

The Texas Justice Court Training Center's

DWI Bond Condition Program

Rebecca Glisan
Staff Attorney

Texas Justice Court Training Center

The Point of the Program

- To improve the consistency and efficacy of bond conditions in DWI cases – and thus improve public safety
- To improve communication between magistrates, judges, probation, prosecutors, etc. concerning bond conditions in DWI cases

Why are bond conditions
so important in DWI
cases?

Importance of Bond Conditions

- Time between arrest and trial can be long
 - Delays in getting drug test results back have led to even longer delays in getting to trial
- Bond conditions are critical in protecting public safety during that interim

Ignition Interlock Condition

- A magistrate “may impose any reasonable condition of bond related to the safety of a victim of the alleged offense or to the safety of the community.” --Art. 17.40
 - Ex: counseling/treatment; Home curfew; Alcohol/controlled substance testing;
- Mandatory v. Permissive Interlock --Art. 17.441

How Does Interlock Reduce the Incidence of DWI?

- NHTSA:

- “Research shows that ignition interlocks are associated with substantial reductions in recidivism, ranging from 50 percent to 90 percent while the interlock is installed on the vehicle.”
- “Research studies demonstrate that ignition interlocks are effective for both first-time and repeat DWI offenders.

-- Voas & Marques, 2003; Willis et al., 2005; Vezina, 2002; Tippetts & Voas, 1997; Coben & Larkin, 1999.

Roth (New Mexico) Study Findings

- Interlocks are the most effective DWI sanction.
99.993% of Interlocked Days are No-DWI days.
- Interlocks are the most overall cost-effective sanction.
The cost is about \$2.50/day, paid by the offender.
- Interlocks are perceived as fair by 85% of offenders.
- 70% less recidivism than license revocation
- Interlocks supply 24/7 supervision.

Recent Studies

- Two major studies concluded that requiring all drivers convicted of DWI to install ignition interlock devices results in a significant reduction in the rate of alcohol-related crash deaths.
 - The benefits of this policy are comparable to the implementation of airbags and the minimum legal drinking age
- The studies are based on an analysis of the impact of ignition interlock laws in all 50 states over the last 32 years.

<https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2016.303058>

[http://www.ajpmonline.org/article/S0749-3797\(16\)30587-6/abstract](http://www.ajpmonline.org/article/S0749-3797(16)30587-6/abstract)

What About License Suspension?

- If there is an ALR hearing, officer might not attend and suspension could go away
- Even if a license suspension remains in place:
 - The person may be able to obtain an ODL
 - Even if they don't get an ODL, statistics show that up to 75% of drivers will continue to drive on a suspended license.

Interlock Monitoring

- The magistrate **may** designate an appropriate agency to verify the installation of the device and to monitor the device.
 - Art. 17.441(d), Code of Criminal Procedure
- In order to be effective bond conditions set by a magistrate **must be monitored**

Responsibility for monitoring or altering bond conditions

- Responsibility for monitoring or altering bond conditions shifts from the magistrate to the trial court judge when a complaint/information/indictment is filed.
- Good communication helps everyone know who has jurisdiction.
 - Some counties use regularly updated online databases that are easy to check; but not all counties have this resource

Consistency in Bond Conditions

- Important for magistrates and trial court judges to be on the same page
 - Frequent changes to bond conditions result in an uncertain and unpredictable system for defendants, prosecutors, and court staff
 - Bond conditions are perceived as fair when there is some consistency in the bond conditions set by various county magistrates, and those conditions are monitored/enforced consistently and fairly

Problems When Communication is Lacking

Example:

- CSCD is appointed as the monitoring agency
- They receive reports from the Interlock provider
- If they notice a problem whom do they notify?
 - The magistrate?
 - Or the trial court?

Problems When Communication is Lacking

Example:

- Justice of the Peace held bond modification hearing
- Modified the bond conditions (GPS device)
- It turned out the defendant had been indicted
 - But indictment was under seal
- District Judge filed a Judicial Conduct Commission Complaint

So How Does the DWI Bond Condition Program Work?

