



Peoria Police Department Policy and Procedure Manual

Policy 6.04

Driving While Under the Influence



I. POLICY

- A. It shall be the policy of the Peoria Police Department to rigorously identify and investigate impaired driving. This will be done to increase the safety of the public and to reduce traffic collisions by removing the impaired driver from the road or by causing a deterrent effect. (61.1.10)
- B. A driver who appears to be DUI will be stopped immediately.
- C. In cases involving traffic collisions, based on probable cause, officers will handle drivers suspected of DUI as if the officers had actually witnessed the violation.
- D. Officers will arrest, search, and secure DUI suspects in police vehicles as with any other prisoner.

II. PROCEDURE (61.1.5.a)

- A. Driving While Under the Influence (DUI) (61.1.11)
 1. Currently, the Peoria Police Department obtains blood as its primary chemical sample during a DUI investigation. Therefore, these cases will generally be left pending a long form complaint, awaiting lab analysis. However, a suspect may be at the discretion of the officer, if staffing allows, and the release of the suspect is not appropriate.
 2. Officers should charge for DUI, ARS § 28-1381.A.1 while awaiting lab results.
 3. If the officer is able to obtain a court admissible test result, the officer should charge for both DUI (ARS § 28-1381.A.1) and DUI with an Alcohol Content (AC) of .08 or more (ARS § 28-1381.A.2.) If the test indicates an AC of .15 or more, then the officer should charge for both DUI (ARS § 28-1381.A.1) and Extreme DUI (ARS § 28-1382.A).
- B. Citing for Misdemeanor DUI's
 1. Only **MISDEMEANOR ALCOHOL** DUI's (No Drugs) may be cited into the Peoria City Court at the time of the offense.
 - a. **No Drug/DRE (Drug Recognition Expert) DUI's will be cited.**
 - b. Drug/DRE DUI's will be left pending the result of the chemical test analysis.
 2. DUI's resulting from collisions **WILL NOT** be cited. Collision related DUI's will be left pending the chemical analysis.
 3. To confirm the arrest is for a misdemeanor DUI, a driver's license check, KQ, and Criminal History will be conducted during the processing procedures **and included with the police report.**
 4. A Portable Breath Test (PBT) result **MUST** be obtained to issue a citation. The Horizontal Gaze Nystagmus (HGN) and PBT results are recommended.
 5. During the processing procedure, the suspect must be entered into the Integrated Live Scan (ILS). If for some reason ILS is down, the officer **MUST** manually fingerprint the suspect, **MUST** complete the Arizona Department of Public Safety (AZ DPS) Form 27 and **MUST** take a Polaroid photograph of the suspect.
 6. If the suspect submits to the PBT and the reading is below a .15, the suspect will be cited for DUI and Blood Alcohol Content (BAC) .08 or above (ARS § 28-1381.A.1 and ARS § 28-1381.A.2). If a reading of .15 or higher is obtained, the suspect will be cited for DUI (ARS § 28-1381.A.1) and Extreme DUI (ARS § 28-1382).

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7. All moving violations will be cited. It is the officer's discretion to cite for non-moving violations unless the non-moving violation was the reason for the stop (i.e. ARS § 28-925.C, No license plate light).
8. Suspects **MUST** be cited into City Court **approximately 21 days** from the date of the offense. The arraignment must be held within 30 days of the offense, so this is crucial. **All** cite days are **Wednesday at 0830 a.m.**
9. Suspects **MUST** sign the citation. If the suspect refuses to sign the citation, the suspect will be booked into jail. If the suspect is booked into jail, the officer will write "BOOKED" on the suspect signature line and annotate in report that suspect was booked for refusal to sign citation.
10. Patrol Services will follow department policy reference the timeline for completion of the report.
11. Blood tests will still be done on each individual and there will be no change when filling out the Admin Per Se.
 - a. The AZ DPS Lab Request Form and Property Impound Form will be completed as in the past.
 - b. Even though the suspect is being cited based on the PBT results, the AZ DPS analysis is still required for HGN numbers.
12. **DO NOT** give any copies of the Admin Per Se/Implied Consent Form to the suspect **unless it is a refusal**. The suspect's driver's license will not be suspended until the case is completed by the City Prosecutor's Office.
13. At the conclusion of the processing procedure, the suspect will be provided with the copies of the citation/s, the Driver Arrest Right to Independent Test, and DUI Process Form.
14. The case status will be cleared by arrest.
15. The City of Peoria DUI Checklist Form **MUST** be completed and included with the police report. **DO NOT** number this form as one of the pages of the report.

