



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## Procedure 507 – DWI Arrests

Office with Primary Responsibility:	TSC	Effective Date: Prior Revision Date:	December 1, 2024 September 12, 2022
Office(s) with Secondary Responsibilities:	PSC, PNC, SSD, MCC	Number of Pages:	13
Forms Referenced in Procedure:	MS-DC Form #17 SAPD Form #24-1A SAPD Form #24-DI SAPD Form #DIC-23 SAPD Form #DIC-23A SAPD Form #DIC-24 SAPD Form #DIC-25	SAPD Form #DIC-54 SAPD Form #DIC-57 SAPD Form #52X SAPD Form #TLE-51 SAPD Form #TLE-51A SAPD Form DIC-55 SAPD Form #24-54 SAPD Form #24-FSC	Related Procedures:
			601, 602, 606, 607

### .01 INTRODUCTION

- A. This procedure provides guidelines for the detection, arrest, and processing of drivers who are suspected of operating a motor vehicle while intoxicated.
- B. This procedure also provides guidelines for handling minors who are suspected of operating a motor vehicle while under the influence of alcohol.
- C. In addition, this procedure provides guidance for implementing the Texas Administrative License Revocation (ALR) Statute for intoxicated drivers who refuse or fail a blood or breath test.
- D. This procedure also assigns responsibilities for the assignment of members as qualified intoxilyzer/video operators and the maintenance of supplies and equipment used in intoxicated driver testing.

### .02 POLICY

The responsibility to remove intoxicated drivers from the roadway extends to all sworn members of the Department regardless of their actual duty status or primary unit of assignment.

### .03 TERMINOLOGY *(For specific use within this procedure, see Glossary)*

Administrative License Revocation	Breath Test	Chemical Test	Drug Recognition Evaluation
Drug Recognition Expert (DRE)	Intoxicated	Juvenile	Minor
Portable Breath Test	Under the Influence		

### .04 PROBABLE CAUSE FOR DWI OR DUI

- A. Officers establish probable cause for arresting drivers for Driving While Intoxicated (DWI) or for Driving Under the Influence of Alcohol by Minor (DUI) by relying on personal knowledge and training, including:
  1. Personal observation of drivers involved in traffic accidents and or traffic violations;
  2. Reasonable suspicion based on information provided by individuals who are witnesses to traffic violations and/or traffic accidents involving the person suspected of being intoxicated or under the influence; or
  3. Personal observation of drivers stopped after the officer develops reasonable suspicion based on articulated facts of actions that do not meet the criteria of traffic violations (i.e. drifting within lane of travel, failure to maintain speed, etc.)
- B. After a traffic stop or arrival at a traffic accident scene, the officer shall:
  1. Remove the driver to a place of safety if he is suspected of being intoxicated.



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 507 – DWI Arrests*

2. Conduct a field interview using questions listed on SAPD Form #24-1A, *DWI/Traffic Case Report*, to develop further probable cause.
  3. Conduct the standardized field sobriety test. Officers operating vehicles equipped with an onboard video camera will record the administering of the standardized field sobriety test. The video recording will be labeled for evidence if the suspect is arrested, in accordance with GM Proc 409, *Mobile Video Recording*.
  4. Record any observations on SAPD Form #24-FSC, *Officer's Field Sobriety Checklist*.
- C. Other sobriety tests that an officer may conduct are:
1. Reciting of the alphabet (in order from A to Z);
  2. The numerical count;
  3. Modified Romberg Balance Test; and
  4. Finger-to-Nose
- D. A field sobriety test may be impractical when it would jeopardize the safety of the officer or the suspect. If such a situation arises, it should be documented in the officer's report.
- E. If, after conducting the standardized field sobriety tests, the officer has determined that a minor is not intoxicated but has a detectable amount of alcohol in his system, the minor will be processed for DUI in accordance with Section .05 of this procedure.
- F. Drivers suspected of being intoxicated and who refuse to perform field sobriety tests are transported to the DWI Testing Room to be processed in accordance with Sections .09, .10, .11, and .12 of this procedure.
- G. Recording Suspected DWI Violators
1. When an officer decides to start an investigation of a violator, the officer shall activate the mobile video recorder.
  2. When stopping the violator, the officer positions the police vehicle approximately two car lengths behind the suspect's vehicle in order to create a proper arena of performance for Mobile Video Recording. If two car lengths are not possible, the officer adjusts the camera angle before leaving the police vehicle to ensure a safe and effective performance arena.
  3. Optimum lighting should be used at night whenever possible for Mobile Video Recording and BWC:
    - a. Low beam headlights and takedown lights should be used during mobile video recording. High beam and spotlights should be used only when needed for the safety of the suspect and officer.
    - b. When Standardized Field Sobriety Tests (SFSTs) are being performed, no spotlights should be directed at the offender's vehicle and only at the ground. Also, wigwag headlights shall not be used, and the front strobe lights, if so equipped, shall be turned off. The rear strobes may be activated for suspect and officer safety.
  4. The officer should **not** articulate reasonable suspicion or probable cause as it develops. As needed, the officer removes the suspect from the suspect's vehicle and escorts him to the right rear of the suspect vehicle, with the suspect facing the police vehicle. The officer should stand to observe the suspect as well as any other occupants in the car and to monitor vehicle traffic.
  5. Any intoxicants found in the suspect vehicle and any evidence seized shall be brought in view of a camera and the officer shall articulate the description of the evidence in order to record such information.



