

Memorandum



DATE: May 16, 2008

TO: Members of the Public Safety Committee

SUBJECT: **DWI No-Refusal Initiative**

Attached is briefing material on the "DWI No-Refusal Initiative" to be presented to the Members of the Public Safety Committee on Monday, May 19, 2008.

A handwritten signature in black ink that reads "Ryan S. Evans".

Ryan S. Evans
First Assistant City Manager

alb

Attachment

DWI NO-REFUSAL INITIATIVE

Detention Services Section



May 19, 2008

■ DRIVING WHILE INTOXICATED

– **IMPLIED CONSENT LAW** (Chapter 724 Texas Transportation Code)

➤ **REQUIRES DRIVERS TO PROVIDE SAMPLE**

➤ **DRIVERS MAY REFUSE**

➤ **SANCTIONS FOR REFUSAL LESS SEVERE THAN A
CONVICTION FOR DWI**

■ EVIDENTURY SEARCH WARRANT FOR BLOOD SAMPLE

- REDUCE REFUSALS
- INCREASE PROPORTION OF DRIVERS WITH BLOOD ALCOHOL EVIDENCE
- REDUCE NUMBER OF TRIALS
- INCREASE CONVICTION RATE
- REDUCE NUMBER OF PERSONS DRIVING IMPAIRED
- REDUCE AMOUNT OF OVERTIME FOR OFFICER TESTIMONY

HISTORY

- **FIRST USED IN MARICOPA COUNTY, ARIZONA IN LATE 1990'S**
- **USED IN MOST STATES ON LIMITED BASIS**
- **USED EXTENSIVELY IN ARIZONA, MICHIGAN, OREGON, UTAH, CALIFORNIA & NEVADA**
- **TEXAS**
 - **SPECIAL INITIATIVES**
 - **HOUSTON, EL PASO, FORT WORTH, PLANO & ARLINGTON**
 - **FULL TIME USAGE**
 - ❖ **DALWORTHINGTON GARDENS**
 - ❖ **WYLIE PD**

PROCEDURE

Officer makes arrest for offense of Driving While Intoxicated

- Offers the subject the opportunity to provide voluntary sample of breath or blood
- Subject refuses to provide sample
- Officer contacts Detention Services Section Supervisor
- Officer and supervisor complete the Warrant/Affidavit packet
- Officer swears to information before On-duty Magistrate
- Supervisor contacts Judge at home via telephone
- Supervisor faxes warrant and affidavit to the Judge who signs the warrant and faxes back to officer
- Officer directs the jail nurse to collect blood sample from subject
- Officer completes arrest report and places blood in evidence
- Case is filed with the Dallas County District Attorney's Office

MEMORIAL DAY INITIATIVE

DATE:

Begin: 7:00pm, Friday, May 23, 2008

End: 8:00am, Tuesday, May 27, 2008

MEMORIAL DAY WEEKEND 2006

- **52 Persons Arrested**
- **23 Refused to provide sample**

MEMORIAL DAY WEEKEND 2007

- **41 Persons Arrested**
- **21 Refused to provide sample**

July 4th INITIATIVE

DATE:

