



Anatomy of a No Refusal Weekend

Tyler Dunman
Assistant District Attorney
Montgomery County, Texas



What is No Refusal?

DWI Suspect = “I refuse to give a breath test.”

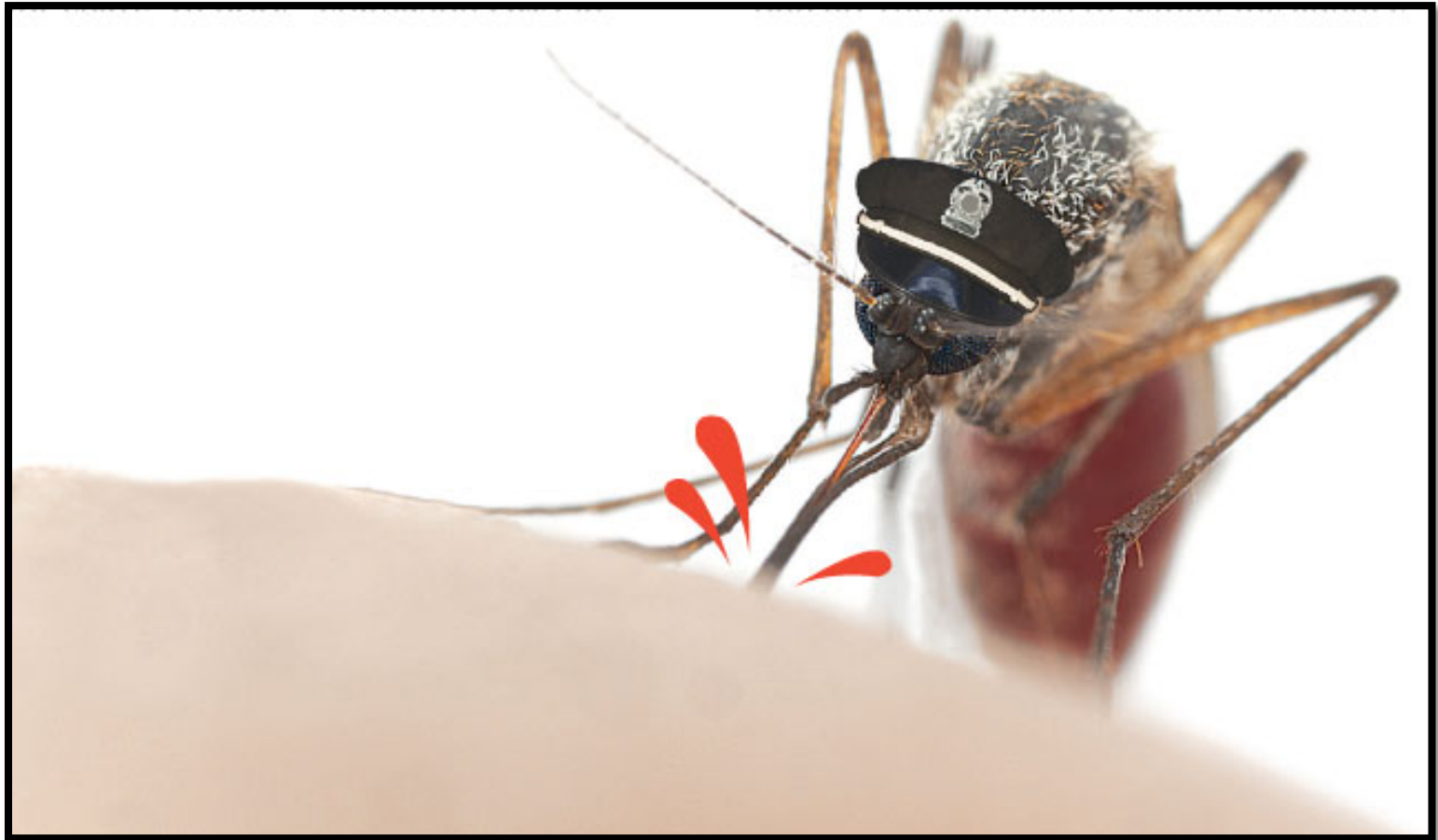
**Officer
Response =**



What does a No Refusal Accomplish?

