

	<h1 style="margin: 0;">ELGIN POLICE DEPARTMENT</h1> <p style="margin: 0;">151 Douglas Avenue Elgin, Illinois 60120</p>	
Effective Date: 06/17/02	STANDARD OPERATING PROCEDURE	Revised Date: 06/04/25
Chief of Police: 	Traffic Enforcement, 61.1	
Cross Reference: SOP 41.5 Motor Vehicle Pursuits SOP 44.2, Juvenile Operations SOP 61.4, Traffic Ancillary Services SOP 61.5 Citation Accountability SOP 71.2, Restraining Devices 50 ILCS 705-10.17-5 410 ILCS 130/1 625 ILCS 5/4-203 625 ILCS 5/6-801 625 ILCS 5/11-204 625 ILCS 5/11-501 725 ILCS 5/107-7 20 IL Administrative Code, Section 1286.330		Policy Sections: 61.1.1 Data Driven Approach Crime Traffic Safety (DDACTS) 61.1.2 Uniform Traffic Enforcement Procedures 61.1.3 Special Traffic Violation Processing 61.1.4 Court Appearance 61.1.5 Enforcement of Violations 61.1.6 Traffic Patrol 61.1.7 Motorist Stop Procedures 61.1.8 Police Officer Contact with Traffic Violators 61.1.9 Speed Detection Devices 61.1.10 DUI Enforcement 61.1.11 DUI Subject Handling 61.1.12 Referral of Drivers for Re-examination Appendix A: Illinois Phlebotomy Services Brochure Appendix B: Medical Reporting and Re-Examination Request

PURPOSE

The purpose of this policy is to establish guidelines for the enforcement of traffic related laws.

POLICY STATEMENT

It is the policy of the department to enforce all traffic laws and ordinances to promote traffic safety and reduce motor vehicle traffic crashes. All police officers are responsible for the traffic law enforcement function and shall focus their efforts primarily on the contributing causes of injury crashes to include, but not limited to speed violations, DUI enforcement, distracted driving enforcement, and occupant protection enforcement.

DEFINITIONS

Area Patrol: Moving patrol within a defined area.

Breath Alcohol Concentration: Grams of alcohol per 210 liters of breath; also referred to as BrAC.

Breath Analysis Operator: An individual licensed by the Illinois State Police to operate approved evidentiary instruments and to create subject test records; also referred to as BAO.

Card Holder: Pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1), means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the Department of Public Health.

Data Driven Approach to Crime and Traffic Safety (DDACT): Consists of the top ten zones with a high propensity for traffic crashes and fluctuating zones based on high crime data. The compilation of location based crime and traffic data are used to identify the zones. The identified zones are the primary components for selective traffic enforcement.

DAX Evidence Recorder: An evidence tool used to capture high-definition video and photographic evidence from a person's eyes.

Directed Patrol: Assigned patrol to a specific area based on analysis of accurate and timely information regarding traffic violations, crashes, and other related incidents.

Line Patrol: Patrol between two specific points on a given street.

Marked Police Vehicle: Any police vehicle that is identifiable by a specialized color scheme, department seal and specialized lettering.

Marked Subdued Police Vehicle: Any police vehicle that is not immediately recognized; however, the identifiers are recognizable when viewed at close range and are reflective during nighttime hours.

Medical Use of Cannabis: The acquisition, administration, delivery, possession, transfer, transportation, or use of cannabis to treat or alleviate a person's debilitating medical condition or symptoms associated with the debilitating medical condition, 410 ILCS 130/1.

Ordinance Citations: Issued for violations as prescribed in the municipal code of the city of Elgin.

Physical Arrest: Enforcement action where taking the person into custody is warranted.

Responsible Adult: A person who is at least 21 years of age and willing to take custody of an individual who is suspected of being under the influence of drugs, alcohol, or any other intoxicating substance.

Saturation Patrol: Directed patrol assigned to multiple units.

Selective Traffic Enforcement: The assignment of personnel to traffic enforcement activities at times and locations where crime, hazardous or congested conditions exist. These assignments are usually based on such factors as traffic volume, crash/crime statistics, personal injuries or fatalities, frequency of traffic violations, service needs and community concerns.

Stationary Patrol: Visible or concealed use of a police vehicle to monitor and/or track traffic concerns without physical operation of the vehicle.

Traffic Citations: Issued for traffic offenses where a verbal or written warning may not be effective to gain the violator's future compliance.

Unmarked Police Vehicle: Any police vehicle that has no distinctive identifiable markings.

Written or Verbal Warnings: Issued for minor traffic offenses where future compliance by the violator is likely.

