

**BROWARD SHERIFF'S OFFICE**  
**DUI/BAT**  
**STANDARD OPERATING PROCEDURES**

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**PREFACE**

The purpose of this manual is to familiarize all DUI/BAT staff with DUI/BAT and its operation. It is a supplement to the Sheriff's Policy Manual and General Orders. It is not intended to change, alter, or supersede any BSO rules, policies, procedures, or General Orders.

No existing or future policies will be interpreted by any employee to supersede any federal, state, or local law or any regulation or policy of BSO. Such conflict will be immediately brought to a supervisor's attention.

It is also recognized that no document can be created which will cover absolutely all circumstances for all times. Therefore, this document is considered a flexible guide to operational efficiency. Deviations made from the strict interpretation of this policy should be backed by sound professional judgment and responsible integrity.

From time to time parts of this policy will be amended or rescinded, as dictated by the efficiency needs of this division.

Effective Date: July 1, 2016



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**Lieutenant Doug Fitzgerald**  
Regional Traffic Enforcement



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**Captain Robert Wargin**  
Special Patrol Division

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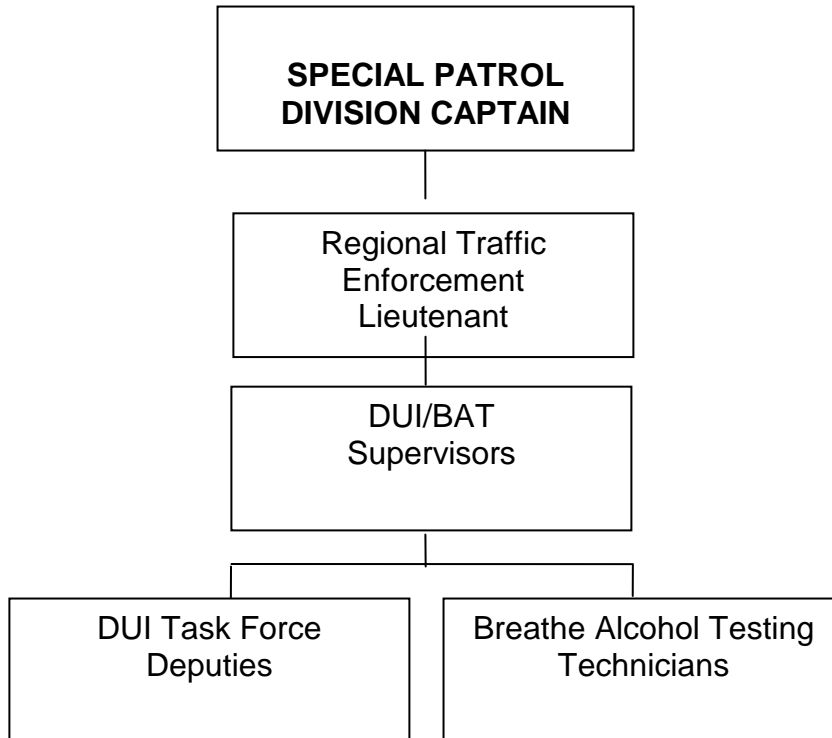
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**1.0 ORGANIZATION:**

**1.1 ORGANIZATIONAL CHART:**





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**1.2**      **BACKGROUND:** The Driving Under the Influence (DUI) Task Force and Breath Alcohol Testing (BAT) Unit are components of Regional Traffic Enforcement.

**1.2.1**    **DUI Task Force:** This task force evolved during the 1970s when BSO started contracting with municipalities for police services. There became a need to investigate traffic crashes and routinely enforce traffic laws. During the 1980s, BSO, along with the rest of the nation, recognized the problem of DUI and its cost to society. BSO then applied for and received a federal grant to set up this task force. The grant expired, but the Sheriff's commitment to combat DUI did not.

**1.2.2**    **BAT Unit:** Breath alcohol testing was originally a function of the Crime Laboratory. The increased commitment of the 1970s and 1980s, and the resulting increase in enforcement strained the Crime Laboratory's ability to handle this function. The BATmobile program was designed to facilitate the investigative procedure. BAT evolved from the BATmobile program.

**1.3**      **ACTIONS:**

- A.      The DUI/BAT SOP Manual is completed in accordance with the Sheriff's Policy Manual.
- B.      Supervisors will furnish a copy of this unit SOP Manual to all their staff.
- C.      The contents of this SOP Manual will cancel and supersede any conflicting policy and procedure in the DUI/BAT SOP Manual previously published.
- D.      Supervisors will ensure these procedures are being followed.

**1.4**      **MISSION:**

**1.4.1**    **DUI Task Force:** The purpose of this unit is to enforce the DUI laws of the State of Florida, with special emphasis on detecting, investigating, and apprehending impaired drivers. The unit is committed to the following goal-related activities:

- A.      Actively patrolling the streets of Broward County to enforce the DUI laws of Florida.
- B.      Responding to requests for assistance with DUI investigations and arrests within Broward County by any federal, state, county, or municipal law enforcement officers or agencies.
- C.      Providing technical support in the processing and arrest of persons driving or

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boating while impaired, when requested by any agency in Broward County.

- 1.4.2**     **BAT Unit:** The BAT Unit is dedicated to reducing in Broward County, instances of driving while impaired. The purpose of the unit is to provide technical support in the processing of persons arrested for driving or boating while impaired by any requesting agency in Broward County. The unit is committed to the following goal-related activities:
- A.     Video record behaviors displayed during the administration of certain rights, warnings, and sobriety exercises.
  - B.     Administering logs and instruments used to test the suspect's breath/alcohol content.
  - C.     Preparing test result forms required by statute, court rules, and State Attorney's Office.
  - D.     Providing assistance as requested, to various anti-DUI groups and efforts.
  - E.     The unit maintains the certification of breath testing instruments and custody and control of the following documentation:
    - 1.     Original Intoxilyzer maintenance records
    - 2.     Required inspections and testing of breath testing instruments
    - 3.     Providing copies and video evidence
  - F.     The unit increases public awareness on the dangers of DUI through public service presentations at schools and civic organizations.
  - G.     Assist in the successful prosecution of those charged with DUI within Broward County.
  - H.     Maintain copies of evidentiary videos and breath alcohol test logs for court and administrative presentation.
  - I.     This unit assists the State Attorney's Office (SAO) by providing Discovery concerning the evidence given to defense attorneys for a fee. The unit acts as a liaison between DUI/BAT and DUI section of the SAO.

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**1.5 GOALS AND OBJECTIVES:**

**1.5.1 DUI Task Force:**

Goal: To reduce the instances of DUI and increase public awareness on the dangers of DUI through vigorous enforcement of DUI laws.

Objectives:

- A. Detect and arrest impaired drivers throughout Broward County.
- B. Increase public awareness on the dangers of driving while impaired.
- C. Maintain cooperation with federal, state, county, and municipal law enforcement agencies for the purpose of DUI enforcement.
- D. Continue to lead the State of Florida in DUI apprehensions.

**1.5.2 BAT Unit:**

Goal: To assist in the reduction of fatalities, injuries, and property damage caused by the impaired driver, with technical support in the processing of persons arrested for driving or boating while impaired, at the request of any agency in Broward County.

Objectives:

- A. Provide breath tests to suspected impaired drivers upon the request of arresting officers, in compliance with state law.
- B. Provide assistance as requested, to various anti-DUI groups and efforts.
- C. Video record behaviors displayed during the administration of certain rights, warnings, and exercises.

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**1.6**      **FUNCTION:**

**1.6.1**      **DUI Task Force:** The DUI Task Force is a pro-active DUI enforcement and investigative unit which specializes in the detection, investigation, and apprehension of suspected impaired drivers.

