

Blood Draws & The Law Enforcement Phlebotomy Program

The development of a police-based phlebotomy program and how to structure and implement “No Refusal Weekends”

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Arizona Department of Public Safety DUI Chemical Test Refusal Rate Reduction

The Arizona Department of Public Safety (DPS) was established in 1969 to consolidate many law enforcement functions and provide essential public safety services to the State of Arizona. The Highway Patrol Division of DPS has the distinct responsibility of traffic safety on Arizona roads. Driving Under the Influence (DUI) enforcement plays a significant role in the safety of the motoring public. While Arizona is primarily a rural state, more than 60% of the population lives in the metropolitan areas of Phoenix and Tucson. DPS provides emergency medical assistance and transport to the public through Air Rescue helicopter units located throughout the state. Officers trained as paramedics assigned to aviation provide medical treatment in many and varied situations. Throughout the 1980s and 1990s, the DPS Paramedics would draw blood in DUI investigations as required at some collision scenes. Officers also utilized hospital personnel for blood draws or requested a sample of blood already drawn by medical personnel.

In 1995, Greg Girard, a paramedic who had recently been promoted to Sergeant, was involved in the Aviation and Impaired Driver Enforcement programs in Phoenix. He inquired if paramedics trained to perform venipuncture would be able to draw blood for purposes of collecting evidence for DUI investigations. This was in response to DPS officers concerned with the number of DUI investigations that resulted in no chemical test. These concerns included:

- Suspects refusing to provide a breath sample or any chemical test. Many courts refused to prosecute subjects without chemical test evidence.
- Officers in rural areas having to travel great distances to get testing completed, either a breath test or blood sample.
- Hospital staff refusing or unable to obtain blood samples for law enforcement.

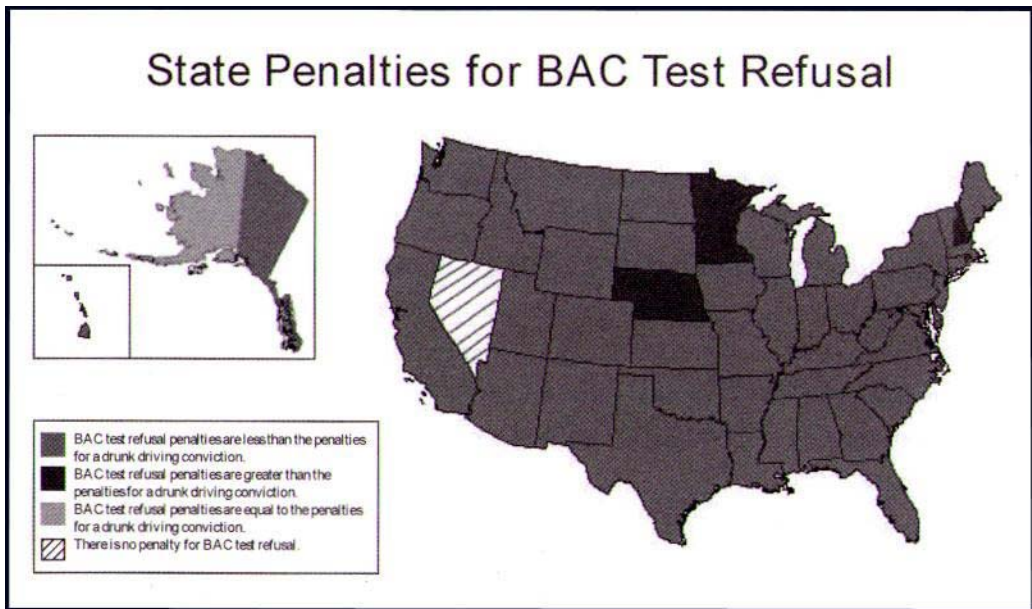
The DUI chemical test refusal rates in Arizona in 1995-1996 averaged 17% of all DUI- related investigations. The Department of Public Safety believed that this program, if successful, could lower that rate and increase our effectiveness in curbing impaired driving.

At the time, search warrants for blood or other bodily substances were rarely used; and then only when a chemical test was very important, such as a serious injury or fatal collision where an impaired driver was a



suspect. There were many reasons for the limited use of search warrants, but the most important one was law enforcement’s limitation to hospital blood draws.

Test refusals are also major problems for law enforcement officers who confront impaired drivers that are repeat offenders. Many DUI suspects refuse to cooperate with law enforcement by refusing a breath test. Test refusals are more common with repeat offenders for a variety of reasons, including familiarity with DUI laws, high blood alcohol content, and in most jurisdictions the penalties for refusing to submit to a test are much less severe than the penalties for a DUI conviction. Repeat offenders have historically been much more dangerous drivers than first time offenders and this limitation on their prosecution was a great concern. Chemical test refusal is one way impaired drivers continue to evade prosecution. In a 2002 study on DUI prosecutions, three-fourths (75%) of the prosecutors interviewed said the blood alcohol test was the *single most critical* piece of evidence needed for a conviction, evidence they are frequently withoutⁱ.



In a 2002 research report on DUI enforcement, law enforcement officers reported experiencing test refusals in one-third of the cases they processed, with refusal percentages running even higher among hardcore drunk driversⁱⁱ.

In 1995, two DPS sergeants enrolled in a phlebotomy class offered at a local community college with an established phlebotomy program. Their goal was to learn the process of drawing blood to counter the blood draw refusal discussed above. As the sergeants participated in the training, DPS sought assistance from the Arizona Attorney General’s Office and other sources to determine the feasibility of the program. If the blood draw program was successful, and having a DPS program that trained police officers on blood draw procedures, the primary questions were:

- Does Arizona law allow police officers to perform this procedure?
- Could police officers be trained sufficiently to draw blood?

- Will the program stand up to legal challenges that almost certainly will occur?
- Will this program lower the chemical test refusal rates of DUI offenders?
- What are the legal liability implications of this program?
- What are the costs in time and funding?

In answering the questions, a variety of sources were reviewed. Arizona law states:

28-1388. Blood and breath tests; violation; classification; admissible evidence

If blood is drawn under section 28-1321, only a physician, a registered nurse or **another qualified person** may withdraw blood for the purpose of determining the alcohol concentration or drug content in the blood. The qualifications of the individual withdrawing the blood and the method used to withdraw the blood are not foundational prerequisites for the admissibility of a blood alcohol content determination made pursuant to this subsection.

The Arizona Department of Public Safety viewed the term “another qualified person” within this definition to mean anyone who was trained to draw blood. This was affirmed by the Attorney Generals Office and in 2001, the first legal challenge to conducting blood

draws for DUI investigations was heard by the Arizona Court of Appeals. In State of Arizona v. Olcavageⁱⁱⁱ, the court was asked to decide if persons that have received specific training and experience in phlebotomy are legally “qualified” to perform blood draws for impaired driver investigations. The opinion of the court was that a phlebotomist properly trained and experienced is qualified. The phlebotomists in this instance were civilian contract phlebotomists conducting blood



draws for law enforcement. This was a landmark case which set the stage for the next step in the future of the program. Subsequent cases heard by the Arizona Superior Court in 2002 State of Arizona v. Carrasco^{iv}, and in 2005 Arizona Court of Appeals State of Arizona v. May^v, affirmed that the Law Enforcement Phlebotomist is qualified through training and experience. The court’s decision in defining the legal definition of qualifications of the phlebotomist was two-fold; both the legal definition and the training requirements for police officers’ training in phlebotomy were outlined.