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 507 – DWI Arrests*

### **.05 DRIVING UNDER THE INFLUENCE OF ALCOHOL**

- A. Minors who operate a motor vehicle in a public place with any detectable amount of alcohol concentration of less than .08 in their system violate the Texas Alcoholic Beverage Code, Section 106.041, Driving Under the Influence of Alcohol by Minor.
  - 1. Minors under this offense are individuals younger than 21 years of age and include juveniles.
  - 2. Individuals 21 years of age or older are not charged for the offense of DUI.
- B. Minors arrested for DUI or DWI will be processed under the Administrative License Revocation Statute in accordance with Section .13 of this procedure.
- C. Minors operating a motor vehicle who are not intoxicated but where officers have probable cause to suspect that the minor has any detectable amount of alcohol in his/her system shall process the minor as follows:
  - 1. Arrest the minor for the offense of DUI and offer a voluntary portable breath test at the scene of the arrest using a portable breath tester.
  - 2. If the minor agrees to a voluntary portable breath test, perform the test on the minor at the scene.
- D. DUI by Individuals - (17 years of age or older and under 21 years of age)
  - 1. If the portable breath test shows any alcohol concentration of less than .08 in a minor's system who is seventeen (17) years of age or older and under twenty-one (21) years of age, the officer may release the minor to a responsible, sober adult, preferably a parent. Otherwise, the officer may book the minor into the Detention Center for the class C misdemeanor offense of DUI;
  - 2. Vehicles driven by minors who are seventeen (17) years of age or older are impounded in accordance with GM Proc. 607, *Impounding Vehicles*.
- E. DUI by Individuals – (10 years of age or older and under 17 years of age)
  - 1. If the juvenile's portable breath test shows any alcohol concentration of less than .08, the officer shall attempt to contact the juvenile's parent or legal guardian and allow them one (1) hour to come to the scene to take custody of the juvenile.
  - 2. If a juvenile's parent or legal guardian comes to the scene to take custody of the juvenile, the juvenile is issued a misdemeanor citation for the class C misdemeanor offense of DUI and released to the parent or legal guardian.
  - 3. If the parent or legal guardian of a juvenile does not take custody of the juvenile within the allowed one (1) hour, the juvenile is issued a misdemeanor citation for the class C misdemeanor offense of DUI and transported to the Youth Crimes Services Office for further disposition.
  - 4. Vehicles driven by juveniles are released to the vehicles registered owner or impounded in accordance with GM Proc. 607, *Impounding Vehicles*. Vehicles are not released at the scene to individuals who are arrested for DUI
- F. Minors who refuse a standardized field sobriety test and a portable breath test are transported to the DWI Testing Room, where the officer will obtain a warrant for a blood draw. The minor is arrested for DWI pending results of blood toxicology testing.