**1.6.2**      **BAT Unit:** The BAT Unit is a support unit which specializes in the testing and processing of persons arrested for driving or boating while impaired, as well as specialize in the certification of breath testing instruments.

**1.7**      **ADMINISTRATIVE RECORDS:**

**1.7.1**      **General:** Reports and records serve as the official memory of Regional Traffic Enforcement and provide necessary information to the Sheriff and other departments. Staff will ensure prompt and correct preparation of all necessary reports. All juvenile records will be maintained separately from adult records in accordance with relevant state and federal laws. Juvenile records, when not in use, will be maintained in a secured area, not accessible to the public or unauthorized staff. The confidentiality of juvenile records will be maintained in accordance with applicable state and federal laws.

**1.7.2**      **Operations Orders:**

- A. This SOP Manual will be maintained and kept readily accessible by each staff member as an informational resource guide.
- B. Operations Orders are orders which may be issued at the division level pertaining to policy and procedure. These orders will be kept within this SOP Manual.
- C. Operations Orders may be issued by the commander or designee.
- D. Operations Orders will become a permanent part of this SOP Manual. Staff is responsible to amend their SOP Manual upon receipt of Operations Orders.
- E. The SOP Manual will be readily available for inspection.
- F. Operations Orders will be handled in accordance with the Sheriff's Policy Manual.

**1.7.3**      **General Orders:** General Orders will be handled and issued pursuant to the Sheriff's Policy Manual.

**1.7.4**      **Vehicles:** BSO vehicles will be maintained by the assigned staff in accordance with the Sheriff's Policy Manual.

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**1.7.5 Records/File Control List:**

- A. The following minimum files will be maintained by the Regional Traffic Enforcement commander at the Regional Traffic Enforcement office:
  - 1. Counseling reports
  - 2. Copies of commendations
  - 3. Emergency Notification Cards
  - 4. Other documentation mandated by the Sheriff's Policy Manual.
  
- B. Annually, all files will be reviewed by the respective supervisors and archived according to the administrative orders issued under the Division of Library and Information Services and the Sheriff's Policy Manual.

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**2.0      ORGANIZATIONAL POSITIONS AND DUTIES:**

**2.1      DUI SUPERVISORS:**

**2.1.1    General:** The DUI supervisors report to the Regional Traffic Enforcement commander and are responsible for the efficient and effective operation of DUI/BAT.

**2.1.2    Duties and Responsibilities:**

- A.    Administrative responsibilities such as preparing schedules, disseminating information between DUI/BAT and various levels of administration, completing monthly reports, and other tasks assigned by the Regional Traffic Enforcement commander.
- B.    Maintains liaison with other investigations division supervisors who could possibly provide information concerning areas that might require special enforcement by the DUI Task Force.
- C.    Maintains liaison with district level supervisors to provide assistance for training district deputies to conduct DUI enforcement.
- D.    Coordinates special DUI enforcement programs with other units and departments, both inside and outside BSO.
- E.    Coordinates selective enforcement activities, DUI check points, and special projects.
- F.    Conducts roll calls; logs topics discussed and names of staff present at roll calls.
- G.    Supervises the operation of mobile and fixed BAT sites.
- H.    Provides leadership, direction, and support for DUI/BAT staff.
- I.    Prepares schedules for DUI/BAT staff.
- J.    Implements and/or makes recommendations to improve the effectiveness of the DUI/ BAT operation.
- K.    Ensures DUI/BAT staff is familiar with and abide by the Sheriff's Policy Manual and DUI/SOP Manual.
- L.    Ensures DUI/BAT reports are properly written and filed.

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- M. Ensures video evidence is properly recorded and maintained for courtroom or other official presentations.
- N. Notifies the appropriate supervisors of any unusual incident or injury at a BAT site or involving DUI/BAT staff.

**2.2 DUI TASK FORCE DEPUTY:**

**2.2.1 General:** Members of the DUI Task Force are deputies specially trained for this activity. DUI deputies report to the DUI Task Force supervisors, who are at least the rank of sergeant.

**2.2.2 Duties and Responsibilities:**

- A. Conducts traffic stops if a violation is observed, following BSO guidelines.
- B. Conducts criminal investigations to establish probable cause for arrests if there are reasonable grounds to believe a driver is impaired or to disprove the original suspicion.
- C. Assists in DUI investigations and arrests when requested by other law enforcement officers.
- D. Assists various anti-DUI groups and efforts, as directed by the DUI/BAT supervisor.

**2.3 BREATH ALCOHOL TESTING TECHNICIAN:**

**2.3.1 General:** Staff of the BAT Unit are breath alcohol testing technicians (BATT) specifically trained and certified for this activity. BAT technicians assigned to DUI/BAT are supervised by the DUI/BAT supervisor.

**2.3.2 Duties and Responsibilities:**

- A. Conducts breath alcohol testing in compliance with Florida Statutes.
- B. Video records behaviors displayed by subjects during the administration of certain rights, warnings, and exercises.
- C. Assists in the documentation and investigation of DUI arrests.



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- D. Assists various anti-DUI groups and efforts, as directed by the DUI/BAT supervisor.
- E. Maintains all records, logs, and videos as required by law or policy, or as directed by the DUI/BAT supervisor.
- F. Participates with assigned agency inspector on required maintenance and inspections of Intoxilyzers.
- G. Duplicates DUI videos for the State Attorney's Office and other legitimate law enforcement purposes.
- H. Duplicates DUI videos for defense attorneys and other litigants when proof of participation in discovery or a "Discovery Agreement" is furnished by the State Attorney's Office along with a blank DVD and \$15.00 check (forwarded to Finance) is provided.
- I. Maintains and coordinates all necessary repairs on Intoxilyzers.
- J. Performs required maintenance and inspections on Intoxilyzers.
- K. Coordinates required inspections with the FDLE inspector.
- L. Maintains all required logs and records.
- M. Acts as liaison aide to the DUI Section of the State Attorney's Office.

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**3.0**      **OPERATING PROCEDURES:**

**3.1**      **ADMINISTRATIVE POLICIES:**

**3.1.1**    **General Conduct and Responsibilities:**

- A.      DUI/BAT staff will conduct themselves in a manner which will bring pride to themselves, their squad, and BSO. They will complete their tasks as expeditiously as possible while maintaining a level of excellence in their work product.
- B.      Staff are required to achieve and maintain the standards indicated in this SOP Manual, comply with the Sheriff's Policy Manual, and comply with General Orders not incorporated into the Sheriff's Policy Manual.
- C.      All staff will report to their respective sites, ready for work at their assigned times.
- D.      It is the responsibility of DUI/BAT staff to handle each assigned call in an expeditious manner.
- E.      Weapons are not permitted to be carried by any nonsworn staff within a BSO facility including a BAT facility. Weapons will be carried and handled in accordance with the Sheriff's Policy Manual and applicable state and federal laws.
- F.      Any property found at BAT units will be given to the DUI/BAT supervisors.

**3.1.2**    **Schedules:**

- A.      The DUI/BAT supervisors will be responsible for preparing and posting all work schedules.
- B.      DUI/BAT staff will work varied hours, established by the DUI/BAT supervisors or Regional Traffic Enforcement administration.
- C.      The DUI/BAT supervisors or designee will notify Communications at the beginning of the shift of all DUI deputies and BATTs scheduled to work and their assigned locations.
- D.      All staff will report for work at their assigned times. Staff will promptly attend scheduled roll calls unless otherwise directed by the DUI/BAT supervisors.

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**3.1.3**     **Meal Breaks:** Meal breaks will be requested before leaving the BAT site through the DUI/BAT supervisors or deputy in charge and granted when there is no activity holding for the unit. Call outs from meals will be made at the DUI/BAT supervisors or deputy in charge's discretion. Meal breaks will be given in accordance with the Sheriff's Policy Manual and relevant bargaining unit agreements.

