

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject DRIVING UNDER THE INFLUENCE (DUI)	Policy Number EB-3
		Effective Date 06-15-21
Related Information Arizona Revised Statutes (ARS) CP-6, <i>Bloodborne Pathogens</i> EA-11, <i>Arrest Procedures</i> EB-1, <i>Traffic Enforcement, Violator Contacts, and Citation Issuance</i> EB-2, <i>Traffic Stop Data Collection</i> EB-5, <i>Towing and Impounding Vehicles</i> EB-6, <i>Vehicle Collision Investigations</i> EB-11, <i>Vehicle Impound 3511</i> GE-3, <i>Property Management and Evidence Control</i> GF-5, <i>Incident Report Guidelines</i> GI-1, <i>Radio and Enforcement Communications Procedures</i> GJ-3, <i>Search and Seizure</i> GJ-29, <i>Independent Testing Procedures for DUI and OUI Arrests</i> GJ-35, <i>Body-Worn Cameras</i>		Supersedes EB-3 (01-12-96)

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for all sworn personnel investigating persons suspected of driving under the influence (DUI).

POLICY

It is the policy of the Office to ensure sworn personnel who investigate persons suspected of driving under the influence (DUI) conduct the traffic stop and investigation in a safe and professional manner and in compliance with state and federal laws.

DEFINITIONS

Actual Physical Control: To drive or operate a vehicle, be in actual physical control of a vehicle, or exercise control or steering of a vehicle being towed by another vehicle, whether on public or private property.

Bias-Based Profiling: The selection of an individual for law enforcement contact or action based to any degree on an actual or perceived trait common to a group, including race, national origin, ethnic background, immigration status, gender, sexual orientation, gender identity, religion, economic status, age, cultural group, or any other identifiable group characteristic, except as part of a reliable and specific suspect description. Selection for law enforcement contact or action includes selection for a stop, detention, search, issuance of citation, or arrest. Such bias-based profiling is prohibited even when a deputy otherwise has reasonable suspicion or probable cause justifying the law enforcement contact or action. The establishment of reasonable suspicion and/or probable cause must remain neutral as to race and the other characteristics listed above.

Case Agent: The lead investigator designated for a specific investigation. The case agent is responsible for overall management of the case. This would include delegation of investigative tasks, lead tracking, collection of supplemental reports and other relevant case documentation, verifying all evidence is impounded, packaging the case for prosecution, and assisting the prosecutor with the presentation for the case in court proceedings, and providing a final disposition of property and evidence held in reference to the investigation, at the conclusion of the case.

Deoxyribonucleic Acid (DNA): A molecule that encodes the genetic instructions used in the development and functioning of all known living organisms and many viruses.

Deprivation Period: A 15-minute period immediately prior to a duplicate breath test during which the subject has not ingested any alcoholic beverages or other fluids, eaten, vomited, smoked, or placed any foreign object in the mouth.

Deputy: Any sworn law enforcement officer employed by for the Office, and reserve deputies with car commander status.

Driving Under the Influence (DUI): The act of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, drugs, vapor releasing substance, or combination, thereof, as specified in Arizona Revised Statutes (ARS) 28-692, and impaired to the slightest degree.

Exigent Circumstances: Emergencies in which a reasonable person would believe that imminent death or bodily harm to a person or persons, or the destruction of evidence, is likely or otherwise defined by law.

Extraordinary Circumstance: A circumstance which goes beyond what is usual, regular, or customary.

Impairment: Under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs, or vapor releasing substances if the person is impaired to the slightest degree.

Passenger Contact: When a deputy asks any questions of a passenger beyond a greeting, including asking passengers to identify themselves for any reason.

Qualified Person: For the purpose of this Office Policy, any physician, registered nurse, paramedic, phlebotomist, or other person certified by the State of Arizona to draw blood in a medical capacity. Office qualified phlebotomists are required to attend a refresher phlebotomy course every two years to be considered a qualified person.

Racial Profiling: The reliance on race or ethnicity, to any degree, in making law enforcement decisions, except in connection with a reliable and specific suspect description.

