

**Agency Name:** Collin County    **Grant/App:** 3930301    **Start Date:** 09/01/2019    **End Date:** 08/31/2020

**Project Title:** Quantitative THC Analysis  
**Status:** Application Pending Submission

### Profile Information

**Applicant Agency Name:** Collin County  
**Project Title:** Quantitative THC Analysis  
**Division or Unit to Administer the Project:** District Attorney  
**Address Line 1:** 2100 Bloomdale Road  
**Address Line 2:** Suite 100  
**City/State/Zip:** McKinney Texas 75071-8318  
**Start Date:** 09/01/2019  
**End Date:** 08/31/2020

**Regional Council of Governments (COG) within the Project's Impact Area:** North Central Texas Council of Governments  
**Headquarter County:** Collin  
**Counties within Project's Impact Area:** Collin

#### **Grant Officials:**

##### **Authorized Official**

**Name:** Chris Hill  
**Email:** [chill@co.collin.tx.us](mailto:chill@co.collin.tx.us)  
**Address 1:** 2300 Bloomdale Road  
**City:** McKinney, Texas 75071  
**Title:** The Honorable  
**Salutation:** Judge  
**Position:** County Judge

##### **Financial Official**

**Name:** Linda Riggs  
**Email:** [lriggs@co.collin.tx.us](mailto:lriggs@co.collin.tx.us)  
**Address 1:** 2300 Bloomdale Rd  
**Address 1:** Suite 3100  
**City:** McKinney, Texas 75071  
**Title:** Ms.  
**Salutation:** Ms.  
**Position:** Grant Administrator

##### **Project Director**

**Name:** Janna Caponera  
**Email:** [jbenson-caponera@co.collin.tx.us](mailto:jbenson-caponera@co.collin.tx.us)  
**Address 1:** 2300 Bloomdale Road, Suite 3100  
**City:** McKinney, Texas 75069  
**Title:** Ms.  
**Salutation:** Ms.  
**Position:** Grants and Financial Reporting Manager

##### **Grant Writer**

**Name:** Linda Riggs  
**Email:** [lriggs@co.collin.tx.us](mailto:lriggs@co.collin.tx.us)  
**Address 1:** 2300 Bloomdale Road  
**City:** McKinney, Texas 75071  
**Title:** Ms.  
**Salutation:** Ms.  
**Position:** Grant Administrator

### Grant Vendor Information

**Organization Type:** County  
**Organization Option:** applying to provide services to all others  
**Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID):** 17560008736000  
**Data Universal Numbering System (DUNS):** 074873449

### Narrative Information

#### **Introduction**

The District Attorney Testing of Forensic Evidence Grant Program provides reimbursement to district attorney offices for costs associated with forensic analysis of physical evidence.

Please read the funding announcement for program rules and application guides, available on the [eGrants Calendar](#) page. Additionally, you should review the *Guide to Grants* available at [CJD's resources webpage](#) for information and guidance related to the management and use of grant funds.

Use the space provided below to describe your project. For help with your narrative, see CJD's Developing a Good Project Narrative [Guide](#).

**Note:** Do not upload attachments with further information unless specifically instructed to do so.

#### **Certifications**

In addition to the requirements found in existing statute, regulation, and the funding announcement, this program requires applicant organizations to certify compliance with the following:

**Constitutional Compliance**

Applicant assures that it will not engage in any activity that violates Constitutional law including profiling based upon race.

**Texas Forensic Science Commission Accreditation**

Applicant assures that it will only utilize accredited laboratories that comply with state regulations and rules for accreditation, including forensic analyst licensing for mandatory disciplines, promulgated by the Texas Forensic Science Commission in the *Texas Administrative Code, Title 37, Part 15, Chapter 651* promulgated by the Texas Department of Public Safety in the *Texas Administrative Code, Title 37, Part 1, Chapter 28, Subchapter I*.

**DNA Testing of Evidentiary Materials**

When funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS) by a government DNA lab with access to CODIS.

**Uniform Crime Reports**

Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety (DPS) for inclusion in the annual Uniform Crime Report (UCR). To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year.

**Conversion to National Incident-Based Reporting System (NIBRS)**

The Texas Department of Public Safety (DPS) has established a goal set by the Texas Legislature for all local law enforcement agencies to implement and report crime statistics data by using the requirements of the National Incident-Based Reporting System (NIBRS) no later than September 1, 2019. Additionally, the Federal Bureau of Investigations (FBI) will collect required crime statistics solely through the NIBRS starting January 1, 2021. Due to these upcoming state and federal deadlines, grantees are advised that eligibility for future grant funding may be tied to compliance with NIBRS. Financial grant assistance for transitioning to NIBRS may be available for your jurisdiction from the Criminal Justice Division (CJD).

