

# DUI & Physical Control - Arrests and Bookings

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## **Policy Statement**

It is the policy of the Whatcom County Sheriff's Office to protect the public from the dangers posed by persons who drive vehicles while under the influence of alcohol or drugs. As such, deputy sheriffs are required to arrest all persons who have committed crimes involving the use of alcohol or drugs while driving and corrections deputies are required to hold offenders in jail, in accordance with the contents of this order.

## **Persons Affected**

All commissioned personnel.

## **Definitions**

**Prior offense** - means a conviction or deferred prosecution within the previous ten years of any of the following:

- DUI/Physical Control
- Vehicular Homicide with alcohol or drugs
- Vehicular Assault with alcohol or drugs
- Any of the above charges reduced to:
  - Negligent Driving 1st
  - Reckless Driving
  - Reckless Endangerment
- Out of state violations comparable to the above listed crimes

## **Mandatory Arrest and Booking Policy**

Deputy sheriffs shall arrest and book into jail or juvenile detention any offender whom they have probable cause to believe has committed a violation of any of the following:

- [RCW 46.61.502](#) (Driving under the influence)
- [RCW 46.61.503](#) (Driver under twenty-one consuming alcohol or marijuana)
- [RCW 46.61.504](#) (Physical control of vehicle under the influence)

## **Vehicle Impounds**

Deputy sheriffs will impound vehicles operated by drivers they arrest for the offenses described above in accordance with RCW [46.55](#) (see also the [Mandatory Vehicle Impounds](#) training bulletin).

## **Offense Level Determination**

Upon making arrests covered by this order, deputy sheriffs will check the following in order to determine if the offender has been convicted of four or more [prior offenses](#) within the past ten years and therefore should be booked for a felony:

- The suspect's ten-year driver's abstract via the Department of Licensing (DOL), and
- The suspect's criminal history via WACIC/NCIC.

## **Offender Releases**

### **Personal Recognizance (PR) Releases**

Corrections deputies shall not PR *any* DUI/physical control offender unless authorized to do so by a judicial officer (e.g., judge or commissioner).

### **First-Time Offenders**

Corrections deputies may only release on bail before a first court appearance *first-time offenders who live in Whatcom County*. All other offenders shall be held until their first court appearance.

### **Repeat Offenders**

Corrections deputies shall hold in jail until the first court appearance any suspect who has a [prior offense](#). Such persons may obtain bail but shall only be released following their first court appearance.