PROCEDURES

61.1.1 DATA DRIVEN APPROACH CRIME TRAFFIC SAFETY (DDACTS)

- A. The purpose of DDACTS is to reduce incidents of crime, crashes, and traffic violations in the community. Quarterly, the crime analyst/statistician coordinates updated DDACT zones which are contained in the Crime Analysis Reports that are electronically distributed to the department. A map depicting DDACT zones is also accessible to all personnel via the department's Intranet Site.
- B. Enforcement at the identified zones shall be a department-wide priority.
- C. DDACT zones have the propensity to fluctuate depending on the most recent crime data to include where traffic crashes are occurring within the top ten traffic zones and locations in the city having the highest criminal activity.
- D. Implementation of selective traffic enforcement and techniques are authorized and coordinated through supervisors and their designees. Techniques include, but are not limited to:
 - 1. Directed Patrol
 - 2. Saturation Patrol
 - 3. Stationary Speed Trailer, including speed signs

4. Stationary Patrol

61.1.2 UNIFORM TRAFFIC ENFORCEMENT PROCEDURES

- A. All police officers are responsible for conducting traffic enforcement in a manner that is fair and impartial, following applicable state laws and city ordinances. Police officers shall not conduct enforcement efforts based on discriminatory profiling or other discriminatory practices as stated in Standard Operating Procedure 111.1 Discriminatory Profiling and shall conduct enforcement activities based on their discretion, training, experience, and professional judgment.
- B. All police officers shall take proper enforcement action based upon violation of state laws and city ordinances. These enforcement actions include:
 - 1. Physical Arrest
 - 2. Traffic/Notice to Appear Citations/Ordinance Violations
 - 3. Written or Verbal Warnings
- C. While performing traffic enforcement, police officers encounter situations where the search of a vehicle becomes necessary. Police officers are responsible for:
 - 1. Ensuring personal belongings inside a vehicle are safeguarded.
 - 2. Securing a vehicle prior to leaving it unattended.

61.1.3 SPECIAL TRAFFIC VIOLATION PROCESSING

- A. Non-Residents (Non-Resident Violator Compact)

Pursuant to 625 ILCS 5/6-801 the non-resident violator compact seeks compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions; allows a motorist to accept a traffic citation for certain violations and proceed without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued; extends cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction; and, maximizes effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.
- B. Juvenile Subjects

Shall be processed in accordance with Standard Operating Procedure 44.2 Juvenile Operations.
- C. United States Congressional Immunity

Senators and representatives shall in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and from the same. Additionally, members of Congress may not be detained for the issuance of a citation while in transit to or from the Congress of the United States 725 ILCS 5/107-7(b).
- D. Electors

In all cases except treason, felony or breach of the peace shall be privileged from arrest during their attendance at election, and in going to and returning from the same 725 ILCS 5/107-7(a).
- E. Military Personnel

Privileged from arrest during their attendance at musters and elections and in going to and returning

from same, except for treason, felony, or breach of peace arrests 725 ILCS 5/107-7(c).

F. Court Officers

Judges, attorneys, clerks, sheriffs, and other court officers shall be privileged from arrest while attending court and while going to and returning the same 725 ILCS 5/107-7(d).

G. Diplomatic Immunity

1. The federal law governing immunity is 22 USC 254, otherwise known as the Diplomatic Relations Act of 1978. This act was to bring the United States into compliance with the provisions of the Vienna Convention of 1961. Immunity in itself does not mean pardon, total exoneration or total release from the responsibility to obey the law. Immunity is a barrier which precludes U.S. courts from exercising jurisdiction over the case involving diplomatic personnel.
2. Diplomatic officers and members of their immediate family receive full immunity.
3. Diplomatic staff have the same privileges except for civil liability.
4. Consular officials have limited immunity for criminal matters while engaged in official business. Members of their immediate family do not have immunity.
 - a. Consular employees receive limited immunity when on official business.
 - b. Consular service staff receive no immunity.
 - c. Most of the diplomatic post personnel receive immunity from the obligation to provide evidence as a witness regarding matters of official business.
5. Traffic enforcement by stopping a diplomatic or consular officer and issuing a traffic citation does not constitute an arrest and is permissible, although signature on the citation by such individual may not be required. Police officers should follow normal procedures when a violation is observed, even if immunity bars any further action at the scene. Persons committing violations of traffic laws should be contacted/stopped.
 - a. If a diplomatic officer is stopped, while under the influence of alcohol or drugs, the police officer has several options.
 1. Take the person to the police station to regain sobriety.
 2. Contact a person or entity to provide transportation.
 - b. Unless the consular officer is considered a serious danger to themselves or others, they should not be physically restrained. Sobriety tests may be offered but shall not be compelled.
 - c. The police officer should impress upon the consular officer that it is the department's primary responsibility to care for their safety and the safety of others as well.
 - d. Any incident involving consular officers should be fully documented and forwarded to the chief of police, through the chain of command. The chief of police, in all cases, shall forward a copy of the incident to the State Department. The State Department shall be responsible for the continuance or suspension of the driving privileges of the individual.

- e. The burden is upon the diplomat to claim immunity by presenting valid credentials. Status of the diplomat should be verified through the United States Department of State.

61.1.4 COURT APPEARANCE

At the time the person is stopped and cited for a violation, the police officer shall provide the person with the following information:

1. The specific charges.
2. Court appearance schedule as listed on the citation.
3. Whether a court appearance is mandatory, as listed on the citation.
4. Prepayment information.
5. Court diversion options, if applicable.

