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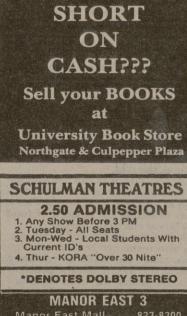
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THE LOST BOYS R

Page 6/The Battalion/Monday, December 7, 1987

Convictions for DWI bring probation for most people

By Jamie Russell

Staff Writer

A drunk student leaves a local nightclub in College Station, know-ing the chance he is taking with the law. He gets arrested for a DWI — driving while intoxicated.

It is a humiliating experience. He is thrown in jail with what he per-ceives as "real" criminals — thieves, robbers, people who assault others and drug dealers. This person, a typical DWI offender, does not see himself as a criminal. But now he is.

Dan Beto, chief probation officer for Brazos County, said the typical DWI offender is white, male and about 25 years old.

A misdemeanor is a minor offense that can be punished only by fines or jail, as opposed to a felony, which can be punished by imprisonment. There are 2,401 people on adult legal probation in Brazos County.

Of those, 1,359 are misdemeanor

cases, of which 20 percent are students

Of those students, 75 percent were put on probation for DWIs. A DWI, even the first, is a serious

offense, County Judge Claude Davis said. It is a conviction that goes on a

Davis calculates he sent 91 people to jail, mainly for DWIs, for the months of July, August and September.

All judges try to listen to each in-dividual case before sentencing, Davis said.

"We must not only be fair, we must treat people equally," Davis said.

For example, one student driving intoxicated may have a car accident and kill someone.

He will be dealt with more severely than someone with no previous record who was pulled over for a DWI that did not result in an acci-

dent. Each offender's circumstance is considered before the judge sentences the person. This process re-sults in a different sentence for each offender.

Since 1979, offenders placed on felony probation or probation for a DWI have been required to perform a certain number of hours of community service for a non-profit or tax-supported organization, Beto said.

"Community service is not exclu-sive of any category though," Beto said. "It is up to the judge in each case.

According to the Brazos County Adult Probation Department's 1986 annual report, 12,200 hours of community service were performed for 31 different organizations by more than 200 probationers. The esti-mated dollar value of the work per-formed has been calculated at \$54,293.

Davis said he has given 41 people probation in the last three months with an average of 61 hours of com-

munity service per person. The Brazos County Adult Legal Probation Department monitors offenders after they have been sen-

"The stated goal of all criminal justice agencies is to provide public protection and aid in the rehabilita-

tion of the offender," Beto said. But there are students who con-tinually violate probation, and some say they feel probation does not work.

"It was a joke," Tim Lubbert, a ju-nior building construction major, said. "It was the biggest waste of time. All I did was send in my money each month. I hardly saw my probation officer."

Lubbert was on probation for DWI in 1985. He was pulled over for speeding in Anahuac on his way home to Beaumont and was charged with DWI. His probation officer was in Anahuac so he never saw him, Lubbert said. He just mailed his monthly probation fee in, he said.

"All they want is your money," Lubbert said.

Probation departments differ across Texas and whether or not the punishment is effective is up to the individual probationer, Beto said. A first-time DWI offender in Bra-

zos County with no prior record can expect to spend \$1,700 in fines, costs and probation fees. Probation fees



alone for a two-year sentence are \$960, and to this the offender can add the cost of an attorney.

According to the department's an-nual report, during 1986 Brazos County's three district courts and two county courts-at-law collected \$791,130 from probationers. The amount collected includes restitution, fines, court costs, probation fees and appointed attorney's fees. In addition to the overwhelming

monetary expenses, time expenditure is required by a probationer in community service. They must at-tend once-a-month probation appointments and sometimes special programs.

The Brazos County Probation De-partment offers different programs for offenders. Alcohol education classes are required by probationers convicted of DWIs.

The program, taught at Texas A&M under the direction of Dr. Maurice E. Dennis, an industrial education professor and a traffic safety expert, is designed to assist the offender in identifying problems associated with excessive drinking, to help the problem drinker and to encourage responsible behavior while operating a motor vehicle. The class is taught on a pass or fail basis.

drugs on the body and help determine whether a particular abuser has control over his drug usage. Action will be taken accordingly in handling a chemical-abusing proba-tioner. The probationer participates in ten urine analyses during a 16week period.

Parchman, one of the directors of ESP, said the probationer is told what days the tests will be given. She said if a test is positive, it means the probationer has a problem, because he knew when the test was going to

be given and did not care. "(If this happens) they obviously have no conscious control over their use," she said.

An offender is referred to ESP through pre-sentencing done by the probation department. Cases that are pre-sentenced are felony cases, misdemeanor DWI cases and misdemeanor cases as judges direct.

Pre-sentence investigation reports offer the courts an understanding of the world the offender lives in, Parchman said.

"It gives us an idea of any problems a person may have, and we make recommendations accordingly," she said.

The probation department contracts services such as professional substance abuse counselors and psychiatrists to assure that probationers with specific problems receive proper treatment. These services are necessary because of the number of serious substance-abuse problems.

There are all kinds of methamphetamine labs, where illegal drugs are made, in the Brazos Valley area, Beto said.

"We've got a serious drug prob-lem in this area," Beto said. The probation department imple-ments more than 200 drug tests per month. Urinalyses are supervision tools that have been used by the department for three years.

The department recently bought a more advanced drug-testing ma-chine — the Abbott TDX Analyzer. It is capable of testing up to 200 different drugs, said Deputy Chief Pro-bation Officer Fred Maddox, who operates the machine.

Maddox said the four predominant drugs the department checks for are cocaine, amphetamines, marijuana and opiates.

If a probationer tests positive fora drug, the probationer may be con-fronted with the results, he said. The offender may be required to go back before a judge for resentencing, which may include anything from modifying probation terms to serv-ing a sentence in the TDC. For most students these programs

are not required because most are misdemeanor cases or felony DWI cases. The alcohol-awareness pro-gram and the community-service program are the most prevalent programs involving students. "More people than you might ex-

pect in your age bracket (18 to 24 years old) are alcoholics," Davis said. "I feel for them. I just wish they

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tenced. A person on probation in Brazos County has to report to his desig-nated probation officer once a

month and pay \$40 each visit. Beto, who has been with the Brazos County Adult Legal Probation Department since September 1979, said probation works.

"I wouldn't be in it if I didn't think it worked," he said. Davis agrees, saying that most people never come through probation a second time.

There are two main purposes of adult probation, Beto said.

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"The only way to fail the class is to not attend or participate in classes," Dennis said.

A Drug Education and Screening Program (ESP) is offered to proba-tioners who abuse drugs and alcohol, probation officer Arlene Parchman said.

"The program is mainly required for felony offenders with a long history of chemical and alcohol abuse," Parchman said.

The program is designed to teach the probationers about the effects of

could be educated to never get behind that wheel if they're going to drink.

Probation sentences, which limit and restrict a person's activities and lifestyles, can be severe.

"But one of the big penalties of any crime is the public embarrass-ment of it all," Davis said. "It's a penalty we don't know how to assess.

If a probationer makes it through, he will most likely never be seen on probation again, Davis said.

"Probation is very, very onerous," he said.

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