



Series 200 Operations	Effective Date	Review Date Annually	Directive Number 204.3
Chapter 204 - Traffic Operations			
Reviewing Office Traffic Enforcement			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised Revisions are in <i>italics</i>
References			

OPERATING WHILE INTOXICATED

204.3 - 1 POLICY

It is the policy of the Detroit Police Department (DPD) to actively seek out and remove impaired drivers from the streets of the city. These impaired drivers, whether due to alcohol, drugs or intoxicating substance(s), present a significant risk to the public and cannot be tolerated.

204.3 - 2 PURPOSE

This policy outlines the Administrative Rules, set forth by the Michigan Department of State Police, Alcohol Enforcement Unit, regarding the operation, maintenance, and repair of the Certified Preliminary and Evidentiary Breath Testing instruments. This policy also provides DPD members with the guidelines for Operating While Intoxicated (OWI) investigations, documentation of evidence, and preparation of required paperwork for OWI arrests.

204.3 - 3 General Procedures

1. The Detroit Police Department's ~~Forensic Services Division Breath Alcohol Unit~~ **Evidential/Preliminary Breath Test personnel certified by the state of Michigan**, in conjunction with the Michigan Department of State Police, ~~Special Operations Division, Alcohol Enforcement Unit~~, are responsible for the administration of the state of Michigan's Evidential/Preliminary Breath Alcohol Analysis Testing Programs. These programs provide guidelines for training state and local law enforcement personnel having traffic safety and alcohol enforcement responsibilities.
2. ~~The Breath Alcohol Unit~~ **Preliminary Breath Test (PBT) certified operators** are also responsible for the preventive and mechanical maintenance of the ~~Preliminary Breath Alcohol Test~~ **PBT** instruments ~~(PBTs)~~ **used** to administer a preliminary breath alcohol analysis of drivers suspected of operating a motor vehicle while under the influence of intoxicating liquor. ~~The Breath Alcohol Unit~~ **Certified operators shall also** monitor the conditions of all preliminary breath alcohol test instruments and perform assorted administrative recordkeeping functions in

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compliance with the Administrative Rules of the Michigan Department of State Police, Special Operations Division, Alcohol Enforcement Unit.

3. ~~The Breath Alcohol Unit also issues BAC Datamaster breath alcohol testing instrument supplies and preliminary breath alcohol testing instrument supplies to all precincts and sections that have been issued these instruments.~~

204.3 - 4 Administrative Rules

1. The drunken driving statute has granted the Michigan Department of State Police mandatory rule-making power. An administrative rule promulgated under this authority carries the full weight of the law.
2. The Administrative Rules titled, "Test for Breath Alcohol", were filed with the Secretary of State on December 12, 1994, and became effective December 28, 1994, at 12:01 a.m. Highlights of the administrative rules are provided below.

204.3 - 4.1 RULE 1 – Definitions

1. Class I Operator - PBT operator
2. Class II Operator – Evidential Breath Test Operator
3. Class IIIA Operator – Evidential Breath test Operator, PBT Operator, PBT Instructor, and PBT calibrator
4. Class IIIB Operator – Evidential Breath test Operator plus limited service technician
5. Class IV Operator – All of the above plus instructor for Classes II and IIIA of operators and a full service technician.

204.3 - 4.2 RULE 2 - Approved Equipment

The Michigan Department of State Police shall approve all breath alcohol test equipment and accessories. The only approved evidential breath alcohol test instrument is the BAC DataMaster.

204.3 - 4.3 RULE 3 - Equipment Accuracy

1. An evidential breath testing instrument shall be verified for accuracy at least once each calendar week **by a Class II, IIIA, IIIB or IV Operator.**
2. **The preliminary breath alcohol test instrument shall be verified for accuracy at least once a month by a Class IIIA or class IV Operator.**
3. Accuracy test results for both instruments shall be 0.095% to 0.105% **.076 to .084 inclusive.**
4. An evidential breath tester shall be inspected, verified for accuracy and certified by a Class IV Operator or the instrument manufacturer's authorized representative within one hundred and twenty (120) days of the previous inspection.

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~~Installation,~~ Maintenance and repair of evidential breath test instruments (**BAC DataMaster**) and **preliminary breath test instruments** (PBTs) are the responsibility of **the appropriate class** ~~Class IV~~ operators or the instrument manufacturer's authorized representatives approved by the Michigan Department of State Police.

