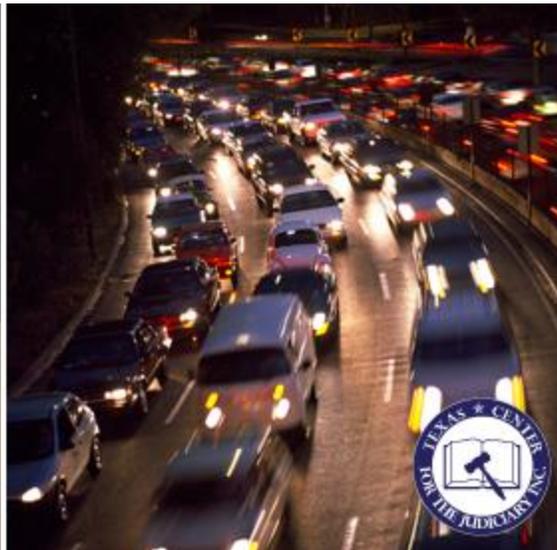


THE DWI NEWSLETTER

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THE TEXAS CENTER FOR
THE JUDICIARY *and*
THE TEXAS DEPARTMENT
OF TRANSPORTATION



Spring 2012 Newsletter

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IN THIS ISSUE



Save a Life™

Texas Department of Transportation

In the Spring 2012 Edition of the DWI Newsletter will be found a report from [Judge Mark Atkinson](#), Judicial Resource Liaison and [Holly Doran](#), TxDOT Traffic Safety Grant Program, Program Director, regarding their activities engaged in on behalf of the Program.

Contained herein is information concerning [Texas Center for the Judiciary](#) and [TxDOT](#) Conferences and Programs related to the issues surrounding impaired driving.

The Educational Spotlight focuses on the upcoming DWI College for DWI Court Teams, Student Conduct Officers, Administrative Law Judges, and County Judges.

This Newsletter shines the spotlight on one of our TxDOT Program Partners, the Texas Association of Counties, and that organization's TxDOT Grant, aimed at educating constitutional County Judges, in an article prepared by Judge David Hodges.

The success of the TxDOT sponsored sessions, conducted by Judges Patrice McDonald, Diane Bull and David Garcia, at the Winter Regional Conferences is highlighted.

A review of the DWI Courts Operational Tune-up Meeting details the educational and policy discussions which occurred at that ground-breaking event.

In the News provides a link to recent news articles involving impaired driving issues from sources local, statewide, national and international.

Links are provided to other newsletters of interest to judges who preside over DWI cases.

We are continuously adding to the Texas Judges' DWI Resource Website with news articles and upcoming educational opportunities. We hope you find information in this Newsletter interesting and helpful.

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REPORT FROM THE TEXAS TRAFFIC SAFETY GRANT PROGRAM

By Judge Mark D. Atkinson, TxDOT Judicial Resource Liaison, and Ms. Holly Doran, TxDOT Program Director



Spring 2012 was a busy time for us at the Texas Center Traffic Safety Grant Program. Conducting educational conferences, trainings and traveling to provide technical assistance to the Texas judges and court personnel made for an active period.

In January, we hosted the TxDOT Impaired Driving Program Partners Meeting, with representatives of approximately 45 grantees in attendance. The annual meeting provides an opportunity for those operating under TxDOT Alcohol and Other Drug Countermeasures Grants to share ideas and develop cooperative projects.

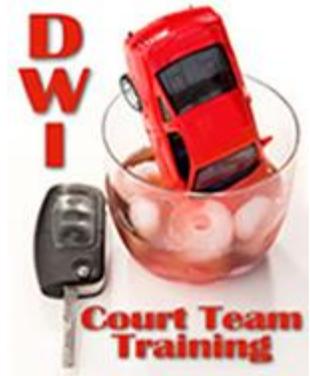
Two outstanding presentations were made at the two Winter Regional Judicial Conferences held in San Antonio. Judges Patrice McDonald and David Garcia discussed and presented materials for their topic, "Breath and Blood Testing and the Effects of No Refusal Programs on the Court." Judge Diane Bull gave an in-depth review of recent legislation in her presentation, "Interlock 301: New Laws and Trends Regarding Ordering and Ensuring Compliance of Ignition Interlocks." Both of these presentations were enthusiastically received by the judges in attendance, and are still posted on our [DWI Judges' Resource Website home page](#). See the Winter Regional Conference wrap-up for the Conference overview as well as links to the papers, PowerPoint presentations and Bench tools.



