

Texas District & County Attorneys Association



2022

DWI Resource Prosecutor Listening Session Report

Gathered: December 1, 2022

Horseshoe Bay, TX

Summary of TDCAA's 2022 DWI Resource Prosecutor Listening Session Report

In 2008 TDCAA did its first listening session of elected Texas prosecutors on issues related to traffic safety and impaired driving generally and TDCAA's traffic safety grant project with TxDOT, "DWI Resource Prosecutor". That report established Texas prosecutors' assessment of impaired driving cases as a priority and the success of the "DWI Resource Prosecutor" project to Texas prosecution. That report has been made a part of grant applications since that time. It has been presented and discussed by the State-wide Impaired Driving Task Force. It has been emulated by other Traffic Safety Resource Prosecutors in other states. It has been presented to two NHTSA assessment teams in impaired driving assessment teams in Texas.

In the summer of 2022, it was suggested by the second of those assessment teams that refreshing the data was probably overdue. The DWI Prosecutor Task Force sponsored by TDCAA as part of the 'DWI Resource Prosecutor" project agreed in October of 2022. The next opportunity for such a session was November 30-December 2, 2022, at TDCAA's Elected Prosecutor Conference.

Over 100 of the slightly more than 300 elected prosecutors in Texas enrolled in the course and participated in the session. A list of all elected prosecutors attending the program and participating in the listening session and survey is the last section of 5this report. Poll Anywhere was used to provide anonymous and confidential feedback. As indicated in the poll anywhere report 105 of the individual attendees logged in to participate. Exact numbers of responses are in that report. Over30% of the target population participated in this session. That is quite high for most such related polls. The group included prosecutors of all levels, regions, size of office and length of tenure.

There we six responses requested. The first was to the type of office represented. The percentages of felony only prosecutors (23%), both misdemeanor and felony (43%), and misdemeanor only (32%) does show the group was not completely reflective of elected prosecutors, but vey reflective of actual prosecutor division across the State. In other words small county County Attorneys were under represented and large urban counties were overrepresented, but at the same time the subject group far better represented the total number of prosecutions than a 1005 collection of elected prosecutors. It is important to note that two attendees do not have criminal prosecutor responsibilities and did not further participate.

The other questions posed paint a very clear picture of Texas prosecutors. Impaired driving cases are a priority and important to them. The "DWI Resource Prosecutor" program is well received and important to them. Although there were 4 "I don't know" responses to the project question it is important to note that 10 of the attendees had been elected to their position but had not yet taken office. A 4% need for improvement is also an appropriate conclusion. The problems of drugged driving prosecution and the need for more DREs is also quite clear.

The final polling question allowed participant to enter as man as three short phrases assessing the challenges for prosecution. With over 100 responses a couple of trends are clear prosecutors want 1) better officer training, 2) faster and broader lab results, 3) more resources. These answers very closely parallel the information provided by the yearly DWI Prosecutor Task Force.

2022 DWI Listening Session

Current run (last updated Dec 1, 2022 9:59pm)

6

105

94

84%

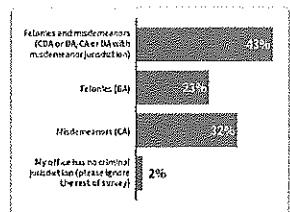
Activities

Participants

Average responses

Average engagement

My office prosecutes:



Response options

Count

Percentage

Engagement

Felonies and misdemeanors (CDA or DA/CA or DA with misdemeanor jurisdiction)

39

43%

Felonies (DA)

21

23%

Misdemeanors (CA)

29

32%

My office has no criminal jurisdiction (please ignore the rest of survey)

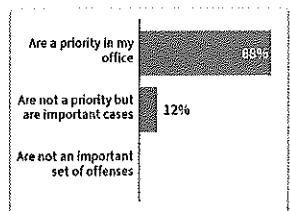
2

2%

91

Responses

DWI offenses and impaired driving crashes resulting in injury or death:



