

Encountering a DUI

Traffic Stops

(only reasonable articulable suspicion)

Arrest Probable cause

Motorists Assists

Crash Scenes

Roadside Safety Check

Well Being Checks

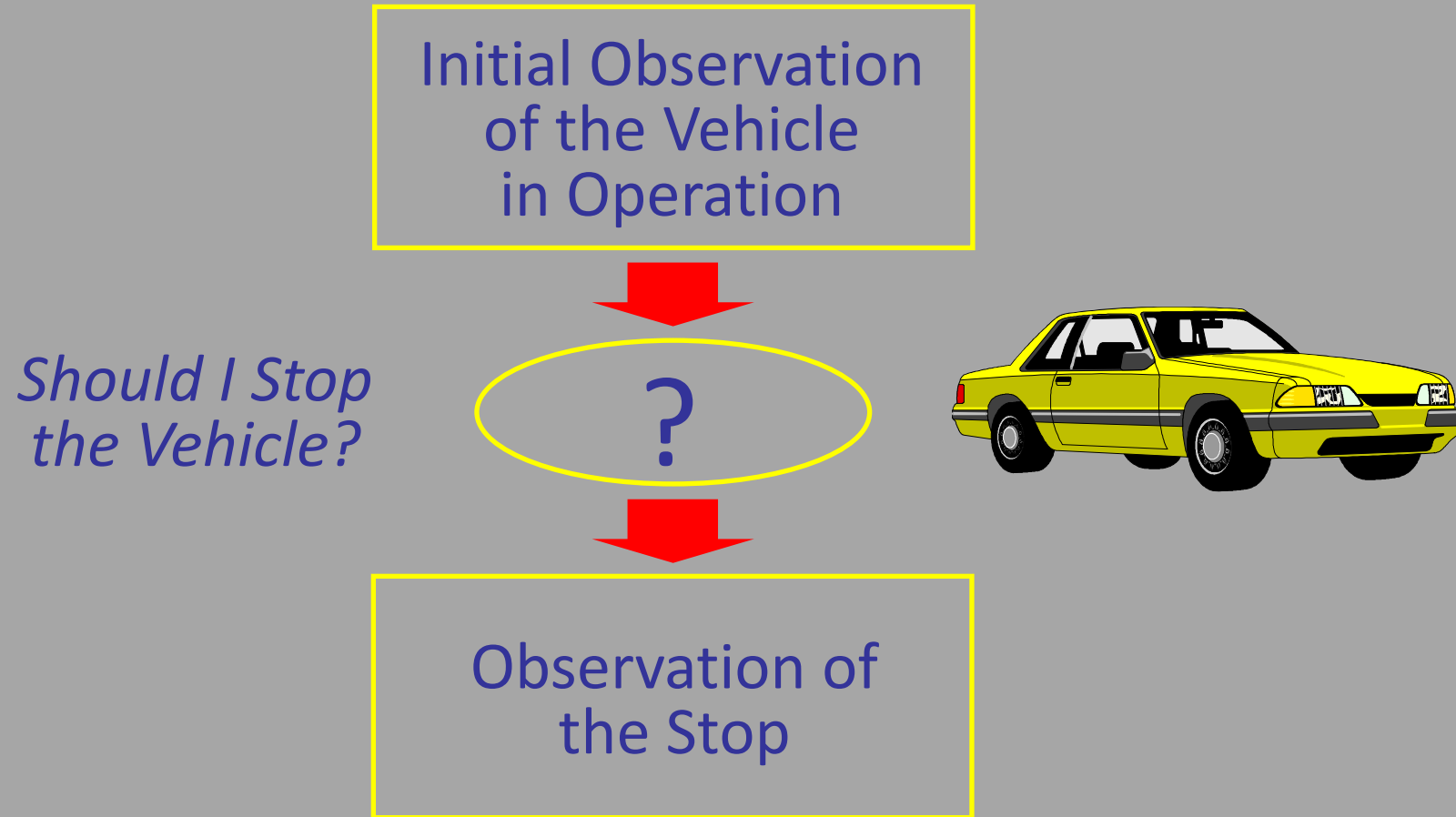
Circumstantial Evidence of Operation for Actual Physical Control

