



# City of San Antonio

## Agenda Memorandum

**File Number:**21-3335

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**Agenda Item Number:** 18.

**Agenda Date:** 5/13/2021

**In Control:** City Council A Session

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**DEPARTMENT:** Police

**DEPARTMENT HEAD:** William P. McManus

**COUNCIL DISTRICT(S) IMPACTED:** Citywide

**SUBJECT:** Authorization of an Interlocal Cooperation Contract between the San Antonio Police Department and the Texas Department of Public Safety.

### SUMMARY:

This ordinance authorizes an Interlocal Cooperation Contract with the Texas Department of Public Safety (DPS) to provide SAPD a DPS Technical Supervisor for officer/operator training, expert testimony, and maintenance of intoxilyzer machines for an annual cost of \$100,000 for an overall contractual cost of \$400,000. Funds in the amount of \$33,333 is available in the FY 2021 General Fund Budget and funding for future years is subject to City Council approval as part of the annual budget.

This contract will become effective on execution and will terminate May 31, 2025.

### BACKGROUND INFORMATION:

In October 2020, SAPD and DPS entered a six (6) month Memorandum of Understanding (MOU) wherein DPS provided SAPD with a temporarily assigned DPS Technical Supervisor for officer/operator training, expert testimony, and service of intoxilyzer machines.

In 2008, SAPD began participating in no-refusal weekends (no-refusal refers to obtaining a blood specimen from a suspected driver who refuses a breath test).

In 2011, SAPD moved to no-refusal every weekend. In addition to the no-refusal blood draw warrants, the SAPD DWI Unit also administers breath tests to detect and measure alcohol limits in those cases where a suspected driver does not refuse. The breath tests must be administered by SAPD DWI Unit officers who are trained, authorized, and certified to properly operate the DPS intoxilyzer instruments. When properly administered and obtained, the breath test results are available immediately and allow officers and prosecutors

to proceed with cases in a timely manner and avoid unwanted court back logs.

SAPD conducted the following intoxilyzer tests over the past four years:

<b>Complete SAPD Subject Tests Conducted</b>					
Calendar Year	2017	2018	2019	2020*	2021 (Q1)
# of Tests	2,483	2,614	2,293	1,818	552

*\*Covid-19 resulted in decreased testing throughout the state.*

Collaboration with DPS creates an effective partnership for the continuation of intoxication investigative services. This Council action proposes to extend the SAPD contract with DPS to include maintenance of intoxilyzer machines, expert testimony, and officer training services for the use of the intoxilyzer instruments.

This Contract will commence upon full execution and will terminate May 31, 2025.

#### **ISSUE:**

This ordinance authorizes approval of an agreement with the Texas DPS wherein DPS provides SAPD a DPS Technical Supervisor for continued officer/operator training, expert testimony, and maintenance of intoxilyzer machines to prevent disruption to DWI investigations. Breath test results are available immediately and allow officers and prosecutors to proceed with cases in a timely manner.

Under the terms of the agreement, the City will pay DPS for one Technical Supervisor certified by the DPS's Scientific Director of the Alcohol Testing Program to perform the following functions:

1. Inspect, certify, calibrate, and maintain evidential breath alcohol testing instruments.
2. Supervise the operation of the evidential breath testing instruments and associated equipment in consultation with SAPD.
3. Provide expert testimony concerning the evidential breath testing instruments and associated equipment and testing techniques that are under the supervision of the DPS technical supervisors.
4. Provide technical advice to prosecutors and law enforcement agencies.
5. Maintain records, reports and provide annual training.

#### **ALTERNATIVES:**

An alternative to contracting with the Department of Public Safety (DPS) is for SAPD to rely solely on blood draw warrants for collection of intoxication investigative evidence for each case or issue a request for proposal. However, the contract with DPS is a more efficient and less costly process than the SAPD or an outside vendor performing these services.

#### **FISCAL IMPACT:**

This ordinance authorizes an Interlocal Cooperation Contract with the Texas Department of Public Safety (DPS) to provide SAPD a DPS Technical Supervisor for officer/operator training, expert testimony, and maintenance of intoxilyzer machines for an annual cost of \$100,000 for an overall contractual cost of \$400,000. This contract will become effective on execution and will terminate May 31, 2025. Funding for the remainder of FY 2021 in the amount of \$33,333 is available in the FY 2021 General Fund Budget and funding for future years is subject to City Council approval of the annual budget.

**RECOMMENDATION:**

Staff recommends approval of the Interlocal Cooperation Contract between the San Antonio Police Department and the Texas Department of Public Safety.