C. Aggravated Driving

1. If a suspect waives their Miranda rights after being advised of such, the officer must interview the suspect as to the status of their driver's license to determine if the suspect knew the status and how they became aware of it.
2. No citations will be issued to the suspect.
3. A form IV will be completed on all felony DUI arrests whether the suspect is booked or not.

D. Alcohol Influence Reports (AIR): Alcohol Influence Reports should be completed in all cases of suspected DUI (to include related Title 4 violations) unless the person is unable to provide the response.

1. The AIR should be completely and neatly filled out, and "N/A" should be placed in the areas that do not apply. Any questioning of the suspect will be in compliance with the Miranda Warnings. In cases using a court admissible breath test, Miranda Warnings do not have to be read prior to the deprivation period, which can begin the moment the suspect is arrested as long as precautions are made to ensure that no suspect actions will affect the AC test.
2. The field sobriety tests worksheet will be filled out as soon as possible after the driver performs the tests. The driver question area will be filled in as the person responds, and if reasonable, in the person's own words. However, if certain responses do not answer the question to the extent that it fails to provide the needed information, then the question may be paraphrased, and the needed information may be placed in the narrative portion of the report.
3. ILS will be completed regardless of whether the suspect is booked or cited and released. If ILS is not working, the suspect will be manually fingerprinted and a Polaroid photograph will be taken.
4. In cases with a court admissible breath test, a copy of the Intoxilyzer operator's certification card will be placed on the back of the Right to Independent Sample form.
5. Physical force will not be used to obtain a photograph, fingerprints, or signature, but suspects who refuse or fail to cooperate in the obtainment of fingerprints will be booked.

- E. Admin Per Se and Implied Consent: During a DUI Investigation, Admin Per Se will be completed in most cases but the suspect must be placed under arrest prior to invoking Admin Per Se. A suspect NOT under arrest may consent to a blood draw without invoking Admin Per Se.
1. Refusals
 - a. If the suspect fails or refuses to take the specified test(s), the appropriate suspension will be served. The suspect will be given the two middle copies. The white copy will be forwarded to MVD and the blue copy will be included with the department report.
 - b. Seize any Arizona drivers license/permit and shred/destroy the license and document its destruction in the IR. If a chemical sample is later obtained by the provisions of ARS § 28-1388.E, or by virtue of a search warrant, the affidavit will still be processed as a refusal.
 - c. If the suspect changes their mind after the initial refusal or failure and later requests the test, the test will be given under the following conditions:
 - (1) Blood test: Only if the warrant process has not begun
 - (2) Court admissible breath test: The request is made within ninety (90) minutes of the arrest time, and; the suspect is still in custody and the arresting officer is still present, and; the required test equipment is readily available and functioning properly.
 2. Court Admissible Breath Test
 - a. If the suspect completes a court admissible test with an alcohol concentration of .08 or more, then the appropriate suspension will be served. The suspect will be given the two middle copies. The white copy will be forwarded to MVD and the blue copy will be included with the department report.
 - b. Seize any Arizona drivers license/permit and impound it in evidence for destruction. Attach it to the MVD copy of the affidavit.
 3. Blood or Urine test
 - a. All four copies of the Admin Per se will be included with the department report (unless served as a refusal).
 - b. Leave the results, test operator, and suspension areas blank.
 - c. The suspect's license will not be seized.
 - d. When the results of the analysis are received, the Affidavit will be completed by the Traffic Services Section PSO and the notice can be served to the suspect.
 4. Do not seize out of state licenses or permits. If applicable, the affidavit will still be completed and the driver will be given the appropriate copies of the affidavit.
 5. If the suspect declines to sign the affidavit, the word "SERVED" will be written on the signature line.
 6. In cases where the suspect has a concentration of less than .08, the affidavit will be completed and all four copies will remain with the arrest report.
 7. If the suspects' license or right to drive is already suspended, revoked, refused, etc., or the license is not seized, complete the descriptive sections of the affidavit and mark the appropriate box(s) and narrative section. The suspect will still be given their copies.
 8. Attorney Request: When a DUI suspect requests to contact an attorney prior to taking the prescribed test(s), they will be permitted access to a telephone.
 - a. The suspect will be directed to a room in the prisoner processing area of the Peoria Police Department.