Traffic Stop: A temporary detention, commonly called being pulled over by a law enforcement officer, usually initiated by activating the lights and/or sirens of a law enforcement vehicle, to alert a driver to merge off to the side of the road, to investigate a traffic violation.

Traffic Stop Completed: The event that occurs when the motorist is released from the scene and the Communications Division is notified with a radio call or use of the Mobile Data Computer (MDC) of the disposition of the traffic stop as a "10-24, Assignment Completed."

Vehicle: Any device in, upon, or by which any person or property may be transported on a land way or place, especially on a road, including but not limited to, a motor vehicle, an animal drawn vehicle of any kind, a ridden animal.

PROCEDURES

1. **Enforcement of Driving Under the Influence (DUI) Traffic Laws:** Deputies shall take appropriate law enforcement action, on both public and private property, when investigating drivers suspected of driving under the influence. Deputies are strictly prohibited from bias-based profiling. All enforcement action taken shall reflect a professional and unbiased attitude, and shall be accomplished in a firm, fair, impartial, and courteous manner. Deputies must have an articulable, reasonable suspicion of a traffic violation or criminal involvement

before they stop and detain a vehicle and its occupants. The Office prohibits the use of quotas, whether formal or informal, for stops, citations, detentions, or arrests.

2. **Initial Driver Observations:** At the time of observation, deputies shall consider:

- A. Road, weather, lighting conditions, and traffic congestion at the time of the initial observation of the driver operating a vehicle;
- B. The description and general condition of the driver's vehicle;
- C. The driver's reactions to outside stimuli, such as road conditions, other traffic, and the patrol vehicle's emergency lights and siren;
- D. The driver's ability to bring their vehicle to a safe or reasonable stop; and/or
- E. The presence and location of any other occupants within the driver's vehicle.

3. **Traffic Stops:**

- A. Deputies and supervisors assigned a body-worn camera shall place the body-worn camera in Event Mode as soon as the decision to stop a vehicle is made. Once the body-worn camera is activated, deputies and supervisors shall continue to record until the traffic stop is completed, as specified in Office Policy GJ-35, *Body-Worn Cameras*. The use of a body-worn camera shall be documented in all *Incident Reports (IRs)*.
- B. Deputies and supervisors shall provide the Communications Division with traffic stop related information, as specified in Office Policy GI-1, *Radio and Enforcement Communications Procedures*.
- C. During the traffic stop, possible evidence of impairment should be taken into consideration when initiating a DUI investigation. Evidence of impairment includes but is not limited to, the driver's appearance, level of understanding, demeanor, speech, coordination, and any evidence of intoxicating beverages or drugs on or about the driver or in the vehicle, including drug paraphernalia. The following National Highway Transportation Safety Administration (NHTSA) post-stop cues have been found to be excellent predictors of DUI:
 - 1. Difficulty with motor vehicle controls;
 - 2. Difficulty exiting the vehicle;
 - 3. Fumbling with driver's license or registration;
 - 4. Repeating questions or comments;
 - 5. Swaying, unsteady, or balance problems;
 - 6. Leaning on the vehicle or other object;
 - 7. Slurred speech;
 - 8. Slow to respond to deputy or deputy must repeat questions;
 - 9. Providing incorrect information or changes answers; and/or

