




Cocoa Beach Police Department

Standard Operating Procedure



Effective Date: March 9, 2026	Replaces: Amends: March 30, 2017	Number: 104.10
Subject: Driving Under the Influence Investigations		Re-Evaluation: 2028
Distribution: All Members	Related CFA Standards: 18.02M, 18.03M	
Approving Authority: Chief of Police Kris Kuehn		
Approval Date: March 2, 2026		

1. PURPOSE

The purpose of this standard operating procedure is to establish a clear and consistent procedure for officers to follow when conducting an investigation involving drivers under the influence.

2. SCOPE

This standard operating procedure shall apply to all members of the Cocoa Beach Police Department.

3. POLICY

It shall be the policy of the Cocoa Beach Police Department to provide for the safe travel of the motoring public, bicyclists and pedestrians by proactively detecting, investigating and apprehending intoxicated drivers.

4. DEFINITION(S)

- A. ACTUAL PHYSICAL CONTROL – the driver must be physically in or on the vehicle and have the capability to operate the vehicle, regardless of whether they are actually operating the vehicle at the time.
- B. AGENCY INSPECTOR – A person who has been issued an Agency Inspector permit by the Florida Department of Law Enforcement.
- C. BLOOD ALCOHOL CONTENT (BAC) – measured in grams per milliliter
- D. BREATH ALCOHOL CONTENT (BrAC) – measured in grams per liter
- E. Breath Alcohol Level (BrAL) – measured in grams per liter, used only in “.02” investigations
- F. BREATH TEST OPERATOR (BTO) – a person who has been issued a Breath Test Operator permit by the Florida Department of Law Enforcement.
- G. DRIVING UNDER THE INFLUENCE (DUI) – Driving while under the influence of alcoholic beverages, any chemical substance set forth in [§ 877.111](#), Florida Statutes, or any substance controlled under [Chapter 893](#), Florida Statutes, to the extent that their normal faculties are impaired.
- H. FLORIDA DUI UNIFORM TRAFFIC CITATION – a citation issued only for DUI arrests when the driver’s BrAC is .08g/210L or higher, or when the driver refuses to submit to any test requested by law enforcement.
- I. IMPAIRED – under the influence of alcoholic beverages, any chemical substance set forth in [§ 877.111](#), Florida Statutes, or any substance controlled under [Chapter 893](#), Florida Statutes, when affected to the extent that the person’s normal faculties are diminished, or has a BAC of 0.08g/100mi or higher, or a BrAC of .08g/210L or higher.
- J. UNIFORM TRAFFIC CITATION (UTC) – standard traffic citation issued for all traffic offenses except for DUI arrests unless the subject is impaired and the breath test results in a BrAC less than .08g/210L.

5. PROCEDURES

- A. TRAINING

1. Department personnel conducting evidentiary tests for impairment will be permitted to do so by the Florida Department of Law Enforcement after completing the required training classes to obtain and maintain Breath Test Operator permit.
 2. Department personnel conducting inspections on the Agency's breath testing instrument will be permitted to do so by the Florida Department of Law Enforcement after attending after completing the required training classes to obtain and maintain the Agency Inspector Permit.
- B. DUI DETECTION AND PRE-ARREST SCREENING
1. Unless circumstances do not permit, officers should utilize a video recording device to record the subject vehicle in motion before initiating the stop, if equipped. If video is not utilized, the reason should be documented in the case report. Safety of the public is an officer's primary concern and should be considered during this observation.
 2. Officer's observations in the detection stage are crucial in establishing probable cause for an arrest. Officers must perform the following tasks:
 - a. Recognize and identify specific driving behaviors that have a high probability of signifying that the driver may be impaired by alcohol, drugs and/or chemical substances.
 - b. Recognize and identify specific driving or other behaviors occurring during vehicle stops that provide additional evidence that the driver may be impaired.
 - c. Note all observations leading to the suspicion that the driver may be impaired.
 - d. Exercise due care and caution in attempting to stop impaired drivers and be alert for unusual or inappropriate reactions from the driver.
 - e. Attempts to stop should not be prolonged; apprehension of the vehicle should be made as soon as possible in a safe location.
 - f. Notify Communications of location, vehicle description, number of occupants and reason for the stop.
 - g. Approach the vehicle with caution, but with minimal delay. If the environment allows, a driver-side approach is preferred as it allows the officer to utilize their sense of smell in close proximity to the operator.
 - h. Obtain driver's license and other appropriate documents (e.g., registration, insurance card).
 - i. Maintain dialogue with the driver to determine the existence of impairment indicators.
 - j. Recognize and identify specific characteristics, attitudes, and actions commonly manifested by impaired drivers during face-to-face contact.
 - k. If at any time after the vehicle has been stopped and the driver is determined to be impaired, do not allow the driver to move the vehicle. Whenever possible, seize the keys to the vehicle.
 - l. Note all observations leading to the suspicion that the driver may be impaired. If indicators exist to support your suspicion, request the driver to exit the vehicle to a nearby safe location to conduct the field sobriety exercises.
 - m. Officers should not conduct interviews or field sobriety exercises in the space between the patrol vehicle and the driver's vehicle.
 - n. If the vehicle was not observed in motion, determine if the driver was in actual physical control of the vehicle.
 - o. Conduct the Standardized Field Sobriety Exercises as outlined on the [Cocoa Beach Police Department DUI Field Notes](#). Record the results for each of the exercises administered. Alternate exercises should be considered when the defendant displays physical limitations or is of advanced age.
 - p. If the subject refuses to perform the Standardized Field Sobriety Exercises, advise them of the potential adverse consequence of their refusal. Not only could the refusal be used against them in court, but the officer may be forced to rely on information presented to them up to the point the

