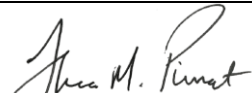


<b>LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL</b>		
General Order Number: 209	Section: OPERATIONS	Effective Date: SEPTEMBER 2022
Title: <b>DRIVING WHILE INTOXICATED ENFORCEMENT</b>		
Accreditation Standards: OPR.07.03		
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## **I. DRIVING WHILE INTOXICATED (DWI) ENFORCEMENT**

- A. Motorists impaired by alcohol or drugs pose a serious threat to the safety of the motoring public. A comprehensive, coordinated, and continuing effort by all members of the Leesburg Police involving education, enforcement, adjudication, and public support is essential in combating the drunk driving problem. All officers shall make an intense effort to detect and arrest the drunk driver.
1. Officers shall be alert for signs of alcohol or drug impairment in all contacts with motorists. After initial examination at the scene of a traffic contact and upon the determination that probable cause to arrest exists, officers shall effect a physical arrest of the subject.
  2. Chemical tests will be offered in accordance with the Code of Virginia, §18.2-266-269, Department policy, and procedures established by the Loudoun County General District Court.
  3. Officers must realize chemical tests are supplemental tools and a refusal to submit to a chemical test will not constitute cause to issue a summons for a lesser violation.
  4. All supervisors will ensure that officers under their command are familiar with all aspects of DWI detection, field sobriety testing, and DWI prosecution.
- B. Education is an important element in combating the drunk driving problem. The School Resource Officers and the Traffic Management Unit have the primary responsibility for DWI and driver safety awareness programs for schools and other civic organizations.

## **II. DWI ARRESTS**

- A. The detection and arrest of drunk drivers differs from that of other traffic law violators. There are specific legal limits of drug or alcohol intoxication, and the law is specific with regards to the implied consent statute, and for guidelines regarding chemical tests. These laws in the Code of Virginia, §18.2-266-269, outline the officer's scope of authority and establish procedures for detection, arrest, and processing of an intoxicated driver.
- B. Detection is the first step in DWI enforcement. This is when an officer establishes probable cause to arrest. Detection includes:
1. Recognizing and identifying specific driving behaviors that signify the driver may be impaired by alcohol or drugs;
  2. Recognizing and identifying specific behavior occurring during traffic stops that provide evidence or suspicion that the driver may be intoxicated;
  3. Documenting all observations which lead the officer to believe that the driver may be intoxicated;
  4. The use of caution when pursuing an intoxicated driver and always being alert for unpredictable reactions;
  5. Avoiding prolonged pursuit and apprehending as soon as possible in a safe location;

6. Notifying the Communications Section of the vehicle description, location stopped and whether assistance is needed
7. Approaching the vehicle with caution and obtaining appropriate documentation;
8. Interviewing the driver and passengers;
9. Having the driver exit the vehicle and move to a safe location where field sobriety tests may be conducted;
10. Administering appropriate field sobriety tests to assess impairment of the driver;
11. Not allowing the driver to move the vehicle once the driver is judged to be impaired;
12. Formulating appropriate arrest decisions based on the evidence accumulated. Test results and driving behavior should be collectively weighed in the decision to arrest. The driver may refuse the field sobriety tests. Officers may arrest solely on the basis of driving behavior and personal contact with the driver.

C. Arrest and Processing.

If the officer has satisfied the elements of a DWI violation, a physical arrest shall be made.

1. The subject should be handcuffed and searched.
2. The subject's vehicle may be left if already parked legally, released to a responsible party with the owner's approval, or towed in accordance with General Order 212.
3. Notify the subject of their rights and responsibilities.
4. Inform the subject of the evidential tests that are available at no cost to the citizen. Explain the procedures involved. The officer shall proceed according to the Code of Virginia, 18.2-268.2 subsection B. The arresting officer shall transport the subject to the Loudoun County Adult Detention Center or the Leesburg Police Department where a State certified breathalyzer operator will administer the test. If the breath test is unavailable or the person is physically unable to take the breath test, a blood test shall be given. If the situation dictates that a blood test be given, the arresting officer will transport the subject to the hospital where a court-approved blood technician, a licensed physician, or a licensed nurse may withdraw blood for testing.
5. If a breath test is performed, take the subject and completed forms to the magistrate to obtain the appropriate warrant. If a breath test is performed and the results are below the level of consumption by law, the officer may request a blood test if the officer has reasonable suspicion that the subject may test for a positive known specific narcotic drug. If the results show a blood alcohol content of 0.08 percent or more by weight by volume, the officer shall proceed according to the Code of Virginia, §46.2-391.2, for the administrative suspension of the subject's license.
6. If a blood test is administered, take the subject to the magistrate to obtain the appropriate warrant. The officer shall obtain postage for the blood vials from a supervisor and mail both vials to the Division of Forensic Science. A supply of vials is kept in the Communications Section.
7. If the subject refuses to submit to a chemical test, the officer shall take the subject to a magistrate. If the subject refuses to take a test at the magistrate's office, a warrant for refusal will be requested. The officer shall also proceed according to the Code of Virginia, §46.2-391.2, for the administrative suspension of the subject's license.