- b. They will be given a private telephone call, and allowed access to a telephone book.
 - c. The door will be closed and the suspect will be monitored from outside the room via the window.
 - d. If the initial telephone call to the attorney requires a call back, the suspect will be allowed to take the call at the same telephone and given privacy.
 - e. If this process occurs off site, the officer will make every effort possible to allow for the private telephone call, to be completed in a safe manner.
 - f. The officer shall note in the arrest report if the suspect asked to speak with an attorney, the time of the request, the period of time the conversation took place, the location the telephone call was made from and the amount of privacy given.
 - g. If the suspect refuses or cannot reach an attorney after a reasonable period of time, the suspect will be asked to take the test. If the suspect declines or fails to complete the test, then paragraph E.1 applies.
9. The provisions of implied consent apply to the operation or physical control of a motor vehicle on private or public property.
 10. Court Paperwork: When an employee is subpoenaed for an Admin Per Se or Implied Consent hearing, the employee may request a copy of the arrest report from the Records Management Section. If a court admissible breath testing instrument was used, the calibration records will need to be requested through the agency having control over the instrument. The calibration records will be presented as evidence in the Admin Per Se hearing.

F. Department Phlebotomists

1. Training

- a. All department phlebotomists will at a minimum, attend a forty-hour phlebotomy course/program through an accredited institution.
- b. In order to maintain proficiency, Department phlebotomists will be required to accomplish two blood draws per month. If the two draws are not completed in two consecutive months, the phlebotomist will then be required to do five hours of clinical time, on duty, at a local medical facility to keep up his/her skills.

2. Duty Status

- a. The phlebotomists that are participating in this program are not in an on-call status. A department phlebotomist may be called with the approval of a sergeant or if it is one hour or less prior to the start of their normal duty shift. However, the department phlebotomist is not required to respond.
- b. If there is no department phlebotomist available to respond, Communications should be contacted to call out the contract phlebotomist.
- c. A department phlebotomist may be put on-call in the event that the contract on-call phlebotomist is going to be unavailable and with the approval of the Traffic Services Section Supervisor.

3. Equipment

- a. The blood kits used for DUI investigations will be the standard blood kits provided by the department.
- b. Blood kits for use other than DUI's, i.e. DNA evidence, will be provided by the unit or agency requesting the blood draw.
- c. A non-alcoholic swab will be used on all blood draws.
- d. An equipment box will be kept in the prisoner processing area for use by all department phlebotomists. The equipment box will be kept locked and keys will be issued to the individual phlebotomists as well as one being

kept at the front lobby desk for check out in an emergency situation. The equipment box will be stocked with, but not limited to, the following:

- (1) Extra tourniquets
 - (2) Non-alcoholic swabs
 - (3) Butterfly needles (various sizes)
 - (4) Extra tube holders
 - (5) Multi-sample needles (Various sizes)
 - (6) Syringe
 - (7) Needle disposal container
 - (8) Band-Aids
 - (9) Supplemental Blood Draw Form
- e. Department Phlebotomists and contract phlebotomists shall fill out the phlebotomy supplement form with each blood draw. An exception would be when doing clinical time at a medical facility.
- f. The form will be located on the "I" drive as well as in the paper forms area. The form will be a three-part form, unless done on the computer, in which case it must be printed three times.
- (1) The first (white) copy will go to the investigating officer so that it can be placed with the original report.
 - (2) The second (yellow) copy will be for the phlebotomist's own records.
 - (3) The third (pink) copy will go to the department phlebotomy coordinator.
- g. The department phlebotomy coordinator will be responsible for making sure that all department phlebotomists are keeping up on their training requirements as well as making sure that the equipment box is stocked during a weekly check. The Department Phlebotomy Coordinator will be appointed by the TSS Supervisor.
4. Packaging and Handling of Blood Kit
- a. Packaging of the blood kits will be done by the phlebotomist. This will include:
 - (1) The placement of all pertinent materials from the blood kit back into the blood kit.
 - (2) Needles and tube holders will be placed in a sharps container.
 - b. The placement of the report number, date, investigating officer with serial number, and the offense on the top of the blood kit.
 - c. The blood kit will then be turned over to the investigating officer to be impounded.
 - d. The officer will be responsible to make a copy of the top of the kit and include it with his/her report.

