

Texas Law Enforcement Phlebotomy Program

Sgt. Daryn Briggs #1017
Sgt. Blake Jackson #1143
Denton, TX PD

1

Sgt. Daryn Briggs

- Officer since 1994, Sergeant since 2002
- Currently Support Services Sergeant over Fleet and Quartermaster
- Previously Traffic / DWI, Patrol, Crimes Against Persons, & Narcotics Sgt
 - Majority of my career has been night shift, field operations based
- Instructor certifications in SFST, Firearms, EVOC
- BS in Criminal Justice from Lamar University
- Graduate of Northwestern University School of Police Staff & Command, class #579

2

Sgt. Blake Jackson

- Officer since 2014; Sergeant since 2019
- Current DWI Sergeant, previously in patrol and training
- SFST Instructor/Drug Recognition Expert
- Lifelong student:
 - BBA & MS in Economics
 - MS in Criminal Justice
 - Doctorate in Criminal Justice (Expected May 2025)
 - Joined military to drive a forklift & pay for more school

3

Two DWI sergeants from Denton PD

4

Ask questions add context!

5

**Who is currently available for
LEADRS warrants?**

6

Problems? Benefits?

7

About Denton, TX

- Denton encompasses approximately **98 square miles**, located at the tip of the economic “*Golden Triangle*” of Ft Worth, Dallas, & Denton
- 21 miles of interstate highway; I-35, I-35E, I-35W
- Over 70 miles of state highway; US 77, 377, 380, FM roads
- County seat of Denton County
- 2023 population estimate **150,000**
- Home to the University of North Texas and Texas Women’s University main campuses and a satellite campus of North Central Texas College with over **45,000 students** between those campuses
- Denton Enterprise Airport 5th busiest general aviation airport in TX
- Major employers: manufacturing, distribution, healthcare, government

8

About Denton PD

- **214 civil service sworn positions**
- **Currently, 102 sworn officer positions in Operations**
 - 76 Patrol – 12 hr shifts
 - 8 Downtown Unit – split between day & night shifts
 - 6 Mental Health Unit
 - 12 Traffic Units - Motors, CMV, DWI, Hit & Run
 - Also SRO, CIB, Recruiting, Training, CRO, Admin sections
 - Civilian Public Safety Officer unit
- **Operate our own jail w/ civilian jail staff**
 - Own Intoxilyzer instrument