driver was asked to perform the Standardized Field Sobriety Exercises in determining the arrest decision.

q. Formulate appropriate arrest decision based on the evidence accumulated in the above-listed steps.

C. DUI ARREST AND PROCESSING (CFA 18.02A)

1. If probable cause exists for DUI, officers should arrest the suspect and complete the following tasks:
 - a. When taking the subject into physical custody, notify them that they are being placed under arrest for the appropriate charge.
 - b. After handcuffing, conduct a thorough search of the suspect and search areas the driver would have had access to for “fruits of the crime committed.” If the vehicle is to be towed, conduct an inventory of the vehicle. Any evidence located within the vehicle or the defendant’s person should be documented by photographing, body-worn camera, or using the patrol vehicle’s in-car camera system when available.
 - c. Attempt to obtain name, address, and phone number of passengers. Attempt to obtain proper picture identification when available. Note any statements made by passengers in case narrative.
 - d. Tow vehicle in accordance with current procedure.
 - e. Arrange for transportation and safety of passengers.
 - f. Transport arrestee to the Cocoa Beach Police Department for evidentiary testing and processing. If equipped, ensure the patrol vehicle’s in-car video record the arrestee’s actions or statements that may be made during transport.
 - g. If the arrestee is placed into a holding cell, notify the Communications center immediately of placement into the cell.

D. DUI RELATED CRASH (CFA 18.03D)

1. When investigating a DUI crash case, obtain sworn statements from witnesses who can place the driver behind the wheel. All evidence should be noted that could show the defendant as the driver such as, but not limited to, injuries or marks on their person that could place them behind the wheel, the driver seat positioned in such a manner that would accommodate a person of the defendant’s size, glass fragments from the driver side window on the defendant, and the vehicles keys being in possession of the defendant.
2. When investigating a DUI crash case, at the conclusion of the crash investigation, advise the driver that the crash investigation has concluded and that you are now conducting a criminal investigation for Driving Under the Influence. The investigating officer conducting the Driving Under the Influence investigation will read the driver Miranda Warnings and ask the driver to consent to performing the Standardized Field Sobriety Exercises; proceed with the exercises if consent was given. Once the exercises are complete, re-ask all questions from the crash investigation.

E. EVIDENTIARY TESTING AND BOOKING

1. Selection of test method:
 - a. It is Department policy to use the breath test method to collect evidence in suspected alcohol DUI cases.
 - b. It is Department policy to use the urine test method to collect evidence in suspected drug and or chemical DUI cases.
 - c. Urine tests should be used when it appears to be the most reasonable means of collecting the necessary evidence in accordance with Florida State Statute.
2. Preparation and implementation for evidentiary testing:
 - a. Following their arrest, a request should be made by the arresting officer for the arrestee to provide breath, urine, or blood. If the arrestee refuses to comply, the officer shall read them the [*Implied Consent Warning*](#). The officer shall then transport the arrestee to the Cocoa Beach Police Department or nearest hospital for either the application of the appropriate test, or for processing if the test is still refused.