10. Odor of alcoholic beverage from the driver.
- D. After requesting the driver to produce their driver's license, vehicle registration, and proof of current financial responsibility, attention should be paid to the amount of time it takes the driver to fulfill the request and the manner in which it is accomplished.
- E. Deputies shall collect data on all traffic stops, as specified in Office Policy EB-2, *Traffic Stop Data Collection*.
4. **Occupant Interviews:** Only the driver, or the reasonably suspected violator, including any driver or passenger, found or suspected to be in violation of any state, county, or local statute, law or ordinance, or federal criminal law, shall be required to produce identifying documents. Other persons in the vehicle may be requested to produce identifying documents, but such documents shall not be required or demanded, and no law enforcement action shall be taken because of a refusal to produce identifying documents.
5. **Standardized Field Sobriety Tests:** When a deputy has reasonable suspicion to believe a driver is DUI, the deputy shall attempt to administer Standardized Field Sobriety Test (SFST). In no circumstance shall an impaired driver be permitted to resume operation of a vehicle.
 - A. Only Office employees trained in SFSTs, which includes but is not limited to, Horizontal-Gaze Nystagmus (HGN), Walk and Turn, and One Leg Stand, can utilize and testify to SFST in court. When administering SFSTs, Office employees should use the DUI packet located on the "U" drive in the Official MCSO Forms folder. If SFSTs are not administered, the reason shall be documented in the IR.
 - B. Arizona Revised Statute 28-1322 provides law enforcement the authority to request a Preliminary Breath Test (PBT) be administered at the scene prior to an arrest, provided the deputy has reasonable suspicion to believe a driver has committed DUI.
 1. PBTs are tools used to determine the presence of alcohol in a driver's body for the purpose of developing probable cause for charging, impounding vehicles, and the need for a Drug Recognition Expert (DRE).
 2. If used, the administration of the PBT should occur after the SFSTs have been administered or refused, and prior to any arrest.
 - C. Deputies certified in conducting HGN field sobriety tests, or deputies in training to become HGN certified, can perform the HGN test. If the deputy is in training a certified HGN deputy shall verify their findings for an arrest. Any HGN test administered regardless of certification to conduct the tests, shall be documented in the IR.
 - D. If the results of the SFSTs and PBT are inconsistent with the impairment observed and probable cause to arrest for DUI exists based on driving behavior, initial contact, and SFSTs, deputies should consider contacting the Communications Division to request a DRE to conduct a Drug Influence Evaluation.
 - E. If the deputy determines the impairment is the result of a physical or mental impairment of the driver, they shall attempt to arrange alternative transportation or appropriate medical attention. Deputies should complete and submit an Arizona Department of Transportation (ADOT) Driver Behavior Report to the ADOT Medical Review Program, if appropriate. The deputy shall submit the form, if completed, through e-mail to MedicalReview@azdot.gov.
6. **Drug Recognition Expert:** After conducting SFSTs and a PBT is completed, and the suspect's level of impairment is not explained by blood alcohol content and an arrest is made, a DRE shall be requested to

respond to the district or substation to assist. A supervisor's approval is required prior to requesting a DRE unless a DRE is already at the scene.

- A. DREs should only be used for post-arrest Drug Influence Evaluation.
 - B. Supervisors should make available any on-duty DRE under their command, barring exigent circumstances.
 - 1. If an on-duty DRE is not available, the Communications Division shall contact adjacent law enforcement agencies closest to where the DRE is needed and inquire as to the availability for another agency's DRE to respond and assist.
 - 2. If there is not an on-duty employee or other agency DRE available to assist, the supervisor shall advise the Communications Division to contact the Office DRE Coordinator.
 - 3. If a DRE responds, the case agent; typically the arresting deputy, shall stay with the DRE and assist as required during the administration of the examination. If the arresting deputy is unable to stay, then another on-duty deputy shall take their place. DREs shall not be called out to respond to the scene of a traffic-stop or collision, or become a case agent for an impairment investigation unless directed by the Impaired Driving Program Coordinator or Vehicle Crimes Unit supervisor.
 - 4. Blood, and/or other bodily substance samples for toxicology testing shall be conducted as specified in this Office Policy and impounded as evidence, as specified in Office Policy GE-3, *Property Management and Evidence Control*.
 - a. A *Property Receipt* is not required for any Deoxyribonucleic Acid (DNA) samples or blood.
 - b. If a *Property Receipt* is not issued, the driver shall be provided the address and contact information for the Property Management Division.
7. **Arrests:** When probable cause is established, and the driver is arrested, they shall be advised of the arrest for DUI. Prior to any post arrest, crime-related questioning, the deputy shall advise the driver of their Miranda Warnings, as specified in EA-11, *Arrest Procedures*. Deputies shall read the Miranda Warnings from the *Alcohol Influence Report* form in the *DUI packet*, located on the "M" drive in the Official MCSO Forms folder, or other Office approved Miranda Warnings. The driver's responses shall be accurately recorded in the IR or in the *Alcohol Influence Report*.
- A. The driver shall be searched, properly restrained, and secured in a patrol vehicle for transport to the nearest location where breath and/or blood testing is available. Deputies shall attempt to obtain the alcohol concentration, or breath or blood test samples, within two hours from the time the driver was observed driving.
 - B. If blood or breath samples are not obtained within two hours, the deputy shall obtain a search warrant, or e-warrant, and the reason for the delay shall be documented in the IR.
 - C. Care shall be taken to prevent injury to the driver, whose reduced stability may increase their risk of injury.
 - D. When an arrest has been made, a search of the driver compartment of the driver's vehicle is permitted, as specified in Office Policy GJ-3, *Search and Seizure*. Contraband and/or evidence shall be