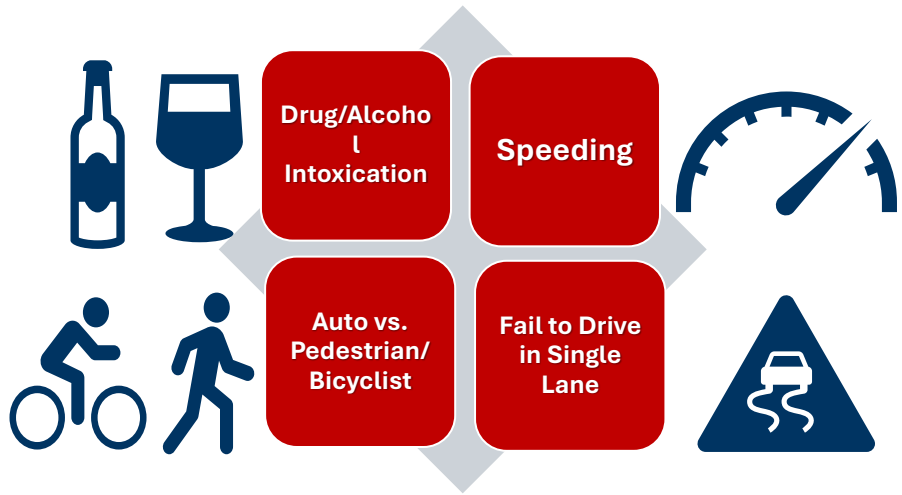
9

The Problem

November 7th, 2000

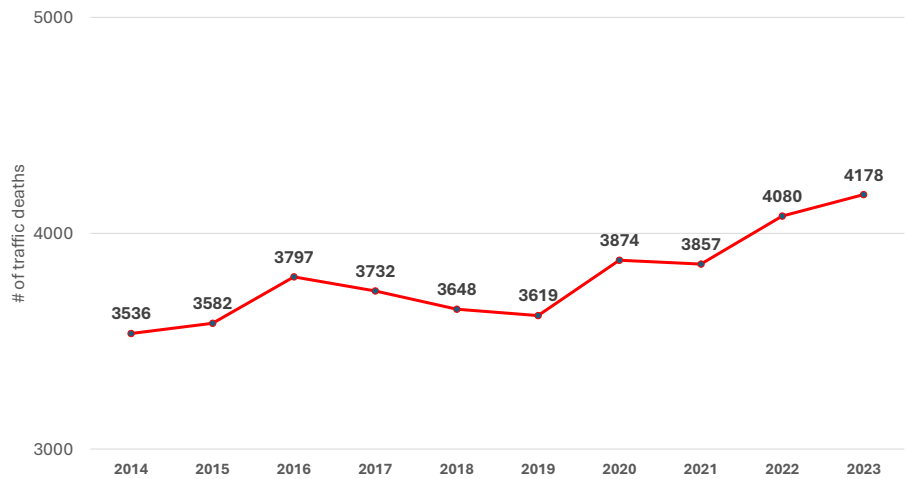
10

Primary Factors in Fatal Crashes



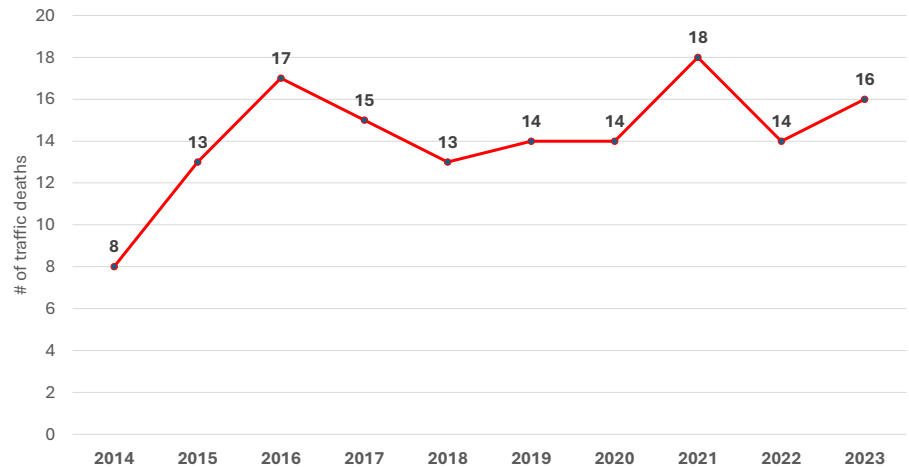
11

Fatality Crashes in Texas



12

Fatality Crashes in Denton



13

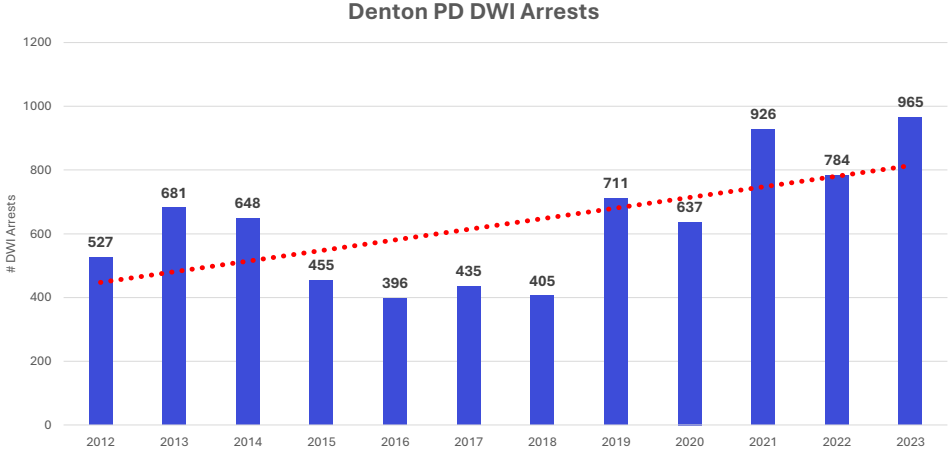
Why DWI Enforcement?