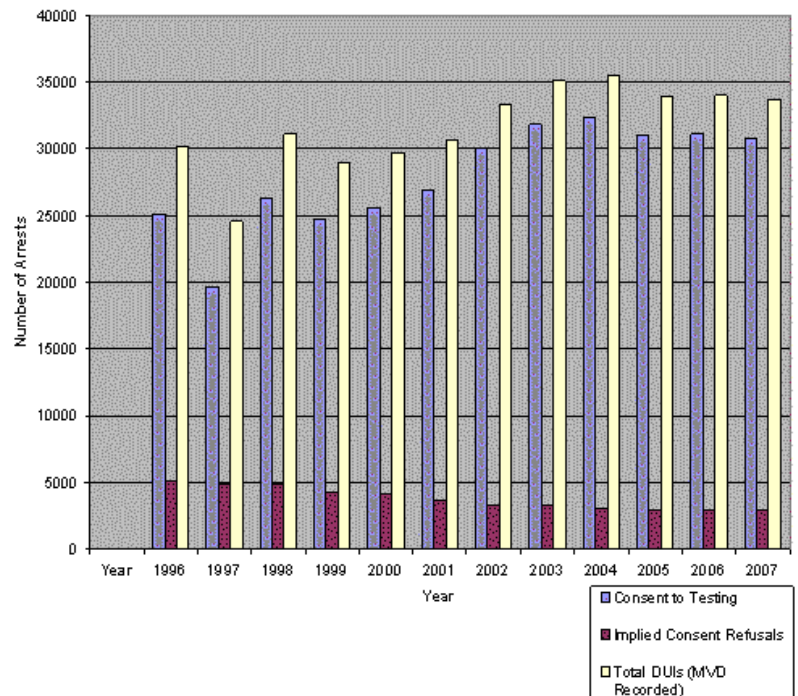
The two DPS Sergeants completed the class and began the process of conducting blood draws for impaired driver investigations in the Phoenix metropolitan area. Blood draws were conducted, not only on the serious injury or fatal collision cases as before, but also on felony and misdemeanor DUI cases.

The number of phlebotomy draws was limited by the number of officers trained. In the next two years, less than twenty (20) officers were trained as Law Enforcement Phlebotomists. The two-semester program originally offered by the local community college, Phoenix College, was found to be both too long and too expensive to feasibly train officers statewide. By 1998, the number of Law Enforcement Phlebotomists had only increased to thirty (30), but the word was beginning to spread. DPS Phlebotomists conducted over 500 blood draws for law enforcement agencies and a request from Phoenix Police Department to train officers in the program also provided an additional thirty (30) trained phlebotomists that year. The Phoenix Police Department and DPS combined to draw blood on over 1000 subjects. The statewide chemical test refusal rate decreased from 19.8% in 1997 to 15.5% in 1998. The Phoenix Police Department, which for years had a refusal rate over 12%, also saw the numbers begin to decrease.



In 1999, the Phoenix College program director, Cathee Tankersley created a Law Enforcement Phlebotomy Program (LEPP) that was only sixty (60) hours in length. Tankersley was co-author of the textbook used nationwide to teach phlebotomy and had extensive experience in the field as a subject matter expert and instructor. This program focused primarily on the requirements to conduct blood draws on adults in a clinical or outpatient setting. This change to the program training was a turning point in the program. Only officers that volunteered were admitted and these officers were required to complete the rigorous program within five (5) days. The

State of Arizona - Refusal Rates Statewide 1996-2007

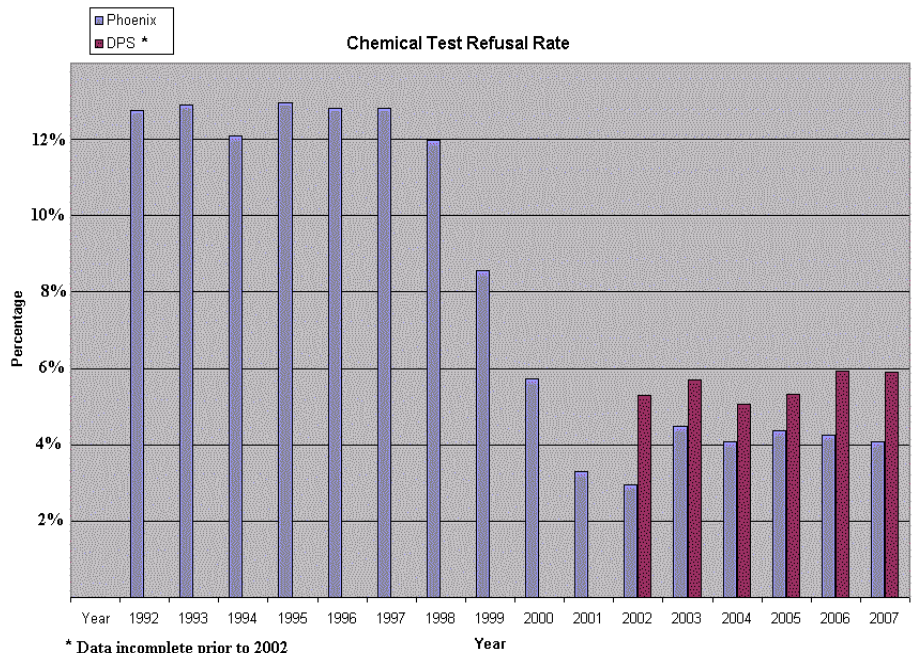


number of phlebotomists increased exponentially after that year, with over 50 DPS phlebotomists. In addition, officers from other agencies, including Phoenix, Glendale, Gilbert, and Tempe received training.

In a majority of these DUI investigations where Law Enforcement Phlebotomists conducted a blood draw, the subjects gave consent to the procedure. In a few of the cases, they refused. The search warrants used at the time were a lengthy eight-page telephonic warrant that had been developed by DPS officers using NHTSA guidelines. In 1996-1997, refusal rates remained relatively unchanged, with very few blood draws being performed on refusals.

In 1998, officers from both DPS and Phoenix P.D. created and began using a more streamlined telephonic search warrant program and introduced a new type of search warrant for blood, the tele-fax search warrant.

The tele-fax search warrant, developed by the DPS DUI Enforcement Squad, was developed in conjunction with a federally funded grant. The grant supplied the local Justices of the Peace, who oversee a majority of the DPS criminal cases, with fax machines at their residences. This enabled the officers to contact the justices directly after-hours. In providing the justices and judges from other jurisdictions the fax



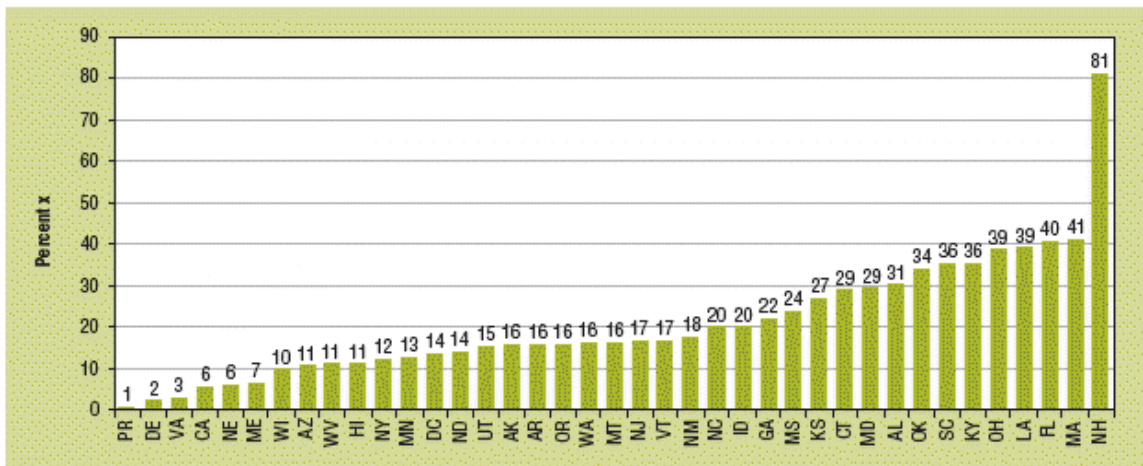
machines at home, they and law enforcement officers used written information to make the decisions, rather than verbal information. It also substantially decreased the amount of time spent on the actual warrant, with the average warrant only taking an average of thirty (30) minutes, instead of several hours using the original format.