61.1.5 ENFORCEMENT OF VIOLATIONS

- A. Uniform enforcement of all violations of state laws and city ordinances are expected by all police officers. In all enforcement actions the police officer has the discretion to use any or all of the applicable enforcement options as outlined in section 61.1.2 of this policy. Special enforcement procedures for DUI enforcement are outlined in section 61.1.11.
- B. Speed violations should be based on factors such as traffic volume, weather conditions, and location. Police officers should exercise discretion in determining whether to issue a warning or a citation.
- C. Enforcement of other violations of the Illinois Vehicle Code including driving while suspended or revoked, and other hazardous moving violations shall be enforced based on the police officer's training and experience.
- D. Enforcement of non-hazardous and equipment violations, commercial and common carrier violations shall be enforced by police officers based on training and experience.
- E. Multiple violations may be issued as necessary, and the Illinois Supreme Court rules governing bonding procedures for multiple citations shall be followed.
- F. Citation(s) should be issued to the at fault driver in traffic crashes, when appropriate.
- G. As newly enacted laws are received, they are to be distributed by the Office of the Chief of Police.
- H. Pedestrian and bicycle enforcement shall be based on the police officer's discretion.
- I. Off-road vehicle enforcement shall be based on police officer's discretion. Police officers shall cause the removal of the vehicle in these cases unless the person has the means to transport the vehicle legally from the location.
- J. When aggravating factors exist to support the request for felony charges pertaining to a DUI or driving while license suspended/revoked for a second and third time, police officers shall confer with the respective state's attorney's office to have the case screened for the appropriate felony charges. To view potential aggravating factors for these offenses and exemptions, refer to Training Bulletins TB-23-19 and TB-23-20.
- K. For violations committed by juveniles, refer to Standard Operating Procedure 44.2 Juvenile Operations.

61.1.6 TRAFFIC PATROL

- A. Marked and marked subdued police vehicles are used for daily patrol operations, to include traffic enforcement. Unmarked police vehicles may be used to accomplish a specific purpose.
 - 1. When an unmarked police vehicle or marked subdued police vehicle is utilized, police officers must realize that the motorist may not recognize them as a police officer, especially if they are not in uniform.
 - 2. Use of an unmarked police vehicle or marked subdued police vehicle during traffic enforcement functions shall be indicated in the police officer's report.
 - 3. Refer to Standard Operating Procedure 41.5 Motor Vehicle Pursuits and the Illinois Vehicle Code (625 ILCS 5/11-204) regarding fleeing and eluding situations and enforcement limitations where unmarked vehicles are utilized.
- B. In situations or areas where stationary observation, either visible or concealed, is necessary to maximize the effectiveness of a selective enforcement effort, police officers shall park in a location in such a manner that traffic flow is not impeded.
- C. Traffic patrol techniques include area, directed, line, saturation, and stationary patrol.

61.1.7 MOTORIST STOP PROCEDURES

A. Traffic Law Violators/Unknown Risk Stops

There are inherent unknown risks associated with all traffic stops. The following guidelines are recommended to provide for police officer safety when stopping traffic law violators. When safe, the police officer shall advise the Emergency Communications Division, of all traffic stops. The police officer shall provide the location of the stop, the license plate number and when necessary, other identifiers of the vehicle and occupants.

- 1. The traffic stop should be conducted in a manner that provides the highest amount of safety and security.
- 2. When approaching the vehicle, the following procedures should be followed:
 - a. Police officers should be aware of their surroundings and ensure that they exit their vehicles in a safe manner.
 - b. Police officers should be cautious, watching for sudden or suspicious movement.
 - c. Police officers initiating contact with the occupants of the vehicle should be positioned in a safe location.
 - d. When safe to do so, police officers should survey the interior of the vehicle. The passenger side approach is acceptable.

B. High Risk Traffic Stops

All traffic stops have the potential for unknown risk and can become hazardous and dangerous. Under certain circumstances, police officers will have the opportunity to evaluate traffic stop risk factors prior to attempting the stop. High risk traffic stops include, but are not limited to forcible felonies, crimes involving the use of weapons, stolen vehicles and the police officer's articulable facts based upon the totality of the circumstances. The following are guidelines for effecting high risk traffic stops:

- 1. Police officers shall notify the Emergency Communications Division of their intent to affect

a high-risk traffic stop. Make contact with backup units and communicate the following: location and direction of travel, description of the vehicle, including vehicle registration, description of suspects, and high-risk factors.

2. When a backup unit is in position to provide cover, communicate to the backup unit and the Emergency Communications Division of the intended location for the high-risk stop. Every effort should be made to choose a location that provides ample space and sufficient lighting needed to conduct the stop.
3. As the suspect vehicle stops, care should be exercised in positioning the police vehicle for maximum tactical advantage and safety. The primary unit should be positioned at a safe distance and positioned in relation to the suspect vehicle. It is recommended that backup units be positioned in a safe manner as circumstances allow.
4. Spotlight and high beam headlights should be used to illuminate the suspect vehicle and protect the police officers.
5. Once primary and backup police officers are in position, persons should be controlled through the use of verbal commands. Easily understood voice commands are very important and when feasible only one police officer at a time should give verbal commands.
6. Prior to approaching the vehicle, the police officer shall announce their office. When appropriate, police officers shall order all vehicle occupants to put their hands in a safe visible position and to remain still until ordered otherwise. The procedures outlined in Section 61.1.7 (A) (2) shall also be followed during high-risk traffic stops.
7. When all visible occupants have safely exited the vehicle, the vehicle shall be cleared. Police officers should exercise due diligence in inspecting the suspect vehicle.