**3.1.4**     **Supplies:**

- A.     Blood kits requested by other BSO districts and municipalities will be supplied by the DUI/BAT supervisors on a case-by-case basis.
- B.     All necessary forms and supplies used for the Intoxilyzer should be monitored by the operators.

**3.2**       **DUI TASK FORCE REQUIREMENTS:** To maintain the professionalism and quality of performance of the DUI Task Force, the following are requirements for remaining a DUI deputy:

- A.     Satisfactory performance evaluations when applicable
- B.     Even temper, strong self control, and patience
- C.     Successful completion of all schools and training related to DUI enforcement including FDLE certification and requalifications
- D.     Strong public speaking skills and above average communications abilities
- E.     Current on FDLE rules and regulation

**3.3**       **TRAINING:**

**3.3.1**     **General:**

- A.     Staffs are expected to conform to the evolving standards of DUI/BAT and participate in in-service training classes.
- B.     Breath certification is provided through the basic certification course, designed to provide deputies and BATTs with basic knowledge and skills associated with breath testing and FDLE rules and regulations. CSAs are required to successfully complete this course and pass a required recertification examination set forth by FDLE and state statutes.

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**3.3.2**     **Deputy Sheriff:**

- A.     All DUI Task Force deputies will receive training in the detection, investigation, and apprehension of impaired drivers. Training will include, but is not limited to approved DUI standard field sobriety testing.
- B.     Additional training may be supplemented with in-house DUI training, conducted by a designated member.
- C.     The DUI/BAT supervisors will ensure each DUI deputy receives required retraining. Copies of any certifications and other documentation of completed training will be maintained in the employee's district/division personnel file.

**3.3.3**     **Breath Alcohol Testing Technician (BATT):**

- A.     BATTs are expected to conform to the evolving standards of DUI/BAT and participate in in-service training classes.
- B.     All BATTs assigned to the BAT Unit should become familiar with the BATT's operations procedures. Any changes in these procedures will be provided through written revisions.
- C.     Each BATT assigned to the BAT Unit will be a certified Intoxilyzer operator and pass a required recertification examination set forth by FDLE and state statutes.
- D.     New BATTs will be required to complete on-the-job training and show proficiency in all identified areas of responsibility. The identified trainer will explain and demonstrate each feature of the equipment used, forms required, and techniques proven successful.
- E.     New BATTs are expected to develop their skills as an interviewer, tester, and witness. It is expected that through the training process, each BAT Unit member will eventually conform to a standard of performance consistent throughout the unit. New BATTs who fail in one or more areas of training will have their deficiencies documented by their assigned trainer.
- F.     Video recording is an intricate part of the evidence collection process and is an essential part of the training given to all new BATTs. This evidence collection training program is conducted using the following:
  - 1.     A time period in which to become familiar with all equipment used including an explanation of its limitations

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2. Legal considerations
3. Step-by-step procedures (see Section 3.10)
4. Hands-on training
5. Documentation of the training received
6. Exposure and practice in the methods for conducting video recording

**3.3.4**     **Qualification Documentation:** The DUI/BAT supervisors will ensure the following items are maintained in staff district/division personnel files at Countywide Services:

- A. Current certificates of training
- B. Copies of FDLE certification
- C. In-service training documentation
- D. Documentation of other seminars completed
- E. Copy of the signed receipt for the DUI/BAT SOP Manual

**3.4**     **REPORT WRITING:**

**3.4.1**    **Required Documentation:**

- A. Deputies: The arresting DUI deputy will complete all reports and forms required by the Sheriff's Policy Manual, state and federal laws, and FDLE rules and regulations. The DUI deputy will execute the reports in a clear and concise manner to make a professional presentation in court. Reports and forms (if applicable) will include the following:
  1. Probable Cause Affidavit (BSO DB#2/2A)
  2. Event Report (BSO RP#2/2A) if felony charges, narcotics violations, or other extenuating circumstances require it
  3. Inmate Property Inventory and Transfer Form (BSO DB#21)
  4. Vehicle Storage Receipt (BSO RP#53)

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5. Citations
  6. Refusal forms, to include 1 original and 2 copies (HSMV 72054)
  7. Property (evidence) Receipts (BSO RP#54)
  8. DUI Supplemental Report (BSO T#20)
  9. Florida Implied Consent Law (BSO RP#95)
- B. Breath Alcohol Testing Technicians: The assisting BATT will ensure completion of all reports and forms required by BSO policy and procedures and FDLE rules and regulations. The BATT will execute all reports in a clear and concise manner to assist with a professional presentation in court. Reports and forms will include the following:
1. Alcohol Influence Report (BSO Form#16)  
  
Note: This form is completed for each subject brought to a BAT facility. Section 1 of the form may be completed by any BAT Unit staff, regardless of certification. Sections 2, 3, and 4 must be completed by the BATT who conducts the actual processing of the subject.
  2. FDLE Intoxilyzer Affidavit (Intoxilyzer 5000 only; FDLE/ATP Form 14)  
  
Note: This form is completed only by the BATT conducting the test in accordance with FDLE rules. Any error on this report will be crossed out, corrected, and initialed. Under no circumstances will correction fluid or tape be used to correct an error.
  3. Property (Evidence) Receipt (BSO RP#54)
  4. DUI Affidavit and Breath Results (Intoxilyzer 8000)

**3.4.2 Report Contents:** All reports must contain the following:

- A. Observation time
- B. Test time
- C. Name of Intoxilyzer operator

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- D. Name of maintenance person
- E. Intoxilyzer make, model, and serial number

**3.4.3 Distribution of Reports:**

- A. Upon completion of reports, the DUI deputy and BATT will make copies of their reports.
- B. All original reports (whether AOA or supplements) must be approved by the DUI/BAT supervisors or deputy in charge and distributed as follows:
  - 1. A copy of the Alcohol Influence Report (BSO T#16) will be sent to the Department of Highway Safety/Motor Vehicles (DHSMV). Copies of all required reports for all other departments, agencies, and divisions will be forwarded as prescribed by BSO policies and procedures.
  - 2. At no time will BATTs accept original traffic citations. The original citations, along with copies of all other report forms will be forwarded to Court Liaison.
  - 3. BATTs will staple all Intoxilyzer results to the notarized report sent to the State Attorney's Office.
  - 4. Alcohol Influence Reports must be completely filled out on each case. One copy should be attached to the copy for Case Filing. The original should be attached to the original reports and forwarded to Records along with a copy of the checklist.
  - 5. A copy of the Probable Cause Affidavit along with the original Vehicle Storage Receipt, copy of Inmate Property Inventory and Transfer Form, original Event Report, copies of the citations, copies of Property Receipts, and one copy of the Refusal Form will be forwarded to Records.
  - 6. All statistical documentation must be completed by the BATT and forwarded to the DUI/BAT office in a timely manner. It is the responsibility of each site to call T671 before the end of the shift with a count of the total number of calls for that site. It is the responsibility of the BATTs assigned to T671 to ensure all paperwork for CLU and BAT Video Unit are properly sorted and packaged before the end of the shift. All paperwork for CLU will be logged on a transmittal form and sent inter-office mail.



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- D. All BATTs will fill out the video log control sheet completely. The original log will be retained in the BAT.

**3.4.4** **Written Logs:** It is the responsibility of BATTs assigned to the central BAT site (T671) to keep an accurate DUI log. Each entry will include the supervisor, deputies, and BATTs on duty, sites open, locations, accurate number of calls, and agencies. In addition, the following notations will also be entered:

- A. All staff who call in sick
- B. All DUI deputies working and a count of their arrests
- C. Any unusual occurrences

**3.5** **RADIO COMMUNICATION PROCEDURE:**

- A. DUI/BAT staff will use the current designated radio frequency.
- B. DUI/BAT staff will notify CDC at the beginning of the shift concerning their on-duty status and locations.
- C. DUI/BAT staff will remain in radio contact with CDC; however, radio use must not interfere with the operation of testing instruments.
- D. All DUI/BAT staff will remain accessible to CDC while on duty via telephone, radio, or pager.
- E. CDC will be responsible for notifying other agencies of BAT locations in operation and hours of operation after they initially go into service.

