

## PATROL

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### DRIVING WHILE INTOXICATED ARRESTS AND CHECKPOINTS

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**Purpose:** The purpose of this policy is to establish Departmental policy regarding Driving While Intoxicated (DWI) arrests and DWI checkpoints, and to provide guidelines for their operation.

**Policy Statement:** The North Little Rock Police Department recognizes the importance of making DWI arrests and conducting DWI checkpoints. DWI arrests and checkpoints are an effective deterrent to those who choose to drink and drive. The North Little Rock Police Department along with additional law enforcement agencies will work together to reduce the number of impaired drivers and alcohol related traffic accidents and deaths.

**Summary of Changes:** New format.

**Procedure:** [CALEA 61.1.5, 61.1.10]

- 1 When an officer makes a traffic stop and suspects the driver may be impaired, the officer should remove the driver from the vehicle to investigate further.
  - 1.1 Some factors that should be considered, but are not limited to:
    - 1.1.1 Odor of intoxicants;
    - 1.1.2 Slurred speech; or
    - 1.1.3 Watery eyes.
  - 1.2 The officer should be observant of the driver's exit from the vehicle as this may be evidentiary of the driver's level of intoxication.
  - 1.3 When an officer chooses to administer Standardized Field Sobriety Tests (SFST), the officer will complete a SFST note sheet.
    - 1.3.1 The SFST will consist of the Horizontal Gaze Nystagmus (HGN), The Walk and Turn (W&T), and the One Leg Stand (OLS).
  - 1.4 Officers will note the results of each of the SFST and the number of clues exhibited for each of the three tests.
    - 1.4.1 If the officer has a portable breath tester (PBT) available and chooses to administer a PBT test, the officer will follow the manufacturer's directions in giving the test. The manufacturer's directions are printed on the back of the PBT. The PBT results will also be noted on the field note sheet.
  - 1.5 If the driver of a vehicle has failed the SFST, the driver's vehicle will be towed in accordance with Policy Directive 55-06, *Mandatory Impoundment of Vehicles*.
  - 1.6 The driver of the vehicle will be placed under arrest and transported to the North Little Rock Police Department BAC Room or other approved facility for a Blood Alcohol Content Test (BAC). [CALEA 71.1.1]
    - 1.6.1 The arrestee will be transported in accordance with Policy Directive 25-2 *Prisoner Transportation*.
  - 1.7 The arresting officer will administer a BAC test. In the event the arresting officer is not BAC certified, a BAC certified officer will be contacted, as only certified BAC officers may perform the test.
    - 1.7.1 The certified BAC officer will properly fill out the BAC log book for the machine used to administer the test.
  - 1.8 If the arrestee submits to this agency's BAC test and thereafter requests an additional BAC test, one will be given.
    - 1.8.1 If the arrestee requests an additional test and wants to have blood or urine drawn, the arresting officer will make every reasonable effort to assist the arrestee.
    - 1.8.2 A list of labs that provide these services will be posted in the BAC room and will be updated semi-annually by the Patrol Division Administration.
    - 1.8.3 If an arrestee is going to be released per the North Little Rock Police Department Responsibility Agreement, the arresting officer is not required to assist the arrestee in obtaining an additional test.
  - 1.9 Officers utilizing the BAC room will monitor arrestee at all times. Since the BAC room cannot be secured, officers will not leave arrestee unattended for any reason unless exigent circumstances prevail. [CALEA 71.5.1a,d]
    - 1.9.1 Officers are required to wear their service weapon during the testing process. Due regard should always be given to officer safety, especially if the arrestee is not handcuffed. [CALEA 71.5.1b]
    - 1.9.2 Officers are required to have their portable radios while utilizing the BAC room for safety purposes. [CALEA 71.5.1c]
    - 1.9.3 For safety purposes, a video camera is mounted in the BAC room and monitored by the front desk personnel. [CALEA 71.5.1a,d]