- **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

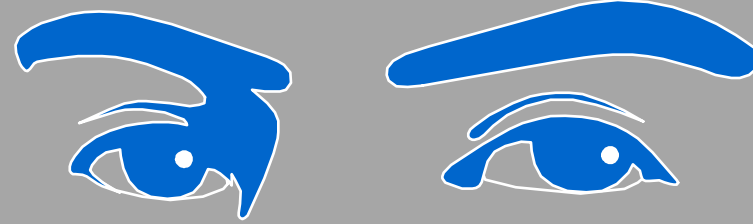


Phase One: Vehicle in Motion



Vehicle in Motion

*What Do You **See**?*



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

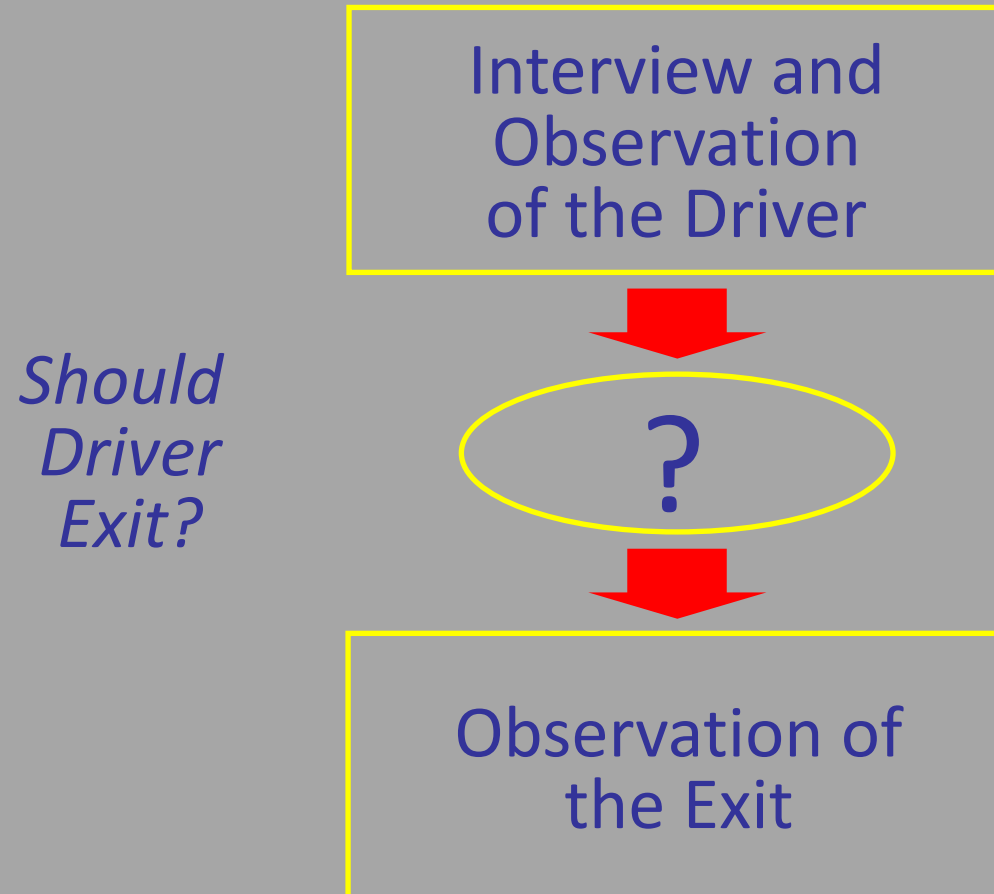


Sudden Stop?
Strikes Curb?
New Violations?
Anything Else?

Phase Two: Personal Contact



Phase Two: Personal Contact



Personal Contact

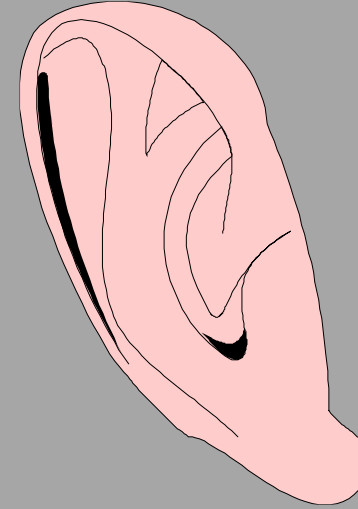
What Do You See?



