

Legal Aspects



Legal Environment Objectives

- **Identify the seven criminal DUI statutes.**
- **Discuss the provisions of the implied consent law.**
- **Discuss the Statutory Summary Suspension.**
- **Discuss the types of chemical tests.**
- **List the elements required for emergency room reporting.**

Key Legal Points and Terms

- **Implied Consent**
- **Per Se (IL Law)**
- **Presumptive Level**
- **Blood Conversion**
- **Zero Tolerance**



DUI Statute

625 ILCS 5 / 11-501

**Driving while under the
influence of alcohol
other drug or drugs
intoxicating compound
or compounds
or any combination
thereof**

DUI Statute Continued

A person shall not drive or be in actual physical control of any vehicle within this State while:

Remember that is public or private property

1.) 11-501a1

Alcohol over .08

The alcohol concentration in a person's blood, other bodily substance, or breath is **.08 of more; Illinois Per Se Law.**

(This is a secondary ticket after the results of the chemical test are received)

2.) 11-501a2

Basic alcohol

Under the influence of alcohol;

3.) 11-501a3

Under the influence of an intoxicating compound or combination of intoxicating compounds to a degree which renders the person incapable of driving safely;

4.) 11-501a4

Under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

5.) 11-501a5

Alcohol and any amount of drugs

Under the combined influence of alcohol and any other drug or drugs, or intoxicating compound or compounds to a degree which renders the person incapable of safely driving; or



6.) 11-501 a6



there is any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; or

7.) 11-501a7



The person has, within 2 hours of driving or being in actual physical control of a motor vehicle, a tetrahydrocannabinol concentration in the persons whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of section 11-501.2 of this code. Subject to all other requirements and provisions under this section, this paragraph (7) does not apply to the lawful consumption of cannabis by a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act, unless that person is impaired by the use of cannabis.

11-501 (b)

The fact that any person charged with violating this section is or has been legally entitled to use alcohol, cannabis under the Compassionate Use of Medical Cannabis Pilot Program Act, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this section.

Encountering a DUI

Traffic Stops *(probable cause)*

Motorists Assists

Crash Scenes

Roadside Safety Check

Well Being Checks

Circumstantial Evidence of Operation for Actual Physical Control

- **Ownership/ Control/ Injuries**
- **Location of bodies**
- **Observations of earlier driving**
- **Evidence of recent vehicle movement**
- **Footprints to or from vehicle**
- **Absence of other people / drivers**

Warning to Motorist

1. Warned by requesting officer; or
2. Refusal results in a *Statutory Summary Suspension*.
3. *Statutory Summary Suspension* for violation of: 11-501a1 through 11-501a6.

WARNING TO MOTORIST

Case Number _____

DUI TRAFFIC CITATION NO. (11-501A1)

DUI TRAFFIC CITATION NO. (11-501A2)

11-401 Citation No.

DUI TRAFFIC CITATION NO. (OTHER)

Subsequent to an arrest for driving while under the influence of alcohol, other drug(s) or intoxicating compound(s), or any combination thereof (DUI), or Section 11-401 - leaving the scene of a fatal or personal injury accident, you are hereby notified that:

As provided in Section 11-500 of the Illinois Vehicle Code, you are a first offender unless within the last 5 years of this arrest for DUI or leaving the scene you have had:

- A previous conviction or court-assigned supervision for DUI or a similar provision of a local ordinance; or
- A conviction in any other state for DUI or a similar offense where the cause of action is the same or substantially similar to the Illinois Vehicle Code; or
- A driver's license suspension/revocation for violating Section 11-501.1 of the Illinois Vehicle Code, except in cases where you submitted to a chemical test(s) disclosing an alcohol concentration of .08 or more or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act (for a DUI arrest prior to 07-29-2016 or a delta-9-tetrahydrocannabinol concentration of either 5 nanograms or more of whole blood or 10 nanograms or more of other bodily substance for a DUI arrest on or after 07-29-2016); a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, and were subsequently found not guilty of the associated DUI charge.

Considering the above, you are warned:

1. If you refuse or fail to complete all chemical tests requested and:
 - If you are a first offender, **your driving privileges will be suspended for a minimum of 12 months; or**
 - If you are not a first offender, **your driving privileges will be suspended for a minimum of 3 years; or**
 - If you were involved in a motor vehicle accident that caused personal injury or death to another, **your driving privileges will be revoked for a minimum of 12 months.** Personal injury means a Type A injury that requires immediate professional attention in a doctor's office or medical facility, including severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.
2. If you submit to a chemical test(s) disclosing an alcohol concentration of .08 or more, a delta-9-tetrahydrocannabinol concentration of either 5 nanograms or more of whole blood or 10 nanograms or more of other bodily substance or any amount of a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act: and:
 - If you are a first offender, **your driving privileges will be suspended for a minimum of 6 months; or**
 - If you are not a first offender, **your driving privileges will be suspended for a minimum of 1 year.**

You are further warned that if you are a Commercial Driver's License (CDL) holder, your CDL privileges will be disqualified for the following time period if you refuse to submit to or fail to complete all chemical tests requested, or submit to a chemical test(s) disclosing an alcohol concentration of .08 or more or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act:

- If you have not had a prior 12-month disqualification of your CDL privileges, **your CDL privileges will be disqualified for 12 months.**
- If you have had a prior 12-month disqualification of your CDL privileges, **your CDL privileges will be disqualified for life.**

MOTORIST UNDER AGE 21

You are further warned that as a motorist under age 21, if you submit to a chemical test(s) disclosing an alcohol concentration of more than .00 and less than .08, your driving privileges will be suspended as provided in Sections 6-208.2 and 11-501.8 of the Illinois Vehicle Code.

As provided in Section 6-208.2, you are a first offender unless you have had a previous suspension under Section 11-501.8 for refusing or failing to complete a chemical test(s) or for submitting to a chemical test(s) disclosing an alcohol concentration of more than .00.

- If you are a first offender, **your driving privileges will be suspended for a minimum of 3 months; or**
- If you are not a first offender, **your driving privileges will be suspended for a minimum of 1 year.**

SCHOOL BUS DRIVER

You are further warned that as a school bus driver operating a school bus in accordance with Section 6-106.1a of the Illinois Vehicle Code, if you submit to a chemical test(s) disclosing an alcohol concentration of more than .00, your privilege to possess a school bus driver permit will be cancelled for 3 years as provided under Sections 6-106.1a and 6-106.1b of the Illinois Vehicle Code.

Warning Issued To _____
Name of Motorist Driver's License Number

I (motorist) acknowledge receipt of this warning to motorist.

 Signature of Motorist

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

 Signature of Arresting Officer ID Number

 Law Enforcement Agency a.m.

 Date of Warning Time of Warning p.m.

Warning to Motorist

**TRAFFIC CRASH
WARNING TO MOTORIST**

TRAFFIC CITATION NO.

ACCIDENT REPORT NO.

DATE OF ACCIDENT

Subsequent to your involvement in a crash involving a Type A injury (including severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene) that requires immediate professional attention in either a doctor's office or a medical facility, or a fatality as evidence by:

- 1) the issuance of a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or similar provisions of a local ordinance, with the exception of equipment violations contained in Chapter 12 of this Code or similar provisions of local ordinances and pursuant to Section 11-501.6 of the Illinois Vehicle Code; or
- 2) the issuance of a uniform citation for a violation of the Boat Registration and Safety Act or a similar provision of a local ordinance, with the exception of equipment violations contained in Article IV of the Boat Registration and Safety Act or similar provisions of local ordinances and pursuant to Section 5-16C of the Boat Registration and Safety Act;

You are hereby notified and warned that:

As provided in Section 11-500 of the Illinois Vehicle Code, you are a first offender unless within the last five years of this arrest you have had:

- A previous conviction or court-assigned supervision for DUI or a similar provision of a local ordinance; or
- A conviction in any other state for DUI or a similar offense where the cause of action is the same or substantially similar to the Illinois Vehicle Code; or
- A driver's license suspension/revocation for violating Section 11-501.1 of the Illinois Vehicle Code, except in cases where you submitted to a chemical test(s) disclosing an alcohol concentration of .08 or more, or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, and were subsequently found not guilty of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Considering the above, you are warned:

1. If you refuse to submit to or fail to complete all chemical tests requested and:
 - If you are a first offender, **your driving privileges will be suspended for a minimum of 12 months; or**
 - If you are not a first offender, **your driving privileges will be suspended for a minimum of 3 years.**
2. If you submit to a chemical test(s) disclosing an alcohol concentration of .08 or more, or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, and:
 - If you are a first offender, **your driving privileges will be suspended for a minimum of 6 months; or**
 - If you are not a first offender, **your driving privileges will be suspended for a minimum of 1 year.**

You are further warned that if you are a Commercial Driver's License (CDL) holder, your CDL privileges will be disqualified for the following time period if you refuse to submit to or fail to complete all chemical tests requested, or submit to a chemical test(s) disclosing an alcohol concentration of .08 or more, or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act:

- If you have not had a prior 12-month disqualification of CDL privileges, **your CDL privileges will be disqualified for 12 months, or**
- If you have had a prior 12-month disqualification of CDL privileges, **your CDL privileges will be disqualified for life.**

Warning Issued To _____
Name of Motorist _____ Driver's License Number _____

I (motorist) acknowledge receipt of this warning to motorist.

Signature of Motorist

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Arresting Officer

ID Number

Law Enforcement Agency

Address

Date of Warning

Time of Warning

a.m.

p.m.

Traffic Crash Warning to Motorist

**ZERO TOLERANCE
WARNING TO MOTORIST UNDER 21**

TRAFFIC CITATION NO.

SUBSEQUENT TO YOUR ARREST AS EVIDENCED BY THE ISSUANCE OF A UNIFORM TRAFFIC TICKET FOR ANY VIOLATION OF THE ILLINOIS VEHICLE CODE OR SIMILAR PROVISIONS OF A LOCAL ORDINANCE AND PURSUANT TO SECTION 11-501.8 OF THE ILLINOIS VEHICLE CODE, YOU ARE HEREBY NOTIFIED AND WARNED THAT:

AS PROVIDED IN SECTION 6-208.2 OF THE ILLINOIS VEHICLE CODE, YOU ARE A FIRST OFFENDER UNLESS PRIOR TO THIS ARREST YOU HAVE HAD A PREVIOUS DRIVER'S LICENSE SUSPENSION UNDER SECTION 11-501.8 OF THE ILLINOIS VEHICLE CODE FOR REFUSING OR FAILING TO COMPLETE CHEMICAL TEST(S) OR FOR SUBMITTING TO CHEMICAL TESTING DISCLOSING AN ALCOHOL CONCENTRATION OF MORE THAN 0.00.

CONSIDERING THE ABOVE, YOU ARE WARNED:

1. If you refuse or fail to complete all chemical tests requested and:
 - If you are a first offender, **your driving privileges will be suspended for a minimum of six (6) months; or**
 - If you are not a first offender, **your driving privileges will be suspended for a minimum of two (2) years.**
2. If you submit to a chemical test(s) disclosing an alcohol concentration of more than 0.00 and:
 - If you are a first offender, **your driving privileges will be suspended for a minimum of three (3) months; or**
 - If you are not a first offender, **your driving privileges will be suspended for a minimum of one (1) year.**
3. If you are a CDL holder and you refuse or fail to complete all chemical tests requested, or submit to a chemical test disclosing an alcohol concentration of more than 0.00:
 - If you **have not** had a prior 12-month disqualification of CDL privileges, **your CDL privileges will be disqualified for 12 months.**
 - If you have had a prior 12-month disqualification of CDL privileges, **your CDL privileges will be disqualified for life.**

Warning Issued To _____
Name of Motorist Driver's License Number

I (motorist) acknowledge receipt of this warning to motorist.

Signature of Motorist

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Arresting Officer Identifying Number

Law Enforcement Agency Address

Date of Warning Time of Warning a.m.
p.m.

**Zero
Tolerance
Warning
to
Motorist**

WARNING TO COMMERCIAL MOTOR VEHICLE DRIVER

Sworn Document No. _____

DUI TRAFFIC CITATION NO. (11-501A1)

DUI TRAFFIC CITATION NO. (11-501A2)

DUI TRAFFIC CITATION NO. (OTHER)

Name _____
Last First Middle

<input type="checkbox"/> CDL	Driver's License Number												Classification	State	

Street Address _____ License Plate Number or VIN _____
 City _____ State _____ ZIP _____ State _____ Placarded HazMat. Vehicle
 Sex _____ Date of Birth _____
 Location of Stop or Detainment: _____ County: _____

Commercial Vehicle Warning to Motorist

Subsequent to a lawful request by a police officer to submit to a chemical test(s) pursuant to Section 6-516 of the Illinois Vehicle Code, you are hereby warned and notified that pursuant to Sections 6-514, 6-515 and 6-517 of the Illinois Vehicle Code:

1. If you refuse to submit to or fail to complete all chemical tests requested by this police officer, you will be placed immediately "out-of-service" for the next 24 hours, during which time you are prohibited from operating a commercial motor vehicle; and you will subsequently be disqualified from operating a commercial motor vehicle for a minimum of 12 months.
2. If you submit to a chemical test(s) which discloses an alcohol concentration of more than .00 but less than .04, or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, you will be placed immediately "out-of-service" for the next 24 hours, during which time you are prohibited from operating a commercial motor vehicle.
3. If you submit to a chemical test(s) which discloses an alcohol concentration of .04 or more, or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, you will be placed immediately "out-of-service" for the next 24 hours, during which time you are prohibited from operating a commercial motor vehicle; and you will subsequently be disqualified from operating a commercial motor vehicle for a minimum of 12 months.
4. If you submit to a chemical test(s) which discloses an alcohol concentration of .08 or more or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, you will be placed immediately "out-of-service" for the next 24 hours, during which time you are prohibited from operating a commercial motor vehicle; and you will subsequently be disqualified from operating a commercial motor vehicle for a minimum of 12 months. You are further warned that the results of such testing may be admissible in prosecution of violating Section 11-501 of the Illinois Vehicle Code or similar provisions of local ordinances; however, such results may not be used to impose any driving sanctions pursuant to Section 11-501.1 of the Illinois Vehicle Code.
5. If any of the aforementioned actions occur while you are operating a vehicle hauling hazardous materials, the nature of which requires the vehicle to be placarded, you will be disqualified from operating a commercial motor vehicle for a minimum of 3 years.
6. If any such offense or refusal, or combination thereof, including a conviction of Section 11-501 or a similar provision of a local ordinance, is committed a second time involving separate incidents, you will be disqualified from operating a commercial motor vehicle for life.

