

<b>MESA POLICE</b>  Department Policy Manual	<b>DUI - Testing</b>	<b>DPM 2.7.65</b> Effective 04/06/2012
Approved by: <b>Chief of Police</b>	Chapter: Traffic Related Incidents	Page: <b>1 of 5</b>

## 1. PURPOSE

This policy provides Mesa Police Department (MPD) members with DUI testing guidelines.

## 2. BLOOD TESTING

### 2.1 Exceptions

- A. Hemophiliacs.
- B. Anticoagulants.
- C. Juveniles (unless parental consent is given).
- D. For above listed exceptions, use an Intoxilyzer 8000 to obtain a breath sample and printout.

### 2.2 Location for Blood Draw

- A. DUI Van.
- B. MPD Holding Facility.
- C. Medical facility.
- D. On-scene by contract phlebotomist.

### 2.3 Blood Draw Forms

- A. Complete [DPM 2.7.65F1 Blood Test Statement of Rights](#) (English) / [DPM 2.7.65F3 Blood Test Statement of Rights](#) (Spanish).
  - 1. Provide suspect with pink copy.
- B. If at hospital, complete hospital's waiver of liability. If suspect refuses to sign:
  - 1. Notify on-duty traffic sergeant.
  - 2. Have contract phlebotomist respond.
  - 3. Tell suspect blood can be drawn without need of consent form.
  - 4. Document notification in departmental report (GO).
  - 5. If suspect still refuses, complete Admin Per Se as a refusal.

### 2.4 Blood Alcohol Collection Kit

- A. During blood collection, officers will:
  - 1. Observe blood draw and record time.
  - 2. Obtain phlebotomist's resume.
  - 3. Seal blood kit per instructions in section #6 of [DPM 2.7.60F8 DUI Report](#).
    - a. Exception: Observe phlebotomist dispose of needle.
    - b. Exception: For suspects reports to be AIDS/HIV or Hepatitis positive, instruct phlebotomist to utilize plastic Vacutainer Plus blood tubes (aka:

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“tiger tops”). Once complete, discard regular blood kit tubes and replace with the “tiger tops.”

- c. Affix biohazard label if not on box.
4. Enter the description of the blood kit being submitted into the Evidence Collection Module of I/LEADS.
5. Print the I/LEADS Voucher/Impound Record and submit with the kit.
6. Submit the blood kit into the Evidence Section by placing it in an evidence refrigerator or DUI van as soon as possible.

## **2.5 If Suspect Requests Own Blood Draw**

- A. This shall be at the suspect’s expense.
- B. Arresting officer and shift lieutenant may allow qualified member access to the MPD Holding Facility for the blood draw.
- C. Not: Suspect is required to submit to blood, urine or Intoxilyzer test (subject to license suspension for refusal).

## **3. URINE COLLECTION**

### **3.1 Location**

- A. MPD Holding Facility.
- B. District station.
- C. DUI Van.

### **3.2 “DOX” Urine Collection Kit**

- A. During urine collection, officers will:
  1. Collect for purpose of drug testing only.
  2. Record GO#, suspect name, date and time of collection on chain of custody label.
  3. Affix chain of custody label to specimen container.
  4. Provide container to suspect.
  5. Observe urine collection.
  6. Seal specimen container.
  7. Place specimen container in plastic bag provided in kit.
  8. Place specimen in urine kit evidence box.
  9. Seal box with evidence label or evidence seal containing officer's initials, ID number and date over the edge of seal. If the date is already on the label, there is no need to place it on edge of seal.
  10. Label box with suspect's name, GO#, item number, and officer's name.
  11. Affix biohazard label, if not on box.

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12. If DRE case, write "DRE" on the box and document on I/LEADS Voucher/Impound Record. Indicate the drug or drug class to be tested and the DRE officer's name on I/LEADS Voucher/Impound Record.
13. Enter the description of the urine kit being submitted into the Evidence Collection Module of I/LEADS.
14. Print the I/LEADS Voucher/Impound Record and submit with the kit.
15. Place urine collection kit in evidence refrigerator or DUI van **as soon as possible**.
16. Refer to [DPM 2.7.65F5 Urine Collection Kit Guidelines](#).

## 4. TESTING INJURED SUSPECTS

### 4.1 Arriving at Hospital Where Injured DUI Suspect is Being Treated

- A. Advise emergency room charge nurse:
  1. There is probable cause to believe suspect is DUI.
  2. If blood is drawn for medical purposes, officer wants a portion for law enforcement purposes.