61.1.8 OFFICER CONTACT WITH TRAFFIC VIOLATORS

- A. The police officer should greet the person in a professional manner, explain the reason for the stop and request the person's driver's license and any other required documents applicable to the stop.
- B. A complete explanation of what action is being taken shall be given. If a citation is issued and/or a court appearance is necessary, the specific details shall be given. Any payment by mail options shall also be clearly explained, as well as non-resident subject compact information.
- C. Upon completion of the traffic stop, the police officer should assist the person in safely re-entering the traffic flow.
- D. The Emergency Communications Division shall be notified of the disposition of the traffic stop.

61.1.9 SPEED DETECTION DEVICES

- A. The department utilizes speed signs/trailers to respond to citizen concerns and assist in neighborhood speed monitoring.
 1. The Traffic Unit monitors the placement of speed detection devices and facilitates requests to have them placed in a specific location.
 2. Upon review of the data collected by the speed trailer, the Traffic Unit has the ability to determine what additional action can be taken based upon the collected data to assess if additional police enforcement is required.
 3. The data collected by the speed trailer is maintained by the vendor. The parking control supervisor has access to the data and distributes information as needed or when requested.

- B. Radar and laser equipment shall be used in response to citizen concerns and at the discretion of the police officer with emphasis in areas where crashes occur and are attributed to speed; violations are prevalent; school and construction zones. This equipment is maintained in the Traffic Unit and Patrol Division.
- C. Radar and laser equipment shall be manufactured to meet the specifications of the National Highway Traffic Safety Administration. Police officers operating such equipment shall:
 - 1. Inspect the unit for visible damage and proper internal functioning.
 - 2. Police officers using radar or laser equipment shall be responsible for reporting any damage or malfunctions to the Traffic Unit sergeant.
 - 3. All speed detection devices shall be inspected and calibrated every three years. The Traffic Unit sergeant shall ensure inspections, and all records of certification and repairs are maintained.
 - 4. The department will provide training, as necessary, for all department personnel who operate speed detection devices.

61.1.10 DUI ENFORCEMENT

- A. Designated police officers are trained and equipped to detain and process alcohol and/or drug-impaired drivers.
- B. When a police officer observes or otherwise receives information of a suspected impaired driver, the police officer shall take appropriate actions in the investigation of the incident.
- C. Police officers shall make every effort to promote public awareness in the area of impaired driving.
- D. Police officers may be assigned to special details or task forces for enhanced enforcement programs as directed by the Traffic Unit sergeant.

61.1.11 DUI SUBJECT HANDLING

- A. Police officers must be aware of the following requirements as it pertains to DUI investigations:
 - 1. Physical control of a vehicle by a person who is alcohol and/or drug impaired.
 - 2. Probable cause by the police officer to believe the driver is alcohol and/or drug impaired.
 - 3. Pursuant to 625 ILCS 5/11-501.9, a person who drives or is in actual physical control of a motor vehicle upon the public highways of this state shall be deemed to have given consent to validated roadside chemical tests or standard field sobriety tests approved by the National Highway Traffic Safety Administration pursuant to 625 ILCS 5/11-501.2, if detained by a police officer who has a reasonable suspicion that the person is driving or is in actual physical control of a motor vehicle while impaired by the use of cannabis.
 - a. The police officer must have an independent, cannabis-related factual basis giving reasonable suspicion that the person is driving or in actual physical control of a motor vehicle while impaired by the use of cannabis for conducting or standardized field sobriety tests, which shall be included with the results of the field sobriety tests in any report made by the police officer who requests the test.
 - b. A card holder's possession of a registry identification card issued under the Compassionate Use of Medical Cannabis Program Act alone is not a sufficient basis for reasonable suspicion.

- B. The following guidelines will be followed when the police officer has a reasonable belief that the driver is under the influence of alcohol, drugs, or other intoxicants.
1. Instruct the driver to turn off the ignition and remove the keys from the ignition.
 2. Instruct the driver to exit the vehicle.
 3. Request the driver to perform a series of standardized field sobriety tests, which may include, but are not limited to:
 - a. Horizontal Gaze Nystagmus (HGN)
 - b. Walk and Turn
 - c. One Leg Stand
 - d. Preliminary Breath Test (PBT)

If not trained in standardized field sobriety tests or the driver is physically unable to perform those tests optional tests include, but are not limited to:

 - e. Finger to Nose
 - f. Finger Count
 4. Tests may be terminated at any time if the police officer believes that the driver is:
 - a. Not under the influence
 - b. Under the influence and incapable of safely completing the tests
 5. If a police officer is not able to determine the source of impairment or the police officer suspects drug impairment, a police officer trained in Drug Recognition Expert (DRE) can be requested to perform a drug influence evaluation.
 6. A drug influence evaluation is a post arrest, detailed examination of a person arrested or suspected of drug impaired driving. A DRE is able to perform an expert opinion on the following:
 - a. If the person is impaired and whether the person is able to operate a vehicle safely.
 - b. Whether the impairment is due to an injury, illness or other medical condition.
 - c. Whether the impairment is due to drugs and the category or combination of drug categories is involved.
- C. It is the police officer's discretion as to what action shall be taken based on all information available.
1. If the driver is arrested for driving under the influence of intoxicants, the police officer shall clearly articulate the probable cause for the arrest based upon observations made.
 2. These observations should also take into account other factors, such as observations prior to the traffic stop, evidence of alcohol and/or drug use, statements of witness, etc.
 3. If an arrest is made, the police officer shall advise the driver of the charge, 625 ILCS 5/11-501a), at the time of custody.

