



# VIA TRANSIT POLICE DEPARTMENT

## Standard Operating Procedures



### Section 614 DWI Procedure

Office with Primary Responsibility:	COP	Effective Date: Prior Revision Date:	March 7, 2018 New
Office(s) with Secondary Responsibilities:		Number of Pages:	2
Forms Referenced in Procedure:		Related Procedures:	ALL

#### .01 INTRODUCTION

- A. This procedure provides guidelines for the detection, arrest, and processing of drivers who are suspected of operating a motor vehicle while intoxicated.
- B. This procedure also provides guidelines for handling minors who are suspected of operating a motor vehicle while under the influence of alcohol.

#### .02 POLICY

The responsibility to remove intoxicated drivers from the roadway extends to all sworn members of the VIA Transit Police Department.

#### .03 PROBABLE CAUSE FOR DWI OR DUI

- A. Officers establish probable cause for arresting drivers for Driving While Intoxicated (DWI) or for Driving Under the Influence of Alcohol by Minor (DUI) by relying on personal knowledge and training, including:
  - 1. Personal observation of drivers involved in traffic accidents and or traffic violations;
  - 2. Reasonable suspicion based on information provided by individuals who are witnesses to traffic violations and/or traffic accidents involving the person suspected of being intoxicated or under the influence; or
  - 3. Personal observation of drivers stopped after the officer develops reasonable suspicion based on articulated facts of actions which do not meet the criteria of traffic violations (i.e. drifting within lane of travel, failure to maintain speed, etc.)
- B. After establishing Probable Cause as described in Section 03(A) above, the officer shall:
  - 1. Remove the driver to a place of safety if he is suspected of being intoxicated.
  - 2. Notify Dispatch to contact a DWI-trained officer from the appropriate jurisdiction to come to the location and process the detained driver.
  - 3. Relay to the responding DWI-trained officer the circumstances of the stop and the officer's belief that the driver may be intoxicated.
  - 4. Release custody of the driver and vehicle to DWI-trained officer.
  - 5. Complete the DIC-23 form and provide it to the DWI-trained officer.
- C. In the exigent circumstance where no DWI-trained officer from a cooperating jurisdiction cannot be located, Transit Police Officers shall notify a supervisor and:
  - 1. Placed detained driver under arrest and transport them to Magistrate for booking.
  - 2. Document Probable Cause and observations on report.



# VIA TRANSIT POLICE DEPARTMENT

## Standard Operating Procedures



### *Section 614 DWI Procedure*

3. Document on report that no DWI-trained officer was not available, and the steps taken to locate one
  4. Note in the report that VIA Police has been advised through the District Attorney Office how to process DWI arrest.
- D. Public Intoxication is not a lesser included offence of DUI. Therefore, booking a suspected intoxicated driver for Public Intoxication is not authorized.

#### **.04 DRIVING UNDER THE INFLUENCE OF ALCOHOL**

- A. Minors who operate a motor vehicle in a public place with any detectable amount of alcohol concentration of less than .08 in their system are in violation of the Texas Alcoholic Beverage Code, Section 106.041, Driving Under the Influence of Alcohol by Minor.
1. Minors under this offense are individuals younger than 21 years of age and include juveniles.
  2. Individuals, 21 years of age or older, are not charged for the offense of DUI.
- B. After establishing Probable Cause as described in Section 03(A) above, the officer shall:
1. Remove the driver to a place of safety if he is suspected of being intoxicated.
  2. Notify Dispatch to contact a DWI-trained officer from the appropriate jurisdiction to come to the location and process the detained driver.
  3. Relay to the responding DWI-trained officer the circumstances of the stop and the officer's belief that the driver may be intoxicated.
  4. Release custody of the driver and vehicle to DWI-trained officer.
  5. Complete the DIC-23 form and provide it to the DWI-trained officer.
- C. In the exigent circumstance where no DWI-trained officer from a cooperating jurisdiction cannot be located, Transit Police Officers shall notify a supervisor and:
1. Placed detained driver under arrest and transport them to Magistrate for booking.
  2. Document Probable Cause and observations on report.
  3. Document on report that no DWI-trained officer was not available, and the steps taken to locate one
  4. Note in the report that VIA Police has been advised by the District Attorney Office
- D. Public Intoxication is not a lesser included offence of DUI. Therefore, booking a suspected intoxicated driver for Public intoxication is not authorized.