### 4.2 If Delayed In Going To Hospital and Probable Cause Exists for Arrest

- A. Have Communications contact hospital and advise room charge nurse:
  1. There is probable cause to believe suspect is DUI.
  2. If blood is drawn for medical purposes, draw two additional tubes for law enforcement.
  3. Officer is enroute to hospital.

### 4.3 Collection Guidelines

- A. Draw blood using Betadine or other swabs not containing ethanol.
  1. Use tubes from DUI blood kit or two gray-top tubes.
  2. Place gray-top tubes in a DUI Blood Kit.
- B. If officer is not present at time of blood draw, tubes will be marked and identified by person collecting them.
  1. Obtain name of person drawing blood and substance used to prep suspect.
- C. If the DUI suspect agrees to submit to a blood test:
  1. Contact on-call phlebotomist for blood test.
- D. If the DUI suspect refuses to have their blood taken:
  1. Complete the appropriate sections in the DUI Affidavit.
  2. Attempt to obtain search warrant for tests.
- E. If an injured DUI suspect gives blood under implied consent:
  1. Leave a copy of [DPM 2.7.65F1 Blood Test Statement of Rights](#) (English) / [DPM 2.7.65F3 Blood Test Statement of Rights](#) (Spanish) with suspect.

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- F. If a DUI blood kit was not used and separate gray-top tubes were obtained:
  - 1. Bring tubes to the Main Station and place into an emptied DUI blood kit.
  - 2. Affix biohazard label, if not on already.
  - 3. Mark the tubes with the suspect's name and GO# prior to sealing the tubes in the box.
- G. Refer to section #9 (Blood Alcohol Collection Kit Guidelines) of [DPM 2.7.60F8 DUI Report](#) for further information.

#### **4.4 If Hospital Does Not Draw Blood or Does Not Have Enough to Provide Law Enforcement**

- A. Advise that suspect is under arrest for DUI.
- B. Read Implied Consent requirements.
- C. Complete [DPM 2.7.65F1 Blood Test Statement of Rights](#) (English) / [DPM 2.7.65F3 Blood Test Statement of Rights](#) (Spanish) and provide suspect with the pink copy.

#### **4.5 Implied Consent for Suspects**

- A. In traffic collisions involving suspects who may be charged with endangerment, aggravated assault, manslaughter or homicide **DO NOT READ IMPLIED CONSENT!**
- B. **Contact Traffic supervisor as soon as possible.**

#### **4.6 Citing Injured Suspects**

- A. If treated and release in reasonable time, process as any other DUI.
- B. Cite if, on visual observations, member believes suspect is DUI.
- C. If citation cannot be acknowledged due to injuries, do not cite.
  - 1. Forward case to Traffic DUI Detective for filing.

### **5. INTOXILYZER TESTING**

#### **5.1 Location**

- A. MPD Central DRE room.
- B. Maricopa County Sheriff's Office (MCSO) Substation, 1840 S. Lewis, Mesa.

#### **5.2 Conducted By**

- A. Department of Public Safety (DPS) certified Intoxilyzer 8000 operator only.

#### **5.3 Guidelines**

- A. Read [DPM 2.7.65F1 Blood Test Statement of Rights](#).
  - 1. Provide suspect with pink copy.

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- B. Administer 15 minute deprivation period before giving suspect a duplicate test.
- C. Ensure suspect does not:
  - 1. Place anything in mouth.
  - 2. Smoke.
  - 3. Vomit.
  - 4. If any of these occur, restart deprivation time
- D. Administer Intoxilyzer test using DPS checklist under section #9 of [DPM 2.7.60F8 DUI Report](#).
- E. The Intoxilyzer operator completes section #9 of [DPM 2.7.60F8 DUI Report](#)
  - 1. Do not make radio transmissions when Intoxilyzer is in use.
  - 2. Intoxilyzer operator completes Intoxilyzer log.
  - 3. Give suspect Intoxilyzer results.

## REFERENCES

- [DPM 2.7.60F8 DUI Report](#)
- [DPM 2.7.65F1 Blood Test Statement of Rights](#)
- [DPM 2.7.65F3 Blood Test Statement of Rights \(Spanish\)](#)
- [DPM 2.7.65F5 Urine Collection Kit Guidelines](#)
- [DUI Cheat Sheet](#)