

	<h1>ELGIN POLICE DEPARTMENT</h1> <p>151 Douglas Avenue Elgin, Illinois 60120</p>	
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Chief of Police: 	Traffic Enforcement, 61.1	
Cross Reference: SOP 41.5 Motor Vehicle Pursuits SOP 44.2, Juvenile Operations SOP 61.4, Traffic Ancillary Services SOP 61.6, Roadside Safety Checks SOP 71.2, Restraining Devices 50 ILCS 705-10.17-5 – “Conor’s Law” 625 ILCS 5/4-203(e) 625 ILCS 5/6-306.4 625 ILCS 5/11-204 625 ILCS 5/11-501 625 ILCS 5/11-501(a) 725 ILCS 5/107-7(a-c) City of Elgin Municipal Code 20 Illinois Administrative Code		Policy Sections: 61.1.1 Selective Traffic Enforcement 61.1.2 Uniform Traffic Enforcement Procedures 61.1.3 Special Traffic Violation Processing 61.1.4 Court Appearance 61.1.5 Enforcement of Violations 61.1.6 Traffic Patrol 61.1.7 Motorist Stop Procedures 61.1.8 Officer Conduct with Traffic Violators 61.1.9 Speed Measuring Devices 61.1.10 DUI Enforcement 61.1.11 DUI Arrestee Handling 61.1.12 Referral of Drivers for Re-examination 61.1.13 Parking Enforcement

PURPOSE

The purpose of this policy is to establish guidelines for the enforcement of traffic related laws.

POLICY STATEMENT

It is the policy of the Elgin Police Department to enforce all traffic laws and ordinances to promote traffic safety and reduce motor vehicle traffic crashes. All officers are responsible for the traffic law enforcement function and shall focus their efforts primarily on the contributing causes of injury crashes to include, but not limited to speed violations, DUI enforcement, distracted driving enforcement, and occupant protection enforcement.

DEFINITIONS

Area Patrol: Moving patrol within a defined area.

Breath Alcohol Concentration: Grams of alcohol per 210 liters of breath; also referred to as BrAC.

Breath Analysis Operator: An individual licensed by the Illinois State Police to operate approved evidentiary instruments and to create subject test records; also referred to as BAO.

Data Driven Approach to Crime and Traffic Safety (DDACT): Consists of the top ten zones with a high propensity for traffic crashes and fluctuating zones based on high crime data. The compilation of location based crime and traffic data are used to identify the zones. The identified zones are the primary components for selective traffic enforcement.

DAX Evidence Recorder: An evidence tool used to capture high definition video and photographic evidence from a subject’s eyes.

Directed Patrol: Assigned patrol to a specific area based on analysis of accurate and timely information regarding traffic violations, crashes, and other related incidents.

Line Patrol: Patrol between two specific points on a given street.

Physical Arrest: Enforcement action where taking the offender into custody is warranted in order to best serve the safety of the community.

Responsible Adult: A person who is at least 21 years of age and willing to take custody of the individual

who is suspected of being under the influence of drugs, alcohol, or any other intoxicating substance.

Saturation Patrol: Directed patrol assigned to multiple units.

Selective Traffic Enforcement: The assignment of personnel to traffic enforcement activities at times and locations where crime, hazardous or congested conditions exist. These assignments are usually based on such factors as traffic volume, crash/crime statistics, personal injuries or fatalities, frequency of traffic violations, service needs and community concerns.

Stationary Patrol: Visible or concealed.

Traffic Citations: Issued for traffic offenses where the officer believes that a verbal or written warning may not be effective to gain the violator's future compliance.

Ordinance Citations: Issued for violations as prescribed in the municipal code of the city of Elgin.

Written or Verbal Warnings: Issued for minor traffic offenses when the officer believes compliance in the future is likely.