204.3 - 4.5 RULE 5 – Techniques and Procedures

1. Only certified operators shall operate evidential breath test instruments.
2. PBT instruments shall be operated only by operators trained by a Class IIIA or Class IV operator. ~~to operate such equipment.~~
3. A person may be administered a breath test on a preliminary or evidential breath alcohol test instrument only after it has been determined that the subject has not smoked, regurgitated, or placed anything in his/her mouth for at least fifteen (15) minutes.
4. Results of a subject test shall be expressed as grams of alcohol per 210 liters of breath.

204.3 - 4.6 RULE 6 - Operator Certification

The operation of a preliminary or evidential breath testing instrument requires an applicant to successfully complete a course of instruction approved by the Michigan Department of State Police. A certification card shall be issued to evidential breath alcohol test instrument operators who successfully complete a course of instruction that is approved by the Michigan Department of State Police.

204.3 - 5 Standardized Field Sobriety Tests

1. Field Sobriety Tests should be given to drivers prior to administering the preliminary breath test to support his/her investigation, if the tests can be administered safely. **All results and observations shall be documented on the CRISNET report. Standardized Field Sobriety Tests (SFST) provide valuable evidence for prosecution, especially when the evidential breath test is refused or suppressed in court. Field Sobriety Tests are subjective. If the subject being tested has formed a tolerance for alcohol, he/she may be able to perform the tests well enough to pass.**
2. **Members certified as Standard Field Sobriety Test practitioners shall administer the following mandatory tests as outlined in the Standard Field Sobriety Test Manual:**
 - a. Horizontal Gaze Nystagmus;
 - b. Nine (9) Step Walk and Turn; and
 - c. One Leg Stand.
3. **Officers that are not certified may administer the following field sobriety tests:**
 - a. **Counting Backwards - Instruct the suspect to stand with his/her feet together and arms at his/her sides. Have the suspect count**

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backwards from 88 to 57. (You may choose any string of numbers as long as they are at least sixteen (16) numbers apart). Note any missed or repeated numbers.

- b. **Alphabet Test** - Instruct the suspect to stand with his/her feet together and arms at his/her sides. Instruct the suspect to recite the letters of the alphabet and indicate that he/she may not sing the alphabet.

204.3 - 6 Preliminary Breath Alcohol Test (PBT)

204.3 - 6.1 Preliminary Breath Alcohol Test (PBT) – General

An officer who has reasonable cause to believe a person was operating a vehicle under the influence of alcohol may require the subject to take a PBT. The officer shall notify the dispatcher to determine if a PBT instrument can be brought to the scene. The PBT is not a substitute for proper investigative techniques and field sobriety tests should still be conducted.

204.3 - 6.2 PBT Rights

Before giving the PBT, the field sobriety tests shall be given to the driver (if safe to do so), and he/she shall be advised of the PBT rights.

204.3 - 6.3 Standard PBT Rights

A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction. **MCL 257.625 (a) (3) (d) except as provided in subsection (5).**

~~Michigan law requires that you submit to a preliminary breath analysis upon request of a peace officer. Your refusal to submit as requested shall result in your being charged with a civil infraction with a penalty up to a \$100.00 fine.~~

204.3 - 6.4 Commercial Driver PBT Rights

A person who was operating a commercial motor vehicle and who is requested to submit to a preliminary chemical breath analysis under this section shall be advised that refusing a peace officer's request to take a test described in this section is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both, and will result in the issuance of a 24-hour out-of-service order. **(MCL 257.625 [4])**

~~Michigan law requires that you submit to a preliminary breath analysis upon request of a peace officer. Your refusal to submit as requested shall result in your being charged with a misdemeanor with a penalty up to a \$100.00 fine and/or up to ninety (93) days in jail, and you will be taken out of service for twenty four (24) hours and requested to take a chemical test.~~

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Before administering a PBT, the officer must be aware of the following:

1. It must be determined that the subject has not smoked, regurgitated, or placed anything in his/her mouth for at least fifteen (15) minutes prior to the test. Also check to ensure there are no signs of injury or blood in the subject's mouth. This fifteen (15) minute period ensures the results will not be affected by any residual mouth alcohol that could possibly be left in the subject's mouth; and
2. Make sure the subject expels all of the air from the lungs and takes the breath sample from the deep lung air to get the most accurate results. The subject should exhale at least five (5) to six (6) seconds to force out the deep lung air.

