

CAMBRIDGE POLICE DEPARTMENT

Title: *D.W.I TRAFFIC ENFORCEMENT*

Procedure: 4.614

Date Issued:

Revised:

PURPOSE:

To establish procedures for handling persons charged with driving while under the influence of alcohol or drugs.

To establish guidelines for conducting a DWI countermeasure program designed to reduce alcohol/drug related crashes.

POLICY:

The Police Department is dedicated to decreasing the incidence of traffic crashes and injuries caused by the intoxicated motorist. Officers are expected to be alert for signs of alcohol and/or drug impairment in contacts with motorists. Countermeasures including programs involving education, enforcement, adjudication, treatment and public support are essential to be successful in reducing the DWI problem.

PROCEDURE:

REASONABLE SUSPICION / PROBABLE CAUSE / ARREST

1. The officer's observations in the initial stages of contact with the offender if dispatched to an incident and in establishing reasonable suspicion for a traffic stop and probable cause for the arrest are critical.

2. When establishing probable cause for arrest, officers should:
approach the driver with caution;

identify the driver and request his drivers license and proof of insurance;

interview the driver, establish that he/she was or is in control of the vehicle;

note any observations that add to your suspicion of intoxication, (odor of alcoholic beverage, slurred speech, etc.). Ask the driver if he has been drinking.

if intoxication is suspected, select a suitable, safe site to administer appropriate field sobriety tests to assess impairment.; a preliminary breath test may also be administered.

if the driver fails the tests and the officer believes the elements for DWI are present the officer should effect an arrest by advising the driver that he is under arrest for DWI and transport the driver to the station for processing; and,

advise the Communications Center of the arrest and, if necessary, request a certified Intoximeter operator.

IMPOUNDING (TOWING) THE VEHICLE

1. Upon arrest for a D.W.I. violation the vehicle will be towed unless it can be released to a properly licensed driver, in an appropriate amount of time. The permission to release the vehicle must be given by the owner of the vehicle.

COMPLAINT PROCESSING

1. Complete the DWI citation as soon as possible after the initial arrest. The driver should be issued the citations(s) and read the DR15 ADVICE OF RIGHTS FORM in its entirety before any request for tests of his breath or blood.

CONDUCTING THE TESTS

BREATH TEST

1. The breath test will be conducted by a certified Breath Test operator in accordance with policy set forth by the Office of the State Toxicologist.
2. The Department will use a breath test instrument which is certified and has been approved by the Office of the State Toxicologist. The breath test instrument will be maintained by the Maryland State Police Chemical Test for Alcohol Unit.
3. If the Department's breath test instrument is inoperable, a supervisor may authorize the use of a breath test instrument of another police department. The arrestee will be transported to the other department and whenever possible the Intoximeter operator from the Police Department will conduct the test, if qualified.
4. The test operator will record all required information concerning the test in the Breath Test log book and on the intoxilyzer receipt. The Log Of Tests book will be maintained by the Breath Test Supervisor.

BLOOD TEST

1. Two blood samples will be collected by a physician licensed to practice medicine, a registered nurse or other qualified medical personnel in accordance with the policy set forth by the Office of the State Toxicologist.
2. Officers will utilize Dorchester General Hospital when it is required to take a blood sample.
3. The arrestee should be transported to the Emergency Room where there are qualified medical personnel familiar with the requirements for the drawing of blood for DWI cases.
4. Blood kits, provided by the Department, are available for the drawing of

blood. The blood kits are kept in the Intoximeter room.

5. The arresting officer is responsible to see that the DWI blood form is completed as required and all samples are properly labeled. Both the form and labels are provided in the kit. The officer should make a copy of the DWI blood form for our records.

6. Blood samples should be properly packaged, inventoried and stored until transferred to the State Police Crime Lab for analysis.

REFUSAL TO SUBMIT TO BREATH, BLOOD TESTS

1. The arresting officer shall not offer any advise to the arrestee in regards to taking or not taking any test.
2. The DR15A OFFICER'S CERTIFICATION AND ORDER OF SUSPENSION FORM will be completed by the arresting officer if the subject refuses to submit to the test.
3. Copies of the DR15 will be served on the subject and the subject's license will be confiscated. The license will be forwarded to MVA by the Secretarial staff.
4. A DR15A will also be completed and the license confiscated if the test for alcohol concentration is 0.08or more.

D.W.I. COUNTERMEASURES

1. The Department recognizes that drivers impaired by alcohol and other intoxicants represent a serious threat to the safety of others. Because of the seriousness of this problem the Department

maintains a D.W.I. enforcement program that includes provisions for public education, enforcement, and roadside safety checks. The Police Department's DWI Countermeasures Program is focused on the arrest of alcohol and/or drug related traffic offense violations by providing special training to patrol personnel to assist their efforts in identifying and apprehending offenders.

2. The identification of persons suspected of driving under the influence of alcohol or drugs is an important component of the patrol function. Training will be provided to maintain a proficiency in the identification, apprehension and processing of alcohol/drug impaired motorists. Training courses provided will include:

- Breath Test Instrument Operation

- Field Sobriety Testing: HGN

- Testifying in a DWI Trial

- DWI Enforcement

3. Officers should be familiar with those areas of their beat frequently traveled by DWI impaired drivers, and with the locations of DWI related traffic crashes.

4. Supervisors should direct patrol officers to those locations that require selective traffic enforcement for DWI., as workload and personnel permit.

5. The Community Policing Unit is responsible for the development, implementation, and maintenance of drug and alcohol awareness programs for school age children and concerned community organizations and interested groups. A Liaison will be established with any local chapter of S.A.D.D., M.A.D.D. or any other similar organization.