

RESOLUTION NO. 20091022-042

WHEREAS, the State of Texas allows peace officers to collect breath and blood specimens as evidence for prosecuting people suspected of operating a motor vehicle while intoxicated through Texas Transportation Code §724.012; and

WHEREAS, Austin's police force consists of highly trained law enforcement professionals whose compensation is commensurate with the specialized public safety service they provide; and

WHEREAS, the safe collection of blood specimens requires separate specialized public health training and ongoing yearly medical education in order to ensure healthy and accurate phlebotomy; and

WHEREAS, such training is geared for clinical health technicians who conduct phlebotomies on a daily basis in a controlled public health setting with emergency health services close at hand;

WHEREAS, it is the clear will of the Austin community and the City Council of Austin that only trained medical technicians collect blood specimens; and

WHEREAS, the City Council maintains sole authority over the adoption of all program budgets and acceptance of grant funding; and

WHEREAS, This resolution is not intended to override the City Manager's authority under the Charter or the Chief of Police's powers under state law; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

In order to protect the health and safety of officers and suspects, the City Manager is hereby directed to develop clear guidelines for the collection of blood specimens and bring them to City Council for review no later than February 19, 2010. The guidelines must explain who will collect the specimens and under what circumstances. The City Manager will also prepare a fiscal note detailing the costs and sources of funding needed to pay for any new blood collection program.

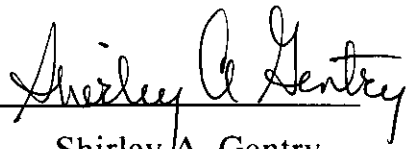
BE IT FURTHER RESOLVED:

The City Manager will present these guidelines to the Public Safety Commission and will seek, consider and respond to the Commission's feedback no later than January 29, 2010.

BE IT FURTHER RESOLVED:

If the guidelines are changed, the City Manager will notify the Public Safety Commission and City Council in advance of implementation and seek, consider, and respond to comments and recommendations.

ADOPTED: October 22, 2009

ATTEST: 
Shirley A. Gentry
City Clerk