Response options

Count

Percentage

Engagement

Are a priority in my office

81

88%

Are not a priority but are important cases

11

12%

Are not an important set of offenses

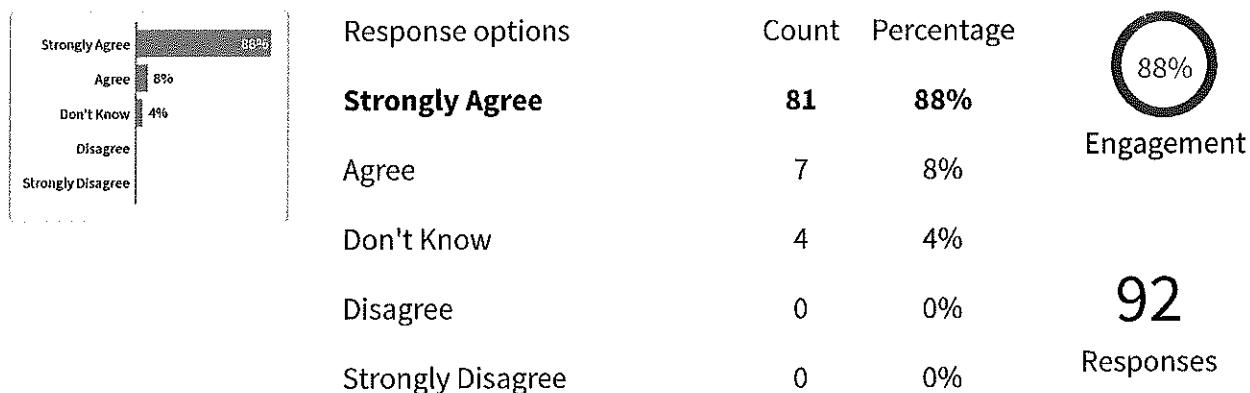
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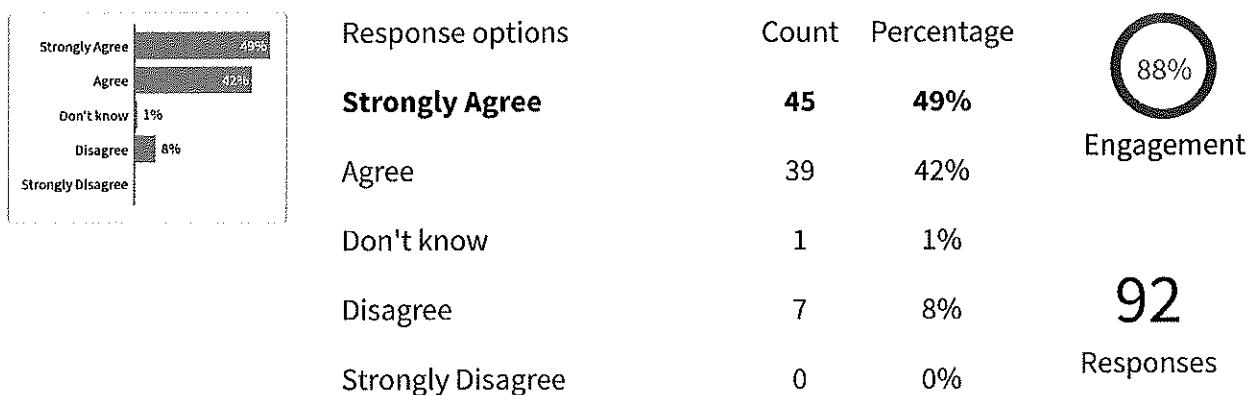
92

