

MEMORANDUM

FROM: Jamey Tesler, Acting Registrar of Motor Vehicles
RE: Review of State-to-State Communications and Other Related Actions Underway
Interim Progress Report #5
DATE: August 15, 2019

I. Overview

This report updates the Interim Progress Reports provided to you previously and documents progress made on the review of the Registry of Motor Vehicles' (RMV) state-to-state data sharing and communications concerning serious violations by Massachusetts licensed drivers. While this report will once again include progress on the next steps and actions identified and underway from previous reports as of August 15th, it also addresses additional actions we have been taking in order to ensure that the Registry is properly carrying out its critical safety functions and to inform further policy and organizational reforms and efficiencies. As always, I note that much of the progress reported herein is the direct result of the dedication and hard work of the RMV staff and our state and federal partners.

As the Registry strives to meet its public safety-related responsibilities, there are two critical goals we are working toward. As past updates document, we have been working hard to ensure that all drivers – commercial and regular – meet state and federal requirements for eligibility to drive and that, if a driver commits a serious offense that affects eligibility for licensure, the Registry expeditiously revokes their driving privileges. But while that goal has been our first priority, our ultimate goal must be to ensure that all Massachusetts driving records are as accurate and complete as they can be based on all of the information available to the Registry from both in-state and out-of-state sources. Accurate and complete drivers' records are essential to the enforcement of the Commonwealth's driver licensure laws, many of which provide for progressive sanctions based on multiple offenses over time, whether those offenses occur in Massachusetts or elsewhere.

As this report discusses, the Registry and Merit Rating Board (MRB) need to keep records current based on the daily inflow of information received from Massachusetts law enforcement and courts as well as from other states. To accurately and expeditiously process all of this information, the Registry has implemented process improvements taking advantage of our new ATLAS platform, such as the comprehensive syncing of state driver records with the National Driver Register (NDR) and the generation of letters to inform other states when their drivers are sanctioned in Massachusetts. But automation alone will not ensure the accuracy of driver records, because a significant amount of the information received by the Registry every day continues to involve paper documents and mail, whether from other states or from Massachusetts law enforcement agencies that have not yet switched to e-Citations. We have therefore expanded our initial focus on implementing suspensions for serious offenses to instituting better practices and processes to ensure that driver records accurately reflect all information received from all sources, whether on paper or electronically and whether from Massachusetts law enforcement, courts or from other states. Informed by both our internal review and public testimony, we have begun instituting improvements in those processes and practices at the Registry of Motor Vehicles and Merit Rating Board.

We welcome and fully expect that additional changes will be informed by Grant Thornton's end-to-end external forensic review of RMV processes with respect to out-of-state notifications for both commercial drivers' licenses (CDLs) and other licenses, with a preliminary report expected later this week, as well as

by our state and federal oversight partners including the state legislature's Joint Committee on Transportation. We continue to respond to that Committee's document requests of July 17 and August 6 and have provided nearly 50,000 pages of material to the committee as of August 14th.

II. Organizational and Policy Reforms

Even while awaiting further recommendations, the Registry continues to assess and balance its allocation of attention and resources to meet its public safety and customer service missions.

Previously, the RMV has identified the need for a new Deputy Registrar for Safety position and the establishment of a six-member Out-of-State (OOS) Notifications Processing Unit, reporting initially to the Acting Registrar and later the Deputy Registrar for Safety, as essential to meeting those missions. Recruitment and interviews for the Deputy Registrar position are ongoing with the goal of hiring that person by the end of August.

Work is underway to set up the new Out-of-State (OOS) Notifications Processing Unit, which will be responsible both for entering data from OOS notices into driver records and for instituting sanctions triggered by that data. Hiring for the two supervisors should be complete next week and interviews have begun for the four additional staff members. RMV staff and counsel are assisting in the development of a standard operating procedure, code manual and training materials to onboard this new staff as swiftly as possible. We are engaging temp agencies to bolster the initial efforts of this unit so that, in addition to handling daily incoming mail and outgoing notifications going forward, the OOS group will also be responsible for going through all of the paper OOS notifications that were previously triaged and ensure that driver records are updated concerning less severe or non-suspendable offenses, which were not included in the initial triage process undertaken in July. The new OOS team will be fully operational in early September. Until then, a team of existing MRB and RMV employees reporting directly to the Acting Registrar is responsible for processing OOS notifications.

