



Colorado Springs Police Department Standard Operating Procedure

DL-1060-02 Driving Under the Influence

Section 1000 – Patrol Functions

Effective Date: 7/7/2021

Supersedes Date: 4/15/2021

.01 Purpose

The purpose of this directive is to establish operational procedures for the application of the DUI enforcement throughout the patrol operations bureau.

.02 Cross Reference

[GO 210 Refusal of Violator to Sign Citation](#)

[GO 290 Towing and Impound Procedures](#)

[GO 530 Intoxicated Persons](#)

[GO 775 Searching of Prisoners](#)

[GO 831 Collection of Physical Evidence](#)

[GO 870 Blood Alcohol Procedures Investigations and Evidence](#)

[GO 1240 Grants](#)

[GO 1422 Fort Carson](#)

[P1-12 Sally Port Operation](#)

[P1-13 Holding Cell Operation](#)

.03 Procedure

DUI Program Structure

DUI Lieutenant

The Gold Hill, shift III lieutenant will be assigned administrative oversight of the DUI operations. The DUI lieutenant will be responsible for the management oversight for the citywide DUI function and will help coordinate DUI related deployments (BAT Van, NHTSA).

DUI Officers

Each area command will have specially trained DUI enforcement officer(s) responsible for the DUI program at their respective division.

DUI officers will:

- Administratively report to the DUI Sergeant
- Be used primarily for proactive DUI enforcement and to assist patrol officers in processing suspected DUI traffic contacts
- Assist in any traffic related calls-for-service when called upon
- Conduct traffic safety presentations and training for outside agencies or community groups when approved by a supervisor
- Be responsible for all DUI related paperwork
- Conduct line-up and practical training for Patrol Officers
- Assist the Training Academy with DUI related recruit training
- Conduct additional duties as assigned

DUI officers will respond to conduct sobriety evaluations throughout the city, as needed.

The DUI Unit will maintain a minimum of four (4) intoxilyzer instructors who will be responsible for maintaining and certifying the intoxilyzer as well as certifying intoxilyzer operators.

DUI Administrative Assistant

The DUI unit has a civilian administrative assistant. The unit's assistant is responsible for retrieving and processing all lab results from the CBI website. The assistant will email the results to the arresting officer and complete a supplement in MFR for each result. The assistant will be responsible for assembling DOR packets for submittal to the Department of Revenue. The DUI assistant will help with other administrative duties as needed, including data collection and creating and completing spreadsheets.

Funding & Grants

The National Highway Traffic Safety Administration (NHTSA) grant programs are used to augment DUI enforcement activities through the use of overtime money. The lieutenant assigned oversight of the DUI Unit will serve as project director for all DUI-related grants and assume responsibilities as outlined in [GO 1240 Grants](#). The administration of these grants will be assigned to the DUI sergeant.

The grants unit is responsible for the oversight of grant applications, reporting, and communication with funding agencies. The DUI sergeant is responsible for gathering arrest data, deployment plans and assisting in the preparation of the grant application.

DUI Room

Each area command will maintain a DUI room. The DUI room should not be used for any purpose other than the processing of persons arrested for driving under the influence of alcohol and/or drugs.

There is a telephone located in the DUI room at each division that may be used by compliant detainees that will be served and released after the DUI testing process is completed. Detainees that do not pose an officer safety hazard to officers during the process may use the telephones to make safe ride arrangements from the divisions at a time deemed appropriate by the officer operating the Intoxilyzer instrument. The phone is configured for local calls only.

Each DUI room is equipped with the necessary instruments and supplies to administer the required breath test. These supplies are as listed below:

- Intoxilyzer mouthpieces
- Standard Intoxilyzer solutions
- Pens, pencils, rubber bands, Liquid Paper, Post-It Notepads, stapler, tape, and general office supplies
- Appropriate DUI related paperwork

Those DUI officers assigned to the division shall maintain these supplies at an operational level. When the Intoxilyzer is used to administer a test pursuant to a DUI arrest, the operator shall enter the case report number into the instrument as part of the official log ensuring the printed results are part of the case file.

DUI Paperwork

In order to standardize the processing of DUI paperwork and to maintain best records keeping practices, all DUI paperwork will be documented by a case report. The following list is the required paperwork used to complete DUI packets:

- DUI Field Sobriety checklist
- Reimbursement form (completed by DUI administrator)
- Traffic summons
- All paperwork from a breath test using the Intoxilyzer to include the completed EBAT form the Intoxilyzer 9000 and/or error messages or incomplete EBAT's (if applicable)
- Notice of Revocation form
- Data Capture sheet
- MFR case report and supplements

The original DUI summons will bear the case report number.

The Field Sobriety Checklist, any DUI Field notes and Reimbursement form will be marked with the corresponding case report number and will, along with a copy of the summons be scanned into MFR.

Blood results from the current contract laboratory will be scanned and attached to the case report by either the arresting officer or the DUI administrative assistant.

