



Tulsa Police Department

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Policy # 110A

Policy Name DUI, DWI, APC Arrests

Approved by *Dennis Larsen, Chief of Police*

Effective Date 01/14/2026

Approved Date 01/13/2026

Previous Date 08/10/2023

PURPOSE OF CHANGE:

Updated procedures.

POLICY:

Persons who drive under the influence of alcohol, drugs, or other intoxicating substances constitute a great threat to human life and personal property. The Tulsa Police Department places a high priority on the apprehension and conviction of drunk drivers.

The arresting officer, not the arrestee, will decide which type of test or tests will be administered for the state's test. The primary test for the Tulsa Police Department will be the breath test and will be administered absent unusual circumstances (e.g., the driver is physically incapable of performing the breath test or is hospitalized). In these cases, a blood test will be administered at a hospital.

SUMMARY: Procedures when arresting a person for driving under the influence (DUI), driving while impaired (DWI), or actual physical control (APC).

APPLIES TO: All sworn personnel

DEFINITIONS:

PORTABLE BREATH TESTING DEVICE (PBT) – Portable, electro/mechanical device that receives and analyzes an ambient or direct sample of air from a person's breath to determine the presence and/or concentration of ethanol alcohol.

STANDARDIZED FIELD SOBRIETY TEST (SFST) – a battery of three tests administered and evaluated in a standardized manner to obtain validated indicators of impairment and to establish probable cause for arrest.

PROCEDURES:

A. PORTABLE BREATH TESTING DEVICE (PBT)

1. PBTs will only be issued and administered by those personnel who have been trained in their use. Any officer issued a PBT is responsible for the annual recalibration, proper functioning, and maintenance of the device.
2. PBT device is a supplemental tool to SFST. The PBT device alone is not probable cause for an arrest, and it does not replace the state's test.
3. If SFST results are inconclusive, or environmental or physical impairments limit the use of SFST, the PBT device can be helpful in determining whether or not to arrest the subject.
4. The PBT device must be recalibrated at least annually per manufacturer's recommendations. The PBT device

operator is responsible for ensuring that it is functioning properly and recalibrated.

B. BREATH TEST

1. SFSTs shall only be administered by trained officers or supervisors. Whenever possible, administer SFSTs at the scene.
2. Officers will read the Oklahoma Implied Consent Law Advisory (OICL) to the arrested driver before requesting that the driver submit to a blood or breath test. Officers shall make reasonable attempts to complete the chemical test within two hours of arrest.
3. If the driver agrees to submit to the State's test, ensure that the driver does not smoke, vomit, belch, or ingest any substance during a fifteen-minute deprivation period just prior to the breath test. Conduct the deprivation period at the breath testing facility.
4. Officers will complete an Officer's Affidavit/Notice of Revocation Form in accordance with the Department of Public Safety's (DPS) instructions. Only officers or supervisors currently certified by the Board of Tests (BOT) for Drug and Alcohol Influence shall administer a breath test and only pursuant to current BOT procedures.

C. BLOOD TEST

1. If there is probable cause to believe that a DUI driver operated a motor vehicle involved in a collision that resulted in serious physical injury to another person, place the driver under arrest at the scene, if possible. If the driver refuses to submit to the state's test, is unconscious, or is incapable of giving consent to the test, document the refusal or incapacity on the Officer's Affidavit. If the driver is unable to consent or refuses to consent to a blood draw, you must obtain a search warrant if you want to proceed with a blood draw.
2. If the breath test is low or zero, the blood test for drugs will become the primary test. A Drug Recognition Expert (DRE) may be contacted in these instances.
3. If a DRE evaluates the driver, place a copy of the DRE face sheet in the blood kit box.
4. Officers must list which controlled substances or prescription drugs are suspected, in addition to alcohol, on the property receipt. Include a copy of the Officer's Affidavit and Notice of Revocation form in the blood kit. Blood kits must be placed in the refrigerator of the property room. Submit copies of the Officer's Affidavit, Notice of Revocation, property receipt, and the Lab Analysis Request with the arrest packet.

D. CHARGES

1. Officers shall complete an incident report for all APC, DWI, or DUI arrests.
2. If the driver has no DUI or APC convictions, per Teletype, book them on city charges. If the driver has previous convictions for DUI or APC, book them on state charges. All DWI charges are booked to municipal court. If booked to municipal court and the driver has previous DUI or APC convictions, the city charge will be declined. The officer who made the initial arrest must complete an Out of Custody Affidavit and submit it to the District Attorney's office for processing and the issuance of a warrant.
3. If the DUI driver has been transported to the hospital for emergency medical treatment, officers will do one of the following after a refusal or administering the blood test:
 - a. If the driver is admitted to the hospital for treatment and they could be arrested for a DWI or first offense DUI or APC, officers may issue a municipal citation at the hospital. The driver must be able to sign the citation. If the driver is unable to sign the citation, the officer will complete a municipal court Out of Custody

Affidavit.

- b. If a felony DUI, stay with the driver until released from the hospital or complete a district court Out of Custody Affidavit.

- 4. All reports and the intake packet shall be forwarded to the City Prosecutor's Office for municipal charges or the appropriate jurisdiction's prosecutor's office for state charges. If charges are initially declined while awaiting results for a blood test, the Court Liaison will monitor these cases. However, when the results of the blood test are returned, the officer who made the initial arrest will complete an Out of Custody Affidavit and send it to the City Prosecutor or appropriate jurisdiction's prosecutor's office for processing and the issuance of a warrant.

REGULATIONS: None

REFERENCES:

47 O.S. 6-106(4), 10-104(B), 11-902, 11-904, 11-906(4), 754, 756
37 T.R.O. 649, 656, 661
110B, *Personal Injury/Fatality Traffic Collisions*
TOG 2003, *Collection, Preservation, and Packaging of Evidence*