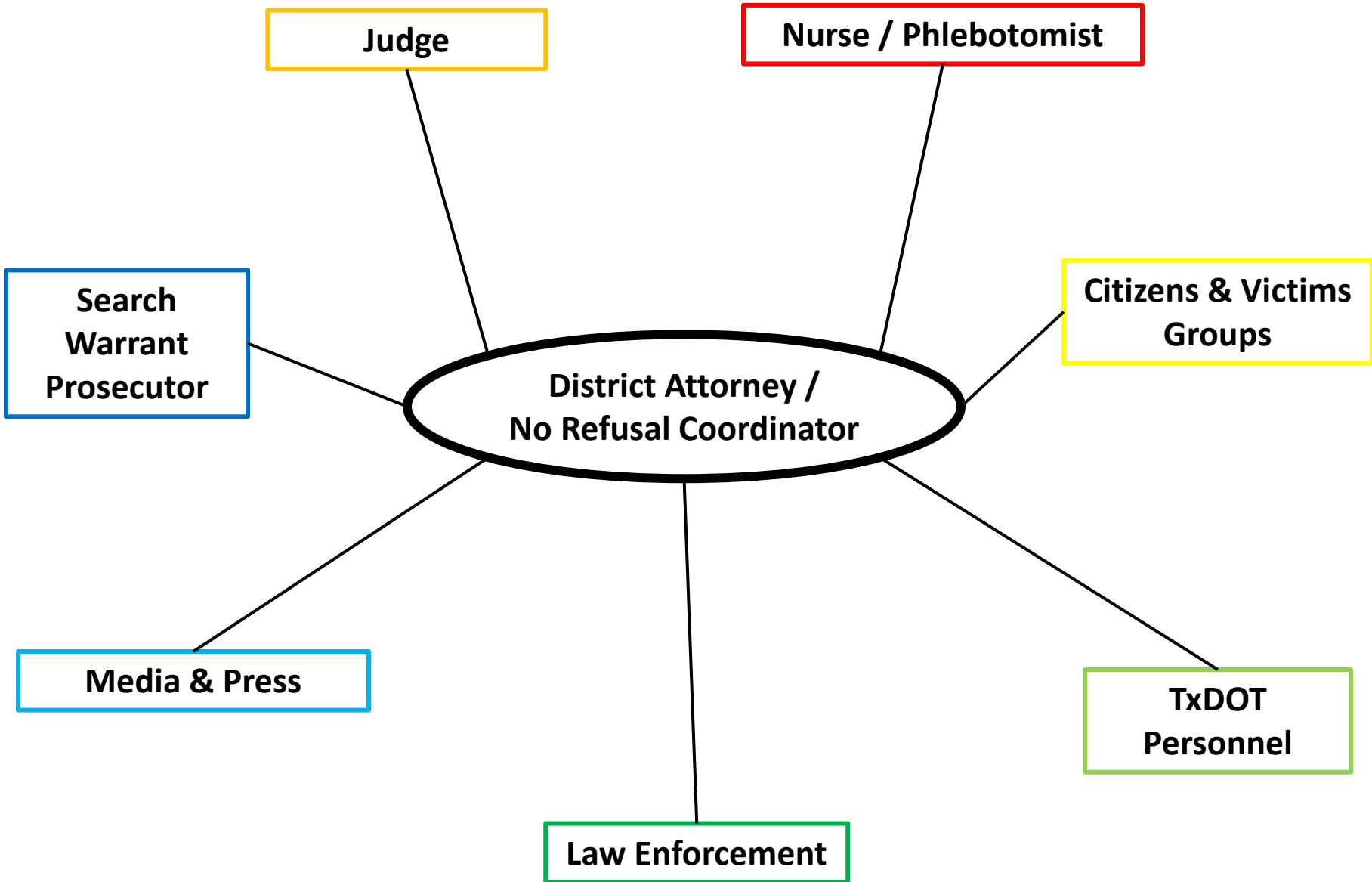
- **Saves Money!**
- **Solid & Scientific Evidence of Guilt *or* Innocence.**
- **Evidence of both Alcohol & Drug Impairment.**
- **Decrease DWI Drivers / Increase Sober Driver Alternatives.**
- **Put Officer's Back on the Street / Keeps them Out of the Courtroom.**
- **SAVES LIVES!**

