A New Tool for Better DUI/DWI Offense Reports
By David Sobel

Paperwork may be the bane of officers making a DWI arrest, but it is the lifeblood of the DWI prosecutor. Forms and reports have proliferated in response to the needs of multiple law enforcement and criminal justice agencies, and particularly the need for accurate traffic safety data. However, the burden of excessive paperwork can keep arresting officers off the streets, where they are needed most. Pressure to fill out numerous forms, reports, and narratives in a timely manner can result in inconsistencies, omissions, or other errors.

The good news is that the Texas Municipal Police Association (TMPA), using advances in technology and a wealth of law enforcement and prosecution resources, has developed a way to decrease the time an officer spends creating these documents without sacrificing detail or comprehensiveness. Currently, the paperwork associated with a typical DWI arrest can take an officer off the streets for two to four hours. The new DUI/DWI Process Reduction System, developed by TMPA with funding from the Texas Department of Transportation and the National Highway Traffic Safety Administration (NHTSA), reduces this processing time by as much as 50%. The officer, therefore, is back on the street in much less time and should be less reluctant to make DWI arrests because of the paperwork requirements. An added benefit is that officers are actually able to compose a more thorough case report than in the past. Although designed primarily for officer assistance, this system will also be of enormous benefit to prosecutors both in and out of the courtroom.

The DUI/DWI Process Reduction System takes officers through a reporting “wizard,” which prompts them for information regarding the arrest in an organized fashion and in sufficient detail to support prosecution. For example, officers receive prompts about Standardized Field Sobriety Test observations, physical evidence, and suspect statements. Because the system is not a “boiler plate” or “template,” it allows the officers to complete a comprehensive report based on their training and experience. Further, an officer using the system cannot complete the arrest report without entering a minimum amount of information required to cover the elements of the offense, thereby leading to more successful prosecutions with fewer challenges to the evidence based on scrivener error. For the prosecutor, every case is organized in a standardized format, allowing for a more efficient and thorough review. Clay Abbott, Traffic Safety Resource Prosecutor for Texas states, “Prosecutors should be pleased by this product that not only puts officers back on the street faster, but also continually gives them prompts to do more complete investigations and write more complete—and persuasive—reports.”

The DUI/DWI Process Reduction System, which is currently available in Texas, is in pilot development in Georgia and will be available in a third state to be selected by NHTSA. Because the system is being developed through grant funding, agencies can use the secure Web-based solution for free. There are no licensing fees, and the only equipment required is a computer with Internet access. Training on the use of the system and effective report writing is also provided free of charge. For information regarding this system and implementing it in your state, please contact TMPA at 800-848-2088 or dwihelp@tmpa.org.

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Dedication

This edition of Between the Lines is dedicated to Mr. Robert Koch. Mr. Koch, who passed away in August, was a drug therapist who dedicated his life to helping others overcome their addictions. Among his many positions, Mr. Koch served as a drug court coordinator for Miami-Dade County Florida’s Drug Court and a board member with the National Association of Drug Court Professionals. He will be missed.
Going on the Offensive at Administrative License Suspension Hearings: One State’s Approach

By Dee Brophy

Administrative license suspensions are a key component to any strategy to remove dangerous drivers from our roadways. Law enforcement officers, however, typically present the State’s cases without the benefit of legal representation. Georgia, which prides itself on vigorously handling DUI cases recently adopted a novel approach to deal with the issues and strengthen these cases. The State hired former prosecutor Dee Brophy to train state troopers and litigate on their behalf. In the following article, Ms. Brophy describes the development and preliminary successes of this innovative and effective approach.

In Georgia, under certain circumstances, the State can administratively suspend the driver’s license of a motorist arrested for driving under the influence of alcohol or drugs (DUI). The motorist may contest the suspensions at an Administrative License Suspension (ALS) hearing. At this hearing, the Respondent (the State) has the burden of proof and must establish certain statutory elements by a preponderance of the evidence. The arresting law enforcement officer testifies at the hearing on behalf of the Respondent and introduces testimony and documentary evidence to the Court without legal representation. In a large number of these hearings the motorist is represented by an attorney specializing in DUI, creating a significant challenge for the Respondent.

In 2004, the Department of Public Safety-Georgia State Patrol presently seeking renewal of the ALS grant through the Georgia GOHS. We hope to expand the program so that all Georgia law enforcement offices will receive legal representation on their ALS cases. For further information, please contact Dee Brophy at dbrophy@gsp.net.