5-08/010.10 - Defendant Refuses All Tests

When a drunk driving suspect refuses to submit to any blood-alcohol test, he shall be advised of section 13353 CVC, Chemical Test Admonition, (DMV Form DL 367). The deputy shall then complete the DL 367 in duplicate, with the original being mailed to the Department of Motor Vehicles and a copy attached to the original report.

When a suspect arrested for 647(f) PC (Disorderly Conduct - Drunk/Alcohol), against whom the Department intends to pursue prosecution, refuses to submit to a breath test to determine blood-alcohol level, the handling deputy shall document the fact of refusal in the first report.