



NO. 5.4

CRYSTAL POLICE DEPARTMENT

TITLE: ALCOHOL AND CHEMICAL TESTING

NUMBER: 5.4

DATE: December 10, 2014

NO. PAGES: 2

Purpose

Following an arrest for driving while impaired, the driver/operator will be transported to the Crystal Police Department or other approved facility for alcohol or chemical testing.

Scope

All sworn employees of the police department.

PROCEDURE

All testing will be conducted according to law and training.

When a DMT-G Operator is needed for a test and there is not one working, the Police Officer will request assistance from a neighboring agency. The test may be conducted at either the Crystal Police Department or the DMT-G Operator's agency.

In the event the Crystal Police Department DMT-G is out of service, the Police Officer will request to conduct the test at a neighboring agency.

The arresting officer may direct the type of chemical test to be given. The officer may charge a person for failure to take a blood or urine test only if an alternative test was offered.

Blood test will only be conducted by authorized medical technician.

If it is determined that the breath test is to be administered, only a certified operator shall conduct the test.

Prior to conducting a test, the officer shall read the arrestee the Minnesota Implied Consent Advisory. The implied consent advisory must be recorded when reasonably practicable.

For suspected violations of the Criminal Vehicular Homicide and Criminal Vehicular Operation statutes, evidence should be collected in accordance with the rules of criminal procedure without invoking the implied consent. The implied consent may be invoked following the initial collection of evidence when circumstances dictate.

ADDITIONAL TESTS

A person may request an additional test following a driving while impaired arrest. The officer shall not prevent or delay the second, additional test requested by the subject so long as it does not interfere with the safety and security of police personnel. The officer shall provide a telephone to the subject. Additional tests will be allowed after the police administered evidentiary testing process has been completed. Additional tests are the responsibility of the person requesting the test.

Crystal Police employees will not assist with the administration of or interfere with additional test collection. Testing companies or private test collectors may be allowed into the jail for the purpose of sample collection.

DRUG RECOGNITION EXPERTS

When feasible, a Certified Drug Recognition Experts (DRE) should be sought for further testing when a person is suspected of driving while impaired and the person has not tested over the legal limit in an alcohol breath test.

ALTERNATIVE TESTS

Alternative tests of blood or urine may be offered in accordance with Minnesota Implied Consent Law and guidelines established by the Minnesota Attorney General's Office.

Blood evidence samples for criminal cases not covered by the Minnesota Implied Consent Law, will be collected with current practices established by case law and criminal law. Police Officers should seek assistance from a supervisor regarding questions of evidence sample collection.