I (motorist) acknowledge receipt of this warning to motorist.

Signature of Motorist _____

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Issuing Officer _____ ID Number _____ Time _____ Date _____
a.m. / p.m.

Law Enforcement Agency _____ Mailing Address _____ ZIP _____

CANNABIS WARNING TO MOTORIST

Case Number _____

As a person who was driving or in actual physical control of a motor vehicle upon the public highways of this state and because a law enforcement officer has reasonable suspicion to believe that you are impaired by the use of cannabis, you are hereby warned:

1. If you refuse or fail to complete validated roadside chemical tests or standardized field sobriety tests your driving privileges will be suspended for 12 months; or
2. If you submit to validated roadside chemical tests or standardized field sobriety tests that disclose impairment by the use of cannabis, your driving privileges will be suspended for six months.

Cannabis Warning to Motorist

Warning Issued To _____
Name of Motorist Driver's License Number

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Officer Requesting Tests ID Number

Law Enforcement Agency

Date of Warning Time of Warning
a.m.
p.m.

MEDICAL CANNABIS WARNING TO MOTORIST

Case Number _____

As the holder of a registry identification card under the Compassionate Use of Medical Cannabis Pilot Program Act and because a law enforcement officer has reasonable suspicion to believe that you are driving or in actual physical control of a motor vehicle while impaired by the use of cannabis, you are hereby warned:

1. If you refuse or fail to complete standardized field sobriety test(s) your driving privileges will be suspended for 12 months; or
2. If you submit to standardized field sobriety test(s) that disclose impairment by the use of cannabis, your driving privileges will be suspended for six months.

Medical Cannabis Warning to Motorist

Warning Issued To _____
Name of Motorist Driver's License Number

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Arresting Officer ID Number

Law Enforcement Agency a.m.

p.m.

Date of Warning Time of Warning

11-501.1 (a)

Implied Consent

Any person who drives or is in actual physical control of a motor vehicle upon the *public highways of this State* shall be deemed to have given consent, to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof, If a law enforcement officer has probable cause to believe the person was under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, *the law enforcement officer shall request a chemical test or tests which shall be administered at the direction of the arresting officer.* The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. *A urine test may be administered even after a blood or breath test or both has been administered.*

Chemical Testing

BREATH

BLOOD

URINE

Illegal “Per Se” Statute

.08

Which means (IN ITSELF)

Is it unlawful for any person to...

- **operate or be in actual physical control of...**
- **any vehicle...**
- **within this state...**
- **while having a BAC at or above state’s level.**

Legal Presumptions

.08

or more...

Presumed under the influence

.06

Between _____ or _____

.07

No Presumption, considered with other
competent evidence

.00.

Between _____ and _____

.05

presumed not under the influence

Question



Is it possible for a person whose BAC was below the state's per se or presumptive level to be convicted of DUI?

YES

Refusals

**Persons incapable of refusal:
pursuant to 11-501.1 (a) Implied Consent**

1. Dead

2. Unconscious or

3. Conditional

Consequences of refusing to take a Breath, Blood, or Urine test 11-501.1(c)

- ◇ A person requested to submit to a test
- ◇ ***Shall be warned*** by the officer requesting the test that a refusal will result in a the SSS of the person's privilege to operate a motor vehicle
- ◇ Also warned that if the person submits and the results show **.08** or more
- ◇ Any amount of drug, substance, or compound

Will result in SSS as provided in Sections 6-208.1

11-501.1 (b)(c)

Dead, Unconscious, etc. and Warning to Motorist

(b) Any person who is dead, unconscious, or who is otherwise in a condition rendering the person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered, subject to the provisions of Section **11-501.2**

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test will result in the statutory summary suspension of the person's privilege to operate a motor vehicle

11-501.2 (c) 2

Non-Consensual Blood Draw

If a law enforcement officer has probable cause to believe that a motor vehicle driven by or in actual physical control of a person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof has caused the death or personal injury to another, *the law enforcement officer shall request, and that person shall submit,* upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath or urine

“Personal Injury” defined

- **includes any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility.**
- **A Type A injury includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.**

Non-Consensual Blood Draw

- **Probable cause**
- **Cause the death or personal injury (Type A)**
- **To another**
- **Has been arrested for DUI**
- **This process is not dependent on any other warnings, refusal or chemical testing (it is a Stand Alone Retrieval of Evidence of the Crime)**
- **Search Warrant Required**

11-501.4 (a)(1)

Regular Course

the chemical tests performed upon an individual's blood or urine were ordered in the regular course of providing emergency medical treatment ***and not at the request of law enforcement*** authorities;

Blood Conversion

Serum blood or blood plasma alcohol concentration result will be divided by **1.18** to obtain a whole blood equivalent.

WE WANT THE WHOLE BLOOD RESULT!

Example conversion:

Serum blood result = **.095 BAC**

Whole blood equivalent = **.095 / 1.18 = .080 BAC**

11-501.4-1 (a)(b)

Shall Disclose / No Liability

(a) Notwithstanding any other provision of law, the results of blood or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, in an individual's blood or urine conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a motor vehicle accident ***shall be disclosed to the Department of State Police or local law enforcement agencies of jurisdiction, upon request.*** Such blood or urine tests are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for any violation of Section 11-501 of this Code or a similar provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012.

(b) The ***confidentiality provisions of law pertaining to medical records and medical treatment shall not be applicable*** with regard to tests performed upon an individual's blood or urine under the provisions of subsection (a) of this Section. No person shall be liable for civil damages or professional discipline as a result of the disclosure or reporting of the tests or the evidentiary use of an individual's blood or urine test results under this Section or Section 11-501.4 or as a result of that person's testimony made available under this Section or Section 11-501.4, except for willful or wanton misconduct.

11-501.6 (a)

Injury or Fatality no arrest for DUI Traffic Crash Warning

(a) *Any person who drives or is in actual physical control of a motor vehicle upon the public highways of this State and who has been involved in a personal injury or fatal motor vehicle accident*, shall be deemed to have given consent to a breath test using a portable device as approved by the Department of State Police or to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds of such person's blood if arrested as evidenced by the issuance of a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance, *with the exception of equipment violations contained in Chapter 12* of this Code, or similar provisions of local ordinances. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered. Compliance with this Section does not relieve such person from the requirements of **Section 11-501.1** of this Code.

Actions after receipt of test results

A. If the BAC/BrAC is less than **.08**

- 1. Do not complete sworn report; and**
- 2. Maintain all evidence for court.**

B. If the BAC/BrAC is **.08 or more, or the results confirm drugs:**

- 1. Issue additional citation for 11-501**a1**, and/or 11-501**a6**.**
- 2. Complete the sworn report.**

Receipt To Drive

- *NOTE: If it is determined that you are not a "first offender," as defined in Section 11-500 of the Illinois Vehicle Code, and:
- You refused to submit to or failed to complete all requested chemical tests, the period of suspension will be a minimum of 3 years; or
 - You submitted to chemical testing that disclosed an alcohol concentration of .08 or more or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; the period of suspension will be a minimum of 1 year.

NOTICE TO THE MOTORIST OF RIGHT TO A HEARING

You have a right to petition for judicial review within 90 days. Your petition must be filed in writing and submitted to the Circuit Court identified on the front of this notice.

Your request must state the grounds upon which you seek to have this suspension/revocation rescinded.

RECEIPT TO DRIVE

This is your receipt to drive until such time as this summary suspension/revocation takes effect as indicated on the front of this notice, and shall be evidence of your privileges to operate a motor vehicle subject to the restrictions, classification and endorsement below.

License Restrictions:

<input type="checkbox"/>									
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License Classification:

<input type="checkbox"/>	<input type="checkbox"/>
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License Endorsement:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Arresting Officer*

ID Number

NOT VALID UNLESS SIGNED BY ARRESTING OFFICER.

NOTE: This receipt permits driving only while your driving privileges are valid. Should your driver's license become invalid or withdrawn for any reason, this receipt shall become concurrently invalid at that time.

Police Officer: Please check the driver's license record for validity.

*ARRESTING OFFICER — If the driver's license is not valid at the time of arrest, write VOID on the signature line of the "RECEIPT TO DRIVE."

SSS Hearing

Scope of Hearing limited to:

- ◇ **Under arrest for 11-501 as evidence by Citation**
- ◇ **Reasonable grounds for DUI**
- ◇ **Whether subject refused after warnings**
- ◇ **Whether subject was .08 or above and/or**
- ◇ **Positive for drugs after warnings and agreement to submit**

Zero Tolerance

If the BAC is believed to be less than **.08 and driver is under 21 years of age;**

- 1. Issue citation for any violation of the Illinois Vehicle Code.**
- 2. Complete the zero tolerance sworn report.**
- 3. Remember you can go down to a Zero Tolerance, but not up to a DUI.**



Juvenile DUI

1. Under 18 can submit to Breath test

- 410 ILCS 210/1- consent by minor

2. Under 18 can NOT submit to Blood or Urine and must have parent or guardian consent; exception is under conditions of medical emergency, juvenile married and/or is pregnant.

- 410 ILCS 210/2- medical or surgery procedure/consent by parent

Towing/Removal of Vehicle

625 ILCS 5/4-203(e)

- 1. 12 hours (1st violation)**
- 2. 24 hours (2nd violation)**
- 3. 48 hours (3rd violation)**

- a) may be released to lawful owner; or**
- b) arrested owner gives permission to another valid driver**



Quick Reference Statues

- **11-501 (d) Aggravated Driving**
- **11-501.1 (a) Implied Consent**
- **11-501.1 (b) Dead, Unconscious, etc., Shall Administer Tests**
- **11-501.1 (c) Warning To Motorist**
- **11-501.1 (d) Sworn Report**
- **11-501.1 (g) Suspended 46th Day Following Date of Notice**

Quick Reference Statues

• **11-501.4 (a)(1) Regular Course-Emergency Room Reporting**

• **11-501.4-1 (a) Reporting Test Results
(Shall Be Disclosed To Law Enforcement)**

• **11-501.4-1 (b) No Liability When Disclose Test Results**

• **11-501.2 (a)(1) Licensed Physician, Registered Nurse,
Certified Paramedic, Trained Phlebotomist**

• **11-501.2 (b) Presumptive Levels**

• **11501.2 (c)(2) Non-Consensual**

- **Death**

- **Personal Injury (Type A) to another SHALL SUBMIT**

Quick Reference Statues

- **11-501.5** **PBT'S**

- **11-501.6 (a)** **Traffic Crash Warning to Motorist**
 Personal injury to anyone
 Fatality
 No arrest 11-501
 Traffic Ticket (IVC) anything other than Chapter 12

Questions?





ILLINOIS STATE POLICE

8 Hour Breath Alcohol Operators Course



Introduction and Packet Contents

COURSE QUALIFICATIONS

- ▶ 8 hours
 - ▶ 70% passing grade (written test)
 - ▶ Certification on **ALL** instruments
 - ▶ Must complete 10 Total Tests
 - ▶ Must complete **ALL** Lab exercises
 - ▶ Can not miss more than 10% of class
 - ▶ **No BrAC** in class
- 

BREATH ANALYSIS OPERATORS LICENSING

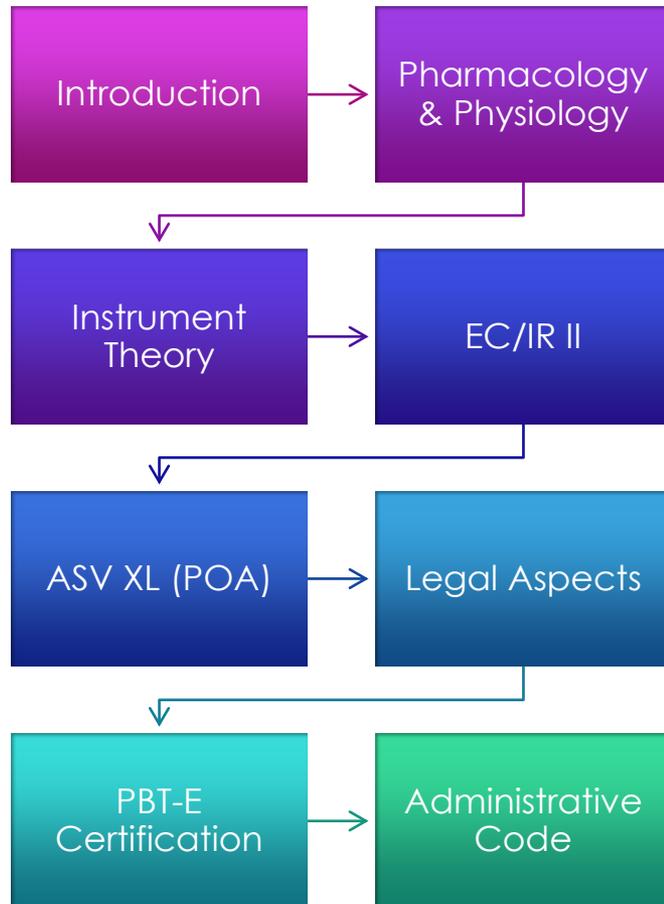
- ▶ A license shall be valid for a period of 3 years after the printed date of issuance. If the license is not renewed as provided for in Section 1286.110, it shall expire 3 years after the printed date of issuance.
- ▶ There is a 1 year grace period after the 3 year expiration date. The operator **MAY NOT** perform evidential tests during this 1 year grace period.

LICENSING CONTINUED:

- ▶ The B.A.O. may renew their license prior to the 3 year expiration period or during the 1 year grace period by means of:
 - ▶ 1. An Instructor led B.A.O. renewal course
 - or
 - ▶ 2. The computer based B.A.O. training course
- ▶ Upon completion of the 4th year without renewal the B.A.O. must attend the full 8 hour training course to renew their license.

EVIDENTIAL BREATH TESTING INSTRUMENTS





POWER POINTS

FORMS IN PACKET

NOTES PAGE

EC/IR II RETRIEVAL
FORM

BAO LAB
WORKSHEET

BAO TEST SHEET

BAO COURSE
EVALUATION

A series of white, parallel lines of varying lengths and orientations, radiating from the bottom right corner of the slide.

Testing of Breath, Blood and
Urine for Alcohol, other
Drugs, and Intoxicating
Compounds

PDF FILES

20 Illinois Administrative
Code 1286 Revised 2019 IVC
ILCS 5/11-501.2

A series of white diagonal lines of varying lengths and thicknesses, located in the bottom right corner of the slide.

