

Breakout 1: Impaired Driving

Moderator: Melissa Walden, Center for Transportation Safety, TTI

Session Summary:

The three presenters in this session covered a topic that is a current emphasis in the area of impaired driving. Each presenter touched on issues related to specific aspects of the impaired driving statutes in Texas. The use of warrants to obtain blood from impaired driving suspects allows the state to gather evidence that might otherwise be lost due to a driver's refusal to take a breath test. The use of ignition interlocks and the Driver Responsibility Act address attempts to improve bond and convictions issues that have challenged the state over the last few years.

Blood draw warrants have become a popular alternative when suspected impaired drivers refuse breath tests after arrests for impaired driving (driving while intoxicated or DWI). Judge Hodges' presentation focused on the laws related to the use of warrants for blood draws and the impact such warrants have on judges and the courts. Additionally, Judge Hodges highlighted different approaches to using these warrants: no refusal weekends, training officers to draw blood, logistics of having a judge on call to issue the warrants, and exclusive use of blood draws in DWI cases in some jurisdictions.

Warren Diepraam is known in the traffic safety community as an aggressive advocate in the prosecution of impaired driving cases especially, those involving a death or injury. Mr. Diepraam's presentation addressed issues related to the use of ignition interlocks from the perspective of the prosecution as a condition of bond, probation, and sentencing. He highlighted the fact that performance data related to drivers with ignition interlocks needs to be tracked and presented to the court so that monitoring is effective.

The session's final presentation focused on the specific operational facets of the Driver Responsibility Act in Texas. Michelle Price's doctoral research examined the positive aspects and challenges associated with implementing the Act over several years. One of the main components of Dr. Price's presentation is how well the Act meets the projected revenue estimates designated for traffic safety and trauma initiatives. The presentation provided a fresh look at actual benefits versus the projected performance and highlighted some of the unintended consequences that have surfaced in the adjudication process.