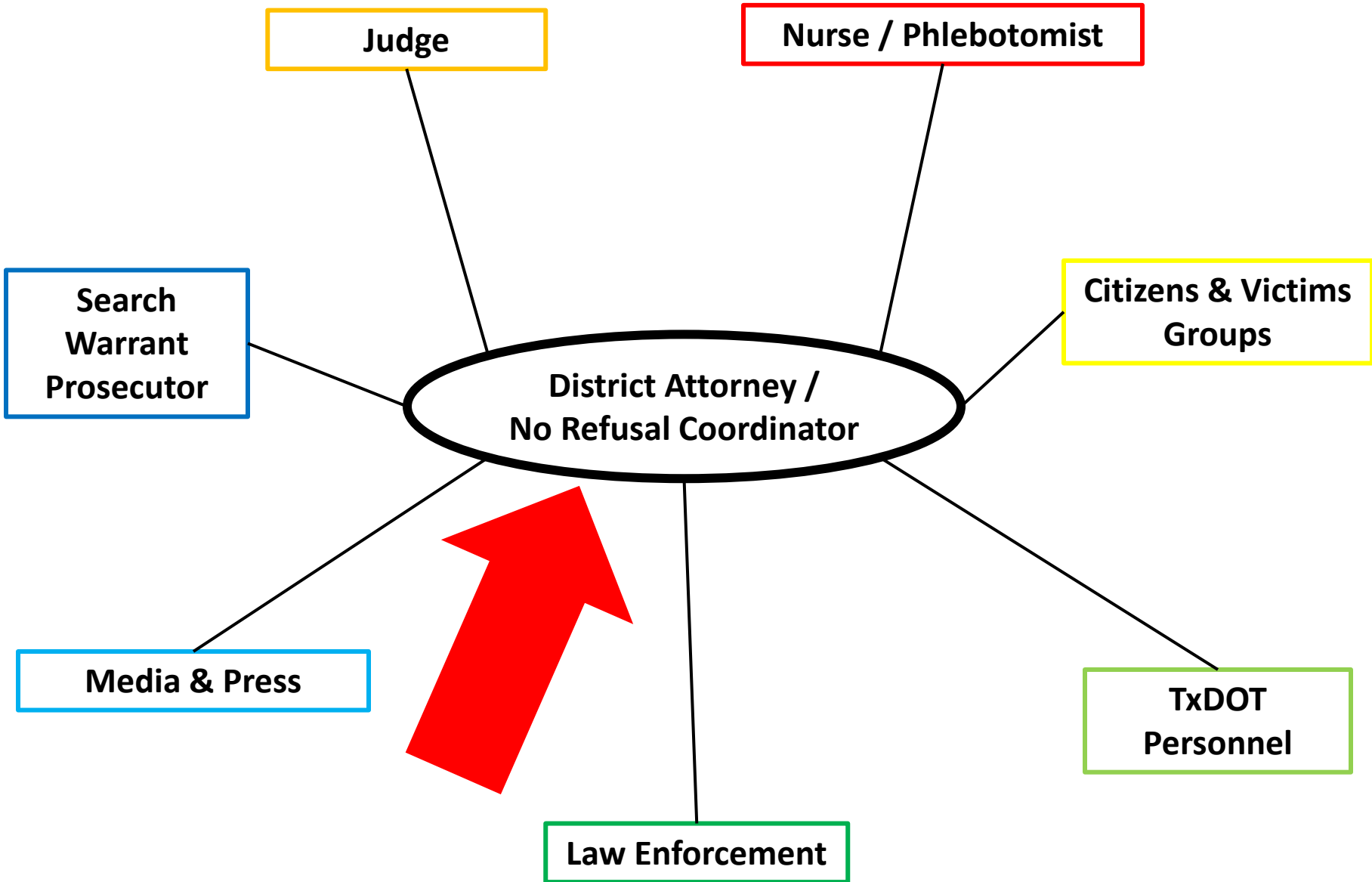
No Refusal = Here to Stay?



Anatomy of a No Refusal

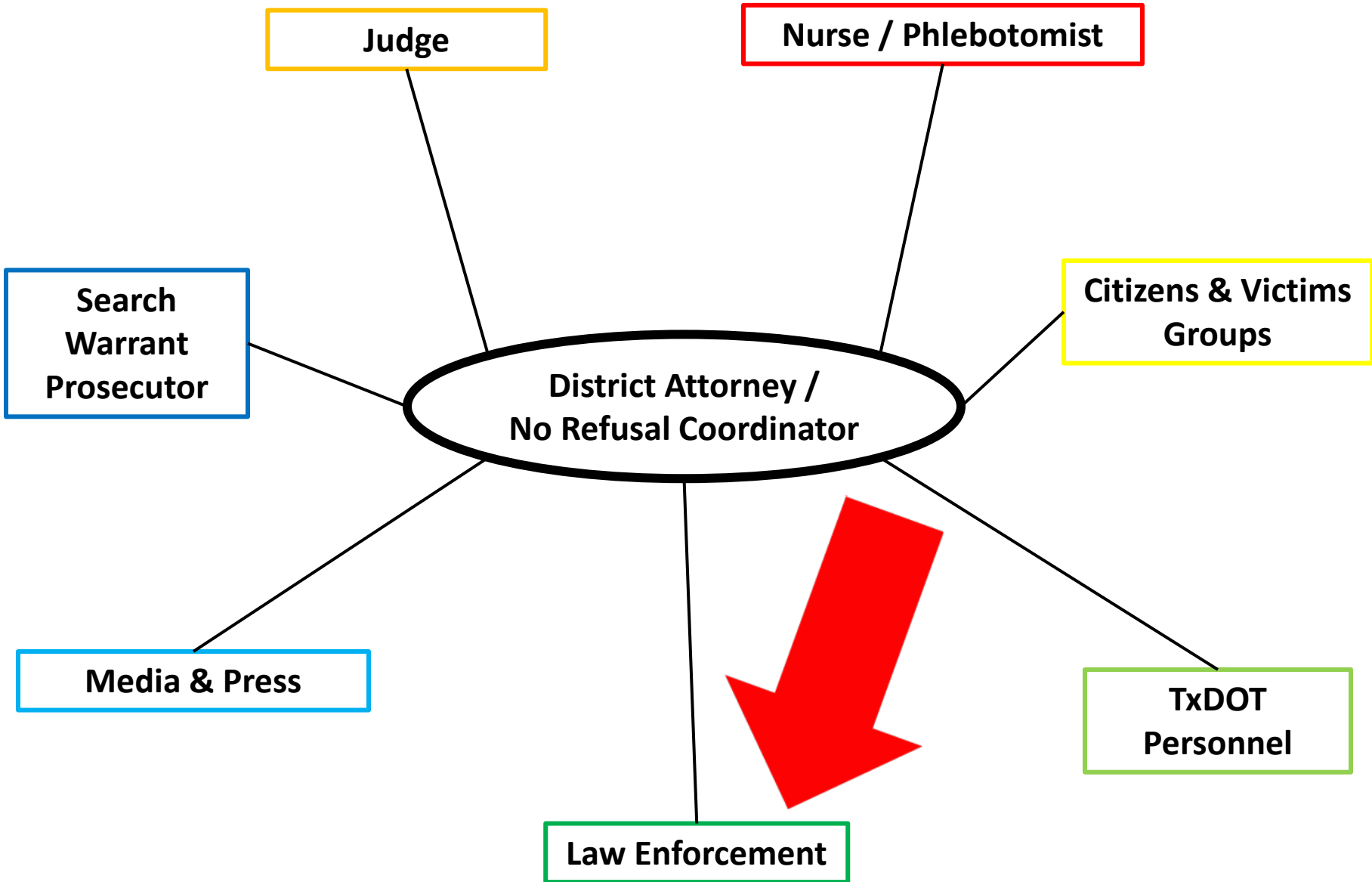
Highly publicized and coordinated effort of multiple parties to effectively and efficiently secure a blood sample once a DWI suspect has refused to provide a scientific sample after being arrested for DWI.