## **2 Alcohol Related Accidents**

- 2.1 When an officer responds to an accident with injury and alcohol is involved, the driver(s) may require transportation to a local medical facility or hospital.
- 2.2 The primary officer will make every attempt to respond to the medical facility in a timely manner. In the event the primary officer is unable to respond, a supervisor will be contacted so an additional officer can be dispatched to the medical facility.
- 2.3 The responding officer should make every effort to ensure that a Blood Alcohol Report Form (BARF) is completed on all drivers involved in the crash.
  - 2.3.1 The BARF will be an instrumental part of the prosecution and officers will ensure it is completed properly.
  - 2.3.2 Officers should pay particular attention to Section 4 of the BARF form which applies to the transfer (chain of custody) of the blood or urine sample.
  - 2.3.3 Once the sample is collected, the officer will treat the sample as evidence. The sample will be handled in accordance with Policy Directive 31-3 *Handling of Property*.
- 2.4 It will be the officer's responsibility to document the collection of the blood or urine sample regardless of who requests it.
  - 2.4.1 If the sample is taken at the request of the North Little Rock Police Department, officers will complete a supplemental report detailing the collection, transportation and storage of the sample.
  - 2.4.2 If the sample is taken at the request of the arrestee, the sample will be the responsibility of the arrestee; and no further action is required by the officer.

## **3 Documentation and Arrest [CALEA 61.1.11]**

- 3.1 The arresting officer will complete and forward the following documents to 2<sup>nd</sup> Division District Court (Traffic Court):
  - 3.1.1 Original Traffic Citation;
  - 3.1.2 White copy of BAC Ticket;
  - 3.1.3 Original Implied Consent;
  - 3.1.4 Original Arkansas Disposition of Arrest Report (ADR);
  - 3.1.5 Original Field Sobriety notes;
  - 3.1.6 Copy of Driver License Suspension Form (front and back);
  - 3.1.7 Copy of Impoundment form (if applicable);
  - 3.1.8 Copy of BAC log book entry;
  - 3.1.9 Copy of Drivers License;
  - 3.1.10 Copy of BARF (if applicable); and,
  - 3.1.11 Original Personal Responsibility Agreement (if applicable).
- 3.2 The arresting officer will complete and forward the following documents to the Arkansas Department of Finance and Administration (Driver Control). Pre-addressed envelopes are located at the front desk and in the BAC room:
  - 3.2.1 Original Drivers License or Permit;
  - 3.2.2 Yellow copy of BAC Ticket;
  - 3.2.3 Original Drivers License Suspension Form (Completed Front and Back);
  - 3.2.4 Copy of Implied Consent.
- 3.3 Upon completion of all required procedures, the arresting officer has two options with the arrestee:
  - 3.3.1 The officer, at his discretion, may choose to release the arrestee by completing a North Little Rock Police Department Responsibility Agreement form.
  - 3.3.2 The officer's second option may be to transport the arrestee to the Pulaski County Regional Detention Facility for processing. The officer should take into consideration the current occupancy levels and staffing when making a decision to commit the arrestee to the detention facility.

## **4 DWI Checkpoint Written Plan [CALEA 61.1.6d]**

- 4.1 Checkpoints will have a detailed written operational plan which will be devised by the Patrol Commander or designee.
- 4.2 The operational plan will include a detailed diagram of location(s) where checkpoints will be conducted.
  - 4.2.1 In the event the North Little Rock Police Department utilizes property not owned by the City of North Little Rock to set up a checkpoint, the checkpoint supervisor will obtain permission from the property owner to use the property for the purposes of a D.W.I. Checkpoint.
  - 4.2.2 Checkpoint locations should be determined using some of the following criteria:
    - 4.2.2.1 Locations(s) of recent D.W.I. related accidents;
    - 4.2.2.2 Location of recent D.W.I. arrests;
    - 4.2.2.3 Traffic accident statistics;
    - 4.2.2.4 Safety of officers conducting checkpoint;

4.2.2.5 Safety of the public during the checkpoint; and

4.2.2.6 Ease of operation and traffic volume.

4.2.3 In the event there is more than one checkpoint location conducted, each location will have its own operational plan.