**3.6** **BATMOBILE OPERATIONS:**

- A. Locations for remote BATmobile sites must not be distractive and afford reasonable safety to the officer and subject.
- B. BATmobile working hours will cease at a time sufficient to permit staff to complete their duties before the end of their shift.
- C. In inclement weather, the BATmobile may be relocated to covered facilities to continue total testing operations.

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**3.7**     **DUI INVESTIGATION REQUESTS FROM OTHER DISTRICTS/AGENCIES:** The Supreme Court ruling upholding the fellow officer rule is the foundation of the DUI Task Force policy for assisting other officers and agencies. Deputies should ensure the following procedures are adhered to:

- A.     The primary deputy established reasonable suspicion for the traffic stop.
- B.     If the investigation reveals probable cause for DUI, the arrest ~~will~~ may be made by the DUI deputy.
- C.     The primary deputy should sign the traffic citations and give them to the DUI deputy. These will be submitted by the DUI deputy for case presentation.
- D.     Stopping Deputy/Officer will complete a DUI Supplemental Report (TG#20), when applicable.

**3.8**     **PRISONER HANDLING:**

- A.     The handling, transporting, and searching of prisoners will be conducted in accordance with the Sheriff's Policy Manual.
- B.     Weapons searches will be performed by the arresting officer or deputy before arrival at the BAT site. Arresting officers or deputies will handcuff their prisoner before being allowed into the BAT processing area. Prisoners will be handcuffed behind their backs.
- C.     No prisoner will be permitted at any BAT facility while visibly injured. The officer or deputy will not allow the prisoner inside the building until the prisoner is medically cleared.
- D.     Upon arrival at the BAT, the arresting officer or deputy will conduct a secondary search of their prisoner. The secondary search must be done in accordance with the Sheriff's Policy Manual and must be done in the presence of at least one DUI/BAT employee. Secondary searches will be documented in the DUI/Alcohol Influence Report (BSO T#16).
- E.     The arresting officer or deputy will inventory and bag any personal property removed from the prisoner.
- F.     Custody, control, and responsibility for the prisoner remains with the arresting officer or deputy. The arresting officer or deputy must maintain custody of the prisoner until relieved of the responsibility by either another officer/deputy or BSO

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corrections deputy. At no time will a prisoner be left unattended.

- G. Transportation of BAT prisoners is the responsibility of the Department of Detention or arresting officer/deputy. The responsibility for the safety and security of the prisoner remains with the arresting officer or deputy.
- H. If there is a substantial delay in transporting the prisoner, the prisoner will be referred to the arresting officer or deputy for transportation to the booking facility.
- I. If it is learned that a prisoner is violent or may be hostile, the BAT Unit may refuse to accept a request for processing. Any prisoner who displays a hostile demeanor or shows a propensity towards violence may remain handcuffed and given only a breath test.
- J. If an Intoxilyzer reading is .30 or higher, the prisoner will be closely observed and EMS may be called to check the prisoner. If recommended by EMS, the prisoner will be transported to a hospital by the arresting officer or deputy. A second "Voluntary" (not taken under implied consent) Intoxilyzer test may be administered after a period of time to ascertain that the prisoner's BAC is not on the rise.

**3.9**      **TRAFFIC STOPS:**

**3.9.1**      **General:** If a violation is observed, the DUI deputy will conduct a traffic stop following BSO policies and procedures. Through the course of the traffic stop, if the DUI deputy has reasonable grounds to believe the operator is impaired, the DUI deputy ~~will~~ may begin a criminal investigation either to establish probable cause for an arrest or disprove the original suspicion.

**3.9.2**      **DUI Investigation:**

- A. The DUI deputy may ask if the subject is ill, injured, taking any prescribed medication, or has a physical disability. If the subject answers in the affirmative to any of these questions, the deputy will take the appropriate action.
- B. Tests:
  - 1. Standardized Exercises: The DUI deputy will then request the subject to perform several roadside sobriety exercises. The DUI deputy will explain and demonstrate each exercise. The following recommended exercises and procedures are sanctioned by the National Highway Traffic Safety Administration (NHTSA):

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- a. Horizontal gaze nystagmus
  - b. Walk and turn
  - c. One-leg stand
2. Optional Exercises:
- a. Standing balance
  - b. Finger to nose
  - c. Finger dexterity
- C. Probable cause for an arrest for DUI will be based on the totality of evidence and/or observations to include, but not be limited to the following:
1. Driving behavior
  2. Physical appearance (condition of eyes, speech, breath, clothing, etc.)
  3. Performance of roadside exercises
  4. Ability to understand instructions
  5. Manner in which the subject negotiates simple movements such as exiting the vehicle, producing a driver license, etc.
- D. If probable cause is established, the subject may be placed under arrest and taken to a BAT facility for processing.
- E. The DUI deputy should make notes of observations during the course of the investigation. This will help facilitate the writing of reports and proper presentation in court.

**3.10 TESTING PROCEDURE:**

**3.10.1 Arrival:**

- A. After a subject is placed under arrest, the officer or deputy will clear, through the DUI/BAT supervisor via CDC, the appropriate site to respond with the subject for

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processing.

- B. All DUI testing will be conducted by order of arrival to the testing site and/or in compliance with FDLE rules and local court rulings.
- C. When the arresting officer/deputy and subject arrive at the BAT site, a BATT should be available to give assistance and complete necessary requirements. The BATT will explain to the subject the procedures that will follow. Miranda Warnings will not be given until physical performance testing is completed.
- D. Upon arrival, the officer/deputy should have the following items ready for the BATT:
  - 1. Driver license if available
  - 2. Case number
  - 3. Time of stop
  - 4. Time of arrest
  - 5. Location of arrest

**3.10.2 Video Recording:**

- A. Setting up and operating video equipment does not require certification, but must be done by trained staff. BATTs will be competent in the use of video equipment including focusing, full profile, close-up, and indicator monitoring. Both audio and visual portions are important for courtroom presentation at a later date.
- B. DVD numbers are issued to each site and controlled by using an alphabetic/numeric identification system. Under this system, each BAT facility will have its own alpha designator. DVDs will be numbered sequentially. Each case will have its own DVD number. When video processing is completed, the DVD will be labeled as follows:
  - 1. DVD Number: Placed on the front of the DVD.
  - 2. Case Number: Placed on the front of the DVD.
  - 3. Subject's Name: Placed on the front of the DVD.

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- C. Sites will be identified as A, B, C, etc. Videos will be numbered A001, A002, A003, etc.
- D. Videos surrendered by other agencies for evidentiary purposes will be given a letter designator as specified by the DUI/BAT supervisor (e.g., "P" for FHP).
- E. DUI deputies will be responsible for maintaining a sequential numbering system of their car video cases. The numbering system will be progressive from #1.
- F. Vehicles utilizing VHS-C format tapes will have a "T" designator.
- G. The video number will be noted in the narrative section of the Probable Cause Affidavit.
- H. After completing the video, the operator will log the DVD into the video log including all information.
- I. The operator will then place the DVD into an evidence envelope, place evidence tape at the top and bottom of the evidence envelope, and initial the evidence tape. The operator will place the evidence envelope with a completed Property Receipt, into the DVD drop box located at T671.
- J. DVDs from any satellite sites (i.e., T672 - T673) will be transported from the BAT site to the central site (T-671) by the BATT assigned to that site.
- K. DVDs will be removed from the video drop box by BAT staff. Those staff members will initial, sign, and date the video log upon removal of the DVDs from the video drop box. Access to the video drop box will be limited to DUI/BAT supervisors and/ or BAT staff members or designee(s) appointed by the Regional Traffic Enforcement commander.
- L. Initial Positioning:
  - 1. Video recording is started when the subject is in position and the situation is stabilized. Any unusual actions by the subject should always be video recorded. At no time will video recording be interrupted except during the administration of the breath, and/or urine, and/or blood test(s).
  - 2. The subject should be stationed at an appropriate distance from the camera to provide a full view of the subject while being recorded, standing parallel to whatever provides the background (wall, BATmobile, etc.).