- In 2019, in the US, **10,196** people were killed in motor vehicle alcohol-impaired crashes (BAC .08 or greater)
 - **1,338** in Texas – led the nation
- In 2020, the number was **11,718**
 - **1,533** in Texas – led the nation
- In 2021, the number was **13,384**
 - **1,906** in Texas – led the nation
- 2003-2018 total in-theater deaths related to Iraq & Afghanistan wars ~ **7,200**

Source: National Highway Traffic Safety Administration
<https://www-fars.nhtsa.dot.gov/States/StatesAlcohol.aspx>

14

DWI Enforcement - Denton



15

Denton Impairment & Crashes

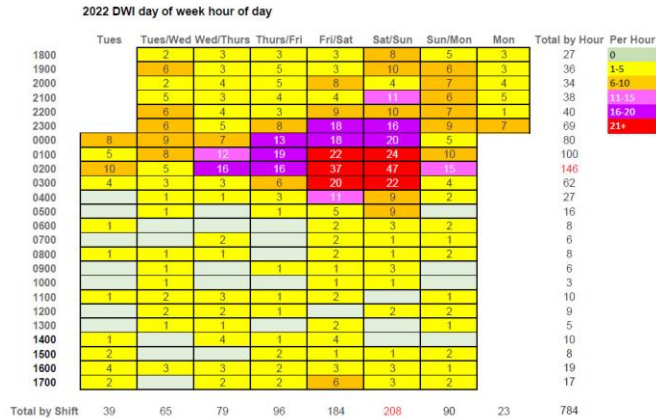
- CRIS Query of all crashes involving a driver under the influence of alcohol or a drug (BAC over 0.01 or positive for drugs, medications)



- Statewide in 2023, over 630,000 reported crashes; just under 28,000 of them were under the influence of alcohol or drug, roughly **4.3%** of all crashes had an impairment level
- Denton in 2023, over 3,100 reported crashes, just under 200 of them were under the influence of alcohol or drug, roughly **6.2%** of all crashes had an impairment level

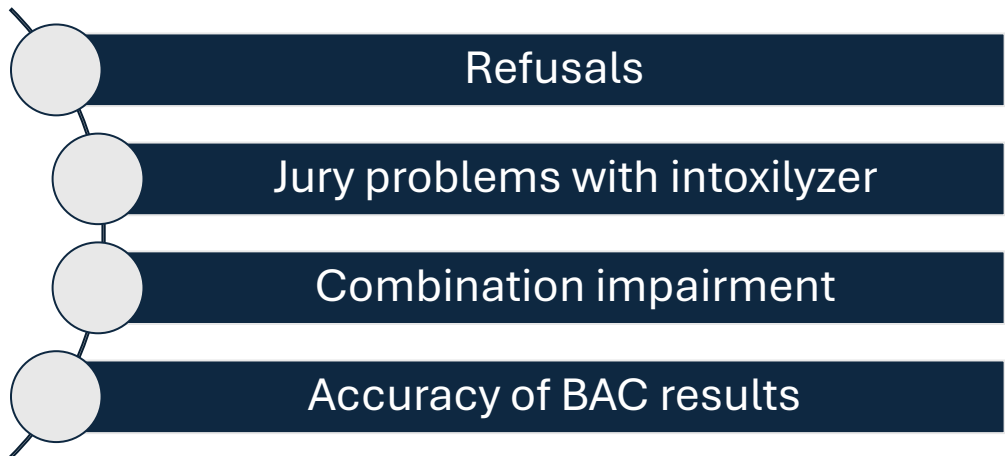
16

DWI Day of Week / Hour of Day



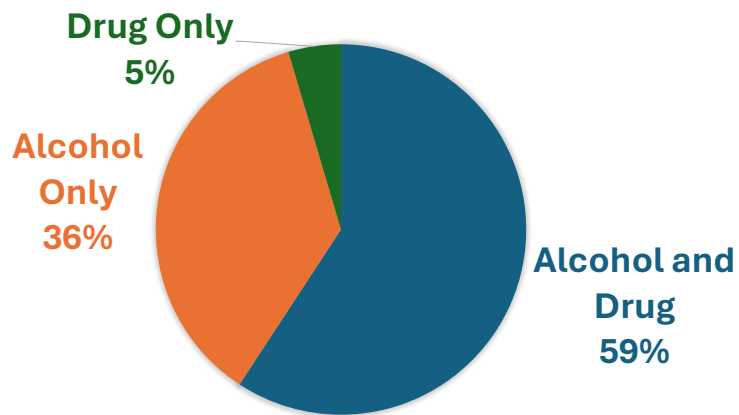
17

Why blood?