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**?*

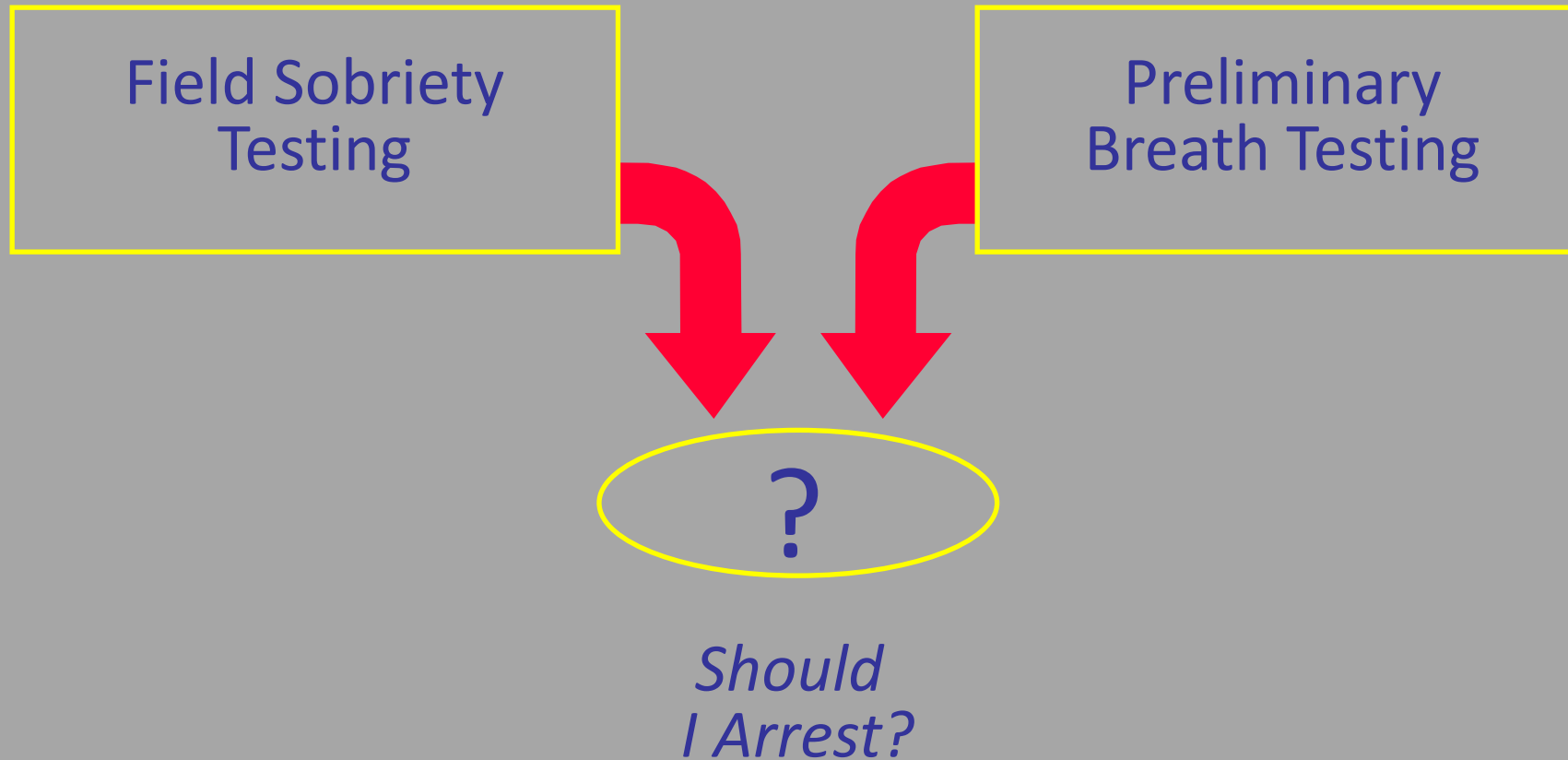


Angry, Unusual Reaction?
Can't Follow Directions?
Can't Open Door?
Leaves Car in Gear?
"Climbs" Out of Car?
Leans Against Car?
Keeps Hand on Car?
Anything Else?