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3. The BATT should stand in front of and slightly to one side of the subject to avoid obstructing the camera's view of the subject.
4. The arresting officer or deputy should stand in such a way that the subject is between the officer/deputy and BATT and the officer/deputy's weapon is away from the subject.

M. Introduction:

1. The BATT should start the video recording.
2. When a video has started, it should not be stopped or interrupted, if possible.
3. A subject's refusal to participate in physical performance tests should be video recorded, if possible.
4. The BATT will announce the date and time immediately after the video recording has started.
5. The BATT will begin recording by asking the officer/deputy if he/she has arrested the subject and for what charge. The officer/deputy should give an affirmative reply and the charge.

N. Informing the Subject:

1. The BATT should ask the subject if the subject understands that the subject was arrested for the stated charge. The information should be explained as necessary for the subject to understand.
2. The subject is then advised that an investigation is being conducted and the procedure video recorded by BSO for court presentation. Miranda Warnings are not given at this time. They are given after all physical exercise procedures are completed or refused. Information should be explained as necessary for the subject to understand. The information will be explained again if the subject does not understand. At this time, the subject should be asked to state the subject's full name, address, telephone number, social security number, occupation, and where the subject works.
3. Florida Implied Consent Warning: The following warning must be read to all subjects arrested for driving under the influence (DUI):

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- a. You have been arrested for driving under the influence of an alcoholic beverage, and/or a chemical substance, and/or a controlled substance. Do you understand?
  - b. I am now requesting a breath test to determine the alcohol content of your breath, and/or (if applicable) a urine test to detect the presence of any chemical or controlled substances, and/or (if applicable) a blood test to determine its alcohol content and the presence of chemical or controlled substances. Do you understand?
  - c. Will you submit to the test(s)?
4. If the subject refuses to submit to testing, the subject must be read the consequences of a refusal listed in The Florida Implied Consent Form (BSO RP#95), which states the following:
- a. Should you refuse to submit to the test(s) requested, The Department of Highway Safety and Motor Vehicles will suspend your driver's license for a period of one (1) year if this is your first refusal, or for a period of eighteen (18) months, if your privilege has been previously suspended for your refusal to submit to a breath, urine, and/or blood test. Do you understand?
  - b. Additionally, if your driving privilege has been previously suspended as a result of a refusal to submit to a breath, urine, and/or blood test, you will be committing a misdemeanor by refusing to submit to this request for a (breath) (urine) (blood) test. Do you understand?
  - c. Your refusal to submit to the test(s) I have requested of you is admissible into evidence in any criminal proceeding. Do you understand?
5. For subjects who have a commercial motor vehicle driver's license (CDL), the arresting officer/deputy shall inform the subject that any refusal to submit to the testing will result in the disqualification of their commercial driver's license/privileges for a period of one year in the case of a first refusal, or permanently for a second refusal, regardless of whether or not they were operating a commercial motor vehicle at the time of their DUI arrest.
6. The BATT will advise the subject that the BAT is going to demonstrate



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and explain some physical performance exercises and then ask the subject to perform the exercises demonstrated. An indication of understanding should be obtained.

**3.10.3 Physical Performance Exercises:**

A. General:

1. To maintain a standard upon which to operate, only the physical performance exercises listed in Section 3.10.3B,C,D should be conducted at any BAT facility.
2. When explaining the physical performance exercises to subjects, the BATT will do the following:
  - a. Explain to the subjects to watch the tasks demonstrated before attempting to perform the tasks. Following an explanation and demonstration, subjects will be asked "Do you understand the instructions?" If they answer in the affirmative, at this point, they will be advised to begin.
  - b. Refrain from soliciting incriminating statements from the subject; however, do not suppress the subject's spontaneity.
  - c. Explain or demonstrate no more than three times the same administered exercise nor afford more than three attempts to perform the same exercise.
  - d. Give no opinion to the subject concerning passing or failing any physical performance exercise on video.

B. Standing Balance Exercise:

1. This exercise requires subjects to remember and follow initial instructions. The exercise will be demonstrated as subjects are instructed. They will be advised not to do anything until told. Subjects will be told to tilt their head back, close their eyes, arms relaxed at their side, and heels and toes together with no spaces or gaps. They will then be told to stand in that position for 15 seconds, after which they will be told to relax. Subjects will then be asked "Do you understand?"
2. The BATT will note the following:

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- a. If swaying occurs during the exercise.
  - b. If exercises are performed before instructions are completed.
  - c. If the head tilted back and/or eyes closed position can be maintained. (Ensure the subject's head is kept tilted back.)
  - d. If arms are used for balance.
  - e. If feet are used to maintain balance.
- C. Finger-to-Nose Exercise:
- 1. This exercise requires subjects to comprehend instructions given and then follow all instructions given throughout the exercise.
  - 2. The task will be explained and shown to the subject.
  - 3. Subjects will be instructed that when told to begin, they will keep their arms down along their sides, while pointing their index fingers toward the ground.
  - 4. Subjects will then be instructed to tilt their head back and close their eyes.
  - 5. Subjects will then be advised that they will be requested to touch the tip of their nose with the tip of their index finger. They will be instructed that when asked to touch their nose, they will bring their arm out in front of them, keeping the arm straight and pointing at the BATT. Subjects will then bend their arm and touch the tip of their nose with the tip of their index finger. They will then return their arm and index finger it to the starting position.
  - 6. Subjects will be told to remain in the above mentioned position until the exercise is over. Subjects will be asked if they understand the instructions and, if not, will be reinstructed.
  - 7. Subjects will then be requested to perform the exercise. The BATT will note the following:
    - a. If eyes are maintained closed and head tilted back.

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- b. If the arm is not brought forward prior to touching the nose.
  - c. If the tip of the nose with the tip of the index finger is not touched. (Note with which hand and how many times the nose was missed.)
  - d. If the wrong hand is used.
  - e. If there is a loss of balance.
  - f. If the toes are separated over one-half inch. (A one-half inch separation is allowed.)
- D. Walk-and-Turn Exercise:
- 1. The walk-and-turn exercise is used to evaluate a subject's ability to follow given instructions and actual performance of the task.
  - 2. Before instructing subjects on the task, they will be placed in the exercise starting position. They will be instructed to stand with the heel of their right foot touching the toe of their left foot. Their arms should be extended and down at their sides and they should be looking at the officer/deputy/BATT while receiving instructions. While in this position, they will be instructed to stay in the position until advised to begin walking. From this position, the officer/deputy/BATT will demonstrate and instruct them on how to perform the exercise properly. If they start to perform the exercise or move from this position while receiving instructions, the movement will be noted in the report.
  - 3. Subjects will be instructed that from this starting position, they will take 9 steps, touching the heel of their forward foot to the toe of their rear foot with each step. They will keep their arms down at their sides. Upon completing the nine steps, they will turn to the left, taking several small steps, pivoting on their lead foot. They will be told to take nine steps back in the same manner and fashion as the first nine steps.
  - 4. Subjects will then be requested to perform the exercise. Areas to watch are:
    - a. Ability to maintain balance while listening to instructions
    - b. Performing the exercise before the conclusion of instructions

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- c. Pausing while walking to maintain their balance
  - d. Inability to maintain their balance while walking
  - e. Inability to maintain their balance while turning around
  - f. Use of their arms for balance
  - g. Not touching heel to toe (leaving gaps between steps)
  - h. Turning around in the wrong direction
  - i. Taking the wrong number of steps
- E. Following the physical performance exercises, the BATT will face the camera and announce that the physical performance exercises are completed.

