



BUREAU OF MOTOR VEHICLES
DIVISION OF ENFORCEMENT, ANTI-THEFT, AND REGULATIONS
INVESTIGATIVE REPORT

**CASE
NAME** DLS Admin. Exam Review
DETECTIVE Robyn Stankevitz

**CASE
NUMBER** 2019-02091
DATE March 20, 2020
**APPROVED
BY**

On March 9, 2020, I Detective Robyn Stankevitz was assigned the task of conducting an administration review of the driver license examination process within the Bureau of Motor Vehicles in order to determine whether changes should be implemented. I met with fourteen driver license examiners including three supervisors at various locations between the dates of March 9th-13th, 2020. Each interview was conducted individually and in a private setting. I presented each examiner with similar questions and allowed them an opportunity to provide their personal experiences, input and perspectives. The following contains my findings.

I began each interview by asking the examiners their years of experience and employment with the Bureau of Motor Vehicles. One examiner, [REDACTED] has as little as six months whereas others, including but not limited to [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] range from one year to over twenty years of service. The supervisors included [REDACTED] and [REDACTED]; each with over thirty years of service and [REDACTED] with over twelve years.

Individually, I asked everyone to tell me about the driver license examination process. For example; what their normal procedure is when conducting a written or oral driver license exam, such as the amount of applicants during one block, room configuration, deceptive behavior or "cheating", number of examiners overseeing the exam and whether they have a full visual of all the applicants. Each provided similar information, some more detailed than others regarding the exam process. My interpretation of their responses is summarized in the following few paragraphs.

Please note; I frequently use the term "*translator*" throughout this report which shares the same meaning as *reader* or *interpreter*.

At each scheduled hour, the applicants are given instructions to form a line in the lobby in order to check in. They are instructed to have their appointment letter and a form of identification available. Also, they are advised to turn their phones off for testing purposes. Often there are applicants that may need assistance with an exam because of a language barrier or a disability. If the applicant requests language interpretation, currently our Electronic Commercial Driver Licensing system (or ECDL) offers five languages for the Class C exam; English, French,

Spanish, Somali and Arabic. If the ECDL doesn't offer their language or they have an (ADA) disability, the applicant may request an *oral exam* with the assistance of a reader, interpreter or translator. Most times, the applicant is already preregistered for an oral exam however not always. It is my understanding that some applicants may not be preregistered but will request an oral exam at the time of their appointment. Apparently, we use-to deny oral exams if we offered their language or if they weren't preregistered however that is no longer practiced. According to the examiners they were recently instructed by management via email that they shall always allow an oral exam even if the language they speak *is available* on the ECDL system and/or they are not preregistered for an oral exam. They do however deny some requests if there isn't enough space in the room; one oral exam is equal to two regular written exams. Depending on the location, the exam rooms are generally allotted enough space for up to ten applicants however it depends how oral exams are scheduled during one block. Some examiners mentioned that since they received the directive to *grant all oral exam requests*, the road exams have become increasingly more dangerous, which is detailed further along in this report. I was provided a copy of the BMV Driver License Examiner Procedures Manual (revised May 2019). I noted the following guidelines because they are specific to interpreter/translator use:

Knowledge Exam Procedure (BMV Branch Office) ECDL Computer Exams -Page 55

"An interpreter may be used only if the ECDL system does not offer the language requested or if the Examiner deems interpreter is necessary to complete exam."

Guide on Interpreter Use -Page 58 *"The purpose of this guide is not to deny interpreter services to those who have the need for it, but to determine when the interpreter is necessary. The ADA has determined that not speaking English in itself is not a disability."*

When an applicant uses a *reader, interpreter or translator*, that person is required to acknowledge and sign our MVE-81 form, certifying they will not supply the answers to the applicant or make corrections during the exam. The MVE-81 form is used to maintain the integrity, explicitly advising the translator if they aid with the exam, they would be in violation of Maine Criminal Statute Title 17-A section 453; Unsworn Falsification, a Class D crime. Each translator must provide identification which is documented on the top of the MVE-81. These forms are kept with the applicant's packet and later documented in Augusta.

According to the examiners, the process of checking everyone in can take up to or greater than 15 minutes. Each test gets started individually therefore some applicants start their exams while other applicants are still getting checked in. I learned that generally, the oral exams are conducted in a separate room referred to as the "quiet room" which separates the oral exams from the other written exam applicants. Majority of the examiners concurred that if there are multiple oral exams at one time, it can be difficult to maintain a full visual on everyone.

Examiner █ shared with me that he has shut the door to the quiet room while an oral exam was on-going because of another exam applicant was distracted or complained that it was

too loud. Sometimes, if there are more oral exams than written, they'll swap the rooms and place the written applicants in the quiet room. If the examiners are unable to maintain a visual on the applicants or shut the door if it's too loud, the chances of deceptive behavior increase greatly. With that said, I inquired whether there is a policy or a trained procedure if they witness or suspect *cheating* during a written or oral exam. Many of the examiners stated that there isn't a specific policy surrounding cheating however they are trained to maintain a visual on the applicants in order to maintain the integrity of the exam. They advised they can give warnings and/or stop an exam if needed. Such as, if they witness restricted behavior like talking, using a phone or evident cheating. Moreover, each examiner I interviewed, including Supervisors [REDACTED], [REDACTED] and [REDACTED] individually elaborated that they *must* be sure the applicant is cheating or clearly attempting to cheat, in order to stop an exam.