Phase Three: Pre-Arrest Screening



Phase Three: Pre-Arrest Screening

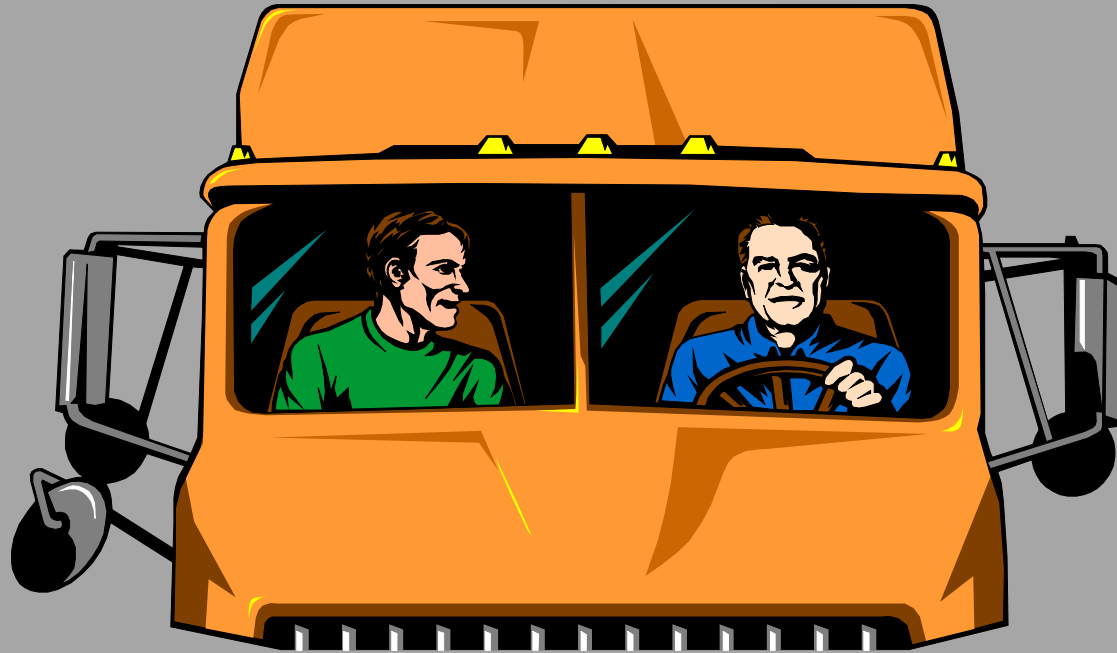


Psychophysical Tests



***Methods of examining
mental and/or physical impairment***

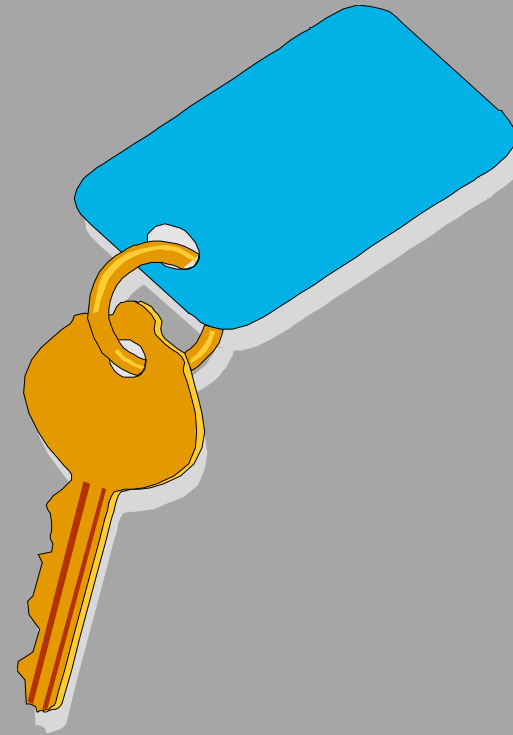
“Divided Attention”