Informational Websites

Illinois State Police
www.isp.state.il.us

Illinois Secretary of State
www.cyberdriveillinois.com

National Highway & Traffic Safety Administration
www.nhtsa.gov

Intoximeters, Inc.
www.intox.com

CMI, Inc.
www.alcoholtest.com

Ilmo Specialty Gases
www.ilmoproducts.com

Illinois Vehicle Code
www.ilga.gov

QUESTIONS OR CONCERNS?



PHYSIOLOGY & PHARMACOLOGY OF ALCOHOL



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PROPERTIES OF ALCOHOL

ALCOHOL IS A HYDROPHILIC COMPOUND

-IT HAS AN AFFINITY FOR WATER

ALL ALCOHOL'S ARE TOXIC TO SOME DEGREE

-SUFFICIENT QUANTITIES ARE LETHAL

3 TYPES OF ALCOHOL

ETHANOL

ISOPROPANOL

METHANOL



ETHANOL

- **USED PRIMARILY FOR ALCOHOLIC BEVERAGES**
- **CHEMICAL FORMULA $\text{CH}_3 \text{CH}_2 \text{OH}$**
- **NOT AS TOXIC AS OTHER ALCOHOLS DUE TO THE LOWER TOXICITY OF ITS BY-PRODUCTS.**



METHANOL

- **PRIMARILY USED FOR “STERNO” TYPE PRODUCTS**
- **EXTREMELY TOXIC TO THE HUMAN BODY DUE TO ITS PRODUCED BY-PRODUCTS**
- **METHALEDHYDE OR FORMALDEHYDE**
- **FORMALDEHYDE CONVERTS TO FORMIC ACID**



ISOPROPANOL

- **RUBBING ALCOHOL**
- **REDUCED INCOME ALCOHOLICS SOMETIMES ARE KNOWN TO CONSUME THESE PRODUCTS**



LETHAL DOSES

- **ETHANOL -**
.40 .45GRAMS/100 ML
BLOOD
- **METHANOL -**
.07 .075 GRAM/100 ML
BLOOD
- **ISOPROPANOL -**
.25 .35GRAMS/ 100 ML
BLOOD



WHAT DOES .08 MEAN ?

**.08 GRAMS / 100 MILLILITERS OF
BLOOD**

EQUALS

.08 GRAMS / 210 LITERS OF BREATH

BREATH ALCOHOL CONCENTRATION

- BREATH TO BLOOD RATIO IS BASED ON:

- **GRAMS / 210 LITERS OF BREATH EQUALS**

PARTITION RATIO OF 2100 / 1

- ALCOHOL IN 2100 ML OF BREATH = ALCOHOL IN 1 ML OF BLOOD

- **GRAMS / 100 MILLILITERS OF BLOOD**

BLOOD ALCOHOL CONCENTRATION (GENDER)

**BAC = TOTAL AMOUNT OF ALCOHOL
DIVIDED BY TOTAL BODY WATER THUS
MORE WATER MEANS LESS BAC**

**FEMALES HAVE MORE BODY FAT THAN
MALES THUS LESS WATER THAN MALES**

FEMALES 52 % WATER

MALES 61 % WATER

Who would a higher BAC? FEMALES

ALCOHOL CONTENT

- **BEER CONTAINS**

4-6% ETHANOL

- **WINE CONTAINS**

12- 15% ETHANOL

- **MALT LIQUOR CONTAINS**

OVER 6% ETHANOL

- **FORTIFIED WINES**

CONTAIN MORE THAN

15% ETHANOL

THE “PROOF” SYSTEM

- **FERMENTED BEVERAGES ARE LISTED AS “%” SUCH AS (BEER & WINE)**
- **DISTILLED BEVERAGES ARE LISTED AS “PROOF” (WHISKEY, VODKA, ETC.)**
- **THE PROOF CONCENTRATION OF ANY BEVERAGE IS TWICE ITS ALCOHOL CONTENT**
- **100 PROOF WHISKEY IS 50% ALCOHOL**

What is a Standard Drink?

One mixed drink with
43 mL (1.5 fl oz)
of liquor (such as
vodka, gin, rye
whiskey, scotch,
brandy, or rum)



142 mL
(5 fl oz)
of wine



341 mL (12 fl oz) of
beer or wine cooler



DETERMINING ETHANOL CONTENT

- **BEER = 12 OZ X .05 % = .60 FL OZ**
- **WHISKEY = 1 ½ OZ X .40 % = .60 FL OZ**
- **WINE = 5 OZ X .12 % = .60 FL OZ**

A DRINK IS A DRINK IS A DRINK!

Did You Know: The Lines on a Solo Cup are Measurement Marks



DISTRIBUTION OF ALCOHOL

- **IN THE HUMAN BODY IS ALL ABOUT...**
- **TIMING**
- **AMOUNT OF ETHANOL IN TISSUE IS PROPORTIONAL TO THE AMOUNT OF WATER IN THAT TISSUE.**
- ***WHAT ORGAN CONTAINS THE MOST WATER?***

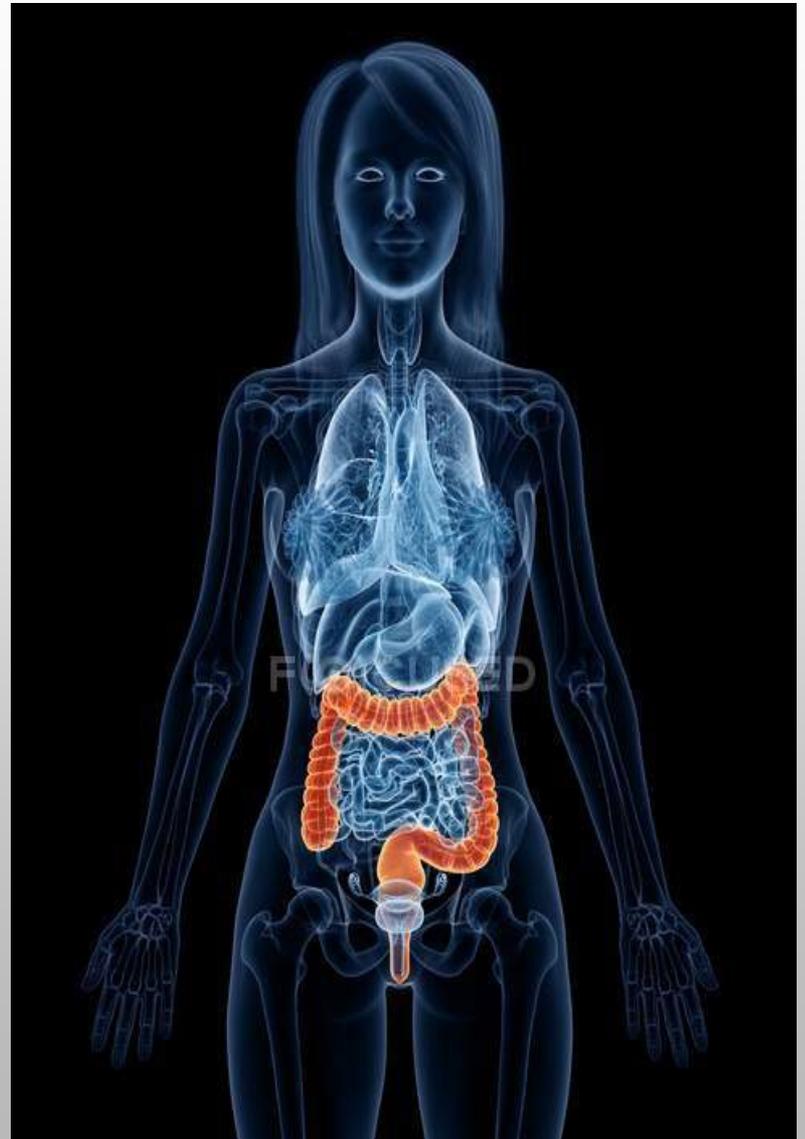
BRAIN

- **ALCOHOL CAN BE MEASURED IN THE BRAIN WITHIN 3 MINUTES OF CONSUMPTION**
- **ALCOHOL TAKES ONLY 60 SECONDS TO CIRCULATE**



ABSORPTION OF ALCOHOL

- **ORAL INGESTION**
- **VAPORIZING & INHALATION**
- **INJECTION**
- **ABSORPTION**
- **RECTALLY**
- **VAGINALLY**



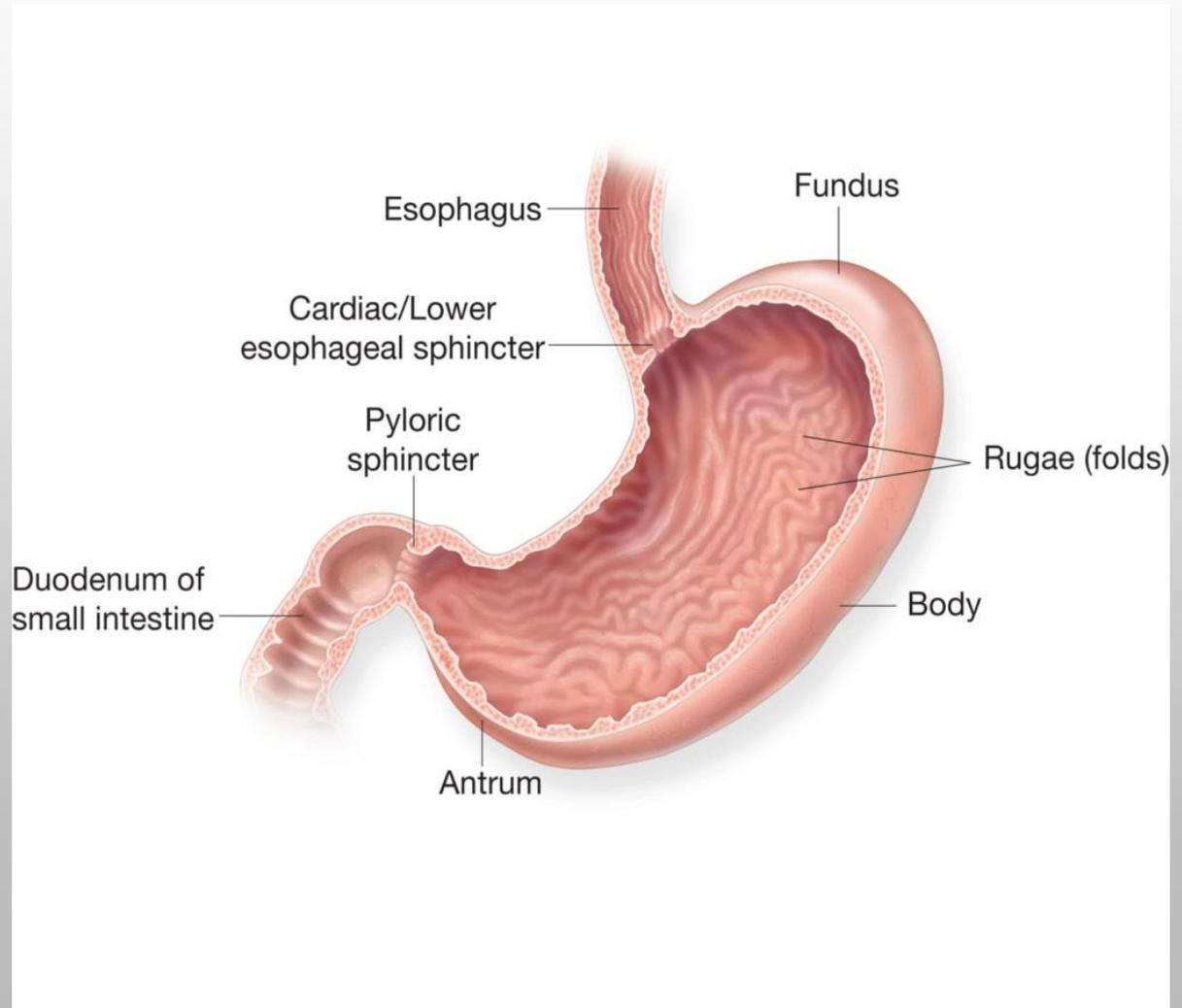
ORAL CONSUMPTION

- **MOUTH** **1% ABSORPTION**
- **ESOPHAGUS** **LESS THAN 1% ABSORPTION**
- **STOMACH** **5 - 10% ABSORPTION**

ETHANOL STIMULATES DIGESTIVE FLUIDS
(hydrochloric acid)

