

St. Joseph, Missouri Police Department



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SUBJECT: DWI Procedures		
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I. POLICY

This General Order establishes a standard and uniform system and/or procedure for the handling of individuals arrested for operating motor vehicles while under the influence of alcohol &/or drugs.

II. PROCEDURE

A. Preliminary screening of impaired drivers:

1. It will be the officer's responsibility to determine if the site is appropriate for the administration of field tests.
2. Officers may conduct standardized field sobriety tests on individuals believed to be impaired by alcohol and/or drugs, but are no longer required to do so. Officers may have the subject complete the three standardized field sobriety tests: walk and turn, one-leg stand, and horizontal gaze nystagmus. Officers may use preliminary breath testers, instead of the SFST's, to help establish probable cause for arrest.

B. Arrest of impaired drivers:

1. Once the officer believes the subject is impaired they will determine if an arrest is warranted.
2. Upon arrest of an impaired individual, general orders for transporting arrestees shall be followed.
3. If a breath test is to be administered the officer may administer the test on scene or transport the subject to the LEC to complete the test.

C. Administration of Chemical Tests:

1. Prior to the administration of any chemical test or blood draw for the determination of alcohol or drug content reference DWI cases, the officer must read the arrested subject the Missouri Implied Consent and Blood Draw Notification.

2. A chemical test then shall be administered following procedures set forth by the Missouri Department of Health:
 - a. Only those individuals that possess a valid Type III or II permit issued by the MO Department of Health may operate breath testing instruments.
 - b. No more than two chemical tests shall be given to any arrested subject for the purpose of determining drug or alcohol content. This does not include or limit tests required for bonding purposes.
 - c. Approved tests shall be those allowed by the MO Department of Health.

D. Drug Impaired Drivers

1. Officers shall follow the above process for all alcohol/drug impaired drivers.
2. Officers that suspect a subject is impaired on something other than alcohol after chemical breath testing has been completed, will follow these steps in order:
 - a. Notify the on-duty supervisor, who will have dispatch contact the on-call DRE.
 - b. Complete the Missouri Alcohol Influence Report and all supporting reports.
 - c. The DRE officer will complete the DRE evaluation and complete all required reports.
 - d. The DRE will make the determination of the subject's impairment and inform the arresting officer of the results of the evaluation.
 - e. Arresting officer will submit all reports to the appropriate court.

E. Refusal of Chemical Breath Test:

1. If the subject refuses the initial breath test, the officer will begin the procedure for obtaining a search warrant for a blood draw.
2. The condensed search warrant application form will be completed and sent to the appropriate prosecutor. Once returned to the officer, the application and warrant will be then be sent to the on-call judge for his/her signature.
3. When the signed warrant is received back from the judge, the officer will begin the procedure for obtaining the subject's blood, according to the warrant.

F. Procedures for Filing of Charges:

1. The following procedures shall be adhered to for the purpose of determining which court arrested individuals shall be charged in:
 - a. **MUNICIPAL**
 - 1) 1st (or 2nd with priors more than 10 yrs old)
 - 2) Non-injury accidents w/insurance
 - 3) .20% or less B.A.C.
 - 4) .20% - .25% officer discretion
 - b. **STATE**
 - 1) 2nd & subsequent offenses (with priors 10 yrs or less)
 - 2) Accidents without proof of insurance
 - 3) .25% B.A.C. or above
 - 4) Injury or fatality accidents

5) All refusals

2. Officers shall submit a Mobile Video Recording Request in these situations and note in his/her report that the video was recorded and will be available. The officer will also note in the report if no video was taken and why.
3. Offenses include prior contacts in which the subject had administrative action against their license, but no conviction. Convictions and administrative actions arising from the same offense shall count as only one (1) prior. 'Abuse & lose' or 'zero tolerance' count as an offense.
4. These filing procedures shall be followed unless an officer receives permission from his/her supervisor based on justifiable grounds for doing otherwise.

G. Procedure for releasing arrested individuals:

1. Individuals charged with a municipal violation of D.W.I. shall be allowed to post bond and may be released if another person over the age of 18 signs a department approved form accepting responsibility of the arrestee.
2. Individuals arrested for any State charge of D.W.I. shall be booked for investigation and the case electronically submitted to the Prosecutor's Office for consideration of charges.

Chris Connally, Chief of Police

Date