The result of this two-pronged approach to the chemical test refusal rates was a marked decrease in the refusal rates from 1996 to 2007. The refusal rates in the State of Arizona during this period dropped from a high of 16.9% to 8.56%. DPS refusal rates dropped even lower with refusal rates from 2002 to 2007 hovering at approximately 5% and Phoenix Police Department refusal rates have dropped substantially, from 12.7% in 1992 to 4.07% in 2007.

The lowering of the chemical test refusal rates using the LEPP and search warrant programs have also resulted in other positive results for the law enforcement community. The search warrant procedure has evolved into a fill-in-the-blank, three-page format that is simple to follow and complete. Another benefit to the new format allows even inexperienced officers to request chemical tests on subjects that have refused in misdemeanor cases. This accounts for over 90% of all refusal cases in Arizona having blood or urine testing completed. The overall impact is that over 95% of total DUI investigations in Arizona have blood, breath or urine evidence. Search warrants on refusal cases have become the standard rather than the exception.

The refusal rates have decreased due to a variety of reasons. Most officers that were polled have said that unless the arrested subject's driver's license was suspended or revoked prior to the investigation, defense counsel, when contacted for legal advice recommends that the subject submit to the chemical test. In states where search warrants are not common, or the refusals do not carry the same weight as the DUI charge, defense counsel more often than not give advice to refuse the tests. In a review of the 2005 NHTSA study for breath test refusal rates^{vi}, Arizona ranked eighth (8th) out of the 39 states polled (Figure 3). The states with lower refusal rates all had either a search warrant program in place or legal requirements making a refusal a criminal offense or the same penalty as the original charge. The national average for refusal rates for this study was

Breath Test Refusal Rates, 2005



DOT HS 810 871

NHTSA's National Center for Statistics and Analysis

November 2007

25% of all DUI offenders refusing a chemical test.

Refusal rates have decreased due to other avenues of education such as public awareness campaigns, media stories of the Law Enforcement Phlebotomy Program, and officers giving suspects information on the consequences of refusal while administering the Arizona Admin Per Se/ Implied Consent Affidavit. Public awareness campaigns championed by the Arizona Governor's Office of Highway Safety have increasingly educated drivers that law enforcement has zero tolerance for the impaired driver. The message is that law enforcement will use these successful phlebotomy and search warrant programs to help prosecute and deliver "the max" or maximum sentencing guidelines that can be imposed.

The liability implications of this program were a concern to the Department of Public Safety and many of the law enforcement agencies that have participated in the program since its inception. A few Arizona law enforcement agencies still use contract phlebotomy services in lieu of training their own police officers or use Law Enforcement Phlebotomists from other agencies. Civil litigation was the primary concern, whether the subjects having blood drawn were filing frivolous complaints or lawsuits to actual liability claims for injury. The answer to this was the proper training and professionalism of the students. The requirements for volunteers to attend the training was deemed extremely important by the instructors and staff at the college to promote a positive attitude and experience for the students and promoted pride in the work ethic. In the thirteen (13) years since the inception of this program, there have been only two civil litigation lawsuits brought against an individual department for the phlebotomy program. Both of these lawsuits were brought by plaintiffs who claimed that the phlebotomy draw caused permanent injury. In both cases, based on testimony of instructors and the phlebotomist, as well as evidence, and documentation, both lawsuits were dismissed without merit.

The Law Enforcement Phlebotomy Program in Arizona today stands as a truly groundbreaking program that has ingrained itself in many aspects of police work. Over fifty (50) different police agencies in Arizona have at least one trained Law Enforcement Phlebotomist, with over 800 officers, detention officers and civilian employees trained statewide. Three colleges in the communities of Phoenix, Tucson and Flagstaff now provide this training to officers. Due to the success of the program and the



wide acceptance of blood samples being drawn instead of breath testing, many agencies in the Phoenix metropolitan area, including Phoenix, Mesa, Scottsdale, Chandler, and Gilbert Police Departments have transitioned to blood testing only. They have expanded laboratory facilities and trained more Law Enforcement Phlebotomists to deliver a strong message to offenders. The Arizona DPS Crime Lab in 2007 processed over 10,000 blood samples for blood alcohol and drug results for DUI offenders. Law Enforcement Phlebotomists also draw blood for other criminal investigations, including DNA samples and for cause testing for communicable disease.

In addition to the Arizona program, DPS officers working with Utah Highway Patrol in the northern part of Arizona (UHP) were conducting blood draws for DUI investigations in Utah. Utah expressed an interest in the Law Enforcement Phlebotomy Program and in 2005; Utah Highway Patrol Officers began Phlebotomy training. The program was initiated through DPS and Phoenix College, which provided the training program to the

Utah School of Phlebotomy to train the officers. About 65 UHP Officers were trained in Phlebotomy and continue to work in that capacity. Utah Highway Patrol and Dalworthington Gardens DPS, a small agency in Tarrant County, Texas, have a program similar to Arizona. Arizona is the only state in the nation that has a statewide program training law enforcement officers to conduct blood draws.

By providing this resource to their own agencies and other agencies throughout Arizona, the Law Enforcement Phlebotomists have saved a considerable amount of resources in time and cost to the State of Arizona. Private phlebotomists contracted through individual agencies usually charge departments between \$30-40 per blood draw just for the service. As the number of DUI offenses increased to over 35,000 in Arizona alone, the cost savings to departments is substantial, with the initial cost of the class to train police officers under \$250.

The Law Enforcement Phlebotomy program has also delivered a sense of community and teamwork to the many agencies involved in the program. Police officers from multiple jurisdictions attend the classes together and develop interdepartmental contacts that have benefitted the agencies and communities. DUI Task Forces that are deployed on holidays and weekends have benefitted tremendously from this program, as well as the IACP Drug Evaluation and Classification Program (DECP) community. These task force events utilize many departments from the adjacent communities to conduct “wolfpack” patrols and checkpoints. Law Enforcement Phlebotomists staff the command posts and checkpoints to provide officers the opportunity to draw blood in lieu of breath testing. Many of the Arizona DRE officers are also trained in Law Enforcement Phlebotomy, which saves time and manpower when requesting both services.

The Arizona Department of Public Safety set out to create the Law Enforcement Phlebotomy Program in order to more effectively gather evidence and prosecute the DUI offender. Arizona DPS accomplished the task and created, not only a program that has reduced the number of offenders that refuse a chemical test, but has saved countless lives and benefitted the community as a whole. The



The chemical test refusal rates at the inception of the program dropped more than 8% statewide, with individual departments having even greater success. The Law Enforcement Phlebotomy Program, in conjunction with the search warrant program, has lowered the test refusal rates even as the number of impaired driving arrests and prosecutions rise. The program has increased interdepartmental communication and cooperation between law enforcement agencies in Arizona and beyond, and a team atmosphere and renewed sense of duty to the individual officers that work the roads every day.

By setting the standards of excellence in this and other programs, Arizona DPS has continued the tradition of Courteous Vigilance and its primary mission of protecting human life and property.

ⁱ The Century Council (2003). *Hardcore Drunk Driving: A Sourcebook of Promising Strategies, Laws & Programs*. Washington, DC: The Century Council

ⁱⁱ DWI System Improvements for Dealing with Hardcore Drinking Drivers
Robyn D. Robertson and Herb M. Simpson Published 2003

ⁱⁱⁱ Westlaw 2001 WL 987808 State of Arizona ex rel. David A. PENNARTZ, Scottsdale City Attorney, Petitioner v. The Honorable Joseph OLCAVAGE, Judge of the Scottsdale City Court, Respondent.

^{iv} State v. Carrasco, 203 Ariz. 44, 49 P.3d 1140 (App. 2002)

^v State v. May 2 CA-CR 2004-0099 Court Of Appeals, State Of Arizona - Division Two

^{vi} Preusser Research Group, Inc. DTNH22-98-D-45079 Breath Test Refusals in DWI Enforcement August 2005 T.J. Zwicker, J. Hedlund, and V.S. Northrup

Blood Evidence in Impaired Driving



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What is the Problem?



