

County takes look at alternative path for repeat DWI offenders
BY JASON WOMACK
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A new program that county officials are considering could reduce the number of drunken drivers on roadways and eliminate prison sentences for some offenders.

The program - which may be available as early as Oct. 1 - offers a treatment alternative to imprisonment for offenders who the court determines suffer from an alcohol addiction and who have been convicted three times on charges of driving while intoxicated.

If the program is approved, Lubbock would be one of a handful of counties, including Fort Bend and Bexar, that would offer a treatment alternative to alcoholics convicted of felony DWI.

Some facts about Lubbock County offenders convicted on third charge of DWI in 2005:

Total number of people convicted on a third DWI: 80.

Number of people on probation for third offense: 47.

Number of people jailed in connection with a third DWI: 33.

Number of jury trials: 5.

Number of potential candidates for DWI Court: 75.

"It has been widely successful wherever it has been," said David Hodges, Judicial Resource Liaison for the Texas Center on the Judiciary.

Hodges organized a training session last week in Austin that was attended by an eight-member team of Lubbock court and law enforcement officials to explore bringing a DWI court to the Hub City.

Counties that offer a DWI court say it reduces the cost to taxpayers by providing a less-expensive alternative to prison and ultimately will reduce the number of drunken drivers by cutting the recidivism rate among offenders.

"I think it is going to be the focus and the solution to much of the DWI problem we have," said R.H. "Sandy" Bielstein, a judge presiding over the state's first DWI court in Fort Bend County, near Houston.

Fort Bend County has about two dozen people enrolled in the program who have been convicted at least twice of DWI. The program is far more rigorous than a typical

probation, forbidding participants from even using mouthwash that contains alcohol, Bielstein said, and it's also cheaper than prison.

The program costs that county less than \$1.50 a day as opposed to \$50 a day for prison, Bielstein said.

To date, no one has failed the program.

"There are some people who call it 'hug a thug,' " Bielstein said. "But if 'hug a thug' works, then use it."

New Mexico's Bernalillo County Metropolitan Court has offered a DWI court since 1997.

The county has seen a significant drop in repeat offenses among program graduates.

Cristina Jaramillo, presiding judge over the court, said the program has cut the recidivism rate from as high as 45 percent to about 11.2 percent among those who have been out of the program for five years.

"We need to look at the underlying causes for criminal behavior," she said, adding that this court does that by offering what she calls "therapeutic jurisprudence."

The model under consideration in Lubbock would follow one already established by the county drug court, a treatment program for first-time offenders arrested for felony drug possession offenses.

Although the model for the DWI court shares similarities with the drug court model, there is an important difference: DWI court will only take those convicted of a third offense.

Drug court offers a pretrial treatment option that allows the offender to avoid conviction and even have the charge removed from his or her record at a later date.

"I'm as excited about this program as much if not more than I was about drug court," said David Slayton, Lubbock County court administrator, citing increased savings to taxpayers.

Nationally, the cost of drug or DWI court participation is one-tenth the cost of incarceration, Slayton said. Lubbock County jailed more than 40 percent of offenders convicted of felony DWI last year.

Still, Lubbock will have to cross some hurdles before it can institute a functioning DWI court.

The county will need to find a judge to administer the court, policies and procedures will need to be developed and implemented and transportation for those referred to the court will need to be addressed.

Participants convicted of DWI are not permitted to continue driving. The courts do have grant money to provide transportation to drug or alcohol treatment. The logistics of bringing people to treatment would have to be worked out on a case-by-case basis.

The Lubbock County Criminal District Attorney's Office also would have to sign off on the program.

District Attorney Matt Powell said he would have to weigh the advantages of the treatment program against treatment required under an offender's probation before he would agree to go along with the program.

"I need to know a lot more about it before I make that decision," he said.

Slayton said he was confident that an agreement could be reached that would bring some form of this program into existence in coming months.

"There is a compelling public safety reason for this to move forward," Slayton said.

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