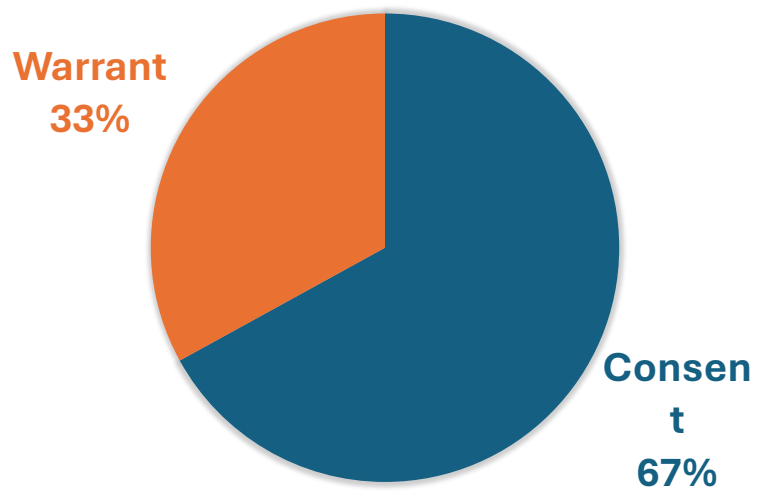
18

Suspected Impairment



19

Phone calls...



20

Phone calls...

- Denton should produce 300+ blood warrants per year
- Not evenly distributed
- Centered around holidays
- Warrants can vary by month (22% - 40%)
- Your milage may very (Population, culture, arrestees)



21

CCP 724.017 Taking of Blood Specimen

- (a) Only the following may take a blood specimen at the request or order of a peace officer under this chapter:
 - A physician
 - A qualified technician
 - A registered professional nurse
 - A license vocational nurse
 - A license or certified EMT-Intermediate or EMT-paramedic
- (a-1) The blood specimen must be taken in a sanitary place.

22

Who can draw blood

- A phlebotomist is considered a qualified technician:
 - Brown v. State, No. 12-15-00205-CR, 2016 WL 4538609
 - State v. Bingham, 921 S.W.2d 494
- But qualifications must be proven:
 - Torres v. State, 109 S.W.3d 602

23

Sanitary place

- State v. Johnston 336 S.W.3d 64
 - Upheld blood draw in jail. Found EMT was not qualified technician (statue updated shortly after case was decided)
- Battles v. State, No. 05-13-00106-CR, 2014 WL 5475394
 - Sanitary placed focused on specific area where blood was drawn (arm/chair). Upheld blood draw in jail intoxilyzer room.

24

Sanitary place

- Zalman v. State, No. 13-13-00471-CR, 2015 WL 512914
 - “While we agree that an environment totally devoid of insects would be an ideal environment in which to draw blood, *Schmerber* does not require an ideal environment, only a safe one”

25

No Refusal

If your agency is going to put in the work to stand up and administer an in-house phlebotomy program, you need to be a 24/7/365 no-refusal agency.

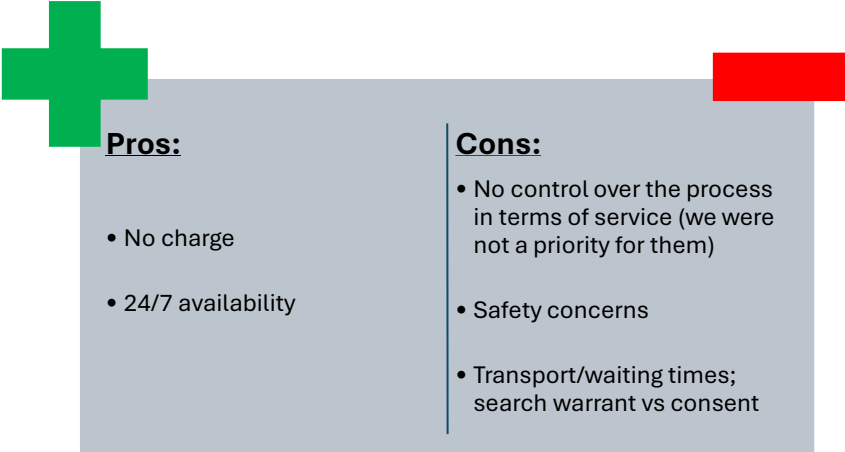
26

Remember...

