

Mothers Against Drunk Driving®

COURT MONITORING REPORT

2021



HOW IT WORKS

MADD's Court Monitoring Program enlists court monitors to observe and document what happens in the courtroom during impaired driving case proceedings. The program was created to ensure that impaired driving offenders are prosecuted and justice is achieved.

Court monitoring is a tool proven to affect the adjudication process and is recognized by the National Highway Traffic Safety Administration (NHTSA) as an effective countermeasure to reduce impaired driving¹. Court monitors on the local scale can

impact the handling of impaired driving cases by their mere presence in the court room.

Court monitoring is intended to enhance transparency and accountability within the criminal justice system and reduce the likelihood of repeat offenses. One way this goal is achieved is by sharing data and observations with law enforcement, judges, prosecutors, and the public to promote awareness of impaired driving and ensure accountability for all impaired driving offenders. To reduce future offenses, MADD® supports swift and unbiased treatment of all impaired driving cases.

¹ Richard, C. M., Magee, K., Bacon-Abdelmoteleb, P., & Brown, J. L. (2018, April). Countermeasures that work: A highway safety countermeasure guide for State Highway Safety Offices, Ninth edition (Report No. DOT HS 812 478). Washington, DC: National Highway Traffic Safety Administration.

WHAT WE HAVE LEARNED

Texas State Report (reporting period: 1/1/2020 - 12/31/2020)

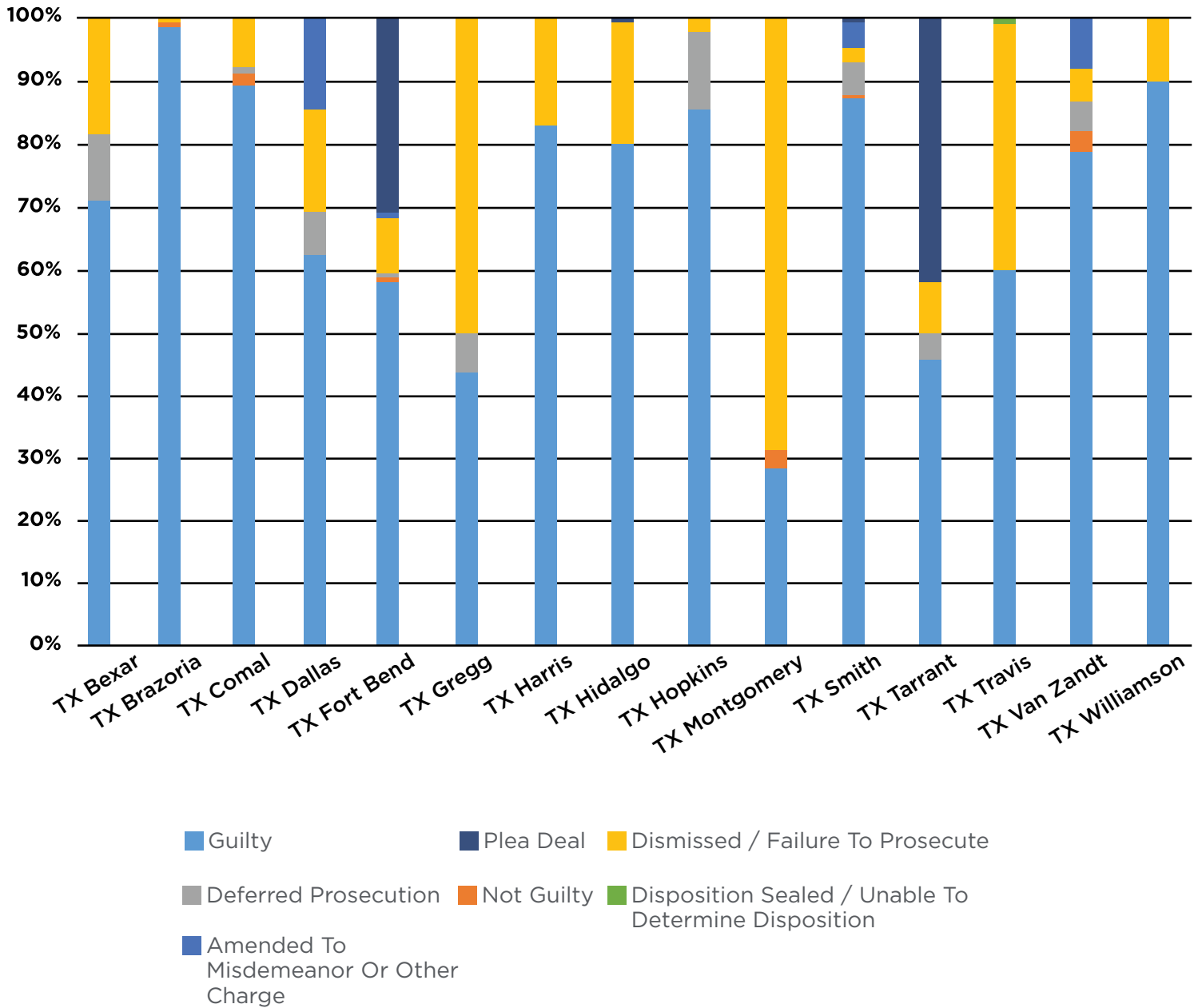
This report is designed to present observations and trends relative to the counties monitored and is not intended to be a statistical analysis.