PROCEDURES

61.1.1 SELECTIVE TRAFFIC ENFORCEMENT

- A. The purpose of selective traffic enforcement is to reduce incidents of crime, crashes, and traffic violations in the community.
- B. Annually, the traffic investigations sergeant publishes the top ten traffic zones to ensure that the Patrol Division is apprised of areas that have the propensity for traffic crashes.
- C. The department also publishes crime based zones; these zones may fluctuate based on the most recent crime data.
- D. Enforcement at the identified zones shall be a department-wide priority. Selective traffic enforcement techniques are authorized and coordinated through supervisors or his/her designee.
- E. Implementation of selective traffic enforcement techniques include, but are not limited to:
 - 1. Directed Patrol
 - 2. Saturation Patrol
 - 3. Stationary Speed Trailer, including speed signs
 - 4. Stationary Patrol

61.1.2 UNIFORM TRAFFIC ENFORCEMENT PROCEDURES

- A. All officers share the responsibility for traffic enforcement. All enforcement actions shall be accomplished in a fair, firm, impartial, and courteous manner. Department policies shall not be written or enforced in a manner to supplant an officer's discretion based on their training, experience and professional judgment.
- B. All officers shall take proper enforcement action for each traffic stop based upon violation of the Illinois Vehicle Code or similar municipal code. These enforcement actions include:
 - 1. Physical Arrest
 - 2. Traffic/Notice to Appear Citations/Ordinance Violations

3. Written or Verbal Warnings

61.1.3 SPECIAL TRAFFIC VIOLATION PROCESSING

A. Non-Residents

Reciprocal provisions are applicable to residents of states that are members of the non-resident violator compact. Residents of a non-compact state will be allowed to post bond as set forth in the Supreme Court practice rules. Residents of a non-compact state unable to post bond can be brought before a judge if all other bonding options have been exhausted 625 ILCS 5/6-800.

B. Juvenile Violators

Shall be processed in accordance with Standard Operating Procedure 44.2 Juvenile Operations.

C. United States Congressional Immunity

Senators and representatives shall in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and from the same. Additionally, members of Congress may not be detained for the issuance of a citation while in transit to or from the Congress of the United States 725 ILCS 5/107-7(b).

D. Electors

In all cases except treason, felony or breach of the peace shall be privileged from arrest during their attendance at election, and in going to and returning from the same 725 ILCS 5/107-7(a).

E. Military Personnel

Privileged from arrest during their attendance at musters and elections and in going to and returning from same, except for treason, felony or breach of peace arrests 725 ILCS 5/107-7(c).

F. Court Officers

Judges, attorneys, clerks, sheriffs, and other court officers shall be privileged from arrest while attending court and while going to and returning the same 725 ILCS 5/107-7(d).

G. Diplomatic Immunity

1. The federal law governing immunity is 22 USC 254, otherwise known as the Diplomatic Relations Act of 1978. This act was to bring the United States into compliance with the provisions of the Vienna Convention of 1961. Immunity in itself does not mean pardon, total exoneration or total release from the responsibility to obey the law. Immunity is a barrier which precludes U.S. courts from exercising jurisdiction over the case involving diplomatic personnel.
2. Diplomatic officers and members of their immediate family receive full immunity.
3. Diplomatic staff has the same privileges except for civil liability.
4. Consular officials have limited immunity for criminal matters while engaged in official business. Members of their immediate family do not have immunity.
 - a. Consular employees receive limited immunity when on official business.
 - b. Consular service staff receive no immunity.
 - c. Most of the diplomatic post personnel receive immunity from the obligation to

provide evidence as a witness regarding matters of official business.

5. Traffic enforcement by stopping a diplomatic or consular officer and issuing a traffic citation does not constitute an arrest and is permissible, although signature on the citation by such individual may not be required. Officers should never hesitate to follow normal procedures when a violation is observed, even if immunity bars any further action at the scene. Persons committing violations of traffic laws should be contacted/stopped.
 - a. If a diplomatic officer is stopped, while under the influence of alcohol or drugs, the officer has several options.
 1. Take the person to the police station to regain sobriety.
 2. Have them use a phone to contact a friend.
 3. Call a taxi or take the person to his/her residence.
 - b. Unless the consular officer is considered a serious danger to themselves or others, they should not be physically restrained. Sobriety tests may be offered, but shall not be compelled.
 - c. The officer should impress upon the consular officer that it is the department's primary responsibility to care for their safety and the safety of others as well.
 - d. Any incident involving consular officers should be fully documented and forwarded to the chief of police, through the chain of command. The chief of police, in all cases, shall forward a copy of the incident to the State Department. The State Department shall be responsible for the continuance or suspension of the driving privileges of the individual.
 - e. The burden is upon the diplomat to claim immunity by presenting valid credentials. Status of the diplomat should be verified through the United States Department of State.

