Encountering a DUI

Traffic Stops (only reasonable articulable suspicion) Arrest Probable cause **Motorists Assists Crash Scenes Roadside Safety Check Well Being Checks**

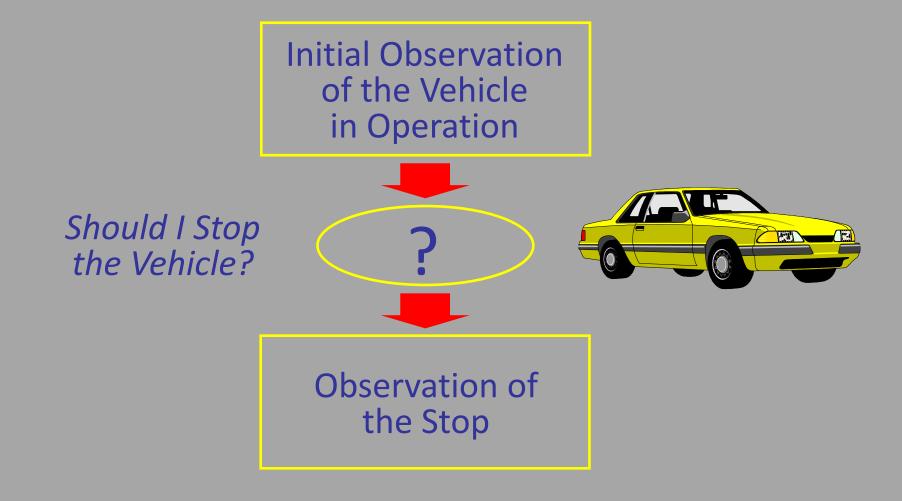
Circumstantial Evidence of Operation for Actual Physical Control

- Ownership/ Control/ Injuries
- Location of bodies
- Observations of earlier driving
- Evidence of recent vehicle movement
- Footprints to or from vehicle
- Absence of other people / drivers

Phase One: Vehicle In Motion



Phase One: Vehicle in Motion



Vehicle in Motion

What Do You See?





Tries to Flee?
No Response?
Slow Response?
Abrupt Weave?



Sudden Stop?
Strikes Curb?
New Violations?
Anything Else?

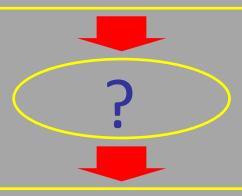
Phase Two: Personal Contact



Phase Two: Personal Contact

Interview and Observation of the Driver

Should Driver Exit?



Observation of the Exit



Personal Contact

What Do You See?

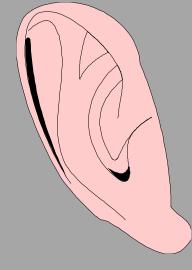




Bloodshot Eyes?
Soiled Clothing?
Fumbling Fingers?
Alcohol Containers?
Drug and drug paraphernalia?
Bruises, Bumps, Scratches?
Unusual Actions?

Personal Contact

What Do You Hear?



Slurred Speech?
Admission of Drinking?
Inconsistent Responses?
Unusual Statements?
Abusive Language?
Anything Else?

Personal Contact

What Do You Smell?

Alcoholic Beverage?
"Cover-Up" Odors?
Marijuana?
Other Unusual Odors?



Interview/Questioning Techniques

- Simultaneously request license and registration
- Pose distracting/interrupting questions during license search
- Pose unusual questions to verify license information

The Exit

What Do You See?

