



LAW ENFORCEMENT PHEBO TO MY

SHERIFF BILL WAYBOURN, SERGEANT RYAN HULING, CHIEF ADA TAYLOR VANEGAS

MODERATED BY CLAY ABBOTT, TRAFFIC SAFETY RESOURCE PROSECUTOR

AGENDA

- INTRODUCTIONS
- WHY IS LE PHLEBOTOMY NEEDED?
- HISTORY IN TEXAS
- SUCCESSES
- CHALLENGES
- QUESTIONS & ANSWERS





ABOUT US

Moderator: Clay Abbott, Traffic Safety Resource Prosecutor

Sheriff Bill E. Waybourn, Tarrant County

Sergeant Ryan Huling, Austin Police Department

Taylor Vanegas, Chief Prosecutor, Vehicular Crimes, Montgomery County DA's Office

WHY LAW ENFORCEMENT PHLEBO TOMY?

High Incidences of DW Drivers

Resources and Time

Short Lived Evidence

Chain of Custody

Testimony Provided



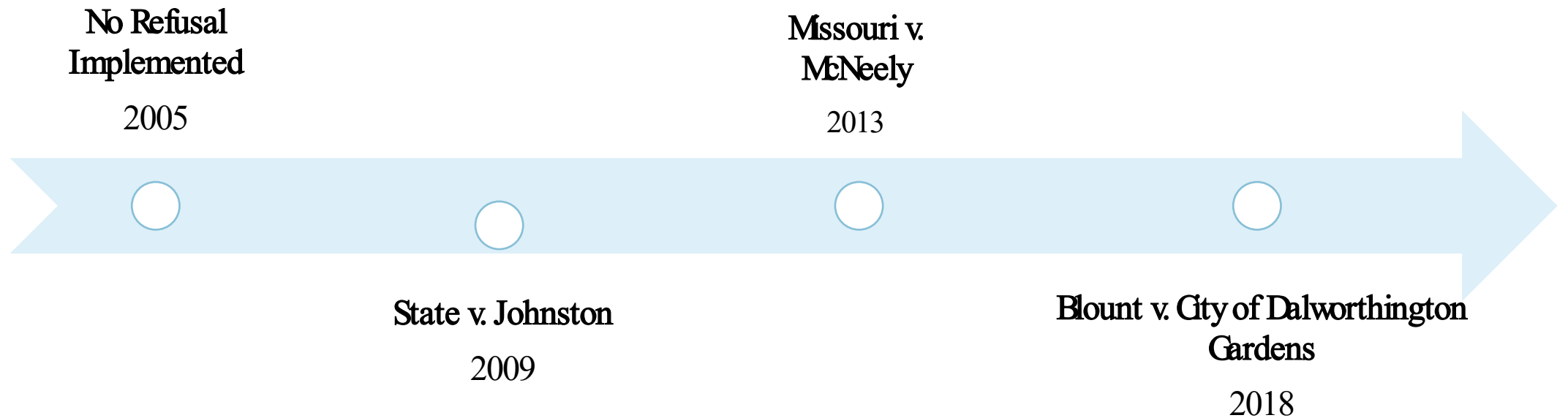


HISTORY OF LE PHLEBOTOMY IN TEXAS

- SHERIFF WAYBOURN
- DALWORTHINGTON GARDENS
- CASE LAW
- SCALABILITY FOR FUTURE GROWTH

“NO REFUSAL” CASE LAW TIMELINE

- Dalworthington Gardens – First in TX
- Then Chief Bill Waybourn, Dr. Del Principe, Medical Director, and Richard Alpert, Asst. DA
- Texas Transportation Code Section 724 – Implied Consent



AUSTIN OVERVIEW

Sgt. Ryan Huling,

Impaired Driving Investigations Unit

Austin Police Department



AUSTIN PD: STATS & METHODOLOGY

- 2,890 DW incidents in 2024 (historically over 5,000/year before Covid)
- No Refusal on weekends/holidays only for over a decade
- Began No Refusal 365 in Fall 2024, continues today – DW expert officer/detective at the Jail every night of the year
- 4 QTs originally trained by DWG, now have 13 total QTs (all are DREs/'DW Experts')
- Have completely taken over QT duties from EMS as of the new year

○ QT STATS FROM FIRST YEAR (FEB '24-JAN'25)

by number of skin punctures:			
<u># of skin punctures by APD:</u>	970	<u># of skin punctures by EMS:</u>	371
<u># of successful punctures by APD:</u>	830	<u># of successful punctures by EMS:</u>	326
<u>APD QT success rate:</u>	85.57%	<u>EMS phlebotomist success rate:</u>	87.87%
		<u>difference:</u>	-2.30%

by person (blood successfully drawn):			
<u># of persons attempted by APD:</u>	845	<u># of persons by EMS:</u>	326
<u># of successful draws by APD:</u>	820	<u># of successful draws by EMS:</u>	322
<u>APD QT success rate:</u>	97.04%	<u>EMS phlebotomist success rate:</u>	98.77%
		<u>difference:</u>	-1.73%



MONTGOMERY COUNTY

Taylor Vanegas, Chief Prosecutor, Vehicular Crimes, Montgomery County DA's Office



MONTGOMERY CO. STATS

2023 County Stats

- Population: 711,354
- Alcohol Related Crashes: 458
- Total # of Prosecutors: 58
- Total # of LE Agencies: 28
- Total # of LE Officers: 1,853

FY2023-2024 DWI Stats

- Total DWIs: 2,506
- DWIs During No Refusal: 921
- DWIs Outside of No Refusal: 1,585
- NR Blood Draw Success Rate: 98.83%



BENEFITS

- HIGH INCIDENCES OF DWI DRIVERS
- RESOURCES AND TIME
- SHORT LIVED EVIDENCE
- CHAIN OF CUSTODY
- TESTIMONY PROVIDED
- HIGHER PROSECUTION W BLOOD
- SAFER COMMUNITIES

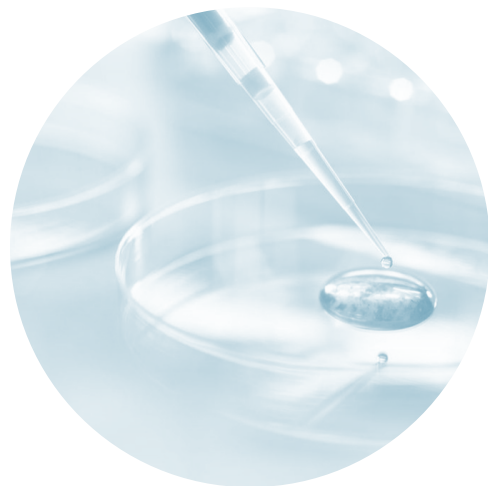
OVERCOMING CHALLENGES

Challenges:

- Politics
- Media Reporting (Public Perception)
- Arresting Officer / arrestee relationship
- Trial (Jury Perception)
- Proper Training & Credentialling

Solutions:

- Find a champion in the district
- Lab coat, not uniform
- Qualified Technician is *not* arresting officer (if possible)
- Prepare for objections from defense
- Clear and concise policies and record-keeping



QUESTIONS?

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