- **How do I get the blood evidence?**
- **Where to go get it?**
 - Jail? Hospital? Contractor?
- **Who is going to do it?**
 - Doctor? Nurse? Phlebotomist?

Arizona Phlebotomy Program



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Arizona 1995



- Refusal Rate = 20%
- Penalties included a civil driver's license suspension.
- Yet, refusal rate still = 20%



Arizona

Hospital Blood Draws

- Civil Liability
- Extra Costs
- Court Time & Associated Costs
- Took Staff away from primary duties



Arizona



Search Warrant Challenges

- Judges Unavailable
- Lengthy Paperwork
- Only used in injury crashes and/or felony





Arizona



- Arizona Department of Public Safety Decided to Challenge those problems
- “Why Can’t police officers draw blood?”
- “Can we make the search warrants easier?”



Arizona



Where to Get the Training?

- Regular college course
- No prerequisite training
- Nationally recognized curriculum

Phlebotomy Program

- College created police training program
- LE employees only
- One week course
- Core Curriculum same as “civilian” program
- 10 Arizona law enforcement agencies in first training





Curriculum



- **Created by Cathee Tankersley from Phoenix College**
- **Nationally known in phlebotomy field**
- **Author of “Phlebotomy Essentials” -- textbook currently used nationwide.**
- **Testified as expert witness for prosecution**





Phlebotomy Program



- **Over 900 Law Enforcement Phlebotomists trained**
- **Funding for Program:**
 - **Highway Safety Office -- 410 & 402 Grant Funding**
 - **Individual Department funding**



Search Warrant Program



Streamlined the Process

- **New 3-page telephonic warrants**
- **New 3-page fax warrants**
- **Grant Funded fax machines for judges**

**COME BACK
WITH A
WARRANT.**



Arizona

Arizona Refusal Rates

- 19.85% in 1997
- 8.56% in 2007
- 5.89% in 2007 (Arizona DPS)
- 4.07% in 2007 (Phoenix PD)



Arizona

Why Rates Have Dropped?

- Public Awareness
 - Earned Media
 - Word of Mouth
- Zero Tolerance on Search Warrants
 - Misdemeanor or Felony
 - Injury Collision or Not



Arizona

NHTSA Demonstration Study

- One Year Project to see if refusal rates will be affected
- Possible federal funding for other programs on the horizon





Arizona

NHTSA Study Data Collected

- Refusal Rates
- Case Disposition
- Collision/Fatality Rates
- Investigation Time Savings
- Court Time Savings
- Public Perception

New Programs

- Determine Requirements by state law
- Develop partnerships with established programs
- Establish and follow written policies
- Establish Training protocols (initial & continuing)
- Ensure political support



Arizona



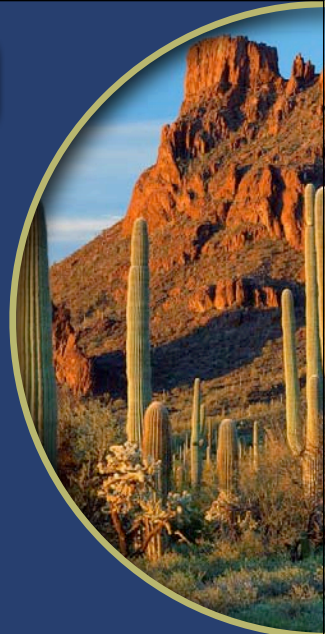
What are the Costs?

- Arizona -- \$310
 - Curriculum
 - Textbooks & Materials
 - Phlebotomy Kit
- Idaho -- \$550
- Texas -- \$350





Arizona



Mesa Police Department

- \$110,000+ Budget Annually
- 45-60 Minute average ETA for contract phlebotomist
- \$45 per blood draw (call out extra)
- Court costs for phlebotomist
- Hospital Draws - 1-2 hours



Arizona



Mesa Police Department

- 5 Officer trained -\$325 per student
- Equipment \$1000-1500 per year for entire agency
- Officers experienced at testifying
- Cost Savings = \$100K per year!!!

PHLEBOTOCOP OR THE BLOOD WILL TELL

Warren Diepraam
 Montgomery County District Attorney's Office
 Brett Ligon, District Attorney
 National Association of Prosecutor Coordinators
 National Highway Traffic Safety Administration

Why Prosecute DWI?



Blood Draws & DWI Flaws

- Texas Refusal Rate = 50%
- Refusal to prosecute subjects without chemical test evidence.
- Increased "Total Refusal Rate" concurring with increased dismissals and increased adverse verdicts



Blood Draws & DWI Flaws

- Officers in rural areas having to travel great distances to get testing completed, either a breath test or blood sample.
- Hospital staff refusing or unable to obtain blood samples for law enforcement



Questions to Consider



- Does your law allow police officers to perform this procedure?
- Could police officers be trained sufficiently to draw blood?
- Will the program stand up to legal challenges that almost certainly will occur?
- Will this program lower the chemical test refusal rates of DUI/DWI offenders?
- What are the legal liability implications of this program?
- What are the costs in time and funding?

Texas

- Texas began program in 2003
- Emergency room doctor giving classes in phlebotomy
- One significant legal challenge to date --- Dalworthington Gardens
- Using curriculum from same textbook as Arizona
- NHTSA demonstration program
 - Houston P.D.
 - Montgomery County S.O.



Texas

- Houston Police Department
- Training 20 officers
 - NHTSA grant. Cost = \$0!!!
 - Equipment -- grant for one year. Cost = \$0!!!
 - Cost after grant = \$350 per officer (estimated)
- Cost Savings = You be the judge...



Texas No Refusal Holidays



Texas No Refusal Holidays

- Started in Houston 2006
- Spread all around the state and to 8 other states.
- High Visibility



Texas No Refusal Holidays

Costs

- Nurse: \$30-50 an hour
- Prosecutor: \$40-90 an hour
- Judge: volunteer from many levels
- Supplies: donated, but up to \$250



Advantages of Blood Programs

- **Great Evidence**
 - **Guilt Evidence**
 - **Prosecution's Innocence Project**
- **Test for both alcohol & other drugs**
- **Evidence can be saved and retested**
- **Jury appeal - "CSI Effect"**
- **Ignition Interlocks**
- **Less Court time - more cases plead**



Blood Draws Means Fewer DWI FLAWS

- **Conviction Rates**
 - **Increased to 98%**
- **Exoneration Rates**
 - **About 1%**
- **Trial Numbers**
 - **Dropped about 30%**

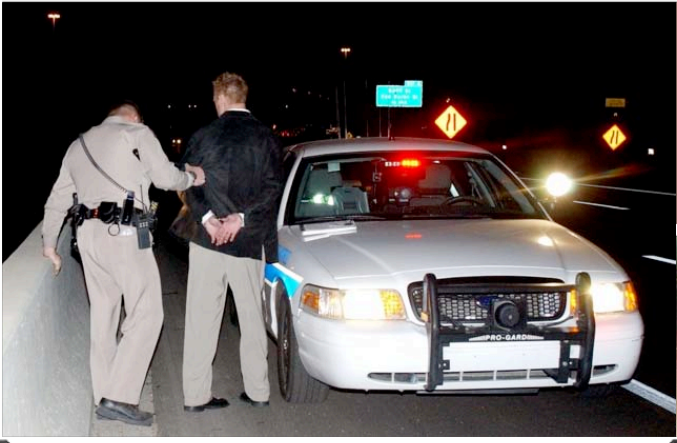


Refusal Rates

- **Refusal Rates**
 - **Arizona: as low as 4%**
 - **Texas: as low as 20%**
- **Average Blood Alcohol Results**
 - **Breath: 0.13**
 - **Blood: 0.18**



