

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 felony growth 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. The DA has used the current grant to reduce the 1,012 marijuana case backlog to just 283 felony and misdemeanor cases as of March 2020. 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 more readily available. The DA estimates that it will receive approximately 124 felony and misdemeanor marijuana cases per month for the remainder of this grant period and for the first six months of the next grant period. If you take our March backlog of 283 cases and add 620 more cases for April through August, we should end the current grant period with a backlog of 903 cases. We estimate it will be six months into the new grant period before the DSP labs will be able to do THC concentration testing and not be overrun by other agencies. We estimate that we will receive 744 felony and misdemeanor cases in the first six months of the new grant period. Taking our estimated August 2020 backlog of 903 cases plus 744 cases in the first six months of the next grant year, we will have a total of 1,647 marijuana cases in need of quantitative THC concentration testing. Testing those cases at the current rate of \$95 per case would require \$156,465 in funding.

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 no more than 45 days, Collin County DA staff will review each 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 the private, accredited laboratory that won the bid and was awarded the contract to perform quantitative THC analysis under the last grant. This lab is accredited by ANSI-ASQ National Accreditation Board (ANAB) to perform testing on seized drugs. This lab 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 1,027 seized cannabis samples to a private, accredited, laboratory 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.