204.3 - 6.6 Interpretation of Preliminary Breath Test Results

1. If the PBT test is conducted and the test indicates **.08 or above**, ~~more than .07, but less than .10 percent by weight of alcohol in the person's blood, and the physical condition of the defendant appears to warrant such action,~~ the subject may be charged with **Operating While Intoxicated (OWI)** ~~the state law offense of Operating While Impaired (O.W.I.).~~ If the PBT indicates the presence of .10 percent or more by weight of alcohol in the O.U.I.L. statute, and he/she shall be arrested and conveyed to the precinct station Detroit Detention Center (**DDC**) ~~or other approved holding facility~~ for an evidential breath alcohol test.
2. If evidence of impairment (**i.e., emotional instability, slurred speech, loss of balance, etc.**) exists, whether or not the PBT is conducted, the subject shall be conveyed to the **DDC** and processed in accordance with standard breath alcohol procedures. If the blood alcohol level of a subject is .30 percent or higher, hospitalization **shall be mandatory**.
3. If an officer detects great impairment and the subject's PBT test indicates .08 or below, the officer shall convey the person to the **DDC** for an evidential breath alcohol test. If the evidential breath alcohol test also indicates .08 percent or less, the officer must consider the possibility of narcotics or the possibility that the subject is suffering from some illness. **Members may request through Communications Operations a Drug Recognition Expert (DRE) to the scene if one is available.**

~~If an officer detects great impairment, and the evidential breath alcohol test indicates less than .08, the officer shall consider the possibility of narcotic use or some type of illness. After further investigation, it is determined there is no illness, the officer shall require a voluntary blood draw or a request for a search warrant for a blood draw. . Fatal Squad. the subject's PBT test indicates .07 or below, the officer shall convey the person to the precinct for an Evidential Breath Alcohol Test. If the evidential breath alcohol test also indicates .07 percent or less, the officer must consider the possibility of narcotics or the possibility that the subject is suffering from some illness.~~

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4. If after administration of the field sobriety test and the PBT, it is the opinion of the investigating officer that the subject may not be under the influence of intoxicating liquor **or other narcotics including prescription drugs**, these conclusions shall be noted and the subject may be charged with other applicable offenses (**i.e. reckless or careless driving**).
5. The PBT is not a substitute for proper investigative techniques. Field sobriety tests shall still be conducted. They provide valuable evidence for prosecution, especially when the evidential breath test is refused or suppressed in court.

204.3 - 7 Procedures for Evidential Breath Test Operator(s)

1. To retain state certification, the Michigan Department of State Police (MSP) require the evidential breath testing instrument be verified at least once per calendar week (Sunday - Saturday) by a certified operator with the results entered on the Simulator Test Log (OD-33). ~~Simulator test results must also be entered into the Law Enforcement Information Network (LEIN) system.~~ For guidelines to conduct simulator tests, refer to the Michigan Breath Test Operator Training Manual.
2. The ~~district/precinct~~ **DDC** commanding officer is responsible for ensuring that copies of the Evidential Breath Testing Log (DPD 29-A) **and Simulator Test Log (OD-33)** are sent to **the city prosecutor's office, 36th District Court, 4th Floor, at the end of each month.** ~~the Breath Alcohol Unit each month.~~

204.3 - 7.1 Initial Evidential Breath Alcohol Prisoner Processing

Once the subject is conveyed to the DDC, the arresting officer shall inform the Officer in Charge (**OIC**) of the desk of the circumstances of the arrest. The certified breath test operator shall be present while the arresting officer reads to the subject the Advice of Rights for a Chemical Test (DI-93), from the reverse side of the Officer's Report of Refusal to Submit to Chemical Test (DI-93) or the Breath, Blood, Urine Test Report (DI-177). ~~Once the subject has submitted to the chemical test and before interviewing the subject, members shall inform the subject of the Constitutional Rights Certificate of Notification (DPD 342-B).~~

~~The certified operator shall ensure that the be present while the arresting officer reads to the defendant the Advice of Rights for a Chemical Test, provided on the reverse side of the Breath, Blood, Urine Test Report (DI-177) or the Refusal to Submit to a Chemical Test (DI-93), from the reverse side of the Officer's Report of Refusal to Submit to Chemical Test is read to the subject prior to the test.~~

204.3 - 7.2 ~~Arrest Made by Member(s) not assigned to the Certified Operator's District/Precinct~~

~~In those cases where the arresting officer is not assigned to the certified operator's district/precinct /district made the arrest, the arresting officer the certified operator shall be requested to request that the arresting officer remain at the district/precinct until the test is concluded and all necessary reports are completed.~~

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The certified operator shall inform the ~~OIC~~ of the ~~district/precinct station desk~~ of the results of the breath test.

