

## Impaired Driving

### 503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence of alcohol or drugs (DUI).

### 503.2 POLICY

The Plymouth Township Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Pennsylvania's impaired driving laws.

### 503.5 CHEMICAL TESTS

A person implies consent under Pennsylvania law to a chemical test or tests of his/her breath or blood, and to providing the associated chemical sample, when the officer has probable cause to believe:

- (a) The person was driving, operating or in actual physical control of the movement of a vehicle in violation of any provision of 75 Pa.C.S. § 3802 (DUI) (75 Pa.C.S. § 1547).
- (b) The person was driving, operating or in physical control of a school vehicle or commercial motor vehicle (CMV) while having alcohol in his/her system (75 Pa.C.S. § 1613).
- (c) The person was driving while his/her operating privilege was suspended or revoked in violation of 75 Pa.C.S. § 1543 B.1.1 (75 Pa.C.S. § 1547).
- (d) The person was operating a vehicle without a required ignition interlock in violation of 75 Pa.C.S. § 3808 (75 Pa.C.S. § 1547).

#### 503.5.1 STATUTORY NOTIFICATIONS

A person placed under arrest for DUI, driving with a suspended or revoked license (DUI), or operating a vehicle without a required ignition interlock shall be informed that his/her operating privilege will be suspended and he/she will be subject to a restoration fee if chemical testing is refused. A person arrested for DUI shall also be informed of the warnings verbatim according to the current DL-26 Form for breath or blood. The form should be submitted to Penn DOT, with a copy retained as evidence.

If the arrestee was operating a CMV, the person shall be informed of the warnings verbatim according to the current DL-26 Form for breath or blood for CMV.

### 503.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (75 Pa.C.S. § 1547; 75 Pa.C.S. § 1613).
- (b) Audio- and/or video-record the warnings and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

# Plymouth Township Police Department

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#### **503.8 RECORDS DIVISION RESPONSIBILITIES**

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

#### **503.9 ADMINISTRATIVE HEARINGS**

The assigned officer will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to PennDOT including, but not limited, to the original completed DL-26 Form.

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the PennDOT file number in a supplemental report.