Begin: 7:00pm, Thursday, July 3 , 2008

End: 8:00am, Monday, July 7, 2008

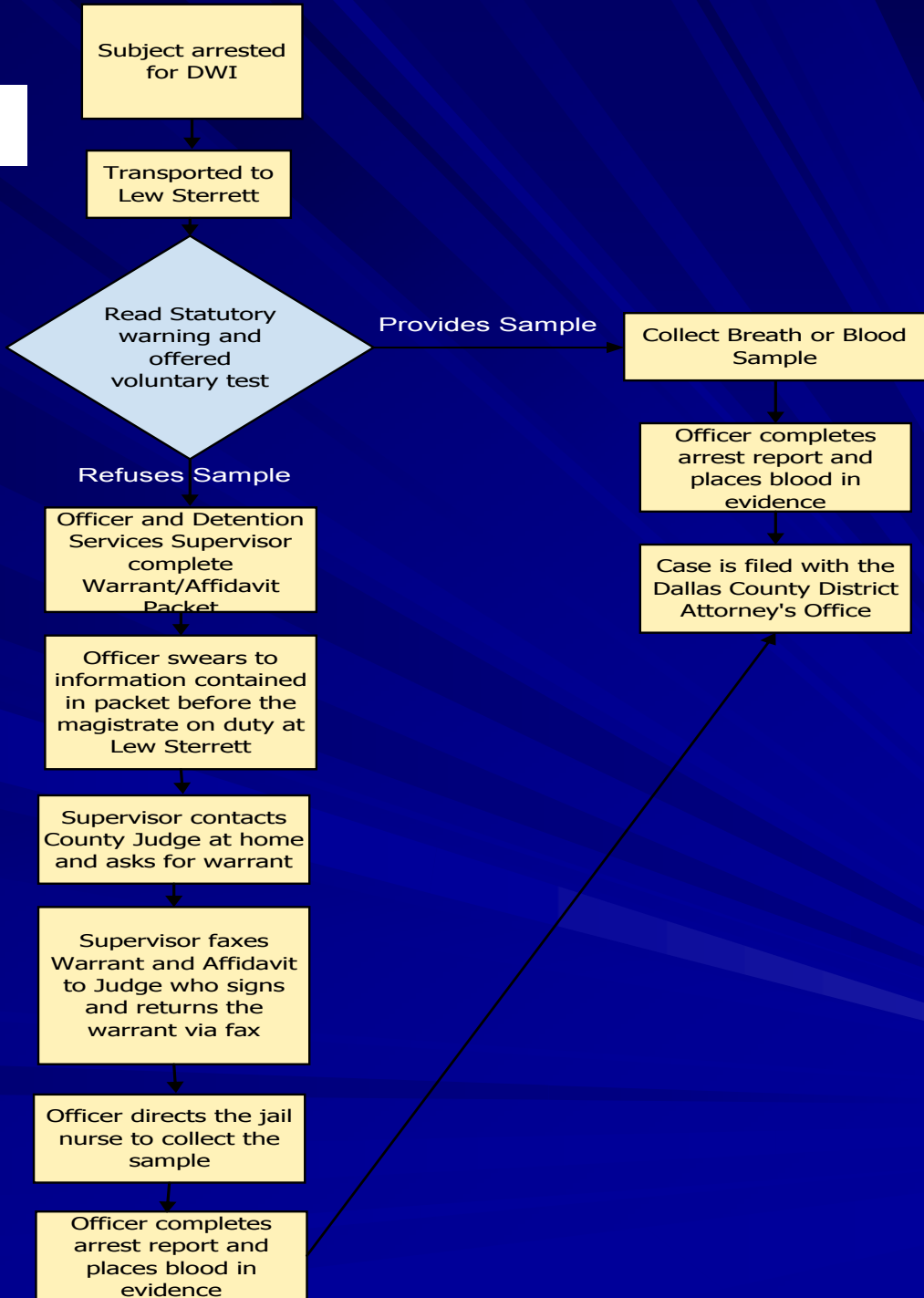
JULY 4TH WEEKEND 2006

- **45 Persons Arrested**
- **16 Refused to provide sample**

JULY 4TH WEEKEND 2007

- **40 Persons Arrested**
- **24 Refused to provide sample**

DWI BLOOD SEARCH WARRANT



MEDIA

- **PRESS RELEASE**
- **PUBLIC SERVICE ANNOUNCEMENT**
- **PRESS CONFERENCE**
- **MEMORIAL DAY INITIATIVE WILL COINCIDE WITH “CLICK IT OR TICKET” WHICH BEGINS MAY 25, 2008**

QUESTIONS?