The DWI Courts Operational Tune-up Meeting for judges conducting the Drug Court-modeled DWI Court dockets was held in Houston in March. This 24-hour meeting provided an opportunity for the judges to discuss policies, procedures and issues relevant to their Courts. A conference wrap-up with links to presentations can be found below.

The hard-working and dedicated DWI Curriculum Committee continued their work in April, developing curriculum for the DWI College for Court Teams, Student Conduct Officers, Administrative Law Judges and County Judges. To read more about this upcoming conference, see our Spotlight on Education feature.

The DWI Courts Team Training Conference, presented for us by the National Center for DWI Courts, trained four Texas judges and their court teams including, Bexar County, Judge Liza Rodriguez; Brazoria County, Judge Lori Rickert; Galveston County, Judges John Grady and Barbara Roberts and Harris County, Judge Robin Brown. We are grateful for the efforts and sharing of knowledge by David Wallace, Director of the National Center for DWI Courts (NCDC), and the faculty who traveled to Houston from around the country for this event. The NCDC faculty facilitators included, in addition to David Wallace, Karen Barnes, Maricopa County Adult Probation Drug Court Supervisor, Judge Patrick Bowler (Michigan), and Judge Charles Sharp (Virginia). Special thanks are in order for our Texas judges who gave of their time to act as local facilitators. They include Judge Diane Bull, Judge Natalie Fleming, Judge Randy Gray and Judge Robert Anchondo. Also, serving in this role was Mr. Marshall Shelsy, Staff Attorney for the Harris County Courts at Law. The assistance and guidance provided by the faculty and facilitators was invaluable.



As these activities were occurring, the Governor's Office appointed several of our DWI Court judges to two newly enacted councils: the Specialty Courts Advisory Council (Judge Ray Wheless, District Court, Collin County) and the Criminal Justice Advisory Council (Judge Dib Waldrip, District Court, Comal County and Judge Robb Catalano, District Court, Tarrant County). In addition, Judge Ruben Reyes, District Court, Lubbock County, was appointed Chair of the Criminal Justice Advisory Council. We congratulate them all and look forward to the product of their work.

We believe that 2012 will be full of exciting challenges and productive activity. For a review of the types of activities conducted over the past months, since the publication of the Winter DWI Newsletter, please read "Traffic Safety Grant Program Activities." We provide it for review in order to share the types of activities the TxDOT Traffic Safety Grant engages in. We always welcome input as to new and different activities and projects, which would assist those handling impaired driving issues.

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UPCOMING EDUCATIONAL ACTIVITIES

Criminal Justice Conference *(for judges)*



May 8-9, 2012

Omni Part West, Dallas

The TxDOT Traffic Safety Grant will sponsor three one-hour DWI technology breakout sessions:

Back to Basics: Intoxilyzer 5000

Ms. Deandra Grant & Mr. Terry Robinson

This session will provide a balanced look from both the state and defense perspective about the most common breathalyzer device licensed in the State of Texas, the Intoxilyzer 5000.



Alcohol Monitoring Technology - Today and Tomorrow

Ms. Sally Bridges (Smart Start), Mr. Terry Fain (Alcohol Monitoring Systems), and Mr. Mike Fonseca (SOBERLINK)

Join us to discuss the state of current technologies and what to expect in the future. Ms. Bridges, Mr. Fain and Mr. Keays will provide an overview of alcohol monitoring technology, including transdermal technology, and preview the future of the industry and technology. Also included in this session will be a discussion of the new law concerning the Community Supervision and Corrections Department (CSCD) monitoring of interlock compliance.

EtG & EtS - The Challenges and Promises of this New Abstinence Monitoring Method for Alcohol

Mr. Paul Cary

This session will provide a comprehensive update on the latest developments related to the monitoring of ethyl glucuronide (EtG) and ethyl sulfate (EtS) in a court setting. Information from a recent SAMHSA meeting will be presented. This session will also provide the results of recent scientific studies designed to assess potential alcohol interferences (e.g., mouthwash, hand sanitizers). The legal status and the use of EtG/EtS results will also be reviewed. New guidance for the use of EtG/EtS testing in case adjudication will be provided.

DWI College for DWI Court Teams, Student Conduct Officers, Administrative Law Judges and County Judges

July 30 – August 1, 2012

Omni Downtown Austin

All members of DWI Court Teams are invited to attend: judges, prosecutors, defense attorneys, probation officers, treatment providers, court administrators, law enforcement officers, researchers and evaluators. Teams may also attend without their judges. For more details please see the Educational Spotlight feature below.

