



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



537.01 DRIVING UNDER THE INFLUENCE PROCEDURES 2-27-2025

PURPOSE

The purpose of this policy is to outline procedures to investigate and document all driving under the influence (DUI) cases for prosecution or other administrative action.

POLICY

It shall be the policy of the Sacramento Police Department to investigate and document all DUI cases for prosecution or other administrative action.

PROCEDURE

A. DEFINITIONS

1. ADULT – A person 21 years of age or older.
2. ARIDE – Advanced Roadside Impaired Driving Enforcement.
3. DRE – Drug Recognition Expert, or an officer who has completed both the classroom and field certification process to become a certified DRE. Only certified DRE's can perform a DRE examination.
4. DS367 – DMV form, "Age 21 and Older Officer's Statement."
5. DS367M – DMV form, "Under Age 21 Officer's Statement."
6. DUI – Driving under the influence of alcohol, drugs, or a combination of both.
7. FST – Field Sobriety Test:
 - a. HGN – Horizontal Gaze Nystagmus test.
 - b. OLS – One Leg Stand test.
 - c. WAT – Walk and Turn test.
 - d. NHTSA SFST (National Highway Traffic Safety Administration Standardized Field Sobriety Tests) – The three-test battery of SFST certified by NHTSA. These include HGN, WAT, and OLS.
8. JUVENILE – A person under 18 years of age.
9. MINOR – A person under 21 years of age.

B. INVESTIGATION

1. Establishment of driving:
 - a. When driving is observed, officers should recognize and document any driving behavior that may demonstrate impairment.
 - b. When driving is not observed, officers should conduct thorough investigations to determine if probable cause exists to establish that driving occurred.
 - (1) Officers authorized to make DUI arrests in accordance with Penal Code § 836 and Vehicle Code § 40300.5.
2. Preliminary interview:
 - a. Prior to conducting FST, when possible, officers should conduct a preliminary interview of the driver.
 - b. Officers should establish a driver's drinking, eating, sleep patterns, possible medical conditions, possible drug use, and if the subject was the driver.
 - c. A list of recommended questions is located on the DUI Investigation Card (SPD 541) and on the DUI Investigation Report Supplement (SPD 170).
3. Field sobriety test:
 - a. Officers should, whenever possible, use established FST to evaluate drivers who are suspected of DUI. Officers should use the NHTSA SFST three-test battery of HGN, OLS, and WAT.
 - b. In addition to the NHTSA SFST three-test battery, officers may use any of the following:
 - (1) Alphabet Test.



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



- (2) Counting Test (Backward from 100 - 80).
- (3) Romberg Test.
- (4) Finger to Nose.
- (5) Other field sobriety tests as are appropriate.
- (6) A preliminary alcohol screening (PAS) test may be used in accordance with General Order 410.15 (Preliminary Alcohol Screening [PAS] Devices).

4. Drug evaluation:

- a. In addition to SFST's, if a driver is suspected of driving under the influence of a drug, officers should request a DRE-certified officer.

- (1) If an SPD officer is unavailable to conduct a DRE examination, a request can also be made to the California Highway Patrol.

- (2) If there are not any officers available to conduct a DRE examination, officers should continue with the arrest and request the assistance of an ARIDE-trained officer. Officers should document in their arrest report that a DRE examination was requested.

C. CHEMICAL TESTING

1. Officers shall advise the driver of the chemical testing requirements affecting them. These requirements shall be made in accordance with Vehicle Code §§ 13353, 13353.1, 23154, and 23612.
 - a. Advisements should be completed by reading the Chemical Test Admonition directly from the reverse side of the DS367 or DS367M.
 - b. If the driver is suspected of being under the influence of a drug (or a combination of a drug and alcohol) and have a completed breath test, the officer shall advise the person they are also required to submit to a blood or urine test to determine drug content. This advisement should be completed by reading the Drug Admonition Supplement from the reverse side of the DS367 or DS367M.
2. Officers shall obtain a chemical test from arrestees, including those who refuse to comply with chemical testing requirements in accordance with General Order 522.04 (Chemical Testing of Arrestees).

