

**9.06.000 DUI INVESTIGATIONS**

9.06.005

**DUTY TO ACT:** 12/14

On-duty deputies shall take action on DUI/Physical control incidents that come to their attention.

9.06.010

**ADMINISTRATION OF BAC VERIFIER TESTS:** 12/14

1. Deputies and sergeants assigned to patrol shall maintain a current BAC Operator's permit.
2. Only personnel with a current BAC Operator's permit may perform a BAC Verifier test on a person arrested for DUI/Physical Control/Minor Operating.

9.06.015

**DOCUMENTATION:** 12/14

1. Deputies should, when applicable, use the State DUI Packet to document a DUI/Physical Control Arrest and supplement their reports.

<http://www.wsp.wa.gov/breathtest/btpindex.php#dui>

2. A case report for all impaired driving related arrests is required.
3. The investigation narrative will be documented utilizing the Washington State DUI Arrest Report, an Officer's Report, or the case report.
4. If the Washington State DUI Arrest Report or an Officer's Report is handwritten or typed outside the KCSO records management system, it shall be attached to the case report as a hand written or linked document.

9.06.020

**NOTICE TO DEPARTMENT OF LICENSING (DOL):** 12/14

Deputies will fax or email DOL paperwork to the DOL when applicable.

9.06.025

**ARRESTEE'S PRIOR OFFENSE HISTORY:** 12/14

1. Deputies shall attempt to determine the arrestee's prior offense history to determine if the offense is a felony and/or requires mandatory booking.
2. Deputies shall, when available, review the arrestee's ten (10) year abstract of Driver's Record from DOL.
3. Other options to obtain the driver's history include:
  - a. The driver's admission; and
  - b. The arrestee's WACIC/NCIC III history when available through the precinct or after hours through DATA.

- c. If the arrestee's WACIC/NCIC III history is older than (5) years it must be obtained through DATA.

9.06.030

**MANDATORY BOOKINGS:** 12/14

1. Deputies shall book a person arrested for DUI/Physical control or an equivalent city ordinance when the deputy has a reasonable belief that the person has been convicted of a "prior offense" within the past ten (10) years (RCW 10.31.100). "Prior offenses" include:
  - a. Convictions of:
    - i. DUI (.502).
    - ii. Physical Control (.504).
    - iii. Vehicular Homicide (.520) while under the influence.
    - iv. Vehicular Assault (.522) if the Vehicle Assault while under the influence.
    - v. A charge of Vehicular Homicide or Assault, committed in a reckless manner or with disregard for the safety of others if the conviction was for a charge that the prosecutor's office originally charged as being committed while under the influence of intoxicating liquor or drugs, if known.
    - vi. Negligent Driving in the first degree (.5249), Reckless Driving (.500), Reckless Endangerment RCW 9A.36.050, or equivalent local ordinances, if the original charge filed by the prosecutor's office was a DUI, Physical control, Vehicular Homicide, Vehicular Assault, if known.
  - b. Deferred Prosecutions for:
    - i. DUI.
    - ii. Physical Control.
    - iii. Negligent Driving 1 if the case was originally filed by the prosecutor as a DUI/Physical Control/Vehicular Homicide/Vehicular Assault, if known.
    - iv. Out of state convictions equivalent to the above.
    - v. Driving a commercial vehicle with alcohol in system: RCW 46.25.110
    - vi. Operating a vessel while under the influence of alcohol or drugs. RCW 79A.60.040.
    - vii. Operating an aircraft in the air, ground or water while under the influence of alcohol or drugs or in a careless manner endangering the safety of others. RCW 47.68.220.
    - viii. Operating a non-highway vehicle while under the influence of alcohol or drugs RCW 46.09.470(2).
    - ix. Operating a snowmobile while under the influence of alcohol or drugs RCW 46.10.490(2).
2. "Within ten (10) years" means the suspect was arrested for a prior offense that occurred within ten years before or after the arrest for the current offense, not a conviction.

3. If the deputy does not “know” if the arrestee has a prior offense, or is in doubt, the deputy always has the discretion to book the person into jail.

9.06.035

**BOOKING ON COMPLETION OF SUPERFORM:** 12/14

Deputies may book the arrestee upon completion of only the Superform. No other case documentation or citations need to be provided to the jail at the time of booking. Completion of the rest of the paperwork should be done according to GOM 4.01.010.