Responses

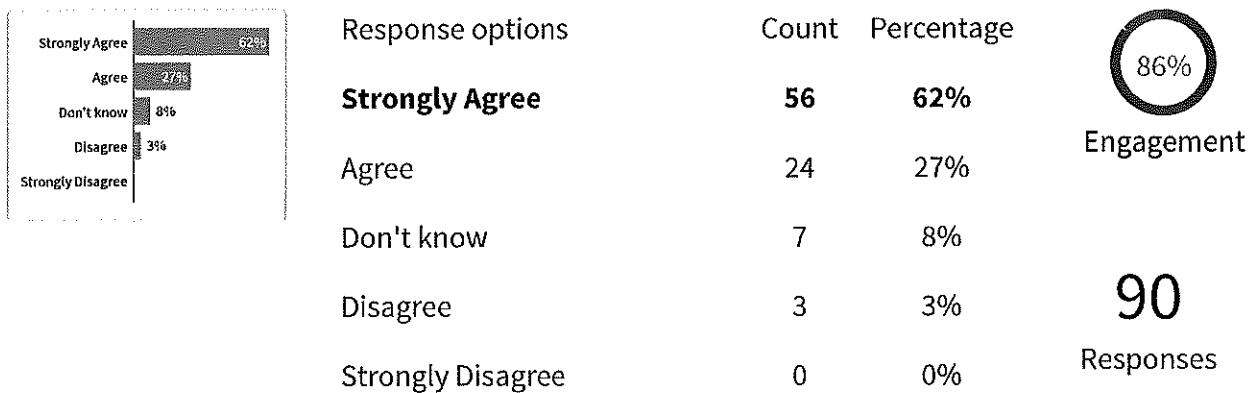
My office has benefitted from TDCAA's DWI Resource Prosecutor Project - regional DWI programs, free publications (mailed and at prosecutor trial skills), the "DWI Resource" page at tdcaa.com, and the availability of Clay Abbott as a DWI resource.



Drugged driving (intoxicating substances with or instead of alcohol) are a serious issue in my jurisdiction:



My jurisdiction needs a Drug Recognition Expert (DRE) or additional DREs:



The main impediments to more successfully prosecuting DWI offenses and impaired driving crashes resulting in injury or death in my jurisdiction is (list no more than 3):

Responses	Engagement
No prompt lab results	71%
Trooper forgot his "smart" hat	
All our alcoholics are elected officials.	
Continuity of investigations	
no ability to test for drugs after alcohol test result	
Report writing Need more trial attorneys	
more LE training at crashes/boating - work all we if intoxed instead of oops later lack of evidence faster labs	
Lack of Getting cases timely due to high number of reported cases	
Better strategy for jury selection	
More judges able to sign blood search warrants	
suspect hauled away before apprehended: border	
More officer training on sfsts Jury knowledge about drugged driving	
Accident reconstruction Officer Training	
More cop training Speed of Offense Report Transfer DPS back from border since my locals generally WON'T do SFSTs.	
Coordination of SO, DPS, Prosecutors	
Officer training, poor investigation,	

Engagement

105

Responses

Responses

DPS troopers are unable to do the follow up investigation needed due to border, lack of troopers, and the requirements to write tickets.

no blood/breath

It would be great to have more prosecutors. Also, adding an education piece to the judges at their CLE. Some of the county judges have gotten bored with DWI's and I don't think they take it seriously enough.

Lack of training

turnover w staff at the labs so having to piece case together with other experts or retesting

Judicial reluctance to be available at night

Limitations on BAC testing; not enough admissible testing devices and Certified technicians.

Better initial investigation and faster lab results.

LAW ENFORCEMENT TRAINING

No crime scene investigation

More training

Prepare law enforcement for testifying

Faster blood draws with subsequent timed draws for retrograde issues

Poor Investigation.

Blood draw post accident, blood seizure from hospital, officers available to investigate injury/death cases.

Better police traing & faster labs

Countering defense experts

Judges available for blood warrants

Responses

Poor investigation

Accident reconstruction experts

Lack of DPS investigation

Better reports/investigations by LE

Officer training

Labs too slow

More le training.

Sheer numbers, bad reports, and PC issues

Lack of good accident reconstructions

More blood warrants on suspicion of driving while intoxicated

Blood warrant

Poor investigations

Better law enforcement investigations and training for officers on how to testify successfully . Also tons of turnover f

Faster labs

Faster labs

2. lack or evidence collection

Good investigations.