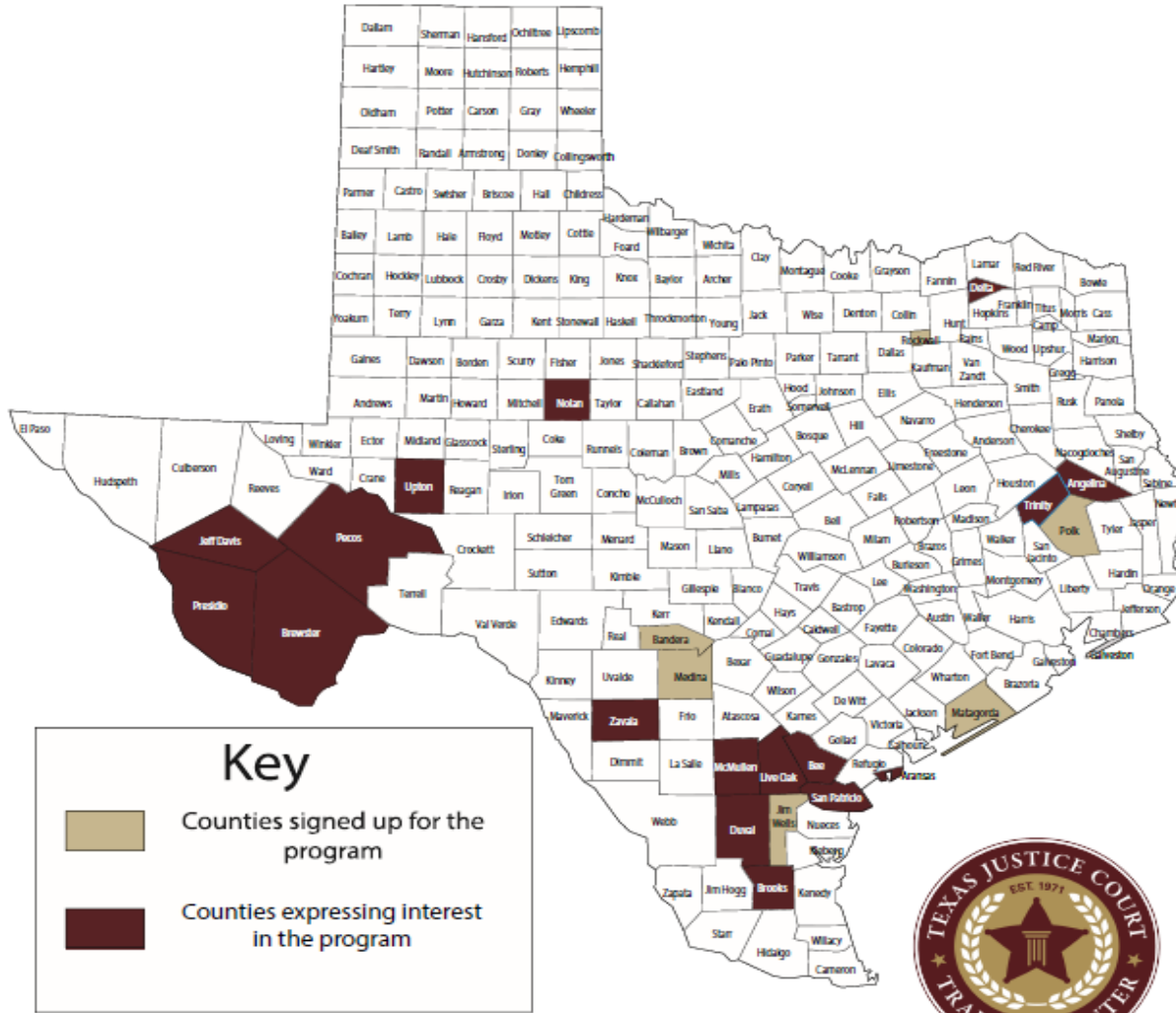
- Under this program, the county adopts a comprehensive plan for setting, monitoring, and enforcing bond conditions in DWI cases.
- The program is funded by a traffic safety grant from the Texas Department of Transportation and administered by the Texas Justice Court Training Center.
 - Free for the county!

So How Does the DWI Bond Condition Program Work?

- Goal of the program is to get all county officials on the same page concerning:
 - Mandatory bond conditions
 - Permissive bond conditions
 - Monitoring & enforcement of bond conditions
 - Communication concerning jurisdiction

DWI Bond Condition Program

Counties Signed Up For & Expressing Interest in the Program



DWI Bond Condition Program

- For further information contact:

Randall L. Sarosdy

Rebecca J. Glisan

Texas Justice Court Training Center

rsarosdy@txstate.edu

rebecca.Glisan@txstate.edu

512-347-9927, ext. 201 or ext. 211