

COVINGTON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Subject: DUI ARRESTS

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I. Purpose

To establish guidelines for the arrest and processing of persons charged with driving under the influence.

II. Statement of Policy

It shall be the policy of the Covington Police Department to identify, stop, arrest and prosecute any person who is driving or in actual physical control of a motor vehicle while under the influence of alcohol or drugs, as these individuals present a direct and immediate threat to the welfare and safety of the general public.

III. Establishing Probable Cause or Reasonable Suspicion

A. The officer observes either or both of the following types of clues that may be indicative of a drinking driver:

1. Vehicle maneuvers;
2. Human indicators.

B. Drivers operating their vehicles in any manner, which would raise a doubt as to their sobriety or other abnormal condition should be stopped and the cause for the erratic driving determined. A few examples of deviations from normal driving, for which the officer must be alert, are listed below:

1. Unreasonable speed where geographical characteristics or other circumstances would ordinarily compel a more moderate rate of travel.
2. Weaving from road edge to white line; sharp jerky movements in correcting direction of travel.
3. Driving in spurts; first slow and then fast, or visa versa.
4. Frequent lane changing coupled with excessive speed.

5. Improper passing without sufficient clearance or cutting in. Taking too long or swerving too much in overtaking and passing (i.e. over controlling);
6. Overshooting or disregarding traffic signs or signals;
7. Approaching signs or signals unreasonably slow or fast and attempting to stop with uneven motions;
8. Driving at night without lights; delay in turning them on after starting from a parked position;
9. Driving at night with parking lights;
10. Failure to dim lights when approaching traffic;
11. Unnecessary use of turn signals;
12. Driving in lower gears without apparent reasonable cause or repeatedly meshing or clashing gears;
13. Jerky starting or stopping;
14. Driving unreasonably slow;
15. Driving too close to curbs or appearing to hug the shoulder or centerline, or continually straddling the centerline or other lane markings;
16. Driving with windows rolled down in cold weather;
17. Driving or riding with head partially or completely out of the window.

C. Cues for Detecting Impaired Drivers*

1. Turning with wide radius;
2. Straddling center of lane marker;
3. Appearing to be drunk;
4. Almost striking an object or another vehicle;
5. Weaving;
6. Driving on other than designated roadway;
7. Swerving;
8. Speed more than 10 mph below speed limit;
9. Stopping without cause in traffic lanes;
10. Following too closely;
11. Drifting back and forth in lane;

12. Tires on centerline or lane marker;
13. Braking erratically;
14. Driving into opposing or crossing traffic;
15. Signaling inconsistent with driving actions;
16. Slow response to traffic signals;
17. Stopping inappropriately (other than in lane);
18. Turning abruptly or illegally;
19. Accelerating or decelerating rapidly;
20. Driving with headlights off.

* These cues are listed in descending order of probability that the person observed is driving while intoxicated. (Source – National Highway Traffic Safety Administration).

IV. Procedures for Stopping the Driver

- A. Once a driver is suspected of being under the influence of intoxicants, every reasonable effort should be made to stop and remove the driver from the roadway immediately.
- B. The gathering of evidence continues as the suspect is apprehended. The driver's response to the blue lights alone or to the blue lights and siren should be all recorded as additional evidence to assist in proving or disproving, beyond a reasonable doubt, the element of "under the influence".

Some of the reactions observed during the apprehension are:

1. An usually fast compliance to the blue lights and siren either on or off the roadway;
2. A slowness or hesitancy to comply;
3. A seemingly ignorance of the attempts made to stop the vehicle;
4. An attempt to outrun the patrol vehicle;
5. Over-diligence in the use of arm signals as the vehicle is being stopped;
6. Unusual activity or a moving about of the occupants within the vehicle. There may be an attempt by the driver to change positions with a passenger while the vehicle is still in motion. (Should this occur and both drivers are found to be under the influence, both should be charged with driving while under the influence).
7. An attempt to dispose of bottles or cans of alcoholic beverages by dropping or throwing them from the vehicle before it comes to a complete stop.

- C. When an officer has stopped a vehicle and has developed probable cause to believe that the person driving the vehicle is under the influence of alcohol or drugs, the officer will:
1. Advise the driver that he/she is under arrest for driving under the influence.
 2. Properly secure the person in the patrol unit;
 3. Read the "Implied Consent Warning" from a printed card to the arrestee at the scene.
 4. Arrange for the removal of arrestee's vehicle.
 5. Transport the arrestee to the appropriate location for testing.