photographed for documentation, seized and impounded as evidence, as specified in Office Policy GE-3, *Property Management and Evidence Control*.

- E. If the vehicle is to be impounded or towed, the vehicle shall be inventoried, as specified in Office Policies EB-5, *Towing and Impounding Vehicles* and EB-11, *Vehicle Impound 3511*.
 - F. If a DUI driver makes a clear and unambiguous request to speak with an attorney post arrest, the DUI driver shall be provided a reasonable opportunity to contact an attorney.
 - 1. A reasonable opportunity to contact an attorney must be allowed regardless of the issuance of a search warrant to obtain evidence.
 - 2. The DUI driver has the right to consult with an attorney, in private. Employees shall deactivate their body-worn cameras and follow procedures, as specified in Office Policy GJ-35, *Body-Worn Cameras*.
 - 3. The DUI driver should be provided a telephone or County-issued smartphone and a phonebook, if available. If the driver is provided a smartphone they must acknowledge their understanding of how to operate the smartphone.
 - 4. Deputies shall not covertly audio and/or video record the conversation between the driver and their attorney.
 - G. If a driver is arrested for DUI and it is determined the driver's blood alcohol content meets or exceeds 0.150, either by use of a PBT or an evidentiary breath test, the driver's vehicle shall be impounded, as specified in ARS 28-3511.
 - 1. If the driver's vehicle is towed without knowing the suspect's blood alcohol content and it is later determined the driver's blood alcohol content equaled or exceeded 0.150, the deputy shall contact the tow company to update the tow to a 3511 impound, as specified in ARS 28-3511.
 - 2. The deputy shall update the Communications Division and advise them of the change to a 3511 impound.
8. **Administrative Per Se and Implied Consent:** ARS 28-1321 requires any person who operates a motor vehicle and who is arrested for a DUI violation to submit to, and successfully complete, the evidentiary test or tests offered by the deputy for the purposes of determining alcohol or drug content. The ADOT Administrative Per Se Affidavit should be completed electronically, whenever practical.
- A. Prior to obtaining breath or blood for testing, the deputy should read the implied consent admonitions to the driver. Deputies shall follow the directions on the ADOT Administrative Per Se Affidavit and read the appropriate admonishments verbatim as well as ask the appropriate questions, as required. Documentation of the driver's responses and actions shall be documented on the Administrative Per Se Affidavit and/or the IR.
 - 1. Prior to reading the Administrative Per Se to a DUI suspect, the deputy shall verbally confirm with the driver their understanding of having been arrested for DUI. This confirmation shall be noted in the IR.
 - 2. If the Administrative Per Se is not read, or the driver refuses evidentiary testing; blood or breath shall only be obtained pursuant to a search warrant or exigent circumstances.

