

# WOLFEBORO POLICE DEPARTMENT

## SOP 3.12

**Date Issued: 12/27/2019**

**Review: 02/25/2021**

[Note: This written directive is for the internal governance of the Wolfeboro Police Department and, as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.]

**By Order of:**  
**Dean J. Rondeau, Chief of Police**

### DWI GUIDELINES

**Policy** To establish procedures for DWI cases and arrested subjects.

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**Purpose** The purpose of this directive is to explain  
Definitions Procedures  
Testing Arrest  
Reports

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**Definitions** *BAC:* Blood Alcohol Concentration. The percentage of alcohol in blood.  
*Divided Attention: Test:* Requires the subject to concentrate on both mental and physical tasks at the same time.  
*DWI:* Driving While Intoxicated or Driving While Impaired. Driving a vehicle while under the influence of alcohol or drug(s).  
*Field Sobriety: Test:* Any one of a series of roadside tests that can be used to determine whether a suspect is impaired.  
*HGN:* Horizontal Gaze Nystagmus. A field sobriety test based on the jerking of the eyes as they gaze toward the side.  
*Nystagmus:* An involuntary jerking of the eyes.  
*One Leg Stand (OLS):* a divided attention field sobriety test.  
*Standardized Field Sobriety Test Battery:* a battery of three field sobriety tests, HGN, Walk and Turn, and One Leg Stand, administered and evaluated in a standardized manner to obtain validated indicators of impairment based on NHTSA research.  
*Walk and Turn (WAT):* a divided attention field sobriety test.

**General Procedures** When an officer makes contact with a driver because of

- A motor vehicle violation stop.
- Driver involved in an accident.
- Or has articulable suspicion to stop a motor vehicle.

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DWI Guidelines**

The three senses should be used to detect alcohol or drug influence.

- **SIGHT**
- **HEARING**
- **SMELL**

The physical observations may show indications of intoxication

This justifies further investigation.

The driver can then be subject to further investigation in or outside of the vehicle.

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**Field Sobriety Tests**

Standardized Field Sobriety Tests will assist with the decision to arrest or release the driver.

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**Walk & Turn**

It is a divided attention test consisting of two stages:

1. Instruction stage.
2. Walking stage.

| <b>Stage</b> | <b>Description</b>  |
|--------------|---|
| Instruction  | Subject must stand on a line with feet in heel to toe position, keep arms at sides, and listen to instructions.<br>The instruction stage divides the subject's attention between a balancing task and an information-processing task.   |
| Walking      | Subject must take nine heel to toe steps down a line, turn in the prescribed way, and take nine heel to toe steps back up a line while counting each step out loud.<br>During the turn, the subject must keep the front foot on the line, turn in the prescribed manner, and use the other to take several small steps to complete the turn. The walking stage divides the subject's attention among a balancing task, a small muscle control task, and a short-term memory task. If a line is not available, then the Officer may use a simulated line |

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**One Leg Stand**

It is a divided attention test consisting of two stages:

1. Instruction Stage.
2. Balancing and Counting Stage.

**SOP 3.10  
DWI Guidelines**

| <b>Stage</b>           | <b>Description</b>  |
|------------------------|---|
| Instruction            | Subject must stand with their feet together, keep arms at the sides, and listen to instructions.<br>This divides the subject's attention between a balancing task and an information-processing task.   |
| Balancing and Counting | Subject must raise one leg approximately six inches off the ground, toes pointed out, keeping both legs straight.<br>While looking at the elevated foot, count out loud for 30 seconds in the following manner: "one thousand one, one thousand two", until told to stop.<br>This divides the subject's attention between balancing and small muscle control. |

**Horizontal Gaze Nystagmus**

Only Officers that have been trained and certified to use HGN are authorized to use this as a field test.

**Vertical Nystagmus**

Only Officers that have been trained and certified to use VG are authorized to use this as a field test.

**Seated Test**

Can be employed if the Driver is physically unable to perform the standard field test – due to handicap or other illness – all or some.

| <b>Step</b> | <b>Action</b>  |
|-------------|--|
| 1           | Asking for two things simultaneously such as a driver's license and registration   |
| 2           | Asking interrupting or distracting questions;  |
| 3           | Asking unusual questions such as what their middle name is.  |
| 4           | Ask the driver to recite the alphabet using their normal tone of voice. Demonstrate how you want the driver to respond.  |
| 5           | Ask the driver to count down from a larger number such as 63 to a smaller number such as 42. Avoid using number sequences that start or end in increments of 5; they are too easy to remember.                                     |
| 6           | Ask the driver to count fingers. The driver is asked to touch the tip of the thumb in turn to the tip of each finger on the same hand while counting up 1, 2, 3, and 4; then reverse direction on the fingers while counting down. |

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**Arrest** If the officer has probable cause for a DWI case.  
No person shall be charged with a lesser offense if probable cause exists for DWI.  
Officers shall have dispatch obtain a record check on the subject.

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**Processing** Shall be in accordance with SOP's as well as the additional steps.

| <b>Stage</b> | <b>Description</b>  |
|--------------|---|
| 1            | Read and explained the ALS Rights – on ALS Form   |
| 2            | If driver consents to the test  |
| 3            | Certified Intox 5000 operator will administer the test<br>At Wolfeboro PD or if not functioning at another agency where one is located<br>Legal limit for DWI 0.08 for drivers over 21, 0.02 for drivers under 21 and Commercial M/V 0.04   |
| 4            | Drivers refusal – seize the <b>NH</b> drivers license and enclose it in the ALS form<br>Required sections filled out<br>Pink copy of ALS issued to driver as temporary license<br>Out of State driver, pink copy does not need to be issued |
| 5            | Photograph the subject  |
| 6            | If blood is drawn, the officer shall seal the blood sample and complete all applicable forms within the canister provided by the NH Dept of Health. Documented in file  |

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**Felony DWI** If the subject is being charged with a felony.

- ALS Felony form shall be used.
- Driver informed that they do not have the right to refuse.
- If necessary blood may be drawn forcibly – Chief of Police and Carroll County Attorney should be contacted first.

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**Reports**

|              |  |
|--------------|--|
| ALS Form     | Completed at time of Arrest<br>Required parts are to be mailed within 48 hours                               |
| Arrest Forms | All computer-generated forms are to be completed at the time of arrest. Unless Supervisor approves extension |
| Intoxilizer  | Form filed out by certified officer  |

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**DWI Guidelines**

|               |   |
|---------------|---|
| Other Reports | Any other reports that need to completed according to the SOP if circumstances dictate it such as<br>Accident report<br>Towed vehicle Inventory Report<br>Fingerprint cards etc |
|---------------|---|