61.1.4 COURT APPEARANCE

At the time the violator is stopped and cited for a violation, the officer shall provide the violator with the specific charges, court information and if appearance is required, manner in which the citation can be satisfied, and court diversion options, if applicable

61.1.5 ENFORCEMENT OF VIOLATIONS

- A. Uniform enforcement of all violations in the Illinois Vehicle Code and Elgin ordinances are expected by all officers. In all enforcement actions the officer has the discretion to use any or all of the applicable enforcement options as outlined in section 61.1.2 of this policy. Special enforcement procedures for DUI enforcement are outlined in section 61.1.11.
- B. Speed violations should be based on factors such as traffic volume, weather conditions, and location. Officers should exercise discretion in determining whether to issue a warning or a citation.
- C. Enforcement of other violations of the Illinois Vehicle Code including driving while suspended or revoked, and other hazardous moving violations.
- D. Enforcement of non-hazardous and equipment violations, commercial and common carrier violations shall be enforced by officers based on training and experience.
- E. Multiple violations may be issued as necessary, and the Illinois Supreme Court rules governing bonding procedures for multiple citations shall be followed.

- F. Crash citation(s) should be issued to the at fault driver, when appropriate.
- G. As newly enacted laws are received, they are to be distributed by the Training Division.
- H. Pedestrian and bicycle enforcement shall be based on officer discretion.
- I. Off-road vehicle enforcement shall be based on officer discretion. Officers shall cause the removal of the vehicle in these cases, unless the violator has the means to transport the vehicle legally from the location.

61.1.6 TRAFFIC PATROL

- A. Marked/semi-marked squads are used for daily patrol operations, to include traffic enforcement. Unmarked squads may be used to accomplish a specific purpose. When an unmarked squad is utilized, officers must realize that the motorist may not recognize them as a police officer, especially if they are not in uniform. Refer to Standard Operating Procedure 41.5 Motor Vehicle Pursuits and the Illinois Vehicle Code (625 ILCS 5/11-204) regarding fleeing and eluding situations and enforcement limitations where unmarked vehicles are utilized.
- B. In situations or areas where stationary observation, either visible or concealed, is necessary to maximize the effectiveness of a selective enforcement effort, officers shall park in a location in such a manner that traffic flow is not impeded.
- C. Traffic patrol techniques include area, directed, line, saturation, and stationary patrol.
- D. The traffic investigations lieutenant or designee shall be responsible for planning, coordinating, and approving roadside safety checks. Refer to Standard Operating Procedure 61.6 Roadside Safety Checks for further details.

61.1.7 MOTORIST STOP PROCEDURES

- A. Traffic Law Violators/Unknown Risk Stops

Since no two traffic stops are exactly alike, there are inherent unknown risks associated with all stops. The following guidelines are recommended to provide for officer safety when stopping traffic law violators. When safe, the officer shall advise Communications, by radio, of all traffic stops. The officer shall provide the location of the stop, the license plate number and when necessary, other identifiers of the vehicle and occupants.

1. The traffic stop is controlled by the actions of the officer and should be conducted in a manner that provides the highest amount of safety and security.
2. When approaching the vehicle, the following procedures should apply:
 - a. Officers should be aware of their surroundings, and make sure that they exit out of their vehicles in a safe manner. (i.e. being mindful of surface and traffic conditions.)
 - b. Officers should be cautious, watching for sudden or suspicious movement.
 - c. Officers initiating contact with the occupants of the vehicle should be positioned in a safe location.
 - d. When safe to do so, officers should survey the interior of the vehicle.

