

CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

TO: Charles A. McClelland, Jr.
Chief of Police

FROM: D. S. Perales, Assistant Chief
North Patrol Command

VIA: K. A. Munden, Executive Assistant Chief
Field Operations

DATE: December 9, 2011

SUBJECT: **Substation Intoxilyzer Proposal**

The Harris County District Attorney's Office proposed a program named "Solutions for Impaired Driving in Harris County," which includes an offer by the District Attorney (DA) to help the Department place additional Intoxilyzers in areas of the city that have the highest rates of DWI arrests. The purpose of the additional Intoxilyzers is to potentially increase the efficiency in processing DWI suspects by HPD officers, decrease the amount of time HPD officers are out of service processing DWI suspects, and help reduce the number of DWI-related incidents, accidents, and fatalities in the City of Houston. From a law enforcement perspective, an increased number of locations where a breath specimen may be obtained from a DWI suspect would be beneficial in allowing officers quicker access to test results, which would improve efforts in prosecuting DWI offenses.

Based on the DA's commitment to help the department reduce the incidence of drunk driving in and around the City of Houston, and taking into account the Department's reduced resources that limit the number of Intoxilyzers that can be implemented at this time, I suggest that we initiate a plan with a limited number of Intoxilyzers that fits into the objectives sought by the DA. The proposition would have benefits in the short term, and if the results of the initial project are successful, we could make necessary adjustments and then initiate a second phase of Intoxilyzer installations if needed.

Captain Driskell and I have developed a plan that would allow HPD to benefit from the DA's offer of providing Intoxilyzer instruments to the Department, but would change the business practice of HPD's current method of processing DWI suspects. *The plan that is outlined below would utilize funding the DA offered and would allow the department to function with new state of the art technology, while providing the DA's office with a more efficient and effective way of receiving evidence.* The option would help improve overall enforcement efforts by allowing officers increased access to additional breath test locations, as well as updating our current outdated analog video to a digital video system by which evidence can be electronically stored and indexed as well as displayed. This option also requires the resolution of certain IT/personnel/equipment issues prior to placing a new Intoxilyzer instrument in any of the proposed locations.

BACKGROUND

The first step in our process was to select which stations would house the new Intoxilyzers by identifying specific areas within the City of Houston that currently have the highest statistical rates of DWI-related arrest activity. Intoxilyzer instruments would then be placed in the substations in close geographical proximity to these areas, or in substations that would provide greater convenience and efficiency for patrol officers in making DWI arrests. After examining the data,

we determined that the areas with the highest incidence of DWI-related activity were the Washington Avenue/Midtown area (1 and 2 District), the Richmond Corridor (18 District), Hwy 59 (7 and 8 District) and areas along I-45 South (10, 11 and 14 Districts) and particularly the North Freeway (2, 3, and 6 Districts).

The number of bars and restaurants in the Washington Avenue/Midtown area has grown considerably over the last several years, and the DWI-related activity has increased along with this expansion. The Richmond corridor, from the Galleria west through 18 District, has for many years been heavily populated with bars and restaurants and has always been an area with a high rate of DWI-related arrest activity. The North Freeway and the Gulf Freeway have considerable DWI traffic, especially at night and on the weekends, and are the areas where we have most of our high-profile DWI-related accidents and fatality accidents. Increased access to more convenient breath test locations will assist in obtaining the best evidence possible to aid the DA's office in prosecuting DWI offenses.

Currently, HPD has three permanent breath instruments at two locations: Central Intox (2) and Southeast Division (1). HPD also has 4 BAT vans that can be deployed to various areas of the City. In addition to the current HPD Intoxilyzer locations, there are 12 additional breath test locations in Harris County that could be utilized by officers as a matter of convenience based on the location of their traffic stop or DWI-related accident.

While DWI Task Force officers have already been made aware of the change in technical supervision of breath instruments, and have been provided with keys to all DPS-supervised Intoxilyzer instruments throughout Harris County, officers need to be directed and advised that it is permissible for them to use any breath test location available in Harris County, as long as that instrument is currently under the supervision of DPS.

After reviewing the historical data regarding DWI-related arrest activity and the locations of all DPS-supervised breath instruments in Harris County, we determined that four (4) HPD locations could benefit from adding a breath instrument to their areas: Midwest substation, and the Westside, North, and Northeast Command Stations.

INTOXILYZER ENHANCEMENT PROPOSAL

I propose that we accept four (4) new Intoxilyzer instruments from the DA's office and ask the DA's office for additional funds to cover costs needed to outfit the four identified stations with new Intox facilities. Supplemental funds will also be needed to train selected officers to become breath test operators, staff the new proposed intoxilyzer facilities and staff the additional DWI overtime units. Furthermore, a portion of the money would be needed to upgrade the almost obsolete analog video system currently in place at the Central Intox and Southeast Command facilities with the new digital video system being used in our patrol vehicles.

A preliminary inquiry of the respective captains at the four identified stations has revealed that sufficient space is available for a DWI/Intox area at Midwest, Westside, North, and Northeast Command Stations. These stations also have sufficient holding facilities for DWI suspects as well.