We have also identified further staffing reforms as we establish, implement and improve new processes and procedures relative to the prompt processing of state-to-state notifications and to organizational procedures more broadly. A Chief Compliance Officer will be responsible for ensuring that RMV policies are effective and efficient, and will be charged with preventing, detecting and correcting any noncompliance. A Director of Policy will be responsible for the design, development, communication and implementation of RMV policies and performance standards relative to its goals and objectives, in compliance with all applicable federal and state laws and regulations. These positions will ensure more effective standards are created, followed, monitored and updated in accordance with protocol, and with all relevant federal and state laws and regulatory requirements. Job listings for these positions were published on Monday, August 5th.

One additional organizational change, discussed below, is that we are working to reactivate the statutory oversight role of the Merit Rating Board, which includes the Registrar, Commissioner of Insurance and Attorney General or a representative of that office.

Next Steps:

- Continue recruitment and interviews for the Deputy Registrar for Safety, the Chief Compliance Officer and the Director of Policy positions in order to onboard the right individuals for these roles as swiftly as possible.
- Onboard the OOS Unit as soon as possible, beginning with two supervisors by August 19th who can assist in finalizing unit procedures, and training the four remaining positions and temps in order to have this unit fully operational by early September.

III. State to State Communications

As thoroughly outlined in our July 12th report, the RMV had historically shared information with other states via CDLIS to comply with federal notifications for violations and suspensions involving holders of Commercial Drivers Licenses and relied on other states to use the National Driver Register (NDR) to determine whether Massachusetts has denied, suspended or revoked a license of a non-CDL license holder. We continue to work toward ensuring that the CDLIS system remains up to date and all CDL notifications, which are sent electronically, are current. We have also made substantial progress on the comprehensive review of Massachusetts driver records against the NDR, a project we previewed in our first report.

a. Out-of-State Notifications

The RMV is continuing to implement and improve the processes developed to ensure that incoming out-of-state notifications received by mail are scanned and reviewed and that any notifications triggering suspension actions are acted upon promptly. Over the month of July, over 3,520 pieces of incoming mail containing out-of-state notifications were reviewed, with suspensions taken against 250 Massachusetts drivers. Until the OOS Unit is fully operational, a team of existing MRB and RMV employees reporting directly to the Acting Registrar will continue to process OOS notifications, and implement any needed suspension actions within one business day of receipt.

Given recent events and testimony, we did want to offer a point of clarification regarding the ATLAS “open queue” containing approximately 12,829 work items that was mentioned in the Massachusetts Department of Transportation (MassDOT) internal audit preliminary report. These 12,829 items are accounted for as being duplicates of roughly 2,500 of the previously identified out-of-state paper notifications that were scanned into ATLAS multiple times from its launch in March 2018 through May of 2018, using the new functionality ATLAS provides to electronically queue and assign work items. The duplicative work items, like the out-of-state notifications backlog, had not been acted upon at the time of the audit. However, in the early days of our internal review in late June all of these items were checked, addressed and cleared out.

As prior reports have explained, there is also no evidence that the RMV has (at least not for many years) had a consistent practice of sending out mail or electronic notification of violations or suspension actions taken in Massachusetts to other states in “real time,” the RMV should send such notices to other states. Working with the ATLAS team, an automatic process was established and activated on July 29th to begin generating outgoing paper notifications to other states when Massachusetts takes any action or enters any information about an out-of-state, non-CDL driver record. This system is now generating paper

notifications on a go-forward basis, as well as mailing notices for approximately 45,000 convictions and/or suspensions for all offenses administrative and egregious, going back to the launch of ATLAS on March 26, 2018 for all changes made to CDL and non-CDL driver records for drivers licensed in other states.

b. National Driver Register (NDR) Batch Process

In previous reports, we have outlined the RMV's work with the American Association of Motor Vehicle Administrators (AAMVA) to conduct a comprehensive review of all Massachusetts driver licensure records, a massive process we believe is unprecedented. This process involves multiple batch exchanges of data sets and the need to validate, process and review those records against the NDR and its Problem Driver Pointer System (PDPS).