Good testimony.

Faster turn around on toxicology on blood when drugs are present. Looking at you, DPS.

1. Lack of investigator training and diligence in investigation.

Lack of full investigation

Faster blood testing on drugged DWI cases

Officer training on accident reconstruction and drugged driving

Responses

- dumb juries Officer training. Officer training
- Better investigations. Lack of investigation
- Lack of officers to transport for blood or breath
- More accident reconstruction training
- Rural jury expectations
- Lack of experts, no lab or breath test
- Bad investigation Quality investigation by I.e.
- Officer training Lack of LE training
- Law enforcement is reluctant to get blood warrants
- Training Lack of evidence
- Better investigations Poor investigation
- No blood or breath Training law enforcement
- Better police traing & faster labs.
- Bad reports and lack of investigation
- Bad case reports and lack of evidence
- Quicker case presentation by DPS
- Lack of law enforcement officers with SFST training;
- Investigation training
- More law enforcement training
- Better officer training Public perception.
- Lack of training Lack of blood or breath test
- No blood/breath Investigation

Responses

Lack of judges available to sign blood warrants at night

More officer and prosecutor training

Lazy Police Officers that do not follow County wide protocol

Law enforcement training

Time required to get blood warrant

Faster DPS lab turnaround

Poor Investigations

Officer training

1. Lack of investigation at the crime scene

Time in getting case from agency

Lack of LE training

Faster labs.

No breath or blood.