**Criminal History Reporting**

Entities receiving funds from CJD must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

**Compliance with State and Federal Laws, Programs and Procedures**

Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2021 or the end of the grant period, whichever is later.

**Civil Rights Liaison**

A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:

[Cynthia Jacobson](#)

Enter the Address for the Civil Rights Liaison:

[2300 Bloomdale Road, Suite 4117 McKinney, TX 75071](#)

Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:

[\(972\) 548-4606](#)

## Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the CJD Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

**X I certify to all of the application content & requirements.**

## Project Narrative

### Project Abstract

Briefly summarize the proposed project. The abstract should summarize information in the other project narrative boxes below, and should be understandable by a lay person.

The seriousness of the drug problem in the United States can hardly be overstated. Illicit drugs represent significant threats to public health, law enforcement, and national security. In the past three years, the total number of drug cases received by the Collin County District Attorney (DA) has increased 11%, with felonies exceeding misdemeanors. While the DA endeavors to ensure swift resolution of all cases received, currently, there is a backlog of both felony and misdemeanor marijuana cases. Recently passed legislation (HB 1325) changed the definition of marijuana from cannabis to cannabis that contains more than 0.3% tetrahydrocannabinol (THC). Unfortunately, the only way to prove definitively that seized cannabis is marijuana is through quantitative THC concentration testing performed by laboratory analysis. Currently, there are no public crime labs in Texas with the equipment and capability to perform quantitative analysis.

In an effort to reduce the backlog of outstanding and continue processing newly received marijuana cases, the Collin County DA will arrange for seized cannabis samples to be tested at private, accredited laboratories in the region, prioritizing testing of felonies and older cases. Prompt disposition of cases is beneficial for law enforcement and prosecution agencies, as well as for the defendants and all county residents. When any case is delayed, the criminal justice system is put on hold. Rehabilitative services that may be sought or received as part of diversionary program or probationary requirements may be delayed, which could lead to increased addiction, additional crimes committed, or negative health outcomes. Additionally, since there is a known link between drug use and other criminal activity, prosecution and rehabilitation of defendants positively impacts every community and resident in Collin County.

### Problem Statement

Describe the nature and scope of the underlying problem the proposed project will address. Include aspects of the problem relevant to the project's approach and activities.

The seriousness of the drug problem in the United States can hardly be overstated. Illicit drugs represent significant threats to public health, law enforcement, and national security. According to the 2018 National Drug Threat Assessment, drug-poisoning deaths are at their highest recorded level and are the leading cause of injury death in the US, outnumbering deaths by firearms, motor vehicle crashes, suicide, and homicide. The connection between drug abuse and crime is well researched and documented. Drug sales account for billions of dollars in illicit proceeds annually and result in criminal activity affecting public safety from the large criminal organizations who manufacture and transport narcotics to the end users who commit ancillary crimes, such as robbery, theft, burglary, or even homicide, in order to finance a "fix".

While the Collin County District Attorney (DA) endeavors to ensure swift resolution of all cases received, currently, there is a backlog of felony and misdemeanor marijuana cases. Texas recently passed legislation (HB 1325) legalizing hemp and hemp-derived products, which changed the definition of marijuana from cannabis to cannabis that contains more than 0.3% tetrahydrocannabinol (THC), the psychoactive ingredient in marijuana. Unfortunately, the only way to prove definitively that seized cannabis is marijuana is through quantitative THC concentration testing performed by laboratory analysis. There are currently no public crime labs in Texas with the equipment and capability to perform quantitative analysis, and it could be another 6 months or more before labs can perform these tests.

### Supporting Data

Provide supporting data for the Problem Statement. Data should be relevant to the project and its target group. For example, do not use statewide data for a local problem or national data for a statewide problem.

According to the annual Texas Department of Public Safety Crime in Texas Reports, the overall statewide index crime rate has decreased for the past three years. However, during the same period, arrests for drug abuse - sale and manufacturing, as well as possession - has increased. In 2015, the Texas drug possession rate was 426.3 per 100,000, which increased 6% to 452.2 per 100,000 in 2017. Over the same period, the number of illegal substance-related offenses investigated by the Collin County Sheriff's Office increased 72% (2015 = 205, 2017 = 353).