**3.10.4 Breath/Alcohol Test:**

- A. Rules of the Florida Department of Law Enforcement, Implied Consent: The rules of the Florida Department of Law Enforcement relating to chemical/breath testing will be followed. These rules are available from DUI/BAT under the supervision of the DUI/BAT supervisor.
- B. The Intoxilyzer test will be administered by either a law enforcement officer or technician who is an FDLE-certified breath operator. All breath tests will be administered in substantial compliance with FDLE rules and regulations.
- C. Intoxilyzer tests with a BAC result of .000 will be reported to the supervisor/ deputy in charge including .000 readings occurring during a DUI checkpoint and municipality run checkpoint where DUI staff are assigned. The supervisor will closely monitor the deputy's investigation and support documentation warranting the detention of the subject.
- D. Subjects arrested for DUI with a BAC result of less than .08 will be requested to provide a urine sample or blood draw when possible. The sample will be forwarded to the Medical Examiner's Office for testing. (See the relevant sections of the Sheriff's Policy Manual.)
- E. Upon receipt of the Medical Examiner's toxicology results, the supervisor will document the statistics on the BSO Toxicology Report Log for tracking purposes. The report will include the case number, date of arrest, subject's name, arresting

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deputy, BAC levels, and toxicology results.

- F. The supervisor will be responsible for reviewing the toxicology results to determine the case status and monitor arrest patterns.
- G. If an arrest pattern of a BAC below .08 accompanied by negative toxicology results is noted, the supervisor will notify the deputy's chain of command. In such cases, remedial training in DUI enforcement may be recommended.
- H. Any collected urine will be turned into the medical examiner's office prior to the end of the deputy's shift. Urine will not be held over until the deputy's return to work on that evening.
- I. Cellular phones and radios will be kept out of area of Intoxilyzers to avoid R.F.I.

**3.10.5 Interview:**

- A. The BATT will read the Miranda Rights from the standard card provided before the interview. If subjects do not understand, it will be repeated and again they will be asked if they understand. A verbal "Yes" or "No" response will be obtained prior to proceeding with the interview.
- B. If subjects exercise their right to have an attorney present, all questions will be stopped and an announcement made that the video taping is being discontinued.
- C. If subjects agree to answer questions, the BATT will proceed with the questions. During the course of the questions and answers, subjects should be permitted to make whatever statements and/or explanations they desire.
- D. At the end of the questions and answers, the BATT may announce the time and date the questions and answers ended.
- E. Any collected blood will be turned into the medical examiner's office prior to the end of the deputy's shift. Blood will not be held over until the deputy's return to work on that evening.

**3.10.6 Urine Collection:**

- A. Urine will be collected and observed by either the arresting officer/deputy or BATT, depending on the gender of the subject. A mid-stream sample is preferred.
- B. When the sample is collected, proper sealing must be ensured as follows:

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1. A name label must be completed and placed on the lid.
  2. The lid to the cup must be sealed with evidence tape.
  3. The Medical Examiner's Check-Off List must be completed.
- C. Documentation is required and will include the date, time, case number, and collector's initials.
- D. Storage, handling, and delivery of the sample will be the responsibility of the arresting officer or deputy.
- E. Chain of custody will require the sample be given to the Medical Examiner's Office with a Property Receipt and Medical Examiner's Check-Off List.
- F. The arresting officer or deputy will be responsible for all evidence collected and handled, as well as for its final disposition.
- G. The BAT facility will provide the proper container for collection.

**3.10.7 Blood Collection:**

- A. Blood will be collected only by persons authorized by state statute.
- B. Each blood kit used will be maintained by the arresting officer or deputy and accompanied by a Property Receipt and Medical Examiner's Check-Off List.
- C. In-house training will be provided for the proper administration of drawing blood as necessary.
- D. Blood will be drawn in accordance with Florida State Statute, Medical Examiner's Office, and State Attorney's Office. The arresting officer or deputy will provide the Medical Examiner's Check-Off List and other assistance necessary to complete proper blood draws.
- E. Blood draws may be photographed for courtroom purposes.

**3.11 MARINE BUI ARREST PROCEDURE:** DUI/BAT will complete the physical performance exercises for all boating under the influence arrests.

**3.11.1 Guidelines:** Deputies should use the following guidelines for any arrests for BUI

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(Boating Under the Influence) arrests:

- A. Visually observe the vessel.
- B. Contact the boat operator
- C. Observe the suspect operator for the following:
  - 1. Odor of alcoholic beverage from the suspect's breath
  - 2. Demeanor of the suspect
  - 3. Attitude of the suspect
  - 4. Physical characteristics of the suspect
- D. Conduct standard sobriety exercises consisting of:
  - 1. Horizontal Gaze Nystagmus (HGN)
  - 2. Walk-and-turn exercise
  - 3. Finger-to-nose exercise
  - 4. Standing-balance exercise
- E. Conduct an afloat exercise if not on a dock, consisting of:
  - 1. HGN
  - 2. Finger-to-nose (modified) exercise
  - 3. Palm pat
  - 4. Finger dexterity (count)
- F. Document the results of each exercise.
- G. Arrest the subject if applicable.
- H. Procedures following the arrest will consist of:

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1. Notifying CDC of the arrest.
  2. Ensure the vessel is secured, CDC is notified on who towed the vessel and where it is located, and a Vehicle Storage Receipt is prepared.
  3. Arrange for the subject to be transported to the BAT site. Tests should be administered within two hours of the arrest.
- I. Testing Procedures at BAT Facility:
1. The Vessel BUI Chemical Test Warning must be read by the arresting officer or deputy.
  2. BAT staff will conduct physical exercises. Results of these tests will be documented by BATT staff via the DUI/Alcohol Influence Report (BSO T#16).
  3. Upon completion of the subject's video recording, the video numbers will be noted in the narrative section of the Probable Cause Affidavit.
  4. If the DUI/BAT supervisor deems it necessary, the subject will be transported by the DUI Task Force. The DUI deputy will transport arresting officers or deputies back to their vessel, upon completion of the tests.
- J. The following documents will be given to the arresting officer or deputy for proper dissemination prior to departing the facility:
1. The pink copy of the DUI/Alcohol Influence Report (BSO T#16), FDLE Breath Test Result Affidavit,
  2. Copy of the Florida Uniform Boating Citations
  3. State of Florida Refusal (BSO Form RP72) if applicable, to be mailed to the Florida Marine Patrol, PO Box 381906, Miami, Florida, 33138-1906, by the arresting officer or deputy
  4. Copy of the Probable Cause Affidavit
  5. Original the Vehicle/Vessel Storage Receipt
- K. Items left at the BAT site and sent to DUI/BAT:



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1. Yellow and white copies of the DUI/Alcohol Influence Report (BSO Form T#16)
2. Test record affidavit
3. Original citations

Note: No packet will be completed for the Florida Wildlife Conservation since there is no driver license suspension for BUI. Original paperwork will be otherwise routed through normal channels.

**3.12**     **SELECTIVE TRAFFIC/DUI ENFORCEMENT:** Sources recommending selective DUI enforcement include the following:

A.     Traffic Analysis Unit

Note: The Traffic Analysis Unit may indicate areas where high numbers of accidents or DUI arrests occur. Its statistics are used to support decisions concerning locations for selective DUI traffic enforcement. Consideration will also be given to past DUI checkpoint locations.

