



COMMISSIONERS COURT CONTRACT FORM

CONTRACT SUMMARY

Approve and authorize the County Judge to sign the Interlocal Cooperation Agreement with the Texas Department of Public Safety El Paso Crime Lab for one full time equivalent (FTE) to perform Blood Alcohol Analysis in an amount not exceed \$134,348.67 for a two year term. Funding is available in account GF-CRMJUSTCOORD-CONTR SVC-GEN. Further, authorize the re-allocation of funding from GF-CRMJUSTCOORD-CONTR SVC-GEN to GF-CCRIMC2-COMMUNIC-CONTR SERV. (Contract No. 2017-0844)

Background:

El Paso County is a no refusal county for DWI Prosecution. No refusal means that in the event an officer develops probable cause to believe a person was driving while intoxicated and that person refuses to provide a breath or blood sample then the officer will present a magistrate with an arrest warrant and a search warrant for blood. If the magistrate finds probable cause in the search warrant, the officer will then take the defendant to someone who is qualified in the taking of blood from the human body. The blood sample is then submitted to DPS El Paso for analysis.

DPS labs do not charge a fee to law enforcement agencies for blood alcohol analysis. Any lab who conducts forensic testing on these samples must be an accredited lab by the Texas Forensic Science Commission. See Art. 38.01 & 38.35 Code of Criminal Procedure The only local lab that is qualified to conduct blood alcohol analysis by the Commission is DPS.

Currently due to many factors, including personnel turnover at DPS, other testing priorities of DPS and no refusal policies there is a 8 to 9 month backlog of cases. This has an impact on the Courts, Prosecution and the defendant. First, the Courts are not able to dispose of all of the cases that some defendants may have because of the length of time for the testing of blood alcohol cases. For example if a defendant has a felony case and a DWI requiring a blood analysis to be performed, the defendant may have already been sentenced to TDC time but still has pending DWI charges locally that need to be disposed of before the defendant is shipped off to TDC. This costs the county money in holding them in jail and it backs up the Courts' dockets. The prosecution is waiting to file these cases until the blood analysis is completed, to prevent the Courts from backing up and so the evidence will be available at time of trial. Additionally, some defendants due to prior DWI history as a condition of bond are required to obtain an ignition interlock. These interlocks start at about \$75 per month and they are required by statute to have them installed in their vehicles until the case is disposed of.

Recently the El Paso Police Department DWI Task Force was increased by 10 officers. This increase will increase in more DWI arrest. The following information will give the Court some historical data on DWI arrest in El Paso County.

At some point after the contract has been approved DPS will be operating with a 30 day turnaround which is more than fair to all sides.

Fiscal Impact:

Funding for FY2018 is available in account:

GF-CRMJUSTCOORD-CONTR SVC-GEN.

COGF-1000-0000000-431-20-21006-0001-00000-510011-

Further, authorize the re-allocation of funding from GF-CRMJUSTCOORD-

CONTR SVC-GEN to GF-CCRIMC2-COMMUNIC-CONTR SERV.

FY 18 - \$52,097.00

FY 19 - \$82,251.67

Total - \$134,348.67

Recommendation:

Approve and authorize the County Judge to sign the Interlocal Cooperation Agreement with the Texas Department of Public Safety El Paso Crime Lab for one full time equivalent (FTE) to perform Blood Alcohol Analysis in an amount not exceed \$134,348.67 for a two year term. Funding is available in account GF-CRMJUSTCOORD-CONTR SVC-GEN. Further, authorize the re-allocation of funding from GF-CRMJUSTCOORD-CONTR SVC-GEN to GF-CCRIMC2-COMMUNIC-CONTR SERV. (Contract No. 2017-0844)

Prior Action:

Contract was approved at the special meeting of December 21, 2017 item number 2.

Original contract to be rescinded at the meeting of April 30, 2018.

Strategic Plan:

Strategic Plan Information:

BASIC CONTRACT DETAILS

CONTRACT NO.: 2017-0844

CONTRACT TITLE: Blood Alcohol Analysis / Interlocal

SECOND PARTY: State of Texas, Department of Public Safety

CONTRACT TYPE: Interlocal Agreement

TERM AND BUDGET DETAILS

TERM: 2 Years

EXTENSION OPTIONS:

EFFECTIVE DATE: 12/11/2017

MOD EFFECTIVE DATE (If Applicable): 01/01/0001

EXPIRATION DATE: 09/30/2019

MOD EXPIRATION DATE (If Applicable): 01/01/0001

EXTENSION DEADLINE DATE (If Applicable): 01/01/0001

AMOUNT: \$159,671.77

MOD AMOUNT (If Applicable):

APPROVALS

COUNTY ATTORNEY APPROVAL

The attached document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY: Ian Kaplan

LEGAL REVIEW: Approved as to Form as Submitted

LEGAL REVIEW NOTES (If Applicable):

DATE: 12/4/2017

DIRECTOR/DEPARTMENT HEAD APPROVAL

The undersigned hereby certifies that he/she has read the contract, understands and approves the contract terms and conditions and further certifies that the contract conforms to the bid specification, if any, and acknowledges that he/she is responsible for administering all terms and conditions.

DIRECTOR/DEPARTMENT HEAD/DESIGNEE: Robert Anchondo

DEPARTMENT CONTACT: Leticia Medina

DEPARTMENT: County and District Courts/Council of Judges Administration

DATE: 12/04/2017