D. CHARGING DUI

1. Officers may charge a person in accordance with Penal Code § 148(a)(1) if the arrestee refuses to comply with a court order or warrant signed by a judge.
2. In addition to applicable DUI charges, officers should charge appropriate additional violations (e.g., hit and run, evasion, licensing violations, or violations of probation or parole).
 - a. Infraction moving violations are considered lesser included violations and should not be charged in addition to misdemeanor or felony DUI charges.
3. Absent conditions listed in the felony section, officers should, when appropriate charge any of the following Vehicle Code sections:
 - a. 23152(a) and 23152(b) when a driver is under the influence of alcohol and has a blood alcohol content (BAC) of .08 or higher, as indicated in a breath test, or when a blood test is obtained, and the officer has reason to believe the results of the blood test will be a BAC of .08 or higher.
 - b. 23152(a) when the driver is under the influence of alcohol only and has a BAC under .08.
 - c. 23152(f) when the driver is under the influence of a drug.
 - d. 23152 (g) when the driver is under the influence of a combination of a drug and alcohol.
4. When a DUI involves an injury or prior DUI convictions:
 - a. When appropriate, officers should charge Vehicle Code sections:
 - (1) 23153(a), alcohol only.
 - (2) 23153(f), drugs only.
 - (3) 23153(g), combination of drugs and alcohol.
 - (4) 23153(b), over .08 BAC.
 - b. When a driver has three or more prior DUI convictions (including DUI convictions reduced to § 23103.5) in the prior ten years, officers should charge the following Vehicle Code sections:
 - (1) 23152 sections as felonies and charge § 23550.



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



- c. When a driver has one or more prior convictions of 23152 VC, 23153 VC, or Penal Code § 192(c)(1), which were charged as felonies, in the prior ten years, officers should charge the driver with the appropriate Vehicle Code sections, as felonies:
 - (1) 23152.
 - (2) 23550.5(a).
- d. When a driver has a prior conviction of Penal Code §§ 191.5 or 192.5, which were charged as felonies, officers should charge the driver with the following Vehicle Code sections, as felonies:
 - (1) 23152.
 - (2) 23550.5(b).
5. When an officer discovers that a driver is on DMV or DUI probation for a prior DUI offense and suspects that the driver has consumed drugs or alcohol, the officer shall complete the following:
 - a. Conduct a DUI investigation.
 - b. If appropriate, proceed with a felony or misdemeanor DUI case.
 - c. When the driver is determined to have not committed a felony or misdemeanor DUI violation, proceed with an infraction DUI investigation.
 - d. Advise the driver that they are required to submit to a chemical test.
 - e. Obtain a PAS test. If the results are .01 or higher, issue the driver a citation for Vehicle Code § 23154(a) and any other appropriate violations.
6. When an officer discovers a driver is under age 21 and the officer suspects the driver has consumed alcohol, the officer shall complete the following:
 - a. Conduct a DUI investigation.
 - b. If appropriate, proceed with a felony or misdemeanor DUI case.
 - c. When the driver is determined to have not committed a felony or misdemeanor DUI violation, proceed with an infraction DUI investigation.
 - d. Advise the driver they are required to submit to a chemical test.
 - e. Obtain a PAS test. If the results are .01 or higher but under .05, issue the driver a citation for Vehicle Code § 23136(a) and any other appropriate violations.
 - f. If the PAS results are .05 or higher but under .08, the officer shall complete the following:
 - (1) Transport the driver to an approved facility to complete a chemical test.
 - (2) Officers observing impairment shall charge Vehicle Code § 23152(a) as a misdemeanor. If impairment is not observed, issue the driver a citation for Vehicle Code § 23140(a) and any other appropriate violations.
 - g. Officers citing and releasing minors with DUI-related infractions shall act in accordance with General Order 540.05 (Arresting, Booking, and Releasing Juveniles).
 - (1) Officers may consider releasing the vehicle to a licensed passenger who is not in violation of any DUI-related laws.

E. DISPOSITION OF ARRESTEES

1. Adults arrested for felony or misdemeanor DUI should be booked into the county jail in accordance with Penal Code § 853.6.
2. Juveniles shall be processed per General Order 540.05 (Arresting, Booking, and Releasing Juveniles).
3. Officers with DUI arrestees that require medical treatment shall act in accordance with General Order 522.02 (Medical Treatment) and this order.

