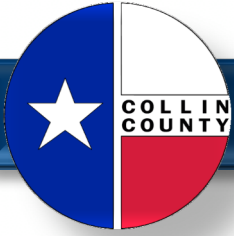




DWI: From Arrest to Probation

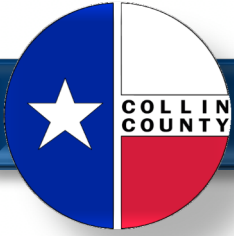


Collin County CSCD



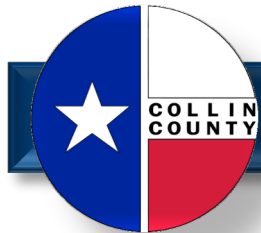
Goals

- Look at specific parts of the DWI process and how it affects supervision.
- Bond supervision.
- Supervision after a conviction.
- Look at the process from different perspective.



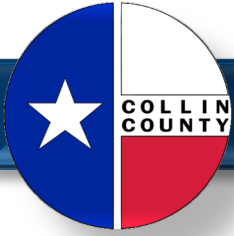
Overview

- DWIs are common.
- DWIs affect thousands of lives.
- DWIs are political.
 - No deferred adjudication.
 - Just recently non-disclosures.
- DWIs are expensive.



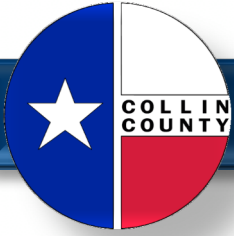
Estimated Costs DWI 1st offense

- Reinstatement fee after ALR suspension, ODL filing fee, ODL fee, SR-22 insurance, court costs, fine, probation fees, DWI classes, SAE, crime stoppers, DPS surcharge, Ignition interlock.
- Approximately \$6500 (and you haven't hired an attorney yet!)



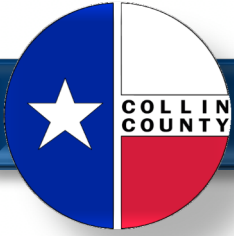
Why is cost important in a supervision context?

- Treatment and classes are costly.
- Alcohol monitoring devices are costly.
- Probation departments are funding more and more services to indigent defendants.



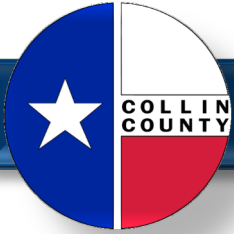
Roadmap

- DWI arrest
- Pre-trial bond supervision
- ALR, license suspensions, ODL
- Prosecution and plea/trial
- Supervision



DWI Arrest

- Vehicle in motion, stop, contact with defendant, field sobriety tests, arrest, transport, draw breath or blood (or refusal).
- Above facts are important from a supervision perspective.
- Risk and Needs and EBP

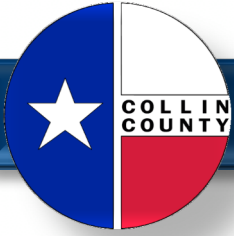


Pre-Trial Bond Supervision (Collin)

- While defendant in jail, attorney can do writ bond on a DWI 1st or 2nd.
- Once released, you have 7 days to show up in court.
- 7-day period of no bond conditions or monitoring.
- In court, receive conditions of bond.

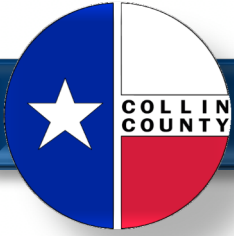


- If unable to get an attorney writ bond, arraigned in jail the next day.
- Magistrate will give you conditions of bond.
- No risk assessment done. No treatment ordered.



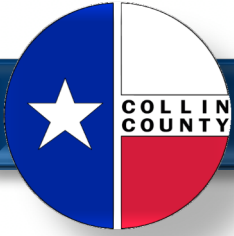
Standard Bond Conditions

- DLD or alternate alcohol monitoring device*
- Report to CSCD
- \$40 a month administrative fee
- No alcohol, marijuana, dangerous drugs, or other controlled substances
- Random UAs
- No new offenses
- No operation of car without valid DL



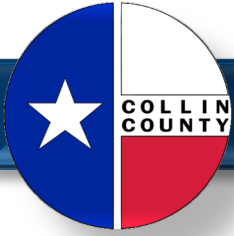
***DLD bond condition**

- On Class B misdemeanor DWI, DLD ordered as a condition of bond if:
 - 1) Under age of 21
 - 2) Accident involved
- On Class A or felony DWI, a DLD will be ordered as a condition of bond.



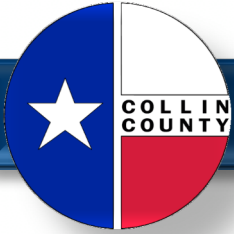
Pre-Trial Bond Issues

- Only monitoring...NOT supervision
- No risk assessment
- No conviction yet
- DLD bypass
- Alternate device bypass
- Doesn't address substance abuse issues



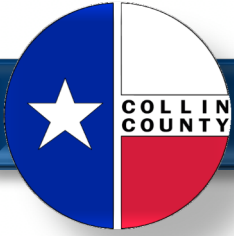
Meeting with Attorney

- Shortly after a DWI arrest, meeting with an attorney.
- Attorney debrief with client.
- Get client's version of facts.
- Request discovery from DPS.
- Obtain video straight from police department.