- B.     Requests for service from BSO districts and other law enforcement agencies in Broward County
- C.     Citizen complaints concerning traffic problems
- D.     First-hand knowledge by deputies or officers regarding traffic ways that need special enforcement activities
- E.     Direction from BSO or Regional Traffic Enforcement administration

**3.13**     **BAT FACILITY:**

- A.     Breath, and/or urine tests may be administered at the BAT facility. Blood must be administered in an ambulance or at a hospital. Follow-up video recording may be done at the facility to supplement documentation of the evidence.
- B.     A complete video processing of the subject may be done should the audio and video of the "at car" recording be unsatisfactory.

**3.14**     **DUI SAFETY CHECKPOINT:** DUI safety checkpoints will be conducted in accordance

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with the Policy and Procedures. In addition, the following operational policy for the implementation of all DUI safety checkpoints conducted by BSO DUI/BAT will be adhered to:

**3.14.1 Checkpoint Procedure:**

- A. Either 1 or 2 deputies will be designated to serve as the point person and stationed at the end (exit point) of the barricaded roadway area. As the traffic approaches and proceeds to the checkpoint, the point person will stop the vehicles.
- B. The point person will stop a predetermined sequence of vehicles at the direction of the on-scene supervisor. The supervisor will make this decision based on the size of the road and number of vehicles traveling it. The number of vehicles stopped may vary during the course of the checkpoint, but each decision or action must be documented on the After Action Report. The point person will also stop any vehicle that committed a visible traffic violation or has a visible defective equipment violation.
- C. The point person will direct the designated vehicles into the interview area (at the discretion of the on-scene supervisor) where other uniformed officers/deputies will make contact with each driver.
- D. During the brief encounter with each driver, the uniformed officer/deputy should remain cordial and use a prepared script which should be brief and simple. For example; the deputy may say, "Good evening. We are conducting a DUI sobriety checkpoint. Where are you coming from tonight?" Based on signs of impairment, the deputy may ask, "Have you consumed any alcoholic beverages this evening?"
- E. After a brief encounter, if the deputy feels the driver is not impaired, the driver will be released immediately. If the deputy feels there are reasonable grounds to continue with an investigation of possible impairment, the deputy will direct the driver to pull the vehicle to a predetermined stopping area for further investigation.

**3.14.2 Detection and Investigative Techniques:**

- A. Deputies assigned to checkpoints must be properly trained on the detection of impaired drivers.
- B. Assigned deputies should be trained on standard field sobriety exercises.

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- C. Deputies should use divided attention techniques while asking the driver for a driver license and vehicle registration and alert for any observable signs of impairment.
- D. Recommended standard field sobriety exercises include the following, preferably in this order:
  - 1. Horizontal Gaze Nystagmus
  - 2. Walk and turn
  - 3. One-leg stand
  - 4. Standing balance (optional)
  - 5. Finger to nose (optional)
- E. If a driver is directed to pull the vehicle into a predetermined stopping area due to signs of impairment, possible traffic infraction, or defective equipment, additional deputies will be standing by to complete a more comprehensive investigation towards the possibility of impairment or issue citations for traffic or defective equipment violations. This activity will be conducted in accordance with the Sheriff's Policy Manual and DUI/BAT SOP Manual.
- F. Drivers who are detained and arrested as a result of impairment or any criminal violation will have their vehicle impounded by the appropriate towing facility, in accordance with the Sheriff's Policy Manual and DUI/BAT SOP Manual.

**3.14.3 Reports:**

- A. All standard reports and documents will be completed in accordance with the Sheriff's Policy Manual.
- B. After Action Report:
  - 1. Upon completion of a DUI checkpoint, the DUI/BAT supervisor will complete an After Action Report detailing the following:
    - a. Date and time of the checkpoint
    - b. Location of the checkpoint

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- c. Case numbers of any DUI arrests that resulted from the checkpoint
  - d. Vehicles towed from the scene
  - e. Staff on scene and their assignments (Roster attached to After Action)
  - f. Total number of vehicles traveling through the checkpoint
  - g. Total number of vehicles diverted systematically or displaying erratic driving
  - h. Any encountered safety problems
  - l. Number of arrests, citations, and warnings issued and nature of violations and charges
  - j. Copy of checkpoint diagram and any photographs taken at the scene
  - k. Any traffic crashes or incidents which occurred in the area during the checkpoint
  - l. Any deviation from the predetermined order of interviewing, including times and reasons
- 2. This report will be forwarded to the Chief of the Misdemeanor Trial Division of the State Attorney's Office.
  - 3. Copies of reports will be forwarded and retained together with copies of Public Information Office news copies in accordance with the Sheriff's Policy Manual.
  - 4. A copy will be maintained at the BAT/Video Unit to assist the State Attorney's Office in providing discovery.
  - 5. The Regional Traffic Enforcement commander will ensure the DUI/BAT supervisor maintains a log on the location, date, and times of the checkpoint, file of After Action Reports, staff on the scene, and media releases.
  - 6. The Regional Traffic Enforcement commander will review the After Action

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Report for each checkpoint to ensure checkpoints continue to support a public safety issue and are conducted in accordance with constitutional, state, and local laws.

**3.15**     **COURT PRESENTATION AND DEMEANOR:**

- A.     Deputies and BATTs assigned to DUI/BAT will be called upon to testify in court on a regular basis in addition to attending depositions, motion hearings, and pretrial conferences. They will be prepared to testify and present evidence in a clear and concise manner.
- B.     Staff are expected to protect the credibility of DUI/BAT and themselves by being prepared to testify in all court-related appearances. This will be accomplished by taking the necessary time to study the events relating to the case and being prepared with all necessary paper work, video recordings, etc. All evidence will be retrieved from Evidence/Confiscations prior to the time of trial.
- C.     Court-related appearances require a uniform or acceptable business/office attire.
- D.     Court presentations, demeanor, and appearances will be conducted in accordance with the Sheriff's Policy Manual.

**3.16**     **EQUIPMENT MAINTENANCE:**

**3.16.1**     **General:** Good equipment maintenance is important for a safe, efficient operation. Equipment will be inspected and maintained regularly. Servicing schedules will depend upon the possibilities and consequences of failure. Maintenance plans will be drafted, maintained, and implemented by each processing area supervisor or project director. Cleaning schedules for preventive and on-going common house cleaning will also be the responsibility of all staff. Supervisors will monitor the need for additional cleaning assignments beyond regular schedules.

**3.16.2**     **Vehicle Maintenance:** Proper care, cleanliness, and maintenance of vehicles and equipment including checking the battery, engine oil, transmission fluid, and generator oil is the responsibility of each assigned staff member. This will be done on a regular basis and documented with the appropriate paperwork. Maintenance of BSO vehicles will be accomplished pursuant to the Sheriff's Policy Manual.

**3.16.3**     **Alcohol Testing Equipment:**

- A.     Per Florida Statute, the Florida Department of Law Enforcement is the regulator of alcohol testing equipment, its storage, maintenance, and use requirements,

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and training and certification of users.

- B. Several different makes of breath-testing equipment are available. FDLE instructions for operating the instrument must be followed and appropriate forms completed.
- C. Intoxilyzer care and maintenance is the responsibility of assigned staff. Maintenance of the Intoxilyzer, as required by the Florida Department of Law Enforcement (FDLE), will be administered by a designated maintenance technician.
- D. The certification on testing equipment requires the maintaining of a log book listing the incidents occurring during its use. Rules concerning this documentation include the following:
  - 1. Equipment and logs must be kept in secured and controlled places.
  - 2. Only certified technicians may have access to equipment and logs. Only certified technicians will have keys to the locked equipment, regardless of its location.
  - 3. All log books must be signed in and out when taken from locked cabinets for court and deposition appearances.
  - 4. Only certified staff may use the equipment for demonstrations and training.
- E. Cabinet doors on BATmobiles must be equipped with locks to securely store the Intoxilyzer away from persons who are not certified operators.