...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**



...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

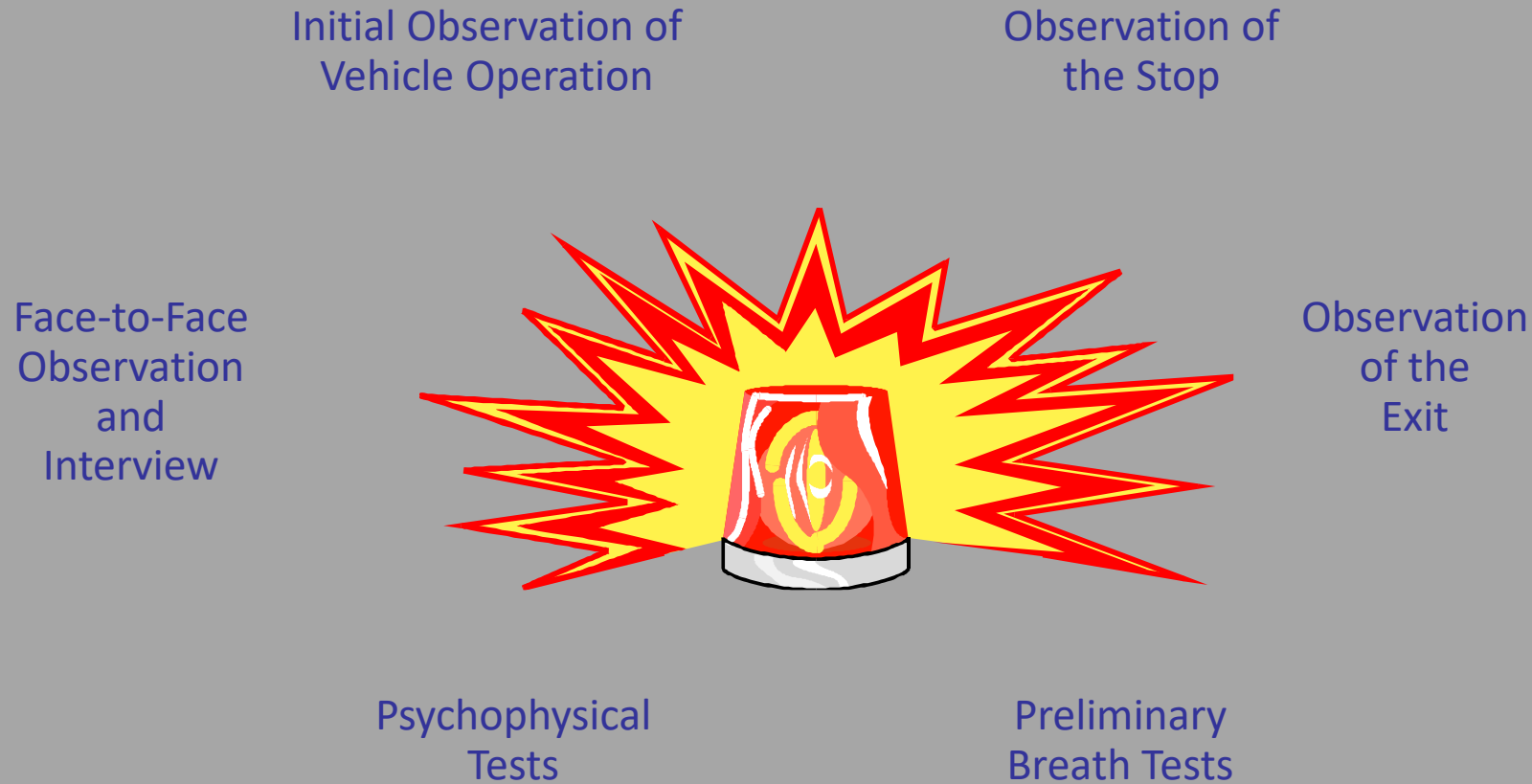
- Corroborate other evidence
- Confirm officer's judgment
- Confirm alcohol as cause of impairment
- Help establish probable cause for DWI arrest



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



Horizontal Gaze Nystagmus



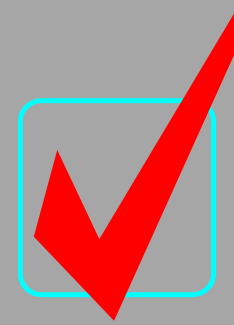
Involuntary jerking of the eyes occurring as the eyes gaze to the side.