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 507 – DWI Arrests*

- G. Minors who are arrested for DWI and whose Breath Alcohol Concentration level is below 0.08 are arrested for DUI when the arresting officer believes that the violator has no other impairment-causing drugs in their system that would render the subject in violation of DWI.
- H. Required Reports For DUI Arrests
  - 1. SAPD Form #24-1A *DWI/Traffic Case Report* will be completed listing the probable cause and the portable breath test results. The letters “DUI” are written across the top of the report in bold print.
  - 2. SAPD Form #DIC-23, *Peace Officer’s Sworn Report*, is completed when a minor is issued a misdemeanor citation for DUI or is arrested and booked for DUI.
  - 3. SAPD Form #DIC-24, *Statutory Warning*, is completed if a chemical test is given or offered. A copy is given to the minor.
  - 4. SAPD Form #DIC-25, *Notice of Suspension*, is completed when a minor is issued a misdemeanor citation for DUI or is arrested and booked for DUI. A copy of the form is given to the minor.
- I. All applicable reports and forms, including citations are stapled together and placed in the report receptacle at each area substation.
- J. Minors who either refuse testing or register any detectable amount of alcohol on a chemical test or portable breath test in addition to the class C misdemeanor charges will be processed under the Administrative License Revocation Statute.

### **.06 DWI ARREST AND VEHICLE DISPOSITION**

- A. Suspected intoxicated drivers are arrested and transported to the City of San Antonio Detention Center in accordance with GM Proc. 601, *Prisoners*. When juvenile suspects are arrested, officers are responsible for making the proper notifications in accordance with Section .07 of this procedure.
- B. In conjunction with the arrest of drivers suspected of being intoxicated, officers:
  - 1. Collect and record items of evidence;
  - 2. Identify and record the names of all passengers and witnesses; and
  - 3. Record investigative questions and verbal responses made by drivers, the smell of intoxicants on drivers, and other identifying factors that may indicate to the officer that the driver is intoxicated at the time of the arrest.
- C. When available, a secondary officer should be used to impound the suspect’s vehicle to expedite the DWI suspect’s processing.
- D. Suspects’ vehicles are impounded in compliance with GM Proc. 607, *Impounding Vehicles*.
- E. Evidence and personal property are handled according to GM Proc. 606, *Impounding Property*.

### **.07 JUVENILE – DWI ARRESTS**

- A. When a juvenile is taken into custody for the offense of Driving While Intoxicated (DWI), the arresting officer shall promptly give notice of his action and a statement of the reason for taking the juvenile into custody to:
  - 1. The juvenile’s parent, guardian, or custodian; and



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 507 – DWI Arrests*

2. The Youth Processing Office.
  - B. Notification of an arrest of a juvenile may be made through the Communications Unit or by the officer himself. The notification process should be conducted within one (1) hour of the arrest and will be documented in the officer's report.
  - C. When a juvenile is taken into custody for Driving While Intoxicated (DWI), the juvenile will be given testing preference in the DWI Testing Room.
  - D. Interaction between adults and juveniles in the Detention Center and DWI Testing Room should be minimal.
  - E. An SAPD Officer always guards the juvenile while in the Detention Center and DWI Testing Room.
  - F. Officers shall alert the intoxilyzer operator and the detention center personnel to clear the DWI Testing Room when transporting juvenile DWI suspects for testing.
  - G. Juvenile DWI suspects shall be read SAPD Form DIC-#24, Statutory Warning on video, and the offering of the breath test or blood test, and their response shall be recorded on the video camera before the chemical test. The juvenile is permitted to waive or assert his rights regarding taking the breath test, blood test, or other DWI test without the concurrence of an attorney.
  - H. Upon completing all testing procedures, the juvenile must be taken to the Youth Processing Office for processing.
  - I. Injured or sick juvenile suspects arrested for DWI, DUI, Intoxication Manslaughter or Intoxication Assault are handled in accordance with GM Proc. 602, Section .10, *Injured or Sick Juvenile Suspects*, and Section .10D of this procedure when a blood draw warrant is required.

### **.08 DWI TESTING ROOM SECURITY**

- A. Suspects are thoroughly searched before entering the Detention Center.
- B. Suspects must be handcuffed before entering the Detention Center and will remain handcuffed at all times while in the Detention Center, except when in the DWI Testing Room.
- C. Officers secure their weapons in the gunlock boxes provided at the entrance to the Detention Center.
- D. DWI suspects will be searched by a detention guard when the suspects enter the Detention Center. Officers will advise detention center personnel that they have a DWI suspect so that search priority will be given to the suspect.
- E. Personal property belonging to DWI suspects accepted at the Detention Center will be inventoried and kept at the booking area while the suspect is being tested.
  1. A Magistrate Services-Detention Center Form #17, *Registration/Property Form*, will be filled out and signed by the detention guard, the arresting officer, and the DWI suspect.
  2. If the DWI suspect is to be released from custody, he is returned to the booking area, and all personal property listed on the Registration/Property Form is returned.
- F. Personal property belonging to DWI suspects not accepted at the Detention Center is processed according to GM Proc. 601, *Prisoners*.
- G. Only persons on authorized police business or persons with the expressed permission of the Chief of Police are allowed in the DWI Testing Room at the City of San Antonio Detention Center while tests are being administered.