G. Breath Testing to Determine Alcohol Concentration:

1. A person to be tested for alcohol concentration using breath will be taken to the nearest location where the appropriate test equipment is located.
2. The breath test should be conducted within two (2) hours of a person's driving. However, if this two-hour target cannot be met, the officer will still obtain the sample and include the reason(s) for the delay in the written report.
3. The location of the test and the person that transported the suspect shall be noted in the report.

4. Only officers that are certified by the Arizona Department of Health Services shall conduct breath tests and only on the instrument(s) they are certified to operate.
5. An officer will observe the fifteen (15) minute deprivation period. The officer does not have to be a certified Intoxilyzer operator, however it is preferred. During the deprivation period, the operator must only ensure that nothing is placed in the mouth of the suspect and that there is no vomitus around, or inside of the suspect's mouth.
6. The test operator will only use approved and proper operational checklists while conducting a breath test.
7. Force or restraint will not be used to obtain a breath sample.
8. The test print card (or strip) shall include the suspect's name and IR number. A copy of the test print card (or strip) will be given to the suspect or placed into his property.
9. The employee shall advise the suspect of the results of the breath test at the end of the examination.
10. If the suspect refuses to provide a chemical sample, a print out will be generated using the refusal function on the Intoxilyzer 5000.

H. Telephonic/Facsimile Search Warrants:

1. Policy: It is the policy of the Peoria Police Department to obtain a search warrant to collect body fluid evidence when a suspect refuses to give blood, breath, or urine, while officers are investigating a DUI offense.
2. Purpose: The purpose of obtaining a search warrant is to lawfully collect evidence that may be destroyed or reduced in value due to the refusal.
3. Procedure
 - a. When it is determined that a DUI suspect is refusing to provide blood, breath, or urine evidence, the following procedure will be used:
 - (1) The arresting officer must be able to articulate all probable cause such as improper driving actions, odor of intoxicating liquor on suspect's breath, standard Field Sobriety Test(s) Impairment, Horizontal Gaze Nystagmus, etc.
 - (2) The arresting officer must be able to articulate who can place the suspect driving, or in actual physical control of the vehicle.
 - b. The arresting officer will ensure that the DUI suspect has been read/advised of the Implied Consent Law, and have asked the suspect if they understand the consequences of refusing to give breath, blood, and/or urine sample.
 - c. The arresting officer will then advise the suspect of the following:
 - (1) "When you refuse to give us a sample of your blood on a case like this, our policy is to contact a judge by phone and request a search warrant. Should the judge grant the search warrant, it will be served on you. You will no longer have a right to refuse the blood test."
 - (2) If the suspect does not say anything after you advise him/her of the policy or open dialogue on the subject, do not discuss it further.
4. If the suspect asks questions about the policy, you may converse about the issuance of the warrant. If the suspect changes their mind, read him the "Consent Search" form with a witness present.
 - a. The arresting officer must document exactly what they advised the suspect of, and how the suspect changed their mind and consented.
 - b. If the suspect consents to the taking of body fluids, they must then sign the "Consent Search" form in front of a witness.

5. The arresting officer will determine what type of search warrant format will be utilized, either telephonic or facsimile, and obtain the forms from the Peoria Police Departments computer networks I-drive (Forms, Patrol Forms, 102-087 Warrant Fax Tele).
 - a. The arresting officer will complete the affidavit and search warrant forms by filling in the appropriate blanks.
 - b. The officer will contact the EOP Judge through MCSO and determine if the on call Judge will accept a telephonic or facsimile warrant.
 - c. If the Judge is not available, the arresting officer should next attempt to contact the Peoria or Glendale Justices of the Peace. City magistrates may be contacted as a last resort, as well as any other Judge available.
6. Telephonic Warrants
 - a. Upon completion of the forms, the arresting officer will telephone a judge, recording the entire conversation. It will be the arresting officer's responsibility to record the conversation.
 - b. When the judge authorizes the issuance of the search warrant, the arresting officer will:
 - (1) Advise the judge that the arresting officer is signing the judge's name on the Affidavit and Warrant.
 - (2) The arresting officer will also sign their name, indicating that they signed the judge's name on their behalf.
 - (3) List the date and time the affidavit and warrant was signed.
 - (4) The suspect will be read the search warrant verbatim, with the arresting officer recording this process, if possible.
 - (5) In compelling a suspect to give a blood sample, officers will take all steps necessary to ensure that only reasonable force is used to obtain the sample. A supervisor will be present under these circumstances. The supervisor will determine the reasonable force to be used based upon individual circumstances.
 - c. Once the suspect is restrained (if necessary), a blood sample will be drawn in accordance with this Departmental procedure.
 - d. The physical safety of the suspect, phlebotomist, and officers must take precedence over obtaining the blood sample.
 - e. The arresting officer will be responsible for:
 - (1) Impounding the tape recording as evidence.
 - (2) Having the tape transcribed. (Complete the Transcription Request form and forward it to Administration).
 - (3) Ensuring that the search warrant, affidavit, notice of execution of warrant, property receipt, and a copy of the transcript of the tape recorded conversation is returned to the court that issued the warrant within three (3) business days from date of issue. The magistrate shall certify the transcript of the tape-recorded conversation and the same shall be filed with the court. If officers were unable to execute the warrant, the reason(s) must be stated in the Return.
 - (4) Securing a copy of the original warrant after such is made, and request that the magistrate enter the exact time of issuance of the duplicate original warrant on the face of the original warrant.
 - (5) Placing a copy of the search warrant, affidavit, return, and the tape recorded transcript will be included in the IR.
 - (6) Regardless if the search warrant is executed or not, the procedure outlined in steps 1-5 must be completed.
7. Facsimile Search Warrants