3. Breath Analysis:
 - a. Certified operator administers test:
 - (i) Arresting officer and/or certified Breath Test Operator administering test will keep arrestee under continuous and complete observation for at least twenty (20) minutes prior to test. During this time, arrestee may not eat, drink, or smoke. During this period, the Breath Test Operator should be preparing the testing equipment for usage. The test should be administered as soon as practical and possible after this observation period has elapsed.
 - (ii) After the arrestee performs the requested test, if they requested an independent blood analysis, officers will provide the arrestee with a phone book, telephone, and explain to the arrestee that it is up to them to arrange as well as pay all costs associated with the test. The arrestee will also be informed that the Cocoa Beach Police Department is not requesting a blood sample, and will not take custody of any blood or assume responsibility for its safeguard. If the arrestee does secure an independent blood sample, officers will not hinder in the collection and will provide for the independent party to have access to the arrestee; this will include transport to the nearest medical facility if applicable. Officers should obtain the person's information to include all contact information and verify they are licensed to draw blood from a human being before blood is collected from the arrestee.
 - (iii) If the arrestee refuses to provide a breath or urine sample, the arrestee is not legally entitled to an independent blood analysis. Administration of one type of test (i.e. breath) does NOT preclude the administration of another type of test. If the arrestee agrees to a breath test but declines a urine test the officer will read the [*Implied Consent Warning*](#) to the arrestee. If the arrestee continues to refuse the required test, it will constitute a refusal and officers shall follow all arresting procedures for a refusal.
 - b. Blood Test:
 - a. Blood test is the most accurate way of determining alcohol and controlled substance-induced impairment.
 - b. Blood collection kits shall be obtained from the shift supervisor.
 - (i) Arresting officer shall complete [*Cocoa Beach Police Department Blood Test Withdrawal Form*](#) and [*Florida Department of Law Enforcement Alcohol Testing Program: Certification of Blood Withdrawal*](#).
 - (ii) Administered in accordance with [§ 316.1932](#), [§ 316.1933](#), [§ 316.1934](#), [§ 322.62](#), [§ 322.63](#), [§ 322.64](#), [§ 327.352](#), and [§ 327.353](#), Florida Statutes.
 - c. Persons involved in a traffic crash, who are injured and are present for treatment at any medical facility, where probable cause exists they are impaired, should be tested for blood alcohol level or the presence of chemical or controlled substances. (CFA 23.01)
 - (i) If the driver is conscious, investigating officer will request a blood sample. If the driver refuses, officers will read [*Implied Consent Warning*](#).
 - (ii) By statute, unconscious drivers have waived their right of refusal.
 - (iii) If attending medical personnel believe blood testing will interfere with medical services and/or recovery, blood test will not be required.
 - (iv) As defined by [§ 316.1933\(1\)](#), Florida Statutes, if there is serious bodily injury and/or death to a "Human Being" resulting from a traffic crash and the officer has probable cause to believe the driver is under the influence of alcohol, chemical, or controlled substance, and all avenues to obtain a warrant have been exhausted it will be up to the On-duty Shift Supervisor to determine if a reasonable amount of force will be used to obtain the blood sample. This will only apply in felony DUI cases.
 - d. Procedures:

- (i) Arresting officer must authorize testing and is responsible for signing all paperwork required by medical personnel.
 - (ii) Minimum of five (5) milliliters of whole venous blood should be collected for submission.
 - (iii) Arrangements should be made by arresting officer to have billing sent directly to the Cocoa Beach Police Department.
- 5. Urine Tests: Urine tests will be used when there is reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle while under the influence of chemical substances or controlled substances. In determining suspicion of controlled or chemical substance use, the officer should note and be able to articulate the presence of drugs, chemicals and/ or paraphernalia on the arrestee or in their vehicle. Note any statements made by the driver during the investigation. Document the odor of cannabis and/or other drugs as well as chemicals, or any other indicator of controlled or chemical substance use.
 - a. Urinalysis is the approved method for determining most forms of drug or chemical- induced impairment.
 - b. Urine collection kits will be obtained from the shift supervisor
 - c. Urine collection will be conducted either at the police station or at a medical facility, whichever is most convenient. If the arrestee refuses to provide a sample of urine, the [*Implied Consent Warning*](#) shall be read.
 - d. Administration of one type of test (i.e. breath) does NOT preclude the administration of another type of test. If the arrestee agrees to a breath test but declines a urine test, [*Implied Consent Warning*](#) will be read to the arrestee. If the arrestee continues to refuse the required test, it will constitute a refusal and officers shall follow all arresting procedures for a refusal.
- 6. Chain of custody for evidence requires an officer to be present during collection of blood and urine samples.
 - a. When collecting urine samples, the officer and arrestee must be of same sex.
 - b. Law enforcement personnel who are of the same sex as the arrestee may witness the test in place of the arresting officer.
 - c. The test must be conducted in an area that protects the privacy of the arrestee per [§ 316.1932 \(1\)\(b\)](#) Florida Statutes.
- 7. Preservation of Evidence: Blood and urine samples will be refrigerated while awaiting transport to approved laboratories.
 - a. Person who collected sample will give blood samples to arresting officer.
 - (i) Two (2) samples will be provided (5 milliliters each).
 - (ii) Each sample must be marked with following information:
 - a) Name
 - b) Collection date
 - c) Collection time
 - d) Collector's initials, and
 - e) Officer initials
 - (iii) Blood samples should be hand-delivered to FDLE Crime Lab in Orlando as soon as possible.
 - (iv) If hand-delivery is not possible, then blood should be packaged in accordance with the [*FDLE Crime and Laboratory Evidence Submission Manual*](#).
 - (v) [*Florida Department of Law Enforcement Toxicology Services: DUI Work Request Form*](#) will accompany samples.
 - b. Urine samples are collected in a clean container and are marked with identifying information.
 - (i) Submit 50 milliliters in a clean, tightly closed container.