2012 Annual Judicial Education Conference *(for judges)*

September 9-12, 2012

Westin Galleria, Houston

The Texas Traffic Safety Grant will sponsor three one-hour DWI breakout sessions.



For a complete listing including links to the National Judicial College education, please visit the Educational Activities section on our website by clicking here.

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EDUCATIONAL SPOTLIGHT: DWI COLLEGE

The 2012 DWI College for DWI Court Teams, Student Conduct Officers, Administrative Law Judges and County Judges will take place July 30 – August 1, 2012 at the Omni Downtown Austin. This year's College will begin with a special session for judges conducting the Drug Court-modeled DWI Court dockets and include issues specific to DWI Courts including reports from the recently enacted Specialty Courts Advisory Council and Criminal Justice Advisory Council.

The College will continue with DWI Court team members at 1:00 p.m. All members of the DWI Court team are invited to attend: judges, prosecutors, defense attorneys, probation officers, treatment providers, court administrators, law enforcement officers, researchers and evaluators.

Session topics will include:

- Practical Incentives and Sanctions
- The Latest Trends in Drug Testing
- Screening and Assessment
- Roles of the Team Members
- Constitutionality

One thing we consistently hear while talking to judges and their DWI Court team members across Texas is that they want to know what other teams are doing. We've included time for team members to visit with like team members from other courts. We hope this will be an opportunity to share your best practices and learn from others. Registration will open the first week of June.

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PROGRAM PARTNER SPOTLIGHT: TEXAS ASSOCIATION OF COUNTIES

Judge David Hodges, Judicial Projects Director, TAC

More than ever before, the complex demands of modern society are resting on Texas' 254 counties. The Texas Association of Counties (TAC) education department provides training and education for county elected officials at numerous venues each year. TAC, through the County Judges Education Committee, has provided formal training, bench book instruction, and legislative updates to Constitutional County Judges for over twenty years. TAC offers specialized regional training, judicial technology training, and centralized comprehensive training courses. TAC is uniquely positioned to reduce recidivism by delivering specialized DWI education and assistance to rural Texas county judges in a variety of settings by various means, including providing a rural courts DWI liaison. Through the Rural Judges DWI Court Pilot Project, TAC assists rural judges in the establishment of DWI Courts, training them in the use of proven techniques of appropriate sentencing, intensive supervision, and behavior modification to prevent recidivism in deadly crashes involving DWI on Texas highways. To learn more about the Texas Association of Counties visit their website at www.county.org. [Back To Top](#)

WINTER REGIONAL CONFERENCES

Judge Mark D. Atkinson & Ms. Holly Doran

The Texas Traffic Safety Grant Program would like to thank Judge Diane Bull, Harris County, Judge Patrice McDonald, Montgomery County, and Judge David Garcia, Denton County, for their time and effort presenting at the Winter Regional Conference. Judge Garcia's and Judge McDonald's presentation on blood and breath testing procedures in driving while intoxicated cases and the effects on the operation of the courts, and Judge Bull's presentation on ignition interlock and ensuring compliance were well received. Comments from the 260 judges that attended these TxDOT sponsored sessions included:

BREATH AND BLOOD TESTING, AND THE EFFECTS OF NO REFUSAL PROGRAMS ON THE COURT

"Very informative regarding current issues before Texas courts."

"Insightful and good overall review of the leading cases in this area."

"Judge McDonald made what was a boring intellectual case of criminal law interesting and relevant. I know so much about blood warrants, DP office watch out!"

INTERLOCK 301: NEW LAWS AND TRENDS REGARDING ORDERING AND ENSURING COMPLIANCE OF IGNITION INTERLOCKS

"Presenter was well versed on the subject matter. Information provided is very useful in managing DWI cases."

"Nuts and bolts – extremely informative, challenges thinking outside the box."

"Important information – legal, political and safety related."

Furthermore, as a result of distributing the Winter 2012 Newsletter referencing these presentations, Judge Atkinson was contacted by Mr. Doug Dretke, Executive Director, Correctional Management Institute of Texas, George J. Beto Criminal Justice Center, Sam Houston State University, regarding presentations to be made at a statewide criminal justice planning conference. Mr. Dretke was referred to Judge David Garcia and Judge Patrice McDonald who were subsequently invited to present at the March 28 Executive Forum for Criminal Justice Planners meeting in Huntsville.