Book 'em Dano



The Officer Phlebotomy Program

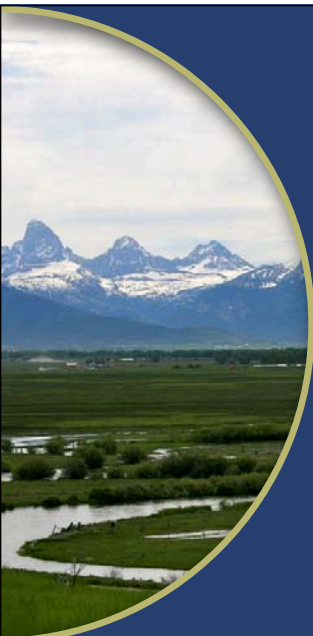


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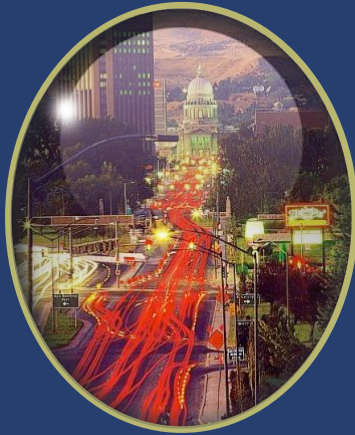
Idaho

- **Twin Falls County began drawing blood on all DUI cases in 2001.**
- **Idaho Appellate Courts upheld blood draws.**
- **Two exceptions to warrant requirement recognized.**
- **Began investigating officer phlebotomy.**





Identify the Statute



- **Expected Challenge:**
“Officer Can’t be qualified to draw blood”
- **Idaho Code 18-8003:**
- **Trained in a licensed hospital or educational institution.**

Best Training



- **Chose College of Western Idaho.**
- **Able to argue the officers are receiving the same training as the “civilian” phlebotomists.**
- **Establishing expert witnesses for the State.**

Media Challenge



- **Invited Media to attend final day of class.**
- **Be careful, the media is where your city council & state legislators get their education!**

Media Challenge

- Gave complete access to the media.
- But remember, the media is “looking for a story.”
- Defense bar happy to oblige.



Nampa Police Department



- Trained 10 Officer Phlebotomists.
- Since August 2009 -- have completed approximately 170 blood draws in “refusal cases.”
- Numbers beginning to drop -- more offenders taking breath tests.

Demonstration



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Law Enforcement Phlebotomy

A Program You
Cannot Refuse!



ARIZONA DEPARTMENT OF PUBLIC SAFETY
AFFIDAVIT IN SUPPORT OF
TELE-FAX SEARCH WARRANT

DOCKET NUMBER	DR NUMBER
---------------	-----------

FAX TO:	JUDGE	FAX NUMBER		PHONE NUMBER	
	FROM:	NAME OF SENDER	FAX NUMBER	PHONE NUMBER	NO. OF PGS.
TODAY'S DATE	OFFICER NAME	I.D. NO.	LOCATION CODE	SUPERVISOR	

JUDGE: This is Officer _____ I.D. No. _____ of the Arizona Department of Public Safety.
 I am faxing you this sworn affidavit to obtain a Tele-Fax search warrant in support of a:

DUI Aggravated assault and/or
 Aggravated DUI Homicide investigation

Please sign below as documentation that you swore me in via telephone with Officer _____
I.D. No. _____ standing by as a witness.

JUDGE: X Affiant: X
Justice of the Peace; Judge or Magistrate
 of the _____ Court . Witness: X

JUDGE: I have probable cause to believe that there is now in the blood or bodily fluids of (suspects name): _____, date of birth _____.
 Located at: _____.

The following substances, to wit: alcohol and / or
 drugs

Together with other evidence of the crime of: driving a motor vehicle while under the influence of intoxicating liquor or drugs
 actual physical control of a vehicle while under the influence of intoxicating liquor or drugs

As set forth in this affidavit, I, Officer _____ your affiant, am a peace officer in the State of Arizona, employed the Arizona Department of Public Safety. I have been a sworn peace officer for _____ years, and have the following

training and experience: A.L.E.T.A. The Arizona Law Enforcement Academy
 I have graduated from: The Phoenix Police Academy _____

Training included identifying driver impairment due to alcohol or drugs. My duty assignments have included traffic, criminal and DUI investigations. I have specialized in: Horizontal Gaze Nystagmus D.R.E. Drug Recognition
 DUI investigation and apprehension Phlebotomy



ARIZONA DEPARTMENT OF PUBLIC SAFETY
AFFIDAVIT IN SUPPORT OF
TELE-FAX SEARCH WARRANT
(Continued)

DOCKET NUMBER	DR NUMBER
---------------	-----------

I am investigating the crime of: DUI Aggravated DUI Aggravated assault Homicide

Which I believe to have been committed on the _____ day of _____, 20____, at the time of _____ hours at the location of _____, in _____ County, Arizona, based on the following reasons and circumstance:

- Accident (describe location and circumstances): _____
- Driving behavior (list violations or physical control): _____

The status of _____ driver license is _____.
 In addition, the following observations of symptoms of consumption and / or impairment were made of _____, date of birth _____, by _____ of the Arizona Department of Public Safety Other agency _____:

- | | | | | |
|------------------------------------|---|-----------------------------------|-------------------------------------|---|
| <u>EYES</u> | <u>FACE</u> | <u>ODOR OF ALCOHOL</u> | <u>SPEECH</u> | <u>CLOTHING</u> |
| <input type="checkbox"/> watery | <input type="checkbox"/> flushed | <input type="checkbox"/> faint | <input type="checkbox"/> slurred | <input type="checkbox"/> soiled |
| <input type="checkbox"/> bloodshot | <input type="checkbox"/> pale | <input type="checkbox"/> moderate | <input type="checkbox"/> incoherent | <input type="checkbox"/> disarranged / mussed |
| <input type="checkbox"/> _____ | <input type="checkbox"/> dazed expression | <input type="checkbox"/> strong | <input type="checkbox"/> profanity | <input type="checkbox"/> torn |
-
- | | | | |
|---|---------------------------------------|------------------------------------|--|
| <u>BALANCE</u> | <u>ATTITUDE</u> | <u>UNUSUAL ACTIONS</u> | <u>PUPILS</u> |
| <input type="checkbox"/> swaying _____ | <input type="checkbox"/> antagonistic | <input type="checkbox"/> hiccough | <input type="checkbox"/> poor reaction |
| <input type="checkbox"/> staggering | <input type="checkbox"/> combative | <input type="checkbox"/> vomiting | <input type="checkbox"/> dilated |
| <input type="checkbox"/> lost balance / fell down | <input type="checkbox"/> mood swings | <input type="checkbox"/> urinating | <input type="checkbox"/> _____ |

In addition: _____

I believe that the property, substances, and behavior that I have described in this affidavit are evidence of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or drugs.

NIGHT TIME SEARCH WARRANT:

I believe that it is necessary to obtain this evidence after 10:00 PM and before 6:30 AM, for the reason that it is now _____ hours, therefore, I cannot effectively serve and execute the warrant during the daytime. The evidence requested is of a perishable nature and a time delay would render it useless.

Based on the preceding facts, I, Officer _____ I.D. No. _____, request that a Tele-Fax **daytime** **night time** search warrant to be issued. This concludes my affidavit Your Honor.

Affiant: X _____

Witness: X _____



STANDARD ARIZONA INVENTORY, AFFIDAVIT AND RETURN OF SEARCH WARRANT

DOCKET NUMBER DR NUMBER

I, Officer _____ I.D. No. _____, a Peace Officer in the State of Arizona, being first duly sworn upon oath, deposes and says:

That on the _____ day of _____, 20____, I executed this search warrant and the following described property was seized:

- checkbox tube(s) of blood
checkbox urine sample
checkbox other item(s) as described below

I further certify that the foregoing inventory is a true and detailed account of all property taken by me pursuant to ARS §13-3921 and that a detailed receipt for the property taken was [checkbox] given to: [checkbox] left at:

Affiant: X _____ I. D. No. _____

Rank: _____ Department: _____

This warrant was returned, subscribed and sworn to before me this _____ day of _____, 20____, pursuant to ARS §13-3918.A.

JUDGE: X _____
Justice of the Peace; Judge or Magistrate
of the _____ Court .