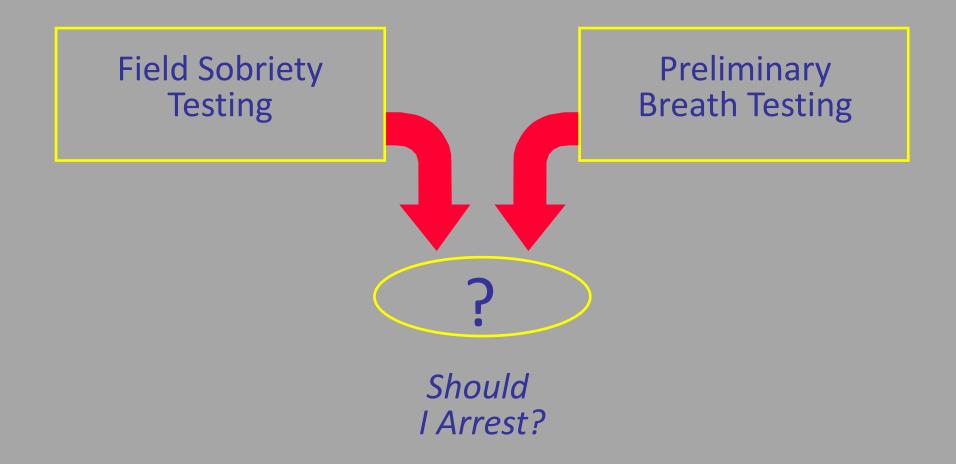


Angry, Unusual Reaction?
Can't Follow Directions?
Can't Open Door?
Leaves Car in Gear?
"Climbs" Out of Car?
Leans Against Car?
Keeps Hand on Car?
Anything Else?

Phase Three: Pre-Arrest Screening



Phase Three: Pre-Arrest Screening



Psychophysical Tests



Methods of examining mental and/or physical impairment

"Divided Attention"



...Concentrating on more than one thing at a time (mental tasks and physical tasks)

Typical Simultaneous Capabilities Required for Driving

- Information Processing
- Short-term Memory
- Judgment/Decision Making
- Balance
- Quick Reactions
- Clear Vision
- Small-Muscle Control
- Coordination of Limbs



Simplicity

Is it Reasonable to Assume That, If Sober...

Anyone Like The Suspect

You





The Judge

The Suspect

...Would "Pass" the Test?

Basic Purpose of Preliminary Breath Testing

Demonstrate Association of Alcohol with the Observable Evidence of the Suspect's Impairment

Advantages of PBT

- Corroborate other evidence
- Confirm officer's judgment
- Confirm alcohol as cause of impairment
- Help establish probable cause for DWI arrest

Possible Factors Affecting Preliminary Breath Tests

- Breath sample composition
- Breath sample cooling
- Residual mouth alcohol
- Contaminants in the breath
- Radio frequency interference

The Arrest Decision is Based on All Evidence Accumulated During All Three Detection Phases

Initial Observation of Vehicle Operation

Observation of the Stop

Face-to-Face Observation and Interview



Observation of the Exit

Psychophysical Tests

Preliminary Breath Tests

Horizontal Gaze Nystagmus



Involuntary jerking of the eyes occurring as the eyes gaze to the side.

Categories of Nystagmus

- Vestibular
 - Rotational
 - Post-rotational
 - Caloric
 - Positional alcohol nystagmus

- Neural
 - Optokinetic
 - Physiological
 - Gaze
 Horizontal
 Vertical
 Resting
- Pathological disorders and diseases

Administrative Procedures

- 1. Eyeglasses
- 2. Verbal instructions



- **3. Position object (12-15 inches) (30-38 cm)**
- 4. Pupil size and resting nystagmus
- 5. Equal tracking

Administrative Procedures

6. Check for lack of smooth pursuit



- 7. Check for distinct and sustained nystagmus at maximum deviation
- 8. Check for onset of nystagmus prior to 45 degrees
- 9. Total the clues
- 10. Check for Vertical Gaze Nystagmus

Check each eye independently beginning with the suspect's left and compare.

Three Clues of Horizontal Gaze Nystagmus

- Lack of smooth pursuit.
- Distinct and sustained nystagmus at maximum deviation.
- Onset of nystagmus prior to 45 degrees.