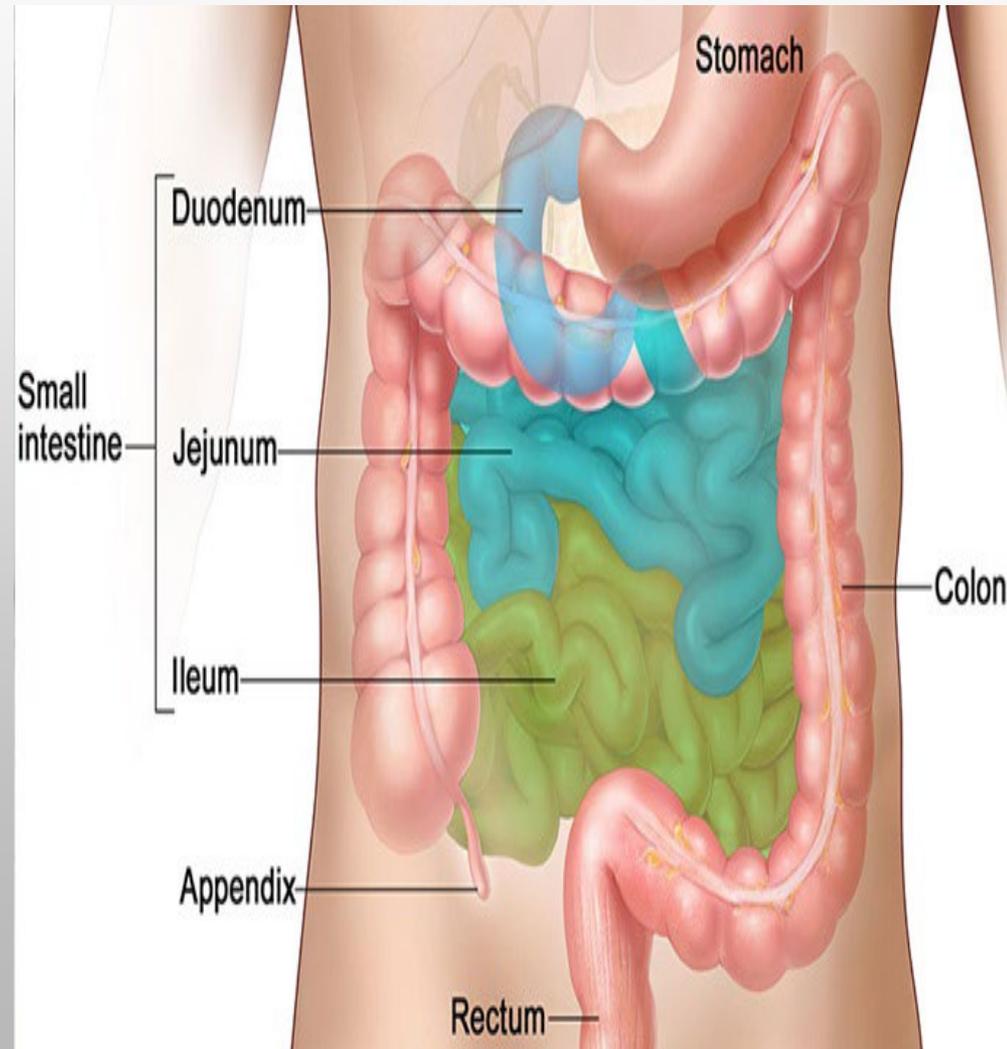
GREATEST EFFECT ON RATE OF ABSORPTION

THE PYLORIC VALVE

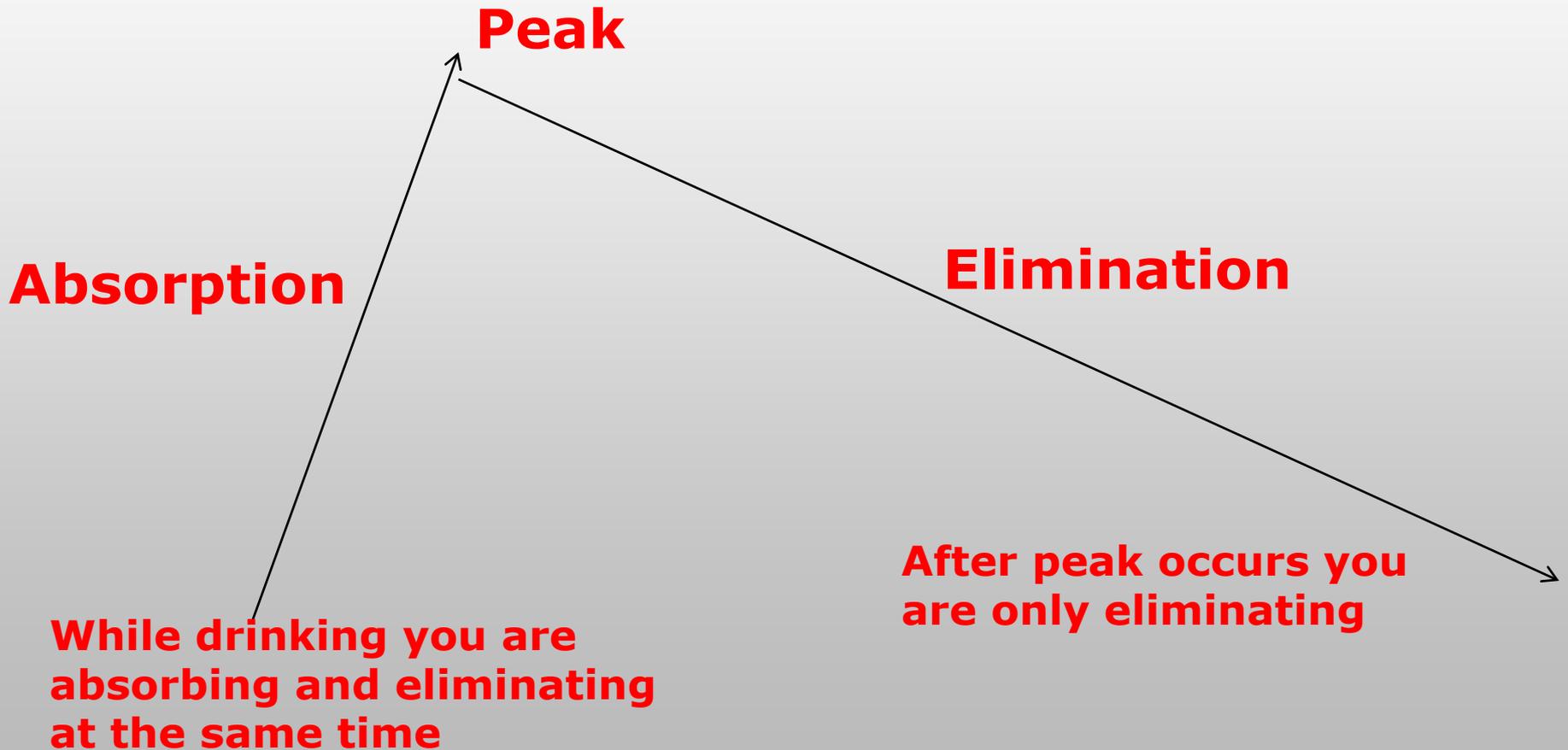


SMALL INTESTINES

**90-95% OF THE
ABSORPTION OF
ETHANOL OCCURS
WITHIN THE FIRST
10-12 INCHES OF
SMALL INTESTINE**



MELLANBY EFFECT PHASES OF ALCOHOL CONCENTRATION



ABSORPTION PHASES

- **CONTINUED DRINKING = + BAC**
- **STOP DRINKING > BAC INCREASES UNTIL PEAK**
- **ELIMINATION PHASE BEGINS ALMOST AS SOON AS YOU START DRINKING**
- **AFTER LAST DRINK “PEAK” IS WITHIN 45-75 MIN.**

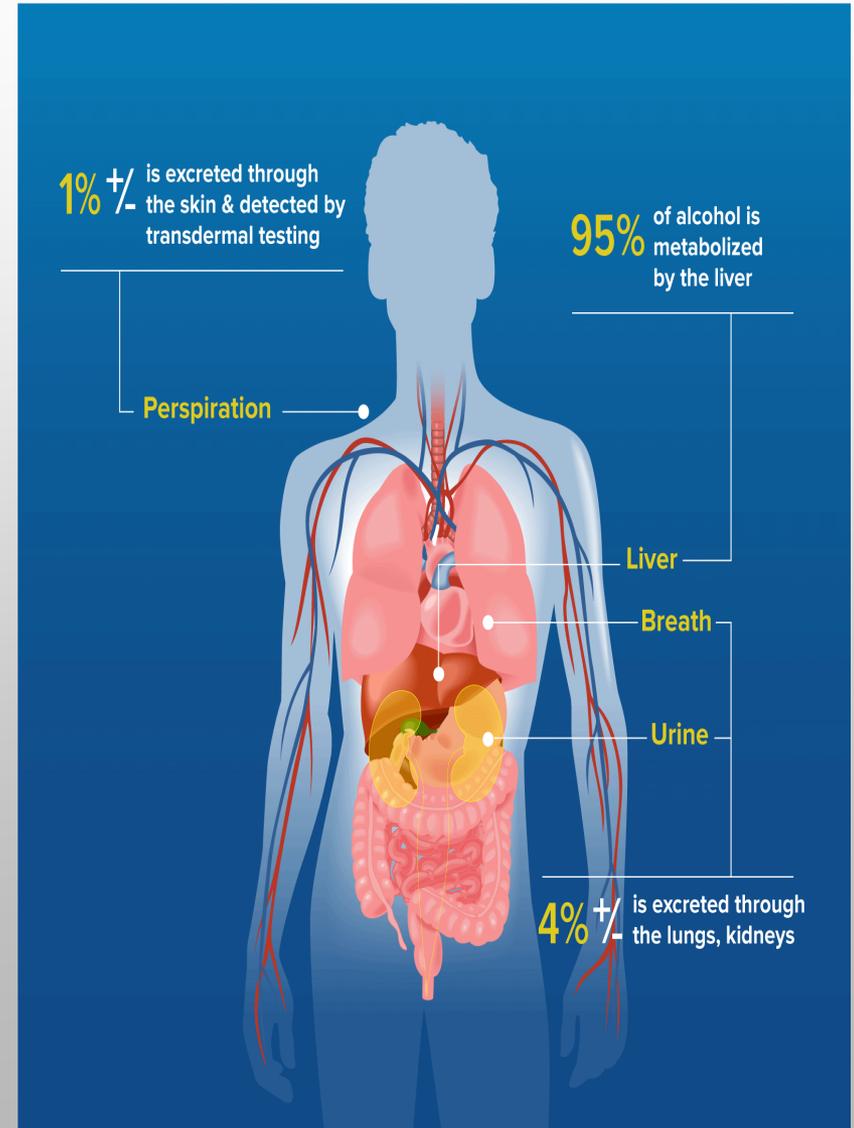
ALCOHOL IS NOT DIGESTED, BUT ABSORBED UNCHANGED!

ELIMINATION FROM THE BODY

- **.015 PER HOUR, OR .5 OZ, OR 1 DRINK**
- **SMALL AMOUNT OF ALCOHOL IS EXCRETED FROM THE BREATH, URINE, SWEAT, FECES, MILK, AND SALIVA**

METABOLIZATION

UP TO 95% OF ALCOHOL IS METABOLIZED IN THE LIVER.



HENRY'S LAW

**1803 BRITISH CHEMIST
DEVELOPED THEORY OF VOLATILE
SUBSTANCES PLACED
IN WATER AND BROUGHT IN
CONTACT WITH AIR
(*BASIS FOR BREATH TESTING*)**

“WHEN THE WATER SOLUTION OF A SOMEWHAT VOLATILE CHEMICAL COMPOUND IS BROUGHT TO EQUILIBRIUM WITH AIR, THERE IS A FIXED RATIO BETWEEN THE CONCENTRATION OF THIS COMPOUND IN THE AIR AND THE CONCENTRATION IN THE WATER. THIS RATIO IS CONSTANT FOR A GIVEN TEMPERATURE AND PRESSURE.”

HENRY'S LAW

IF YOU HAVE A CLOSED CONTAINER ALVEOLAR SACS

A CONSTANT TEMPERATURE- 37 DEGREES C/ 98.6F

A VOLATILE SUBSTANCE ALCOHOL

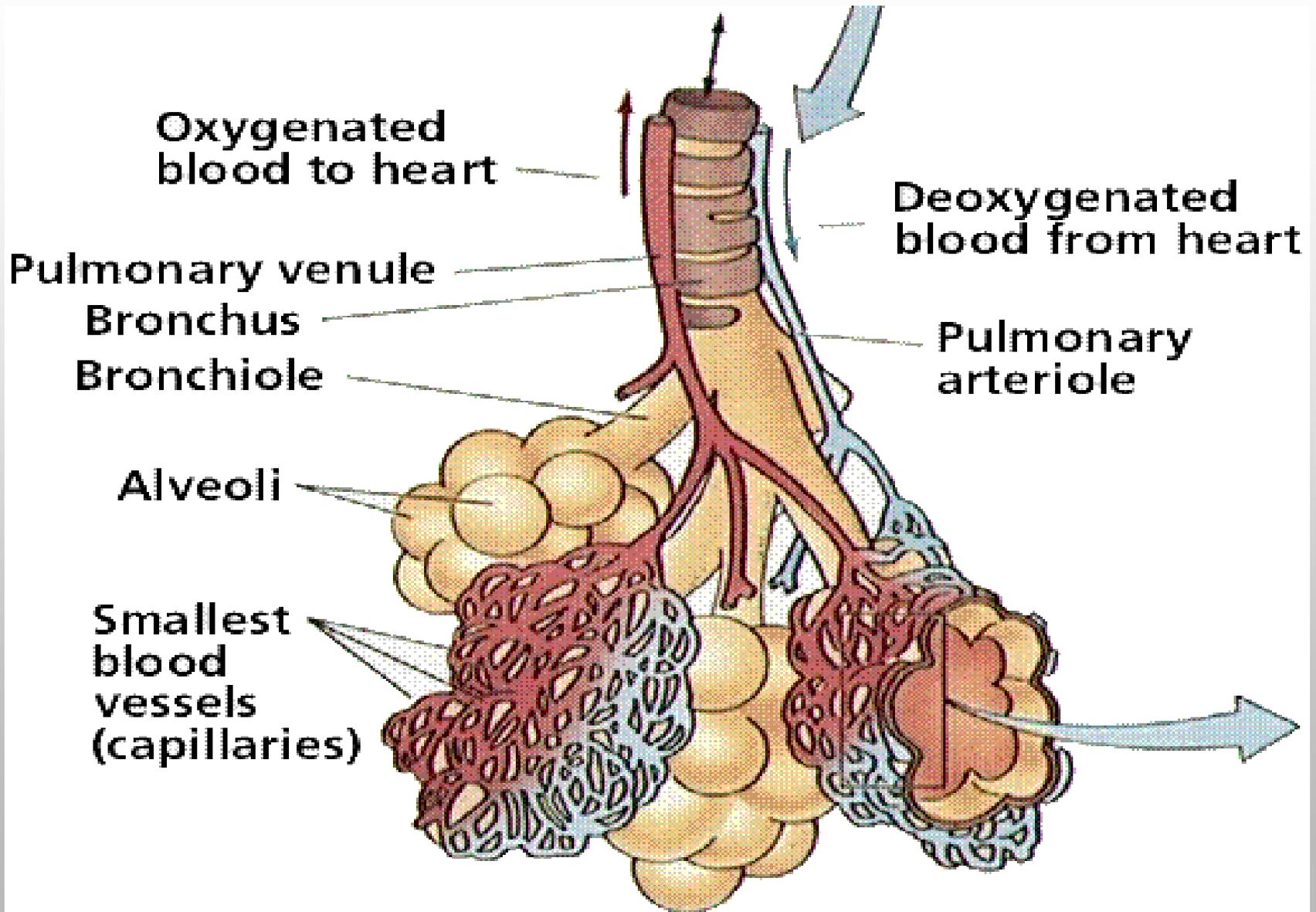
A LIQUID AND A GAS- BLOOD--DEEP LUNG AIR

**THEN YOU HAVE A RELATIONSHIP BETWEEN THE
AMOUNT OF VOLATILE SUBSTANCE IN THE LIQUID AND THAT IN
THE GAS 2100/1**

**THIS IS TRUE REGARDLESS OF THE SIZE OF THE CONTAINER
OR THE AMOUNT OF A VOLATILE SUBSTANCE.**



ALVEOLAR SACS



TEMPERATURE



INCREASE IN BODY TEMPERATURE RESULTS IN AN INCREASED (FALSE POSITIVE) READING

NORMAL BODY TEMPERATURE RANGES FROM 97°F (36.1C) TO 99°F (37.2C)

EVERY 1°C INCREASE IN BODY TEMP RESULTS IN A 7% INCREASE IN BREATH RESULTS...

