


# PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	<b>SUBJECT:</b>	<b>POLICY NUMBER</b> <b>402</b>
	<b>ALCOHOL COUNTERMEASURES PROGRAM</b>	<b>ISSUE DATE</b> <b>02/19/2008</b>
	<b>CHAPTER: TRAFFIC</b>	<b>EFFECTIVE DATE</b> <b>02/19/2008</b>
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## I. POLICY

The arrest of an individual for driving under the influence differs significantly from other traffic law violations. Any person who operates a motor vehicle while under the influence of alcohol or other self-administered intoxicants or drugs poses an unpredictable hazard to law abiding motorists; therefore, each officer of this agency will make an intensified effort to remove this type of driver from the highway.

### A. DWI Enforcement Procedures

1. **GENERAL:** Driving under the influence has been interpreted by various courts to mean that the ability to operate a motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs. It does not imply that the operator of a motor vehicle be in a state of alcoholic or drug-induced stupor or be entirely incapable of exercising physical control of his vehicle. Driving under the influence of intoxicants is an offense generally associated with leisure-time activity. Consequently, most arrests are made during the evening hours or in the early morning hours after taverns close or social gatherings end. Although the intoxicated driver may be observed any day of the week, weekends and holidays reflect an increase of offenses and arrests.
2. **LAWS:** Each officer will be familiar with all laws and ordinances that relate to driving while intoxicated.
3. **LOCATING AND STOPPING:**
  - a. As soon as an officer suspects a driver of being under the influence, observations should be noted for future reference.

- b. In most cases, the officer will observe deviations from normal driving behavior. The following deviations are some of the indicators that a driver might be suffering some form of impairment:
  - i. Sitting through a green light.
  - ii. Weaving
  - iii. Crossing the center line and driving on road shoulder
  - iv. Very slow speed
  - v. Excessive speed
  - vi. Disregard for stop signs or signals
- c. When you have observed a driver whose actions are similar to the above or are not consistent with sound driving practices, an immediate stop should be made.
- d. Be alert and use extreme caution when stopping a suspected intoxicated driver. Keep in mind that alcohol or drugs affect judgment and may result in erratic and foolish behavior.

#### **4. OFFICER DRIVER CONTACT:**

- a. Officers will be polite and business-like, remaining aware that the driver's judgment, self-restraint, and self-confidence are the first faculties to be distorted by alcohol, creating the setting for lack of cooperation, belligerency, and even physical contact. Do not allow yourself to be drawn into an argument.
- b. Get the violator out of the vehicle and to a safe location, carefully observing all actions and statements.
- c. Obtain the person's operator license or other identification, if you have not previously done so.
- d. Suspect drivers will be requested to perform field sobriety test.
  - i. Heel to toe.
  - ii. Foot to bumper.
  - iii. Finger to nose.
- e. The test results and driving behavior should be collectively weighed in the decision to make an arrest; however, the suspect driver may refuse these tests. If so, the officer may arrest on the basis of observation of driving behavior. The suspect driver, whose dexterity performance is unacceptable yet chemical test reveals no alcohol consumption, should be carefully observed for signs indicating drug usage or abuse. Officers may also arrest in this case on the basis of observations of driving behavior and dexterity alone.

## 5. PROCESSING DWI:

- a. Provision and procedures outlined in the Arkansas Code should be applied without regard to age of any suspected intoxicated driver.
- b. Every driver arrested for driving under the influence will be advised of the law requiring a blood or breath test to be taken and the penalty of refusal. (Implied Consent Law)
- c. If a person chooses to submit to a breath test, the person may also be required to submit to a test to determine the drug content of his blood if the law enforcement officer has reasonable cause to believe the person was driving under the influence of any drug or any combination of drugs or the combined influence/alcohol and drugs.
- d. If the violator submits to a chemical test for intoxication, it will be administered by a qualified breathalyzer operator.
- e. If the DWI arrest is a result of a traffic accident investigation and the vehicle operator has been transported to a hospital, the officer will proceed to the hospital and request the violator submit to a blood test to be administered by the hospital staff. The blood test must be accomplished within two hours of the time of the accident.
- f. If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency, as provided in **ACA 5-65-202**, none shall be given, and the person's motor vehicle operator's license shall be seized by the law enforcement officer, and the officer shall immediately deliver to the person from whom the license was seized a temporary driving permit which shall expire on the court date (**ACA 5-65-205**).
- g. Departmental forms will be completed accounting for the incident and indicating the results of any tests that have been administered, to include a detailed DWI Offense Report.
- h. On any DWI arrest, the drivers license will be seized and the driver's license suspension form will be filled out. Driver Control will take action on whether to suspend license or not.
- i. Driver Control forms will not be used on DUI under 21 and under .08% or on DWI involving CDL operating commercial vehicle.