

	<h1>ELGIN POLICE DEPARTMENT</h1> <p>151 Douglas Avenue Elgin, Illinois 60120</p>	
<b>Effective Date:</b> 06/17/02	<b>STANDARD OPERATING PROCEDURE</b>	<b>Revised Date:</b> 11/27/2023
<b>Chief of Police:</b> 	<b>Traffic Enforcement, 61.1</b>	
<b>Cross Reference:</b> 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 <a href="#">50 ILCS 705-10.17-5</a> <a href="#">410 ILCS 130/1</a> <a href="#">625 ILCS 5/4-203</a> <a href="#">625 ILCS 5/6-801</a> <a href="#">625 ILCS 5/11-204</a> <a href="#">625 ILCS 5/11-501</a> <a href="#">725 ILCS 5/107-7</a> <a href="#">20 IL Administrative Code, Section 1286.330</a>		<b>Policy Sections:</b> 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 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 61.1.13 Parking Enforcement

## 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 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 subject'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 subject into custody is warranted in order to best serve the safety of the community.

**Responsible Adult:** A person who is at least 21 years of age and willing to take custody of the 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 the police vehicle to monitor and/or track traffic concerns without physical operation of the vehicle.

**Traffic Citations:** Issued for traffic offenses where the officer believes that 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 when the officer believes compliance in the future 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. Annually the traffic unit sergeant coordinates the release of DDACT zones through collaboration with the crime analyst/statistician. Updates may be published on an as needed basis.
- B. Enforcement at the identified zones shall be a department-wide priority.
- C. The following DDACT zones are published to keep the department apprised of areas having the propensity for:
  1. Traffic crashes, which encompass the top ten traffic zones.
  2. Criminal activity which identifies areas of the city having higher levels of crime. These areas carry the potential for an increased level of traffic violations and crashes.
  3. These zones may fluctuate based on the most recent crime data.

- 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 officers are responsible for conducting traffic enforcement in a manner that is fair and impartial, following the law and applicable city ordinances, etc.
  - 1. Officers shall not conduct enforcement efforts based on discriminatory profiling or other discriminatory practices as stated in Standard Operating Procedure 111.1 Discriminatory Profiling.
  - 2. Officers conduct enforcement activities based on their discretion, training, experience, and professional judgment.
- B. All officers shall take proper enforcement action for each traffic stop based upon violation of the Illinois Vehicle Code or similar municipal code. 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, officers encounter situations where the search of a vehicle becomes necessary. 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. 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 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 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 subject is stopped and cited for a violation, the officer shall provide the subject 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 in the Illinois Vehicle Code and Elgin ordinances are expected by all officers. In all enforcement actions the 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. 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 officer's training and experience.
- D. Enforcement of non-hazardous and equipment violations, commercial and common carrier violations shall be enforced by 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. Crash citation(s) should be issued to the at fault driver, when appropriate.
- G. As newly enacted laws are received, they are to be distributed by the Training Division.
- H. Pedestrian and bicycle enforcement shall be based on officer discretion.

- I. Off-road vehicle enforcement shall be based on officer discretion. Officers shall cause the removal of the vehicle in these cases unless the subject 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 2<sup>nd</sup> and 3<sup>rd</sup> time, 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.

#### **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, officers must realize that the motorist may not recognize them as a police officer, especially if they are not in uniform.
  - 2. 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, 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**

Since no two traffic stops are exactly alike, there are inherent unknown risks associated with all stops. The following guidelines are recommended to provide for officer safety when stopping traffic law violators. When safe, the officer shall advise the Emergency Communications Division, of all traffic stops. The 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. Officers should be aware of their surroundings, and make sure that they exit their vehicles in a safe manner.
  - b. Officers should be cautious, watching for sudden or suspicious movement.
  - c. Officers initiating contact with the occupants of the vehicle should be positioned in a safe location.
  - d. When safe to do so, 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, 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 officer's articulable facts based upon the totality of the circumstances. The following are guidelines for effecting high risk traffic stops:

1. 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 suspect 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 officers.
5. Once primary and backup officers are in position, suspects should be controlled through the use of verbal commands. Easily understood voice commands are very important and when feasible only one officer at a time should give verbal commands.
6. Prior to approaching the vehicle, the officer shall announce their office. When appropriate, 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. Officers should exercise great care in inspecting the suspect vehicle.

#### **61.1.8 OFFICER CONTACT WITH TRAFFIC VIOLATORS**

- A. The officer should greet the subject in a professional manner, explain the reason for the stop and request the subject'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 officer should assist the subject 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 these devices and facilitates the request 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 whether there is merit to the citizen's concerns and whether additional police

enforcement is required.