3. If blood or breath are collected due to exigent circumstances, a search warrant shall be authored and applied for after the fact.
- B. After Successful Completion or Refusal to Submit to Testing:
 1. The Administrative Per Se Affidavit/Implied Consent suspension shall be completed if the driver's alcohol content is greater than or equal to a 0.08 alcohol content, or a 0.04 alcohol content or higher involving a commercial vehicle, or the driver's refusal to submit to or successfully complete the requested testing. If Administrative Per Se is utilized, the appropriate suspension box on the Administrative Per Se form may be checked and the appropriate suspension served, even if blood was obtained due to a search warrant.
 - a. All applicable copies of the temporary driver's license and/or hearing request, of the Administrative Per Se Affidavit shall be given to the driver after the suspension notice is served.
 - b. The Administrative Per Se Affidavit and any attachments should be completed, forwarded through TraCS or mailed through the United States Postal Service (USPS), and received by the Arizona Motor Vehicle Department (MVD) within five calendar days.
 - (1) The deputy shall mail the driver's license to MVD as required by the DUI Implied Consent Administrative Per Se form.
 - (2) Deputies shall not seize and forward to MVD any non-resident driver's licenses, permit, or other form of identification. Only an Arizona driver's license shall be forwarded to MVD.
 - c. The seizure and impound of an Arizona driver's license shall be documented in the IR. The documentation shall include, but is not limited to, the *Property Receipt* generated by TraCS, the citation if issued, and a statement the driver's license was forwarded to the MVD.
 2. The Order of Suspension portion of the Administrative Per Se Affidavit shall not be served when the test results indicate less than 0.08 alcohol content, or less than 0.04 alcohol content involving a commercial vehicle, unless drugs are suspected. If the samples taken are later analyzed showing a 0.08 alcohol content or higher, or a 0.04 alcohol content or higher involving a commercial vehicle, an Administrative Per Se affidavit shall be updated in TraCS, by the case agent, with the results and transmitted electronically to MVD.
9. **Breath and Blood Testing:** The deputy shall ensure appropriate tests are administered to the driver. Breath and blood tests should be conducted as part of all alcohol DUI related investigations. If the driver refuses any of the tests, the refusal shall be documented in the IR.
 - A. If chemical tests, such as blood and breath are to be administered, the statement on the Duplicate Test Advisory (DTA) form shall be read to the driver, verbatim. The DTA should be signed by the driver at this time to document their acknowledgement.
 - B. Intoxilyzer:
 1. The Intoxilyzer operator conducting the breath tests **must possess a valid permit** issued by the current regulating agency for the instrument being used.

2. The Intoxilyzer operator must follow the operational checklist, as approved and outlined by the Maricopa County Department of Health Services (DHS) and/or Department of Public Safety (DPS) for the specific model of breath test instrument being used. A copy of the checklist shall be included in the IR.
 3. Prior to conducting an Intoxilyzer evidentiary breath test, the DUI driver shall undergo a mandatory deprivation period. During this deprivation period, the DUI driver shall be continuously observed by an Office employee.
 4. Beyond the analysis provided by the Intoxilyzer test, no breath samples shall be externally collected, retained, or provided by the driver.
 5. If the results of the Intoxilyzer test are substantially lower than expected for the level of alcohol impairment shown by the driver, the deputy should consider the assistance of a DRE, as specified in this Office Policy.
- C. Blood: For blood testing, only a qualified person may withdraw blood for the purpose of determining the alcohol concentration or drug content in the blood.
1. Refused Testing: If the driver refuses the blood test, a search warrant for blood shall be requested prior to obtaining the blood unless exigent circumstances exist. In the event blood is collected pursuant to exigent circumstances, a search warrant or E-warrant shall be applied for, after the fact.
 2. Driver's Incapable of Consent: In the event probable cause exists that a driver has committed a DUI violation, and the driver is deceased, unconscious, or otherwise in a condition rendering them incapable of consenting to tests; the deputy shall obtain a search warrant or E-warrant prior to obtaining any blood sample. If exigent circumstances require the necessitation of collection of the blood prior to a search warrant being obtained, a search warrant or E-warrant shall be applied for, after the fact.
 3. Hospital Samples: ARS 28-1388 Section E requires a portion of the remaining sample collected for medical purposes, sufficient for analysis, be provided to the deputy if requested.
 - a. If probable cause exists to believe a driver was driving under the influence, the deputy should make every effort to notify the hospital, in a timely manner, of the intent to secure a portion of the blood sample.
 - b. A search warrant or E-warrant shall be obtained for any blood samples obtained from a hospital.
 - c. The case agent shall obtain a search warrant or E-warrant and the case agent, or designee, shall respond to the facility to be available to take possession of blood samples drawn by medical personnel.
 4. This section does not apply in a federal facility such as the Veterans Administration Hospital (VA), which is not bound by state statute, unless a search warrant is obtained. VA personnel may be able to assist in obtaining a blood sample if the request is within their own rules and regulations.