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

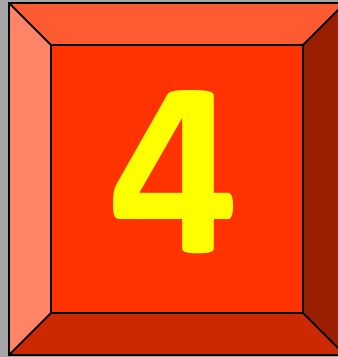
10. Check for Vertical Gaze Nystagmus

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

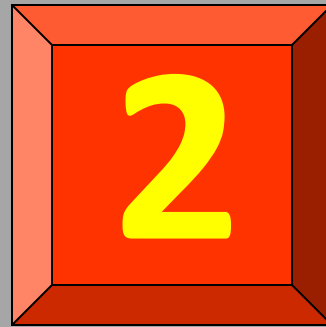
6. Uses arms to balance

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

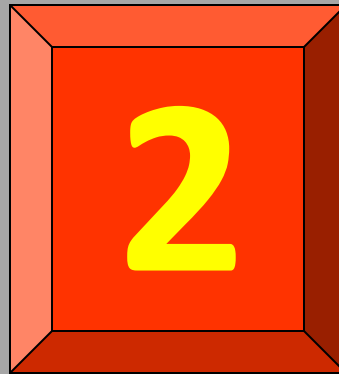
Note: It's important for the officer to time the 30 second count for the test.

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)**

the 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

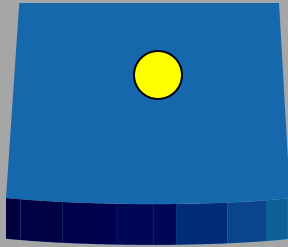
- **Standardized Administrative Procedures**
- **Standardized Clues**
- **Standardized Criteria**

Importance of Large Scale Field Validation Study

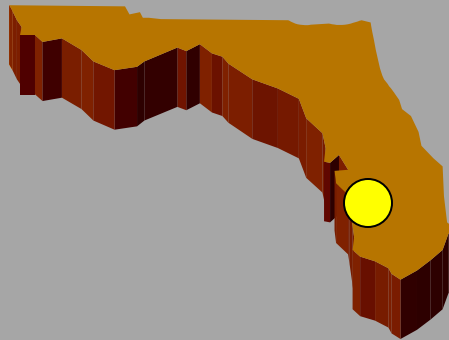
- **First significant assessment of the workability of the standardized tests under actual enforcement conditions.**
- **First time completely objective clues and scoring criteria had been defined for the tests.**
- **Results of the study validated the SFSTs.**

SFST

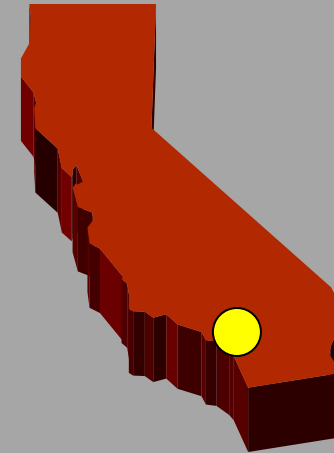
Field Validation Studies



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.**

Towing/Removal of Vehicle

625 ILCS 5/4-203(e)

- 1. 12 hours (1st violation)**
- 2. 24 hours (2nd violation)**
- 3. 48 hours (3rd violation)**
 - a) may be released to lawful owner; or**
 - 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 public or private property

1.) 11-501a1
Alcohol over .08

The alcohol concentration in a person's blood, other bodily substance, or breath is .08 or more; Illinois Per Se Law.

(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.

Warning 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

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 influence of alcohol, other drug(s) or intoxicating compound(s), or any combination thereof (DUI), or Section 11-401 - leaving the scene of a fatal or personal injury accident, you are hereby notified that:

As provided in Section 11-500 of the Illinois Vehicle Code, you are a first offender unless within the last 5 years of this arrest for DUI or leaving the scene you have had:

- 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

You are further warned that as a school bus driver operating a school bus in accordance with Section 6-106.1a of the Illinois Vehicle Code, if you submit to a chemical test(s) disclosing an alcohol concentration of more than .00, your privilege to possess a school bus driver permit will be cancelled for 3 years as provided under Sections 6-106.1a and 6-106.1b of the Illinois Vehicle Code.

Warning Issued To _____

Name of Motorist

Driver's License Number

I (motorist) acknowledge receipt of this warning to motorist.

Signature of Motorist

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Arresting Officer

ID Number

Law Enforcement Agency

a.m.

p.m.