The Collin County DA has seen an 11% increase in drug cases received from law enforcement over the past three years (FY17 = 4,666; FY19 = 5,182). In FY17 misdemeanor drug cases (n = 2,797) exceeded felony cases (n = 1,869). However, felony drug cases (n = 2,666) increased by 43% in FY19, while misdemeanor cases decreased by 10% (n = 2,516), resulting in more felony than misdemeanor cases. Currently, the DA has a backlog of 164 felony

and 261 misdemeanor marijuana cases. As many of the local law enforcement agencies are aware of the testing inability, it is anticipated that several are holding their marijuana cases until quantitative analysis is available. The DA estimates that by February 2020, the backlog will have grown to 337 felony and 535 misdemeanor cases, resulting in 872 total backlogged marijuana cases with forensic evidence to be analyzed.

### **Project Approach & Activities**

Describe the methodologies, approaches, and activities to be employed by the project. This should logically tie back to the Problem Statement.

The new marijuana / hemp distinction changes how marijuana cases are handled. District Attorneys must now prove the THC concentration in seized cannabis to effectively prosecute cases since a defendant's claim that a substance is hemp casts too much reasonable doubt over criminal proceedings without it. In an effort to reduce the backlog and ensure swift resolution of outstanding and newly received marijuana cases, the Grand Jury Division of the Collin County DA will arrange for seized cannabis samples to be tested at private, accredited laboratories in the region. The Grand Jury Division will prioritize testing of felony cases before misdemeanors and older over newer cases. The Grand Jury Division will inform local law enforcement agencies that quantitative analysis is available and encourage them to send any cases they have been holding.

Following laboratory results, which are expected to take 15-30 days, Collin County DA staff will review the case to determine if an information will be filed (misdemeanors) or request an indictment from the Grand Jury (felonies). In approximately 10% of misdemeanor cases, qualified defendants choose to participate in the 6 – 12 month pre-trial diversion (PTD) program. When defendants successfully complete the PTD program, the case is dismissed. While the time to final disposition of a case can vary depending on PTD participation, time to hire an attorney, plea versus trial, and other factors, it is anticipated that most cases should be resolved within 8 months from intake.

### **Capacity & Capabilities**

Describe the applicant organization's background as well as any organizational and staff capabilities and qualifications necessary to carry out this project using the approaches and activities provided above, including any essential collaborative partnerships.

The mission of the Collin County DA is to pursue justice and protect our community. The office employs 137 lawyers, investigators, and staff to fight and prosecute crime in a fearless, just, and ethical manner. This project will be a collaborative effort between the Grand Jury and Civil Divisions to ensure evidence samples are prioritized for analysis, test results are maintained, and case outcomes are recorded.

The Collin County DA intends to utilize two private, accredited laboratories to perform quantitative THC analysis. Both laboratories are accredited by ANSI-ASQ National Accreditation Board (ANAB) to perform testing on seized drugs. One of them was founded 45 years ago, employs 18 PhD scientists and toxicologists and more than 200-trained laboratorians, and provides over 2,500 assays. The other has more than 35 years of service to private industries and governmental agencies and holds accreditations from four international ISO/IEC organizations, as well as state and federal licensures.

### **Performance Management**

Describe how the applicant organization will measure success for this project. Describe the overall goals, objectives, and strategies for this project and how the organization will collect, track, and maintain the relevant data needed to determine if the project is achieving these standards throughout the grant period.

The goal of the project is to ensure swift resolution of all cases received by the Collin County DA through the elimination or drastic reduction of backlogged marijuana cases. As such, the project proposes to submit 872 seized cannabis samples to private, accredited laboratories for quantitative THC analysis. The Grand Jury Division of the District Attorney's Office will be responsible for creating an Excel spreadsheet of the current backlogged cases, separated between felonies and misdemeanors and will include the date the case was received. The Grand Jury Division will be responsible for submitting samples to laboratories and will add testing expenses to the spreadsheet. The Civil Division will assist the Grand Jury Division with data tracking and quarterly reporting. The Divisions will meet monthly to track results including, but not limited to, date samples submitted to laboratory, date results received from laboratory, outcome of analysis, and case disposition (dismissal, plea, conviction, etc.). Case information is collected and maintained in Odyssey, the County's end-to-end criminal justice software solution.

### **Target Group**

Describe or list the agencies, individuals, or other groups to whom you expect to provide services, including any relevant data.

