

**RECEIVED**  
OCT 18 2010  
TRAFFIC OPERATIONS DIVISION

# Texas Traffic Safety eGrants

## Fiscal Year 2010

**Organization Name:** Collin County - District Attorney's Office

**Legal Name:** Collin County

**Payee Identification Number:** 17560008736012

**Project Title:** DWI No-Refusal Mandatory Blood Draw Program

**ID:** 2010-CollinDA-G-MYG-Yr1-0104 (2)

**Period:** 12/21/2009 to 09/30/2010

**RECEIVED**  
OCT 19 2010  
**TRAFFIC SAFETY**

**TEXAS TRAFFIC SAFETY PROGRAM WORK ORDER**

**Amendment 2**

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

THIS WORK ORDER IS MADE BY and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the Department and the, **Collin County** hereinafter called the Subgrantee (also referred to as Vendor), and becomes effective when fully executed by both parties.

AUTHORITY: Texas Transportation Code, Chapter 723, the Traffic Safety Act of 1967, and the Highway Safety Performance Plan for the Fiscal Year 2010.

Project Title: **DWI No-Refusal Mandatory Blood Draw Program**

Project Description: To provide funding for nurses to assist county law-enforcement in DWI enforcement by providing the ability to perform blood draws upon a blood/breath test refusal by a DWI suspect.

Period: This Work Order becomes effective on **10/01/2009** or on the date of final signature of both parties, whichever is later, and ends on **09/30/2012** unless terminated or otherwise modified.

Total Awarded: **\$223,832.96**

Amount Eligible for Reimbursement: **\$185,291.39**

Match Amount: **\$38,541.57**

Program Income: **\$0.00**

**TEXAS TRAFFIC SAFETY PROGRAM WORK ORDER**

**Amendment 2**

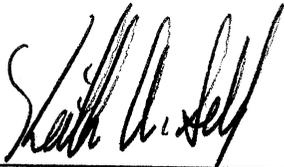
The signatory of the Subgrantee hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this agreement and that she/he has full and complete authority to enter into this agreement on behalf of the organization.

THE SUBGRANTEE

THE STATE OF TEXAS

Executed for the Executive Director and  
Approved for the Texas Transportation  
Commission for the purpose and effect of  
activating and/or carrying out orders, established  
policies or work programs approved and  
authorized by the Texas Transportation  
Commission

**Collin County**

By:   
[Authorized Signature]

By:   
[TxDOT Signature]

Keith Self  
[Name]

Carol T. Rawson  
[Name]

County Judge  
[Title]

TRF Division Director  
[Title]

Date: 9/21/10

Date: 10/21/10

In accordance with the terms of  
Purchase Order:

\_\_\_\_\_  
[Purchase Order Number]

## **Alcohol and Other Drug Counter Measures**

### **Select a goal:**

To reduce the number of DWI-related crashes where the driver is under age 21

### **Select a strategy:**

Develop innovative ways and programs to combat underage drinking and driving  
Increase enforcement of driving under the influence by minors laws  
Improve DWI processing procedures  
Increase intervention efforts  
Increase the number of law enforcement task forces and coordinated enforcement campaigns  
Improve anti-DWI public information and education campaigns  
Increase enforcement of DWI laws

### **Select a Goal:**

To reduce the number of DWI-related crashes, injuries, and fatalities

### **Select a strategy:**

Increase enforcement of driving under the influence by minors laws  
Improve DWI processing procedures  
Increase intervention efforts  
Increase the number of law enforcement task forces and coordinated enforcement campaigns  
Improve anti-DWI public information and education campaigns  
Increase enforcement of DWI laws  
Develop innovative ways and programs to combat underage drinking and driving

## **Problem Identification and Solution**

### **I. Problem Identification**

Collin County has a population of 724,900. It is the sixth most populous county in the State and one of the fastest growing counties in the nation. As the county grows, so does our problem with DWI enforcement.

There is a large discrepancy between the number of jury trials set in cases where a defendant refused a breath or blood test and cases that include a breath or blood test. This discrepancy is also apparent in the successful prosecution of cases which include a breath or blood test and those without such a test. Collin County currently has the infrastructure in place to expand a DWI No-Refusal Program every weekend and holiday throughout the year but for the funding to contract with the nurses who are required to draw a suspect's blood. This grant request is submitted in an effort to provide the tools necessary for Collin County law-enforcement to effectively obtain the most reliable and convincing evidence in the prosecution of Driving While Intoxicated offenses – blood.