Both presentations and with related materials can be found on the [home page](#) of the Texas Judges' DWI Resource Website.

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DWI COURTS OPERATIONAL TUNE-UP MEETING

By Judge Mark D. Atkinson, Judicial Resource Liaison for the TxDOT Traffic Safety Program

First and foremost, we'd like to thank Mr. Ed Wells, Court Manager for the Harris County Courts at Law, Mr. Marshall Shelsy, Staff Attorney for the Harris County Courts at Law, Mr. Harry Leverette, Information Resources Manager, Ms. Sylvia Skrehot, Professional Development Specialist, all those in the Community Supervision and Corrections Department (CSCD), and all others that helped organize and facilitate this meeting. What started as a three-hour meeting for judges conducting the Drug Court-modeled DWI Court dockets in August 2011, continued March 29-

30, 2012 in the form of a day-long meeting to examine current practices and trends in the operating of DWI Courts, both across Texas and nationwide.

The meeting, held in conference and court rooms in the Harris County Criminal Justice Center, was more practical than theoretical, and more conversational than lecture based -- likened to a Board of Judges meeting. The judges, themselves, led most of the discussions. The topics covered were developed by the judges, the DWI Curriculum Committee and us at the TxDOT Traffic Safety Grant Program. Approximately 25 Texas judges that conduct DWI Court dockets participated.

Following is a brief synopsis of the meeting.

Constitutionality Issues in Texas Specialty Courts

Judge Ruben Reyes, Lubbock County District Court judge and recently appointed Chair of the Governor's Criminal Justice Advisory Council, led a discussion concerning issues which have been raised, in courts around the United States, regarding Constitutional, ethical and liability-related issues.

Cases cited in Judge Reyes presentation can be found on the Resource page [here](#).

Defining the Roles of DWI Court Team Members

Judge Ray Wheless, Collin County District Court judge and recently appointed member of the Governor's Specialty Courts Advisory Council, and Judge Tim Wright, Williamson County Court at Law judge, engaged the group in a conversation aimed at defining the roles and interactions of the team members of Texas Courts. As reference, they cited the National Drug Court Resource Center's "[Core Competencies Guide; Adult DCPI Trainings](#)" to address the competencies specific to each role on the DWI Court team.

Recidivism Researcher's Report

Pierre Rivolta, Ph.D. Candidate and Doctoral Teaching Fellow, Sam Houston State University Criminal Justice Center, the researcher with whom the TxDOT Traffic Safety Grant Program has contracted to conduct a study of recidivism of all of Texas DWI Court participants, expressed to the judges the goals and methodology of his Texas Statewide Evaluation of DWI Courts, the first stage of which will be completed and presented by September, 2012. He stated his intention to visit these courts and described the data needed for his study.

Resources for DWI Courts presented by Mr. Rivolta can be found on the Resource page [here](#).

Web-based DWI Court Participant Tracking Shareware and Automated Occupational Driver's License Generator

Harry Leverette, Information Resources Manager, Harris County Criminal Courts at Law, reviewed the DWI recidivism studies prepared for the Harris County Criminal Courts and demonstrated an interactive website (MS Sharepoint) that facilitated the collaboration between the courts, the Court Manager's Office, and Community Supervision and Corrections Department in developing the Harris County SOBER Court program. The presentation included a demonstration of the Occupational Driver's License Generator software, which features a "decision tree" for specifying conditions and producing final orders.

Developing Performance Standards for Texas DWI Courts

Judge Ruben Reyes, Lubbock County District Court judge, and Judge Dib Waldrip, Comal County District Court judge, led a discussion among the judges in an attempt to identify and define the essential characteristics of Texas DWI Courts, the goals being to assist DWI Court judges, researchers, funding providers, policy-makers and others.

Financial Sustainability

Judge Robert Anchondo, El Paso County Court at Law judge, spoke on the issues of funding of, and the attendant goals of, the DWI Court programs. He described the foundation which has been established in his county, before engaging the judges in conversation regarding various funding vehicles.

Future Goals

Judge Mark Atkinson led the group in identifying future goals and potential initiatives of the state's DWI Court judges. These include desired legislation and a commitment to continue to communicate with each other, both through in-person meetings, such as the Operational Tune-up, as well as by the use of the DWI Courts Listserv established by the TxDOT Traffic Safety Grant Program.

The judges at this meeting were enthusiastic and engaged. Their attendance and participation made this a meeting a great success. The TxDOT Traffic Safety Grant Program will continue to facilitate such meetings in the future.

