

PINELLAS COUNTY SHERIFF'S OFFICE
LEADING THE WAY FOR A SAFER PINELLAS

CHEMICAL TESTING PROCEDURES FOR CONDUCTING D.U.I. INVESTIGATIONS		
STANDARD OPERATING PROCEDURE	DISTRIBUTION:	ALL MEMBERS OF THE PATROL OPERATIONS BUREAU
	EFFECTIVE:	01-04-06
	AMENDS:	10-24-02
	RESCINDS:	
	FIRST POLICY:	POB-28, 04-06-89, CHEMICAL TEST- ING PROCEDURES FOR IMPAIRED DRIVER INVESTIGATIONS
ACCREDITATION STANDARDS: CALEA NONE CFA NONE		

**POB
34**

I. PURPOSE:

The purpose of this Standard Operating Procedure is to provide consistent chemical testing procedures to drivers suspected of being impaired by alcohol, other drugs or controlled substances.

II. PROCEDURES:

A. Breath Testing Responsibilities of Breath Test Technicians

1. Conduct breath tests to determine the presence of alcohol will be the primary chemical test performed when attempting to ascertain alcohol impairment in non-death/non-serious injury Driving While Under the Influence of Alcohol and/or Drugs (DUI) investigations.
2. All breath testing shall conform to all rules and regulations of the Florida Department of Law Enforcement, Chapter 11D-8.
3. A suspect driver who has been arrested for DUI, and indicates any confusion about the requirement to take the breath test, will be advised of "implied consent" by the arresting deputy and/or a certified breath test operator.
 - a. If the suspect is willing to submit, a complete and valid alcohol breath test consisting of two or more samples shall be conducted by a breath test technician.
 - b. If the suspect refuses to submit, or fails to complete a valid alcohol breath test, a "Refusal Form," (HSMV 72054, rev. 01/01) will be completed, by the arresting deputy.
4. Responsibilities of Breath Test Technicians
 - a. Must hold a valid breath test permit issued by the Florida Department of Law Enforcement (FDLE).
 - b. Must receive ~~annual~~ refresher training and re-certification every ~~two~~ four years following their first permit year.
 - c. Technicians are required to follow all FDLE rules and regulations in performing breath tests and completing required checklists, chemical test print cards, chemical test reports and chemical test logs.

- d. Technicians are required to contact a Maintenance Technician as soon as possible in the following instances:
- (1) If the breath testing equipment, or any other equipment within the breath testing room, malfunctions or becomes inoperative.
 - (2) If the breath testing equipment is damaged or tampered with.
 - (3) If there is any damage to any equipment within the Central Breath Testing Facility caused by a suspect or other such prisoner.
 - (4) If there is a shortage of supplies or forms within the Central Breath Testing Facility.
 - (5) If the Central Breath Testing Facility is found unlocked or unsecured without a technician present.
 - (6) If the issued key card to the Central Breath Testing Facility has been utilized by anyone other than a Pinellas County Sheriff's Office (PCSO) certified technician.
 - (7) In order to preserve the sterile and evidentiary characteristics of the Central Breath Testing Facility, persons who are not members of the agency will not be permitted to enter the Central Breath Testing Facility, unless a certified Sheriff's Office Breath Test Technician is present.
 - (8) If there are any questions or problems regarding Breath Testing in general, that may affect the validity of the technician's tests, contact a Selective Traffic Enforcement Program (STEP) Unit Supervisor.
5. Responsibilities of Maintenance Technicians, or their designee.
- a. Must hold a valid breath test permit issued by FDLE.
 - b. Must conduct the required pre-maintenance testing of all breath testing equipment registered to the Pinellas County Sheriff's Office.
 - c. Must schedule and witness the required annual inspection by FDLE of all breath testing equipment registered to the Pinellas County Sheriff's Office.
 - d. Must maintain, repair, or if necessary, send to the factory, breath test equipment when necessary.
 - e. Provide expert testimony of breath testing for court purposes.
 - f. Review Breath Test Technicians' work product to ensure compliance with FDLE rules and regulations.
 - g. Maintain, clean and stock the Central Breath Testing Facility.
 - h. Act as liaison between FDLE and the Pinellas County Sheriff's Office.
 - i. Act as Custodian of all previous breath testing records for court purposes.
 - j. Remain available for breath testing problems or questions, and function as a Breath Test Technician if other technicians are unavailable.