We have now completed the batch exchanges and much of the validation work and have been actively addressing situations where the NDR data indicates that a Massachusetts driver record must be updated and a driver suspended. While over 99 percent of the Massachusetts records matched up with the information on suspendable offenses in the NDR, the process identified discrepancies between the state driver records and NDR that need to be validated and, where necessary, resolved. RMV staff have therefore been actively reviewing and validating whether approximately 4,724 potentially open convictions and/or suspensions concerning serious violations can be confirmed to belong to a specific driver. To date, as explained in further detail below, 869 drivers have been suspended via this process.

Massachusetts sent 5,224,126 individual driver records via five (5) data files to the NDR. One or more "pointers" were received for 166,317 drivers, indicating only that another state has information matching a driver's name and date of birth, not necessarily that the information is definitely related to an out-of-state suspension or even a specific individual Massachusetts driver (as this process generated "pointers" for any individual whose name and birth date matched that of a licensed Massachusetts driver). Massachusetts next sent inquiry messages using the PDPS for each unique "pointer" to determine if there was an associated suspension, again not necessarily confirming that suspension belonged to a specific individual Massachusetts driver. Next, Massachusetts compared the additional information contained in the PDPS responses to determine whether or not Massachusetts could be confident the pointer was definitely related to a specific individual driver, using the three key identifiers of Name, Date of Birth and Social Security Numbers (SSNs), and triaging for the serious driving offense codes, not just those from a full range of offenses including non-payment default or other administrative issues.

Given the sheer volume of analyzing 5,224,126 records, it is not unexpected that a subset would provide a match requiring suspension action and that other pointers would raise concerns but not provide a match (i.e. multiple drivers from different states having the same name and date of birth, but no confirmed SSN). Based on the NDR review, Massachusetts identified approximately 1,686 drivers that met all three key identifiers, making us confident that the serious violation was committed by a licensed Massachusetts driver. We have completed the process of updating all of those driver records and, as a result, issued 720 suspensions. As was done in the process for OOS notifications received by mail, notice of these suspensions were automatically generated by ATLAS and priority-mailed to the affected drivers whose privileges were suspended. Another 966 records require additional examination and verification due to either data quality issues from the sending jurisdiction or the need to update a driver record for historical purposes when the individual possesses only a Massachusetts ID (MassID) which does not provide driving

privileges, or hold no credential at all. The remaining records have issues with respect to data quality from the sending state and are also being reviewed for potential action.

An additional 3,038 of the drivers identified by the “pointers” did not match on all key identifiers: while they had a common name and birthday, they lacked a social security number and so require additional, careful review to validate that the license holder is a Massachusetts resident and driver before taking action. To date, 149 of those records were updated and resulted in a suspension and work is ongoing for the remainder.

Finally, the RMV has had initial internal conversations as to how we can both refine and streamline this comprehensive reconciliation process, for the purposes of replicating it on a regular basis to ensure the accuracy of Massachusetts driver’s records. Likewise, we have had significant interest from AAMVA and other states in exploring the results and process, with the intent of potentially replicating it outside of Massachusetts.

Next Steps:

- Continue to analyze, review and determine whether the potentially open out-of-state convictions and/or suspensions concerning serious violations from the NDR process belong to a specific Massachusetts driver. Where records are validated, the appropriate information is added to that driver’s record and take immediate suspension action where required.
- Continue to refine and streamline the NDR process for the purposes of replicating it on a regular basis to ensure Massachusetts records are regularly updated with the information available through the NDR.