- D. Custody and transportation of the arrested driver shall be in compliance with Standard Operating Procedure 71.2 Restraining Devices.
- E. The police officer shall advise the driver of the disposition of the vehicle, which shall be towed and impounded for twelve hours (625 ILCS 5/4-203e) and in accordance with Standard Operating Procedure 61.4 Traffic Ancillary Services.
- F. Arrest Process
 - 1. Arrest processing will be conducted in accordance with the detainee processing procedures outlined in Standard Operating Procedure 72.4 Holding Facility: Detainee Processing & Healthcare Services; this includes procedures pertaining to obtaining medical assistance and the monitoring of detainees.
 - 2. While the person is in their custody, police officers shall monitor arrestees who are under the influence of alcohol or drugs and arrange medical care as necessary. Refer to Section 61.1.11(H) for information protocol when a breath test shows a level of 0.30 BAC or higher.
 - 3. Refer to Standard Operating Procedure 44.2 Juvenile Operations, for information pertaining to the release of a subject that is under the age of 18.
 - 4. When a person is:
 - a. 18 years of age, but under 21, they are to be released from custody, based on the totality of the circumstances. The police officer shall make a reasonable attempt to contact a responsible adult to take custody of the person under the influence of alcohol or drugs.
 - b. 21 years of age or older, are to be released from custody, based on the totality of the circumstances. The police officer may attempt to locate a responsible adult to take custody of the person.
 - c. In instances where it does not appear the person has a responsible adult to take custody of the person, the police officer shall facilitate transportation for them.
 - d. All attempts shall be documented in the police report and/or booking record and will include the times and names of individuals that the police officer attempted to contact. This shall also include the name of the responsible adult that was willing to take custody of the person or the name of the transportation service that was arranged.
- G. DUI Processing
 - 1. Upon arrest of a person for DUI, upon a public roadway, the arresting police officer shall read the Warning to Motorist to the person and will provide a copy to them.
 - a. However, when a person is arrested for DUI on private property, the arresting police officer will not read the Warning to Motorists and will make a request for the person to submit to a chemical test.
 - 2. Prior to conducting a breath test, a 20-minute observation period will follow; this will be conducted by the designated police officer at the site of the test or breath analysis operator.
 - a. The person shall be deprived of alcohol and foreign substances and shall not have vomited.
 - b. If the person vomits, the observation period shall start over with an oral cavity rinse with water. Alternative testing shall be considered when the person continues to vomit.

3. After the 20-minute observation period, the person will be requested to submit to a breath test or other tests to determine their breath alcohol concentration. If the person agrees to submit to testing for alcohol and/or drug tests, the police officer will make arrangements for the appropriate tests, which are described below.

H. DUI testing shall be conducted as follows:

1. Breath tests

Breath tests shall only be conducted by breath analysis operators licensed by the Illinois State Police.

- a. If the person's test result is below 0.08 BAC and there is an indication that they are under the influence of drugs or a combination of alcohol and drugs, the police officer may request blood and urine samples. If the person consents to the tests, they will be taken to a local hospital, immediate care center, or the police department if only a urine sample is needed. Refer to the below sections for more information on obtaining blood and urine samples.
- b. If the person submits to the test and the results show a level of 0.08 BAC or higher, they shall be charged with a second count of DUI for violation of Illinois Vehicle Code, Illinois Compiled Statutes 625 ILCS 5/11-501(a)(1) (or equivalent city ordinance).
- c. For a person with a test result of 0.08 BAC or higher, the police officer shall complete the Law Enforcement Sworn Report, which includes the Notice of Summary Suspension.
- d. If the person submits to the test and the results show a level of 0.30 BAC or higher, the police officer shall immediately notify a supervisor and arrange for transport to the hospital.

2. Blood Collection for Determining the Presence of Alcohol or Drugs

A blood test is the preferred method of testing for alcohol when a person is receiving medical treatment, or a breath test is impractical. A blood test is also the preferred method when drugs are suspected, and quantification is necessary such as cannabis. The arresting police officer shall proceed in the following manner.