DOCKET NUMBER

CASE NUMBER

STANDARD DUPLICATE ORIGINAL SEARCH WARRANT

COUNTY OF _____, STATE OF ARIZONA

IN THE _____ COURT

Proof by affidavit having been made this day before me by Officer _____ I. D. No. _____ of the Arizona Department of Public Safety, I am satisfied that there is probable cause to believe that:

In the blood or bodily fluids of _____, date of birth _____, Located at: _____ in the County of _____, in the State of Arizona, there is now being possessed or concealed certain property or substance(s) described as:

alcohol and / or drugs

together with other fruits, instrumentalities and evidence of a crime which property or things consists of any item or constitutes any evidence which tends to show that a public offense has been committed such being more fully described in the affidavit, to wit:

Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor and drugs

Aggravated driving or in actual physical control of a vehicle while under the influence of intoxicating liquor and / or drugs

Aggravated assault

Homicide

Which offense occurred on or about the _____ day of _____, 20____, at or near the location of _____ County, State of Arizona.

You are therefore commanded:

in the DAYTIME (excluding the time period between 10:00 PM and 6:30 AM)

in the NIGHT TIME (good cause therefore having been shown)

to make a search of the above named or described person(s), for the herein above described substances, and if you find the same or any part thereof, to retain such in your custody or in the custody of the agency that you represent, as provided by ARS §13-3920. Return this warrant to me within five (5) business days of the date thereof, as directed by ARS §13-3918.

Given under my hand and dated this _____ day of _____, 20_____.

JUDGE: _____
Justice of the Peace; Judge or Magistrate
of the _____ Court .

Affiant: **X** _____

Witness: **X** _____



ARIZONA DEPARTMENT OF PUBLIC SAFETY

AFFIDAVIT IN SUPPORT OF TELEPHONIC SEARCH WARRANT

Form with fields: DOCKET NUMBER, TODAY'S DATE, TIME, DR NUMBER, OFFICER NAME, I.D. NO., WITNESS NAME, SUSPECT NAME

Read only verbatim the following document, including the necessary filled in areas.

Judge _____, this is Officer _____ I.D. No. _____ of the Arizona Department of Public Safety. I am requesting your assistance with a Telephonic Search Warrant in support of a:

- Checkboxes for: DUI investigation, Aggravated assault investigation, Aggravated DUI investigation, Homicide investigation

My testimony is being recorded and Officer _____ I.D. No. _____ standing by as a witness. Will you swear me in, please?

Witness: X _____ I.D. No.: _____

Thank you, your Honor. I will now continue with the affidavit.

Judge, I have probable cause to believe that there is now in the blood or bodily fluids of (suspects name): _____, date of birth _____.

Located at: _____

The following substances and or property, to wit:

- Checkboxes for: alcohol and / or drugs, _____

Together with other evidence of the crime of:

- Checkboxes for: driving a motor vehicle while under the influence of intoxicating liquor or drugs, actual physical control of a vehicle while under the influence of intoxicating liquor or drugs

As set forth in this affidavit, I, Officer _____ I.D. No. _____ your affiant, am a peace officer in the State of Arizona, employed by the Arizona Department of Public Safety. I have been a sworn peace officer for _____ years, and have the following training and experience:

- Checkboxes for: A.L.E.T.A., The Phoenix Police Academy, The Arizona Law Enforcement Academy, _____

Training included identifying driver impairment due to alcohol or drugs. My duty assignments have included traffic, criminal and DUI investigations. I have specialized training in:

- Checkboxes for: H.G.N. Horizontal Gaze Nystagmus, D.R.E. Drug Recognition, DUI investigation and apprehension, Phlebotomy, _____

I am investigating the crime of: [] DUI [] Aggravated DUI [] Aggravated assault [] Homicide [] _____



AFFIDAVIT IN SUPPORT OF TELEPHONIC SEARCH WARRANT - (Continued)

DOCKET NUMBER TODAY'S DATE TIME DR NUMBER

Which I believe to have been committed on the ___ day of ___, 20___, at the time of ___ hours at the location of ___, in ___ County, Arizona, based on the following reasons and circumstance:

- Accident (describe location and circumstances):
Driving behavior (list violations or physical control):

The status of ___ driver license is ___. In addition, the following observations of symptoms and / or impairment were made of ___, date of birth ___, by ___ of the [] Arizona Department of Public Safety [] Other agency

- EYES: watery, bloodshot
FACE: flushed, pale, dazed expression
ODOR OF ALCOHOL: faint, moderate, strong
SPEECH: slurred, incoherent, profanity
CLOTHING: soiled, disarranged / mussed, torn

- BALANCE: swaying, staggering, lost balance / fell down
ATTITUDE: antagonistic, combative, mood swings
UNUSUAL ACTIONS: hiccough, vomiting, urinating
PUPILS: poor reaction, dilated

In addition: _____

I believe that the property, substances, and behavior that I have described in this affidavit are evidence of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or drugs.

NIGHT TIME SEARCH WARRANT: (read this portion if applicable)

I believe that it is necessary to obtain this evidence after 10:00 PM and before 6:30 AM, for the reason that it is now ___ hours, therefore, I cannot effectively serve and execute the warrant during the daytime. The evidence requested is of a perishable nature and a time delay would render it useless.

Based on the preceding facts, I, Officer _____ I.D. No. _____, request that a Telephonic [] daytime [] night time search warrant to be issued. This concludes my affidavit Your Honor.

With your permission Your Honor, I will now read to you a Standard Duplicate Search Warrant.

Upon reading the warrant, read the following:

This concludes the reading of the Standard Duplicate Original Search Warrant, Your Honor. Do I have your permission to sign your name and execute the search warrant, Your Honor?

Affiant: X

Witness: X

THE STATE OF TEXAS

COUNTY OF ((County Here))

AFFIDAVIT FOR SEARCH WARRANT

The undersigned Affiant, being a peace officer under the laws of Texas and being duly sworn, on oath makes the following statements and accusations:

My name is _____. I am a peace officer employed by the following law enforcement agency: _____. I have successfully completed the State-mandated requirements to become a peace officer.

1. There is in ((county here)) County, Texas a suspected person ("suspect") described as follows:

Name: _____

Race: _____ Sex: _____ DOB: _____ DL/ID: _____

Height: _____ Weight: _____ lbs Hair color: _____

2. Suspect is presently in custody of a law enforcement agency here in ((county here)) County, namely the _____, which will present the suspect to execute the warrant requested herein.

3. The suspect has possession of and is concealing human blood, which constitutes evidence that the suspect committed the offense described in paragraph 4 below.

4. On the ____ day of _____, 20 ____, at or about _____ o'clock p.m. / a.m., the suspect did then and there operate a motor vehicle in a public place in ((County here)) County, Texas while intoxicated by not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the suspect's body.

5. The suspect was operating a motor vehicle in a public place in ((County here)) County, Texas on the above date and time based on the following facts:

- I observed the suspect doing so.
- The suspect admitted to me that the suspect had been operating a motor vehicle in a public place in ((County here)) County, Texas just _____ minutes prior to my arrival at _____ o'clock p.m. / a.m.
- A witness, (name) _____

_____ conveyed information to me that he/she witnessed the suspect operating a motor vehicle in a public place in ((County here)) County, Texas just _____ minutes prior to my arrival at _____ o'clock p.m. / a.m.

