



Minneapolis Police Department Policy and Procedure Manual

Number:
9-200

Volume Nine – Enforcement Policies

Adult Citations and Arrests

9-204 Arrests for Driving While Intoxicated (DWI) (05/29/02) (xx/xx/xx)

I. DWI Procedures

- A. All people arrested for driving while intoxicated (DWI) shall be brought to the Hennepin County Jail (HCJ) for the booking identification and fingerprinting process in accordance with MN Statute section 299C.10.
 1. In cases where a breath test confirms probable cause (PC) for a gross misdemeanor or felony DWI, the person shall be booked and held at HCJ.
 2. For misdemeanor DWIs, the person shall be booked, and the member shall conduct an evaluation of Rule 6 exceptions to determine whether the person should be tab charged and released or should be held.
 - a. In conducting this evaluation, the member must consider the person's blood alcohol concentration (BAC) and level of impairment, and the feasibility of the person to obtain a sober ride home, as they pertain to the Rule 6 exceptions of whether the person must be detained to prevent bodily injury to themselves or others, and whether further criminal conduct will occur. (See P&P 9-202 for citation procedures)
 3. In cases involving blood or urine tests, the person should be released pending investigation until the test results are available and reviewed by the prosecuting authority.
 4. In cases where there are additional felony or gross misdemeanor charges, such as criminal vehicular operation (CVO), criminal vehicular homicide (CVH), or driving inimical to public safety, in conjunction with any level of DWI, the person shall be booked and held.
 5. If there are additional misdemeanor charges in conjunction with a misdemeanor DWI, the person shall be booked and released pending complaint or booked and held pursuant to a Rule 6 exception.
 6. In suspected DWI cases where the driver is involved in a motor vehicle collision and is admitted to the hospital after a blood or urine test is conducted, the person shall be released to the care of the hospital and charged by complaint after the test results become available. If the person is not admitted and is only being evaluated, they shall be booked into HCJ and released pending complaint.

- a. In cases of CVH or CVO, the on-duty supervisor shall determine whether members need to remain with the person due to the seriousness of the offense.

Note: If an impaired driver is involved in a crash, HCJ will not accept them until they are medically cleared at the medical facility.

7. When a person is being booked for multiple offenses, members shall follow the arrest procedures for the more serious offense.
8. Testing for DWIs shall be completed in accordance with P&P 7-605.

II. Vehicle Impoundment

- A. Because the outcome of the chemical testing process is not immediately known, members shall contact the MPD auto desk so the person's vehicle can be towed and impounded.
 1. Members shall not release the vehicle to any person at the scene or inside the vehicle and shall not leave it at the scene. The vehicle should be impounded pending the results of the DWI testing process and possible charging determination.

Glossary

Arrest: Taking a person into custody, which may be imposed by force or may result from a person submitting to a member. An arrest is a restraint of greater scope or duration than an investigative stop or detention. An arrest requires probable cause that a crime was committed or is being committed. This includes booking, citing in lieu of booking, and releasing pending charges.

Booking: An arrest and transport of a person to a booking (detention) facility such as Hennepin County Jail (HCJ).

Probable Cause (PC): Where an objective assessment of the articulable facts and circumstances, taken as a whole and known to the member at the time, would lead a reasonable member to believe the following:

- To effectuate an arrest or issue a citation: That a particular person has committed or is committing a specific crime or a traffic violation.
- To search: That evidence of a specific crime, contraband, or a person subject to arrest is located in a particular place.

Probable cause (PC) requires stronger evidence and greater certainty than reasonable articulable suspicion, and cannot be based on mere speculation or a simple assertion of criminal activity.

Released Pending Complaint: When a person is booked, but the person is released from custody while the prosecutor reviews the case in preparation for making a charging decision. This can

happen when the initial arrest is based on probable cause, but more evidence or investigation is needed before the specific charges can be finalized.

Released Pending Investigation: When a person is detained and is released without being cited or booked but remains a suspect. This can happen when more evidence or investigation is needed to establish probable cause.

Rule 6 Exception: Evaluation criteria in MN Rules of Criminal Procedure Rule 6 that must be met before a person can be booked for a non-payable misdemeanor offense, when a member believes:

- Booking is necessary to prevent bodily harm to the person or another.
- Booking is necessary to prevent further criminal conduct.
- There is a substantial likelihood that the person will fail to respond to a citation.