5. Any blood drawn for testing shall be handled and packaged, as specified in Office Policy GE-3, *Property Management and Evidence Control*. A DPS Request for Scientific Analysis form shall be completed when the DPS Crime Laboratory analysis is requested.
 6. A qualified person who obtains an evidentiary blood sample from a DUI driver utilizing the venipuncture procedure, shall complete the Office *Phlebotomy Blood Draw* form. This form shall be attached to the IR by the case agent.
- D. Juvenile Breath and Blood Testing:
1. Breath and blood evidence may only be taken from a juvenile with a search warrant, or an E-warrant.
 2. Blood Samples: The blood samples shall be handled and packaged, as specified in Office Policy GE-3, *Property Management and Evidence Control*.
- E. Independent blood tests requested by a driver booked into an Office jail facility shall be conducted, as specified in Office Policy GJ-29, *Independent Testing Procedures for DUI and OUI Arrests*.
10. **DUI Charging:** When probable cause exists to arrest a driver for misdemeanor DUI, they shall be cited and released or booked into an Office jail facility, as specified in Office Policy EA-11, *Arrest Procedures*. When exigent circumstances exist, the driver may be released with a contact receipt, as specified in Office Policy EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*.
- A. A driver whose blood alcohol content is 0.05 or less shall not be charged without the existence of other competent evidence, unless drugs are suspected.
1. Any evidence of impairment which may be due to drug use shall be documented fully in the IR for submission to the Maricopa County Attorney's Office (MCAO) for a complaint.
 2. A violation of ARS Title 28 DUI statutes for a driver under the age of 21 will not be included with charges of ARS 4-244.34, underage drinking and driving, when the alcohol concentration is below .05 and no other evidence of drug impairment exists.
- B. A driver whose blood alcohol content is more than 0.05, but less than 0.08, shall be charged when the evidence gathered indicates the driver is under the influence or impaired to the slightest degree.
1. In this alcohol content range, ARS makes no presumption as to the impairment of a driver. Any evidence of additional impairment, not reflected in the alcohol content results, which may be due to drug use in combination with, or instead of, alcohol shall be fully documented in the IR.
 2. When the blood alcohol content fails to reflect the level of impairment observed, a DRE evaluation is appropriate.
- C. A driver whose blood alcohol content is 0.08 or higher shall be cited, charged, and either released or booked into an Office jail facility for ARS 28-1381 and/or ARS 28-1382, as appropriate.
- D. The driver of a commercial motor vehicle, as defined in ARS 28-3001, who is operating the commercial vehicle in furtherance of a commercial enterprise, and whose blood alcohol content is 0.04 or higher, shall either be cited and released, or booked into an Office jail facility. When the blood alcohol content fails to reflect the level of impairment observed, a DRE evaluation is appropriate.