- (ii) Urine samples may be hand-delivered to lab.
- (iii) If hand-delivery is not possible, urine should be packaged in accordance with FDLE guidelines set forth in the latest version of the [FDLE Crime and Laboratory Evidence Submission Manual](#).
- (iv) [Florida Department of Law Enforcement Toxicology Services: DUI Work Request Form](#) will accompany sample.

F. EVIDENTIARY (BREATH, URINE, AND OR BLOOD) TEST REFUSAL

Evidentiary tests are extremely valuable in the successful prosecution of a DUI case. An arrestee has the choice to refuse the test. After the arrestee refuses evidentiary testing, the officer requesting the evidentiary test will complete the [Implied Consent State of Florida Warning Form](#). If an arrestee refuses, then changes their mind and consents to the requested evidentiary test within a reasonable amount of time, the arresting officer should provide an opportunity for the arrestee to complete the requested test.

- 1. Arresting officer will complete a [State of Florida Department of Highway Safety & Motor Vehicles Affidavit of Refusal to Submit to Breath, Urine or Blood Test](#).
- 2. Original *REFUSAL* affidavit shall be submitted to DHSMV Driver's License Bureau.
- 3. Copy of *REFUSAL* affidavit shall be submitted to State Attorney's Office along with required arrest documentation for processing.
- 4. Secondary copy of *REFUSAL* affidavit shall be submitted to the DHSMV Bureau of Administrative Reviews Office.

G. DUI DRIVER INTERVIEW

As with all criminal cases, an arrestee's admission or incriminating statements can be valuable in the successful prosecution of the case.

- 1. After completing the evidentiary portion of the investigation, the arresting officer should make an attempt to obtain a post-Miranda statement from the driver. If the driver refuses and/or requests legal counsel, indicate such in the case report.

H. COMPLETE REQUIRED ARREST REPORT FORMS

- 1. Departmental forms must be completed as required, thoroughly documenting all evidence gathered during investigation and indicating results of all field sobriety exercises administered. Attach subject's driver's license to case report, if applicable.
- 2. The arresting officer will be responsible for all paperwork that accompanies the DUI arrest.
 - a. The Breath Test Operator (BTO) will be responsible for the breath testing and associated forms. If the Breath Test Operator is not the arresting officer, he or she will turn over the breath test results affidavit to the arresting officer. A supplemental report will be completed by the breath test operator if he or she is not the arresting officer.
- 3. A [DUI Uniform Traffic Citation](#) will be used for refusal or unlawful BrAC (.08 or greater cases). In all other cases, a standard UTC will be used. A suspension of the violator's driver's license takes place when the following criteria are met:
 - a. Results of the breath test indicate a BrAC of .08g/210L or higher.
 - b. The arrestee refuses any evidentiary test requested by the arresting officer.
 - c. [§ 322.2615](#) Florida Statutes, provides for the seizure and suspension by the arresting officer of the driver's license of persons charged with DUI, [§ 316.193](#), Florida Statutes, under certain circumstances. The seizure and suspension by arresting officer may be conducted.

I. UNDER 21 DUI .02 LAW/ ENFORCING [§ 322.2616](#), FLORIDA STATUTES, IN THE FIELD (CFA 18.02A)

- 1. The purpose of this section is to establish uniform procedures for the enforcement of the Under 21 BrAL over .02g Law.
 - a. [§ 322.2616](#), Florida Statutes, states that it is unlawful for a person under the age of 21 to drive a vehicle if the person has a breath alcohol level (BrAL) of 0.02 or higher.