3. The data is electronically maintained in the Traffic Unit through use of the software that interfaces with speed trailer.
- B. Radar and laser equipment shall be used in response to citizen concerns and at the discretion of the 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 the data is electronically accessible through the software that interfaces with the radar device.
- C. Radar and laser equipment shall be manufactured to meet the specifications of the National Highway Traffic Safety Administration. Officers operating such equipment shall:
1. Inspect the unit for visible damage and proper internal functioning.
  2. 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 officers are trained and equipped to detain and process alcohol and/or drug-impaired operators.
- B. When an officer observes or otherwise receives information of a suspected impaired driver, the officer shall take appropriate actions in the investigation of the incident.
- C. Officers shall make every effort to promote public awareness in the area of impaired driving.
- D. Officers may be assigned to special details or task forces for enhanced enforcement programs as directed by the traffic unit lieutenant.

#### **61.1.11 DUI SUBJECT HANDLING**

- A. Officers must be aware of the following basic elements involved in DUI arrests/crashes:
1. Physical control of a vehicle by a subject that is alcohol and/or drug impaired.
  2. Probable cause by the officer to believe the operator is alcohol and/or drug impaired.
  3. Persons demonstrating a need for the use of medical cannabis are issued a medical marijuana card by the State of Illinois. Card holders cannot operate a motor vehicle while impaired by medical cannabis. The cannabis must not be in a location within the vehicle where it can be observed by others and must be reasonably secured in a sealed container and reasonably inaccessible while the vehicle is moving.
    - a. Pursuant to 625 ILCS 5/11-501.9, a person who has been issued a registry identification card under the Compassionate Use of Medical Cannabis Program Act 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 standard field sobriety tests approved by the National Highway Traffic Safety Administration when the officer has reasonable suspicion that the person is driving or is in actual



physical control of a motor vehicle while impaired by the use of cannabis.

- b. The 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 standardized field sobriety tests, which shall be included with the results of the field sobriety tests in any report made by the officer who requests the test.
- c. The 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 officer has a reasonable belief that the operator is under the influence of alcohol, drugs, or other intoxicants.

- 1. Instruct the operator to turn off the ignition and remove the keys from the ignition.
- 2. Instruct the operator to exit the vehicle.
- 3. Request the operator 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 operator is physically unable to perform those tests optional tests include, but are not limited to:

- e. Finger to Nose
  - f. Finger Count
- 4. Officers trained in Advanced Roadside Impaired Driving Enforcement (A.R.I.D.E.) and Drug Recognition Expert (DRE) can be requested to administer specific cannabis or narcotic related tests.
- 5. Tests may be terminated at any time if the officer believes that the operator is:
  - a. Not under the influence
  - b. Under the influence and incapable of safely completing the tests

C. It is the officer's discretion as to what action shall be taken based on all information available.

- 1. If the operator is arrested for driving under the influence of intoxicants, the 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 officer shall advise the operator 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 officer shall advise the subject of the disposition of the vehicle which shall be towed and impounded for 12 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 subject is in their custody, officers shall monitor persons arrested 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 subject is:
    - a. 18 years of age, but under 21, is to be released from custody, based on the totality of the circumstances. The 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, is to be released from custody, based on the totality of the circumstances. The officer may attempt to locate a responsible adult to take custody of the person.
    - c. In instances where it does not appear the subject has a responsible adult to take custody of the subject, the officer shall facilitate transportation for the person.
    - 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 officer attempted to contact. This shall also include the name of the responsible adult that was willing to take custody of the subject or the name of the transportation service that was arranged.
- G. DUI Processing
  - 1. Upon arrest of a subject for DUI, upon a public roadway, the arresting officer shall read the subject the Warning to Motorist and provide a copy to the subject.
    - a. However, when a subject is arrested for DUI while operating a vehicle other than a motor vehicle and/or the violation occurred on private property, the arresting officer will make a request for the subject to submit to a chemical test.
    - b. The arresting officer shall not inform the subject of the Warning to Motorist.
  - 2. Prior to conducting a breath test, a 20 minute observation period will follow; this will be conducted by the designated officer at the site of the test or breath analysis operator.
    - a. The subject shall be deprived of alcohol and foreign substances and shall not have vomited.

- b. If the subject vomits, the observation period shall start over with an oral cavity rinse with water. Alternative testing shall be considered when the subject continues to vomit.
  - 3. After the 20 minute observation period, the subject will be requested to submit to a breath test or other tests to determine his/her breath alcohol concentration. If the subject agrees to submit to testing for alcohol and/or drug tests, the 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 subject's test result is below 0.08 BAC and there is an indication that the subject is under the influence of drugs or a combination of alcohol and drugs, the officer may request blood and urine samples. If the subject consents to the tests, he/she 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 subject submits to the test and the results show a level of 0.08 BAC or higher, the subject 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 subject with a test result of 0.08 BAC or higher, the officer shall complete the Law Enforcement Sworn Report, which includes the Notice of Summary Suspension.
    - d. If the subject submits to the test and the results show a level of 0.30 BAC or higher, the officer shall immediately notify a supervisor and arrange for transport to the hospital.
  - 2. Blood Collection for Determining the Presence of Alcohol or Drugs

When a breath test is impractical due to the subject's mental or physical condition or there is evidence of another intoxicant, a blood test should be requested by the arresting officer. If the subject is unconscious, there is an automatic consent given by virtue of the fact that he/she operated a motor vehicle on an Illinois roadway. The arresting officer shall proceed in the following manner:

    - a. The arresting officer shall accompany the subject to the hospital or respond to the hospital as soon as practical. This practice enables the officer to testify regarding the lack of alcohol or drug consumption subsequent to the arrest and prior to the blood sample drawn for collection and test purposes.
    - b. Per 625 ILCS 5/11-501.4(a), the arresting 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 officer shall wait until those results come back to be used as additional probable cause for a DUI arrest.
    - c. The arresting officer will read aloud the Warning to Motorist to the subject and request a blood draw. If the subject agrees to the blood draw, the arresting officer should immediately inform hospital staff members.
    - d. The blood sample shall be collected using a DUI kit, in the presence of the

arresting officer or another representative appointed by the arresting officer, who is authorized to authenticate the sample.

