

## ILLINOIS STATE POLICE DIRECTIVE ENF-018, DRIVING UNDER THE INFLUENCE (DUI) ENFORCEMENT AND PROCESSING

<b>RESCINDS:</b> ENF-018, 2004-073, 11-15-2004	<b>REVISED:</b> 03-03-2008 <b>2008-026</b>
<b>RELATED DOCUMENTS:</b> ENF-011, ENF-021, OPS-038, SRV-005	<b>DISTRIBUTION:</b> All employees maintaining an ISP Directives Manual All holders of the ISP Field Manual Office/desk copy
<b>RELATED CALEA STANDARDS:</b> 61.1.2, 61.1.5, 61.1.11, 61.2.2, 83.2.1, 83.3.2	

### I. POLICY

The Illinois State Police (ISP) will:

- I.A. Promote the safety of persons using highways in Illinois.
- I.B. Provide a deterrent to persons who may choose to operate a motor vehicle while their abilities are impaired by alcohol or other drugs.
- I.C. Vigorously enforce the Driving Under the Influence (DUI), Implied Consent, and Zero Tolerance laws.
- I.D. Provide toxicological assistance to officers in the enforcement and prosecution of DUI statutes.

### II. PROCEDURES

#### II.A. Preliminary Breath Tests (PBT)

- II.A.1. A PBT may be requested after reasonable suspicion has been established and, when practical, the standardized field sobriety tests have been administered.
- II.A.2. All tests must be conducted by a trained PBT operator.
- II.A.3. The PBT devices should be certified by a technician or an individual specially trained to perform PBT accuracy checks at least once every 93 days.
- II.A.4. The preliminary breath test results should be included in the report.

#### II.B. Arrest

- II.B.1. After probable cause has been established, place the driver under arrest for driving under the influence of alcohol, other drug or combination of both, in violation of 625 ILCS 5/11-501.
- II.B.2. Following arrest, the officer must notify Communications of the incident upgrade to reflect the appropriate incident type(s).
- II.B.3. Complete the Illinois Citation and Complaint form, ISP 5-52 (this form is available from the Firearms and Information Resource Bureau (FIRB), Information and Technology Command).
  - II.B.3.a. If the officer cannot complete the citation at the time and place of apprehension, the citation will be completed as soon as possible.
  - II.B.3.b. The citation will be issued before reading the Warning to Motorist to the driver.

#### II.C. Submission to Test(s)

- II.C.1. The officer will complete the Warning to Motorist form, provide a copy to the driver, and will read the Warning to Motorist to the driver.

- II.C.2. Following the warning, the driver will be requested to submit to a chemical test(s).
  - II.C.2.a. Breath test
    - II.C.2.a.1) Submission to a breath test will be requested unless:
      - II.C.2.a.1)a) The driver is physically unable to complete a breath test.
      - II.C.2.a.1)b) At the time of arrest, there is reason to believe that the driver is under the influence of drugs or a combination of alcohol and other drugs, including intoxicating compounds.
      - II.C.2.a.1)c) The breath analysis instrument breaks down.
    - II.C.2.a.2) Evidential breath tests must be conducted by a licensed Breath Analysis Operator in accordance with standards promulgated by the ISP.
    - II.C.2.a.3) The appropriate information required to complete the Instrument Log Book will be placed in the log book by the Breath Analysis Operator.
  - II.C.2.b. Blood/Urine test
    - II.C.2.b.1) If the subject has been in a vehicle crash and must be treated or is currently being treated by a physician licensed to practice medicine for injuries sustained in the crash, the arresting officer will consult with the treating physician to determine how best to test the subject without unreasonably jeopardizing the subject's treatment.
    - II.C.2.b.2) Submission to a blood test will be requested when a breath test is not possible or appropriate and/or when the use of drugs, narcotics, or other intoxicating compounds is suspected. Submission to a blood test:
      - II.C.2.b.2)a) May be requested when submission to a breath test is not requested for reasons as stated in subparagraph II.C.2.a.1), or is inappropriate.
      - II.C.2.b.2)b) May be requested in addition to the completion of a breath test when the breath test results lead to the presumption the driver is under the influence of other drugs, a combination of alcohol and other drugs, or an intoxicating compound.
    - II.C.2.b.3) Submission to a urine test will be requested when a breath test or blood test is not possible or appropriate or when drugs/intoxicating compounds are suspected.
    - II.C.2.b.4) Blood/urine samples will be collected only by authorized persons in accordance with standards promulgated by the ISP.
    - II.C.2.b.5) Blood/urine samples will be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample.
    - II.C.2.b.6) In cases involving the arrest of the opposite sex, the urine sample will be collected by an officer of the same sex as the arrestee.
    - II.C.2.b.7) Sample containers
      - II.C.2.b.7)a) The individual tubes of drawn blood will be labeled with the name of the subject and the date of the withdrawal and treated as biohazard evidence.

