

Breathalyzer or blood tests: DWI suspects will get choice

BY STEPHEN PALKOT

spalkot@fbherald.com

Law enforcement agencies in Fort Bend County this weekend will use a new tool in the effort to crack down on drinking and driving.

Led by the District Attorney's Office, agencies from the Sheriff's Office to the Rosenberg Police Department will seek blood tests of all individuals who refuse a Breathalyzer test.

District Attorney John Healey said no-refusal weekends have been held in 18 of 20 counties in the Houston area, and have met the scrutiny of appeals courts. The blood tests can be conducted with a judge's approval of what is called an evidentiary warrant.

In Wharton County, said Healey, the introduction of a no-refusal policy resulted in DWI cases moving through courts faster than previously.

"With the nature of blood drug reading, it appears the cases are pleading out earlier, and that saves taxpayers money," he said.

The blood tests can also work in favor of individuals suspected of DWI whose blood alcohol level does not meet the 0.08 percent threshold, said Healey.

"We're trying to educate law enforcement as well as to educate the public that these are options law enforcement has, with the goal of curbing drinking and driving," he said.

Healey on Monday led a training session that involved the Department of Public Safety, Sheriff's Office and law enforcement agencies from cities throughout Fort Bend County.

He said members of his staff will be on-hand throughout the weekend to assist these agencies in securing warrants to conduct the blood tests.

"We're not trying to sneak up on people," said Healey. "We're hoping the word gets out and very few people get intoxicated."

Healey said an arresting officer must show probable cause that a crime has been committed and that the blood alcohol test could be evidence in that crime.