

Texas prisons' treatment for DWI repeaters could be cut

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AUSTIN – Most drunken drivers like [John Patrick](#) Barton mark time in the Texas prison system without specialized treatment, only to return to the streets and potentially to their drinking.

And with Texas facing a monstrous \$18 billion budget hole next year, what prison treatment programs the state does offer may be sharply reduced or eliminated, officials said Tuesday.

Some vowed to try to protect treatment programs from the budget cuts.

"How in the world can the state of Texas lock somebody up for being a DWI offender and not spend any time trying to get them an opportunity or the ability to deal with their drinking?" asked Senate Criminal Justice Committee chairman [John Whitmire](#).

He said he reviewed Barton's case after news of the fatal accident and was dismayed to see that he had "skated" while in prison, not receiving treatment for addiction.

"We've had him in prison twice and done nothing to treat his [alcoholism](#). And now we have a tragedy," said Whitmire, D-[Houston](#).

Barton was free on parole after his third drunken-driving conviction when, authorities say, he plowed into a car early Sunday in [Lewisville](#), killing Kandace Hull, 33, and her daughter Autumn Caudle, 13, and injuring her husband and their two other children.

There are plenty of other examples. Four months ago, Ralph Lynn Foltz Jr. was charged with his 11th DWI after leading police on a high-speed chase through Galveston and Brazoria counties.

"DWI will kill you, just like a gun will. It's one of our most serious crimes," Whitmire said.

Even so, the Texas Department of Criminal Justice – ordered by the governor to identify a 5 percent cut in its budget – listed \$7.8 million in its treatment programs, possibly eliminating help for 1,346 offenders annually.

Exemption sought

All agencies were asked to submit the 5 percent cuts in February. The prison system is seeking a special exemption for the treatment programs that were part of \$240 million in potential cuts.

A reduction would be a reversal from recent action. Lawmakers boosted spending on state prison treatment to \$97 million this year, up from \$36 million in 2007.

TDCJ spokeswoman Michelle Lyons said the extra funding allowed expansion of the programs. "We've seen it have a positive impact not just on the individuals, but overall on the inmate population."

She said around the time the treatment programs got a kick start, the state was projecting that the prison system would soon be 10,000 inmates over capacity.

But treatment has reduced the number of offenders who return to prison, Lyons said.

"That projection has completely reversed, and part of that is due to the programs that our lawmakers were able to put in place," she said.

Lawmakers took the state prison treatment spending from \$36 million a year in 2007 to \$97 million this year.

Among the 6,000 treatment slots created with the money was a 500-bed ward in East Texas exclusively for DWI offenders.

Three convictions

While Texas leads the nation in alcohol-related driving deaths – 1,473 in 2008 – it also has one of the largest inmate populations doing time for DWI, at 6,200. A third conviction becomes a felony punishable by 10 years in prison.

Barton, 30, served 10 months of a three-year sentence in 2009 after his third DWI conviction in 13 years. He also served six months in 1999 after his first DWI and a burglary charge.

Because of his DWI history, he has been charged with murder in the Sunday incident, in which police say he struck the Hull family's car from behind at a high rate of speed.

"All this stuff about murder, that's a good response to a bad case," said [Bill Lewis](#), the legislative liaison for the advocacy group [Mothers Against Drunk Driving](#). "But I don't think the Hull family is going to be satisfied with a murder or any other conviction. It's not going to make their family whole again."

Though MADD would like to see more car ignition locks and sobriety checkpoints – roadblocks where police check for drunken drivers – it also favors treatment, Lewis said.

"Once we catch someone like this, who's been arrested not once or twice but three times, we've found someone with a problem and we need to treat them," he said.

But he has worked with the Legislature for many years and fears what will happen with the budget crisis.

"I'm afraid Senator Whitmire and we will have an uphill battle in the next session to convince them that a longer-term and cheaper solution is to get treatment for these guys," Lewis said.

Bipartisan approach

Marc Levin, a criminal justice policy adviser for the conservative Texas Public Policy Foundation research group, said he would rather mothball outdated prisons than cut treatment programs.

It is a bipartisan approach that makes sense, he said.

"You're talking about people with a severe alcohol problem. They're all going to get out. It's vital to make sure they go through a program that has a track record of being successful so they don't endanger anyone anymore," Levin said.

In many cases, the programs work, said Whitmire, whose criminal justice committee will hold special hearings this summer on DWI laws.

Texas already has some of the toughest laws on the books to fight DWI, and longer punishments won't work as well as treating someone when you have them, he said.

Whitmire said the Barton case is the example that all lawmakers looking at cutting programs should think about next session.

"This is a tragedy, but as I read the report and go back through this person's history and how the system has treated him, it's just a classic case of mishandling a DWI offender from the very first time we had him," Whitmire said.