

Impaired Driving and Ignition
Interlock Laws Summit
McAllen
July 17 – 18, 2018

**Improving Bond Conditions
in Impaired Driving Cases**

Randall L. Sarosdy
General Counsel
Texas Justice Court Training Center

Scope of the Problem

- In 2013, 1,089 people died in alcohol-related crashes in Texas; this represents 32.2% of all Texas traffic fatalities.
- In 2014, 1,041 people died in alcohol-related motor vehicle crashes in Texas, accounting for 29% of all Texas traffic fatalities.
- In 2015, 960 traffic deaths in Texas were alcohol related – 27% of all traffic fatalities
- In 2016, 987 traffic deaths in Texas were alcohol related – 26% of all traffic fatalities

Importance of Bond Conditions

- Delays in getting drug test results back have led to delays in getting to trial
- Bond conditions are critical in protecting public safety during that interim

Importance of Bond Conditions

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

How Does Interlock Reduce the Incidence of DWI?

- NHTSA: "Research studies demonstrate that ignition interlocks are effective for both first-time and repeat DWI offenders.
- A research study in New Mexico indicates that for first-time offenders with ignition interlocks, the rate of recidivism was 3.51 percent, while first-time offenders without ignition interlocks had a significantly higher re-arrest rate of 7.09 percent. "

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 are paid for by offenders.
- Interlocks supply 24/7 supervision.

Most Recent Studies

- Two major new studies have concluded that requiring all drivers convicted of driving under the influence of alcohol to install ignition interlock devices results in a significant reduction in the rate of alcohol-related crash deaths.
- The studies are based on an analysis of the impact of ignition interlock laws in all 50 states over the last 32 years.

Most Recent Studies

- The findings have been reported in articles published in the American Journal of Public Health and the American Journal of Preventive Medicine. See [Impact of State Ignition Interlock Laws on Alcohol-Involved Crash Deaths in the United States](#) (Kaufman); [http://www.ajpmonline.org/article/S0749-3797\(16\)30587-6/abstract](http://www.ajpmonline.org/article/S0749-3797(16)30587-6/abstract) (McGinty).

Most Recent Studies

- The conclusions of the studies are consistent: **requiring interlock devices saves lives.**
- The first study notes: “In this nationwide study of a major drunk driving-prevention policy initiative, we found that requiring all drivers convicted of driving under the influence of alcohol to install an ignition interlock device was associated with **a 15% reduction in the rate of alcohol-involved crash deaths.**”

Most Recent Studies

- By preventing 0.8 deaths for every 100,000 people each year, this policy was comparable to airbags and the minimum legal drinking age” Kaufman at 4.
- The study estimated that 915 lives had been saved so far by the mandatory/all ignition interlock laws.

Most Recent Studies

- The second study was more specific in its analysis by examining the differences between mandatory/all interlock laws and partial interlock laws, which the first study did not examine. McGinty at 2.
- “This study suggests clear protective effects of mandatory/all interlock laws on alcohol-involved fatal crashes, which were associated with an estimated 7% reduction in $BAC \geq 0.08$ and 8% reduction in $BAC \geq 0.15$ fatal crashes.

Most Recent Studies

- This translates into **approximately 1,250 BAC \geq 0.08 fatal crashes prevented in states that implemented such laws between 1982 and 2013.**" McGinty at 4.

What About License Suspension?

- ALR hearing
 - Officer might not attend
- Even if the officer attends the hearing and the license suspension is upheld, statistics show that up to 75% of drivers will continue to drive on a suspended license.

What About License Suspension?

- A person whose license was suspended may also obtain an ODL.
- So license suspension alone is ineffective in reducing the incidence of DWI offenses.

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**

Monitoring Other Bond Conditions

- Other bond conditions which a magistrate/court may wish to monitor include:
 - Attending alcohol/drug counseling or substance abuse treatment;
 - Home curfew;
 - Alcohol/controlled substance testing;

Responsibility for monitoring or altering bond conditions

- Shift in responsibility for monitoring or altering bond conditions makes it important for county magistrates to be on the same page when it comes to setting and monitoring bond conditions.
- Frequent changes to bond conditions result in an uncertain and unpredictable system for defendants, prosecutors, and court staff.

Problems When Communication is Lacking

- 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

- 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!

Problems When Communication is Lacking

- Magistrate holds bond modification hearing
- Learns at the hearing that an indictment or information has been filed!

Problems When Communication is Lacking

- Magistrate imposes ignition interlock
- Information filed
- Defense counsel files bond modification motion with county judge
- Asks interlock to be removed because “defendant can’t afford it”
- Defendant’s BAC was $>.15$

Consistency in Bond Conditions

- 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.
- Bond conditions should not be identical in every DWI case, but bond conditions should not differ widely from case to case either.