Throughout this review, I generalized my questioning around both *written* and *oral* examinations. And although I invited responses involving both scenarios, I noted that each of the examiners continually referenced *oral* exams in their responses. More specifically, incidents involving translators. Based on their responses, it was obvious that they each had some level of concern that there are translators possibly giving applicants the answers. With that, I asked each examiner to disclose specific details, such as their personal observations of an incident *or* a suspected deceptive situation; including the people involved, date, time and details of what happened. A few of the examiners shared some situations that I've highlighted below but unfortunately, most of them couldn't recall important details and only remembered bits and pieces. Others spoke generally about their suspicions or had a relatively loose recollection from an incident many years ago. If they experienced an incident that led them to stop an exam, they usually completed a handwritten note on the appointment notice and notated the computer but otherwise, they weren't required to keep a detailed record. In hindsight, they wouldn't be able to provide enough information to pursue a criminal investigation. Portland Examiner [REDACTED]

[REDACTED] recalled a situation recently involving an unknown female applicant and an unknown male translator. Examiner [REDACTED] stated that the applicant requested the exam in French however she overheard the translator reading it to the applicant in Angola. Examiner [REDACTED] found this to be out of the norm. Shortly thereafter, the translator started pointing at the computer screen. Examiner [REDACTED] told the translator to stop and gave him a verbal warning. As the exam continued, Examiner [REDACTED] believed that the translator was only translating one answer instead of all three. Given Examiner [REDACTED] observations and that she had already issued one verbal warning she ultimately stopped the exam. She told the translator he needed to leave the room. The translator reportedly became angry and failed to finish filling out the MVE-81; specifically, he never signed it. It is my understanding that Examiner [REDACTED] notified her Supervisor, [REDACTED] of the incident via email. I have not seen a copy of the email.

Other deceptive incidents provided involved situations where the applicant and translator communicated too much between each other. Portland Examiner [REDACTED] has reportedly experienced this several times, mentioning that he stopped three exams within one month for this behavior. He added that he always provides upfront instructions prior to the start of the exam that they cannot talk back and forth, and the communication must be limited to the question and the

answer only. As previously stated, a verbal warning may be issued and if the behavior doesn't cease, the examiners can ultimately stop the exam. With that, each examiner stressed that they often don't know whether to stop the exam entirely because of the language barrier. Emphasizing, they *must* be sure in order to accuse someone of cheating.

Examiner [REDACTED] described another common practice among translators is when the translator tells an applicant to skip a question. Examiner [REDACTED] stated that some translators will not read the question *out loud* and tell the applicant to go to the next question. While skipping a question is an option on the ECDL system, it is up to the *applicant* to make that decision, not the translator. If the question isn't read/translated for the applicant, how do they know whether to skip it or not? So, Examiner [REDACTED] concluded that skipping a question is an obvious sign of deceptive behavior however elaborated *only* if the examiner can understand the language and make that determination. Lastly, Examiners [REDACTED], [REDACTED], [REDACTED] and [REDACTED] each expressed their suspicions involving translators using a series of gestures, also known as "cues" or body signals; examples included movements of the head, legs or tapping of the chairs. While cues can be presumed as cheating, articulated and documented as suspicious the consensus I received after speaking with all the examiners was that they're unfortunately impossible to determine.

Portland Examiner [REDACTED] shared concerns surrounding the same handful of translators constantly in and out of the southern Maine branches. He claims they have been providing their services multiple times a day, over the course of many months. He believes they have been abusing their services and power, such as solicitation within communities and/or at the branch offices. Furthermore, that they charge applicants a fee in return for the correct answers. He expressed that his suspicions have led him to start maintaining a record of certain translators pass versus failed exams. He told me that he's been keeping track of these translators for a significant amount of time. He admitted that he has never *actually* caught one of them because certain ones are too experienced. He stated that they have been doing it for a long time and they know the exam Q & A by memory. Examiner [REDACTED] is confident they can't be caught. He ultimately bases his beliefs off their success rate being significantly higher than the average of normal exam results.

As previously mentioned, most of the examiners, more explicitly Examiner [REDACTED] have expressed their belief that cheating on the written and oral exams has ultimately been affecting the safety of the road exams. Furthermore, that the drivers just don't know the material and subsequently take the road test multiple times before they pass. The applicant(s) reportedly fail to follow simple instructions, such as reading road signs and stopping at red lights. Examiner [REDACTED] stressed that he and his fellow examiners are regularly placed in grave danger.

Lastly, I asked each examiner to provide me their thoughts and beliefs on what could help lessen or eliminate the practice of deceptive behavior within the written and oral examination process. The most received answer was requesting the Bureau of Motor Vehicles to hire licensed interpreters and translators. They believe having licensed professionals working under directives

provided by the BMV would reduce the opportunity of cheating. The second greatest suggestion was to have all examinations involving a translator recorded for viewing purposes. They feel that having the written/oral exams recorded from the ECDL system or a surveillance camera in the room would deter cheating. Although the review of the exams wouldn't be completed until after the fact, it may help decrease deceptive behavior and address safety concerns on the road. The overall belief and hope within the unit are that by recording these exams it will allow the Enforcement division the opportunity for an investigation and hopefully prosecution. Ultimately with prosecution, the thought is that we would be setting a precedent. Other recommendations suggested were going back to the way it was before by *only* allowing oral examinations *as needed or* by adding additional languages to the ECDL system. Increasing personnel for observation purposes. And lastly, scheduling the oral exams separate from the regular written exams or limiting the number of oral exams done during an appointment block. Overall, having a more controlled environment during an appointment block with less multi-tasking would ultimately benefit everyone.

All in all, the unanimity I established over the course of this review was that most of the driver license examiners (some more so than others) have concerns with the current written, oral and road exam processes. Concluding a belief that deceptive practices are taking place regularly without detection and it may be caused by the examiners unintended inability to break the behavior using their current tools and guidelines. The examiners strongly feel as though the process should be reevaluated.

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