B. High Risk Traffic Stops

All traffic stops have the potential for unknown risk, and can become hazardous and dangerous. Under certain circumstances, officers will have the opportunity to evaluate traffic stop risk factors prior to attempting the stop. High risk traffic stops include, but are not limited to forcible felonies, crimes involving the use of weapons, stolen vehicles and the officer's articulable facts based upon the totality of the circumstances. The following are guidelines for effecting high risk traffic stops:

1. Officers shall notify Communications of the intent to effect a high risk traffic stop. Make radio contact with backup units and communicate the following: location and direction of travel, description of suspect vehicle, including vehicle registration, description of suspects, and high-risk factors.
2. When a backup unit is in position to provide cover, communicate to the backup unit and Communications of the intended location for the high-risk stop. Every effort should be made to choose a location that provides ample space and sufficient lighting needed to conduct a high-risk stop.
3. As the suspect vehicle stops, exercise care in positioning your police vehicle for maximum tactical advantage and safety. The primary unit should be positioned at a safe distance and position in relation to the suspect vehicle. It is recommended that backup units be positioned in a safe manner as circumstances allow.
4. Spotlight and high beam headlights should be used to illuminate the suspect vehicle and protect the officers.
5. Once primary and backup officers are in position, suspects should be controlled through the use of verbal commands. Easily understood voice commands are very important and when feasible only one officer at a time should give verbal commands.
6. The officer shall announce their office. When appropriate, officers shall order all vehicle occupants to put their hands in a safe visible position and to remain still until ordered otherwise.
7. When all visible occupants have safely exited the vehicle, the vehicle shall be cleared. Officers should exercise great care in inspecting the suspect vehicle.

61.1.8 OFFICER CONDUCT WITH TRAFFIC VIOLATORS

- A. The officer should greet the violator in a professional manner, explain the reason for the stop and request the violator's driver's license and any other required documents applicable to the stop.
- B. A complete explanation of what action is being taken shall be given. If a citation is issued and/or a court appearance is necessary, the specific details shall be given. Any payment by mail options shall also be clearly explained, as well as bond options and non-resident violator compact information.
- C. Cash bond shall only be accepted at the Elgin Police Department.
- D. Upon completion of the traffic stop, the officer should assist the violator in safely re-entering the traffic flow.
- E. Communications shall be notified of the disposition of the traffic stop.

61.1.9 SPEED MEASURING DEVICES

- A. Radar and laser equipment shall be used at the discretion of the officer with emphasis in areas where crashes occur and speed is a factor, where speed violations are prevalent, and in school and construction zones. Radar and laser equipment should also be used in response to citizen

complaints. When conducting traffic volume and speed studies, the speed signs/trailers should be utilized and the data analyzed.

- B. Department radar and laser equipment shall be manufactured to meet the specifications of the National Highway Traffic Safety Administration. Officers operating such equipment shall:
 - 1. Inspect the unit for visible damage and proper internal functioning.
 - 2. Officers using radar or laser equipment shall be responsible for reporting any damage or malfunctions to the traffic investigations sergeant.
 - 3. All speed detection devices shall be inspected and calibrated every three years. The traffic investigations sergeant shall ensure inspections and all records of certification and repairs are maintained.
 - 4. The department will provide training, as necessary, for all department personnel who operate speed detection devices.
- C. The department utilizes speed signs/trailers to assist in neighborhood speed monitoring. This assists both the department and citizens in understanding the traffic flow in a given area. The Traffic Division monitors the placement of the speed signs/trailers and facilitates the request to have them placed in a specific location.

61.1.10 DUI ENFORCEMENT

- A. Designated officers are trained and equipped to apprehend and process alcohol and/or drug-impaired operators.
- B. When an officer observes or otherwise receives information of a suspected impaired driver, the officer shall take appropriate actions in the investigation of the situation.
- C. Officers shall make every effort to promote public awareness in the area of impaired driving.
- D. Officers may be assigned to special details or task forces for enhanced enforcement programs as directed by the traffic investigations lieutenant.