The State of Texas has had a 52% breath test refusal rate for both 2007 and 2008 according to DPS Driver Improvement Statistics. The failure of obtaining this type of objective scientific evidence requires the prosecutor and a jury to rely on the subjective opinion of a police officer. During the 2008 fiscal year, the Collin County District Attorney's Office disposed of 2460 misdemeanor DWI cases. This includes 156 misdemeanor jury trials in which the presence or absence of a blood or breath test could be determined. 115 or 74% of the jury trials were "refusal" cases. 36 or 23% of the jury trials were breath test cases. 5 or 3% of the jury trials were blood test cases. There were 13 additional jury trials but the presence or absence of a blood or breath test could not be determined because the cases were expunged due to an acquittal.

The "refusal" cases produced 80 guilty verdicts and 35 acquittals resulting in a 70% conviction rate. The breath test cases produced 33 guilty verdicts and 3 acquittals resulting in a 92% conviction rate. The blood test cases produced 5 guilty verdicts with no acquittals resulting in a 100% conviction rate.

The increased number of jury trials due to "refusal" cases also increases the number of hours law-enforcement personnel spends at the courthouse during the normal shift hours or on over-time. Although local law-enforcement has not been tracking the hours officers are in court specifically on misdemeanor DWI cases, experience shows during a routine DWI trial, an officer will spend approximately five hours preparing (watching the video and talking to the prosecutor) and testifying. Multiplying this by the 115 "refusal" jury trials in FY 2008, equates to 575 hours officers spent in trial. This is a conservative number and does not factor in cases involving more than one officer or the over-time amount paid since most officers making DWI arrests work

Collin County  
**DWI No-Refusal Mandatory Blood Draw Program**

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second or third shifts.

## **II. Project Plan**

### **Problem Solution**

It is the mission of the Collin County Criminal District Attorney's Office, in cooperation with the local law-enforcement agencies, to reduce the number of DWI offenses through the combination of effective prosecution and public awareness of the "No-Refusal" program. As we have seen throughout the State, alcohol caused countless problems in driving related crashes. According to the TxDOT Crash Records Information System, Collin County suffered 562 alcohol involved crashes in 2008 and had ten fatalities over the same time period.

In an effort to address the DWI problem, Collin County implemented a No-Refusal Weekend program targeting DWI offenders during the holiday weekends. This program started on Memorial Day Weekend and was also implemented on the Fourth of July and Labor Day weekends. It included cooperation from judges who were available to sign warrants and nurses who would be available to draw blood. The Collin County Criminal District Attorney's Office provided funding for three nurses to be stationed in three local jails throughout the county. This enabled all law-enforcement agencies to utilize the nurses in case a suspect refused a breath or blood test. Over the three holiday weekends, 104 DWI arrests were made. 36 or 35% of cases resulted in a blood test.

Based on the success of this program, the Collin County Criminal District Attorney's Office wants to make a nurse available every Friday and Saturday night along with any major holiday that falls on a weekday at three of our local jails. They will work a ten hour shift from 8:00 pm - 6:00 am. This grant will provide law-enforcement with the ability to obtain the most convincing evidence that can be used in a DWI case. The prospect of facing this type of scientific evidence will result in an increase in the number of pleas, a reduction of jury trials, and reduce the number of hours officers are required to spend in trial.

### Objectives, PI&E, Performance Measures and Activities

Objectives indicate the specific purpose of the project. Objectives should follow the SMART principle - Specific, Measurable, Action-oriented, Realistic, and Time framed.

**Objective statement:**

Action Verb                      To Increase

Target Number                      90 %

Baseline Measure                      70 %

Performance Measure                      the conviction rate of individuals suspected of DWI that refuse voluntary breath or blood tests.

Completion Date                      By 9/30/2010  
 (mm/dd/yyyy)

Activity	Responsible	Activity Completion Date (mm/dd/yyyy)
1. To provide three nurses at three local jails for ten hours every Friday, Saturday, and holiday evenings to comply with court-ordered blood draw.	Subgrantee	9/30/2010
2. To increase the number of search warrants obtained to perform the blood draws on suspected DWI drivers	Subgrantee	9/30/2010
3. To increase training of misdemeanor prosecutors by providing either in-house training or CLE through professional organizations.	Subgrantee	1/31/2010
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Collin County  
**DWI No-Refusal Mandatory Blood Draw Program**

