

621.00 DWI Enforcement Program

Ensuring traffic safety is a priority for the Saint Paul Police Department. The department strives to be reflective of community values when implementing policies and procedures relating to DWI enforcement. Sworn officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists and make every effort to detect and apprehend them. After conducting an initial examination at the scene of the traffic contact and upon determining that probable cause to arrest is present, officers will arrest the subject.

If any person other than the driver is injured in a crash where the driver may be impaired, see General Order 630.01 Criminal Vehicular Operation.

Chemical test(s) will be offered in accordance with state and local requirements.

Officers should use the BCA E-Charging website to process all DWI arrests.

DWI Detection and Pre-Arrest Screening:

Officers are expected to conduct a thorough and complete investigation to obtain all possible evidence concerning the subject's impairment. This includes compliance with G.O. 442.18, Body Worn Camera policy, in order to document the observations thoroughly. Officers should perform the following steps:

1. Recognize and identify specific driving behaviors that have a high probability that the driver may be impaired by alcohol and/or drugs.
2. Recognize and identify behaviors occurring during vehicle stops that provide evidence/suspicion that the driver may be impaired, (i.e. slurred speech, poor muscle control, abnormal dilation or constriction of the eyes, and odor of alcoholic beverage). Based on reasonable articulable suspicion, request the driver to exit the vehicle for further investigation.
3. Move to a safe location to conduct field sobriety tests.
 - a. Officers shall not conduct interviews or field sobriety tests in the space between the patrol vehicle and the suspect's vehicle.
4. Use Standardized Field Sobriety Tests (SFST) to assess impairment (i.e., Horizontal Gaze Nystagmus (HGN), 9 Step Walk and Turn, and I or One-Leg Stand (OLS).
 - a. It is recognized that specially trained officers, including Drug Recognition Evaluators (DRE), may use alternative tests that are approved by the National Highway Traffic Safety Administration (NHTSA) in lieu of or in addition to the SFST when needed
5. Preliminary Breath Test (PBT)
 - a. A peace officer may request a driver submit to a voluntary PBT when

the officer has reason to believe that a person is or has been driving, operating or controlling a motor vehicle in violation of Minnesota's Driving While Impaired (DWA § 169A.20) laws.

- b. The same legal standard is used to test for consumption offenses with any amount of alcohol which include:
 - i. B-Card Restriction "any use of alcohol invalidates license (§ 171.09)
 - ii. Driving a school bus or Head Start bus (§169A.31)
 - iii. Underage Drinking and Driving (§ L69A.33)
- c. If the PBT result is not consistent with the observations during the Field Sobriety Tests, or if the officer otherwise suspects that alcohol is not the contributing factor to the impairment, the officer should consider contacting a Drug Recognition Evaluator (DRE).
 - i. SPPD has several DRE trained officers. A request should be made through the ECC to have one respond to the scene or the LEC as appropriate.

6. Chemical Testing

a. Alcohol Testing

- i. The breath test is the preferred method for testing for alcohol impairment.
 - 1. Breath Test Advisory (BTA)
 - a. It can only be invoked when there is probable cause to believe the person is driving, operating or controlling a motor vehicle while under the influence of alcohol.
 - b. The BTA must be audio recorded and retained as evidence in accordance with General Order 424.01. The preferred method of recording is through the use of the Body Worn Camera (BWC).
 - c. The officer should read the BTA and request a breath test. If the suspect refuses the breath test, the suspect should be charged with test refusal. Do not officer any additional tests.
- ii. The BTA will not be read:
 - 1. In cases of a CVO/CVH. See G.O. 630.01.
 - 2. When obtaining a blood and/or urine sample:
 - a. A search warrant or judicially-recognized exception is required. If the officer believes there is an exception to the warrant requirement, they must consult with a supervisor prior to obtaining a sample.
 - b. Once the search warrant is obtained for blood and/or urine, obtain a fluid sample from the driver.
 - c. If the driver refuses to provide a fluid sample the officer needs to advise them that refusal to take the test is crime and that they must submit to the fluid test or an alternate

(either blood or urine) or they will be charged with test refusal. A driver must refuse to submit to both the initial fluid test offered and an alternate test (i.e. blood and urine) in order for it to be an actual test refusal. See section below relating to blood and urine testing procedures.

7. Controlled Substance Testing:

a. Blood and/or urine tests

- i. Commonly requested of driver with suspected drug impairment when the circumstances do not allow a breath test, or the driver is medically unable to provide a breath test.
- ii. The BTA will not be read.
- iii. Officers must obtain a search warrant to conduct a blood or urine test unless the circumstances satisfy a judicially-recognized exception to the warrant requirement. If the officer believes there is an exception to the warrant requirement, they must consult with a supervisor prior to obtaining a sample.
 1. The initial search warrant should be written to include both a blood or urine sample. In order to comply with MN State Law, when offering a fluid test, an alternative must also be offered if the first test is refused. Officers should not ask for both blood and urine at the same time. Ask for each fluid sample independently, allowing them to refuse each separately and comply with the law. See below for more details.
 2. Once the search warrant is obtained for blood or urine, obtain a fluid sample from the driver.
 - a. If the driver refuses, the officer should offer the alternative fluid test.
 - b. If the driver refuses both fluid tests (blood and urine) the officer needs to advise them that refusal to take the tests is a crime and that they will be charged with test refusal.
 - c. Officers investigating a non-CVO/CVH related incident shall not force the driver to submit to a blood or urine test. If the driver refuses to submit to the fluid test, then a test must not be given.

DWI E-Charging

Officers should use the BCA E-Charging website to process all DWI arrests. It will guide them through the process on what forms are required and ensure complete and accurate work.

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