WIDMARK'S FORMULA

- **DEVELOPED BY:**
- **DR. WIDMARK - SWEDEN
1930**
- **“WIDMARK BETA FACTOR”**
- **GENERALLY ACCEPTED
THAT THE HUMAN BODY
WILL ELIMINATE ALCOHOL
AT THE RATE OF :**
.015 PER HOUR

How long will it take a person to eliminate a .03?

2 Hours

EFFECTS OF ALCOHOL ON THE BRAIN

- **FRONTAL LOBE**
HIGHER LEARNING & JUDGMENT
- **MIDLINE**
BRAIN FUNCTIONS
- **MOTOR SKILLS**
HAND & EYE COORDINATION
- **BRAIN STEM**
LIFE SUPPORT SYSTEMS



BRAIN EFFECTS

- **ALCOHOL IS A DRUG AND A DEPRESSANT WHICH DEPRESSES TRANSMISSIONS**
- **FIRST TO GO IS JUDGMENT AND REASONING**
- **SECOND IS SIGHT, HEARING, TOUCH, FEEL, TASTE**
- **THIRD MOTOR SKILLS, FINE THEN GROSS**
- **LASTLY IS LIFE SUPPORT SYSTEMS**

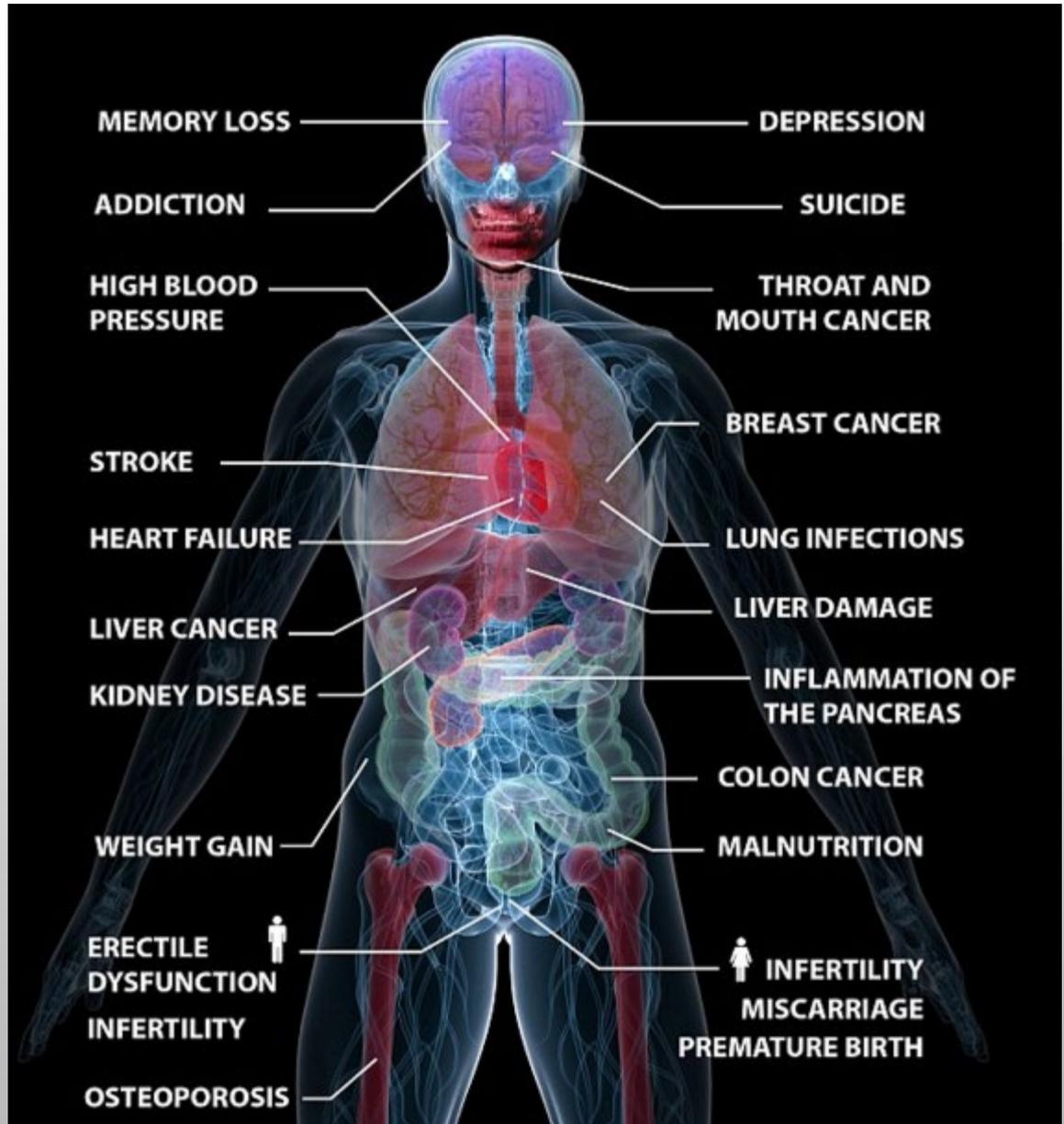
MOTOR SKILLS

- MUSCULAR COORDINATION
- AT .06 FINE MOTOR COORDINATION IS AFFECTED
- AT HIGHER LEVELS OVER .08 GROSS MOTOR SKILLS ARE AFFECTED



THE EFFECTS OF **ALCOHOL** ON YOUR BODY

Can cause **SHORT** and
LONG term **HARMFUL**
effects to the human body



ALCOHOL WITH DRUGS

- **ALCOHOL TAKEN WITH DRUGS PRODUCES A SYNERGISTIC EFFECT**
- **THERE IS NO KNOWN DRUG WHICH REDUCES THE EFFECTS OF ALCOHOL**
- **THEREFORE: WHEN ANY DRUG IS COMBINED WITH ALCOHOL THE INDIVIDUAL'S IMPAIRMENT WILL INCREASE**



ANY



INFRARED & FUEL CELL THEORY



Illinois Evidential Instruments

- **EC/IR II**
 - Fuel Cell & IR

- **AS V XL**
 - Fuel Cell Only

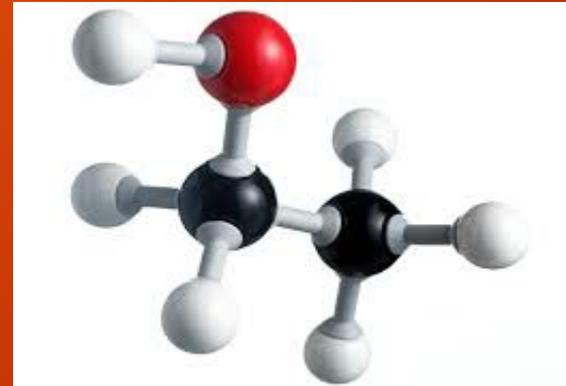
The Lambert - Beer Law

- Relates the absorption of light to the properties of the material through which the light is travelling.
- An example would be a closed container filled with molecules of gas. When light passes through one end of the container and out the other, the emergent light on the other side measures the concentration of molecules.

Examples of different molecules that would have different light absorption

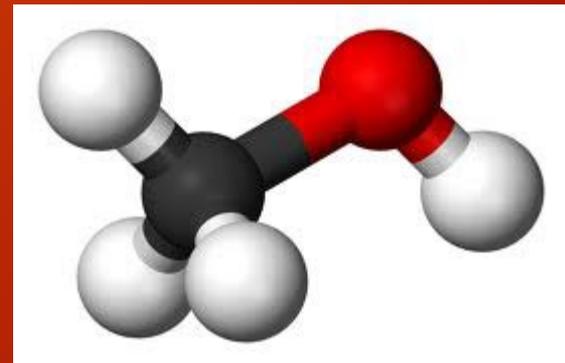
- ETHYL ALCOHOL

CH₂CH₂OH molecules are absorbed within a narrow strip of infra-red color **3.380 to 3.398** microns



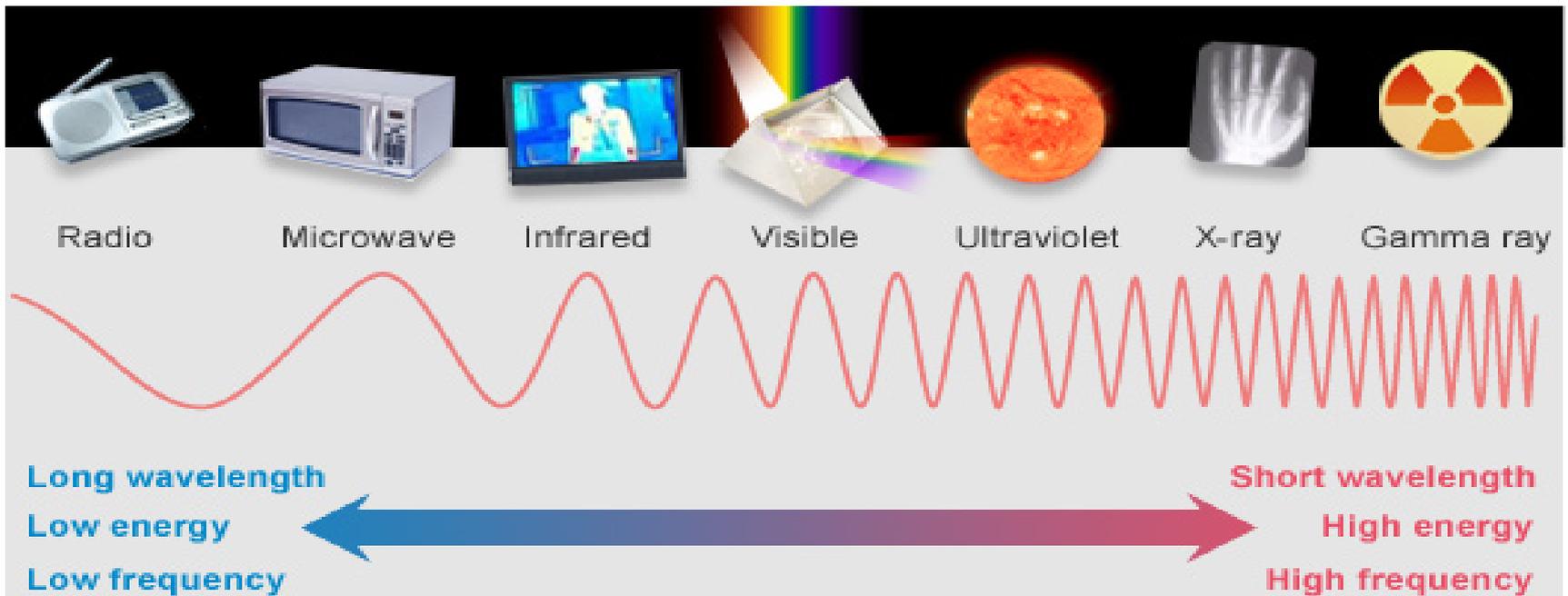
- METHYL ALCOHOL

CH₃OH is chemically different which changes its absorption slightly



Electromagnetic Spectrum

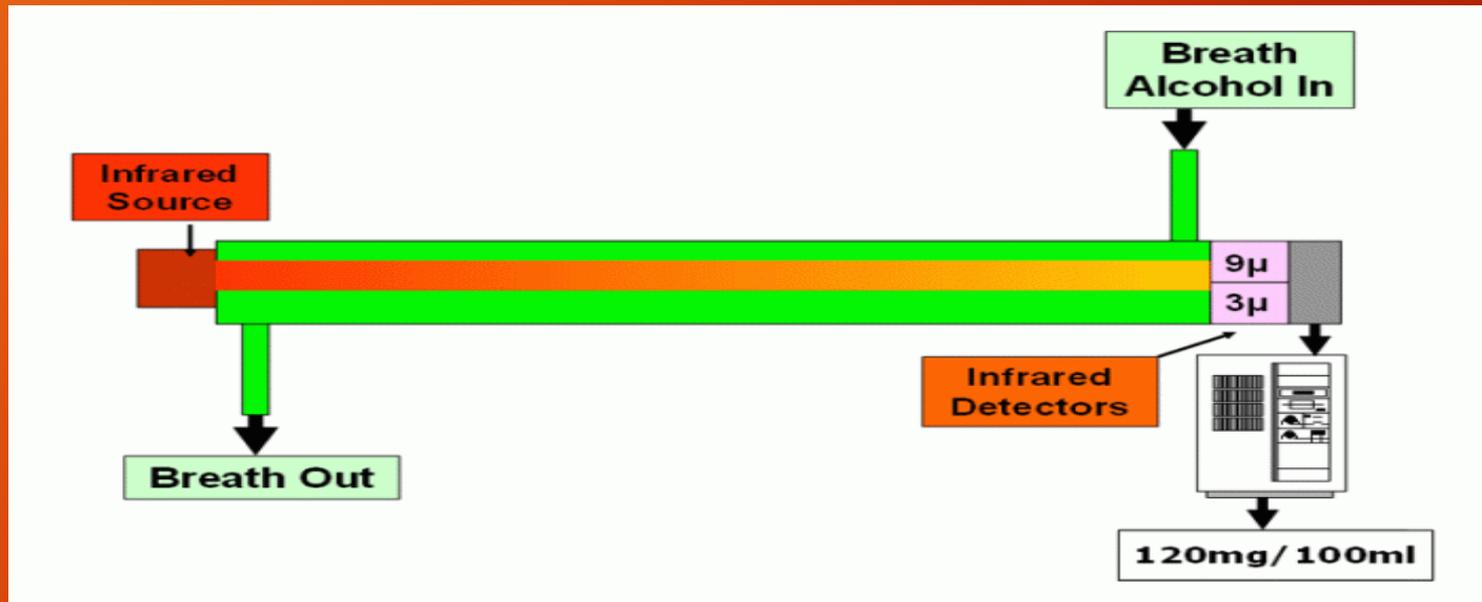
The electromagnetic spectrum



The radiation behind radios, visible light and nuclear blasts is all exactly the same thing, just with different amounts of energy.