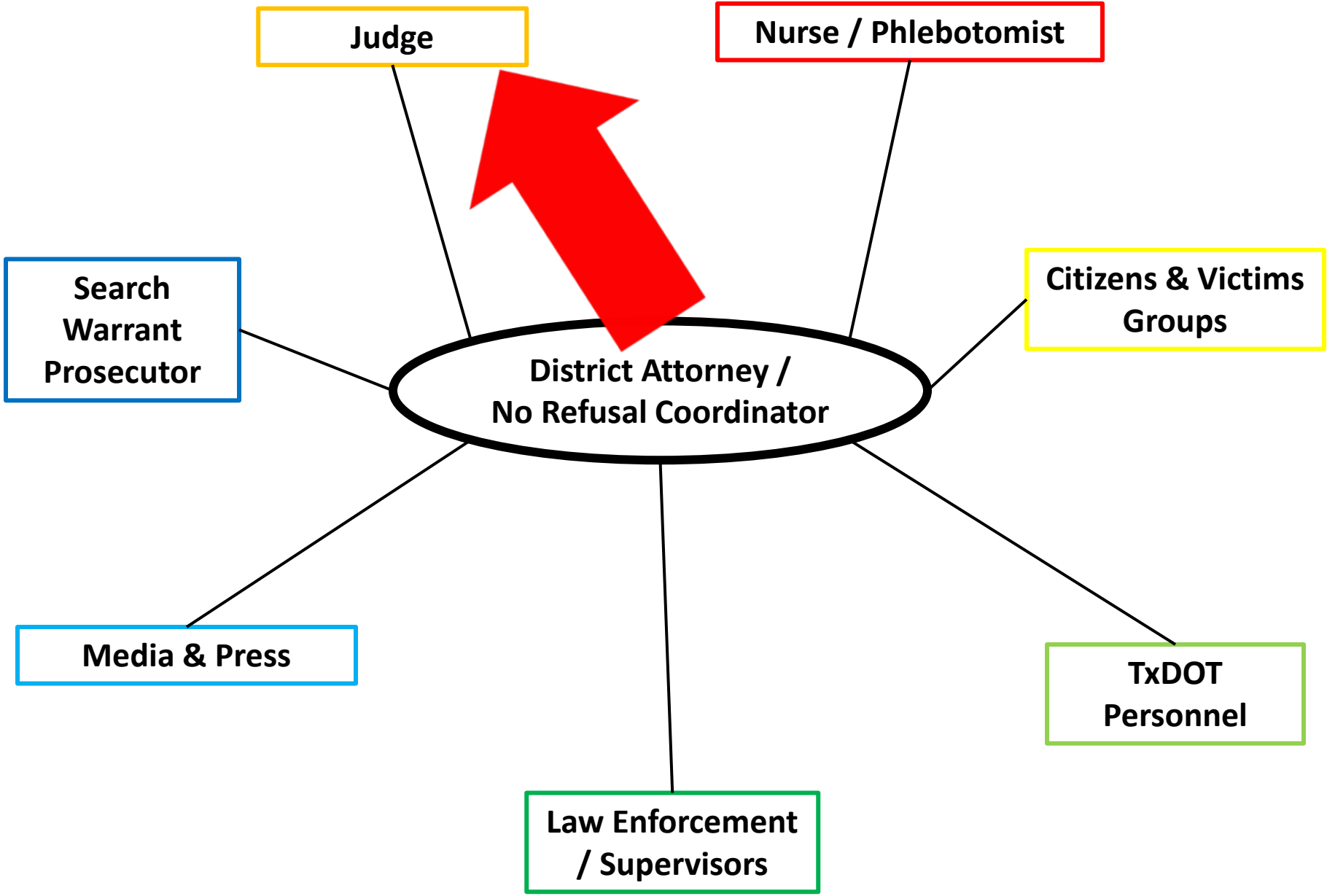
No Refusal Coordinator / DA's Office

- **Sets the No Refusal event date and time – 4 weeks out!**
- **Gets all the stakeholders to the table.**
- **Establishes the best procedures & gathers the appropriate paperwork / search warrant packets.**
- **Assigns the necessary tasks & secures necessary equipment.**
- **Communicates with the parties as needed.**
- **Follows up after the event and compiles stats.**