Cannabis samples seized by various local law enforcement agencies will be submitted by the Collin County DA's Office for quantitative THC analysis. Prompt disposition of cases is beneficial for law enforcement and prosecution agencies, as well as for the defendants and all county residents. When any case is delayed, the criminal justice system is put on hold, and prosecution becomes more challenging. Rehabilitative services that may be sought or received as part of the pre-trial diversion program or probationary requirements may be delayed, which could lead to increased addiction, additional crimes committed, or negative health outcomes. Additionally, since there is a known link between drug use and other criminal activity, prosecution and rehabilitation of defendants positively impacts every community and resident in Collin County.

### Evidence-Based Practices

Describe the research or evidence that led the applicant to select the methods, approach, and activities described above. Where possible, cite specific research, evidence or published best/promising practices model used as the basis for the project's design. If the project approach and activities described above are not based on existing evidence, the applicant must describe why they believe the method to be promising.

According to the American Bar Association's "Criminal Justice Standards for the Prosecution Function" (4<sup>th</sup> edition), prosecutors

- should act with diligence and promptness to investigate, litigate, and dispose of criminal charges, consistent with the interests of justice and with due regard for fairness, accuracy, and rights of the defendant, victims, and witnesses (Standard 3-1.9a),
- should seek or file criminal charges only if the prosecutor reasonably believes that the charges are supported by probable cause, that admissible evidence will be sufficient to support conviction beyond a reasonable doubt, and that the decision to charge is in the interests of justice (Standard 3-4.3a), and
- should not offer evidence that the prosecutor does not reasonably believe to be true, whether by documents, tangible evidence, or the testimony of witnesses (Standard 3-6.6a).

Quantitative testing by accredited laboratories provides definitive, scientific evidence to support the appropriate prosecution of cases as noted above. Additionally, reducing the backlog of cases adheres to the promptness standard and moves cases toward final disposition, improving public safety and encouraging timely rehabilitation.

### Project Activities Information

#### Selected Project Activities

ACTIVITY	PERCENTAGE	DESCRIPTION
Crime Lab/Forensics	100.00	Quantitative tetrahydrocannabinol (THC) analysis of seized cannabis to be conducted by private, accredited laboratories in an effort to reduce backlog of felony and misdemeanor marijuana cases and move these cases toward final resolution

### Measures Information

#### Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
Document Examination: Number of pieces of evidence processed	0
Firearms/Toolmarks: Number of pieces of evidence processed	0
Forensic Biology: Number of pieces of evidence processed	0
Material (Trace): Number of pieces of evidence processed	0
Other: Number of pieces of evidence processed	0
Seized Drugs: Number of pieces of evidence processed	872
Toxicology: Number of pieces of evidence processed	0

#### Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
Number of exonerations where grant-funded evidence was tested	1
Number of pieces of evidence used in trials conducted	1
Number of plea bargains obtained where grant-funded evidence was tested	584
Number of successful convictions where grant-funded evidence was tested	585
Number of dismissals where grant-funded evidence was tested.	218
Number of defendants who successfully complete pretrial diversion program.	61

### Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to CJD that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update CJD should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to CJD.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by clicking on the **Upload Files** sub-tab located in the **Summary** tab.

### Contract Compliance

Will CJD grant funds be used to support any contracts for professional services?

- ☒ Yes  
☐ No

### Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement?

**Note:** Pursuant to Texas Government Code §556.005, a political subdivision or private entity that receives state funds may not use the funds to pay a person required to register as a lobbyist or for lobbying expenses. A political subdivision or private entity that violates this provision is not eligible to receive additional state funds

- ☐ Yes  
☒ No  
☐ N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

- ☐ Yes  
☒ No  
☐ N/A

### Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

[10/1/2019](#)

Enter the End Date [mm/dd/yyyy]:

[9/30/2020](#)

### Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (\$) of Federal Grant Funds:

[\\$3,013,982](#)

Enter the amount (\$) of State Grant Funds:

[\\$1,575,949](#)

### Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a CJD grant. However, CJD may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

- ☒ Yes  
☐ No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

3/22/2019

### **Debarment**

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

☒ I Certify

☐ Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

N/A

### Budget Details Information

#### Budget Information by Budget Line Item

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT / %
Contractual and Professional Services	Non-DNA Forensic Testing	Quantitative tetrahydrocannabinol (THC) content testing of seized cannabis. \$100 per test x 872 samples	\$87,200.00	\$0.00	\$0.00	\$0.00	\$87,200.00	100

### Source of Match Information

#### Summary Source of Match/GPI

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

### Budget Summary Information

#### Budget Summary Information by Budget Category

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Contractual and Professional Services	\$87,200.00	\$0.00	\$0.00	\$0.00	\$87,200.00

#### Budget Grand Total Information

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$87,200.00	\$0.00	\$0.00	\$0.00	\$87,200.00