



Mothers Against Drunk Driving

COURT MONITORING REPORT



madd[®]
Texas
NO MORE VICTIMS[®]

2019

HOW IT WORKS

MADD's Court Monitoring Program enlists court monitors to observe and document what happens in the courtroom during drunk driving case proceedings. Court Monitoring enhances transparency and accountability within the criminal justice system and reduces the likelihood of repeat drunk driving offenses. A key component of court monitoring is promoting public interest in the justice system and creating awareness of the outcomes of drunk driving cases.

Court Monitoring is a proven tool to affect the adjudication process and is an effective countermeasure to reduce drunk driving*. Court Monitoring on the local scale can make an impact on the handling of drunk driving cases just by their mere presence in the courtroom. MADD's team of staff and volunteers track individual cases, compile information about each case and create reports regarding case

disposition. Court Monitors let prosecutors and judges know - in a non-adversarial way - that MADD is watching drunk driving cases and looking for trends in how these cases are handled. Through this process, MADD seeks to maintain strong partnerships with members of the judicial system.

* Goodwin, A., Thomas, L., Kirley, B., Hall, W., O'Brien, N., & Hill, K. (2015, November). Countermeasures that work: A highway safety countermeasure guide for State highway safety offices, Eighth edition. (Report No. DOT HS 812 202). Washington, DC: National Highway Traffic Safety Administration.

WHAT WE HAVE LEARNED

The Court Monitors track misdemeanor drunk driving cases in the Magistrate courts of their respective counties. The monitors are physically present for court settings and acquire case information from courtroom observation and, when necessary, from researching online databases in the event a monitor is not able to be present at the proceeding. The data is then entered into the MADD National Court Monitoring Database for reporting purposes.

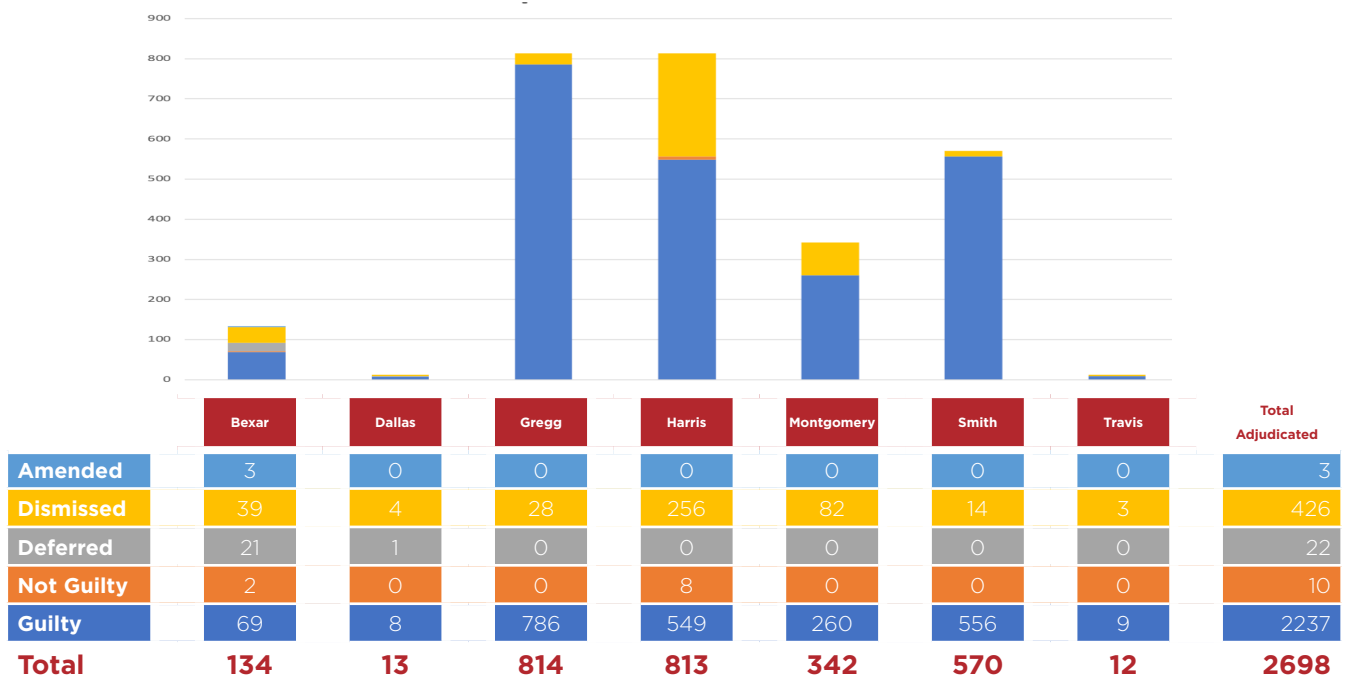
State Report (reporting period: 9/1/2017 - 9/1/2018)

This report is designed to present observations and trends relative to the counties monitored, and are not intended to be a statistical analysis.