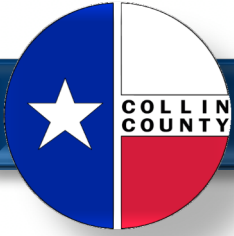
ALR Hearing

- Title 1, Part 7 of Texas Administrative Code §159.251 and Texas Trans Code Chapters 524 and 724.
- Defendant's receipt of DIC-25 that triggers the 15-day deadline to request hearing on the DL suspension (blood draw a little different).
- If ALR hearing is not timely made, the defendant's DL automatically suspended 40 days after the DIC-25 is received or presumed to have been received.



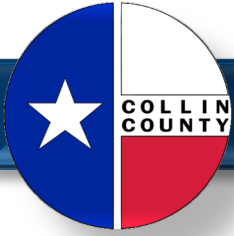
ALR Hearing

- Discovery gold mine.
- Attorney can subpoena the officer.
- Attorney utilizes it to discover all he can about the client's case.
- If you win the ALR hearing, no DL suspension.
- An ALR hearing win can sometimes lead to a NG.



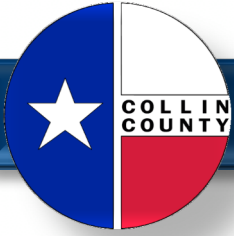
DL Suspension and ODL

- Lose ALR hearing or waive ALR – DL is suspended.
- Refusal – 180 day suspension.
- Failure – 90 day suspension.
- Enhanced Suspensions for prior alcohol or drug related contacts.
- Defendant will need an Occupational Driver's License.



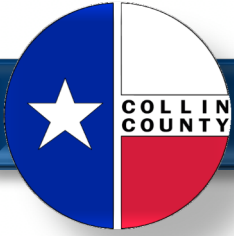
ODL Issues

- Tex. Transp. Code Section 521, ***Subchapter L***
- ODL allows defendant to drive during DL suspension.
- Waiting periods and hard suspension:
 - 90 days
 - 180 days



Issues for Probation

- Probation does NOT help defendants get an ODL.
- Probation does NOT help defendants lift a DL suspension.
- Defendants drive to court on suspended license frequently. That alone is another misdemeanor offense.



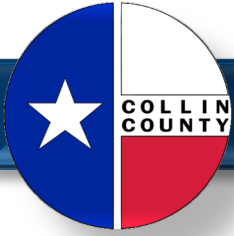
Prosecution Perspective

- What's the plea offer? Is this a case that needs to be tried?
- Is this a case that needs to be dismissed?
- Does our DA allow non-DWI offer? (Obstruction of a Highway where you can get deferred adjudication)
- Does our DA allow pre-trial diversion?
- Offer low jail sentence? (pure drug intoxication DWIs if no accident)



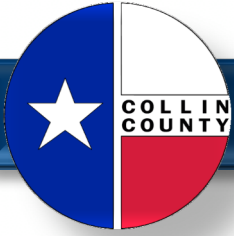
Prosecution: Plea or Trial

- Because no deferred adjudication allowed, many DWI cases go to trial.
- Punishment is better sometimes after trial.
- However, majority are plea bargain.
 - Each county has “standard” DWI probation lengths, fines, and conditions.
 - In Collin, we are seeing a lot of Class A reduced to a B for chance of non-disclosure.
 - Defendants are wanting ignition interlock installed so they can get earlier non-disclosure.
 - Collin, seeing time served.



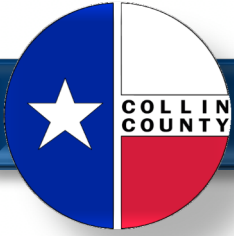
Standard Conditions of Supervision

- Jail time for DWI 2nd and above
- Substance Abuse/Alcohol Evaluation
- DWI Education Class
- VIP
- No alcohol
- Ignition Interlock (for Class A and higher)
- Random UAs
- Community Service Hours



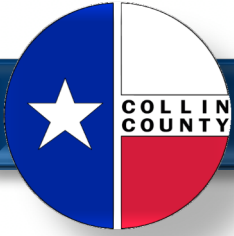
Special Conditions of Supervision

- Substance abuse caseload
- Drug Court/DWI Court
- Intermediate Sanction Facility
 - Collin County SCORE program
- Increased reporting
- UA call-in system



Treatment and Ongoing Issues

- Severe addiction
- Homelessness, unemployment, and other financial issues
- Bypassing devices
- DL suspension – surcharges, fees, no ODLs, restricted DLs



Revocations

- New offenses
- Repeated alcohol or drug use
- Failed to complete classes and other conditions.
- Alcohol monitoring device violations
- Short sentence with back time credit (DWI first).

Questions?

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