II.C.2.b.7)b) The container holding the urine sample will be labeled with the name of the subject and the date of the collection.

II.C.2.b.8) Package samples according to instructions contained in the ISP specimen collection kit. Mail or deliver the kit to a Division of Forensic Services laboratory.

II.C.2.b.9) Evidence Inventory and Receipt (ISP 1-10) form (this form is available from the ISP Document Library at <http://maphome/documentlibrary/>) will be completed and distributed in connection with the blood sample.

#### II.D. Law Enforcement Sworn Report

II.D.1. Once a refusal to submit has been communicated to the arresting officer, the officer will immediately complete the appropriate portion of the report.

II.D.2. Once the driver agrees to submit to and completes the chemical test(s) requested, the arresting officer will complete the appropriate portion if the test(s) disclose:

II.D.2.a. An alcohol concentration of .08 or more.

**NOTE:** A citation for 625 ILCS 5/11-501a.1 should be issued if tests indicate the alcohol concentration is .08 or more.

II.D.2.b. Any amount of a drug, substance, or compound in the blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act (720 ILCS 550/1) or a controlled substance listed in the Illinois Controlled Substances Act (720 ILCS 570/100) or an intoxicating compound listed in the Use of Intoxicating Compounds Act (720 ILCS 690/0.01).

II.D.3. If the driver refuses or fails the chemical test(s) requested, the arresting officer will confiscate all Illinois Drivers License(s) or Permit(s) on their person and immediately forward it to the circuit court of venue along with the sworn report.

II.D.3.a. If the Illinois Drivers License or Permit is valid at the time of arrest, a receipt to drive will be issued.

II.D.3.b. If the Illinois Drivers License is not valid, the receipt to drive will be voided.

II.D.3.c. If the driver has a non-Illinois driver's license, refer to directive ENF-013, "Bonding Procedures."

#### II.E. Conducting tests

II.E.1. Non-consensual Blood Draw Procedures, (625 ILCS 5/11-501.2)

II.E.1.a. If the following criteria are met:

II.E.1.a.1) The officer has probable cause to believe the driver has caused the death or personal injury of another.

**NOTE:** Personal injury is any injury that requires immediate professional attention at either a doctor's office or a medical facility. This includes: severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

II.E.1.a.2) The officer has probable cause to believe the driver has committed a DUI violation, arrested the driver, and completed DUI citation.

II.E.1.a.3) The officer has read the Warning to Motorist and requested test(s).

- II.E.1.a.4) The driver has refused to take tests.
- II.E.1.b. The officer will:
  - II.E.1.b.1) If the subject has been in a vehicle crash and must be treated or is currently being treated by a physician licensed to practice medicine for injuries sustained in the crash, the arresting officer will consult with the treating physician to determine how best to test the subject without unreasonably jeopardizing the subject's treatment.
  - II.E.1.b.2) Transport the driver (if applicable) to a medical facility for testing.
  - II.E.1.b.3) Complete the Non-consensual Blood Draw Request, form ISP 5-514 (this form is available from the ISP Document Library at <http://maphome/documentlibrary/>).
  - II.E.1.b.4) Deliver a copy of the Non-consensual Blood Draw Request to the medical personnel and request blood and urine samples be obtained in accordance with ISP standards (ISP DUI kit).
  - II.E.1.b.5) Witness collection of blood and urine samples. The urine sample will be collected by an officer of the same sex as the arrestee.
  - II.E.1.b.6) Package samples according to instructions contained in the ISP specimen collection kit. Mail or deliver the kit to a Division of Forensic Services laboratory.
  - II.E.1.b.7) Complete the Evidence Inventory and Receipt and distribute.
  - II.E.1.b.8) Transport driver to jail facility, if applicable.
  - II.E.1.b.9) Complete law enforcement sworn report for refusing the original test(s) requested.
  - II.E.1.b.10) Complete ISP field report and bonding procedures.
  - II.E.1.b.11) Distribute the Non-consensual Blood Draw Request as follows:
    - II.E.1.b.11)a) Copy to the state's attorney
    - II.E.1.b.11)b) Copy to medical authority
    - II.E.1.b.11)c) The original with the Field Report, form ISP 5-48 (this form is available from the ISP Document Library at <http://maphome/documentlibrary/>)
- II.E.2. Zero Tolerance Procedures, (625 ILCS 5/11-501.8)
  - II.E.2.a. If the following criteria are met:
    - II.E.2.a.1) The driver of a motor vehicle must be stopped for a violation of the Illinois Vehicle Code on a highway.
    - II.E.2.a.2) The driver is under 21, and the officer has probable cause to believe or personal knowledge that the driver has consumed an alcoholic beverage.
    - II.E.2.a.3) The officer believes that the driver has a blood alcohol content (BAC) of .01 or more and less than .08 (after conducting standardized field sobriety tests, when practical, and having the driver submit to a preliminary breath test, when available).
  - II.E.2.b. The officer will:
    - II.E.2.b.1) Complete at least one citation for an Illinois Vehicle Code (IVC) violation.
    - II.E.2.b.2) Transport driver to facility for testing.
    - II.E.2.b.3) Complete and read Zero Tolerance Warning to Motorist.
    - II.E.2.b.4) Request chemical tests of breath, blood, or urine.
    - II.E.2.b.5) Complete the Zero Tolerance Sworn Report. Do not confiscate the driver's license and do not issue a receipt to drive.
    - II.E.2.b.6) Complete the ISP Field Report, form ISP 5-48, and the citation for Zero Tolerance, 625 ILCS 5/11-501.8 and mark "record copy only."