Open Cases	1,689	39%
Total Adjudicated	2,698	61%
Total Cases Monitored	4,387	

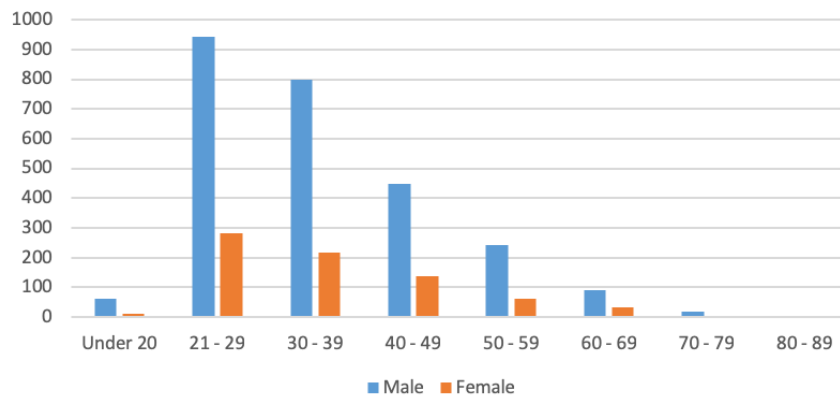
Guilty	2238	83%
Not Guilty	10	<1%
Deferred Prosecution	22	<1%
Dismissed	426	16%
Amended	3	<1%
Total Adjudicated	2,698	

Overall Disposition Detail



The chart above reflects a case study of data for the following counties — Bexar, Dallas, Gregg, Harris, Montgomery, Smith, Travis.

Age and Gender



WHAT THIS MEANS

Key Findings and Observations

The Texas Court Monitoring efforts are grant supported by the Texas Department of Transportation using National Highway Traffic Safety Administration funds. Texas Court Monitoring is included as one of several environmental strategies in our Texas 'Take the Wheel' awareness initiative. Other strategies include recognizing our Law Enforcement heroes for their exceptional enforcement of impaired driving laws, hosting Roundtable meetings with judicial and enforcement officials to discuss challenges to enforcement and educating parents and teens about the consequences of underage drinking. Texas Court Monitoring started in 2009 with a dedicated Court Monitoring Specialist in Harris County Courts. Today, there are seven 'Take the Wheel' team members monitoring cases in thirteen Texas counties that are a part of six regional program areas. While focus of our court monitoring has evolved, our intent remains to bring transparency and public oversight to the prosecution of Texas impaired driving cases.

Data from 2017-2018 will serve as a crucial benchmark as the Texas court monitoring program progresses. Court Monitors who attend court assist in building strong relationship with judges and court staff.

Based on cases monitored, the following observations were noted::

- ✶ A common occurrence for cases in Harris County is the Pretrial Diversion Program or PTI for one year for DWI Defendants. At the end of the year within the Pretrial Diversion Program, the DWI case is dismissed for defendants who abide by all conditions. Based on this information, dismissal rates in Harris County are related to defendant completion of the Pretrial Diversion Program.
- ✶ In Bexar County, Court Monitors observed that the majority of the cases were reset (pre-trial conferences, jury trials or more time to consult with an attorney).
- ✶ When witnessing and observing cases in Montgomery County, judges were stricter on the defendants. For instance, on a first DWI pleading guilty to the charge, monitors observed a defendant getting an \$800 Fine, time served in jail and license being suspended for 90 days. If a defendant is charged with a 2nd DWI, judges are firmer with setting certain conditions, for instance, ordering the ignition interlock. Ignition Interlock devices can aid in the prevention of future offenses. Comal County judges seemed to be stricter on DWI convictions, usually imposing the maximum fine of \$4000.
- ✶ Smith County has three courts dedicated to hearing criminal cases. Most DWI Cases in Smith County were held in the Smith County Court of Law #2. There were varying decisions made from court to court and also by county.
- ✶ Based on court monitor presence in Bexar County, judges treated a drunk driving 2nd offense much like a drunk driving 1st offense; resulting in minimum sentencing guidelines.
- ✶ Approximately 50% of Smith and Gregg County Cases were over the .15 average blood alcohol range, based on recent Court Monitoring Data. Bexar County noted many cases with a BAC of over .15 were often reduced to just a DWI.
- ✶ Age trends vary, but based on case data in Bexar, Harris and Montgomery County, many cases observed fell between 21-29 years of age.
- ✶ Based on Court Monitor presence in the courtroom, many cases for first time DWI offenders in Hopkins County and Bexar County had the ability to get Deferred Adjudication granted (offense is also reduced to Obstruction of Highway). Although a charge of Obstruction of Highway is also a Class B Misdemeanor, this change is considered a plea to a "lesser charge". A charge of Obstruction of Highway often allows defendants to take advantage of deferred adjudication, lower court fees/fines and an option for a Motion for Non-Disclosure or dismissal. This "plea" is common in many DWI/DWI cases in courtrooms throughout Texas.



EFFECTIVE JUSTICE THROUGH VOLUNTEERING

Join MADD's Court Monitoring Program

Each year, more than 1.4 million arrests are made for the crime of drunk driving. What happens after those arrests depends on the criminal justice system. How do we know if justice is being served? By being there to witness the process. As a court monitor, you have the opportunity to get an insider's perspective on the justice system while making a vital contribution to the community. Your presence in court and the data you collect will help make sure our laws are upheld and the criminal justice system does what it is intended to do: keep us safe.

Volunteer court monitors are needed to:



Remind law enforcement that MADD wants to see their cases prosecuted to the fullest extent of the law



Track conviction rates and sanctions



Identify trends in offender age, gender, and blood alcohol concentration level



Notify judicial system of deficiencies



Create public outcry when weaknesses go unaddressed.

For information about how to volunteer in your state, please find your local MADD office at madd.org.



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