61.1.11 DUI ARRESTEE HANDLING

- A. Officers must be aware of the following basic elements involved in DUI arrests:
 - 1. Physical control of a vehicle by a subject that is alcohol and/or drug impaired.
 - 2. Probable cause by the officer to believe the operator is alcohol and/or drug impaired.
- B. The following guidelines will be followed when the officer has a reasonable belief that the operator is under the influence of alcohol, drugs or other intoxicants:
 - 1. Instruct the operator to turn off the ignition and remove the keys from the ignition.
 - 2. Instruct the operator to exit the vehicle.
 - 3. Request the operator to perform a series of standardized field sobriety tests, which may include, but are not limited to:
 - a. Horizontal Gaze Nystagmus (HGN)
 - b. Walk and Turn

- c. One Leg Stand
- d. Preliminary Breath Test (PBT)

If not trained in standardized field sobriety tests or the operator is physically unable to perform those tests optional tests include, but are not limited to:

- e. Finger to Nose
- f. Finger Count
- g. The DAX Evidence Recorder is used to record and document the violator's response and eye movements. Officers who have received training are authorized to use this device. Recordings shall be downloaded to the police department's digital evidence storage.

4. Tests may be terminated at any time if the officer believes that the operator is:

- a. Not under the influence
- b. Under the influence and incapable of safely completing the tests

C. It is the officer's discretion as to what action shall be taken based on all information available. If the operator is arrested for driving under the influence of intoxicants, the officer shall clearly articulate the probable cause for the arrest based upon observations made. These observations should also take into account other factors, such as observations prior to the traffic stop, evidence of alcohol and/or drug use, statements of witness, etc. If an arrest is made, the officer shall advise the operator of the charge, (625 ILCS 5/11-501a), at the time of custody.

D. Custody and transportation of the arrested driver shall be in compliance with Standard Operating Procedure 71.2 Restraining Devices.

E. The officer shall advise the arrestee of the disposition of the vehicle which shall be towed and impounded for 12 hours (625 ILCS 5/4-203e) and in accordance with Standard Operating Procedure 61.4 Traffic Ancillary Services.

F. Arrest Process

1. Arrest processing will be conducted in accordance with the detainee processing procedures outlined in Standard Operating Procedure 72.4 Holding Facility: Detainee Processing & Healthcare Services; this includes procedures pertaining to obtaining medical assistance and the monitoring of detainees.
2. While the subject is in their custody, officers shall monitor persons arrested who are under the influence of alcohol or drugs and arrange medical care as necessary. Refer to Section 61.1.11(H) for information protocol when a breath test shows a level of 0.30 BAC or higher and Standard Operating Procedure
3. Refer to Standard Operating Procedure 44.2 Juvenile Operations, for information pertaining to the release of a subject that is under the age of 18.
4. When a subject is:
 - a. 18 years of age, but under 21, is to be released from custody, based on the totality of the circumstances. The officer shall make a reasonable attempt to contact a responsible adult to take custody of the person under the influence of alcohol or drugs.

- b. 21 years of age or older, is to be released from custody, based on the totality of the circumstances. The officer may attempt to locate a responsible adult to take custody of the person.
- c. All attempts shall be documented in the police report and/or booking record and will include the times and names of individuals that the officer attempted to contact; this shall also include the name of the responsible adult that was willing to take custody of the subject.

G. DUI Processing

- 1. Upon arrest of a violator for DUI, upon a public roadway, the arresting officer shall read the arrestee the Warning to Motorist and provide a copy to the arrestee. However, when a violator is arrested for DUI while operating a vehicle other than a motor vehicle and/or the violation occurred on private property, the arresting officer will make a request for the violator to submit to a chemical test. The arresting officer shall not inform the violator of the Warning to Motorist.
- 2. Prior to conducting a breath test, a 20 minute observation period will follow; this will be conducted by the designated officer at the site of the test or breath analysis operator. The arrestee shall be deprived of alcohol and foreign substances and shall not have vomited. If the arrestee vomits, the observation period shall start over with an oral cavity rinse with water. Alternative testing shall be considered when the arrestee continues to vomit.
- 3. After the 20 minute observation period, the arrestee will be requested to submit to a breath test or other tests to determine his/her breath alcohol concentration. If the arrestee agrees to submit to testing for alcohol and/or drug tests, the officer will make arrangements for the appropriate tests, which are described below.

