


## Impaired Driving

### 503.1 POLICY HEADER

<b>Original Effective Date:</b>	<b>Revised Date:</b>
September 1, 2021	March 27, 2026
<p>Authorization:</p>  <p>Jason Haberman Chief of Police</p>	

### 503.2 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).

### 503.3 POLICY

The Mt. Lebanon 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.

### 503.4 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Traffic Lieutenant will maintain report forms and may develop checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.

## *Impaired Driving*

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- (f) Any prior related convictions in Pennsylvania or another jurisdiction.

### **503.5 FIELD TESTS**

The Traffic Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

#### **503.5.1 PRELIMINARY BREATH TEST**

An officer having reasonable suspicion to believe a person is driving or in actual physical control of a vehicle while under the influence of alcohol may, prior to arrest, request the person submit to a preliminary breath test (PBT) on an approved device. The PBT shall be in addition to any other test and the person does not have a right to expect or demand a PBT (75 Pa.C.S. § 1547; 28 Pa. Code § 5.104).

### **503.6 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 (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).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### **503.6.1 STATUTORY NOTIFICATIONS**

A person placed under arrest for DUI, driving with a suspended or revoked license, 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 of up to \$2,000 if chemical testing is refused (75 Pa.C.S. § 1547).

If the arrestee was operating a CMV, the person shall be informed that he/she will be disqualified from operating a CMV if he/she refuses to submit to testing (75 Pa.C.S. § 1613).

#### **503.6.2 BREATH SAMPLES**

Breath samples should not be utilized in the processing of DUI suspects. However, should no other alternative be available, due to unforeseen circumstances, the nearest available certified intoxilyzer shall be utilized by authorized personnel.

## *Impaired Driving*

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### 503.6.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (75 Pa.C.S. § 1547). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

### 503.6.4 ADDITIONAL REQUIREMENTS

Approved equipment and procedures are used for chemical testing (75 Pa.C.S. § 1547):

- (a) Blood samples shall be taken using the procedures and equipment approved by DOH or the Pennsylvania State Police (PSP).
- (b) Breath samples shall be taken using devices approved by DOH using the procedures established by DOH and PennDOT.

### 503.7 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 admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

#### 503.7.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses to submit to a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

# Mt. Lebanon Police Department

## Policy Manual

### *Impaired Driving*

---

#### 503.7.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

#### **503.8 ARREST AND INVESTIGATION**

##### 503.8.1 ACCIDENTS

Officers having probable cause to believe that a person was involved in a DUI accident may request the results of a blood sample taken from a person who is transported to a hospital (75 Pa.C.S. § 3755).

##### 503.8.2 ARRESTEE TESTING

If an arrestee makes a request for his/her own chemical testing, officers should make reasonable attempts to accommodate the request, when practicable. This may include giving the arrestee

# Mt. Lebanon Police Department

## Policy Manual

### *Impaired Driving*

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reasonable opportunity to arrange for a physician or other qualified person to administer a test. The chemical test given by the officer shall not be delayed by the person's attempt to obtain an additional test (75 Pa.C.S. § 1547).

#### **503.9 RECORDS DEPARTMENT RESPONSIBILITIES**

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

#### **503.10 ADMINISTRATIVE HEARINGS**

The Records Clerk will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to PennDOT.

Any officer who receives notice of required attendance at an administrative license suspension hearing shall attend the hearing as required.

An officer called to testify at an administrative hearing should document the hearing date and the PennDOT file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.