**Budget Summary**

Budget Category		TxDOT	Match	Program Income	Total
<b>Category I - Labor Costs</b>					
(100)	Salaries:	\$0	\$1,230.50	\$0	\$1,230.50
(200)	Fringe Benefits:	\$0	\$286.09	\$0	\$286.09
	<b>Sub-Total:</b>	\$0	\$1,516.59	\$0	\$1,516.59
<b>Category II - Other Direct Costs</b>					
(300)	Travel:	\$0	\$0	\$0	\$0
(400)	Equipment:				\$0
(500)	Supplies:	\$140.00	\$0	\$0	\$140.00
(600)	Contractual Services:	\$35,058.38	\$6,191.62	\$0	\$41,250.00
(700)	Other Miscellaneous:	\$0.01	\$0	\$0	\$0.01
	<b>Sub-Total:</b>	\$35,198.39	\$6,191.62	\$0	\$41,390.01
<b>Total Direct Costs:</b>		\$35,198.39	\$7,708.21	\$0	\$42,906.60
<b>Category III - Indirect Costs</b>					
(800)	Indirect Cost Rate:				\$0
<b>Summary</b>					
	<b>Total Labor Costs:</b>	\$0	\$1,516.59	\$0	\$3,033.18
	<b>Total Direct Costs:</b>	\$35,198.39	\$6,191.62	\$0	\$41,390.01
	<b>Total Indirect Costs:</b>				\$0
<b>Grand Total:</b>		\$35,198.39	\$7,708.21	\$0	\$42,906.60
	<b>Fund Sources: (Percent Share)</b>	82.03%	17.97%	0.00%	

Salary and cost rates will be based on the rates submitted by the Subgrantee in its grant application in eGrants.

# **Texas Traffic Safety eGrants**

## **Fiscal Year 2010**

**Organization Name:** Collin County - District Attorney's Office

**Legal Name:** Collin County

**Payee Identification Number:** 17560008736012

**Project Title:** DWI No-Refusal Mandatory Blood Draw Program

**ID:** 2011-CollinDA-G-MYG-Yr2-0182

**Period:** 10/01/2010 to 09/30/2011



## **Alcohol and Other Drug Counter Measures**

### **Select a goal:**

To reduce the number of DWI-related crashes where the driver is under age 21

### **Select a strategy:**

Develop innovative ways and programs to combat underage drinking and driving  
Increase enforcement of driving under the influence by minors laws  
Improve DWI processing procedures  
Increase intervention efforts  
Increase the number of law enforcement task forces and coordinated enforcement campaigns  
Improve anti-DWI public information and education campaigns  
Increase enforcement of DWI laws

### **Select a Goal:**

To reduce the number of DWI-related crashes, injuries, and fatalities

### **Select a strategy:**

Develop innovative ways and programs to combat underage drinking and driving  
Increase enforcement of driving under the influence by minors laws  
Improve DWI processing procedures  
Increase intervention efforts  
Increase the number of law enforcement task forces and coordinated enforcement campaigns  
Improve anti-DWI public information and education campaigns  
Increase enforcement of DWI laws

## **Problem Identification and Solution**

### **I. Problem Identification**

Collin County has a population of 724,900. It is the sixth most populous county in the State and one of the fastest growing counties in the nation. As the county grows, so does our problem with DWI enforcement.

There is a large discrepancy between the number of jury trials set in cases where a defendant refused a breath or blood test and cases that include a breath or blood test. This discrepancy is also apparent in the successful prosecution of cases which include a breath or blood test and those without such a test. Collin County currently has the infrastructure in place to expand a DWI No-Refusal Program every weekend and holiday throughout the year but for the funding to contract with the nurses who are required to draw a suspect's blood. This grant request is submitted in an effort to provide the tools necessary for Collin County law-enforcement to effectively obtain the most reliable and convincing evidence in the prosecution of Driving While Intoxicated offenses – blood.

The State of Texas has had a 52% breath test refusal rate for both 2007 and 2008 according to DPS Driver Improvement Statistics. The failure of obtaining this type of objective scientific evidence requires the prosecutor and a jury to rely on the subjective opinion of a police officer. During the 2008 fiscal year, the Collin County District Attorney's Office disposed of 2460 misdemeanor DWI cases. This includes 156 misdemeanor jury trials in which the presence or absence of a blood or breath test could be determined. 115 or 74% of the jury trials were "refusal" cases. 36 or 23% of the jury trials were breath test cases. 5 or 3% of the jury trials were blood test cases. There were 13 additional jury trials but the presence or absence of a blood or breath test could not be determined because the cases were expunged due to an acquittal.