H. DUI testing shall be conducted as follows:

1. Breath tests

Breath tests shall only be conducted by breath analysis operators licensed by the Illinois State Police.

- a. If the arrestee's test result is below 0.08 BAC and there is an indication that the arrestee is under the influence of drugs or a combination of alcohol and drugs, the officer may request blood and urine samples. If the arrestee consents to the tests, he/she will be taken to a local hospital, immediate care center, or the police department if only a urine sample is needed. Refer to the below sections for more information on obtaining blood and urine samples.
- b. If the arrestee submits to the test and the results show a level of 0.08 BAC or higher, the arrestee shall be charged with a second count of DUI for violation of Illinois Vehicle Code, Illinois Compiled Statutes 625 ILCS 5/11-501(a)(1)(or equivalent city ordinance).
- c. For an arrestee with a test result of 0.08 BAC or higher, the officer shall complete the Law Enforcement Sworn Report, which includes the Notice of Summary Suspension.
- d. If the arrestee submits to the test and the results show a level of 0.30 BAC or higher, the officer shall immediately notify a supervisor and arrange for transport to the hospital.

2. Blood Collection for Determining the Presence of Alcohol or Drugs

When a breath test is impractical due to the subject's mental or physical condition or there is evidence of another intoxicant, a blood test should be requested by the arresting officer. If the arrestee is unconscious, there is an automatic consent given by virtue of the fact that he/she operated a motor vehicle on an Illinois roadway. The arresting officer shall proceed in the following manner:

- a. The arresting officer shall accompany the arrestee to the hospital or respond to the hospital as soon as practical. This practice enables the officer to testify regarding the lack of alcohol or drug consumption subsequent to the arrest and prior to the blood sample drawn for collection and test purposes.
- b. Per 625 ILCS 5/11-501.4(a), the arresting officer shall ask the emergency room personnel if they will be drawing blood in the normal course of treatment. If they will be drawing blood, the officer shall wait until those results come back to be used as additional probable cause for a DUI arrest.
- c. The arresting officer will read, aloud, the Warning to Motorist to the arrestee and request a blood draw. If the arrestee agrees to the blood draw, the arresting officer should immediately inform hospital staff members.
- d. The blood sample shall be collected, using a DUI kit, in the presence of the arresting officer or another representative appointed by the arresting officer, who is authorized to authenticate the sample.
- e. In situations where only medical staff are allowed to be present due to the arrestee's condition, the officer may appoint one of the staff to be present.
- f. Officers shall treat the sample as biohazard evidence, complete the required forms, and submit the DUI kit into evidence, following the protocols in Standard Operating Procedures 83.1 Physical Evidence Operations and 84.1 Property Evidence Control. As soon as practicable, the property evidence custodian shall deliver the blood sample to a laboratory authorized by the Illinois State Police.
- g. The testing laboratory shall maintain any remaining sample for a period of six months after testing, unless otherwise directed by the submitting agency or the appropriate prosecuting authority.
- h. The officer shall wait until the test results have been returned to fill out the Law Enforcement Sworn Report and Notice of Summary Suspension. If applicable, the officer shall then serve the arrestee with his/her copies, either in person or via the United States Postal Service.

3. Urine Collection for Determining the Presence of Alcohol or Drugs

Urine tests shall be requested in addition to the blood test if drugs are suspected, or when a breath or blood test is not possible. Pursuant to 20 Illinois Administrative Code Section 1286.330, urine is the preferred method for drug confirmation. The following procedures shall be used to obtain a urine sample from a subject to determine the presence of drugs or intoxicating compounds.

- a. Urine samples may be collected at the Holding Facility, within a jail cell or other private area, or at the hospital when in conjunction with a blood test.
- b. A sample of urine shall be collected in a manner to preserve the dignity of the individual, outside the presence of other detainees, and to ensure the integrity of the sample.