- a. The arresting police officer shall accompany the person to the hospital or respond to the hospital as soon as practical. In situations where time is critical or when a medical facility is refusing to administer the blood test, police officers may utilize the Illinois Phlebotomy Services at (630) 296-4199 which is a mobile phlebotomy service for law enforcement that provides 24/7 response. See Appendix A for information on how to request services.
- b. Blood samples shall be collected only by a licensed physician, physician assistant, licensed advanced practice nurse, registered nurse, trained phlebotomist, or certified paramedic, in accordance with Illinois State Police Rules.
- c. If the person is being treated for injuries resulting from a motor vehicle crash, the arresting police officer shall ask the emergency room personnel if they will be drawing blood in the normal course of treatment. If they will be drawing blood, the police officer may wait until those results come back to be used as probable cause for a DUI arrest.
- d. Per 625 ILCS 5/11-501.1(b), any person who drives or is in actual physical control of a motor vehicle upon the public highways who is dead, unconscious, or who is otherwise in a condition rendering the person incapable of refusal, shall be deemed to not to have withdrawn their consent.

- e. If applicable, the arresting police officer will read aloud the Warning to Motorist to the person and request the blood draw. If the person agrees to the blood draw, the arresting police officer should immediately inform hospital staff members.
 - f. The blood sample shall be collected using a DUI kit in the presence of the arresting police officer or another representative appointed by the arresting police officer who is authorized to authenticate the sample. If a DUI kit is not available, police officers may submit two standard grey top vacuum tubes.
 - g. Police officers shall treat the sample as biohazard evidence, complete the required forms and submit the DUI kit into evidence following the protocol established in Standard Operating Procedure 83.1 Physical Evidence Operations and 84.1 Property Evidence Control. As soon as practical, the Property Evidence Custodian shall deliver the blood sample to a laboratory authorized by the Illinois State Police.
 - h. The testing laboratory shall maintain any remaining testing sample for a period of six months after testing, unless otherwise directed by the submitting agency or the appropriate prosecuting authority.
3. Urine Collection for Determining the Presence of Alcohol or Drugs

Urine tests shall be requested in addition to the blood test if drugs are suspected, or when a breath or blood test is not possible. Pursuant to 20 Illinois Administrative Code Section 1286.330, urine is the preferred method for drug confirmation. The following procedures shall be used to obtain a urine sample from a person to determine the presence of drugs or intoxicating compounds.

- a. Urine samples in conjunction with a blood test may be collected at a private location within the department's Holding Facility or at the medical facility.
- b. A sample of urine shall be collected in a manner to preserve the dignity of the person, outside the presence of other detainees, and to ensure the integrity of the sample.
- c. The urine sample shall be collected in the presence of the arresting police officer or another police department employee who can authenticate the sample. The employee shall be of the same sex as the person undergoing the testing.
- d. A urine sample of approximately 60 ml should be collected using the designated urine collection kit, located in the lead jailer's office.
- e. The urine sample shall be collected from the person in a clean, dry container. No preservatives are authorized, and the containers shall be closed when the collection is completed.
- f. The urine sample container shall be treated as biohazard evidence. Police officers shall follow the instructions located inside the kit and complete all requested labeled information.
- g. Police officers shall complete the State Laboratory Request Form to request testing for alcohol and/or drugs. The urine test kit shall be submitted into evidence, following the protocols in Standard Operating Procedures 83.1 Physical Evidence Operations and 84.1 Property Evidence Control. As soon as practicable, the property evidence custodian shall deliver the urine test kit using certified mail or personally transport the kit to a laboratory authorized by the Illinois State Police.
- h. The testing laboratory shall maintain any remaining sample for a period of six months after testing, unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

4. Refusal of Tests

The Notice of Summary Suspension will be completed if the person refuses or fails to complete any of the chemical tests.

- a. It shall be considered a refusal to submit when any of the following occurs:
 1. The person refuses to submit within a reasonable period of time and/or does not express any desire to alter their initial decision.
 2. The person refuses to submit to a test at the time of arrest, subsequently expresses a desire to submit, and then refuses to complete the test. In such cases, no additional consideration to alter their decision will be given.
 3. The person refuses to submit to a blood or urine test as required.
- b. A person reversing their refusal upon the initial request may, at the police officer's discretion, be allowed to reverse their initial refusal and submit to testing. Such requests must be made within a reasonable time and comply with all other provisions of this directive.
- c. If a person refuses chemical testing, the arresting police officer may obtain a search warrant for a forced blood draw. For information on Kane County's Online Search Warrant Portal, refer to Training Bulletin TB-24-17. Once the police officer obtains a search warrant, the police officer may utilize a local area hospital or the Illinois Phlebotomy Services at (630) 296-4199. The Illinois Phlebotomy Services provides 24/7 mobility services for law enforcement, eliminating the need for transport. Refer to Appendix A for information on this service.
 1. If a person indicates by word or action that they will physically resist a blood draw, the police officer shall make a reasonable attempt to execute the search warrant.
 2. The arresting police officer shall inform the person of their duty to provide a sample and attempt to have the person submit to testing without physical resistance.
 3. The arresting police officer shall ensure the forced blood draw is recorded on body worn camera.
 4. The arresting police officer shall ensure the type and level of force applied is reasonable under the circumstances. Only the force which reasonably is necessary to overcome the resistance to the blood draw may be permitted. Pursuant to 720 ILCS 5/7-5.5, a police officer shall not use a chokehold or restraint above the shoulders with risk of asphyxiation in the performance of his or her duties, unless deadly force is justified.
 5. The arresting police officer shall ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related police report.
 6. The medical personnel performing the blood draw or the arresting police officer, shall terminate the discretion to terminate the procedure at any time if there is a risk of injury to the person, police officers, or medical personnel.