Pending Cases Monitored:	1,958	58%
Adjudicated Cases Monitored:	1,413	42%
Total Cases Monitored in 2020:	3,371	

*Pending cases are cases waiting a judgement result.

Guilty	1,048	74%
Not Guilty	9	<1%
Deferred Prosecution	20	1%
Dismissed	260	18%
Amended To Misdemeanor	11	1%
Plea Deal	62	4%
Disposition Sealed	3	<1%

Dispositions Totals By County Monitored 2020



WHAT THIS MEANS

Key Findings & Observations

Texas Court Monitoring Program Narrative

The Texas Court Monitoring Program efforts were grant supported by the Texas Department of Transportation, using National Highway Traffic Safety Administration funds. The Texas Court Monitoring Program is included as one of several environmental strategies in the Texas 'Take the Wheel' awareness initiative. The program has become a tool for law enforcement and other agencies to utilize and gain knowledge of the impact in their communities of DWI and impaired driving offenses. The 2020 COVID pandemic shut down all in-person court activities and court monitors relied on virtual court proceedings. The pandemic did effect the number of closed cases for the year. At the end of 2020, the 'Take the Wheel' initiative lost federal funding to continue the program, but through volunteer and intern programs the Court Monitoring program can still deliver the necessary data to report to community stakeholders. This program is a valuable asset to set the standards and guidelines for prosecutors and judges across the state. Data was collected and heard on over 3,300 closed cases even as the COVID-19 pandemic shut down county courthouses across the nation.

In 2009, the Texas Court Monitoring Program started with a dedicated Court Monitoring Specialist in Harris County. While our court monitoring focus has evolved, our intent remains to bring transparency and public oversight to the prosecution of Texas impaired driving cases. Court monitors are physically present in court, observe various hearings as they proceed through the criminal justice system and collect pertinent data. Court monitors also assist in building strong relationships with judges and court staff.

In 2020, MADD Texas court monitors were present in the following regions: East Texas, Central Texas, North Texas, South Texas and Southeast Texas.

Based on the case information collected and tracked by MADD Texas court monitors, the following observations were noted by region in addition to the chart in this report:

East Texas

The MADD East Texas Court Monitoring Program was very active in 2020. The efforts of data collection and monitoring was completed by the MADD Program Specialist/court monitor assigned to the East Texas counties of Smith, Gregg, and Van Zandt. The year of data collection was shortened by the COVID-19 pandemic and went to virtual court proceedings the remaining of the year. Unfortunately, not all proceedings were public and the information gathered was done primarily through data mining and online services. Through the examination of data for the 2020 year, the following general observations were made.

The Court monitor attended court, met with all judges and additional important key personnel who dealt with the DWI and court process from October 2020 to March 2020 until the pandemic hit. The court monitor concentrated on 5 county courts.