**3.17 EXPECTORANT SHIELD/SPIT NET:**

**3.17.1 Policy:** It is the policy of DUI/BAT to establish safety guidelines for the use of expectorant shields/spit nets, when dealing with suspects who are spitting or bleeding from the mouth or head area. In addition to these guidelines, procedures pertaining to exposure control in the Sheriff's Policy Manual must be adhered to.

**3.17.2 Procedure:**

- A. The expectorant shield/spit net effectively restrains the suspect from projecting expectorant or blood onto staff, but was designed to allow unrestricted breathing. The shield/net is placed over the suspect's head. The ties are brought under the

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arms and tied in the back.

- B. When the expectorant shield/spit net is applied to suspects, they will be monitored by the actual physical presence of a deputy in the immediate proximity of them. The supervisor/deputy in charge is required to monitor the condition of a suspect wearing the shield/net at least every 15 minutes.
- C. The expectorant shield/spit net will be removed from the suspect as soon as it is believed safe to do so or as directed by a supervisor. The shield/net will not be worn by a suspect in excess of two hours unless authorization is received from the supervisor or deputy in charge and medical staff member who has assessed the suspect's condition. Suspects wearing the shield/net in excess of two hours will continue to be monitored.
- D. If the expectorant shield/spit net becomes covered with expectorants, the shield/net will be removed and disposed of. If another shield/net will be needed, a clean shield/net will be placed back on the suspect and monitoring of the suspect's condition will continue.
- E. When the expectorant shield/spit net is removed, it will be disposed of in a biohazardous waste bag (red bag) in accordance with the Sheriff's Policy Manual.

Note: The expectorant shield/spit net is disposable and can only be used once.

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**4.0      EMERGENCY PLANS:**

**4.1      HYGIENE PRACTICES:**

**4.1.1    Health and Hygiene:**

- A.      Staff will adhere to the exposure control plan in the Sheriff's Policy Manual.
- B.      Items used in processing areas will not be transported into common office/work areas without proper universal precautions and prior disinfectant and/or decontamination applications.

**4.1.2    Consumption of Food and Beverages:** Consumption of food and beverages will not be permitted in areas where processing operations are being conducted. These areas must be prominently marked and a placard displayed (e.g., Notice: No Food or Drink in This Area). Universal pictorials will be affixed, if necessary.

**4.2      ACCIDENT REPORTING:**

- A.      Staff injured or exposed to biohazardous material will be treated in accordance with the Sheriff's Policy Manual (e.g., Workers' Compensation Policy, Accident Review Board, etc.).
- B.      Emergency telephone numbers called for a fire, accident, flood, or hazardous chemical spill will be posted prominently at each processing area. Telephone numbers of supervisory staff will also be posted and contacted immediately following an incident requiring emergency notification.
- C.      Supervisors will communicate with exposure-monitoring staff during investigations, which will be initiated by the administrative authority.

**4.3      BIOHAZARDOUS MATERIAL HANDLING PRACTICES:**

- A.      Exposures will be handled pursuant to the Workers' Compensation policy in the Sheriff's Policy Manual.
- B.      In situations where blood is encountered in a liquid state excluding sealed vials, minimum protective clothing will be worn. Each investigator will be provided an appropriate polypropylene-styled protective garment. The garment will augment the investigator's outer clothing.
- C.      In situations where the investigator is confined to an enclosure (excluded from



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open, out-of-doors fresh air), the use of a respirator mask (disposable) is required.

- D. Vials containing blood drawn for any purpose will be sealed within a second vessel of durable construction to contain leaking fluids in the event of vial failure or damage.
- E. The use of polyethylene aprons will be required when handling and packaging blood samples or contaminated materials within the processing office environment.
- F. Decontamination of nondisposable protective items and clothing, processing appliances, and issued equipment is required immediately following usage. Minimum protective clothing is required during this function.
- G. Immediately following the disposal of protective equipment and when decontamination procedures are completed, staff will use appropriate measures to make themselves sanitary. Liquid soaps and antiseptic lotions are required. Solid bar soap use is prohibited.

**4.4 WASTE DISPOSAL PRACTICES:**

- A. Waste disposal will be handled in accordance with the Sheriff's Policy Manual.
- B. Blood-contaminated waste items will be classified as infectious and segregated from other waste products.
- C. Biohazardous containers and labeled, color-coded, storage bags will be used for temporary containment of all blood-contaminated items determined to be waste products. Biohazardous waste will be segregated from common processing waste and disposed of on a regular basis. All such items must be marked with BSO identifiers, as required by federal and state codes.
- D. Liquid waste products will be held in metal evaporative storage containers within a fume hood and disposed of when containment vessels warrant. Waste vessels will be segregated by chemical compound (MSDS).
- E. Waste will be deposited in appropriate receptacles and stored within designated areas.

**4.5 EMERGENCY PROCEDURES:**

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- A. An emergency procedure program to ensure staff safety in the event of fire or other emergencies will include the following elements:
  - 1. Regional Communications will be notified of the emergency.
  - 2. All staff in the vicinity of the emergency will be notified. All operations will be shut down in the safest and quickest manner possible.
  - 3. Evacuation of all staff will be directed via the nearest safe exit.
  - 4. An accounting of all staff following an emergency evacuation will be conducted.
  
- B. Access to exits, emergency equipment, controls, and apparatus will not be blocked or removed unless during an emergency. Adequate backup equipment will be available to replenish used emergency equipment.

**4.6**     **HURRICANE PLAN:** Refer to the Emergency Response Plan.

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**5.0 FORMS, CHECKLISTS, AND EQUIPMENT:**

**5.1 FORMS:**

- A. Breath Test Result Affidavit (FDLE/ATP Form 14): Intoxilyzer form mandated by state law.
- B. Alcohol Influence Report (BSO T#16): Breath technician's report.
- C. Breath Test Log (FDLE/ICP Form 13): Intoxilyzer form mandated by state law.
- D. Certificate of Blood Withdrawal (FDLE/ICP Form 11): Used when blood is drawn.
- E. Probable Cause Affidavit (BSO DB#2): Arrest report used by law enforcement officers or deputies for each arrest.
- F. Probable Cause Affidavit Continuation (BSO DB#2A): Continuation of law enforcement officer or deputy's report.
- G. Inmate Property Inventory and Transfer Form (BSO DB#21): Used for safekeeping of prisoner's property.
- H. Property (Evidence) Receipt (BSO RP #54): Used to document evidence.
- I. Refusal Form (HSMV 72054): Breath refusal form mandated by the Division of Driver Licenses when a breath test is refused.
- J. Event Report (BSO RP#2): Deputies' crime report.
- K. Vehicle Storage Receipt (BSO RP#53): Used for documentation of prisoners' vehicles.
- L. Toxicology Report Log (DUI #001): Used to track Medical Examiner toxicology results.
- M. Florida Implied Consent (BSO RP#95)
- N. DUI Supplemental Report (BSO T#20)

**5.2 CHECKLISTS:**

- A. Operational Checklist (FDLE/ATP Form 23): Used in connection with the

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Intoxilyzer, mandated by state law.

- B. DUI Urine Specimen Collection Procedure: Prepared by the Human Services Department, Office of the District Medical Examiner and used by law enforcement officers or deputies each time a urine specimen is collected from a DUI subject.
- C. DUI Blood Kit Collection Procedure: Prepared by the Human Services Department, Office of the District Medical Examiner and used by law enforcement officers or deputies each time a blood specimen is collected from a DUI subject.

**5.3**     **EQUIPMENT**: Each BAT site and BATmobile requires the following equipment:

- A. Intoxilyzer 8000
- B. Video camera
- C. Tripod if needed
- D. Microphone
- E. Copy machine
- F. Monitor