

IDAHO STATE POLICE PROCEDURE

07.05 DRIVING UNDER THE INFLUENCE (DUI)

I. GENERAL

Vigorous enforcement of Idaho's Driving Under the Influence (DUI) laws is a primary objective of the Idaho State Police (ISP) to reduce fatal and injury crashes. ISP Troopers must actively seek DUI enforcement opportunities.

II. STANDARDIZED AND OPTIONAL FIELD SOBRIETY TESTS

- A. Troopers must complete the appropriate training course before administering the Standardized Field Sobriety Tests (SFSTs).
- B. When a Trooper has a reasonable suspicion that a driver is DUI, the Trooper conducts the battery of SFSTs and documents the results of:
 - 1. Horizontal Gaze Nystagmus; and
 - 2. Walk and Turn; and
 - 3. One Leg Stand.
- C. Troopers may administer one or more of the following optional field sobriety tests if they feel it is appropriate:
 - 1. recite the alphabet;
 - 2. counting;
 - 3. finger dexterity;
 - 4. modified Romberg balance; and/or
 - 5. Lack of Convergence (LOC).
- D. Upon completion of Advanced Roadside Impaired Driving Enforcement (ARIDE) training, Troopers may additionally use Finger to Nose Evaluation.

III. DRUG RECOGNITION EXPERT PROGRAM

- A. The Drug Recognition Expert (DRE) Program provides the ISP with certified experts capable of gathering evidence to substantiate charges of impairment by drugs in DUI/drug cases.
- B. Troopers who have received National Highway Traffic Safety Administration DRE training and International Association of Chiefs of Police certification/re-certification may perform DRE evaluations.
- C. A trained DRE can reach reasonably accurate conclusions concerning the category or categories of drugs or medical conditions causing impairment observed in a subject through use of a standardized and systematic 12-Step Evaluation.
- D. Based on these conclusions and any other articulable evidence that may emerge during contact with the subject, the DRE can request the collection and analysis of an

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appropriate biological sample to obtain corroborative, scientific evidence of the subject's drug use.

- E. A DRE should be utilized under the following circumstances:
 - 1. The subject is under arrest for DUI, and the subject's level of impairment is not consistent with the Breath Alcohol Content (BAC), and the BAC is .08 or less.
 - 2. The subject refuses the breath test and is exhibiting signs and symptoms associated with possible drug impairment.
 - 3. a school administrator or law enforcement agency requests evaluation of a possibly impaired minor pursuant to [I. C. § 33-210](#); or
 - 4. The subject has been in a collision resulting in:
 - a. Serious injury;
 - b. A fatality
 - c. Involvement of an ISP vehicle; or
 - 5. A supervisor requests DRE response.

IV. PHLEBOTOMY PROGRAM

- A. The Phlebotomy Program provides the ISP with qualified experts capable of gathering evidence to substantiate charges of impairment in DUI cases.
- B. Only Troopers who have been approved by the Phlebotomy Program Coordinator may draw blood.
- C. Troopers can request the collection and analysis of a blood sample to obtain corroborative, scientific evidence of the subject's impairment.

V. ARREST OF DUI SUBJECTS

- A. When a Trooper has probable cause to believe a subject is DUI, the subject is arrested, unless there is an articulable reason not to do so.

VI. BREATH OR OTHER EVIDENTIARY TESTING

- A. Prior to administration of the breath test, Troopers:
 - 1. Observe the subject for the required 15-minute period; and
 - 2. Read the [Idaho Code §18-8002](#) Advisory to the subject; or
 - 3. Play the appropriate audio recording of the [Idaho Code §18-8002](#) Advisory form to the subject.
- B. Troopers may require a second evidentiary test, such as urine or blood testing, if they have reasonable suspicion to believe a drug other than alcohol has been ingested by the subject.
- C. The subject is offered a breath or other required evidentiary test one time, and is at the Trooper's discretion.

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D. If the subject refuses the test:

1. And later requests that the test be administered while the Trooper is still present, the Trooper appropriately administers the test, noting the length of delay in the arrest report; or
2. The Trooper may apply for a search warrant and transport the suspect to a local medical facility, if appropriate, to request approved medical personnel or a qualified law enforcement phlebotomist to draw a blood sample from the suspect:
 - a) Blood is drawn in a legally and medically accepted manner; and
 - b) Without using unreasonable force;
3. Blood samples are handled in accordance with ISP procedure [06.09 Evidence and Property](#).
4. Costs for involuntary biological evidentiary samples requested by ISP are paid through standard ISP billing procedures, and
5. inability to complete a test is considered a refusal.

VII. DUI QUESTIONING

- A. Troopers are encouraged to question DUI arrestees using the questionnaire on the back of the [Impairment Influence Report](#) as a guide.
- B. The [Miranda warning](#) must be given to an in-custody subject prior to questioning.

VIII. REQUIRED REPORTS

- A. Reports and forms are completed and submitted within three working days, including:
 1. An Affidavit in Support of Warrantless Arrest (probable cause) [use appropriate district form];
 2. When an involuntary blood draw is conducted, complete an [EHF 07 05-04 Blood Draw Restitution](#) form to submit to the prosecutor along with the Affidavit, and retain a copy in the case file. and
 3. The draft arrest report including a detailed description of all SFSTs that were administered.
- B. Attach a copy of the subject's driving record as examined for prior DUI arrests and driving privileges.
- C. Complete the appropriate fields in Tiburon to document the blood draw:
 1. Check box on the Incident/Report Add'l tab;
 2. Complete Drawn Blood by: Location Drawn, and Cost fields on the Person/Misc tab.
- D. Include any other reports or documents required by the district or supervisor.