Horizontal Gaze Nystagmus Test Criterion



4 or more clues indicates BAC above 0.10 (77% accurate)

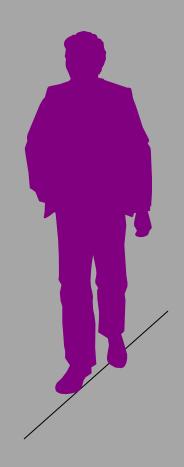
Vertical Gaze Nystagmus



Walk and Turn

(Divided Attention Test - Mental Task and Physical Task)

- Instructions Stage
- Walking Stage



Administrative Procedures

- 1. Verbal Instructions:
 - Assume heel-toe stance
 - Arms down at sides
 - Don't start until told
- 2. 9 heel-to-toe Steps, Turn, 9 heel-to-toe Steps
- 3. Turn Procedures:
 - Turn around on line
 - Several small steps
- 4. While Walking:
 - Keep watching feet
 - Arms down at sides
 - Count steps out loud
 - Don't stop during walk

Walk and Turn Test Clues

- 1. Can't balance during instructions
- 2. Starts too soon
- 3. Stops while walking
- 4. Doesn't touch heel-to-toe

Walk and Turn Test Clues

- 5. Steps off line
- 6. Uses arms to balance
- 7. Improper turn (or loses balance on turn)
- 8. Wrong number of steps

Note: If suspect can't do the test, record observed clues and document the reason for not completing the test.

Walk and Turn Test Criterion



2 or more clues indicates BAC above 0.10 (68% accurate)

One-Leg Stand

(Divided Attention Test - Mental Task and Physical Task)

- Instructions Stage
- Balance and Counting Stage



Administrative Procedures

Instructions Stage:

- Stand straight, feet together
- Keep arms at sides
- Maintain position until told otherwise

Administrative Procedures

Balance and Counting Stage:

- Raise one leg, either leg
- Keep raised foot approximately six inches (15 cm) off ground, foot parallel to the ground
- Keep both legs straight
- Keep eyes on elevated foot
- Count out loud in the following manner: "One thousand and one, one thousand and two, one thousand and three and so on", until told to stop

Note: It's important for the officer to time the 30 second count for the test.

One-Leg Stand Test Clues

- Sways while balancing
- Uses arms to balance
- Hops
- Puts foot down

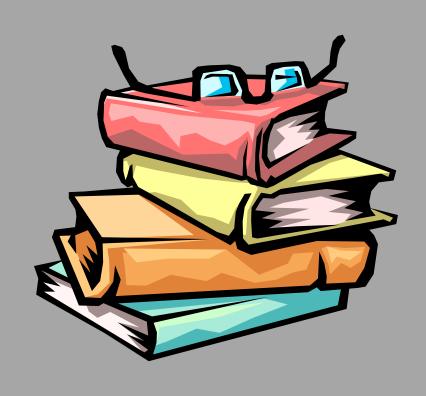
Note: If suspect can't do the test, record observed clues and document the reason for not completing the test.

One-Leg Stand Test Criterion



2 or more clues indicates BAC above 0.10 (65% accurate)

Standardized Field Sobriety Tests (SFST)



Overview: Development and Validation

NHTSA Research Began in 1975 in California With Three Final Reports Being Published:

- 1. California: 1977 (lab study only)
- 2. California: 1981 (lab/field study)
- 3. Maryland, Washington, DC, Virginia, North Carolina: 1983 (field study only)

Original Research Objectives

- To evaluate currently used physical coordination tests to determine their relationship to intoxication and driving impairment.
- To develop more sensitive tests that would provide more reliable evidence of impairment.
- To standardize the tests and observations.

Volunteers were Subjected to Six Tests:

- 1. One-leg stand
- 2. Finger to nose
- 3. Finger count
- 4. Walk and turn
- 5. Tracing (a paper and pencil exercise)
- 6. Nystagmus (called alcohol gaze nystagmus in final report)

Laboratory Test Data

Results

- HGN by itself was 77% accurate.
- Walk and Turn was 68% accurate.
- One Leg Stand was 65% accurate.
- It would be possible to combine the results of HGN and Walk and Turn and be 80% accurate.

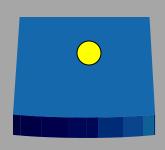
"Standardized" Elements

- Standardized Administrative Procedures
- Standardized Clues
- Standardized Criteria

Importance of Large Scale Field Validation Study

- First significant assessment of the workability of the standardized tests under actual enforcement conditions.
- First time completely objective clues and scoring criteria had been defined for the tests.
- Results of the study validated the SFSTs.