IV. Merit Rating Board In-State Adjudications and Citations

a. Merit Rating Board Background

As indicated at the beginning of this update, it is not enough for the Registry to ensure that, if a driver commits a serious offense that affects eligibility for licensure, the Registry expeditiously suspends or revokes their driving privileges. While that goal has been our first priority, our ultimate goal must be to ensure that all Massachusetts driving records are as accurate and complete as they can be based on all of the information available to the Registry from both in-state and out-of-state sources. Only with such complete records in place can we confidently enforce state laws that trigger progressive sanctions based on multiple offenses over time, whether those offenses occur in Massachusetts or elsewhere.

We have therefore moved beyond the work described above focused on Out-of-State Notifications to understand, improve and implement better processes to ensure that all of the data received by the Registry each day is promptly and accurately entered into driver records. This effort has focused on the Merit Rating Board (MRB), which was established as a subdivision of the RMV in 1976. The primary purpose of the MRB is to maintain, update and report driving record information to Massachusetts auto insurers and other transportation and public-safety government agencies.

By statute, the MRB is overseen by a director, who is appointed by its Board, which consists of the Registrar of Motor Vehicles (who is designated as Chair), the Commissioner of Insurance, and the Attorney

General. However, it does not appear that the MRB oversight Board has met in a public fashion, with the meeting posted and minutes kept, for some time.

Recent events have highlighted the importance of MRB and of the board's statutorily-defined role as an oversight board for the agency's responsibility to maintain driver records. I have reached out to the Commissioner of Insurance and the office of the Attorney General to schedule a meeting as soon as is practicable.

The nature of the MRB's work has changed in recent years, both with the launch of e-Citations and of ATLAS. Historically, in order to input information from law enforcement citations the MRB needed to scan paper citations and input the data into the outdated ALARS system. The successful implementation of e-Citations by the Registry and its adoption by the State Police and a number of local law enforcement agencies has hastened a transition from handwritten to transmission of citations to the MRB. Since March of 2018, 294,560 paper citations have been processed manually, in comparison to 437,937 e-Citations.

Even with this significant reduction in manual workload, the MRB's staffing levels during this transition to e-Citations remained fairly constant. MRB had 55 Full Time Equivalent (FTEs) during Fiscal Year 2016 (FY16, the year ending June 30, 2016), 56 FTEs in FY17, 59 FTEs in FY18, and 56 FTEs in FY19. Since automation has significantly reduced the number of paper citations requiring manual entry at the MRB, the agency does not appear to have any capacity issues with respect to conducting its statutorily-required business. This assessment sets aside the processing of Out-of-State notifications, which is currently being overseen by the Acting Registrar with use of some MRB staff. As explained above, this function will be fully transferred to a new OOS unit outside of the MRB in September.

b. Processing of In-State Adjudications and Citations

The MRB's task of maintaining in-state operator driving records using information both from citations generated by law enforcement agencies and adjudications by the courts is a complicated one. The MRB relies on a combination of e-Citations and electronic notifications from the courts, paper notifications, human data entry and the merging of data across the multiple internal and external information systems, such as ALARS, ATLAS and MassCourts. Additionally, shared information continues to include handwritten paper citations from local police departments.

A prior 2008 audit by the State Auditor indicates data entry and system compatibility issues have existed historically and predate the ATLAS system, which provides the Registry and MRB far greater capacity for generating reports and streamlining data transfers from other agencies like e-Citations and MassCourts.

Our initial review has concluded that the sharing of data across multiple information systems has continued to present challenges to MRB's ability to manage its daily tasks and work queues, even with the advantages ATLAS allows. This is true even though MRB was effectively relieved of the task of processing Out-of-State notifications in mid-2018, according to testimony from current and former RMV staff, in order to be able to better focus on the tasks and queues generated by in-state adjudications and citations.

We have learned that these data transfers often result in the generation and queuing of thousands of daily work items or issues that must be reviewed and addressed. Work items are generated within these queues daily as information is updated and transferred between sources. As a point of context, more than 600,000 such work items have been reviewed and completed since ATLAS began tracking in March of 2018. Approximately 115,000 were processed manually by staff, while the remaining 485,000 were

processed automatically within ATLAS. On a daily basis, approximately 2,000 work items are generated and closed by data entry and transfers, roughly 320 being done manually by MRB staff, and the remaining 1,600 being done automatically within ATLAS. In many cases, multiple work items are produced for the same file merge, so the numbers presented in work item reports do NOT represent the number of drivers or records with missing information. A report is generated for any kind of missing data so that the existence of such a report in many cases does not even mean that important information is missing from a driver record.