Bad case reports and lack of evidence

Lack of good investigation

2022 Elected Prosecutor Conference

November 30 - December 2, 2022

Horseshoe Bay, Texas

Attendee List

Last Name	First Name	Position	City	Phone	Email
1 Ahlschwede	Tonya	452nd Judicial District Attorney	Mason	325.347.8400	tsa@452da.net
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8 Bergman	Jennifer	253rd Judicial District Attorney	Liberty	936.336.4609	jennifer.bergman@co.liberty.tx.us
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10 Birdsong	Ronald	County & District Attorney	Vega	806.639.2130	ocatty@oldham-county.org
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12 Boyd	Dustin	52nd Judicial District Attorney	Gatesville	254.865.5911	dusty.boyd@coryellcountytx.gov
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17 Brown	Charles	County Attorney	Glen Rose	254.897.2277	trey.brown@co.somervell.tx.us
18 Burleson	Sterling	County Attorney & VAC	Colorado City	325.728.2259	countyattorney@co.mitchell.tx.us
19 Burnett	Kristie	29th Judicial District Attorney	Palo Pinto	940.659.1251	kristie.burnett@co.palo-pinto.tx.us
20 Byrd	Billy	Criminal District Attorney	Gilmer	903.843.5513	billy.bryd@countyofupshur.com
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22 Clayton	Benjamin	County Attorney	Ballinger	325.365.2337	ben.clayton@runnelscounty.org
23 Clements	Aaron	County Attorney & VAC	Dickens	806.786.4776	coatty@co.dickens.tx.us
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30 DeFriend	William	County & District Attorney	Groesbeck	254.729.3814	roy.defriend@co.limestone.tx.us
31 Denney	Kyle	County & District Attorney	Hallettsville	361.798.4757	kyledenney@co.lavaca.tx.us
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54 Giblin	Keith	Executive Asst. Criminal District Attorney	Beaumont	409.835.8550	keith.giblin@jeffcotx.us
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63 Heap	Andrew	County Attorney	Junction	325.446.2378	andrewj.heap@co.kimble.tx.us
64 Heard	Dan	Criminal District Attorney	Port Lavaca	361.553.4422	dan.heard@calhouncox.org
65 Heisel	Hillary	First Asst. Criminal District Attorney	Canton	903.567.4104	hheisel@vanzandtcounty.org
66 Hempill	Heath	42nd Judicial District Attorney	Coleman	325.625.1316	heathahempill@gmail.com
67 Henkes	Mark	County Attorney	Hamilton	254.386.3217	mark@mcmullenhenkeslaw.com
68 Henry	Cheryl	344th Judicial District Attorney	Anahuac	409.267.2682	cileck@chamberstx.gov
69 Hensley	Lilli	County Attorney & VAC	Sterling City	325.378.5621	l.hensley@co.sterling.tx.us
70 Hicks	James	Criminal District Attorney	Abilene	325.674.1261	hicksj@taylorcountytexas.org
71 Higgins	Kelly	District Attorney Elect		512.839.3343	kelly.higgins3@gmail.com
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73 Holbrooks	Mario	County Attorney & VAC	Gail	806.756.4351	marlo.holbrooks@co.borden.tx.us
74 Holcomb	Corby	First Asst. County Attorney	Georgetown	512.943.1111	corby.holcomb@wilco.org
75 Holley	Michael	First Asst. District Attorney	Conroe	936.539.7800	mike.holley@mctx.org
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80 Inman	Luke	100th Judicial District Attorney	Wellington	806.447.0055	luke.inman@100thda.net
81 Johannes	Jay	County & District Attorney	Columbus	26	jay.johannes@co.colorado.tx.us
82 Johnson	Paul	Criminal District Attorney	Denton	940.349.2612	paul.johnson@dentoncounty.gov
83 Jones	Christopher	County Attorney	Borger	806.273.0134	cjones@hutchinsoncounty.com
84 Jones	Andrew	145th Judicial District Attorney	Nacogdoches	936.560.7766	ajones@co.nacogdoches.tx.us
85 Kee	Michaela	County Attorney	Muleshoe	806.272.4205	michaela.kee@parmercounty.texas.gov
86 Keeble	Stacie	First Asst. County Attorney	Fredericksburg	830.990.0675	skeebble@gillespiecounty.org
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88 King	Misty	Attorney/Executive Prosecutor	Wichita Falls	940.766.8113	misty.king@co.wichita.tx.us
89 Koehn	Travis	Criminal District Attorney	Bellville	979.865.5933	travis.koehn@austincounty.com
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109 Minick	Matthew	County Attorney	Kountze	409.246.5165	matthew.minick@co.hardin.tx.us
110 Mitcham	David	First Asst. District Attorney	Houston	713.274.0460	mitcham_david@dao.hctx.net
111 Mitchell	Christina	38th Judicial District Attorney	Uvalde	830.278.2916	christina.mitchell@38thda.org
112 Montalvo	Rene	Interim County Attorney	Rio Grande City	629	rene.montalvo@co.starr.tx.us
113 Montgomery	Martha	County & District Attorney	Waxahachie	972.825.5035	ann.montgomery@co.ellis.tx.us
114 Moore	Bill	County Attorney	Cleburne	817.556.6330	billm@johnsoncountytx.org
115 Moore	John	First Asst. Criminal District Attorney	Longview	903.236.3500	john.moore@co.gregg.tx.us
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121 Palmer	Jenny	173rd Judicial District Attorney	Athens	903.675.6100	jpalmer@henderson-county.com
122 Pattillo	Jana	First Asst. County Attorney	Nacogdoches	936.560.7788	ppattillo@co.nacogdoches.tx.us
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129 Ramsay	Will	8th Judicial District Attorney	Sulphur Springs	903.885.0641	wramsay@hopkinscountytx.org
130 Reynolds	Randall	143rd Judicial District Attorney	Pecos	432.445.2010	randy.reynolds@co.ward.tx.us
131 Rhoades	Amy	First Asst. Criminal District Attorney	Canyon	806.468.5570	amy.rhoades@randallcounty.gov
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133 Roady	Jack	Criminal District Attorney	Galveston	409.766.2355	jack.roady@co.galveston.tx.us
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142 Shelton	Courtney	Criminal District Attorney	Linden	903.756.7541	c.shelton@casscountytx.org
143 Sibley	David	220th Judicial District Attorney	Meridian	254.435.2993	adam_sibley@mac.com
144 Sims	Randall	47th Judicial District Attorney	Amarillo	806.379.2325	randallsims@co.potter.tx.us
145 Sitton	Shelly	District Attorney Elect	Livingston	936.327.7181	shellysitton@livingston.net
146 Skehan	Catherine	County Attorney	Rankin	432.693.2222	pskehan@co.upton.tx.us
147 Smith	James	Criminal District Attorney	Sherman	903.813.4361	smithb@co.grayson.tx.us
148 Smith	Brent	County Attorney	Brackettville	830.563.2240	bsmith@co.kinney.tx.us
149 Smith	David	First Asst. County & District Attorney	Gonzales	830.672.6527	dsmith@co.gonzales.tx.us
150 Smith	Samuel	36th Judicial District Attorney	Sinton	361.364.9390	ssmith@sanpatriciocountytx.gov
151 Solis	Julie	First Asst. Criminal District Attorney	Hondo	830.741.6187	julie.solis@medinacountytx.org
152 Sorrells	Phillip	District Attorney Elect	Fort Worth	817.929.9393	phil@philsorrells.com
153 Stanton	James	271st Judicial District Attorney	Decatur	940.627.5257	districtattorney@co.wise.tx.us
154 Stamey	Erin	First Asst. Criminal District Attorney	Abilene	325.674.1261	stameye@taylorcountytexas.org
155 Stephenson	Brad	Criminal District Attorney	Eastland	254.629.2659	brad@eastlandcountytx.com
156 Strauss	Allison	County Attorney	Sarita	361.294.5292	allison.strauss@co.kenedy.tx.us
157 Strowd	William	Criminal District Attorney	Hereford	806.364.3700	da@deafsmithcounty.texas.gov
158 Swain	Jeffrey	43rd & 415th Judicial District Attorney	Weatherford	817.598.6124	jeff.swain@parkercountytexas.com

