

FLORENCE POLICE DEPARTMENT GENERAL ORDER

Subject: DUI ENFORCEMENT	Procedure: General Order 29.1.10 CALEA 61.1.10	Total Pages: 5
Authorizing Signature: Original with Authorizing Signature on File	Effective: 01/01/2011 <input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Rescinds	

I. POLICY

It is the policy of the Florence Police Department to detect and arrest persons who are illegally driving under the influence of alcohol, drugs, or any other substance which impairs the mental or physical faculties of such person to a degree which renders him or her incapable of safely driving.

II. PURPOSE

This written order establishes guidelines for the detection and apprehension of person suspected of driving under the influence of alcohol, drugs, or any other substance which impairs the driver's ability to operate a motor vehicle.

III. SCOPE

This written order is applicable to all sworn personnel.

IV. RESPONSIBILITY

It shall be the responsibility of all sworn personnel to comply with this directive.

V. DEFINITIONS

A. **IMPAIRED:** The driver's inability to safely operate a motor vehicle as defined by law. For the purposes of this directive, "impaired" shall be synonymous with "intoxicated."

VI. ENFORCEMENT COUNTERMEASURES

The emphasis of patrol officers, in addition to regular patrol duties, will be to reduce alcohol and/or drug related traffic offenses by attempting to detect, then apprehend and process alcohol or drug-impaired drivers. Officers will:

- A. Place an emphasis on enforcement of all laws and statutes relating to alcohol consumption and the operation of motor vehicles;
- B. When conditions permit, randomly conduct traffic safety checkpoints pursuant to the written directive governing operation of safety checkpoints;
- C. Utilize in car video surveillance cameras, when available;
- D. Utilize hand held alcohol sensors to support probable cause, when available; and

- E. Use approved breath testing instruments provided by the State of Alabama.

VII. PROCEDURES

- A. **DETECTION:** The observation of any erratic, dangerous or unusual driving behavior is crucial to establishing the reasonable suspicion for making a traffic stop. Officers should exercise due care and caution when following a possibly impaired driver, and be alert for any unusual or inappropriate reactions. The officer should document all observed behaviors in the arrest report to substantiate reasonable suspicion. This will provide the officer with clear details of the incident when testifying in court.
- B. **VEHICLE TRAFFIC STOPS:** Vehicle traffic stops will be made in accordance with the Florence Police Department's written directive concerning vehicle traffic stops.
- C. **DRIVER OBSERVATIONS:** Upon making contact with the suspected driver, the officer should observe the appearance, odors, mannerisms and characteristics of the driver. These factors should be evaluated and if consistent with that of an impaired person, further investigation may be warranted. The officer should ask the suspected driver to exit the vehicle and to perform a series of field sobriety tests.
- D. **FIELD SOBRIETY TESTS:** Officers will attempt to administer a series of field sobriety tests to the suspected driver, to determine if the driver's motor skills and coordination are impaired. Field sobriety tests give an indication of the possible level of intoxication.
 - 1. Field sobriety tests should be conducted in an area of relative safety for both the officer and the driver.
 - 2. Field sobriety tests should be performed on a relatively level surface, and/or away from traffic.
 - 3. Distractions should not prevent the administration of field sobriety tests, but should be taken into account when evaluating results.
 - 4. The determination of which field sobriety tests to administer will be made by each Officer and may vary with each Officer's ability to administer and/or interpret each test. The ability of the driver and/or the terrain may affect which field sobriety tests the Officer chooses to use. Field sobriety tests could include but are not limited to the following tests:
 - a. Horizontal Gaze Nystagmus;
 - b. Walk and turn;
 - c. One leg stand;
 - d. Rhomberg alphabet;

General Order 29.1.10
DUI ENFORCEMENT

- e. Finger to nose;
- f. Finger count; and
- g. Back count.

Note: Officers should document the results of all field sobriety tests for the purpose of probable cause and to be used as testimonial evidence in the event of trial.