9.06.040

**GUARDING HOSPITALIZED DUI/PHYSICAL CONTROL SUSPECTS:** 10/16

1. If the jail does not accept the suspect for alcohol/drug related medical issues and the suspect has to be hospitalized prior to booking, deputies shall notify the on-duty sergeant.
2. The on-duty sergeant shall have the discretion whether to guard and book, cite, or take other appropriate action (i.e. release at a medical facility).

9.06.045

**CHILDREN UNDER AGE 16 IN VEHICLES:** 09/14

1. Deputies shall document when children under the age of sixteen (16) are passengers in the vehicle.
2. The deputy or sergeant shall promptly notify or arrange to have Child Protective Services (CPS) promptly notified, when children under the age of sixteen (16) are in the vehicle and the driver arrested for an alcohol related offense is the children’s parent, guardian, legal custodian, sibling or half-sibling. RCW 46.61.507.
3. The deputy is not required to take children into custody unless the deputy is unable to release the children to another responsible person or agency, or the deputy has reasonable grounds to believe the children should be taken into custody under RCW [13.34.050](#) or [26.44.050](#).

9.06.050

**IMPOUNDS FOR DUI/PHYSICAL CONTROL:** 06/24

1. Deputies shall follow the policy guidance provided in GOM 9.04.040 for necessary or discretionary impounds based on where the suspected DUI driver’s vehicle is stopped.
2. Deputies shall consider reasonable alternatives to impound as described in GOM 9.04.040.
  - a. If reasonable alternatives to impound exist, deputies shall follow the discretionary impound policy.
  - b. If the vehicle qualifies as a discretionary impound, but the deputy reasonably believes that the driver will return to the vehicle while intoxicated, the deputy may impound the vehicle with a 12-hour hold. The deputy shall document the reason(s) that they believe that the driver could return to the vehicle in the impound report. Reasonable, articulable facts that lead a deputy to believe that the driver may return to the vehicle include, but are not limited to:
    - i. The jail will not accept DUI bookings.
    - ii. The proximity of the suspect to their vehicle after release.
    - iii. The driver states that they will return to the vehicle.

3. If reasonable alternatives to impound do not exist, deputies shall follow the policy for necessary impounds and mark the 12-hour hold box for the tow company to hold the vehicle for at least 12 hours.

9.06.055

**REQUEST FOR DRUG RECOGNITION EXPERT (DRE): 12/14**

Deputies may request a DRE if the deputy has evidence the driver may be impaired by drugs. Factors to consider include:

1. A BAC or PBT test result of less than 0.08 and the driver's level of observed impairment is inconsistent with a low BAC.
2. There is other evidence indicating the person may be under the influence of drugs, or a combination of drugs and alcohol.

9.06.060

**OBTAINING SEARCH WARRANTS FOR BLOOD DRAWS AND TESTS: 12/14**

1. A person may legally consent to a blood draw, but may revoke consent at any time.
2. If the suspect refuses or revokes consent, deputies must obtain a search warrant. If exigent circumstances prevent the deputy from obtaining a search warrant, the deputy may conduct a warrantless blood draw.

See: <http://www.wsp.wa.gov/breathtest/btpindex.php#dui>

3. In vehicular homicide, vehicular assault, and felony DUI/physical control cases a search warrant for blood is highly recommended absent of exigent circumstances.
4. In cases where the evidence suggests alcohol consumption is the sole basis for impairment, dissipation of alcohol alone is an insufficient basis for a finding of exigent circumstances.
5. Deputies must articulate why the destruction of evidence was reasonably likely if the deputy had to take time to obtain a warrant before the blood draw.

9.06.065

**JUDGES WHO MAY AUTHORIZE SEARCH WARRANTS: 12/14**

1. For crimes occurring or originating in King County, any King County district, municipal or superior court judge may authorize a search warrant for persons, property or items located anywhere within the state.
2. Deputies should attempt to contact a district or municipal judge using the on-call phone numbers before attempting to contact a superior court judge for a blood search warrant.

9.06.070

**FIREARMS: 10/16**

When a person being arrested for DUI/Physical control has a CPL and is in possession of a firearm(s) (RCW 9.41.098), deputies shall take the firearm(s) and submit the firearm(s) for safe keeping.

- See GOM section 8.05.000