6. Driving behavior: Additional facts leading me to believe that the suspect was intoxicated while operating a motor vehicle in a public place include: _____

7. During my contact with the suspect, I made the following observations about the suspect:

Odor of alcohol

- Strong
- Moderate
- Faint
- None

Eyes

- Bloodshot
- Red/Pink
- Glassy
- Watery
- Dilated
- Normal
- _____

Speech

- Thick-tongued
- Incoherent
- Slurred
- Slow
- Mumbled
- Stuttered
- Talkative
- Rapid
- Repetitive
- Fair
- Good
- _____
- _____

Attitude/conduct

- Argumentative
- Combative
- Profane
- Sarcastic
- Insulting
- Cooperative
- Cocky
- Laughing
- Carefree
- Indifferent
- Sleepy/Drowsy
- Polite
- Silent
- Reserved
- Calm
- Talkative
- Anxious
- Excited
- Confused
- Uninhibited
- Mood swings
- _____
- _____

Appearance

- Disorderly
- Orderly
- Signs of urine
- Signs of vomit
- _____
- _____

Balance

- Falling
- Unsteady
- Swaying
- Needed support
- Fair
- Good
- _____

Walking

- Falling
- Staggering
- Swaying
- Heavy footed
- Fair
- Good
- _____

Turning

- Falling
- Staggering
- Swaying
- Hesitant
- Fair
- Good
- _____

8. During my contact with the suspect, the suspect was requested to perform field sobriety tests and I recorded my observations, signs of intoxication and the results below if the suspect complied. Field sobriety tests were conducted by:

- Affiant who is certified and/or trained in the detection of impaired or intoxicated drivers through the use of three standardized field sobriety tests [SFSTs], namely: Horizontal Gaze Nystagmus [HGN], One-Leg Stand [OLS], and Walk and Turn [WAT].
- _____, a fellow peace officer, who is known by your Affiant to be certified and/or trained in the detection of impaired or intoxicated drivers through the use of three standardized field sobriety tests [SFSTs], namely: Horizontal Gaze Nystagmus [HGN], One-Leg Stand [OLS], and Walk and Turn [WAT].

Horizontal Gaze Nystagmus Test

The suspect was first qualified as a candidate by checking the suspect's eyes for equal tracking and equal pupil size. I have indicated below the clues that were present in the left eye (L) and right eye (R):

- L R Lack of smooth pursuit
- L R Distinct and sustained nystagmus at maximum deviation
- L R Onset of nystagmus prior to 45 degrees

Vertical nystagmus: YES NO

HGN: Total number of observed clues: _____

Refused to perform test

Other comments: _____

Walk and Turn Test

I have indicated below the clues that were present during the suspect's performance of this test:

- Cannot keep balance while listening to instructions
- Starts before the instructions are finished
- Stops while walking
- Does not touch heel to toe
- Steps off the line
- Uses arms to balance (raises arms over six inches)
- Improper turn
- Incorrect number of steps

WAT: Total number of observed clues: _____

Refused to perform test

Other comments: _____

One Leg Stand Test:

I have indicated below the clues that were present during the suspect's performance of this test:

- Sways while balancing
- Hops
- Puts foot down
- Uses arms for balance (raises arms over six inches)

OLS: Total number of observed clues: _____

Refused to perform test

Other comments: _____

I have learned through my training and experience that the National Highway Transportation Safety Administration has determined from studies that were conducted that 4 or more clues on the HGN test and 2 or more clues on the OLS test and the WAT test are reliable indicators of intoxication.

9. Other tests: If indicated below, the suspect performed additional tests for intoxication and I recorded the results as shown below.

- Recite a portion of the alphabet; result: _____

- Finger count: (1,2,3,4; 4,3,2,1; each finger to thumb); result: _____

- Rhomberg: Close your eyes. Tilt you head back, hands at your side, stop after 30 seconds; result: _____
- Hand clap: (Count to 10; front and back of palm is one #); result: _____

- Nose touch: (Close eyes; arms extended out to the side; touch tip of nose with tip of index finger as instructed; call out "right" or "left"); Result: _____

- Portable breath test; result: _____

10. Suspect's oral statements: The suspect made the following statements:

11. Open container evidence.

- I did not find an open container.
- I found an open container of an alcoholic beverage, namely: _____
_____ in the following location: _____

12. Drug/Controlled substance evidence.

- I did not find any evidence of possible drug/controlled substance use
- I found the following drugs/drug paraphernalia: _____
_____ in the following location:

- I detected the odor of marijuana
 - on the suspect's person;
 - inside the suspect's vehicle
- Statements made by the suspect or others indicating possible drug usage:

- Other: _____

13. Refusal evidence: After placing the suspect under arrest for Driving While Intoxicated, I requested a sample of the suspect's breath and/or blood, and the suspect refused to provide a sample in violation of the Texas Implied Consent law. This is an indication to me that the suspect is attempting to hide evidence of his/her intoxication. Other relevant statements made by the suspect when refusing include: _____

14. As a peace officer I have successfully completed courses and/or training in the field of alcohol detection and intoxication-related offenses. I have seen intoxicated persons in the past and, during the course of my employment, I have observed numerous people who were under the influence of alcohol or other substances. Additionally, I have formed opinions on intoxication on many occasions and have had my suspicions confirmed by breath or blood samples that were analyzed after I performed my law enforcement duties relating to the detection of intoxicated drivers.

15. Summary: Based upon my experiences, my training in intoxication-related offenses, and my observations of the suspect and the results of the tests performed by the suspect, if any, during my contact with the suspect, I believe that the suspect is intoxicated by not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the suspect's body.

16. I know from my training and experience that alcohol and other intoxicating substances are absorbed into the bloodstream of an intoxicated person and that the blood of such person can be analyzed for the presence of alcohol and other intoxicating substances.

WHEREFORE, based upon this affidavit Affiant asks for a search warrant that will authorize Affiant or Affiant's agent to search the person of the suspect for the blood evidence described above and

seize the same as evidence that the offense described was committed and that the suspect committed the said offense.

Further Affiant asks for issuance of an order to appropriate third parties directing them to assist Affiant in the execution of said warrant.

Affiant

Subscribed and sworn to before me on this _____ day of _____,
20_____.

- Peace officer, State of Texas
- Notary Public, State of Texas
- Magistrate, ((County here)) County, Texas

THE STATE OF TEXAS

Docket No.: _____

COUNTY OF COLORADO

Court: _____

SEARCH WARRANT

The State Of Texas: To any Sheriff or any Peace Officer of Colorado County, Texas, or any Peace Officer of the State of Texas:

Whereas, the Affiant, whose name appears on the Affidavit attached hereto is a peace officer under the laws of Texas and did heretofore this day subscribed and swore to said affidavit before me, (which said Affidavit is here now made a part hereof for all purposes and incorporated herein as if written verbatim within the confines of this warrant) and whereas I find that the verified facts stated by Affiant in said Affidavit show that Affiant has probable cause for the belief Affiant expresses herein and establishes the existence of proper grounds for the issuance of this Warrant:

Now, therefore, you are commanded to take custody of the suspect and transport the suspect to a hospital in Colorado County, Texas where you shall search for, seize and maintain as evidence the property described in said Affidavit, to-wit: human blood from the body of the following described individual:

Name: _____

Race: _____ Sex: _____ DOB: _____ DL/ID: _____

Height: _____ Weight: _____ lbs Hair color: _____

Herein fail not, but have you then and there this warrant within three days, exclusive of the day of its issuance, with your return thereon, showing how you have executed the same.

Issued on this the ____ day of _____, 20____, at _____ o'clock P.M. / A.M., to certify which witness my hand this day.

Magistrate, Colorado County, Texas

THE STATE OF TEXAS

Docket No.: _____

COUNTY OF COLORADO

Court: _____

ORDER FOR ASSISTANCE IN EXECUTION OF SEARCH WARRANT

To any physician, nurse, medical technician, or phlebotomist, licensed by the State of Texas, or other person qualified in the intravenous removal of human blood:

Whereas, the affiant whose name appears on the affidavit attached hereto is a peace officer under the laws of Texas and did heretofore this day subscribe and swear to said affidavit before me (which said affidavit is here now made a part hereof for all purposes and incorporated herein as if written verbatim within the confines of this Order), and whereas I find that the verified facts stated by affiant in said Affidavit show that affiant has probable cause for the belief he/she expresses herein and establishes existence of proper grounds for issuance of a search warrant;

And whereas, this court has issued a **warrant to search for and seize blood** from the suspect named and described in the Affidavit, to-wit:

Name: _____

Race: _____ Sex: _____ DOB: _____ TDL: _____

Height: _____ Weight: _____ lbs Hair color: _____

Therefore you are hereby ordered and commanded to cooperate with any peace officer requesting your professional assistance in the execution of this warrant.