The "refusal" cases produced 80 guilty verdicts and 35 acquittals resulting in a 70% conviction rate. The breath test cases produced 33 guilty verdicts and 3 acquittals resulting in a 92% conviction rate. The blood test cases produced 5 guilty verdicts with no acquittals resulting in a 100% conviction rate.

The increased number of jury trials due to "refusal" cases also increases the number of hours law-enforcement personnel spends at the courthouse during the normal shift hours or on over-time. Although local law-enforcement has not been tracking the hours officers are in court specifically on misdemeanor DWI cases, experience shows during a routine DWI trial, an officer will spend approximately five hours preparing (watching the video and talking to the prosecutor) and testifying. Multiplying this by the 115 "refusal" jury trials in FY 2008, equates to 575 hours officers spent in trial. This is a conservative number and does not factor in cases involving more than one officer or the over-time amount paid since most officers making DWI arrests work

Collin County  
**DWI No-Refusal Mandatory Blood Draw Program**

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second or third shifts.

## **II. Project Plan**

### **Problem Solution**

It is the mission of the Collin County Criminal District Attorney's Office, in cooperation with the local law-enforcement agencies, to reduce the number of DWI offenses through the combination of effective prosecution and public awareness of the "No-Refusal" program. As we have seen throughout the State, alcohol caused countless problems in driving related crashes. According to the TxDOT Crash Records Information System, Collin County suffered 562 alcohol involved crashes in 2008 and had ten fatalities over the same time period.

In an effort to address the DWI problem, Collin County implemented a No-Refusal Weekend program targeting DWI offenders during the holiday weekends. This program started on Memorial Day Weekend and was also implemented on the Fourth of July and Labor Day weekends. It included cooperation from judges who were available to sign warrants and nurses who would be available to draw blood. The Collin County Criminal District Attorney's Office provided funding for three nurses to be stationed in three local jails throughout the county. This enabled all law-enforcement agencies to utilize the nurses in case a suspect refused a breath or blood test. Over the three holiday weekends, 104 DWI arrests were made. 36 or 35% of cases resulted in a blood test.

Based on the success of this program, the Collin County Criminal District Attorney's Office wants to make a nurse available every Friday and Saturday night along with any major holiday that falls on a weekday at three of our local jails. They will work a ten hour shift from 8:00 pm - 6:00 am. This grant will provide law-enforcement with the ability to obtain the most convincing evidence that can be used in a DWI case. The prospect of facing this type of scientific evidence will result in an increase in the number of pleas, a reduction of jury trials, and reduce the number of hours officers are required to spend in trial.





**Objectives, PI&E, Performance Measures and Activities**

Objectives indicate the specific purpose of the project. Objectives should follow the SMART principle - Specific, Measurable, Action-oriented, Realistic, and Time framed.

**Objective statement:**

Action Verb                      To Increase

Target Number                      90 %

Baseline Measure                      70 %

Performance Measure                      the conviction rate of individuals suspected of DWI that refuse voluntary breath or blood tests.

Completion Date                      By 9/30/2011  
 (mm/dd/yyyy)

Activity	Responsible	Activity Completion Date (mm/dd/yyyy)
1. To provide three nurses at three local jails for ten hours every Friday, Saturday, and holiday evenings to comply with court-ordered blood draw.	Subgrantee	9/30/2011
2. To increase the number of search warrants obtained to perform the blood draws on suspected DWI drivers	Subgrantee	9/30/2011
3. To increase training of misdemeanor prosecutors by providing either in-house training or CLE through professional organizations.	Subgrantee	1/31/2011
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Collin County  
**DWI No-Refusal Mandatory Blood Draw Program**