Policy Change Recommendation

Additional benefits to adding the four breath instruments at the four stations noted above is that we would like to explore the possibility of booking all male DWI suspects at these four stations. This would greatly reduce the current drive time for officers having to transport DWI prisoners to the Central Jail. Each of these stations currently has AFIS machines and unlike other hold prisoners, no interview of DWI suspects is needed or typically done. DWI prisoners can be booked directly into one of the four stations and then transferred to the Central Jail within the normal 4-hour transfer period, as currently practiced at these stations. Officers could enter their hold card information from the station, complete their DWI reports, and fax the paperwork to the DWI Hold Desk using current procedures in place when DWI suspects are booked directly at Southeast. Potentially, this would be a substantial benefit to the Department and to the citizens of Houston in allowing the arresting officer to return to the call for service loop sooner.

In order to implement the system outlined above there will be associated costs relating to, but not limited to, the purchase of the instruments. The Department would also need funds to purchase specific equipment to house the instruments, as well as to provide required training in order to certify officers as breath test operators. This is in addition to the technological costs associated with the proposal. The total outline of technological expenses involved with this proposal was prepared by David Morgan, Deputy Director, Technology Services, along with a timeline for the estimated completion of the IT issues.

IT costs. (this includes the purchase of the four new camera systems, as well as upgrading the Central and Southeast video systems, a network fiber installment at Northeast, and all Data Center processing and storage upgrades), plus annual recurring costs (including network fiber installment and camera maintenance). **Total Cost to implement this plan for the first year, including Intoxilyzer equipment, video and intoxilyzer room support equipment, one-time costs, and one year of annual recurring costs, is \$475,148.00.**

(See attached spreadsheets for a complete breakdown of all costs)

POTENTIAL ISSUES

DPS TECHNICAL SUPERVISOR'S INPUT

Captain Driskell and I have spoken with Mr. Mack Cowan, Scientific Director, and Mr. Randall Beaty, Deputy Scientific Director, with the Texas Department of Public Safety (DPS), to discuss the Harris County DA's office's offer to purchase additional Intoxilyzer instruments at four HPD Command Stations throughout the city.

Both Mr. Cowan and Mr. Beaty expressed their concerns that under current staffing conditions, DPS would be unable to go along with the DA's proposal as planned. Mr. Cowan explained that DPS currently has two technical supervisors available to handle 22 breath instruments in Harris County. To put this in perspective, he explained that previously Harris County and Houston had a

total of six technical supervisors to handle all 22 instruments, and under current staffing levels, he has two people doing the workload of six. He further explained that they are currently training a third technical supervisor, but it will take another two months to be completed. DPS is attempting to hire a fourth employee, and plans to hire a fifth by June, but it will take several months to get them properly trained.

In light of Mr. Cowan's concerns, I outlined my proposed option and asked if DPS would be willing to take on the responsibility of four new breath instruments at the four stations we identified (Westside, Midwest, North, and Northeast). Mr. Cowan and Mr. Beaty both said DPS would be willing to consent to the addition of the four new breath instruments if it occurred after mid-summer, and as long as DPS had reached full staffing with five technical supervisors for Harris County.

With this in mind, in May of 2011, DPS became the Technical Supervisor for all of HPD's breath instruments. Five months later, in October of 2011, DPS then became the Technical Supervisor for all of the breath instruments located in Harris County. As a result, an officer, regardless of agency, can now take their DWI suspect to any DPS-supervised Breath Test location in Harris County to obtain a breath specimen. However, only a breath test-certified employee can administer the test. If an HPD officer who was breath test-certified was on a DWI-related traffic stop, or working a DWI-related accident scene, he/she could use any breath test instrument in Harris County that was convenient to his/her location. For patrol officers who are not breath test-certified, they could take their DWI suspect to the nearest breath instrument, but would have to get a breath test-certified officer/deputy to administer the breath test.

Lastly, Mr. Cowan and Mr. Beaty also advised us that DPS intends to research the usage levels of the breath instruments already installed in Harris County to see if they are being utilized at their current locations. Their office is aware that instruments at certain locations are either being underutilized or not being used at all. After their research is conducted, it is possible that some breath instruments could be moved to other locations, as long as officers/deputies were willing to utilize them, or DPS could simply remove them from service.

The bottom line from the DPS is that with the shortage of technical supervisors currently employed by DPS, they could not support the expansion of new breath instruments until at least June or July of 2012.

TECHNOLOGICAL ISSUES AND COSTS

Technology Services has estimated that if implementation of the proposal started today, it would require at least five months to complete. The longest lead times involve ordering communications circuits and, if required, RFP and/or bidding involved with camera equipment. The final schedule will depend on City ITD's ability to contract for data communications circuits.

Once completed, the department will have a comprehensive video management system, with every in-car video and every Intox video being available on one main server to be viewed by authorized persons almost anywhere in the department, as well as within the DA's network.

SUMMARY

To summarize, I propose that the department implement the aforementioned plan and accept four new Intoxilyzer instruments and additional funding needed to implement this system from the DA's office and place one in each of the Westside, Midwest, North, and Northeast Command stations.

The benefits associated with accepting the DA's offer and implementing the alternative plan include more timely-obtained breath and blood evidence for DWI investigations, decreased travel time for officers in transporting and processing DWI suspects if officers are allowed to book male DWI suspects at these stations, reduced overcrowding at the Central Intox facility during peak time periods, and ultimately returning officers to the call for service loop more quickly.

If you have any questions regarding this proposal, please feel free to call.

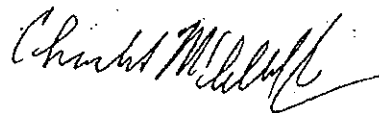


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DSP:dsp/js

Attachment

KA Mend 12/13/11



12-13-11