INFRA-RED ABSORPTION

- Device measures alcohol in the breath by detecting the decrease in intensity of a wavelength of light passing through a breath sample.
- The wavelength of (Ethyl Alcohol = $\text{CH}_2\text{CH}_2\text{OH}$) is 3.38 to 3.39 MICRONS which is in the infra-red color range
- MICRON = 1 millionth of a meter

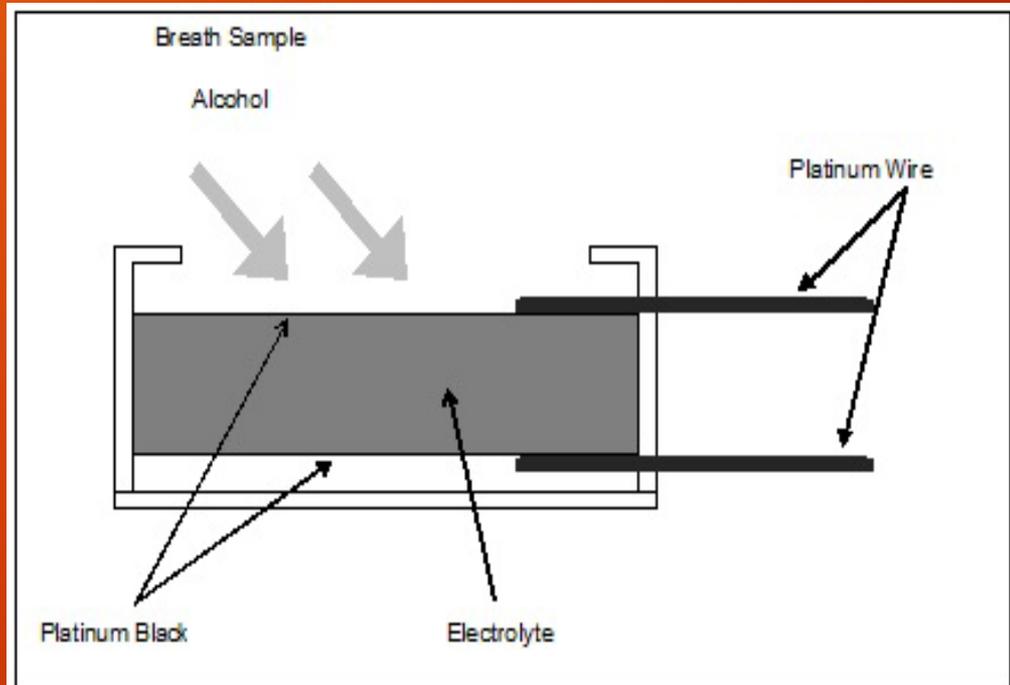


Infrared Chamber



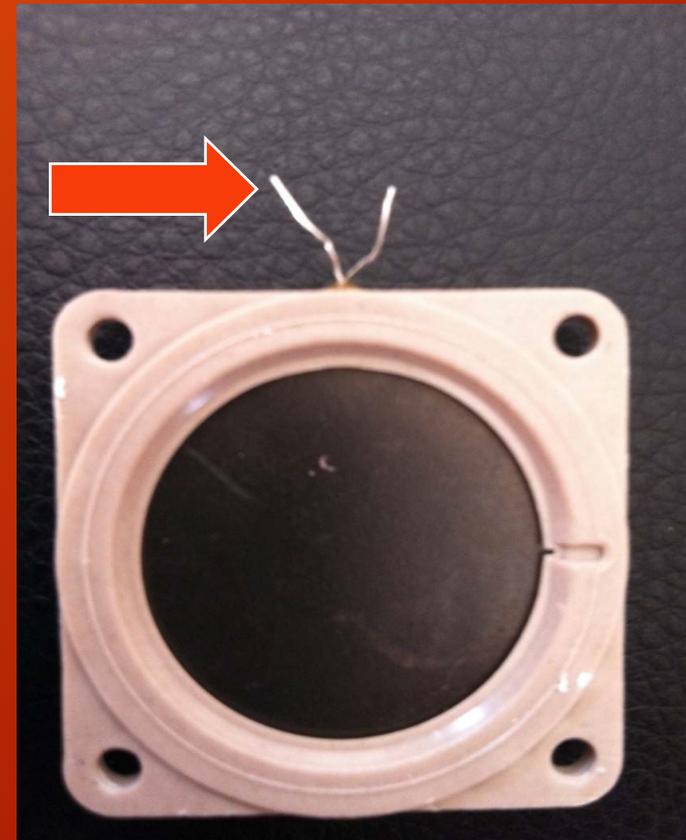
Example of EC/IR Infrared chamber

Fuel Cell



FUEL CELL COMPONENTS

- Porous surface coated with finely divided platinum oxide “Platinum Black.”
- Impregnated with an acidic electrolyte solution
- Electrical connections applied to the surfaces



CELL SURFACE REACTION

- On the upper surface of the cell, alcohol is converted into acetic acid
- This produces 2 free electrons per molecule of alcohol so converted
- H⁺ IONS are freed and migrate to the lower surface of the CELL where they combine with OXYGEN to form WATER consuming one electron per ION in the process.

MEASUREMENTS

- The upper surface has excess of electrons
- The lower surface has a deficiency of electrons
- The two surfaces are connected and a measurable electrical current is formed
- The current is an indicator of the amount of alcohol consumed by the fuel cell

Fuel Cell

- Specific to alcohol
- Less cost
- Output is linear
- Compact

INFRARED

- Real-time measurement
- Output is non-linear
- Quick multiple tests
- Mouth alcohol detection

Acetone and other possible interferents using fuel cell instruments

Substance	Vapor Concentration (mg/l)	Alco-Sensor III Response (gm/dl)	Alco-Sensor IV Response (gm/dl)
-----------	-------------------------------	--	---------------------------------------



Acetone	0.1	0.0	0.0
---------	-----	-----	-----

Gasoline	0.1	0.0	0.002
----------	-----	-----	-------

Mineral Spirits	0.1	0.0	0.0
-----------------	-----	-----	-----

Methane	0.1	0.0	0.0
---------	-----	-----	-----

Substance	Equivalent BAC	Alco-Sensor III Response	Alco-Sensor IV Response
Ethanol	0.1	0.100	0.100
Methanol	0.1	0.047	0.043
Isopropanol	0.1	0.042	0.042

INFRA-RED & FUEL CELL TECHNOLOGY

You need not be an expert in the field,

You should however, have a reasonable understanding of how your instrument measures alcohol.



A person's hands are holding a square wooden chalkboard with a black surface. The word "ANY" is written in large, white, uppercase letters on the top line, and the word "questions?" is written in a smaller, white, lowercase font on the bottom line. The background is a solid light blue color. A faint watermark is visible in the center of the chalkboard.

ANY
questions?

Intoximeters

EC/IR II



Features

- ▶ **Dual Sensor Technology**
 - ▶ **Infrared & Fuel Cell**
- ▶ **Fuel Cell is primary sensor**
 - ▶ **One point calibration**
 - ▶ **Specific for alcohol**
 - ▶ **Subject's **BrAC** is measured by the **Fuel Cell****
- ▶ **IR Monitoring of breath samples**
 - ▶ **Mouth Alcohol** detection capabilities
- **Faraday Shield - *RFI Immune***



Features

- ▶ **Accuracy and precision: meets or exceeds all U.S. Department of Transportation specs.**
- ▶ **Specific to Alcohol; does not respond to other hydrocarbons found naturally in the breath.**
- ▶ **Accurate to within *+ or - .005* at .100 g/210L, or *+ or - 5%*, whichever is greater.**



Features Continued

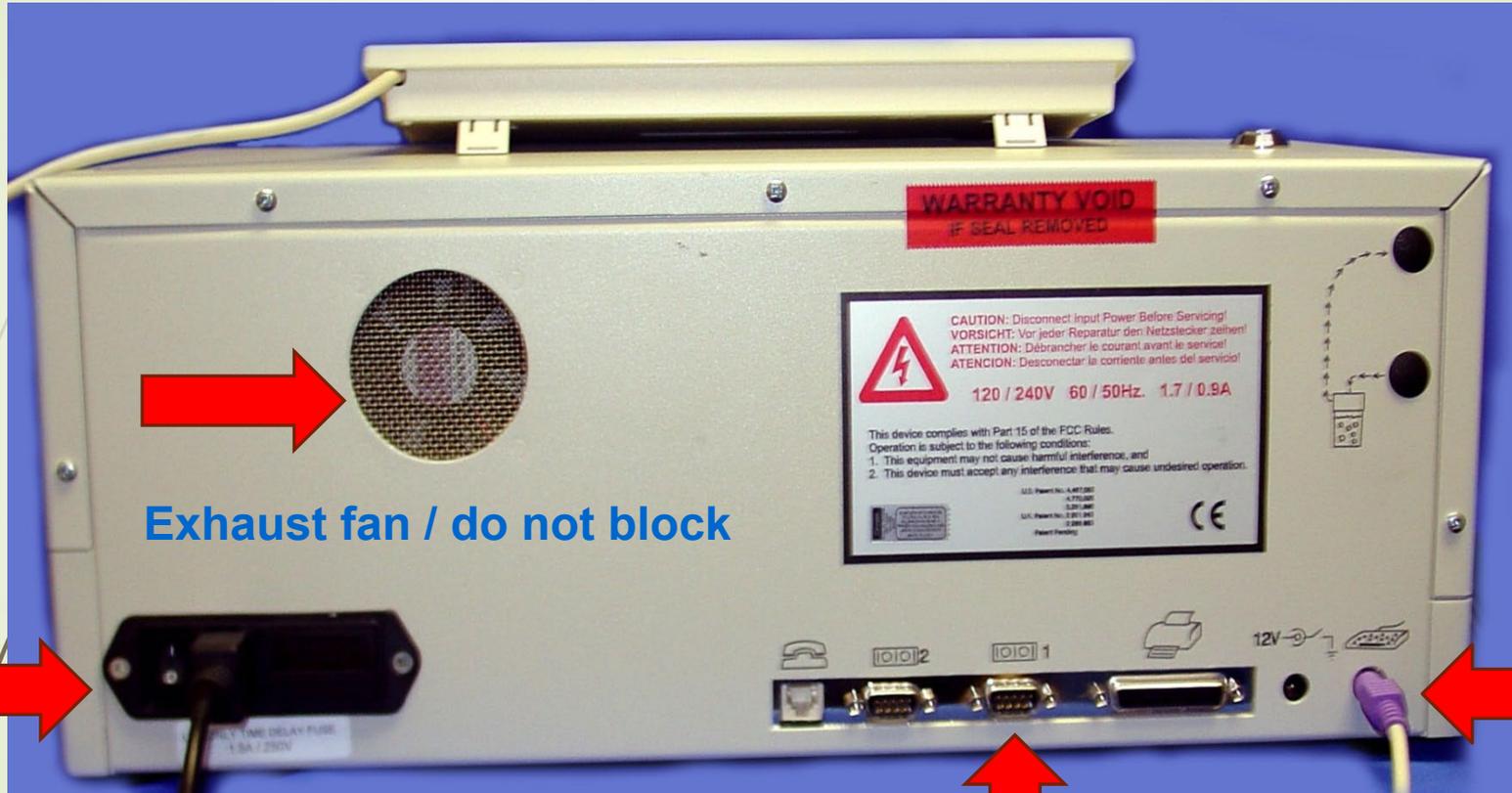
- ▶ **Can be connected via modem or DS Manager (i.e. T1 Leads Line) to central computer for automated maintenance, quality assurance, and data transmission.**
- ▶ **Built-in Diagnostics**
- ▶ **Flexible, Software driven protocols**
(Tailored to specific rules and regulations)



Features Continued

- **High performance thermal printer-**
(no ink or ribbons)
- **Thermal paper 7 year life and resistant to degradation from light**
- **Automatic certification capability**
- **Use of Wet or Dry standards**
- **Measurement range**
.000 to .400 g/210 liters of breath
- **Operate in ambient temperatures**
between 10° and 35° C.

