

# 641 arrests in county in 1978

## DWIs — a continuing problem

By DAVID BOGGAN  
Battalion Staff

It's Saturday night and John Doe, a citizen of the Bryan-College Station community, has just left a party at a friend's apartment. He has been drinking steadily all evening, and although he faintly remembers a television commercial warning against driving after drinking, John slowly gets behind the driver's seat.

"I don't get drunk," he reasons to himself. "And besides, I drive better after a few drinks."

So, John starts his car and heads for home. As he drives down the road, he swerves into the next lane and jerks suddenly back into his own lane.

Almost immediately, John notices flashing lights of a law enforcement officer's vehicle in his rear view mirror. The officer stops John and meets him as he is getting out of his car. After observing John and collecting sufficient evidence, the officer informs him that he is being arrested for driving while intoxicated — DWI.

"A drunk in a car is like a person carrying a loaded .357 magnum in a pocket," says Lt. Gene Knowles of the Bryan Police Department.

In that light, there are untold millions of "trigger happy" drunk drivers on the streets and highways of this nation. John and the thousands of him who do get stopped are in the minority.

But John was lucky. He was stopped before he caused property damage, injury or death. According to the National Safety Council, alcohol is a factor in half of all highway fatalities.

The Texas Highway Patrol reported making 40,621 DWI arrests in 1978, 177 of them in Brazos County. That year, the College Station Police Department recorded 32 DWI arrests while the Bryan Police Department made 302 DWI arrests.

"A police officer cannot stop a person for being drunk," says Lt. Newton of the College Station Police Department. "But he can stop him for a traffic violation, weaving across the line down the middle of the road. But the officer must make sure there is a violation."

"We get as much evidence as we can to prove our case that this person is drunk," Newton says. "If there is the smell of alcohol on the person, if his speech is slurred, if his eyes are bloodshot, we know he has been either drinking or using drugs, in most cases."

"If we ask him for his license and he has trouble getting it out of his wallet, that is still another reason for an officer to suspect this person is intoxicated. And we can conduct primary field tests. For example, it is lawful to ask a person to walk a straight line. He is going to have to wobble, but he is going to be arrested and charged with DWI if he doesn't."

If, in the eyes of the officer, the person is drunk, he is arrested and his rights are read. He is then taken to the Brazos County Courthouse where the evidence-gathering process is continued.

In Texas, a person is considered intoxicated if he has a .10 percent alcohol content in his blood. This level is usually determined by a breathalyzer test made after the person has been arrested.

All law enforcement agencies in Brazos County use the breathalyzer machine at the Brazos County Courthouse. In a process that takes about 15 minutes, the arrested person breathes into the device which analyzes the alcohol content of his breath.

If he breathes a .10 or above, he will be held for the night (most DWI tests occur at night) and brought before the county judge in the morning, where bond is set. If he breathes less than a .10, he can still be ticketed for the traffic violation or public intoxication.

"If the person has a Texas driver's license, he is required to take the breathalyzer test on request of the officer," Newton says. "That is the

implied consent law. If the person refuses, which he has the right to do, his license can be suspended by the Department of Public Safety for one year upon conviction of a DWI."

County Attorney John M. Barron Jr., who prosecutes DWI offenders, explains that, depending on circumstances, a DWI conviction can be labeled a felony.

"If we can get the first-time offender to plead guilty, he will usually be put on probation," Barron says. "But we have numerous repeat offenders. After the first probation, the second DWI charge will lead to a (misdemeanor) conviction and the next is a felony."

Barron says that the punishment for a DWI conviction can range from three days to two years in jail and from \$50-500 fine. But the offender is not the only one who pays for a DWI conviction.

"DWI is very time-consuming to us in law enforcement," Knowles says. "When we're fooling around with a drunk, we're not protecting businesses and homes."

Says Newton, "It takes a minimum of an hour and a half to process a DWI offender. As a good

estimate, with the paperwork and all, I would say two hours would be a good average."

"That takes a (patrol) car off the streets for two hours. It takes a two-man unit off the streets, also."

It is interesting to note that there were almost twice as many DWI arrests in Bryan as in College Station in 1978. This can be explained partially by the fact that the College Station police do not automatically charge a first offender with DWI.

"We feel like DWI is a pretty heavy burden for, say, an 18-year-old who's been out celebrating his birthday to handle," Newton explains. "So no, we don't charge the first offender with DWI in every circumstance. Now, if there is property damage or if it is a second offense, we are going to charge him. But none of this is to say that we condone driving and drinking in any way."

Knowles says, "If he (an intoxicated person) is driving, we file DWI. It is a time-consuming process. We may have four officers working on one DWI. But it is our policy."

Newton finds another reason for the difference in the two cities'

DWI arrest records.

"There are two totally different environments," the College Station officer says. "College Station has more of a college atmosphere where students party and drink and raise hell. But we don't have a wino situation."

"That is not to say that Bryan has a bunch of winos. I just think that there are a lot less DWI elements from a college crowd than there are from an occupational force."

Newton says that the atmospheres of the local drinking establishments also have something to do with the difference.

"In our city, students drink, but the majority don't go out to just drink," he says. "They go out to drink and eat, or chase women or play pinball."

"And there is always a big crowd, both at clubs and at parties, so everybody doesn't get polluted real bad. They run out of beer before they can."

Newton says that he thinks the clientele of Bryan clubs go there mainly to drink.

"I don't think that we have DWI problem that bad," Newton says. "But, of course, one DWI is bad."



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