- c. The urine sample shall be collected in the presence of the arresting officer or another police department employee who can authenticate the sample. The employee shall be of the same sex as the subject undergoing the testing.
- d. A urine sample of approximately 60 ml should be collected using the designated urine collection kit, located in the lead jailer's office.
- e. The urine sample shall be collected from the subject's first emptying of the bladder in a clean, dry container. No preservatives are authorized and the containers shall be closed when the collection is completed.
- f. The urine sample container shall be treated as biohazard evidence. Officers shall follow the instructions located inside the kit and complete all requested labeled information.
- g. Officers shall complete the State Laboratory Request Form to request testing for alcohol and/or drugs. The urine test kit shall be submitted into evidence, following the protocols in Standard Operating Procedures 83.1 Physical Evidence Operations and 84.1 Property Evidence Control. As soon as practicable, the property evidence custodian shall deliver the urine test kit using certified mail or personally transport the kit to a laboratory authorized by the Illinois State Police.
- h. The testing laboratory shall maintain any remaining sample for a period of six months after testing, unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

4. Refusal of Tests

The Notice of Summary Suspension will be completed if the arrestee refuses or fails to complete any of the chemical tests.

- a. It shall be considered a refusal to submit when any of the following occurs:
 - 1. The arrestee refuses to submit within a reasonable period of time and/or does not express any desire to alter their initial decision.
 - 2. The arrestee refuses to submit to a test at the time of arrest, subsequently expresses a desire to submit, and then refuses to complete the test. In such cases, no additional consideration to alter their decision will be given.
 - 3. The arrestee refuses to submit to a blood or urine test as required.
- b. An arrestee reversing his/her refusal upon the initial request may, at the officer's discretion, be allowed to reverse their initial refusal and submit to testing. Such requests must be made within a reasonable time and comply with all other provisions of this directive.
- c. Refusals shall be logged in the breathalyzer log book.

5. Law Enforcement Sworn Report

If an arrestee submits to a test after receiving the Warning to Motorist and the test results are 0.08 BAC or above or refuses to submit to any tests after being advised of the consequences, the officer must take the following steps:

- a. Complete the Law Enforcement Sworn Report and indicate the arrestee's refusal or if the test resulted in 0.08 BAC or higher.

- b. Confiscate the Illinois driver's license or permit in possession of the arrestee at the time of arrest, if the license is valid.
- c. Issue a receipt to the arrestee that will allow the arrestee to drive until the Statutory Summary Suspension becomes effective. The license, class, endorsements and restrictions will be added to the receipt and authenticated by the officer's signature and i.d. number. If the arrestee has a valid Illinois driver's license, whether it is in the arrestee's possession or not, the officer shall issue a receipt to drive.
- d. If the arrestee does not have a valid Illinois driver's license, or has a suspended, revoked license, or is driving on a judicial driving permit, the arrestee is not entitled to the Notice of Summary Suspension Receipt to Drive. In these instances, the officer shall write VOID across the signature section of the rear of the Notice of Summary Suspension Receipt to Drive.
- e. The department will forward a copy of the Law Enforcement Sworn Report marked Secretary of State to that office via a pre-printed envelope. The Records Division will maintain a copy of the Law Enforcement Sworn Report. All other copies including the confiscated driver's license will remain with the arrest paperwork.
- f. If the arrestee submits to blood or urine testing, the officer shall complete the sworn report, except the date sections and submit the report to the Traffic Investigations Unit.
- g. If the results from blood or urine testing are received and the driver is not in custody, the Traffic Investigations Unit shall mail a certified letter to the driver at the address shown on the traffic citation, along with a copy of the results.
- h. If the arrestee submits to any tests, and the results are less than 0.08 BAC, the officer shall, if the driver is already driving on a Judicial Driving Permit, complete a notice to the issuing court of a citation being issued to a Judicial Driving Permit holder and attach it to the case report. The Judicial Driving Permit shall not be confiscated.
- j. Any arrestee wishing further testing shall be advised of the location of nearby facilities for conducting such testing and that the costs for additional testing shall be the responsibility of the arrestee.
- k. The reports to be completed for DUI arrests are listed in the booking area.