Standardized Field Sobriety Test (SFST)

All officers receive DUI training during their initial training at the Training Academy. All officers who graduated the Training Academy after December 1, 2009, were certified in the full three test battery. This test battery includes Horizontal Gaze Nystagmus, Walk-and-Turn, and the One Leg Stand. Officers graduating prior to December 1, 2009, received training in the Walk-and-Turn, and the One Leg Stand in the Academy. Officers may take an elective SFST class after their initial training at the academy to certify them in the full three test battery.

The Colorado Department of Transportation (CDOT) requires that officers certified in the Standardized Field Sobriety Testing (SFST) attend refresher training that is a minimum of two hours every two years to remain certified. Failure to attend refresher training will result in de-certification. The DUI unit sergeant will coordinate with the in-service training sergeant to schedule refresher training biannually. DUI Officers will serve as the primary instructors for this training.

CDOT recommends that all SFST certified officers maintain a log documenting all administrations of the SFSTs. Officers will maintain the log that runs from January 1 to December 31, of the current year. Officers will then submit the ending year's log for archival to the Training Academy on the first day of each year.

Patrol DUI Stops

When a patrol officer contacts a driver and suspects they are under the influence, the patrol officer will remove the driver from the vehicle for public safety concerns (a suspected impaired driver could drive away from the stop and endanger the public) and law enforcement concerns (a suspected DUI driver could ingest substances after being stopped which would impair the DUI investigation).

The officer will then evaluate their lawful authority before determining their next course of action, to include whether or not a frisk of the driver should be conducted. Factors to consider include:

- Articulable officer safety concerns that include:
 - Specific facts to reasonably believe the person is armed and dangerous (e.g., CFS involves a weapon, known history of weapons possession, etc.)
 - Facts and reasonable inferences to reasonably believe the person is armed and dangerous (e.g., driver refuses to keep their hands out of their pocket, continues to touch waistband, unknown bulge under clothing, etc.)

- For an articulable public safety reason the officer needs to secure the driver in the back of a cruiser which include but are not limited to:
 - The weather at the time of the stop is extreme and having the driver remain in the elements could be harmful to the driver
 - The driver refuses/is unable to stand away from the roadway
 - The driver is at risk of falling into the road

- Driver consents to a frisk

Officers should not and are not expected to sacrifice officer safety by placing a driver in a patrol vehicle without first being frisked for weapons. If the lawful authority to frisk the driver is not present, officers will not place the driver in the back of a cruiser. Officers will remain with the driver outside of their cruiser and be vigilant of the driver until additional officers respond to assist the officer in completing a DUI evaluation. If at any point, an articulable public safety reason or articulable officer safety reason arises, officers should reevaluate their lawful authority to frisk.

The officer should explain to the driver that they are not under arrest, but they are being detained for investigatory purposes.

Drivers who meet the criteria to be frisked and placed into a police vehicle will be secured in a vehicle equipped with a safety divider. Supervisors or uniformed officers who operate a vehicle that is not equipped with a safety divider will request a marked unit with a safety divider respond.

If available, a DUI officer will be requested to respond. The stopping officer will advise the DUI officer of the probable cause for the stop and also articulate the observations regarding the driver contact.

If a DUI officer cannot respond within a reasonable amount of time (20 to 30 minutes), a backup officer will be requested to provide cover during roadsides and deal with any occupants of the vehicle. The stopping officer will process the driver for the suspected DUI if a DUI specialist is not available, and if probable cause exists, arrest the driver.

The arresting officer will be responsible for having the suspected driver complete a chemical test of their blood or breath. In DUID cases, a blood test is the primary option. In extraordinary circumstances (e.g., religious objections to invasive procedures or medical intervention), urine testing is an option. The arresting officer will submit all completed DUI related paperwork to the DUI Unit for submittal to the Department of Revenue.

The arresting patrol officer will complete the following:

- The “face sheet” will be created when an e-Citation is completed and the arrest box is checked, thereby eliminating the need for completing an MFR report. If a paper summons is used, then an MFR case report will need to be completed.
- MFR supplements
- DUI Field Sobriety Checklist
- Traffic Summons
- Notice of Revocation form
- Paperwork from a breath test (if applicable) using the Intoxilyzer to include the completed EBAT from the Intoxilyzer 9000 and/or error messages on incomplete EBAT’s
- Data Capture form (do not scan into MFR)
- Scan DUI paperwork, checklist, Intoxilyzer paperwork, Notice of Revocation into MFR

Provide the Notice of Revocation, Reimbursement form, and Data Capture sheet to the DUI Unit for distribution.

All summonses written during a tour of duty will be submitted before going off duty.

Felony DUI Procedures

There are two instances when a DUI arrest would result in a felony charge: Vehicular Homicide/Vehicular Assault cases and drivers who are arrested for DUI and who have three or more DUI convictions.

Vehicular Homicide and Vehicular Assault Cases

Vehicular Homicide and Vehicular Assault generally involve a call out of the department’s Major Crash Team. If a suspect driver is evaluated and arrested for DUI as a result of a traffic accident then a series of three (3) blood draws must be completed. The first blood draw may be taken under Expressed Consent Statute if the suspect driver consents, but the second and third draws will need to be collected after a search warrant is completed. If the suspect driver refuses all testing, then a search warrant will need to be completed for all three draws. Each blood draw should be collected approximately one hour apart. If the driver is arrested for DUID, and no alcohol is suspected, only one (1) draw is needed.