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 507 – DWI Arrests*

- H. Adult suspects taken to the DWI Testing Room are seated at the interview cubicle on the side identified for suspects.
  - 1. Violent and uncooperative prisoners will remain handcuffed while in the DWI Testing Room.
  - 2. All prisoners will be handcuffed prior to leaving the DWI Testing Room. DWI suspects who pass the intoxilyzer test will also be handcuffed until they have been processed out of the Detention Center.

### **.09 PRE-TESTING PROCEDURES FOR DWI**

- A. Suspects are not allowed to smoke, chew gum, eat, drink, or introduce any substance into their mouth before testing.
- B. A qualified intoxilyzer/video operator is assigned to the DWI Testing Room every day from 2000 to 0600 hours. During other times the arresting officer will request a qualified on-duty intoxilyzer/video operator through the Communications Unit. Only qualified intoxilyzer/video operators are allowed to administer the BAT.
- C. The arresting officer prepares and reads SAPD Form #DIC-24, *Police Officer DWI Statutory Warning*, to the suspect,  
OR
- D. The arresting officer prepares and reads SAPD Form #DIC-55, *Peace Officer Statutory Warning for Commercial Motor Vehicle Operators* if the suspect was operating a commercial motor vehicle.
- E. The arresting officer will request the suspect to voluntarily submit to a chemical test to determine the level of alcohol concentration in their system.

### **.10 DWI CHEMICAL TESTS AND THE PORTABLE BREATH TEST**

- A. The Portable Breath Test – Voluntary
  - 1. Portable breath testers (PBTs) will only be used and administered to drivers in conjunction with Standardized Field Sobriety Tests (SFST) to determine if the cause of impairment is alcohol or drugs under the following conditions:
    - a. To determine any detectable amount of alcohol in the minor's system when an officer has probable cause to believe that a minor is operating a motor vehicle while under the influence of alcohol;
    - b. To determine an amount of alcohol (0.04 BAC or above) in a driver's system while operating a commercial motor vehicle;
    - c. Any other circumstance when an officer believes the utilization of a PBT would be of benefit in the assessment of the level of intoxication of a motorist; or
    - d. When a driver is suspected of driving while intoxicated and is injured, physically disabled, or impaired to the point where he is unable to perform the Standardized Field Sobriety Test (SFST), a PBT can be utilized without an SFST being performed.
  - 2. Officers will record the administering of the portable breath test via the in-car video system, Body Worn Camera, or both. The onboard video camera will not record the portable breath test results. If an officer is not able to record the administering of the portable breath test (i.e., the suspect is out of the camera range and is not able to be relocated back into camera range), the officer will document the reason why the portable breath test was not recorded on video in the details of his report.
  - 3. Officers will detail in their report the conditions under which a portable breath test is used.