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161 Tetens	Joshua	District Attorney Elect	Waco	254.412.2300	wacolaw@gmail.com
162 Tharp	Jennifer	Criminal District Attorney	New Braunfels	830.221.1300	tharpj@co.comal.tx.us
163 Thompson	Richard	32nd Judicial District Attorney	Sweetwater	325.235.8639	richard@32ndnda-tx.us
164 Thompson	William	Criminal District Attorney	Corsicana	903.875.3347	wthompson@navarrocounty.org
165 Thorner	Robin	Assistant Dean	San Antonio	210.431.2265	rthorner@strmarytx.edu
166 Timmons	Leslie	County Attorney & VAC	Wheeler	806.826.2042	leslie.standerfer@co.wheeler.tx.us
167 Torrey	William	County & District Attorney	Cameron	254.697.7013	wwtorrey@milamcounty.net
168 Turner	Scott	First Asst. County & District Attorney	Andrews	432.524.1405	sturner@co.andrews.tx.us
169 Walton	Rebecca	88th Judicial District Attorney	Kountze	409.246.5160	rebecca.walton@co.hardin.tx.us
170 West	Suzanne	63rd Judicial District Attorney	Del Rio	830.775.0505	swest@districtattorney63rd.org
171 Whitsitt	Jonathan	County Attorney Elect	Vernon	940.553.3346	jwhitsitt@co.wilbarger.tx.us
172 Whitworth	Rebekah	County Attorney	Mason	325.347.5614	mco.attorney@co.mason.tx.us
173 Wilke	Lucy	216th Judicial District Attorney & VAC	Kerrville	830.896.4744	lwilke@co.kerr.tx.us
174 Willborn	David	County & District Attorney	Seguin	830.303.6130	dwillborn@co.guadalupe.tx.us
175 Young	Gary	County & District Attorney	Paris	903.737.2452	gyoung@co.lamar.tx.us
176 Zielinski	Edmund	County Attorney	Gainesville	940.668.5459	ed.zielinski@co.cooke.tx.us