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Judge: Most DWIs end in probation

By Lauri Hopple

After walking the line, taking a breath test and being booked at the station, a person arrested and found guilty of driving while intoxicated will most likely be sentenced to probation, according to a Lincoln Municipal court judge.

Judge Neal H. Dusenberry said more than 50 percent of the approximately 2,000 DWI offenders arrested each year in Lincoln are put on probation.

Those denied probation usually have requested a non-probation sentence or are found to be a bad risk for probation by the probation office and the presiding judge, he said.

Chief Probation Officer Bud Holmes said the highest percentage of DWI offenders who receive probation are the first-time offenders.

Holmes said there have been "a lot, very many" students arrested for DWI and put on probation.

Judge Janice Gradwohl said that she thinks many

students are involved in DWI cases because of the emphasis placed on alcohol as a social tool.

Gradwohl said her caseload in court has increased since last year. The increase can be attributed to the new Nebraska state drunk driving law, she said.

Holmes also cited the new law as the reason for the increased caseload at the probation office, and resulting in the hiring of two new probation officers.

The law, which went into effect July 17, 1982, requires a minimal jail term of seven days, a six-month total suspension of driver's license, and a \$200 fine if the offender is not on probation.

More people request probation

Gradwohl said because probation can reduce the license suspension to 60 days, more people now are requesting probation than before the new law went into effect.

Before the court decides if the offender is a "good candidate" for probation, the probation office does

a pre-sentence investigation, Holmes said.

He said the probation officers screen the offender for possible alcohol problems, arrange a personal interview with a probation officer, do a records check for possible previous legal offenses, and collect background information.

"We get family background, educational background, employment background, military background, health background and marital background, ..." he said.

The information collected in the investigation is presented to the judge presiding over the case, who decides if the offender should be put on probation or not.

Gradwohl said that a "good candidate" for probation would be a person who did not seem to have alcohol problems.

"It has to be someone we feel would be a good risk to put on probation," she said. "Someone who's responsible, who would benefit from it, and be responsive to this type of programming."

Recommended for treatment

A person who seems to have more alcohol problems usually will be recommended for more intensive treatment before he is put on probation, Gradwohl said. This often includes inpatient or outpatient alcohol rehabilitation and counseling, she said.

Holmes said the terms of probation vary from case to case because no two cases are exactly alike.

"The terms would be designed to fit the individual's needs — not what the individual feels his needs are, but what the court feels they are," he said.

Holmes said the basic requirements of every probation order — whether first, second, or third offense — are reporting to a probation officer as scheduled, refraining from unlawful activities, refraining from associating with "unsavory" people or going to disreputable places, notifying the office of changes of address and notifying the office of any changes in employment.

Holmes said probation for a first DWI offense can last from one to two years. A second or third offense may draw a one- to five-year probation.

The court can order additional terms of probation, Holmes said. He said extra terms often include writing book critiques, essays on alcoholism, attending meetings of Alcoholics Anonymous, receiving psychological counseling, and attending driver improvement and defensive driving schools or alcohol education classes.

The DWI offender also must pay court costs and any witness fees, according to how many witnesses are called to testify, Holmes said.

"The main thing is: don't drink and drive," Holmes said. "There are a lot better alternatives."

