

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 357-T

REFERENCE STANDARDS: 61.1.5a 61.1.10 61.1.11

SUBJECT: Driving Under the Influence (DUI) Countermeasures

POLICY: The Hanover Park Police Department fully supports a comprehensive, cooperative DUI Countermeasures Program and has established DUI enforcement as one of its highest priorities. Officers are expected to be alert for signs of alcohol and/or drug impairment in contacts with motorists, and upon determining that probable cause to arrest is present, Officers will affect a physical arrest of the offender. (61.1.5a)

PURPOSE: The Hanover Park Police Department is dedicated to decreasing the incidence of traffic accidents and the attendant injuries and death caused by the intoxicated motorist. To provide such measures it is necessary to implement an effective DUI Countermeasure Program. (61.1.10)

I. TRAINING

- A. Department personnel conducting evidentiary chemical tests for intoxication will be provided operator-training programs and appropriate in service training, as required.
- B. Department personnel conducting evidentiary chemical tests shall be certified by the State of Illinois.

II. D.U.I. DETECTION AND PRE-ARREST SCREENING (61.1.11)

- A. Detection is the first step in any DUI enforcement action.
- B. The Officer's observations in the detection stage are crucial in establishing probable cause for an arrest decision. The following considerations enter into this decision:
 - 1. Specific driving behaviors having a high probability that alcohol and/or drugs may impair the driver.
 - 2. Specific motorist behavior occurring during vehicle stops that bolster the reasonable belief that the driver may be impaired.

III. GUIDELINES FOR STOPPING THE SUSPECTED DUI MOTORIST

- A. Exercise due care and caution in stopping impaired drivers.
 - 1. Be alert for unusual or inappropriate reactions from the driver.
 - 2. Notify DuComm Communications of location, vehicle description, and reason for the stop.
 - 3. Summon assistance if necessary.
- B. Once the vehicle has stopped and the driver is believed to be impaired, do not allow the driver to move the vehicle. After the driver has exited the vehicle, the vehicle is not to be re-entered by the driver.

IV. GUIDELINES FOR ESTABLISHING CAUSE FOR ARREST

- A. Approach the vehicle with caution but with minimal delay.
- B. Obtain driver's license and other appropriate documents.
- C. Interview the driver.
- D. If vehicle was not observed in motion, determine if probable cause exists to charge driver with physical control.
- E. Note any observations leading to the suspicion that the driver may be impaired. If probable cause exists to support suspicion, request the driver to exit the vehicle for further investigation.
 - 1. Request the subject to exit the vehicle and move to a safe location to conduct field sobriety tests.
 - a. Use the parkway or adjacent sidewalk to conduct field tests.
 - b. Officers should not conduct interviews or field sobriety tests in the space between the patrol vehicle and the subject's vehicle unless absolutely necessary.
 - 2. Select and administer appropriate field sobriety tests to assess impairment.
- F. Interview passengers

V. ARREST AND PROCESSING GUIDELINES

- A. If the elements of the DUI violation have been clearly established, Officers are expected to arrest the subject and notify the suspect that he/she is being arrested for DUI.
- B. Search and handcuff the subject behind their back if possible.
- C. Motorists charged with the offense of Driving Under the Influence of Alcohol, Other Drug or Drugs, Intoxicating Compound or Compounds or any combination thereof, shall have their vehicle towed and impounded for a period not more than 12-hours after the time of arrest except if:
 - 1. The vehicle was not owned by the person charged and the lawful owner requesting the vehicle release possesses a valid driver's license, proof of insurance and would not indicate a lack of liability to operate the vehicle in a safe manner; or [625 ILCS 5/4-203(e)(1)].
 - 2. The vehicle will be impounded pursuant to Village ordinance.
- D. Arrange for the transportation of any passengers.
- E. Transport the subject to Hanover Park Police Department for evidentiary testing and processing. Notify DuComm Communications of the transport ensuring that the times are recorded for later retrievable for inclusion in the arrest report.

VI. EVIDENTIARY CHEMICAL TESTING

- A. Selection of Test Method
 - 1. It is the policy of this Department to use the breath test method to collect evidence in suspected DUI cases.
 - 2. Blood and urine tests should only be used when such tests appear the most reasonable means for collecting the necessary evidence, as described in sections VI.D. and E. of this Directive.
- B. Breath Analysis
 - 1. This test will be administered by a licensed breath test operator.
 - a. The Officer administering the test should keep the suspect under continuous observation as promulgated by the governing body responsible for the issuing of the Breathalyzer Operating License. During this time the arrestee may not eat, drink, smoke, regurgitate, belch, or place anything in

their mouth. Should the arrestee have dentures or temporary bridges then these items are to be removed and the mouth rinsed with water.