F. DISPOSITION OF VEHICLES

1. Upon arrest, officers shall ensure that an arrestee's vehicle is handled in accordance with General Order 536.02 (Vehicle Towing and Release).
 - a. If an arrestee is found to have prior DUI offenses, driving on a suspended license, or driving without a required interlock device (IID), officers should consider storage of the vehicle.

G. COLLISIONS

1. Traffic collisions involving DUI drivers require a collision investigation in accordance with General Order 537.04 (Collision Reporting).



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



-
2. If the driver is not injured or the driver is injured but the injuries do not require prolonged treatment, the subject shall be booked for DUI.
 - a. Drivers with minor injuries may be taken to the county jail for evaluation by the jail nurse.
 - b. If the county jail intake nurse determines that medical treatment is required, the subject shall be taken to any area emergency room in accordance with General Order 522.02 (Medical Treatment).
 - c. If the projected treatment requires a prolonged medical treatment, a district supervisor may approve:
 - (1) Issuance of a misdemeanor citation for appropriate charges.
 - (2) If the driver is unconscious or unwilling to sign the promise to appear, the subject may be released per Penal Code § 849(b).
 - (3) Officers releasing subjects per Penal Code § 849(b), shall document the incident by completing the following forms:
 - (a) MRE Report.
 - (b) DUI Investigation Report Supplement (SPD 170).
 - (c) 849(b) form (SPD 138).
 - (d) Drager Checklist.
 - (e) Arrest Warrant Request Form.
 3. DUI drivers should not be released unless the subject fits the same criteria for a misdemeanor citation release in accordance with General Order 523.03 (Misdemeanor and Infraction Arrests).
 - a. Prior to the driver being released, officers should obtain a chemical test from the driver.
 - (1) The driver shall be advised that they are under arrest and advised of their charges.
 - (2) The driver shall be advised of the chemical testing requirements affecting them and that their choice of a chemical test is limited to a blood test.
 - (3) A blood sample should then be obtained in accordance with General Order 522.04 (Chemical Testing of Arrestees).
 - b. The driver may be released if the officer reasonably believes that the driver will stay at the medical facility and receive the needed treatment and will not leave the medical facility while still under the influence.
 - (1) This assurance may be based on the seriousness of the injuries, the time required for treatment, or by the presence of a friend or relative who will take charge of the subject upon release.
 - (2) If the officer feels that the arrestee will become combative or will leave the medical facility while still under the influence, the officer shall stay with the arrestee and contact a supervisor.
 - (3) If an officer stays with the arrestee, the arrestee shall be booked as soon as they have been released from medical treatment.
 4. If an arrestee is released under this procedure, and the subject is not issued a misdemeanor citation, the following shall be documented on the officer's report(s):
 - a. Indicate "RECCO" in the Special Condition box of the CHP 555.
 - b. Indicate "REQUEST A WARRANT BE ISSUED" in the recommendations portion of the collision report and state the charges.
 - c. Check the "WARRANT REQUEST" box on the SPD 170.
 - d. DA Arrest Warrant Request form (shall be completed by a peace officer).
- H. DMV ADMINISTRATIVE ACTIONS
1. In adult cases, officers shall complete the following:
 - a. Complete a DS367 and serve the adult driver if any of the following apply:
 - (1) On DMV DUI probation and have a BAC of 0.01% or more.
 - (2) On DMV DUI probation and refuses a PAS or other chemical test.
 - (3) Driving a commercial vehicle and have a BAC of 0.04% or more.
 - (4) Have a BAC of 0.08% or more.
 - (5) Are arrested for DUI and refuses a chemical test.
 - (6) Are arrested for DUI and BAC is unknown (e.g., no PAS and blood test is completed).



