

## **9.06.000 DUI INVESTIGATIONS**

9.06.002

### **PURPOSE AND SCOPE:** 05/26

This policy establishes the standards and procedures for conducting Driving Under the Influence (DUI) investigations by the King County Sheriff's Office. Its purpose is to ensure that deputies identify, investigate, and document impaired driving offenses in a consistent, lawful, and evidence-based manner that promotes public safety and supports successful prosecution. These requirements apply to all KCSO personnel involved in traffic enforcement or collision response where impairment is suspected.

9.06.003

### **DEFINITIONS:** 05/26

For purposes of this policy, the following definitions apply:

**Driving Under the Influence (DUI):** Operating a motor vehicle while affected by alcohol, drugs, or any combination thereof, as defined under Washington State law.

**Actual Physical Control:** Being in a position to operate a motor vehicle, even if the vehicle is not moving, when impaired by alcohol or drugs while on a public roadway or with direct access to a public roadway.

**Impairment:** A diminished ability to operate a motor vehicle safely due to alcohol, drugs, or a combination of substances, as demonstrated through observations, field sobriety tests, or chemical testing.

**Standardized Field Sobriety Tests (SFSTs):** A series of validated psychophysical tests—including the Horizontal Gaze Nystagmus, Walk-and-Turn, and One Leg Stand—used to assess impairment.

**Preliminary Breath Test (PBT):** A portable breath testing device used to assist in establishing probable cause for DUI. A PBT is voluntary and not a substitute for an evidentiary breath test.

**Evidentiary Breath Test:** A breath test administered on an approved instrument to determine breath alcohol concentration for use in criminal proceedings.

**Blood Draw:** The collection of a blood sample by a qualified medical professional or certified law enforcement phlebotomist for toxicological analysis when authorized by law or warrant.

**Drug Recognition Expert (DRE):** A deputy or officer certified to conduct a systematic, standardized evaluation to determine impairment by drugs other than alcohol.

**Probable Cause:** Facts and circumstances known to the deputy that would lead a reasonable person to believe an individual is impaired and operating or in actual physical control of a vehicle.

**Refusal:** A subject's intentional failure or unwillingness to submit to a lawful request for an evidentiary breath or blood test, including non-cooperation that prevents completion of the test.

9.06.004

### **POLICY:** 05/26

Deputies are expected to identify, investigate, and document incidents of impaired driving with professionalism, consistency, and adherence to constitutional and statutory requirements. DUI investigations shall be conducted using evidence based practices, including standardized field sobriety testing, approved chemical testing methods, and thorough documentation to support accurate charging decisions and successful prosecution.

Deputies will take appropriate enforcement action when probable cause exists to believe a person is operating a vehicle while impaired by alcohol, drugs, or a combination thereof. All investigative steps must respect individual rights, ensure the safety of the public and involved parties, and comply with Washington State law, case law, and KCSO procedures.

9.06.005

**DUTY TO ACT:** 12/14

On-duty deputies shall take action on DUI or 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, or Minor Operating.

9.06.015

**DOCUMENTATION:** 05/26

1. Deputies should, when applicable, use the State DUI Packet to document DUI/Physical Control arrests and supplement their reports. The state packet is available via printed copy, electronically below, or through the state electronic ticketing system (SECTOR/TRaCS).
  - a. [WSP Public Records Webpage](#) (click this link and then on the "DUI Arrest Forms" button to access DUI Packet).
2. A case report for all impaired driving related arrests is required.
3. The investigation narrative shall be documented utilizing the Washington State DUI Arrest Report, an Officer's Report, or the case report.
4. If the 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 handwritten or linked document.

9.06.020

**NOTICE TO DEPARTMENT OF LICENSING (DOL):** 05/26

Deputies will fax or email DOL paperwork to the DOL when applicable. A packet generated through the electronic ticketing system (SECTOR/TRaCS) is automatically sent during a send/receive process.

9.06.025

**ARRESTEE'S PRIOR OFFENSE HISTORY:** 05/26

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.
  - a. A felony DUI/physical control arrest requires three convictions for "prior offenses" listed under [RCW 46.61.5055\(14\)](#) within the previous 15 years, or
  - b. If the person has ever been convicted in this state or an out of state comparable offense of [46.61.520\(1\)\(a\)](#), [46.61.522\(1\)\(b\)](#), or a previous felony DUI/physical control under [46.61.502\(6\)](#) or [46.61.504\(6\)](#).

2. Deputies shall, when available, review the arrestee's driver history abstract of Driver's Record from DOL, and WACIC/NCIC III history through the precinct or after hours through DATA.
  - a. If the arrestee's WACIC/NCIC III history is older than (5) years it must be obtained through DATA.
3. Other options to obtain the driver's history include:
  - a. The driver's admission.
  - b. JABs case listings obtained through DATA.

9.06.030

**MANDATORY BOOKINGS:** 05/26

1. Deputies shall book a person arrested for DUI/Physical control or an equivalent city ordinance when the deputy:
  - a. Has knowledge that the person has a prior offense as defined in [RCW 46.61.5055](#) within the past ten (10) years (RCW 10.31.100); or
  - b. Has knowledge, based on a review of the information available, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46. 61.5055 if it were a conviction within the past ten (10) years (RCW 10.31.100).
2. "Prior offenses" include the convictions and deferred prosecutions listed in [RCW 46.61.5055\(14\)](#)
3. "Within ten (10) years" refers to the date of arrest, not the date of conviction.
4. 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:** 05/26

1. Deputies who choose to book into the King County Jail may book the arrestee upon completion of the Superform only. No other case documentation or citations need to be provided to the jail at the time of booking.
2. Deputies booking into a contract city jail shall follow the procedures set forth by that jail and contract city's prosecutor's office.
3. Remaining paperwork shall be completed in accordance with GOM 4.01.010.

9.06.040

**GUARDING HOSPITALIZED DUI/PHYSICAL CONTROL SUSPECTS:** 05/26

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.
  - a. Deputies are not required to keep a person in custody if they require immediate medical attention **and** are admitted to a hospital (10.31.100(16)(b)).
2. The on-duty sergeant has the discretion whether to guard and book, cite, or take other appropriate action (e.g., 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:** 05/26

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 shall 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):** 05/26

Deputies may request a DRE if the deputy has evidence to support a belief the driver may be impaired by drugs other than alcohol. 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 to include, but not limited to:
  - a. Admissions made to the deputy; or
  - b. The presence of drug related odors, paraphernalia, and drugs.

3. A DRE can be called-out via WSP dispatch or KCSO communications center.
4. A DRE call-out shall be requested for any serious injury collision/MARR call-out or felony impaired driving offense.

9.06.060

**OBTAINING SEARCH WARRANTS FOR BLOOD DRAWS AND TESTS:** 05/26

Deputies shall follow the Evidentiary Blood Draw policy (GOM 8.12.000) when conducting or requesting an evidentiary blood draw.

1. A person may legally consent to a blood draw but may revoke consent at any time up to the point the blood has been taken.
2. If the suspect refuses or revokes consent, deputies must obtain a search warrant (see KCPAO Search Warrant Resource Center for search warrant templates).
  - a. If exigent circumstances prevent the deputy from obtaining a search warrant, the deputy may conduct a warrantless blood draw.
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.
6. In cases where exigency exists and a draw is conducted, deputies should consider writing a warrant for a second blood draw if the situation later allows.

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 8.05.000