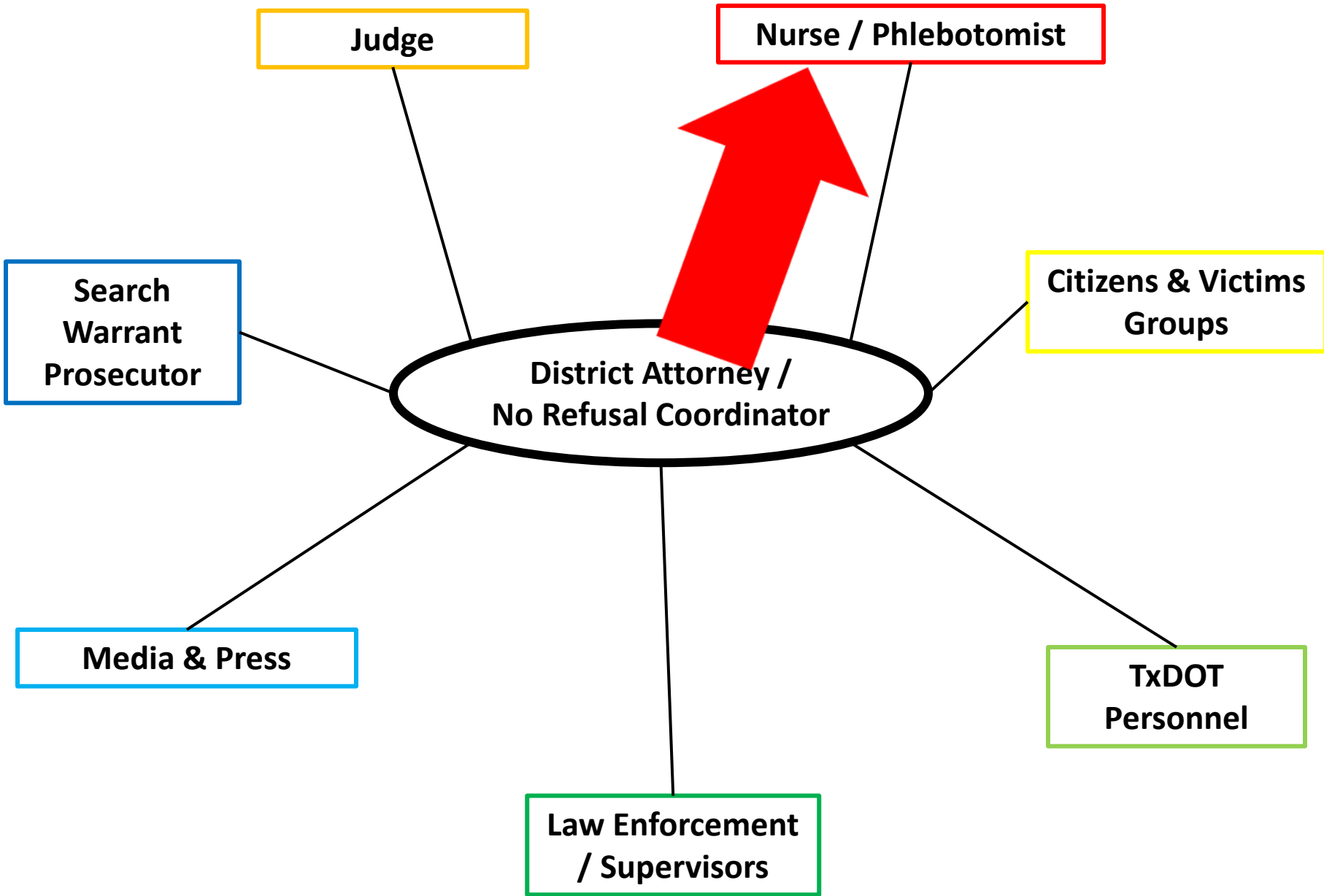
Law Enforcement

- **Decides who will work? DWI Task Force? STEP Grant?**
- **Decides where to saturate patrols. Problem areas?**
- **Ensures that a DRE and Intoxilyzer Operator are available.**
- **Considers alternative prisoner transport options.**
- **Makes DWI Arrests & Assists with Search Warrant / Blood Draw Process.**



