

**ILLINOIS STATE POLICE**  
**ENF-021, BREATH TESTS UNRELATED TO DRIVING UNDER THE INFLUENCE**

<b>RESCINDS:</b> ENF-021, 2022-051, revised 02-18-2018.	<b>REVISED:</b> 01-03-2023 <b>2023-026</b>
<b>RELATED DOCUMENTS:</b> ENF-018, ENF-020, OPS-038, SRV-001	<b>RELATED CALEA STANDARDS (6<sup>th</sup> Edition):</b> 26.3.6, 61.1.9, 61.1.10

I. POLICY

The Illinois State Police (ISP) will use evidential breath analysis instruments for the collection of evidence and in the furtherance of investigations.

II. AUTHORITY

II.A. Statutory violations other than “Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof” (DUI) 625 ILCS 5/11-501, for which the collection of breath alcohol evidence may be used include, but are not limited to:

- II.A.1. 625 ILCS 5/6-515, “Prohibitions against a person driving a commercial motor vehicle while having any alcohol, other drug, or both in such person’s system”
- II.A.2. 235 ILCS 5/6-20, “The consumption of alcoholic liquor by any person under 21 years of age is forbidden”
- II.A.3. 625 ILCS 5/11-1010, “Transfer, possession, and consumption of alcoholic liquor; restrictions”
- II.A.4. 625 ILCS 40/5-7, “Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds, or a combination of them; criminal penalties; suspension of operating privileges”
- II.A.5. 625 ILCS 45/5-16, “Operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof”

II.B. ILL. ADMIN. CODE tit. 20 20 §1286 - Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds

II.C. 20 ILCS 2605/2605-54 – Illinois State Police Law of the Civil Administrative Code of Illinois, “Conor’s Law”

III. PROCEDURES

III.A. The officer will request the subject suspected of consuming alcohol or suspected to be under the influence of alcohol to submit to one breath analysis.

III.A.1. The officer will advise the subject of any relevant warnings regarding loss of driving or registration privileges as statutorily required.

III.A.2. If the subject consents to the breath analysis and the officer is not a licensed Breath Analysis Operator (BAO), the officer will notify Troop Headquarters of the need for a BAO while the subject is being transported to the instrument location.

III.A.3. The BAO will:

- III.A.3.a. Perform one analysis following the 20-minute observation period of the subject.
- III.A.3.b. Identify the test record with appropriate words that identify the charge.
- III.A.3.c. Distribute copies of the test record in the same manner as for DUI enforcement.
- III.A.3.d. Make all applicable entries in the instrument logbook.

III.B. Officers will monitor persons arrested who are under the influence of alcohol while the subject is in their custody and provide proper medical care as necessary. If the subject in custody requires medical

attention, the officer will follow the procedures outlined in ISP Directive ENF-014, "Prisoner Transportation, Handling, Searching, and Jailing."

III.C. Release of subjects under the age of 21 who are under the influence of alcohol:

III.C.1. If the subject is at least 18 years of age, but under the age of 21, a reasonable attempt to contact a responsible adult to take custody of the person under the influence of alcohol will be made.

III.C.1.a. A responsible adult will be considered a person at least 21 years of age, not under the influence of alcohol or other intoxicating compound, who is willing to care for the person under the influence of alcohol or drugs.

III.C.1.b. Such attempts will be documented in the ISP report and will include the time(s) and name(s) of the individual(s) with whom contact was attempted.

III.C.2. If the subject is under the age of 18, bonding and release procedures will be in accordance with the Juvenile Court Act and ISP Directive OPS-037, "Juvenile Procedures."

III.C.2.a. Juveniles may not be released until a parent or legal guardian has been contacted and made arrangements to take custody of the juvenile.

III.C.2.b. If a parent or guardian cannot be contacted within a reasonable period of time, the appropriate child service authorities may be contacted to arrange for custody of the juvenile to a known responsible adult.

III.C.2.c. All attempts to contact a parent/guardian will be documented in the ISP report.

III.D. Administrative Investigations

III.D.1. Administrative investigations within the administrative purview of a state agency include, but are not limited to:

III.D.1.a. Violations of provisions of the Department of Corrections work release programs.

III.D.1.b. Consumption of alcohol by state employees in violation of the conditions of employment.

III.D.2. Requesting agencies are to be advised to transport the subject to be tested, accompanied by a supervisor, to the test site.

III.D.3. Request the subject to submit to one breath analysis. No warnings are required; however, the requesting officer cannot use force.

III.D.4. The BAO will follow ISP guidelines for conducting a breath analysis, including a 20-minute observation of the subject.

III.D.5. The BAO will:

III.D.5.a. Notify their immediate supervisor of the request, who will review the request prior to proceeding.

III.D.5.b. Identify the test record with the words "test conducted at the request of \_\_\_\_\_" followed by the name of the supervisor in charge of the subject being tested.

III.D.5.c. Provide the supervisor requesting the test with the state's attorney copy.

III.D.5.d. Make all applicable entries in the instrument logbook.

III.D.5.e. Ensure the appropriate ISP Policy and the Administrative Guidelines for breath testing are followed.

III.D.6. The requesting Agency or supervisor will ensure any request(s) for an employee to submit to a test and the manner in which the tests are conducted comply with:

- III.D.6.a.1) The applicable collective bargaining agreement(s)
- III.D.6.a.2) The state personnel code
- III.D.6.a.3) Other appropriate policy

| Indicates new or revised items.

**-End of Directive-**