- a. Upon completion of the forms, the arresting officer will fax the affidavit/warrant to the on call judge.
 - b. When the search warrant is returned to you, ensure that it has been signed by the judge.
 - c. The suspect will be read the search warrant verbatim, with the arresting officer recording this process, if possible. The officer shall have a witness to the reading/service of the search warrant.
 - d. The arresting officer will ensure that the search warrant, affidavit, and notice of execution of warrant, is returned to the court that issued the warrant within three (3) business days from date of issue and the same shall be filed with the court. If officers were unable to execute the warrant, the reason(s) must be stated in the Return.
8. The officer or communications will contact the phlebotomist who is under contract with the City, to respond to the jail and obtain a blood sample.
 9. The blood sample should be taken within two (2) hours of first contact with the suspect to remain within the "2 hour rule." However, if this two-hour target can not be met, the officer will still obtain the sample and include the reason(s) for the delay in the written report.
 10. The arresting officer will document the date and time the warrant was served on the suspect.
 - a. The suspect will be provided with a copy of the search warrant only, and will not be given a copy of the Affidavit.
 - b. The suspect will be provided a written receipt for the blood sample taken (this can be accomplished by using the citizen copy of the Peoria Property Receipt form).
 - c. The suspect will be advised of their right to obtain an independent blood sample. The officer will annotate this information within their written report.
 11. Officers will mark and package the sample as evidence and the appropriate property impound forms will be completed. The request for scientific analysis will also be completed and placed within the evidence Locker #1, along with the key used to secure the evidence into a cold storage locker with the refrigerator.
 12. All blood and urine will be refrigerated as soon as possible.
 13. This sample may either be impounded directly into the Property Section's refrigerator or transported to the Arizona Department of Public Safety's cold storage lockers.
 14. If the suspect's actions do not allow the search warrant to be served, the suspect should also be charged with Tampering with Physical Evidence and Interfering with Judicial Proceedings.
- I. Hospital Blood Draws: ARS § 28-1388.E If an officer has probable cause to believe that a person has violated any provision of ARS § 28-1381, and a sample of blood, urine or other bodily substance is taken from that person for any reason, a sufficient portion of the sample shall be provided to that officer for analysis, if requested.
 1. If one of our blood kits is not available, officers should make an attempt to ensure that the sample is collected in a gray-topped vial. All reasonable attempts will be made to secure a sample for the suspect's use.
 2. Should a hospital staff member refuse to comply with ARS § 28-1388. E, then a hindering prosecution report will be initiated requesting prosecution. In these cases, a supervisor will be notified.
 3. Officers will obtain the time, and the name of the person drawing the sample. If the sample was impounded into the hospital cold storage, document the time and the name of the person turning the sample over to the officer.
 - J. Levels of Intoxication Citing Requirement.
 1. The following guidelines will be used when charging DUI.
 - a. A suspect may be charged with ARS § 28-1381.A.1 when the visual observation of their driving actions indicates impairment and there is probable cause to believe the impairment is the result of being under the influence of alcohol or other drugs.

- b. Suspects with a court admissible alcohol concentration of .08 or greater will also be charged with ARS § 28-1381.A.2 and the charge will read, "driving with an alcohol concentration of .08 or greater," or "actual physical control with an alcohol concentration of .08 or greater."
- c. When officers have collected blood or urine from a suspect for analysis, the suspect will not be cited for ARS § 28-1381.A.1 and all reports will be long form complaints pending lab analysis. Civil violations should not be cited.

