



WRITTEN TESTIMONY

**SUBMITTED BY ANA YÁÑEZ-CORREA, EXECUTIVE DIRECTOR
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REGARDING HOUSE BILL 1875

HOUSE OF REPRESENTATIVES COMMITTEE ON CORRECTIONS

APRIL 2, 2007

Dear Members of the Committee,

My name is Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition. Thank you for allowing me this opportunity to present testimony regarding House Bill 1875 by Representative Hochberg.

Driving While Intoxicated (DWI) is a serious offense that poses a tremendous risk to the community. Merely locking away individuals convicted of DWI, however, does nothing to address the root causes of this type of criminal behavior, thus failing to effect a reduction in recidivism.

Subjecting DWI offenders to the intense supervision and intervention offered in drug court programs would do just that. The creation of DWI-specific drug courts would quickly identify habitual alcohol abusing offenders and place them under strict court monitoring and community supervision, coupled with effective, long-term treatment services.

CURRENT PROPOSALS FOR MANAGING THE DWI OFFENDER POPULATION WILL BE COSTLY AND LESS EFFECTIVE.

The Sunset Advisory Council staff report on the Texas Department of Criminal Justice (TDCJ) recommended \$62.9 million in new funding for the construction of a medium security facility with 1,000 beds, 500 of which would be dedicated to holding DWI offenders. But there is no guarantee of treatment at these facilities and no guarantee that they will not later be appropriated for general incarceration. Building new prisons is a costly and ineffective approach to decreasing recidivism, especially for individuals who struggle with drug and alcohol abuse.

WHAT WOULD H.B. 1875 DO?

H.B. 1875 would allow a county commissioners court to establish a drug court exclusively for DWI offenders as long as the program has at least 50 participants during the first four months of its operation. Another provision applies to counties with drug courts but not a separate DWI program; such counties would be required to ensure that DWI offenders participate.

To encourage involvement in the program, H.B. 1875 would also allow a DWI drug court judge or magistrate to suspend any probation requirement that prevents a participant from operating a motor vehicle without an ignition interlock device installed or that requires a participant to work a specified number of community service hours.

H.B. 1875 WILL SAVE THE STATE MONEY WHILE PROVIDING THE TYPE OF INTERVENTION NECESSARY TO STOP RECIDIVISM AMONG HABITUAL DWI OFFENDERS.

H.B. 1875 would enable courts, community supervision units, and law enforcement to work cooperatively with mental health, social service, and treatment providers in actively and forcefully intervening and breaking the cycle of alcohol abuse, addiction, and the criminal acts that result from these problems.

TEXAS MUST REJECT A PERPETUATION OF THE STATUS QUO AND INSTEAD INVEST IN EVIDENCE-BASED PROGRAMS WITH A PROVEN TRACK RECORD OF SUCCESS.

Research has confirmed the effectiveness of DWI courts. The University of New Mexico released a study evaluating the DWI/Drug Court Program at the Bernalillo County Metropolitan Court. The evaluation found that only 36 of the 341 graduates had been re-arrested for DWI since the program's inception, which reflects a recidivism rate of only 10.6%.

The Kootenai County, Idaho Prosecuting Attorney's Office and the Idaho Transportation Department's Office of Highway Safety completed an analysis of the county's DUI Court: The results showed a 70% program completion success rate among the 46 graduates of the program, versus a 40% completion success rate of treatment for non-court-managed referrals. In addition, only 4% of the 46 DUI Court graduates were arrested for a subsequent DUI versus a 14% DUI recidivism rate among a comparison group.

Instead of building new facilities for temporary containment, counties should be encouraged to create DWI drug court programs that prevent DWI offenders' incarceration by addressing habitual alcohol abuse. In addition, the funds diverted from the costs of incarceration and the construction of DWI facilities should be used to reinforce existing in- and out-patient alcohol abuse treatment programs that address the root cause of DWI.

H.B. 1875'S FUNDING MECHANISM SHOULD MIRROR THAT OF OTHER DRUG COURT PROGRAMS.

To fund the DWI drug court program in a fair and equitable manner that will prevent overcrowding of local jails, courts should charge all individuals convicted of DWI a fee of \$50.

Thank you for allowing me the opportunity to present testimony regarding House Bill 1875. I hope the committee will pass this bill, which would allow for a more cost-effective approach to the punishment and prevention of the offense of habitual DWI.