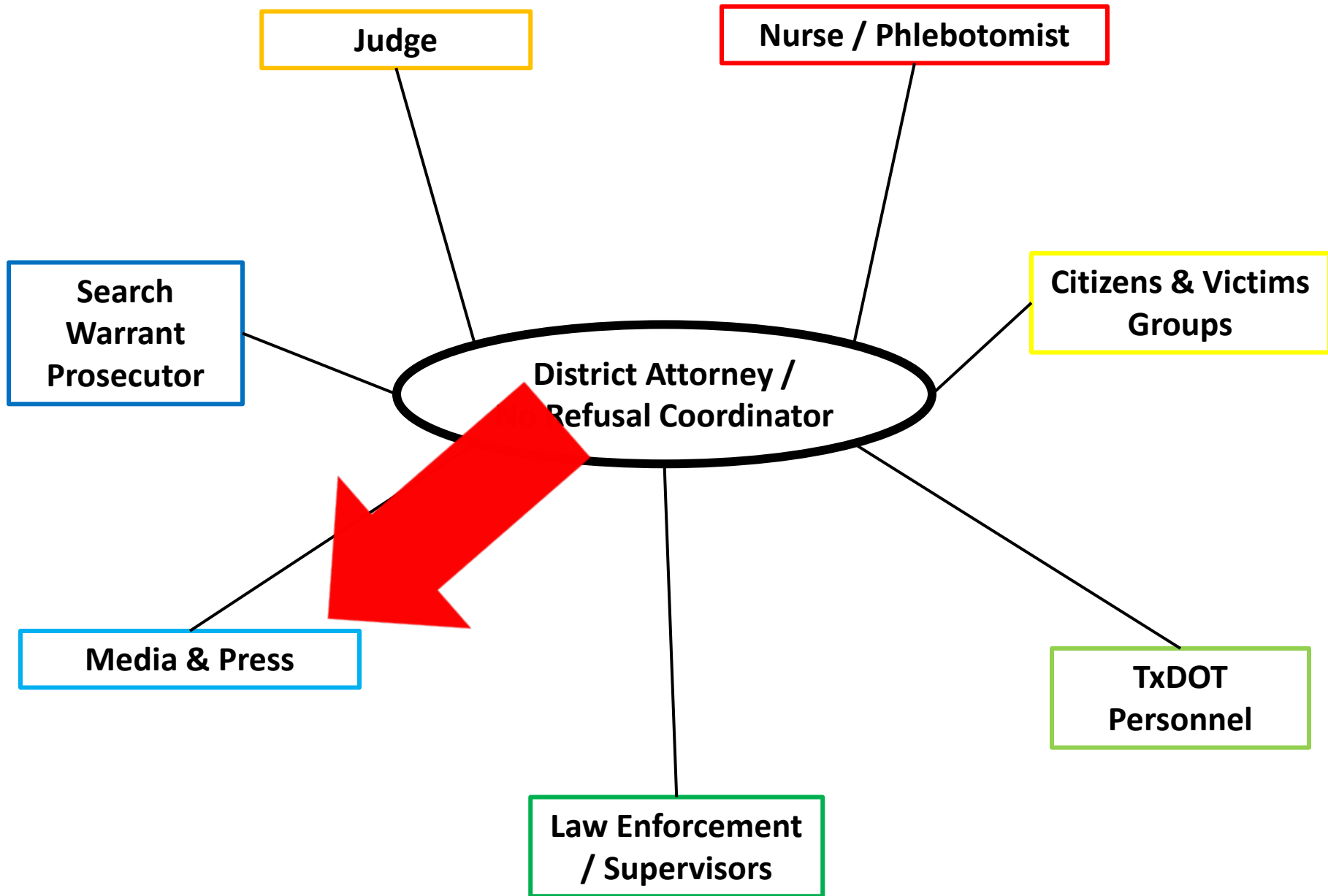
Judge / Magistrate

- **Reviews Warrants for PC.**
- **Check your County to determine who can sign?**
- **Meet with ahead of time to set up process?**
- **Use technology to save time.**
- **Don't burn out your volunteer Judges.**
- **Publicize their assistance (if they want it).**
- **Address any questions or concerns they may have.**