- b. [§ 322.2616 \(1\)\(b\)](#), Florida Statutes, permits a law enforcement officer to detain any person under the age of 21 for the purpose of obtaining a breath test if the officer has probable cause to believe that the person was driving or in actual physical control of a motor vehicle while showing indicators of possessing a BrAL of 0.02 or higher
 - c. A driver under the age of 21 who has a BrAL of 0.02 or higher will have their driving privilege suspended for a period of six months for the first violation.
 - d. The person under age 21 who refuses to submit to a lawful breath test will have their driving privilege suspended for one year for a first refusal.
2. Enforcing [§ 322.2616](#), Florida Statutes, in the field: Lawful contact must be made before an underage driver can be checked for a violation of [§ 322.616](#), Florida Statutes, Lawful contacts include but are not limited to:
 - a. Traffic stop related to Florida law
 - b. Contact at a sobriety checkpoint
 - c. Contact at the site of a traffic crash
 - d. A consensual encounter
3. Rule out a violation of [§ 316.193](#), Florida Statutes, (DUI) prior to checking a driver for a violation of the 0.02 law. You may only charge the offender with DUI as stated in [§ 316.193](#) Florida Statutes, or use the Notice of Suspension under the .02 law, you cannot arrest for DUI and proceed to charge them with a .02 violation, officers will conduct a normal investigation to rule out the possibility that the driver is impaired under [§ 316.193](#) Florida Statutes, by:
 - a. Interviewing the driver, verifying the driver's age and checking for signs of impairment
 - b. Having the driver perform Standardized Field Sobriety Exercises
 - c. Ruling out probable cause to make an arrest for DUI
4. Check for violation of [§ 322.2616](#), Florida Statutes, if probable cause does not exist to arrest the driver for DUI but there are indications that the driver has been drinking. This can be the odor associated with alcoholic beverages, opened or unopened containers in the vehicle, or other signs or admissions. If the officer believes the driver may be in violation of [§ 322.2616](#), Florida Statutes, they will:
 - a. After being with the driver for 15 minutes request that the driver submit to a breath test.
 - b. If the breath samples yield BrAL of 0.02 or higher, the officer will take the driver's license and issue a suspension using the [Notice of Suspension](#).
 - c. If the driver refuses to give a breath sample, the officer will take the driver's license and issue a suspension using the [Notice of Suspension](#).
 - d. The driver gives one breath test and refuses to give a second sample; the officer will take the driver's license and issue a suspension using the [Notice of Suspension](#).
 - e. If the driver is age 18-20 and no arrest is made for another violation; and the results are 0.020 to 0.079, the driver will be released after the officer advises them that their license is immediately suspended and that their copy of the [Notice of Suspension](#) will act as their temporary driving permit. They will have 10 days to contest the notice of suspension and will not be able to drive for up to 12 hours after receiving their copy of the [Notice of Suspension](#). If they do not contest the suspension their license will be suspended for a period of 6 months for the first offense, and if they refuse to submit to a breath test, their license is suspended for a period of 1 year for the first refusal.
5. If the driver is under 18 and no arrest is made for other violations, the officer shall make every effort to contact a parent or guardian to take custody of the juvenile. If a parent or guardian cannot be located and the juvenile does not appear to be able to care for themselves or shows a BrAL of 0.08 or higher they will be transported to the nearest hospital for medical treatment. The .02 law is not a criminal offense and if no other criminal offenses exist and the juvenile can be released safely on their own recognizance they will be allowed to leave although they will not be allowed to drive.

6. The following will be attached to an incident report and sent to Records:
 - a. [Notice of Suspension](#)
 - b. Incident Report
 - c. Any traffic citations, if applicable
 - d. A cost recovery or [Investigative Expenditure Computation Form](#) if applicable, for criminal traffic stops
 - e. Secure the driver's license to the [Notice of Suspension](#)

6. APPENDIX

- A. [Cocoa Beach Police Department DUI Field Notes](#)
- B. [Cocoa Beach Police Department DUI Field Notes – Seated Attachment](#)
- C. [Implied Consent Warning – English Version](#)
- D. [Implied Consent Warning – Spanish Version](#)
- E. [Cocoa Beach Police Department Blood Test Withdrawal Form](#)
- F. [Florida Department of Law Enforcement Alcohol Testing Program Form 11: Certification of Blood Withdrawal](#)
- G. [Florida Department of Law Enforcement Toxicology Services: DUI Work Request Form](#)
- H. [State of Florida Department of Highway Safety & Motor Vehicles Affidavit of Refusal to Submit to Blood Test](#)
- I. [State of Florida Department of Highway Safety & Motor Vehicles Affidavit of Refusal to Submit to Breath and/or Urine Test](#)
- J. [Florida DUI Uniform Traffic Citation](#)
- K. [Notice of Suspension \(.02 Violation\)](#)