



JOINT PRESS RELEASE

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POLICE DEPARTMENTS IN MCHENRY COUNTY INSTITUTING A “NO REFUSAL” DUI POLICY

FOR IMMEDIATE RELEASE:

Starting April 15, 2018, the Algonquin, Cary, Harvard, Huntley Johnsburg, Lake in the Hills, McHenry, Spring Grove, and Woodstock Police Departments, in collaboration with the McHenry County State’s Attorney’s Office, will institute a new policy whereby a warrant for a blood draw will be obtained for any DUI suspect that refuses breathalyzer testing.

Of the policy, Woodstock Police Chief John Lieb said, “[w]ith the overall mission of public safety in mind, it is Woodstock Police Department’s perception that this initiative is certain to deter some who may contemplate driving after consuming too much alcohol or are under the influence of other substances.”

While DUI suspects face severe civil penalties, such as suspension of driving privileges, if they refuse breathalyzer testing, police cannot generally require or physically force a suspect to submit. As such, many DUI suspects, mostly those who subjectively believe their blood alcohol concentration to be above the legal limit of 0.08 g/dL, often attempt to obstruct a DUI investigation by refusing to submit to breathalyzer testing. This is especially true of repeat DUI offenders. Refusal is done in an effort to ensure that breathalyzer results cannot be used in a subsequent criminal prosecution.

The new policy will no longer allow DUI suspects to undermine criminal prosecutions in this way. Rather, should a DUI suspect refuse breathalyzer testing, a warrant will be sought allowing police to draw the suspect’s blood. Should the warrant be granted, the suspect will be transported to a nearby emergency room where his/her blood will be drawn and tested for blood alcohol concentration. This policy will ensure that prosecutors are equipped with the strongest possible evidence in court and, thereby, that all DUI offenders are held accountable.

In addition to holding offenders accountable, Cary Police Chief Finlon observed that the initiative “will create strong cases for the prosecution, thereby encouraging a defendant to seek plea negotiations, reducing the need for investigating officers to appear in court, and improving law enforcement patrol staffing.”

The policy will be aided by the electronic warrant system, launched in January of 2017. The electronic warrant system creates a streamlined process that police can follow to obtain a warrant without ever having to leave the police station. Specifically, the e-warrant system allows police to create search warrants online, send those warrants for review to a judge electronically, interact with the judge via video-conferencing, and ultimately obtain a warrant through a judge's electronic signature.

“The days of drunk drivers refusing to blow thinking that they can beat a DUI charge are coming to an end,” said Patrick Kenneally, McHenry County State's Attorney. “This new policy means that we're going to ensure we have all the evidence we need to successfully prosecute drunk drivers every time.”

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