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 507 – DWI Arrests*

### B. The Breath Test - Voluntary

1. Officers with a suspect arrested for DWI and who consents to a breath test will proceed under the direction of the intoxilyzer/video operator.
2. Depending on the outcome of the breath test, the suspect is:
  - a. Released from custody and transported to the Growdon Storage Facility located at 3625 Growdon Road to recover his vehicle if the Blood Alcohol Concentration (BAC) level is below 0.08 and the suspect is twenty-one (21) years of age or older and not otherwise impaired (DRE). If the suspect is under twenty-one (21) years of age, the suspect is handled in accordance with Section .05, Driving Under the Influence of Alcohol.
  - b. Booked into the City Detention Center or the Bexar County Juvenile Detention Center if the BAC level is 0.08 or higher according to booking procedures or
  - c. Evaluated by a Drug Recognition Expert (DRE) - The suspect exhibits symptoms of intoxication but the breath test does not indicate a significant level of alcohol concentration consistent with the impairment. If the suspect consents to a drug evaluation, proceed under the direction of the Drug Recognition Expert. If the suspect refuses a drug evaluation, proceed to the next step.
  - d. Videotaped - The suspect exhibits symptoms of intoxication but the breath test does not indicate a significant level of alcohol concentration consistent with the impairment and the suspect has been evaluated or refused to be evaluated by a drug recognition expert (DRE). If the suspect consents to being videotaped, proceed under the direction of the intoxilyzer/video operator in accordance with Section .11 of this procedure. If the suspect refuses to be videotaped, proceed to Section .10B2f of this procedure.
  - e. Depending on the results of the Drug Recognition Evaluation by the Drug Recognition Expert and/or the probable cause established by the videotape, the suspect is either:
    - (1) Released from custody and transported to the Growdon Storage Facility to recover his vehicle if not otherwise impaired; or
    - (2) Booked into the City of San Antonio Detention Center or the Bexar County Juvenile Detention Center for the offense of DWI, according to booking procedures.
  - f. If the suspect refuses a drug recognition evaluation and/or refuses to be videotaped, the suspect is booked for the proper DWI offense.
3. Officers having a suspect under arrest for the offense of DWI who refuses to submit to a voluntary breath test will process the suspect as follows:
  - a. Officer shall apply for a warrant to collect the suspect's blood in accordance with section .10D of this procedure;
  - b. Follow Section .11 of this procedure; and
  - c. Book the suspect for DWI.

### C. Blood Test - Voluntary

1. The voluntary blood test is offered to a suspect who is under arrest for the offense of DWI, and;
  - a. The suspect is suspected of being under the influence of drugs and/or alcohol; or



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## Procedure 507 – DWI Arrests

- b. When the suspect is sick or injured and is to be transported to a medical facility for treatment; or
  - c. The suspect is too intoxicated to complete the breath test.
2. If the suspect submits to a voluntary blood test, the blood is collected at a medical hospital or medical facility by qualified medical personnel: If the suspect is unconscious, officers must still read aloud the DIC-24, *Statutory Warning*, before a blood specimen will be taken.
- a. Officers will request that medical personnel obtain two (2) 10-ml gray-topped vials of the suspect's blood. Each vial should contain eight (8) to ten (10) milliliters of suspect's blood.
  - b. After obtaining a barcode number, the blood samples and the completed Bexar County MEO Toxicology Laboratory–Analysis Request Form or DPS laboratory submission form (DPS Form LAB-12), are placed in a Blood Collection Kit and put in the appropriate refrigerated lock box in the evidence refrigerator located at 401 S. Frio.
    - (1) A barcode label will be placed on the top of the Blood Collection Kit;
    - (2) A copy of SAPD Form #DIC-23A, *Specimen Routing Report*, the correct lab submission form, and Chain of Custody form will be placed inside the Blood Collection Kit; and
    - (3) If the officer suspects that drugs are involved in the intoxication, he makes a notation on the toxicology submission form to have a drug screen test performed on the blood sample.
3. Suspects under arrest for any offense of DWI are processed as follows;
- a. Booked, according to booking procedures as outlined in GM Proc. 601, *Prisoners* or GM Proc. 602, *Juveniles*.
  - b. May be issued SAPD Form #52-X, *Notice to Hospitalized Suspects*, and released to the care of a hospital with a supervisor's approval as outlined in GM Proc. 601, *Prisoners* and 602, *Juveniles* when the suspect is arrested for a misdemeanor DWI offense; or
  - c. Injured adult suspects arrested for a felony DWI offense, Intoxication Assault, or Intoxication Manslaughter will be handled in accordance with GM Proc: 601, Section .15.
  - d. Injured or sick juvenile suspects are handled in accordance with GM Proc. 602, Section .10, *Injured or Sick Juvenile Suspects* and Subsection .10D of this procedure when a mandatory blood test is required.

### D. Blood Test – Warrant

1. A blood test will be taken if a traffic accident resulted in a death or caused serious bodily injury to another and the officer has probable cause to believe that the accident occurred because a driver was operating a motor vehicle while intoxicated. If these conditions are present, the following steps are taken:
  - a. A Traffic Investigations Detail Detective is dispatched to the scene of the traffic accident;
  - b. The suspect is arrested for the offense of Intoxication Assault or Intoxication Manslaughter; and
  - c. The suspect is offered a voluntary blood test by reading SAPD Form #DIC-24, *Statutory Warning* to the suspect. If the suspect consents to a voluntary blood test, follow Section .10E of this procedure for drawing the blood.





# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 507 – DWI Arrests*

2. If the suspect refuses a voluntary blood test, the officer shall apply for a warrant for a blood specimen to be taken. The blood will be drawn in accordance with Section .10E of this procedure.
3. If the suspect is unconscious and incapable of refusal, officers must still read aloud the DIC-24, *Statutory Warning*, before a blood specimen will be taken under implied consent. The blood will be drawn in accordance with Subsection .10E of this procedure.
4. When a suspect is going to be charged with Intoxication Assault or Intoxication Manslaughter, officers will have medical personnel draw the suspect's blood. Medical personnel will obtain two (2) 10-ml gray-topped vials of the suspect's blood. Each vial should contain eight (8) to ten (10) milliliters of the suspect's blood.
5. After qualified medical personnel have taken the mandatory blood specimen, officers will follow Subsection .10E of this procedure in processing the blood specimen.
6. SAPD Form #TLE-51A, *Affidavit of Person who Withdrew Blood*, is prepared and submitted for all mandatory blood tests.
7. When a blood specimen has been taken, the adult suspect is to be booked into the City of San Antonio Detention Center, by proxy if necessary, for the offense of Intoxication Assault or Intoxication Manslaughter. Hospitalized adult suspects arrested for the offense of Intoxication Assault or Intoxication Manslaughter will not be issued SAPD Form #52-X and released. Officers will guard the suspect until relieved by the Bexar County Sheriff's Department.
8. When a blood specimen has been taken from a juvenile, the juvenile is handled in accordance with GM Proc—602, Section .10, *Injured or Sick Juvenile Suspects*.
9. When a blood specimen has to be taken and the suspect resists the medical personnel's efforts to conduct the blood draw the officer may utilize the Emergency Restraint Chair designed for this purpose. A restraint chair is available in the nurse's area of the Detention Center.
  - a. Officers utilizing the Emergency Restraint Chair will follow the manufacturer's instructions for use, which are posted in the Detention Center medical area.
  - b. Officers will ensure that an officer continually monitors any restrained suspect while restrained.

### E. Blood Collection Kits

1. Blood Collection Kits include:
  - a. Toxicology/Blood Alcohol Kit Laboratory Submission Form (LAB-12)
  - b. Two (2) 10-ml Blood Collection Vials (gray-top vacutainers), each containing 100 mg of Sodium Fluoride and 20 mg of Potassium Oxalate
  - c. Two (2) absorbent pouches to cushion the blood collection vials and to absorb blood if breakage should occur
  - d. Two (2) plastic screw-cap tubes to hold blood collection vials in the absorbent pouches
  - e. Foam padding with two (2) spaces to hold plastic screwcap tubes
  - f. Blood Vial Seals (tamper-evident) for each blood collection vial



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 507 – DWI Arrests*

- g. Integrity Seal (tamper-evident) to reseal box
  - h. Mailing Label
  - i. Plastic Sleeve on the outside of the blood specimen mailer box to hold laboratory submission forms.
2. To assemble the Blood Collection Kit, officers will:
- a. Complete the Subject Consent form and ensure that both the subject and witnesses sign the form where indicated.
  - b. Complete the information requested on the Toxicology/Blood Alcohol Kit Lab Submission Form (LAB12) and the Blood Vial Seals.
  - c. Verify the information on the Blood Vial Seals after a qualified medical professional has collected the specimen, remove the backing from the seals, affix the circle on the seal to the rubber stopper, and press the ends of the seal down the sides of each blood vial.
  - d. Insert each blood collection vial into an absorbent pouch and secure each pouch containing the blood vial into a plastic screwcap tube before placing it inside the foam holder in the box.
  - e. Place all paperwork - a copy of SAPD Form #DIC-23A, *Specimen Routing Report*, the correct lab submission form, and Chain of Custody form – into the Blood Collection Kit box.
  - f. Obtain a barcode evidence label with the case number and suspect's information.
  - g. Place the Completed Blood Collection Kit in the refrigerated lock box in the evidence refrigerator at 401 S. Frio St.
3. A property room attendant will review All Blood Collection Kits to ensure forms are completely and correctly filled out. The property room attendant will assure that the box is sealed properly before transport for testing.

