

BOARD OF PUBLIC WORKS AND SAFETY
Agenda Request Form

(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard.

Please make sure that your contact information is accurate in case we need to get in touch with you. The Board of Works meets on the 1st and 3rd Monday of each month at 5:00 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	August 18, 2015	Requested Meeting Date:	September 21, 2015
		Confirmed Meeting Date:	
Received by:			
Contact Information: Please provide all requested information in the fields below. (Print or Type)			
On Behalf of Organization or Individual:		Franklin Police Department	
Name:	Tim O'Sullivan	Telephone:	317-736-3670
Title or Position:	Chief of Police		
E-Mail:	tosullivan@franklin.in.gov		
Address:	2801 N Morton Street		
City:	Franklin	State:	IN
		ZIP:	46131
Who will attend the meeting and present the request?			
Name:	Tim O'Sullivan	Telephone:	317-736-3670
Title or Position:	Chief of Police		
E-Mail:	tosullivan@franklin.in.gov		
Please describe the purpose or title of your presentation.			
Additional changes since last approval: Page 1 - The breath test waiting time was changed to fifteen (15) minutes. Page 2 – In item #2 the verbiage “they will conference you with the on call judge” was removed and “follow protocol to obtain warrant” was added in its place. Page 2 – Item #3 was removed. Page 5 – The Police/Prosecutor Update was removed.			
Supporting documents: All supporting documents should be submitted with the request form.			
1. Above listed SOP.			
2.			
3.			
4.			

FRANKLIN POLICE DEPARTMENT STANDARD OPERATING PROCEDURE NO. 1.7

Subject: IMPAIRED/DRUGGED DRIVER INVESTIGATIONS		References:
Special Instructions:		No. of pages: -4-
Distribution: All Units	Effective Date: August 12, 2015	Reevaluation Date:

1.7.1 PURPOSE

To establish a good protocol for the handling of all impaired/drugged driver investigations.

1.7.2 POLICY

It is the policy of the Franklin Police Department that whenever possible, based on probable cause, an arrest be initiated whenever members of this department investigate an impaired/drugged driver. A minimum of two officers should be present during the investigation.

1.7.3 PROCEDURE

When an officer conducts a traffic stop and suspects, or comes to suspect, that the driver may be impaired/drugged that officer shall notify dispatch and have a second unit respond. Upon the arrival of the second unit the driver may be asked to exit the vehicle so that field sobriety can be performed.

Should the suspect vehicle already be stopped when the officer arrives it is the officer's responsibility to establish who was driving and when. For example: An officer discovers a vehicle that has driven off the roadway with a subject outside the vehicle. The officer needs to ask that person if they were driving and how long it has been since they ran off the roadway. This is necessary to show that the driver was impaired while driving. In the event of an O.V.W.I. coupled with an accident, officers should observe for injury patterns consistent with being the operator of the vehicle.

Field sobriety tests shall be performed by only those officers certified in the Standard Field Sobriety Tests, hereupon S.F.S.T.'s. The S.F.S.T.'s shall be performed on all suspected drivers unless circumstances exist which would invalidate the tests such as a medical condition or inclement weather. The officer performing the tests shall complete a log (see attached) which records the results. This log must be completed even if it is determined that the subject is not impaired. The officer will be required to make a copy of the log and turn it into the training officer, designated by the administration, for safekeeping. A second copy shall be included with the arrest packet for the prosecutor. The original shall be kept by the officer and be available for court purposes. A vehicle equipped with an onboard camera system should be utilized to record the tests whenever possible.

If, upon completion of the S.F.S.T.'s, the officer has probable cause to believe that the driver is impaired/drugged he/she shall read the driver the Indiana Implied Consent. The consent shall be read directly from a card provided by the Johnson County Prosecutor's Office, the Franklin Police Department or the Indiana Law Enforcement Academy.

Should the driver agree to a chemical test, and the officer chooses breath, the driver shall be transported to the Johnson County Law Enforcement Center. Upon arrival, the driver's mouth will be checked for any foreign objects and the time noted on the Intox EC/IR II Breath Test Instrument. After waiting a minimum of fifteen (15) minutes the test may be performed by a certified breath test operator.

If the driver refuses the chemical test, a search warrant for a blood draw can be obtained. If the charge is a Misdemeanor the warrant is optional. The officer may charge the suspect with OVWI/refusal or seek a warrant. If the charge will be a Felony, a search warrant shall be obtained. The procedure for the blood draw is listed below:

1. Completed the O.V.W.I. probable cause affidavit and search warrant.
2. Contact the prosecutor on call. After verifying your probable cause follow protocol to obtain warrant.
3. Respond to the Johnson Memorial Hospital lab for a blood draw. Request the blood be drawn using one of the prescribed kits. Make sure the chain of custody form in the kit is used. Everyone that handles the sample must be on the chain of custody form. The original form shall be enclosed in the toxicology kit after making a copy for JMH and the officer's file. All other forms will be provided by JMH and officers are encouraged to make copies for their files. Once the warrant is issued the suspect has no right to refuse the blood draw. **Officers are required to complete a search warrant return to the issuing court.**
4. If blood is collected, the collecting officer will leave a message for the Evidence Technician either by department email or department office phone voicemail. Place the sample in the refrigerator located in the supervisor's closet. A property voucher is required.