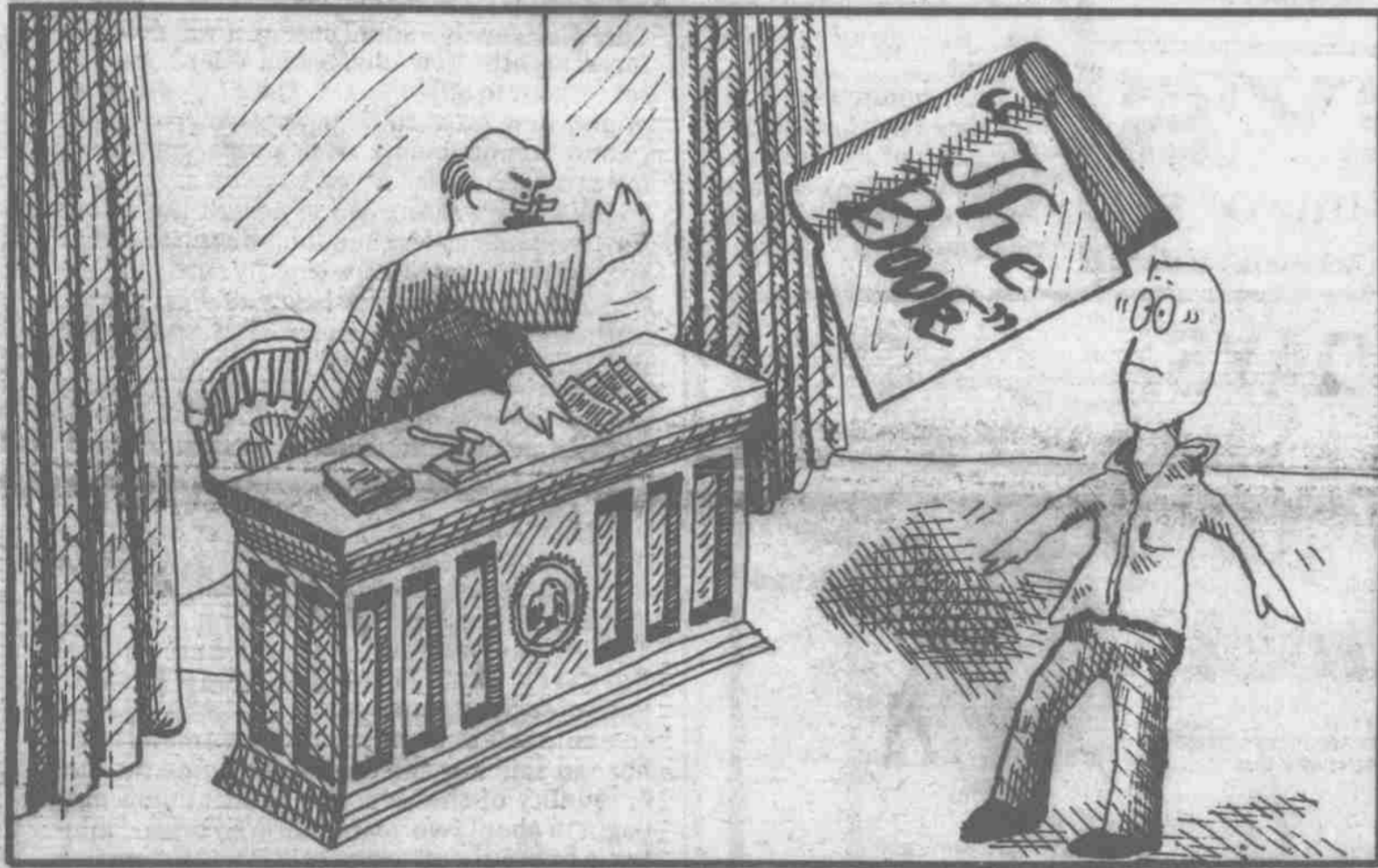


Illustration by Lou Anne Zacet

Professor studies council elections

By Stacie Thomas

The effects of at-large city council elections on minority groups will be one aspect of urban government studied in a survey being conducted by a UNL professor.

Professor Susan Welch said Tuesday that at-large city council elections tend to discriminate against minority groups.

Most American cities with populations of 50,000 or more use at-large elections, she said. This type of

system tends to elect upper-income white males in professional careers. During the last 20 years, there has been a movement away from at-large systems to district election: or a mixture of the district and at-large system, Welch said.

Welch, a Regents professor and chairman of the UNL department of political science, recently received a \$37,346 grant from the National Science Foundation. The grant will be used to continue the survey which is designed to study the effects of urban political structures on city council members and their decisions.

Welch said she believes at-large elections have the advantage of providing more community-wide points of view rather than neighborhood points of view; however, district elections provide a more diverse election of council members.

This is important because "the diversity of the people that you elect to office affects the kinds of decisions they make and the kinds of laws that are made," Welch said.

The survey will attempt to discover whether district elections elect lower-income, non-professional community members from various religious backgrounds.

Welch said she expects her research will be used by cities that are considering changing their electoral procedure.

Welch will be working with a political science graduate student, Timothy Bledsoe, and will conduct the nationwide survey of urban city councils in cities with populations of more than 50,000 and less than one million. This will provide a good sample of medium to large cities across the country, she said.

Omaha will be the only Nebraska city included in the survey. Lincoln was excluded because Michael Steinman, an associate professor in the department of political science, was running for re-election to the city council when the survey was begun.



Staff photo by Craig Anderson

Student talent

UNL student Jerilyn Peters, a junior majoring in fashion design, performs during the Coffeehouse presentation at the Nebraska Union Crib Tuesday afternoon. The Coffeehouse was part of the Homecoming 1983 celebration.

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