V. Breath Testing Procedures

- A. The breath test must be performed by a certified operator. The Intoximeter operator shall:
1. Determine whether the "Implied Consent Warning" has been read to the arrestee. If the warning has not been read, the Intoximeter operator will have the arresting officer read the warning prior to the test being administered. No test will be administered until the arresting officer has read the "Implied Consent Warning" verbatim to the arrestee.
 2. Administer the test.
 3. Complete the Intoximeter log.
 4. Print copies of the result for the arresting officer.
 5. Give violators a copy of each printout.
- B. If the results of the breath test are .005, but less than 0.08, and the officer believes that the arrestee was a less safe driver, then the arrestee will be charged with DUI, under OCGA 40-6-392(b)(2). [Georgia Code Chapter List](#) The officer will be required to articulate in court facts supporting the contention that the arrestee was a less safe driver at the time of the arrest.
- C. If the results of the breath tests are 0 .08 or higher, the arrestee will be charged with DUI under OCGA 40-6-391(a)(4). [Georgia Code Chapter List](#)
- D. If the arrestee was operating a commercial motor vehicle and the breath test results are 0 .04 or higher, the arrestee will be charged with DUI, under OCGA 40-6-391 (l). [Georgia Code Chapter List](#)
- E. If the arrestee is under the age of 21 years of age, then the officer will charge the arrestee at 0 .02 or greater. The arrestee will be charged with DUI under OCGA 40-6-391(k)(1). [Georgia Code Chapter List](#)
- F. If a person is charged with DUI and requests a blood test as his additional test, the officer will transport the person to the testing facility of the arrestee's choice, within reason.

1. The Covington Police Department is not responsible for the payment of fees for an additional test.
2. Payment for additional testing is the sole responsibility of the arrestee.
3. Under no circumstances will a second test be conducted on the Intoximeter after the person has successfully completed the first test, unless the arrested person requests a second test on that machine.

VI. Blood/Urine Tests

- A. If the officer has requested a blood and /or urine test, the arrestee will be taken to Piedmont Newton Hospital for the test. The officer will inform the Emergency Room personnel that he needs a blood and/or urine test. Officers will request a blood test in accordance with Ga. Law if one of the drivers is involved in an accident where death or serious bodily injury has occurred.
- B. The officer shall personally observe the taking of the sample by hospital personnel, whenever practical. Exceptions are recognized in cases of persons of opposite sex and when the designated test requires privacy. The hospital personnel collecting the sample shall be noted in the incident report.
- C. Once the test is completed, a property receipt will be attached to the sample and the arrestee will be transported to the Newton County LEC for detention and processing.
- D. The blood or urine sample will be placed in temporary storage area in the evidence refrigerator until it can be taken to the Crime Lab for analysis.
- E. Pursuant to OCGA 40-6-391(b), if there is any amount of marijuana or controlled substance, as defined in OCGA 16-13-21, [Georgia Code Chapter List](#) present in the arrestee's blood or urine, including the metabolites and derivatives of each or both without regard to the amount of alcohol present, the arrestee will be charged with DUI.

VII. Reporting Procedures

- A. Fill out a citation for the offense:
 1. Attach copy of the test results to the court copy of the citation.
 2. Give violator's copy to arrestee along with a copy of the test results.
 3. A copy of the citation will be given to the intake officer at the Newton County LEC and the court copy and DDS copy of the citation will be turned in to the CSR working the front desk.
- B. Complete a detailed incident report.
- C. If an arrestee refused the state-administered test, the arresting officer will complete an "Administrative License Suspension and Implied Consent Affidavit". Officers must seize the license, sign the affidavit and turn both in to the Court Services box at the CSR desk.

- D. Violators will be incarcerated for a period of six hours before bond can be accepted, if the results of the breath test was .08 or greater or if the violator was given a state-administered blood or urine test as a result of a DUI arrest. Should the violator refuse the state-administered test, they will be charged with DUI and will be held for six hours.
- E. A defendant must be under arrest before the implied consent notice is read unless the case involves a wreck with a serious injury or fatality. In a DUI case that involves a wreck with a serious injury or fatality, the defendant does not have to be under arrest before the implied consent notice is read. However, there must be probable cause to believe that the defendant was DUI of alcohol or drugs. The serious injury must be one of the following injuries:
1. One or more persons suffered a fractured bone
 2. Severe burns
 3. Disfigurement
 4. Dismemberment
 5. Partial or total loss of sight or hearing, or
 6. Loss of consciousness.

State v. Handschuh, 279 Ga. 711 (2005)

This SOP supersedes any SOP previously issued.

BY ORDER OF THE CHIEF OF POLICE:

Stacey L. Cotton
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Chief of Police