- E. ARRESTS: In the event of an arrest, the officer should handcuff the suspect in accordance with existing arrest procedures.
- F. FELONY DUI ARRESTS: Officers will follow all procedures for a DUI arrest. If in fact, it is later determined by Municipal Court that a DUI is a subjects' fourth DUI, the case will be nol prossed in Municipal Court and transferred to Criminal Investigations for prosecution in District Court as a felony DUI.
- G. RELEASE TO A RESPONSIBLE PARTY: In the event that a suspect does not reach the legal limits of intoxication, but the level of intoxication makes it unsafe for the suspect to drive, the Officer should secure transportation for the suspect. This will be the suspect's choice of a taxicab or another citizen who is sober with a valid drivers' license.
- H. IMPOUNDMENTS: All impoundments will be made in accordance with the Florence Police Department's written directive concerning vehicle impoundment procedures.
- I. CHEMICAL TESTING
 - 1. The offender will be directed to submit to a chemical breath test to determine the level of blood alcohol. The testing will be conducted according to the standards established by the Alabama Department of Forensic Science training. Upon completion of the test, the offender will begin the intake process at the LCDC.
 - 2. If a DUI arrestee requests a separate blood test, he or she will be allowed to have such a test, but only at his or her expense and only if he or she has submitted to a chemical breath test first. The arrestee must make the appropriate contact with the hospital of his or her choice to schedule such a test.
 - 3. TRAFFIC CRASHES: If the offender is involved in a traffic crash involving death or serious physical injury the Officer should attempt to obtain a voluntary blood or urine test at the nearest medical facility.
 - a. The offender should sign either an I/O supplement or a Miranda waiver stating that the blood or urine sample is being voluntarily given.
 - b. If the offender refuses to take a test the officer may

General Order 29.1.10
DUI ENFORCEMENT

complete, and have a judge sign a search warrant for the Taking of Samples of Blood and Urine under Title 32-5a-194, Code of Alabama form.

- c. **If a person refuses a test, none shall be given without a court order/search warrant for blood and urine ordering the person to submit to a test.**
 - d. If the person is dead, unconscious, or who is otherwise in a condition in which they are incapable of refusal, it shall be deemed they have not withdrawn their consent.
 - e. Any samples taken will be handled according to established procedures governing evidence.
 - f. Failure to submit to a test will result in the suspension of his or her privilege to operate a motor vehicle according to state law.
- J. DUI ON PRIVATE PROPERTY: Officers may arrest an impaired driver on private property if probable cause exists. Officers should be aware that the implied consent law applies only to the public roadways of the State of Alabama. Therefore, the offender will be read his or her Miranda Warning and then asked to submit to a chemical breath test. If the offender refuses to take the chemical breath test, he or she will not be subject to the penalty of refusal as dictated by implied consent.
- K. DUI CRASH INVESTIGATION: Upon an Officer's arrival at an accident scene, the Officer may arrest an impaired driver, providing that the offender has not left the scene, if:
- 1. The Officer observes the offender in actual physical control of the vehicle, or
 - 2. The offender admits to the Officer that he or she was driving, or
 - 3. If there is a witness at the crash scene who observed the offender operate the motor vehicle and is willing to appear in court as a witness to that fact.

Note: Officers should take into consideration that a driver may be disoriented due to an injury as a result of the accident. Officers should follow the criteria set forth within this directive in establishing probable cause for making an arrest. Officers should also be aware of the possibility of any future charges that may result from any injuries and/or death incurred in the crash, in that a D.U.I. charge may jeopardize any future prosecution based on the offender's constitutional right against double jeopardy.

VIII. CONDUCT AROUND POLICE RECORDING EQUIPMENT:

Officers will be mindful of recording equipment used to record DUI arrests.

General Order 29.1.10
DUI ENFORCEMENT

While in the area of such equipment, Officers should not act or speak in a manner they do not want presented before a court of law. Officers should keep in mind that the tapes are evidence and may be used in a later trial.

IX. EQUIPMENT

If an officer is assigned any special equipment pursuant to this duty, he or she will receive instruction on the proper use and care of such equipment. This may be accomplished by instruction from a senior officer, certified instructors, or as directed by the Operations Bureau Commander.