Smith County had the majority of the cases for this region. The court monitor observed that most cases were heard and tried in the Smith County Court of Law #3. There were varying decisions made from court to court and also by county. The conviction rates were higher due to court monitor presence and dismissals were minimal in Smith and Gregg County.

Van Zandt County was a new county for court monitoring data collection and was accomplished primarily through the court house records. Van Zandt courthouse is very quaint and their record system a bit antiquated which took the court monitor a large amount of time searching for closed case information. Over the 6-month period the cases were minimal but prosecution was primarily guilty outcomes with some cases being lowered to "Obstruction of Highway". Although "Obstruction of Highway" carries the same level of charge as a DWI (class B misdemeanor); this is seen as a plea to a lesser charge due to reduced stigma seen with this charge and reduction of fees/fines.

Central Texas

The Travis County Court Monitoring Program was very active through the 9 criminal courts dedicated to hearing misdemeanor DWI cases. Travis County court monitors, which comprised of interns and the MADD Program Specialist, heard over 225 cases for the area before proceedings were reduced due to the COVID-19 pandemic. The pandemic slowed the process of collecting valuable data due to the shut down, but quickly transitioned to virtual Zoom court proceedings where the rest of the data collection completed over 450 closed cases for the grant year.

The previous year issue of judges changing the DWI charge to “Obstruction of Highway” was still common and continues to be a practice in Travis County. This practice also raises the dismissal rate for first time DWI offenses when cases are dismissed and refiled as “Obstruction of Highway”.

North Texas

The North Texas Court Monitor program focused on Dallas and Tarrant counties with court monitor interns who collected data. These interns were allowed in the courts until mid-March 2020 when the county offices were shut down due to COVID-19. The North Texas region heard over 450 cases and continued with the following sanctions: between 30-180 days in jail, \$300-\$1000 fine, license suspension for 6-12 months, probation for 12-18 months, and an alcohol education class. This sanction was common for most of Texas.

Dallas and Tarrant counties observed an increase in cases that were amended to the lesser charge of “Obstruction of Highway”. Dallas and Tarrant counties court monitors observed that both county judges set conditions for defendants charged with a 2nd DWI, such as ordering an ignition interlock. Most cases the last 6 months of the year were primarily heard through Zoom virtual court proceedings.

South Texas

Bexar and Comal County court monitors were active the first 6 months of the grant year and ended the grant year closing just over 650 cases. The courts did transition to Zoom proceedings as the end of March 2020 was shutting down due to COVID-19. In Bexar County the practice of amending first offender of DWI to “Obstruction of Highway” continued for 2020. Comal County court monitors observed cases were rarely dismissed and the majority were pleaded out. Data shows judges in Comal County are stricter than Bexar and imposed the maximum fine frequently of \$4000.

SouthEast Texas

MADD Program Specialist/court monitors focused on Harris and Montgomery with 2 new counties of Brazoria and Ft. Bend this grant year (2020). These counties combined collected data for over 850 cases. The months leading up to the pandemic yielded most case data coming from Harris and Montgomery counties.

Court monitors observed prosecution was strict with first and second offenses. Most fines were set to \$1,500. The cases in the four counties slowed down after March 2020 and were heard primarily via Zoom virtual sessions or through data mining collection. Cases in the new counties of Brazoria and Ft. Bend were just building traction as the pandemic halted most of the counties’ court monitoring activity.

IF YOU OR A LOVED ONE HAS BEEN AFFECTED BY DRUNK OR DRUG-IMPAIRED DRIVING, MADD IS HERE TO HELP. CALL OUR VICTIM/SURVIVOR 24-HOUR HELPLINE AT 877-MADD-HELP (877-623-3435).



EFFECTIVE JUSTICE THROUGH VOLUNTEERING

Join MADD's Court Monitoring Program

Driving a vehicle while impaired is a dangerous crime, yet continues to happen across the United States. Each year, about 1 million individuals are arrested. What happens after those arrests depends on the criminal justice system. As a MADD court monitor, you can get the insider's perspective on the judicial system while making a vital contribution to your local 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.

Court monitors achieve the work of MADD's Court Monitoring Program by doing the following:



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 more information about court monitoring efforts in your state, please visit madd.org/courts.



madd
Texas
NO MORE VICTIMS®