

## AGENDA



Thursday, May 27, 2010

**Police  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 34**

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**Subject:** Authorize negotiation and execution of Amendment No. 4 to the Interlocal Agreement for booking and related services between Travis County and the City of Austin to add contracted phlebotomist services to be performed within the Travis County Central Booking Facility in an amount not to exceed \$24,000.

**Amount and Source of Funding:** Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department.

**Fiscal Note:** A fiscal note is not required.

**For More Information:** Art Acevedo, Chief of Police/974-5030

**Boards and Commission Action:** Recommended by Public Safety Commission.

**Prior Council Action:** August 10, 2006 - City Council approved the execution of a one year agreement with four, 12 month renewal options.

September 27, 2007 - Approval of first 12 month renewal;  
September 25, 2008 - Approval of second 12 month renewal;  
September 24, 2009 - Approval of third 12 month renewal.

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The Travis County Sheriff's Office operates the Central Booking Facility at the Travis County Criminal Justice Center located at 500 West 10th Street. Since 1988, the City of Austin and Travis County have shared the costs of operating the Central Booking Facility via an Interlocal Agreement. The current Interlocal Agreement was initially approved by Council on August 10, 2006.

Under Amendment No. 4 of the Agreement, the City of Austin will obtain and pay for a contracted service to provide a phlebotomist at the Travis County Sheriff's Office Central Booking Facility during peak times to draw blood specimens from certain persons arrested for an intoxication offense. The expenses related to the service will be shared between the City and County. The City's share of the expenditures will be based on the number of arrestees booked by the City into the facility compared to the overall total. This percentage is currently estimated at 75%.

A phlebotomist is someone who draws blood from another person for testing purposes or transfusion. The process of collecting blood specimens simply involves the presence of a nurse or phlebotomist performing the blood draws. APD has no plans to consider any options that would require officers to draw blood specimens. While a license to perform phlebotomy is not required in Texas, almost all employers who hire phlebotomists require certification from one of several recognized national entities that have developed training standards for those they certify.

Law enforcement officers may require a blood sample from any DWI arrestee if the officer obtains a search warrant from a judge at the time of an arrest. Prior to the passing of Senate Bill 328, which went in to effect September 1, 2009 blood specimens were required by law only if the DWI suspect had caused

a crash that resulted in a death or serious injury. Senate Bill 328 expanded the law to include the following circumstances:

- \* Death of a victim
- \* Bodily injury of a victim requiring transport to a medical facility
- \* Presence of a child passenger
- \* Previous conviction of DWI with child passenger, Intoxication assault or Intoxication manslaughter
- \* Two or more previous DWI convictions

This change in the law has increased the need to have a phlebotomist at the central booking facility. Officers currently transport suspects to the hospital for these tests unless the arrest is part of a no-refusal initiative. During the no-refusal initiatives, APD is hiring temporary phlebotomists. Prior to November 1, 2009, the hospital had been providing services at no cost. During October 2009, we were notified by the Seton Family of Hospitals that they would begin charging the City for their services. This cost runs from \$75.00 to \$350.00 per draw. In addition, the hospitals are not set up to handle intoxicated individuals.

By having a contracted service in the booking facility APD will only require the use of a temporary phlebotomist or of the hospital outside peak hours or when contracted staff are unavailable.