Rear Panel



Exhaust fan / do not block

Power on/off switch and power cord

Keyboard connection

Connections for remote Testing and downloading

Printer and Breath Tube



Printer

Heated Breath Tube

Top button – Paper Advance

Bottom button – Line/Local

Green light = On Line

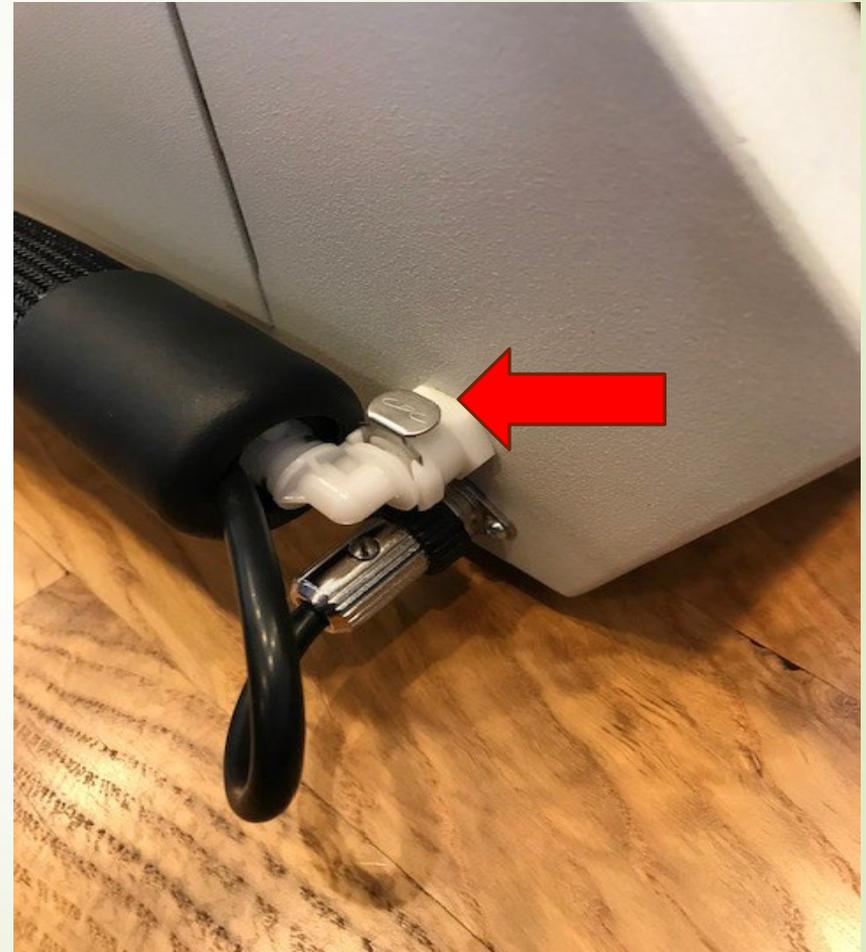
Red light = Error

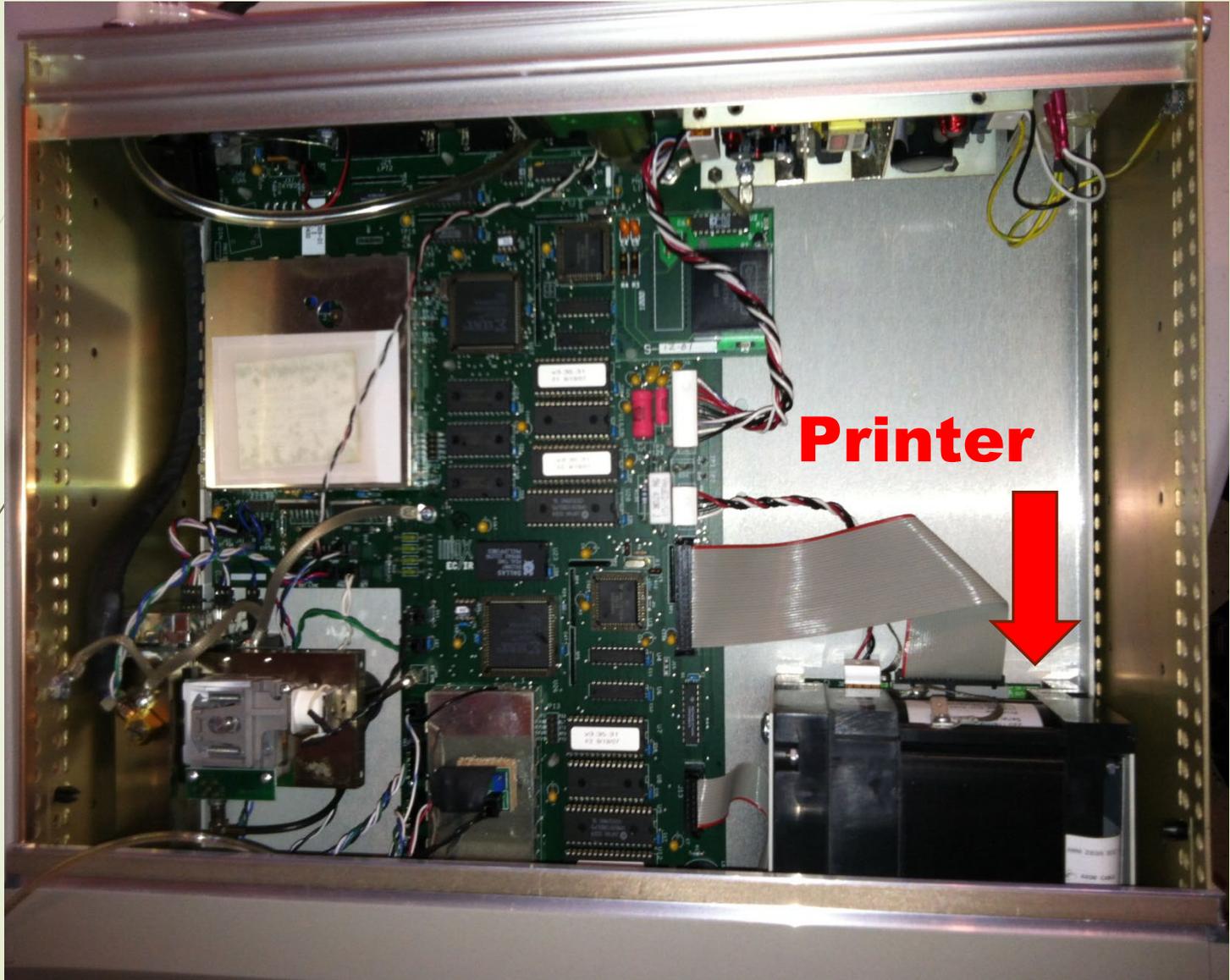
Yellow light = Power On

Printer Thermal Paper



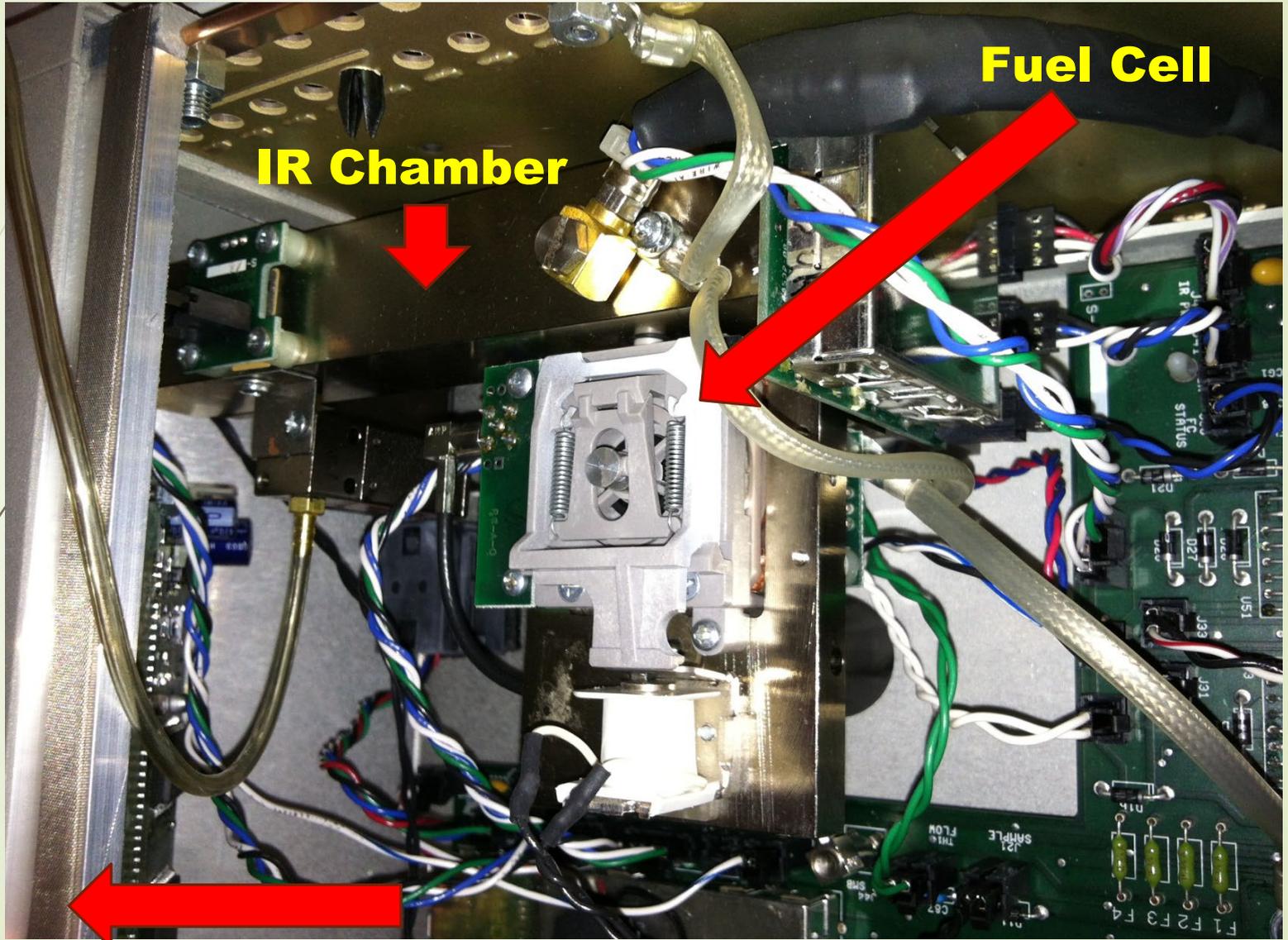
Heated Breath Tube





Printer





IR Chamber

Fuel Cell

Faraday Shield



EC/IR II Keyboard Functions

- **Escape key** - exits current mode
- **Enter key** - starts breath test
- **(P) key** - prints last test administered
- **(R) key** – used for breath test refusal
- **(F1) to (F12) keys** - administrative commands
- **(F2) key** - initiate's quick test

To start a Subject Test



Press **Enter key and follow on screen instructions for data entry.**

“Esc**” key will abort any test and take back to scrolling screen.**

Performing A Subject Test

- **To begin Press “Enter key”**
- **Enter information on screen (20 characters per line)**
 - **Operator’s name**
 - **Operator’s ID**
 - **Subject’s name**
 - **Subject’s DOB (mm/dd/yyyy)**
 - **Subject’s sex: male/female**
 - **Drivers license number**



Subject Test Continued

- Drivers license state**
- Arresting officer**
- Arresting officer's ID**
- Arresting department**
- County of arrest**
- Citation number: 11501a2**
- Edit? Y or N**

Subject Test Notables

- ▶ Subject is allowed **3 attempts** within **3 minutes**.
- ▶ After the 3rd attempt you will get an ***Insufficient Sample*** printout. This means the subject did **NOT** provide the 1.5 liter of deep lung air needed to complete the test.
- ▶ If no attempts are made after **3 minutes** you will get a **timeout** printout.
- ▶ If subject refuses the test, press the **“R”** key on the keyboard for a **Refusal**
- ▶ Always set the instrument up for a breath test even if the subject states he/she will refuse to provide a sample.

Notable Messages

- **High Air Blank** - clean area around instrument including intoxicated subject and try test again.
- **Out of Range** - reading exceeds operating range of instrument, take for blood/urine.
- **“Notify Technician-Instrument Disabled”**
Call your technician to inspect instrument and proceed to another instrument or get blood/ urine.

Points To

Remember!

- **Leave Instrument On at All Times.**
- **Do NOT** allow subject to hold breath tube or touch instrument.
- **Never** use Hand Sanitizer prior or during the breath test!
- **If printout is blank, make sure paper is installed correctly. There is no ink, it is heat sensitive paper.**
- **If the printer won't print, do the following: (Black Printer Only)**
 - make sure printer light is on
 - make sure both latches are depressed in the lock position
 - make sure the line/local button indicator light is on
by pressing the button



Retrieval Of Records

Press CTRL & F5 together

The last test completed will be displayed on screen

You can then use the arrow keys to toggle to the desired test you want then hit the **“Enter” key** to print desired test

Press F5 Key

This function allows you to enter a known test number and takes you directly to the desired test, you can then hit the **“Enter” key** to print desired test



Logbook & Entries

Remember we only log...

Completed Breath Tests & Refusals

- We **DO NOT** log insufficient samples, timeouts, mouth alcohol, error messages and any information from printouts in the log book.
- Each subject will have only **1** entry in the log book

Logbook Example

ILLINOIS STATE POLICE
BREATH ANALYSIS INSTRUMENT LOG

Instrument EC/IR II
Serial Number 012345

Location ISP District 5
Page No. 1

Name of Defendant	Date	Time First Observed	Time of Analysis	Analysis Result	Name and ID of Operator	Zero Tol.	B/U* Tests	Arresting Agency
JONES, SHAWN T.	2/1/20	01:12	01:38	.000	MALONE, M. #6568	-	-	ILLINOIS State Police
SMITH, ROSA M.	2/6/20	22:45	23:15	R	NORTHERN, J. #4071	-	-	ILLINOIS State Police
ALVAREZ, MARIO	2/9/20	23:30	00:01	.022	SPORAL, T. #5320	Y	-	ILLINOIS State Police
HODO, GARY P.	2/11/20	02:30	02:57	.000	MALONE, M. #6568	-	B/U	ILLINOIS State Police
LINDEN, JOSHUA E.	2/17/20	01:23	01:46	.114	MALONE, M. #6568	-	-	ILLINOIS State Police

*Additional Tests Required (Blood, Urine, etc.)
IL 493-0852

Questions?





Alco-Sensor V XL

POA (Point of Arrest)

Alco-Sensor V XL

Manufactured by Intoximeters

Approved as an Evidential and Non-Evidential Instrument Breath Tester (PBT) on the U.S. Department of Transportation's Conforming Products List (CPL)

Alco-Sensor V XL

Overview

- Name of device is Alco-Sensor V XL
- Sometimes referred to as AS5, unit, instrument, or device
- It is NOT A “machine”
- Design is such that either side could be considered the “front”
- Easy for both right or left-handed use
- Over-molded grips for comfort and safety
- Automatically power down after 15 seconds if not in use
- Meets EMI Immunity and RFI Detection- If Detects RFI will VOID test
- Internal Barometric Pressure Sensor
- Up to 4,000 Test Internal Memory
- 4 AA Battery or Optional Re-chargeable
- Side Breath Sample Indicators
- Wet or Dry Gas Standards
- Printer capable when placed in docking station



Alco-Sensor V XL (View)



Alco Sensor V XL (Physical Features)

Trigger Button
functions as both the
Power ON and **Select Button**

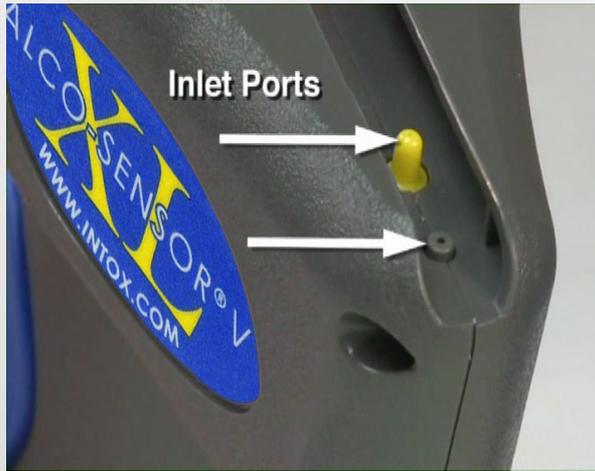


Buttons under the display are
Menu Control and **Scroll Buttons**



Large Liquid Crystal Display (LCD)

Alco Sensor V XL (Technology)



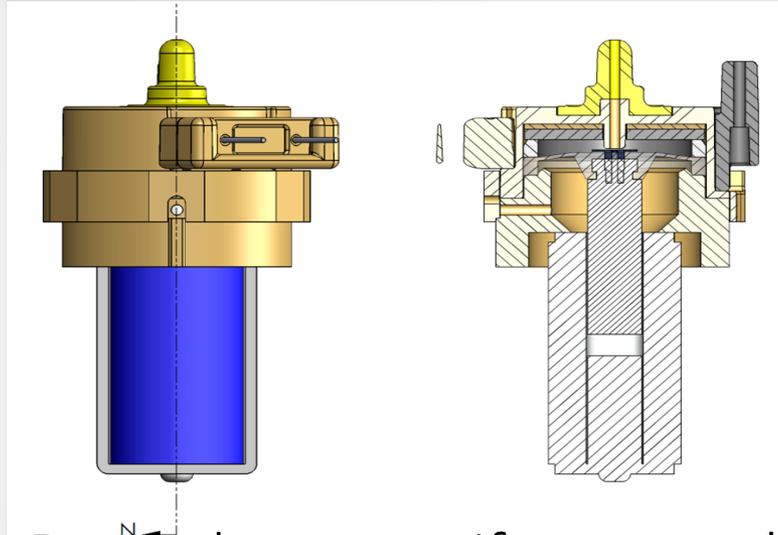
The taller yellow inlet is the port for the **fuel cell** which pulls in the sample of breath for analysis.