**Budget Summary**

Budget Category		TxDOT	Match	Program Income	Total
<b>Category I - Labor Costs</b>					
(100)	Salaries:		\$2,461.00		\$2,461.00
(200)	Fringe Benefits:		\$572.18		\$572.18
	Sub-Total:	\$0	\$3,033.18	\$0	\$3,033.18
<b>Category II - Other Direct Costs</b>					
(300)	Travel:	\$3,880.00			\$3,880.00
(400)	Equipment:				\$0
(500)	Supplies:	\$800.00			\$800.00
(600)	Contractual Services:	\$70,116.50	\$12,383.50	\$0	\$82,500.00
(700)	Other Miscellaneous:	\$250.00	\$0	\$0	\$250.00
	Sub-Total:	\$75,046.50	\$12,383.50	\$0	\$87,430.00
<b>Total Direct Costs:</b>		\$75,046.50	\$15,416.68	\$0	\$90,463.18
<b>Category III - Indirect Costs</b>					
(800)	Indirect Cost Rate:				\$0
<b>Summary</b>					
	<b>Total Labor Costs:</b>	\$0	\$3,033.18	\$0	\$3,033.18
	<b>Total Direct Costs:</b>	\$75,046.50	\$12,383.50	\$0	\$87,430.00
	<b>Total Indirect Costs:</b>				\$0
<b>Grand Total:</b>		\$75,046.50	\$15,416.68	\$0	\$90,463.18
	<b>Fund Sources: (Percent Share)</b>	82.96%	17.04%	0.00%	

Salary and cost rates will be based on the rates submitted by the Subgrantee in its grant application in eGrants.

# **Texas Traffic Safety eGrants**

## **Fiscal Year 2010**

**Organization Name:** Collin County - District Attorney's Office

**Legal Name:** Collin County

**Payee Identification Number:** 17560008736012

**Project Title:** DWI No-Refusal Mandatory Blood Draw Program

**ID:** 2012-CollinDA-G-MYG-Yr3-0192

**Period:** 10/01/2011 to 09/30/2012



## Alcohol and Other Drug Counter Measures

**Select a goal:**

To reduce the number of DWI-related crashes where the driver is under age 21

**Select a strategy:**

Develop innovative ways and programs to combat underage drinking and driving  
Increase enforcement of driving under the influence by minors laws  
Improve DWI processing procedures  
Increase intervention efforts  
Increase the number of law enforcement task forces and coordinated enforcement campaigns  
Improve anti-DWI public information and education campaigns  
Increase enforcement of DWI laws

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## **Problem Identification and Solution**

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second or third shifts.

## **II. Project Plan**

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**Objectives, PI&E, Performance Measures and Activities**

Objectives indicate the specific purpose of the project. Objectives should follow the SMART principle - Specific, Measurable, Action-oriented, Realistic, and Time framed.

**Objective statement:**

Action Verb                      To Increase  
 Target Number                      90 %  
 Baseline Measure                      70 %  
 Performance Measure                      the conviction rate of individuals suspected of DWI that refuse voluntary breath or blood tests.  
 Completion Date                      By 9/30/2012  
 (mm/dd/yyyy)

Activity	Responsible	Activity Completion Date (mm/dd/yyyy)
1. To provide three nurses at three local jails for ten hours every Friday, Saturday, and holiday evenings to comply with court-ordered blood draw.	Subgrantee	9/30/2012
2. To increase the number of search warrants obtained to perform the blood draws on suspected DWI drivers	Subgrantee	9/30/2012
3. To increase training of misdemeanor prosecutors by providing either in-house training or CLE through professional organizations.	Subgrantee	1/31/2012
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Collin County  
**DWI No-Refusal Mandatory Blood Draw Program**

**Budget Summary**

Budget Category	TxDOT	Match	Program Income	Total
<b>Category I - Labor Costs</b>				
(100) Salaries:		\$2,461.00		\$2,461.00
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<b>Category II - Other Direct Costs</b>				
(300) Travel:	\$3,880.00			\$3,880.00
(400) Equipment:				\$0
(500) Supplies:	\$800.00			\$800.00
(600) Contractual Services:	\$70,116.50	\$12,383.50		\$82,500.00
(700) Other Miscellaneous:	\$250.00			\$250.00
Sub-Total:	\$75,046.50	\$12,383.50	\$0	\$87,430.00
<b>Total Direct Costs:</b>	<b>\$75,046.50</b>	<b>\$15,416.68</b>	<b>\$0</b>	<b>\$90,463.18</b>
<b>Category III - Indirect Costs</b>				
(800) Indirect Cost Rate:				\$0
<b>Summary</b>				
Total Labor Costs:	\$0	\$3,033.18	\$0	\$3,033.18
Total Direct Costs:	\$75,046.50	\$12,383.50	\$0	\$87,430.00
Total Indirect Costs:				\$0
<b>Grand Total:</b>	<b>\$75,046.50</b>	<b>\$15,416.68</b>	<b>\$0</b>	<b>\$90,463.18</b>
Fund Sources: (Percent Share)	82.96%	17.04%	0.00%	

Salary and cost rates will be based on the rates submitted by the Subgrantee in its grant application in eGrants.