5. Law Enforcement Sworn Report

If a person submits to a test after receiving the Warning to Motorist and the test results are

0.08 BAC or above or refuses to submit to any tests after being advised of the consequences, the police officer must take the following steps:

- a. Complete the Law Enforcement Sworn Report and indicate the person's refusal or if the test resulted in 0.08 BAC or higher.
- b. Confiscate the Illinois driver's license in possession of the person at the time of arrest.
- c. Issue a receipt to the person that will allow them to drive until the Statutory Summary Suspension becomes effective. The license, class, endorsements, and restrictions will be added to the receipt and authenticated by the police officer's signature and I.D. number. If the person has a valid Illinois driver's license, whether it is in the person's possession or not, the police officer shall issue a receipt to drive.
- d. If the person does not have a valid Illinois driver's license, or has a suspended, revoked license, or is driving on a judicial driving permit, they are not entitled to the Notice of Summary Suspension Receipt to Drive. In these instances, the police officer shall write VOID across the signature section of the rear of the Notice of Summary Suspension Receipt to Drive.
- e. The department will forward a copy of the Law Enforcement Sworn Report marked Secretary of State to that office via a pre-printed envelope. The Records Division will maintain a copy of the Law Enforcement Sworn Report. All other copies including the confiscated driver's license will remain with the arrest paperwork.
- f. If the person submits to blood or urine testing, the police officer shall complete the sworn report, except the date sections and submit the report to the Traffic Unit.
- g. If the results from blood or urine testing are received and the driver is not in custody, the Traffic Investigations Unit shall notify the arresting police officer when results are available. The Traffic Unit sergeant will return the sworn report to the arresting police officer for service to the person and filing with the court.
- h. If the subject submits to any tests, and the results are less than 0.08 BAC, the police officer shall, if the driver is already driving on a Judicial Driving Permit, complete a notice to the issuing court of a citation being issued to a Judicial Driving Permit holder and attach it to the case report. The Judicial Driving Permit shall not be confiscated.
- i. The reports to be completed for DUI arrests are listed within the booking area of the department's Holding Facility. This information is also available through the department's mobile app.

I. Zero Tolerance

Violation of the zero-tolerance law is an administrative offense, not a criminal one.

1. Field sobriety tests should be conducted.
2. If there is probable cause to believe that the driver is under the influence of alcohol, as defined in Illinois Compiled Statutes 625 ILCS 5/11-501, enforcement of the regular DUI statute as specified in the preceding paragraphs is preferred to the use of the zero-tolerance law.
3. If there is evidence of consumption of alcohol without impairment meeting the standards of a DUI:

- a. The person can be taken into custody and transported to the detention center. The charge will be for illegal possession/ transportation and/or consumption of an alcoholic beverage/operation of a motor vehicle by an operator under 21 years of age with any amount of alcohol content in the blood. A report will be filed, and the operator will be charged with the violation which prompted the initial stop in addition to the above cited violation.
 - b. If the person is not taken into custody or transported to the detention center, the police officer shall make a reasonable attempt to contact a responsible adult to take custody of the person. These attempts shall be documented in the police report and/or booking record. Included will be the names of the individual police officers attempted to contact, and the name of the responsible adult that was willing to take custody of the person.
 - c. The police officer will complete and serve the driver with the Zero Tolerance Sworn Report form.
 - d. If the driver cooperates, a breath test will be conducted.
 - e. At the scene, the vehicle should be handled in accordance with driving under the influence procedures.
- 4. If there is evidence of consumption of alcohol in conjunction with other criminal or delinquent offenses, the minor should be processed as would normally be done for the criminal or delinquent offense, and the breath test can simply be completed incidentally to the other processing.
 - 5. When juveniles are brought into the detention area, they should be completely separate from any adult detainees, both by sight and sound, for the period of time they are in the detention center. Refer to Standard Operating Procedure 44.2 Juvenile Operations for more information.
 - a. There should be no unnecessary delay in completing the breath test.
 - b. Immediately upon completion, the juvenile is to be removed from the detention center for further processing.
 - 6. The police officer is responsible for completing all necessary reports as well as all citations and/or complaints.

61.1.12 REFERRAL OF DRIVERS FOR RE-EXAMINATION

- A. Routine enforcement, crash reporting and investigation activities frequently lead to the discovery of drivers who have physical or mental impairments which might prevent the person from operating a motor vehicle in a safe and reasonable manner.
- B. Police officers detecting such a person who appears to be physically or mentally impaired or suffers from a disease or other condition that prevent the operator from exercising reasonable and ordinary care over a motor vehicle, will request a re-examination by the Illinois Secretary of State's Office, in accordance with the procedures set forth in the Illinois Compiled Statutes.
- C. When requesting a re-test, the police officer shall complete the Medical Reporting and Re-Examination Request Form, to be reviewed by the police officer's supervisor. All re-examination requests shall be submitted to the Illinois Secretary of State via email at medicalreview@ilsos.gov or US mail to the Illinois Secretary of State, License & Medical Review Section, 2701 S. Dirksen Pkwy., Springfield, IL 62723. This form is accessible to police officers via PowerDMS; refer to Appendix B to view this form.