- b. Prior to the test, the arresting Officer is responsible for issuing the required Uniform Traffic Citation as well as the Warning to Motorists admonishments.

C. Refusal to take Breath Test

1. The Sworn Report form should reflect a refusal and be completed by the arresting Officer if the subject refuses to submit to any chemical test.
2. Other forms required by State statute and the State's Attorney's office should be completed, served to the arrestee, and forwarded to the Records Division for processing.

D. Blood Test

1. A blood test is the most accurate way of determining alcohol induced intoxication.
 - a. It may only be administered by licensed medical personnel.
 - b. A blood test requires the arrestee to be taken to a hospital emergency room.
2. Persons involved in traffic accidents, who are injured and suspected of being under the influence, may be tested for blood alcohol level.
 - a. A supervisor must give approval prior to any blood tests being performed.
 - b. By statute, unconscious drivers have waived their rights of refusal.
 - c. If the attending physician believes acquiring the needed samples will interfere with medical services, and/or recovery, the analysis obtained by the hospital for medical treatment can be used to substantiate the charge placed.

E. Urine Tests

1. The urine test is the most accurate method for determining most forms of drug induced intoxication.
2. Urine samples are to be taken by medical personnel, authorized by statute, and who are normally assigned to a hospital emergency room.
3. The procedures described for taking blood tests also apply to requests for a urine test.

F. Chain of Evidence

1. The chain of evidence requires the arresting Officer to be present during the collection of blood and urine samples.
 - a. The Officer and the arrestee must be of the same sex.
 - b. In the event this is not so, another Department member of the same sex as the arrestee may witness the test in place of the arresting Officer.

G. Preservation of Evidence

1. Blood and/or urine samples will be given to the arresting officer by the hospital in the form of a DUI kit.
2. When an Officer has a completed DUI kit from the hospital, he/she shall fill out the Illinois State Police Evidence Receipt Forensic Toxicology form.
3. The completed receipt should be placed inside the kit and forwarded to:

Illinois State Police
Chicago Forensic Science Lab
Forensic Toxicology Section
1941 W. Roosevelt Road
Chicago, IL 60608

In order to preserve the chain of evidence, the property custodian will deliver the DUI kit to the Illinois State Police Crime Lab, and the Crime Lab will sign for receipt of all evidence.

4. Upon return of the completed lab report, the property custodian will forward the report via email to the day shift patrol lieutenant and the Records Division. The original lab report will be logged into the BEAST evidence system. The day shift patrol lieutenant will forward the copy of the lab report via email to the original arresting officer and his/her supervisor with instructions to make any necessary changes to the police report and the DUI log books. If the arrest occurred in DuPage County, the officer will make notification to the Assistant States Attorney via the DuPage County States Attorney's Lab Report Result Letter, (Appendix A). This letter will be emailed to the designated contact person in DuPage County. If the arrest occurred in Cook County, the officer will make notification to the Assistant States Attorney at the next court date.
5. The State Lab will maintain the property until the case is concluded. If the property is needed in court, the Officer should notify the Property Custodian immediately in writing.

VII. COMPLETE ARREST REPORT AND REQUIRED FORMS

- A. Departmental forms must be completed as required, thoroughly documenting all evidence gathered during the investigation and indicating the results of all field sobriety and/or chemical tests administered.
- B. Complete form for requesting a certified drivers abstract and forward that form to clerical personnel on-duty for processing.
- C. In cases where the summary suspension sworn report was not served to the suspect at the time of the initial incident due to pending lab test results, the following procedure will be followed to insure proper processing of the required forms:
 - 1. Upon receipt of the lab result, the assigned follow-up officer, (usually the original arresting officer), will prepare any additional charges based upon the lab test results and complete the summary suspension sworn report.
 - 2. The follow-up officer will then arrange to have the completed sworn report served to the person named on the report by U.S mail, in person at a mutually decided location, (usually the Police Headquarters building), or in person in open court.
 - 3. The follow-up officer will then insure that copies of the sworn report are distributed to the appropriate States Attorney's Office, the appropriate Circuit Clerk's Office, and the Secretary of State's Office.
 - 4. The follow-up officer will also make the appropriate entry in the D.U.I. logbook.
 - 5. The day shift Patrol Lieutenant will be responsible for ensuring that this entire process is completed properly.

VIII. RELEASE GUIDELINES

- A. General Department policy supports release to a third party whenever possible.
- B. Other Considerations Include:
 - 1. Statutory requirements as defined in the Illinois Compiled Statutes.
 - 2. Level of intoxication of the arrestee.

IX. SATURATION PATROLS

- A. During peak DUI problem times (holiday periods, etc.), additional personnel may be assigned to concentrate on DUI enforcement. Personnel assigned may be supplied by the sworn officers from various sections of the department.
- B. On a random basis, saturation patrols shall be conducted within the Village of Hanover Park.