- II.E.2.b.6)a) Include breath test results in speed and zone fields (see II.G.).
      - II.E.2.b.6)b) All copies of the zero tolerance citation will be forwarded with the field report.
      - II.E.2.b.6)c) This citation is for record keeping only and no portion will be given to the violator.
    - II.E.2.b.7) Complete bonding procedures and distribute the Zero Tolerance Sworn Report:
      - II.E.2.b.7)a) Copy to the motorist
      - II.E.2.b.7)b) Copy to the Secretary of State
      - II.E.2.b.7)c) Attach a copy with the field report
  - II.E.2.c. If the driver is under 17, the officer must follow the proper juvenile procedures (see the "Juvenile Manual" for the procedures). If the officer believes the driver has a BAC:
    - II.E.2.c.1) Less than .08 the officer should follow zero tolerance procedures.
      - II.E.2.c.1)a) However, if a test is then given and the test result is greater than .08, the test result cannot be used to charge a DUI offense due to the zero tolerance warning that was read to the driver.
      - II.E.2.c.1)b) If other independent probable cause is developed, a DUI citation can be written and the statutory summary suspension process followed.
    - II.E.2.c.2) Of .08 or greater, the officer will follow normal DUI procedures.
- II.F. Reporting and Distribution of Forms
  - II.F.1. An ISP Field Report will be completed by the arresting officer subsequent to any arrest for a violation of 625 ILCS 5/11-501, et seq., and as soon as practical following completion or refusal of the chemical test(s) requested.
  - II.F.2. The Alcohol and/or Drug Influence Report, form ISP 5-229 (this form is available from the ISP Document Library at <http://maphome/documentlibrary/>), will be attached to the applicable field report as a supplement.
  - II.F.3. Distribution and retention of forms will be as provided in directive ENF-008, Field Report.
- II.G. Collection of Statistical Data
  - II.G.1. Implied consent data will be recorded by the arresting officer on the Police Record Copy of the Illinois Citation and Complaint form. The needed information is to be recorded by entry of a three digit number (see paragraph II.G.a.1) with values identified in paragraph II.G.1.a.2).
    - II.G.1.a. The "speeding" blank will be used to record information relating to each of the three types of chemical tests and the action that was taken in relation to each type of test.
      - II.G.1.a.1) Type of chemical test
        - II.G.1.a.1)a) Breath - First position in the "speeding" blank
        - II.G.1.a.1)b) Blood - Second position in the "speeding" blank
        - II.G.1.a.1)c) Urine - Third position in the "speeding" blank
      - II.G.1.a.2) Resulting action

- II.G.1.a.2)a) Enter "0" - if the test was not requested or could not be completed for any reason other than a refusal
- II.G.1.a.2)b) Enter "1" - if the test was completed
- II.G.1.a.2)c) Enter "2" - if the test was refused

II.G.1.b. The "speed zone" blank will be used to record the results of a breath test.

- II.G.1.b.1) Breath test completed - enter three digit number as printed on the test record
- II.G.1.b.2) If a breath test was not completed for any reason, enter "00"

| Indicates new or revised items.

**-End of Directive-**