4.3 The checkpoint commander will designate in the written plan a standard by which vehicles will be directed into the checkpoint, ie: every third or fifth vehicle.

## 5 Checkpoint Safety

5.1 Each checkpoint will have a safety officer whose primary responsibility will be the safety of all officers working the checkpoint regardless of what agency the officer's work for.

5.1.1 The safety officer will be appointed by the checkpoint supervisor. The safety officer will have no other duties during the operation of the checkpoint other than ensuring the safety of the citizens of North Little Rock and the officers of the North Little Rock Police Department.

5.2 The safety officer will ensure that all officers have the proper equipment to operate the checkpoint in a safe manner.

## 6 Equipment

The checkpoint commander and safety officer will ensure all officers are properly equipped for the checkpoint operation.

6.1 The traffic lanes into the checkpoint location will be clearly marked with orange traffic cones. These cones will define each lane of traffic into and out of the checkpoint location.

6.2 There will be signs that clearly mark and inform approaching drivers of the checkpoint. The signs will state "Checkpoint Ahead" and will be reflective in nature. The signs will be posted far enough in advance to ensure approaching drivers are aware of the checkpoint location.

6.3 There will be a stop sign posted just prior the checkpoint entry with an officer directing the designated vehicle into the checkpoint.

6.4 There will be an additional route of orange cones to direct selected vehicles into the checkpoint location. An additional officer may be necessary to ensure the selected vehicle takes the proper route and to ensure the safety of all other vehicles and officers conducting the checkpoint operation.

6.5 Command One will be utilized to:

6.5.1 Coordinate the deployment of officers;

6.5.2 Keep track of and store evidence;

6.5.3 Store equipment;

6.5.4 Act as a mobile communications center; and

6.5.5 Arrange the towing of vehicles.

## 7 Checkpoint Officers

7.1 Each officer working the checkpoint will have an assigned position and will not leave that position unless and only when relieved.

7.2 There will be at least one containment vehicle positioned in such a place to adequately warn approaching drivers of the upcoming checkpoint. The containment vehicles are NOT pursuit vehicles and will not stop vehicles for avoiding the checkpoint unless another traffic violation has occurred.

7.2.1 The containment vehicles at the rear of the checkpoint may be utilized in the event a selected vehicle refuses to enter the checkpoint location and drives away.

7.2.2 In the event the checkpoint is being operated in two directions, a containment vehicle will be posted at each end of the checkpoint.

7.3 There will be at least one officer directing vehicles into the checkpoint. In the event the checkpoint is being operated in two directions, there will be two officers directing traffic into the checkpoint.

7.3.1 The traffic direction officers will direct each selected vehicle into the checkpoint.

7.3.2 The traffic direction officers will keep count of the number of vehicles directed into the checkpoint.

7.3.3 There are very strict criteria for a deviation of a vehicle into the checkpoint other than every third or fifth car.

7.3.4 The traffic direction officer should be able to articulate why the deviation occurred. An example may be the vehicle struck several cones, almost struck an officer, or a small child not properly restrained. The checkpoint commander will be informed of any deviations and document each deviation.

7.4 SFST officers will be responsible for making contact with each vehicle directed into the checkpoint.

7.5 Officers will advise every driver they are conducting a DWI checkpoint and ask each driver for their driver's license, insurance and registration.

7.6 SFST officers who determine that a driver may be impaired will remove the driver from their vehicle and escort them to the SFST area so that Standardized Field Sobriety Tests may be conducted

- 7.6.1 The SFST area will be clearly marked and separated from the other areas of the checkpoint to avoid any possible distractions for the test subjects.
- 7.7 An SFST officer who determines the driver has failed the standardized field sobriety tests will transport the driver to the North Little Rock Police Department for a BAC test.
- 7.8 If the driver fails the BAC test, the SFST officer will complete all the required paperwork associated with a DWI arrest.

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