Notice there are 2 inlet ports in the channel. The smaller inlet is for the **flow sensor** which monitors the breath flow.



Lighted Mouthpiece Guide

Fuel Cell Sampling Mechanism



- Sampling Pump draws a uniform sample of 1.5 liters of deep lung breath into the Fuel Cell for analysis.
- The “click” that is heard when a sample is taken is the sampling valve opening to draw in the breath for analysis.
- Fuel cell responds to alcohol only!
- Fuel cell will not respond to acetone or other substances

Fuel Cell Clean-Up

After the result is displayed, the device will reset itself.

The instrument will close the sampling valve to prepare the Alco-Sensor V XL for the next sample and keep contaminants out of the sampling system.

Clean-Up is less than 2 minutes between tests, higher concentrations may take longer.

Fuel Cell Life

Fuel Cell life expectancy is 7-9 years.

Operating conditions may affect life span as the instrument should not be stored in extreme temperatures.

Storage in hot or cold environments may result in prolonged warm up times.



Never blow raw cigarette smoke in to the instrument.

Avoid introducing Mouthwash or Breath Sprays into the instrument.

Alco Sensor V XL (Display)

Status bar at top shows date/time, temperature, and battery power.

Bottom bar directs the use of the 2 black buttons under the display.

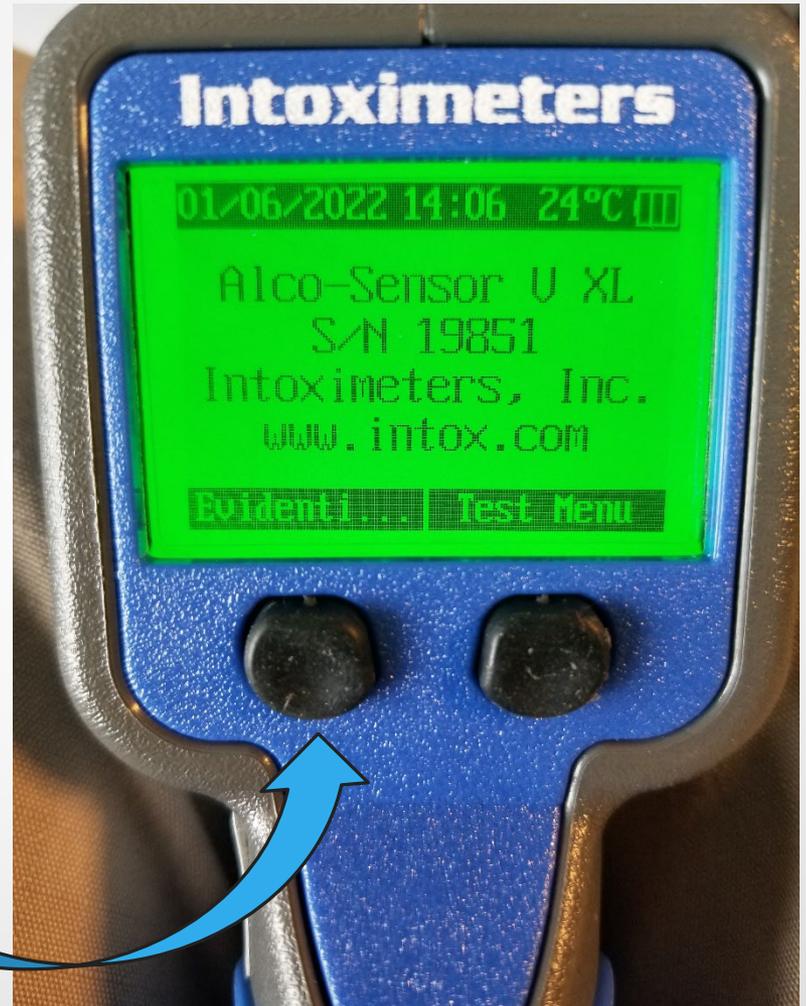
If you select the right black button under [Test Menu](#) it will take you to the Test Menu screen. Giving you several options including powering down the instrument.



Alco Sensor V XL

Initiating an Subject Test

After selecting the left black button under [Evidential Test](#) it will go into data entry mode to begin an evidential test



The Alco Sensor V XL data can be entered both when in the cradle utilizing the keyboard or when not in the cradle, you can use the two black buttons for entry of data.

Alco Sensor V XL

Performing Subject Test



The first screen will be Operator Name and you will transition to the keyboard for data entry after ASV is in its docking station/cradle.

Alco Sensor V XL

Performing Subject Test Continued



Operator's name

Operator's ID

Subject's name

Subject's DOB (mm/dd/yyyy)

Subject's sex: male/female

Drivers license number

Drivers license state

Arresting officer

Arresting officer's ID

Arresting department

County of arrest

Citation number: 11501a2

Edit? Y or N

Alco Sensor V XL

- Each mouthpiece is individually sealed.
- Open end is where subject will place their mouth.
- Always keep open end covered in plastic.



The closed end has a hole on top to divert excess breath flow

The opposite side is flat with 2 smaller holes for breath inlet ports



Mouthpiece Design

Proper Mouthpiece Installation

Insert the closed end of the mouthpiece in the rear part of the channel.



Lever the mouthpiece downward so the 2 holes on the flat side line up with the 2 inlet ports.

Mouthpiece will snap into place.



ASV V XL Testing Protocols

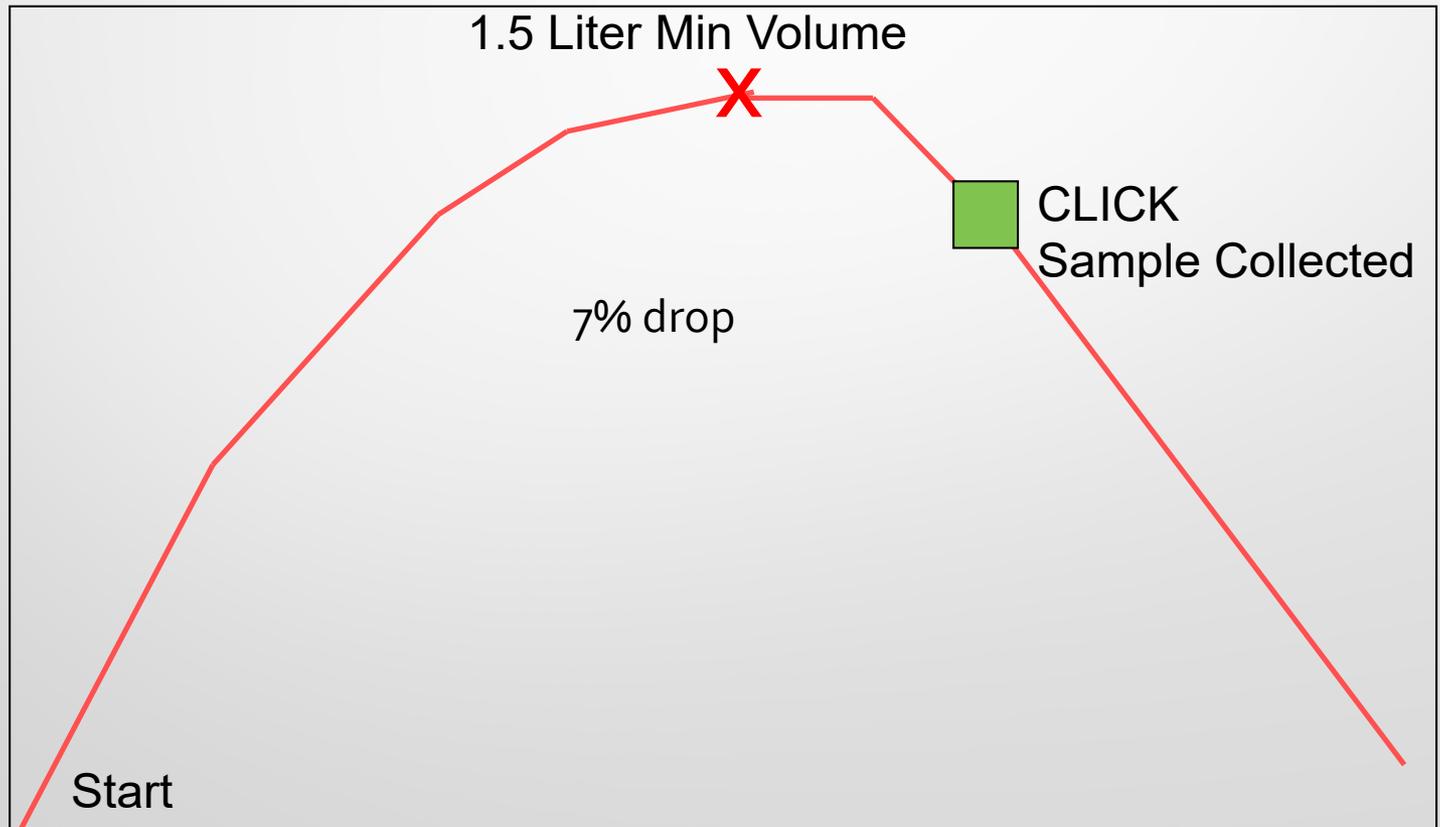
- Hold ASVXL so you can see the display at all times.
- Keep EBT on same horizontal level as subject.
- Hold steady to make blowing as easy as possible.
- Hold the device by the blue grips.
- Do not pull AS V XL away from subject until after you have told them to stop blowing.
- Operator should always maintain control of device.
- Provide good instructions before subject blows.



Automatic Sampling

2 Conditions:

- 1) 1.5 liter minimum volume
- 2) 7% breath flow drop off



ASV XL Unsatisfactory Samples

What is an Insufficient Sample?

The subject's failure to provide 1.5 liters of breath needed to complete a breath test.

1st Attempt

Insufficient Flow will display if less than 1.5 liters.
Display will show "please wait."

2nd Attempt

Insufficient Flow will display if less than 1.5 liters.
Display will show "please wait."

3rd Attempt

Insufficient Sample will be displayed if less than 1.5 liters and test will be ended.
You will receive an Insufficient Sample printout.

ASV XL Unsatisfactory Sample: Suck Back



- Occurs when subject attempts to pull back their specimen.
- AS V XL will detect a pull back attempt and display “*Suck Back.*”
- Stars will cross the display and the red LED will go solid.
- Display will read: “Please wait...” and then return to “Blow.”

ASV XL Unsatisfactory Sample: High Flow



- If minimum volume is reached too quickly or the flow rate exceeds a set level, the display will read “Flow High.”
- Stars will cross the display and the red LED will go solid.
- Display will read: “Please wait...” and then return to “Blow.”

Printer Paper Replacement

Push door release button to open.

Thermal paper simply lays flat in the cradle opening as shown.

Rechargeable battery



Datamax – O'Neil Apex 2 Thermal Printer

ASV XL – Unique Feature

There are two magnets buried inside the head of the case just below the label.

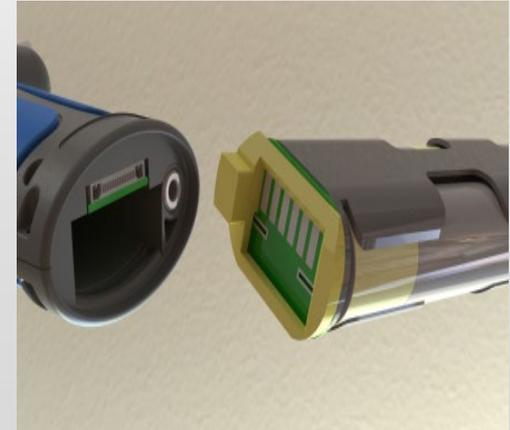
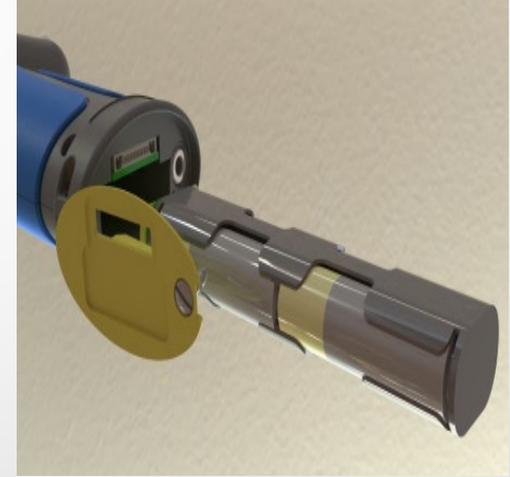
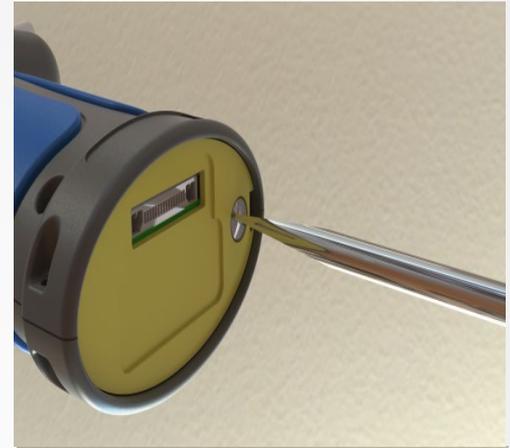
When the instrument is placed on a metallic surface, the magnets help reduce the likelihood that the device will slide off.

Examples shown are on the metal hood of a car.



ASV XL Power Source

- ASV is powered by 4 AA alkaline batteries.
- Set of new batteries good for at least 2,000 tests.
- The battery compartment on the base of the instrument is securely connected to the instrument with a single screw.
- When removed, a replacement pack or a pack with four new AA alkaline batteries should re-installed.
- Align screw with the hole and gently press down on yellow cover.
- If the screw does not fit, verify battery pack is inserted properly.
- Turn screw clockwise to tighten.



Alco Sensor V XL