- e. In situations where only medical staff are allowed to be present due to the subject's condition, the officer may appoint one of the staff to be present.
- f. Officers shall treat the sample as biohazard evidence, complete the required forms, and submit the DUI kit 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 blood sample to a laboratory authorized by the Illinois State Police.
- g. 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.
- h. The officer shall wait until the test results have been returned to fill out the Law Enforcement Sworn Report and Notice of Summary Suspension. If applicable, the officer shall then serve the subject with his/her copies, either in person or via the United States Postal Service.

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 subject to determine the presence of drugs or intoxicating compounds.

- a. Urine samples may be collected at the Holding Facility, within a jail cell or other private area, or at the hospital when in conjunction with a blood test.
- b. A sample of urine shall be collected in a manner to preserve the dignity of the individual, 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 officer or another police department employee who can authenticate the sample. The employee shall be of the same sex as the subject 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 subject's first emptying of the bladder 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. Officers shall follow the instructions located inside the kit and complete all requested labeled information.
- g. 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 subject 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 subject refuses to submit within a reasonable period of time and/or does not express any desire to alter their initial decision.
  - 2. The subject 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 subject refuses to submit to a blood or urine test as required.
- b. A subject reversing his/her refusal upon the initial request may, at the 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. Refusals shall be logged in the breathalyzer logbook.

#### 5. Law Enforcement Sworn Report

If a subject 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 officer must take the following steps:

- a. Complete the Law Enforcement Sworn Report and indicate the subject's refusal or if the test resulted in 0.08 BAC or higher.
- b. Confiscate the Illinois driver's license or permit in possession of the subject at the time of arrest, if the license is valid.
- c. Issue a receipt to the subject that will allow the subject 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 officer's signature and I.D. number. If the subject has a valid Illinois driver's license, whether it is in the subject's possession or not, the officer shall issue a receipt to drive.
- d. If the subject does not have a valid Illinois driver's license, or has a suspended, revoked license, or is driving on a judicial driving permit, the subject is not entitled to the Notice of Summary Suspension Receipt to Drive. In these instances, the 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 subject submits to blood or urine testing, the officer shall complete the sworn report, except the date sections and submit the report to the Traffic Investigations Unit.
- g. If the results from blood or urine testing are received and the driver is not in custody, the Traffic Investigations Unit shall mail a certified letter to the driver at the address shown on the traffic citation, along with a copy of the results.
- h. If the subject submits to any tests, and the results are less than 0.08 BAC, the 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 in the booking area.

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 operator 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 subject 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 subject is not taken into custody or transported to the detention center, the officer shall make a reasonable attempt to contact a responsible adult to take custody of the subject. These attempts shall be documented in the police report and/or booking record. Included will be the names of the individuals officers attempted to contact, and the name of the responsible adult that was willing to take custody of the subject.
  - c. The officer will complete and serve the operator with the Zero Tolerance Sworn Report form.
  - d. If the operator 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 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. 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 officer shall complete The Driver's License Re-examination Form, to be reviewed by the officer's supervisor. All re-examination requests shall be routed to the Illinois Secretary of State.

#### **1.1.13 PARKING ENFORCEMENT**

- A. All existing parking regulations shall be enforced with reasonableness and impartiality in all areas of the city.
- B. Street parking is restricted as posted to ensure fair access to parking and to expedite the flow of traffic, snow plowing operations and school hours, etc.
- C. Special restrictions apply to weather or construction emergencies.
- D. Personnel shall enforce parking violations with discretion, taking into account the seriousness of the violation.
- E. Special attention shall be given to the following areas:
  1. Handicapped parking violations
  2. Fire hydrant violations
  3. Primary snow route violations
  4. Fire lanes
  5. Citizen complaints
- F. When vehicles are parked in such a manner as to necessitate their immediate removal, officers shall make a reasonable attempt to locate the owner prior to towing. If unsuccessful, the vehicle shall be towed in accordance with Standard Operating Procedure 61.4 Traffic Ancillary Services.

- G. Permission may be granted to park illegally in certain situations. The Traffic Sergeant or designee must approve all major requests for illegal parking in special circumstances. The shift supervisor may approve minor deviations in situations limited to a given 24-hour period. Such changes shall be forwarded to all affected shifts.
- H. Parking regulations may be enforced in private parking areas, as outlined in city ordinance.