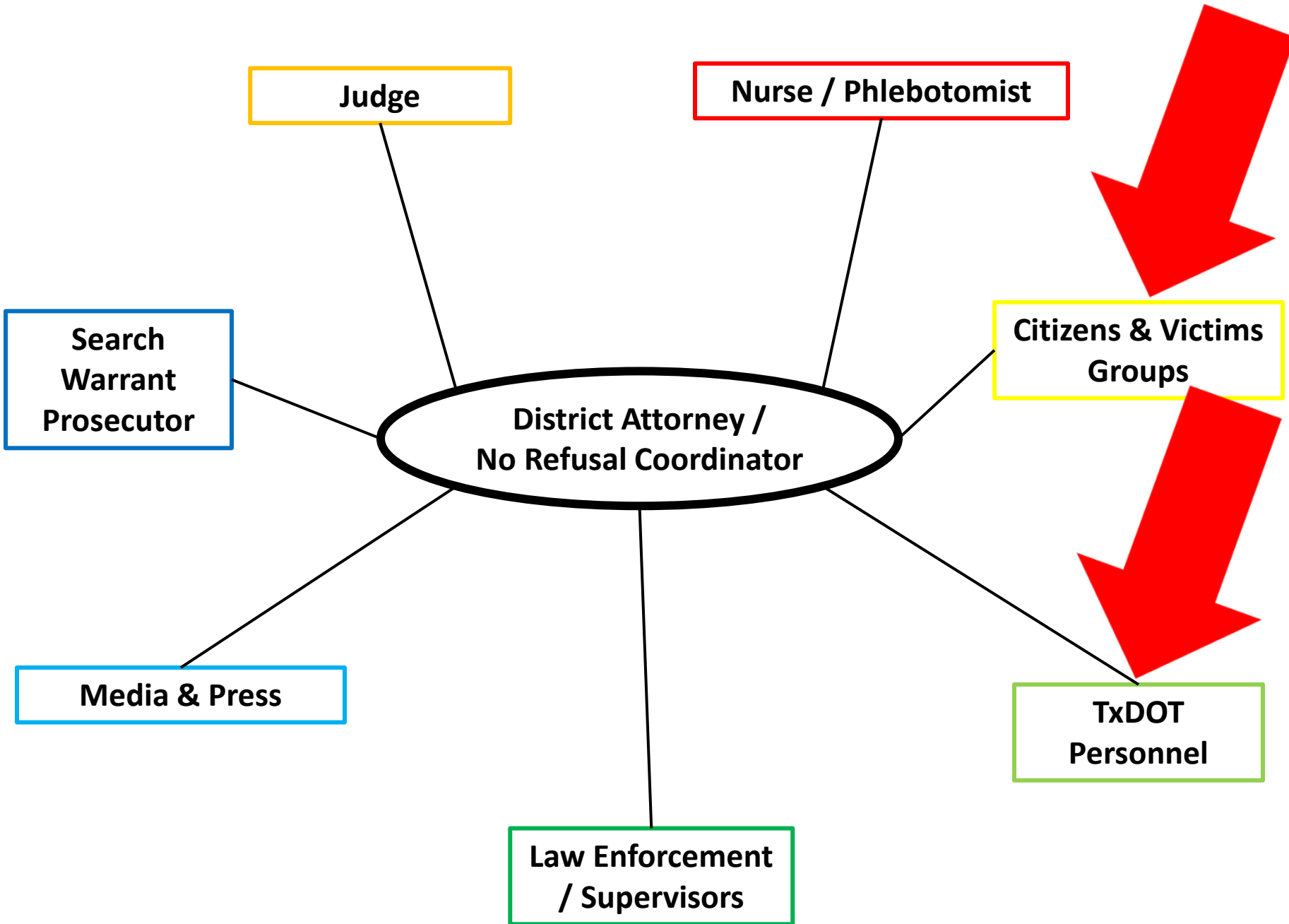
Nurse / Phlebotomist

- **Hospital verses Hired?**
- **If Hospital:**
 - **Meet with ER/Hospital Administrators ahead of the event to explain NR and get their input.**
 - **Recognize their efforts.**
- **If Hired:**
 - **Hire a experienced nurse (RN) or phlebotomist.**
 - **Put on a brief training on NR and NR Procedures / Differences.**