204.3 - 7.3 Interpretation of Blood Alcohol Content (BAC) Results

1. **BAC of 0.08 to 0.16:** Persons arrested for operating a motor vehicle while intoxicated who have a BAC of 0.16 or below will be prosecuted under the Detroit City Code Sec. 55-4-71 and the warrant request submitted to the city of Detroit Assistant Corporation Counsel. A subject convicted of operating a motor vehicle with a BAC of 0.08 to 0.16 may be sentenced to imprisonment for not more than ninety-three (93) days and a fine of not less than \$100.00 or more than \$500.00.
2. **BAC of 0.17 or above:** Persons arrested for operating a motor vehicle while intoxicated who have a BAC of 0.17 or above shall be prosecuted under state law, P.A. Act 300, of 1949, MCL 257.625, and the warrant request must be submitted to the Wayne County Prosecutor's Office. A subject convicted of operating a motor vehicle with a BAC of 0.17 or above may be sentenced to imprisonment for not more than 180 days and a fine of not less than \$200.00 or more than \$700.00.

204.3 - 7.4 Subject Test Procedures

The administrative rules promulgated by the Michigan Department of State Police state that after the first breath test, certified operators shall offer the subject a second breath test. However, members shall keep in mind that a subject's refusal to take a second breath test does not constitute a refusal nor invoke implied consent proceedings. The arresting officer and ~~BAC Datamaster operator~~ and the certified ~~BAC DataMaster trained officer~~ **operator** shall complete his/her portion of the Breath, Blood, Urine Test Report (DI-177) or the Refusal to Submit to a Chemical Test (DI-93) forms. (Reference: Michigan Breath Test Operator Training Manual 2001 for instructions on completing the form). Once the subject has submitted to the chemical test(s), the operator shall inquire if he/she wishes to seek an independent chemical test to challenge the results obtained.

204.3 - 8 Chemical Tests as Evidence**204.3 - 8.1 Blood Tests**

1. It is recommended that a subject who exhibits great impairment, but whose breath alcohol test indicates **less than .08**, ~~.07 percent or below less than~~, be conveyed to Detroit Receiving Hospital Emergency Unit. A blood sample kit shall be conveyed with the subject and a blood sample shall be requested.
2. The subject ~~must~~ **shall** be advised that refusal to take a chemical test requested by a peace officer shall result in a ~~six~~ **twelve (12)** month suspension of the subject's license and the addition of six (6) points to the subject's driving record. **If the subject refuses to submit to a blood test, the arresting officer may request a warrant using the following procedures:**

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1. Completing an affidavit for a search warrant for blood;
 2. Call Communications Operations and request a conference call with the city prosecutor for the warrant approval; and
 3. Once the prosecutor approves the warrant, the arresting member shall contact Communications Operations again and request a conference call with the magistrate to get him/her to sign off on the warrant.
3. Once the blood sample is obtained, **the container shall be sealed in the presence of the qualified medical personnel and the subject.** Once the subject has submitted to the chemical test(s), the certified operator shall inquire if he/she wishes to seek an independent chemical test to challenge the results obtained **at his/her own expense.** The officer shall convey the sample kit to the ~~district/precinct~~ **DDC** with the completed Alcohol and Drug Determination form (FSD-93). (Details for processing the blood sample kit are included on the instruction sheet in the kit). The sample kit shall then be mailed to the Michigan State Police, East Lansing Post for analysis.
4. The amount of alcohol or the presence of narcotics in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall be admissible as evidence.

204.3 - 9 BAC DataMaster – Breath Alcohol Instrument Examination**204.3 - 9.1 ~~Malfunction~~ Testing Procedures for Properly Functioning Equipment**

~~Prior to~~ **At** the beginning of the certified operator's tour of duty, ~~the operator~~ **he/she** shall examine the BAC DataMaster to ~~determine~~ **verify** that it is operable. ~~Whether the device is found to be operable or inoperable during the check prior to the beginning of the tour of duty,~~ **Upon completion of the examination, the certified operator shall notify** the **OIC** of the operator's platoon shall be notified, **who** and shall be responsible for disseminating this information to the platoon at roll call, as well as to the zone dispatcher for dissemination via radio to members and the Michigan State Police.

