

PROBLEM IDENTIFICATION AND SOLUTION

I. Problem Identification

According to the US Census Bureau estimates, Fort Bend ranks 7th in population growth in Texas (population 822,779 - US Census Bureau, 2020) and experiences challenges similar to those of other communities regarding traffic safety and impaired driving. TxDOT reported 4,150 traffic fatalities statewide in 2024, down from 4,283 in 2023. Of those, 1,050 deaths were DUI-related, including 695 drivers who died while driving under the influence of alcohol. Fort Bend County reported 283 DUI crashes in 2024 up from 264 crashes in 2023. (TxDOT DUI Crashes & Injuries by County Map 2024) and ranks 4rd among the 12 counties in the Greater Houston area, with Harris County ranked 1st in DUI-related crashes statewide.

Fort Bend County covers over 885 square miles, including over 437 square miles of undeveloped farmland. In 2024, the fatalities in rural areas (2,080) accounted for more than half of the state's total traffic fatalities (4,150). As over 50% of Fort Bend County is considered rural, this risk factor increases the likelihood of deaths on Fort Bend County roads.

Most alcohol-related fatalities in Fort Bend County occur between 0200 and 0259 hours. (TxDOT DUI Crashes by Hour & Day of Week 2024).

Between 2021 and 2022, the number of fatal crashes and fatalities in Fort Bend County declined from 49 fatal crashes in 2021 to 37 in 2022. However, in 2023, while the number of deadly crashes decreased (41 fatal crashes) from 2022, there was a noticeable increase in the number of fatalities (44 fatalities), including nine DUI-related fatalities (up from seven deaths in 2022).

In 2024, seven out of 38 fatal crashes in Fort Bend County were due to alcohol-impaired drivers (TxDOT DUI Crashes & Injuries by County 2024). Among the DUI-related fatalities, nine of these deaths were alcohol-impaired drivers, an increase from only five deaths in 2023. These numbers ONLY include alcohol-related fatalities and not drug-impaired drivers, which reflects even higher rates.

The impaired driving problem Fort Bend County, Texas (FBC) combats is the same nationwide. In Fort Bend County, traffic safety concerns include:

Increased High Average Blood/Breath Alcohol Concentration (BAC): **Fort Bend County does not have a comprehensive system to track individuals' Blood Alcohol Content (BAC) levels for all DWI filings.** In 2023, FBC reported 1,361 DWI-related cases with 1,031 defendants. However in 2024, Fort Bend filed 1,452 DWI-related cases with 1,101 defendants reflecting a 6.5% increase from 2023. with 29% of those filing DWI>0.15 BAC. In 2023, 32% of 1,335 DWI cases filed charges DWI >0.15 BAC (2023 FBC DWI Filings as of 12/31/23), resulting in Fort Bend County aligning with the statewide trend toward dangerously high average BAC.

Low Conviction Rates Due to High Refusal Rates/Lack of Blood Specimen For Proof: However, Fort Bend County is no different from other counties where the conviction rates are substantially lower when

no blood specimen is collected, and officers are limited to breathalyzer results to prove intoxication. While FBC obtains specimens (via blood warrant or consent) 100% of the time during No Refusal Operations, we have not duplicated this success with cases filed outside of No Refusal Operations. Whether a refusal to give a specimen or not is collected, it becomes exponentially difficult for the officers and prosecutors to prove intoxication and obtain convictions. Both factors lead to more impaired drivers on Fort Bend roadways and fewer drivers being held accountable.

Cumbersome Process to Obtain DUI Warrants: Fort Bend County lacks a streamlined process for processing DWI-related warrants efficiently. It is common for a DUI arrest to take 3-5 hours to complete as no procedure exists outside No Refusal Operations to assist officers in collecting and preserving time-sensitive evidence, which dissipates for every minute collection is delayed. The longer it takes to obtain a warrant and complete the blood draw, the less likely the evidence obtained will be helpful to prove intoxication.

Lack of Trained DUI Officers: Fort Bend County has few officers trained explicitly in alcohol or drug detection. Trained officers must ensure that impaired individuals are identified and taken off the road. With the few officers trained in alcohol and drug detection, a blood specimen must be obtained in every case so that evidence is not lost. Without the continued partnership with TxDOT, we cannot continue to successfully prosecute DUI offenders and remove dangerous drivers to maintain traffic safety in Fort Bend.

II. Problem Solution

Fort Bend County is in its fifth year partnering with TxDOT through the No Refusal Program. It strives to improve evidence collection, conviction rates, training for officers, and treatment available to offenders to reduce the number of impaired drivers on Fort Bend County roads. FBC continues to work closely with the community to increase awareness through media events, press releases, and community outreach. By continuing to fund No Refusal Operations, TxDOT is an essential partner in reducing the number of DUI crashes and fatalities in Fort Bend County. This year, FBC added two additional No Refusal Operations, outside traditional holiday weekends, to address impaired driving around local events such as the BBQ Cook-off at Rodeo Houston and opening weekend for the Fort Bend County Fair. These operations resulted in three additional DUI arrests.

FY21 was the first year Fort Bend County had a No Refusal grant and developed a DUI tracker to identify trends and compare data. Despite our efforts, DWI filings increased by over 49% between 2020 and 2023. These numbers include only cases filed per BAC and do not include first-time offenders, repeat offenders, or felony cases with a high BAC. Based on the DWI Warrant Tracking log, which contains dates and times for blood draw warrants issued outside No Refusal Operations, the highest number of DUI arrests occur within the last two weeks of the month (depending upon how holidays fall on the calendar). Therefore, FBC intends to expand the No Refusal schedule by adding two-weekend operations during non-holiday months for 15 extra nights. Without funding from TxDOT, FBC cannot develop the current program to address the increased numbers of impaired drivers on Fort Bend County roads to protect its citizens.