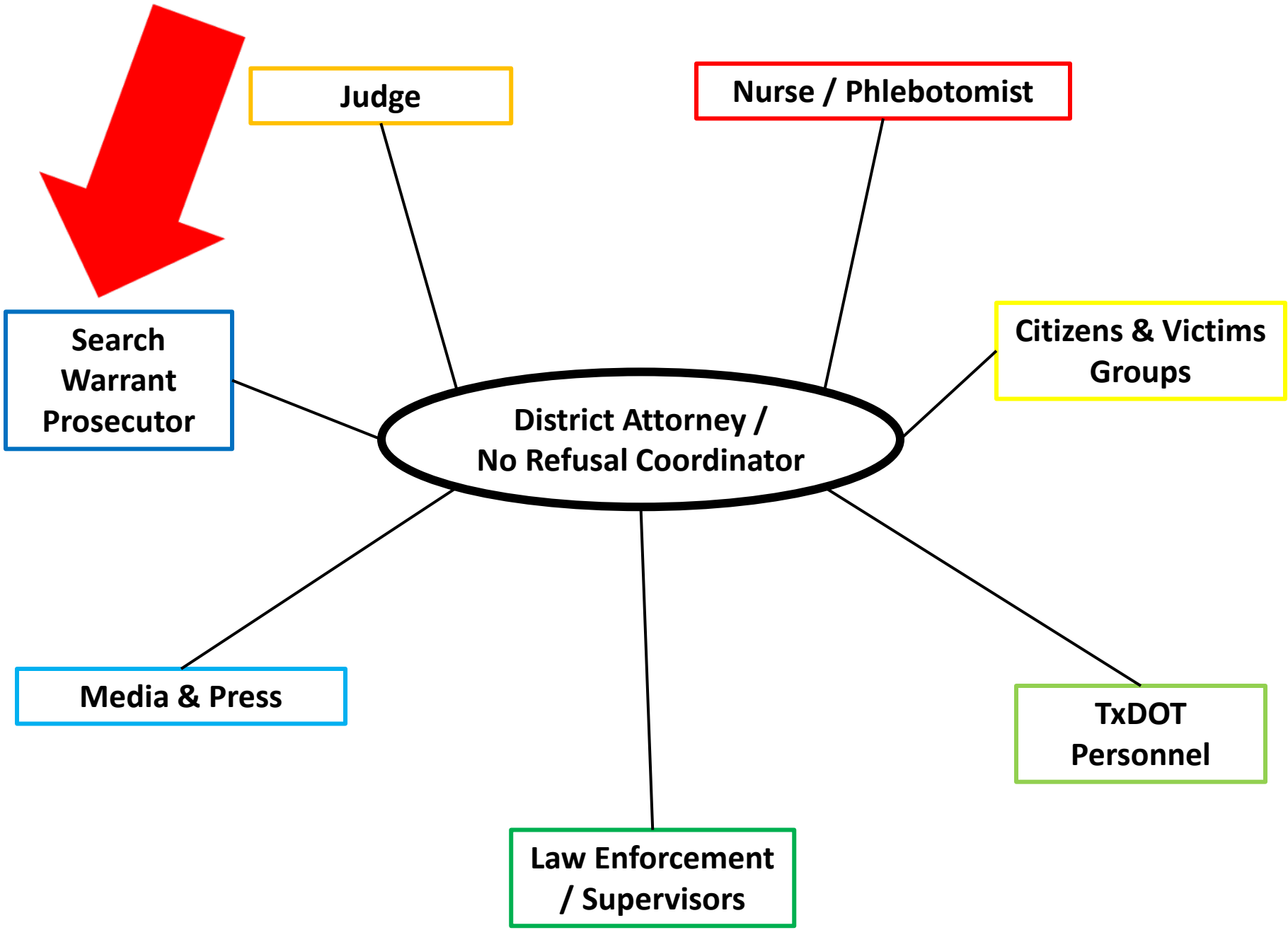
Media / Press

- **Prior to NR, meet with all local / regional media outlets – TV, Radio, Newspapers, Social Media.**
- **Explain NR and the Legal Process / Relevant Law.**
- **Provide DWI Stats and Problem Areas / Reason for NR – humanize it!**
- **Issue Pre- and Post- Press Releases.**
- **Allow media to tag along and get video and photos (use precautions).**



TxDOT / Citizens Groups

- **TxDOT:**
 - **Roadway Message Boards**
 - **Other Involvement, Target Areas**
- **Citizens Groups:**
 - **Ride Alongs**
 - **Refreshments for LEO and NR Staff**



Search Warrant Prosecutor

- Point of Contact during actual NR Operations.**
- Prepares Search Warrants during NR Operations.**
- Addresses legal matters during NR Operations.**
- Keeps all paperwork in line.**

No Refusal: Step By Step



SFSTs & DWI Arrest



STATUTORY WARNING DIC-24 (Rev. 9/11)

DL NO./STATE _____ DOB _____

(d) Race: _____ Sex: _____ Height: _____ Weight: _____ Eyes: _____ Hair: _____

TIME OF ARREST: _____ COUNTY OF ARREST: _____

ing out of acts alleged to have been committed while you were operating a motor vehicle in a public place, license under Section 106.041, Alcoholic Beverage Code. You will be asked to give a specimen of your breath yzed to determine the alcohol concentration or the presence of a controlled substance, drug, dangerous

refusal may be admissible in a subsequent prosecution. Your license, permit or privilege to operate a motor ot less than 180 days, whether or not you are subsequently prosecuted for this offense.

specimen, the officer may apply for a warrant authorizing a specimen to be taken from you.

submit to the taking of a specimen and an analysis of the specimen shows that you have an alcohol use, permit or privilege to operate a motor vehicle will be suspended or denied for not less than 90 days, secuted for this offense.

and have any detectable amount of alcohol in your system, your license, permit or privilege to operate a ed for not less than 60 days. However, if you submit to the taking of a specimen and an analysis of the f concentration of less than 0.08, you may be subject to criminal penalties less severe than those provided

**Officer Requests
Specimen**



**Suspect Refuses
(or provides)**



**Prosecutor
Prepares Warrant**



**Judge Reviews
Warrant**



Blood Sample Taken

In Summary

- **Plan Ahead! (4 Weeks)**
- **Get the “Right” People Involved.**
- **Stay Organized.**
- **Publicize! Publicize! Publicize!**
- **Track NR Effectiveness.**
- **Adapt your approach.**



Need More Information?

www.nhtsa.gov/no-refusal

www.tdcaa.com/dwi/index.html

Questions?



Tyler Dunman

Tyler.Dunman@mctx.org

936-538-3510

www.mctxdao.org