204.3 - 9.2 Malfunctioning Equipment

In the event that the BAC DataMaster device malfunctions, the certified operator shall notify the **local service representative which can be found on a magnetic tag on the BAC DataMaster.** In any event the local service representative is **unavailable; the certified operator can contact the** manufacturer, National Patent

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Analytical Systems, at 1-800-800-8143, as indicated in the Michigan Breath Test Operator Training Manual.

After notifying the **local service representative** or manufacturer, the **OIC** of the desk shall be notified and **the unit shall be taken out of service only** if advised to do so by the local service representative. **The certified operator shall make** an entry on the Evidential Breath Test Log indicating that the unit is out of service and shall notify the Michigan State Police, Alcohol Enforcement Unit, or send a LEIN message.

204.3 - 9.3 Use of BAC DataMaster by Certified Operators from other Departments

Persons may be tested by outside authorities on department assigned equipment. Any state of Michigan certified operator is authorized to operate the BAC DataMaster. It is the responsibility of the **OIC** of the ~~district/precinct station~~ **DDC's** desk to check the state certification card of the certified operator.

204.3 - 9.4 Refusal of Standard Breath Alcohol Test

1. If the subject refuses to submit to a breath alcohol test, the test shall not be given without a court order. The arresting officer shall complete the Michigan Department of State (DI-93), Officer's Report of Refusal to Submit to a Chemical Test. (Reference: Michigan Breath Test Operator Training Manual 2001 for instructions on completing Chemical Tests).
2. The certified operator's name shall not be placed on the chemical test except when the subject refuses to take the breath test after initially agreeing to take it, or when the subject refuses to give an adequate sample. The signature of the arresting officer shall be placed on each chemical test submitted.
3. Members shall bear in mind that if they are notified to appear at an implied consent or appeal board hearing and fail to do so, the board must restore the driver's license to the subject. If a member is unable to appear on a scheduled date and time, the member must notify the board chairperson as well as the **OIC** of the member's command.

204.3 - 9.5 Refusal to Take Breath Test after Agreeing to Take the Test

Only two (2) types of refusals may result after a subject has been read the Advice of Rights which is located on the back of the Breath, Blood, Urine Test Report (DI-177) or Advice of Rights for a Chemical Test (DI-93) forms and has agreed to provide a breath alcohol test, but does not provide an appropriate breath sample into the BAC DataMaster.

Operator Refusal – Two (2) Minute Limit on the BAC DataMaster

An operator refusal occurs when the certified operator decides that a subject is not making a sincere effort to provide a breath sample.

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Technical Refusal – Five (5) Attempts to Blow within Two (2) Minutes

A technical refusal results when the instrument indicates that a subject is not making a sincere effort to provide a breath sample.

204.3 - 9.6 Advising Subject of Penalty for Refusal

At this point, the subject **shall** be advised that the failure to comply with instructions indicates a refusal to take the required test and that the Secretary of State will suspend the subject's privilege of driving for a period of twelve (12) months; and that six (6) points will be added to the subject's driving record.

204.3 - 9.7 Responsibility of Officer-In-Charge of the DDC District/Precinct Station Desk

At the conclusion of the breath test, the results of the test and the investigation information gathered by the arresting officer and certified operator are given to the **OIC** of the ~~district/precinct station~~ **DDC's desk and the cellblock supervisor** who makes a determination as to what charge is to be brought against the **subject**.

204.3 - 9.8 Pedestrians Taking Breath Test

When the sobriety of a pedestrian involved in an accident is questionable, the pedestrian may be requested to take a breath alcohol test if it will aid in the investigation of the case. ~~However, if the test is refused, officers shall submit the Refusal to Submit to a Chemical Test (DI-93).~~ An officer who has reasonable cause to believe a person less than **twenty-one (21)** years of age has consumed alcoholic liquor, and not operating a motor vehicle may request the person to submit to a PBT. Civil penalties apply for a refusal of these tests.

204.3 - 9.9 Breath Alcohol Test for Hospital Cases

A driver or a pedestrian who has been involved in an accident and is hospitalized may be compelled by a court order to give a blood sample. Note - BAC DataMaster instruments are not portable and cannot be taken to a hospital.

204.3 - 10 Preparation/Documentation Required for OWI Court Jackets

204.3 - 10.1 Documentation of "Interview" Questions

Each of the following interview questions with the subject's answers shall be documented in "question and answer" format in the narrative section of the CRISNET report:

1. "Were you operating the vehicle?"
2. "Where did you start from and where were you going?"
3. "Have you been drinking and if so, what were you drinking?"
4. "How much have you been drinking?"
5. "Do you have diabetes and if so, are you taking insulin?" and

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6. “Are you injured?”

