# Impaired Driving

Vehicle Stop

1. Take note of the current time

2. Collect as much driving evidence as possible.

3. Reason for vehicle stop. Speeding, too slow, crossing center line, crossing shoulder, swerving, erratic driving, driving complaint received, unregistered, etc.

4. Road and weather conditions

5. Traffic conditions: a lot of vehicles on the road, pedestrians, etc.

6. How long did vehicle take to stop after emergency equipment activated?

7. How did the vehicle stop? Abruptly, too far on shoulder, too far onto highway, etc.

8. Query plate advise communications center of location

Vehicle and Driver approach

1. Check how many occupants in the vehicle again

2. Consider calling for assistance when outnumbered

3. What are the occupants/driver doing upon approach. Changing seats, lighting cigarettes, etc.

4. Use senses as you approach: Smell of liquor/ drugs, sounds of occupants/bottles, etc.

5. Notice any open liquor or other physical evidence in back or front seat

6. Observe driver's actions as you approach. Window already rolled down, smoking, nervous, etc.

7. Note damage to vehicle if any shown

8. Driver observations: Red/pink eyes, slurred and labored speech, fumbling documents, confused, slow motor skills, tired looking, droopy eyelids, etc.

9. Does driver have horizontal gaze nostalgia

10. Did driver provide you with the right documents DL, Registration, insurance or giving you something unrelated

11. Did driver admit to drinking at all?

12. Isolate driver from passengers if officer is unsure if the smell of alcohol is from driver or from passengers.

13. If further investigation required proceed to arrest of driver section. If not release driver

Arrest of Driver

1. If reasonable suspicion has been formed advise driver they are being detained for purpose of ASD test. Read driver ASD demand. Notes: Driver detained for ASD not entitled to rights. If driver is detained 15 minutes or longer, they are entitled to their rights.

2. If driver does not provide proper samples, arrest on refusal of roadside.

3. Wait 15 minutes from time of loot drink to administer roadside screen device test: Note results of Breathalyzer test and show the driver, 10 minutes for cigarettes, 5 minutes for eating

4. Test Results: Test Fail: Proceed to arrest for impaired operation of a motor vehicle, advise of rights and caution. Test Pass: Proceed with procedure for pass. Warning (Level at .05 or lower) Provide driver seven-day suspension, take license from driver, Impound vehicle. Serve vehicle impound notice (This is depending on prior convictions)

5. If reasonable grounds to believe driver is impaired exist, arrest/detain for Breathalyzer testing.

6. If driver has the inability to provide a Breathalyzer test, read Blood demand

7. Have driver exit vehicle and walk to the police vehicle

8. How was driver when walking? Unsteady on feet, needed assistance, slow and labored

9. Note what driver is wearing. Loose clothes, tied or untied boots or shoes, jacket, anything that could be used as defense as to why he was walking the way he was

10. Search and Handcuffed driver and place into back seat of police vehicle

11. Can you detect smell of liquor/drugs on breath while in the back seat of Police vehicle?

12. Read Charter, Breath demand and Caution: Read blood demand if no sample provided (due to inability of administering a Breathalyzer test)

13. Make detailed notes of responses

14. Search vehicle incidental to arrest seize any physical evidence, liquor bottles, drugs, etc.

15. Advise communications operator that you have one in custody and are returning to the office for breath tests.

16. Have breath tech attend office or Drug Recognition Expert if applicable.

17. Have vehicle towed by another police officer if possible. If not have it towed yourself but make note of time.

18. While en-route what was the suspects demeanor and behavior. Upset, placid, fell asleep, etc.

Arrival at detachment/station

1. If suspect wanted to speak to a lawyer, immediately bring phone to room upon arrival at detachment/station

2. Note whether or not suspect needed help calling lawyer

3. Note lawyer called and time call was received

4. Note time call to lawyer ended

5. Confirm suspect was satisfied with his call to his lawyer and if there is a need to call another.

6. Proceed to Breathalyzer room

7. Do not allow suspect to drink anything prior to testing being conducted

Administering of breath tests

1. Begin observation period if required prior to testing

2. Administer first breath test. Make note of how cooperative suspect was with providing breath sample

3. Note if suspect followed all instructions given to him prior to testing

4. If suspect did not provide sufficient breath samples make note of why. Claims he has medical conditions, refused to provide samples, error on instrument, etc.

5. Seize and exhibit mouth piece if suitable sample not provided

6. If subject unwilling to provide samples, charge with fail to provide

7. If claims can't due to medical issues, call EMS to have checked over or bring to hospital to have doctor check subject out

ADDITIONAL QUESTIONS

1. If doctor confirms medical issues, obtain blood samples

2. If doctor confirms subject is able to provide breath samples. Give opportunity to provide samples again, if refuses again, charge accordingly

8. If initial test successful, wait 20 minutes and have second test provided

9. Talk with subject while waiting. Making note of any evidence he provides

10. Fill out any relevant forms while waiting. Impaired Driving checklists etc.

11. Second test provided, if within 20mg% conclude testing and charge if charges are available

12. If difference in tests is above 20mg% conduct a third test

13. Again if charges are available, charge accordingly

Processing subject

1. Attempt to obtain cautioned statement from subject

2. Fingerprint and photograph subject

3. Query subject on CPIC and other computer applications to determine whether or not subject should be released or remanded

4. Determine if subject should be released to a sober person or stay in custody due to high levels of intoxication. If levels are high enough, consider bringing subject to hospital to be checked out.

5. Complete and serve all required release documents

6. If driver is found to have prior convictions, provide a 'Seek Grader punishment form'

7. Verify and provide 'Certificate of Qualified Breath Test’ to accused (Ensure that certificate is verified)

8. Promise to appear, undertaking, driving prohibition, driving suspension, etc.

9. Have subject picked up or dropped off to responsible sober person

Follow up

1. Process all physical evidence into exhibit lockers. Seized liquor or drugs

2. Contact complainant if required and obtain statement to obtain driving evidence and/or evidence to support subject's intoxication level

3. Attempt to obtain statements from any potential witnesses. Bartender, family members, waitresses, etc. if brought to light during investigation

4. Attempt interview of subject when sober

5. If tests conducted outside 2-hour time frame, obtain services of breath test expert

6. Document file in a timely fashion and according to policy

Disclosure

1. Complete court disclosure forms if required

2. Provide copies of officer(s) notes

3. certificate of analysis

4. Evidence tickets from breath instrument

5. Release documents: Promise to appear, summons, undertaking, etc.

6. Provincial documents: Notice of driving prohibition, temporary suspension, vehicle tow form, etc.

7. Photographs

8. Photocopy of driver's license

9. Occurrence reports

10. Criminal record

11. Provincial driving record