B. Blood Testing

1. Blood testing to determine blood alcohol concentration or the presence of chemical or controlled substances will be required for all traffic crash investigations where death or serious bodily injury has occurred. Reasonable force may be used, if such force is necessary, to require the suspect to submit to the administration of a blood test. The blood test shall be conducted in a reasonable manner.
 - a. In such cases where certified fire department paramedics are available they may also withdraw blood samples for testing. Complete a "Certification of Blood Withdrawal" form, (FDLE/ICP Form 11 - 10/93).
 - b. At the hospital, only physicians, registered nurses, licensed practical nurses, duly licensed clinical laboratory technicians, or other personnel authorized by a hospital to draw blood, can withdraw blood samples for testing.
 2. Blood testing may be used in DUI investigations, if a breath test is impossible or impractical. The investigating deputy will advise the suspect of "Implied Consent." If the suspect refuses to submit, the "Refusal Form" (HSMV 72054) will be completed by the investigating deputy.
 - a. In such cases where certified paramedics are available they may also withdraw blood samples for testing. Complete form "HSMV 72054" under "Request For Blood Test," and complete form "FDLE/ICP Form 11 - 10/93" signed by the technician drawing blood. This testing must occur inside an ambulance or other suitable "medical facility."
 - b. At the hospital, only physicians, registered nurses, licensed practical nurses, or duly licensed clinical laboratory technicians, or other personnel authorized by a hospital to draw blood, can withdraw blood samples for testing. Complete form "HSMV 72054 (back)" under "Request For Blood Test," as well as a "Certification of Blood Withdrawal" form.
 3. Two vials of blood will be obtained from the suspect by properly authorized persons and must be collected in the "Gray Top" vials containing non-alcoholic anti-coagulant.
 4. When the blood samples are obtained, they will be treated as evidence, and must have the following information printed on each vial:
 - a. Name of the suspect being tested.
 - b. Date and time of the blood draw.
 - c. Legible initials of the person drawing the blood.
 - d. Legible initials and payroll number of the deputy witnessing the blood draw and/or transporting the blood samples.
 5. The blood samples will be immediately transported to the Medical Examiner's Office and placed into an evidence locker. A receipt to document chain of custody shall be obtained.
 6. The investigating deputy will take appropriate law enforcement action upon receiving the laboratory report and document the same with a supplemental report.
- C. Independent Blood Alcohol Testing
1. Independent blood alcohol testing by the defendant will only occur after the completion of our evidentiary breath/blood requirements.

2. The person tested may, at his or her own expense, have a physician, registered nurse, or other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist or technician, or other persons of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath, or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent, additional test by a person does not preclude the admissibility or evidence of the test taken at the direction of the law enforcement officer. *The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.*
3. Upon request of the person tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney.
4. The deputy will then document the suspect driver's request, means of access for the processing of the request, time and name of individual and/or company completing the blood alcohol test in the offense report.

D. Urine Testing

1. When there is an indication a suspect is under the influence of any chemical or controlled substances in combination with or instead of alcohol, a urine sample should be obtained. The arresting deputy will advise the suspect of "Implied Consent".
2. A deputy or detention deputy (of the same gender as the suspect) must be present with the suspect during the collection of the urine sample.
3. The urine sample will be treated as evidence, and will have the following information printed on the specimen cup:
 - a. Name of suspect being tested.
 - b. Date and time of the sample collection.
 - c. Legible initials and payroll number of collecting and/or transporting deputy or detention deputy.
4. The urine sample will be immediately transported by the arresting deputy to the Medical Examiner's Office (or Sheriff's Office Administration Building Evidence Room, if after hours), and placed into an evidence locker, and a receipt shall be obtained to document chain of custody.
5. The arresting deputy will take appropriate law enforcement action upon receiving the laboratory test results, and document the same in a supplement report.
6. If the suspect refused to submit to the urine test, the "Refusal Form" (HSMV 72054) will be completed by the arresting deputy.

E. Breath Testing for Requesting Law Enforcement Agencies

1. The individual agency will initiate the request for the Breath Test Technician through the Communication Section supervisor's desk.
2. The Communications Section will then activate a Breath Test Technician to respond.
3. The Breath Test Technician will respond to the Central Breath Testing Facility to administer the breath test.