Three or More DUI Convictions

Suspect drivers who are arrested for DUI and found to have three or more convictions for DUI, DUI Per Se or DWAI, Vehicular Homicide (ETOH) or Vehicular Assault (ETOH) fall under Colorado's felony DUI statute. Officers will need to confirm the convictions through Colorado Court Database. Officers should document the convictions with the type of court, docket number and conviction dates.

Suspect drivers who fall under Colorado's felony DUI statute are required to cooperate with a chemical test (blood or breath). If the driver refuses to cooperate, the driver will not be compelled to complete a chemical test. The officer will complete refusal paperwork for DOR. The officer will complete all the same paperwork as listed above prior to placing the driver into CJC.

Intoxilyzer Usage

Intoxilyzer testing will be performed in accordance with the rules and regulations set forth by the Colorado Department of Public Health and Environment. No employee will conduct the test without being a certified operator, as provided for by these rules. Misuse or abuse of the instrument will not be tolerated. Copies of the Department of Health rules and regulations, and an operator's manual for the instrument, will be maintained in each DUI room. Certificates issued by the Department of Health pertaining to instruments will be maintained in the DUI room at each division. Operator certifications will be maintained at the training academy.

Any officer who arrests a person for driving under the influence and is not a certified operator of the instrument can receive assistance in processing the arrestee from a certified operator. The communications center should be notified so that an operator can be sent to administer the test. A list of current operators is maintained in the communications center for this purpose. The following procedures shall be followed during detention and processing:

Upon arrival at the division, the officer will use the sally port to move the arrestee from the cruiser to the building.

- The prisoner will be secured in the holding cell where the cruiser will then be removed from the sally port.
- The arrestee will be moved to the DUI room and the required observation period will be initiated.
- The breath test will be administered to the subject in the prescribed manner.
- The operator will enter the case report number into the Intoxilyzer 9000 as part of the official log ensuring the printed results are part of the case file.

Medical Assistance and Alcohol Toxicity

Medical assistance will be summoned any time the arrestee requests it.

Any time the arrestee displays symptoms or behaviors that suggest they may be suffering from alcohol toxicity, medical personnel will be summoned to the location.

Symptoms include, but are not limited to:

- Incoherence.
- Unresponsiveness.
- Unconsciousness or difficulty remaining conscious.
- Difficulty breathing.
- An inability to stand or remain seated upright.
- Blood alcohol level .3 or higher.

While the arrestee is in custody, the officer should contact the Department of Revenue in Denver to ascertain the status of their operator's license. The contact may be made by telephone or computer, by either the officer or the communications center. If any restraints or actions against the arrestee are discovered, the proper summons and complaint or case report should be initiated.

- Arrestees will not be left in the holding cell for a period longer than necessary for processing. Once processing is complete, the arrestee will be moved to the lobby area to await transportation, if it has been arranged with a responsible third party. If such transportation was not arranged, the arrestee may be transported to Detox.
- If the arrestee is the subject of outstanding warrants, or meets the criteria for bond, the arrestee will be transported to the county jail.
- In the event that the instrument fails to operate properly, or the officer is faced with other unusual circumstances, one of the operators/instructors or an on-duty sergeant should be contacted for remedy or clarification.

Blood Alcohol Testing

Memorial North, Memorial Central, and Grand View Hospitals

Both Memorial Hospital emergency rooms and Grand View Hospital are the designated locations for officers to transport persons suspected of DUI or DUID violations for the purposes of Blood Alcohol Test and/or legal toxicology screens.

Penrose Hospital/St. Francis Medical Center

If a DUI or DUID suspect is transported to one of these hospitals because of injuries, a legal Blood Alcohol Test should be conducted at that hospital. If the hospital does not have a blood test kit,

one can be obtained from one of the DUI officers on duty or from Memorial Hospital. The blood kit will then be submitted to CBI for analysis.

Fort Carson Hospital

The Posse Comitatus Act prohibits utilizing the military to enforce civilian laws. Therefore, the Fort Carson Hospital emergency room cannot provide Blood Alcohol Test results for civilian law enforcement agencies.

The Fort Carson Military Police will request a Blood Alcohol Test from the hospital in cases where a military member, dependent, or Department of Defense civilian that has a connection with Fort Carson is suspected of drunk driving. Test results may be provided to civilian agencies upon request. Other civilian personnel brought to the Fort Carson Hospital for emergency medical treatment cannot be tested.

CSPD officers may request a Blood Alcohol Test by contacting the Military Police Desk at 719-526-2333. Requests for blood alcohol content determinations should not be made directly to Fort Carson Hospital Emergency Room Personnel. Results will be provided to CSPD in a timely manner.

DUID Paperwork

DUID (Driving Under the Influence of Drugs) cases also use the same Request for Analytical Services form that DUI blood kit uses.

Attachments

[Request for Analytical Services](#)