Herein fail not, as this order is directed to any individual whose aid and assistance is requested by the officer bearing the accompanying search warrant, is authorized by the full authority of this Court to issue warrants and orders to enforce the laws of the State of Texas, and Article 18.08 of the Texas Code of Criminal Procedure. **Any individual who fails to comply with this Order when requested shall be liable for contempt of this Court and subject to all penalties authorized by law.**

Ordered this the _____ day of _____, 20__ at _____ o'clock P.M. / A.M. to certify which witness my hand this day.

Magistrate, Colorado County, Texas

STATE OF TEXAS

COUNTY OF COLORADO

AFFIDAVIT OF PERSON WHO WITHDREW BLOOD

Before me, the undersigned authority, personally appeared _____
who being duly sworn, deposed as follows:

“My name is _____, I am over the age of 18 years and capable
of making this affidavit, I am employed by _____ as a

- Physician
- Qualified technician
- Registered professional nurse
- Licensed vocational nurse
- Other: _____

On the ____ day of _____, 20____, at _____ P.M./A.M., I
withdrew a blood specimen from the following person: _____.

The blood specimen was taken using reliable procedures as recognized by the scientific community in
the State of Texas and in a sanitary place.

Signature of person drawing blood

Printed Name

SWORN TO AND SUBSCRIBED before me on the ____ day of _____, 20____.

- Peace Officer, State of Texas
- Notary Public, State of Texas

Printed Name of Peace Officer or Notary

STATE OF TEXAS

COUNTY OF COLORADO

RETURN AND INVENTORY

The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath certifies that the foregoing Warrant came to hand on the day it was issued and that it was executed on the _____ day of _____, 20____, by making the search directed therein and seizing during such search the following described property:

A specimen of the suspect's blood.

Affiant

SUBSCRIBED AND SWORN to before me, the undersigned authority on this _____ day of _____, 20____.

- Peace Officer, State of Texas
- Magistrate, Colorado County, Texas

BLOOD WITHDRAWAL PROCEDURE FORM

SUSPECT NAME _____ **DATE:** _____

OFFENSE/CASE NUMBER: _____ **AGENCY:** _____

- Officer had Probable Cause to arrest and/or placed suspect under arrest.
- Officer read I.C. § 18-8002 Form to suspect and did provide suspect with written copy.
- Suspect did:
 - Consent to give blood sample
 - Refuse to give blood sample
 - Unconscious or incapable of refusal
- Officer did remove vial from blood collection kit.
- Expiration date on blood kit/vial is _____.
- Officer did fill out label that came with kit completely except for the time blood was drawn.
- Vial was closed when handed to the nurse.
- Preservative/Anti-coagulant powder was seen in vial.
- Nurse/technician did the following in withdrawing blood from the subject:
 - Used Betadine (or other: _____) solution to disinfect injection site.
 - Officer should save swab packaging.
 - Rotated vial as directions indicated 5 times so as to mix blood with preservative anti-coagulant.
- Vial (top never having been opened) was then delivered to the officer and officer finished completing label by adding time blood was drawn and officer and nurse/technician initialed label, which was used to seal vial top closed.

TIME OF BLOOD DRAW: _____

Signed by:

Arresting Officer

Nurse/Medical Technician

BLOOD TEST (DUI)

OFFICER

1. Will you please state your name?
2. What is your profession?
3. Who is your employer?
4. What are your current duties?
5. Are you a certified peace officer?
6. How long have you been a certified peace officer?
7. Did _____ (defendant) voluntarily agree to give a sample of his blood upon your request? [*Depending upon the circumstances of the request and agreement, this may require additional questions*]
8. Who collected the sample for the defendant?
9. Did they then give it to you?
10. Do you recognize State's Exhibit # _____ (vial)?
11. What is it?
12. How do you recognize it?
13. Where did you take it?
14. Where did you leave it?
15. Did you place any identifying marks on it?
16. Has it been tampered with in any manner?

Extractor of Blood

1. Will you state your name, please?
2. What is your profession?
3. Who is your employer?
4. How long have you worked there?
5. What are your duties?
6. What is your education and experience?
7. Do you have any licenses or certifications? [Must comply with I.C. 18-8003]
8. Were you working on _____ (date of extraction)?
9. Were you asked to take a blood sample from _____ (defendant)?
10. How did you take it?
11. Was it a sanitary place?
12. What time did you take it?
13. Do you recognize this vial?
14. How do you recognize it?
15. Who did you give it to?
16. Has it been tampered with in any manner?

Chemist – Alcohol:

1. Will you please state your name?
2. What is your profession?

3. How long have you been so employed?
4. What are your duties?
5. What is your educational background?
6. What specific training have you received in the area of chemistry?
7. Have you taught any courses in this area?
8. Where have you taught these courses?
9. Have you written any articles in this area?
10. Were your articles published? Where?
11. Do you belong to any professional organizations?
12. Have you testified as an expert witness in the area of chemistry before?
13. Has that been on few or many occasions?
14. Does that include expert testimony in the courts of this county? State?
15. Let me show you State's Exhibit # _____ (vial of blood).
16. How can you identify this vial?
17. What condition was it in when you received it?
18. Did you analyze the contents of the vial to determine its alcohol content?
19. Was the laboratory where the testing was conducted accredited by the Idaho State Police at the time of the testing? [**NOTE: Find exact Idaho Code to bring this question into compliance with statute**]
20. What scientific process did you use to make that determination?
21. Was the instrument that you used working properly?
22. Did you follow the protocol for testing the blood using the instrument?
23. What were the results?
24. In the course of your training, have you also learned about the physical effects of alcohol upon the human body?
25. What training and education have you received on this subject?
26. Have you done any additional research in this area?
27. How quickly does the human body absorb alcohol?
28. Is there an average absorption rate?
29. What is it?
30. What facts do you need to determine the alcohol concentration of a human approximately _____ (difference in time from when defendant had collision to when he took blood test)?
31. Assuming that a defendant's alcohol concentration is declining at the time of a blood test, and assuming _____ (insert facts need to make calculation), what would be the defendant's blood alcohol concentration have been at the time of the crash?
32. Based upon your experience and training, and the results of this blood test, do you have an opinion as to whether _____ (defendant) was intoxicated at the time of the crash?
33. What is your opinion?

CHEMIST – DRUGS

1. Will you please state your name?
2. What is your profession?

3. How long have you been so employed?
4. What are your duties?
5. What is your educational background?
6. What specific training have you received in the area of chemistry?
7. Have you taught any courses in this area?
8. Where have you taught these courses?
9. Have you written any articles in this area?
10. Were your articles published? Where?
11. Do you belong to any professional organizations?
12. Have you testified as an expert witness in the area of chemistry before?
13. Has that been on few or many occasions?
14. Does that include expert testimony in the courts of this county? State?
15. Let me show you State's Exhibit # _____ (vial of blood).
16. How can you identify this vial?
17. What condition was it in when you received it?
18. Did you analyze the contents of the vial to determine its alcohol content?
19. Was the laboratory where the testing was conducted accredited by the Idaho State Police at the time of the testing? [**NOTE: Find exact Idaho Code to bring this question into compliance with statute**]
20. What scientific process did you use to make that determination?
21. Was the instrument that you used working properly?
22. Did you follow the protocol for testing the blood using the instrument?
23. What were the results?
24. Were you able to quantify the level of the drug in the blood?
25. In the course of your training, have you also learned about the physical effects of a controlled substance upon the human body?
26. What training and education have you received on this subject?
27. Have you done any additional research in this area?
28. How quickly does the human body absorb that drug?
29. Is there an average half-life for the presence of that drug in the human body?
30. What is it?
31. What would the concentration of that drug have been at the time of the crash?
32. Is that a low, medium, or high level of that drug in the human body?
33. Based upon your experience and training, and the results of this blood test, do you have an opinion as to whether _____ (defendant) would have lost the normal use of his physical or mental faculties at the time of the crash?
34. What is your opinion?