Consistency in Bond Conditions

- Consistent bond conditions promote fairness, efficiency, and predictability for:
 - Defendants
 - Prosecutors
 - Monitoring Agencies
 - Court staff

DWI Bond Condition Program

- 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.

DWI Bond Condition Program

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

DWI Bond Condition Program

- Examples of Bond Conditions used in this program are in the materials
- Benefits and challenges in adopting the program

Communications Tools

- Public Information Database that can be searched to see if an information has been filed
- Example: CourtView

Communications Tools

CourtVIEW

[Home](#) [Search](#) [Calendar](#)

Jim Wells County Official
Website

[Jim Wells County](#)
[Adult Probation](#)

Search

Select your search criteria below. Fields marked with * are required.

Court Department * JIM WELLS COUNTY COURT **Court Division *** COURT **Court Location *** Jim Wells County
Number of Results * 25

[Attorney](#) [Case Number](#) [Case Type](#) [Name](#)

Last Name *

First Name *

Middle Name

Suffix Choose One

Or Search by Business Name

Company Name *

Case Type All Cases
CIVIL (CC)
CRIMINAL (CC)
GUARDIANSHIP-ADULT
GUARDIANSHIP-MINOR
OCCUPATIONAL DRIVERS LICENSE
PROBATE
PROTECTIVE ORDER

Case Status All Statuses
Closed
Decline Prosecution
Defendant FTA'd
Denied
Dismissed
Final Conviction
Granted

Party Type All Party Types
Ad Litem Defendant
ADMINISTRATOR
ADULT
Applicant
ATTORNEY AD LITEM
CONTESTANT
COUNTY ATTORNEY

Date of Birth Search Range:

Begin Date MM/dd/yyyy

End Date MM/dd/yyyy

File Date Search Range:

Begin Date MM/dd/yyyy

End Date MM/dd/yyyy

Date of Death Search Range:

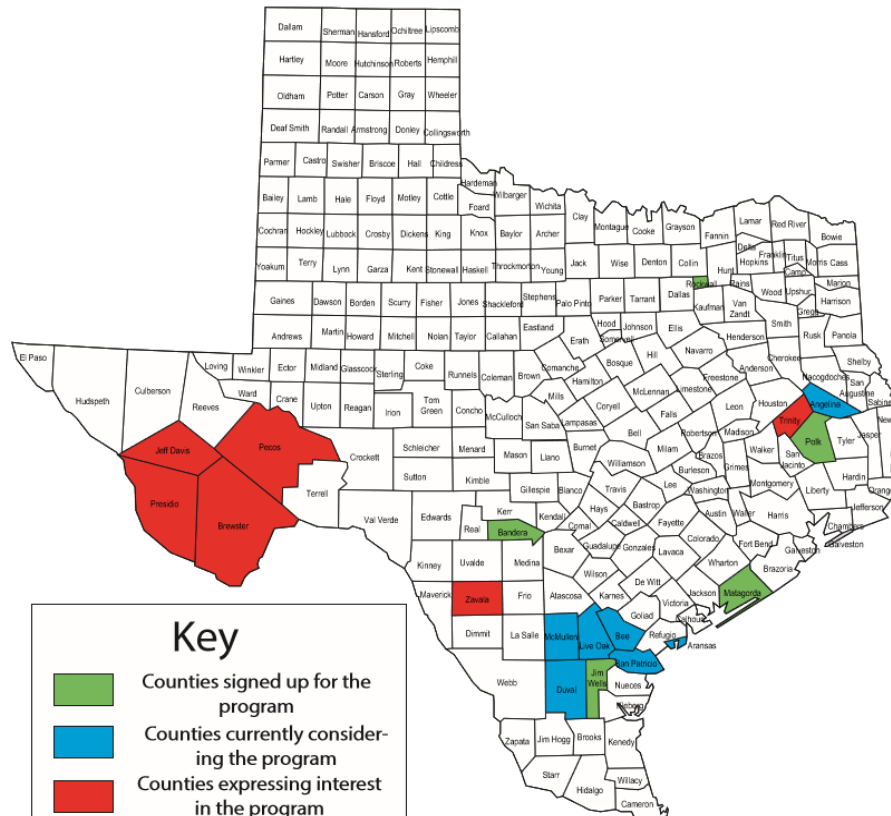
Begin Date MM/dd/yyyy

End Date MM/dd/yyyy

Search

DWI Bond Condition Program

Texas Justice Court Training Center DWI Bond Condition 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