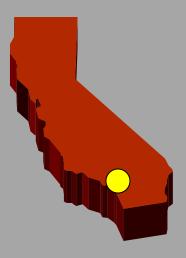
SFST Field Validation Studies



Colorado 1995



Florida 1997



San Diego, California 1998

Colorado Field Validation Study of SFST

- First full field validation study using SFST experienced law enforcement personnel.
- 93% correct arrest decision based on three-test battery (HGN, WAT, OLS).

Florida Field Validation Study of SFST

- 95% correct arrest decision based on three-test battery (HGN, WAT, OLS).
- Validated SFST's at 0.08 BAC and above.

San Diego Field Validation Study of SFST

- 91% correct arrest decision for 0.08 BAC and above using three-test battery (HGN, WAT, OLS).
- HGN is still most reliable of three-test battery and supports arrest decisions at 0.08 BAC.

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625 ILCS 5/4-203(a)

- 1. 12 hours (1st violation)
- 2. 24 hours (2nd violation)
- 3. 48 hours (3rd violation)



b) arrested owner gives permission to another valid driver



DUI Statute

625 ILCS 5 / 11-501 **Driving while under the** influence of alcohol other drug or drugs intoxicating compound or compounds or any combination thereof

DUI Statute Continued

A person shall not drive or be in actual physical control of any vehicle within this State while:

Remember that is <u>utilis</u> or <u>utilis</u> property

1.) 11-501a1 Alcohol over .08 The alcohol concentration in a person's blood, other bodily substance, or breath is or more;

(This is a secondary ticket after the results of the chemical test are received)

2.) 11-501a2
Basic alcohol

Under the influence of alcohol;

3.) 11-501a3

Under the influence of an intoxicating compound or combination of intoxicating compounds to a degree which renders the person incapable of driving safely;

4.) 11-501a4

Under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

5.) 11-501a5
Alcohol and any amount of drugs

Under the combined influence of alcohol and any other drug or drugs, or intoxicating compound or compounds to a degree which renders the person incapable of safely driving; or



6.) 11-501a6



there is any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois **Controlled Substances Act, an** intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; or

7.) 11-501a7



The person has, within 2 hours of driving or being in actual physical control of a motor vehicle, a tetrahydrocannabinol concentration in the persons whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of section 11 501 2 of this code. **Subject to all other requirements** and provisions under this section, this paragraph (7) does not apply to the lawful consumption of cannabis by a qualifying patient licensed under the Compassionate Use of **Medical Cannabis Pilot Program Act** who is in possession of a valid registry card issued under that Act, unless that person is impaired by the use of cannabis.

Varning to Motorist

- 1. Warned by requesting officer; or
- 2. Refusal results in a *Statutory Summary Suspension*.
- 3. Statutory Summary Suspension for violation of: 11-501a1,a6, or a7.
- (There is no SSS for an a2, a3, a4 or a5, only for a refusal or for the per se violations)

	WARNING TO MOTORIST	
Case Number	DUI TRAFFIC CITATION NO. (11-501A1)	DUI TRAFFIC CITATION NO. (11-501A2)
	11-401 Citation No.	DUI TRAFFIC CITATION NO. (OTHER)
Subsequent to an arrest for driving while under the or any combination thereof (DUI), or Section 11-401	influence of alcohol, other drug(s) or intoxicating compound(s), - leaving the scene of a fatal or personal injury accident, you are he	ereby notified that:
	e, you are a first offender unless within the last 5 years of this arrest for D	

- · A previous conviction or court-assigned supervision for DUI or a similar provision of a local ordinance; or
- · A conviction in any other state for DUI or a similar offense where the cause of action is the same or substantially similar to the Illinois Vehicle Code; or
- · A driver's license suspension/revocation for violating Section 11-501.1 of the Illinois Vehicle Code, except in cases where you submitted to a chemical test(s) disclosing an alcohol concentration of .08 or more or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act (for a DUI arrest prior to 07-29-2016 or a delta-9-tetrahydrocannabinol concentration of either 5 nanograms or more of whole blood or 10 nanograms or more of other bodily substance for a DUI arrest on or after 07-29-2016); a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, and were subsequently found not guilty of the associated DUI charge.