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IN THE NEWS

Marijuana DUI Bill Back Before Colorado Senate

(CBS Denver, 05/01/2012) DENVER (AP) – A divisive proposal to set a marijuana blood standard for drivers is back before the Colorado Senate, which rejected the idea last year.

Illinois Court Blocks Forced Blood Draw from Motorists

(theNewspaper.com, 04/16/2012) An increasing number of states allow police to use any level of force needed to take blood from a motorist accused of driving under the influence of alcohol (DUI). In Ohio and Texas this procedure is explicitly authorized by statute. In Washington, the state Supreme Court decided to sanction the practice on its own authority. Last Tuesday, the Illinois Court of Appeals was unwilling to take that extreme step.

Smart Start Inc. Launches Smart Phone App for Ignition Interlock & Alcohol Monitoring Services

(MarketWatch (press release), 04/11/2012) DALLAS, Apr 11, 2012 (BUSINESS WIRE) -- With many states implementing strengthened DWI/DUI laws in 2012, Irving, Texas-based Smart Start, Inc. expects to see a nationwide increase in enrollment in its ignition interlock and IN-HOM® alcohol monitoring systems. To provide easier access to enrollment information, Smart Start has developed and launched a new free smart phone app that is available for download via the iTunes store and the Android Market.

DWI conviction of driver impaired by prescription drugs upheld by New Jersey Appellate court

(nj.com, 3/21/2012) GREENWICH TWP. — A man who had several prescription drugs in his system after a visit to Hunterdon Medical Center was rightly convicted of driving while intoxicated, the Appellate division has ruled.

France says drivers must carry alcohol breath tests

(Fox Business, 2/24/2012) Starting July 1, you'll have to carry a portable blood-alcohol test kit with you if you want to drive in France. You'll be fined 11 euros -- about \$15 -- if you can't produce one when the *gendarmes* ask.

For more news stories please visit the DWI Resource News page [here](#).

In addition to this issue's In the News articles we have the following:

Texas Bar Journal (February 2012) "[Any Detectable Amount of Alcohol](#)" - Taking a Breath or Blood Specimen of a Juvenile by Pat Garza, associate judge in the 386th District Court of Bexar County. Did you know that the breath testing industry is growing? And, not just because of law enforcement? Read the full story [here](#).

Governors Highway Safety Association May 2012 state report on drunk driving laws can be found [here](#).

[The American Parole and Probation Association's \(APPA\) and The Century Council's publication Hardcore Drunk Driving Community Supervision Guide: A Resource Outlining Probation & Parole Challenges, Effective Strategies and Model Programs.](#)

[National Center for DWI Courts \(NCDC\) April 2012 edition of The DWI Court Hotsheet](#) can be found [here](#) and the May 2012 edition of The DWI Court Reporter can be found [here](#).

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RESOURCES

We update the Texas Judges' DWI Resource website with resources as they become available. New additions include:

[Chapter 60 Code of Criminal Procedure: Grants Available to Assist Counties with Criminal History Reporting](#)

The Criminal Justice Division (CJD) in the Office of the Governor intends to consider a county's criminal history disposition reporting rate when determining eligibility for certain federal and state grants administered by the agency. The Division has also announced that grant funding is available to assist counties with improving their criminal history disposition reporting rate. Please click [here](#) to read the [memorandum](#) issued by the Criminal Justice Division in December 2011. You can view your county's current criminal history disposition reporting rate [here](#).

[National Center for DWI Courts Introductory Handbook for DWI Court Program Evaluations:](#)

"The major challenge facing DWI Courts is to gather the appropriate data in the most efficient and cost-effective manner. The following chapters of this handbook are designed to help DWI Court professionals understand the when, whom, what, where and how of data collection. By learning how to properly measure what is transpiring within their own programs, DWI Court professionals can provide local evaluators with the information they need to do their jobs quickly and efficiently, and get needed findings out to their stakeholders and to the DWI Court field within a reasonable time frame."

[The Drug Court Judicial Benchbook](#) published by National Drug Court Institute (NDCI).
[Chapter 469](#) of the Texas Health and Safety Code.

For a complete list of resources please visit the Resource homepage [here](#).

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OTHER

This newsletter has been provided by the Texas Center for the Judiciary pursuant to a grant from TxDOT. If you have suggestions for items to be included in this Newsletter, or wish to be removed from the Newsletter mailing list, please contact:

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