

# DALTON POLICE DEPARTMENT

Effective Date	February 24, 2004	Number	GO04-4.24
<b>Subject</b> <b>Detection and Arrests of <del>Persons Driving Under the Influence</del> Impaired Drivers</b>			
Reference	CALEA Standards – 61.1.5, 61.1.9, 61.1.10	Revised	February 26, 2019 April 27, 2021
Distribution	All Personnel	Re-evaluation Date	No. Pages
		February 2021 April 2023	4

## I. Policy

~~To reduce the total number of crashes and injuries~~ The policy of the Dalton Police Department ~~will~~ is to actively identify and investigate ~~and enforce all suspected~~ cases of ~~persons driving under the influence of alcohol and / or drugs~~ impaired driving and strictly enforce Georgia's laws pertaining to driving under the influence.

## II. Detection of Impaired Drivers

A. The detection of impaired drivers begins with the Officer's perception that the person's driving behavior is indicative of driving under the influence of alcohol and / or drugs. These indicators include, but are not limited to:

- 1.A. Weaving, ~~drifting, or swerving~~ within a lane or over the roadway
- 2.B. Straddling the lane line
- 3.C. Turning ~~abruptly, illegally, or with a wide radius~~
- 4.D. Almost striking a vehicle, ~~curb~~, or other object
- E. ~~Swerving~~
- F. ~~Drifting~~
- 5.G. ~~Problems with~~ Stopping without cause or erratic braking
- 6.H. Accelerating or decelerating for no apparent reason
- 7.I. Varying ~~or improper~~ speeds
- J. ~~Slow speed (10 or more mph under the limit)~~
- 8.K. Driving in opposite lanes or the wrong way on a one-way street
- L. ~~Driving the wrong way on a one-way street~~

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- 9.M. Slow response to traffic signals
- 10.N. Slow or failure to respond to an Officer's signals
- O. ~~Stopping in a lane for no apparent reason~~
- 11.P. Driving without headlights at night
- 12.Q. Failure to signal or signaling that is inconsistent with **driving** actions
- 13.R. Following too closely
- 14.S. Improper or unsafe lane changes
- T. ~~Illegal or improper turn~~
- 15.U. Driving on other than designated roadway

B. The Officer must be alert for the possibility that the driver, suspected of being under the influence of alcohol and / or drugs, might be experiencing diabetic shock or some other medical condition. The Officer must take reasonable action to differentiate between the two.

### **III. Making the Stop**

~~The~~ Traffic stops ~~shall~~ **will** be conducted in accordance with **policy** GO88-4.5, Vehicle Stops.

### **IV. Field Sobriety Testing**

- A. When a driver is suspected of driving ~~under the influence~~ **while impaired**, the Officer may conduct field sobriety testing to determine **if** the driver's **level of impairment** ~~is under the influence~~.
- B. Field sobriety testing should be conducted in the safest place possible for the Officer and ~~suspect~~ **driver involved**.
- C. If available, an additional Officer should be requested to the stop location to observe traffic, passengers, etc. while field sobriety testing is being conducted.
- D.C. There are indicators, **called** referred to as post-stop cues, that may indicate the driver is ~~under the influence of alcohol and / or drugs~~ **impaired**. These indicators include, but are not limited to:
  1. Difficulty with motor vehicle controls
  2. Difficulty with exiting the vehicle
  3. Fumbling with **his / her** driver's license or proof of insurance

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4. Repeating questions or comments
5. Swaying, unsteadiness, or balance problems
6. Leaning on the vehicle or other object
7. Slurred speech
8. Slow to respond to the Officer or requiring the Officer to repeat
9. Providing incorrect information or changing answers
10. Emitting an odor of an alcoholic beverage from ~~the driver~~ his / her person

**E.D.** Note that case law indicates that ~~the Alco-sensor~~ a portable breath alcohol screening device (Alco-sensor) should only be used after completing or attempting to complete field sobriety testing. Any evidence resulting after the ~~alcosensor~~ portable breath test may be subject to suppression in court.

## **V. Arrest of the Offender**

- A. When a ~~person~~ driver that is suspected of ~~driving under the influence of alcohol and/or drugs~~ being impaired is taken into custody, the arresting Officer shall:
  1. Advise the driver that he / she is under arrest for driving under the influence.
  2. Read the most recently issued implied consent warning to the arrestee at the scene ~~or when safe to do so~~.
  3. ~~Make~~ Arrangements for the removal of the suspect's vehicle.
    - a. Have the vehicle towed per request of the ~~driver or~~ owner or ~~contact the~~ on-call tow service.
    - b. Leave the vehicle at the scene if not a traffic hazard, per the ~~driver's or~~ owner's request, providing permission from the property owner is obtained.
    - c. Release the vehicle to a third party, per the ~~driver's or~~ owner's request.
- B. The state-administered breath test ~~utilizing the Intoxilyzer 9000~~ must be performed by a certified operator. The ~~Intoxilyzer~~ operator shall:
  1. Ensure the suspect has been read the current implied consent notice.
  2. Prepare the state-approved Intoxilyzer and administer the test.

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3. ~~The operator shall~~ Sign ~~the~~ three (3) printouts of ~~the~~ breath test results. ~~and complete the Intoxilyzer log.~~ Place one copy in the assigned Intoxilyzer folder, provide one copy to the arresting Officer, and provide one copy to the driver.
4. ~~Give the violator a copy of the printout.~~

C. If a blood and / or urine test is requested by the Officer, the Officer shall:

1. Pick up the appropriate blood and / or urine evidence kit from the Police Services Center.
2. For blood tests, transport the suspect to the Whitfield County Health Department ~~during regular business hours, on~~ Monday through Friday, 08:00-17:00. During all other times, transport the suspect to the Emergency Room at Hamilton Medical Center.
  - a. Ensure the suspect's blood is collected by an authorized healthcare worker or other appropriate person.
  - b. Ensure the blood is packaged in the kit and the kit is properly sealed with the appropriate paperwork.
  - c. Submit the kit to the Property and Evidence Section to be sent to the GBI for forensic testing.
3. For urine tests, have the suspect submit a sample of urine into the kit's receptacle. Package the urine sample and paperwork in the kit, and submit the kit to the Property and Evidence Section to be sent to the GBI for forensic testing.

D. If the suspect requests an additional chemical test, the Officer shall provide transportation for the suspect to qualified personnel of ~~the arrestee's~~ his / her own choosing. This request ~~will~~ shall be granted if within reasonable limits. The Officer shall explain to ~~the suspect~~ him / her that the suspect ~~shall~~ ~~will~~ be responsible for any costs incurred.

## VI. Booking Procedures

The arresting Officer shall be responsible for processing the person charged with driving under the influence. The arresting Officer shall complete the following when booking the arrestee at the Whitfield County Jail:

- A. Citation(s) for the offense(s)
- B. A detailed incident report, including the reason for the stop and ~~the results of~~ field sobriety test(s) performed. ~~A copy of the Intoxilyzer results shall be attached to the incident report in the Records Management System.~~
- C. The Administrative License Suspension form, if applicable

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*This policy supersedes any previous policies issued.*

**BY ORDER OF**

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**CHIEF OF POLICE**

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