APPENDIX A: ILLINOIS PHLEBOTOMY SERVICES BROCHURE

24 HOURS

NO STRESS!

All you have to do is make the call and we do the rest!

- Our phlebotomists are experienced with drawing blood from combative subjects.
- If the hospital is refusing, we will obtain the specimens.
- We will staff a phlebotomist at your DUI checkpoint at no additional cost.
- Phlebotomist will appear in court, when needed.
- Fast and discreet. We will come to the department for employee specimen collection.

BENEFITS OF USING IPS

- No contracts
- No extra fees
- Saves time & money
- Essentially a free service

1160+
Blood draws

Phlebotomy Services

MOBILE PHLEBOTOMY SERVICE FOR POLICE

Mobile

Fast

Accurate

24 HOURS

365 DAYS OF THE YEAR!

ILLINOIS PHLEBOTOMY SERVICES

630-296-4199

P.O. BOX 199
PLANO, IL 60545

CONTACTUS@ILLINOISPHLEBOTOMYSERVICES.COM

ILLINOISPHLEBOTOMYSERVICES.COM

Illinois Phlebotomy Services

630-296-4199

24 HOURS

Mobile

Fast

Accurate

OUR SERVICES

- 100% Mobile**
IPS phlebotomists travel to your location; police department or hospital. If a hospital is refusing, our phlebotomist will obtain the specimen.
- Fast Service**
Our arrival time is within an hour of the call, guaranteeing to be the fastest mobile phlebotomy service.
- Experience & Highly Trained**
Our phlebotomists are highly experienced and specifically trained for forensic phlebotomy.
- NHTSA Procedures**
Our phlebotomy procedures follow ASCP & NHTSA Law Enforcement Phlebotomy.
- Supplies Included**
We provide all supplies, including the BU-IL2 kit.
- We Have Your Back!**
Each IPS phlebotomist understands the importance of court and is not afraid of going to court to justify the case.

ONE HOUR Arrival Time

WHY CHOOSE US?

Illinois Phlebotomy Services is a private phlebotomy company that provides a state-certified, trained forensic phlebotomist to draw the subject's blood at the police station. We are available 24 hours a day, 7 days a week. Using our service will not only save time for the police officer – from having to take the subject to the nearest hospital to be tested – but also ensures the integrity of the specimen being collected. Furthermore, our services help to expedite the DUI process and provides a stronger case for the prosecution process.

illinoisphlebotomyservices.com

Medical Reporting and Re-Examination Request

☐ I observed the INCIDENT☐ I observed the ACCIDENT☐ I investigated the INCIDENT☐ I investigated the ACCIDENT

REPORTING AGENCY INFORMATION	SECTION IV				
	Agency Name			Print name and title of person completing this form:	
	Agency Address			Name	
	City	State	ZIP Code	Title	Badge #
	Telephone Number			Signature	Date

Printed by authority of the State of Illinois, May 2014 — 5M — OSD DA 16.2

Submit report to: Secretary of State, Driver Services Dept.
License & Medical Review Section
2701 S. Dirksen Pkwy., Springfield, IL 62723
Phone: 217-782-7246 Fax: 217-785-3016

Instructions

This form should be used to submit information to be considered as "good cause" for departmental action by the Driver Services Department as authorized under Chapter 625, Section 5/6 207 of the *Illinois Compiled Statutes* and Chapter 92 of the *Illinois Administrative Code*, Section 1030.16. Advanced age alone cannot be considered "good cause." For this form to be valid, positive driver identification must be established. By Illinois law, the information on this form is confidential and must be based on firsthand knowledge or an official investigation, which may include interviewing the driver when possible.

This form should be accompanied by supporting documentation, if available, such as an Illinois Traffic Crash Report that includes an explanation of the incident or accident.

Following are examples of instances in which this form should be used:

- An officer observes or investigates an accident and determines the accident was a result of a blackout, seizure or attack of unconsciousness. In this case, the officer should complete sections I, II, and IV on the reverse side. Upon receipt of this report, the Medical Review Unit will immediately cancel the driver's license. (Note: The officer should not mark "blackout, seizure or attack of unconsciousness" if the individual fell asleep while driving, unless the reason he or she fell asleep was due to a medical condition, such as a sleep disorder.)
- An officer observes or investigates an accident and determines the cause of the accident was not a blackout or seizure but another type of medical condition, including a mental or vision condition, that may interfere with the safe operation of a motor vehicle. In this case, the officer should complete sections I, II, and IV on the reverse side. Upon receipt of this report, the Medical Review Unit will request that the driver submit a medical report.
- An officer observes or investigates an accident or incident and determines the driver may lack the driving ability or knowledge of traffic laws necessary to safely operate a motor vehicle, or has displayed a lack of attention or performed a dangerous driving act. In this case, the officer should complete sections I, III, and IV on the reverse side. Upon receipt of this report, the Special License and Re-examination Unit will order the driver to be re-examined as requested by the officer.