



KENNETH MAGIDSON
DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS

Dec. 19, 2008

Public Information Office: 713-755-3320
Donna Hawkins
George Flynn

Stats Indicate Success

DA's "No Refusal" DWI Program Continues for Holidays

(Houston, TX) – The District Attorney's "No Refusal" DWI program will be working with area police agencies to enhance enforcement against drunk drivers during weekends and holidays through New Year's Day, District Attorney Kenneth Magidson announced Friday.

Warren Diepraam, chief of the DA's Vehicular Crimes Section, reported that initial figures indicate that the 16-month-old "No Refusal" is a valuable law enforcement and prosecutorial tool in the fight against impaired drivers.

The program brings together prosecutors, a nurse, a judge and police experts at one facility. They expedite the process of obtaining scientific evidence on DWI suspects as soon as possible. Warrants for breath or blood samples are sought on drivers who refuse requests to voluntarily provide them.

Prosecutors have prepared about 300 warrants during most major "drinking" holidays since the program was introduced over the 2007 Memorial Day weekend. Initial findings show the program:

**** Provides solid evidence** against those who are more impaired than suspects who provide breath samples. The average breath test result is about .13 Blood Alcohol Content (BAC), compared to .17 for the average blood test (.08 is the legal limit).

**** Takes the guesswork out of decisions** to prosecute. Only 2 percent of the suspects were under the legal limit of .08 and had no other intoxication substance in the blood. So the officers' decisions to arrest are overwhelmingly supported by scientific evidence, and potentially innocent subjects go free.

**** Increases the rates of motorists consenting** to provide breath or blood samples. The statewide refusal rate is about 50 percent. During "No Refusal" program nights, that refusal rate has dropped to as low as 35 percent. When combined with mobile testing units, the refusal rate has dropped to as low as 20 percent.

(For more details, contact the DA's Vehicular Crimes Section at 713-755-3286.)

(End)