- E. All decisions whether to incarcerate a suspected DUI driver shall be made, as specified in Office Policy EA-11, *Arrest Procedures*. Any citation issued by the case agent shall include all appropriate misdemeanor charges, including DUI misdemeanor charges. The case agent may include any other misdemeanor or petty offense, or civil traffic offense, they had probable cause to believe the driver committed.
 - F. The *DUI Packet*, IR and any issued citations shall be completed for each DUI arrest and submitted to the MCAO, with forms including but not limited to, the MCAO Submittal Form and MCAO checklist, for review and possible charging. The DUI packet can be located on the “U” drive in the Official MCSO Forms folder.
 - G. Certified DUI Packets containing a Driver Conviction History and Criminal History check are normally requested and obtained by the MCAO. If needed, the case agent may request the packet with the Office Information Center (OIC) and attach the documents to the IR.
 - H. The case agent should serve the DUI driver with the *Mandatory Fingerprint Compliance* form when the DUI driver is cited in lieu of detention or released pending the results of any evidentiary testing.
11. **Aggravated DUI:** When probable cause exists, the driver has committed aggravated DUI, as specified in ARS 28-1383, the driver should be booked into an Office jail facility. When exigent circumstances exist, the driver may be released with a contact receipt, as specified in Office Policy EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*. The IR and MCAO Submittal Form shall be forwarded to the MCAO for review and possible charging.
- A. When charging the DUI driver with a felony aggravated DUI, the case agent should not issue a citation for the underlying civil traffic violation(s). The civil traffic violations shall be documented in the IR only.
 - B. When submitting charges for felony aggravated DUI, the case agent should not issue citations for misdemeanor DUI offenses. Any misdemeanor DUI offenses shall be documented in the IR only.
 - C. The IR shall document the investigation, including but not limited to:
 - 1. Arizona Criminal Justice Information System/Motor Vehicle Division (ACJIS/MVD) records check containing the following:
 - a. The driver’s previous DUI convictions;
 - b. The driver’s current driver’s license status; and
 - c. Voluntary statements or admissions which indicate the driver had knowledge of their previous DUI convictions or was aware of the current status of their driver’s license.
 - 2. Aggravated DUI investigations involving a motor vehicle with an occupant under 15 years of age shall include a photograph of the child in question, their full name, and date of birth.
 - D. Certified DUI Packets containing a Driver Conviction History and Criminal History check are normally requested and obtained by the MCAO.

1. If needed, the case agent may request the packet with the OIC and attach the documents to the IR.
 2. If the suspension is from outside the state of Arizona, the case agent is responsible for obtaining the certified driving record from that state prior to submitting the IR to the MCAO.
 - E. The MCAO Submittal Form shall be used by the case agent to submit felony DUI violations to the MCAO and any non-DUI misdemeanor violations of ARS involved in the investigation may be added to the same MCAO Submittal form.
 - F. The case agent should serve the driver with the *Mandatory Fingerprint Compliance* form when the DUI driver is not booked into an Office jail facility.
12. **Report Detail and Completion:** Deputies and reserve deputies shall complete and submit all IRs prior to the end of the shift, absent extraordinary circumstances, as approved by a supervisor, as specified in Office Policy GF-5, *Incident Report Guidelines*.
- A. An example of an extraordinary circumstance includes deputies and reserve deputies assigned to a DUI task force who cite and release for a DUI.
 - B. IRs not submitted by the end of the shift due to an extraordinary circumstance, shall be completed and submitted by the next calendar day. Supervisors shall conduct their review within 72 hours of the contact.
13. **DUI-Related Collisions:**
- A. Collisions which are DUI-related require the following report forms to be completed:
 1. The deputy shall complete an Arizona Collision Report form and *Alcohol Influence Report* form for collisions occurring on a roadway and an IR and *Alcohol Influence Report* form for collisions occurring on private property. The Arizona Collision Report form shall include information regarding all aspects of the collision and DUI violations.
 2. Only the collision narrative should be completed in the Arizona Collision Report and the DUI investigation narrative on the completed IR or *Supplemental Report* forms.
 - B. Private property DUI-related collisions shall require an IR in TraCS, as specified in Office Policy EB-6, *Vehicle Collision Investigations*.
 - C. Collisions involving impaired drivers may result in criminal prosecution for offenses other than DUI, such as homicide, aggravated assault, or endangerment. These charges must be substantiated by a thorough on-scene investigation which shall include documentation of the driver's and victim's injuries, witness statements, photographs of the scene, and the names of supporting law enforcement personnel, medical personnel, and witnesses.
 - D. Requests for the Vehicular Crime Unit (VCU) to respond to a fatal accident, involving alcohol or drugs, shall be made by the on-duty supervisor, as specified in Office Policy EB-6, *Vehicle Collision Investigations*.