I. Zero Tolerance

Violation of the zero tolerance law is an administrative offense, not a criminal one.

- 1. Field sobriety tests should be conducted.
- 2. If there is probable cause to believe that the operator is under the influence of alcohol, as defined in Illinois Compiled Statutes 625 ILCS 5/11-501, enforcement of the regular DUI statute as specified in the preceding paragraphs is preferred to the use of the zero tolerance law.
- 3. If there is evidence of consumption of alcohol without impairment meeting the standards of a DUI:
 - a. The offender can be taken into custody and transported to the detention center.

The charge will be for illegal possession/ transportation and/or consumption of an alcoholic beverage/operation of a motor vehicle by an operator under 21 years of age with any amount of alcohol content in the blood. A report will be filed and the operator will be charged with the violation which prompted the initial stop in addition to the above cited violation.

- b. If the offender is not taken into custody or transported to the detention center, the officer shall make a reasonable attempt to contact a responsible adult to take custody of the offender. These attempts shall be documented in the police report and/or booking record. Included will be the names of the individuals officers attempted to contact, and the name of the responsible adult that was willing to take custody of the offender.
 - c. The officer will complete and serve the operator with the Zero Tolerance Sworn Report form.
 - d. If the operator cooperates, a breath test will be conducted.
 - e. At the scene, the vehicle should be handled in accordance with driving under the influence procedures.
- 4. If there is evidence of consumption of alcohol in conjunction with other criminal or delinquent offenses, the minor should be processed as would normally be done for the criminal or delinquent offense, and the breath test can simply be completed incidentally to the other processing.
 - 5. When juveniles are brought into the detention area, they should be completely separate from any adult detainees, both by sight and sound, for the period of time they are in the detention center. There should be no unnecessary delay in completing the breath test. Immediately upon completion, the juvenile is to be removed from the detention center for further processing.
 - 6. The officer is responsible for completing all necessary reports as well as all citations and/or complaints.

61.1.12 REFERRAL OF DRIVERS FOR RE-EXAMINATION

- A. Routine enforcement, crash reporting and investigation activities frequently lead to the discovery of drivers who have a physical or mental condition which might prevent the person from operating a motor vehicle in a safe and reasonable manner.
- B. Officers detecting such a person who appears to be physically or mentally disabled, or suffers from a disease or other condition that prevent the operator from exercising reasonable and ordinary care over a motor vehicle, will request a re-examination by the Illinois Secretary of State's Office, in accordance with the procedures set forth in the Illinois Compiled Statutes.
- C. When requesting a re-test, the officer shall complete The Driver's License Re-examination Form, to be reviewed by the officer's supervisor. All re-examination requests shall be routed to the Illinois Secretary of State.

1.1.13 PARKING ENFORCEMENT

- A. All existing parking regulations shall be enforced with reasonableness and impartiality in all areas of the city.
- B. Street parking is restricted as posted to ensure fair access to parking and to expedite the flow of traffic, snow plowing operations and school hours, etc.

- C. Special restrictions apply to weather emergencies.
- D. Personnel shall enforce parking violations with discretion, taking into account the seriousness of the violation.
- E. Special attention shall be given to the following areas:
 - 1. Handicapped parking violations
 - 2. Fire hydrant violations
 - 3. Primary snow route violations
 - 4. Fire lanes
- F. When vehicles are parked in such a manner as to necessitate their immediate removal, officers shall make a reasonable attempt to locate the owner prior to towing. If unsuccessful, the vehicle shall be towed in accordance with Standard Operating Procedure 61.4 Traffic Ancillary Services.
- G. Permission may be granted to park illegally in certain situations. The traffic investigations lieutenant or designee must approve all major requests for illegal parking in special circumstances. The shift supervisor may approve minor deviations in situations limited to a given 24-hour period. Such changes shall be forwarded to all affected shifts.
- H. Parking regulations may be enforced in private parking areas, as outlined in city ordinance.