- Although obtaining a specimen is the ultimate goal, a good DWI investigation should not solely rest on the breath test report or lab report
- You can make your case long before that point with a solid investigation during the vehicle in motion and personal contact phases.
- The lab report should just be a bonus in most cases

27

Using local hospitals...



Pros:	Cons:
<ul style="list-style-type: none">• No charge• 24/7 availability	<ul style="list-style-type: none">• No control over the process in terms of service (we were not a priority for them)• Safety concerns• Transport/waiting times; search warrant vs consent

28

Where do you start?

- **Does your jurisdiction have a big enough DWI problem?**
 - Problem isn't just defined by the number of arrests
- **Do you have a facility where blood draws can be completed?**
 - TRC Ch 724.017 defines blood draw statutory procedures
 - Minimum of a qualified technician & sanitary place
 - Get your District Attorney / Prosecuting Attorney on board with idea
- **How are you going to pay for it?**
 - City / County budget

29

Where do you start?

- **Who is going to perform the draws?**
 - Talk to your city/county Risk Management section first
 - FD, Officers, Jail staff, 3rd party (contracted technicians, hospital staff, etc.)
- **Blood draw options**
 - Hospital/clinic
 - County jail (medical staff)
 - Local jail
- **Write SOPs**
- **Get media coverage!**

30

What do you need?

- **Secure and sanitary area**
- **Phlebotomy chair**
- **Phlebotomy cart or storage cabinet**
- **Cleaning supplies**
- **DPS blood vial kit**
- **Blood draw supplies**
 - Medical gloves
 - Tourniquet
 - BZK wipe or non-alcohol-based cleaning wipe
 - Vacutainer with tubing
 - Gauze
 - Bandage
 - Medical tape
- **Qualified technician**

31

Draw times - 2023

Average	Hospital Draw	Jail Draw	Savings
Consent	51 minutes	36 minutes	15 minutes
Warrant	107 minutes	96 minutes	11 minutes

Median	Hospital Draw	Jail Draw	Savings
Consent	40 minutes	30 minutes	10 minutes
Warrant	96 minutes	89 minutes	7 minutes

32

Draw times - 2024

Average	Hospital Draw	Jail Draw	Savings
Consent	51 minutes	34 minutes	17 minutes
Warrant	114 minutes	79 minutes	35 minutes

Median	Hospital Draw	Jail Draw	Savings
Consent	46 minutes	30 minutes	16 minutes
Warrant	106 minutes	69 minutes	37 minutes

33

2023 / 2024 jail draws

Average	2023	2024	Savings
Consent	36 minutes	34 minutes	2 minutes
Warrant	96 minutes	79 minutes	17 minutes

Median	2023	2024	Savings
Consent	30 minutes	30 minutes	No change
Warrant	89 minutes	69 minutes	20 minutes

34

Financial Savings – back of the envelope

- A very conservative savings:
 - \$22,900 in 2023
 - \$33,200 in 2024
- But wait, there's more...

35

Other savings/factors

- Increased safety for officers and arrestees
- Multi-officer responses are common
- Increased synergy
- Faster blood draws mean better blood draws
- Agency controls process
- Cultural impact

36

The green wave



- Cannabis legalization has nationally caused:
 - A 6.5% increase in injury crashes
 - A 2.3% increase in fatal crashes
- In Colorado, from 2013 – 2018:
 - A 151% increase in cannabis traffic fatalities
 - A 35% increase in all fatalities
 - In 2017, 21.3% of all fatalities were related to cannabis.

37

No one wants the 1AM phone call

38

If only it was this easy...



39

It is an Infinite Game



40

Questions?

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