passed in the latest legislative session.

CONCLUSION

In conclusion, we wish to express our appreciation for the cooperation and courtesies extended to our representatives by the officials and staff of the Department of Motor Vehicles.

Laura Rogers
Associate Auditor

Approved:

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