FBCDA recognized that DUI suspects refusing to provide breath or blood specimens to officers was an important issue to address to problem protect drivers on Fort Bend County roadways. Courts have held

that obtaining a search warrant for blood is a legal form of specimen collection. To address these challenges, we have created a standardized blood draw warrant format and prosecutor training beyond the No Refusal program to address timelines. FBCDA embraces this approach to work closely with law enforcement agencies, judges, and qualified technicians to obtain search warrants and blood samples from DUI suspects refusing to provide a specimen. Utilizing this plan, FBCDA will be able to quickly and effectively obtain blood evidence and hold impaired drivers responsible in court.

FBC will continue conducting No Refusal Operations on holiday weekends (10 pm-6 am) corresponding with the deadliest hours and days of the week (TxDOT DUI Crashes by Hour & Day of the Week 2023). FBC will conduct 25 nights of No Refusal Operations in FY26, including months outside of holiday weekends. On No Refusal Holiday weekends (25 nights), prosecutors, an administrative assistant (AA), and qualified technicians (QT) work at designated locations where officers bring DUI suspects to obtain blood search warrants. Also, FBC secures locations for No Refusal Operations with a separate sanitary room equipped with video equipment, a QT area, and a space to restrain non-compliant suspects. Once drafted, officers present warrants to an available judge/magistrate in person or electronically. Once a Judge signs a warrant, the QT legally draws the blood. This streamlined process significantly reduces the time for a DUI investigation, eliminating the officer's need to locate a hospital and willing medical staff to assist, thereby keeping emergency rooms free for those with other medical needs. The additional 15 nights on non-holiday months will use only an additional prosecutor to assist law enforcement in obtaining warrants. Administrative Assistants (AAs) assist prosecutors and officers, copy warrants, and follow up after the operation to ensure all warrants/returns are filed correctly. All AAs are notaries and can swear to warrant affidavits. They are also responsible for tracking statistics related to specimens collected, refusal and conviction rates, and updating the tracker monthly.

In FY26, FBC will work to acquire at least 100 blood search warrants or consent after initial refusal over 25 No Refusal Holiday dates. We will evaluate all DUI arrests and track rates of refusal, consensual specimens, conviction rates, and warrants executed. We will work to train law enforcement officers to be more effective in DUI enforcement and continue to encourage law enforcement participation in our No Refusal initiative by increasing patrols during the peak times to encounter impaired drivers. With TxDOT's support, this grant empowers us to improve DUI enforcement while educating the community to raise awareness of the dangers of impaired driving. By maintaining the No Refusal Program through this grant, TxDOT will support Fort Bend in the fight to eliminate impaired driving-related fatalities.

III. Project Evaluation

FBC will measure the grant's efficacy by tracking statistics and analyzing data for trends, as well as a media campaign to educate citizens about the dangers of impaired driving. Through these efforts, we aim to improve the process for obtaining blood warrants and specimens in all DUI cases by tracking the number of DUI arrests, rates of refusal, rates of consensual specimens given during DUI arrests, conviction rates, and blood warrants executed.

IV. Objectives & Goals

- Identify DWI suspects refusing to provide breath/blood specimens per quarter. Review DWI cases after each No Refusal Weekend.

- Obtain preliminary probable cause information from arresting officers during each No Refusal Weekend. Review after each No Refusal Weekend.
- Prepare blood search warrants during each No Refusal Weekend. Review after each No Refusal Weekend.
- Review and evaluate blood search warrants written by arresting officers during each No Refusal Weekend.
- Present blood search warrants to judges/magistrates for review and signature. Review after each No Refusal Weekend.
- Revise blood search warrants and present to judges/magistrates as needed during each No Refusal Weekend.
- Complete and legally record blood search warrants after each No Refusal Weekend.
- Obtain Blood Alcohol Concentration (BAC) information
- Observe changes, if any, in breath test refusal by percentages of DWI arrestees.
- Observe changes, if any, in consensual samples given by percentages of DWI arrestees.
- Observe changes, if any, in blood sample refusal percentages of DWI arrestees.
- Track impaired-driving fatalities and observe changes over time, if any.
- Track impaired-driving cases and observe changes over time, if any.
- Provide quarterly training to at least 25 patrol officers on best practices collecting evidence in Driving While Intoxicated (DWI) investigations.
- Train at least 25 local law enforcement officers quarterly to recognize and preserve novel evidence in DWI investigations.
- Conduct debriefing with at least 25 local law enforcement officers quarterly to modify and enhance the training regimen related to DWI investigations.
- Train 25 local law enforcement officers on intoxicated manslaughter investigations.
- Train 25 local law enforcement officers on recognizing drugged driving.
- Secure appropriate locations to use as a base of operations monthly

- Secure prosecutors and administrative support personnel to staff operational base for each night of enforcement.
- Enlist participation of local law enforcement agencies.
- Obtain qualified technicians to draw blood pursuant to the laws surrounding blood search warrant procedures for each night of enforcement.
- Notify interested nonprofit organizations (MADD, Crime Stoppers) of locations and dates for No Refusal Weekends. Notify TxDOT Traffic Safety Specialist.
- Identify additional locations for No Refusal operations on a rotating schedule to better assist law enforcement agencies
- Conduct 25 No Refusal nights.
- Inform the public of the continuation, dates, and purpose of the No Refusal Program throughout the county.
- Inform the public of the addition of remote locations, if any, for the No Refusal Program.
- Encourage the public to make responsible driving plans and decisions throughout the grant period.
- Participate in quarterly community activities promoting the No Refusal Program and making smart plans and decisions about impaired driving.
- Post on the District Attorney's social media activities of No Refusal events associated with 25 nights of operation and encourage sharing to local law enforcement.