FRANKLIN POLICE DEPARTMENT DWI OBSERVATION NOTES

Case Number: _____ Officer: _____ Unit#: _____
Date and Time of stop: _____ Accident: NONE/ PD/ PI/ F
Initial reason for stop: _____
Location of stop: _____

Last Name: _____ First Name: _____ Middle _____
Address: _____
City: _____ State: _____ Zip Code: _____
OLN: _____ DOB: ____/____/____ Sex: _____
SSN: ____/____/____ HGT: _____ WGT: _____
Vehicle Make and Model: _____ Year: _____
License: _____ State: _____ Year: _____ Color: _____

Standardized Field Sobriety Tests

Refused standardized field sobriety tests: YES / NO Time (if yes): _____ hrs

Gaze Nystagmus (6 clues total, 4 clues is a failure)

Contacts: No or Soft Eyeglasses Off: N/A or Yes Equal Tracking: Yes or No Pupils Equal: Yes or No
Exhibited Lack of Smooth Pursuit in Left Eye.....Yes or No
Exhibited Lack of Smooth Pursuit in Right Eye.....Yes or No
Distinct and Sustained Nystagmus at Maximum Deviation in Left Eye.....Yes or No
Distinct and Sustained Nystagmus at Maximum Deviation in Right Eye.....Yes or No
Onset of Nystagmus Prior to 45 Degree Angle in Left Eye.....Yes or No
Onset of Nystagmus Prior to 45 Degree Angle in Right Eye.....Yes or No
Total Number of Clues: _____ Passed or Failed Test Stopped for Safety: _____

Nine Step Walk and Turn (8 clues total, 2 clues is a failure)

Lost Balance During the Instruction Phase..... Yes or No Number of Times: _____
Started Walking too Soon.....Yes or No Number of Times: _____
Stopped Walking on Steps..... 1 2 3 4 5 6 7 8 9 out & 1 2 3 4 5 6 7 8 9 in
Missed Heel to Toe on Steps..... 1 2 3 4 5 6 7 8 9 out & 1 2 3 4 5 6 7 8 9 in
Raised Arms (6"+) on Steps..... 1 2 3 4 5 6 7 8 9 out & 1 2 3 4 5 6 7 8 9 in
Stepped Off the Line on Steps..... 1 2 3 4 5 6 7 8 9 out & 1 2 3 4 5 6 7 8 9 in
Turned Improperly: Yes or No Describe: _____
Took Wrong Number of Steps Out: Yes or No Total Number Taken: _____
Took Wrong Number of Steps In: Yes or No Total Number Taken: _____
Total Number of Clues: _____ Passed or Failed Test Stopped for Safety: _____

One-Leg Stand (4 Clues total, 2 clues is a failure)

Swayed During Test: Yes or No Describe: _____
Put Foot Down on Their Count #'s: _____
Hopped on Their Count #'s: _____
Raised Arms from Side (6"+) on Their Count #'s: _____
Total Number of Clues: _____ Passed or Failed Test Stopped for Safety: _____

Preliminary Breath Test Result: _____ Time: _____ hrs
Read Implied Consent: Yes Time: _____ hrs
Certified Breath Test Result: _____ (Start Obsv. _____ hrs) Time: _____ hrs
Refused Certified Test: Yes Time: _____ hrs

260 IAC 2-4-2 Approved Method for Intox EC/IR II breath analysis

The approved method that shall be followed in making an analysis of breath for ethanol using the Intox EC/IR II breath test instrument is as follows:

STEP ONE: The person to be tested must:

- (A) have had nothing to eat or drink;
- (B) not have put any foreign substance into his or her mouth or respiratory tract; and
- (C) not smoke;

within 15 minutes before the time the first breath sample is taken or at any time from the taking of the first breath sample until after the taking of the final breath sample.

STEP TWO: Verify that the instrument is in ready mode, as indicated by the instrument display.

STEP THREE: Press “Enter” key to start subject test.

STEP FOUR: Insert identification card into the barcode reader, or press the “Enter” key and use the keyboard to enter the breath test operator information requested by the instrument display.

STEP FIVE: When requested by the instrument display, enter the beginning date and time of the fifteen (15) minute period described in STEP ONE.

STEP SIX: When requested by the instrument display, select “Y” or “N” to indicate whether the breath test operator is the officer with control of the subject during the fifteen (15) minute period described in STEP ONE.

STEP SEVEN: If “N” is selected in STEP SIX, when requested by the instrument display, enter the information of the officer with control of the subject during the fifteen (15) minute period described in STEP ONE.

STEP EIGHT: Enter incident information requested by the instrument display.

STEP NINE: Enter subject information by:

- (A) inserting the subject’s driver/operator license or identification card into the barcode reader; or
- (B) pressing the “Enter” key and using the keyboard to enter the available subject information requested by the instrument display.

STEP TEN: When “Please blow” appears on the instrument display, place a new mouthpiece in the breath tube. Instruct the subject to deliver a breath sample. Remove mouthpiece when prompted by the instrument display and discard.

STEP ELEVEN: When “Please blow” appears again on the instrument display, place a new mouthpiece in the breath tube. Instruct the subject to deliver a breath sample. Remove mouthpiece when prompted by the instrument display and discard.

STEP TWELVE: Print the instrument report and remove it from the printer; check the instrument report for the numerical value of the subject’s breath ethanol concentration and the correct date and time and sign the instrument report where indicated.