Gascon defends handling of DWI cases

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PLAQUEMINE — Legislators may approve a proposed act to require mandatory jail sentences for drunken drivers, but one district attorney says it won’t alter prosecution methods in his area.

The Legislature is considering a bill to increase penalties for DWI offenders, including compulsory jail sentences or public service work for first offenders.

"Whatever the Legislature does, I will continue to use my discretion in the prosecution of DWI," says Houston C. Gascon III, district attorney for the 18th Judicial District, which includes Iberville, West Baton Rouge and Pointe Coupee parishes.

District court records indicate that Gascon was reducing DWI to lesser charges when the situation warrants serves the interests of the public because it permits justice to be tempered with compassion.

The people of this district expect their public officials to help them. I help whenever I can, but when the individual refuses to take advantage of my help by committing another crime, then he will be dealt with by the state and without leniency whatsoever," Gascon said.

The battle against Louisiana’s drunk drivers cannot be won in the courtroom, Gascon says.

Stiffer criminal penalties for driving while intoxicated might deter some drivers from drinking and driving, but the problem will continue to plague the community because it changes its attitudes about alcohol, Gascon said.

Gascon said that society accepts that the criminal justice system can only do so much to change the problem. We can’t solve it, he said.

Gascon questions the need for tougher DWI penalties and mandatory jail sentences.

"I don’t think it’s in favor of decreasing DWI (substituting treatment and prevention techniques for criminal penalties) in an effort to get at what he views as the root of the drunken-driving problem — social attitudes about drinking.

Gascon said he favors stiffer penalties for persons involved in drunk driving on highways, especially when it involves children.

"To a point, the criminal justice system can deter a person from drinking," the district attorney said. "But it’s the educational process and parental guidance that is going to change social attitudes.

Gascon said more emphasis should be placed on alcohol and drug abuse education for young persons to prevent alcoholism or drug addiction in later years.

Adults who are convicted of DWI throughout Gascon’s district are often sentenced to attend an alcohol abuse clinic. Participation in an alcohol abuse program is usually accompanied by a fine and a suspended jail term, district court records indicate.

"I still have to attach the penalty because a lot of people don’t agree with decriminalizing DWI," said Gascon. "I’m not sure decriminalization is the answer.

Gascon said tougher penalties are needed for negligent homicide when the death occurs as a result of an alcohol- or drug-related accident. State police estimate that 22 percent of all highway deaths in 1980 and 1981 were alcohol-related.

Gascon said he refers all cases involving a death, including negligent homicide, to a grand jury for action. If an indictment and conviction for negligent homicide are secured, the penalty is almost always substantially less than for other criminal deaths because the crime does not involve criminal intent, Gascon said.

A person convicted of negligent homicide in Louisiana may be fined up to $5,000, imprisoned for up to five years, or both.

"For the people who are affected by it, it’s a fantastic one," said Gascon. "We should talk about enhancing that penalty because we have enough to work with with DWI.

Although Gascon said he does not object to increasing penalties against the DWI offender, he said existing laws are adequate in that they meet the needs of the prosecutor.

Under present Louisiana law, a person convicted of DWI for the first time can be fined between $100 and $400 and imprisoned for up to one year. The court also can require the offender to undergo treatment for alcohol abuse.

A second conviction can result in a fine of between $115 and $590 and imprisonment up to six months. The penalty for a third conviction is a $1,000 fine or up to five years in prison, and a fourth conviction can result in imprisonment for between 10 and 20 years.

Gascon said alcohol-related crimes including DWI, disturbing the peace and assault, have been substantially reduced by the implementation of 2 a.m. curfews on the sale of alcoholic beverages in West Baton Rouge, Iberville and Pointe Coupee parishes.

"The curfew has acted as a deterrent to criminal activity, not only related to vehicles but other matters as well," he said.