



Minneapolis Police Department Policy and Procedure Manual

Number:
7-600

Volume Seven – Field Operations

Traffic Law Enforcement

7-605 Chemical Testing – Driving Violations

(10/05/01) (08/21/03) (09/26/16)

(A-B)

- A. When arresting a person for driving/operating a motor vehicle while under the influence of alcohol or drugs, or handling a citizen's arrest for DUI, the arresting officer shall transport the suspect to the Chemical Testing Unit and a certified DMT-G (Data Master Transportable – Gas with fuel cell option) Operator shall offer the suspect a breath test. (11/08/16)
1. The suspect has the right to refuse the breath test.
 - a. The Implied Consent Advisory (PS 01802-09) shall be read before offering the breath test.
 - b. If a breath test has been offered and refused, the refusal is considered a crime under Minn. Stat. 169A.20, subd. 2.
 2. If the Chemical Testing Unit is closed, the officer will try to locate a certified DMT-G Operator by contacting MECC.
 3. A search warrant shall be secured for a blood test if:
 - a certified DMT-G Operator is not available,
 - the suspect is medically incapable of taking a breath test,
 - the suspect starts a breath test but claims he or she cannot physically complete the test, or
 - evidence indicates the presence of drugs other than alcohol.
 4. The suspect is also entitled to have additional testing done by a person of their own choice and at their own expense while in custody.
 - a. The officer shall document the request in the CAPRS report and allow the suspect to use a telephone to make arrangements for alternative testing before transporting to Hennepin County Jail.
 - b. Jail personnel shall be notified that arrangements for alternative testing have been made by the arrested party.
 - c. The alternative test will be conducted at Hennepin County Jail.
- B. Special kits are available in the Chemical Testing Unit for taking a blood sample.

1. Blood samples can only be drawn by authorized medical/hospital personnel.
 2. The blood sample must be marked on the outside of the kit box with the case number and the sample shall be deposited in the Chemical Testing Unit refrigerator.
- C.** A Drug Recognition Expert (DRE) should be called when an officer believes a person has been driving/operating a motor vehicle while under the influence of a drug other than alcohol or in addition to alcohol.
1. The officer or Chemical Testing Unit personnel shall contact MECC to request a DRE.
 2. If no DRE is available in the city, MECC will request a DRE from another agency (i.e., Minnesota State Patrol or University of Minnesota).
 3. If no DRE is available from another agency, MECC will contact an off-duty Minneapolis DRE from the callback roster to respond.
- D.** In all cases, including testing of juveniles, the testing officer shall conduct a videotaped interview. This will include videotaping the reading of the Implied Consent Advisory.
1. After completing the videotaped interview and DRE evaluation (if requested), the officer shall complete the identification process and:
 - Issue a citation and release the individual to a responsible person; or
 - Issue a citation and transport the individual to a detoxification facility; or
 - Process the individual through the Hennepin County Detention Center.
 - If a DRE evaluation was completed and/or a blood specimen taken on a DUI, request a Release Pending Complaint (RPC). When completing the Authority to Detain form, officers must write on the form "RPC - DRE Case."
 - DRE evaluation forms will be forwarded to the office of the Minneapolis City Attorney. This includes those partial evaluations not completed because of arrestee refusal to finish the evaluations.
- E.** Driver's License Revocation
1. For arrested persons who refuse testing or for arrested persons who take the breath test with a .08 or more result (.04 or more for commercial vehicle driver), the officer shall clip the non-photographed corner of the person's driver's license to invalidate the driving privileges. (11/08/16)
 - a. When clipping the license, the officer shall ensure all descriptive information remains intact.
 - b. The officer shall complete the State Notice and Order of Revocation form (PS 31123-10) and return the corner clipped license to the arrested person.

2. If only a blood test is given, the officer shall return the license to the arrested driver **without clipping the license**. It is the responsibility of the Minnesota Department of Motor Vehicles to act upon the test results.
3. If the arrested person has an out-of-state Driver's License, **do not** clip the license. The officer shall complete the Minnesota Notice and Order of Revocation and return the license to the arrested person.
4. The State Notice and Order of Revocation form shall also be completed for arrested persons not having a driver's license, however the officer shall write "**Not a Driver's License**" on the top of the form.
5. In all cases, the original top copy of the Notice shall be given to the arrested person and the remaining copies will be left in the Chemical Testing Unit along with all other associated paperwork. Chemical Testing Unit personnel will forward the paperwork to the Records Unit.