### **.11 VIDEO RECORDING IN THE DWI TESTING ROOM**

- A. Video is recorded when video capability was unavailable at the scene, when conducting a DRE, or when reading the DIC-24 to juveniles.
- B. The arresting officer follows the directions of the intoxilyzer/video operator in the videotape production.
- C. The videotape strives to show whether or not the suspect has normal use of his mental and physical faculties. The videotape sobriety tests include but is not limited to:
  1. Field sobriety tests listed on SAPD Form #24-FSC, *Officer's Field Sobriety Checklist*;
  2. Any alternative sobriety tests listed in Section .04C; and
  3. An Interview.
- D. No force will be used to compel suspects to complete the video once they have entered the video room and refused to be video recorded.

### **.12 DRUG RECOGNITION EVALUATIONS**



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## Procedure 507 – DWI Arrests

- A. A Drug Recognition Evaluation is conducted in the event a suspect needs to be evaluated for drug usage in accordance with Section .10E of this procedure. The evaluation is video recorded and is performed by an on-duty Drug Recognition Expert. DREs are assigned to both patrol and traffic shifts.
- B. If no on-duty DRE is available, the Communications Unit will attempt to notify an off-duty DRE. If the Communications Unit is unable to locate a DRE, or if the DRE is unable to respond to the DWI Testing Room within one (1) hour, the suspect will be videotaped in accordance with Section .11 of this procedure.
- C. After the sobriety tests were conducted, and while on videotape, the suspect is read SAPD Form #DIC-24, *Statutory Warning* and asked for a blood specimen. If the suspect voluntarily agrees to give a blood specimen, the suspect is processed in accordance with Section .10, Subsection C or Subsection D according to the type of offense the suspect will be charged with.
- D. If the suspect refuses to be videotaped and/or refuses a voluntary blood test, the suspect is booked for the appropriate DWI offense.
- E. All drug recognition evaluations are conducted at the DWI Testing Room in the City of San Antonio Detention Center. This includes evaluations for outside law enforcement agencies. All field sobriety tests, as well as breath tests, which will determine the likelihood of drug influence (i.e. The suspect exhibits symptoms of intoxication, but the breath test does not indicate a significant level of alcohol concentration consistent with the impairment) should be conducted prior to summoning a DRE to the Magistrate's Office.
  1. An SAPD case number will be assigned to any drug recognition evaluation for outside agencies.
- F. If a suspect is evaluated for the use of drugs by a Drug Recognition Expert (DRE), the DRE will be responsible for using the 12-Step Drug Recognition Evaluation process outlined on SAPD Form #24-DI, *Texas DRE Evaluation Form*.
  1. All Drug Recognition Expert evaluations will be placed on SAPD Form 24-DI, *Texas DRE Evaluation Form*. The Drug Recognition Expert will properly evaluate the suspect and complete SAPD Form #24-DI, *Texas DRE Evaluation Form*, including medical rule-outs.
  2. All Drug Recognition Evaluations will be conducted on video. The video recording will begin at the Psychophysical Test, Step 5 on SAPD Form #24-DI, *Texas DRE Evaluation Form*.
  3. The Drug Recognition Expert may ask for a urine or blood specimen to confirm his opinion on the Drug Recognition Evaluation form.
    - a. If the suspect voluntarily gives a urine specimen, the Drug Recognition Expert will be responsible for the collection of the specimen and will fill out the request forms for chemical testing at the Medical Examiner's office. The Drug Recognition Expert will also be responsible for ensuring the delivery of the urine sample to the Medical Examiner's office.
    - b. If the Drug Recognition Expert requests a voluntary blood test from the suspect, the DRE will read SAPD Form #DIC-24, *DWI Statutory Warning* to the suspect while being video recorded requesting the blood test.
    - c. If the suspect agrees to provide a voluntary blood specimen, the Drug Recognition Expert will ensure the proper lab submission forms are filled out and submitted with the Blood Collection Kit and give them to the arresting officer.
    - d. The arresting officer will be responsible for ensuring the blood specimen is obtained and placed into the refrigerated lock box in the evidence refrigerator at 401 S. Frio St. prior to returning to service.