Additionally, members shall document his/her observations of the suspect in the CRISNET report (i.e. breath [odor of alcohol], speech, eyes, attitude and any unusual actions/behavior). The CRISNET report shall also include:

1. PBT ticket results;
2. Whether the subject refused or complied to the PBT test;
3. The SFST that were given and the results;
4. BAC DataMaster results;
5. Whether the subject refused or complied to the BAC DataMaster test;
6. If blood was drawn (document the nurse’s name and the hospital’s name);
7. Record sequence numbers provided from LEIN on the (DI-177) or (DI-93);
8. If this is a second offense, document the previous conviction date;
9. The location where the vehicle was impounded and the LEIN reference number;
10. Any citation(s) issued; and
11. The UD-10 number (if applicable).

204.3 - 10.2 Request for 36th District Court Traffic and Ordinance Warrant (DPD 466)

Check boxes for BAC of 0.08 to 0.16 and BAC above 0.17 are included under the Specific Act of Violation of the Request for 36th District Court Traffic and Ordinance Warrant (DPD 466). Officers shall check the applicable box when completing this form.

After the CRISNET report has been submitted and approved, the following shall be included in the 36th District Court jacket:

1. Two (2) copies of the CRISNET report;
2. Two (2) copies of the Traffic Warrant Request;
3. The original (DI-177) or (DI-93) and the BAC DataMaster Result Ticket;
4. Complete Certified Driving History (42-C) (obtained from LEIN);
5. Vehicle registration print-out (Signed by the LEIN operator);
6. UD-10 (if applicable);
7. Two (2) copies of the Search Warrant (if applicable); and
8. Two (2) copies of the Alcohol and Drug Determination form included with the blood sample kit box.

~~The arresting officer shall complete the Alcoholic Influence Report, (DPD 29), and conduct the balance and coordination tests on the scene to determine the degree of alcoholic influence.~~

~~204.3 Completing Reverse Side of Alcoholic Influence Report~~

~~The Breathalyzer operator is responsible for completing the reverse side of the Alcoholic Influence Report, and shall note observations of the subject. When~~

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~~conducting the breath test, the operator shall follow the operational checklist and check off each step as it is completed in the Administering Second Breath Test section of the form. At the conclusion of the test, the Breathalyzer operator shall request that the subject submit to a second Breathalyzer test as required by the Michigan Department of Public Health ("back-to-back" tests)~~

204.3-8.1 Chemical Test

~~The certified officer shall advise the subject that after taking a chemical test, he/she has the right to demand that a person of his/her own choosing administer a breath, blood or urine test. He/she will be responsible for obtaining a chemical analysis of a test sample taken by the person of his/her choosing. At the conclusion of the breath tests, the breathalyzer operator shall inquire as to whether the subject wishes to call a person to administer one of the chemical tests as outlined on form Alcoholic Influence Report in the statutory rights portion. If the subject makes this call, the Breathalyzer operator shall complete and sign the bottom portion of the reverse side of Alcoholic Influence Report.~~

204.3 - 11 Lost Temporary Driver Permit

An individual **who was previously issued a temporary driver permit subsequent to an OWI arrest** may apply for replacement of a lost temporary driving permit at the ~~district/precinct~~ **DDC** of arrest. Officers shall utilize information from the original Breath, Blood, Urine Test Report (DI-177) or Chemical Test form (DI-93) filed in the Traffic Case Envelope to complete the replacement permit.

A query shall be made of the individual's Secretary of State driving record to determine license eligibility. A Breath, Blood, Urine Report, (DI-177), shall be completed as a replacement temporary **driver** permit, if applicable. The issuing officer shall sign the Breath, Blood, Urine Report (DI-177) and indicate "Replacement for Lost Permit" next to his/her signature. The individual ~~will~~ **shall** be given page three **(3)** as the temporary driving permit. Page one **(1)** of the form shall be placed in the Traffic Case Envelope along with the original arrest paperwork. Page two (2) is not required and may be destroyed.

Related Forms:

- **Advice of Rights for a Chemical Test (DI-93)**
- **Alcohol and Drug Determination form (FSD-93)**
- **Breath, Blood, Urine Test Report (DI-177)**
- **Constitutional Rights Certificate of Notification (DPD 342-B)**
- **Evidential Breath Testing Log (DPD 29-A)**
- **Request for 36th District Court Traffic and Ordinance Warrant (DPD 466)**
- **Simulator Test Log (OD-33)**