Considering the above, you are warned:

- 1. If you refuse or fail to complete all chemical tests requested and:
 - · If you are a first offender, your driving privileges will be suspended for a minimum of 12 months; or
 - · If you are not a first offender, your driving privileges will be suspended for a minimum of 3 years; or
 - . If you were involved in a motor vehicle accident that caused personal injury or death to another, your driving privileges will be revoked for a minimum of 12 months. Personal injury means a Type A injury that requires immediate professional attention in a doctor's office or medical facility, including severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.
- 2. If you submit to a chemical test(s) disclosing an alcohol concentration of .08 or more, a delta-9-tetrahydrocannabinol concentration of either 5 nanograms or more of whole blood or 10 nanograms or more of other bodily substance or any amount of a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; and;
 - · If you are a first offender, your driving privileges will be suspended for a minimum of 6 months; or
 - · If you are not a first offender, your driving privileges will be suspended for a minimum of 1 year.

You are further warned that if you are a Commercial Driver's License (CDL) holder, your CDL privileges will be disqualified for the following time period if you refuse to submit to or fail to complete all chemical tests requested, or submit to a chemical test(s) disclosing an alcohol concentration of 08 or more or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act;

- · If you have not had a prior 12-month disqualification of your CDL privileges, your CDL privileges will be disqualified for 12 months.
- . If you have had a prior 12-month disqualification of your CDL privileges, your CDL privileges will be disqualified for life.

MOTORIST UNDER AGE 21

You are further warned that as a motorist under age 21, if you submit to a chemical test(s) disclosing an alcohol concentration of more than .00 and less than .08, your driving privileges will be suspended as provided in Sections 6-208.2 and 11-501.8 of the Illinois Vehicle Code.

As provided in Section 6-208.2, you are a first offender unless you have had a previous suspension under Section 11-501.8 for refusing or failing to complete a chemical test(s) or for submitting to a chemical test(s) disclosing an alcohol concentration of more than .00.

- · If you are a first offender, your driving privileges will be suspended for a minimum of 3 months; or
- · If you are not a first offender, your driving privileges will be suspended for a minimum of 1 year.

SCHOOL BUS DRIVER

Signature of Arresting Officer Law Enforcement Agency Date of Warning	ID Number Time of Warning	a.m p.m
Signature of Arresting Officer	ID Number	
	ID Number	
nder penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedu ue and correct.	are, the undersigned certifies that the statements set forth i	n this instrument a
Signature of Motorist		
, and the second		
(motorist) acknowledge receipt of this warning to motorist.		
Name of Motorist	Driver's License Numb	er
Varning Issued To		
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POLICE OFFICER - SEND TO COURT OF VENUE

AUGUST 2018 - DSD DC 35.29

Law Enforcement Sworn Report

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August 2011 - DSD DC 35.24

*NOTE: If it is determined that you are not a "first offender," as defined in Section 11-500 of the Illinois Vehicle Code, and

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- You refused to submit to or failed to complete all requested chemical tests, the period of suspension will be a minimum of 3 years; or
 You submitted to chemical testing that disclosed an alcohol concentration of .08 or more or any amount of a drug, substance or intoxicating Tou submitted to enemical testing that disclosed an alcohol concentration of .08 or more or any amount of a drug, substance or intoxicating compound, resulting from the unlawful-use or consumption of cannabis so listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine. Control and Community Protection Act; the period of suspension will be a minimum of 1 year.

NOTICE TO THE MOTORIST OF RIGHT TO A HEARING NOTICE TO THE MOTORIST OF RIGHT TO A HEARING

You have a right to petition for judicial review within 90 days. Your petition must be filed in writing and submitted to the Circuit Court of identified on the front of this notice.

Your request must state the grounds upon which you seek to have this suspension/revocation rescinded.

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*ARRESTING OFFICER - If the driver's license is not valid at the time of arrest, write VOID on the signature line