These multiple work items per file can originate from a variety of data-entry sources, including both electronic and handwritten notifications. For example, basic human or handwriting issues on paper citations submitted by police departments may need to be clarified. Differences in biographical information, such as an address number or middle initial lacked by one file or the other, may generate a work item, or multiple work items, requiring further review and verification that the correct records are being merged as a quality control measure.

The review has found that, as of this time there are approximately 22,000 work items (again including multiple work items across multiple files and queues) in need of resolution. MRB has a quality control team charged with addressing the anticipated issues that will come with processing this volume of data files and work items from incoming sources each day. Thus, issues or work items will always be generated, but the goal is to address them during the normal course of business. Resolution of these items in the daily course of business requires time and collaboration, often with the courts and law enforcement to better understand and resolve the issues.

We have concluded that much more can be done to streamline data merges and address system compatibility issues “upstream,” before they generate work items requiring review. These initiatives will more effectively triage and resolve the remaining and daily generated work items and reduce the number of new issues or work items generated daily.

In keeping with our focus on public safety, however, we are currently putting in place procedures to sort the outstanding work items by “code” and process those involving serious safety codes first, as we have done with the triage processes used to address out-of-state notifications. As an initial measure, RMV staff identified the queue believed to be the most safety-critical involving criminal citations and egregious offenses. The RMV developed a system process to triage and work through those queued items. Under this approach staff have completed approximately 1,616 of 1,650 outstanding work items in that queue thus far. This system process is being replicated to triage and sort safety-critical work items across the remaining queues to ensure that the issues in citations and notifications involving the most concerning offenses are addressed first.

I want to emphasize that proper resolution of these work items in many cases will not trigger a suspension. Resolution of the work items or issues will, first and foremost, ensure that the driver record accurately reflects the information provided by the citation or court notification. If the updated record then requires that the driver be sanctioned or suspended, or reinstated, that action is taken automatically within ATLAS to then trigger the respective RMV notification, based on the updated, now-accurate record. There is therefore no easy way to determine how many additional suspensions have occurred due to the work now underway to resolve outstanding issues or work items. These actions are simply subsumed in the hundreds of suspensions that occur every day.

The RMV and the Commonwealth's trial courts are also collaborating to ensure that ATLAS and MassCourts can communicate data and merge files more seamlessly and effectively going forward. This effort should resolve issues that may trigger issues, and thus reduce the total number of work items being generated due to issues or incompatibility. RMV and court information technology staffs had several productive discussions and meetings, including a full-day session on August 13th with staff from the courts and RMV/MRB, to walk through citations in their respective systems to gain knowledge, lessons and clarity as to those issues. Together we have identified a number of specific next steps that we will take, including the formation of a joint working group, both to more efficiently address the work items generated by data merges and to institute process changes to reduce the number of such issues. We are grateful to officials and staff from the Massachusetts courts for their cooperation on this important work and look forward to continuing what has already proven to be a productive collaboration.

Next Steps:

- Reconvene the MRB board to carry out its statutory oversight obligations and hold the MRB accountable to its mission going forward, scheduling an initial public meeting of the Acting Registrar, the Commissioner of Insurance and a representative of the Attorney General's Office as soon as practicable.
- Implement the business and system processes that will allow the RMV to continue to triage and sort safety-critical work items across the files that have generated the remainder of the 22,000 work items in the ATLAS queues, and for the approximately 2,000 work items that will continue to be generated to the queue daily. These process improvements will ensure that those work items being generated as a result of the transfer of data files involving the most serious offenses are addressed first.
- Continue collaboration with the courts, through ongoing communication and regular meetings of the newly-established working group, to ensure that ATLAS and MassCourts can communicate data files more seamlessly in order to minimize the generation of issues and work items and ensure that when work items are generated they are resolved promptly and efficiently.