2. Alcohol Concentration

- a. When an alcohol concentration is .30 or greater, the Intoxilyzer/PBT operator will request paramedics regardless of the suspect's physical status. A doctor's examination and release will be done prior to booking, or in a case of cite and release, the responding responsible person will be advised that the suspect should seek medical attention due to the high alcohol level.
- b. If the intoxicated person is a juvenile, and has an alcohol concentration of .20 or greater, paramedics will be requested and the juvenile shall be transported to the hospital regardless of the juveniles physical status.
 - (1) If the juvenile's parent or legal guardian is present, they shall be advised of the BAC test results and that the juvenile needs to be taken to the hospital to be seen.
 - (2) If requested by the parent/legal guardian, the juvenile may be released to them under their responsibility for care.

K. Advisement of Right to Independent Chemical Test:

1. Officers will advise any suspect under arrest for DUI that they have the right to arrange and pay for an independent chemical test to determine the alcohol concentration in their blood.
2. This right applies whether or not the suspect successfully completed the specified test offered by the Department. Use the Right to Independent Sample form to record this.
3. The following procedure will be used when a suspect does request an independent test and they are being booked:
 - a. Every attempt shall be made to cite and release misdemeanor DUI suspects who have requested an independent chemical test.
 - b. The suspect will be allowed to make a reasonable number of telephone calls in order to arrange for such tests as soon as possible.
 - c. Arrangements may be made prior to transporting the suspect to the jail facility. The suspect may be transported to the test location as long as it is a reasonable distance away in order to secure a sample. The officer is not responsible for transporting the suspect to a specific location for the purpose of obtaining an independent test

L. Drugs, Toxic Vapors, Substance Combination Suspected:

1. In those instances where drugs, toxic vapors, or substance combination is suspected, an Intoxilyzer test/PBT will be administered to establish the absence or presence of alcohol concentration.
2. Procedures for handling DUI drugs, toxic vapors, or a combination will be handled the same as DUI Alcohol.
3. A DRE will be requested to assist with the case preparation whenever drugs or toxic vapors appear to be impairing the suspect, and/or the Intoxilyzer reading is not consistent with the impairment observed.
4. The officer must make the arrest for DUI and the suspect must have an alcohol reading not consistent with the signs/symptoms of impairment prior to contacting a DRE.
5. When an officer believes that a suspect is under the influence of inhalants, it is crucial to obtain a blood sample as soon as possible because the evidence is short lived.

M. Prior DUI convictions: If the suspect has one prior DUI conviction within sixty (60) months, the arrest report will include the following.

1. The information on the previous conviction will be detailed in the arrest report and the appropriate locations on the alcohol influence report.
2. Any information which shows that the suspect had knowledge of the prior DUI conviction using voluntary statements or admissions.


N. Disposition of Vehicles

1. A vehicle owner may, under certain circumstances, be permitted to leave their vehicle legally parked after a person has been arrested for DUI. The following conditions must apply:
 - a. The owner of the vehicle must be physically present and reasonable proof of ownership must be legally established.
 - b. The owner must sign a Vehicle Liability Release form, if possible.
 - c. The owner's judgment must not be impaired by alcohol, drugs, or illness to the point that they cannot make a reasonable decision to leave the vehicle unattended.
 - d. If a reasonable decision cannot be made based upon the officer's observations, judgment, and justification, the vehicle will be removed from the scene and secured.
2. The vehicle's ignition key will be turned over to a responsible party. If a responsible party cannot be contacted, the keys to the vehicle shall be impounded into property and the driver of the vehicle shall be advised that they may obtain them during normal business hours.
3. The vehicle owner may also be permitted to release their vehicle to another driver as long as that driver is capable of safely operating the vehicle and is properly licensed.

O. Under Age Drinking and Driving, ARS § 4-244.34

1. This violation may be cited anytime a driver under twenty-one (21) years of age is determined to have spirituous liquor in their body. Conduct the investigation as a DUI and Admin Per Se still applies.
2. ARS § 4-244.33 will be charged in addition to other misdemeanor DUI violations.
3. This violation may be used when a person under twenty-one (21) years of age has been driving while or after consuming an alcoholic beverage but is not impaired.

Peoria Police Department
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Larry J. Ratcliff
Acting Chief of Police