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



- b. Complete a DS367, but do not serve the adult driver, if the driver is arrested for misdemeanor or felony DUI but has a BAC of less than 0.08 BAC (e.g., drug DUI).
2. In minor cases, officers shall complete the following:
 - a. Complete a DS367M and serve the minor driver if any of the following apply:
 - (1) Have a BAC of 0.01% or more.
 - (2) Refuse a PAS or other chemical test.
 - b. Complete a DS367M, but do not serve the minor driver, if the driver is arrested for misdemeanor or felony DUI but has a BAC of less than 0.01 BAC (e.g., drug DUI).
3. Drivers who are served with a DS367 or DS367M shall be provided the pink-colored, driver copy.
4. Officers shall seize the California Driver License of drivers who are served with a DS367 or DS367M. Identification cards or driver licenses from other states or countries shall not be seized.
5. The driver copy of the DS367 or DS367M serves as both a temporary driver license and a notice of suspension. When the driver is unlicensed or already has a suspended driver's license, the officer shall still complete and serve the DS367 or DS367M but shall mark the "Suspended/Revoked" or "Unlicensed" box on the form, as appropriate.
6. Driver licenses shall not be seized in cases where a DS367 or DS367M is not served.
- I. WATSON ADMONISHMENT
 1. In all DUI cases, officers shall:
 - a. Read the DUI Arrest Admonishment (SPD 807) to DUI the arrestee driver.
 - b. Record admonishment reading on body-worn camera (BWC) or in-car-camera (ICC).
 - c. Attempt to have arrestee sign the admonishment form.
 - d. Provide arrestee with a completed copy of the form.
 2. Officers shall make reasonable attempts to complete all the above. In instances where an arrestee is unconscious, combative, or otherwise incapacitated, officers at a minimum should complete and provide a copy of the SPD 807.
- J. REPORT WRITING AND DOCUMENTATION
 1. When a driver is arrested or cited for a DUI, officers shall complete a full MRE report and a DUI Arrest Packet.
 2. The following documents should be used to document a DUI:
 - a. DUI ARREST KIT ENVELOPE – The checklists on the DUI Arrest Kit envelope (SPD 808) shall be utilized to ensure all appropriate forms are completed and enclosed. In the case of a felony DUI arrest, officers shall check the felony box on the envelope.
 - b. MRE REPORT – Officers shall create a complete general offense report and include all charges and entities for all DUI cases.
 - c. REPORT SUPPLEMENT – DUI INVESTIGATION REPORT SUPPLEMENT (SPD 170) – To be completed on all DUI cases.
 - d. DS367 and DS367M – Shall be completed in accordance with this order.
 - e. DRAGER ALCOTEST PRECAUTIONARY CHECKLIST – Completed when a Drager test is attempted or completed.
 - f. COST RECOVERY WORKSHEET (SPD Form 587) – Completed for all misdemeanor and felony DUI cases. Officers, sergeants, and the Records Division shall complete the form in accordance with Office of Specialized Services Order 520.01 (DUI Cost Recovery).
 - g. ARREST REPORT AND PROBABLE CAUSE SHEET – Included when the driver is booked into jail or youth detention facility.
 - h. COLLISION REPORT – Included when a collision is related to the DUI incident.
 - i. CALIFORNIA DRIVER LICENSE – Included when the subject's California driver license is confiscated in connection to issuing DS367 or DS367M.
 - j. MISDEMEANOR CITATION (SPD 109) – Included if the driver is cited and released or in cases of a misdemeanor warrant request. Infractions and misdemeanor citations shall be completed in accordance with General Order 523.04 (Notice to Appear [Citations]).



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



-
- k. CERTIFICATE OF RELEASE (SPD 138) – Included when a driver is issued a certificate of release in accordance with Penal Code § 849(b).
 - l. DA ARREST WARRANT REQUEST – Included when a driver is issued a certificate of release in accordance with Penal Code § 849(b) and there is a desire to have an arrest warrant issued at a later time.
 - m. WATSON ADMONISHMENT FORM (SPD 807) – Completed for all misdemeanor and felony DUI cases.
3. When elements of other felony or misdemeanor crimes are present in a DUI case, officers shall include the charges and detail them in the MRE report.
 4. The Records Division shall ensure:
 - a. The DUI report and appropriate DMV forms are forwarded to the DMV Office of Driver Safety within five business days.
 - b. Report accountability, preparation, and distribution of DUI packages, data entry, and storage of DUI reports.