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 507 – DWI Arrests*

4. If prescription medication or drugs are found on the suspect, the arresting officer will be responsible for collecting and reporting them to the Drug Recognition Expert. The DRE will be responsible for identifying the type of medication/drug using the Physician Desk Reference book and/or Poison Control. The arresting officer will place the medications or drugs determined to be evidence in the property room in accordance with departmental procedures.
5. Depending on the results of the Drug Recognition Evaluation by the Drug Recognition Expert and/or the probable cause established by the video, the suspect is either:
  - a. Released from custody and transported to the Growdon Storage Facility to recover their vehicle if not otherwise impaired: or
  - b. Booked into the City of San Antonio Detention Center or the Bexar County Juvenile Detention Center according to departmental procedures.
- G. If a Drug Recognition Evaluation is conducted on a suspect, the arresting officer will ensure that the original SAPD Form #24-DI, *Texas DRE Evaluation Form*, and the Drug Recognition Expert's narrative will be placed with the original DWI report before placing it in the report receptacle located at each substation.
- H. The Drug Recognition Expert will place a copy of SAPD Form #24-DI, *Texas DRE Evaluation Form* in the report receptacle labeled "DRE Coordinator," in the DWI Testing Room.

### **.13 ADMINISTRATIVE LICENSE REVOCATION (ALR)**

- A. Subjects who either refuse or fail a breath test or blood test, or register a 0.04 or higher alcohol concentration on the breath test if operating a commercial motor vehicle, or minors charged with the offense of DUI, in addition to the criminal process outlined in Section .10, will be processed under the Administrative License Revocation Statute.
- B. The Administrative License Revocation process consists of the following steps:
  1. Subjects who refuse or fail a breath test or blood test:
    - a. The officer will complete SAPD Form #DIC-25, *Notice of Suspension*; and
    - b. The subject will be given copies of SAPD Forms #DIC-24, *DWI Statutory Warning*, and #DIC-25, *Notice of Suspension*.
  2. Subjects operating commercial motor vehicles who either refuse, fail a breath test or blood test, or register a 0.04 or higher alcohol concentration, regardless of the type of driver's license held:
    - a. The officer will complete SAPD Form #DIC-54, *Peace Officer Sworn Report for Commercial Motor Vehicle Operator*, in addition to SAPD Form #DIC-24, *DWI Statutory Warning*;
    - b. The officer will also complete SAPD Forms #DIC-57, *Notice Of Disqualification*, and #MCS-10, *24 Hour Out-Of-Service Order*; and
    - c. The subject will be given copies of SAPD Forms #DIC-55, *Peace Officer Statutory Warning For Commercial Motor Vehicle Operators*, #DIC-57, *Notice Of Disqualification*, and #MCS-10, *24 Hour Out-Of-Service Order*.
    - d. Officers will complete SAPD Form #DIC-25, *Notice of Suspension*, and provide a copy to the arrested person as a notice of suspension and a temporary driving permit.



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 507 – DWI Arrests*

### **.14 ROUTING OF DWI REPORT FORMS**

- A. The officer will place their original DWI report in the locked report receptacle at their substation before the end of their shift.
- B. Copies of all applicable DWI-related reports are routed to the Traffic Investigations Detail via PDTID email or bin mail when suspects are not booked, and charges need to be filed against them by an investigator.

### **.15 RESPONSIBILITIES**

- A. The Special Enforcement Section Commander is responsible for ensuring an adequate number of officers are certified as intoxilyzer/video operators to provide twenty-four (24) hour coverage.
- B. The Records Unit supervisor collects DWI/DUI reports from the report receptacles at the area substations for routing to the Traffic Investigations Detail.
- C. The Traffic Operations Section (TTE) maintains responsibility for:
  - 1. The operational readiness of the breath testing instruments and video equipment; and
  - 2. Monitoring the activity in the D.W.I Testing Room.
- D. The intoxilyzer/video operator is responsible for:
  - 1. Administering and recording the chemical breath test; and
  - 2. The proper recording and production of the testing room video.
- E. All Service Area and Traffic Shift directors are responsible for the following:
  - 1. Maintaining an adequate supply of portable breath testers;
  - 2. Documenting the issuance of portable breath testers; and
  - 3. Coordinating the maintenance of the portable breath testers with the Traffic Section Office.