Date of Warning

Time of Warning

Law Enforcement Sworn Report

LAW ENFORCEMENT SWORN REPORT									
Circuit Court, _____			County, _____			Municipal District _____			
Case Number _____			DUI TRAFFIC CITATION NO. (11-501A1)			DUI TRAFFIC CITATION NO. (11-501A2)			
			DUI TRAFFIC CITATION NO. (OTHER)						
Name _____									
Last			First			Middle			
<input type="checkbox"/> CDL holder			Driver's License Number						State
<input type="checkbox"/> Accident involving personal injury or death to another									
Street Address _____					City and/or County of Arrest _____				
City & State _____					Arrest Date _____ a.m. p.m.				
Sex _____ Date of Birth _____					Month / Day / Year / Time				
Notice of Summary Suspension/ Revocation Given On _____					Place of Refusal or Location of Test(s) _____ a.m. p.m.				
Month / Day / Year					Month / Day / Year / Time				
The suspension/revocation shall take effect on the 46th day following issuance of this notice. Subsequent to an arrest for violating Section 11-501 of the Illinois Vehicle Code, or similar provision of a local ordinance, you are hereby notified that on the date shown above, you were asked to submit to a chemical test(s) to determine the alcohol, other drug(s), intoxicating compound(s), or any combination thereof, content of your breath, blood, or urine and warned of the consequences pursuant to Section 11-501.1 of the Illinois Vehicle Code. You have the right to a hearing to contest your suspension/revocation. You must file a petition to rescind your suspension/revocation within 90 days of this notice.									
<input type="checkbox"/> Because you refused to submit to or failed to complete testing, your driving privileges will be suspended for a minimum of 12 months.*									
<input type="checkbox"/> Because you submitted to testing conducted pursuant to Section 11-501.2, which disclosed: <input type="checkbox"/> an alcohol concentration of _____, which is .08 or more; or <input type="checkbox"/> any amount of a drug, substance or intoxicating compound in your blood or urine 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, your driving privileges will be suspended for a minimum of 6 months.*									
<input type="checkbox"/> Because you refused to submit to or failed to complete testing and you were involved in a motor vehicle crash that caused personal injury or death to another, your driving privileges will be revoked for a minimum of 12 months.									
Driver's license surrendered? <input type="checkbox"/> Yes <input type="checkbox"/> No; Reason: _____									
Driver's license valid at time of arrest? <input type="checkbox"/> Yes (Sign receipt) <input type="checkbox"/> No (Void receipt)									
I have complied with Section 11-501.1 of the Illinois Vehicle Code by having reasonable grounds to believe the arrestee was in violation of Section 11-501 or a similar provision of a local ordinance: (Explain) _____									
Pursuant to Section 11-501.1 of the Illinois Vehicle Code I have: <input type="checkbox"/> Served immediate Notice of Summary Suspension/Revocation of driving privileges on the above-named person. <input type="checkbox"/> Given Notice of Summary Suspension/Revocation of driving privileges to the above-named person by depositing in the U.S. mail said notice in a prepaid postage envelope addressed to said person at the address as shown on the Uniform Traffic Ticket.									
Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.									
Signature of Arresting Officer _____					ID Number _____				
Law Enforcement Agency _____					Date _____ Month / Day / Year				
448184									
POLICE OFFICER - SEND TO COURT OF VENUE									
August 2011 - DSD DC 35.24									

Receipt To Drive

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

- 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 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; **the period of suspension will be a minimum of 1 year.**

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 identified on the front of this notice.

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

RECEIPT TO DRIVE

This is your receipt to drive until such time as this summary suspension/revocation takes effect as indicated on the front of this notice, and shall be evidence of your privileges to operate a motor vehicle subject to the restrictions, classification and endorsement below.

License Restrictions:

--	--	--	--	--	--	--	--

License Classification:

--	--

License Endorsement:

--	--	--

Arresting Officer*

ID Number

NOT VALID UNLESS SIGNED BY ARRESTING OFFICER.

NOTE: This receipt permits driving only while your driving privileges are valid. Should your driver's license become invalid or withdrawn for any reason, this receipt shall become concurrently invalid at that time.

Police Officer: Please check the driver's license record for validity.

*ARRESTING OFFICER — If the driver's license is not valid at the time of arrest, write VOID on the signature line of the "RECEIPT TO DRIVE."